

Committee: Strategic Development	Date: 20 th September 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Applications for Planning Permission & Listed Building Consent
Case Officer: Victoria Olonisaye-Collins	Ref Nos: PA/18/00528 & PA/18/00520
	Ward: Lansbury

1.0 APPLICATION DETAILS

Location: Barratt Industrial Estate, 20-22 Gillender Street, London

Existing Use: Mixed use of B1 and B2 uses, with residential (C3) within the locally listed building of Magnolia House:

1,915sqm industrial (B1c)

1 out of 9 units occupied with approximately 5 full time employees.

6 residential units existing on site (within Magnolia House)

Proposal:

FULL PLANNING APPLICATION: PA/18/00528

Demolition of the existing buildings, with the exception of 21-22 Gillender Street (Magnolia House), and redevelopment of the site to provide 307 residential units (Use Class C3), 1,815 sq m of commercial floorspace (Use Class B1) and 100 sq m of flexible commercial/retail floorspace (Use Class A1/A3/B1) within three buildings of 8 storeys (42.9m AOD), 16 storeys (67.0m AOD) and 20 storeys (78.5m AOD) with public and private amenity spaces, together with disabled car parking, cycle parking and associated landscaping.

LISTED BUILDING CONSENT: PA/18/00520

Remedial works to Grade II listed wall that forms the north wall of the Dowgate Wharf P B Burgoyne and Company Limited Warehouse (List Entry UID: 1065050) in association with redevelopment of the site at 20 -22 Gillender Street for demolition of the existing buildings, with the exception of 21-22 Gillender Street (Magnolia House), and redevelopment of the site to provide 307 residential units (Use Class C3), 1,815 sq m of commercial floorspace (Use Class B1) and 100 sq m of flexible commercial/retail floorspace (Use Class A1/A3/B1) within three buildings of 8 storeys

(42.9m AOD), 16 storeys (67.0m AOD) and 20 storeys (78.5m AOD) with public and private amenity spaces, together with disabled car parking, cycle parking and associated landscaping.

Drawings and Documents: See Appendix 1 for list of plans and documents.
See Appendix 2 for Images and views.

Applicant:	Gillender 2 LLP
Ownership:	Peabody Enterprises Limited and Peabody Trust
Historic Building:	Magnolia House (locally listed); Dowgate Wharf PB Burgoyne and Co Ltd warehouse (Grade II listed).
Conservation Area	Limehouse Cut Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 Officers have considered this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2 This report considers an application for the redevelopment of the site for a mixed use high density development within 3 buildings ranging from 8 to 20 storeys to provide 307 residential units, maximising the provision of affordable housing at 46% with the re-provision of the existing 1,915 sq. m of commercial floorspace with substantial landscaping. The proposals include the restoration/enhancement and extension to the locally listed building (Magnolia House) to form a two storey light industrial workshop with an access to the river.
- 2.3 The application site falls within the Limehouse Cut Conservation Area, Site of Importance of Nature Conservation (SINC) and Local Industrial Location (LIL) as set out within the Council's Managing Development Document (2013). It is considered that the proposed mixed-use residential led redevelopment of site is acceptable within the context of the site allocation given the proposed re-provision of employment floor space. The site also falls within a Housing Zone defined within the Mayor of London's Housing Strategy (May 2018).
- 2.4 In the context of less than substantial harm to heritage assets the proposed design of the scheme is considered to be acceptable in terms of its impact on local views and heritage assets, its layout, height, scale and massing, its appearance, landscaping and material palette, and has also been designed in accordance with Secure by Design principles. Officers consider that the substantial public benefits outweigh the less than substantial harm to heritage assets and on balance, the application is therefore acceptable in design terms.

- 2.5 The proposal delivers a suitable mix of good quality housing, proposing 46% affordable housing by habitable room comprising 41 intermediate and 68 rented units (50;50 split between London Affordable and Tower Hamlets Living rents).
- 2.6 The distribution of height and massing, and the layout of the development optimise the capacity of the site while minimising the proposals amenity impacts. The proposal would not significantly adversely impact the amenity of surrounding residents and building occupiers and would also afford future occupiers of the development a suitable level of amenity and standard of accommodation. Therefore, the proposed development is in accordance with relevant policy and thus acceptable in design and amenity terms.
- 2.7 The proposal would not have an adverse impact upon the local highway and public transport network; rather it would provide road and bus stand improvements through S278 and S106 obligations, and would provide suitable disabled parking arrangements servicing arrangements. The proposal is therefore acceptable in transport and highways terms.
- 2.8 The proposed refuse strategy for the site has been designed to accord with the Council's waste management hierarchy of reduces, reuse and recycle, in accordance with relevant policy.
- 2.9 A strategy for minimising carbon dioxide emissions from the development has been proposed in compliance with the London Plan energy hierarchy and the impacts of the proposal would be mitigated through a carbon offsetting Section 106 payment. The non-residential elements of the scheme have been designed to be BREEAM 'Excellent'. The proposal is thus acceptable in energy and sustainability terms.
- 2.10 The proposal is acceptable in archaeology, air quality, biodiversity, contaminated land, flood risk, microclimate, SUDS, television and radio reception terms, and also in terms of its impact on trees. The scheme would be liable for both the Mayor's and the borough's community infrastructure levy. In addition, it would provide necessary and reasonable planning obligations with respect to affordable housing, local employment and training and environmental sustainability.
- 2.11 Subject to the recommended conditions and obligations, the proposals would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material planning considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1 That subject to any direction by the London Mayor, planning permission is APPROVED subject to the prior completion of a legal agreement to secure the following planning obligations:
- 3.2 Financial contributions:
- a) A contribution of £115,124.00 towards employment, skills, training and enterprise during the construction stage;

- b) A contribution of £51,545.84 towards employment skills and training to access employment in the commercial uses within the final development (end user phase);
- c) A contribution of £305,327.92 towards carbon offsetting;
- d) A contribution of £6,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total financial contributions: £478,497.76

3.3 Non- financial contributions:

- a) Delivery of 46% Affordable Housing by habitable rooms comprising 41 intermediate (shared ownership) units, and 68 rented units (at 50/50 London Affordable Rents and Tower Hamlets Living Rents);
- b) Details of the social rent and Tower Hamlets Living Rent wheelchair accessible units to be approved before occupation;
- c) Viability review mechanism (conditional if scheme is not implemented within 2 years of permission);
- d) 15 construction phase apprenticeships and 1 end user apprenticeships;
- e) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
- f) Permit free agreement restricting future residents from applying for parking permits;
- g) Travel Plan;
- h) Code of Construction Practice;

3.4 That the Corporate Director for Place is delegated authority to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.

3.5 That the Corporate Director of Place is delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

3.6 Conditions:

Prior to commencement:

1. Construction Environmental Management Plan and Construction Logistics Plan in consultation with TfL to include compliance with GLA's NRMM emission and dust monitoring throughout construction;
2. Ground contamination site investigation;
3. Archaeological scheme of investigation;
4. Details of construction cranes consultation with London City Airport;
5. Piling method statement in consultation with Thames water;
6. Thames water capacity study;
7. Updated bat survey (precautionary survey prior to demolition);
8. Survey on nesting birds or nest building birds if tree removal takes place between March-August;
9. S.278 highway works

Prior to Superstructure Works Conditions:

10. Revised air quality assessment and details of mechanical ventilation for residential and commercial units where mitigation is required.
11. Full details of biodiversity mitigation and enhancements;
12. Details and specification of all external facing materials;
13. Details and samples of shopfronts including signage and lighting;
14. Details and specification of all soft and hard landscaping and public realm including: materials; street furniture; lighting; CCTV; tree planting and play equipment
15. Surface water drainage scheme;
16. Details of proposed cycle parking and associated facilities;
17. Details of wayfinding signage in consultation with TfL and Highways;
18. Detail of Secured by Design measures;

Prior to Occupation Conditions:

19. Waste management plan;
20. Delivery and Servicing Management Plan
21. Details of extraction and ventilation for Class A3;
22. Scheme of highway works (agreement with TfL and the council) securing public realm improvement works including: traffic calming measures, public realm materials and planting; improvements to two bus stops to raise the kerbs to 140mm to allow for step-free access.
23. The securement of public access routes and areas of public realm on site including maintenance of these areas.
24. Detailed design of the wind mitigation measures.

Compliance Conditions:

25. Permission valid for 3 years;
26. Development in accordance with approved plans;
27. Hours of construction;
28. Hours of operation for A3 use
29. PD right removed for erection of fences;
30. PD rights removed for B1/2/8 to C3
31. Inclusive access standards for new residential units
32. Energy efficiency and sustainability standards
33. Noise and vibration insulation standards for new residential units
34. Noise limits for new plant

Informatives

1. Subject to S106 and S278 agreements;
 2. CIL liable;
 3. Thames Water informatives;
 4. National Grid informative;
 5. CRT code of practice.
- 3.7 That the application for the Listed Building Consent is APPROVED, subject to the following conditions.
- 3.8 Conditions: Listed Building Consent

Prior to commencement:

1. Structural engineers' drawings and a method statement
2. Archaeological scheme of investigation

Prior to Superstructure Works Conditions:

3. Details, samples and specification of all external facing materials;

Compliance Conditions:

4. Permission valid for 3 years;
5. Development in accordance with approved plans

3.9 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Place.

4.0 LOCATION DETAILS, DESIGNATIONS and PROPOSAL

Location Details and Site Description

4.1 The application site is located within the east of the borough and falls within the electoral ward of Lansbury. The site is approximately 0.55 hectares in size and is positioned on the eastern side of Gillender Street off the Blackwall Tunnel Approach (A12).

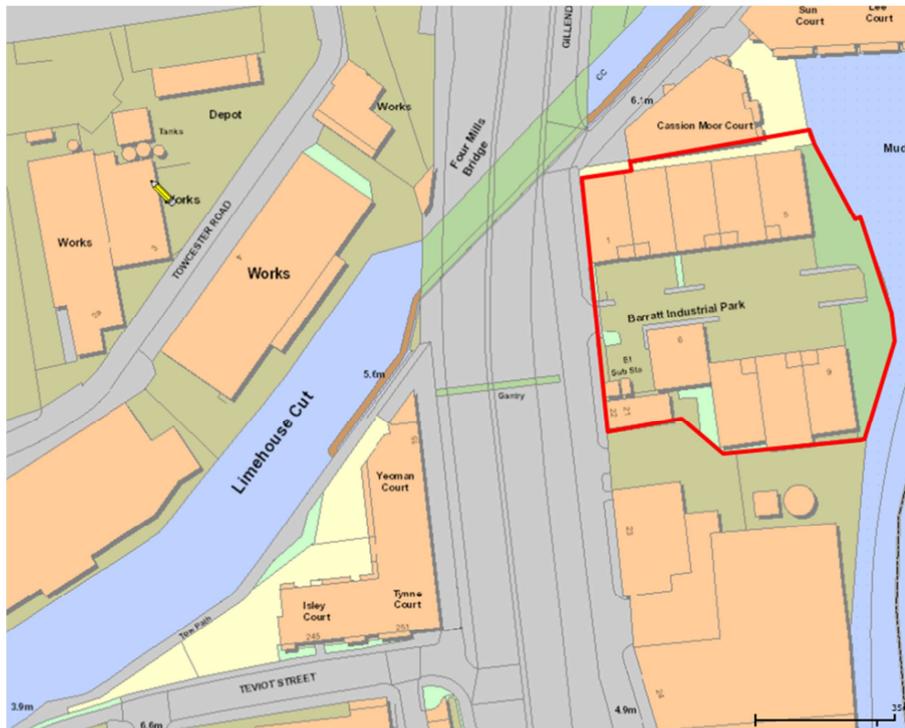


Figure 1- Site Location Plan

4.2 The site forms an irregular shaped parcel of land currently occupied by 9 brick/steel constructed units of single-storey warehouse-type buildings arranged around a central open service yard and comprising of a total of 1915sq.m (GIA) which were built in the 1980s. These units are generally in a

poor state of repair. The buildings are laid out as two terraces with a central communal loading/unloading and parking area.



Figure 2: View of existing industrial units on site.

- 4.3 The site includes a two storey locally-listed building at number 21-22 Gillender Street, known as 'Magnolia House' fronting Gillender Street. This was built in the late nineteenth century, circa 1898. This building has been substantially altered and extended since the mid-twentieth century.



Figure 3: showing existing Magnolia House.

- 4.4 Below photographs show the junction between Magnolia House and the listed wall and the East elevation of Magnolia House. Magnolia House abuts the listed wall which forms the southern boundary of the site. The masonry of Magnolia House does not appear to be tucked into the wall; however it is not clear whether the wall is restrained by the structure of Magnolia house.



Figure 4: Magnolia House and the listed wall

- 4.5 Adjoining application site to the north is the 'Lock Keepers' (Gillender 1) development, this was developed on the site of the former Sun Flour Mill for a mixed-use residential led development (with some commercial space at ground floor level – Use Class B1). This development is between 5-13 storeys in height. Further north of this development is Bow School and Bow Locks which are located at the confluence of the Limehouse Cut and Bow Creek.

- 4.6 Immediately west of the application site is Gillender Street which runs parallel to the A12 Blackwall Tunnel Northern approach; and on the Blackwall Tunnel Northern approach is the 13 storey Tweed House residential development.
- 4.7 To the immediate south of the application site is Dowgate Wharf, a Grade II listed warehouse, part of which adjoins Magnolia House. Further south to this are other designated and non-designated heritage assets, including 24 Gillender Street (locally listed), the former Poplar Fire Station (Grade II listed), Bromley Hall (Grade II* listed) and the former Poplar Public Library (Grade II listed).
- 4.8 To the east of the application site, is River Lea, a tributary of the Thames located approximately 35m east of the site. River Lea marks the borough boundary between Tower Hamlets and Newham. Further east are warehouses located within Newham Council's land.
- 4.9 The site has a single vehicular point of access at the western end of Gillender Street, with additional pedestrian access available via a right of way along the canal. The site records Public Transport accessibility Level (PTAL) of 4 indicating good transport accessibility.
- 4.10 Bromley-by-Bow station (District and Hammersmith & City lines) is approximately 350 metres north of the site, on the opposite side of the A12. Three bus routes (108, 323 and 488) can be accessed within approximately 450 metres of the site.
- 4.11 Whilst the majority of the site is either built on or hardstanding, there are a small number of trees on the eastern part of the site in an otherwise paved area that is adjacent to the navigable River Lea / Bow Creek (which is to the east of the site).



Figure 5- Aerial view of site

Designations

- 4.12 The application site is located within the Limehouse Cut Conservation area which was designated in 2011 as shown in Figure 6 below. The Locally Listed Magnolia House is within the site boundary and the site is also located in close proximity of other heritage assets to the south of application site as highlighted above.

- 4.13 The site's character is influenced by the river and its rich industrial heritage as recognised by its inclusion within the Limehouse Cut Conservation Area.

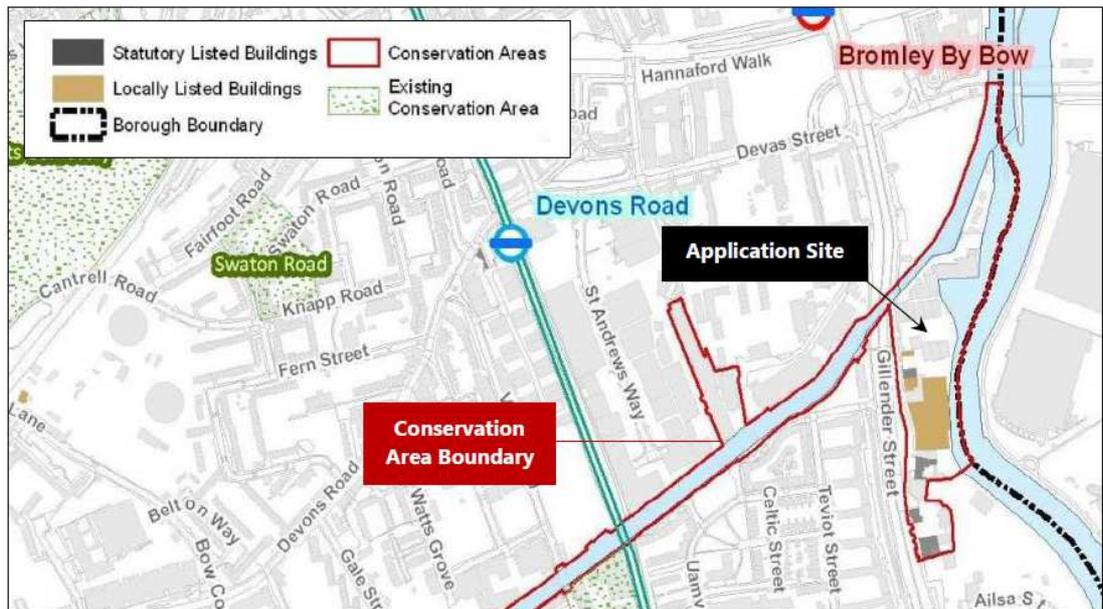


Figure 6- Map Showing surrounding Listed Buildings and Conservation Areas

- 4.14 The application site is designated as one of the Local Industrial Locations, Archaeological priority area and site of importance for nature conservation area.
- 4.15 In addition, the Environment Agency's flood map shows that the site falls within Flood Zone 3a. The whole of the borough falls within an Air Quality Management Area and within the London City Airport Safeguarding Zone.



Figure 7- Site Allocation from the Council's Adopted Policies Map 2013.

- 4.16 The site falls within the Poplar Riverside Housing Zone as defined within the Mayor of London's Housing Strategy (May 2018). Whilst this is not a planning designation, the housing zone status is a material planning consideration. Policy 8.1 (Implementation) in the London Plan sets out that

Housing Zones involve collaborative working between partners including the Mayor, boroughs and communities to realise the potential of large development areas through measures such as targeted tax incentives and effective land assembly to unlock development and optimise delivery.

Proposal

- 4.17 As shown in figure 8 below, the scheme proposals involve the demolition of the existing industrial units on site and redevelopment of the site to provide new buildings ranging from 8 storeys to 20 storeys in height, comprising 307 residential units, including affordable housing. The proposal offers a mix of affordable and private units, 46% (by habitable room) of which will be affordable homes. The buildings are designed as tenure blind with a focus on high quality design and living. The affordable mix provides an excellent balance of smaller units and larger family units. The proposals also include the retention, refurbishment and extension of the locally listed building (Magnolia House) which currently consist 6 residential units (5 x1b & 1 x 2b). These units would be replaced with employment uses (B1c) on site.



Figure 8- Site's CGI – view from Gillender Street.

- 4.18 The proposals also include the reprovision of up to 1,915sq.m of employment floor space in recognition of the site's designation as a Local Industrial Location in both the adopted and emerging local plans. Replacement B1c floor space is therefore proposed and configured to suit a wide variety of users including start-ups and those who are more established. The proposed configuration will result in a significant uplift in the number of people employed on the site. In addition to the proposals is remedial works to Grade II wall that forms the north wall of the Dowgate wharf P B Burgoyne and Company Limited Warehouse.



Figure 9- CGI of site – view from the yard.

- 4.19 Of the proposed 1,915sq.m of commercial space 100sq.m of the floor space is proposed to be flexible, in the form of A1/A3 or B1, as part of the non-residential offer and would be located on the eastern side of the proposed yard. This space is intended to become a hub for both residential and business communities of the development and the wider area.
- 4.20 The proposals include the creation of new routes and access to the river, one from the main access to the development via the Yard and the other located close to the concierge along the site's northern boundary which would be the river passage, both accessed from Gillender Street.

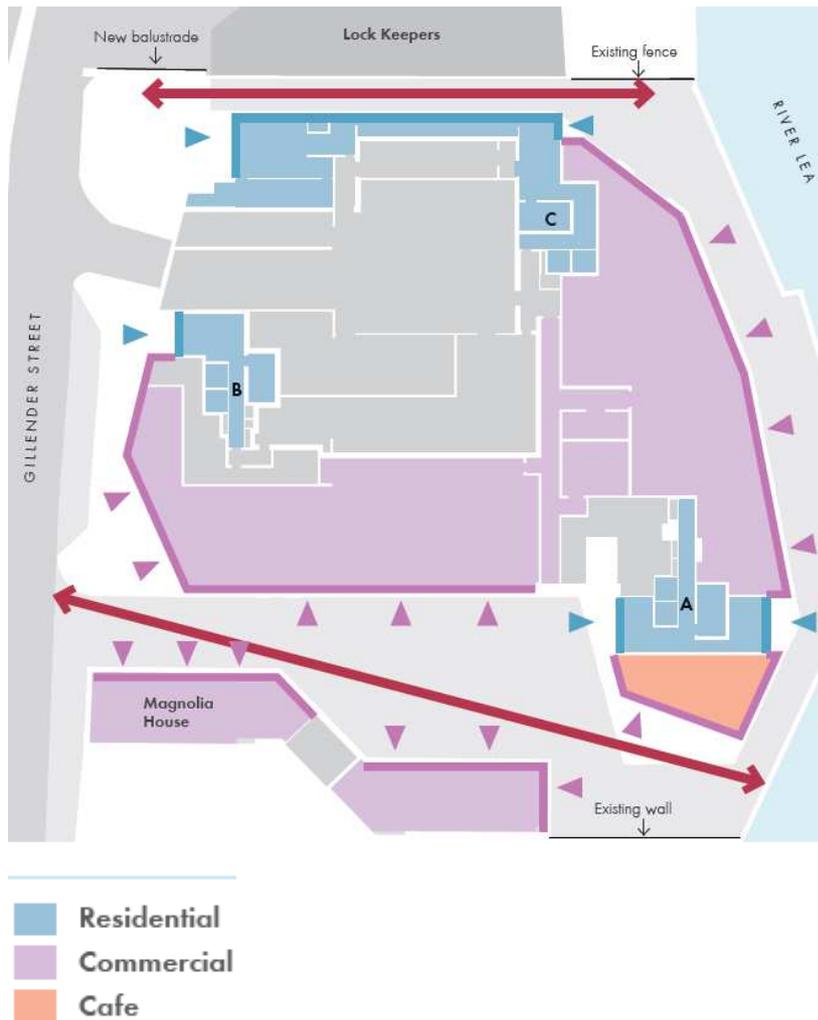


Figure10- Plan showing the location of the proposed uses

4.21 The scheme aims to intensify the use of the site by creating a mixed-use development combining light industrial uses with housing. The development will maximise the opportunity for affordable housing delivery, flexible B1c work space while complementing the first phase of the Gillender Street scheme, known as Lock Keepers. Although the application site is a constrained site, it benefits from good transport connections and a unique setting defined by the confluence of the River Lea and Limehouse Cut.



Figure 11- View showing proposed building heights across River Lea.

4.22 As shown in Figure 12 below, the proposal introduces improved public realm which would be uplift to existing situation of site where accessible green spaces are relatively limited in the immediate vicinity of the site. The closest significant green space is Three Mills Green bordering the Lea River Park to the north of the site which is accessible by the Lea Valley Walk, which runs along the north edge of Lock Keepers.



Figure 12 – View of Landscape Masterplan

- 4.23 The landscape proposals are designed to respond to the buildings by providing a suitable setting which integrates them into the space while enhancing the environment.

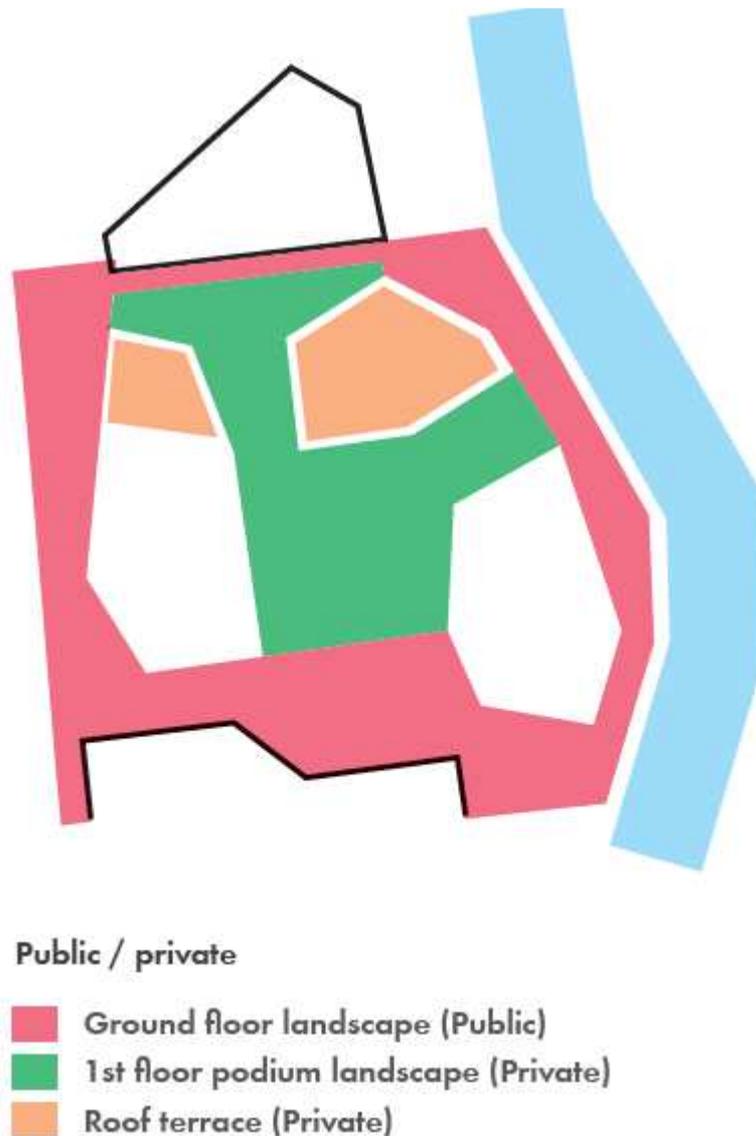


Figure 13- Public/private areas.

- 4.24 Figure 14 below shows the proposed communal (yellow) and play space (orange is under 5 and 11 and beige is 12+). The scheme provides a total of 1120sqm of play space, which is equivalent to the GLA play space requirements. Whilst there would be a shortfall in the amount of 12+ play space (60sqm against a requirement of 290sqm resulting in shortfall of 230sqm), there is 216sqm in excess of the play space requirements overall.
- 4.25 Communal space would be provided predominantly at podiums and rooftops (Blocks B and C roof terrace). The podium landscape is residential garden located at the first floor level with play, planting, recreation space and views of the river. And the roof terraces are external communal amenity spaces including areas for play and general recreation.

- 4.26 The scheme would provide adequate requirements for communal open space, with the required 347sqm delivered predominantly at roof/ podium level.

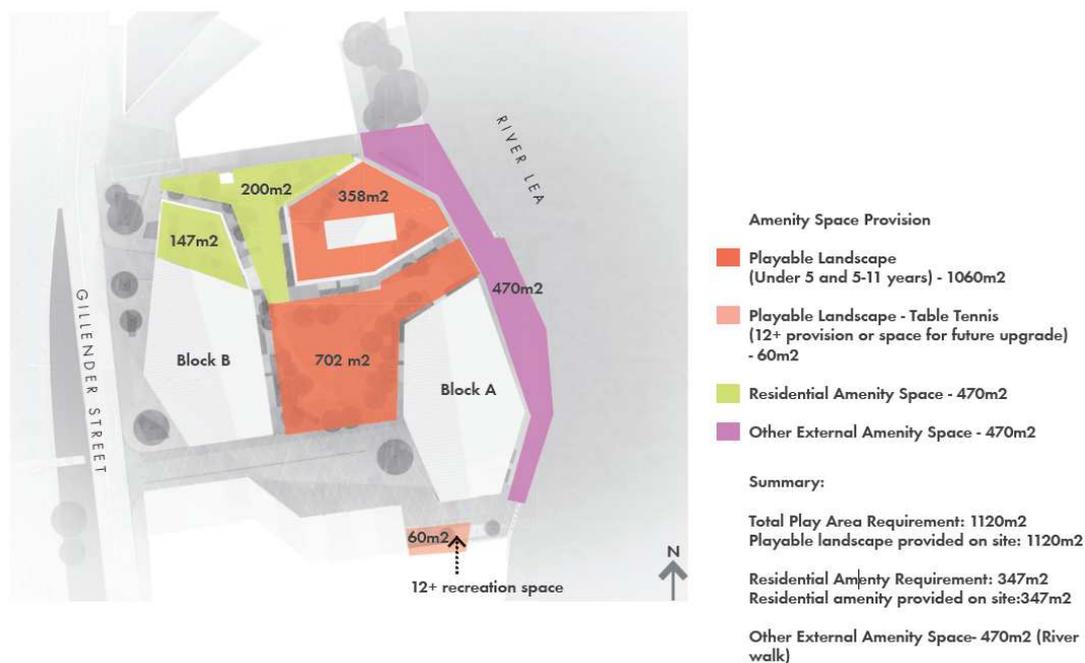


Figure 14 - Plan showing proposed communal and play space provision

- 4.27 The scheme would be car free but proposes 7 car parking spaces for wheelchair users on site. Short and Long term stay cycle parking is provided for residential and commercial uses in accordance with London Plan standards.

5.0 RELEVANT PLANNING HISTORY

- 5.1 There have been many smaller applications relating to changes of use, and signage. Application of particular relevance to the current planning application have been summarised below.

Application within site boundary:

PA/15/03315

Demolition of existing buildings and redevelopment of the site to provide new buildings ranging from ground plus six to ground plus 14 storeys in height comprising 196 residential units including affordable housing (Use Class C3) and 1,730 sq. m of commercial floorspace (Use Class B1) and 100 sq. m of retail floorspace (Use Class A1/A3) together with associated car parking, open space and landscaping.

Withdrawn 26/02/2018

Applications on adjoining sites:

PA/11/03549- Units 1, 2 & 3 Riverside Industrial Estate, 18 Gillender Street, London, E3.

Demolition of existing storage/warehouse buildings and redevelopment to provide 1,778 sq. m mixed commercial (Use Class B1) and 109 residential

units (Use Class C3) within three buildings from 5/6 to 12/13 storeys in height; new ground level community amenity and children's playspace; disabled and car club residential parking spaces and commercial service bays.

Permitted 28/09/2012

PA/16/02368 - East London Science School, Lock Keepers Gillender Street, London, E3 3JW

6.0 POLICY FRAMEWORK

6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of planning applications must be made in accordance the development plan unless material considerations indicate otherwise. The Development Plan comprises the London Plan (2016), Core Strategy (2010) and Managing Development Document (2013).

6.2 The list below contains the most relevant policies to the application:

6.3 Government Planning Policy

National Planning Policy Framework (July 2018) (NPPF)
National Planning Guidance Framework (NPPG)

6.4 London Plan (2016)

- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for regeneration
- 3.1 Ensuring equal life chances for all
- 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 on individual and mixed-use schemes
- 3.13 Affordable housing thresholds
- 3.14 Existing Housing
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.4 Managing Industrial land and premises
- 4.6 Support for and enhancement of arts, culture, sport and entertainment
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4A Electricity and gas supply
- 5.5 Decentralised energy networks

- 5.6 Decentralised energy in development proposals
 - 5.7 Renewable energy
 - 5.8 Innovative energy technologies
 - 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
 - 6.1 Strategic approach to transport
 - 6.3 Assessing effects of development on transport capacity
 - 6.9 Cycling
 - 6.10 Walking
 - 6.13 Parking
 - 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
 - 7.10 World heritage sites
 - 7.11 London view management framework
 - 7.12 Implementing the London view management framework
 - 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
 - 7.19 Biodiversity and access to nature
 - 7.21 Trees and woodland
 - 7.26 Increasing the use of the blue-ribbon network for freight transport
 - 7.30 London's canals and other river and waterspaces
 - 8.2 Planning obligations
 - 8.3 Community Infrastructure Levy (CIL)
- 6.5 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
 - SP13 Planning Obligations
- 6.6 Managing Development Document 2013

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM3 Delivering Homes
- DM4 Housing standards and amenity space
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM20 Supporting a sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

6.7 Draft Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. The Local Plan was submitted to the Secretary of State for examination on 28 February 2018 and is currently, at the time of writing, being Examined in Public. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly, as Local Plans progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version is currently being considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

6.8 Draft London Plan: The Spatial Development Strategy for Greater London

Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and closed on 2nd March 2018. The draft London Plan has been submitted to the Secretary of State for examination. The current 2016 consolidation London Plan is still the adopted Development Plan. However, the draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however, the weight given to it is a matter for the decision maker.

6.9 Supplementary Planning Documents

Character and Context SPG (June 2014)
Development Viability SPD (October 2017)
Homes for Londoners: Affordable Housing and Viability SPG (August 2017)
Housing SPG (March 2016)
Planning for Equality and Diversity in London (October 2007)
Planning Obligations SPD (September 2016)
Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment SPG (October 2014)
Social Infrastructure SPG (May 2015)
Sustainable Design and Construction SPG (April 2014)
The Control of Dust and Emissions during Construction and Demolition SPG (July 2014)
Land for industry and transport SPG (September 2012)

7.0 CONSULTATION RESPONSES

7.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application.

Conservation and Design Advisory Panel (CADAP)

7.2 The proposal has been presented to CADAP, with the panel raising concerns with the manner in which the design responded to the local character, the quantity and quality of provision of public realm, communal amenity and child play space.

7.3 In response to these comments the applicant has made notable amendments to the scheme resulting in changes to the roof design, ground floor layout and level of amenity provision. These are discussed further in the 'Material Planning Considerations' section of this report.

Internal Responses:

LBTH Arboriculture

7.4 The loss of trees will be mitigated with replacement planting proposed and quality landscaping. Conditions required securing landscaping details.

LBTH Employment and Enterprise

7.5 Proposed employment/enterprise contributions at construction phase: The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Economic Development Service will support the developer in achieving this target through providing suitable candidates through the WorkPath Job Brokerage Service (Construction).

7.6 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. The Economic Development Service will support the developer to achieve their target through ensuring they work

closely with the Council's Enterprise team to access the approved list of local businesses.

- 7.7 The Council will seek to secure a financial contribution of £115,124.00 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created. 15 local apprenticeships would be required in the construction phase to a minimum standard of NVQ Level 2.
- 7.8 Proposed employment/enterprise contributions at end-use phase: The Council seeks a monetary contribution of £51,545.84 towards the training and development of unemployed residents in Tower Hamlets to access either:
- i) jobs within the uses A3 and B1c of the development
 - ii) jobs or training within employment sectors relating to the final development
- Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

Total of 1 end-use apprenticeships on this scheme.

LBTH Environmental Health- Air Quality

- 7.9 The development will result in a reduction in parking spaces and hence a reduction in transport emissions which is welcomed.
- 7.10 The Air Quality Assessment identified construction dust as a potential issue, therefore relevant conditions are recommended to deal with the air quality management, monitoring and compliance with the requirements for non-road mobile machinery at construction stage and to deal with odour from mixed plant and equipment with the proposed A3 use class on site.
- 7.11 All non-road mobile machinery used during demolition/construction should comply with the GLA's NRMM emission limits. Dust monitoring will be required throughout the demolition/construction phase.

LBTH Environmental Health Contaminated Land

- 7.12 No objections subject to the inclusion of a condition requiring a written scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment. A second part of the condition will require any remediation works to be carried out in full and a verification report to ensure this has been completed.

LBTH Environmental Health Noise and Vibration

- 7.13 Acceptable subject to conditions requiring full details of each building sound insulation and ventilation strategy and acoustic commissioning testing.

LBTH Sustainable Urban Drainage (SUDs)

- 7.14 An additional detail of surface water drainage scheme is required to be achieved via conditions.

LBTH Energy Efficiency and Sustainability

- 7.15 No objection subject to appropriate conditions and S106 contribution securing carbon offsetting contribution.

LBTH Transportation and Highways

- 7.16 No objections subject to the inclusion of conditions requiring a safe, sheltered and accessible to all cycle parking spaces.

LBTH Waste Policy and Development

- 7.17 No objections subject to condition requiring a full waste strategy

LBTH Occupational Therapist

- 7.18 Additional information required in terms of layouts of the wheelchair accessible units

External Responses:

Crime Prevention Officer

- 7.19 No objections subject to conditions. A list of design recommendations is included to help the design achieve a secure by design accreditation via conditions.

Canal and River Trust

- 7.20 No objection in principle subject to condition requiring a feasibility study to assess the potential for moving freight by water during the construction cycle.

Environment Agency

- 7.21 No objections subject to conditions requiring a river wall survey and an assessment of any required remedial works or flood defence replacement option; how the crest level could be raised to meet the required level and a scheme for the provision and management of compensatory habitat creation .

Greater London Authority

- 7.22 No in principle objection. The GLA Stage 1 report states in the conclusion that the application broadly complies with the London Plan, however, further information is required to comply fully:
- Affordable Housing: The applicant to be committed to delivering 35% (by habitable room) without grant.
 - Design and Heritage: Improvements needed to improve the residential quality.
 - Climate change mitigation: further information needed on potential additional measures to deliver further carbon dioxide reductions including the use of photovoltaic panels.

- Transport: Address concerns over trip generation for non-residential elements, site access arrangements and measures proposed to reduce conflicts between pedestrians/cyclists and vehicles; increase blue badge car parking; cycle parking access arrangements; location of short cycle parking and long stay cycle parking type. The following should be secured by S278, condition and S106: pedestrian improvements; car parking design and management plan; details of cycle parking; travel plan; delivery and servicing plan; and construction and logistics plan.

Officer note: Additional information has been submitted to the GLA to address these comments.

Historic England

- 7.23 Unable to support the proposal because of the harmful impact on the character of the Conservation Area and recommends that a significantly lower-scale development that better responds to the character of the Conservation Area is explored with the Applicant.

Officer note: Comments noted and addressed under the material consideration below

Historic England Archaeology

- 7.24 No objections subject to the inclusion of relevant conditions.
- 7.25 The impact of proposals on the locally listed building on site (Magnolia House) is not clear, planning condition requesting historic building assessment is desirable.

Transport for London

- 7.26 No objection subject to S278 agreement for bus stop accessibility improvements.

London City Airport

- 7.27 No safeguarding objection.

London Fire and Emergency Planning Authority

Additional information required in terms of existing water supply infrastructure as requested by Thames water; recommends that sprinklers are considered for new development. In other respects, this proposal should conform to the requirements of part B5 of Approved Document B.

Officer note: The requested impact study on the existing water supply infrastructure was submitted to Thames water and Thames Water provided updated comments with no objection subject to condition.

Natural England

- 7.28 No objection. The proposals are unlikely to have significant impacts on any statutorily protected sites or landscapes.

Port of London Authority

- 7.29 No principle objection but with comments in terms of any works in, on or over the river which will require a River Works Licence.

Officer note: The comments have been sent to the applicant.

Thames Water Authority

Waste Comments

- 7.30 Surface Water Drainage – no objection subject to the inclusion of piling condition.

Water Comments

- 7.31 No objections subject to inclusion of conditions and informative.

Officer note: conditions would be attached should permission be granted.

Transport for London

- 7.32 No objections subject to conditions and s278 item.
In addition:
- 1 disabled commercial parking space is required

Officer note: Officers agreed the provision of 1 disabled commercial parking space with the applicant and details can be achieved via condition should permission be granted.

8.0 LOCAL REPRESENTATION

Applicant's Consultation

- 8.1 The applicant submitted a Statement of Community Involvement (SCI) in support of the application, outlining details of its engagement with local people and others in order to inform the evolution of the proposals. Officers consider that the consultation undertaken before submission of the application meets the national requirements and London Plan guidance and exceeds the requirements of the Council's SCI.
- 8.2 The Statement of Community Involvement (SCI) informs that prior to the consultation event for the current application, several consultations on the future development of the site have taken place from the outset with multiple local stakeholders to ensure that the application reflects both the aspirations of the community and the stakeholders.
- 8.3 The SCI details the publication, attendance and outcomes of these events and details how contact was made with individuals and political stakeholders and pre-applications held with the GLA and Tower Hamlets.
- 8.4 With regard to the specific consultation for the current planning application, the SCI details of consultation with stakeholders and local community from onset from the pre-application stage and before the submission of the application; including meetings with neighbouring Lock Keepers development including workshop and public exhibition.

- 8.5 The public exhibition took place from 16:00 – 20:00 on Thursday April 2017, and from 10:00 – 16:00 on Saturday 22 April 2017 at Unit 1, Barratt Industrial Estate, Gillender Street, E3 3JX. The event was advertised throughout the area; over 3,000 addresses in the surrounding area received a hand delivered leaflet notifying them of the exhibition. The front of the leaflet was in English, and the back was in Bengali. The event was promoted through social media and a follow-up door-knock on Wednesday 19 April to remind residents about the exhibition.
- 8.6 The applicant states that 57 people attended of which 5 completed feedback forms. Of these, 80% were positive about the regeneration, 20% were neutral and none disagreed or strongly disagreed with the proposed redevelopment of site. The relationship between the amount of feedback received and the number of exhibition attendees suggests that the majority of attendees were unconcerned about the proposal and did not feel the need to provide feedback.
- 8.7 The areas of concern raised were:
- Height of proposals.
 - Security and public access.
 - Daylight and Sunlight
 - Noise and anti-social behaviour
- 8.8 The SCI sets how it has responded to these issues by meeting group of Lock Keepers' residents who had particular concerns. The first meeting took place on 15 June 2017 to respond to concerns raised. In relation to height of 20 storeys building, blocking light to residents of Lock Keepers, the applicant agreed to share the results of daylight and sunlight testing once this had been undertaken.
- 8.9 The SCI makes clear that in response to concerns about the potential for noise and anti-social behaviour from the river walkway, the applicant advised that the development would have a concierge and CCTV to provide surveillance with the provision of natural surveillance from the café/employment uses along the river. Also, temporary concierge facility for the existing Lock Keepers residents will be explored.
- 8.10 Second follow-up took place on 01 August 2017 with five residents present to respond to security; commercial uses and Daylight/sunlight issues. To publicise and disseminate response to residents' concerns, applicant responded by posting a high-resolution sketches of the proposals on the project website for interested members of public to view.
- 8.11 The applicant organised a meeting on 29 August 2017 to give detail explanation on the Daylight and sunlight assessment and illustrations showing views from a range of kitchens/living rooms with and without balconies. The consultant emphasized that, although some Lock Keepers residents will experience a reduction in daylight and sunlight to some windows, they will retain good levels of daylight and sunlight for an urban area.
- 8.12 Officers consider that the applicant has carried out thorough consultations and engagements on its proposals at the pre-application and application stages.

Statutory Representations

- 8.13 A total of 286 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press. Following correction to the description of development to accurately reflect the height of the proposed development, further round of consultation took place.
- 8.14 In total, 2 representations were submitted; both in objection. Concerns/objections were raised in relation to the following:
1. Negative reduction in sunlight and privacy for residents of Tweed House.
 2. The percentage of the proposed affordable housing is below the Mayor's target of half of all the new homes.
 3. The height and bulk of the buildings have a massive negative impact on the nature and conservation area in the area, which contribute to the area's historical and environmental value.
 4. Bromley-by-Bow and Mile End stations will not be able to handle the increased amount of people flowing through at rush hours – the area is already overcrowded.

Officer note: Local residents' concerns are noted. Points 1 – 4 will be considered within the 'Material Planning Considerations' section of the report.

9.0 MATERIAL PLANNING CONSIDERATIONS

Land Use

Policy Context

- 9.1 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives, introducing a presumption in favour of sustainable development. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role protecting and enhancing the natural, built and historic environment.
- 9.2 These economic, social and environmental goals should be sought jointly and simultaneously. The framework promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing.
- 9.3 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health. Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through

provision of an annual average of 39,314 of new homes over a ten-year period (2015-2025). The minimum ten-year target for Tower Hamlets is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.

- 9.4 Policy 3.14 in the London Plan details the approach to existing housing and states that loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floor space. The supporting text states that estate renewal should take in to account the regeneration benefits to the local community, the proportion of affordable housing in the surrounding area, and the amount of affordable housing to be provided elsewhere in the borough. Where redevelopment of affordable housing is proposed, it should not be permitted unless it is replaced by better quality accommodation, providing at least an equivalent floor space of affordable housing.
- 9.5 Policy DM3 in the Managing Development Document states that estate regeneration development that proposes a net loss of affordable housing will only be allowed in exceptional circumstances where: a) development demonstrates that a limited loss of affordable housing is required to improve the tenure mix on site or; b) public open space or a non-residential use will benefit the overall estate regeneration scheme.
- 9.6 The London Plan identifies the site as falling within an area for regeneration under Policy 2.14. Policy 4.4 of the London Plan relates to the management of industrial land, including the release of surplus industrial land where it will contribute to local planning objectives including housing.
- 9.7 The site is broadly defined as a Local Industrial Location within the Tower Hamlets Core Strategy, however more specific direction from the Core Strategy is less defined as the site sits on the cusp between LAP 5 & 6 Bromley-by-Bow and LAP 7 & 8 Poplar Riverside. However, both areas are relatively consistent in seeking connection and enhancement to riverside pathways along both the Lea River and Limehouse Cut. The vision for Bromley-by-Bow seeks a *"...well designed, mixed residential community with excellent social and community infrastructure"* while the vision for Poplar Riverside seeks *"...change from a largely industrial area to a predominantly residential area."* A key priority for Poplar Riverside is *"To manage the release of industrial land and ensure that new development is sustainable and built to the highest design standards at appropriate densities."*
- 9.8 The delivery of housing on this Local Industrial Location can be supported by the re-provision of new B1 space within the development at the proposed refurbished Magnolia House and its extension. This type of development subject to the re-provision of industrial floorspace would be considered to be in line with the redevelopment envisaged by local policy and supported at a strategic level.

Reprovision of Employment floorspace

- 9.9 Policy DM17 of the Tower Hamlets Managing Development DPD deals with Local Industrial Locations, setting out that development resulting in the loss of

industrial B Use Class floor space will not be supported. Policy DM17 goes on to state that redevelopment of Local Industrial Locations, including residential redevelopment, will only be supported if existing industrial B Use Class is reprovided on site. Among other considerations, policy DM17 seeks high quality flexible working space including units of 250sqm and 100sqm to meet the needs of small and medium enterprise.

- 9.10 The existing B1c units provide a total of 1,915sqm within 9 large units. The proposal seeks to reprovide 1,815sqm of B1c floorspace at the ground floor level of the new buildings (Block A, B and C) and within the refurbished and extended Magnolia House. The space would be configured to suit a wide variety of users including start-ups and those who are more established. The proposed configuration offers the potential for a significant uplift in the number of people employed on the site, from 5 existing employees to a maximum figure of approximately 125, and a minimum figure of approximately 49 (FTE) jobs. The space would allow uses such as research and development laboratories and light industry.
- 9.11 A 100sq.m café (A1/A3) is proposed at the eastern end of the proposed yard and would have three frontages: one overlooking the yard; a second one facing south; and a third facing the riverside walkway. The café would be open to residents, workers and people from the wider area. It is considered that a small café would complement the employment space as an amenity for staff and residents of the scheme and surrounding area.
- 9.12 In conclusion the proposed development providing a total of up to 1,915sq.m (1,815sq.m + 100sq.m) of replacement B1 (C) quality floorspace It is acknowledged that there could be temporary job loss while construction is ongoing; however this is not considered to be unacceptable. In the context of policy DM17, the proposal is compliant insofar as it relates to the re-provision of B Use Class floorspace.
- 9.13 The quality of the space is also a primary consideration in establishing the appropriateness of the use. The commercial units proposed offer a range of widths, depths, sizes and soffit heights (3-5 metres) recognising the need for a robust and flexible commercial offer. The proposed units would front three different zones; facing Gillender Street, the new yard and the River Lea. This adds to the variety to appeal to different tenant preferences and needs. Each unit will have its own air ventilation plant, however an extract duct to roof level is provided in building A to make provision for high level industrial B1(c) extract if this is required and considered appropriate for the B1(c) use class. The extract duct allows B1(c) uses to co-exist with residential uses with very limited amenity impact on residential occupiers.

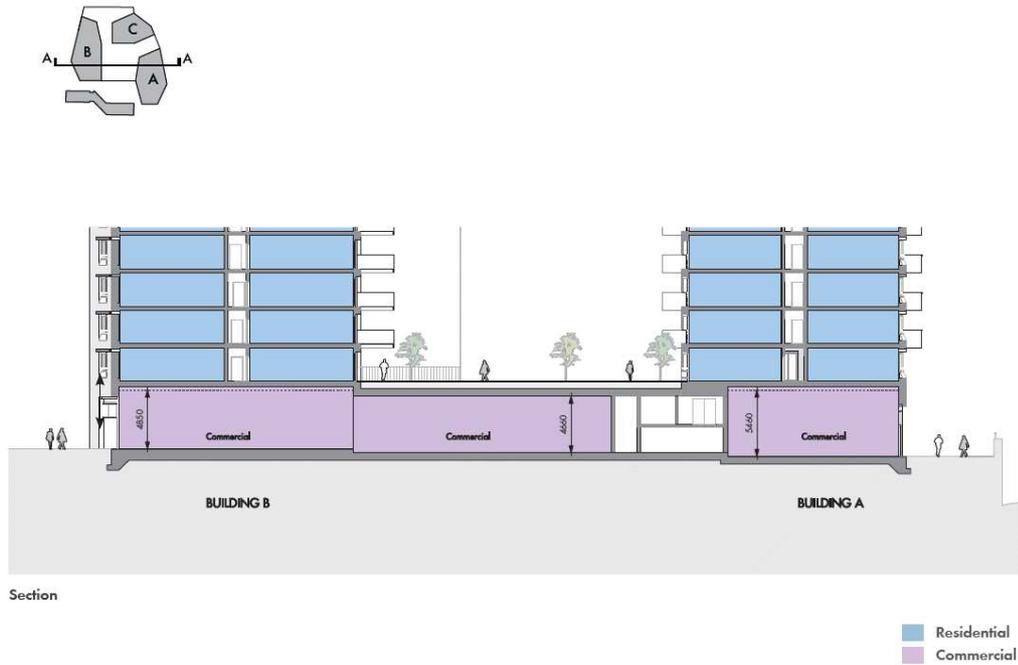


Figure 15- Section showing Residential and commercial.

- 9.14 The total GIA of 1,708sq.m of the commercial space is to be provided in each of the three blocks. Block A and C has a total of 470sqm located at the ground floor level. These units would be of a size suitable for small enterprise units with the proposed 100sq.m flexible use (A1/A3/B1) located at the corner of Block A.
- 9.15 Block B contains a sizeable amount of employment space, having 473sqm at ground floor level, fronting the new yard and Gillender Street. The commercial space is intended to allow a flexible arrangement of unit sizes. At present, the ground floor layout plans show the unit sizes would be subject to occupier requirements.
- 9.16 Magnolia House contains the bulk of the employment space, having 665sqm split between the ground floor level and first floor levels. The commercial space in Magnolia House fronts the yard which is the main access road to the development and to the river. Magnolia House provides an opportunity for medium sized business to locate within the development.

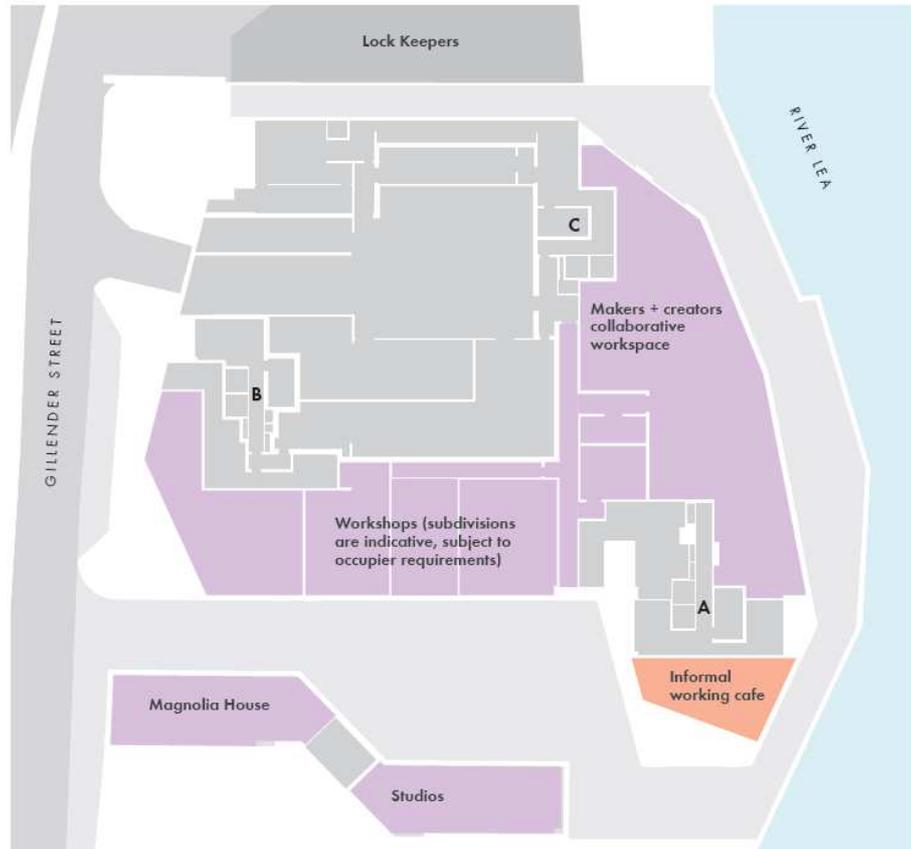


Figure 16- Diagram illustrating the proposed subdivision of units and commercial layout within the development.

- 9.17 The scheme's employment space offer is flexible in terms of the use and unit sizes. This is also an element of policy DM17 which seeks working space that is usable. To this end, the applicant has provided a commercial feasibility & Economic Analysis report from a firm of Chartered Surveyors and Commercial Property Consultants (Strettons Ltd) setting out the likely target occupiers of the commercial space. In this respect, the employment units are considered by the firm to add to a range of accommodation in the area, but be of a quality not presently available. The character of the proposed accommodation and its setting is considered to make the units attractive to potential occupiers, particularly those who may have not previously considered the location.
- 9.18 In terms of the target sectors, the advice of the firm is that creative industry, light industry workshop uses and traditional offices would be the best fit for the site. A significant proportion of potential occupiers as identified by the firm are likely to be locally based businesses wishing to upgrade from surrounding poor quality premises. And these occupiers fall into two types, individual businesses and maker/ creator workspace providers. The former demand floor areas of 100-200sqm, the latter require larger spaces of c500sqm as space is let out to a number of smaller businesses.
- 9.19 Employment spaces with no car parking and industrial/trade occupiers have been highlighted as a potential area of concern for future occupiers. However, given the target sector and public transport accessibility, parking is not

considered to be an overriding requirement for occupiers. And the nature of the proposed uses would be considered compatible with residential uses.

- 9.20 The site's servicing has also been examined by a transport consultant within the Transport Statement submitted with the application. Servicing details are discussed further in the report below.
- 9.21 Overall, the level of employment offer is considered to be acceptable by officers. It is acknowledged that the employment represents an improvement from existing situation on site which would be beneficial in terms of job creation to the local community and the economy in general. The size, quality and usability of the employment floorspace is a criteria for allowing redevelopment in Local Industrial Locations, as is the requirement for a flexible range of work space. In addition, the GLA have confirmed that there is no strategic issue with the proposed mixed use development, therefore the employment uses contained within the scheme would be considered to be acceptable and comply with the relevant land use policies.

Principle of Residential Use

- 9.22 The site is located within a Housing Zone designated by the Mayor of London in 2016. Whilst this is not a planning designation, the housing zone status is a material planning consideration. Policy 8.1 (Implementation) in the London Plan sets out that Housing Zones involve collaborative working between partners including the Mayor, boroughs and communities to realise the potential of large development areas through measures such as targeted tax incentives and effective land assembly to unlock development and optimise delivery.
- 9.23 The proposal would result a net increase of 301 residential units and would contribute towards the borough's target of delivering 3,931 new homes per year (as set out in policy 3.3 of the London Plan 2016). As such, the principle of residential use on the site is welcomed. However, the principle of losing 6 residential units within the Magnolia House (not including Social Rent) is acceptable on the basis that that the overall re-provision will increase the housing and provide affordable housing in terms of overall unit numbers, habitable rooms and floor space within the development. The affordable housing, housing mix and housing quality will be addressed in the housing section of the report below.

Density

Policy Context

- 9.24 Policy 2.13 of the London Plan (2016) states that "development proposals within opportunity areas and intensification areas should seek to optimise the residential and non-residential output and densities". Policy 3.4 seeks to ensure that new housing developments optimise the use of land by relating the density levels of housing to public transport accessibility levels.
- 9.25 The London Plan Housing SPG (2016) states that when coming to a view on the appropriate density for a development, that proper weight is given to the range of relevant qualitative concerns set out in Policy 3.5 and relevant policies in chapter 7 of the London Plan so an informed judgement can be

made about the point at which a development proposal falls within the wide density range for a particular type of setting/location.

- 9.26 It goes on to state that it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed. However, to be supported, schemes which exceed the ranges in the matrix must be of a high design quality and should be tested against the following considerations: the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan and where these considerations are satisfactorily addressed, the London Plan provides sufficient flexibility for such higher density schemes to be supported taking into account the particular characteristics of a proposed development and its impact on the surrounding area.
- 9.27 Both the London Plan and the Housing SPG confirms that the density matrix contained within the London Plan (2016) should be applied flexibly rather than mechanistically.
- 9.28 The Council's Core Strategy Policy SP02 also relates density levels of housing to public transport accessibility levels and additionally relates density levels of housing to the hierarchy and proximity of nearby town centres, so that higher densities are promoted in and around town centres that are higher up in the hierarchy.

Assessment

- 9.29 The scheme falls within an 'urban' setting, with the Public Transport Accessibility Location (PTAL) at 4 indicating a 'good' accessibility level to public transport infrastructure.
- 9.30 Given the above the London Plan recommends that a suitable sustainable density range for such a site is 200-700 habitable rooms per hectare (hr/ha).
- 9.31 The application site has a site area of 0.55ha and seeks to provide 839 habitable rooms. In line with the Housing SPG methodology the resulting density is thus calculated as follows:

Total GIA – 28,855sqm
Of which is residential – 24,951sqm (87%)
No. of habitable rooms (839) / 87% of site area (0.4785ha)

= Residential density (1,753hr/ha)

- 9.32 The proposal density of approximately 642 units per hectare (1,753 habitable rooms per hectare). Whilst the residential density of this development exceeds the London Plan density guidelines, it should be noted that it is not appropriate to apply the density guidelines mechanistically, and that development should also generally maximise housing output so far as it does not demonstrate adverse symptoms of overdevelopment.
- 9.33 Such adverse symptoms of overdevelopment can include: poor response to local context and character; poor residential and environmental quality; an inappropriate residential mix; inadequate communal amenity or child play space provision; and inadequate waste/recycling and car parking facilities. In

this instance, officers are content that the proposed development does not demonstrate such symptoms, as it is considered to be of a high quality design which does not significantly adversely affect the local context or character (discussed further within the design section of this report), and will also provide future occupiers an acceptable level of amenity (discussed further within the housing and amenity sections of this report).

- 9.34 Furthermore it should be noted that this site sits within 'Poplar Housing Zone' which promotes the delivery of a 'strategic housing development', and also benefits from a good accessible location. As such officers are content that the proposed density of this development is appropriate, given the scheme's design and location.
- 9.35 Officers consider the proposal to be well designed, optimising the potential of this underutilised brownfield site, although officers also emphasise the importance of delivering high quality residential accommodation that is well designed and respond to the surrounding context.
- 9.36 In conclusion, given the proposed design, residential quality and location of site, the proposed density would be considered to be broadly acceptable and comply with the relevant policy in this respect.

Housing

Policy Context

- 9.37 Paragraph 50 of the NPPF states that local authorities should seek "to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities".
- 9.38 Policy 3.5 of the London Plan (2016) states that "the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people". Policy 3.6 states that "development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs". Policy 3.8 states that new developments should "offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these". Policy 3.12 states that "the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes".
- 9.39 The Council's Core Strategy Policy SP02 seeks to "ensure new housing assists in the creation of sustainable places", requires "35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability)", "a mix of housing sizes on all sites providing new housing", and seeks to ensure that "all housing is appropriate, high-quality, well-designed and sustainable".
- 9.40 The Council's Managing Development Document Policy DM3 seeks "to maximise affordable housing in accordance with the Council's tenure split (70% Social/Affordable Rent and 30% Intermediate)" and ensure that

development provides “a balance of housing types, including family homes, in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment”. Policy DM4 states that “all housing developments should have adequate provision of internal space in order to provide an appropriate living environment” and provide amenity space and child play space in accordance with Council standards.

- 9.41 Part 5 of Policy DM3 states that development that would involve net loss of residential floorspace; residential units or any family housing will be resisted. Except if it accords with part 6. Part 6 of the policy states that estate regeneration development that proposes a net loss of affordable housing will only be allowed in exceptional circumstances where: a) development demonstrates that a limited loss of affordable housing is required to improve the tenure mix on site or; b) public open space or a non-residential use will benefit the overall estate regeneration scheme.

Affordable Housing

- 9.42 The table below illustrate the proposed unit mix for the development:

Tenure	Units	%	Habitable Rooms	%
Market Sector	198	65	456	54.35
Intermediate	41	13	128	15.26
Social/Affordable Rented	68	22	255	30.39
Total	307	100	839	100

Figure 17: Housing unit mix

- 9.43 The affordable housing offer put forward by the applicant is despite the viability report claiming that this offer is substantially over and above the maximum reasonable amount that can viably be supported by the development. The applicant is content to accept this position on the basis that their investment is a market based one which over the lifetime of the development would make commercial sense.
- 9.44 The proposed 46% affordable housing provision would include GLA grant funding; however the applicant is unconditionally committed to provide 35% minimum affordable housing by habitable room without grant funding and this can be secured through the s106 Agreement.
- 9.45 As part of the applicant’s viability exercise and in line with the Mayor’s Affordable Housing and Viability SPG, the applicant has also tested the possibility of the inclusion of Council’s grant funding for the affordable units in order to increase the overall affordable housing offer from 46% to 50%. This testing however concluded that even with the inclusion of grant funding, a 50% affordable housing scheme would result in a greater deficit than the currently proposed 46% affordable housing scheme and would thus not be viable for the applicant to pursue.

- 9.46 The applicant's viability report has been reviewed by an independent viability consultant instructed by the Council, who whilst querying some of the figures contained within the report, notably the ground rental income, contingency, professional fee allowance, build cost, marketing fee, shared ownership values and affordable rent values, ultimately concluded in July 2018 that despite these differences, the scheme cannot support more affordable housing than currently proposed (i.e. 46%) and remain viable. The affordable provision uses grant funding from the GLA to fund units through the Developer Led Route as part of the Mayors Homes for Londoners – Affordable Homes Programme 2016-2021 for the 109 affordable housing units regardless of tenure.
- 9.47 The original affordable housing offer put forward by the applicant in November 2014 (when the withdrawn application under ref: PA/14/03315 was submitted) was at 24.8%, this included the provision of social/affordable rented products at LBTH Framework Rents (the Council's preferred rent levels at the time). Officers have negotiated with the applicant to achieve an amended affordable housing offer which includes these new rent levels (although current proposal is higher in density, however the affordable level proposed means that the applicant has further increased their loss and deficit on the scheme), and the split of social/affordable rented accommodation is outlined in the table below:

Product	Units	%	Habitable Rooms	%
London Affordable Rent	34	50%	127	50%
Tower Hamlets Living Rent	34	50%	128	50%

Figure 18- Breakdown of Social/Affordable Rented Products

- 9.48 It is noted above that the proposed split between the London Affordable Rent and Tower Hamlets Living Rent products would comply with the Council's preferred split of 50%/50%, with a greater proportion of larger family sized (3-bed+) units provided. Officers are content that the offer put forward by the applicant is reasonable and policy compliant.
- 9.49 With respect to the intermediate provision within the development, the applicant is proposing to provide 9 x 1 bed units, 18 x 2 bed units and 14 x 3 bed units all of which will be shared ownership. The applicant has confirmed that all the intermediate units would be affordable to those with a household income of less than £90,000 (i.e. not exceeding 40% of net income). Given that the other affordability criteria are met officers are content with the affordability of the proposed intermediate provision within this scheme.
- 9.50 In line with the Mayor's Affordable housing and viability SPG, an early stage review mechanism of the viability report will be required in the event that the above ground superstructure is not in place within 2 years of the date of consent. Such a requirement would be inserted as a clause within the section 106 agreement in the event that planning permission was to be granted.
- 9.51 To conclude, the proposed development would secure more than the maximum viable amount of affordable housing on site; the scheme is broadly policy compliant in terms of tenure split and; securing review

mechanisms will allow for additional affordable housing to be secured at fixed point if the viability position changes within 2 years and the development is yet to be implemented. As such, the scheme complies with the relevant policy and is acceptable in terms of affordable housing.

Housing Mix

9.52 The following table outlines both the proposed unit mix, by size and tenure, as well as the Council’s current preferred unit mix, which seeks to secure a mixture of small and large housing, and is set out within Policy DM3(7) of the Managing Development Document:

Unit Size	Total Units	Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate			Units	%	Policy Target %
		Units	%	Policy Target %	Units	%	Policy Target %			
Studio	31	0	/	/	0	/	/	31	16%	/
1 Bed	123	22	32%	30%	9	22%	25%	92	46%	50%
2 Bed	91	14	21%	25%	18	44%	50%	59	30%	30%
3 Bed	54	24	35%	30%	14	34%	25%	16	8%	20%
4 Bed	8	8	12%	15%	0	0	0%	0	0	
Total	307	68	100%	100%	41	100%	100%	198	100%	100%

Figure 19- Unit mix by size, tenure

9.53 Within the Social/Affordable tenure, the mix of units is broadly compliant with a slight over provision of 1 and 3 bed and a slight under provision of 2 and 4 bedroom units. Overall, more much needed family units would be provided on site.

9.54 Within the intermediate tenure, with an overprovision of 3 bedroom units and an under provision of 1 and 2 bedroom units, the proposal is geared towards the provision of more family units. This is considered broadly in keeping with the preferred unit mix, although very marginally off target.

9.55 Finally, within the market housing tenure, the proposed unit sizes are predominantly in accordance with the preferred mix though skewed more towards 1 bed units (including studios), with the proportion of family sized (3-bed+) units being below the targets set out in the Council’s preferred unit mix. Given the over provision of family sized units within the intermediate tenure, officers are content to accept a lower number of family sized (3-bed+) units within market tenure. Overall, the proposed development still offers a good mix of 1 and 2 bed market units.

9.56 Overall, in the context of the Council’s relevant policies, officers are content that the proposed dwelling mix of this proposal can broadly be considered to be policy compliant and is thus considered acceptable.

Accessible Housing

- 9.57 The proposed development seeks to provide a total of 31 wheelchair accessible units (designed in accordance with Part M4 (3) (2) (b) of the Building Regulations 2015), which equates to 10% of the total number of residential units being proposed (307). The remaining 296 units will be designed to be adaptable (in accordance with Part M4 (2) of the Building Regulations 2015).
- 9.58 The following table outlines the mix of wheelchair units proposed. 20 of the wheelchair accessible units are to be in the form of market units (17 x 1-bed, 2 x 2-bed, 1 x3-bed), 4 are to be in the form of intermediate units (4 x 2 bed), and 7 are to be in the form of social/affordable rented units (1 x 1-bed, 4 x 2-bed and 2 x 3 bed). Ideally there would have been provision of some 4-bedroom wheelchair units; however the 10% requirement is met.
- 9.59 Overall, the provision of wheelchair units is considered acceptable as the 10% requirement is met and the mix includes family sized units in the affordable tenure where there is most demand.

Tenure	1-bed	2-bed	3-bed	4-bed	Total	As a % of Tenure
Market Sector	17	2	1	-	20	10%
Intermediate	0	4	-	-	4	10%
Social/Affordable Rented	1	4	2	-	7	10%
Total	18	10	3	-	31	10% overall

Figure 20- wheelchair provision

- 9.60 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 296 units within the development must be designed in accordance with Part M4 (2) of the Building Regulations 2015. The Council’s occupational therapists raised no concerns. Subject to this condition officers are therefore content that the proposed residential accommodation is acceptable in accessibility terms.
- 9.61 In accordance with paragraph 3.76 of the London Plan the quality and robustness of materials and architectural detailing must be consistent across all residential elements of the scheme irrespective of tenure. The proposed development would provide consistent residential standards across all the development, and appropriate condition is suggested to secure implementation of as proposed.

Housing Quality

- 9.62 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG (2016) to ensure that

the new units would be fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.

- 9.63 Standard 12 relates to shared circulation and states that each core should be accessible to generally no more than eight units on each floor. Within the development, individual cores do not serve more than 7 units per floor, with all entrances having access to at least 2 lifts. As such, the scheme is compliant with the design guidance and the access arrangements are considered to be acceptable and in accordance with the standards set out in the Mayor's Housing SPG.
- 9.64 The development would contain 6 (2%) north facing single aspect units (all studios as oppose to family accommodation) on the 2nd to 7th floor of Block C. These units are all private units with the remaining 301 units (98%) designed to be dual aspect units. The GLA officers raised this issue and the applicant responded by highlighting the minimum number of single aspect north facing units and their design as non- family accommodation. Given that the development would predominantly provide dual aspect units on site, officers are content that the marginal level of single aspect north facing units is acceptable on balance.
- 9.65 With respect to internal floor areas, all 307 proposed units either meet or exceed the standards set out both with the London Plan (2016) and the Tower Hamlets Managing Development Document (2013).
- 9.66 Given the above officers consider the residential quality of the scheme to be high and thus policy compliant.

Daylight/ Sunlight Levels for the Development

- 9.67 Guidance on the assessment of daylight and sunlight levels for new developments is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. When calculating the levels of daylight afforded to new developments, the BRE have adopted and recommend the use of British Standard 8206 as the primary form of assessment which recommends minimum Average Daylight Factor (ADF) values for new residential dwellings, which are as follows:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 9.68 The BRE guidelines state that the layout of proposed developments should maximise the number of south facing main living rooms, and that where windows within such rooms face within 90 degrees of south they should be assessed using the Annual Probable Sunlight Hours (APSH) method. The APSH calculation considers the amount of sun available in both the summer and winter for each such window, and if the window can receive at least 25% total APSH with 5% during the winter months (between 21st September and 21st March), then the affected room can be considered to receive sufficient levels of sunlight. Finally, in order for any proposed external amenity space to be considered as receiving sufficient levels of sunlight, at least half (50%) of such space should receive direct sunlight for at least two hours on the 21st March.

- 9.69 The applicant has submitted a Daylight and Sunlight report which has been reviewed by an independent daylight and sunlight specialist instructed by the Council.
- 9.70 The applicant's report advises that ADF, NSL and APSH assessments have been undertaken to the first 15 floors of Blocks A and B and the first 7 floors of Block C with the results of these assessments considered sufficient in order to reach suitable conclusions as to the adequacy of daylight and sunlight to the remainder of the proposed apartments, the Council's appointed consultant does not disagree with this approach.
- 9.71 Within the proposed development, 88% of the habitable rooms will meet the BRE criteria for ADF, which equates to 738 out of the 839 proposed habitable rooms, and 93% will meet the NSL standard, which equates to 780 out of 839. This is considered a very good level of compliance for a proposed scheme of this scale and for the rooms which do not meet the ADF criteria it should be noted that these are typically those below balconies which restrict the daylight to be enjoyed in those rooms.
- 9.72 Out of those rooms that are below the ADF target levels, the ADF levels are within 0.5% of the target levels, therefore, the significance of the failures to the majority of rooms is considered to be minor. The remainder of the rooms are considered to be below the ADF target to a moderate extent. In addition, the majority of rooms, whilst they do not meet the ADF target value; they retain an adequate level of daylight distribution for a development of this scale.
- 9.73 From the tables below, it can be summarised that 9 kitchens will not meet the ADF target level between 1.5% - 2.0%, 52 living/kitchen/dining/studios and 13 bedrooms.
- 9.74 Officers are content that this minor non-compliance can be considered to be acceptable, given that the provision of balcony is clearly a beneficial amenity that balances the lower levels of daylight available to the affected rooms. Based on the above, available daylight within the proposed development can be considered to be very good and broadly compliant with relevant policy.

Internal Assessment Summary							
				Block A	Block B	Block C	All Blocks
ADF Summary	Results for those Rooms Assessed	Living Rooms / Studios / LKDs (1.5% ADF Target)	Above Guidance	153	74	30	257
			Below Guidance	14	36	17	67
			Total	167	110	47	324
		Kitchens (2.0% ADF Target)	Above Guidance	0	20	0	20
			Below Guidance	0	12	0	12
			Total	0	32	0	32
	Bedrooms (1.0% ADF Target)	Above Guidance	205	227	33	465	
		Below Guidance	3	13	1	17	
		Total	208	240	34	482	
	Results for All Rooms in Block	Above Guidance	358	319	63	740	
		Below Guidance	17	63	18	98	
		Total	375	382	81	838	

Total Blocks			
Rooms that Do not Meet the Suggested ADF			
	Kitchens	Living/LKD/Studio	Bedrooms
1.5% - 2.0%	9	0	
1% - 1.5%	1	52	
0.5% - 1%	2	15	13
0% - 0.5	0	0	4
Total	12	67	17

Figure21a – Internal assessment (ADF)

				Block A	Block B	Block C	All Blocks
NSL Summary	Results for those Rooms Assessed (Using a target value of 50%)	Living Rooms / Studios / LKDs	Above Guidance	160	110	41	311
			Below Guidance	7	0	6	13
			Total	167	110	47	324
		Kitchens	Above Guidance	0	21	0	21
			Below Guidance	0	11	0	11
			Total	0	32	0	32
		Bedrooms	Above Guidance	198	221	27	446
			Below Guidance	10	19	7	36
			Total	208	240	34	482
	Results for All Rooms in Block	Above Guidance	358	352	68	778	
		Below Guidance	17	30	13	60	
		Total	375	382	81	838	

Total Blocks			
	Kitchens	Living Rooms/LKDs/Studios	Bedrooms
Meet NSL	3	54	4
Do Not Meet NSL	9	13	13

Figure21b – Internal assessment (NLS)

- 9.75 With respect to sunlight levels within the proposed development, the APSH results show that those rooms with windows that face within 90 degrees of due south will generally enjoy good levels of sunlight in accordance with the BRE guidelines. For those rooms that have windows within 90 degrees of due south, at least 80% will enjoy good levels of sunlight in accordance with the BRE guidelines with a total APSH above 25%.
- 9.76 Those windows that receive lower levels of sunlight are typically set back behind balconies and as indicated above with the daylight assessment a balance between the provision of the beneficial amenity space and the slightly lower levels of sunlight within the room needs to be struck, and given the importance provision of amenity that balcony provides and that the balcony itself will generally enjoy good levels of sunlight, it will then be considered acceptable on balance.
- 9.77 The windows that are not orientated within 90 degrees of due south will generally receive slightly lower levels of sunlight. However, this is to be expected given the orientation of the window; however, generally, it is considered that adequate levels of sunlight will be enjoyed across the proposed development.
- 9.78 In addition, due to the size of the proposed development and the fact that the majority of rooms still meet or exceed the recommended sunlight levels as set out within the BRE guidance, officers are content that the proposed development will afford future occupants acceptable levels of sunlight and

can on balance be considered to be broadly compliant with relevant policy and the BRE guidelines.

				Block A	Block B	Block C	All Blocks
APSH Summary (Only Assessing Rooms with windows orientated within 90 Degrees of Due South)	Results for those Rooms Assessed	Living Rooms / Studios / LKDs	Above Guidance	31	22	8	61
			Below Guidance	0	29	19	48
			Total	31	51	27	109
		Kitchens	Above Guidance	0	9	0	9
			Below Guidance	0	0	0	0
			Total	0	9	0	9
	Bedrooms	Above Guidance	87	86	6	179	
		Below Guidance	0	0	15	15	
		Total	87	86	21	194	
	Results for All Rooms in Block		Above Guidance	148	122	14	284
			Below Guidance	0	29	34	63
			Total	148	151	48	347

Figure21c – Internal assessment (APSH)

9.79 Out of the 63 rooms that do not meet the BRE guidelines, 29 rooms will experience a good Winter APSH level above 5% while the total is below 25% as indicated in the table below. The table shows that all rooms will enjoy some sunlight with the majority being above 10% and at a lowest value of 7%.

Total Blocks	
Rooms that Do not Meet the Suggested APSH	
Retains 20% - 25%	0
Retains 15% - 20%	17
Retains 10% - 15%	27
Retains 5% - 10%	19
Total	63

Figure21d – Internal assessment (APSH)

Overshadowing to the Proposed Amenity Spaces

9.80 The landscape strategy for the proposed development incorporates a range of open spaces. These include public realm areas and rooftop gardens. Most of these spaces would meet the BRE guidelines in that over half of each area would receive over 2 hours of sunlight on March 21. An overshadowing analysis has been carried out to the amenity spaces to be provided within the development, the ground floor area, first floor and the two rooftop gardens as indicated below:



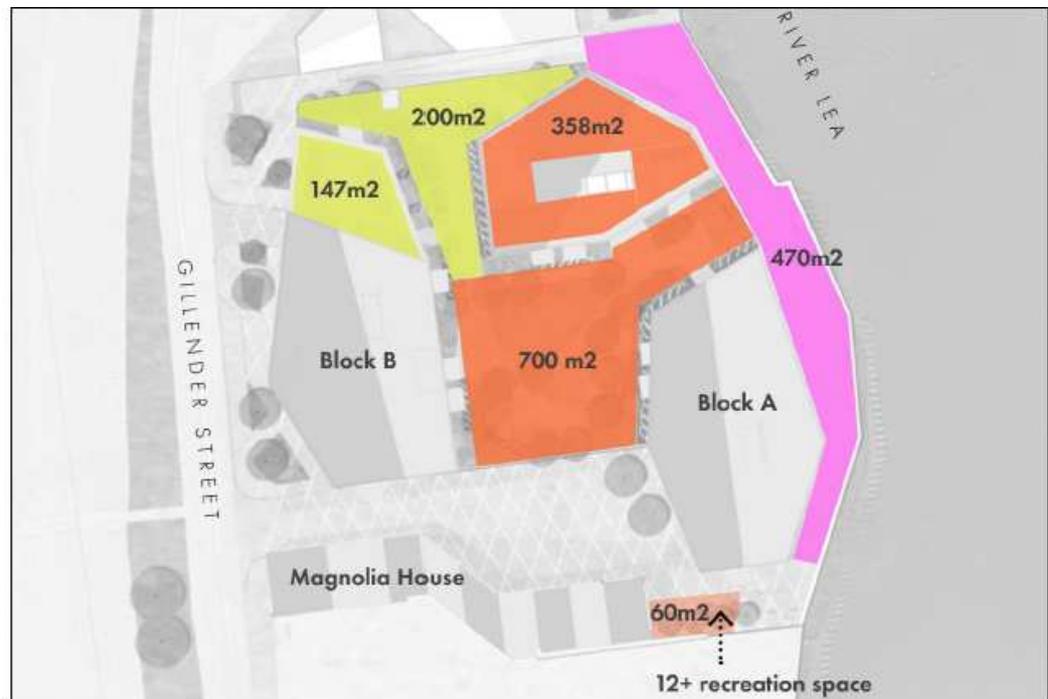
Figure 21d– Internal assessment (Amenity spaces)

- 9.81 From the above, the river walk way and main garden amenity space (the raised central area) should enjoy good levels of sunlight in accordance with the BRE guidelines. The remaining ground floor space is considered more of a throughway rather than an amenity area but will experience 2 hours of sun on ground to 49% of its area. This would be 1% below the recommended BRE criteria and it is therefore considered to be a minor departure from the BRE guidance.
- 9.82 The 3 small rooftop gardens, on the 21st of March, will not enjoy 2 hours of sunlight on Ground to 50% of their areas due to the sunken design/structures overhead of these gardens. However, in the summer months when the gardens are most likely to be used, the sun is higher in the sky and is able to pass over the top of the buildings allowing for all three rooftop gardens to enjoy 2 hours of sun on ground to well over 50% of each space.
- 9.83 Overall, the fact that the river walk way and main central garden amenity space meets the BRE guidelines means that every resident will have access to a well sun lit space. The roof gardens, with appropriate design and use of materials will add value to the proposal with sufficient sunlight in the summer months. On balance, the quality of the amenity areas are therefore considered adequately lit.

Communal Amenity Space

- 9.84 Policy DM4(2) of the Council's Managing Development Document states that for all developments proposing 10 or more new residential dwellings, a minimum of 50sqm for the first 10 units and 1sqm for every unit thereafter should be provided. As this development proposes 307 residential units, a minimum of 347sqm of communal space is thus required.

9.85 The scheme would provide adequate residential communal area in compliance with the policy requirement for 347sqm of communal amenity space provided at roof/podium level.



Source – Allies and Morrison.

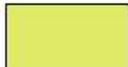
	Playable Landscape <i>(Under 5 and 5-11 years)</i>	1,058 sq m
	Playable Landscape - Table Tennis <i>(12+ provision or space for future upgrade)</i>	60 sq m
	Residential Amenity Space	347 sq m
	Other External Amenity Space	470 sq m

Figure 22 - Plan showing proposed communal and play space provision

9.86 Officers are content that the location, scale and layout of the proposed communal amenity are acceptable, and further details of these spaces, including the landscaping to the rooftop communal amenity space, will be secured by condition.

Child Play Space

9.87 In order to calculate the expected child yield for this development officers have used the Mayor of London's child yield calculator which is informed by the 'Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)' which requires a minimum of 10sqm of child play space per child. The table below outlines both the expected child yield for the development as well as the proposed quantum of child play space which is to be provided as part of this development.

9.88

Age Group	Child Yield	Minimum Requirement (sq. m)	Proposed Play Space (sq. m)
Under 5 Years	42	420	1060
5-11 Years	40	400	
Over 12 Years	29	290	60
Total	112 (due to rounding)	1120 (due to rounding)	1120

Figure 23 – Child Playspace table

9.89 Figure 23 above shows the proposed play space the scheme provides a total of 1120sqm of play space, which equates the GLA play space requirements. Whilst there is a shortfall in the amount of 12+ play space (60sqm against a requirement of 290sqm resulting in shortfall of 230sqm), given that the location of the playspace for 12+ age group would be located close to the river walk adjacent to the proposed café, it is considered that the proposed upgraded river walk would be useable by this age group for informal gatherings within defined seating and planting areas to make up for the shortfall. The GLA officers concluded that the proposed quantum, location and quality of the proposed play space would accord with the London Plan policy subject to condition to achieve details of the play space. Play space is provided predominantly on the first floor podium level. This is incorporated within the communal garden with space for children to play around, utilising a range of play opportunities, carefully sculpted into the landscape. A further partially internal play space is located on the roof of block C which caters for a proportion of the residents from blocks A, B and C. These two spaces fully cater for the under 5 and 5-11 year age groups with an overprovision of 240sqm.

9.90 Overall, officers are satisfied the proposal is broadly compliant with policy in terms of quantum and location of play space. A condition requiring full details of the proposed child play spaces will be imposed to ensure that these spaces are of a high standard should planning permission be granted.

Conclusion

9.91 The proposal provides a policy compliant level of affordable housing (beyond that which can be considered to be the maximum viable level), and a suitable mix of housing (including accessible housing), which is of a high residential standard, the application can therefore be considered acceptable in housing terms.

Design

Policy Context

9.92 Paragraph 56 of the NPPF states that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. Paragraph 63 states that “in determining applications, great weight should be given to

outstanding or innovative designs which help raise the standard of design more generally in the area”.

- 9.93 Policy 7.1 of the London Plan (2016) seeks to ensure that “the design of new buildings and spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood”. The London Plan place expectations on all developments to achieve a high standard of design which responds to local character, enhances the public realm and includes architecture of the highest quality that defines the area and makes a positive contribution to the streetscape and cityscape. Other policies relevant to this proposal with respect to design are policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.10, 7.11 and 7.12 of the London Plan (2016).
- 9.94 The Council’s Core Strategy policy SP09 seeks to “create a high-quality public realm network which provides a range of sizes of public space that can function as places for social gathering”. 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”. Policy SP12 seeks to enhance place making through “ensuring development proposals recognise their role and function in helping to deliver the vision, priorities and principles for each place”.
- 9.95 The Council’s Managing Development Document policy 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”. Other policies relevant to this proposal with respect to design are policies DM23, DM26, DM27 and DM28 of the Managing Development Document (2013).

Site Layout

- 9.96 The submitted design and access statement sets out a detailed analysis of the existing site and surroundings and design opportunities and constraints. The scheme would largely cover the existing site with development, and comprises three blocks linked at ground floor level with a podium, and a separate block at the south of the site which consists of the existing Magnolia House and a new rear extension. In general, the proposal is reflective of the historic use of the site and responds to the site’s constraints and opportunities, including its setting within the Limehouse Cut Conservation Area, the boundaries with the River Lea and the A12 and the listed buildings to the south of the site.
- 9.97 The siting of the buildings improve the legibility of the area and contribute to defining new public routes and spaces as part of the aspiration to improve the walkways and links through to the river from Gillender Street. Two new connections to the riverside are proposed which provide physical and visual permeability. The northern route would pull the northern podium extent down from the neighbouring Lock Keepers development, and safeguard the future possibility of a riverside walk along the west side of the River Lea from Bow Locks, extending to the south. At present, the site is privately owned with no public access to the riverside. Proposal would open this part of the walkway and future-proof a public riverside walkway, which is one of the Council’s aspirations for the area. The proposal is designed with a concierge located

at the ground floor north western end of Block C overlooking the newly proposed river passage.

- 9.98 In addition to the new yard, the scheme introduces a second new pedestrian route to the river along the site's northern boundary (the river passage). This route is activated by a concierge and a residential lobby. The aspiration is to extend the landscaping in the North West part of the site to include land within third party ownership to create a comprehensive landscaping plan. Should planning permission be granted, a clause will be included in the S106 to future proof a comprehensive landscape at this location.

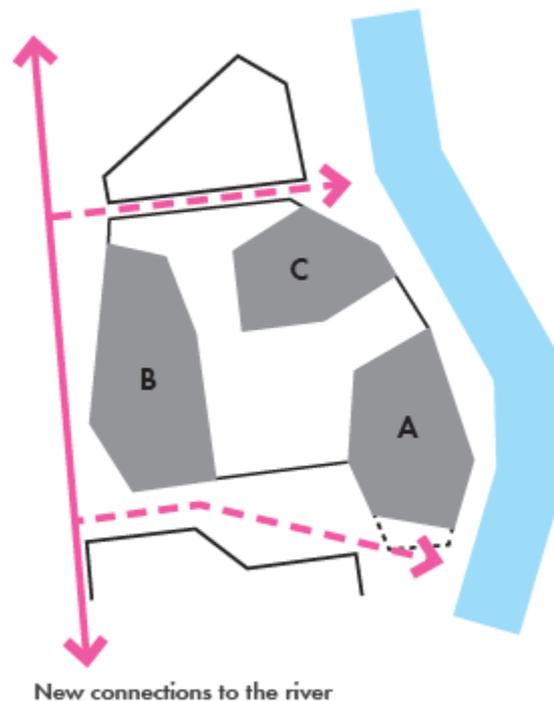


Figure 24: Showing proposed connections to the river

- 9.99 The proposals maximise active frontages along all four sides of the development; Gillender Street, the new yard, river passage and along the river front. The residential entrances are located within the active frontages, along Gillender Street, off the new yard and along the river front. The new yard is a new space that is accessible to the public leading directly to the river front which will be active and animated by the variety of commercial units facing this new urban space. The new yard's meeting with the river front can be defined by a new local café (A1/A3 use class) through the proposed flexible use that could animate the river front and become a meeting place for new and existing residents, workers and visitors. Although situated on the waterfront, if the end user is to be a café it could be visible from the street to add to the legibility of the site and support its commercial success.

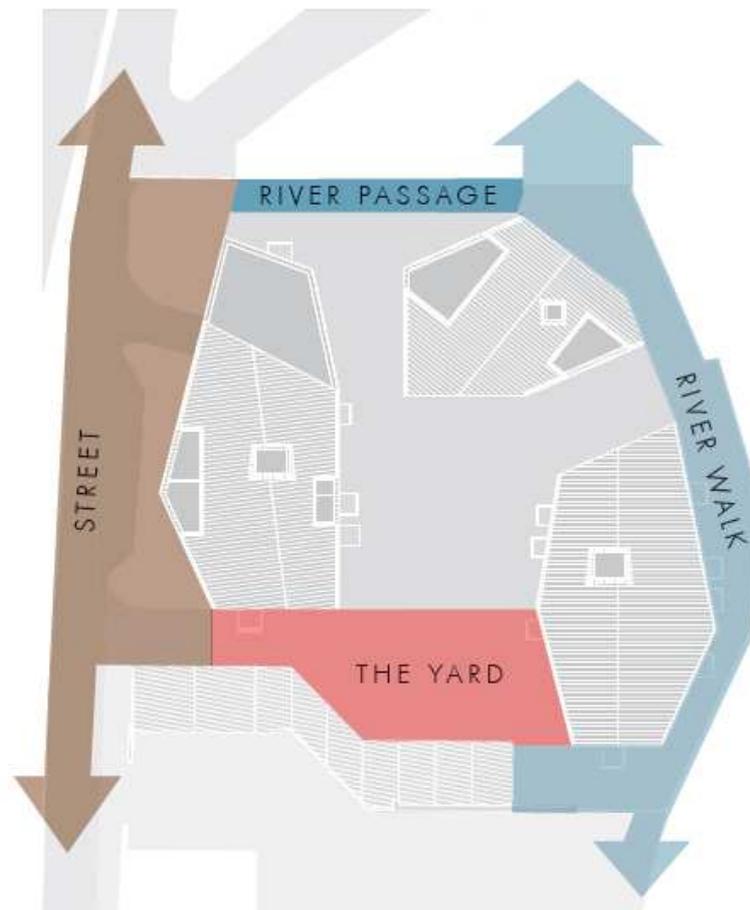


Figure 25- Active frontages

- 9.100 The proposed shared yard would become a commercial space allowing better servicing for commercial units. As part of optimising views of the river from Gillender Street across the new yard, the residential entrance to building A and the commercial use on the ground floor would be glazed to create transparency, and the balconies on the first and second floors on the south elevation of building A would be inset. The proposed commercial use and the ground floor elevational treatment on the corner of the new yard and the waterfront would further attract people from Gillender Street and also activate the public realm while offering a shared amenity for residents and businesses.
- 9.101 In addition, the proposed improvements to the riverside path and the opening up to new east-west links to the river will provide an enhanced connection to the river, an integral part of the character of the Conservation Area and setting of the neighbouring listed buildings.
- 9.102 The podium design and orientation is a central focus of the scheme. The podium would provide amenity space with a southerly aspect, and introduce a space between buildings A and C where views to the river can be maximised. The location of the podium is orientated away from the A12 to reduce noise intrusion into the podium and to relate to the alignment of the existing buildings in the Conservation Area to the south.



Figure29- Podium

- 9.103 Overall, the proposals would be considered to add to the diversity of architectural styles, building heights and mix of uses in the Conservation Area while relating back to the architectural language of industrial buildings. At the same time the scheme builds on emerging architectural language of recent development, most notably Lock Keepers, by creating a strong correspondence and overall building mass composition with Lock Keepers, creating a coherent piece of city that begins to stitch back together what is currently a fragmented collection of sites lining the River Lea.
- 9.104 In addition to the architectural merit of the scheme, the proposals provides the enhancement of sightlines and views of these buildings from the surrounding area; enhanced pedestrian and cycle routes from key access points to the site and throughout the site; improved landscaping and well-designed public open space/amenity space; active frontages almost consistently around the edges of the site with rationalised service areas away from the public realm and; an improved locally listed Magnolia House with the position of new yard which marks a key entrance to the site and provides views to the river from Gillender Street. For these reasons, the approach to site layout incorporates good design principles in accordance with the relevant policies.

Shopfronts

- 9.105 Care would be taken to ensure that the proposed shopfronts to the commercial units including the details of materials, signage, security and ventilation adequately reflect and protect the character of industrial area and the Conservation Area within which the site is located. Should permission be granted, conditions would be attached to secure these details.

Lighting Strategy

- 9.106 Details of the proposed lighting would be achieved via condition should permission be granted. This will give the council the opportunity to be able to assess the way in which the public and the commercial units including the shopfront lighting and the lighting for projecting signs are to be lit. This is of particular importance, to ensure that the proposed lighting does not cause harm to the character of the Conservation Area. However, details of proposed signage does not form part of this application, would be subject of another application should permission be granted and therefore, the details of the lighting would be conditioned.
- 9.107 In accordance with Policy D11 of the draft London Plan, the Council should secure an informative requiring the submission of a fire statement, produced by a third party suitable qualified assessor, should planning permission be granted.

Height, Scale and Massing

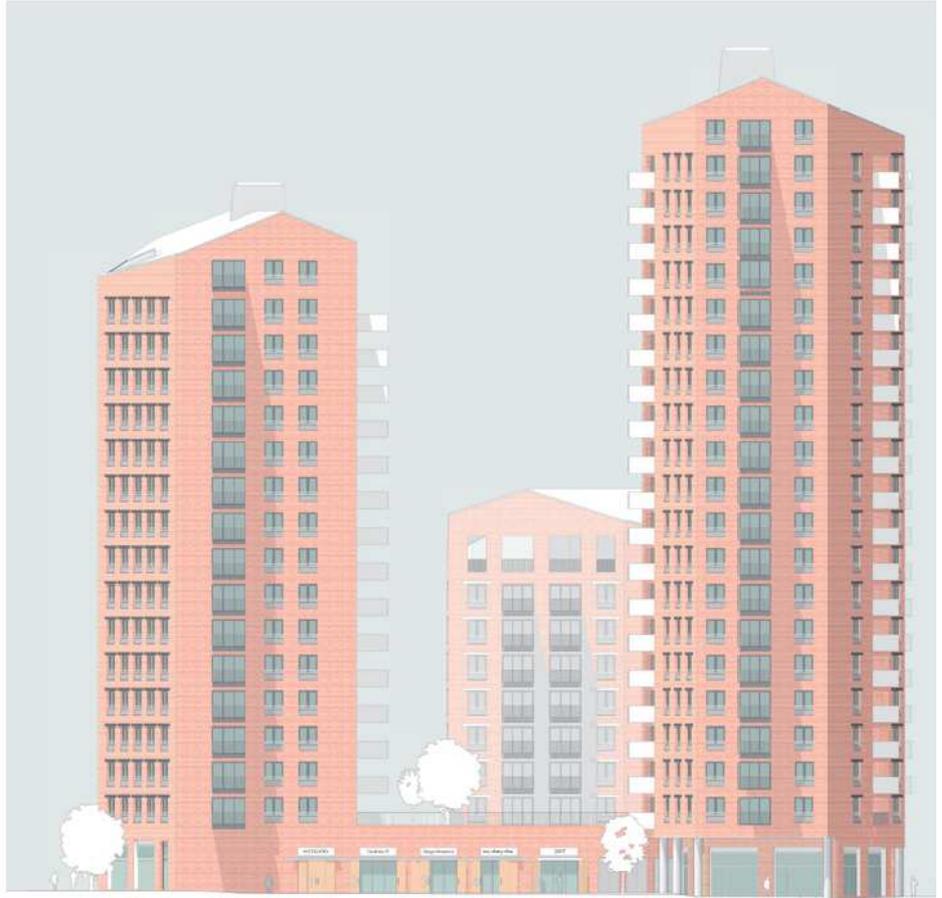
- 9.108 In terms of the appropriateness of the proposed height and scale for this location, Policy SP10 in the Core Strategy states that buildings must respect local context and townscape in terms of character, scale and bulk of the surrounding area. Specifically, in relation to tall buildings, it states that tall buildings will be located in the Canary Wharf and Aldgate preferred office locations and tall buildings proposed outside of these areas will be assessed against DM26 in the MDD (2013).
- 9.109 Policy DM26 sets out those building heights will be considered in accordance with the town centre hierarchy. The policy also sets out a range of other criteria for tall buildings including:
- high quality architectural design;
 - providing a positive contribution to the skyline;
 - not adversely impacting heritage assets or strategic and local views;
 - presenting a human scale of development at street level;
 - inclusion of high quality open space;
 - not adversely impacting microclimate;
 - not adversely impacting biodiversity;
 - providing positive social and economic benefits and contributing to socially balanced and inclusive communities;
 - complying with civil aviation requirements not interfering with radio/ telecommunications equipment.
- 9.110 Tall buildings are defined in the London Plan (paragraph 7.25) as those that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for referral of applications to the mayor (30m or taller). On this basis, the proposed development across site would fall within the category of tall building.
- 9.111 The application proposes redevelopment of an existing industrial site to provide 307 residential units across 3 buildings ranging from 8 to 20 storeys. The proposals would largely cover the existing site area with development, and comprises 3 blocks (Block A - 20 storeys, Block B- 16 storeys and Block C- 8 storeys). linked at ground floor with a podium, and a separate block at

the south of the site which consists of Magnolia House and a new rear extension. The development, while greater in scale than the existing context, appropriately optimises the potential of this underutilised brownfield site to deliver good design and high residential standards.

- 9.112 The development will be seen in views of the Grade II and Grade II* listed buildings located both to the north and south of the site (specifically the Grade II* Listed Bromley Hall, the Grade II Listed seven gasholders at Bow Creek, the Grade II Listed Dowgate Wharf P B Burgoyne and Company Limited Warehouse and the Grade II Listed Former Fire Station) forming a contemporary addition to the Limehouse Cut Conservation Area. The design of the proposal is considered to be a contemporary response to the historic character of the conservation area and would replace the existing poor quality industrial buildings. Whilst it is acknowledged that the 20 storey building would rise significantly above surrounding buildings in the Conservation Area, given the site's location in an Opportunity Area and the existing tall buildings in the immediate vicinity of site, the proposals respond to the changing context of the area whilst referencing elements of the conservation area in terms of materiality and design.
- 9.113 The applicant has explored a number of massing options and has worked with the officers to achieve an appropriate built form and scale, having regard to the heights of neighbouring blocks and due consideration given to the conservation area within which the site is located, the adjoining and nearby heritage assets located to the south of site. The GLA officers concluded that, the proposals given the site's location in a Housing Zone, the emerging context in the immediate vicinity for buildings up to 13 storeys in height (Lock Keepers development) and 25 storeys close to Bromley-by-Bow station, and the high residential quality achieved through the design and materials, the proposed massing and building heights are supported.
- 9.114 The proposed tower building (Block A) rises to 20 storeys and is located at the eastern end of the site, along the river walkway. Block B at 16 storeys high would be located on the western side of site facing Gillender Street, while Block C would be 8 storeys high, located on the northern side of site. The new buildings are conceived as one unified collection of buildings with the towers and podium all being integral and expressed as one unified form. The architecture responds to its context in the Limehouse Cut Conservation Area, and extends and adds to the architecture of Lock Keepers to the north in design and material terms. This integrates the new buildings with their context both in architectural and urban terms, as well as creating an excellent and pleasant environment for people to live, work and visit.
- 9.115 The highest block within the proposed development, which is Block A at 20 storeys high, would be consistent with other schemes approved in the area. To the west of the site on a triangular site between Teviot Street, the A12 and the Limehouse Cut is Tweed House, a social housing block of 13 storeys in height. Further to the north, is the Tesco development site at 19 storeys high. Between the Tesco redevelopment site and the Limehouse Cut planning permission has been granted for a seven storey hotel. These developments show that the area around Bromley-by-Bow station and the Limehouse Cut is emerging at a location where buildings of height are to be located. Therefore, the height of Block A does not raise significant concerns for officers given the surrounding context and emerging schemes in the area. Block B at 16 storeys and Block C at 8 storeys would be compatible

with buildings within the immediate vicinity of site and would therefore be considered to be in scale and character with buildings in surrounding area.

- 9.116 Although the scale difference between blocks A and C is drastic, the justifications for the scale change between the blocks stems from the historic relationship of dockside buildings to each other being varied and in contrast to one another. Differences in the form and articulation of the building create vertical variety, break up the massing and add interest to the elevation.
- 9.117 The submitted Design and Access Statement and the Heritage, townscape and Visual Impact Assessment includes views at different locations showing the distribution of building heights within close proximity of the site.
- 9.118 The proposals would be similar in height to the approved scheme of 10 – 25 storey buildings on Chrisp Street located on the south eastern side of the application site, and also to the former St. Andrews hospital development site of approximately 27 storeys, located on the north west of the site.
- 9.119 Whilst the buildings would be a step up from the immediate vicinity of site, the proposed architectural quality and design would be of a high standard; the proposals would not adversely impact on heritage assets or strategic and local views; the design presents a human scale of development at street level; the scheme provides sufficient and high quality amenity space, play space and public open space; and the development would not have negative impacts in terms of microclimate, biodiversity, civil aviation or public safety. For these reasons, the development accords with DM26 and the relevant tall building policies and can be seen to be acceptable in terms of its height, scale and massing.
- 9.120 The scale of the buildings is characterised by the tall Block A, the long north south bulk of Block B and the smaller Block C. Given the highlighted points above, the scale is considered to be appropriate given the surrounding context. The GLA and the Council's Urban Design officers are in support of the proposed height scale and massing given the surrounding context, design quality, materials and emerging schemes in the area.



Yard north, south elevation

Figure 31- Image showing proposed massing view from the yard.



Figure 32: View of Magnolia House

Appearance and Materials

- 9.121 The submitted Design and Access Statement sets out a strategy for layering elements of the architectural expression to provide a balance between consistency and variety, complimenting and contrasting. The architecture of new buildings provides an architectural and urban response to their context which includes Lock Keepers.
- 9.122 The key components found in the Conservation Area that are recognised and expressed in the proposals are:
- robust architecture (including deep window brick reveals)
 - expression of lintels
 - regular window spacing
 - hierarchical order (buildings with a base, middle and top)
 - consistent materiality (mainly bricks)

- variety in window detailing
- building close to the water's edge
- integration of public realm and play space
- incorporating metal work and ironmongery
- strong expression of the lintel and sill
- expressing the metal work in projecting balcony design.

9.123 The architectural treatment recognises that the proposals have four different sides: the environment of the A12 road to the west, the waterside frontage to the east, and the differing architecture of the existing buildings to the north and south.

9.124 The proposed subtle architectural treatments of varied colour scheme of the lintels and the balconies on the different elevations... The proposal uses black lintels and grey balustrade railings on the outward looking elevations, and white lintels and white balustrade railings on the more inward looking podium elevations allows subtle architcu The residential balconies are designed to be visually light in appearance both in colour and detailing to contrast with the more robust appearance of the buildings themselves.

9.125 The proposed brick colour for the new buildings would be similar to the existing Lock Keepers buildings. The proposed brick would be more red and textured. The new buildings are seen as part of a family of buildings with the existing Lock Keepers maintaining differentiation between the two sites. The details of the materials would be secured through a planning condition.



Figure 33- Elevation black and white lintel

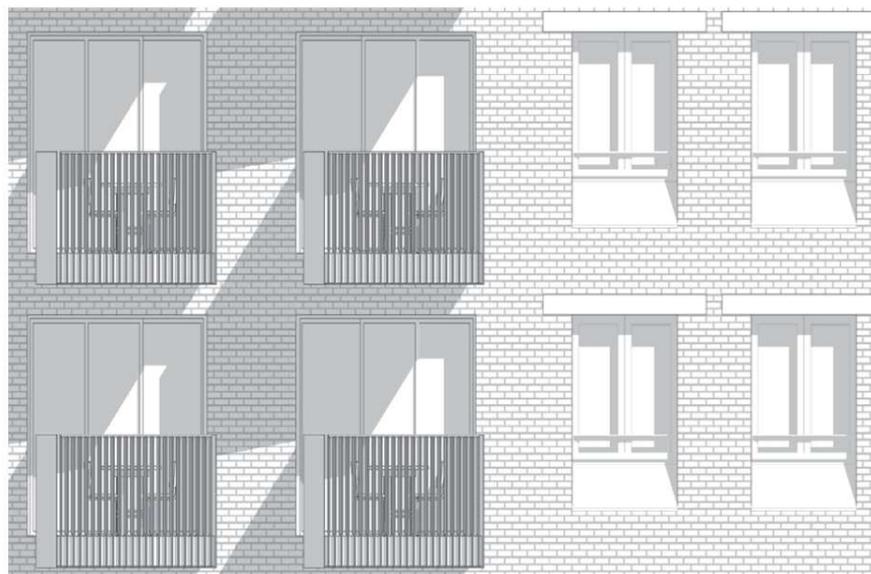


Figure 34- Image of balcony

- 9.126 The existing Lock Keepers' development is referenced through the use of materials and design details. The main façades have been kept simple by using brick construction and metal windows, balconies and roofs. All openings are square, inset and aligned vertically and horizontally creating a consistent rhythm in the façades. Windows are to be dark powder coated aluminium frames with cill and soffit plate. The specific façade details can be achieved via appropriate condition.
- 9.127 The roof form of the buildings is designed with a shallow pitch and is intended to reflect the complex shape of the building footprints. The roof is to be comprised of a folded seam zinc material with clipped eaves sitting flush with the parapet brick edge. The gutters are to be concealed and set back from the edge of the roof in similar design and appearance with the Lock Keepers development.
- 9.128 The extension to Magnolia House will have buff coloured bricks to relate to the existing Magnolia House and warehouse buildings directly to the south. The elevation treatment provides a strong architectural concept for the project and allows the new buildings to integrate well and enhance the Limehouse Cut Conservation Area. A condition would be attached requiring the applicant to provide details and samples of all external materials to ensure a high-quality finish

Landscaping

- 9.129 The proposed development seeks to provide new areas of landscaping and public realm that would exceed what is currently on site, which are groups of semi-mature trees on the river frontage and occasional former mooring points, these trees are partially contained within raised brick planters.
- 9.130 The landscape proposals are designed to respond to the proposed buildings, by providing a suitable setting which integrates them into the space while enhancing the environment. The landscape components are set within five distinct areas, delivering a hierarchy of open spaces, these are:
- A widened footway and pedestrian space, with opportunities for greening Gillender Street ;
 - A new pedestrian route and piece of public realm straddling the river edge (River frontage and passage);
 - A functional predominantly hard space, servicing the commercial units, while providing for safe pedestrian access to the river (The Yard);
 - Communal residential garden, with play, planting, recreation space and views of the river (Podium); and
 - External communal amenity spaces including areas for play and general recreation (Roof terraces).
- 9.131 The landscaping proposes a variety of hard and soft landscaping and materials that would complement the overall design. Therefore with appropriate condition, officers are satisfied the proposed spaces would be well designed.
- 9.132 In light of the above and subject to the necessary conditions requiring further details of seating, planting, lighting, hard and soft surface materials, play equipment, wayfinding and street furniture, officers consider that the

landscaping proposals are acceptable as they will significantly improve the pedestrian environment of the site, connecting routes and the surrounding roads.

Secure by Design

- 9.133 The applicant has engaged with the Metropolitan Police's Secure by Design team as part of the design process, and they have been consulted with as part of the planning application process. The Secure by Design officer raised no objection to the proposed design of the scheme and has requested that a condition be imposed (in the event that planning permission is granted) which requires the applicant to achieve Secure by Design accreditation prior to the occupation of the development. Furthermore, the applicant has committed to providing CCTV on the site and this would be secured via condition. With the inclusion of the abovementioned conditions, the development would incorporate measures to increase safety and reduce antisocial behaviour on the site.

Heritage Considerations

- 9.134 When determining planning applications affecting the setting of listed buildings, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of its planning functions, that the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 9.135 The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are considered in more detail below however, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given "special regard / attention" and therefore considerable weight and importance.
- 9.136 Paragraph 132 of the NPPF (2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 9.137 Paragraph 134 of the NPPF (2012) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.138 Paragraph 135 of the NPPF (2012) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 9.139 The application site falls within the Limehouse Cut Conservation Area, designated in August 2011 and includes the locally listed Magnolia House with other locally listed, grade listed and grade II* listed located to the south of application site. The historical significance of the Limehouse Cut relates to it being London's first industrial canal. The retaining and lining walls were built of Kentish ragstone or stock brick and include granite setts and cast iron mooring rings and posts. Some of this structure survives in places and contributes to the character of the waterway.
- 9.140 Within the Conservation area and located to the south of application site are other heritage assets including the Dowgate Wharf PB Burgoyne and Co Ltd warehouse (Grade II listed), 24 Gillender Street (locally listed), the former Poplar Fire Station (Grade II listed), Bromley Hall (Grade II* listed) and the former Poplar Public Library (Grade II listed). Therefore, the development has the potential to impact upon these heritage assets. It should be noted that the site would not fall within any of the strategic viewpoints identified in the London View Management Framework (2012).
- 9.141 The map below shows the relationship of the site to surrounding heritage assets, identifying statutory Listed Buildings, locally Listed Buildings and the Conservation Area.

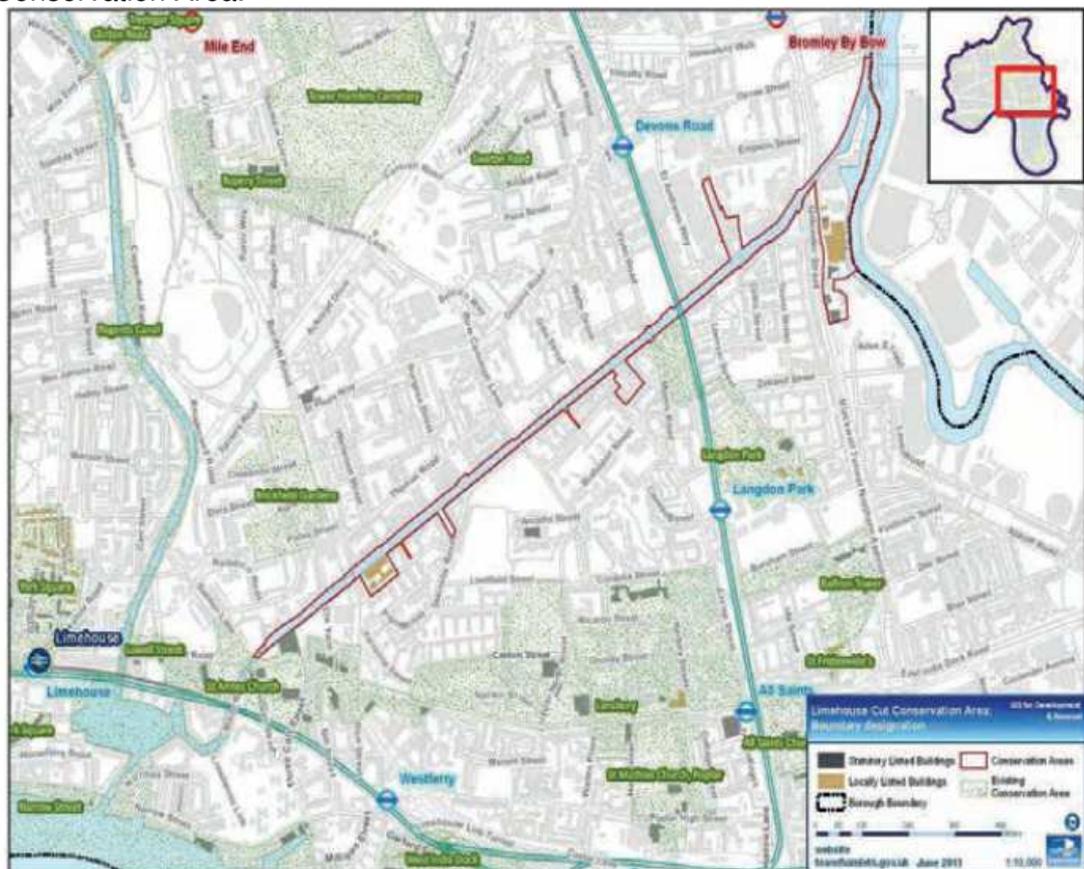


Figure 35- Site in relation with other heritage assets

- 9.142 The significance of the identified Conservation Area is set out in the Adopted Conservation Area Appraisal, whilst the applicant has provided a full Heritage, Townscape and Visual Impact Assessment in support of the proposals. This sets out the significance of the surrounding Listed Buildings and non-

designated heritage assets and officers are satisfied with the assessment of interest concluded within the document.

Impact of scale of buildings to heritage assets and setting of Conservation Area

- 9.143 The conservation and design officer, whilst in agreement with officer's view that the less than substantial harm caused by the proposals to designated heritage assets would be outweighed by the public benefits of the scheme in accordance with paragraphs 134 and 135 of the NPF (2012), sets out several aspects of the scheme that would lead to less than substantial harm as outlined in the following paragraphs.
- 9.144 The buildings associated with the 19th century distillery on the site were all but demolished in the 1980s and the site was redeveloped as an industrial estate. The existing buildings on site are modern industrial sheds with no architectural merit or heritage value. Its modern character and appearance does not contribute to the character of the Conservation Area.
- 9.145 Magnolia House (nos. 21 – 22 Gillender Street) pair of late Victorian terraces at the south west corner of the site do not form part of the group of historic buildings which front Gillender Street. The group is identified in the Conservation Area Appraisal as a "historic streetscape" and it contributes to the character and appearance of the Conservation Area as a surviving fragment of the 19th century industrial townscape. Magnolia House in its present state does not contribute positively to the site and the Limehouse Cut Conservation Area. Although, it does represent a historic link with the past activities on the site, this is not evident in the architecture of the building as it has been extensively altered in the past.
- 9.146 A number of design values are established including the retention, refurbishment and extension of the existing two storeys locally listed Magnolia House. Magnolia House located at the southern end of the site is a non-designated heritage asset, which will be retained, refurbished and converted for flexible light industrial use. Magnolia House shares a party wall with the Grade II Listed Dowgate Wharf P Burgoyne and Company Ltd Warehouse. The proposals will provide an enhancement to Magnolia House which is a pair of amalgamated late 19th Century terraced properties and has been substantially altered in the past and extended since the mid twentieth century. The proposal includes an extension to Magnolia House toward the southern end of the yard and will include improvement works to the Grade II Listed party wall (with Listed Building consent application). The proposed two storey extension to Magnolia House will be subservient in scale and will sit back from the full extent of the pitched roofs so that Magnolia House remains the more prominent building.
- 9.147 The refurbished Magnolia house will retain the historic features of the building and form the anchoring corner of Gillender Street and the yard leading to the river, and also form a row of two storey light industrial workshops that line the southern edge of the yard. The design of the workshops builds on the roof form of Magnolia House in a series of gables that follow the geometry of the southern boundary of the site. Wide doors of more than 3.3 metres define the ground floor frontage of the workshops to support a wide range of uses. The first floor offers additional work space. The treatment to the south and north elevations of Magnolia House seeks to repair the facades. All the windows on

the south elevation facing the neighbouring property are removed and will be bricked up using second hand bricks similar in colour to the existing listed wall. A vertical recessed shadow gap joint is incorporated to separate the existing brickwork of Magnolia House from the new brickwork of the extension. The proposed brickwork colour for the extension is buff stock brick. The new workshops are lower than Magnolia House and the listed wall deliberately making them architecturally subservient to both.

- 9.148 Other heritage assets within 500m of the site boundary are: The Bromley Hall (Grade II*) located approximately 200m south of site is a two storey building in dark red brick which was listed in 1950 and the list entry description updated in 1993; Twelvetrees Crescent Bridge (Grade II) located approximately 330m north east of site which was listed in 1996 for its iron construction which is of architectural interest; the Dowgate Wharf P B Burgoyne and company Limited warehouse (Grade II), a surviving example of the Victorian industrial history and was listed in 1973, updated in 1994 because of its architectural character; Former fire station (Grade II) located approximately 180m south of the site, this building was listed in 2010 because of its historic and architectural character; Poplar Public Library (Grade II) located approximately 260m south of the site, this was listed in 1973 and updated in 1992 for its architectural interest; The war Memorial (Grade II) located approximately 430m north east of the site and listed in 2008 for its historic and architectural importance; Statue of sir Corbett Woodhall (Grade II) located approximately 430m north east of the site was listed in 2008 for its historic and architectural value; the Former Bromley Hall School for the Physically Handicapped (Grade II) located approximately 450m south of the site, was listed in 2012 for its architectural quality; 24 Gillender Street (Locally Listed) located approximately 70m south of the site, included on the council's Local list because of its positive contribution to the Limehouse Cut Conservation Area.

Assessment of harm to heritage assets

- 9.149 Having assessed the effects of the proposed redevelopment of the site on surrounding heritage assets in terms of their significance and setting, it is concluded that the proposals would result in some harmful visual impacts from the proposed development. The harm is considered to be 'less than substantial' in terms of paragraph 134 of the NPPF, given that the resultant development would replace existing buildings of no interest, which are currently a detracting feature within the Conservation Area, with a high quality architectural development that would successfully address the A12, refurbishes and extends the locally listed Magnolia House, providing high quality workspace for creative and light industrial uses, improves the public realm on and around the site and provides new linkages through to the river.
- 9.150 It should be noted that while some harmful impacts to the heritage assets is identified, predominantly by virtue of the scale of the buildings, it is also the case that aspects of the design within these views (predominantly the materials and design detailing) are actually an improvement to the existing arrangement, as highlighted above. This is recognised in the external appearance section of the report above and reflected in the public benefits to the scheme in the paragraphs below. However, the overall position on the basis of the abovementioned viewpoints is that there is 'less than substantial' harm to the designated heritage assets for the reasons set out above.

9.151 In line with paragraph 134 of the NPPF (2012), this 'less than substantial' harm should be weighed against the public benefits of the proposal. The applicant has outlined the following scheme benefits in the respective planning and heritage statements:

- Retention, refurbishes and extends the locally listed building at Magnolia House;
- Enhancement of economic opportunities;
- Provision of family housing
- Enhancement of the conservation Area by new high quality architectural development
- The provision of new amenity space
- Enhanced connectivity
- Improved access to the river
- Reprovision of existing levels of commercial floor area
- The layout of the proposals will open up views in to the river;
- Creation of approximately 125 new jobs as well as financial and non-financial contributions to employment and enterprise and apprenticeships;
- Delivery of 307 high quality new homes that would contribute to the boroughs housing stock, 46% of which would be affordable homes and;
- Delivery of new, well designed buildings that would have a high quality external appearance.

9.152 In undertaking our assessment of the proposals and, in light of the 'less than substantial' harm identified by the Conservation Officer, great weight has been given to the statutory duty in respect of both Listed Buildings and Conservation Areas. Officers consider, however, that the public benefits of the proposals are substantial and outweigh the 'less than substantial' harm caused by the proposal. The proposals therefore accord with the relevant policies, including paragraph 134 of the NPPF (2012).

Conclusion

9.153 Overall, the design of the buildings gives the impression of a cluster of dockside warehouse buildings as seen throughout canal and dock locations in other historically industrial cities. Although the historic use of the site is clearly referenced, the design does not attempt to replicate an older building by simply using the former warehouse as a template. Such contemporary additions as the roof arrangement, balcony angles and ground floor treatment are successful in introducing new buildings that take a cue from the historic context, rather than attempting to replicate it.

9.154 Officers consider that the proposed design of the scheme is acceptable in terms of its impact on views and heritage assets, its layout, height, scale and massing, its appearance, landscaping and material palette, and has also been designed in accordance with Secure by Design principles. As such officers can conclude that the application is acceptable in design terms.

9.155 The site is also within a designated Area of Archaeological Importance. Advice from English Heritage indicates that the site has potential for archaeological remains to be present dating back to prehistoric times. On the advice of English Heritage Archaeology team, a condition will be imposed to secure a written scheme of investigation for archaeological remains.

Amenity

Policy Context

- 9.156 Paragraph 17 of the NPPF states local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.157 Policy 7.6 of the London Plan (2016) seeks to ensure that development does “not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”.
- 9.158 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)”.
- 9.159 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, Outlook, Privacy and Enclosure Impacts for Neighbours

- 9.160 Figure 36 below shows the nearest residential property, distances to neighbouring residential property outside of the red line boundary and within the site. The proposed development has been designed to minimise any overlooking between buildings A, B, C and existing properties to comply with Policy DM25 in the MDD (2013).
- 9.161 The nearest residential property to site is the Lock Keepers development which would be 18.6m away from Block B; Block C would be a minimum of 6.3m away from the Lock Keepers development, however at this location the proposed development would face a blank flank wall. Where there are residential windows, the 18m distances guidelines between existing and new accommodation are maintained.

Blocks A, B and C

- 9.162 18m separation distances are achieved between Blocks A and B (26m), whilst the distances between Block B and C are approximately 8 – 11m, and the distances between Block C and A would be approximately 10m. These separation distances would not comply with the guidelines as set in Policy DM25. However, in order to mitigate the impact of the closeness of these units, the flats in Block C would be orientated toward the west to prioritise their windows and balconies on the north and south facades, away from Block B, with the exception of a single window serving a bedroom in a studio flat. This overlooking instance between two of the bedrooms in Block B and the bedroom in Block C is less critical as it is overlooking between two bedrooms where users are likely to use curtains to overcome a perceived lack of privacy.
- 9.163 Facing units between Block A and C are designed to have their living rooms and balconies looking away from each other. The balcony of the south facing

unit in Block C is partially inset to increase the distance to the facing bedroom window of Block A to over 12 metres. The facing bedroom windows in Blocks A and C are set within deep reveals that increase the facing windows to 11 metres, to further mitigate direct overlooking. The design of the buildings employs deep window reveals and metal balcony railings which enhance an overall sense of privacy in the scheme.

9.164 On balance, the scheme is acceptable in this regard and would not cause any material impact in terms of overlooking/loss of privacy for existing or proposed residential properties.

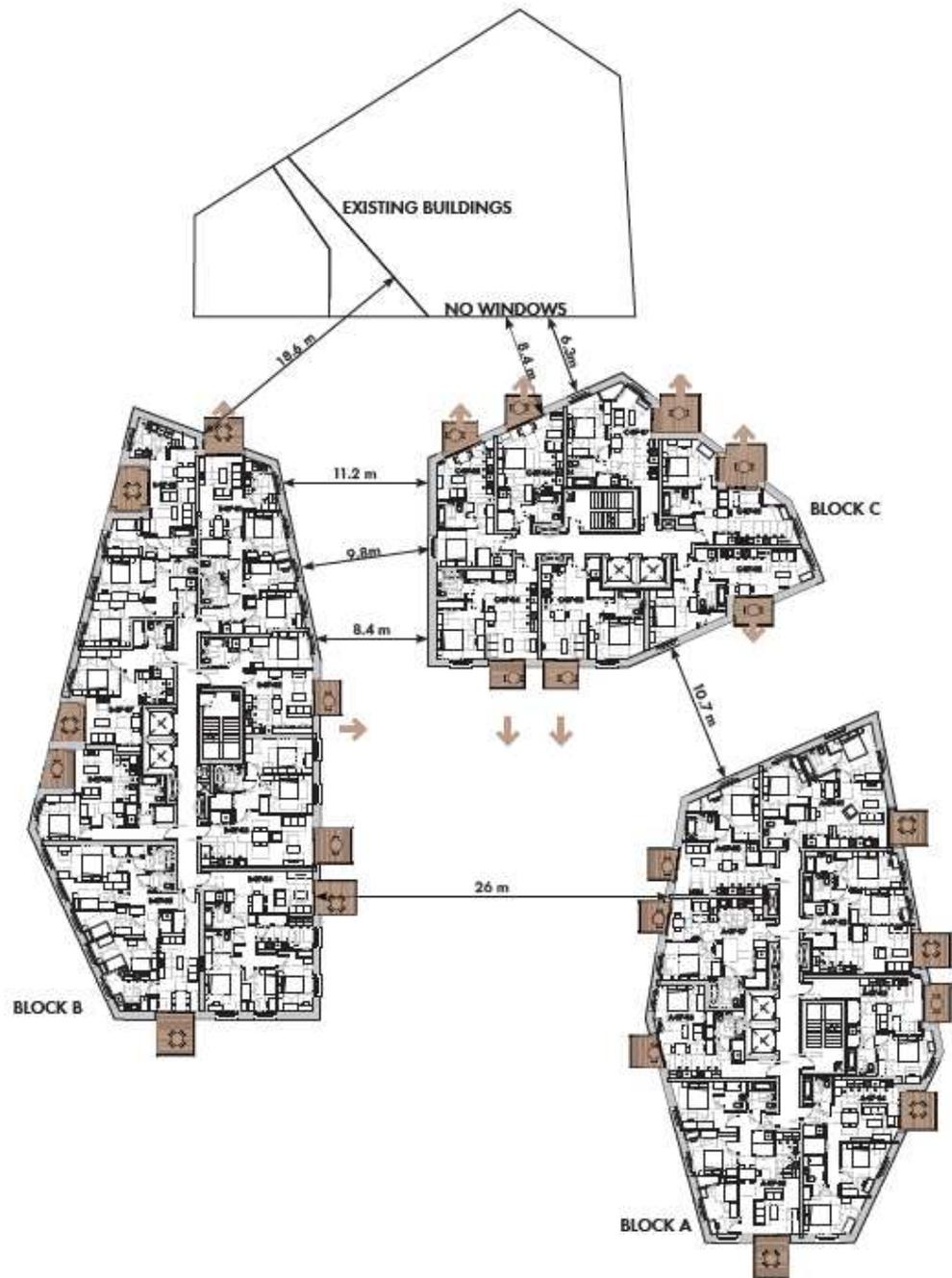


Figure 36- Map showing inter-relationship between properties

Daylight and Sunlight Impact for Neighbours

- 9.165 Guidance on the assessment of daylight and sunlight impacts is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. When calculating the impact, a proposed development has on the daylight to neighbouring properties; the primary form of assessment is the Vertical Sky Component (VSC) method which measures the amount of skylight falling on a vertical wall or window, together with the No Sky Line Contour (NSL) method which is a measure of the distribution of daylight within a room. When combined these tests measure whether a building maintains most of the daylight it currently receives. When calculating the impact a proposed development has on the sunlight to neighbouring properties, the Annual Probable Sunlight Hours (APSH) method is used to calculate how much sunlight the window can receive. It should be noted that this calculation is only applicable to windows which face within 90 degrees of south as windows which face within 90 degrees of north would have no expectation of sunlight. Finally, when calculating the impact a proposed development has on the overshadowing of external amenity spaces, the Sunlight Amenity Assessment is used which calculates the proportion of an amenity area which receives at least two hours of direct sunlight on the 21st March.
- 9.166 In accordance with BRE guidelines in order for a proposal to be regarded as meeting the VSC criteria, upon completion of the development a window should either retain 27% VSC in absolute terms or retain at least 80% of its existing VSC value. In order for a proposal to be regarded as meeting the NSL criteria, upon completion of the development it should retain at least 80% of its existing NSL value. In order for a proposal to be regarded as meeting the APSH criteria, upon completion of the development a window should retain at least 25% total APSH with 5% in the winter months in absolute terms, retain at least 80% of its existing total and winter APSH values, or the loss of total absolute annual APSH should be less than 4% of the total former APSH value. Finally, in order for a proposal to be regarded as not unacceptably overshadowing an existing external amenity space, at least half (50%) of any assessed external amenity space should see direct sunlight for at least two hours on the 21st March.
- 9.167 As part of the submitted documents with the application, the applicant has undertaken a daylight and sunlight assessment which assesses the impact of the proposed development on a number of surrounding properties and external amenity spaces as listed below. For assessment purposes, the significance of expected reductions in daylight and sunlight enjoyed by neighbouring properties has been summarised dependant on how far beyond the BRE criteria the reductions are. The ranges are: 20-30% (Minor Adverse), 30-40% (Moderate Adverse) and over 40% (Major Adverse). The assessment has also been reviewed by an independent daylight and sunlight specialist instructed by the Council.
- 9.168 The surrounding properties assessed are as follows:
- Tweed House;
 - Lock Keepers, Gillender Street;

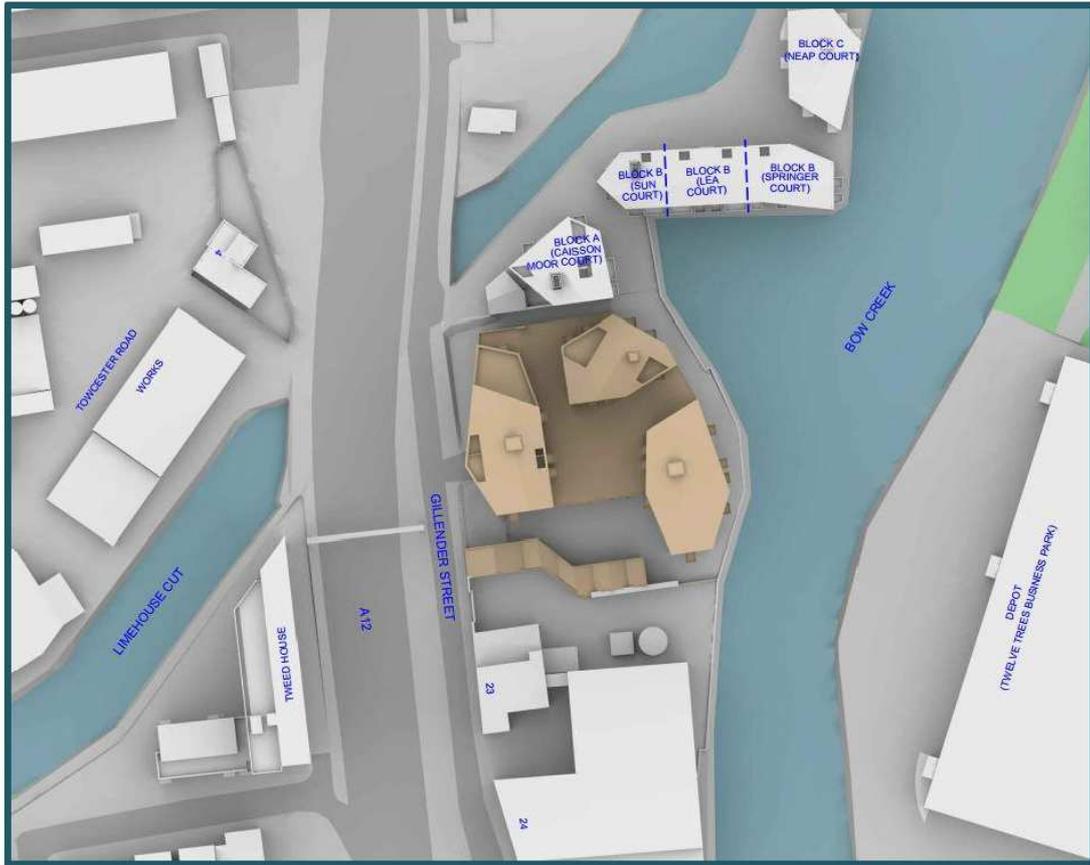


Figure 37(above) and Figure 26 (below) – Maps both showing location of site and the surrounding properties

9.169 The table below summarises the number of windows tested within each property and how many of these meet the BRE guidelines for daylight, no sky line/daylight distribution, Annual Probable Sunlight Hours (ASPH) and during winter months.

From Tweed House:

Tweed House		
		Existing vs. Proposed
VSC	Meets Guidance	246
	Does not Meet Guidance	0
	No. of Windows Assessed	246
NSL	Meets Guidance	135
	Does not Meet Guidance	22
	No. of Rooms Assessed	157
APSH	Meets Guidance	24
	Does not Meet Guidance	0
	No. of Rooms Assessed	24

Figure 38- Tweed House Daylight/Sunlight assessment

- 9.170 From the above table, there are 246 windows serving 157 site facing rooms. All windows and associated rooms will experience either no reduction or only small VSC reductions which are in accordance with the BRE guidelines recommendations. In regard to the NSL test, 22 rooms of the 157 assessed will experience a reduction which falls outside of the 20% BRE reduction criteria. However, all of these 22 rooms are understood to serve bedrooms, which in accordance with the BRE guidelines have a lesser requirement for daylight. In addition, each of the 22 rooms retains a daylight distribution to over 50% of the working plane, which would be considered to be a good level of daylight for an urban area.
- 9.171 Overall, due to the fact that the VSC results are all within the BRE guidelines recommendations, and that the VSC test is considered a better indicator of any relative loss of daylight than the NSL test, it is therefore concluded that the effect on this property will be small and non-material.
- 9.172 In terms of sunlight, all rooms, which have site facing windows orientated within 90 degrees of due south, would experience only small reductions in sunlight by less than 20%, which are within the BRE guidelines recommendations. In accordance with BRE guidelines, the occupants should not notice a change in sunlight amenity and the effect is therefore considered negligible.

For Lock Keepers – Block A.

Includes comparison with the previously proposed scheme in 2014, from which residents are aware of forthcoming redevelopment of site.

Gillender 1 - Block A				
		Existing vs. Proposed	2014 Scheme vs. Proposed	2014 Scheme vs. Proposed Without Balconies
VSC	Meets Guidance	140	174	174
	Does not Meet Guidance	36	2	2
	No. of Windows Assessed	176	176	176
NSL	Meets Guidance	54	55	55
	Does not Meet Guidance	1	0	0
	No. of Rooms Assessed	55	55	55
APSH	Meets Guidance	40	42	42
	Does not Meet Guidance	4	2	2
	No. of Rooms Assessed	44	44	44

Figure 39a- Gillender 1 Daylight/Sunlight assessment (VSC, NSL & APSH)

9.173 In terms of daylight to Block A at the Lock Keepers development, from the above table, 176 windows serving 55 site facing rooms have been assessed. The VSC results for the Existing vs. Proposed Scenario show that 140 of the 176 windows assessed will experience small reductions of daylight within the BRE guidelines. The remaining 36 windows serve 18 rooms, of which 17 are bedrooms with VSC loss of between 21% and 55% and 1 is a living/kitchen/diner with VSC loss of 27%. Although reductions in daylight beyond that recommended by the BRE guidelines may occur to 18 rooms, the ADF tests show that 15 of these rooms are likely to retain an ADF above the recommended levels. The 3 remaining rooms are bedrooms on the first floor serving two flats and the living rooms to each of these flats will be still have daylight level and the APSH level at 25% above the suggested BRE guidance. In addition, it is noted that the daylight to these 3 bedroom windows is already obstructed by the two storey office element of Lock Keepers development. Therefore, shortfalls will be considered acceptable on balance.

9.174 The NSL assessments show that all rooms within the property, except one would experience small reductions which are in accordance with the BRE guidelines at 21% loss.

9.175 The BRE guidelines suggest that southerly facing windows should receive at least 25% of the Annual Probable Sunlight Hours, as well as, 5% of the APSH in the winter months. The results for the Living/Kitchen/Dining room will fall short of the winter guidance by 2%. This room therefore is considered to retain good levels of sunlight and the reductions are considered to be minor.

9.176 Loss of sunlight to Block A at the Lock Keepers for site facing windows orientated within 90 degrees due south would generally be within the BRE guidelines except for 4 rooms. These rooms which experience reductions beyond the BRE winter guidelines by 2% (having 3%), serve 3 bedrooms and a Living/Kitchen/Dining room in the western elevation of the first floor. The effect on these bedrooms is therefore not considered minor as the rooms will enjoy APSH beyond the BRE guidance.

Daylight to Block B at the Lock Keepers development

- 9.177 With regards to daylight, 224 windows serving 83 site facing rooms have been assessed. The VSC results for the Existing vs. Proposed scenario show that 91 of the 224 windows assessed will experience small reductions between 20.05% and 25.03% daylight outside the BRE guidelines. The remaining 133 windows serve 55 rooms, of which 18 are bedrooms and the remainder are living rooms, kitchens or dining rooms, or a combination of these uses will be within less than 20% suggested by BRE guidance.
- 9.178 The NSL results show that 64 of the 83 rooms assessed will experience small in daylight distribution of less than 20%, this is considered to minor while the remaining 19 rooms between 22.8% and 64.4%. Out of these rooms, 7 are serving bedrooms, 4 serving kitchen and 8 serving living/kitchen/dining. These shortfalls are considered

Sunlight to Block B

- 9.179 The results for the Existing vs. Proposed Scenario show that 69 of the 83 rooms assessed are BRE compliant in terms of any alteration in Annual and Winter Probable Sunlight Hours. The remaining 14 rooms are located beneath, or are located in close proximity to, balconies and further assessments for the existing vs proposed scenario, without balconies has therefore been undertaken.
- 9.180 The results without balconies in the Existing vs. Proposed scenario show that all rooms would meet the BRE guidelines criteria. It can therefore be considered that the presence of the balcony, rather than the size of the new obstruction, is the main factor in the relative loss of sunlight. The overall effect to these rooms is therefore considered minor in accordance with the BRE guidelines.

Impact on Surrounding Open Spaces

An overshadowing assessment has been undertaken for the existing neighbouring amenity space and the BRE standard is met due to the sufficient distances between site and surrounding open spaces.

Noise Impact

- 9.181 The application pack includes an acoustic planning report. Consideration is given in the assessment to the following potential effects:
- Noise and / or vibration effects on existing nearby buildings and their occupants during the proposed demolition, refurbishment and construction works;
 - Effects on occupants of existing nearby buildings due to noise from new building services plant associated with the Project;
 - Effects on occupants of existing nearby buildings associated with increased noise from changes in traffic flows due to the Project;

- Effects on occupants of existing nearby buildings associated with increased noise break-out from activity within commercial premises (B1c, A1/A3) due to the Project;
 - Noise effects on the Project from existing sources (e.g. roads, noise from human activities in the area and natural wildlife).
- 9.182 Details of noise and or vibration and their impact on nearby buildings/residents during operation has not been provided in the report, this can be assessed within the Construction Environmental Management Plan and this will be requested via condition, should permission be granted.
- 9.183 For proposed plant which will service the completed development, suitable noise limits have been proposed to ensure that plant does not cause disturbance to existing residents in the surrounding area or future occupants of the proposed development. A condition requiring testing to demonstrate compliance with such noise limits will be imposed in the event that planning permission was to be granted.
- 9.184 In terms of the proposed ground floor commercial uses and the type of the tenant, potential users would be required to submit a management plan detailing the required hours of operation for the B1 and A1/A3 elements of the scheme with appropriate specification of the building fabric to adequately contain internally generated noise. With the inclusion of a condition requesting this information, it is not considered that the commercial elements would give rise to unacceptable levels of noise and general disturbance associated with the use.
- 9.185 Traffic noise by high vehicular flows on the A12 can be mitigated through the design of the development which is proposed to provide a good level of amenity in outdoor living areas for future residents of the development in line with relevant and credited guidance.
- 9.186 In terms of the sound insulation performance of the glazing systems, the report assumes that windows remain closed, however, should windows be partially opened for ventilation (assuming 10-15 dB typical noise attenuation) the internal design criteria levels would not be met within habitable rooms overlooking the A12. This is not uncommon in locations adjoining major transportation routes, as in the case with the application site which is located along the A12. Due to the high ambient (LAeq) and maximum (LAFmax) noise levels incident at habitable rooms overlooking the A12, a mechanical ventilation system would be required. This would allow windows to remain closed for much of the time, safeguarding internal target criteria levels, with occupants free to open windows for purge ventilation and summer cooling as required at their own discretion accepting the related increase in noise. In contrast, for habitable room spaces that are shielded and/or orientated away from the A12, natural ventilation openings, such as trickle vents and passive through-wall ventilators would be acceptable.
- 9.187 Details of mitigation would be required via condition to ensure that the alternative source of ventilation does not compromise the overall performance of the façade system or the internal noise level design criteria to be met within habitable room spaces.

Construction Impacts

- 9.188 The construction impacts of the proposal would be carefully controlled and minimised through a suitably worded condition requiring the submission of a Construction Environmental Management Plan (CEMP). Such a document would be required to detail measures as to how the A12 and surrounding roads will continue safe operation, working hours, measures to control dust, air pollution, noise pollution, vibration, and any other measures in order to minimise the impact on the surrounding residents and building occupiers.

Conclusion

- 9.189 Officers consider that, with appropriate conditions, the proposal would not significantly adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the development 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 Transport

Policy Context

- 9.190 According to paragraph 34 of the NPPF developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 9.191 Policy 6.1 of the London Plan (2016) seeks to support “development that generates high levels of trips at locations with high levels of public transport accessibility” and “increase the use of the Blue Ribbon Network [...] for freight use”. Other policies relevant to this development include policies 6.3, 6.9, 6.10, 6.13 and 7.26.
- 9.192 The Council’s Core Strategy policy SP08 seeks to encourage the sustainable transportations of freight by “promoting and maximising the movement of freight by water and rail to take the load off the strategic road network”. Policy SP09 seeks to “ensure new development has no adverse impact on the safety and capacity of the road network” and promote “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”.
- 9.193 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”. Policy DM21 states that “development that generates a significant number of vehicle trips for goods or materials during its construction and operational phases will need to demonstrate how the impacts on the transport network and on amenity will be avoided, remedied or mitigated”. Policy DM22 states that “where development is located in areas of good public transport accessibility and/or areas of existing on-street parking stress, the Council will require it to be permit-free” and that “development will be required to meet, and preferably exceed, the minimum standards for cycle parking”.
- 9.194 The proposals reduce the onsite parking by virtue of the proposals covering the existing site with development and that the scheme is car free with the

exception of spaces for blue badge holders, however, by comparing the potential trip generation of the lawful use of the site and the predicted trips from the proposed use of the site is shown in the table below. TfL have requested that multi-modal trip generation is calculated using Census data rather than TRICS as submitted with the Transport statement. The census data is as summarised in the table below

	Driver	Car pass'	Walk	Cycle	Taxi	Rail	Bus	TOTAL
0800-0900	8	5	57	6	3	44	31	154
1700-1800	8	5	57	6	3	44	31	153
Daily	69	41	510	55	28	395	276	1378

Figure 40- Census data

- 9.195 The development would therefore generate an increase in peak hour trips and a material increase in journeys across the day as a whole when all modes of travel are considered in combination. Importantly the increase by each mode of transport would be less pronounced and would have no material effect on the capacity or operation of that mode.
- 9.196 The predicted increase in pedestrian journeys is the highest increase; however, the local pedestrian network has been audited and shown to be very good with the exception of the footway immediately adjacent to the site. This shift away from the car and towards journeys on foot is therefore a positive step. 57 additional pedestrians during the peak hour would have no material effect on the pedestrian network. Some 40 additional pedestrians per hour across the remainder of the day would also have no measurable effect on pedestrian infrastructure capacity.
- 9.197 The development would result in 31 additional peak hour bus journeys and 276 across the day. On first sight and without further investigation this seems like it could have an effect on bus capacity. However, the site is served by three high frequency bus services running in each direction throughout the day. At an average frequency of 12 minutes each service has 5 buses per hour in each direction (10 in total). For a robust analysis if we exclude evening travel and concentrate simply on daily travel between 7am and 7pm, this would equate to 120 buses per route, or 360 for all three routes. The increase in bus use as a result of redeveloping this site therefore equates to an average of less than one passenger per bus. It is likely that the number per bus will increase above the average in the peak periods and some routes may be more popular than others, however, even taking these factors into account, this would still only equate to a peak of 1 new passenger per bus. These changes would be less than daily variation on any particular route and would be imperceptible to passenger transport capacity. The overall effect, however, would be to add revenue to local bus services thereby increasing local bus viability.
- 9.198 The development would result in 44 additional peak hour rail journeys and 395 across the day. It is anticipated that this will be divided equally between District line, Hammersmith and City line (via Bromley by Bow), and DLR via (Devons Road). The effect on each part of the network would be an additional 15 additional peak hour trips per line and 132 trips across the day. When considering the frequency of trains as set out in Section 4, this would equate

to a maximum of one extra passenger per train, either during the peaks or across the day as a whole. These changes would be less than daily variation on any particular route and would be imperceptible to passenger transport capacity.

- 9.199 As a result of this analysis it is clear that the proposed development would have a negligible adverse impact on the rest of the local transport network. The development would, as might be expected, benefit from its accessible location and ability to promote sustainable travel.
- 9.200 The proposed development will be supported by a Framework Travel Plan, a Delivery and Servicing Plan and a Construction and Logistics plan. This three-part Transport implementation Strategy will actively manage the movement of people and goods to and from the site. The journeys associated with the proposed residential units would have no material effect on any individual mode of transport. The Framework Travel Plan would provide an opportunity to increase the number of cyclists and car-sharers and decrease the levels of single car occupancy further still. The development will deliver a range of local transport improvements including new pedestrian and cycle links to the River Walk as well as footway upgrades which forms part of the proposal to be funded by the development and achieved via S278 and 106.
- 9.201 TfL has requested a multi-modal trip generation assessment for the existing and proposed commercial uses. However, the TS explain that the transport impact of the proposed development is determined by comparing the journeys that might realistically be generated by the existing use of the site, and those anticipated for the proposed development. It goes on to state that the existing site constitutes 1,915m² of 'B' class employment space and the proposed development re-provides 1,915m² of 'B' class employment space. The employment journeys are therefore neutral. The transport effects of the proposed development result from the new residential uses only.
- 9.202 TRICS database is used to derive total predicted journeys for the existing and proposed floorspace; we have then applied the Census data journey to work mode-share proportions to establish predicted trips by each mode. Below table shows the total journeys by each mode based on the Census data journey to work mode share:

1975m ²	Driver	Car Pass'r	OGVS	Walk	Cycle	Rail	Bus	TOTAL
0800-0900	16	1	1	11	4	41	12	85
1700-1800	24	2	1	16	5	61	18	128
Daily	128	10	9	88	29	326	94	681
	<i>18.80%</i>	<i>1.50%</i>		<i>12.90%</i>	<i>4.20%</i>	<i>47.90%</i>	<i>13.80%</i>	

Figure 41-Employment space multi-modal trips

* The figures in green represent total journeys, derived from TRICS (excluding OGV). The percentage figures in italics are taken from the Census data journey-to-work mode share. The remaining figures are derived by applying the Census mode share to the TRICS total travel demand.

The table above shows the multi-modal peak hour and daily trips associated with the existing employment site and the proposed replacement employment uses. It is important to note that the proposed development does not include car parking for the commercial uses so the driver trips (derived from the Census data) would be redistributed proportionally across the other modes

Alterations to highway

- 9.203 The proposals involve improvements to 2 bus stops to make them suitable for all public transport users; footway resurfacing in close vicinity fronting application site; speed cushions to the front of site. These would be secured via a Section 278/106 agreement which would be required as part of the section 106 should permission be granted.
- 9.204 Officers consider that the alterations to the public highway network as outlined above will improve the highway network within the immediate context of the application site, will not have an adverse impact upon either the safety or the capacity of the surrounding highway network and will also enhance walking and cycling routes across the site and within the immediate context.

Car parking

- 9.205 The proposal involves the loss of the current 35 spaces on the existing hard standing surface on site, which would be replaced by the proposed development and associated open space. There are no development plan policies to protect car parks and the site has a good Public Transport Accessibility Location of 4. The proposed development would be car free with the exception of blue badge spaces and this would be secured via conditions and a section 106 Agreement should permission be granted.
- 9.206 The application scheme would be car free with the exception of 7 blue badge spaces for disabled residents within the site, this equates to 2.3% which exceeds the average demand for all Inner London Boroughs (2.1%) and exceeds demand for LBTH (1.8%). 1 commercial blue badge holder would be required and this would be achieved via condition to comply with the TFL officers' requirement. Two of the spaces will be provided with electric vehicle charging points (EVCP) which exceeds the 20% London Plan requirement and all seven spaces will be provided with passive EVCP provision.
- 9.207 The road immediately outside the site is Gillender Street, a one-way road (southbound) which has a single running lane for general traffic and a nearside bus lane. Parking restrictions apply on Gillender Street from Monday-Saturday 7am-7pm, denoted by a single yellow line on both side of the carriageway. In addition, on-street loading is restricted from Monday-Saturday 7:00-10:00 and 15:00-19:00pm, during the bus lane operating hours.
- 9.208 The proposed car-free development, given the location of site would not give rise to indiscriminate parking as there are no residential roads within a 200m walk of the site. No car parking is provided for the commercial units; only 1 disabled bay would be required as highlighted above. Although officers recognise that a choice of travel, including by car for those that need it, may result in increased parking stress in the area, the general thrust of planning policy is to encourage sustainable travel, including limiting parking provision.

- 9.209 The car free development proposed is supported by the Mayor of London and TfL. Overall, officers consider that the proposals accord with Core Strategy Policy SP09, MDD Policy DM22 and London Plan Policy 6.13 and are acceptable

Pedestrian Links

- 9.210 An updated full Pedestrian Environment Review System (PERS) audit was undertaken as part of the assessment submitted with the proposals, from this assessment, an audit of pedestrian facilities around the site and surrounding area shows that the site is accessible from a high-quality footway network. This includes a footbridge to the east crossing the River Lea, underpasses beneath the A12 and footway along the Limehouse Cut leading south and north. The redevelopment of Bow School north of the site, recently renovated and widened the footway on the eastern side of Gillender Street as far south as the access into the Lock Keepers development.
- 9.211 A pedestrian underpass is located 80m to the north of the site providing a grade-separated crossing beneath the A12. This underpass has ramped accesses on both sides. An additional crossing is available beneath the A12 immediately adjacent to Bromley by Bow LUL station but this has steps only. Gillender Street connects to Navigation Road, which has access to the Limehouse Cut towpath walk/cycle route providing another underpass to the western side of the A12 and continuing south-west and north to the wider pedestrian/cycle network.
- 9.212 All side road crossings have flush (<6mm) dropped kerbs and tactile paving. There are only 2 worst scoring links in the study area which are L2 and L3 located to the front of application site as indicated in the Transport Statement (not within the redline area of site; due to a degree of 'clutter' caused by street furniture and poor surface conditions. The proposals would include pedestrian improvements to these two areas to ensure good pedestrians environment that will encourage more walking to and from the site. It is therefore concluded that site is located within an acceptable walking distance from facilities surrounding the site.

Cycle parking

- 9.213 The proposed development comprises 307 dwellings (31 x studio; 123 x 1b; 91 x 2b; 54 x 3b and 8 x 4b). For the proposed residential component the minimum cycle parking provision is therefore 460 secure long-stay spaces and 8 short-stay spaces. The long stay spaces are provided in two cycle stores, and these secure bike stores are accessed at ground level via double doors and exceed the minimum space standards for cycle storage.
- 9.214 The commercial units have a combined floor area of 1815m² (B1) and 100m² (A1/A3/B1). The light industrial uses therefore require 7 long-stay staff spaces. These will be accommodated within the back of house areas within the units themselves. The flexible 'café' space is too small to require any long stay spaces but the combined requirement for short stay spaces for the residential, employment and retail/café uses will be for 12 cycle parking spaces. These will be provided in the form of six Sheffield loop stands incorporated into the landscaping scheme and located close to the building entrances.

- 9.215 Highways and TfL are satisfied with the external parking spaces and the internal basement (9) cycle parking spaces on the basis they would provide accessible and secure locations. Appropriate condition will be imposed to secure an accessible cycle parking spaces via condition.

Deliveries and Servicing

- 9.216 The proposed site layout has been designed to ensure that refuse and delivery service vehicles are able to access the full extent of the site and that refuse stores are located within 10m collection vehicles. Tracking diagrams have been submitted and demonstrate that sufficient space has been provided to allow the delivery vehicle to turn within the yard.
- 9.217 The industrial units are provided with servicing for deliveries, collections and refuse collections. Space for a large 12m rigid vehicle is provided along Gillender Street, and vehicle access for smaller commercial vehicles is within the new yard. All units have service access doors through their individual front facades. The units facing the River Lea additionally would have service access through a corridor beneath the podium level to the rear of these units. All vehicles (vans/light goods) using the new yard can enter and leave in a forward gear. Importantly, the new yard has been designed to allow them to perform a 'loop', thereby removing any reversing manoeuvres within the new yard, for residential and pedestrian safety. Due to the relatively limited servicing needs envisaged for B1(c), the newly proposed yard has been designed to safely accommodate deliveries but also to provide an attractive hard-landscaped area and pedestrian route to the river. In addition, a dedicated loading bay would be located on Gillender Street for larger vehicles. The proposed arrangement would be considered acceptable.
- 9.218 The loading bay located on Gillender Street fronting Block will be appropriately managed to ensure they are only used by service /delivery vehicles.

Conclusion

- 9.219 Officers consider that as the proposal would not have an 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 with appropriate conditions to ensure appropriate design of the bay and cycle parking details.

Waste

Policy Context

- 9.220 Policy 5.17 of the London Plan (2016) states that development proposals should be "minimising waste and achieving high reuse and recycling performance".
- 9.221 The Council's Core Strategy policy SP05 (1) states that development should "implement the waste management hierarchy of reduce, reuse and recycle".

9.222 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

9.223 The applicant has confirmed in the assessment submitted with the application that the Council's current minimum waste requirements for new residential units would be adequately provided on site.

9.224 There are no specific capacities set out for commercial waste in policy. The refuse areas for commercial waste will be looked after by estate management and collected by private contractors. Neither highways nor waste officers object to these storage/ collection arrangements.

9.225 The following details would be secured in a waste, deliveries and service management plan should permission be granted:

- Internal waste storage for each residential unit of: 40 litre refuse, 40 litres recycling and 10 litres food waste should be provided internally;
- Bin stores to be built in accordance with relevant standards;
- Measurement of bins will be provided in cubic meters to demonstrate there is sufficient space in bin stores;
- Sufficient door sizes with catches or stays;
- All bin stores will be free from any steps;
- Bins to be built in accordance with relevant standards;
- Bulky waste storage must be in its own separate storage unit away from other waste streams;
- Information of dropped kerbs to be provided and within 10m of trolleying distance from bin store;
- Waste carrying distance for residents should be maximum 30 metres to the bin store;
- Managing agent will present all waste streams including bulky waste where these are not within 10 metres trolleying distance for the waste collection operatives including all waste stored at all other levels except ground level, and;
- Details of how the waste collections vehicle will service this proposal including all loading and unloading areas must be provided.

9.226 Subject to the inclusion of this condition requiring a waste management strategy, officers are satisfied that the space and layout would allow for sufficient storage, access and management arrangements and thus would comply with the relevant policy.

Energy Efficiency and Sustainability

Policy Context

9.227 Paragraph 93 of the NPPF states that planning plays a key role in reducing greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Paragraph 97 of the NPPF seeks to support development which can draw its energy supply from decentralised, renewable or low carbon energy supply systems.

- 9.228 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”*.
- 9.229 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”*.
- 9.230 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

- 9.231 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.
- 9.232 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, through the incorporation of a number of energy efficiency measures. These measures have led to the scheme achieving a 45% reduction in CO2 emissions against the Building Regulations 2013, the proposal therefore meet the Council’s target. However, the submitted energy strategy identifies the shortfall to meeting zero carbon for the residential element which equates to 169.6 tonnesCO2. A £305,327.92 carbon offsetting contribution is required to mitigate the impacts and this will be required via section 106. A condition requiring the submission of the as built CO2 reduction calculations will also be required to ensure that they meet the current projected figures.
- 9.233 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 non-residential elements of the proposal must be designed to achieve a BREEAM 'Excellent' assessment rating.

- 9.234 The submitted sustainability statement shows that the proposed commercial units have been designed to be BREEAM 'Excellent.' In order to ensure that the development achieves this target a condition requiring the final certificates to be submitted within 3 months of completion of the development will be imposed.
- 9.235 Subject to the conditions outlined above and the carbon off-setting planning obligation, officers are content that the proposal accords with relevant policies and guidance with respect to energy efficiency and sustainability.

Environmental Considerations

Policy Context

- 9.236 Policies 5.10 and 5.11 of the London Plan (2016) state that *"development proposals should integrate green infrastructure" such as "roof, wall and site planting"*. Policy 5.12 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"*.
- 9.237 Policy 7.7 states that *"tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference"*. Policy 7.8 states that *"new development should make provision for the protection of archaeological resources"*. 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"*. Policy 7.19 states that *"development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity"*. Finally policy 7.21 states that *"existing trees of value should be retained and any loss as the result of development should be replaced"*, and *"wherever appropriate the planting of additional trees should be included in new developments"*.
- 9.238 The Council's Core Strategy policy SP03 states that air pollution in the borough will be addressed by *"managing and improving air quality along transport corridors" and "implementing a "Clear Zone" in the borough to improve air quality"*. 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"*. Policy SP10 states that development should seek to protect and enhance archaeological remains and archaeological priority areas.

- 9.239 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 DM27 states that development within Archaeological Priority Areas will be required to be accompanied by *"an Archaeological Evaluation Report and will require any nationally important remains to be preserved permanently on site"*.
- 9.240 Finally 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

- 9.241 The development will result in a reduction in parking spaces and hence a reduction in transport emissions which is welcomed. The Air Quality Assessment identified construction dust as a potential issue and proposes that further detailed modelling be undertaken at the detailed design stage to determine the extent of the mitigation required. This to be achieved via condition.
- 9.242 Mechanical ventilation is likely to be required to provide the residents with cleaner air. In line with the acoustic report, should permission be granted a condition would be attached requiring details of the mitigation including the location of the air inlets, which should be located in an area of less polluted air.
- 9.243 The proposal would be required to meet the emissions standards set out in the GLA's 'Sustainable Design and Construction SPG', and can be achieved via condition.
- 9.244 With regard to the construction, this will be secured via condition and the Construction Environment Management Plan condition will also be required to detail how the potential air quality effects will be mitigated and monitored in line with the 'The Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014' and the 'Tower Hamlets Code of Construction practice.' Subject to the abovementioned conditions, the proposal complies with the relevant policy.

Biodiversity

- 9.245 Policy DM11 requires major developments to deliver net gains for biodiversity which contribute to objectives in the Local Biodiversity Action Plan (LBAP). The proposals do involve loss of some trees but the biodiversity officer has advised that the tree replanting, landscaping proposed plus additional river wall enhancements would achieve net gains for biodiversity. Details of all biodiversity measures would be secured via condition.

- 9.246 Conditions would also be attached regarding the clearance of trees (to protect nesting birds) and an updated bat survey prior to the commencement of works to protect any potential bats on site.
- 9.247 Subject to the inclusion of the abovementioned conditions, the proposals would enhance biodiversity on site and thus the proposal would comply with the relevant policy.

Trees

- 9.248 Overall, the proposal involves the removal of 19 trees from the site. However, of these, 14 are category c or u (low quality or unsuitable for retention). The tree replanting strategy makes provision for new trees in the proposed development.
- 9.249 Whilst the tree officer has raised no objections to the loss of the majority of trees on the site, but concerns were raised in relation to the loss of 2 mature trees along the river walkway. The tree officer has advised that this will have a significant environmental, amenity and landscape impact. Following officer's concerns, the applicant propose to replace the two trees to the front of the site with Acer Campestre. The proposed replacement species adequately mitigates for the loss of the existing trees on the site.
- 9.250 The proposed overall public realm improvements and wider scheme benefits are considered acceptable.

Contaminated Land

- 9.251 The Council's Environmental Health Contaminated Land officer has reviewed the proposals and has requested conditions requiring the submission of a full site investigation report prior to the commencement of works and a full verification report prior to the occupation of the development to ensure that any land contamination present on this site is appropriately dealt with in order to minimise any risks to health and ecology.

Flood Risk

- 9.252 Although the site is located within flood zone 3a it is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance in any year flood event. The Council's Strategic Flood Risk Assessment (SFRA) shows that the site will be at risk of flooding if there was to be a breach in the tidal defences. However, the Environment Agency's most recent breach hazard modelling study (June 2017) shows the site to be outside of the areas impacted by flooding if there was to be a breach in defences. The Environment Agency therefore considers the proposed development to be at a low risk of flooding.
- 9.253 The application is supported by a flood risk assessment which outlines a number of measures incorporated into the scheme's design which would allow occupants of the building to remain safe in the event of a flood. The Environment Agency has reviewed the submitted flood risk assessment and has not objected to the proposals, subject to appropriate conditions. In light of the above officers consider that the proposed development is acceptable in flood risk terms.

Microclimate

- 9.254 A Wind Microclimate Assessment has been submitted with the application including wind tunnel results of the proposed scheme in the context of existing surrounding environment and a cumulative scenario.
- 9.255 The results states that with the introduction of the proposed development, wind conditions generally remain suitable for strolling or better during winter months. However, sensitive areas such as outdoor sitting areas, entrance, terraces and balconies are exposed to windier conditions than desired. Furthermore, strong winds susceptible to destabilise members of the general public occur at localised areas at ground level, across Gillender Street, at the southern corner of the proposed development, in the channel to its south-west and at podium level. Although, the report goes on to say that with the introduction of cumulative buildings, the suitability of wind conditions in terms of both pedestrian safety and comfort remain as per the within the existing surrounding scenario, further mitigation measures would be required via condition to sensitive areas in order to make the areas suitable for the intended purposes.
- 9.256 The wind conditions within the recreational area to the south of the Proposed Development area are anticipated to be suitable for standing during summer months. A single exception to this persists, at the main entrance to site where despite being significantly improved through introduction of landscaping; wind conditions would exceed the pedestrian safety threshold for usage by the general public. The report outlines and recommends suitable wind mitigation measures and therefore this can be achieved via condition if permitted.
- 9.257 Overall, with the introduction of the soft landscaping scheme and wind mitigation measures, wind conditions at all locations in and around the Proposed Development are suitable in terms of both pedestrian safety and comfort for their intended usage.
- 9.258 Mitigation measures are required to achieve suitable conditions. These measures are included within the landscaping plans for approval, and a condition will be attached to the decision notice to ensure that the necessary measures are implemented.

SUDS

- 9.259 As part of the proposed flood risk assessment the applicant has submitted details of how SUDS (Sustainable Urban Drainage) features could be incorporated into the development. The Councils Highways engineer has reviewed the proposals and considered the details submitted to be inadequate, further details to be achieved via recommended conditions by the officer to comply with relevant policy relating to SUDS.

Conclusion

- 9.260 Officers consider that the proposal is acceptable in archaeology, air quality, biodiversity, contaminated land, flood risk, microclimate, SUDS, television and radio reception terms, and also in terms of its impact on trees. The proposal can thus be considered to be in accordance with the relevant policies of the London Plan (2016), Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

Environmental Impact Assessment

9.261 The planning application does not constitute EIA Development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (from this point referred to as the '2011 EIA Regulations') as confirmed by the Council by a way of decision under PA/17/01161 dated 8 June 2017. Therefore, the application was submitted in February 2018 with no Environmental Statement (ES).

Impact upon local infrastructure/ facilities

9.262 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 Planning Obligations SPD (2016) sets out how these impacts can be assessed along with appropriate mitigation measures.

9.263 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Fairly and reasonably related in scale and kind to the development.

9.264 Regulation 122 of the Community Infrastructure Levy Regulations (CIL) (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.

9.265 Securing necessary planning contributions is further supported Core Strategy Policy SP13 'Planning obligations' which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development. This is explained in the Council's Draft Planning Obligations SPD that sets out the borough's key priorities:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Education

9.266 If permitted and implemented, the proposal would also be subject to the Council's community infrastructure levy.

9.267 The proposed development would place additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene. Should planning permission be granted, the LBTH CIL contribution is estimated at £680,749.

9.268 In addition the development would be liable to the London Mayor's CIL estimated at £823,694. The development does not sit within 1km of a proposed Crossrail station and thus would not attract the Mayor's Crossrail levy.

9.269 The applicant has also offered 46% affordable housing by habitable room with a tenure split of 67% in favour of Social/Affordable rented accommodation (50 at Social Rent and 50 Tower Hamlets Living Rent)Ownership) and 67%/33% shared ownership housing. This offer has been independently viability tested and the information submitted is considered to be comprehensive and robust. The maximum level of affordable housing has been secured in accordance relevant development plan policy. A development viability review clause to identify and secure any uplift of affordable housing if the development has not been implemented within 48 months from the grant of permission (with the definition of ‘implementation’ to be agreed as part of the S.106 negotiations) would also be secured should permission be granted.

9.270 Should permission be granted, several non-financial contributions would be secured via section 106 agreement.

9.271 The financial contributions required are summarised in the following table:

Planning Obligation	Financial Contribution
Employment, skills, training and enterprise during the construction phase	£338,232
Employment, skills and training to access employment within the final development.	£256,377
Zero Carbon offsetting	£310,525
Monitoring	£6,500
Total	£911,634

Figure 42- financial contributions

9.272 These obligations are considered to meet the tests set out in guidance and the CIL regulations.

Other Local Finance Considerations

9.273 Section 70(2) of the Planning Act 1990 provides that in dealing with a planning application a local planning 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.

9.274 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.

9.275 In this context “grants” include the New Homes Bonus Scheme (NHB).

9.276 NHB was introduced by the Government in 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-

ring-fenced finance to support local infrastructure development. The NHB is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. The grant matches the additional council tax raised by the Council for each new house built for each of the six years after that house is built. This is irrespective of whether planning permission is granted by the Council, the Mayor of London, the Planning Inspectorate or the Secretary of State.

9.277 Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £468,226 in the first year and a total payment of £2,809,354 over 6 years.

Human Rights Act 1998

9.278 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:

9.279 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".

9.280 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.

9.281 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.

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

9.283 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.

Equality Act 2010

9.284 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 and sex 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. The Committee must be mindful of this duty when determining all planning applications and representations to the Mayor. In particular, the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.285 It is considered the proposed development would not conflict with any of the above considerations. It is also considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive. In particular, it should be noted that the development includes access routes and buildings that would be accessible to persons with a disability requiring use of a wheelchair or persons with less mobility.

9.286 Given that the proposals deliver the much needed housing, and affordable housing in particular, with the retention and extension of the Locally Listed (Magnolia House) building for a mix of functions in the area: enhanced connections through to the waterway and improvements to the Grade II listed wall of the former Dowgate Wharf building located adjacent to the site, the proposals would continue to enhance and preserve the character and appearance of the Limehouse Conservation Area while not impacting on amenity of surrounding neighbours

10.0 CONCLUSION

10.1 All relevant policies and considerations have been taken into account. Planning Permission and Listed Building Consent should be **GRANTED** for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report and the details set out in the RECOMMENDATIONS at the beginning of this report.