

**Alpha Square, Isle of Dogs**  
**in the London Borough of Tower Hamlets**  
**planning application no. PA/15/02671**

**Strategic planning application stage 2 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

Demolition of all existing buildings, and erection of two buildings of up to 34 and 65-storeys (124.15 metres AOD and 217.50 metres AOD), comprising 634 residential units and a 231-bedroom hotel, together with a two-form entry primary school, replacement healthcare facilities, retention of an existing public house, ground-floor commercial floorspace, and basement parking, together with access, servicing, and landscaping.

**The applicant**

The applicant is **Drakar Limited** on behalf of **Far East Consortium International Limited**, and the architect is **Pilbrow & Partners**.

**Strategic issues**

Tower Hamlets Council has resolved to refuse permission for this application. The Mayor must consider whether he is content for the authority to determine the application in accordance with its draft decision notice to refuse the application or whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008.

Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice, this development **has a significant impact on the implementation of the London Plan** and there are **sound planning reasons for the Mayor to intervene** in this particular case and issue a direction under Article 7 of the Mayor of London Order 2008 that the Mayor is to be the local planning authority for the application.

**The Council's decision**

In this instance Tower Hamlets Council has resolved to **refuse** permission.

**Recommendation**

That Tower Hamlets Council be directed that the Mayor will act as the local planning authority for the purposes of determining the above application.

## Context

1 On 23 October 2015 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 Categories 1A, 1B and 1C of the Schedule to the Order 2008: 1A: *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”*; 1B: *“Development... which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres”*; 1C: *“Development which comprises the erection of a building more than 30 metres high and is outside the City of London.”*

2 On 24 November 2015 the Mayor considered planning report D&P/3473a/01, and subsequently advised Tower Hamlets Council that whilst the application was generally acceptable in strategic planning terms, the application did not comply with the London Plan for the reasons set out in paragraph 82 of the above-mentioned report; but that the possible remedies set out in paragraph 82 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4 At a planning committee meeting on 18 February 2016 Tower Hamlets Council resolved, in line with officer recommendation, to refuse planning permission for the application, for the reasons set out in paragraph six of this report, and on 2 March 2016 it advised the Mayor of this decision, with final requisite documents received on 7 March 2016.

5 Under the provisions of Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor has until 18 March 2016 to notify the Council of his decision and to issue any direction.

6 In summary, the Council’s draft decision notice cites the following reasons for refusal:

- 1) The proposed development exhibits clear and demonstrable signs of overdevelopment which include but not limited to:
  - i. a limited and compromised public realm which would not provide a high-quality setting commensurate with buildings of such significant height and density;
  - ii. its impact to the setting of the Maritime Greenwich World Heritage Site and the Grand Axis
  - iii. an insensitive relationship of the western building with the surrounding properties of Byng Street and Bellamy Close which as a result would provide little visual relief, be overbearing and fail to provide a human scale of development at street level;
  - iv. a failure to interface with the surrounding land uses, which as a result would prejudice future development of neighbouring sites and fail to contribute positively to making places better for people;
  - v. a failure to provide sufficient private amenity space, sense of ownership within the cores, an appropriate welcoming quantum of communal amenity space, and a

significant number of sunlight and daylight failures would not provide high quality residential accommodation;

- vi. a failure to implement the waste management hierarchy of reduce, reuse and recycle;

As a result the proposed development would not be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential area. The above demonstrable negative local impacts cannot be addressed through the appropriate use of planning conditions or obligations and as a consequence substantially outweigh the desirability of establishing a new school. Accordingly, the proposal would fail to provide a sustainable form of development in accordance with the National Planning Policy Framework and is contrary to the Development Plan, in particular policies 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.16, 3.18, 6.1, 6.3, 6.4, 6.9, 6.10, 6.11, 6.12, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.7, 7.8, 7.10 and 7.11 of the London Plan (2015), policies SP02, SP03, SP05, SP07, SP08, SP09, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM10, DM14, DM18, DM20, DM22, DM23, DM24, DM25 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

- 2) In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Sustainable Transport, Highways and Energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Draft Planning Obligations SPD 2015.
- 3) Schedule 4 (Part 1 (3 and 4) and Part 2 (3)) of the EIA Regulations states, that the ES must describe and assess the proposed developments likely significant effects on the environment, which should cover cumulative effects. Schedule 4 (Part 1 (5) and Part 2 (2)) of the EIA Regulations also require a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

The ES does not include a cumulative wind assessment incorporating the Cuba Street planning application (PA/15/2528) - no information has been provided on the likely significant effects, nor what mitigation measures are envisaged. The ES therefore does not meet the requirements of Schedule 4 of the EIA Regulations. Without this additional information the ES is not considered to be complete and therefore the only option available to the Council is to refuse the application.

This is in accordance with Regulation 3(4) of the EIA Regulations which states that a local authority cannot grant permission for a project covered by the EIA Regulations unless it takes 'environmental information' into consideration. Environmental information is defined in Regulation 2(1) and includes the ES. This is defined as a statement including information required by Schedule 4 of the EIA Regulations.

## **Article 7: Direction that the Mayor is to be the local planning authority**

8 This report informs the Mayor of the test to be applied in considering whether to become the local planning authority. The initial policy test regarding the Mayor's power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused. The policy test set out in Article 7 consists of three parts. However, as explained at paragraph 23 of this report, policy 7(1)(b) does not apply. Hence the two policies, which must be met in order for the Mayor to take over the application are:

- a) the development or any of the issues raised by the development to which the PSI application relates is of such a nature or scale that it would have a significant impact on the implementation of the spatial development strategy; and
- c) there are sound planning reasons for issuing a direction.

9 Article 7(1) (a) of the test identifies the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the planning reasons for the Mayor's intervention, having regard to the Council's draft decision on the application. These tests are intended to ensure that the Mayor can only intervene in the most important cases.

10 This report considers the extent to which the criteria under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority, applying the criteria set out under Article 7(3) of the 2008 Order. This report does not consider the merits of the application, although regard has been given to the key planning issues in respect of assessing the policy test in Article 7(1)(c), as set out below.

### **Policy test 7(1) (a): Significant impact on the implementation of the London Plan**

11 There are significant impacts on the implementation of the London Plan for the reasons set out in the following paragraphs.

#### Opportunity Area objectives

12 The site is located within the Isle of Dogs and South Poplar Opportunity Area (OA) and the London Plan sets a minimum target of 10,000 new homes and 110,000 jobs up to 2031. The proposals seek to deliver 634 new homes and contribute 184 full time equivalent (FTE) jobs once completed, not including a further 488 FTE jobs during construction and will therefore make a positive contribution towards the delivery of the primary housing and employment objectives of the OA.

13 In addition to optimising residential and non-residential output and densities, London Plan Policy 2.13 sets out that opportunity and intensification areas should provide social and other infrastructure to sustain growth. Notwithstanding the strong support for the delivery of a substantial proportion of housing within the OA, there is strategic concern regarding the significant quantum of emerging proposals and the potential barriers to the delivery of this development. This includes the need to secure the social and physical infrastructure required to support the very significant scale of growth.

14 In response to this concern, the London Plan sets out that more effective coordination of social infrastructure, especially schools to support growing local needs, is required within the Isle of Dogs and South Poplar Opportunity Area.

15 As part of the mix of uses, the development would deliver a new primary school with capacity for 420 pupils and community facilities, a replacement health centre, a refurbished public house and 952 sq.m. public realm. The proposals would therefore not only contribute towards delivering the primary housing and employment objectives of the OA but also provide a number of key strategic benefits in the form of social and physical infrastructure that would support the regeneration of the wider Opportunity Area.

#### Housing delivery

16 London Plan Table 3.1 requires Tower Hamlets to deliver 3,931 new homes per year until 2025. The proposal will deliver 634 new homes which would equate to 16% of the Council's annual housing target.

17 The Council's performance relating to housing delivery, including affordable housing over recent years is set out under Matters that the Mayor must take account of below. In essence, the position is that whilst the Borough has delivered a significant number of new homes and affordable housing relatively in London, Tower Hamlets has not met its target for the last eight years, acknowledging it has the highest housing target of any London borough in the London Plan.

#### Transport

18 The Mayor recognises that transport plays a fundamental role in addressing the whole range of his spatial planning, environmental, economic and social policy priorities. It is critical to the efficient functioning and quality of life of London and its inhabitants (London Plan, paragraph 6.2).

19 London Plan policies 6.4 and 6.5 identify that the implementation of Crossrail is the Mayor's top strategic transport priority for London over the plan period. London Plan paragraph 6.21 states that Crossrail is essential to the delivery of the strategic objectives of the London Plan given that demand for public transport into and within central London is nearing capacity. The employment growth expected up to 2036 will further increase this demand, and unless this is addressed, continued development and employment growth in central and eastern London will be threatened. In particular, Crossrail is critical to supporting the growth of the financial and business services sectors in central London and in the Isle of Dogs, where there is market demand for additional development capacity.

20 The funding arrangements for Crossrail announced by Government make clear that the project will not proceed without contributions from developers. A funding agreement between the Mayor, Transport for London and the Government envisages that a total of £600,000,000 might be raised towards the cost of the project from developers, as follows:

- £300,000,000 from use of planning obligations or any similar system that might replace them; and,
- £300,000,000 from the Community Infrastructure Levy.

21 The site falls within the Isle of Dogs Contribution Area for Crossrail, as defined by the Mayor's supplementary planning guidance Use of Planning Obligations in the Funding of Crossrail, which acts in support of London Plan Policy 6.5. Within the Isle of Dogs London Contribution Area a charging level of £190 per sq.m. is applied to new office floorspace, £121 per sq.m. for new retail floorspace and £84 per sq.m. for new hotel floorspace.

22 The application includes an uplift in retail and hotel floorspace at the site, and gives rise to a £607,926 Section 106 contribution towards Crossrail. Therefore, the application has the potential

to contribute towards the delivery of Crossrail, thus helping to deliver the Mayor's principal transport policy priority within the London Plan.

### **Policy test 7(1) (b): Significant effects on more than one Borough**

23 Para 7(4) of the Order sets out that where a development falls within Category 1A of the Schedule, namely that over 150 homes will be delivered, this test does not apply. As the application is for 634 homes, this test does not need to be applied.

### **Policy test 7(1)(c): Sound planning reasons for intervening**

24 Notwithstanding part (a), part (c) of the policy test is whether the Mayor considers there to be sound planning reasons to intervene. Having regard to the details of the proposal and the Council's draft reasons for refusal, together with the outstanding issues identified by the Mayor in his original comments which are examined in more detail within paragraphs 39 to 49 of this report, there are sound planning reasons to take over this application.

#### Opportunity Area

25 London Plan Policy 2.13 sets out the Mayor's policy on opportunity areas. London Plan paragraph 2.58 states that opportunity areas are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. London Plan Table A1.1 sets out the strategic policy direction for the Isle of Dogs and South Poplar Opportunity Area.

26 This sets out that the north of the Isle of Dogs forms a strategically significant part of London's world city offer for financial, media and business services with Crossrail 1 significantly boosting job growth in around the Canary Wharf area by 2031. It also recognises that parts of the area have significant potential to accommodate new homes and there is scope to convert surplus business capacity south of Canary Wharf to housing and support a wider mix of services for residents, workers and visitors. As part of the need to address the barriers to delivery of development, the London Plan gives further consideration to the refinement of this framework and as part of this it promotes the more effective coordination of social infrastructure, especially schools to support growing local needs.

27 The proposal would therefore support the strategic policy direction for the Opportunity Area, particularly with regards to the delivery of key social and physical infrastructure to support wider growth objectives, and contribute towards meeting the indicative targets for new jobs and homes. This therefore represents a sound reason for the Mayor to intervene, given the significant contribution that this scheme would make towards the housing, education and transport objectives of the London Plan.

### **Matters the Mayor must take account of**

28 Article 7(3) of The Town and Country Planning (Mayor of London) Order 2008, requires that the Mayor takes certain matters into account when making his decision, these are covered below.

#### Achievement of development plan targets for new housing, including affordable housing and any other targets set out in the development plans which are relevant to the application

29 The London Plan Table 3.1 sets a minimum annual housing target of 3,931 homes per year for Tower Hamlets. The table below sets out the performance of Tower Hamlets for net

conventional completions compared to the London Plan benchmark for conventional supply, noting that the target has changed (as indicated in the AMR), over the last eight years. Fully respecting that the borough has the highest housing target compared to any other London boroughs and 'net' approvals have been consistently high, the table demonstrates that Tower Hamlets delivered around 65% of the conventional homes required over the last eight years with the annual delivery steadily declining since 2008.

<b>Tower Hamlets</b>							
	Net Completions (units)						Net Approvals
Financial Year	Market	Social & Affordable Rent	Intermediate	Total	London Plan Target	Difference	Total
2006	1,538	439	394	2,371	1,825	546	3,631
2007	1,443	526	94	2,063	1,825	238	9,228
2008	1,382	544	961	2,887	3,150	-263	6,172
2009	1,807	379	266	2,452	3,150	-698	3,577
2010	981	191	124	1,296	3,150	-1,854	2,984
2011	189	547	167	903	2,462	-1,559	3,485
2012	696	172	102	970	2,462	-1,492	3,596
2013	580	73	31	684	2,462	-1,778	5,448
<b>Total</b>	<b>8,616</b>	<b>2,871</b>	<b>2,139</b>	<b>13,626</b>	<b>20,486</b>	<b>-6,860</b>	

### Affordable Housing

30 The delivery of 5,010 affordable units in Tower Hamlets over the eight years equates to a rate of 36% of total completions and 24% of the total monitoring target. The Council has a 50% affordable housing target in its Core Strategy.

### Need for a primary school

31 DfE data demonstrates that the academic attainment within the borough has consistently decreased year on year since 2011 and that it remains below the London average. Notwithstanding this, the Borough has consistently performed above the national average since 2010/11 and it is also noted that Key Stage 2 performance, relevant to primary schools, has increased.

32 With regard to primary school places, the AMR sets out that during the 2013/14 period works commenced to add two new forms of entry at Woolmore School and one at Stebon School with completion due in July 2015. In addition, work started to provide extra places at St Pauls Way Trust School with works on a permanent scheme scheduled to commence in April 2015. Works were completed at Cayley Primary School to provide one new form of entry, and at Bonner Mile End to provide two new forms of entry. However, the Council's Infrastructure Delivery Summary in

the AMR sets out that 19 forms of entry for primary school places is required by 2023 across the borough and as such, the need for extra provision remains significant.

33 As set out earlier within this report, this educational need to ensure adequate social infrastructure, especially schools, within the Isle of Dogs, is emphasised strategically within the London Plan and in particular within the strategic guidance for the Isle of Dogs and South Poplar Opportunity Area.

#### Provision of open space

34 As identified in the Council's Open Space Strategy 2006-2016 and summarised in the Council's latest AMR there is an infrastructure need of 12,000 sq.m. of new open space per 1,000 people. While the Council commenced a programme of refurbishment and improvement works to enhance existing open spaces, no additions have been made to the Council's register of publicly accessible open space in the previous monitoring period. This has resulted in the amount of public space per 1,000 people reducing to 9,700 sq.m. which falls significantly below the identified need. It is recognised that this reduction is due to the population increase in the borough but also further highlights the increasing importance of delivering sufficient open space in the borough and in particular the Opportunity Area to support its growth potential.

#### Visitor accommodation

35 The London Plan sets a delivery target of 40,000 net additional hotel rooms by 2036. According to the Council's most recent AMR, no hotel rooms or serviced apartments were completed during the monitoring period 2013-14. However, 1,954 hotel rooms and 558 serviced apartments were under construction and a further 1,121 hotel rooms and 162 serviced apartments were approved. It is recognised that visitor infrastructure plays a key role in supporting the economic and cultural activities in Opportunity Areas and London more widely. Therefore, whilst the recent surge in construction in this sector is noted, the absence of completions in the borough highlights the importance of delivering sufficient hotel rooms to meet demand.

#### Summary

36 Whilst acknowledging that the borough has the highest housing target compared to any other London borough, as set out above, the Council has not met its housing target over the last eight years and has demonstrated a steady decline in its overall annual delivery since 2008. With regards to educational standards, Tower Hamlets performs above the national average, and achievements are broadly comparable with the London, and Inner London, averages. However, the Council's 2013/2014 AMR demonstrates that there is an established need for additional primary school places in the borough, in addition to a need for new public open space, both of which are not currently being delivered and are further compounded by increased population growth. In addition, there is a London-wide target to deliver additional hotel rooms.

37 Having had regard to the matters above, GLA officers are of the view that given the established need for primary school places in the borough, in particular the identified need for schools within the Isle of Dogs; the need to deliver new open space to meet the needs of the borough's growing population and, the underperformance against the Council's housing target - it is particularly important that the housing-led redevelopment of this site that includes the provision of a primary school, public open space, a hotel and supporting community uses is fully considered by GLA officers to address the strategic objectives of the London Plan.



## **Outstanding strategic planning issues**

38 Notwithstanding the above, regard must be had to the strategic planning issues raised at consultation stage. Following the initial consultation to the Mayor, the applicant has responded to comments made by GLA and Council officers. An update with respect to each of the strategic issues raised at consultation stage is provided under the respective sections which follow.

### **Housing**

#### Affordable housing

39 As discussed at consultation stage, the applicant's financial viability report had not been independently assessed and it was therefore not possible to determine whether the scheme delivered the maximum reasonable amount of affordable housing. The Council's viability consultant's report confirms the applicant's assessment to be robust and that it would not be viable to provide more affordable housing than the proposed offer of 90 affordable rented and 35 intermediate units (representing 25% of the total units by habitable room). The scheme would therefore comply with London Plan Policy 3.12 and it is noted that there are 48 family units provided as part of the affordable rented offer.

### **Energy**

#### Energy efficiency

40 In response to comments raised at initial consultation stage, the applicant has provided DER and TER output sheets to verify the savings reported, which is welcomed.

41 At Stage One, the applicant was advised to provide details of the assumptions and calculation methodologies used to input the curtain wall performance values into SAP in order to verify the performance levels. The applicant has provided detailed information showing how the u-values have been calculated for the SAP models. The applicant has demonstrated that the difference in u-values is due to SAP requiring the average u-value of the curtain wall system. The information satisfactorily addresses this outstanding issue.

#### District heating and renewables

42 At Stage One, the applicant was asked to provide evidence of correspondence investigating connection to the Barkentine heat network. Original correspondence dated May 2015 states that there is no capacity to connect, but GLA energy officers understand that this position may have changed. The applicant is currently in discussions with the operator with a view to connecting the development to this network.

43 The applicant was asked to provide a layout drawing of the energy centre and confirm which CHP engine the calculations are based upon. The applicant has provided this information and accordingly this matter is resolved.

### **Transport**

44 At consultation stage, TfL welcomed the restrained approach to car parking with an overall ratio of only 0.03 spaces per dwelling and a minibus space for the proposed school. The layout of the proposed parking could create conflicts between servicing and Blue Badge use and as such the principle that a car parking management plan as well as service & delivery should be adopted has been agreed. They should be secured through planning conditions. The development would also be subject to a permit free Section 106 obligation. Furthermore, the proposals do not include any

dedicated coach parking for the hotel though Tower Hamlets Council are satisfied that the shared use of the on street bay on Marsh Wall will be acceptable.

45 The development provides cycle parking in line with London Plan standards, though TfL noted an imbalance between the proposed east and west buildings. The applicant has addressed this to some extent with the addition of four short stay cycle spaces to serve the proposed school, which is welcomed. TfL was also concerned that the internal layout of the proposed cycle stores was not satisfactory and supports the principle that further details would be required by condition. The applicant has confirmed that the main cycle access to the basement store would be by lift which is also welcomed.

46 The applicant provided an updated assessment that showed that the proposals would contribute to cumulative congestion on the South Quay pedestrian Bridge. TfL is working with Tower Hamlets Council to identify new bridge locations with greater capacity as well as potential funding and delivery mechanisms, which could include the use of borough CIL.

47 At consultation stage, TfL requested £200,000 to mitigate the site specific impact on the bus network. To illustrate, the development will generate around 31 outbound bus trips in the morning peak period which equates to 44% of the planning capacity of a double decker bus. The network in the vicinity of Marsh Wall is already at capacity and potential mitigation could include an additional peak hour journey costing £475,009 (£95,000 per year over 5 years). As such the requested sum is considered reasonable, proportionate to the impact and therefore compliant with CIL regulations. The sum should therefore be included in any Section 106 agreement.

48 The applicant has also agreed to adopt a Construction Logistics Plan and Travel Plans for the development which would be secured through a Section 106 agreement. The site is located with the Crossrail, Isle of Dogs Charging area and will therefore attract a Section 106 contribution of £607,926 in line with the associated SPG.

## **Response to consultation**

49 Tower Hamlets Council publicised both applications by issuing notifications to 1,600 neighbouring properties, as well as issuing site and press notices. A number of external bodies were also notified.

50 All representations received in response to the Council's local consultation process are considered in detail within the Council's committee reports, and all representations have been made available to the Mayor.

### Responses from local residents

51 In response to the public consultation the Council received 3 written responses, 2 of which are in objection from the owner of an adjacent site and a neighbour, and 1 in support from another resident of the borough.

52 The objections raise concerns about overdevelopment of the site, noise from construction works, impact on development potential of the adjoining site and restriction of private access to adjacent site.

53 The support comment welcomes the retention of the North Pole public house as part of the development.

## Responses from statutory bodies, local groups and other organisations

54 Historic England (HE) objects to the proposals. Their comments can be summarised as follows: The proposed works directly conflict with the policies of the Maritime Greenwich World Heritage Site Management Plan and the draft South Quay Masterplan where those documents describe the intention to step down development away from the centre of the Canary Wharf cluster. Should the scheme be consented in its present form it will set a new precedent for height at this location in the Isle of Dogs. It will be far closer than has previously been envisaged for a building of this height in the setting of the world heritage site, and at worst could result in a wall of development that will make future planning decisions of this nature more difficult to control. These obstacles could be removed by reducing the height of the taller tower so that it forms part of the approved scale of development found elsewhere in the immediate area.

55 Historic England Archaeology have requested that a condition is imposed requiring a scheme for detailed investigations to be carried out and ensure any archaeological remains are investigated.

56 Environment Agency have no objections to the proposed development on flood risk grounds, as despite being located within Flood Zone 3a, the site is within an area defended from flooding from the Thames to a 1 in 1000 year standard of protection. However, it is recommended that finished floor levels for the proposed development are set to the level of the 2100 tidal breach (no freeboard required). If this is not practical, then it is advised that flood resilience/resistance measures are incorporated up to the 2100 level.

57 Natural England does not wish to make any comments on the application.

58 Crossrail confirm that the site is outside of the limits of land subject to consultation under the safeguarding direction and do not wish to make any comments on the application.

59 Canal and River Trust confirm that the development will not have a direct impact on the docks, but raise concerns about impact on the dockside due to increase in population. They request a contribution towards dockside enhancements.

60 London City Airport requests that a condition is imposed requiring details of cranes and scaffolding to be approved in consultation with the Airport.

61 NATS Safeguarding advise that, following assessment work, the anticipated loss of radar cover is acceptable. However, mitigation measures are required to address the impacts of 'false targets' through a radar mitigation scheme and crane operation plan, which should be secured by condition.

62 London Underground Infrastructure Protection make no comment.

63 Metropolitan Police Service make recommendations for incorporating designed in security measures to reduce the scheme's vulnerability to terrorist attack.

64 DLR Infrastructure Protection request that a crane / lifting management plan be approved prior to commencement of construction, in consultation with DLR.

65 Network Rail raises no objection or observations.

66 Thames Water raise no objections, subject to conditions covering surface water drainage, piling, water supply and sewerage infrastructure.

67 National Grid has identified apparatus in the vicinity of the site that may be affected by the development.

68 Campaign for Real Ale supports the proposals. They are pleased to see the retention of the North Pole public house, given the significant number of closures locally. They believe that the North Pole can provide a link to the past, on a human scale, and at the same time provide a traditional service to the increasing number of residents in the proposed new community.

69 The London Fire and Emergency Planning Authority raises no objections and is satisfied with the proposals with regard to fire safety.

### Summary

70 The statutory and non-statutory responses to the Council's consultation, and those representations made directly to the Mayor, do not raise any material planning issues of strategic importance that have not already been considered at consultation stage, and/or in this report. The local implications of the consultation responses have been considered by the Council, however, should the Mayor take over and determine this application, in acting as the local planning authority, the Mayor would also need to consider the local implications of the representations.

## **Legal considerations**

71 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

## **Financial considerations**

72 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. The Mayor should be aware that determining the application will require a reasonable level of resource within the GLA Planning team and TfL. Should the Mayor decide to act as the local planning authority, officers would seek to sign an appropriate Planning Performance Agreement with the applicant, part of which could be the provision of funds to meet the costs of the Mayor and GLA/TfL to undertake detailed technical assessments and workstreams in order to properly determine the application.

## **Conclusion**

73 Having regard to the details of the application, the matters set out in the committee reports and the Council's draft decision notice, the development has a significant impact on the implementation of the London Plan and there are sound planning reasons for the Mayor to intervene in this particular case and issue a direction under Article 7 of the Order 2008.

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