

Jemstock 2, South Quay Square, Marsh Wall, Isle of Dogs

in the London Borough of Tower Hamlets

planning application no. PA/15/02104

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

The applicant

The applicant is **Jemstock Properties Limited**, and the architect is **EPR Architects**.

Strategic issues

The principle of the hotel-led mixed-use redevelopment of this site is supported. However, there are a number of outstanding strategic planning concerns relating to **urban design, inclusive design, 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 49 of this report. However, the resolution of those issues could lead to the application becoming compliant with the London Plan.

Context

1 On 2 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 12 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 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 Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The 0.2 hectare site is located on South Quay Square, just off Marsh Wall, within the South Quay area of the Isle of Dogs. The site is occupied by a partially completed fifteen storey building, which was damaged in the 1996 bombing of South Quay Station and has remained as an unclad structure for over a decade. The building forms a perimeter block with two existing buildings, the fifteen storey Hilton Hotel (known as Jemstock 1) to the south and the thirteen storey residential building Discovery Dock West (known as Jemstock 3) to the north. The site shares a basement and service area with these adjacent buildings, but has a public frontage to the east with South Quay Square. The site has been the subject of planning permission for office development (2007) and hotel with offices (2009), none of which have been implemented.

6 Vehicular access to the site is from Marsh Wall to the south, which is part of the borough highway network. The nearest section of the Transport for London Road Network is Aspen Way, located approximately 2 kilometres to the north; there is no Strategic Road Network within the vicinity of the site. There are four bus services that operate within reasonable distance; routes D3, D7, D8 and 135. South Quay DLR station is also approximately 320 metres to the east, and provides services southbound towards Lewisham, and northbound towards Bank and Stratford. Canary Wharf Underground station (Jubilee Line) is approximately 500 metres to the north, across the South Dock bridge. The site is located within an accessible location, with a public transport accessibility level of 3, on a scale where one represents the lowest accessibility level, and 6b the highest. The Isle of Dogs is also served by the Mayor’s Cycle Hire scheme.

7 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; View 12B.1: Southwark 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 boundary of the Council’s South Quay Masterplan Supplementary Planning Document.

Details of the proposal

8 Jemstock Properties Limited (the applicant), is seeking full planning permission for the Erection of building facades to the existing structure on site to create a mixed use development

comprising 206 serviced apartments (Class C1), 1,844 sqm of office floorspace (Class B1) and 218sqm of cafe floorspace (Class A3).

Case history

9 There is no GLA case history for this site.

Strategic planning issues and relevant policies and guidance

10 The relevant issues and corresponding policies are as follows:

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| • Visitor infrastructure | <i>London Plan</i> |
| • Urban design | <i>London Plan; Shaping Neighbourhoods: Character and Context SPG</i> |
| • Tall buildings/views | <i>London Plan; London View Management Framework SPG</i> |
| • Historic Environment | <i>London Plan; World Heritage Sites SPG</i> |
| • Access | <i>London Plan; Accessible London: achieving an inclusive environment SPG</i> |
| • Blue Ribbon Network | <i>London Plan</i> |
| • Sustainable development | <i>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</i> |
| • Transport | <i>London Plan; the Mayor's Transport Strategy</i> |
| • Parking | <i>London Plan; the Mayor's Transport Strategy</i> |

11 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

12 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 that surplus business capacity south of Canary Wharf provides an opportunity to deliver new mixed use development, and to support a wider mix of services for residents, workers and visitors. The site is not identified for employment use within the London Plan.

Visitor infrastructure

13 The proposed serviced apartments would operate as an aparthotel, within Use Class C1, with a maximum duration of stay of ninety days. London Plan Policy 4.5 provides strategic support for the provision of hotel accommodation, provided that it is located in town centres and opportunity and intensification areas, with good public transport access. Also, at least 10% of rooms should be wheelchair accessible.

14 Given the site's context within the Isle of Dogs and South Poplar Opportunity Area and proximity to Canary Wharf, the principle of the hotel-led development of this site, to include 206 serviced apartments, is therefore supported. Accessibility and inclusive design is discussed in more

detail later in this report, but the applicant is required to demonstrate 10% wheelchair accessibility to ensure compliance with London Plan policy.

Office and retail floorspace

15 As set out above, London Plan Policy 2.13 (and supporting Table A1.1), makes clear that there is scope to convert surplus business capacity south of Canary Wharf. The original consented building would have comprised 14,303 sq.m. of B1 office floorspace, although it is noted that permission was granted in March 2009 for a hotel proposal that would have reduced this to 827sq.m. The proposal includes 1,844 sq.m. of office floorspace, which will be arranged as serviced units of between 37sq.m. and 71sq.m. Whilst there is no strategic concern regarding the loss of office floorspace, given the site's location in close proximity to Canary Wharf financial centre, the proposed provision of serviced offices are strongly supported.

16 The provision of a small-scale retail use as part of developments such as this within Opportunity Areas can help to meet the needs of local residents, and also assist in activating the ground-floor. The inclusion of the cafe space is of an appropriate scale to be ancillary to the other uses, and is therefore supported in accordance with London Plan policy.

Urban design

17 Good design is central to all objectives of the London Plan, and given the scale and prominence of the development, its design needs to be of an outstanding quality. As mentioned, the existing structure of the building is in place and the massing and siting is therefore established. As outlined below, the overall approach to design is supported, but there remain outstanding strategic planning concerns that need to be addressed.

Layout and public realm

18 The ground floor frontage to the public realm on South Quay Square would be animated by the cafe use and the shared entrance to the serviced apartments and offices. The scheme incorporates a number of design features that are supported, including a two storey height colonnade and canopies defining the building entrances. The proposal to incorporate a high quality lighting scheme is supported and the Council should secure details of this by condition.

19 There are however concerns over the levels difference between the public realm and ground floor level, along with the resultant raised area with steps, ramps and planters. South Quay Square is an important pedestrian thoroughfare to the waterfront area and the proposal would undermine the quality of the space with an overly cluttered approach to the public realm. The applicant should consider how this area can be simplified, either by exploring the possibility of introducing a level threshold if the existing structure allows, or by decluttering the frontage generally.

20 Significant concern is also raised in relation to the extent of inactive frontage to South Quay Square, particularly the two plant access areas that occupy one and a half bays of the cafe unit. The applicant is requested to reduce these plant areas, or re-orientate them within the building, in order to better animate the building frontage.

Height and strategic views

21 As set out in paragraph eight of this report, the building lies in a number of strategic views, as identified in the Mayor's London View Management Framework. The application is not accompanied by a visual impact assessment, although it is noted that the existing structure on the site has been present for over a decade and the visual impact of the scale and massing would be accounted for. The proposal for external cladding to this fifteen storey structure will therefore not

detrimentally impact on any of the protected views or River Prospects identified in paragraph 7, nor would it impact on the wider setting of the Maritime Greenwich World Heritage Site. The building will not harm the setting of listed buildings within the World Heritage Site, or of listed buildings within Canary Wharf and the scheme would therefore accord with London Plan policy in terms of its visual impact.

22 The application is not accompanied by a wind and microclimate assessment. However, given that the structure of the building is in place and has been for some time, it is considered that the impacts of the proposal in relation to the Lawson's Comfort criteria would have a negligible impact on the public realm.

Architectural treatment

23 The architectural approach does not raise any strategic concerns. 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.

Blue Ribbon Network and flooding

24 The site is located within flood zone three. The applicant's flood risk assessment has examined likely breach scenarios and considered residual flood risk; this confirms that the site is protected to a high degree by the existing tidal flood defences and would not be affected in the event of a breach. Nevertheless, the applicant should follow good practice and enclose any essential building utilities within a flood-proof room, or enclosure, as well as implementing additional flood warning mechanisms for the basement. This will help with the overall resilience of the building in any flood event, enabling occupants to remain safe and comfortable within the building.

25 The site itself is not at significant risk from surface water flooding. The applicant's drainage strategy proposes to direct discharge of runoff from the roof area directly to South Dock, which is supported. Other surface water discharge from external ground areas would be achieved by the use of attenuation tanks with restricted discharge rates to the mains sewer. Given the nature and location of the proposals this is an acceptable application of the hierarchy contained within London Plan Policy 5.13 and whilst other forms of sustainable drainage such as green roof and landscaping which maximises rainwater attenuation/absorption are to be encouraged, these are not required on drainage grounds. This method of roof drainage should be secured by the Council via an appropriate planning condition.

Inclusive design

26 London Plan Policy 4.5 requires that 10% of the serviced apartments are designed to be fully accessible to wheelchair users, although the submission only shows eleven accessible apartments out of a total of 206. The applicant is requested to increase this provision in line with the requirements of London Plan supplementary planning guidance 'Achieving an Inclusive Environment'. Specifically, the guidance requires 5% of all rooms to be wheelchair accessible and 5% to be capable of being adapted in the future. Furthermore, the Council should secure implementation by condition.

27 As mentioned above under paragraph 19, the public realm adjacent to the building would be cluttered and the ramped access would be convoluted, which makes access to the building for disabled users inconvenient. In conjunction with the urban design concerns already raised, the applicant should investigate how this can be improved, in order to demonstrate compliance with London Plan Policy 7.5 and the Achieving an Inclusive Environment SPD.

Climate change - adaptation

28 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 plant and high levels of insulation.

Climate change - mitigation

Energy efficiency

29 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. 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, mechanical ventilation with heat recovery and a building management system. The applicant has stated that a thermal comfort/overheating analysis has been carried out to determine the level of solar control glazing required. The applicant should provide details of the overheating analysis to support the proposed strategy.

30 The demand for cooling will be minimised through solar control glazing and openable windows in the serviced apartments. The BRUKL document provided shows that there will be a reduction in cooling demand compared with the Part L notional building. It was noted that mechanical cooling will be provided to the serviced apartments. The applicant should therefore provide information on the control strategy for ensuring that any air conditioning system installed on site is only used when needed, for example comfort cooling should not be accessible when the windows are opened. The development is estimated to achieve a reduction of 1 tonnes per annum (1%) in regulated CO₂ emissions compared to a 2013 Building Regulations compliant development. It was noted that the energy consumption of space heating is significantly greater than that of the notional building. The applicant should reduce the heating consumption in order to increase the carbon emission savings through the 'be lean' measures.

District heating and renewables

31 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 evidence of recent correspondence should be provided to demonstrate that a connection has been robustly investigated, including whether there are any plans for expansion. The applicant should also investigate whether there is an opportunity to connect to the heat networks of neighbouring developments in order to improve the carbon emission performance of the development. Evidence of correspondence with the network operator and relevant stakeholders should be provided.

32 The applicant is proposing to install a site-wide heat-network. The applicant should confirm that all apartments and non-domestic floorspace will be served by the site heat network. The applicant should also confirm that the network will be supplied from a single energy centre and will be designed to allow for future connection to a district system; this connection should be secured by the Council through condition. Further information on the floor area and location of the energy centre should be provided.

33 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install Air Source Heat Pumps to provide space heating for the serviced

apartments and office spaces. It should be confirmed that both space heating and domestic hot water systems will be compatible (e.g. wet central heating) for future connection to a district heating network. For the avoidance of doubt, the use of variable refrigerant flow (VRF) systems to supply the space heating requirements is not considered to be a compatible system for future connection to a district heating network.

34 The applicant is also proposing 43sq.m. of photovoltaic panels on the roof of the development. A roof layout drawing has been provided showing the proposed location of the photovoltaic array. Based on the active photovoltaic area and the proposed system size the efficiency appears to be relatively low. The applicant should therefore investigate installing high efficiency panels in order to maximise the on-site carbon emission savings. The applicant should also investigate whether additional PV panels can be accommodated on the roof. The provision of renewable technology should be robustly secured by the Council through condition.

35 A reduction in regulated carbon dioxide emissions of 33 tonnes per annum (14%) will be achieved through this third element of the energy hierarchy. The applicant should note that it is only heating from the ASHP that is considered a renewable energy in the energy hierarchy. The applicant should therefore update the emission figures with the cooling savings of the ASHP to be included in the 'be lean' element of the energy hierarchy.

Summary

36 Overall the measures proposed result in a 14% reduction in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development, which is significantly below London Plan emission targets. The applicant should fully address all comments made above, including the use of additional energy efficiency measures and renewable technologies, before the use of payment in lieu is considered acceptable. The applicant should also address concerns raised with regard to overheating.

Transport

Parking

37 The applicant proposes a car free scheme with the exception of 2 Blue Badge spaces. Whilst TfL deems this acceptable, it is noted that the development includes 11 wheelchair accessible units which should all be allocated a parking space and the number of accessible units should also be increased (refer to paragraph 26). The applicant should therefore consider whether these can be accommodated within the site or explore with the Council whether an alternative on street option is feasible.

38 TfL notes from the trip generation assessment that this scheme is expected to generate coach trips. Therefore the applicant should demonstrate how this will be accommodated on site or within the local area without conflicting with bus operations on Marsh Wall or causing delays.

Cycling

39 48 cycle parking spaces are proposed for all uses. 38 of the stands will be in a secure room within the ground floor of the building with the remaining 5 Sheffield stands to be integrated into the public realm area. Given the proposed mix of uses, the quantum and general approach is acceptable. TfL would like to remind the applicant that they should be in line with the London Cycle Design Standards.

Public transport

40 The applicant has undertaken a multimodal impact assessment which is welcomed by TfL. The assessment is however based on the consented scheme which has expired. The site is currently vacant and no trips are generated and this should be reflected in the baseline. Furthermore, the applicant has not disaggregated public transport trips by mode and therefore TfL are unable to assess the impact on the local bus, DLR and Underground network. The applicant must address this. Subject to the outcome of any revised trip assessment, TfL may also request that Section 106 or CIL funding be allocated appropriately towards mitigating any site specific impacts on the cycle hire network. TfL may also seek a Section 106 contribution to mitigate the impact on the already overstretched bus network in this area.

Pedestrian environment

41 TfL and the Council recently procured a feasibility/optioneering study for new/improved walking and cycling links across South Dock to address severance and provide additional capacity. TfL expects that new links must be delivered in order to mitigate the demand from this and other development in the South Quay area. Accordingly the Council are urged to allocate appropriate CIL funding towards their delivery.

Travel planning, access and servicing

42 The applicant should provide a final delivery and servicing plan, travel plan and construction logistics plan, to be secured by condition or Section 106 obligation as appropriate by the Council.

Mayoral Community Infrastructure Levy and Crossrail

43 The site falls within the Isle of Dogs Charging Area where Section 106 contributions for Crossrail will be sought in accordance with London Plan Policy 6.5 and London Plan supplementary planning guidance 'Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy'. Therefore due to the uplift of 1,844sq.m. in B1 space, the scheme will incur a charge of £258,160 and this should be secured by the Council through the Section 106 agreement.

44 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.

Summary

45 In summary, the applicant should explore whether on street Blue Badge spaces are feasible, demonstrate that coach movements can be accommodated and address concerns over trip generation and potential impact on public transport capacity. A financial contribution towards Crossrail is also required and the Council should secure delivery and servicing plan, travel plan and construction logistics plan by condition or Section 106 obligation.

Local planning authority's position

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

Legal considerations

47 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

48 There are no financial considerations at this stage.

Conclusion

49 London Plan policies on Opportunity Areas, visitor infrastructure, urban design, inclusive design, climate change, and transport are relevant to this application. The principle of the hotel-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:

- **Urban design:** the application does not accord with London Plan Policies 7.1, 7.2, 7.5 and 7.6, and significant concern is raised with regards to public realm and ground-floor layout. The applicant should investigate how the public realm adjacent to the building can be decluttered and simplified and reduce the extent of inactive frontage from plant areas.
- **Inclusive design:** the application does not accord with London Plan Policies 4.5 and 7.2. The applicant should increase the provision of wheelchair accessible serviced apartments to a total of twenty, at least ten of which to be fully accessible with the rest adaptable. The Council should also secure the delivery of these by condition. The applicant should also consider how the accessibility of the building from the public realm can be improved.
- **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 renewables is required, with a view to increasing the carbon dioxide emission savings. The final agreed energy strategy should be appropriately secured by the Council.
- **Transport:** in accordance with London Plan policies 6.1, 6.2, 6.4, 6.5, 6.7, 6.8, 6.10 and 6.13 the applicant should explore whether on street Blue Badge spaces are feasible, demonstrate that coach movements can be accommodated, address concerns over trip generation and potential impact on public transport capacity. Furthermore, a financial contribution towards Crossrail is also required and the Council should secure delivery and servicing plan, travel plan and construction logistics plan by condition or Section 106 obligation.

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