

Committee: Strategic Development	Date: 23 rd March 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Chris Stacey-Kinchin	Ref No: PA/16/02140 (corrected reference)
	Ward: Lansbury

1.0 APPLICATION DETAILS

Location: Leven Wharf (known as Glaucus Works), Leven Road, London, E14 0LP

Existing Use: Derelict (former industrial metal galvanising works (B2 Use Class))

Proposal: Demolition of existing buildings and redevelopment of site to provide a part 7, part 11 storey mixed use building with basement parking to provide 291sqm of commercial space (A1/A2/A3/A4, B1(a), D1 Use Classes) together with 160 residential units with associated landscaping, children's play facilities and public riverside walkway.

(Alterations to the development approved under planning permission PA/13/03053 including a two-storey extension to Block A and a single-storey extension to Block B to provide 34 additional residential units and all associated works).

Drawings and documents: Existing Site Survey, T(10)P00, Rev P1
Site Location Plan, T(90)P00, Rev P1
Proposed Lower Ground Floor Plan, 190-PA-01, Rev D
Proposed Upper Ground Floor Plan, 190-PA-02
Proposed First Floor Plan, 190-PA-03
Proposed Second Floor Plan, 190-PA-04
Proposed Third Floor Plan, 190-PA-05
Proposed Fourth Floor Plan, 190-PA-06
Proposed Fifth Floor Plan, 190-PA-07
Proposed Sixth Floor Plan, 190-PA-08
Proposed Seventh Floor Plan, 190-PA-09
Proposed Eighth Floor Plan, 190-PA-10
Proposed Ninth Floor Plan, 190-PA-11
Proposed Tenth Floor Plan, 190-PA-12
Proposed Eleventh Floor Plan, 190-PA-13
Proposed Sections, 190-PA-014
Proposed Sections, 190-PA-015

Proposed Block A North & East Elevations,
190-PA-016
Proposed Block B South & North Elevations,
190-PA-017
Proposed Block A South & West Elevations,
190-PA-018
Detail Elevation, 190-PA-019
Section Through Ramp Entrance, 190-PA-020
Block A Intermediate Flat Layout, 190-PA-21, Rev A
Block A Intermediate Flat Layout, 190-PA-22, Rev A
Block A Intermediate Flat Layout, 190-PA-23, Rev A
Block A Wheelchair Accessible Layout, 190-PA-24,
Rev A
Block A Intermediate Flat Layout, 190-PA-25
External Area Schedule, 190-PA-30, Rev B
Proposed Partial South Elevation Block B, PL-508,
Rev E
Block A Wheelchair Accessible Layout, T70D02, Rev P4
Block B Wheelchair Accessible Layout, T70D05, Rev P3
Block B Wheelchair Accessible Layout, T70D06, Rev P3
Block B Wheelchair Accessible Layout, T70D07, Rev P3
Block B Wheelchair Accessible Layout, T70D08, Rev P3
Block B Social Rent Flat Layout, T70D09, Rev P1
Block B Social Rent Flat Layout, T70D10, Rev P1
Block B Social Rent Flat Layout, T70D11, Rev P1
Block B Affordable Rent Flat Layout, T70D12
Block B Affordable Rent Flat Layout, T70D13
Block B Social Rent Flat Layout, T70D14, Rev P1
Block B Affordable Rent Flat Layout, T70D15, Rev P1
Block B Affordable Rent Flat Layout, T70D16, Rev P1
Block B Intermediate Rent Flat Layout, T70D18, Rev P1
Block B Intermediate Rent Flat Layout, T70D19, Rev P1
Block A Intermediate Flat Layout, T70D20
Block A Intermediate Flat Layout, T70D21
Block A Intermediate Flat Layout, T70D22
Accommodation Schedule Block A, BMA-33-001 Rev C
Accommodation Schedule Block B, BMA-33-002 Rev F
Air Quality Assessment, February 2017
Daylight and Sunlight Assessment, May 2016
Design and Access Statement, December 2013
Design and Access Statement Addendum, July 2016
Energy Statement – Revised 15.12.16
Financial Viability Assessment, August 2016
Flood Risk Assessment, November 2013
Historic Environment / Archaeological Appraisal,
November 2013
Housing SPG Compliance Schedule

Interim Travel Plan – November 2016
Land Contamination Assessment, September 2013
Noise Assessment, October 2016
Phase 1 Habitat Survey, November 2013
Planning Statement, July 2016
Servicing Management Strategy, May 2014
Socio-Economic Assessment, December 2013
Socio-Economic Assessment: Update Note
Statement of Community Involvement, December 2013
Structural Review River Wall, February 2014
Sustainability Statement – Revised 15.12.16
Transport Statement, November 2016
TV & Radio Reception Survey, December 2013
Waste Management Strategy, Feb 2017
Wind Impact Assessment, November 2013

Applicant: Leven Wharf Ltd

Ownership: Leven Wharf Ltd

Historic Building: N/A

Conservation Area: N/A

2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Strategic Development Committee as the proposed development involves the erection of a building which exceeds 30 metres in height.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2016) and the National Planning Policy Framework and all other material considerations.
- 2.3 The planning application is for the demolition of the existing disused metal galvanising works and the erection of two physically linked buildings of 11 storeys (Block A) and 5/7 storeys (Block B) respectively to provide 160 residential units and a single ground floor commercial unit of 291sqm in size.
- 2.4 Officers consider that the introduction of a residential-led mixed use development in this location is acceptable, as such a development is compatible with both its designations (in regional and local spatial planning documents) and relevant planning policy.
- 2.5 The proposed design of the amended scheme is considered to be acceptable in terms of its layout, height, scale and massing, features a high quality material palette along with high quality landscaping, and also has been designed in accordance with Secure by Design principles. As such officers can conclude that the application is acceptable in design terms.

- 2.6 Officers consider that as the proposal does not demonstrate symptoms of overdevelopment, provides the maximum viable level of affordable housing as well as a suitable mix of housing (including accessible housing), which is of a high standard, the application can be considered acceptable in housing terms.
- 2.7 The proposal would not adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the building a suitable level of amenity in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.
- 2.8 The proposal would not have a significant adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network.
- 2.9 Officers consider that the proposed refuse strategy for the site is acceptable as the refuse stores are located in convenient locations, are of suitable sizes and have been designed with the Council's waste management hierarchy of reduce, reuse and recycle in mind, in accordance with policy SP05 (1) of the Core Strategy (2010) and policy DM14 (2) of the Managing Development Document (2013).
- 2.10 Officers consider that the proposed energy strategy for the site is acceptable as the proposal has been designed in compliance with the London Plan energy hierarchy, is to provide CO2 emission reductions over and above the building regulation 2010 baseline, and has been designed to be BREEAM 'Excellent' in accordance with policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development Document (2013).
- 2.11 Officers consider that the proposal is acceptable in air quality, biodiversity contaminated land, flood risk and SUDS terms and can thus be considered to be in accordance with the relevant policies of the London Plan, Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to:

GRANT planning permission, subject to:

- a) Any direction by the **Mayor of London**.
- b) The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of **£61,984.77** towards enterprise and employment
- b) A contribution of **£1,217,699** towards affordable housing provision
- c) A contribution of **£4,000** towards S.106 monitoring
- d) A cash in lieu contribution towards the carbon offset fund (if required)

Non-Financial Contributions:

- a) 30.75% affordable housing, as a minimum, by habitable room with 69.4% as rent and 30.6% as intermediate
 - b) Employment and training strategy
 - c) Access to employment (20% local procurement; 20% local labour in construction; 20% end phase local jobs)
 - d) On-street parking permits removed for future occupants
 - e) Permanent public access to the river walkway and the path located within the development site leading to the walkway from Leven Road.
- c) That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.2 Conditions on planning permission

Compliance Conditions:

1. Time limit
2. Development to be built in accordance with the approved plans
3. Compliance with contaminated land site investigation report consented
4. No doors or gates to be opened over the adjacent highway
5. Compliance with materials as consented
6. Compliance with impact studies of the existing water supply infrastructure consented
7. Compliance with piling method statement consented
8. Commercial unit opening hours
9. Compliance with construction environmental management plan consented
10. Compliance with sustainable drainage systems details consented
11. Compliance with details of proposed cranes consented
12. Compliance with archaeological written scheme of investigation consented
13. External glazing specification
14. External plant noise levels

Further Details Required:

15. Landscaping details
16. Further details of cycle storage
17. Further details of green roofs
18. BREEAM final certificates
19. Further details of accessible/adaptable homes
20. Contaminated land – verification report
21. Delivery and servicing plan
22. Lighting and CCTV strategy
23. Details of combined heat and power system
24. Details of heat network
25. Details of mechanical extract systems
26. Waste management strategy
27. 'As built' CO2 emission reduction calculations
28. Scheme of highways works
29. Travel plan

3.3 Informatives on planning permission

1. Code of practice for works affecting the Canal & River Trust

2. Thames water
3. CIL

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposed development involves the demolition of the existing disused metal galvanising works and the erection of two physically linked buildings of 11 storeys (Block A) and 5/7 storeys (Block B) respectively to provide 160 residential units and a single ground floor commercial unit of 291sqm in size.
- 4.2 It should be noted that whilst this application covers the entire development, the application effectively constitutes an amendment to the previously consented scheme (PA/13/03053) in order to deliver an additional 34 residential units. 30 of these proposed additional residential units will be provided in Block A (which fronts the riverside) by inserting two additional full floor plates between the first and second floor levels taking Block A from 9 to 11 storeys and increasing the height by 5.73m, bringing it in line with the adjacent Devon's Wharf building. The remaining 4 proposed additional residential units will be provided in Block B (which fronts Leven Road) by adding an additional level to the top of the building taking Block B from part 5, part 6 storeys to part 5, part 7 storeys and increasing the height by 2.96m.
- 4.3 Block A which sits on the northern side of the site is to be irregular in shape and consists of two arms that meet at the north east corner of the site. One arm of the block would run parallel with the river with a new river walkway running in front of it and the other arm would return the building along the eastern edge of the site with a 3m clear pedestrian route between it and the site boundary. The latter frontage would look towards the neighbouring Gas Holder site and would benefit from potential views of the park planned for this site. In addition to providing residential accommodation (129 units) Block A would also contain an upper ground floor commercial unit of 291sqm occupying the north east corner (apex) of the building. The commercial space would have consent to be used as an A1, A2, A3, A4, B1(a) or D1 use class.
- 4.4 Block B which sits on the southern side of the site would be of a regular rectangular shape and would read as a part 5, part 7 storey building from its south west facing Leven Road frontage. Due to changes in ground levels, the rear elevation of this block (facing north east) would read as a part 4, part 6 storey block fronting a raised podium level landscaped courtyard that would be constructed between Block A and Block B. Block B would solely feature residential accommodation (31 units) and would not feature any commercial uses.
- 4.5 The car parking for the scheme would be located beneath the courtyard at lower ground floor level and effectively would serve as a basement car park, although minimal excavation would be required to construct the car park as the design exploits the change of levels across the site, rising from the southern edge of the site (adjacent to Leven Road) to the northern edge of the site (adjacent to the River Lea). The lower ground floor level car park would be accessed from Leven Road adjacent to the site's boundary with Devon's Wharf and would provide 24 car parking spaces for the residential accommodation, of which 16 of these spaces would be allocated for disabled users. The lower ground floor level would also accommodate a plant room, secure cycle parking stores and refuse storage areas for both the residential accommodation and the commercial unit.

- 4.6 The primary communal amenity space for the scheme, including the provision of child play space would be located on the podium level courtyard (upper ground floor level), and further outdoor communal amenity space would also be provided in the form of 3 roof gardens at 4th floor level in Block B and 8th floor level in Block A, in addition to the individual private balconies and roof terraces provided to each and every residential unit.

Site and Surroundings

- 4.7 The site has an area of approximately 0.45ha and is bordered to the north by the River Lea, bounded on its shortest edge to the south by Leven Road, bounded to the west by Devon's Wharf and bounded to the east by the Leven Road Gas Holder site.



Aerial view of the surrounding area looking east

- 4.8 The previously consented scheme (PA/13/03053) is currently under construction, however prior to works commencing the site has been vacant for a period of time, and prior to this was in use as a metal galvanising works. The site previously featured poor quality industrial buildings along much of the east side and an open yard on the rest of the site consisting of hard standing. The site lies adjacent to the Bow Creek Bend in the River Lea, which forms a part of the Lea Valley Metropolitan Site of Importance for Nature Conservation (SINC), with the mud banks to the river at this location serving as an important habitat for birds. The site also falls within Flood Risk Zone 3.
- 4.9 The general character of the site and the surrounding land that is bound by the River Lea to the north and Leven Road to the south is industrial with the exception of the adjacent Devon's Wharf development which is a part 6, part 11 storey residential block with B1 industrial units, and a publically accessible riverside walkway and a

public forecourt. In contrast the land to the south of Leven Road is generally residential in character and consists predominantly of Victorian housing and 1950/60's housing, the latter development making up the Aberfeldy Estate. Typically the surrounding residential development to the south is 2 or 3 storeys in height although with some residential blocks rising to 5 and 6 storeys.

- 4.10 The eastern boundary of the site is shared with the Leven Road Gas Holder Site that is operated by National Grid. The application site used to lie within the consultation zone set around the gas holder site by the Health and Safety Executive (HSE) for reasons of safety in respect of the neighbouring site's storage of gas and the Hazardous Substance Consent (HSC) that did pertain to that site. The Secretary of State confirmed in 2014 the Order revoking the HSC for Leven Road Gas Holder Site and accordingly the consultation zone was removed by the HSE.
- 4.11 The development site itself plus the adjacent gas holder site to the east form Site Allocation 12 (Leven Road Gas Works) within the Managing Development Document (MDD). The objectives for the wider site within the MDD document, that forms a part of the adopted LBTH Local Plan are to establish *"a large local park integrated as part of the wider Lea River Park with a strategic housing development, primary school, a district heating facility and other compatible uses. The objective for the local park will be required to incorporate flood mitigation measures."*
- 4.12 The development site and the wider locality known as Poplar Riverside have relatively poor access to public transport which is reflected in a PTAL rating of 1. It is approximately a 17 minute walk from the site to Canning Town Jubilee Line / DLR Station, and a similar walking distance to Langdon Park, All Saints and East India DLR Stations. As with the neighbouring Aberfeldy Estate the site is severed from the wider Tower Hamlets and Newham area through a lack of convenient pedestrian links across the dual carriageways of the A12 to the north and west of the site, the A13 (East India Dock Road) to the south and a lack of pedestrian bridges across the River Lea.
- 4.13 The site falls within Poplar Riverside as set out in the Core Strategy. The Core Strategy sets an objective to *"transform Poplar Riverside into a revitalised and integrated community reconnecting with the A12 and River Lea and change from a largely industrial area to a predominantly residential area"*. The Lea River Park and FAT Walk will offer connections northwards to the Olympic Legacy area via Bromley-by-Bow and Fish Island and new connections will be forged to overcome the barrier of the A12. *"The design of new development will need to ensure it achieves a joined-up street network and connects to surrounding routes. Buildings to be sensitive to the setting and present an active and positive edge to the River Lea, along with an appropriate setback to ensure the creation of a continuous riverside walkway."* The site also falls within the GLA's Poplar Riverside Housing Zone which seeks to provide up to 3923 new homes.

Relevant Planning History

Application Site

- 4.14 PA/13/03053 - Demolition of existing buildings and redevelopment of site to provide a part 6, part 9 storey mixed use building with basement parking to provide 291sqm of commercial space (A1/A2/A3/A4, B1(a), D1 Use Classes) together with 126 residential units with associated landscaping, children's play facilities and public riverside walkway. (Permission granted 07/11/2014)

- 4.15 PA/16/01822 - Application for variation of condition 29 (access to the river walk from the ground floor units) of planning permission PA/13/03053, dated 07/11/14. (Currently under consideration)

Devon's Wharf Site

- 4.16 PA/09/00109 – Redevelopment of site comprising the erection of a six and eleven storey building to provide 7 affordable B1 units and 66 residential units together with 12 car parking spaces, riverside walkway and public forecourt. (Permission granted 25/06/2010)

Gas Holder Site

- 4.17 PA/01/01202 - Continuation of Hazardous Substances Consent following a change in control of part of the land. (Permission granted 08/10/2001)
- 4.18 PA/13/00435 - Revocation of the planning Hazardous Substance Consent for the Poplar Holder site. (Permission granted 20/06/2014)
- 4.19 PA/16/01887 - Request for Screening Opinion as to whether an EIA is required in respect of an application for the Demolition of redundant gas holders. (EIA not required 29/07/2016)
- 4.20 PA/16/02340 - Demolition of three gasholders, meter house, small ancillary buildings and above ground pipework. (Prior approval given 02/09/2016)

5.0 POLICY FRAMEWORK

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

5.3 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

5.4 London Plan 2016

- 2.13 – Opportunity Areas and Intensification Areas
- 3.2 – Improving health and addressing health inequalities
- 3.3 – Increasing housing supply
- 3.4 – Optimising housing potential
- 3.5 – Quality and design of housing developments
- 3.6 – Children and young people's play and informal recreation facilities
- 3.7 – Large residential developments
- 3.8 – Housing choice
- 3.9 – Mixed and balanced communities
- 3.10 – Definition of affordable housing
- 3.11 – Affordable housing targets

- 3.12 – Negotiating affordable housing in individual private and mixed use schemes
- 4.8 – Supporting a successful and diverse retail sector and related facilities and services
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.6 – Decentralised energy in development proposals
- 5.7 – Renewable energy
- 5.9 – Overheating and cooling
- 5.10 – Urban greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 5.13 – Sustainable drainage
- 5.14 – Water quality and wastewater infrastructure
- 5.15 – Water use and supplies
- 5.17 – Waste capacity
- 5.18 – Construction, excavation and demolition waste
- 5.21 – Contaminated land
- 6.3 – Assessing effects of development on transport capacity
- 6.5 – Funding Crossrail and other strategically important transport infrastructure
- 6.9 – Cycling
- 6.10 - Walking
- 6.13 – Parking
- 6.14 – Freight
- 7.1 – Lifetime neighbourhoods
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.5 – Public realm
- 7.6 – Architecture
- 7.7 – Location and design of tall and large buildings
- 7.8 – Heritage assets and archaeology
- 7.13 – Safety, security and resilience to emergency
- 7.14 – Improving air quality
- 7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.18 – Protecting open space and addressing deficiency
- 7.19 – Biodiversity and access to nature
- 8.2 – Planning obligations
- 8.3 – Community Infrastructure

5.5 **Core Strategy 2010**

- SP01 – Refocusing on our town centres
- SP02 – Urban living for everyone
- SP03 – Creating healthy and liveable neighbourhoods
- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP06 – Delivering successful employment hubs
- SP08 – Making connected places
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP11 – Working towards a zero-carbon borough
- SP12 – Delivering placemaking

5.6 **Managing Development Document 2013**

DM2 – Local shops
DM3 – Delivering homes
DM4 – Housing standards and amenity space
DM9 – Improving air quality
DM10 – Delivering open space
DM11 – Living buildings & biodiversity
DM12 – Water spaces
DM13 – Sustainable drainage
DM14 – Managing waste
DM20 – Supporting a sustainable transport network
DM22 – Parking
DM23 – Streets and the public realm
DM24 – Place-sensitive design
DM25 – Amenity
DM26 – Building heights
DM29 – Achieving a zero carbon borough and addressing climate change
DM30 – Contaminated land and development and storage of hazardous substances
Site Allocation 12 – Leven Road Gas Works

5.7 **Supplementary Planning Documents**

Housing Supplementary Planning Guidance, March 2016
Planning Obligations Supplementary Planning Document, September 2016
Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance, September 2016

6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Affordable Housing Officer

6.3 The proportion of the new units offered for affordable use (which is governed by the need to retain separate tenures in different blocks / cores) is considered acceptable. The mix of new units proposed is led by the need to match existing floor plans, but the increase in numbers of differently sized units has slightly increased the overall family proportion from 22% to 30%, whilst decreasing the family proportion for rent from 61% to 48%, however this mix is still at or above our policy requirements. The provision of 2 additional wheelchair units (bringing the total to 16 units) in the intermediate tenure is acceptable as 10% of the total units proposed will be wheelchair units.

LBTH Biodiversity Officer

6.4 An updated biodiversity condition (to take into account changes in policy and the development itself) requiring details of biodiversity enhancements should be imposed. Any lighting proposed within the development should be designed to avoid light spill onto Bow Creek.

Canal and River Trust

- 6.5 A condition should be imposed which requires the development to be carried out in accordance with the Sustainable Water Management plans approved under consent PA/16/00912.

Crime Prevention Officer

- 6.6 Concerns raised regarding links between the development and the riverside path.

LBTH Design Officer

- 6.7 The two additional levels to Block A and the one additional level to Block B are supported. The revised elevations however are not supported as they result in significant changes to the appearance of the consented scheme and give rise to serious concerns regarding the overall quality of the scheme.

Officer comment: The revised elevations have been withdrawn, and no longer form part of the application.

LBTH EIA Officer

- 6.8 No comments received.

LBTH Energy Efficiency Officer

- 6.9 The proposals anticipate that there will be a 50% reduction in CO2 emissions against a building regulation 2010 baseline which is welcomed. The applicant should provide updated thermal profiling details for the energy system to demonstrate that the CHP sizing has been optimised for CO2 emission reductions and this should be secured via condition. A condition requiring the 'as built' CO2 emission reduction calculations to be submitted to the LPA should also be imposed, and where the anticipated CO2 savings are not achieved then any shortfall would need to be met through a cash in lieu contribution to be paid to the carbon offset fund.

Environment Agency

- 6.10 No objection in principle, however the LPA should assess the adequacy of the evacuation arrangements and also attach an informative regarding obtaining a permit from the EA.

LBTH Environmental Health – Air Quality

- 6.11 The submitted air quality assessment concludes that the proposed development will not have a significant impact on air quality and is considered acceptable.

LBTH Environmental Health – Contaminated Land

- 6.12 The conditions imposed under consent PA/13/03053 should be imposed and adhered to as part of any new consent.

LBTH Environmental Health – Noise and Vibration

- 6.13 No comments received.

Greater London Authority

- 6.14 The principle of a high density, residential-led mixed use development on this waterfront site within an opportunity area is established by the extant planning permission. GLA officers will work with the Council and applicant in order to achieve the maximum reasonable amount of affordable housing. The urban design and residential quality issues set out within the GLA's report must be addressed before the acceptability of the proposed increased height and density can be appropriately assessed. The applicant should address those issues raised regarding the provision of individual private residential entrances for the ground floor units along Leven Road and the riverside walk, in addition to providing direct access from the public realm for the western most core in the riverside block. The applicant should explore further options for providing an inclusive solution to the eastern access to the podium garden, in addition to providing an additional disabled parking space to meet policy standards. The applicant should also provide the carbon savings figures in tonne per annum based against a Part L 2013 baseline for each stage of the energy hierarchy in order for officers to make an appropriate assessment, in addition to providing further information on overheating, the site heat network, CHP and renewable technologies.

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.

Historic England Archaeology

- 6.15 No objection.

LB Newham

- 6.16 No comments received.

LBTH Occupational Health

- 6.17 Further details of the wheelchair accessible units are required.

LBTH SUDS Team

- 6.18 The site is located within Flood Zone 3 and is protected to a high standard by the Thames tidal flood defences. No residential accommodation is proposed in the lower levels which therefore limits the vulnerability of the scheme, however it is important to ensure that there is a resilient means of safe access/egress and the applicant has thus far not provided this. The submitted FRA (Flood Risk Assessment) sets out proposals to reduce the existing surface water run-off by employing Rain Water Harvesting, Green Roofs and Permeable Paving, however as no further details of these measures have been provided a condition will be required to be imposed which requests the submission of a detailed surface water drainage strategy.

Transport for London

- 6.19 No objection.

and up to 50,000 new jobs within the Opportunity Area. Site Allocation 12 (Leven Road Gas Works) takes in the application site and the neighbouring Gas Works site and envisages the creation of a strategic housing development, a primary school, a district heating facility, a large local park and other compatible uses.

- 8.3 Policy 2.13 of the London Plan (2016) seeks to ensure that developments within Opportunity Areas *“support the strategic policy directions for the Opportunity Area”* and *“seek to optimise residential and non-residential output and densities”*. Policy 3.3 sets out the borough’s housing targets until 2025, and states that Tower Hamlets is required to deliver a minimum of 3,931 new homes per year. Policy 4.8 states that Council’s should support the delivery of *“additional [retail] facilities at an appropriate scale in locations accessible by walking, cycling and public transport to serve existing or new residential communities”*.
- 8.4 The Council’s Core Strategy policy SP01 seeks to promote *“areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale”*. Policy SP02 *“seeks to deliver 43,275 new homes from 2010 to 2025 in line with housing targets set out in the London Plan”* and *“ensure new housing assists in the creation of sustainable places”*. Policy SP06 seeks the Council to *“work with partners across the sub-region, to deliver a phased, managed and co-ordinated release of 20 to 50 Ha of industrial land, over the lifetime of the plan”*.
- 8.5 The Council’s Managing Development Document policy DM2 states that the *“development of local shops outside of town centres will only be supported where: there is demonstrable local need that cannot be met within an existing town centre; they are of an appropriate scale to their locality; they do not affect amenity or detract from the character of the area; and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres”*. Policy DM3 states that *“development should maximise the delivery of affordable housing on-site”* and *“provide a balance of housing types, including family homes”*.

Loss of Existing Industrial Land

- 8.6 The application site was last in use as a metal galvanizing works, however was vacant immediately prior to construction work commencing on the previously consented scheme (PA/13/03053). Policy SP06 seeks to encourage the consolidation and managed release of industrial land in the Poplar Riverside area, and the site allocation (which exempts the application from the requirements of policy DM15(1)) encourages the re-use of this land for a strategic housing development. Given the above policy context officers have no objection to the loss of the existing industrial land.

Principle of Residential Use

- 8.7 The proposed development would result in the creation of 160 residential units, representing an increase of 34 units when compared to the previously consented scheme (PA/13/03053). As previously noted the site sits within the Lower Lea Valley Opportunity Area and Tower Hamlets Site Allocation 12 (Leven Road Gas Works). The Opportunity Area designation seeks to encourage a high level of housing growth in this area, and as such the delivery of an enhanced strategic housing-led development in this location can be seen to be in accordance with this designation. Tower Hamlets Site Allocation 12 (Leven Road Gas Works) seeks to deliver a strategic housing development on this site along with supporting uses including a large local park and primary school. By reason of the site’s size and location, on the western edge of the site allocation, it is unreasonable to seek the delivery of a local

park and primary school as part of the proposal. However the scheme will contribute towards the site allocation objective with the delivery of 160 new housing units, public realm improvements, and the inclusion of a significant area of new public open space with the River Walkway and the link footpath from Leven Road itself to it, and is therefore supported by officers.

- 8.8 Officers also consider that the delivery of 160 new residential units on this site is in accordance with other relevant policies, as the development will contribute to the borough's housing targets, assist in the creation of sustainable place making, maximise the delivery of affordable housing on-site (as demonstrated through a financial viability assessment), and provide a balance of housing types, including family homes. Officers are therefore content that the principle of a residential-led development on this site is acceptable as it is in accordance with relevant planning policy.

Principle of Non-Residential Use

- 8.9 The current application seeks to deliver a flexible commercial unit (Classes A1-A4/B1/D1) at upper ground level within the north east corner of Block A, directly adjacent to the proposed River Walkway, which will measure 291sqm in size. It should be noted that this proposed commercial unit is unchanged from the previously consented scheme (PA/13/03053) and as such has already previously been deemed to be acceptable.
- 8.10 Given that the relevant planning policy position is largely unchanged since the granting of the previous consent (PA/13/03053) which includes support for such units from policy 4.8 within the London Plan (2016), policy SP06 within the Tower Hamlets Core Strategy (2013) and policy DM2 within the Tower Hamlets Managing Development Document, and the fact that the site is a considerable distance from the nearest town centre and sits in a location where there is a lack of small retail shops, officers are content that the provision of a small flexible commercial unit in this location is still on balance acceptable.

Conclusion

- 8.11 Officers consider that the introduction of a residential-led mixed use development in this location is acceptable, as such a development is compatible with both its designations (in regional and local spatial planning documents) and relevant planning policy.

Design

Policy Context

- 8.12 Policy 7.1 of the London Plan (2016) seeks to ensure that *“the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood”*. Policy 7.2 seeks to ensure *“the principles of inclusive design [...] have been integrated into the proposed development”*. Policy 7.3 seeks to ensure that development reduces *“the opportunities for criminal behaviour and contributes to a sense of security”*. Policy 7.4 seeks to ensure that *“buildings, streets and open spaces should provide a high quality design response that contributes to a positive relationship between the urban structure and natural landscape features”*. Policy 7.5 seeks to ensure that *“development should make the public realm comprehensible at a human scale”*.

Finally policy 7.6 seeks to ensure that *“buildings and structures should be of the highest architectural quality”*.

- 8.13 The Council’s Core Strategy policy SP10 seeks to *“ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds”*.
- 8.14 The Council’s Managing Development Document policy DM23 states that *“development should be well-connected with the surrounding area and should be easily accessible for all people by: ensuring design of the public realm is integral to development proposals and takes into consideration the design of the surrounding public realm [and] incorporating the principles of inclusive design”*. DM24 states that *“development will be required to be designed to the highest quality standards, incorporating principles of good design, including: ensuring design is sensitive to and enhances the local character and setting of the development”*.

Layout

- 8.15 The overall form and layout of the proposed development remains unchanged from the previously consented scheme (PA/13/03053). The development includes two residential blocks which surround a central podium structure, which accommodates both child play space and communal amenity space. The siting of the two blocks, through their set back from the western edge of the site and the massing break along the southern Leven Road frontage, are well considered as they allow sufficient daylight and sunlight to be maintained to the windows in the eastern elevation of the adjacent Devon’s Wharf development, allow greater sunlight to enter into the podium space and also allow more sunlight to fall upon the south facing individual balconies within Block A.



Site layout block plan from the consented scheme (PA/13/03053)

- 8.16 The proposal has public frontages on three of its four edges with generous expanses of hard and soft landscaping on two of these edges, with the River Walkway to the north and the link footpath from Leven Road itself to it on the east (both contained within the site boundary), which is capable of forming part of the new park anticipated to come forward when the neighbouring gas works site is redeveloped. This arrangement brings wider public benefits as well as offering the future occupants a good degree of natural surveillance whilst simultaneously not compromising ground level site security, with access to the private communal central courtyard limited to only two points of gated entry (with electronic keypad control confined to residents).
- 8.17 Due to the difference in ground levels at the Leven Road boundary of the site and riverside edge of the site, the layout of the scheme enables an undercroft car park, cycle store and refuse store to be integrated within the scheme with a large podium of green amenity space, and child play space serving the residents (both affordable and private occupiers) of the scheme sitting above this. Block A which sits adjacent to the River Lea houses residential uses (along with the proposed commercial unit) which commence at upper ground floor and Block B, which fronts Leven Road houses residential uses which commence at lower ground floor.
- 8.18 Access to Block A is via a shared lobby at lower ground floor on the south eastern corner of the building which connects through to 3 cores via a corridor at lower ground floor. Whilst the GLA have raised concerns about this aspect of the layout of the development, and have expressed a preference for the western most core to be directly accessed from the river walkway instead, it should be noted that this arrangement is unchanged from the consented scheme (PA/13/03053) and that this part of the development has already been built out, meaning that it can no longer be amended. Given the above situation and taking into consideration the benefits that the amended proposal will deliver (such as increased on-site affordable housing provision), officers consider that on balance this arrangement can be accepted. GLA officers have also requested that the 3 residential units in Block A at upper ground floor level which front the river walkway are directly accessed from it as opposed to the internal circulation routes. Whilst officers consider that such an arrangement would be beneficial to further activate the proposed river walkway, it should be noted that the presence of residential units with windows and doors leading onto external amenity spaces which directly abut the river walkway already provide a reasonable degree of animation to this space. Furthermore the Secure by Design officer has raised considerable concern with this proposed alteration and has recommended that direct access from the river walkway to these units is not provided in the interests of future residents' safety. In light of the above officers consider that the currently proposed arrangement is acceptable.
- 8.19 Block B features two entrances, one at the western end of the building fronting Leven Road, and one at the eastern end of the building fronting the link footpath which runs along the eastern edge of the site. The 4 duplex residential units in Block B which front Leven Road also feature secondary entrances to their private external amenity spaces which feature gates allowing them to be accessed from the street. These access arrangements are unchanged from the consented scheme (PA/13/03053). The GLA have questioned the need for the duplex units to have two access points as it could undermine the use of the street facing entrances and the overall contribution they would make to animating this frontage. The applicant has stated that such arrangements cannot be changed due to the fact that this portion of the development has already been built out and that a registered provider has already agreed to take on these units based on their current design. As a compromise solution, officers have secured design amendments to the Leven Road facing entrances which now feature

glazed canopies above the front doors giving the impression that these are the front entrances to the units, which may encourage their use as the primary means of access for these units. In light of the above officers are content that this arrangement is thus acceptable.

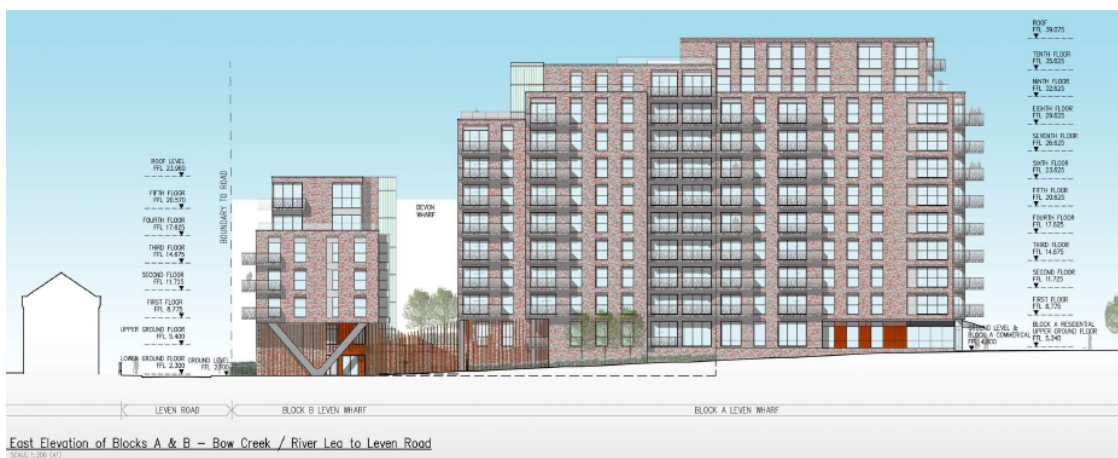
- 8.20 In light of the above officers consider that the layout of the proposed development is acceptable as it broadly is in accordance with the relevant policies.

Height, Scale and Massing

- 8.21 The existing footprints of both Blocks A and B are unchanged from the consented scheme (PA/13/03053). The proposed amended scheme however does seek to change the height of both Blocks A and B through the insertion of two additional full floor plates between the first and second floor level of Block A taking it from 9 to 11 storeys, and the provision of an additional level to the top of Block B taking it from part 5, part 6 storeys to part 6, part 7 storeys. The changes to Block A will raise the height of this block by 5.73m taking its overall AOD height from 33.35m to 39.075m, whereas the changes to Block B will raise its height by 2.96m taking its overall AOD height from 21m to 23.96m.



View of the consented scheme (PA/13/03053) from Poplar Gas Works (east elevation)



View of the proposed scheme from Poplar Gas Works (east elevation)

- 8.22 Officers consider the proposed amendments to the heights of both blocks to be acceptable as the overall increased mass of the development still responds well to its site context and the character of the area, which includes the part 6, part 11 storey

adjacent Devon's Wharf development and the 2/3 storey houses which sit opposite the site on the southern side of Leven Road.

- 8.23 In light of the above officers consider that the height, scale and massing of the proposed development is acceptable as it accords with the relevant policies.

Materials

- 8.24 The proposed material palette for the proposed development is unchanged from the consented scheme (PA/13/03053), with the exact materials having been consented under an approval of detail application (PA/16/02794). These materials include a high quality blended brick for the façades, patterned aluminium balustrading, corten steel panels for the surrounds to the entrances to both residential blocks, cast unwired reglit glazing for the stair cores, and powder coated grey aluminium windows and doors. These approved details will be replicated for the additional floors within the subject scheme.

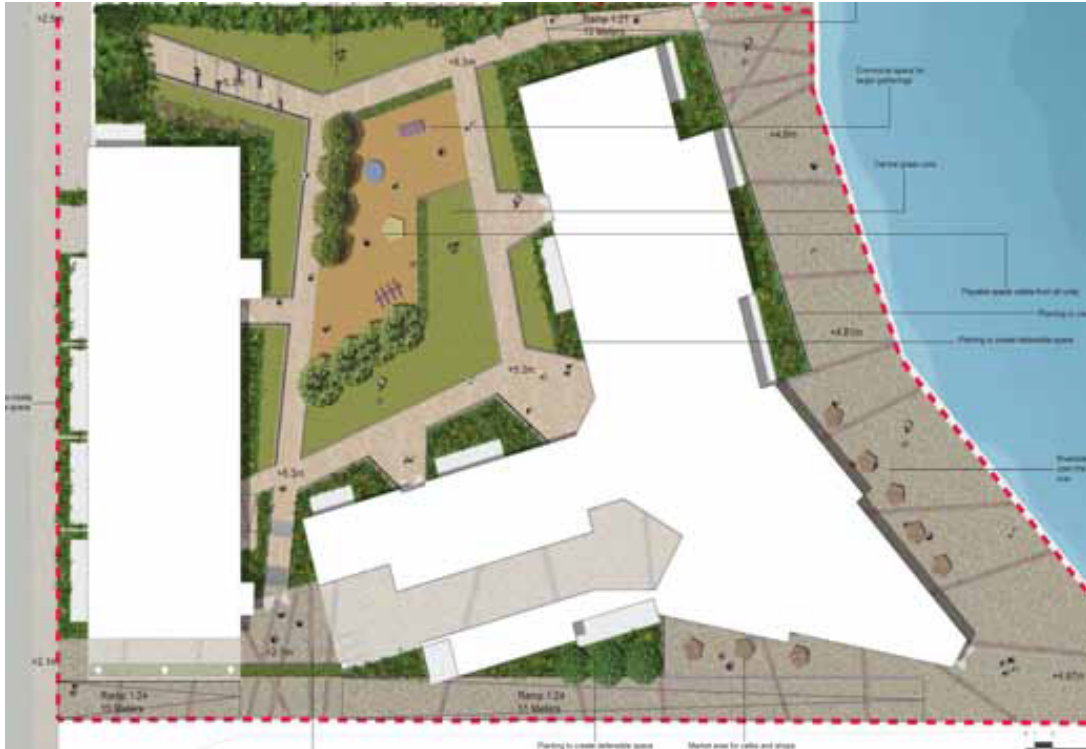


A selection of the materials approved for the scheme under consent PA/16/02794

- 8.25 The proposed material palette for the scheme is robust and will complement the existing character of the area as well as making visual associations with the historic industrial buildings located in the area. The palette of materials approved (under PA/16/02794) are high quality and durable materials which will ensure that the finished development is of the highest quality standards and incorporates the principles of good design, in accordance with policy DM24 in the Tower Hamlets Managing Development Document (2013).
- 8.26 In light of the above officers consider that the material palette for the proposed development is acceptable as it accords with the relevant policies.

Landscaping

- 8.27 The landscaping proposals for the amended scheme are largely similar to those permitted under the consented scheme (PA/13/03053), and consist of a large courtyard in the centre of the site (between Blocks A and B) at upper ground level (above the car park below), an 8m wide hard landscaped river walkway on the northern end of the site, and a 3m wide hard landscaped route on the eastern edge of the site.



Indicative landscaping plan, illustrating the central courtyard, river walkway and access route

- 8.28 The proposed podium courtyard in the centre of the site has been slightly amended from the consented scheme (PA/13/03053) to allow for the provision of a higher quantum of child play space generated by the uplift in the number of proposed residential units, however remains broadly similar to that permitted under the consented scheme (PA/13/03053). In addition to the proposed child play space areas, the podium courtyard also features a network of pathways which connect to entrances to both Blocks A and B, as well as other areas of landscaping which could be used by residents in addition to the proposed dedicated communal amenity space being proposed on level 8 of Block A and level 4 of Block B.
- 8.29 The proposed river walkway and associated link route is an integral part of the design and layout of the scheme which is included within the development's red line boundary and is unchanged from the consented scheme (PA/13/03053). The proposed river walkway, as well as providing a requisite minimum 8m separation distance between Block A and the banks of the River Lea (as required by the Environment Agency), will also positively contribute to the public realm helping to open up the banks of the River Lea to the public and contribute towards the wider ambitions for a public walkway along the river as part of the River Lea Park and LBTH wide Green Grid project. The hard and soft landscaping to the river walkway will echo the detailed design approach agreed for the river walkway consented within the neighbouring Devon's Wharf development, including a common use of granite paving setts and soft landscaping planting to enhance wildlife and biodiversity along the river banks. The proposed river walkway shall remain within the ownership of the developer, but with 24/7 uninhibited access for pedestrians and cyclists to use it. Such access will be secured via a S.106 legal agreement, in a similar fashion to the legal agreement secured for the river walkway within the neighbouring Devon's Wharf development.
- 8.30 In light of the above officers consider that the landscaping of the proposed development is acceptable as it accords with the relevant policies.

Secure by Design

- 8.31 The applicant has engaged with the Metropolitan Police and has taken on board their comments in the development of the proposals, in particular their comments regarding direct access from the 3 residential units on the upper ground floor of Block A to the river walkway, and their desire for this not to form part of the proposed development (contrary to GLA comments which are addressed under the 'layout' heading of this section of the report). All entrances, including those to the podium courtyard from the river walkway and the entrance car park will have access control systems, with video and audio links, and all windows will have internal locks with laminated/toughened double glazed units. A condition requiring the submission of an external lighting strategy will be secured via condition to ensure that proposed river walkway and access route, as well as the central courtyard within the development are adequately lit to ensure user's safety after dark. It should also be noted that the applicant is committed to ensuring that the scheme achieves Secure by Design accreditation, and a condition will be imposed requiring the applicant to submit evidence that the scheme has achieved Secure by Design accreditation prior to its first occupation.
- 8.32 In light of the above officers consider that the proposed development is acceptable in secure by design terms as it accords with the relevant policies.

Conclusion

- 8.33 Officers consider that the proposed design of the amended scheme is acceptable in terms of its layout, height, scale and massing, features a high quality material palette along with high quality landscaping, and also has been designed in accordance with Secure by Design principles. As such officers can conclude that the application is acceptable in design terms.

Housing

Policy Context

- 8.34 Policy 3.3 of the London Plan (2016) seeks to ensure that sufficient new housing is brought forward in order to meet demand, whilst policy 3.4 seeks to ensure that development optimises housing output for different types of location. Policy 3.5 seeks to ensure that new residential accommodation is of the highest quality and policy 3.6 seeks to ensure that provision is made within new developments for play and informal recreation. Policy 3.8 seeks to ensure that new residential developments provide a genuine choice of homes that are affordable and policy 3.12 seeks to ensure that local authorities seeks the maximum reasonable amount of affordable housing in all new developments. Policy 7.2 seeks to ensure that development demonstrates how it has incorporated the principles of inclusive design, including the specific needs of older and disabled people.
- 8.35 The Council's Core Strategy policy SP02 seeks to ensure that new housing assists in the creation of sustainable places by optimising the use of the land, delivers the maximum reasonable amount of affordable housing, and is appropriate, high-quality, accessible, well-designed and sustainable. This will be achieved by setting housing design standards, requiring new developments to be compliant with up to date building regulation standards, and ensuring that an adequate level of private and communal amenity space is provided within proposed developments, along with child play space.

- 8.36 The Council's Managing Development Document policy DM3 seeks to ensure that development maximises affordable housing and provides a balance of housing types, including family homes. Policy DM4 seeks to ensure that all housing developments include an adequate provision of internal space in order to provide an appropriate living environment, along with sufficient levels of both private and communal external amenity space in accordance with the London Plan Housing SPG, and also seeks to secure 10% of new housing as either accessible or 'easily adaptable'.

Residential Density

- 8.37 The application site has a PTAL rating of 1 indicating a very poor level of public transport accessibility, and can be considered to be in an urban location as it is within 800m of Chrisp Street District Centre. As such in accordance with table 3.2 within the London Plan (2016) the recommended density level for a site such in simple numerical terms is 150-250 habitable rooms per hectare. It should however be noted that the intent of London Plan and Local Plan policies is to maximise the highest possible intensity of use compatible with the local context, good design and sound levels of amenity for future occupants, as well as safeguarding the amenity of neighbouring residents and building occupiers.
- 8.38 The previously consented scheme (PA/13/03053) had a density level of 877 habitable rooms per hectare which exceeded the upper density for this location and was considered acceptable at the time due to the fact that it did not demonstrate any typical signs of over-development such as poor access to daylight/sunlight, sub-standard dwelling units (measured against the London Plan and the Mayor's Housing SPG), undue sense of enclosure, loss of outlook, increased traffic generation, loss of visual amenity to the locality, or a poor housing mix. Furthermore it should also be noted that the consented scheme (PA/09/00109) at the adjacent Devon's Wharf site has a similar density to the previously consented scheme (PA/13/03053) at 788 habitable rooms per hectare.
- 8.39 The proposed amended scheme increases the residential density on site to 1048 habitable rooms per hectare by virtue of the addition of a further 34 units. Whilst this proposal further increases the residential density of the proposal beyond that of the consented scheme (PA/13/03053), it is important to note that the amended scheme does not demonstrate any typical signs of over-development such as those outlined in the previous paragraph, and as such is considered to be compliant with both the London Plan and the Mayor's Housing SPG. Furthermore it should be noted that the site does sit within both an Opportunity Area and a Housing Zone which encourage a high level of housing growth in this area. As such officers consider that the proposed scheme can be considered to be acceptable in density terms.

Affordable Housing

- 8.40 The previously consented scheme (PA/13/03053) provided the following affordable housing provision:

	Total	Affordable	Of Which is Affordable/Social Rent	Of Which is Intermediate Provision
Habitable Rooms	390 (100%)	117 (30%)	83 (70.9%)	34 (29.1%)

- 8.41 The proposed amended scheme seeks to provide an additional 34 units within the development which provide the following affordable housing provision:

	Total	Affordable	Of Which is Affordable/Social Rent	Of Which is Intermediate Provision
Habitable Rooms	88 (100%)	30 (34%)	19 (63.3%)	11 (36.7%)

- 8.42 As such the entire amended scheme now provides the following affordable housing provision:

	Total	Affordable	Of Which is Affordable/Social Rent	Of Which is Intermediate Provision
Habitable Rooms	478 (100%)	147 (30.75%)	102 (69.4%)	45 (30.6%)

- 8.43 In addition to the above on-site affordable housing provision the applicant has also proposed to provide a financial contribution of £1,217,699 in lieu of further affordable housing units on site.
- 8.44 The applicant's initial viability assessment concluded that the amended proposal could only provide an affordable housing provision of 139 habitable rooms, equivalent to 29% of the residential accommodation being proposed (a reduction of 1% overall when compared to the consented scheme (PA/13/03053)), however this was subsequently amended to 147 habitable rooms, equivalent to 30.75% of the residential accommodation being proposed during viability discussions.
- 8.45 The Council's independent viability consultants who reviewed the applicant's viability assessment undertook a standard viability appraisal which concluded that the proposed scheme would still result in a surplus of £2,912,641, largely due to a disparity (between the applicant and the Council's viability consultants) in the costs associated with the amended proposal. However, given the unusual circumstances of this application (i.e. that it is currently midway through construction) the Council's viability consultants also reviewed the current scenario, which took into account a number of additional costs to reflect the total costs expended (as a result of the progress of the consented development (PA/13/03053)), which concluded that the proposal would still result in a surplus of £1,217,699.
- 8.46 The applicant disputed the conclusions of the Council's viability review stating that even the lower surplus did not reflect the true costs of delivering the scheme, nor took into account the fact that the economies of scale associated with the larger development (which were factored into the review of the viability assessment by the Council's consultants) could not be realised due to the stage that construction works of the consented scheme (PA/13/03053) had reached.
- 8.47 In light of the above further negotiations with the applicant have resulted in an improved affordable housing provision, through a financial contribution. As the applicant has already signed contracts and sold the properties in Block B to a registered provider (East Thames Homes) which has been evidenced to officers, the applicant is limited in the provision of additional on-site affordable housing units – the terms of the contract only allow for further intermediate units to be provided within Block A of the development and do not allow for any further social or affordable rent units to be provided or for any change of tenure of existing units to take place. As such, to ensure that a broad 70%/30% affordable housing split is maintained, a financial contribution in lieu of further affordable housing units on site would be

secured which would be ring-fenced to spend on the Council's own affordable housing delivery programme.

- 8.48 A contribution of £1,217,699 has been secured by officers in order to reflect the outcome of the Council's viability consultant's report. Officers consider that in light of the unusual circumstances of this application (i.e. that it is currently midway through construction), and the additional costs that this generates, such a contribution can be considered to be the maximum viable position, as the higher figure contained within the Council's consultant's report (which presumes that no development has taken place to date) would not be viable to the applicant due to the costs already expended by the development, and thus would not allow the current proposed development to come forward.
- 8.49 The final affordable housing provision (as outlined in the table under point 8.42) would therefore result in both a slight uplift in the overall percentage of affordable housing being provided on site (up from 30% to 30.75%) as well as an additional financial contribution of £1,217,699 which would be ring-fenced to spend on the Council's own affordable housing delivery programme. Whilst the affordable housing split would change slightly from 70.9%/29.1% to 69.4%/30.6%, the amended scheme is still broadly providing a 70%/30% affordable housing split in favour of affordable/social rent units and can thus be considered acceptable.
- 8.50 The amended scheme would provide a total of 1 x 2 bed, 6 x 3 bed and 6 x 4 bed units at social target rent levels. The remaining 6 x 1 bed and 6 x 2 bed affordable rent units proposed would be provided at the same rent levels as those secured under the previous consent (PA/13/03053) – up to £194 per week (including service charges) for the 1 bed units, and up to £202 per week (including service charges) for the 2 bed units.
- 8.51 Given the unusual circumstances of this development (i.e. that it is currently midway through construction), officers consider that the affordable housing offer represents the maximum viable offer and as such the proposed development can be seen to be in accordance with the relevant policies.

Dwelling Mix

- 8.52 The previously consented scheme (PA/13/03053) had the following dwelling mix:

	1 bed	2 bed	3 bed	4 bed	Total
Market	34 (35.5%)	45 (47%)	17 (17.5%)	0 (0%)	96 (100%)
Intermediate	5 (41.5%)	7 (58.5%)	0 (0%)	0 (0%)	12 (100%)
Social/Affordable	3 (16.5%)	4 (22%)	5 (28%)	6 (33.5%)	18 (100%)

- 8.53 The proposed amended scheme seeks to provide an additional 34 units within the development which comprise of the following:

	1 bed	2 bed	3 bed	4 bed	Total
Market	9 (41%)	11 (50%)	2 (9%)	0 (0%)	22 (100%)
Intermediate	1 (20%)	4 (80%)	0 (0%)	0 (0%)	5 (100%)
Social/Affordable	3 (43%)	3 (43%)	1 (14%)	0 (0%)	7 (100%)

8.54 As such the entire amended scheme now has the following dwelling mix:

	1 bed	2 bed	3 bed	4 bed	Total
Market	43 (36.5)	56 (47.5%)	19 (16%)	0 (0%)	118 (100%)
Intermediate	6 (35%)	11 (65%)	0 (0%)	0 (0%)	17 (100%)
Social/Affordable	6 (24%)	7 (28%)	6 (24%)	6 (24%)	25 (100%)

8.55 Strategic policy SP02 of the Tower Hamlets Core Strategy seeks to secure a mixture of small and large housing , requiring an overall target of 30% of all new housing to be of a size suitable for families (3 bed+), including 45% of new affordable homes to be for families.

8.56 Policy DM3 (part 7) of the Tower Hamlets Managing Development Document requires a balance of housing types including family homes based on the Council's most up to date Strategic Housing Market Assessment (2009) which is as follows:

	1 bed	2 bed	3 bed	4 bed
Market	50%	30%	20%	
Intermediate	25%	50%	25%	0%
Social/Affordable	30%	25%	30%	15%

8.57 Within the market sector the mix of units within the additional 34 units is slightly skewed more towards 2 bed units, which is the same when the entire amended scheme is looked at in the round. Officers are however content that the mix of market units being proposed is broadly in line with Council policy and offers a good range of both small and large housing within the market tenure.

8.58 Within the intermediate sector the mix of units within the additional 34 units provide a high quantum of 2 bed units, which is also the case when the entire amended scheme is looked at in the round. It should be noted however that the Council's preferred mix of intermediate units encourages the delivery of a high proportion of 2 bed units, and given that the scheme also proposes a number of 1 bed units as well, officers are content that the proposed intermediate mix of units being proposed is acceptable.

8.59 With respect to the social/affordable sector, the mix of units within the additional 34 units is skewed more towards smaller units (i.e. 1 and 2 bed units), however when the entire amended scheme is looked at in the round this brings the mix within this tenure more into line with the Council's preferred mix of social/affordable units (when compared against the consented proposal (PA/13/03053)). It should also be noted that 48% of the social/affordable units contained within the amended proposal are for families (i.e. 3+ bed units) which is welcomed by officers and exceeds the Council's requirement of 45% family units.

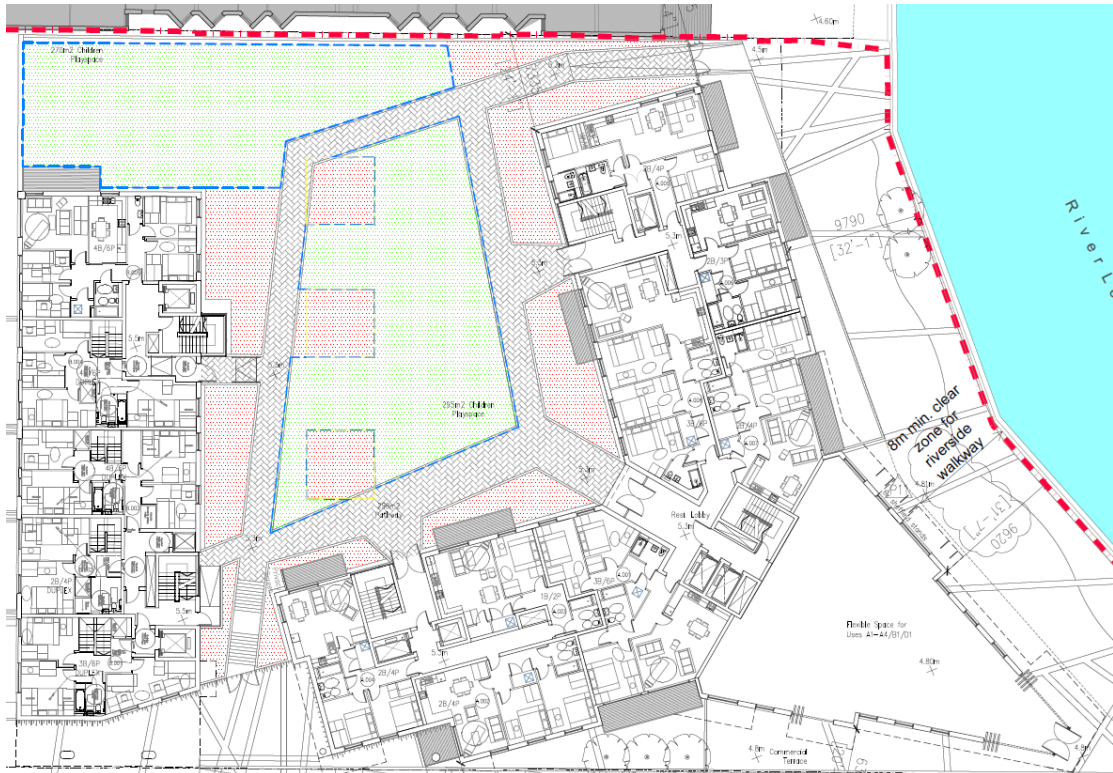
8.60 In the context of the Council's relevant policies, officers are content that the proposed dwelling mix of the amended scheme can broadly be considered to be policy compliant and is thus considered acceptable.

Residential Standards

- 8.61 The two additional levels proposed within Block A, and the one additional level proposed within Block B follow the previously approved layout and design (under consent PA/13/03053) of the other levels of the blocks. All of the proposed residential units, including the additional proposed units, have been designed in accordance with the Mayor of London's internal and private amenity space standards and as such the proposed residential units can be considered acceptable in terms of internal and private amenity space standards.
- 8.62 All of the proposed residential units have a minimum internal floor to ceiling height of 2.5m (which is in compliance with the London Plan Housing SPG). All 13 of the proposed social rent units are dual or triple aspect, 6 out of 12 proposed affordable rent units are dual or triple aspect (with the remaining 6 units being single aspect south facing 1 bed unit), and 11 out of 17 proposed shared ownership units are dual or triple aspect (with the remaining 6 units being single aspect south or south west facing 1 bed units). Due to the internal layout of the proposed development a large number of the market units also benefit from either double or triple aspects.
- 8.63 In light of the above officers are content that the residential standard of the proposed units within the amended scheme are of a high quality as they meet the relevant standards and policies.

Child Play Space and Communal Amenity Space

- 8.64 The previously consented scheme (PA/13/03053) had a child yield of 40 and included 421sqm of child play space. The child yield generated by the amended development is 54, of which 20 are aged under 5, meaning that a minimum of 540sqm of child play space is required to be provided. The applicant has redesigned the landscaping proposals for the upper ground floor podium level which now includes an enlarged child play space area which totals 565sqm, thus exceeding the minimum requirement for child play space. In order to ensure that the design of the proposed child play space is acceptable a condition will be imposed requiring the applicant to provide further details of the proposed child play space, such as details of surface treatments and proposed equipment.
- 8.65 With respect to communal amenity space the amended proposal is required to provide a minimum of 200sqm of communal amenity space. The applicant has proposed to provide 3 communal roof gardens on the 4th floor of Block B and the 8th floor of Block A which together total 275sqm. In addition to this dedicated communal amenity space, the proposal also features circa 300sqm of landscaping at podium level (in addition to circulation spaces and child play space provision) which can be used by residents as informal communal amenity space.
- 8.66 In light of the above officers are content that the quantum and quality of both child play space and communal amenity space provision for the amended proposal is acceptable subject to the necessary conditions.



Upper ground floor plan – the area hatched in light green represents 565sqm of child play space

Accessible Housing

- 8.67 The amended proposal seeks to provide a total of 16 wheelchair accessible units (designed in accordance with Part M4(3) of the Building Regulations 2015) representing 10% of the proposed residential units. The remaining 144 units will be designed to be accessible and adaptable (in accordance with Part M4(2) of the Building Regulations 2015). 4 of the wheelchair accessible units are to be in the form of social rented units, with the other 12 units being provided in the form of intermediate and private units. All of the wheelchair accessible units will have level access from the building cores (via a lift) to the communal amenity space and riverside walkway, as well as the 16 dedicated blue badge car parking spaces within the lower ground floor of the development (1 space per unit).
- 8.68 In order to ensure that the proposed wheelchair accessible units have been designed in accordance with Part M4(3) of the Building Regulations 2015 a condition requiring detailed layouts of the units at a scale of 1:50 will be imposed. The condition will also stipulate that the remaining 144 units within the development must be designed in accordance with Part M4(2) of the Building Regulations 2015. Subject to these conditions officers are therefore content that the proposed residential accommodation is acceptable in accessibility terms.

Conclusion

- 8.69 Officers consider that as the proposal does not demonstrate symptoms of overdevelopment, provides the maximum viable level of affordable housing as well as a suitable mix of housing (including accessible housing), which is of a high standard, the application can be considered acceptable in housing terms.

Amenity

Policy Context

- 8.70 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.71 The Council's Core Strategy policy SP10 (4) seeks to ensure that development *"protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)"*.
- 8.72 The Council's Managing Development Document policy DM25 states that *"development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm"*.

Overlooking and Impact on Outlook, Privacy and Enclosure

- 8.73 The nearest residential properties to the site are no's 128 to 144 Leven Road (even numbers only), and the adjacent Devon's Wharf development. No residential properties lie to the east or north of the proposed development. The Leven Road properties are two and three stories in height and are situated to the south of the site and would look across Leven Road to Block B of the proposed development, situated on the opposite side of the road. The minimum distance between the front elevations of these houses and Block B would be approximately 17.5m (unchanged from consent PA/13/03053), which is considered to be acceptable as the public highway runs between them. The minimum distance between the recently completed adjacent Devon's Wharf development and the proposed development would be approximately 4m (unchanged from consent PA/13/03053). Whilst a series of habitable room windows within the Devon's Wharf development face out from the eastern elevation (towards the application site), in order to avoid neutralising the application site these habitable room windows have angled oriel windows. Furthermore any windows on the western elevations of both Blocks A and B have of the proposed development have been carefully sited in order to avoid any direct overlooking between the proposed development and the adjacent Devon's Wharf development. It should be noted that between these two residential schemes no habitable room windows would directly face each other within a 20m distance at an angle of 45 degrees or less. As such there are not considered to be any significant overlooking nor privacy issues as a result of the proposed development.
- 8.74 With respect to the impact of the proposed development on neighbouring outlook and sense of enclosure, it is considered that the minimum distance (17.5m) between the proposed development and the Leven Road properties, along with the fact that the scale of the development steps down towards Leven Road, mean that the impact on outlook and sense of enclosure for these properties will be minimal. For the adjacent Devon's Wharf development, it should be noted that the layout of the proposed development (through the inclusion of a central courtyard) takes into account window positions within the adjacent Devon's Wharf development, and as such cannot be considered to unduly impact upon the outlook or sense of enclosure of these properties either. As such there are not considered to any significant outlook nor enclosure impacts as a result of the proposed development.

Daylight and Sunlight Implications for Neighbours

- 8.75 The applicant has undertaken a daylight and sunlight assessment which assesses the impact of the proposed development on a number of surrounding properties, namely 116-146 Leven Road (even numbers only) and Devon's Wharf. This report has also been reviewed by an independent daylight and sunlight specialist instructed by the Council.
- 8.76 With respect to the impact of the development on the daylight and sunlight levels of surrounding properties on Leven Road, it has been concluded that the proposed development would have a negligible impact on daylighting levels for numbers 116-126 Leven Road inclusive, and numbers 142-146 Leven Road inclusive, as the levels of loss for these properties would be within the BRE guidelines. No's 128 and 140 Leven Road would experience losses in daylighting levels marginally outside the BRE guidelines and this level of impact can be classed as minor adverse. No's 130 to 138 Leven Road would also experience losses in daylighting levels outside the BRE guidelines and this level of impact can be classed as moderate adverse. In most instances where there are daylighting losses outside the BRE guidelines the ADF (average daylight factor) levels are still BRE compliant indicating that they will still receive good levels of daylight. It should be noted that all of the affected windows to the aforementioned Leven Road properties are north facing and as such the proposed development will not impact the levels of sunlight received by these properties. In light of the above, the site's urban setting, and the fact that all of the affected properties also benefit from southerly aspects (on their alternate facades) which will be unaffected by this development and continue to afford these residents with good levels of daylight and sunlight, officers are content that the daylight and sunlight implications for the surrounding properties on Leven Road can be considered to be acceptable as the negative impact upon existing dwellings in Leven Road is very limited.
- 8.77 Within the adjacent Devon's Wharf development 41 windows will experience losses in daylighting levels outside the BRE guidelines, however in a number of instances these losses are only marginally outside of the BRE guidelines, and this level of impact can be classed as moderate adverse. It is noted however that there are some instances where there would be big reductions in daylighting levels and this can largely be attributed to the fact that the affected windows sit in very close proximity to the common boundary with the application site, arguably taking more than their fair share of light from the application site, and thus being a bad neighbour in this regard. In most instances the windows which are experiencing daylighting losses outside of the BRE guidelines are bedrooms (for which such losses are considered to be less important), and in most cases the ADF (average daylight factor) levels within these rooms are still BRE compliant indicating that they will still receive good levels of daylight. With regard to the sunlighting implications of the proposed development on Devon's Wharf, there are only a small number of instances where the losses would be outside of BRE guidelines, and these are largely only marginally outside of these guidelines, and as such these impacts can be classed as minor adverse. Given the above officers are content that the daylight and sunlight implications for the adjacent Devon's Wharf development can be considered to be acceptable as the negative impact upon existing dwellings in Devon's Wharf is very limited.
- 8.78 It should be noted that both BRE guidance and daylight analysis software has changed since the assessment of the previously consented scheme (PA/13/03053) took place and as such the two reports are not directly comparable. The daylight and sunlight analysis contained within this application has been undertaken in light of these updates and as such is in compliance with current BRE guidance. Whilst exact

changes between the consented scheme (PA/13/03053) and the currently proposed amended scheme can thus not be derived, it should be noted that the general implications of the amended scheme on surrounding properties (i.e. isolated instances of minor and moderate adverse impacts) are largely similar to the consented scheme (PA/13/03053), and the addition of the proposed further storeys to the development do not significantly worsen its overall impacts on surrounding properties.

Daylight and Sunlight Levels for the Development

- 8.79 With the exception of four rooms, all rooms within the proposed development meet the minimum BRE average daylight factor (ADF) guidelines. For the four rooms that do not meet this minimum it should be noted that they are all only marginally outside of the BRE guidelines, and given the urban setting of the development, officers are content that the levels of daylight afforded to future residents of the proposed development are acceptable.
- 8.80 In terms of the level of sunlight afforded to future residents of the proposed development, there are a small number of instances where windows do not receive APSH (annual probable sunlight hours) in line with BRE guidance, however a high number of these instances involve bedrooms (for which such levels are considered to be less important). Officers are however content that on balance, given the urban setting of the development, that such minor non-compliance is acceptable, and as such the levels of sunlight afforded to future residents of the proposed development is considered to be acceptable.

Noise

- 8.81 A noise assessment accompanies the application and concludes that the site is subject to moderately high levels of noise arising from traffic on the local road network, from aircraft, and from neighbouring commercial activities. The acoustic report provides a glazing specification for the new residential units to curb external noise transfer and in respect of construction detailing for noise transfer from the proposed commercial unit to the residential units above. Officers consider that the conclusions and recommendations of this report are acceptable subject to appropriate conditions being imposed.
- 8.82 The proposed commercial unit will be located some distance from Leven Road thereby minimising noise impact to neighbouring properties. The applicant is agreeable to a set of planning conditions which would control the hours of operation for future occupants of the commercial unit, impose acoustic noise level controls for any mechanical extract or ventilation equipment, and control waste and servicing management, in order to control potential disturbance arising from vehicular movements associated with the commercial unit.

Conclusion

- 8.83 Officers consider that as the proposal would not significantly adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the building a suitable level of amenity, the proposed development can be seen to be in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.

Highways and Transportation

Policy Context

- 8.84 Policy 6.3 of the London Plan (2016) states that *“development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network”*. Policy 6.9 states that *“developments should: provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards [...] and the guidance set out in the London Cycle Design Standards”*. Policy 6.13 states that *“in locations with high public transport accessibility, car-free developments should be promoted (while still providing for disabled people)”*. Finally policy 6.14 states that *“delivery and servicing plans [should be used] to minimise congestion impacts and improve safety”*.
- 8.85 Policy SP09 seeks to *“ensure new development has no adverse impact on the safety and capacity of the road network [and promotes] car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport”*.
- 8.86 The Council’s Managing Development Document policy DM20 states that *“development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network”*. Policy DM22 states that *“in order to ensure suitable provision for cyclists, development will be required to: meet, and preferably exceed, the minimum standards for cycle parking”*.

Traffic and Highway Assessment

- 8.87 The application site has a PTAL rating of 1 meaning that it is in an area of very poor public transport accessibility. Notwithstanding this however the supporting transport assessment envisages that the majority of residents will use public transport to make journeys to their destinations, through the use of either Canning Town DLR / Jubilee Line station or Langdon Park DLR station which are both approximately a 17 minute walk away from the site, or local bus services which stop on both the nearby A12 and A13 roads. The number of public transport trips envisaged to be created by the proposed development, 62 in the AM peak and 33 in the PM peak (up from 48 in the AM peak and 26 in the PM peak under the consented scheme (PA/13/03053)), is considered to have a negligible impact on the public transport network, and as such the proposal is considered to be acceptable in terms of its implications for the local public transport network.
- 8.88 A small number of car trips are anticipated to be generated by the development in the form of 20 and 11 vehicle movements during the AM and PM peak hours respectively, an increase of 4 and 2 vehicle movements during the AM and PM peak hours respectively when compared to the previously consented scheme (PA/13/03053). The proposed commercial unit is also expected to generate 2 vehicle movements during the peak hours, however this is unchanged from the previously consented scheme (PA/13/03053). Given the low level of vehicle movements anticipated to be generated by the proposed development it can be concluded that this scheme will have a negligible impact on the local highway network.
- 8.89 In light of the above officers therefore consider that the proposed development can be seen to be acceptable in terms of its impacts upon the local highway and public

transport in accordance with policy SP09 of the Core Strategy (2010) and policy DM20 of the Managing Development Document (2013).

Parking

- 8.90 In order to comply with the London Plan (2016) cycle parking standards a minimum of 265 long stay and 4 short stay cycle parking spaces are required to be provided for the residential element of the proposal, and 2 long stay cycle spaces and 8 short stay cycle spaces are required for the commercial element of the proposal. For the residential element of the proposal the applicant is proposing to provide 267 long stay cycle parking spaces within dedicated secure cycle stores within the lower ground floor along with 4 short stay cycle parking spaces within the public realm directly adjacent to the residential lobby of Block A, thus meeting the relevant standards. For the commercial element of the proposal the applicant is proposing to provide 12 cycle parking spaces adjacent to the commercial unit along the riverside walkway for use by both short and long stay users, and this provision also meets the relevant standards.
- 8.91 A total of 24 car parking spaces are to be provided within the lower ground floor level (as per the consented scheme (PA/13/03053)), and 16 of these are to be in the form of blue badge spaces (representing 1 space for every 10 units within the development) which is welcomed by officers as it is in compliance with the Mayor's Housing SPG. The overall proposed quantum of car parking being proposed is within the maximum standards set out by both LBTH and the London Plan and as such can be considered to be acceptable. Furthermore 5 of the proposed spaces (representing 20% of the total car parking provision) are to feature electric charging facilities which is in compliance with both LBTH and London Plan standards. In order to promote the use of sustainable transport modes and reduce reliance on private motor vehicles both a travel plan and on-street permit free agreement will be secured by means of a S.106 agreement.
- 8.92 In light of the above officers consider that the proposed development can be considered to be acceptable in terms of its proposed parking provision in accordance with policies 6.9 and 6.13 of the London Plan (2016), policy SP09 of the Core Strategy (2010) and policy DM22 of the Managing Development Document (2013).

Servicing and Deliveries

- 8.93 Due to the design approach to the scheme and the scale of the site, it has not been possible to incorporate an off-street servicing yard within this development, a position unchanged from the previously consented scheme (PA/13/03053). As such all servicing and delivery activities will take place on-street (Leven Road). Given the fact that Leven Road is a very lightly trafficked street and is relatively wide officers are content that in this instance such a strategy in principle can be considered to be acceptable, and neither TFL nor LBTH highways officers have objected to this. In order to ensure that such a strategy does not adversely impact the local highway network a condition will be imposed requiring the submission and approval of a full servicing and delivery management plan for the development.
- 8.94 In light of the above officers are content that the proposal is in accordance with policy 6.14 of the London Plan (2016), policy SP09 of the Core Strategy (2010), and policy DM20 of the Managing Development Document (2013).

Conclusion

- 8.95 Officers consider that as the proposal would not have a significant adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network, the proposal on balance is acceptable in transport and highways terms.

Refuse

Policy Context

- 8.96 Policy 5.17 of the London Plan (2016) states that development proposals should be *“minimising waste and achieving high reuse and recycling performance”*.
- 8.97 The Council’s Core Strategy policy SP05 (1) states that development should *“implement the waste management hierarchy of reduce, reuse and recycle”*.
- 8.98 The Council’s Managing Development Document policy DM14 (2) states that *“development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle”*.

Assessment

- 8.99 The proposed development includes the provision of 3 large refuse stores within the lower ground floor level of the development for the residential units and a further separate smaller refuse store for the commercial unit, also located within the lower ground floor level. The proposed residential refuse stores are capable of housing 31 x 1,280 litre Eurobins (39,680 litres total) which is in excess of LBTH minimum refuse storage requirements. The largest refuse store (which is directly adjacent to Leven Road) has been designed to allow for the bins from the other smaller refuse stores to be moved on collection day and also features a designated area for the storage of bulky waste. The proposed commercial refuse store has also been designed to be of sufficient scale to accommodate the levels of waste expected to be generated by the proposed commercial unit.

Conclusion

- 8.100 Officers consider that the proposed refuse strategy for the site is acceptable as the refuse stores are located in convenient locations, are of suitable sizes and have been designed with the Council’s waste management hierarchy of reduce, reuse and recycle in mind, in accordance with policy SP05 (1) of the Core Strategy (2010) and policy DM14 (2) of the Managing Development Document (2013).

Energy Efficiency and Sustainability

Policy Context

- 8.101 Policy 5.2 of the London Plan (2016) states that *“development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy: 1) be lean: use less energy, 2) be clean: supply energy efficiently, 3) be green: use renewable energy”*. Policy 5.3 states that *“the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to*

adapt to the effects of climate change over their lifetime". Policy 5.6 states that *"development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites"*. Policy 5.7 states that *"within the framework of the energy hierarchy, major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible"*. Finally policy 5.9 states that *"major development proposals should reduce potential overheating and reliance on air conditioning systems"*.

8.102 The Council's Core Strategy policy SP11 seeks to ensure that development helps to *"implement a borough-wide carbon emissions target of 60% below 1990 levels by 2025"*.

8.103 The Council's Managing Development Document policy DM29 details the necessary carbon reductions over and above the building regulations requirements and states that *"development will be required to connect to or demonstrate a potential connection to a decentralised energy system unless it can be demonstrated that this is not feasible or viable"* and that *"sustainable design assessment tools will be used to ensure climate change mitigation measures are maximised within development"*.

Assessment

8.104 The applicant has submitted both an energy and sustainability statement which detail how the London Plan energy hierarchy of 'be lean, be clean and be green' has been adhered to in the design of the proposed building, and how sustainable design features have been incorporated into the proposal. All reasonable endeavours have been made to reduce the amount of energy required by the building and supply it in the most efficient method possible which has led to the scheme achieving a 50% CO2 emission reduction over and above the building regulation 2010 baseline which is welcomed. The energy efficiency measures proposed include:

- high performance building fabric and energy efficiency lighting, services and controls to reduce energy demand for space heating, cooling, ventilation and lighting;
- passive design measures to reduce energy demand;
- a centralised CHP incorporated in parallel with highly efficient conventional gas-fired boilers, and;
- future proofing the development to ensure a potential connection to any future district energy network.

In order to ensure that the proposed development meets the proposed 50% CO2 emission reduction target, a condition requiring the 'as built' CO2 emission reduction calculations to be submitted to the LPA will also be imposed, and in the event that the anticipated CO2 savings are not achieved then any shortfall would need to be met through a cash in lieu contribution to be paid to the carbon offset fund. A condition requiring updated thermal profiling details for the energy system to demonstrate that the CHP sizing has been optimised for the envisaged CO2 emission reductions (to take into account the larger amended proposal) will also be imposed.

8.105 Part (4) of policy DM29 in the Managing Development Document states that sustainable design assessment tools will be used to ensure that development achieves the highest levels of sustainable design and construction. It should be noted

that the Code for Sustainable Homes was abolished in 2015 and as such no longer applies to this development. As such the only sustainable design assessment tool relevant to this development is BREEAM which only covers the non-residential element of the proposal, and in order to meet policy DM29 the proposed commercial unit must be designed to achieve a BREEAM 'Excellent' assessment rating. The applicant has submitted a sustainability statement which shows that the proposed commercial unit is designed to achieve a BREEAM 'Excellent' rating with a score of 70.07% which is welcomed. In order to ensure that the development achieves this target a condition requiring the final certificate to be submitted within 3 months of completion of the development will be imposed.

Conclusion

- 8.106 Officers consider that the proposed energy strategy for the site is acceptable as the proposal has been designed in compliance with the London Plan energy hierarchy, is to provide CO2 emission reductions over and above the building regulation 2010 baseline, and has been designed to be BREEAM 'Excellent' in accordance with policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development Document (2013).

Environmental Considerations

Policy Context

- 8.107 Policies 5.10 and 5.11 of the London Plan state that *"development proposals should integrate green infrastructure" such as "roof, wall and site planting"*. Policy 5.12 of the London Plan states that *"development proposals must comply with the flood risk assessment and management requirements set out in the NPPF"*. Policy 5.13 states that *"development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for doing so"*. Policy 5.21 states that *"appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination"*. Policy 7.14 states that *"development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality"*. Finally Policy 7.19 states that *"development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity"*.
- 8.108 The Council's Core Strategy policy SP04 states that the Council will *"promote and support new development that provides green roofs, green terraces and other measures to green the built environment"* and that *"all new development that has to be located in a high risk flood zone must demonstrate that it is safe [and] that all new development across the borough does not increase the risk and impact of flooding"*.
- 8.109 The Council's Managing Development Document policy DM9 states that *"major development will be required to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution during construction or demolition"*. Policy DM11 states that *"development will be required to provide elements of a 'living building'"* and will be required to deliver *"biodiversity enhancements in accordance with the Council's Local Biodiversity Action Plan"*. Policy DM13 states that *"development will be required to show how it reduces the amount of water usage, runoff and discharge from the site, through the use of appropriate water reuse and Sustainable Urban Drainage (SUD) techniques"*. Policy DM30 states that *"where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation"*.

proposals agreed to deal with the contamination before planning permission is granted”.

Air Quality

- 8.110 The applicant has submitted an air quality assessment which assesses the existing air quality of the site and surroundings as well as the level of emissions from transport generated by the proposed use and the building itself. The assessment concludes that in this instance any emissions generated by the proposed development are below the benchmarks detailed in relevant policy and guidance and therefore the development meets the requirement to be ‘Air Quality Neutral’, and as such no mitigation measures are required in this instance.
- 8.111 The previously approved construction environmental management plan (under consent PA/16/00118) covered the generation of dust and air quality during the construction process and set out a range of mitigation/management measures which are to be used to ensure that there is no significant impact on air quality during the demolition and construction phases of the development. A compliance condition requiring the amended proposed development to be carried out in accordance with this previously approved document will be imposed.
- 8.112 The above documents have been reviewed by the Council’s air quality officers who have concurred with the results of the submitted reports and have thus raised no objections to the development. As such officers consider that the proposed development is acceptable in air quality terms.

Biodiversity

- 8.113 The siting of the proposed buildings remains unchanged from the consented scheme (PA/13/03053) and as such the 8m set back from the River Lea and Bow Creek, which fall within a Site of Importance for Nature Conservation (SINC) (as required by the Environment Agency), still forms a part of the proposed development.
- 8.114 The applicant has submitted a habitat survey with the application which demonstrates that the application site itself has no significant biodiversity value. The proposed development involves a number of biodiverse and brown roofs across both blocks, along with areas of nectar rich planting for wildlife, which is welcomed as they will contribute towards the Local Biodiversity Action Plan (LBAP). Further details of the proposed biodiversity enhancements will be secured via condition and subject to the approval of the Council’s biodiversity officer, to ensure that the proposed biodiversity enhancements contribute towards the LBAP.
- 8.115 In order to ensure that the proposed development does not have any adverse impact on the adjacent SINC, full details of the proposed lighting across the site (both within the development itself and on the adjacent river walkway) will be secured via condition and subject to the approval of the Council’s biodiversity officer, to ensure that there is no light spill onto Bow Creek. In light of the above officers consider that the proposed development is acceptable in biodiversity terms.

Contaminated Land

- 8.116 The consented scheme (PA/13/03053) included a condition which required a written scheme of investigation to be submitted prior to the commencement of development and a verification report detailing the remediation works to be submitted prior to the first occupation of the development. The written scheme of investigation has already

been approved (under consent PA/16/00118), whilst the verification report detailing the remediation works is yet to be submitted as the scheme has not yet been occupied. Given that construction works have progressed beyond ground level works, officers are content to impose a compliance condition requiring the amended proposed development to be carried out in accordance with the previously approved written scheme of investigation as well as a condition requiring the submission of a verification report detailing the remediation works prior to the first occupation of the development. In light of the above officers consider that the proposed development is acceptable in contaminated land terms.

Flood Risk

- 8.117 The application site falls within Flood Risk Zone 3 of the Environment Agency (EA) map, where the annual probability of fluvial flooding is classified as greater than 1 in 100 and the annual probability of tidal flooding is classified as greater than 1 in 200. Whilst Flood Risk Zone 3 represents an area with the highest level of flood risk, it should be noted that this area is well protected by the Thames Barrier.
- 8.118 The application is supported by a flood risk assessment which describes various potential flood mitigation measures and contains a structural review of the River Lea flood wall. Site-specific tidal breach flood levels have been provided for the subject site in the event of a breach of the defences along the River Lea (Bow Creek) which show that a 1 in 200 year breach event would only affect the south eastern tip of the application site, comprising less than 5% of the total site area. The flood hazard level for the area of the site affected is classified as 'low'. The proposed mitigation measures include locating less flood sensitive uses in the lower ground floor of Block A with residential uses located above, and also designing all residential units located within the lower ground floor level of Block B as duplex units with their bedrooms located on the upper storey. In light of the above officers consider that the proposed development is acceptable in flood risk terms.

SUDS

- 8.119 The proposed flood risk assessment also includes details of how SUDS (Sustainable Urban Drainage) features have been incorporated into the development, mainly through the inclusion of rain water harvesting, green roofs and permeable paving. Further details of the proposed SUDS measures have already been approved (under consent PA/16/00912), and as such a compliance condition requiring the amended proposed development to be carried out in accordance with the previously approved details will be imposed.

Conclusion

- 8.120 Officers consider that the proposal is acceptable in air quality, biodiversity, contaminated land, flood risk and SUDS terms and can thus be considered to be in accordance with the relevant policies of the London Plan, Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

Planning Contributions

- 8.121 The Council's Core Strategy policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's recently adopted 'Planning

Obligations' SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation secured.

8.122 The NPPF requires that planning obligations must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,
- Are fairly and reasonably related in scale and kind to the development.

8.123 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

8.124 This is further supported by policy SP13 of the Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

8.125 The Council's current Supplementary Planning Document on Planning Obligations was adopted in September 2016. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the Core Strategy (2010).

8.126 The general purpose of S.106 contributions are to ensure that development is appropriately mitigated in terms of impacts.

8.127 The previously consented scheme (PA/13/03053) was granted planning permission prior to the adoption of the Tower Hamlets CIL and thus did not pay any Tower Hamlets CIL, however did pay the Mayor of London's CIL charge of £361,935 and provide the following financial and non-financial contributions under a S.106 agreement:

Financial Obligations

- a) A contribution of **£8,684** towards enterprise and employment
- b) A contribution of **£31,298** towards leisure and community facilities
- c) A contribution of **£8,096** towards libraries facilities
- d) A contribution of **£93,214** to mitigate against the demand of the additional population on educational facilities
- e) A contribution of **£32,681** towards public open space
- f) A contribution of **£41,021** towards health facilities
- g) A contribution of **£25,100** towards carbon off-setting
- h) A contribution of **£4,900** towards S.106 monitoring

Total: **£244,994**

Non-Financial Obligations

- a) 30% affordable housing, as a minimum, by habitable room with 70.9% as rent and 29.1% as intermediate
- b) Employment and training strategy
- c) Access to employment (20% local procurement; 20% local labour in construction; 20% end phase local jobs)
- d) On-street parking permits removed for future occupants
- e) Basement car parking spaces for new residents eligible for the Council's permit transfer scheme

- f) Travel plan
- g) Permanent public access to the river walkway and the path located within the development site leading to the walkway from Leven Road.
- h) Development viability review clause inserted to secure any uplift for an additional affordable housing contribution gained from any unanticipated rise in values of the market sales
- i) S.278 agreement for any works which affect / improve the public highway and for the alterations to the existing crossovers, including the removal / relocation of any redundant crossover(s) and reinstating back to footway

8.128 Since the granting of the previous consent (PA/13/03053) the Tower Hamlets CIL has been adopted (which replaces the majority of contributions previously secured under a S.106 agreement) and S.106 contributions are now secured in line with the Planning Obligations Supplementary Planning Document (September 2016). The proposed development thus attracts a Tower Hamlets CIL payment of £396,099, and will also attract a charge of £371,364 under the Mayor of London's CIL, as well as the following financial and non-financial contributions under a S.106 agreement:

Financial Obligations

- a) A contribution of **£61,984.77** towards enterprise and employment
- b) A contribution of **£1,217,699** towards affordable housing provision
- c) A contribution of **£4,000** towards S.106 monitoring
- d) A cash in lieu contribution towards the carbon offset fund (if required)

Total: **£1,283,683.77**

Non-Financial Obligations

- a) 30.75% affordable housing, as a minimum, by habitable room with 69.4% as rent and 30.6% as intermediate
- b) Employment and training strategy
- c) Access to employment (20% local procurement; 20% local labour in construction; 20% end phase local jobs)
- d) On-street parking permits removed for future occupants
- e) Permanent public access to the river walkway and the path located within the development site leading to the walkway from Leven Road.

8.129 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and Regulation 122 and 123 tests.

9.0 FINANCIAL CONSIDERATIONS

Localism Act (amendment to S70(2) of the TCPA 1990)

9.1 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

9.2 Section 70(4) defines "local finance consideration" as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy

9.3 In this context “grants” might include New Homes Bonus. The New Homes Bonus payment associated with this development would be £1,512,437 (accumulated over a period of 6 years).

9.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The CIL payment associated with this development would be £371,364.

9.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. The CIL payment associated with this development would be £396,099.

10.0 EQUALITIES ACT CONSIDERATIONS

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.0 HUMAN RIGHTS CONSIDERATIONS

11.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

11.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person’s civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

11.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

11.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

11.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

11.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

12.0 CONCLUSION

12.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

13.0 SITE MAP

