
Appeal Decision

Inquiry opened on 11 September 2018

Site visit made on 14 September 2018

by C J Ball DipArch DipCons RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 10th October 2018

Appeal Ref: APP/E5900/W/17/3190531 225 Marsh Wall, London E14 9FW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cubitt Property Holdings Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/02808, dated 23 September 2016, was refused by notice dated 10 November 2017.
 - The development proposed is the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storeys comprising residential (Use Class C3), community floorspace (Use Class D1), and flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking, resident amenities, public realm improvements and other associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storeys comprising residential (Use Class C3), community floorspace (Use Class D1), and flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking, resident amenities, public realm improvements and other associated works at 225 Marsh Wall, London E14 9FW in accordance with the terms of the application Ref PA/16/02808, dated 23 September 2016, subject to the conditions set out in Annex A.

Preliminary matters

2. The inquiry sat for 5 days on 11-14 and 18 September. In addition to a pre-inquiry familiarisation visit on 10 September, I made an accompanied visit to the site and its surroundings on 14 September. I then went on, unaccompanied, to view the site from southern parts of Cubitt Town and Millwall, from Mudchute Park, from the Thames Path on the North Greenwich peninsula and from the Greenwich Park viewpoints. I viewed the site from Greenwich Park again in the evening of 17 September.

Environmental Impact Assessment

3. An Environmental Statement was submitted with the application. The ES, in accordance with the EIA Regulations, gives an assessment of the effect of the proposal on a range of environmental considerations. I have had due regard to its findings, along with all the other supporting technical documentation.

Agreed matters

4. Before the inquiry the parties submitted a statement of common ground. This confirms agreement that, in land use terms, the principle of the proposal is consistent with development plan policy objectives; that the proposal would assist in increasing London's supply of housing, making a positive contribution to meeting local and regional housing targets and national planning objectives; and that all the residential units would meet or exceed minimum space and layout standards.
5. The scheme would provide a total of 332 residential units in 1, 2, 3 and 4 bed apartments, in a mix of private market and affordable housing. The 71 affordable units, both intermediate and social rented, represent 25% of the total by habitable room. The Council accepts that, for reasons of overall viability, this is the maximum deliverable, subject to a 2 stage review process. The proposed mix of units and tenure would broadly meet local policy requirements, with 10% of the overall number of units being wheelchair accessible or adaptable.
6. The parties agree that the proposed office accommodation and flexible B1/D1 floorspace accords with the relevant policies and that the proposed retail floorspace is acceptable in policy terms and would help to activate the street frontage. There are no transportation objections, subject to appropriate conditions and obligations.
7. It is agreed that daylight and sunlight, solar glare and overshadowing have been properly addressed in the design of the building, that wind impacts are acceptable, subject to localised mitigation, and that matters relating to noise, air quality, contaminated land, flood risk, surface water drainage, energy and sustainability, archaeology and biodiversity are acceptable in principle and where necessary can be controlled by condition and obligation.
8. The statement confirms that there is no harm identified to the significance of any heritage assets, other than the Council's concerns about the impact of the proposal on the view from Greenwich Park and the consequent effect on the Outstanding Universal Value of Greenwich Maritime World Heritage Site. However, at the inquiry the Council did not pursue allegations of harm to the Outstanding Universal Value of the World Heritage Site, referring solely to a harmful impact to the panoramic view from Greenwich Park identified in the London View Management Framework. I have therefore discounted the heritage objections.

Planning Obligation

9. At the inquiry the parties submitted a draft Agreement as a planning obligation under s106 of the Act. The Council confirmed that the provisions of the Agreement would meet the concerns outlined in the second reason for refusal, which was therefore not pursued. The Agreement was discussed in a discrete session at the inquiry and a certified copy of the executed deed was provided before I closed the inquiry.

Main issue

10. I consider the main issue in this appeal to be the effect of the proposal on the character and appearance of the local townscape and whether it would result in an overdevelopment of the site.

Policy background

11. The local development plan consists of The London Plan, adopted in 2016 (LP) and the Tower Hamlets Local Plan, consisting of the Core Strategy 2025, adopted in 2010 (CS), the Tower Hamlets Managing Development Document (MDD) and the Adopted Policies Map, both adopted in 2013.
12. Following withdrawal of the heritage objections, the development plan policies of particular relevance are now LP Policies 3.5 (Quality and design of housing developments), 7.4 (Local character), 7.6 (Architecture) and 7.7 (Location and design of tall and large buildings); CS Strategic Objective SO23 (Promoting well-designed, high quality, sustainable and robust buildings) and Strategic Policies SP10 (Creating distinct and durable places) and SP12 (Delivering placemaking); and MDD Policies DM24 (Place-sensitive design) and DM26 (Building heights).
13. Key material considerations are the Tower Hamlets South Quay Masterplan SPD (SQM) and the London View Management Framework SPG (LVMF). Government policy objectives are set out in the National Planning Policy Framework (the Framework). I shall also take particular note of Historic England's Advice Note 4 'Tall Buildings'. The draft Isle of Dogs & South Poplar Opportunity Area Planning Framework is fairly advanced and carries significant weight. I shall also take note of the positive pre-application discussions.

Reasons

Location

14. The area around Canary Wharf is rapidly changing, with many tall buildings currently under construction. More sites have planning permission for tall buildings but have not yet started construction, while other allocated sites will come forward in due course. At the site visit, virtual reality goggles allowed me to 'see' the proposed building in its future surroundings.
15. The site lies towards the eastern end of Marsh Wall, the only major east-west cross route on the Isle of Dogs. South Quay, along the northern side of Marsh Wall, is an area of intense, ongoing high-rise development with buildings up to 73 storeys high. The site is to the south-east of the existing tall building cluster at Canary Wharf and south of the major development taking place at Wood Wharf. Immediately to the west of the site, the Madison tower is under construction. At 54 storeys, it will be almost 188 m AOD.
16. To the east is the 31 storey Dollar Bay tower, about 115 m AOD. This tall building is immediately adjacent to a 3-storey terrace of dwellings within the Coldharbour Conservation Area, in the northern part of Cubitt Town. To the south lies Skylines Village, a 1980s group of 2-4 storey small business units. Beyond that, on lower ground, lies Cubitt Town, more domestic in character and scale, and the more built up area of South Quay adjacent to Millwall Inner Dock. This includes Baltimore Wharf, with a mix of medium and high rise buildings, including the 45 storey Baltimore tower at about 155m AOD.
17. The existing 4-storey 1990s office building on the site is of limited architectural merit and has no active street frontage. There are street trees along the Marsh Wall pavement, a mix of semi-mature and recently planted saplings, but the building itself contributes little to the character and attractiveness of the area. There is no objection to its loss as either built townscape or employment space.

Tall buildings

18. HE Advice Note 4 stresses the importance of a plan-led approach to the location of tall buildings. This approach has been followed at both London-wide and Borough levels. The LP identifies Opportunity Areas which are capable of significant regeneration. They are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development in areas of high public transport accessibility. The potential of these areas is to be maximised in order to meet London's strategic growth demands. Policy 7.7 directs tall buildings to Central Activities Zones and Opportunity Areas. The site lies within the Tower Hamlets Activity Area (THAA) and the Isle of Dogs and South Poplar Opportunity Area (OA). The emerging OA Planning Framework promotes high quality, high density residential development and public realm on Marsh Wall.
19. The Adopted Policies Map shows the site as lying with Site Allocation 20, an area subject to the Marsh Wall East Masterplan. The MDD identifies this area as a comprehensive high-density residential led mixed-use development opportunity and confirms that development within this area is specifically required to complement the tall building cluster in Canary Wharf through appropriate taller buildings whilst respecting the existing character and surroundings, particularly the lower rise buildings of Cubitt Town to the south-east.
20. SQM sets out the concept of a hybrid urban block of podium, plinth and taller element. Taller elements are required to step down from the Canary Wharf major centre. SQM identifies the site as an appropriate location for a tall building as part of a hybrid block occupying the whole of the site. Sites to the north, north-east and south (Skylines Village) are similarly identified as locations where tall buildings are appropriate. I note a pending application for a group of buildings on the Skylines Village site, including a 167 m tower. To the south, the new District Centre at Crossharbour will include taller buildings.
21. A key policy objective is to maintain One Canada Square, at 240 m AOD, as the focus of urban development. To that end, MDD policy DM1 requires development in the THAA to provide a transition between the scale, activity and character of the Canary Wharf major centre and its surrounding places. Policy DM26 requires building heights to be considered in accordance with a town centre hierarchy. A proposed tall building must be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings. The site is within tier 2 of the hierarchy, where it is required to demonstrate how it responds to the difference in scale of buildings between Canary Wharf and the surrounding residential areas.
22. The CS Vision for Cubitt Town envisages parts of the area undergoing significant development, with housing growth focussed to the north on identified development sites. That evidently includes this site. Development should provide transition between the higher rise commercial areas to the north and the nearby low-rise residential areas to the south and east.

Local character

23. The character of the area surrounding the site is mixed. To the north, west and, to some degree, the south lies the emerging cluster of taller buildings spreading out from Canary Wharf. The site lies towards the eastern edge of this cluster. While all these buildings step down in height from One Canada Square,

some may exceed 50 storeys and there is no consistent linear fall in height from west to east. Transition is not just a matter of height. Rather, these primarily residential towers have more space around them than the close-packed commercial buildings of Canary Wharf, providing a transition in urban grain and use between the major centre and the older residential areas to the south-east.

24. The site is not the closest to Cubitt Town to be identified as suitable for taller buildings, with sites immediately to the south and east shown in the SQM as hybrid urban blocks. Together, these are the sites identified for significant housing growth in the north of Cubitt Town. The town itself is generally characterised as a community of 2 and 3 storey, mainly post-war houses, shops and local facilities. However, an interesting and important attribute of the town is an all-pervading awareness of the presence of the closely adjacent cluster of tall buildings. The immediate juxtaposition of traditional domestic-scale buildings with tall tower blocks, as exemplified by Dollar Bay, is a dramatic and distinctive characteristic of the town.

Transitional development

25. The cruciform residential tower block would sit on a rectilinear mixed-use podium of similar overall dimensions, occupying about two thirds of the site. The remaining area would be paved and landscaped. This building is seen as a sister building to the adjacent Madison building, with the combined landscaped area between them providing a substantial shared area of public and communal open space at a key location on Marsh Wall. This would more than compensate for the proposed loss of existing street trees.
26. The third storey of the podium would be recessed so that the elegant tower, clearly articulated to human scale, would appear to float above its 2 storey colonnaded base. The colonnade, incorporating decorative screening at the upper level above a ground level setback, would not only provide a visually attractive ground-base for the tower, but would also make clear the different, non-residential mix of uses at the lower levels. Significant replacement commercial floorspace would create jobs, with the proposed flexibility of uses minimising the possibility of vacant space. In addition to the residential entrances, at street level there would be a corner café as well as entrance lobbies to the B1/D1 uses at first floor. This would provide a human scale active street frontage.
27. The ground+48 storey building, at about 163 m AOD, represents a clear and substantial step down in height from One Canada Square and the other buildings in the Canary Wharf major centre to the west. It would also be significantly lower than the Madison, immediately to the west, and the taller buildings at Wood Wharf to the north. Dollar Bay represents a further step down in height at the edge of Cubitt Town. As indicated in the SQM, other sites closer to Cubitt Town, including Skylines Village, as well as taller elements are likely to include podium and plinth blocks of up to 10 storeys. This building would play its part in an irregular but progressive stepping down in height from the Canary Wharf major centre to the surrounding residential areas.
28. Taken together, the surrounding open space, the step down in height, the human scale of the building and the non-residential active frontage would clearly provide a transition between the scale, activity and character of the Canary Wharf major centre and its surrounding places, in accordance with MDD policy DM1. The proposed tall building would be of a height and scale

proportionate to its location within the town centre hierarchy, consistent with the first part of MDD policy DM26 2(a) and the aims of the SQM.

Relationship to surroundings

29. The proposed building unarguably would be part of the Canary Wharf cluster, albeit towards its eastern edge. It would be a prominent feature in some views from Cubitt Town. The primary concern is whether the building would be too prominent and overbearing when seen from the local area to the south and east of the site. Because of the intervening buildings, and for reasons of distance and perspective, even the top of One Canada Square is not especially visible from the nearer parts of Cubitt Town, and nor is the effect of the stepping down in heights particularly appreciable. That is more a matter for more distant views. Here, again for reasons of proximity and perspective, the perception is that the closest buildings appear to be the highest and most prominent, as evidenced by Dollar Bay, hard on the boundary with the town.
30. The appeal building would be nearly 100 m from the nearest building in Cubitt Town. The impending development of the intervening Skylines Village site would bring buildings much closer to the town so that, from the south and south-east, many views of this tower behind in the middle distance would be moderated. Close up, even the Skylines Village site podium and plinth buildings, up to 10 storeys, would be perceived as having far more prominence and visual impact, screening views of the tower.
31. From the east, the tower would in due course be seen behind or in conjunction with other foreground development on identified sites, including taller buildings, reducing its prominence. The tower would be visible from the conservation area at Coldharbour Lane but, from here, in the middle distance, it would be perceived as being far lower than Dollar Bay so its visual impact would be far less.
32. The proposed building at 225 Marsh Wall would be tall, and it would be noticeable, but I do not consider that the tower would be overly prominent in local views. Its residential nature would be clear and, seen in the context of existing and emerging development, in my view the tower would not be seen as overbearing from the nearer parts of Cubitt Town. The proposal would be entirely consistent with the established character of the area.
33. From more southern parts of Cubitt Town, from Millwall Inner Dock, from Mudchute Park and from the North Greenwich peninsula many views of the tower would be screened by foreground development, both existing and emerging. The buildings at Wood Wharf will be predominant from most viewpoints. In some views the tower would be seen in conjunction with just part of the Canary Wharf cluster and in others would stand alone within a local cluster. In all cases the proposed building would add a refined and subservient structure to the view. As part of the Canary Wharf cluster, it would mark the transition outwards from One Canada Square in an entirely appropriate way.
34. Despite the height of the building, there would be no harm from overshadowing, loss of daylight or sunlight, overlooking or loss of privacy and other matters which might indicate an overdevelopment of the site. Unlike the full development of the site envisaged in the SQM, the building would occupy part of the site with the remainder contributing to a substantial area of public open space, a key priority of the SQM. The high density of residential

accommodation would be accommodated in the slender, well-proportioned tower, sitting on its distinctive colonnaded base. This would provide an attractive frontage on all sides.

35. All the flats, regardless of tenure, would provide generous, high quality accommodation. Good quality materials and fine detailing would emphasise the strongly vertical character of the tower. The whole, articulated to a human scale, would be a design of the highest architectural quality. Taking into account the contribution to placemaking, the housing mix and social infrastructure, including play space, the density of development is fully justified as envisaged in LP policy 3.5, with which the proposal complies in every other respect. The proposal would fully optimise the housing potential of the site, and would help to maximise the potential of the Isle of Dogs and South Poplar Opportunity Area by providing high quality, high density residential development and public realm on Marsh Wall. For these reasons the site cannot be considered to be overdeveloped.
36. A built development of this quality, seen in conjunction with the Madison tower 'bookending' a public park, would create an identifiably distinct place, making a major contribution to the character and quality of the Marsh Wall street scene. The tower would be an attractive feature of the local area and would not be unduly prominent or overbearing in views from Cubitt Town. In the transition between the major centre and the residential areas, this building would be particularly sensitive to the context of its surroundings, in accordance with the second part of MDD policy DM26(2)a.

Protected views

37. The London View Management Framework SPG (LVMF) designates, and is intended to protect, 27 characteristic views of London and its major landmarks. View no.5 is the London panorama from Greenwich Park, with the viewing location close to the statue of General Wolfe. From here the panorama of London ranges from central London and St Paul's Cathedral in the west to the densely developed suburbs in the east, taking in the formal axial arrangement of Greenwich Palace and, beyond, the tall buildings on the Isle of Dogs.
38. LVMF indicates that the low rise nature of the axial view to Greenwich Palace in the foreground and middle ground should be preserved, with the background cluster of taller buildings at Canary Wharf across the river providing layers and depth to the understanding of the panorama. LVMF suggests that the composition of the panoramic view would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs, taking account of how the significance of the axis view could be appreciated.
39. In this view, the proposed tower at 225 Marsh Wall would be seen well to the east of the axis view and would have no impact on the ability to appreciate it. Taken in the context of permitted and emerging buildings, particularly those at Wood Wharf, the proposal would make a relatively modest addition to the cluster of tall buildings. It would infill a small visual gap, add variety and interest to the skyline and contribute to the layering and consolidation of the cluster. In this way the proposed building would make a positive contribution to the panorama as a whole.

Planning Obligations

40. The Agreement between the parties commits the appellant to making a contribution towards bus services; to making both a construction phase and an end use phase employment and training contribution; to providing employment and training initiatives; to making a carbon offset contribution; to providing 71 affordable housing units, with a 2-stage viability review; to the delivery and maintenance of the public square; to preparing, implementing and monitoring a travel plan; to making the development car-free; to making 10% of the dwellings wheelchair accessible/adaptable; and to meeting monitoring costs.
41. All these provisions arise from local development plan policies and supplementary guidance and are necessary to meeting the costs of related infrastructure improvements and to complying with the strategic objectives for the area, including the provision of affordable housing. None are subject to Regulation 123 restrictions. The Agreement was discussed at the inquiry and I am satisfied that all the provisions are necessary to make the development acceptable in planning terms, are directly related to it and are fairly and reasonably related in scale and kind. The proposal therefore complies with CIL Regulation 122(2).

Conditions

42. The parties tabled an agreed list of conditions, which can be categorised as standard, restrictive, pre-commencement, pre-completion and performance conditions. The conditions were discussed at the inquiry and, for the reasons as explained and justified in the agreed list, I consider that all the conditions are necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects.
43. The list contains 6 pre-commencement conditions. Pre-commencement approval of demolition and construction management plans is necessary to prevent significant disruption to amenity, air quality, and the safe and efficient operation of the transport network; in the absence of appropriate protection of adjoining trees, they could be damaged even in the early stages of development; pre-commencement approval of a contamination remedial scheme is necessary to prevent the spread of contamination and risks to public health; the site lies in an area of archaeological interest so pre-commencement approval of a scheme of investigation is necessary as even the early stages of development could disturb archaeological remains; and pre-commencement approval of a piling method statement is necessary to safeguard the existing wastewater infrastructure.
44. I consider the pre-commencement conditions to be so fundamental to the planned development of the site that it would have been otherwise necessary to refuse permission. At my request, following the coming into force of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the appellants submitted their written agreement to the terms of these conditions.
45. All the conditions are set out in the attached schedule. I have made minor alterations to the suggested order of conditions to ensure they fall within the appropriate category.

Overall conclusions

46. The proposal would provide 332 new dwellings, including 71 affordable units. This would be a significant contribution towards meeting the London-wide need for more housing and the particularly pressing local need for affordable homes. The building has been designed to an exemplary standard by one of the country's leading architectural practices, making a significant new place and improving the quality of the Isle of Dogs cluster. In conjunction with the Madison there would be an attractive landscaped public square, in an area bereft of such spaces. These would be very significant public benefits.
47. The site is in a location identified as appropriate for a tall building. This proposal would deliver a high quality, high density residential development and public realm on Marsh Wall, complementing the tall building cluster in Canary Wharf whilst respecting its existing surroundings, particularly the lower rise buildings of Cubitt Town to the south-east. A new sense of place would be created at a location identified as part of an important future pedestrian route. I consider that the proposal would be entirely consistent with the local development plan and supplementary guidance, including HE Advice Note 4 'Tall Buildings'
48. I find that the proposal would have no harmful effect on the character and appearance of the local townscape and would not result in an overdevelopment of the site. The proposed development would comply with the local development plan and would bring extensive public benefits. It would deliver the overarching economic, social and environmental objectives of the planning system, thereby contributing to the achievement of sustainable development. For the reasons given above I conclude that the appeal should be allowed.

Colin Ball

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Neil Cameron QC	Instructed by Amanda Helliwell, Senior Planning Lawyer, Legal Services, London Borough of Tower Hamlets.
He called:	
Amanda Reynolds BArch MA(UD) RIBA	AR Urbanism.
Piotr Lanoszka BSc(Hons) MSc	Team Leader, Canary Wharf and East Area Team, London Borough of Tower Hamlets.

FOR THE APPELLANT:

Russell Harris QC	Instructed by Forsters LLP.
He called:	
Frank Filskow MA(Hons) DipArch(Edin) ARB RIBA	Founding Partner, Make Architects.
Chris Miele BA(Hons) MA PhD MRTPI IHBC FRHS FSA	Senior Partner, Montagu Evans.
Chris Goddard BA(Hons) BPL MRTPI MRICS	Board Director, DP9.

ADDITIONAL DOCUMENTS SUBMITTED AT THE INQUIRY

AD1	Mr Harris' opening submissions.
AD2	Mr Cameron's opening submissions.
AD3	Amendment to Ms Reynolds' Appendix 7 plan.
AD4	Bundle of illustrations of Mr Filskow's evidence in chief.
AD5	Marked up site plan showing pavement widths.
AD6	Annotated photograph of model.
AD7	Dr Miele's replacement Appendix 15
AD8	Copy of Inspector's report 1 & 20 Blackfriars Road (APP/A5840/V/08/1202839 & APP/A5840/V/08/1203024).
AD9	Copy of Secretary of State's decision 1 & 20 Blackfriars Road.
AD10	Draft s106 Agreement.
AD11	CIL Regulations and policy compliance statement.
AD12	Agreed list of suggested conditions.
AD13	Certified copy of executed s106 Agreement.
AD14	Site visit itinerary and views maps.
AD15	Mr Cameron's closing submissions.
AD16	Mr Harris' closing submissions.
AD17	Appellant's written agreement to pre-commencement conditions.

ANNEX A

Planning permission is granted for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storeys comprising residential (Use Class C3), community floorspace (Use Class D1), and flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking, resident amenities, public realm improvements and other associated works at 225 Marsh Wall, London E14 9FW in accordance with the terms of the application Ref PA/16/02808, dated 23 September 2016, subject to the following conditions:

1) Commencement of development

The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) Compliance with approved plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

P200 rev PO2, P201 rev PO2, P202 rev PO2, P203 rev PO2, P590 rev PO2, P990 rev PO2, P1200 rev PO2, P1201 rev PO2, P1998 rev PO2, P1999 rev PO2, P2000 rev PO2, P2000A rev PO2, P2001 rev PO2, P2002 rev PO2, P2003 rev PO3, P2009 rev PO3, P2010 rev PO1, P2013 rev PO3, P2014 rev PO1, P2023 rev PO3, P2046 rev PO2, P2047 rev PO2, P2048 rev PO2, P2049 rev PO2, P2100 rev PO2, P2101 rev PO2, P2102 rev PO2, P2103 rev PO2, P2220 rev PO2, P2221 rev PO2, P2220 rev PO2, P2201 rev PO2, P2300 rev PO2, P2301 rev PO2, P2302 rev PO2, P2303 rev PO2, P2304 rev PO2, P4000 rev PO2, P4001 rev PO2, P4002 rev PO2, P4003 rev PO2, and P4004 rev PO2.

Restrictive conditions

3) Restrictions on permitted development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), or as expressly agreed through planning condition, no fences, barriers, gates, bollards or other means of enclosure, however temporary, shall be erected within the site following the practical completion of the development.

4) Restrictions on demolition and construction activities

Unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974, demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles):

(a) Shall be carried out in accordance with the Tower Hamlets Code of Construction Practice.

(b) Shall only be carried out within the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No works shall take place on Sundays and Public Holidays.

(c) Any non-road mobile machinery (NRMM) used shall not exceed the emission standards set out in the Mayor of London's '*Control of Dust and Emissions During Construction and Demolition*' Supplementary Planning

Guidance 2014 and shall be registered under the Greater London Authority NRMM scheme www.nrmm.london

(d) Ground-borne vibration shall not exceed 1.0mm/s Peak Particle Velocity (PPV) at residential and 3.0mm/s PPV at commercial properties neighbouring the site.

(e) Noise levels measured 1 metre from the façade of any occupied building neighbouring the site shall not exceed 75dB(A) at residential and commercial properties, and 65dB(A) at schools and hospitals (LAeq,T where T = 10 hours Monday to Friday and 5 hours for Saturday).

Pre-commencement conditions

5) Demolition Environmental Management Plan

No demolition works shall take place until a Demolition Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Demolition Environmental Management Plan shall include specific details relating to the logistics and management of demolition works associated with the development and include:

(a) Details of the site manager, including contact details (phone, facsimile, email, postal address) and the location of a large notice board on the site that clearly identifies these details of the site manager and a "Considerate Constructors" contact telephone number;

(b) The parking of vehicles of site operatives and visitors;

(c) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

(d) Wheel washing facilities;

(e) A scheme for recycling/disposing of waste resulting from demolition works.

(f) Any means, such as a restriction on the size of vehicles and machinery accessing the site, required to ensure that no damage occurs to adjacent streets throughout the demolition period;

(g) Any means of protection of services such as pipes and water mains within the road;

(h) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of building plant and materials and similar demolition activities;

(i) Measures to be adopted to ensure that pedestrian access past the site on the public footpaths is safe and not obstructed during construction works;

(j) Location of workers conveniences (e.g. portaloos);

- (k) Ingress and egress to and from the site for vehicles during site works period;
- (l) Proposed numbers and timing of truck movements throughout the day and the proposed routes;
- (m) Procedures for controlling sediment runoff, dust and the removal of soil, debris and demolition materials from public roads or places;
- (n) Location of vehicle and construction machinery accesses during the period of site works;
- (o) Details of the mitigation measures for dust and emissions as well as methodology for monitoring during demolition;
- (p) Details of the effects of demolition and associated traffic on air pollution.

The demolition works shall not be carried out otherwise than in accordance with the approved details.

6) Construction Environmental Management and Logistics Plan

No development shall take place, other than demolition, until a Construction Environmental Management & Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall aim to minimise the amenity, environmental and road network impacts of the construction activities and include the details of:

- (a) Telephone, email and postal address of the site manager and details of complaints procedures for members of the public;
- (b) Dust Management Strategy to minimise the emission of dust and dirt during construction including but not restricted to spraying of materials with water, wheel washing facilities, street cleaning and monitoring of dust emissions;
- (c) Measures to maintain the site in a tidy condition in terms of disposal/storage of waste and storage of construction plant and materials;
- (d) Scheme for recycling/disposition of waste resulting from construction works;
- (e) Ingress and egress to and from the site for vehicles;
- (f) Proposed numbers and timing of vehicle movements through the day and the proposed access routes, delivery scheduling, use of holding areas, logistics and consolidation centres;
- (g) Parking of vehicles for site operatives and visitors;
- (h) Travel Plan for construction workers;
- (i) Location and size of site offices, welfare and toilet facilities;
- (j) Erection and maintenance of security hoardings including decorative displays and facilities for public viewing;

(k) Measures to ensure that pedestrian access past the site is safe and not obstructed;

(l) Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress.

The development shall not be carried out other than in accordance with the approved details.

7) Tree protection

No development shall take place until all of the trees within the site and all trees that overhang from adjoining land save for any trees which are to be felled, have been protected in accordance with British Standard 5837 – *'Trees in relation to Construction Sites'*.

The tree protection measures shall be retained in place for the duration of the construction works and during this period no works other than landscaping works shall be carried out or materials stored within the protected areas underneath the trees.

8) Land Contamination Remediation

a) No works shall take place (save for above ground demolition works, site preparation, erection of fencing, laying of or provision of any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

i. A preliminary risk assessment which identifies:

- All previous uses;
- Potential contaminants associated with those uses;
- A conceptual model of the site indicating sources, pathways and receptors; and
- Potentially unacceptable risks arising from contamination at the Site.

ii. A site investigation scheme, based on (i.) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

iii. The results of the site investigation and detailed risk assessment referred to in (ii.) and based on these an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;

iv. A verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii.) are complete to a satisfactory standard; and

v. A monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

b) If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:

i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority; or

ii. Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

Any additional land contamination shall be fully remedied prior to the first occupation of the development.

c) The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

9) Archaeology

No works shall take place (save for above ground demolition works, site preparation, erection of fencing, laying of or provision of any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority.

The Written Scheme of Investigation shall include:

a) relevant historical documentary research, a statement of significance and research objectives;

b) a programme and methodology of site investigation, excavation, recording and the nomination of a competent person(s) or organisation to undertake the approved works; and

c) a programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material

The development shall not be carried out otherwise than in accordance with the approved Written Scheme of Investigation. The development shall not be occupied until the post investigation assessment has been completed and the publication and dissemination of the results and archive deposition of the resulting material has been secured.

10) Piling Method Statement

No piling shall take place until a piling method statement (detailing the depth, location and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority.

The development shall not be carried out other than in accordance with the approved details.

Pre-completion conditions

11) Use of Construction Cranes

No construction cranes shall be erected within the site until a method statement, including geographical coordinates, maximum working height and details of aircraft obstacle lighting, has first been submitted to and approved in writing by the Local Planning Authority.

The development shall not be carried out otherwise than in accordance with the approved details.

12) Materials, Finishes and Detailing

No superstructure works shall take place until samples and full particulars of all external facing materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority.

Details submitted pursuant to this condition shall include:

- a) Sample panels of all principal external cladding materials and fenestration, including details of joints, panel sizes and fixing method for cladding.
- b) Drawings at a scale of no less than 1:20 of a typical residential bay as shown on drawing P4002 rev P02.
- c) Details of fenestration. (Details of fenestration, where relevant, shall include window frames, glazing, reveals, sills and lintels.)
- d) Drawings and details of entrances. (Details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20.)
- e) Drawings and details of shopfronts. (Details of shopfronts, where relevant, shall include doors, glazing, reveals, stallrisers, pilasters, fascias, awnings and signage zones. Drawings shall be at a scale of no less than 1:20.)

- f) Details and samples of roofing.
- g) Details and samples of metal screen at level 01.
- h) Details of any balconies, terraces or wintergardens and associated balustrades, soffits and drainage.
- i) Details of any external rainwater goods, flues, grilles, louvres and vents.
- j) Details of any external plant, plant enclosures and safety balustrades.

The development shall not be carried out other than in accordance with the approved details.

13) Landscaping

No superstructure works shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- a) hard landscaping including ground surfaces, kerbs and planter enclosures;
- b) soft landscaping including number, size, species and location of plants;
- c) on-going five year maintenance and watering provisions for soft landscaping;
- d) lighting including light spill drawings and proposed Lux levels;
- e) biodiversity features within landscaping;
- f) sustainable urban drainage features within landscaping;
- g) drain covers, manholes and covers for access to drainage and utilities;
- h) play equipment and playable landscape features;
- i) railings, walls and other means of enclosure;
- j) bollards, gates and other access control measures;
- k) furniture including benches and litter bins;
- l) CCTV and other security measures;
- m) ground levels, gradients, thresholds and any inclusive access provisions;
- n) external cycle parking stands;
- o) wind mitigation measures;
- p) public art incorporated within the landscaping scheme (such public art can include bespoke street or play furniture or other bespoke landscape elements); and
- q) signage and wayfinding measures including Legible London signage.

The landscaping scheme shall be completed in accordance with the approved details no later than during the first planting season following

practical completion of the development and retained for the lifetime of the development. Any trees or shrubs which die, are removed or become seriously damaged or diseased within five years from the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative as agreed in writing by the Local Planning Authority.

14) Communal Areas Within the Building

a) No superstructure works shall take place until full details of the internal and external communal amenity and play area at level 02 and the internal communal amenity area and roof terraces at level 46 have been submitted to and approved in writing by the Local Planning Authority. The communal amenity, play and terrace areas shall be constructed and fitted out in accordance with the approved details, completed prior to the first occupation of the development and retained for the lifetime of the development.

b) No more than 80% of market units shall be occupied until a Communal Area Management Plan for levels 02 and 46 has been implemented and is in operation in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The Communal Area Management Plan shall govern access, management and maintenance arrangements for the communal areas within the building and remain in force for the lifetime of the development.

15) Secured by Design Standards

No superstructure works shall take place until details of all security measures have been submitted to and approved in writing by the Local Planning Authority.

The development shall aim to achieve the Secured by Design 'Gold' standard.

The security measures shall be implemented in accordance with the approved details, completed prior to the first occupation of the development and retained for the lifetime of the development.

16) Drainage

No superstructure works shall take place until a Sustainable Urban Drainage Scheme (SUDS) including on-going maintenance provisions has been submitted to and approved in writing by the Local Planning Authority.

The approved SUDS scheme shall be completed prior to the first occupation of the development and thereafter maintained in operational condition for the lifetime of the development.

17) Water Supply

No superstructure works shall take place until a Water Supply Impact Study has been submitted to and approved in writing by the Local Planning Authority.

The study shall determine the magnitude of any new additional water supply capacity required as a result of the development and the location of a suitable water supply connection point.

The development shall be carried out in accordance with the details so approved.

18) Highway Works

No superstructure works shall take place until a Scheme of Highway Improvement Works necessary to serve this development has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the completion of the approved works.

19) On-site Parking

a) The 4 wheelchair accessible car parking spaces shown on the approved drawings shall be provided prior to the first occupation of the development and retained for its lifetime.

b) No fewer than 1 car parking space shall be provided with an electric vehicle charging point. Passive provision for future provision of an electric charging point shall be made for a further 1 car parking space. The charging points as well as passive provision shall be in place prior to the first occupation of the development and retained for its lifetime.

c) The development shall not be occupied until a Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall govern the allocation of car parking spaces, including the wheelchair accessible spaces for the lifetime of the development and include provisions prioritising provision of car parking to the disabled and families.

d) At no time shall any other external areas of the development save for those explicitly identified on the approved drawings be made available for parking of motor vehicles other than to facilitate essential maintenance works.

20) Cycle Parking

No fewer than 724 cycle parking spaces (of which no fewer than 14 shall be provided as Sheffield stands within the public realm, no fewer than 182 shall be provided as double-stacked bike racks within the basement, and no fewer than 528 shall be provided as dedicated storage units on levels 13-45) shall be provided prior to the first occupation of the

development and thereafter maintained in operational condition and made available to the occupiers of the development for the lifetime of the development.

The cycle access lifts shown on the approved drawings shall be provided prior to the first occupation of the development and thereafter maintained in operational condition for the lifetime of the development.

21) Delivery, Servicing and Waste Management

The development shall not be occupied until a Delivery and Servicing Plan and a Waste Management Plan have been implemented and are in operation in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Plan and the Waste Management Plan shall remain in force for the lifetime of the development.

The delivery, servicing, waste storage and waste collection facilities shown on approved drawings shall be provided prior to the first occupation of the development and thereafter maintained in an operational condition and made available to the occupiers of the building for the lifetime of the development.

Performance conditions

22) Noise Insulation Standards for New Residential Units

a) All of the approved residential units shall be constructed to ensure that:

i. internal ambient noise levels do not exceed 35dB LAeq,16 hour, between hours 07:00 - 23:00 and within bedrooms do not exceed 30 dB LAeq, 8 hour between hours 23:00 - 07:00.

ii. exposure to vibration is no higher than of "low probability of adverse comment" in accordance with BS6472 '*Evaluation of Human Exposure to Vibration in Buildings*'; and

iii. at any junction between residential and non-residential uses, the internal noise insulation level is no less than 60 dB DnT,w + Ctr.

b) A post completion verification report including acoustic test results and confirming that the above minimum standards have been achieved shall be submitted to the Local Planning Authority for its written approval prior to either the expiry of the period of 3 months from first occupation or the occupation of no more than 80% of the residential units within the development, whichever event occurs earlier.

23) Noise Standards for Mechanical Plant and Equipment

a) Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so as not to exceed a level of 10dB below the lowest measured background noise level

(LA90, 15 minutes) as measured 1 metre from the nearest affected window of the nearest affected neighbouring residential property. The plant and equipment shall not create an audible tonal noise nor cause perceptible vibration to be transmitted through the structure of the building.

b) A post completion verification report including acoustic test results and confirming that the above maximum noise standards have been complied with shall be submitted to the Local Planning Authority for its written approval prior to either the expiry of the period of 3 months from first occupation or the occupation or no more than 80% of the residential units within the development, whichever event occurs earlier.

24) Air Quality Standards for Boilers and CHP Units

a) Any gas-fired boilers installed within the development shall not exceed the maximum emission standard of <40mgNO_x/kWh.

b) Any gas-fired CHP plant installed within the development shall not exceed the maximum emissions standards of:

- for spark ignition engine: <250mgNO_x/Nm³
- for compression ignition engine: <400mgNO_x/Nm³
- for gas turbine: <50mgNO_x/Nm³

The boilers and plant shall be maintained so as not to exceed the relevant standards for the lifetime of the development.

25) Energy Efficiency and Sustainability

a) The development shall be carried out in accordance with the Energy Strategy (by HOARE LEA dated 20/09/2016) and Sustainability Statement (by HOARE LEA dated 20/09/2016). The energy efficiency and sustainability measures set out therein shall be completed prior to the first occupation of the development and retained for its lifetime.

b) The development shall achieve regulated carbon dioxide emission savings of no less than 23% against the baseline of Target Emissions Rate of Part L of Building Regulations (2013).

c) Any non-residential unit over 500 sq m (GIA) shall target the 'Excellent' BREEAM standard and as an absolute minimum achieve the "Very Good" BREEAM standard.

d) The heat and hot water supply system shall be designed and constructed so as to enable a future connection of the supply system to a district heating network.

e) All of the approved residential units shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement G2(36)(2)(b) '*110 litres water consumption per person per day*'.

f) The development shall not be occupied until a post completion verification report has first been submitted to and approved in writing by the Local Planning Authority to confirm that the above minimum standards have been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.

26) Inclusive Access Standards for Residential Units

a) All of the approved residential units shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) '*accessible and adaptable*' save for 33 one bedroom private units and 4 one bedroom intermediate units which shall comply with the optional requirement M4(3)(2)(a) '*wheelchair adaptable*' and 6 two bedroom affordable rented units which shall comply with the optional requirement M4(3)(2)(b) '*wheelchair accessible*'.

b) Any lifts shown on the approved drawings shall be installed and in an operational condition prior to the first occupation of the relevant residential access cores. The lifts shall be retained and maintained in an operational condition for the lifetime of the development.

27) Opening Hours

The non-residential uses hereby permitted shall be closed for business and not be open to customers and members of the public outside of the hours of 07:00 – 23:00 Mondays to Saturdays and 08:00 – 22:00 on Sundays and Bank Holidays.

28) Kitchen Extract Standards for Commercial Uses

No hot food preparation shall take place within any of the non-residential uses hereby permitted until all relevant kitchen and hot food preparation areas have first been provided with air extraction and filtration systems designed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

The details shall include extraction hoods, internal fans, flexile couplings, three-stage filtration (grease filters, pre-filters and activated carbon filters), height of extract duct discharge and anti-vibration mounting.

The air extraction system shall be retained and maintained for the lifetime of the use in accordance with the approved details.