

# ASDA site, Crossharbour District Centre

in the London Borough of Tower Hamlets

planning application no. PA/11/03670

## Strategic planning application stage II 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

Hybrid planning application for the demolition of the existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445 sq.m. of commercial floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units in buildings of up to twenty-three storeys. Basement parking; new bus stop, bus layover and servicing access; new vehicular and pedestrian access; and new private and public open space and landscaping is also proposed.

The full application comprises the demolition of the existing supermarket; 14,112sqm (GEA) replacement supermarket (Use Class A1) (Ground and First Floor beneath Blocks E, F, G and K); 8,323sqm (GEA) flexible non-food retail (Use Class A1 – A4) (Ground and First Floor beneath Blocks I, H and J); 84 residential units (use class C3) (Within Block G, 8 storeys); basement parking; new bus stop, bus layover and servicing access; the formation of a new vehicular and pedestrian access and means of access and circulation within the site, new private and public open space and landscaping; and associated plant and servicing.

The outline application with all matters reserved comprises a maximum of 766 residential units (use class C3) (within blocks A, B, C, D, E, F, H, I, J, K, L, between two and twenty-three storeys); up to 6,410sqm (GEA) flexible retail, financial and professional serviced, food and, drink and office floorspace (Use class A1 – A4, B1, D1-D2); up to 1,600sqm (GEA) community use floorspace (Use Class D1-D2); the formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping; and associated plant and servicing.

### The applicant

The applicant is **Town and Beach**, the architect is **Broadway Malyan** and the agent is **GVA**.

### Strategic issues

The principle of the development to provide for a residential led mixed use development to form a new district centre was supported in strategic terms; however, further information and revisions with regard to **retail, affordable housing, housing mix and density, residential quality, urban design, children's play space, inclusive access and design, climate change, and transport** were required to address outstanding concerns for the scheme to be considered as fully compliant with the London Plan. These issues have now been satisfactorily addressed and

the proposal to create a new District Centre is strongly supported.

### **The Council's decision**

In this instance Tower Hamlets Council has resolved to grant permission subject to completion of a section 106 agreement and planning conditions.

### **Recommendation**

That Tower Hamlets Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

## **Context**

1 On 29 December 2011, the Mayor of London received documents from Tower Hamlets Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1A, 1B(c) and 3F of the Schedule to the Order 2008, as follows:

- 1A *“Development which comprises or includes the provision of 150 houses, flats, or houses and flats”.*
- 1B (c) *“Development which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres”.*
- 1C *“Development which comprises or includes the erection of a building that is (c) more than 30 metres high and is outside the City of London”.*
- 3F *“Development for a use other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use”.*

2 On 7 February 2012, the Mayor considered planning report PDU/0797b/01, and subsequently advised Tower Hamlets Council that the application did not comply with the London Plan, for the reasons set out in paragraph 172 of the above-mentioned report; but that the possible remedies set out in paragraph 174 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's and Tower Hamlets Council's concerns, and further information has been provided (see below). On 27 September 2012, Tower Hamlets Council decided that it was minded to grant planning permission and on 1 April 2014 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged, direct the Council under Article 6 to refuse the application or issue a direction to Tower Hamlets Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 14 April 2014 to notify the Council of his decision and to issue any direction.

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 decision on this case, and the reasons will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk).

## Update

6 At the consultation stage, Tower Hamlets Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 172 of the above-mentioned report; but that the possible remedies set out in paragraph 174 of that report could address these deficiencies:

- **Retail:** The principle of a mixed use development with an enhanced retail offer in this location is acceptable and broadly in accordance with the London Plan, however clarification of floorspace is required, options for discounted rents should be considered and a retail impact assessment is required.
- **Affordable housing:** An independent appraisal of the applicant's financial viability report will need to be carried out before the application is reported back to the Mayor.
- **Housing mix:** The unit mix should be revised to provide an increased proportion of family-sized units and further information regarding the family units within the affordable housing offer is needed.
- **Housing density:** Further information is required with regards to density calculations.
- **Urban design:** The main outstanding issue at this stage relate to concerns over the looseness of the parameter plans, particularly with regard to the final height of the proposed buildings, and the potential impact on views.
- **Residential quality:** Additional information is required with regards to the provision of single aspect units.
- **Child play space:** Clarification of the child yield figures and associated play space requirement is sought and a play strategy should be submitted.
- **Inclusive design and access:** Further information is required as to the accessibility of key routes through the scheme.
- **Climate change mitigation and adaptation:** The applicant will need to submit further details regarding the regulated savings at each tier of the energy hierarchy (as per Table 1 and 2 in the GLA Energy Assessment guidance, September 2011).
- **Community Infrastructure Levy:** The applicant will need to commit to contributions relating to CIL within the section 106 agreement.
- **Transport:** The applicant will need to provide additional information concerning the proposed arrangements for buses, how the pedestrian/passenger interchange experience will be enhanced and a reduction in car parking. Further discussions are required in respect of the implementation of the Cycle Hire and Legible London schemes.

7 Since then, the applicant has responded to these matters as set out below.

## Principle of development

### Retail

8 At Stage One, the non-residential uses proposed for the site were accepted, subject to the clarification of floorspace figures. Subsequently, the applicant clarified the figures and provided a revised Retail Capacity and Impact Study. An updated summary of the proposed floorspace figures is set out below against a selection of core indicators for a District Centre as set out in Table 4.1 of the '2013 London Town Centre Health Check Analysis Report' (March 2014). This confirms that the proposals generally meet the requirements of a District Centre. It is accepted that the flexible

nature of the uses in the outline application may change this; however the impact will be limited due to the relatively small amount of commercial space in the outline application.

<b>Core Indicator</b>	<b>Floorspace expected, Town Centre Classification - District Centre (sq.m.)</b>	<b>Floorspaces to be delivered at the Crossharbour site (GEA, detailed and outline applications)</b>	<b>Policy Compliant</b>
Total town centre floorspace (retail, service and leisure) sq.m.	10-50,000	22,435 – 28,845	Yes
Total retail floorspace (sq.m)	6,000-35,000	14,112 – 28,845	Yes
Total comparison goods retail floorspace (sq.m)	4,000-20,000	7,056+	Yes
Comparison goods retail as a percentage of total retail floorspace	33%-60%	Supermarket approx. 50%	Yes, although the outline application allows flexibility
Convenience goods retail as a percentage of total retail floorspace	10-60%	Supermarket approx. 50%	Yes, although the outline application allows flexibility
Leisure Services	2-10,000	Up to 1,600 – 6,410	Yes, although the outline application allows flexibility
Office floorspace	2,000-40,000	Up to 6,410	Yes, although the outline application allows flexibility

9 As requested in the Stage One report, the sale of comparison goods within the supermarket has been capped at 49.6% of the net sales area and secured by condition.

10 Furthermore, as requested at Stage One, the Section 106 agreement secures 10% of the ground floor retail floorspace (excluding the floorspace of the supermarket) to be made available at a subsidised rent to small and medium enterprises, and requires submission and agreement of an affordable retail unit strategy for each phase.

11 The Stage One report also required that *“the proposed increase in floorspace of the redeveloped ASDA supermarket will need to be justified with a detailed retail impact assessment”*. The proposal will result in an additional 1,461 sq.m (net) of additional convenience retail floorspace, and 1,844 sq.m. of additional comparison retail floorspace (net) within the new supermarket. The applicant has provided a Retail Capacity and Impact Study, which examines the impact of both the supermarket and the other proposed retail space, based on data from the Council’s Retail and Leisure Capacity Study. The applicant’s Study considers the impact on Canary Wharf centre, three neighbourhood centres, and six local shopping parades, concluding that the proposals raise no concerns over impact. It also notes that the Asda store is trading at twice the company’s average and that the Isle of Dogs is lacking in comparison goods retailers. It also goes on to consider proposed retail sites on the Isle of Dogs and concludes that taking into account population and expenditure growth, there is ample capacity to accommodate the development. The conclusions of the applicant’s Retail Capacity and Impact Study are accepted and the proposed retail floorspace is appropriate in accordance with London Plan policy.

### Social infrastructure

12 The Stage One Report noted that the proposal includes up to 1,600 sq.m. of flexible community uses, which along with other retail and commercial uses such as cafes, gym and smaller

local shops will create a holistic district centre and will enhance local facilities and services in line with London Plan Policies 3.1 ‘Ensuring Equal Life Chances for All’ and 2.15 ‘Town Centres’.

13 Since consideration of the Stage One Report, the future need for additional school places in response to new residential development on the Isle of Dogs has become more apparent. The applicant has agreed to a financial contribution of £3,142,971 towards the provision of additional primary and secondary school places in the Borough in order to mitigate against the impacts associated with the proposed development. This is the full Section 106 contribution required by the Council’s policies. Tower Hamlets’ Children, Schools & Families Directorate has confirmed that the proposed Section 106 contributions from this scheme are acceptable, and their use will be pooled to assist in meeting the costs of the programme of creating additional school places across the borough. The Council is also seeking to secure new sites for schools through the Core Strategy and Managing Development DPD, which identifies five sites within the Borough for primary schools and four sites for secondary schools, and is strongly supported. The DPD does not identify Crossharbour District Centre for a school.

## Housing

14 The proposed mix of units has changed slightly since the Stage One report, and is now as follows:

	studio	1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
Market Sale	38	223	218	147			626
Intermediate		33	33	12	8		86
Social Rent		0	0	3	18	9	30
Affordable Rent		22	45	41			108
	38	278	296	203	26	9	<b>850</b>

### Affordable housing

15 In response to the Stage One report, the Council has provided an independent assessment of the applicant’s viability appraisal, which demonstrates that the proposed financial contribution is the maximum reasonable amount of affordable housing that can be provided. The report concludes that, having regard to the key variables, the affordable housing offer of 31% (by habitable room) was the maximum reasonable amount the scheme could deliver.

16 The affordable housing tenure split is 68% social and affordable housing and 32% intermediate, which is at variance compared to the 60%/40% split set out in London Plan Policy 3.11 ‘Affordable Housing Targets’. However, as recognised in the Stage One report, there are local variations in housing need and Tower Hamlets’ Core Strategy sets out the Council’s tenure split for affordable homes from new development to be 70%/30%. The tenure split is therefore accepted and supported.

17 The phasing of the development is secured by condition, with the final phase to commence up to twelve years from the date of the initial permission, and the Section 106 agreement secures a review mechanism whereby the final amount of affordable housing will be reviewed prior to the implementation of Phase Four of the proposal. On this basis, the amount of affordable housing put forward is acceptable and in line with London Plan policies.

### Mix of units

18 At Stage One it was noted that the breakdown of family sized housing had not been provided. As indicated by the table above, the affordable family provision represents approximately 40% of the affordable provision, which meets the policy requirements of Tower Hamlets and is acceptable in line with London Plan policies.

## Density

19 The site has a good public transport accessibility level (PTAL) of 4 and an urban character, which Table 3.2 of the London Plan indicates that densities of up to 700 habitable rooms per hectare may be appropriate. The applicant has provided an indicative accommodation schedule, which states that the density of the proposal will be approximately 606 habitable rooms per hectare. As requested at Stage One, the applicant has provided further information on density calculations and it is accepted that this is sufficient considering the outline nature of a significant part of the application site. The development does not display any symptoms of overdevelopment, nor does it have any significantly adverse impacts on the amenity of existing and future residential occupiers, and as such, it is considered that the proposal complies with London Plan Policy 3.4 '*Optimising Housing Potential*'.

## **Urban design**

20 The Stage 1 report expressed concerns over the looseness of the Parameter Plans and the Design Codes and requested a tightening of these in order to secure greater certainty. Both the Design Codes and the Parameter Plans have subsequently been revised several times, and it is recognised that the maximum height of the tower element of twenty-three storeys is illustrated in these documents, as well as the Design and Access Statement and the Townscape and Visual Impact Assessment, which enables the impact of its scale to be assessed. The scale of the tower does not raise any strategic concerns in the context of current and proposed development in the vicinity and is acceptable in London Plan policy terms. The applicant has also demonstrated a rigorous assessment of the impact of materials. This includes an assessment against strategic views identified in the London View Management Framework (LVMF) SPG and the impact on the Greenwich World Heritage Site, as identified in the London's World Heritage Sites – Guidance on Settings SPG. The scheme would not harm the setting of the World Heritage Site or any listed buildings within it. Neither would it significantly impact the LVMF view from Greenwich Park.

21 As requested at Stage One, the delivery of this master-planned scheme is secured by condition, with the final phase to commence either within twelve years of the date of the original permission, or the expiration of two years from the date of approval of the Reserved Matters application, whichever is the latter.

## Residential quality

22 In response to London Plan Policy 3.5 'Quality and Design of Housing Developments', and the London Housing Design Guide, the Stage One Report requested a detailed accommodation schedule to confirm that all units will meet the standards set out in the Guide, including those relating to single aspect north facing units. In response, the applicant has pointed out that the majority of the residential accommodation is in the outline application, with the detail to be considered as part of later Reserved Matters applications, although indicative layouts are provided in the application materials. It is therefore accepted that a detailed schedule cannot be provided at this stage; however compliance with these standards has been secured by condition, which is welcomed.

## **Children's play space**

23 In line with London Plan Policy 3.6 'Children and Young People's Play and Informal Recreation Facilities' and the Mayor's supplementary planning guidance 'Shaping Neighbourhoods: Play and Informal Recreation', further information was requested on children's play space, including the age designations for the specified play areas, the availability of off-site provision, financial contributions to off-site play space, and a formal play strategy.

24 As detailed in Tower Hamlets' Committee Report, the overall development is anticipated to accommodate 381 children and accordingly the development should provide a minimum of 3,810 sq.m. of play space in accordance with London Plan requirements. The submitted public realm strategy details that the development proposes to deliver 2,660 sq.m. of play space, including all of the required provision for children aged up to eleven, leaving a shortfall for children aged twelve and above. The 'Shaping Neighbourhoods: Play and Informal Recreation' SPG identifies a maximum walking distance of 800m to off-site play facilities for children of twelve and above. St. John's Park lies within 400m, which is equipped for children aged five and above and Millwall Park lies within 800m, providing a MUGA for all ages, adventure playground for five to eleven years olds, football pitches for twelve and above and an equipped playground. It is therefore considered that there is sufficient provision within walking distance of the site to meet the needs of older children. Additionally, a financial contribution of £881,275 has been secured to be used toward the delivery of open space within the Borough, which is likely to include the delivery of play equipment.

25 The submitted Design Code provides the indicative layouts for play provision for children aged up to eleven, including the figures stated above. It also sets out a specific code requiring play for children aged twelve and above to be delivered within 15 minutes walking distance. An updated play strategy has also been provided and a planning condition has been attached by the Council requiring the submission of details of the play space strategy for each phase of the development, including details of accessible play equipment.

26 In summary, the provision of play space has been appropriately detailed and secured in line with London Plan policy.

## **Inclusive design and access**

27 At Stage One, further information was requested on inclusive access for the retail and public realm elements, and in particular for the 'high street'. In response, the applicant's access consultant has provided further detail on the approach to the six metre level change across the site. The high street is designed with 'micro-spaces' along its route, each spaced within fifty metres of each other, containing seating with provision for wheelchairs. These are connected by stairs and slopes with slip resistant surfaces, the latter with gentle gradients of between 1:30 and 1:60. In addition, as requested at Stage One, a 'Shopmobility' strategy has been secured through the Section 106 agreement.

28 In summary, sufficient information has now been provided to confirm that the proposals comply with London Plan inclusive access policies.

## **Climate change**

### Climate change mitigation

29 The Stage One Report noted that the development is estimated to achieve a reduction of 20% through energy efficiency standards compared to 2010 Building Regulations and as requested, the applicant provided modelling output sheets to evidence this.

30 As requested at Stage One, the applicant has also confirmed that all apartments and non-domestic buildings will be connected to the site heat network. The location and floor area of the energy centre has also been provided.

31 The Stage One Report noted that the applicant is proposing to install a ground source heat pump (GSHP) to provide heating and cooling for the retail element of the scheme, and requested clarification of how this would operate alongside the combined heat and power (CHP) unit. The applicant has provided further information to confirm that the CHP will be optimised to minimise any competition between these two technologies.

32 The applicant has recalculated the regulated energy savings at each tier of the energy hierarchy confirming that the overall carbon savings are 30% compared to a 2010 Building Regulations compliant development, which complies with the London Plan requirement for an application submitted between 2010 and 2013. The proposal now complies with London Plan policy.

#### Climate change adaptation

33 The Stage One Report noted that the retail element of the scheme will achieve a BREEAM 'Excellent' rating, and as requested this has been secured by condition.

34 Further conditions have been applied to ensure that a surface water drainage scheme for each phase is submitted and approved by Tower Hamlets Council prior to any development taking place, which is welcomed.

35 In summary, the proposal now complies with London Plan policies on climate change adaptation.

### **Air quality**

36 As requested at Stage One, a planning condition has been included to secure that no development works shall be commenced until an Environmental Management Plan has been submitted and approved by Tower Hamlets Council. This will include details of air quality, including a risk assessment of the construction phase.

### **Transport**

37 Considering that much of the surrounding highway network on the Isle of Dogs (including Prestons Road) already operates at capacity, in the context of cumulative impact TfL welcomes the reduction in car parking since consideration at Stage One. Whilst the level of retail parking remains at 605 spaces, the number of residential parking spaces has reduced from 181 to 151. This is supported in line with London Plan Policy 6.13. As requested at Stage One, the Section 106 agreement will secure the provision of 'variable message signing' (VMS) to provide information on the capacity of the car park, as well as a parking management strategy. The provision of, and funding for, a car club will also be secured, through the Section 106, and the minimum level of blue badge parking, electric vehicle charging points, and cycle parking in line with London Plan standards, is secured by condition. Provision has also been made for a taxi standing facility (to accommodate two vehicles) within the site. All of the above is welcomed.

38 At Stage One, TfL raised significant concerns that the proposed layout of bus facilities was neither operationally feasible nor safe. Generally, TfL believed that the proposed layout disadvantaged bus passengers. This issue has been discussed extensively between the borough, the applicant and TfL, and a revised layout and operation of facilities has subsequently been agreed. It has been confirmed that these will operate safely, following the completion of an

independent safety audit. The Council's committee report reflects the need for planning conditions and Section 106 obligations that allow the temporary arrangements and final agreement of design, and necessary facilities, to be agreed with TfL prior to implementation. These are supported.

39 A contribution of £510,000 is secured towards bus service enhancements. This is in line with similar levels requested from surrounding schemes and is therefore supported. As also requested at Stage One, a contribution of £400,000 has been agreed towards improving the public realm, accessibility and passenger facilities at Crossharbour DLR station. Both of these contributions will be secured through the Section 106 agreement.

40 Following Stage One, the applicant has agreed to contribute £30,000 towards the cost of realising the development of a cycle hire docking station by Crossharbour station, which benefits from planning permission but has not been built. The applicant has also committed to safeguarding part of the site to facilitate the possible relocation of the existing docking station on East Ferry Road. Both commitments will be embedded into the Section 106, which is welcomed.

41 TfL has agreed with the borough that a contribution of £15,000 towards the Legible London scheme will be allocated out of the overall public open space contribution (amounting to £881,275), which is welcomed.

42 The provision of, and funding for, a travel plan will be secured through the Section 106 agreement. A Construction Management Plan will be secured by condition, as will the Delivery and Servicing Plan prepared by the applicant, along with full details of associated areas, all to be agreed with TfL prior to commencement.

43 As agreed with the applicant and Tower Hamlets Council, TfL expects to be a signatory to any Section 106 agreement, considering the significance of securing adequate transport accessibility to the site, and the special arrangements being made for buses. On this basis, TfL considers that the proposals are compliant with the London Plan transport policies.

#### Community Infrastructure Levy

44 The applicant is reminded that the proposals are now CIL-liable in accordance with London Plan Policy 8.3. The proposed development is within the London Borough of Tower Hamlets where the Mayoral charge is £35 per square metre.

### **Response to public consultation**

45 Tower Hamlets Council publicised the application by sending notifications to 5,889 neighbouring properties, as well as issuing site and press notices. The Council received 236 individual responses, including 132 objections and 97 in support; and four petitions, with three objecting and one in support. The representations received in response to the Council's local consultation process are considered in detail within the Council's committee report of 27 September 2012.

46 The objections were as follows:

- A new District Centre is not needed/there is no demand for more shops;
- Viability of existing shops threatened;
- Asda is busy at peak times, and this will be worsened;
- Excessive density;
- Britannia Pharmacy within the ASDA will be displaced, and there is no re-provision for them;

- Loss of views and change in relationship between Mudchute Park and Farm, and Canary Wharf, Christ Church and Greenwich;
- Development fails to step down from commercial area to the north (Canary Wharf) in accordance with development plan;
- Impact of buildings on enjoyment of Mudchute Park and Farm;
- Scale of development not in keeping with surroundings;
- Over-development – Isle of Dogs already densely populated;
- Impact upon Greenwich landmarks;
- Overshadowing impacts upon Island Health and nearby residential properties;
- Noise pollution;
- Loss of privacy;
- Construction impacts – noise, air pollution and associated health risks;
- Detrimental impact upon enjoyment of Mudchute Park and Farm;
- Provision of certain mainstream retail stores will make area unsafe;
- Increased crime, social, health and wellbeing problems;
- Lack of leisure and sporting facilities;
- Inadequate youth services;
- Solar glare impacts from proposed development;
- The proposal does not take into account the additional infrastructure required for the increase in housing, such as school provision, recreation, environmental services; health facilities, dentists, and transport provision;
- An impact study was requested relating to the effect on GP's and schools;
- The proposal should deliver 75% affordable housing;
- There is no demonstrable need for private flats in the locality;
- There are vacant new build flats within the vicinity of the site;
- Social housing not proposed;
- The proposal should include more larger family properties;
- The proposal would create traffic congestion (during construction and implementation);
- Construction works in the area are impacting upon the state of local roads;
- The proposal would result in an increase in parking congestion, with potential overspill parking into Island Health Trust;
- DLR, Jubilee Line and buses cannot accommodate additional capacity;
- Access for Emergency services restricted;
- Underground car park not accessible to taller vehicles;
- Level of cycle parking spaces is excessive;
- Car-free developments are unsuccessful;
- Too much parking proposed;
- Not enough parking proposed;
- The proposal implies that the pedestrian path will extend over land outside of the application boundary (Island Health Land);
- Increased risk of flooding and water pollution;
- Cubitt Town Library not the same as Idea Stores – implication that both could be accommodated;
- No provision for an Idea Store – which is needed;
- Provision of Idea Store not supported;
- Loss of petrol station – no other station on the Isle of Dogs, and provides the best rate;
- Worsening of Broadband and television connections;
- The proposal will not attract families, but young professionals;
- Health and safety implications associated with demolition, including petrol station;
- Isle of Dogs needs small specialist shops, services, nurseries;

- Scheme proposes 25/26 storey building, when applicant representatives have indicated maximum of 21/23 storeys;
- Supermarket to be made smaller, and will be more expensive;
- Carcinogens in the soil – impacts on health.

47 Responses in support were as follows:

- The proposal would create jobs;
- The proposal would result in aesthetic improvements and regeneration;
- Additional housing supported;
- New facilities and retail space supported;
- Improvements to local public transport;
- Additional affordable housing;
- Improved trade for existing businesses;
- More public open space and community amenity.

48 Strategic issues raised by objectors in relation to transport have been considered in this report and the Stage One Report, and local issues have been considered in the Council's committee report.

## **Responses from statutory bodies and other organisations**

### English Heritage

49 English Heritage raised concern regarding the lack of information submitted with regard to aspects of the application. It noted that the development would form an important component of views from Greenwich, rising immediately above the trees of Island Gardens, which themselves appear immediately above the distinctive silhouette of the historic buildings of the Old Royal Naval College. In particular, it raised concern regarding the outline form of the application, noting that *"the Council must satisfy itself that it has the necessary level of information and degree of certainty with regard to matters including the visual qualities of external finishes which potentially could have a considerable impact on the setting of the World Heritage Site (including the impact on the London Panorama from Greenwich Park towards Canary Wharf, from assessment point 5A.1)"*

50 As discussed in the Stage One Report, the applicant has demonstrated that it has been through a rigorous consideration of the impact of the development, and in particular the selection of materials, on views from Greenwich Park. GLA officers are satisfied that sufficient detail has been provided and that the proposals respect the setting of the World Heritage Site and protected views in the London View Management Framework. Officers are also satisfied that the scheme pays special attention to the need to preserve the settings of listed buildings within the World Heritage Site and that the proposals would not harm the setting of these listed buildings.

### Commission for Architecture and the Built Environment (CABE – part of the Design Council)

51 CABE supported the principle of redeveloping the site to form the focal point of a new District Centre for the Isle of Dogs but pointed out matters that the Council should have regard to in the determination of the application:

- Residential access and flat layouts should be reviewed;
- Whilst the diagonal pedestrian desire line is supported, a less direct, stepped alignment could have added benefits;
- The tall building and residential wrapping of the store should be shown in detail;

- An extended timeline between phases could undermine the quality of the environment created;
- Welcome definition of a street frontage to East Ferry Road, although consider that more commercial units are needed to create an active frontage;
- Community square is welcomed, as is the gently rising high street, although success will depend upon animated frontages;
- Northern section of the high street may have benefitted from a shift towards East Ferry Road;
- Park square to the south supported, although the application should make it clear how public the pedestrian routes will be beyond this;
- The outline proposals suggest a calm approach to the massing of the parkside blocks, and a coherent composition overall;
- Concern raised regarding the quality of accommodation – in particular successful podium blocks, in terms of quality landscaped space, access for residents and services.
- Eastern residential street supported, however concern regarding the quantum of single aspect units;
- Insufficient assurances regarding the final design quality (due to outline nature of the proposal);
- Microclimate at base of buildings a concern, due to lack of detail;
- Long distance views suggest the proposal would not harm the view from the Greenwich World Heritage Site;
- Concern regarding phasing and prospect of the District Centre being left unfinished for a number of years. As such, consider that the tall building, supermarket and residential wrapping/above it are considered at detailed application stage.

52 Many of these points have been addressed in the revisions to the application and the planning conditions which are addressed throughout this report. A detailed discussion of design issues is contained with the Council's Committee Report, the Stage One Report, with further discussion under paragraphs 20-22 above.

#### Other consultation responses

53 The Environment Agency made no objection subject to the imposition of conditions, which the Council has included.

54 Thames Water made no objection subject to the imposition of conditions and informatives, which the Council has included.

55 The Royal Borough of Greenwich made no objection.

56 London City Airport made no objection subject to the imposition of conditions, which the Council has included.

57 Mudchute Park and Farm support the proposal.

### **Draft Section 106**

58 The draft Section 106 includes financial contributions totalling £6,634,084, made up as follows:

- £923,342 towards Health Facility Improvements.
- £3,142,971 towards Education.
- £615,516 towards Employment and Skills Training.

- £881,275 towards Public Open Space.
- £130,980 towards Monitoring.
- £400,000 towards Docklands Light Railway station improvements.
- £510,000 towards London Bus Services.
- £30,000 towards Cycle Hire Docking Station.

59 In addition, the proposal will provide 31% affordable housing and a community facility.

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

60 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at Stage One, therefore there is no sound planning reason for the Mayor to take over this application.

## **Legal considerations**

61 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

## **Financial considerations**

62 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*Costs Awards in Appeals and Other Planning Proceedings*) emphasises that parties usually pay their own expenses arising from an appeal.

63 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

64 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

## **Conclusion**

65 The matters raised at consultation stage, namely those relating to retail, affordable housing, housing mix and density, residential quality, urban design, children's play space, inclusive access and design, climate change, and transport have been satisfactorily addressed.

The proposal to create a new District Centre and deliver significant new jobs and homes, including many affordable homes on the Isle of Dogs, is strongly supported in strategic planning terms.

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# Crossharbour district centre

in the London Borough of Tower Hamlets

planning application no. PA/11/03670

## Strategic planning application stage 1 referral (new powers)

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

## The proposal

Hybrid planning application for the demolition of existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m commercial floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units

## The applicant

The applicant is **Town and Beach** and the architect **Broadway Malyan**.

## Strategic issues

The principle of the development to provide for a residential led mixed use development to form a new district centre is supported in strategic terms; however, further information and revisions with regard to **affordable housing, housing mix and density, residential quality, urban design, children's play space, inclusive access and design, climate change, and transport** are required to address outstanding concerns for the scheme to be considered as fully compliant with the London Plan.

## Recommendation

That Tower Hamlets Council be advised that while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 172 of this report; but that the possible remedies set out in paragraph 174 of this report could address these deficiencies.

## Context

1 On the 29 December 2011 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 8 February 2012 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, as follows:

- Category 1A “Development which comprises or includes the provision of 150 houses, flats, or houses and flats”.
- Category 1B (c) “Development which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres”
- Category 3F “Development for a use other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use”

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) (England and Wales) Regulations 1999 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 site is 4.5 hectares in size and is located in the centre of the Isle of Dogs. The site is bounded to the west by East Ferry Road, to the south by Mudchute Park and Farm, to the north by the Island Health Centre and residential properties along Glengall Grove and to the east by residential properties on Friars Mead.

7 The site is currently occupied by an existing ASDA superstore and its surface car park which was originally constructed during the 1980s. The ASDA store provides approximately 9,382 sq.m. of retail floorspace and provides customer facilities including a café, opticians, petrol station, recycling point and a cash machine. The surface car park currently provides approximately 600 spaces.

8 Crossharbour DLR is directly opposite the site to the northwest, and 4 bus routes (D3, D6, D8 and 135) serve (and stand at) the site. The closest section of the Transport for London Road Network (TLRN) is the A1261 Aspen Way, accessed from Preston’s Road Roundabout, 1.5km to the north. At peak periods, traffic on the Isle of Dogs is constrained, with notable congestion at the roundabout. The site has a good public transport accessibility level of 4 (out of a maximum of 6 which is considered excellent). The site’s main vehicular access is from East Ferry Road.

9 Mudchute Park and Farm, which abuts the application site at its southern boundary, is designated as Metropolitan Open Land (MOL).

10 Strategically, the site is located within the Isle of Dogs Opportunity Area as set out in London Plan policy 2.13 and Map 2.4 (London Plan 2011). Locally, the site is designated within the Cubitt Town Local Area Partnership (LAP) as set out in the Tower Hamlets Core Strategy (2010).

## **Details of the proposal**

11 The applicant proposes the redevelopment of the Asda supermarket site to comprise a replacement supermarket, additional retail floorspace, 850 housing units and community provision, together with public realm, access and parking; creating a new district centre for the area.

12 The planning application is a 'hybrid' application, submitted part in outline and part with full details.

13 The full planning component of the hybrid application has been submitted for the first phase of development and proposes the demolition of the existing ASDA supermarket to provide for:

- A replacement supermarket (14,112 sq.m.)
- 8,323 sq. m. of flexible non-food –retail uses (Use Class A1-A4)
- 84 residential units

14 The full application will also include basement car parking, new bus layover and servicing access to the retail units, provision of open space and a new public square, landscaping works, new vehicular and pedestrian access arrangements, new bus stop and layby, and associated plant and servicing.

15 The first phase of the development includes much of the ground floor level of the wider masterplan proposed. In addition to the description provided in paragraphs 13 and 14 above, the first phase includes a bridge link between the site and Mudchute Park, and Block G (housing) along with a small area of the adjacent upper level podium open space.

16 The outline component proposes:

- up to 79,100 of residential floorspace (Use Class C3),
- up to 6,210 sq.m. retail floorspace
- up to 1,600 sq. m. community use floorspace (Use Class D1 – D2)
- up to a maximum of 23 storeys from podium
- provision of open space, landscaping works and ancillary drainage, new vehicular and pedestrian access arrangements, associated plant and servicing.

17 In accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO), layout, scale, appearance, access and landscaping relating to the outline proposals are reserved for later approval.

## **Case history**

18 An initial pre application planning meeting on a proposal to develop the above site for the above uses, was held with the GLA officers at City Hall on 20 May 2011; subsequently a further three follow up pre application planning meetings were held on the 30 June 2011, 9 August 2011 and 23 August 2011 respectively.

19 Throughout the pre application process the applicant was advised that although the principle of rejuvenating the existing retail offer and the introduction of residential provision to this area was supported, further information regarding housing mix and levels of affordable housing were requested. Further revisions were required regarding the design layout, residential quality, scale, bulk, massing and the developments impact upon the surrounding area.

20 In addition, the applicant was also advised to prepare and submit a children's play space strategy in accordance with the Mayor's Supplementary Planning Guidance 'Providing for Children and Young People's Play and Informal Recreation' and an energy strategy in accordance with the Mayor's energy hierarchy and energy policies set out in the London Plan.

21 The latest pre application follow up advice report (23 September 2011) provided comments of the submitted elements set out a remaining number of issues relating to design, access, phasing, transport, residential quality, housing mix, impact on MOL, and playspace.

## **Strategic planning issues and relevant policies and guidance**

22 The relevant issues and corresponding policies are as follows:

- Economic development *London Plan; the Mayor's Economic Development Strategy; Employment Action Plan*
- Housing *London Plan; PPS3; Housing SPG; Providing for Children and Young People's Play and Informal Recreation SPG; Housing Strategy; draft Revised Housing Strategy; Interim Housing SPG; draft Housing SPG*
- Affordable housing *London Plan; PPS3; Housing SPG, Housing Strategy; draft Revised Housing Strategy; Interim Housing SPG; draft Housing SPG; Affordable Rent draft SPG; draft Early Minor Alteration to the London Plan*
- Density *London Plan; PPS3; Housing SPG; Interim Housing SPG; draft Housing SPG*
- Urban design *London Plan; PPS1*
- Mix of uses *London Plan*
- Regeneration *London Plan; the Mayor's Economic Development Strategy*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13; Crossrail London Plan; Parking London Plan; Assembly draft Early Minor Alteration to the London Plan; the Mayor's Transport Strategy; PPG13*
- Parking *London Plan; Assembly draft Early Minor Alteration to the London Plan; the Mayor's Transport Strategy; PPG13*
- Retail/town centre uses *London Plan; PPG13, PPS4*
- Green Belt/MOL *London Plan; PPG2*
- Employment *London Plan; PPS4; Industrial Capacity SPG*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Equal opportunities *London Plan; Planning for Equality and Diversity in Meeting the spatial needs of London's diverse communities SPG; Diversity and Equality in Planning: A good practice guide (ODPM); Equalities Act 2010*

- Tall buildings/views *London Plan; RPG3A, Revised View Management Framework SPG; revised draft View Management Framework*
- Air quality *London Plan; Assembly draft Early Minor Alteration to the London Plan; the Mayor's Air Quality Strategy; PPS23*
- Sustainable development *London Plan; PPS1, PPS1 supplement; PPS3; PPG13; PPS22; draft PPS Planning for a Low Carbon Future in a Changing Climate; Mayor's Climate Change Mitigation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy; Sustainable Design and Construction SPG*

23 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 1998 Unitary Development Plan, the Tower Hamlets Core Strategy (2010) and the 2011 London Plan.

24 The following are also relevant material considerations:

- The Site and Placemaking Development Plan Document (Engagement document) (May 2011)

## **Principle of development**

25 As set out in paragraph 10, the site is found within the Isle of Dogs Opportunity Area as designated on London Plan Map 2.4 and London Plan Annex One. London Plan policy 2.13 seeks development in opportunity areas 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 should be delivered in the opportunity areas.

26 Annex One states that new developments in the Isle of Dogs Opportunity Area have the scope to deliver an indicative capacity of 110,000 new jobs and a minimum of 10,000 new homes over the plan period to 2031. It also states that at Crossharbour, there is potential for less car dependant, more sustainable development providing a wider range of uses.

27 The provision of a mixed use development and additional commercial uses in an opportunity area is acceptable and in line with the London Plan.

28 The provision of residential accommodation on this site is supported by London Plan Policy 3.3, which seeks to increase London's supply of housing and in doing so sets a London-wide housing delivery target of 32,210 additional homes per year up to 2021. Table 3.1 sets borough housing targets, of which Tower Hamlet's is 2,885 additional homes per year between 2011 and 2021.

### Retail

29 Retail, commercial and leisure development should be focussed on sites within town centres and related to the size, role and function of a town centre and its catchment in line with London Plan Policy 4.7. This policy continues to state that convenience retail, especially in District centres should be supported.

30 Policy 2.15 supports changes to London's town centre network, including the designation of new centres; the policy recognises that identified deficiencies within the network can be addressed by promoting centres to function at a higher level in the hierarchy, giving priority to better access to services, facilities and employment.

31 In relation to policy 2.15, Annex Two of the London Plan sets out the functions and classifications of London's town centre network and provides a broad indication of the locations for future growth. Table A2.2 (Annex Two) identifies Crossharbour to have the potential to be classified as a district centre from its current 'unclassified' status.

32 The town centre classifications defined by the London Plan accord to each centres scale, role and function; district centres within the classification, should provide for convenience goods and services and for more local communities which are accessible by public transport, walking and cycling.

33 The existing scale, role and function of town centres in the network (as reflected in Annex Two) were assessed using selection of core indicators as set out in Table 4.2 of London Town Centre Health Check Analysis Report (December 2009). The expected floorspaces within a district centre is as follows:

<b>Core Indicator</b>	<b>Floorspace expected Town Centre Classification - District Centre (sq. m.)</b>
Total town centre floorspace (retail, service and leisure) sq.m.	10-50,000
Total retail floorspace (sq.m)	6,000+
Total comparison goods retail floorspace (sq.m)	4,000+
Comparison goods retail as a percentage of total retail floorspace	<60%
Convenience goods retail as a percentage of total retail floorspace	Variable 10-60%
Leisure Services	2-10,000
Office floorspace	2,000+

**Table One:** Core indicators for Town Centre Network classification - adapted from table 4.2 in London Town Centre Health Check Analysis Report (December 2009).

34 London Plan policy 4.7 establishes a principle that the scale of retail, commercial, culture and leisure development should be related to the size role and function of a town centre and its catchment; London Plan policy 4.8 continues to state that convenience retail, especially in district centres should be supported.

35 In line with strategic policy, the Council's Core Strategy (2010) identifies the opportunity to expand and intensify the Crossharbour district town centre to provide a mix of uses, including civic uses, centred on a transport interchange, which will also see better integration with Pepper Street, Millwall and the Canary Wharf Activity Area.

36 With regards to retail development, the Core Strategy aims to increase the supply of retail floorspace across the borough; it particularly encourages the delivery of 16,600 sq.m. of comparison retail floorspace and 17,700 sq.m. of convenience retail floorspace in a number of town and district centres including Crossharbour.

37 The planning application includes the provision for a redeveloped ASDA supermarket, a series of sub-anchor retail units, as well as smaller retail and other commercial/community uses. A

break down of the proposed town centre uses proposed against floorspace expected are given below:

<b>Core Indicator</b>	<b>Floorspace expected Town Centre Classification - District Centre (sq. m.)</b>	<b>Floorspaces to be delivered at the Crossharbour site</b> (floorspace are totals of detailed and outline applications and subject to ongoing discussion)	<b>Policy Compliant</b>
Total town centre floorspace (retail, service and leisure) sq.m.	10-50,000	21,670	Yes
Total retail floorspace (sq.m)	6,000+	17,634	Yes
Total comparison goods retail floorspace (sq.m)	4,000+	10,994	Yes
Comparison goods retail as a percentage of total retail floorspace	<60%	62	- 2%
Convenience goods retail as a percentage of total retail floorspace	Variable 10-60%	24	Yes
Leisure Services	2-10,000	1,600 (Ideas Store)	- 400 sq.m.
Office floorspace	2,000+		Yes
Flexible commercial spaces		2436	

**Table two:** Proposed town centre floorspaces comparison chart.

38 Table 2 above indicates that the floorspace thresholds for a district centre within London’s town centre networks will be broadly met by the development proposals put forward; however, it should be noted that there are currently a number of discrepancies regarding floorspace figures, retail breakdown and their correspondence to the ground floor land use plan which has been submitted. In principle, the uses set out in table 2 of this report are accepted, subject to further clarification from the applicant before the application is referred back to the Mayor.

39 It will be important the level of comparison floorspace does not exceed 60%. To ensure that the classification of a district centre is retained and to ensure retail spaces delivered during later phases of development will not impact on surrounding centres, the Council will need to include appropriate clauses in the section 106 should the Council resolve to give planning approval.

40 The scheme will deliver a range of size and type of retail units, which is fundamental to delivering a genuine district centre; this will ensure that needs of both the new community and the existing Isle of Dogs population will be met. The applicant has also demonstrated how it will deliver the retail mix within its submitted retail strategy for the site. This document concludes that the development will not affect the vitality of existing centres including local centres and shopping parades. The development proposals therefore conform to policies 2.15, 4.7 and 4.8.

41 Although it has been shown that is adequate capacity to accommodate the increase of retail development at Crossharbour, to ensure the issue of the long-term viability of the smaller retail units is addressed, the applicant should provide details of options for discounted rents for smaller independent retail owners for an initial period, as well as details of discussions with potential occupiers and marketing strategies.

42 The importance of the existing store to the community is recognised, and therefore the proposed continuity of trade as set out within the phasing strategy is supported. The proposed increase in floorspace of the redeveloped ASDA supermarket will need to be justified with a detailed retail impact assessment.

## Social Infrastructure

43 London Plan policy 3.1 sets out that development should protect and enhance facilities and services that meet the needs of particular groups and communities.

44 Developments capable of accommodating more than 500 dwellings should be progressed through a plan led approach to co-ordinate, where necessary, provision of social infrastructure which is set out in policy 3.7.

45 To the north of the site, outside the red line boundary lies a community health centre and a community centres (located on Glengall Grove).

46 The outline application proposes to deliver up to 1,600 sq.m. of flexible community floorspace which is likely to be bought forward as a community idea store, located to the northern boundary of the application site. The new provision of community space is located to the north, in close proximity to the existing health centre and community centre, creating a focus of community use for the future district centre and is supported. If the idea store does not come forward, the space will remain for other community use (D class) such as a crèche or other facility.

47 It is also noted that the scheme includes a shop mobility unit and public conveniences which will enhance the range of facilities accessible to the local community which is supported by London Plan policy 2.15.

48 The community land uses proposed, along with other retail and commercial uses such as cafes, gym and smaller local shops will create a holistic district centre and will enhance local facilities and services which is in line with London Plan policy 3.1 and 2.15.

## Summary

49 The proposal to deliver up to 850 residential units and 30,445sq.m of commercial floor space within an opportunity area is accepted.

50 The principle to develop a district centre in this location is supported and in line with strategic policy; the mix of residential, commercial and community uses is also accepted. The breakdown of retail spaces proposed is broadly in line with quantum and thresholds expected within the classification of a district centre and meets London Plan policy, although final clarification from the applicant regarding floorspace will need to be given. The council will need to apply appropriate clauses in the Section 106 agreement to ensure the correct type and quantum of retail space are maintained as the later stages of the scheme are brought forward.

## **Housing**

51 As discussed in paragraph 11, in total the scheme includes the provision of up to 850 residential units (84 as part of the detailed application and 766 as part of the outline application), which will contribute to the delivery of new housing and thus meet London Plan policy 3.3. The proposed mix of units, by tenure, is provided overleaf:

<b>Detailed</b>			<b>Outline</b>		<b>Total</b>	
Unit Type	Units	% Split	Units	% Split	Units	% Split
Studio	0	0	38	5	<b>38</b>	<b>4</b>
1 bed	20	24	258	34	<b>278</b>	<b>33</b>
2 bed	41	49	249	32	<b>290</b>	<b>34</b>
3 bed	23	27	174	23	<b>197</b>	<b>23</b>
4 bed	0	0	26	3	<b>26</b>	<b>3</b>
5/6 bed	0	0	9	1	<b>9</b>	<b>1</b>
Penthouse (bed space of which is currently unknown)	0	0	12	2	<b>12</b>	<b>2</b>
Totals	84	100	766	100	<b>850</b>	<b>100</b>

**Table three:** Proposed mix of units y unit type and % split. Adapted from submitted Development Specification Document (GVA 2011).

### Affordable housing

52 London Plan Policy 3.11 seeks to maximise the delivery of affordable housing provision in London. It states that borough targets should take account of matters including current and future housing requirements, the strategic targets and priority accorded to affordable family housing, the need to promote mixed and balanced communities and the viability of future development. Locally, Tower Hamlets Core Strategy has set an affordable housing target of up to 35 - 50% to be delivered.

53 Policy 3.11 states that within affordable housing targets, 60% of affordable housing should be for social rent and 40% for intermediate rent or sale. With regard to tenure split the Mayor's position is that both social rent and affordable rent should be included within the 60%.

54 While the Mayor has set a strategic investment benchmark that across the affordable rent programme as a whole rents should average 65% of market rents, this is an average investment output benchmark for this spending round and not a planning policy target to be applied to negotiations on individual schemes.

55 Policy 3.12 is supported by paragraph 3.71, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit or other recognised appraisal methodology is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified. Paragraph 3.75 highlights the potential need for re-appraising the viability of schemes prior to implementation.

56 The applicant is proposing in total a maximum of 258 units to be affordable (50 to be delivered as part of the detailed application and 208 as part of the outline application), which

equates to a 30% provision (on a unit basis) and a tenure split of 70% Affordable Rent and 30% Shared Ownership (intermediate).

57 Considering the current market conditions and the withdrawal of grant funding, the current 30% affordable housing provision put forward as part of the scheme seems a reasonable offer; however, in order to comply with London Plan requirements, it is necessary to demonstrate that the maximum reasonable amount of affordable housing is being delivered. The applicant has submitted a viability appraisal to support the affordable housing offer which will need to be independently assessed. This assessment will confirm whether the applicant is providing the maximum reasonable amount of affordable housing in accordance with London Plan Policy 3.12 before the scheme is referred back to the Mayor.

#### Tenure split

58 As stated in paragraph 56 the scheme proposes a tenure split of 70/30, which is a 10% variant on the 60/40 split as set out in London Plan policy 3.11, which is not strategically compliant; however, it is recognised that there will be local variations in housing need. At the local level, Policy SP02 of the LBTH Core Strategy sets out the Council's tenure split for affordable homes from new development to be 70% social rented / 30% intermediate and therefore the tenure split of 70/30 is accepted and supported.

#### Mix of units

59 London Plan Policy 3.8 requires developments to provide a range of housing sizes and types. This is supported by the Housing SPG, which seeks to secure family accommodation within residential schemes, particularly within the social rented sector. Policy 3.11 accords priority to family housing within affordable housing provision. Tower Hamlet's Core Strategy seeks a family unit provision of 45% for affordable rented accommodation and 30% for intermediate accommodation.

60 The indicative unit mix is contained in table three in this report; it shows that 29% of units delivered will be comprised of family accommodation. The breakdown of family housing within the affordable provision has not been given at this stage.

61 Whilst it is recognised that there will be local variations in housing need, the onus is upon the applicant to justify deviation from the strategic need before it can be accepted.

62 In terms of strategic policy, the proposed housing mix does not provide adequate amount of family accommodation. Before the application is reported back to the Mayor, clarification on the figures will be needed so that it meets London Plan policies 3.8, 3.11 and the Housing SPG. In addition, the applicant will need to demonstrate further how the mix meets Tower Hamlet's aspirations and reflects local demand.

#### Density

63 London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, design principles set out in London Plan Chapter 7 and the public transport capacity; London Plan Table 3.2 provides density guidelines in support of this. The site has a public transport accessibility level (PTAL) of four on a scale of one - six, where six is most accessible. The site lies in an urban setting, as defined by the London Plan and therefore a density range of 200-700 habitable rooms per hectare should be applied to the scheme as indicated by Table 3.2.

64 The applicant has calculated that the density of the scheme an indicative residential density of circa 606 habitable rooms per hectare which is in line with Table 3.2. Notwithstanding this, clarification of the density calculations and the correct floorspaces will need to be provided by the applicant to ensure that correct methodologies have been followed to ensure that policy 3.4 is satisfied.

## **Urban design**

65 Good design is central to all objectives of the London Plan (2011) and is specifically promoted by the policies contained within chapter seven which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other design polices in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage and World Heritage Sites, views, the public realm and the Blue Ribbon Network. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbourhood (policy 7.4).

### Format of application

66 As set out in paragraph 12 of this report, the application has been submitted in a hybrid format, with the majority of the development in outline format. The design codes and parameter plans submitted with the application set the design 'rules' for the detailed design of the later outline phases, which include a proposed tall building/tower element.

67 The development phasing (including enabling works) will take place over 5 years which could be ongoing depending on the release of residential product to the market; as such, a detailed permission would not provide the flexibility required for future changes in development circumstances. Considering the quantum and the intention to deliver tall buildings within the outline application, the Mayor will need to be satisfied that the level of information provided by the applicant is adequate to support this provide an adequate framework to inform future phases.

68 The main framework-setting documents provided are the parameter plans and the design codes; there are some concerns regarding the looseness of certain aspects of both. Within the parameter plans, there is allowance for a variation in heights, for example the tall building has a variance of approximately four storeys between its minimum and maximum height parameter; such variation means that consideration of the design impacts of the scheme's scale within the local context cannot be fairly considered at this stage.

69 In addition, it is noted that the design codes also vary; they provide for specific heights in some locations and do not take account of the variation, but in others, uses language such as "consideration should be given to..." and "... should be used wherever possible" which does not offer the certainty required to properly assess future design quality. Therefore a tightening of these variances, providing additional certainty, would be appropriate.

70 The phasing of the development is appropriate; the current Asda supermarket serves as a community hub, and its continued operation during the construction phase would therefore have social benefits. This has led to constraints within the design, most notably the location of the Asda store within the site and away from the street frontages.

71 The scheme would be phased to deliver the front (i.e. Eastferry Road-facing) buildings last, and it is hoped that the attraction of the Asda store and the other retailers in the public square will be sufficient to create a suitable level of activity prior to the finalisation of the full scheme. This is

a master planned scheme that will not be wholly successful unless fully built as envisaged by the architect. As such it would be useful to have an assurance from the applicant, potentially backed by various phased triggers within the section 106 agreement, that all phases of the scheme would be constructed within a specified timeframe.

### Tall buildings / views

72 London Plan policy 7.7, relates to the specific design issues associated with tall and large-scale buildings, sets out specific additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor. Policies 7.10 and 7.11, set out the Mayor's approach to protecting the character of strategic landmarks as well as London's wider character, are also important considerations.

73 The proposed tower element of the development scheme will be visible in the London Panorama from Greenwich Park towards Canary Wharf, across the Greenwich World Heritage Site ('Maritime Greenwich'), as defined in the revised London View Management Framework (GLA, July 2010, assessment point 5A.1). The proposal would not interfere with the visibility of the protected vista of St Paul's Cathedral, as identified from assessment point 5A.2; however, the proposed tower would be set in front of the existing cluster of tall buildings at Canary Wharf, and should be considered cumulatively with proposals in the emerging Council masterplan for the South Dock area.

74 The view from the statue of General Wolfe is the only designated London Panorama that is part of a formal, axial arrangement. The principal view is to the Old Royal Naval College, which along with the Queen's House, is symmetrically arranged around a grid-form axis extending from General Wolfe, through Greenwich Park to the Thames. The backdrop to this view is Greenwich Reach, the Isle of Dogs and the large-scale modern architecture at Canary Wharf. The proposed tall building, which forms the most visible and noticeable part of the proposed development when viewed from General Wolfe, would sit among the general low-rise mass of buildings visible in from of the existing towers, rather than be read as a tall building in its own right. The provision of a tall building is acceptable, as its impact on the strategic view would be limited.

75 The applicant has engaged in detailed discussions with GLA officers regarding the impact of both the tall building and the other buildings forming part of the development, and their impact on the strategic view. As well as the proposed tall building, a significant issue is the proposed low- and mid-rise buildings within the development. At present, the axial component of the strategic view is dominated by the foreground features of the Old Royal Naval College, including its twin towers. Any development on this site will fall within the background views of the Old Royal Naval College, potentially affecting the recognisability of the buildings, through interference with their silhouette and potential to draw attention away from the foreground. The cluster of tall buildings around Canary Wharf is clearly a background element as appreciated within the view, and this is visually and spatially separated by the vegetation within Mudchute Park. The development would form a new midground element which would be visible behind this vegetation, but in front of the tall buildings cluster. The cluster is likely to extend further southwards, towards the development, as a result of future schemes.

76 The scheme has been developed as part of the pre-application process to ensure that individual buildings' detailed orientation and massing would not detrimentally affect the silhouettes of any of the heritage features. The materials of the scheme could have a significant effect on the strategic view, particularly the recognisability of the silhouette of the eastern (right-hand, when viewed from General Wolfe) tower of the Old Royal Naval College, but proposed use of

dark, rood-based natural materials for the significant low-rise, south-facing facades, and the use of clear glazing arranged in an uncomplicated façade on the elevation of the tall building elements would ensure that the importance of the foreground elements is not lost. Although these elements are not included within the detailed approval component of the application, there is an acceptable level of control offered within the design codes and parameter plans to ensure that the layout and materials would not be unacceptably detrimental within the view.

77 As already expressed, a point of concern is the proposed development heights set out within the parameter plans. A comparison of the minimum and maximum parameter heights sets out an average difference of between five and twelve metres for most of the buildings within the development. In the case of the tower element, the maximum height could vary by around twelve metres (up to four storeys) within the future detailed design. Although the urban design implications of these parameters are discussed within the relevant section of this report, the effect on the view could be significant. It appears from the views assessment that the views and photomontages consider the impact of the 'indicative' scheme, which is the most likely final form of the scheme based on current viability and design. As such, given the significant potential variation within the parameters, the applicant should provide material to demonstrate the impact of the 'maximum' scheme on the strategic view.

78 Other long views of the development are appropriate. Although the views assessment does not consider the impact of the development in river prospects from London Bridge (as identified within the LVMF strategic views), the building would form part of the lower, stepped cluster of tall buildings emerging to the south of the main Canary Wharf tall buildings cluster, and the impact is likely to be acceptable. The buildings, including the proposed tower, would also be visible in local views around the Isle of Dogs, and from within Metropolitan Open Land (MOL) immediately to the south of the site, and from the docks (including Crossharbour) which have a similar status to MOL in terms of defining the character of an area. In both cases, the development's design represents a sympathetic response to the setting and character, given the highly urban nature of the surroundings, in which existing tall buildings are visible. The creation of a new urban edge on to the MOL of Mudchute Park would be handled appropriately through the proposed scale and appearance, and there would be an impact on the character of the MOL, this would not be detrimental, therefore the scheme is deemed acceptable in this regard.

### World Heritage Sites

79 The proposed development site is located within 1.1 km of the Maritime Greenwich World Heritage Site (as measured from the Old Royal Naval College). In July 2009, the Government published a Circular on the Protection of World Heritage Sites (07/2009). The Circular establishes the Government's objective to protect each World Heritage Site through conservation and preservation of its outstanding universal value. It sets out that World Heritage Sites and their settings, including any buffer zone should be protected from inappropriate development. The Circular identifies the setting of a World Heritage Site as the area around it (including any buffer zone) in which change or development is capable of having an adverse impact on the World Heritage Site, including an impact on views to or from the site.

80 PPS5, Planning for the Historic Environment, published in 2010, includes World Heritage Sites in the definition of Designated Heritage Assets. Policy HE10, which deals with applications for development affecting the setting of a designated heritage asset states that authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.

81 The London Plan has a number of new and enhanced policies in relation to World Heritage Sites. Policy 7.10 'World Heritage Sites' states: *"Development should not cause adverse impacts on World Heritage Sites or their settings (including any buffer zone). In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. In considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plans"*. This is supported by the draft for consultation SPG 'London World Heritage Sites – Guidance on Settings'. Policy 7.11 'London View Management Framework' also stresses the need to identify and protect aspects of views that contribute to a viewer's ability to recognise and to appreciate a World Heritage Site's authenticity, integrity, significance and Outstanding Universal Value.

82 The development is outside the management plan advisory boundary of the World Heritage Site (WHS), but is clearly visible in views from the General Wolfe Statue in Greenwich Park, which is a significant feature of the setting of the WHS. The development is set behind the silhouette of the Old Royal Naval College. During the pre-application process, the applicant was made aware of the importance of the WHS and the requirements of the development to blend with the existing setting in a sympathetic manner. The main impact would be based on views from within the WHS, as set out within the previous section of this report. Significantly, the setting of the new development against the existing 'podium' of low-rise development in front of the Canary Wharf tall building cluster reduces the potential impact to an acceptable one, subject to appropriate material and scale considerations as set out in the design codes. In views from the lower areas of the WHS, such as the quadrangles of the Old Royal Naval College, the applicant's views assessment demonstrates that the development would not be visible. The Mayor will expect the applicant and Council to continue to work with the WHS steering committee during the development of the detailed phases.

#### Character, scale and connections

83 It is recognised that the site, in its current state, represents a barrier to movement and the wider regeneration of the Crossharbour area. The proposed axial arrangement would assist with permeability through the site, linking existing communities and the Metropolitan Open Land (and related facilities) to Crossharbour DLR station, while providing a focus for surrounding neighbourhoods. The additional permeability offered by the proposal, which is supported.

84 The character of the site is unusual in that it is transitional between the urban development to the west and the suburban and parkland character to the east and south; as such, the site's role is difficult, as it needs to manage this transition in a way that is sensitive to the different contexts.

85 Despite the proposed future levels of activity as set out in both strategic and local policy, during consultation GLA officers initially questioned whether the proposed scale of development was relevant for the expected level of activity. The scale now proposed provides a definitive urban edge to both the more intensive development to the north and against the MOL at Mudchute Park, as well as providing the quantum of development necessary to provide a quantum of development appropriate for a district centre.

86 The proposal has been designed to provide various character areas. The focus of activity would be on the main square, which has an appropriate scale and enclosure; it is surrounded by chain and independent retailers, as well as the main entrance to the Asda store. A sufficient level of activity would be provided on Eastferry Road, which is the 'front' of the scheme, while conversely, quieter residential and community areas towards the rear of the scheme would have more of a mews-type feel. These proposed characters are supported by the design code, which sets appropriate scales, landscaping and building styles/materials to assist the creation of an attractive neighbourhood.

87 It has been established that the principle of a tall building on this site is acceptable; although a tall building is not required as a marker for Crossharbour DLR station (there are others that already perform this function), it is useful as a marker for the district centre. The architectural treatment within the design code would ensure that it would be recognisable amongst the other tall buildings in the area, and it would have an appropriate height to ensure that this legibility would be achieved. It would be located to achieve maximum visibility along Eastferry Road and from the DLR station, and ensure that the main public areas of the development, such as the public square, receive good levels of sunlight.

88 The main axial route would be accessible from Crossharbour DLR station and provide a view through the scheme towards Mudchute Park; likewise, the view from the Mudchute Park entrance would include the station. Both ends of the route would serve a town centre 'gateway' function for pedestrians. The siting of a pub at the northern entrance will enhance activity at the base of the tower. A success of the route would depend on a suitable connection across the land to the north of the site, opposite the DLR station, which is outside the scope of this application; efforts to secure this connection would be welcomed.

89 A bridge is proposed at the southern end of the axial route, would link the route with Mudchute Park. There are difficult level changes between the site and the park which are resolved through the raising of the ground level at this point; not only would this provide below-ground parking, but it also provides the opportunity for a bridge link crossing the urban/MOL edge. This bridge route would be visible and is more direct than previous pre-application proposals; it ensures that as much existing vegetation within the park can be retained. This bridge would have good visibility from within both the scheme and the park and has the potential to become a small-scale local landmark.

90 The efforts on focusing activity along the main axial route led GLA officers to consider, at the pre-application stage, that the proposed character of the Eastferry Road edge was lacking as this is the site's only street 'address'. The incorporation of a clear east/west line of visibility through the main square from Eastferry Road to the supermarket entrance is supported. An important element of this frontage is the 'welcome' that bus passengers would be given by the development upon arrival, and the design code specifies appropriate levels of active frontage around the base of the tower and entrance to the public square. The transition between the park and the development, which includes the main vehicular entrance into the scheme, would be appropriate.

#### Layout and landscape

91 The layout of the main public-facing parts of the development is simple, focusing on the main axial route and main points of connection into the site. It would be more complex at the upper (southern) levels of the scheme, where a more domestic scale would be adopted around smaller-scale residential streets atop the podium. In response to GLA officer concerns, the applicant has produced a 'visitor test' that demonstrates routes to the various residential core entrances, in conjunction with improvements to landscaping, access and building scale and enclosure. Residential entrances would face streets which, while not necessarily traditional in design, would be identifiable as such.

92 The scheme would offer a good level of active frontages to the main public areas of the development. One of the features of the proposal is the level change along the southern part of the main route through the site, between the public square and the upper parkside square and bridge access. This route has complex landscaping to traverse the level change, with alternative wheelchair access via public lifts and the adjacent residential podium. A concern is that the retail unit halfway along this route would be relatively isolated and potentially unviable.

93 Dwellings would be designed to offer surveillance across all public areas, including the quieter mews street to the east of the development, and incorporate defensible space where required between private and public thresholds. A central residential concierge at an obvious location at the base of the tower would assist with residential servicing and visitor enquiries.

94 The quality of the landscaping throughout the scheme is welcomed. Although much of the public realm is indicative, the main elements of the axial route and square are within the detailed part of the application, with appropriate species planting, hard landscaping and furniture proposed. Landscape requirements for the outline part of the application are incorporated within the design code.

#### Appearance

95 The architectural principles of the appearance, including the proposed materials to be used throughout the site are supported. These would be a mix of brick, pre-cast render and timber render, with the tall building and active retail frontages predominantly glazed. GLA officers have visited examples of the proposed timber render to be used, and are satisfied that the quality and weathering effects would be acceptable. The materials visible within the strategic view from Greenwich Park's General Wolfe statue have been tested within a range of options, and the proposed response is the most appropriate in terms of minimising the background impact in views of the Old Royal Naval College. Likewise, views of the more natural looking materials such as timber and brick would be predominant in views from the MOL, and these would change northwards through the development towards the busier civic-focused area, and again towards the quieter residential areas in the east. The character areas set out within the design code provide the opportunity for a range of appearance types, expressed through the sizes of windows, balcony placement and other features, and is supported. Where active frontages cannot be provided, such as on Eastferry Road next to the servicing access, louvers would be provided to ensure visual interest.

96 The applicant has submitted a signage strategy with regards to proposed advertising pylon/totem locations, given that this is a significant part of Asda's strategy. The site-wide approach and set locations to advertising is supported, and incorporated within the design codes. Legibility signage would also be provided throughout the site.

#### Residential quality

97 London Plan Policy 3.5 introduces a new policy on the quality and design of housing developments promotes quality in new housing provision. Part A of the policy states that housing developments should be of the highest quality internally, externally and in relation to the wider environment. Part C of the policy states that new dwellings should generally conform to the dwelling space standards set out in Table 3.3; have adequately sized rooms and convenient and efficient room layouts. Part E of the policy states that the Mayor will provide guidance on implementation of this policy including on housing design for all tenures. The reasoned justification provides further guidance and explanation. In particular, paragraph 3.32 makes clear that *"Securing new housing of the highest quality and protecting and enhancing residential neighbourhoods are key Mayoral priorities"*. The Mayor's draft Housing Design Guide (July 2009) and the draft replacement Housing SPG (December 2011), provides further guidance on the implementation of these policies.

98 A schedule as to how the scheme will meet the Housing Design Guide forms part of the submitted design and assess statement which is welcomed. It has been demonstrated that all units will meet or exceed the London Plan minimum space standards which is accepted. An accommodation schedule should be submitted to support this.

99 The incorporation of dwellings of appropriate quality, with appropriate access, is a major challenge in mixed-use schemes incorporating large-format uses, such as supermarkets. In this case, the potential problems of providing entrance areas at street level and anchoring the residential elements to the street are successfully realised. Additionally, the proposal would provide a reasonable core frequency and provide a good proportion of dual-aspect dwellings

100 The location of townhouse-style and flatted dwellings on the edge of the supermarket podium is acceptable. In the case of the east-facing dwellings along the proposed mews street, this is balanced against the creation of a secure property boundary which offers amenity to existing residents on the adjoining site. Single units should be avoided as single aspect units are more difficult to naturally ventilate, are more likely to overheat, will usually have rooms with no daylight and are less adaptable; however, it is recognised that the creation of a certain proportion of single-aspect units is unavoidable in these circumstances.

101 At this stage the total residential provision that will comprise of single aspect units is not known; given the format of the application, the applicant will need to provide an indicative figure stating the total number of single aspect units. The applicant will need to demonstrate how good levels of ventilation, daylight and privacy will be provided in each habitable room where single units are proposed and that no single aspect units contain three or more bedrooms.

102 Approximately 2% of total residential units are single aspect and north facing located on the northern mews; the design code and indicative designs show that a reasonable level of residential quality could be achieved by providing duplexes and maximising sunlight access through the use of inset balconies, recesses and other features. The modelling within the environmental statement suggests that the majority of rooms on this frontage would receive adequate levels of sunlight, subject to the incorporation of suitable design elements such as larger windows.

103 It has been shown that the provision of north facing single aspect units has been avoided; where this has not been possible on the site, an adequate level of residential quality has been demonstrated; the applicant will again, need to demonstrate that none of these single aspect north facing units contain three or more bedrooms.

104 On balance given the site's constraints and intention of high residential quality a 2% provision of north facing single aspect units may be acceptable but is reliant on further information being given. The Council will need to secure appropriate planning conditions to ensure that this amount is not exceeded.

105 With regards to sunlight/daylight issues, the Council will need to be satisfied that all other units will have adequate light, meet minimum standard and that any neighbouring properties are not affected adversely by the development proposals.

106 The provision of balconies or winter gardens to the residential units is accepted. In addition to this, the development will provide a total of 16,750 sq. m of private and public amenity space which is as follows:

Area Ref.	Minimum Quantum Required
<b>Ground-00</b>	
Public	6,500 sqm
Private-Garden	1,250 sqm
<b>Transition-02</b>	
Not Applicable.	Not Applicable.
<b>Podium-04</b>	
Private-Common Amenity	6,000 sqm
Private-Garden	3,000 sqm
TOTAL	16,750 sqm

ment (GVA 2011)

107 The above provision is accepted, however further information on the quality of spaces located on podium 04 will be required before the scheme is referred back to the Mayor.

### Summary

108 The overall principles of the scheme are acceptable and the quality of the design is high. This satisfaction has arisen in part as a result of a long pre-application process between GLA and Council officers, and the applicant, in which many of the initial design problems within the scheme were resolved through successive design iterations. The main outstanding issue at this stage relate to concerns over the looseness of the parameter plans, particularly with regard to the final height of the proposed buildings, and the potential impact on views.

### **Children's play space**

109 London Plan Policy 3.6 requires developments that include housing to make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

110 The Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' sets a benchmark for developments to deliver 10 sq.m. of useable child playspace to be provided per child, with under 5 child playspace provided on-site. In line with SPG guidance, in total, the scheme should deliver 480 sq.m of children's play space, of which 190 sq.m. should be provided on site for the under 5's provision.

111 It is understood that the overall landscape strategy has been designed to offer flexible landscape spaces which will be useable as 'door step' play space for children and that within the context of the local area there are a range of existing childrens play facilities; however, further information and specific designations of areas for childrens play will be needed for the scheme to be compliant with the objectives set out in policy 3.6. Justification as to the quality and suitability of this space should also be provided.

112 There is no indication of play provision for the over 5's; further play space will need to be provided either on site or off site in line with table B.6 contained in 'Providing for Children and Young People's Play and Informal Recreation' SPG. It should also be noted that if the area is deficient in play space for 5-11s, some on-site facilities should be provided.

113 Details of local play spaces or playgrounds and parks to supplement the proposed play space for children aged 11 years and over should be provided. The acceptability of the existing facilities

should be judged against the criteria within the Mayor's SPD and should include an assessment of their location, size, capacity, accessibility and suitability of the space for play and recreation. It may also be necessary for the applicant to contribute towards improvements to the existing facilities and their maintenance. This should be discussed with Tower Hamlet's Council prior to the scheme being reported back to the Mayor. All playspace information needed should be included as part of a formal play strategy for the development scheme.

## **Inclusive access and design**

114 London Plan Policy 7.2 seeks to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum) to ensure that developments can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances. Policy 3.8 requires that all new housing is built to Lifetime Homes standards and that 10% of new housing is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

115 The Design and Access Statement submitted by the applicant provides detail of inclusive access, specifically how disabled people access the buildings safely, including details of levels, gradients, widths and surface materials of the paths and demonstrates compliance to DDA regulations.

### Residential

116 The applicant has committed to achieving Lifetime Homes standards for all units proposed which is supported and in accordance with London Plan Policy 3.8. The Council should secure compliance with Lifetime Homes Standards through planning condition.

117 The applicant states that the proposals meet the 10% wheelchair accessible unit requirement and that these units are distributed evenly throughout the site in terms of physical location, flat size and tenure. An indicative plan of such units has also been given which fully satisfies Policy 3.8.

### Retail, community uses and public realm

118 Extending the Lifetime Homes concept to the public realm can help to ensure that the parking areas, the routes to the site and links to adjacent public transport and local services and facilities are also designed to be accessible, safe and convenient for everyone, particularly disabled and older people.

119 Further information regarding how the detailed design takes into consideration inclusive access for the retail and public realm elements of the scheme will be needed to meet the objectives of London Plan policy 7.2. Further consideration should be given to the treatment of the central 'high street' in terms of inclusive design in accordance with London Plan policies 7.5 and 2.15, consideration should be given to providing public toilets and the demand for a 'Shopmobility' scheme before the planning application is referred back to the Mayor.

## **Climate change**

120 The London Plan climate change policies set out in Chapter 5 collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. London Plan Policy 5.2 '*minimising carbon dioxide emissions*' sets out an energy hierarchy for assessing applications, London Plan Policy 5.3 '*Sustainable design and construction*' ensures future developments meet the highest standards of

sustainable design and construction, and London Plan Policies 5.9-5.15 promote and support effective adaptation to climate change. Further detailed policies on climate change mitigation and adaptation are found throughout Chapter 5 and supplementary guidance is also given in the London Plan sustainable design and construction SPG.

## **Climate change mitigation**

### BE LEAN

#### Energy efficiency standards

121 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 energy efficient lighting and mechanical ventilation with heat recovery. The demand for cooling will be minimised through minimising the use of thermal bridging.

122 The development is estimated to achieve a reduction of 905 tonnes per annum (20%) in carbon dioxide emissions compared to a 2010 Building Regulations compliant development. This level of saving is very high and should be evidenced via modelling output sheets prior to referral back to the Mayor.

### BE CLEAN

#### District heating

123 The applicant has identified that the Barkantine and Baltimore district heating network are within the vicinity of the development. Neither network is however close enough or have sufficient capacity (respectively) to allow connection at this point. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

124 The applicant is proposing to install a site heat network, which will be supplied from a single energy centre and delivered as part of the first phase of development. Further information with regards to this is required to ensure that all apartments and non-domestic building uses will be connected to the site heat network, as well as this information on the floor area and location of the energy centre should be provided.

#### Combined Heat and Power (CHP)

125 The applicant is proposing to install a 650 kilowatt 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. A reduction in carbon dioxide emissions of 760 tonnes per annum (21%) will be achieved through this second part of the energy hierarchy.

### BE GREEN

#### Renewable energy technologies

126 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install a 450kW ground source heat pump (GSHP) to provide heating and cooling for the retail element of the scheme.

127 The applicant should optimise the size of the CHP to serve the whole development (including the retail elements) prior to considering renewable energy as both the CHP and ground source heat pump are heat technologies and will compete for the same base load. The applicant should provide full clarification of how these potentially competing technologies (CHP and GSHP) will operate alongside one another in the development.

128 In total 500sq.m. of roof mounted photovoltaic (PV) array is also proposed to meet the development's renewable requirement and relevant plans showing their locations have been submitted.

129 Based on the information provided, a reduction in carbon dioxide emissions of 211 tonnes per annum (7%) will be achieved through this third element of the energy hierarchy.

### OVERALL CARBON SAVINGS

130 The estimated carbon emissions of the development are 2,581 tonnes of carbon dioxide per year after the cumulative effect of energy efficiency measures, CHP and renewable energy has been taken into account.

131 This equates to a reduction of 1,875 tonnes of carbon dioxide per year in emissions compared to a 2010 Building Regulations compliant development, equivalent to an overall saving of 42%.

132 Based on the information provided, the carbon dioxide savings would exceed the targets set within Policy 5.2 of the London Plan and is therefore in line with strategic policy.

133 Taking into account the comments above, the projected savings appear high and should be clearly evidenced. It is also unclear whether or not these are regulated or unregulated carbon dioxide emissions. Details of regulated savings at each tier of the energy hierarchy (as per Table 1 and 2 in the GLA Energy Assessment guidance, September 2011) should be provided before the level of carbon savings can be verified.

### Climate change adaptation

134 The London Plan Policies 5.9 – 5.15 promote the key principles of climate change adaptation including overheating and cooling, urban greening, green roofs and water management.

135 Policy 5.9 seeks to deal with the issue of overheating and sets out a cooling hierarchy. Policy 5.10 promotes urban greening. Policy 5.11 seeks major developments to incorporate living roofs and walls where feasible. Policy 5.13 seeks to ensure that surface water run-off is managed as close to its source as possible and sets out a hierarchy of preferred measures to achieve this. Policy 5.15 seeks to ensure that new development has proper regard to the impacts on water demand and existing capacity by minimising the use of treated water and maximising rainwater harvesting. Further guidance on this policy is given in the London Plan supplementary planning guidance 'Sustainable Design and Construction'.

136 Design standards are summarised in Annex 2.1 of the Mayor's draft Housing SPG which states that all new residential development should accord with Code for Sustainable Homes Level 4 in line with London Plan policy 5.3. In particular, part 2 of the draft SPG, that affordable housing should meet Code for Sustainable Homes Level 4.

137 It is understood that the applicant commits to achieving Code for Sustainable Homes (CfSH) "Level 4" which complies with London Plan policy 5.3 and strategic guidance.

138 The retail element of the scheme will achieve BREEAM 'Excellent' which, again is supported and complies with London Plan policy 5.3 and strategic guidance. This will need to be conditioned by Tower Hamlets in the eventuality of permission being granted.

139 Further information and clarity is needed as to how the scheme will reduce surface water run-off and provide for measures to ensure water efficiency.

## **Noise**

140 Policy 7.15 of the London Plan states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals as well as separating new noise sensitive development from major noise sources wherever practicable through the use of distance, screening or internal layout in preference to sole reliance on sound insulation. The Mayor will also support new technologies and improved practices to reduce noise at source, especially in road, rail and air transport.

141 The completed development will include measures to minimise the effects of noise through appropriate facade design and by provision of basement level vehicle and servicing activity; therefore, the impacts with regard to noise emissions are likely to be minimal compared with the current surface level activity.

142 The environmental statement illustrates that once completed the western boundary of the site will experience noise levels that fall under NEC C. The applicant will need to confirm that there are no single aspect units in this location.

143 The increased activity due to the new district centre and additional housing will add to the activity in the area but as it already serves as the busy hub of the Island, both in transport and shopping terms, the environmental statement which forms part of the planning submission concluded that the effects are considered to be minor and therefore no concerns are raised in this regard at this stage.

## **Air quality**

144 London Plan policy 7.14 states that development proposals should minimise increased exposure to existing poor air quality and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality developments should make provision to address problems of air quality such as design solution, buffer zones and the promotion of sustainable transport.

145 The effect on air quality from dust during construction can be significant but with the control measures (including monitoring) set out in the environmental statement and those that will be introduced through the Construction Management Plan, effects are considered to be minor for the construction period of the development. The Council should secure appropriate planning conditions relating to air quality.

146 The scheme proposes to remove the current surface level car parking, will promote sustainable modes of transport and provides a sufficient landscape strategy. Once the new district centre has been delivered effects on air quality are considered to be minor and therefore the scheme is acceptable.

## Transport

### Trip Generation and Highway Impact Assessment

147 Whilst the applicant's trip generation methodology is accepted, much of the highway network on the Isle of Dogs (including Preston's Road) already operates at capacity and there are significant concerns of the ability of the network to accommodate any additional trips. Therefore, whilst TfL agrees that the development, in itself, will have only a marginal impact on the operation of the roundabout and the wider Transport for London Road Network (TLRN), adding more vehicular trips onto the Isle of Dogs road network will worsen the existing situation, reducing the free-flow of traffic, increase bus journey times and lowering the quality of the pedestrian realm. TfL wishes to agree an appropriate level of car parking to mitigate this.

### Parking

148 The development includes 181 car parking spaces for residents, including 21 spaces for blue-badge holders. Provision for the entire retail element of the scheme will be 604 basement level spaces, based on the existing level of car parking accumulation at the site. Whilst both proposed levels are within the London Plan maximum standards set out in policy 6.13, the local and strategic highway network could only support a lower level of parking, particularly in respect of the retail provision which is likely to have the highest impact. This is particularly relevant considering the wording of Appendix One of the London Plan 'Opportunity and Intensification Areas' which states that that *"there is potential for less car dependent, more sustainable development..."* at Crossharbour. Further discussion is therefore welcomed in respect of reducing overall level and specifically the retail car parking provision.

149 The main basement car park will be accessed from East Ferry Road, via the service/bus layover area. As part of the applicant's parking strategy, and to prevent cars queuing back onto East Ferry Road, TfL recommends that the council secures the provision of 'variable message signing' (VMS) at the entrance, which can show the availability of spaces in the car park. TfL expects a parking strategy to be prepared as a standalone document and secured by condition or section 106. Details should be provided in the strategy on how car club (including dedicated parking spaces) will be integrated into the parking provision.

150 The proposed level of electric vehicle charging points is insufficient and should be increased in line with adopted standards. TfL expects a condition to be attached to any permission which states that any details submitted pursuant to the outline planning permissions should include a commitment to meeting the standards contained in London Plan policy 6.13 in this respect.

151 The proposed level of cycle parking is welcomed in accordance with TfL's cycle parking standards contained in London Plan policy 6.13.

### London Buses – Infrastructure and Layout

152 As stated in paragraph 8, a number of bus routes serve the site. Four services terminate at the site (D3, D6, D8 and 135) and there are over 800,000 bus passenger trips per annum to/from the terminus. To enable the development of the site as a district centre, the applicant proposes to reconfigure these facilities, involving the creation of a layby on East Ferry Road and a bus layover within the service access area at the site's southern boundary. The layout will result in a longer journey for buses, as services will be required to drop-off passengers in the layby and travel to the layover area to stand before returning to East Ferry Road to begin their route. In the case of route 135, buses will be required to enter the layby twice. Altogether, this configuration will extend the

combined total bus mileage for all routes by 178km per day and will add an extra 2-2.5mins to each bus journey.

153 TfL has concerns that the proposed layout is not operationally feasible and that it disadvantages bus passengers. Further discussions are now being held with the applicant to agree a layout that is optimal for buses, and which provides an adequate passenger environment. These relate specifically to ensuring that adequate room is available on the highway to accommodate the proposed infrastructure that buses can manoeuvre safely and that adequate facilities are provided for bus drivers. TfL has also requested that the applicant prepares a supporting statement which justifies the proposed layout in terms of how the passenger/pedestrian experience will be enhanced and maintained through adequate public realm.

154 Considering that the development proposes the complete redesign of bus infrastructure that is currently meeting London Buses objectives, it is vital that the re-provision of bus infrastructure at Crossharbour is of a similar, if not better, quality than that existing, in line with the objectives of London Plan policy 6.1, 6.2, 6.7, and the Land for Transport Functions SPG. This is particularly important to ensure that the increase in bus journey times and mileage, both of which will incur significant additional cost for TfL and could reduce bus reliability, is compensated and that an integrated arrangement for the interchange between the district centre, bus services, DLR and wider connections is achieved.

155 Please note that TfL may seek additional mitigation to accommodate any increase in bus mileage and journey time in this respect and welcomes further discussion on this matter.

#### London Buses – network capacity

156 The bus network in this part of the Isle of Dogs currently operates at capacity in the peak period and when considered with others in the vicinity, the proposed development at Crossharbour is likely to exacerbate this further. Based on the quantum of development proposed, TfL therefore requests that a pooled financial contribution of £510,000 is made towards bus service enhancements in line with similar levels requested from surrounding schemes and London Plan policy 6.1 ‘Strategic Approach’ in respect of seeking to improve the capacity and accessibility of public transport.

#### Docklands Light Railway (DLR)

157 As the greatest proportion of all trips to/from the proposed district centre will be undertaken on the DLR, it is important that Crossharbour station is properly integrated into the design of the scheme. This is currently not possible considering the poor public realm (at both ground and mezzanine level), orientation (the entrance faces away from the site) and indirect step-free access (from Pepper Street). In order to ensure that the proposed district centre can be properly served by this DLR station, works are required to improve the public realm around the station and provide a legible access route, which is currently estimated in the region of £1m. TfL considers that the applicant should meet the majority of these costs, considering the heavy reliance the proposed development will place on the station Crossharbour, in order to improve accessibility to the public transport network and provide for better interchange between modes in line with London Plan policy 6.1.

#### Cycle Hire Scheme

158 There are two cycle hire docking stations planned in close proximity to the site; a 17-point station on East Ferry Road (opposite the existing site access) which has not yet been opened and a 26-point station (which has planning permission) in the area of public realm adjacent to Crossharbour DLR station. The latter is not currently being progressed as extraordinary engineering

works were found to be necessary in relation to the electricity supply. These works are expected to cost somewhere in the region of £30,000, additional to the standard costs of implementing a station of this size of £195,000. Considering the heavy reliance expected to be made by the proposed development, TfL requests that these costs are matched by the developer, in line with London Plan policy 6.9 and in order to mitigate the impact of the development. TfL expects this to be reflected in the section 106 agreement. Combined, both stations are likely to be large enough to accommodate the demand arising from the intensification of use on this site.

159 It should be noted that following the submission of the planning application, the applicant has submitted alternative bus infrastructure layout drawings that TfL is currently assessing. These revised proposals involve the relocation of the docking station on East Ferry Road. Whilst not objecting to the principle of relocating cycle hire infrastructure, TfL however expects to be consulted when negotiating the relevant section 278 agreement with the Council, and for all legal and development costs to be borne by the applicant. Alternatively, the applicant may wish to direct the funding and relocation costs associated with the two above sites towards the development of a single docking station within the district centre boundary itself. In this instance, provision should be made for 43 spaces (the sum capacity of the two existing stations). TfL welcomes further discussions in this respect.

#### Legible London

160 A wayfinding strategy should be implemented across the site, to allow easy navigation of routes within the site and to surrounding centres and public transport nodes. TfL's Legible London scheme should be used in this respect, and the applicant should demonstrate how this could be implemented across the site. A financial commitment towards this should be secured through the section 106 in line with London Plan policy 6.10. Please note that a pair of signs cost around £15,000.

#### Travel Planning

161 Overall, the objectives of the travel plan are robust and the funding and monitoring of this plan should be secured through the planning permission, via section 106. Nevertheless, given the above considerations in respect of car parking and highway impact, the measures implemented in the travel plan could be further developed. Further to simply providing information to occupiers regarding routes and public transport, the plan may benefit by containing commitments to incentivise travel by non-car modes to residents, such as offering membership of the Mayor's cycle hire scheme and car clubs, and possibly a free oyster card for a limited period of time.

162 A Construction Logistics Plan should be secured through any planning permission. The proposed delivery and servicing plan is considered robust.

#### Legal Agreements

163 Should agreement be reached between the applicant and TfL regarding the proposed bus arrangements, the section 106 agreement should accurately reflect the need for the relevant legal agreements with TfL London Buses to be completed prior to the implementation of the development. Further discussion with TfL London Buses will help refine the level of detail required in these agreements.

164 TfL expects to be a signatory to any section 106 agreement, considering the significance of securing adequate transport accessibility to the site, and the special arrangements being made for buses. When dealing with planning applications which are referable to the Mayor, it is TfL's usual practice to recover its reasonable legal costs from developers in relation to section 106 agreements in which it has a significant interest.

## Summary

165 TfL considers that the following key points should be addressed before the application is referred back to the Mayor at Stage 2:

- It should be demonstrated that the proposed arrangements for buses are logical and operational. The existing facilities currently meet TfL's requirements, so it is important that these are not disadvantaged.
- Greater detail is required on how the pedestrian/passenger interchange experience will be enhanced
- Car parking should be reduced in light of highway congestion on the Isle of Dogs
- Financial contributions are requested towards bus capacity enhancements
- A contribution towards improvements to the public realm at Crossharbour DLR is requested
- Further discussions are required in respect of the implementation of the Cycle Hire and Legible London schemes

## **Community Infrastructure Levy**

166 In accordance with London Plan *policy 8.3*, the Mayor of London proposes to introduce a London-wide Community Infrastructure Levy (CIL) that will be paid by most new development in Greater London. Following consultation on both a Preliminary Draft, and then a Draft Charging Schedule, the Mayor has formally submitted the charging schedule and supporting evidence to the examiner in advance of an examination in public. Subject to the legal process, the Mayor intends to start charging on 1 April 2012. Any development that receives planning permission after that date will have to pay, including:

- Cases where a planning application was submitted before 1 April 2012, but not approved by then.
- Cases where a borough makes a resolution to grant planning permission before 1 April 2012 but does not formally issue the decision notice until after that date (to allow a section 106 agreement to be signed or referral to the Secretary of State or the Mayor, for example),.

167 The Mayor is proposing to arrange boroughs into three charging bands with rates of £50 / £35 / £20 per square metre of net increase in floor space respectively (see table, below). The proposed development is within the London Borough of Tower Hamlets where the proposed Mayoral charge is £35 per square metre. More details are available via the GLA website <http://london.gov.uk/>.

168 Within London both the Mayor and boroughs are able to introduce CIL charges and therefore two distinct CIL charges may be applied to development in future. At the present time, borough CIL charges for Redbridge and Wandsworth are the most advanced. The Mayor's CIL will contribute towards the funding of Crossrail.

## Local planning authority's position

169 Tower Hamlet's Council is expected to formally consider the application at planning committee in March 2012.

## Legal considerations

170 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 and any connected 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

171 There are no financial considerations at this stage.

## Conclusion

172 London Plan policies on the principle of development, affordable housing, housing mix, density, urban design, residential quality, tall buildings, child play space, inclusive design and access, climate change, noise, air quality, community infrastructure levy and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principle of development:** The principle of a mixed use development with an enhanced retail offer in this location is acceptable and broadly in accordance with the London Plan.
- **Affordable housing:** In the absence of an independent appraisal of the applicant's financial viability report, the scheme fails to comply with policies 3.11 and 3.12 of the London Plan.
- **Housing mix:** The current mix of units needs to be reconsidered for the scheme to meet policy objectives set out in London Plan policy 3.8.
- **Housing density:** The scheme meets density requirements as set out in the London Plan; however, further information is required for the proposal to be consistent with London Plan Policy 3.4 and guidance set out in the Mayor's Interim Housing SPG.
- **Urban design:** The overall principles of the scheme are acceptable and the quality of the design is high; however further information is sought.
- **Residential quality:** Additional information is required with regards to the residential quality, to enable the scheme to be in conformity with London Plan policy 3.5 and meet London Plan guidance as set out in the Mayor's interim London Housing Design Guide and draft Housing SPG.

- **Child play space:** Clarification of the child yield figures and associated play space requirement is sought in order to ensure compliance with London Plan policy 3.6.
- **Inclusive design and access:** The applicant has committed to meeting Lifetime Homes standards and provides a commitment to deliver the 10% wheelchair accessible unit requirement. Notwithstanding this, further information is required in order to demonstrate that the scheme fully accords with London Plan Policies 2.15, 3.8, 7.2 and 7.5.
- **Climate change mitigation and adaptation:** The applicant has submitted a sustainability statement but further information is needed to demonstrate that the scheme meets London Plan policies contained in Chapter 5 of the London Plan
- **Noise and Air Quality:** The proposals meet London Plan policy 7.15 and 7.14 and therefore the development is accepted in this regard.
- **Community Infrastructure Levy:** As set out in this report the applicant will need to include appropriate contributions relating to CIL.
- **Transport:** Further work is required by the applicant in order to fully comply with the London Plan.

173 Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not comply with the London Plan.

174 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Affordable housing:** An independent appraisal of the applicant's financial viability report will need to be carried out before the application is reported back to the Mayor.
- **Housing mix:** The unit mix should be revised to provide an increased proportion of family-sized units and further information regarding the family units within the affordable housing offer is needed.
- **Housing density:** Further information is required with regards to density calculations.
- **Urban design:** The main outstanding issue at this stage relate to concerns over the looseness of the parameter plans, particularly with regard to the final height of the proposed buildings, and the potential impact on views.
- **Residential quality:** Additional information is required with regards to the provision of single aspect units.
- **Child play space:** Clarification of the child yield figures and associated play space requirement is sought and a play strategy should be submitted.
- **Inclusive design and access:** Further information is required as to the accessibility of key routes through the scheme.
- **Climate change mitigation and adaptation:** The applicant will need to submit further details regarding the regulated savings at each tier of the energy hierarchy (as per Table 1 and 2 in the GLA Energy Assessment guidance, September 2011).

- **Community Infrastructure Levy:** The applicant will need to commit to contributions relating to CIL within the section 106 agreement.
- **Transport:** The applicant will need to provide additional information concerning the proposed arrangements for buses, how the pedestrian/passenger interchange experience will be enhanced, the reduction of car parking and Further discussions are required in respect of the implementation of the Cycle Hire and Legible London schemes

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