

24 November 2015

**Hertsmere House, Isle of Dogs**

in the London Borough of Tower Hamlets

planning application no. PA/15/02675

**Strategic planning application stage 1 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**

Full planning permission for the demolition of the existing building, and erection of a 67-storey residential-led building (240.5 metres AOD), comprising 861 residential units and 949 sq.m. flexible commercial floorspace, with associated access, servicing, parking and landscaping.

**The applicant**

The applicant is **Greenland Hertsmere (London) Limited**, and the architect is **HOK**.

**Strategic issues**

Whilst the principle of the housing-led redevelopment of this site is acceptable, the application raises a number of serious strategic planning concerns relating to **housing, urban design, climate change** and **transport**.

**Recommendation**

That Tower Hamlets Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 98 of this report. However, the resolution of those issues could lead to the application becoming compliant with the London Plan.

**Context**

1 On 14 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. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 24 November 2015 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under the following Categories of the Schedule to the Order 2008:

- **Category 1A:** *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.*
- **Category 1B:** *“Development (other than development which only comprises the provision of houses, flats, or houses and flats), which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 sq.m.”.*
- **Category 1C:** *“Development which comprises or includes the erection of a building more than thirty metres high and outside the City of London”.*

3 Once Tower Hamlets Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

5 The Mayor of London’s statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## Site description

6 The 0.53 hectare site is located on Hertsmere Road, at the western end of North Dock, within the immediate surrounds of Canary Wharf on the Isle of Dogs. The site is bound to the north by Grade I Listed dock warehouse buildings, housing both retail and residential uses, in addition to the Museum of London, Docklands; to the east by North Dock, the dock walls to which are Grade I Listed; to the south by an area of private parking and an eleven-storey commercial building, and to the west by a three-storey hotel together with a workshop complex, which is Grade II Listed.

7 The site is currently occupied by a four to five-storey office building comprising approximately 5,000 sq.m. of floorspace. This building is in the process of being demolished.

8 The nearest section of the Transport for London Road Network is the A1203 Aspen Way, located 230 metres to the north; with the nearest section of the Strategic Road Network located at Silvertown Way approximately 2.7 kilometres to the east. There are four bus services that operate within a three minute walk of the site; routes D3, D7, 135 and 277. Canary Wharf DLR station is located 550 metres south, and West India Quay DLR station is 300 metres to the north-east; both stations are served by the Bank, Stratford and Lewisham lines. Canary Wharf underground station is also situated approximately 600 metres to the south, providing Jubilee line services.

9 The site is located within a reasonably accessible location, with a public transport accessibility level ranging from three to four, on a scale where one represents the lowest accessibility level, and 6b the highest. The accessibility level of the site is expected to increase closer to 6 when Canary Wharf Crossrail station opens in 2018. The Isle of Dogs is also served by the Mayor’s Cycle Hire scheme. The nearest docking station is located at Fisherman’s Walk and Westferry DLR station.

10 The site sits within a number of strategic views and river prospects, as identified in the Mayor's London View Management Framework, including View 1A.1: Alexandra Palace; View 2A.1: Parliament Hill; View 4A.1: Primrose Hill; View 5A.1: Greenwich Park; View 6A.1 Blackheath; View 11B.1: London Bridge; View 11B.2: London Bridge, and View 15B.1: Waterloo Bridge, as well as within the wider setting of the Maritime Greenwich World Heritage Site. The site is also within the draft indicative boundary of the Isle of Dogs and South Poplar Opportunity Area Planning Framework. At the local level, the site sits within the surrounding context of the Council's South Quay Masterplan Supplementary Planning Document. A strip of land along the northern frontage lies within the West India Quay Conservation Area, and there are several heritage assets and listed buildings nearby; including the Gwilt's dock warehouses, Canon Workshops, a dock wall and a Dockmaster's Guard House.

## **Details of the proposal**

11 Greenland Hertsmere (London) Limited (the applicant), is seeking full planning permission for the demolition of the existing building, and the redevelopment of the site to provide 861 residential units and 949 sq.m. of commercial floorspace, within a 67-storey building (240.5 metres AOD).

### Off-site residential planning application

12 In addition to the planning application considered here, referred to as the Hertsmere House site, the applicant has submitted a further planning application at 25-28 Dalgleish Street, also within the London Borough of Tower Hamlets. The application at Dalgleish Street seeks planning permission for sixty residential units intended to provide an element of the affordable housing requirement triggered by the Hertsmere House application. Whilst the Dalgleish Street application does not in itself trigger a referral under the Mayor of London Order (2008), given the applications are linked by virtue of affordable housing provision, strategic issues relating to housing for both applications are discussed in detail in the relevant section of this report.

## **Case history**

13 The application considered here was subject to extensive pre-planning application discussions with GLA officers, with a total of eighteen meetings and design workshops being held on 11 September 2014, 15 October 2014, 3 November 2014, 13 November 2014, 4 December 2014, 2 February 2015, 12 February 2015, 20 February 2015, 12 March 2015, 16 March 2015, 18 March 2015, 23 April 2015, 30 April 2015, 21 May 2015, 3 June 2015, 5 June 2015, 25 September 2015, and 14 October 2015. Through pre-planning application discussions a number of issues were raised in relation to affordable housing, residential layout and quality, design, sustainable development, and transport.

14 In 2009 planning permission was granted by the Mayor of London for the redevelopment of the site to provide a 63-storey building (242 metres AOD) comprising 30,871 sq.m. office floorspace; a 192-bedroom hotel together with 74 serviced apartments; 1,468 sq.m. of retail floorspace, and 2,731 sq.m. of leisure provision (D&P/2350). The application, known as Columbus Tower, has been implemented in terms of being considered a "live" development, albeit construction has not commenced.

## Strategic planning issues and relevant policies and guidance

15 The relevant issues and corresponding policies are as follows:

- Housing *London Plan; Housing SPG; draft interim Housing SPG; Housing Standards Policy Transition Statement; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG; Social Infrastructure SPG*
- Affordable housing *London Plan; Housing SPG; draft interim Housing SPG; Housing Standards Policy Transition Statement; Housing Strategy*
- Density *London Plan; Housing SPG; draft interim Housing SPG; Housing Standards Policy Transition Statement; Housing Strategy*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; draft interim Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Tall buildings/views *London Plan; London View Management Framework SPG*
- Historic Environment *London Plan; World Heritage Sites SPG*
- Access *London Plan; Accessible London: achieving an inclusive environment SPG*
- Blue Ribbon Network *London Plan*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*
- Transport *London Plan; the Mayor's Transport Strategy*
- Parking *London Plan; the Mayor's Transport Strategy*

16 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is Tower Hamlets Council's Core Strategy (2010) and Managing Development Document (2013), and the London Plan (Consolidated with Alterations since 2011). The draft Minor Alterations to the London Plan (2015), the Council's South Quay Masterplan Supplementary Planning Document (2015), and the National Planning Policy Framework and Technical Guide to the National Planning Policy Framework, are also relevant material considerations.

## Principle of development

17 The site lies within the Isle of Dogs and South Poplar Opportunity Area, as identified in the London Plan. London Plan Policy 2.13, and Table A1.1, states that the Opportunity Area is capable of accommodating at least 10,000 homes, and 110,000 jobs up to 2031. The London Plan recognises 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, and whilst not formally within the London Plan Central Activities Zone, the Plan makes clear that the same general planning policy direction should be taken. The site sits within the immediate context of Canary Wharf, within its hinterland, but is not identified for employment use within the London Plan.

18 At the local level, the site falls within the Tower Hamlets Activity Area, as identified in the Council's Core Strategy; an area intended to be complementary to, but distinct from, Canary Wharf. Development in the Activity Area is expected to be mixed-use and provide a transition. The Council's Core Strategy further identifies Canary Wharf as being an area of high housing growth, in addition to a preferred office location.

19 Given the site's location in the hinterland of Canary Wharf, and in the context of strategic and local policies, the provision of a non-commercial led development is acceptable. The inclusion of retail space is of an appropriate scale to be ancillary to the residential use, assists in activating the ground-floor, and is therefore also supported in accordance with London Plan policy.

### Residential

20 London Plan Policy 3.3 provides explicit strategic support for the provision of housing within London, and sets a target for the Council to deliver a minimum of 39,314 homes in the Plan period 2015-2025. London Plan Policy 2.13 (and supporting Table A1.1) recognises the significant potential of the Isle of Dogs and South Poplar Opportunity Area to accommodate new homes. Given the site's context within the Isle of Dogs and South Poplar Opportunity Area, the principle of the housing-led redevelopment of this site, to include 861 new homes, is therefore acceptable.

21 Notwithstanding the strong support for the delivery of a substantial proportion of housing within the Isle of Dogs and South Poplar Opportunity Area, as set out in the London Plan, there is strategic concern regarding the significant quantum of emerging proposals and the potential barriers to the delivery of this development, which includes the need to secure the social and physical infrastructure required to support this very significant scale of growth. In response to these concerns, and to address issues arising from the scale of development proposed, the Council has produced a Supplementary Planning Document for the South Quay area, the principle of which is broadly supported by the GLA. Whilst outside of the boundary of the SPD, the site sits within its immediate context.

## **Housing**

22 The application, as originally submitted, included a total of 869 residential units. A detailed housing schedule of the original submission is provided below:

<b>unit type</b>	<b>market</b>	<b>affordable rent</b>	<b>intermediate</b>	<b>total</b>
studio	37	0	1	<b>38</b>
one-bed	359	40	49	<b>448</b>
two-bed	272	40	30	<b>342</b>
three-bed	41	0	0	<b>41</b>
<b>total</b>	<b>709</b>	<b>80</b>	<b>80</b>	<b>869</b>

housing schedule as originally submitted

23 As a result of discussions post submission between the Council and the applicant, and prior to the referral of the application to the GLA, a revised housing schedule was submitted, reducing the number of residential units, and the number of on-site affordable housing units. The revised housing schedule is provided below:

<b>unit type</b>	<b>market</b>	<b>affordable rent</b>	<b>intermediate</b>	<b>total</b>
studio	38	0	0	<b>38</b>
one-bed	392	32	16	<b>440</b>
two-bed	294	24	8	<b>326</b>
three-bed	41	16	0	<b>57</b>
<b>total</b>	<b>765</b>	<b>72</b>	<b>24</b>	<b>861</b>

housing schedule as amended

24 Both the original and revised housing strategy for the Hertsmere House site also includes the provision of sixty residential units off-site at Dalglish Street.

25 A detailed assessment of the applicant's housing strategy is provided below.

#### Affordable housing – on-site provision

26 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, which Paragraph 3.74 of the Plan makes clear is normally required on-site. The Mayor's Housing SPG solidifies the Mayor's approach to affordable housing by establishing a clear hierarchy of provision, with a strong preference for on-site provision, with off-site provision and payment in lieu only to be considered in exceptional circumstances.

27 As originally submitted, the application included 160 on-site affordable residential units, comprising 18% of overall housing provision (18% when calculated by habitable room). This provision was provided at a 50:50 social housing to intermediate split. Post submission, and prior to the referral of the application to the GLA, the number of on-site affordable housing units has reduced to 96 units, comprising 11% of overall provision (12% when calculated by habitable room). The current provision is provided at a 75:25 social housing to intermediate split. Matters relating to mix of units and tenure split are discussed in the relevant sections of this report.

28 The reduction in the number of on-site affordable housing units since submission of the original planning application raises serious strategic concern. It is understood this reduction is in part linked to the use of a financial payment in lieu of on-site provision, and concerns regarding the affordability of the intermediate units. Issues relating to payment in lieu are addressed in paragraphs 38 to 41 below.

29 The applicant's concerns regarding the affordability of the intermediate units are reported to relate at least in-part to their size. Given the units were designed by the applicant to be above London Plan space standards, a revised floorplan and/or an alternative design approach could address this issue through providing smaller units on-site. Consequently, this is not accepted as adequate justification for the proposed reduction in on-site affordable housing provision. It is important to note that similar tall-building residential-led applications have been permitted in the immediate vicinity which include both on-site social and intermediate housing, at a tenure split which accords with both London Plan and local planning policy, including Arrowhead Quay (D&P/0018c), Meridian Gate (D&P/3345), 2 Millharbour (D&P/2605a), and South Quay Plaza (D&P/3191). Therefore, the intermediate units removed should be reinstated, and the proportion of on-site affordable housing increased in accordance with strategic and local policy.

#### Affordable housing – off-site provision

30 In addition to the provision of on-site affordable housing, and to supplement the overall proportion of affordable housing, the applicant has submitted a planning application to deliver sixty affordable housing units at Dalglish Street. The off-site provision at the Dalglish Street site is the result of a site-search undertaken by the applicant at pre-planning application stage. The site has extant planning permission for the construction of sixty residential units, seventeen of which were affordable.

31 The housing schedule of the Dalglish Street proposal is provided below:

<b>unit type</b>	<b>affordable rent</b>	<b>intermediate</b>	<b>total</b>
one-bed	8	1	<b>9</b>
two-bed	19	5	<b>24</b>
three-bed	17	1	<b>18</b>
four-bed	9	0	<b>9</b>
<b>total</b>	<b>53</b>	<b>7</b>	<b>60</b>

32 When combined with the on-site provision of affordable housing as currently proposed in the revised application for Hertsmere House, the application includes a total uplift of 139 affordable housing units, representing 15% of overall housing provision across both sites.

33 The London Plan, together with the Mayor's Housing SPG, makes clear that housing proposed to address policy requirements is expected to be provided on-site, and that off-site provision is to be seen as truly exceptional, and is only acceptable where an alternative site or sites have been identified. Exceptional circumstances include scenarios where a higher level of affordable housing can be provided and where priority needs, such as those for family housing, can be better addressed. The SPG makes clear that where off-site provision is accepted it should be delivered prior to the on-site market housing being delivered and should ensure the maximum reasonable amount of affordable housing is provided, taking into account the overall total number of units being delivered.

34 The applicant has argued that due to financial constraints, it is not possible to provide a comparable level of affordable housing on-site, and to maximise overall delivery it is necessary to deliver a proportion of the affordable units on an alternative site. This is reportedly due to the reduced quantum of market sale units that could be provided on the main application site, and the resultant loss in development value, which would constrain delivery; however, the applicant's assertions have not been subject to independent assessment.

35 It is acknowledged that a proportion of affordable housing will be provided on-site, which will help to ensure to some extent that a mixed and balanced community is created as part of this application, which in part responds to the thrust of London Plan Policy 3.9. Furthermore, the applicant has submitted a planning application for the delivery of the off-site element, which will be considered by the Council in tandem with the Hertsmere House proposal. This will enable the Council to appropriately secure the delivery of the off-site housing through legal agreement attached to any future planning permissions, and provides certainty of delivery.

36 The Dalglish Street application provides for a range of affordable tenures and prioritises the provision of family affordable accommodation, with 45% of units being three and four-bedroom. Whilst a solely affordable housing scheme, given the scale of development, and the mixed-tenure nature of surrounding developments, the removal of the private housing units from the extant permission does not raise strategic concern. Furthermore, whilst not referable under the Mayor of London Order (2008), the suitability of the site as an off-site 'donor' proposal was discussed extensively with the applicant and the Council at pre-planning application stage, and is acceptable.

37 In light of the on-site provision of affordable housing, and given the twin-track submission of an application for the off-site provision, the principle of off-site affordable housing may be acceptable in this instance; however, it is not possible at this stage to determine whether the approach will deliver a greater overall quantum of affordable housing, and whether the maximum reasonable amount is being proposed in accordance with London Plan policies 3.11 and 3.12. Furthermore, the applicant should note concerns raised in paragraph 28 of this report and the

requirements to increase the proportion of on-site affordable housing. Consequently, further discussion is required with the applicant and the Council before the principle of off-site affordable housing can be considered acceptable. The applicant should also note that, to ensure additionality of affordable housing provision, it is required to remove the original affordable housing that was secured as part of the extant planning permission for Dalglish Street from its affordable housing calculations.

#### Affordable housing – cash in lieu payment

38 In addition to the provision of on-site and off-site affordable housing, the applicant also proposes a financial contribution, reported to be £19,250,000. It is understood that this contribution, taken with the on-site and off-site provision, would equate to 30% affordable housing.

39 As set out above, the London Plan and the Mayor's Housing SPG establishes a clear hierarchy for the provision of affordable housing, with a cash in lieu payment only acceptable in exceptional circumstances. Whilst strategic policy is clear that negotiations regarding affordable housing should take appropriate account of development viability, and in exceptional circumstances it may be acceptable to consider a payment in lieu of on-site or off-site provision, the Mayor is concerned that such payments may not result in the timely delivery of additional affordable homes, particularly where councils do not have a programme of delivery, or identified available sites. In such circumstances, this would adversely impact on the delivery of additional affordable housing units, and the targets set out in the Mayor's London Plan.

40 Given the original planning submission included additional affordable housing on-site, and in light of a second development site that was identified through pre-planning application discussions as being suitable for additional off-site affordable housing, GLA officers remain of the view that a cash in lieu contribution is not appropriate in this instance, and that other on-site and off-site options exist that should be utilised to ensure the maximum reasonable amount of affordable housing, whilst also ensuring certainty of affordable housing delivery. Consequently, the applicant should amend its proposals to include further on-site, and if necessary off-site, affordable housing units before it can be considered acceptable with regards to strategic planning policy.

41 Notwithstanding the need to implement alternative approaches to affordable housing delivery as outlined above, it should also be noted that for the use of a financial contribution in lieu of on-site or off-site affordable housing to be considered acceptable, the Council will need to provide certainty that any payment secured would be used to deliver additional affordable housing units elsewhere, including a robust programme of delivery.

#### Affordable housing – summary

42 In light of the above concerns, the application does not currently accord with London Plan policies 3.8, 3.9, 3.11 and 3.12. The applicant is required to increase the proportion of on-site affordable housing and/or bring forward the additional off-site development identified during pre-planning application stage. Finally, as part of this process, the applicant's financial viability report needs to be robustly and independently assessed by the Council, and shared in full with the GLA.

#### Tenure split

43 London Plan Policy 3.11 establishes a strategic target that 60% of affordable housing provision be for social housing (comprising affordable rent and social rent), and 40% for intermediate provision. The Council, in its Managing Development Document, requires proposals to provide affordable housing on a 70:30 social housing to intermediate housing split.



44 The on-site affordable housing is currently split 75:25, when measured by units; taken with the off-site provision at Dalglish Street, the combined affordable housing provision comprises an 80:20 social housing to intermediate split. The proposed affordable housing is heavily skewed towards social provision, and is not in accordance with local or strategic policy. Whilst the overprovision of social housing on the Dalglish Street site is acceptable, given the nature of that development and its ability to provide quality family accommodation, the lack of on-site intermediate housing is a strategic concern. It should also be noted that the originally submitted application, taken with the Dalglish Street site, proposed a 60:40 tenure split, which accords fully with London Plan Policy. The applicant should therefore increase the delivery of intermediate housing on-site, which would ensure a tenure split that better accords with strategic and local policy.

### Housing choice

45 London Plan Policy 3.8, together with the Mayor's Housing SPG, seeks to promote housing choice and a balanced mix of unit sizes in new developments. London Plan Policy 3.11 establishes that strategic priority be afforded to the provision of affordable family homes.

46 As set out in the table below, the Hertsmere House proposal includes 57 family units, equating to 7% of on-site housing provision. In accordance with strategic policy, the applicant has prioritised family units within affordable provision; sixteen of the family units are identified as affordable, equating to 17% of total affordable housing provision, and 22% of the affordable rent provision. When taken with the Dalglish Street application, a total of 84 family units are proposed, equating to 9% of total housing; within the overall affordable housing provision, a total of 43 family units are proposed, equating to 27% of total affordable provision.

	<b>family affordable provision</b>		<b>family overall provision</b>	
	<b>units</b>	<b>%</b>	<b>units</b>	<b>%</b>
Hertsmere House	16	17%	57	7%
Dalglish Street	27	45%	27	45%
Combined sites	43	27%	84	9%

47 It is acknowledged that the amended proposal introduces family affordable accommodation on-site; as originally submitted, the sole family affordable accommodation was provided off-site, although the on-site two-bed affordable rent units would be expected to accommodate children. However, it is important to note that family accommodation has been overprovided at Dalglish Street, where 45% of units are family-sized, in part to allow for non-family affordable housing to be maximised on-site. Given the subsequent amendments to the application, this objective, which was utilised by the applicant to underpin its justification for the provision of off-site accommodation, has not been met. As discussed in the affordable housing and tenure split sections of this report, the provision of smaller intermediate units should therefore be increased to ensure that both strategic and local policy requirements are fully addressed.

## Density

48 The density of the development is 4,102 habitable rooms per hectare. This is significantly above the London Plan guidance range of 300 to 1,100 habitable rooms per hectare for central sites with a public transport accessibility level of three to four, as set out in London Plan Policy 3.4, and represents one of the highest density proposals submitted within the Isle of Dogs and South Poplar Opportunity Area.

49 Whilst there is not an in-principle objection to high-density developments, the strategic priority, as established in Policy 3.4, is that housing output be *optimised* taking into account, amongst others, the design principles of the London Plan. Furthermore, the Mayor's SPG makes clear that the design of high-density proposals must be exemplary, and tested rigorously with regards to all aspects of quality and liveability, as well as their contribution to local place shaping. As set out in paragraph 21 of this report, there is also strategic concern regarding the need to address potential barriers to the delivery of high-density housing within the Isle of Dogs.

50 As detailed in this report, the application raises a number of serious strategic concerns with regards to affordable housing provision, residential quality, ground-floor layout, and provision of play and amenity space for all tenures. In light of the outstanding concerns, it is not possible to determine whether the high-density nature of this proposal is acceptable with regards to strategic policy.

## Housing quality and design

51 London Plan Policy 3.5 promotes quality in new housing provision, with further guidance provided by the Mayor's Housing SPG. As set out in the Mayor's Housing SPG and draft interim Housing SPG, proposals above the London Plan density matrix should be exemplary. Key factors such as floor-to-ceiling heights, orientation, maximising ground-floor individual access points, and number of units per core, are all essential to achieving high residential quality, and are of particular importance when assessing residential quality.

52 As detailed in the urban design section, serious strategic concern is raised with regards to residential quality, particularly the number of units sharing each landing and the approach to circulation, the proportion of single-aspect and north-facing units, and the over reliance on complex management arrangements. As such, the proposal does not accord with London Plan Policy 3.5; further discussions are therefore required with the applicant with a view to amending the proposal to address the concerns raised.

## Children's play space and amenity

53 London Plan Policy 3.6 seeks to ensure that development proposals include suitable provision for play and recreation. Further detail is provided in the Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance. GLA officers have calculated that the development will be home to 120 children, sixty of which are expected to be under five years old.

54 The applicant has incorporated a series of spaces intended to provide play opportunities, in addition to general residential amenity, with a total of 2,346 sq.m. identified for play and amenity use. Given a large proportion of the total play and amenity space is provided within the curtilage of the building, in the form of playrooms and internal and external terraces, concerns were raised at pre-planning application stage regarding the ability of Registered Providers to afford the maintenance of the spaces, and therefore whether these will be fully accessible for all residents in perpetuity. In order to address these concerns, written confirmation from the appointed Registered Provider is required to provide sufficient comfort that the spaces identified will be utilised by all residents, and to demonstrate that the proposals do accord with London Plan Policy 3.6.

## Urban design and historic environment

55 Good design is central to all objectives of the London Plan, and given the scale of development, its prominence and density, its design needs to be of an outstanding quality. The proposed scheme has been commented on extensively at pre-planning application stage, and whilst amendments were secured in response to GLA officer's concerns, there remain outstanding strategic planning concerns that need to be addressed.

### Layout and public realm

56 The proposal comprises a large 50 x 50 metre podium located centrally on the site, accommodating both private and affordable residential foyers, retail units, sub stations and vehicular access, with an element of active-uses located on the north, west and eastern edges of the site. The set-back along the dock edge creates a small addition to the public realm network, improves overall permeability, and is animated by retail units and access to the private housing element. The provision of tree planting and seating along this edge will encourage the use of this space, as well as mitigating the impact of high winds created by the large mass of the building.

57 The landscaping to the north has also been carefully designed to mitigate the impacts of wind whilst ensuring that these measures do not interrupt pedestrian flows or overly impact on the outside seating associated with the listed warehouse buildings. Given the scale of the development, and the need to ensure that a commensurate level of public realm is delivered, the applicant had previously proposed additional improvements to land outside of its ownership to the north. It is not clear whether those proposals are included in the current submission; however, for the avoidance of doubt, these additional measures should be secured by the Council in order to mitigate the impact of this development and ensure appropriate levels of public realm improvements are delivered.

58 The southern edge of the site is less successful; the architect's approach to a symmetrical plan form does not reflect the different conditions along this edge of the site, and the location of the access to the basement adjacent to the listed structure, and the change in levels the ramp creates within the public realm, compromises the way in which the site to the south may be used or developed. Whilst this site is currently used as a car park, it also provides the most legible and direct access point to North Dock from the surrounding street network. In response to these concerns, which were raised at pre-planning application stage, and to improve the relationship of the development to the adjacent car park site, the applicant has attempted to create a space to the south of the proposed retail unit; however, this space is compromised by the adherence to the plan form of the podium. The southern edge of the development therefore remains a concern and should be reconsidered.

59 The western edge of the site is taken up by a large twenty metre wide residential entrance foyer and grand vehicular drop off. Whilst the latter has been carefully landscaped so as not feel dominated by vehicles, and the foyer provides an element of animation on to the street, the character of this edge is stately in nature, running contrary to the 'home as a place of retreat' principles embedded within the Mayor's Housing SPG, and does not deliver an inviting and inclusive pedestrian environment, or contribute to a positive street character.

## Residential quality

60 Residential quality is a strategic priority and was discussed extensively at pre-planning application stage. Whilst amendments were secured, including a reduction in the buildings floorplate, there remains a number of serious concerns which need to be addressed before a high-density proposal can be considered acceptable.

61 The residential floorplates are approximately 1,700 sq.m; given their large dimensions, meeting the exemplary residential quality standards required in the Mayor's Housing SPG for a scheme of this density is very challenging, and particular concerns are raised regarding the communal circulation spaces, which are shared by a significant number of households, reducing sense of ownership and creating the need for long-term management solutions. The large floorplates also impact on the proportion of single-aspect units, their depth and proportions, and the number of north-facing units.

62 During pre-planning application discussions, the applicant responded to some of the concerns raised through making the tower slightly slimmer, thereby reducing to a limited extent the number of units sharing communal circulation spaces, and making single-aspect units shallower, which was supported. The applicant has also attempted to split the cores throughout the building in order to reduce the number of units sharing each landing, and has provided a self-contained core for the affordable units. Whilst these amendments are supported, the scheme still fails to meet the standards set out in the Mayor's Housing SPG and draft interim Housing SPG.

63 All affordable floors have nine units on each landing, which combined with an awkwardly located lift core, creates a convoluted and illegible landing. Floors 12-34, 37-43 and 55-56, totalling thirty floors, have up to seventeen units sharing the same landing, which is significantly higher than standard 3.2.1 of the Mayor's draft interim Housing SPG and Housing SPG. Whilst the applicant has partially split these into a core of ten units and a core of seven by incorporating a doorway that is intended to be locked to residents, all seventeen units rely on the same service lift and fire stairs. As such, without robust management solutions to avoid unrestricted access from one residential sub-core to another, the building in effect operates with a single core. The complexity of the circulation of the building, and the use of a single core also makes access to other communal spaces, such as bike storage, children's play space and other community amenities, convoluted and illegible. As such, the development will be heavily reliant on intensive management, fob systems, signage, and other ways of securing and controlling access.

64 The Mayor's draft interim Housing SPG and the Mayor's Housing SPG both make clear that for development above the density ranges set out in London Plan Policy 3.4 to be considered acceptable, it must be tested rigorously with regards to the long-term management of communal areas. Given the development has been designed to require significant long-term management, it cannot be considered to conform to London Plan design requirements. Furthermore, the detailed design of these sub-cores, by virtue of their being split by a fire door requiring signage and lighting, will not be perceived by residents as being split in their entirety, further undermining sense of ownership. Notwithstanding the above, it should also be noted that the western sub-core has ten units per core across all thirty floors, which is in itself above the standards set out in the Mayor's draft interim Housing SPG and Housing SPG.

65 Whilst the number of single-aspect units has been reduced as a result of concerns raised at pre-planning application stage, the overall proportion remains low, with a typical floorplate including less than 40% dual-aspect units. As demonstrated in the applicant's daylight and sunlight assessment many of the single-aspect units have large areas with less than 0.5% Average Daylight Factor, and a high proportion of these are north-facing, which is a further concern. The large floorplate also results in the circulation corridors not benefiting from natural daylight or ventilation, as set out in standard 3.2.3 of the draft interim Housing SPG.

## Height and strategic views

66 The proposed tower, at 67 storeys, including roof plant (240.5 metres AOD), is the same height as 1 Canada Square to the south east, and similar in height to the extant Columbus Tower proposal. Whilst the height of the building is not in itself a strategic concern, as set out in the strategic views assessment below, the large floorplate proposed creates very large elevations of 65 metres in length from the north or south, and 50 metres from the east or west, which despite their curvature still creates a very large, bulky and inelegant building out of character with its residential use.

67 The overall scale of the building has created a number of issues relating to excessive wind at podium and ground levels, which were discussed extensively at pre-planning application stage. GLA officers have worked closely with the applicant to ensure that the wind mitigation measures proposed do not compromise the quality of the public realm, and the overall approach is acceptable, subject to a detailed assessment by the local planning authority.

68 As set out in paragraph nine of this report, the building lies in a number of strategic views, as identified in the Mayor's London View Management Framework. The applicant has submitted a townscape, visual and built heritage impact assessment, which demonstrates that for a number of views (view 1A.1, 2A.1, 4A.1, and 6A.1), the building will lie within the wider panorama, away from the sensitive view of St Paul's Cathedral, and outside of its protected vistas, and within the existing Canary Wharf cluster. Furthermore, the applicant's assessment of the four identified River Prospects (11B.1, 11B.2 and 15B.1) demonstrates that the proposal does not impact on the sensitive landmarks identified within these views.

69 The proposals' appearance in strategic view 5A.1 from Greenwich Park is particularly prominent. Guidance within the London View Management Framework notes that the existing cluster of tall buildings adds layering and depth to the understanding of the panorama, and states that the composition of the view would benefit from further, incremental consolidation of the tall buildings. The proposed building lies within the recognisable cluster of Canary Wharf, and to the right of the axial view through Queen's House, will be identifiable as falling within the existing and emerging cluster, and therefore does not raise strategic concern.

70 The proposal also falls within the wider setting of the Maritime Greenwich World Heritage Site. London Plan Policy 7.10 'World Heritage Sites' states that development should not cause adverse impacts on World Heritage Sites or their settings, and, in particular, should not compromise the ability to appreciate their outstanding universal value, integrity, authenticity or significance. The applicant's townscape, visual and built heritage impact assessment illustrates the proposal will become part of the developing cluster of consented and proposed buildings on the Isle of Dogs, and does not raise any strategic concern. The building will not harm the setting of listed buildings within the World Heritage Site, or of listed buildings within Canary Wharf.

## Heritage

71 London Plan Policy 7.8 states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. The proposal will have an impact on a number of designated heritage assets, including the West India Dock Conservation Area, the Grade I listed 'Gwilt's' Georgian warehouses, the Grade I listed West India Dock wall, the Grade II listed Canon Workshops, and the Grade II listed Guard House. The applicant's townscape, visual and built heritage impact assessment provides a detailed analysis of heritage assets, including a verified views assessment.

72 It is acknowledged that any development of scale on this site would impact on surrounding heritage assets, and that the site benefits from extant planning permission for a tall building; however, the degree of harm is closely linked to the proposed building's bulk and form. 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 proposed development will lead to 'substantial harm' to, or total loss of the significance of, a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Recent judgements have provided further clarity on the duty imposed on local planning authorities; the Court of Appeal in *Barnwell Manor* held that a finding of harm to a listed building or its setting is a consideration to which the decision-maker must give considerable weight, and that there should be a strong presumption against granting permission that would harm the character or appearance of a conservation area.

73 The proposal will cause harm to the significance of the nearby listed buildings, chiefly through its effect on their setting, and will also cause harm to the significance of the Conservation Area. Whilst this harm is greater than the harm caused by the extant permission, due to the building's significant increase in bulk and form, the harm is considered less than substantial, in part by virtue of the existing and emerging surrounding context. In coming to this conclusion, GLA officers have taken account of the strong presumption against granting permission that would harm the character or appearance of the Conservation Area, and have placed considerable importance and weight to the harm caused to the setting of the listed buildings.

74 Nevertheless, given the considerable issues raised in relation to the proposal, it is not possible at this stage to determine whether the less than substantial harm caused is sufficiently outweighed by the public benefits of the proposal, and therefore whether the proposal accords with London Plan Policy 7.8.

#### Architectural treatment

75 The building is characterised by its three pronged plan form, which whilst distinctive from above, will not be perceived from street level. The architect has sought to articulate this form by internalising all balconies and avoiding any other recesses or articulations in the elevation, creating a smooth glass and steel curved elevation on all sides. Materials and the quality of detailing will have a significant impact on overall quality in the completed scheme, and whilst the applicant's desire to utilise high specification materials is strongly supported, this commitment should be robustly secured by the Council; this could be achieved through the retention of the architects during detailed design phases, in addition to utilising appropriate conditions securing design detail and materials.

## **Blue Ribbon Network and flooding**

76 The site is located within flood zone three. The applicant's flood risk assessment confirms that, whilst the site is protected to a high standard by the existing tidal flood defences, in the unlikely event of a breach or overtopping of flood defences, the site would be affected by flooding. Consequently, a number of mitigation measures have been proposed, including safe access to upper floors, water resistant construction in the basement, and non-return valves on sewer connections. The approach taken by the applicant is acceptable in accordance with London Plan Policy 5.12, and given the nature of the flood risk. Nevertheless, and in light of the high-density nature of the proposal, the applicant is strongly encouraged to incorporate further flood resilience measures to protect essential building utilities from disruption during flooding, for example enclosing utilities within flood proof rooms or enclosures, to enable residents to remain within the building in reasonable safety and comfort.

77 The applicant proposes to re-use an existing surface water outfall to discharge site drainage into the adjacent dock at up to sixty litres per second; remaining surface water will be discharged to the network with a 50% reduction in flow rates. Whilst this approach is broadly in accordance with London Plan policy, in order to achieve best practice and given the scale of development, the applicant is encouraged to implement other sustainable drainage measures such as green roofs and landscaping, and to ensure that as much clean roof water as is practical is diverted to the dock.

## **Inclusive design**

78 In accordance with London Plan Policy 3.8, the applicant has confirmed that all of the residential units will meet Lifetime Homes standards, and that 10% of the units will be designed to be fully adaptable and adjustable to wheelchair users. As set out in the Mayor's Housing Standards Policy Transition Statement, the Council should secure compliance with building regulations M4 (2) and M4 (3) by condition.

## **Climate change - adaptation**

79 The proposal includes a number of measures in response to strategic policies regarding climate change adaptation, which are welcomed. Measures proposed include sustainable drainage measures, use of low energy lighting and energy efficient appliances, smart meters, high levels of insulation, low water use sanitary-ware and fittings, and biodiverse planting. The applicant should note comments made in paragraph 77 of this report regarding the need to increase sustainable drainage techniques.

## **Climate change - mitigation**

### Energy efficiency

80 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations; other features include low energy lighting and mechanical ventilation with heat recovery. The applicant is proposing a high performance curtain wall system with a u-value ranging from 1.23 W/m<sup>2</sup> K to 1.1 W/m<sup>2</sup> K. Given these reported u-values appear high considering the proportion of glazing and openings, the applicant should provide further evidence in support of its conclusions.

81 The demand for cooling will be minimised through solar control glazing, openable windows and measures taken to reduce overheating in corridors such as enhanced ventilation; however, the applicant is proposing comfort cooling to all of the residential dwellings and commercial units. The applicant has undertaken a dynamic overheating assessment using CIBSE TM52 guidance and TM49 weather files. The analysis assumes a large window opening area for a tall tower, at 1.15 metres, with a Juliet balcony positioned to reduce the effects of the wind. The Council should include a condition requiring the applicant to demonstrate, prior to commencement of the development, that the window design allows the overheating modelling assumptions to be achieved in practice.

82 During the peak summer temperatures, the applicant intends for occupants to open the windows with the internal blinds closed, with guidance required to ensure correct operation, and in order to avoid high internal temperatures; the Council should secure the provision of this guidance to occupants through planning condition. The Council should also secure the provision of appropriate controls to ensure that active cooling is dis-activated when the windows/doors in both the winter gardens and flats are opened.

83 The BRUKL sheets provided demonstrate that there are a number of spaces within the commercial areas that will exceed the Part L solar gain limits. Further passive measures should be considered in line with London Plan Policy 5.9 to avoid the risk of overheating now and in future climate. Updated BRUKL sheets demonstrating that the solar gains will be met should be provided, to include details on the additional measures incorporated.

#### District heating and renewables

84 The application site lies within the Barkentine district heating network. In accordance with London Plan climate change policies, connection to the network should be prioritised in the first instance, and updated evidence of correspondence should be provided to demonstrate that a connection has been robustly investigated.

85 The applicant is proposing to install a site-wide heat-network, served by two gas-fired combined heat and power (CHP) units. The applicant should confirm that all residential units and non-domestic floorspace will be served by CHP, and provide a site plan showing the proposed route of the heat network and the energy centre. The applicant should also confirm that the units will be designed to allow for future connection to a district system; this connection should be secured by the Council through condition.

86 The CHP efficiencies used for the modelling need to be robustly evidenced; the applicant should provide the CHP datasheet with system efficiencies in order to demonstrate the reported performance level is achievable. The applicant should note that the plant efficiencies used for modelling the carbon savings should be gross rather than net values; the datasheet should clearly detail the gross fuel input for gas. The applicant should therefore review the carbon intensity of the system, and update the emission figures where appropriate.

#### Summary

87 Overall the measures proposed result in a 40% reduction in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development, which accords with London Plan emission targets; however, the applicant should address the concerns raised in order to verify the reported carbon dioxide emissions, and address outstanding matters relating to energy efficiency, overheating, connection to the Barkentine heat network and the site-wide heat network, and the combined heat and power system.



## Transport

### Parking

88 The scheme provides nine car parking spaces, all of which are designed for disabled users, though only two are non-valet parking. The applicant should ensure that blue badge occupiers of the development are given priority in any allocation; this requirement should be clearly addressed in the car park management plan. Given the blue badge parking levels do not meet the Mayor's Housing SPG standards, the car park management plan should outline how demand for blue badge spaces will be met if and when the on-site spaces are fully occupied, and outline how occupiers of the affordable units will access the car parking in the absence of a direct route to the basement, given the convoluted approach to circulation throughout the building, as discussed in this report. Occupiers of the development should be exempt from accessing an on-street parking permit; this requirement should be secured by the Council through the section 106 agreement, in addition to the provision of electric vehicle charging points.

### Cycling

89 A total of 1,170 cycle spaces are proposed, located across the basement levels and accessed via a bike stair and track. Whilst the quantum is acceptable in accordance with London Plan standards, the stair and track do not offer an easy, convenient and sufficiently direct access route, and should therefore be redesigned in accordance with London Plan Policy 6.9. The applicant should also ensure that the layout of the storage areas complies with London Cycle Design Standards. Cycle stores for the affordable units are located on the first floor, accessed via a bike lift, which is broadly acceptable, and the distribution of short-stay visitor parking across the site is welcomed

90 The nearest cycle docking stations are already operating close to capacity and the proposed development will add to that demand. The applicant is therefore required to provide a new 35-space docking station within the public realm; this should be secured by the Council through the section 106 agreement. TfL recommends further discussions regarding the appropriate positioning and design of this facility.

### Public transport

91 TfL has identified bus capacity constraints within the Isle of Dogs, which will be exacerbated by the cumulative impact of development. In accordance with London Plan Policy 6.2, TfL therefore requires a section 106 contribution of £200,000 to mitigate the impact of additional bus trips

### Travel planning

92 The applicant has provided a framework delivery and servicing plan, which is broadly acceptable; however, the applicant should provide further detail on preventing congestion on the access ramp, and notably how occupiers of the affordable units will access the refuse store area. The final delivery and servicing plan should be secured by condition, in addition to a construction logistics plan. The applicant has submitted a framework travel plan for the proposed residential and commercial uses, which is welcomed; however, both travel plans failed TfL's ATTrBuTE testing. The inclusion of an agreed upon baseline modal split is expected to address this issue, and updated plans should be submitted for assessment.

## Mayoral Community Infrastructure Levy and Crossrail

93 The site is located within the Crossrail Isle of Dogs charging area. In accordance with London Plan Policy 6.5 and the Mayor's Crossrail SPG, the uplift of 971 sq.m. of retail space proposed will require a contribution of £87,390. This is in addition to the charging mechanisms in place for the Mayoral CIL, at £35 per sq.m. of GIA, and the Council's CIL charging. Any Mayoral CIL will act as a credit towards the Crossrail SPG contribution, the latter should be specified in the section 106 agreement

## Summary

94 In summary, the applicant is required to redesign the cycle parking access arrangements, provide a 35-space docking station, and a financial contribution towards improving bus capacity. The Council should secure the financial contribution and cycle docking station, in addition to the final agreed car park management plan, travel plan, construction logistics plan and delivery and servicing plan through the section 106 agreement and/or conditions, as appropriate.

## **Local planning authority's position**

95 The Council has yet to consider a report on this application at its planning committee.

## **Legal considerations**

96 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## **Financial considerations**

97 There are no financial considerations at this stage.

## **Conclusion**

98 London Plan policies on Opportunity Areas, housing, urban design, inclusive design, climate change, and transport are relevant to this application. The principle of the housing-led redevelopment of this site is acceptable. However, a number of strategic concerns are raised, and consequently the application does not accord with London Plan Policy:

- **Housing:** the application does not accord with London Plan policies 3.8, 3.9, 3.11 and 3.12, and as such the proportion of on-site affordable housing should be increased and/or additional off-site proposals submitted. Furthermore, the applicant's viability report is required to be independently assessed. It is also not possible at this stage to determine whether the density of the proposal can be successfully mitigated, and whether the application accords with London Plan policies 3.4, 3.5 and 3.8.

- **Children's play space:** in order to demonstrate that the proposals accord with London Plan Policy 3.6, written confirmation is required from the appointed Registered Provider providing sufficient comfort that the play and amenity spaces identified will be utilised by all residents in perpetuity.
- **Urban design:** the application does not accord with London Plan policies 3.5, 7.1, 7.2, 7.3, 7.5, 7.6 and 7.7, and significant concern is raised with regards to residential quality, ground-floor layout, and design. It is also not possible at this stage to determine whether the proposal accords with London Plan Policy 7.8 with regards to impact on heritage assets.
- **Flood risk:** whilst broadly in accordance with London Plan Policy 5.13, the applicant should incorporate further flood resilience and sustainable drainage measures in order to meet best practice, particularly given the exceptionally high-density nature of the proposal.
- **Climate change mitigation:** the energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. Further information regarding energy efficiency, overheating, connection to the Barkentine heat network and the site-wide heat network, and the combined heat and power system is required. The final agreed energy strategy should be appropriately secured by the Council, including conditions relating to overheating.
- **Transport:** in accordance with London Plan policies 6.1, 6.2, 6.4, 6.7, 6.9 and 6.10 the applicant is required to redesign the cycle parking access arrangements, provide a 35-space docking station, and a financial contribution towards improving bus capacity. The Council should secure the financial contribution and cycle docking station, in addition to the final agreed car park management plan, travel plan, construction logistics plan and delivery and servicing plan through the section 106 agreement and/or conditions, as appropriate.

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