

Land at the corner of Royal Mint Street and Mansell Street

in the London Borough of Tower Hamlets

planning application no. PA/15/02773

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

Erection of a part 11 and part 12 storey building, consisting of the provision of 196 residential units on the first to eleventh floors, 786 sq.m. of retail floor space on the ground floor and 2438 sq.m. of commercial floor space based on the first and second floors. Creation of new public open space, new pedestrian link and new access to DLR (Tower Gateway station), including associated landscaping works, parking provision, secured cycle storage areas, refuse and servicing and plant areas.

The applicant

The applicant is **RMS (England) Limited**, and the architect is **Farrells**.

Strategic issues

The principle of the housing-led mixed-use redevelopment of this site is supported. However, there are a number of outstanding strategic planning concerns relating to **employment and mixed use, housing, urban design, flood risk, climate change** and **transport**.

Recommendation

That Tower Hamlets Council be advised that, whilst the principle of the proposal is supported, the application does not comply with the London Plan, for the reasons set out in paragraph 74 of this report. However, the resolution of those issues could lead to the application becoming compliant with the London Plan.

Context

1 On 20 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 30 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 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.

Site description

6 The 0.34 hectare site is located on the corner of Royal Mint Street and Mansell Street (known as Block A) and forms part of a larger development site, which includes sites to the east known as Blocks B, C and D. The site is predominantly hardsurfaced open land and railway viaducts, although the Bank branch of the DLR enters the site at the east end and drops down below ground in the central section. Beyond Mansell Street to the west is a multi-storey car park; whilst to the south are commercial uses. To the north of the Fenchurch Street line and DLR viaduct arches is Chamber Street and a mix of uses beyond.

7 Mansell Street forms part of the Transport for London Road Network (TLRN). There are six bus services that operate within 400 metres, whilst Cycle Superhighway 3 runs along Royal Mint Street. Tower Gateway DLR and Tower Hill underground stations are close by and Fenchurch Street national rail station is approximately 200 metres to the west. Accordingly, the site is in a highly accessible location, with a public transport accessibility level of 6b, on a scale where 1 represents the lowest accessibility level, and 6b the highest. The area is also served by the Mayor’s Cycle Hire scheme. The nearest docking station is located 300 metres to the east of the site in Tower Gardens.

8 The site sits within the townscape view from The Queen’s Walk to Tower of London, as identified in the Mayor’s London View Management Framework, including the three assessment points 25A.1, 25A.2 and 25A.3. The site is within the Tower of London Conservation Area and is within the wider setting of the World Heritage Site, as well as a number of listed buildings. The site is also within the boundary of the City Fringe Opportunity Area Planning Framework and the Central Activities Zone.

Details of the proposal

9 RMS (England) Limited (the applicant), is seeking full planning permission for the erection of a part 11 and part 12 storey building, consisting of the provision of 196 residential units on the first to eleventh floors, 786 sq.m. of flexible retail floor space (Use Classes A1-A4) on the ground floor and 2,438 sq.m. of commercial floor space (Use Class B1) on the first and second floors. The

application also proposes to create new public open space, new pedestrian link and new access to DLR (Tower Gateway station), along with associated landscaping works, parking provision, secured cycle storage areas, refuse and servicing and plant areas.

Case history

10 Planning permission was granted in March 2012 (local authority planning reference PA/11/00642 – our reference D&P/2104a), which permits the redevelopment of the wider site for a mixed use development comprising the erection of two buildings of between 3 and 15 storeys, providing 354 residential units, a 236 bedroom hotel with 33 served apartments, flexible retail, financial services/restaurant/cafe/drinking establishment/health clinic/business space (use class A1 – A4, D1 and B1), restaurant, bar, gallery, leisure (use class A3/A4/D1/B1), community uses including sports and training facilities, neighbourhood police base and office space within the arches (use class D1/D2/B1), creation of a pedestrian link, together with landscaping, parking, servicing, plant area.

11 This development was proposed to be delivered in phases, with the substructure and enabling works being delivered in Phase 1 and Phase 2 being delivered in two parts:

- 2a – Blocks BCD
- 2b – Block A

12 Block A specifically permitted a 236 bedroom hotel, 79 residential units, 33 serviced apartments and Ground floor Class A1 – A4 uses and ancillary hotel. Non-material amendments to the approved scheme were approved in March 2013 (PA/12/3334) which allowed as part of the S96a application Phase 2a (Blocks BCD) and Phase 2b (Block A) to be delivered independently. A subsequent S73 application for minor material amendments to Blocks BCD (PA/13/01527) was approved in April 2014. This permission is the scheme being implemented for Blocks BCD on site. The current proposal seeks to revise the approved Block A scheme as a standalone application but replaces the hotel element of the scheme with Class B1 employment uses and the upper floors are proposed for residential use.

13 The application considered here was subject to formal pre-planning application discussions with GLA officers, with a formal pre-planning application meeting being held on 16 January 2015. GLA officers broadly supported the principle of the housing-led mixed-use redevelopment, subject to clarification over the nature of the retail and employment uses. Through pre-planning application discussions a number of issues were raised in relation to mix of uses, residential layout and quality, play space, strategic views and transport.

Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

- | | |
|----------------------|---|
| • Mix of uses | London Plan; City Fringe OAPF |
| • Housing | <i>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</i> |
| • Affordable housing | <i>London Plan; Housing SPG; draft interim Housing SPG; Housing Standards Policy Transition Statement; Housing Strategy</i> |
| • Density | <i>London Plan; Housing SPG; draft interim Housing SPG; Housing Standards Policy Transition Statement; Housing Strategy</i> |

- 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*
- 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*

15 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

16 The site is within the outer core of the City Fringe Opportunity Area and as per London Plan Policy 2.13 should seek to maximise residential and non-residential output and densities and contain a mix of uses. In particular, development proposals are expected to integrate with the surrounding area to support wider regeneration and improvements to environmental quality. Annex 1 of the London Plan states that new developments in the City Fringe Opportunity Area have the scope to deliver an indicative capacity of 70,000 new jobs and a minimum of 8,700 new homes. The City Fringe Opportunity Area Planning Framework (CFOAPF) sets out how London Plan policies are to be applied in the area in order to achieve the vision and objectives agreed in partnership with the London boroughs of Islington, Hackney and Tower Hamlets.

17 The application proposes a housing-led mixed-use development that also includes 2,438 sq.m. of office space and 786 sq.m. of ground floor retail floorspace as well as a public open space between this block and the consented block to the east. It is proposed that this forms a piazza to be lined with active uses and contain visitor cycling parking facilities, whilst also forming part of a new north-south link between Royal Mint Street and Chamber Street.

18 The site is within the core area of the City Fringe identified as being important for the expansion of the City Fringe business cluster. Demand for office space in this area is expected to strengthen as rents rise in the inner core and businesses relocate into adjacent areas. Particular demand is expected to come from small businesses seeking flexible workspace, including those from the digital-creative businesses associated with the Tech City cluster. The proposal to provide office space is welcomed, although there are limited details provided concerning the management or affordability of this space, including evidence of agreement to lease the space to a workspace provider. The applicant is requested to provide further detailed explanation to address this concern.

19 The CFOAPF recognises that the well-balanced mix of uses found throughout the City Fringe is a key attractor to the area, and that small independent shops are an important feature of this. Chapter 4 of the CFOAPF sets out how retail development should generally be focussed into key frontages identified as part of the Central Activities Zone (CAZ) or town centre network. It is recognised that retail floorspace has a role in supporting the proposed residential development and animating ground floor edges, however it is unclear what kind of retail development is envisaged and

how this relates to the hierarchy of key frontages in the City Fringe. The applicant should demonstrate how the proposals will support the objectives of the CFOAPF with regard to retail floorspace, including affordable retail units.

Housing

20 The application includes a total of 196 residential units and a detailed housing schedule is provided in Table 1 below.

unit type	number	% of total scheme
studio	25	12.8
1 bed	77	39.3
2 bed	74	37.7
3 bed	20	10.2
total	196	100.0

Table 1: housing schedule

Affordable housing

21 In accordance with London Plan Policy 3.12, the scheme is required to deliver the maximum reasonable amount of affordable housing. It is understood that the applicant has already delivered the affordable housing requirements through off-site provision as part of the extant permission, which is currently being implemented on Blocks B, C and D. However, given the change in uses proposed, it is necessary to revisit the viability of the proposals to ensure that any uplift in value is captured towards provision of additional affordable housing.

22 No affordable housing is proposed as part of the application and a viability assessment has been submitted in support of this. The applicant states that the reason no additional affordable housing is proposed as part of this scheme is due to the extremely high level of abnormal costs. The Council should appoint an independent consultant to verify this position, as well as including a review mechanism in the S106 agreement to enable a deferred contribution to be sought, should viability improve.

Housing choice

23 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. The proposal, as currently submitted, includes 20 family units, equating to 10% of overall housing provision, with no affordable provision due to the viability position as mentioned above. Whilst it is noted that this location may not be suited to a large proportion of family housing, the provision of 3 bed units is low. The Council should confirm that the mix responds appropriately to local housing need.

Density

24 Based on the net density calculation for mixed use schemes set out in the Mayor's draft Housing SPG, the density of the development is 676 units per hectare and 1,655 habitable rooms per hectare. This is above the London Plan guidance range of 650 to 1,100 habitable rooms per hectare for central sites with a public transport accessibility level of six, as set out in London Plan Policy 3.4, although given the highly accessible and central nature of the site, a high density scheme would not necessarily be a concern. It is noted that the Mayor's supplementary planning guidance 'Housing'

makes it clear that high density proposals need to be of the highest design quality, amenity and contribute to local place making. These matters are addressed in the following sections.

Housing quality and amenity

25 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, 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.

26 As detailed in the urban design section, concerns are raised with regards to residential quality, particularly the quality of single-aspect units and private amenity space provision. GLA officers would welcome further discussions with the applicant to address the concerns raised.

27 Given the location of the site between busy roads and railway lines, the applicant was advised at pre-application stage to address the potential impact from noise on the completed development. The applicant's Environmental Statement sets out recommendations for glazing and ventilation specifications for each of the elevations of the development. The Council should ensure that details of noise insulation measures are secured by condition.

Children's play space

28 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, including a benchmark requirement for 10 sq.m. of play space per child. GLA officers have calculated that the development will be home to 15 children, 8 of which are expected to be under five years old.

29 The applicant proposes to incorporate 152 sq.m. of spaces intended to provide play opportunities, in addition to general residential amenity, which would be located in the podium courtyard and roof terrace. The overall approach to play and recreation set out in the applicant's Landscape Design Report will ensure high-quality facilities will be provided that exceed the needs of the children of this development, and accords with London Plan policies. The Council should secure details of the play space by condition.

Urban design

30 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 at pre-application stage, and whilst amendments were secured in response to GLA officer concerns, there remain outstanding strategic planning concerns that need to be addressed.

Layout and public realm

31 This proposal follows a similar approach to layout as the consented scheme, providing a similar amount of public realm, although given that the hotel use is no longer proposed, the ground floor frontage would be activated instead by retail units. In addition, there would be two residential entrances, an office entrance and the new DLR station entrance. Overall, the scheme would focus servicing to Chamber Street and incorporate good levels of active frontage throughout, which is welcomed. The scheme would maintain a pedestrian link through to Chamber Street as the previous

approval, which is supported. The approach to public realm landscape design is supported and the Council should secure details by condition.

Residential quality

32 Residential quality is a strategic priority and was discussed extensively at pre-application stage. Whilst some changes were secured, there remain a number of concerns which need to be addressed before a high-density proposal can be considered acceptable.

33 Concerns were raised with regard to the residential layout, specifically the double loaded corridors, core to unit ratio and the proportion of single aspect units. These concerns arise mainly because of the inability to provide more than two cores to serve the building, due to the physical constraints of the DLR line running below the proposal. Nevertheless, the scheme has been amended in response to GLA officer concerns, with the corridor access split by a lobby area which would also have natural light and ventilation from the central courtyard. Therefore, whilst the core to unit ratio would still not accord with the Mayor's Housing SPG, the effect of this layout change would be to create two corridors serving six and four units from each of the cores. Overall therefore, given the constraints of the site, this amendment is welcomed.

34 However, despite this improvement, the corridors would still be double stacked and there would be a high proportion of single aspect units. The Daylight and Sunlight Report confirms that a number of these single aspect units would perform badly in terms of light levels and the applicant is requested to revisit the layout in these areas or explore how residential quality could be improved. GLA officers would welcome further discussions regarding addressing this outstanding issue.

35 The applicant's Design and Access Statement states that each unit has its own private balcony or terrace, which includes winter gardens. The drawings however show some units with no external amenity space and the Design and Access Statement refers to internal amenity spaces for some of these units. Annex 1 of the draft SPG 'Housing' requires a minimum of 5 sq.m. of private outdoor space to be provided for 1-2 person dwellings and an extra 1 sq.m. for each additional occupant. The applicant is requested to clarify amenity space provision and amend the scheme to ensure that each unit has access to private amenity space that is external (or winter garden) and in addition to the internal accommodation.

Architectural treatment

36 The architectural approach is supported. However, materials and the quality of detailing will have a significant impact on overall quality in the completed scheme. The Council is therefore strongly encouraged to secure the retention of the architects during detailed design phases, in addition to utilising appropriate conditions securing design detail and materials.

Strategic views and heritage

37 As set out in paragraph eight of this report, the building lies in Townscape View 25: The Queen's Walk to Tower of London, as identified in the Mayor's London View Management Framework SPG (July 2012). Three Assessment Points (25A.1, 25A.2 and 25A.3) are located in this location. They provide good views of the Tower of London, and the relatively clear background setting of the White Tower, in particular. A Protected Vista is included from Assessment Point 25A.1 and a Protected Silhouette is applied to the White Tower between Assessment Points 25A.2 and 25A.3.

38 The management plan for Townscape View 25 in the SPG sets out that new development in the setting of the Tower of London should be of appropriate height, scale, massing and materials. Its relationship to other buildings in the view and the quality of design is of particular importance when

considering the likely impact a proposal will have on views of the Tower of London and the viewer's ability to appreciate the Outstanding Universal Value of the World Heritage Site. New development should respect the setting of the Tower of London and should not dominate the World Heritage Site – especially the White Tower.

39 The management plan for Townscape View 25 also notes that the Protected Silhouette should not be altered by development appearing in its background when viewed from any point between Assessment Points 25A.2 and 25A.3 and that new buildings in the background of the view must be subordinate to the World Heritage Site and respect its historic significance. They should not contradict the townscape ensemble of the Tower of London juxtaposed against predominantly trees in its immediate setting and buildings that tend to be horizontal in mass and scale further behind and to the sides.

40 It is noted that the scheme has been reduced by a storey in part since pre-application discussions. Furthermore, the applicant has submitted a Townscape, Heritage and Visual Impact Assessment (THVIA), including true CGIs and verified views to illustrate the visual impact of the proposal. The consented application was not considered to adversely impact on this strategic view, nor change the horizontal silhouette of the White Tower, or breach the existing tree line, of the Tower of London. The THVIA includes verified views of the consented scheme, as well as comparative wirelines, which demonstrate that the marginal additional scale of the current proposal would be negligible in the context of the Townscape Views. The building would not project significantly above the tree line, nor would it dominate or contradict the townscape ensemble of the Tower of London, or the wider World Heritage Site. The horizontal nature of the design and choice of materials would also be appropriate.

41 It is noted that Historic England and Historical Royal Palaces raise no objections to the proposed massing. The THVIA incorporates a thorough assessment of the impact on the World Heritage Site using the assessment framework set out in the Mayor's SPG 'London's World Heritage Sites – Guidance on Settings' (2012), also referencing the Historic Royal Palaces Tower of London World Heritage Site Management Plan (2007). The proposal therefore would not cause adverse impacts on the World Heritage Site or its setting, and would not compromise the ability to appreciate the outstanding universal value, integrity, authenticity or significance, therefore satisfying London Plan Policy 7.10 'World Heritage Sites'.

42 To address the requirements of London Plan Policy 7.8, the THVIA provides a comprehensive set of verified views from other nearby heritage assets, including from within The Tower Conservation Area. These views demonstrate that there would be no additional impact on the setting of heritage assets compared to the consented scheme and in the case of a number of views there would be an improvement.

43 The applicant's wind assessment, contained within the Environmental Statement, demonstrates that the majority of the external spaces within the scheme would be appropriate for their intended purpose according to Lawson's Comfort criteria. Some mitigation is required for the rooftop terraces to ensure they are usable and the report suggests taller balustrades or screens. The Council should secure this mitigation by condition and should ensure that it would be in keeping with the design of the building.

Flooding

44 The site is within Flood Zone 1 and has no significant risk of surface water flooding. Therefore the proposals are acceptable in principle in relation to London Plan Policy 5.12. However, there are surface water flooding risks within the wider local catchment area around the site, therefore it is important that the applicant satisfies the requirements of London Plan Policy 5.13.

45 The applicant has not submitted details for the arrangement for managing surface water, but given the nature and location of the site and the proposals, there is likely to be reasonable scope for sustainable drainage through ensuring that the proposed green roofs are designed to maximise water absorption and attenuation and ensuring that the landscaping, which includes water features already, is designed to maximise rainwater storage/absorption. The applicant should provide further information to address this concern and GLA officers would welcome discussions prior to any Stage II referral.

Inclusive design

46 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. The Council should ensure that the proposed mix would meet locally identified needs. 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. All of the non-residential uses and public realm would be fully accessible and this is supported.

47 The 17 stacked car parking spaces accessed from Chamber Street would be available for disabled drivers via a valet/concierge service. The Council should secure a car parking management plan by condition, to include measures to ensure that these spaces are assigned to occupiers of the accessible residential units and how specially adapted cars can be parked by concierge staff. This is discussed further below in paragraph 55.

Climate change - adaptation

48 The proposal includes a number of measures in response to strategic policies regarding climate change adaptation, which are welcomed. Measures proposed include low energy lighting and energy efficient appliances, low water use sanitary-ware and fittings, and biodiverse planting. The applicant should note comments made in paragraph 45 of this report regarding the need to provide more details sustainable drainage techniques, including for storage and absorption.

Climate change - mitigation

Energy efficiency

49 The applicant has broadly followed the London Plan energy hierarchy to reduce carbon dioxide emissions, and 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.

50 The applicant should provide evidence of how London Plan Policy 5.9 has been addressed to avoid overheating and minimise cooling demand in the dwellings and commercial spaces. The Part L compliance checklists provided suggest a medium risk for some of the dwellings. Further passive measures should be considered in line with Policy 5.9 to avoid the risk of overheating now and in future climate.

District heating and renewables

51 The applicant is proposing to install a site heat network which will connect Block A to the consented energy centre situated within Blocks B, C and D. However, the applicant should confirm that all apartments and non-domestic building uses will be connected to the site heat network. The

site heat network will be supplied from a single energy centre. Further information on the floor area and location of the energy centre should be provided.

52 The energy centre includes a gas fired CHP unit as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. Further information should be provided on the CHP system including the size of the engine proposed (kWe/kWth), the provision of any thermal store and suitable monthly demand profiles for heating.

53 The applicant has investigated the feasibility of a range of renewable energy technologies but is not proposing to install any renewable energy technology for the development.

Summary

54 Overall the measures proposed result in a 35% reduction in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development, which meets the London Plan emission targets. The applicant should fully address all comments made above in relation to overheating, the energy centre and CHP system.

Transport

Parking

55 The development will be car free with the exception of 17 stacked spaces located at ground floor and basement level, accessed from Chamber Street. These will be available for disabled drivers via a valet / concierge service. TfL does not object to this in principle however the applicant should demonstrate how a specially adapted car which cannot be driven by a valet driver could park on site.

56 In addition, the stacker system should incorporate Electrical Vehicle Charging Points (EVCPs) in accordance with the requirements of London Plan Policy 6.13. TfL would also expect all residents to be exempt from applying for a local parking permit via a car free legal agreement to be secured within the S106 agreement. The applicant should also demonstrate whether there is sufficient capacity within the local area to accommodate any parking permits transferred to the local area under the Council's Permit Transfer Scheme (PTS).

Cycling

57 The applicant proposes 31 long-stay spaces and 24 short-stay spaces for the office and retail land use with an additional 367 long-stay spaces and 5 short-stay spaces for the residential. The short stay spaces will be located within the public realm and the long stay spaces will be provided at ground floor level with the residential and commercial spaces located within separate stores. TfL considers the quantum of spaces proposed to be acceptable and while the proposals include shower and changing facilities, the applicant should confirm whether these would be available to use for employees located on site.

58 The applicant confirms their commitment to provide a 32 dock station within the proposed plaza close to the retail uses and TfL notes that the contribution to deliver this infrastructure was secured with the wider development. TfL therefore welcomes further discussion to identify and safeguard an appropriate location with the grant of any planning permission for this phase.

Trip generation

59 The applicant has applied the residential trip rates agreed for the 2012 permission; however they were based on relatively old survey data. On that basis TfL requests that the applicant uses

more up to date surveys to ensure that the data is robust. TfL would also expect the applicant to compare the modal split to local census data to ensure that it is comparable. With regards to the commercial trip rates, the applicant has used the TRAVL database, however it is not clear what survey sites have been chosen and this should be clarified so TfL can consider their appropriateness.

Public transport

60 Based on the trip generation exercise undertaken so far, TfL is satisfied that these proposals will not have a site specific impact on the capacity of the bus, DLR or London Underground network.

Pedestrian and cycle environment

61 To illustrate the existing scenario, the applicant has used the current layout of this area, however they should be aware that TfL is making modifications to Royal Mint Street and the junction with Minories as part of the East-West Cycle Superhighway and this should be reflected in the site plans. Work is due to commence on this element of the scheme in Spring 2016 and TfL will provide the applicant with the detailed design drawings for this location.

62 A shared surface treatment is proposed along Royal Mint Street; however TfL has concerns that this would cause conflict between pedestrians and cyclists, as cyclists would expect to have the priority as it is a Cycle Superhighway. On that basis, it is requested that reference to shared surface is removed.

63 The proposals nonetheless present an opportunity to improve and widen the existing Cycle Superhighway 3. The lane widths at this location are narrow even though demand is already very high and therefore TfL would welcome discussion with the applicant on the upgrading of cycling facilities within this location as they provide important links to the Minories and on to Aldgate and the City.

DLR infrastructure

64 The applicant has retained the secondary entrance to Tower Gateway DLR station proposed with the previous application on this site and this is supported as it is required to address the very high demand for DLR travel from the wider development of this site. The obligation to provide a design specification for the entrance and deliver it prior to the occupation of this phase of development should therefore be included in the section 106 agreement.

65 The design and access statement indicates the DLR network; however this only covers the Bank route and should be amended to also include the Tower Gateway route which runs beneath the residential area. Due to the proximity of the DLR network and the proposed access to the station, TfL requests that the Council should impose planning conditions to protect the DLR infrastructure. The detailed wording of those conditions are included in TfL's initial response letter dated 12 November 2015.

Travel planning, access and servicing

66 The applicant refers to the Delivery and Servicing Plan (DSP) submitted in support of the 2012 scheme and TfL welcomes that on site servicing will remain. Swept path analysis demonstrates that the facilities proposed are adequate and TfL would expect the final DSP to be secured by condition. Due to the proximity of the TLRN and DLR infrastructure an updated Construction Logistics Plan (CLP) should be provided to TfL for approval prior to the application's determination. The final document should be secured by condition.

67 The applicant has resubmitted the travel plan from the consented scheme. TfL considers that its content is acceptable in principle, although it should be updated to reflect the current proposals and the changes in local cycling infrastructure. The final document should be secured within the S106 agreement.

Mayoral Community Infrastructure Levy and Crossrail

68 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's SPG 'Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy' (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). The site is within the Central London Crossrail charging area and therefore on the basis that there is an uplift of 2341 sq.m. of B1 office and 796 sq.m. of retail, a contribution of £399,380 is required to be secured by the Council through the S106 agreement.

69 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3 toward the funding of Crossrail. The rate for the borough of Tower Hamlets is £35 per square metre. The applicant should note however, that the Mayor's CIL charge will be treated as a credit towards the Section 106 liability and therefore only the larger of the two amounts will normally be sought. Notwithstanding this, Tower Hamlets Council should include the full Crossrail sum within the S106 agreement.

Summary

70 In summary, the applicant should provide further information in respect of disabled parking and on street capacity, cycle hire location, as well as confirming that shower facilities would be accessible to all employees and responding to concerns over trip generation. Amendments should be discussed with TfL to improve cycle facilities and a detailed design for the DLR station entrance should be secured through the S106 agreement. The Council should impose conditions to protect DLR infrastructure and secure Delivery and Servicing Plan and Construction Logistics Plan, the latter to be discussed with TfL prior to Stage II referral. Furthermore, S106 obligations are required to secure a permit free scheme, a travel plan and a Crossrail contribution as detailed above. Finally, a S278 agreement may also be required dependent on the outcome of discussions with the applicant on public realm and highway works.

Local planning authority's position

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

Legal considerations

72 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

73 There are no financial considerations at this stage.

Conclusion

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

- **Employment and mixed use:** the applicant should provide further information to address concerns over the management of employment space, as well as affordable employment and retail space, to satisfy London Plan Policies 2.13, 4.9, 4.10 and the City Fringe Opportunity Area Planning Framework.
- **Housing:** it is not possible at this stage to determine whether the proposal provides the maximum reasonable amount of affordable housing, in accordance with London Plan Policy 3.12. The applicant should also address concerns raised with regard to residential quality.
- **Urban design:** the applicant should seek to address concerns relating to residential quality and amenity space provision, to ensure compliance with London Plan Policy 3.5.
- **Flood risk:** the applicant should provide further information in relation to surface water drainage, in order to satisfy London Plan Policy 5.13.
- **Climate change mitigation:** the energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. Further information is required regarding overheating and details of the energy centre/CHP engine.
- **Transport:** to ensure compliance with London Plan policies 6.1, 6.2, 6.4, 6.5, 6.7, 6.9, 6.10 and 6.13 the applicant should provide further information in respect of disabled parking and on street capacity, cycle hire location, as well as clarification about shower facilities and responding to concerns over trip generation. Amendments should be discussed with TfL to improve cycle facilities and a detailed design for the DLR station entrance should be secured through the S106 agreement. The Council should impose conditions to protect DLR infrastructure and secure delivery and servicing plan and construction logistics plan. Furthermore, S106 obligations are required to secure a permit free scheme, a travel plan, a Crossrail contribution and S278 agreement where appropriate.

for further information, contact GLA Planning Unit (Development & Projects team):

Colin Wilson, Senior Manager – Development & Projects

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Nick Ray, Senior Strategic Planner, case officer

020 7983 5751 email nick.ray@london.gov.uk
