

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 29 November 2016	<b>Classification:</b> Unrestricted
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Zarndra Piper	<b>Ref No:</b> PA/16/01763/A1
	<b>Ward:</b> Poplar

## 1.0 APPLICATION DETAILS

**Location:** Former Castle Wharf Esso Petrol Station, Leamouth Road, London, E14 0JG

**Existing Use:** Vacant

**Proposal:** Redevelopment of the former Service Station site with a residential-led mixed use development, comprising 338 residential units, together with 376 sqm of flexible non-residential floorspace (Use Classes A1, A2, A3, B1, D1 and D2), 36 sqm café floorspace (Use Class A3), set across two main buildings including a 24 storey tower with stepped blocks of 20, 17, 11 and 8 storeys, linked by a 2 storey podium at ground level, with a single basement level, landscaping and associated amenities

**Drawings:** PL099 A, PL100 A, PL101 A1, PL102 C, PL103 C, PL104 C, PL105 C, PL106 C, PL107 C, PL108 B, PL109 B, PL110 B, PL111 B, PL112 B, PL113, PL114, PL120, PL001, PL002, PL150, PL151, PL152, PL153, PL154, PL200, PL201 B, PL202 B, PL203 B, PL204 B, PL205 B, PL210 A, PL211 A, PL212 A, PL213 A, PL301, PL302, PL303, PL304, PL305, PL306, PL307, PL308, PL309.

**Documents:**

- Design & Access Statement (including refuse and lighting strategy) prepared by BUJ Architects
- Statement of Community Involvement, prepared by Four Communications
- Townscape, Heritage & Visual Impact Assessment prepared by Heritage Architecture
- Daylight & Sunlight Assessment prepared by GVA Schatunwski Brooks
- Landscape Design Report, prepared by Outerspace
- Transport Assessment and Travel Plan, prepared by Cole Easdon
- Energy Statement, prepared by Metropolis Green
- Sustainability Statement, prepared by Metropolis Green

- Air Quality Assessment, prepared by Air Quality Consultants
- Dust Assessment, prepared by Air Quality Consultants
- Ecology Report, prepared by ACD Ecology
- Flood Risk Assessment, prepared by Cole Easdon
- Land Contamination Report, prepared by Parsons Brinckerhoff
- Archaeological Desk Based Assessment, prepared by CgMs
- Wind Assessment, prepared by BMT Fluid Mechanics
- Acoustic Report, prepared by Bickerdiike Allen Partners
- Aeronautical Safeguarding Assessment, prepared by Eddowes Aviation Safety
- Construction Logistics plan, prepared by O'Shea
- Arboricultural Assessment, prepared by Landmark Trees
- Infrastructure Services Report, prepared by Cole Easdon
- Financial Viability Report, prepared by James R Brown

**Applicant:** Galliard Homes Ltd

**Freeholder:** GLA Land and Property Ltd

**Historic Assets:** Site is partially located on:

- The Grade II Listed Entrance Gateway to the former Blackwall Goods Yard

## **2.0 EXECUTIVE SUMMARY**

- 2.1 The proposal seeks a comprehensive redevelopment of the site including a change of use from former sui generis (Petrol filling station) to C3 Residential. The redevelopment is proposed as a high-density residential-led scheme.
- 2.2 The application proposes 338 residential units, of which 35.4% is affordable housing by habitable room. A total of 376sqm of flexible, commercial floor space (within use class A1, A2, A3, B1, D1, and D2) is proposed at ground floor, as well as 36sqm of café floorspace (Use Class A3) set across two main buildings including a 24 storey tower and a stepped building from 8 to 20 storeys, linked by a 2 storey podium at ground level, with landscaping and associated amenities.
- 2.3 The proposed development will also be supported by 472 secure bicycle parking spaces, 33 x blue badge parking spaces, 2 x zip car parking spaces, a new basement for parking and plant, a new landscaped courtyard space and communal roof terraces at levels 9, 12, 15 and 18.
- 2.4 In the immediate vicinity of the site, there is currently considerable investment being made from new developments that are contributing to the regeneration of this area. The proposed development will positively contribute to this process through the delivery of a significant numbers of new homes, together with new employment opportunities and environmental improvements through new green spaces.

- 2.5 Whilst the previous lawful use as a petrol filling station (sui generis) was an employment generating use, the site was underutilised in its previous use and is now currently vacant.
- 2.6 The site falls within the Lower Lea Valley and Isle of Dogs Opportunity Areas, with the latter identifying a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036. The site is also within the Poplar Riverside Housing Zone which seeks to accelerate the delivery of 6,404 new homes.
- 2.7 The replacement with a high quality mixed use residential led development, within the housing zone is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the development plan policies.
- 2.8 The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing (35.4% affordable housing of which 33% is shared ownership and 67% rented accommodation based on habitable rooms. Taking into account the viability of the site the development is maximising the affordable housing potential of the scheme.
- 2.9 The residential quality of the scheme would be high. Out of the 59 affordable rented units 54% would be of a size suitable for families. All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All of the dwellings would meet the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' and 10% would be provided as wheelchair accessible.
- 2.10 In terms of design, through a series of amendments negotiated by the Local Planning Authority and the GLA, the scheme is now considered to sit comfortably within the townscape. Internal and external amenity is considered to be of an acceptable standard and the development delivers a high quality public realm.
- 2.11 By virtue of the site's location in relation to commercial uses, and separation distances to nearest residential uses, the proposed development is not considered to have any unduly detrimental impacts on the amenity of surrounding uses.
- 2.12 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance, would deliver good quality homes in a sustainable location and would enhance the setting of the Grade II listed Entrance Gateway. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.13 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.14 The scheme would meet the full financial and non-financial contributions, in the line with the Council's adopted Planning Obligations SPD.
- 2.15 Subject to the recommended conditions and obligations, the proposal 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 considerations which would indicate that it should be refused.

### **3.0 RECOMMENDATION**

3.1 That the Committee resolve to GRANT planning permission subject to:

a) Any direction by the London Mayor

b) The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:

3.2 Financial Obligations:

a) A contribution of £98,596 towards employment, skills, training for construction job opportunities

b) A contribution of £11,220 towards employment, skills, training for unemployed residents

c) A Carbon offsetting contribution of £37,440.00

d) £2500 towards monitoring fee (£500 per s106 HoT's)

**Total £149,756**

3.3 Non-financial Obligations:

a) Affordable housing 35.4% by habitable room (303 habitable rooms)

- 67% Affordable Rent at Borough affordable rental levels (59 units)
- 33% Intermediate Shared Ownership (43 units)

b) Affordable housing review mechanism if the development does not commence within 2 years.

c) Access to employment

- 20% Local Procurement
- 20% Local Labour in Construction
- 14 apprenticeship

d) Car free agreement

e) S278 agreement to the surrounding highway including public realm works

f) Residential travel plan

g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.4 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.6 **Conditions:**

Compliance

1. Compliance with approved plans

2. 3 year time limit for implementation

3. Car and cycle parking facilities to be retained for the lifetime of the development

#### Pre-commencement

4. Archaeology - written scheme of investigation
5. Land contamination

#### Pre-commencement (other than demolition of the remaining substructure, backfilling and construction of a below grade guide wall, capping beam and excavation of service trenches)

6. Construction Management Plan including working hours, control of dust, air pollution and noise pollution, measures to minimise impact on adjoining residential and commercial occupiers.
7. Crane operation plan
8. Detailed drawings and samples of all external materials including 1:1 mock-up of typical section of elevation
9. Landscaping and public realm (including the following):
  - a) Soft landscaping
  - b) Biodiversity improvement measures
  - c) Hard landscaping
  - d) Street furniture
  - e) Play equipment
  - f) Signage
  - g) Lighting to public realm including lighting spill drawings
  - h) CCTV and security measures
  - i) Visitor cycle parking
  - j) Wind mitigation measures
  - k) Ground levels & thresholds – inclusive access
10. Details of communal areas & roof gardens:
  - a) Access routes
  - b) Play equipment
  - c) Finishes and surfaces
  - d) Planting
  - e) Lighting
11. Security & access control measures
12. Details of surface water drainage & SUDs
13. Details of internal cycle parking
14. Details of wheelchair accessible and adaptable units
15. Details of all mechanical equipment including ventilation to residential units and details of noise insulation to residential units
16. Details of wintergardens
17. Details of lighting
18. Water supply infrastructure capacity study
19. Secured by Design
20. Jersey Cudweed – Precautionary site survey
22. 33 blue badge parking spaces for the 10% wheelchair accessible housing

#### Pre-occupation

24. Parking Management Plan
25. Energy efficiency measures (blinds, air-conditioning controls, resident guidance)
26. Waste Management Plan and Delivery & Servicing Plan
27. Travel Plan
28. Scheme to maximise active shopfronts details of signage
29. Details of opening hours for any commercial units
30. Energy strategy to deliver 40% reductions in CO2 emissions and CHP system
31. 2 x zip car spaces
32. Electric vehicle charging points

#### Informatives

1. Thames Water
  2. Environmental Health – Noise & Vibration
  3. Subject to a S106 agreement
  4. CIL
  5. Subject to a S278 agreement (Highways improvements)
  6. Infrastructure protection agreement
- 3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.

### **4.0 PROPOSAL AND LOCATION DETAILS**

#### **Site and Surroundings**

- 4.1 The site (0.36Ha) was a former petrol filling station that was recently demolished (late 2015/early 2016). The site is bounded by Leamouth Road to the west, Leamouth Road roundabout to the south and by Silvocea Way to the east. Silvocea Way provides direct access to a LBTH owned vehicle depot and MOT station, which is located directly to the north of the site. This site is used to store refuse and recycling vehicles and some school buses.
- 4.2 Beyond Silvocea Way are the River Lea and the Bow Creek Ecology Park. Silvocea Way and Leamouth Road are connected by a strip of land that acts as a private road, which runs along the northern boundary of the site, however this land is owned by LBTH and is contained within the boundary of the vehicle depot station.
- 4.3 The site is located immediately adjacent to the Leamouth Roundabout to the south, which forms a junction between the A1261 Aspen Way, the Lower Lea Crossing and the A1020 Leamouth Road. The A1261 to the south west of the site and the A13 East India Dock Road to the north both form part of the Transport for London Road Network (TLRN), and are accessed by the roundabout.
- 4.4 The following aerial shows the application site (with the former petrol station) and surrounding locality. Not shown is the recently completed data centre to the west of the site.



Figure 1 – Site location plan

- 4.5 The East India Docklands Railway (DLR) station is located approximately 450m to the south west of the site, which provides links to Tower Gateway and Bank station to the west, Canning Town, London City Airport and Beckton to the east. The nearby bus stops are located on East India Dock Road and Saffron Avenue and these stops are served by buses on routes D3, 115, N15, N550 and N551.
- 4.6 The site is also served by the Mayors Cycle Hire Scheme with the nearest docking station located at East India DLR approximately 450m south of the site providing 51 spaces. Cycle super highway route 3 (CS3) between Barking and Tower Gateway also passes along the A13 and Leamouth Road within close proximity to the site. The following plan shows the site in relation to these transport nodes.



Figure 2 – The site in proximity to public transport

- 4.7 As such, it has been estimated that the site has good Public Transport Accessibility Level (PTAL) of 4, on a scale of 1 to 6, where 1 is very poor. The walking distance between the site and Canning Town Station (DLR/Jubilee Line) has been improved

following the opening of the footbridge currently being delivered as part of the London City Island (Leamouth North) development on Leamouth Peninsula.

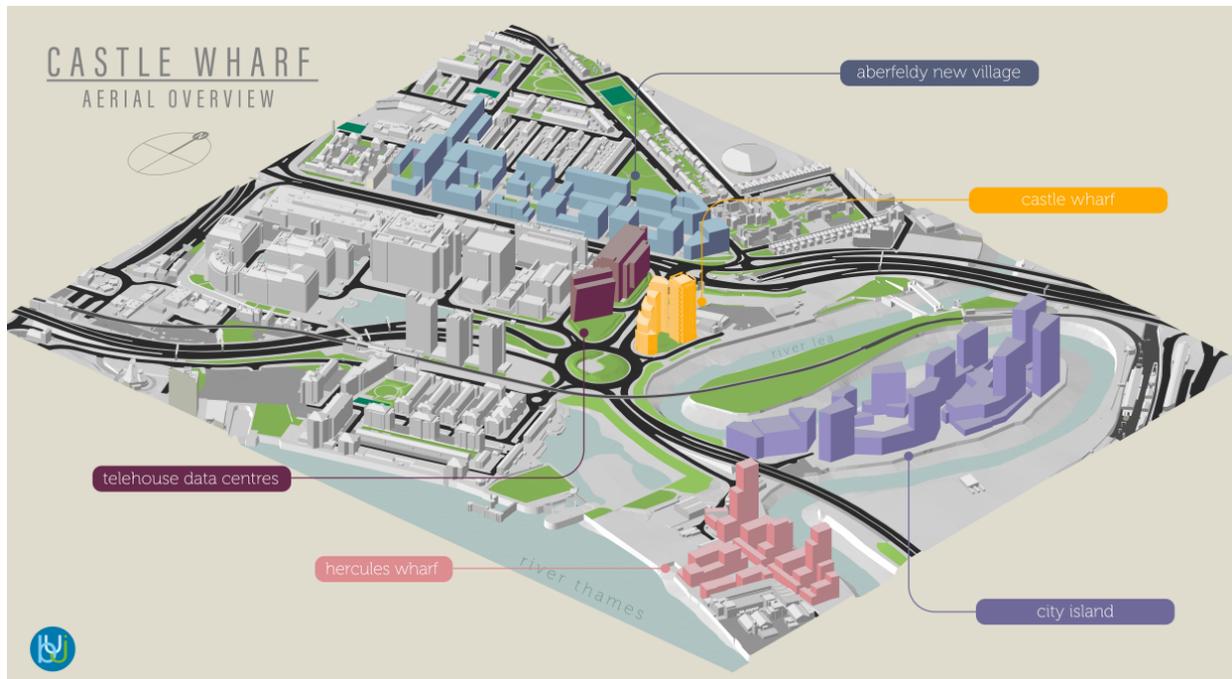
- 4.8 The Grade II Listed entrance Gateway to the former Blackwall Goods Yard is a notable heritage feature of the area. The entrance gateway is early Egyptian revival style and was moved some 12 feet to the east of its original position to allow for the widening of Leamouth Road in 1993. To the west of the site, in the central reservation of Leamouth Road, is the Grade II Listed East India Dock Wall and Gateway.
- 4.9 The site falls within the Lower Lea Valley and Isle of Dogs Opportunity Areas, with the latter identifying a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036. The site is also within the Poplar Riverside Housing Zone which seeks to accelerate the delivery of 6,404 new homes through £78m worth of funding from the GLA to be delivered in two phases.
- 4.10 £52m has been earmarked through an Overarching Borough Agreement with the GLA for phase one which will be drawn down in the next three years and will deliver funding for 10 identified sites. This proposal does not form part of this phase, but rather is in phase two which sees £26m as an outline commitment not yet funded in the GLA's programme. It is proposed to deliver 1300 affordable homes within Phase 2 without GLA grant through the use of planning powers and other resources available to the borough such as Right to Buy receipts.
- 4.11 The application site is also subject to the following designations:
- Flood zones 2 and 3
  - Aviation safeguarding areas
  - Railway safeguarding (within 200m of East West Crossrail)
  - Archaeological priority zone
  - Potentially contaminated land
  - CIL residential zone 2.

### **Background and Planning History**

- 4.12 PA/16/00184 - Request for Screening Opinion as to whether an EIA is required in respect of an application for 2 blocks, generally arranged around the northern and western (Leamouth Road) boundaries of the site. The applicant was advised the development did not fall within the scope of an Environmental Impact Assessment application 29/01/2016.
- 4.13 The immediate area surrounding the site is undergoing significant redevelopment. There are several notable planning applications that are relevant to the site and surrounding context.
- A) A planning application at Telehouse far East, Sites 6 to 8, Oregon Drive, was granted in October 2014 for the erection of a new 10 storey (66m in height) data centre building comprising approximately 24,370 sqm of floor space and associated works; together with the erection of a new 12 storey office development (65m in height) comprising approximately 13,280 sqm of floorspace and other associated works (Ref: PA/14/00074).
  - B) To the east of the site is Leamouth Peninsula, which was granted outline planning permission for a residential led masterplan for up to 1,706 units in various buildings ranging in height from 3 to 27 storeys (PA/10/01864).

- C) To the north west of the site, planning permission was granted for a development of up to 1,176 units for 'Aberfeldy New Village' in various buildings up to 10 storeys in height (Ref: PA/11/02716).

4.14 The following image has been provided by the applicant to show the proposal and its proximity to consented and implemented schemes.



## Proposal

4.15 The proposal seeks planning permission for the construction of a residential-led mixed use development comprising:

- 2 main buildings, a 24 storey tower and stepped blocks of 8, 11, 17 and 20 storeys linked by a two storey podium at ground level.
- 338 residential units
- 376sqm of flexible, non-residential floorspace (Use Class A1, A2, A3, B1, D1, and D2)
- 36 sqm café floorspace (Use Class A3)
- 472 secure bicycle parking spaces
- 33 car parking spaces
- 2 ZipCar parking spaces
- A new basement for parking and plant
- A new landscaped courtyard and amenity space
- Communal roof terrace at levels 9, 12, 15 and 18.



Looking North-East

CGI – View looking north-east

4.16 The following mix of units would be provided:

Tenure	1 Bed	2 Bed	3 Bed	4 Bed+	Total
Market (Private)	178	38	20	0	236
Intermediate	29	14	0	0	43
Affordable Rented	<b>19</b>	<b>8</b>	<b>19</b>	<b>13</b>	<b>59</b>
<b>Total</b>	226	60	39	13	338

4.17 The proposed development includes 35.4% affordable housing on a habitable room basis.

## 5.0 POLICY FRAMEWORK

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### 5.2 Government Planning Policy

National Planning Policy Framework 2012  
National Planning Policy Guidance

### 5.3 London Plan 2016

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 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
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 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
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

#### 5.4 **Core Strategy 2010**

- SP01 - Town Centre Activity
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- 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

## 5.5 **Managing Development Document 2013**

- DM0 - Delivering Sustainable Development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community Infrastructure
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- 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
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

## 5.6 **Supplementary Planning Guidance/Documents and Other Documents**

- Planning Obligations SPD (LBTH 2016)
- Tall Building Advice Note (Historic England 2015)
- The Setting of Heritage Assets Good Practice Advice (Historic England 2015)
- Use of Planning Obligations in the Funding of Crossrail SPG (GLA 2013)
- Town Centres SPG (GLA 2014)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Accessible London: Achieving an Inclusive Environment SPG (GLA 2014)
- Sustainable Design and Construction SPG (GLA 2013)
- Housing SPG (GLA 2016)
- Shaping neighbourhoods: character and context SPG (GLA 2014)
- Shaping neighbourhoods: play and informal recreation (GLA 2012)
- London View Management Framework (GLA 2012)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)
- Consultation on proposed changes to national planning policy (DCLG 2015)

## 6.0 **CONSULTATION RESPONSE**

- 6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application. The responses are summarised below.

### LBTH Environmental Health – Contamination

- 6.3 Development of the site shall not begin until a scheme has been submitted to the local planning authority and written approval has been granted for the scheme. The scheme will identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

*[Officer comment: The requested condition has been included.]*

### LBTH Environmental Health – Air quality

- 6.4 The Air Quality Assessment shows that the annual NO<sub>2</sub> objective may be exceeded in parts of the development in the opening year. Mitigation must be provided to all facades shown to be nearing or exceeding the objective. This should be included as a condition.
- 6.5 The construction assessment shows that the development is a medium risk site in regards to dust emissions. Appropriate mitigation for such a site must be included in a CEPM to be submitted to the council prior to commencement.

*[Officer comment: The requested condition has been included.]*

### LBTH Transportation & Highways

- 6.6 CAR PARKING: Transport and Highways welcome the proposal to make it car and permit free development. Therefore, Transport and Highways require a section 106 'car and permit' free agreement for this development.
- 6.7 Transport and Highways welcome the proposal to provide of 33 disabled parking bays within the site. The disabled bays shall be retained and maintained for this purpose for the life of the development. This should be ensured by way of a condition.
- 6.8 Transport and Highways require a car parking management plan to ensure only the residents use disabled bays.
- 6.9 CYCLE SPACES: The applicant is required to provide design specification of the cycle stands and the dimension of the cycle stores.
- 6.10 TRIP GENERATION: Transport and Highways agree with the applicant that proposed development will attract fewer vehicular trips to and from the site.
- 6.11 CONSTRUCTION MANAGEMENT PLAN: The applicant has submitted a construction management plan along with the full planning application. Transport and Highways welcome the approach; however, Transport and Highways require that the CMP is secured through a condition.
- 6.12 TRAVEL PLAN: The applicant is required to submit a detailed Travel Plan, this should be secured by condition.
- 6.13 HIGHWAYS IMPROVEMENT WORK: Transport and Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development.

*[Officer comment: The requested conditions, S106 agreement and S278 highways improvements have been included.]*

#### LBTH Open space & Tree Officer

- 6.14 The removal of the Horse Chestnut trees in the car park to the north of the site is regrettable, these trees have suffered both impact damage and soil compaction from the use of the site as a car park. Replacement planting can provide effective mitigation. A condition is recommended requiring the approval of a detailed planting scheme.

*[Officer comment: The requested condition has been included.]*

#### LBTH Biodiversity

- 6.15 The site is of little biodiversity value, however the submitted Biodiversity Report does not identify Jersey Cudweed, a plant protected under Schedule 8 of the Wildlife & Countryside Act. There is a large colony of this species close to the application site, along the verge of Silvocea Way, and it could spread onto the application site. As this is an annual plant, which could colonise the site at any time, it is appropriate to deal with this via a condition for a precautionary survey prior to commencement of work.
- 6.16 The proposals include two areas of biodiverse roof, extensive use of nectar-rich flowers which will benefit bumblebees and other pollinators, bird and bat boxes and log piles, all of which will contribute to LBAP objectives. It is recommended that full details are submitted for approval.

*[Officer comment: The requested conditions have been included.]*

#### LBTH Energy & Sustainability

- 6.17 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 40% reduction CO2 emission reductions.
- 6.18 Whilst this the CO2 emission reduction on-site fall short of the LBTH target, should the shortfall be met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for emission reductions.
- 6.19 It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:
- Energy strategy to deliver 40% reductions in CO2 emissions and CHP system
  - Carbon offsetting contribution secured through S106 contribution (£37,440)
  - Delivery of BREEAM Very Good Development

*[Officer comment: The requested conditions and S106 contribution has been included.]*

#### LBTH Employment/Enterprise

- 6.20 20% of the construction phase workforce will be local residents of Tower Hamlets.

- 6.21 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 6.22 A financial contribution of £98,596 is required 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.
- 6.23 A monetary contribution of £11,220 is required towards the training and development of unemployed residents in Tower Hamlets to access either:  
i) jobs within the uses A1, A2, A3, B1, D1 and D2 of the development  
ii) jobs or training within employment sectors relating to the final development
- 6.24 Existing jobs  
There are no existing jobs as the site is vacant. However, it is understood that the proposed employment floorspace outweighs the employment yield generated from previous uses at the site.

*[Officer comment: The requested S106 financial contributions and obligations have been included.]*

Greater London Authority (inc Transport for London)

Land Use

- 6.25 The proposed development for residential-led mixed-use within the Isle of Dogs Opportunity Area is supported, in line with London Plan policies 2.13 and 3.3.

Housing

- 6.26 The proposed new housing is welcomed in line with London Plan policy 3.3. The application currently proposes 35.4% affordable housing (by habitable room). Further information is required to ensure the maximum reasonable amount of affordable housing is being provided in line with London Plan policy 3.12. Further details and amendments to the scheme will be required in relation to housing quality and child play space provision to ensure the development meets London Plan policies 3.4, 3.5 and 3.6.

Urban design

- 6.27 The broad urban design principles are supported, and the applicant has sought to activate the ground floor frontages. In line with the comments, the size of the proposed café on the southern point is questioned.

Inclusive access

- 6.28 The broad approach to access and inclusion is supported and the scheme should comply with London Plan policies 3.8 and 7.2, with suitable conditions.

Climate Change

- 6.29 Whilst the proposed energy strategy would meet London Plan Policy 5.2 comments are made on the approach and further details are requested which should be provided ahead of Stage 2 to verify the proposed strategy. London Plan policies 5.12 and 5.13 on flood risk are complied with, subject to securing conditions.

Air Quality

- 6.30 Further information on air quality is required, notably the impacts of the adjacent vehicle testing centre to the north and mitigation measures to ensure London Plan policy 7.14 is met.

Blue Ribbon Network and Biodiversity  
6.31 In order to meet London Plan policy 7.19, the enhancement measures within the ecology report should be secured by condition. Planting should maximise foraging opportunities for pollinators.

Noise and safeguarded wharves  
6.32 The application site is located in close proximity to a number of safeguarded wharves - Orchard Wharf, Priors Wharf and Mayer Parry Wharf however no noise assessment data is included within the acoustic assessment.

Transport  
6.33 In order to comply with the transport policies of the London Plan the following is sought: Car parking management plan, Blue Badge and EVCP, delivery and servicing plan and construction logistics plan should be secured via condition; the applicant is advised that the number of cycle spaces should be increased marginally to comply with the London Plan (2016).

6.34 Following the issue of Stage 1 response, the applicant provided clarifications and amended plans to address GLA's concerns.

6.35 The Applicant has added 130m<sup>2</sup> of child play space to the communal roof terrace on level 17 and submitted an accommodation schedule, to demonstrate compliance with the Housing SPG standards. Cycle parking has increased to 480 to comply with the London Plan (2016). Outstanding energy, air quality and noise and safeguarded wharf concerns have been addressed as explained further in this report. The GLA have advised that issues originally raised will be covered in their stage 2 response.

#### Thames Water (TW)

6.36 On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, Thames Water would not have any objection to the above planning application. However, an informative is recommended requiring the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

#### Environment Agency (EA)

6.37 The site it is located within Flood Zone 3 and protected to a very high standard by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance event in any year.

6.38 The EA have advised to improve flood resilience of the proposed development, it is recommended that finished floor levels are set above the 1:100 year + 20 % climate change flood level plus 300mm freeboard which is 5.13m AOD. A condition has been recommended to secure this.

#### London City Airport

6.39 No safeguarding objection subject to condition included to manage the height of cranes.

#### Greater London Archaeological Advisory Service

6.40 Conditions are recommended to require a two-stage process of archaeological investigation comprising evaluation of the nature and extent of surviving remains followed, if necessary, by a full archaeological investigation.

### Port of London Authority

- 6.41 PLA's original response requested clarification of why use of River Lea/Bow Creek was dismissed, as road freight is a major contributor to CO2 and to congestion.
- 6.42 Due to the sites close proximity to the Safeguarded Orchard Wharf, the applicant was asked to consider the cumulative impact of traffic associated with the proposed development and Wharf itself (once in use).
- 6.43 It was recommended that a condition secures the provision of riparian life-saving equipment (such as grab chains, access ladders and life buoys) along the river edge to a standard recommended in the 1991 Hayes Report on the Inquiry into River Safety.
- 6.44 Following PLA's request, the applicant has provided additional information with respect to the above, and PLA are satisfied adequate consideration has been given.

### Metropolitan Police

- 6.1 A planning condition is recommended to ensure the development achieves Secured by Design accreditation.

### NATS

- 6.2 No safeguarding objection to the proposal.
- 6.1 The following consultees did not provide representations:

London Borough Newham Council

## **7.0 LOCAL REPRESENTATION**

- 7.1 Public consultation took place in accordance with statutory requirements. This included a total of 417 letters sent to neighbours, a press advert published in East End Life and site notice displayed outside the application site. The number of representation received in response to notification and publicity of the proposal are as follows:

No of individual responses:    Objecting: 5                      Neutral: 0            Supporting: 0

### **Summary of issues raised:**

- 7.2 The following issues were raised in objection to the proposal:
- Overcrowding on public transport/insufficient local infrastructure to cope
  - Loss of daylight/sunlight
  - Construction noise/pollution
  - Wind tunnel effect
  - Not enough businesses to support this amount of flats being built in this area. More space needs to be allocated for shops / takeaways / coffee shops / public gyms / pubs etc
  - Additional noise
  - Parking stress

- The pedestrian walkway next to the flats in question and the River Lea is unsafe due to lack of lighting and secluded.
- The proposed structures are much higher than surrounding buildings and would be incongruous in the immediate area.
- Privacy intrusion
- Height and density will obscure views.

### **Applicant's Consultation**

- 7.3 A Statement of Community Involvement has been submitted with the application.
- 7.4 Consultation activities for this application commenced in February 2016, which included a public exhibition held on 8 and 11 March 2016. Additionally, 1200 newsletters were delivered to locals and local groups were offered briefings. Throughout the consultation process, a dedicated telephone number, email and freepost address were supplied and managed by Four Communications to provide further information to residents and stakeholders.
- 7.5 The public exhibition showed no principle objection to the redevelopment of the site. Some residents were disappointed about the loss of the petrol station, however Esso have specified alternative filling stations. Residents voiced a desire for new amenities in the area and public realm enhancements.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the Committee must consider are:
- Land Use
  - Design, Heritage and Townscape
  - Housing
  - Amenity
  - Transport, Access and Servicing
  - Sustainability and Environmental Considerations
  - Planning Obligations
- 8.2 Other material issues addressed within the report include biodiversity as well as financial, health, human rights and equalities considerations.

### **Land Use**

- 8.3 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. 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.

- 8.4 These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.5 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.6 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised.
- 8.7 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 for those living there.
- 8.8 The LBTH adopted Policies Map show the site to have no specific land use designations, however it is within an Archaeological Priority Area and within a Flood Risk Area (Level 3). Immediately to the east of the site is a Green Grid route and a Site of Importance for Nature Conservation.
- 8.9 The site is located within the London Plan Lower Lea Valley Opportunity Area. The Opportunity Area Planning Framework sets out that the area should contain a significant new residential community by providing at least 32,000 new homes and potentially up to 40,000 by 2031.
- 8.10 The site also falls within the Isle of Dogs and South Poplar Opportunity Area, which identifies a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036.
- 8.11 The Opportunity Area Planning Framework for the Isle of Dogs and South Poplar is currently being drafted by the GLA for consultation in mid to late 2016, and when adopted will replace the Lower Lea Valley OAPF where the two Opportunity Areas overlap.
- 8.12 Figure 1 below, shows the surrounding land uses:



Figure 1 – Existing land uses surrounding the site

- 8.13 The proposed development comprises of a residential led scheme providing 338 units. Alongside the residential accommodation, 376 sqm of flexible non-residential floorspace is proposed. Permission is sought for a flexible approach to the use of this floorspace, to include retail (A1), financial and professional services (A2), food and drink (A3), office and flexible workspaces (B1), community and cultural uses (D1) and assembly and leisure uses (D2). This floorspace will be provided at ground and first floor levels along the northern frontage of the proposal.
- 8.14 Together with the flexible non-residential floorspace, a 36 sqm café (A3) is proposed at ground floor within the southern element.
- 8.15 Whilst the previous use of the site as a petrol filling station and associated car parking (sui generis) is an employment generating use, the site is currently vacant at present and the previous use would have offered a significantly lower density of employment.
- 8.16 Additionally, given that the site has been excluded from the Preferred Office Location designation and that an appropriate scale and quantum of ground floor commercial uses within use classes A1-A3, B1, D1 and D2 would be provided, it is considered that the development would be acceptable with regard to the aforementioned land use policies.
- 8.17 The immediate context is therefore undergoing significant regeneration, including a number of residential led developments or commercial led developments. Pockets of retail uses are found around emerging residential development. These new developments, namely Aberfeldy Village and Leamouth Peninsula North, are creating a new area of residential activity and providing additional services to serve this new population.
- 8.18 Given the character of the emerging area, it is considered that the proposed flexible commercial uses would support the new residents.

### Principle of residential use and compatibility with existing uses

- 8.19 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (2016) seeks to alleviate the current and projected housing shortage within London through the provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 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 addressed 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.
- 8.20 The site is located within the London Plan Lower Lea Valley Opportunity Area. The Opportunity Area Planning Framework sets out that the area should contain a significant new residential community by providing at least 32,000 new homes and potentially up to 40,000 by 2031.
- 8.21 The site also falls within the Isle of Dogs and South Poplar Opportunity Area, which identifies a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036.
- 8.22 The proposal is for 338 units, which is equivalent to around 8.5% of Tower Hamlet's borough wide annual monitoring housing target as defined by the London Plan. The proposed delivery of these new homes is strongly supported in accordance with London Plan Policy 3.3.
- 8.23 The principle of residential use at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough including the Poplar.
- 8.24 Given the above and the emerging residential character of surrounding area, the principle of intensification of housing use on this brownfield site is supported in policy terms.
- 8.25 LBTH owns the freehold land to the north of the application site – it is currently used as the main highways depot and will continue to be held for this use for the foreseeable future. The site also holds school buses, a salt barn with associated winter vehicles; and is used to service all Council vehicles, including cleaning with high pressure washers.
- 8.26 Notwithstanding the site's location within the Housing Zone, the scheme has been designed to both respond to the existing urban environment and accommodate any future mixed used development on the depot site. Full consideration has been given to protecting the amenity of future resident's through careful design of the communal and private amenity spaces, and providing high quality accommodation that meets the required design standards.
- 8.27 With regards to increasing activity at the depot, the proposed residential development will significantly reduce vehicle activity on the site when compared to the lawful petrol filling station use and therefore will not compromise vehicle activity from the depot along Silvocea Way.
- 8.28 The proposed development has also been designed with triple glazing and a combination of wintergardens which along with separation distances involved ensure the proposed use will be compatible to the depot to the north.

### Proposed flexible commercial space

- 8.29 The NPPF classifies a retail use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Development Managing Document Policy DM2 (Local Shops) states development for local shops outside of town centres will only be supported where: there is demonstrable local need that cannot be met within an existing town centre they are of an appropriate scale for their locality, they do not affect amenity or detract from the character of the area; and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.
- 8.30 Paragraph 69 of the NPPF encourages mixed use developments, acknowledging the important role they can have in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decision should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.
- 8.31 At London Plan Policy 4.3, the Mayor supports mixed use development. The policy acknowledges that beyond CAZ and the north of the Isle of Dogs, mixed use redevelopment can play an important role in promoting the delivery of other uses, including housing.
- 8.32 Core Strategy Policy SP01 promotes mixed used development outside of town centres which comprise primarily of residential, together with other supporting uses that are local in nature and scale
- 8.33 The proposed development will provide 376 sqm of flexible non-residential floorspace which could comprise a range uses including:
- Retail (A1), financial and professional services (A2) and food and drink uses (A3);
  - Business and flexible workspace (B1);
  - Community and cultural (D1); and
  - Assembly and leisure uses (D2).
- 8.34 Together with the flexible non-residential floorspace, a 36 sqm café (A3) is proposed at ground floor within the southern element of the proposed development.
- 8.35 The non-residential uses have been positioned in order that particular elements of the proposed development will benefit from optimum pedestrian activity and active frontages.
- 8.36 The proposed non-residential uses will contribute towards creating a viable and vibrant place, and one that is able to contribute to and support the living and working population, particularly as the area changes through future regeneration.
- 8.37 The proposed café use will be provided at ground level on the southern frontage to create an active frontage and to animate space alongside the proposed indoor play area.

- 8.38 The proposed development would result in the creation of 338 residential units and the nearest Tower Hamlets neighbourhood centre is Aberfeldy Street Local Shopping Parade which is situated 450m away. The creation of 376 sqm of flexible non-residential floor space would result in a hub of activity that is of appropriate scale for the locality. The introduction of active frontages in the form of shop fronts would allow for the activation of space and enhance the character of the area. The proposal would not result in a concentration of uses in this location that would not undermine any existing Tower Hamlets town centre.

#### Density

- 8.39 The NPPF requires Local Planning Authorities (“LPAs”) to set out their “own approach to housing density to reflect local circumstances” (para 47). The NPPF recognises the link between design and development density and requires that, amongst other things, policies should ensure that new developments optimise the potential of the site to accommodate development including a mix of uses (para 58).
- 8.40 London Plan policy 3.4 requires development to optimise residential densities. London Plan policy 3.12 emphasises the need for optimised densities in Opportunity Areas and development that contributes significantly towards the borough’s housing and employment targets.
- 8.41 Policy SP02 of the Core Strategy specifies that high development densities, consistent with other Plan policies, will be sought throughout the Borough. Policy SP02 of the Core Strategy also requires new development to 'optimise' the use of land and achieve density levels which accord with public transport accessibility levels and the wider accessibility of that location.
- 8.42 London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account the local context and character, design principles set out in the London Plan Chapter 7 and public transport capacity. Table 3.2 provides the density matrix in support of this policy. For a central setting with a PTAL rating of 4, the density matrix suggests a residential density in the region of 650 – 1100 habitable rooms per hectare.
- 8.43 The proposed development would generate a density of 2,377 hrph or 939 uph. Whilst this is in excess of the density ranges for an ‘Central’ location set out within table 3.2 of the London Plan, the intent of the London Plan and the Council’s Development Management DPD is to optimise the intensive use of sites compatible with local context, good design principles and public transport capacity.
- 8.44 However, the London Plan and the Housing SPG 2016 confirm that it is not appropriate to apply Table 3.2 mechanically and advise that the density ranges should be considered as a starting point rather than an absolute rule when determining the optimum housing potential of a particular site.
- 8.45 In appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed. Where these considerations are satisfactorily addressed, the London Plan and the Housing SPG 2016 provides sufficient flexibility for such higher density schemes to be supported. 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; the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
- the need for development to achieve high quality design in terms of liveability,
- public realm, residential and environmental quality, and, in particular, accord with
- the housing quality standards set out in Part 2 of this SPG;
- a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';
- depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;
- the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;
- the need for the appropriate management and design of refuse/food waste/ recycling and cycle parking facilities; and
- whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (eg. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).

8.46 It is essential, 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. The maximum of the range should not be taken as a 'given', much less a minimum expectation.

8.47 Conversely, greater weight should not be given to local context over location or public transport accessibility unless this can be clearly and robustly justified. It usually results in densities which do not reflect scope for more sustainable forms of development which take best advantage of good public transport accessibility in a particular location.

8.48 As discussed above, the London Plan provides a benchmark not a development maximum. The proposed development is reflective of the existing and emerging higher densities within this area, and is considered to be appropriate given the site's location within a housing zone, the Council's proposed housing targets in this area; improved pedestrian and transport connections delivered through London City Island and the general changing nature of this area in particular along the river.

8.49 The proposed development is in keeping with LBTH's high growth agenda set out in the Core Strategy to deliver 43,275 new homes up to 2025 with over 4,000 proposed in the Blackwall and Leamouth "places". The resultant residential density is considered appropriate for the site and reflective of the optimum development capacity of the site, consistent with the site's location.

8.50 A high residential density does not, in itself, make a scheme undesirable in planning terms and it is not uncommon for development schemes in the northern part of the Isle of Dogs or within the City Fringe to significantly exceed the density range suggested by the matrix. All of the above aspects of the development have been rigorously assessed elsewhere within this report and found to be acceptable. The

proposed development does not exhibit symptoms of overdevelopment and is considered to appropriately optimise the development potential of the site, in line with policy requirements.

8.51 In conclusion, the main arguments as to why the site is considered to be particularly suitable to be developed at density in excess of that suggested by the matrix are as follows:

- a) The site is located within the Isle of Dogs Opportunity Area as designated on London Plan Map 2.4 and Annex 1 with an indicative capacity of 110,000 new jobs and a minimum of 10,000 new homes over the plan period to 2035.
- b) The site is located within an area with good public transport accessibility, with a rating of 4 (PTAL) and, as such would be a sustainable location for a high quantum of new residential units.
- c) The proposed buildings would enjoy particularly generous breathing space. The distances to other buildings and in particular other mid to high-rise buildings would be significant. Significant public realm works have been included as part of the proposal, maximising the public benefits.
- d) In urban design terms the site is highly suitable for a tall building. The tower would be of a high architectural quality. The distinctive design would provide visual interest.
- e) Opportunity Areas are expected to make a particularly strong contribution towards meeting London's housing needs. The development would provide a significant contribution towards the Council's housing targets, including through provision of a significant quantum of affordable housing.
- f) The residential quality of the development would be high, in many instances exceeding the baseline requirements of the Housing SPG. Communal amenity, including play space, would be of a high quality.
- g) The heritage impacts of the proposal would be minor, but positive by enhancing some views and additionally creating an improved public realm, especially in the context of the Grade II listed East India Dock gateway. Furthermore, the gateway has inspired the proportions and scale of the proposed facades and the lower levels of the proposed buildings.
- h) The overall regenerative benefits of the proposal would be substantial.

### Conclusion

8.52 This brownfield site provides an opportunity to make a significant contribution to the provision of new residential accommodation within the borough, including that of affordable housing. The proposal would not result in the loss of an active and viable employment use. The proposed uses would also be complementary to the role of the Lower Lea Valley Opportunity Area, the Isle of Dogs Opportunity Area and the Poplar Riverside Housing Zone.

### **Heritage, Design & Townscape**

8.53 The National Planning Policy Framework attaches great importance to the design of the built environment.

8.54 In accordance with paragraph 58 of the NPPF, new developments should:

- function well and add to the overall quality of the area,
- establish a strong sense of place, creating attractive and comfortable places to live,
- respond to local character and history, and reflect the identity of local surroundings and materials,

- create safe and accessible environments, and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.55 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 8.56 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.57 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.
- 8.58 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.59 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 8.60 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 8.61 Core Strategy Policy SP10 and Policies DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.62 Policy DM26 of the MDD requires that building heights be considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations.

#### Site layout

- 8.63 London Plan Policy 7.15 (Reducing managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes) states development proposals should manage the impact of noise by "separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation."

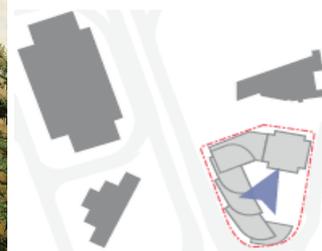
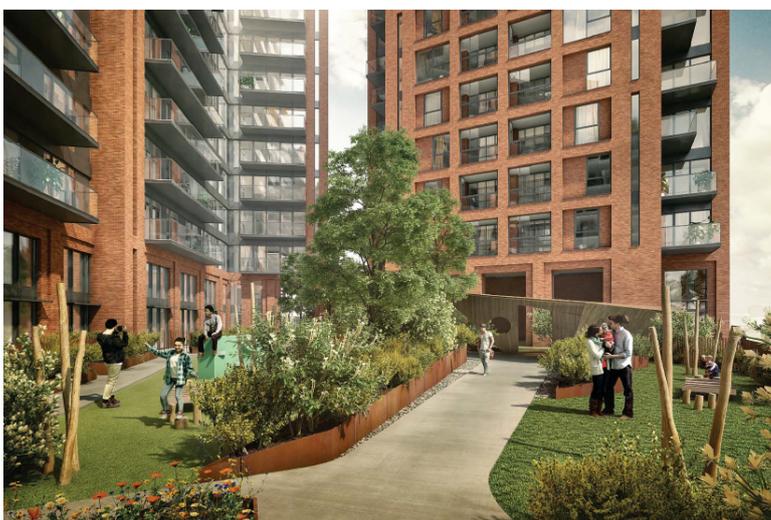
- 8.64 The supporting text to policy 7.15 states at paragraph “it is important that noise management is considered as early as possible in the planning process, and as an integral part of development proposals. In certain circumstances it can also mean preventing unacceptable adverse effects from occurring”
- 8.65 Throughout the pre-application discussions, it was recognised that the site sat within a ‘challenging’ environment, with the constraints of the Leamouth Road and the Grade II Listed East India Dock Wall to the west, the roundabout to the south, the MOT centre to the north and the softer environs of Bow Creek and the Peninsula Park to the east.
- 8.66 In response, the proposal seeks to activate all the frontages. The proposed development would be arranged with built form positioned along the northern, southern and western boundaries of the site. This configuration creates a barrier against Leamouth Road and roundabout to the south west and encloses an area of open space in the centre of the site that is open to the east. This approach is considered to be positive in that it shields amenity space from the road and allows a visual link between the landscaped centre of the site and the adjacent riverside walkway along Silvocea Way.
- 8.67 The proposal seeks to provide duplex/townhouse units, with individual doors and set behind areas of defensible space, along the western boundary of the site, which would assist to create a degree of activity, passive surveillance and visual interest along this stretch of Leamouth Road. It is proposed that a raised terrace would provide private amenity space for the dwellings, while the rest of the defensible space would be a buffer that would be managed as part of the estate. This approach would help to strike a balance between providing amenity space that contributes to passive surveillance and visual interest, as well as ensuring the public face of the building is well maintained and remains attractive. This is shown in the following image.



CGI – View from west, along Leamouth Road, showing cascading block

- 8.68 Additionally, Leamouth Road will receive landscaping improvements in the form of new tree planting to defend residents and pedestrians from traffic.
- 8.69 The tallest elements are located to the north of the site and towards the southern end of the proposals, the reduced mass relates to local, smaller buildings at the southern end, and opens amenity and views to the south and the River Thames.

- 8.70 The northern boundary faces toward the Council's Vehicle Depot and is set back approximately 1m from the edge of this property where cars are currently parked.
- 8.71 At ground floor level there would be two areas of 'flexible non-residential' space which would provide some active frontage to the walkway/road connecting Leamouth Road and Silvocea Way. A small café (36 sq.m) is proposed at the southern tip of the site, to activate the frontage and provide passive surveillance towards the child play space. It is recommended that a condition is secured which requires further details of the proposed shopfront and signage.
- 8.72 The eastern boundary of the site has been designed so that there is a visual connection between the central landscaped amenity space and the riverside footpath along Silvocea Way. It is recognised that public access to the site will not be provided. However, the amenity space, and importantly, the activity that takes place within, would make a visual contribution to the character and quality of the riverside walkway. The internal element of the proposal, opens up the accommodation to its riverside location, increasing the glazing and perforation, to soften the edge and provide occupants with a pleasant outlook.



CGI showing the view from internal courtyard/communal open space

- 8.73 In principle, the proposed site layout is considered to be an acceptable, improving the public realm conditions along Leamouth Road, activating street based environments to the west and north with modulated built forms, and opening up the east with a communal garden providing the opportunity to visually connect with the riverside environment.

#### Height

- 8.74 A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2016) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.

- 8.75 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. Policy DM26 of the Managing Development Document reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.76 Whilst the site does not fall within an identified area for tall buildings, as defined by Policy DM26, the area is currently undergoing significant regeneration through a number of high density developments that incorporate well designed and appropriately located taller buildings.
- 8.77 The proposed development comprises of two main buildings, the first being a 24 storey tower located in the north east corner of the site and the second being a stepped building which runs along the Leamouth Road frontage. The building that fronts Leamouth Road steps down from the north to the south of the site and includes heights from 8, 11, 17 and 20 storeys. The two main building are linked by a two storey podium at ground level which fronts on to the northern boundary of the site.
- 8.78 The proposed development has responded to the various building heights in the immediate surrounding area. The tower element of the scheme, which comprises 24 storeys, does not surpass the Elektron Towers in height and the cascade block decreases in height along the western boundary towards the southern boundary finishing with a height of 8 storeys. The lower elements of the scheme relate in height to the lower developments of the area, including Virginia Quay to the south.

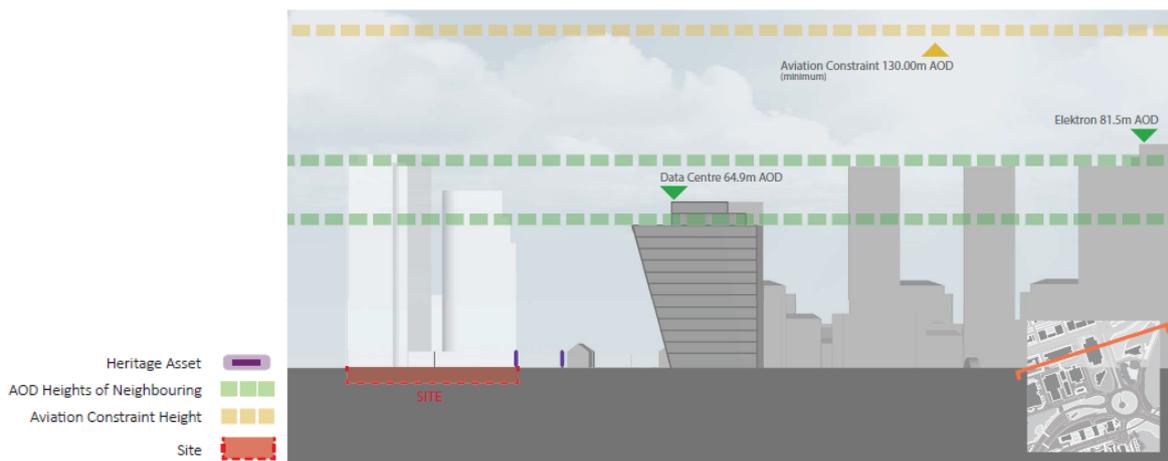


Figure 1: View south

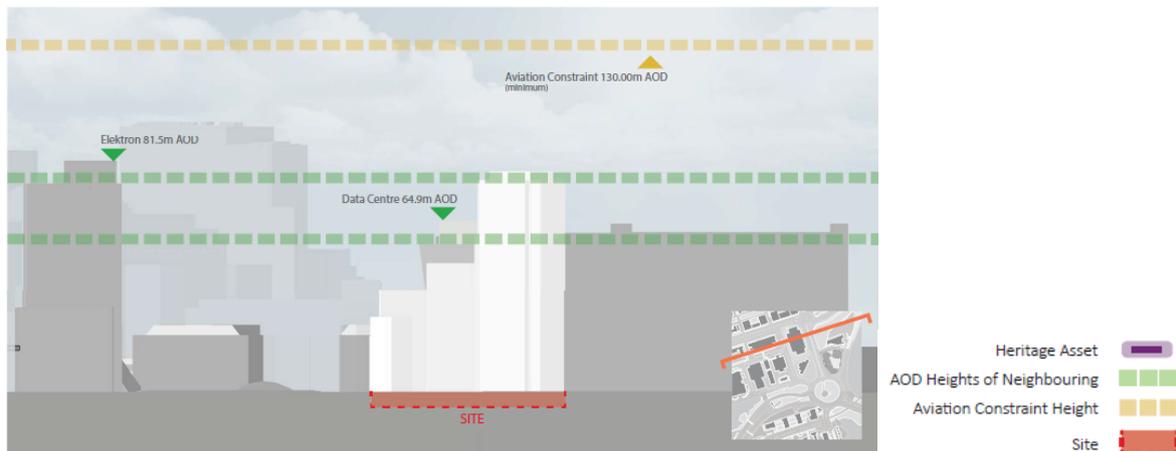


Figure 2: View west

- 8.79 Overall, it is considered the proposal would sit comfortably with the local existing context of the Elektron Tower and the consented Data Centre office building.
- 8.80 Whilst the proposals will relate in scale to these neighbouring buildings, they will also create visual interest through the introduction of windows and balconies, in contrast to the adjacent Data Centre.
- 8.81 The form diminishes to the south to relate to the lower buildings along Saffron Avenue and Virginia Quay development to the south, allowing the open nature of the existing townscape to be maintained.
- 8.82 Looking south, the scheme would sit in a context of local developments such as 'The Helix', Leamouth Peninsula and New Providence. Developments to the west include several tall elements which stand out on their own. The tallest elements of the proposal can be seen here to be of a comparable scale to buildings in its immediate context.
- 8.83 Looking from the East towards the west, the scheme is nestled behind the Leamouth Peninsula development in a long range view. While the proposal is obscured from this point, there is an indication of its massing diminishing to the south, similar to the Leamouth Peninsula development.
- 8.84 The Applicant has provided a series of 'Townscape Views' to illustrate the proposal within key locations to analyse the visual impact.
- 8.85 The image shown below was taken from the pedestrian bridge over East India Dock Road/Aspen Way and accessing the East India DLR. The Elektron Tower is seen to the right whilst the Data Centres along Saffron Way are seen on the left. These buildings demonstrate the urban character of the area surrounding the viewer. This view will be experienced by people accessing the DLR station in addition to vehicular traffic moving along East India Dock Road/Aspen Way.



Figure 3: Existing photo from pedestrian bridge over East India Dock Road/Aspen Way



Figure 4: Proposed view from pedestrian bridge over East India Dock Road/Aspen Way

- 8.86 The proposed development, is seen above the tunnel entrance terminating the road. Although it cannot be read as two separate buildings from this viewpoint, the tower behind the block which cascades down along the western and southern boundary of the site makes the proposed development appear smaller. It also relates in height to the neighbouring Data Centre and the distant City Island Development within this view. The treatment of the cascade block will create visual interest on the skyline, which is largely occupied by windowless data centres.
- 8.87 The buildings to the west of the site are relatively bulky, presenting a broad mass of built form to a number of views, particularly from the east and west. The division of the building into five stepped sections and its curved plan form help to alleviate the impact of this mass. The proposed materials and architectural detailing on the external facades would provide a degree of detail and interest that would also help to alleviate the mass and the internal facades would have a more lightweight appearance. Provided a sufficient level of architectural quality is maintained throughout, the massing is considered acceptable in townscape terms.
- 8.88 Additionally, the proposed scale and height of buildings are considered acceptable, given the context of recent residential development within the vicinity of the site and the relatively spacious setting afforded by the river, Ecology Park, wide road and roundabout.
- 8.89 In line with Core Strategy policy SP02 and MDD policies DM1, DM24 and DM26, the design strategy for the proposed development reflects the transitional location of the site and responds to the immediate context; the existing and emerging urban design and townscape to the west and the surrounding existing built environment to the north, south and east.

#### Materials and elevation treatments

- 8.90 The building façades are proposed to be clad predominantly in brickwork, with aluminium window frames and zinc cladding on the inner shell of the 'protective edge' facing the central amenity space. The brick choice of 'Ivanhoe Mellow Red' emulates the local context of the existing dock walls and will be complemented by a contrasting window frame and cladding colour of RAL 7021 which is also suggestive of an industrial aesthetic. This approach is generally supported.
- 8.91 The outward facing facades would also have a degree of depth provided by recessed windows and panels, texture provided by the brickwork and variety provided by the

different window shapes and sizes. These details would help to create interest to the elevations. The glazed inward facing facades would help to create a softer and lighter face toward the amenity space and river walkway.

- 8.92 The base of the development would feature a plinth that would respond to the scale of the adjacent section of Grade II listed wall. Again this approach is supported as it helps to relate the lower parts of the scheme to the fragment of historic fabric and create a readable scale for pedestrians along the lower floors of the proposed duplex units. A condition is recommended to be secured, requiring all external materials to be submitted to ensure the proposed development is of the highest quality and finish.

#### Heritage

- 8.93 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 8.94 Policy 7.8 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.95 LBTH Core Strategy Policy SO22 seeks to “protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views”. Core Strategy Policy SP10(2) of the Council’s adopted Core Strategy (2010) seeks to protect and enhance the Borough’s Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.96 MDD policy DM27 also relates to heritage and the historic environment and seeks to protect and enhance the borough’s heritage assets, their setting and their significance as key elements of developing the sense of place of the borough’s distinctive ‘Places’.
- 8.97 The site does not fall within the boundary of a conservation area, however, the Grade II East India Dock Gateway is on the eastern boundary of the site. Furthermore, the site is within the setting of the Grade II listed East India Dock boundary wall, which runs down the middle of Leamouth Road.
- 8.98 The Grade II Entrance Gateway is partially located on the application site. The Egyptian revival style entrance is flanked by two broad, slightly tapering pylons of rendered brickwork standing on Portland stone plinths rising to a height of 22ft. Each pylon is decorated with a caduceus, the symbol of Mercury, patron deity of merchants and travellers. (The original Coadestone caducei was hacked off by thieves in 1990, and have been replaced by replicas in carved Portland stone.)



Image showing Grade II listed Entrance Gateway

- 8.99 Evidence shows that the gateway has been heavily altered in its long history. The gateway had to be restored in the early 1990s. Furthermore, the gate keeper's lodge on its southern end no longer remains. The gateway is no longer associated with its original use, however its association with the East India Docks and Company gives it significant historical value.
- 8.100 It is proposed to retain the Grade II listed East India Dock Gateway and Grade II listed East India Dock boundary wall, which makes a positive contribution to the area. However, Officers consider that the site possesses little or no historic interests and provides a poor setting to the listed structures. The proposed development, therefore, has the potential to enhance the setting of the listed structure through the erection of a high quality building and the implementation of an improved public realm scheme.
- 8.101 It is considered that a new, sensitively designed development as contemplated by this application will sustain and enhance the significance of these heritage assets. Furthermore, the proposed improvements to the public realm will create an enhanced setting for the heritage asset. The ability to understand and appreciate the structure will be improved.
- 8.102 A significant number of local and more distant views have been tested as part of the submitted in the Heritage, Townscape and Visual Impact Assessment. Overall, it is considered that the visual effect of the proposed development will have a minor and beneficial impact on the identified heritage assets and the surrounding townscape.
- 8.103 Lastly, Historic England do not raise any objections.
- 8.104 Taking into account the above, it is considered that the proposed development has been sensitively designed in terms of its scale, height, form, design and facing materials and would protect the setting and special architectural and historic interest of the Grade II listed East India Dock Gateway and Grade II listed East India Dock boundary wall. As such, the proposals accord with Policy 7.8 of the London Plan, Policies SO22 and SP10(2) of the Council's adopted Core Strategy, Policy DM27 of the MDD and government guidance set out in Section 12 of the National Planning Policy Framework.

### Secure by Design

- 8.105 Policy 7.3 of the London Plan and policy DM23 of the MDD seeks to ensure that developments are safe and secure.
- 8.106 The proposed development would have the potential to result anti-social behaviour and other crime generators issues. A safeguarding condition would therefore be attached to any approval, to ensure that the development would comply with Secure by Design Principles.
- 8.107 Subject to safeguarding conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the MDD.

### Archaeology

- 8.108 The National Planning Policy Framework (Section 12) and the London Plan Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 8.109 The planning application lies in an area of archaeological interest.
- 8.110 Historic England Archaeology officer (GLAAS) advised that there is a need for field evaluation to determine appropriate mitigation. A safeguarding condition would therefore secure a two stage process of archaeological investigation comprising; first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.
- 8.111 Subject to this condition, the impact of the development with regards to archaeology is considered acceptable in accordance with the NPPF and London Plan Policy 7.8.

### Public realm

- 8.112 As an island site, the proposal must respond positively to the public realm on all sides of the development.
- 8.113 Silvocea Way is already earmarked to benefit from Lea River Park improvements commissioned by the LLDC, and the proposals seek to act as a continuation of this. Leamouth Road and the riverside will both benefit from the improvement as a result of the application.
- 8.114 Some of the proposed works lie outside the boundary, which include:
- Leamouth Road: Tree planting
  - Silvocea Way: Pedestrian friendly treatments.
  - Northern link: Incorporation of the pedestrian route into the landscaping treatment including resurfacing to match the surrounding pedestrian finish.
- 8.115 Leamouth Road will receive landscaping improvements in the form of new tree planting to defend residents and pedestrians from traffic.

- 8.116 A formal division between public and private will be created, which runs in line with Leamouth Road Gateway, to defend private amenity space at the ground level.
- 8.117 The aims for Silvocea Way are to improve the existing public realm and create a sense of connection between the generous communal gardens, the River Lee and Ecology Park beyond.
- 8.118 These public realm enhancements are to be secured as part of the S106 agreement.

#### Design Conclusions

- 8.119 The proposed development reflects the transitional location of the site and responds to the immediate context; the existing and emerging urban design and townscape to the west and the surrounding existing built environment to the north, south and east.
- 8.120 The proposed scheme is sympathetic to the scale, mass, height and aesthetic attributes of the surrounding buildings and to the area as a whole. The Grade II listed East India Dock Gateway will be unharmed in the proposals, however the proposal would be successful in contributing to a high quality public realm and in establishing a more sympathetic relationship to the adjoining heritage assets.
- 8.121 The proposed development designed with a variation in heights would provide interest and variety to the skyline with its architecture and domestic scale elements. The introduction of duplex/townhouse units and commercial uses on the site would provide active frontages and enhance levels of activity.
- 8.122 Following the consideration of relevant London Plan and local plan policies, national guidance and other material considerations officers conclude that the proposals are well designed, sensitive to the heritage assets and offer public realm enhancements.

#### **Housing**

##### Affordable housing and housing mix

- 8.123 In line with section 6 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 8.124 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.125 Core Strategy Policy SP02 and Policy DM3 of the MDD set out the housing target for the Borough, with a target of 50% overall. Development will be required to maximise affordable housing in accordance with the Council's tenure split (70% Social/Affordable Rent and 30% Intermediate) as set out in the Core Strategy. Affordable housing should be built to the same standards and should share the same level of amenities as private housing.

- 8.126 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.
- 8.127 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 8.128 Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that “given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision”.
- 8.129 It is noted that the scheme proposes 338 residential units with 856 habitable rooms. This scheme proposes to provide 35.4% affordable housing by habitable rooms, which will be split as a 67% affordable rent and 33% intermediate (on a habitable room basis). This quantum of affordable meets with the Boroughs minimum requirement of affordable within new developments. All of the rented units will be delivered in block B which also includes 23 intermediate units.
- 8.130 The applicant submitted a viability appraisal which was independently assessed on behalf of the Council. This would be provided in the following mix:

Tenure	1 Bed	2 Bed	3 Bed	4 Bed+	Total
Market (Private)	178	38	20	0	236
Intermediate	29	14	0	0	43
Social Rented	19	8	19	13	59
Total	226	60	39	13	338

Table 1: Affordable Housing Provision.

- 8.131 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council’s Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant

targets and the breakdown of the proposed accommodation are shown in the tables below.

<b>Affordable housing</b>	<b>Provided %</b>	<b>LBTH Target</b>
1 bed units	32.2	30
2 bed units	13.6	25
3 bed units	32.2	30
4 bed units	22.0	15

- 8.132 As outlined in the tables above, in terms of the affordable/social rented units, the proposed development offers 32% of one bed units against the Core Strategy target of 30%, 14% of two bed units against the target of 25%, 32% of three bed units against the target of 30% and lastly, 22% of four bed units against the target of 15%.
- 8.133 Policy DM3 of the MDD requires that 45% of the rented homes are provided as 3 or more bedroom family accommodation. The applicant proposes the provision of 54% of the affordable rented units as family homes (3 and 4 bedroom units), which is supported.
- 8.134 The applicant has removed the provision of 3 bedroom intermediate units and replaced these with 1 bedroom units. Whilst the provision of 2 bedroom units falls below Council's recommended 50% provision, due to internal layouts and the building configuration, it has not been possible to provide an additional 2 bedroom units without compromising the quality of the proposed units.
- 8.135 It is therefore considered that the mix of intermediate homes is appropriate, ensuring affordability both locally and borough wide, taking into account the household incomes required to own or rent privately in Poplar and the borough.
- 8.136 Separate access cores would be provided for affordable and private tenures and these have been designed to ensure the rented units are not accessed from 'secondary entrances'.
- 8.137 As discussed above, the viability appraisal has been independently reviewed by the Council's financial viability consultants. The review of the appraisal concluded that the proposed offer maximises the affordable housing that can viably be achieved. A review mechanism will be secured as a planning obligation, to take account of changing market circumstances if the scheme does not commence within 2 years of the grant of planning permission. Officers are satisfied that the offer is the maximum that could be achieved without making the development undeliverable.
- 8.138 The following table shows the affordable housing rent levels:

	<b>Borough Framework (Service charge included)</b>
1 bed	£204 p.w
2 bed	£214 p.w
3 bed	£227 p.w
4 bed	£267 p.w

- 8.139 Overall, the proposed affordable housing offer maximises the provision of affordable housing without prejudicing the objectives of creating mixed and balanced communities. It is considered that the proposal will deliver a range of housing types, sizes and tenures, together with a sustainable mix of complementary and supporting

non-residential uses and facilities. The proposal is in accordance with the London Plan policy 3.9, Core Strategy policies SO8 and the NPPF paragraph 50 which requires the delivery of socially mixed and balanced communities.

#### Residential space standards

- 8.140 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 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. Additionally, policy DM3 requires that affordable housing should be built to the same standards and should share the same level of amenities as private housing.
- 8.141 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private amenity space for all new homes. Policy DM25 requires a good level of amenity for the future occupiers including through provision of adequate daylight and sunlight, outlook and privacy.
- 8.142 The 'National Space Standard' was introduced by the Government from 1st October 2015. The requirements of the standard are consistent with those of the London Plan and Managing Development Document with respect of gross internal area.
- 8.143 Overall the proposed residential quality is considered to be good, with no more than 8 units per core and a high quantity of dual aspect units. The internal areas of the proposed flats would be generous, with all of the flats meeting and exceeding the minimum floorspace standards.
- 8.144 The submitted floor plans demonstrate that all necessary furniture and storage can be comfortably accommodated within the proposed layouts. Generous 2.8m high floor to ceiling heights would be provided at all floor levels, providing housing quality in excess of the baseline Housing SPG standards.
- 8.145 Private amenity space is proposed in the form of balconies, terraces and private gardens for all of the dwellings. A total of 2,856m sqm of private amenity space is provided within the proposed development.
- 8.146 Wintergardens have been introduced in particular to units along Leamouth Road to minimise the impact of potential environmental and noise pollution. The proposed winter gardens would be designed with a thermal and physical barrier between the internal floor space and amenity provision. The use of wintergardens would appropriately maximise the usability of the private amenity space in winter and during windier months, which is considered positive, and in line with the approach taken at Aberfeldy further north of the site.

#### Internal daylight/sunlight

- 8.147 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document

provides advice, but also clearly states that it “is not mandatory and this document should not be seen as an instrument of planning policy.

- 8.148 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement Vertical Sky Component (VSC) and No Sky Line (NSL). British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 8.149 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 8.150 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight. The baseline scenario has been presented in the ES Sunlight and Daylight Report by assessing the internal daylight to the lowest three floors of residential accommodation within each block. Where the levels of daylight were below the suggested BRE guidelines, rooms directly above were assessed up the building until the rooms showed compliance.
- 8.151 Within the western block from ground to second floor, of the 44 rooms tested, 40 will achieve the 1.5% for living/dining space or 1% bedrooms. This equates to 91% compliance with the BRE/BS target values. However, it is noted that this percentage increases for every additional storey tested and on this basis, the results confirm a high percentage of APSH sunlight test.
- 8.152 With respect to the north-east block, the south facing windows which view towards the internal courtyard have been tested, as these will have the most obstructed view. The eight rooms tested over the second and third floors indicate that only one room will fall just short of the 1% ADF value for bedrooms with 0.84%. However, bedrooms are considered less important by the BRE guidelines and it would meet the criteria as part of the 20+ floors above. The APSH sunlight results demonstrate that almost all rooms, with the exception of bedroom, will contain at least one window that will satisfy the annual guideline values.

#### Privacy and outlook

- 8.153 The proposed development has involved various design iterations, as the key concerns have been the suitability of the residential land use, as a result of the harsh, traffic exposed site.
- 8.154 The proposals open up the east, creating the opportunity to visually connect with the riverside and across to the Ecology Park. The cascading western block seeks to protect the landscape of the riverside edge from the harsher, traffic exposed environments. The diminishing massing relates to the local, smaller buildings at the southern end, and opens amenity and views to the south and River Thames.

- 8.155 The dimensions and arrangement of the plans, allow for maximising dual aspects within the accommodation. As a result, each unit would benefit from a pleasant outlook.
- 8.156 With regards to privacy, Officers initially raised concerns with respect to overlooking from balconies. As a result, the applicant's design team have included privacy measures or re-located the balconies to the identified units in order to ensure all future occupants maintain a reasonable level of visual privacy, details of privacy screens will be secured by condition

Communal amenity space and play space

- 8.157 Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 8.158 In addition, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments, this is in addition to communal amenity space required by London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document at a ratio of 50sqm for the first 10 units plus 1sqm for every additional unit.
- 8.159 Applying the methodology within the Mayor's Play and Informal Recreation SPG (2012), the scheme could generate a child yield of 106 requiring a total of 1,064 sq.m of play space (the Planning Obligations SPG adopted on September 2016 advocates the use of GLA yields). The following is a breakdown of the expected number of children per age group:

	<b>Number of children</b>	<b>%</b>
Under 5	34	32
5 to 11	40	38
12+	32	30
Total	106	100

Table 1 – Proportion of children using GLA yields

- 8.160 Play space provision to meet the planning policy requirements would be provided on site. Following GLA's initial concern with regards to the proposal not achieving the minimum requirement, an additional 130m2 of child play space has been provided to the communal roof terrace on level 17, which would be accessible to all of the occupants of the development using a fob system.
- 8.161 As a result, 1066 sqm of play space is proposed, which meets the Mayor's Play and Informal Recreation SPG (2012), and how this is broken down is illustrated in the table below:

<b>Age</b>	<b>Child Yield</b>	<b>Requirement</b>	<b>Provided</b>
0-3	31	312 sqm	343 sqm
4-10	39	391 sqm	391 sqm
11-15	20	202 sqm	202 sqm
TOTAL	90	906 sqm	960 sqm

\*Excluding 130sqm of additional child play space added to roof

- 8.162 It is proposed to allocate specific play spaces for different age groups and use separate space for communal amenity. Circulation space has not been counted as play; however it does offer additional informal play opportunities. Additionally, the proposed pavilion has not been counted as play space, and instead is included as communal amenity space. In total 250sqm of child play space is provided at roof level.
- 8.163 The landscape design creates play space which weave around a central pathway, and flow into indoor/outdoor play areas to the north and south, providing weather-protected space for children. A range of play elements would be used, which include:
- Natural play features such as stepping logs, timber and rope climbing features.
  - More challenging adventurous play volumes (within the indoor and outdoor place space) with multiple play stations including climbing elements, roped elements and rubberised floor patterns.
- 8.164 These would provide places for play, discovery, socialisation, relaxation and personal reflection. It would be designed to visually integrate with, and create character links to the surrounding public realm.
- 8.165 Seating would be provided for parents to watch their children. The courtyard garden would be gated and secure from the public realm. The lawn offers more relaxed, unstructured play for 0-3 years.
- 8.166 Play spaces would be integrated alongside communal amenity space physically yet will be spatially defined and has not been double counted.
- 8.167 Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 378sqm. The applicant is providing a total of 505sqm, provided at ground level within the pavilion and at roof level in the form of gardens and terraces.



Figure 1: Image illustrates the central courtyard

- 8.168 The central courtyard garden would be inaccessible to the general public and contain a communal pavilion providing rest and socialisation, work space and shelter for all ages.
- 8.169 The cascading form of the building has allowed for the creation of roof gardens at the setbacks. These are communal spaces with level access, which maximises the south-facing, open aspect of the site.
- 8.170 The proposed communal open space and children's play space included within the development provides a high quality amenity space for future residents of all ages. The level of provision will meet policy requirements and deliver opportunities for play and recreation within the site and contribute towards amenity.
- 8.171 A condition has been included to require the Council's approval of full details of the proposed spaces, including finishes and quality of access routes, play equipment, all finishes and surfaces, toilet facilities, planting, lighting, security and access control measures.
- 8.172 Additionally, in order to ensure that the landscaping scheme contributes to the character and appearance of the area and to mitigate for tree losses, Council's Open Space & Landscaping Officer has recommended a condition requiring the approval of detailed drawings of a planting scheme.

#### Inclusive design & access

- 8.173 As of 1 October 2015 the Government's technical housing standards came into effect. These standards require that 90% of homes to be built to meet building regulations M4 (2) 'accessible and adaptable dwellings' and 10% to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users to meet building regulation M4 (3) 'wheelchair user dwellings'. As a consequence Policy 3.8 of the London Plan has been updated accordingly (March 2016).

- 8.174 10% of the overall development has been designed as Part M(3) compliant homes for wheelchair access. This includes 10% across each tenure type. The units are spread throughout the development to ensure different types and aspects are provided.
- 8.175 However, it is noted that 7 duplex units do not benefit from level access from the main entrance. Part M regulations, state that 'where it is not reasonable to achieve step-free access, an alternative step-free route should be provided.
- 8.176 The applicant has considered alternative design options, including the provision of a ramp element, however it was considered that this would have a significant detrimental impact on the overall design of the scheme presented to Leamouth Road. Furthermore, providing a ramp in this position would also mean that the front garden space is not accessible. Given that the proposed duplex units are not included within the proposed 10% wheelchair accessible units, and the fact that the duplex units will have level access via the private rear gardens, together with the need to create a quality frontage and meet flood risk requirements, Officers are satisfied that the units are acceptable in this instance.
- 8.177 Each unit has a designated parking space in the basement, from which units can be accessed via a secure communal core.
- 8.178 The detailed floor layouts and locations within the site for the wheelchair accessible units are recommended to be secured by condition.

### **Neighbours amenity**

#### Overlooking and privacy

- 8.179 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.180 The property closest to the application site, to the north is a Council owned vehicle depot and MOT station, used to store refuse and recycling vehicles. The immediate area surrounding the site is subject to numerous new developments and is still undergoing significant regeneration through a range of residential and commercial led development. To the west of the site are several new mixed use development including, the Data Centre on Oregon Drive and Aberfeldy New Village. To the south-west of the site is the established Barratt Homes residential development on the former Elektron Building site, consisting of high rise development of between 22 and 25 storeys. To the east of the site across the River Lee and Bow Creek Ecological Park is London City Island. All surrounding residential properties are located in excess of 18m separation distance and as a result the proposal will not give rise to excessive overlooking opportunities.

### Outlook and sense of enclosure

- 8.181 Given that the site occupies an island site, it benefits from maintaining a distance from neighbouring buildings, especially residential uses. The townscape around the site is open to the east and south east. The proposed massing generally would not result in an overbearing appearance, sense of enclosure or unreasonable impacts on outlook.

### Daylight, Sunlight and Overshadowing

- 8.182 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 8.183 With regards to daylight and sunlight amenity to the neighbouring residential properties, there are no neighbouring receptors with a direct view or within sufficient distance of the proposed development to be materially affected.
- 8.184 Therefore, the proposed development will not result in any negative daylight and sunlight impacts upon any neighbouring residential properties.

### Noise and Vibration

- 8.185 Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.186 Noise is a material consideration to be taken into account in planning decisions. A full assessment of the noise considerations has been undertaken and is set out in the supporting Acoustic Report.
- 8.187 The report sets out the acoustic strategy required to ensure that the proposed development will result in compliance with national and regional guidelines and LBTH requirements.
- 8.188 The application site is located in close proximity to noise generating activities including the DLR, London City Airport and a number of safeguarded wharves – Orchard Wharf, Priors Wharf and Mayer Parry Wharf.
- 8.189 Additionally, LBTH owns the freehold land to the north of the application site – it is currently used as the main highways depot and will continue to be held for this use for the foreseeable future. The site also holds school buses, a salt barn with

associated winter vehicles; and is used to service all Council vehicles, including cleaning with high pressure washers.

- 8.190 The strip of land between the where the depot site activities begin and the application site is Council owned land and is used as ad hoc car parking in association with the depot. There is an established public right of way on foot only running through it which is used by depot workers and also members of the public as a thoroughfare. Cars parked on this strip of land enter and exit through Silvocea Way. It is not possible to exit onto Leamouth Road given the narrow width of the Grade II listed entrance gate. Vehicles using the depot site enter via Silvocea Way and exit on Leamouth Road.
- 8.191 To minimise risk of noise nuisance to the surrounding area during the operation of the proposed development, an assessment has been undertaken and noise emission limits derived to ensure compliance with recommended external noise criteria.
- 8.192 Appropriate noise mitigation measures have been recommended for the proposed residences which will ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014. These measures are recommended to be secured by condition.
- 8.193 Noise intrusion to the proposed development will be controlled to acceptable levels by ensuring the facade and internal building elements satisfy the specified minimum sound insulation performance requirements. It is considered that the quality of the build and these appropriate measures would guard against a significant impact on the amenity of the occupants of the proposed development.
- 8.194 The report concludes that noise issues can be adequately addressed in the design of the proposed development and therefore it is in accordance with the London Plan policy 7.15, Core Strategy policy SO3, SP03 and SP10, and MDD policy DM25.
- 8.195 In terms of vibration it has been predicted that the levels at the most exposed part of the proposed development will be below the range of "low probability of adverse comment" as stated in BS 6472: 2008. There will therefore be no requirement for any specific vibration control measures for the development.
- 8.196 Noise assessments have been undertaken; however the acoustic assessment contains no reference to the safeguarded wharves. The operation of the wharves is safeguarded by the Secretary of State through an Article 10 (3) Direction and the applicant should demonstrate that the proposed development would not harm the operations of these wharves, prior to Stage 2 referral. Any required mitigation and conditions should be agreed with the Port of London Authority (PLA).
- 8.197 Concern was raised by GLA that the introduction of the proposed residential units may harm the operations of the wharves, specifically Orchard Wharf, Priors Wharf and Mayer Parry Wharf, due to the noise they make. The applicant submitted additional information which considered the noise implications for the development, carrying out both an attended noise survey, and a 7 day unattended survey, on the site. During the attended survey no noise from operations from these wharves was audible, and nothing was identified from the unattended noise survey.
- 8.198 The distance between the site and the nearest wharf is approximately 300 metres which will result in significant noise attenuation from activities there. Furthermore, between the site and Priors Wharf and Mayer Parry Wharf lies the A13 which dominates noise from the north. Between the site and Orchard Wharf is the A1020

overpass, roundabout and the DLR which will dominate noise levels from the south east. Due to the transportation noise from these sources the design of the Orchard Wharf development will incorporate significant noise reduction measures.

- 8.199 With respect to potential noise generated by the proposed flexible commercial units, a condition is recommended to be secured which requires the opening hours to be submitted to ensure the hours of operation for the flexible commercial use is controlled appropriately.
- 8.200 Overall, subject to conditions any adverse impacts on noise and vibration are suitably controlled and are acceptable.

#### Construction Impacts

- 8.201 Noise, vibration and air quality impacts would be mitigated through submission of a Construction Management Plan. The plan, to cover both demolition and construction works, would be required to be prepared in accordance with the Council's Code of Construction Practice and limit the construction hours to the Council's standard construction hours of 8am – 6pm Monday to Friday, 8am – 1pm on Saturdays, with no works on Sundays and Bank Holidays.

#### Wind

- 8.202 The supporting Wind Assessment assesses the likely effects of the proposed development on the local wind microclimate. In particular, it considers the potential effects of wind on pedestrian comfort and safety around the proposed development and summarises the findings of a wind tunnel test of the proposed development.
- 8.203 The pedestrian environment and open spaces have been designed to ensure wind conditions are suitable for the intended use, with reference to the Lawson's comfort criteria. Where required, windiness shall be mitigated through landscape design, location and recessing of entrances and screening.
- 8.204 The assessment concludes that with the incorporation of such mitigation measures, the open spaces within the proposed development will generally be suitable for use during the windiest season.
- 8.205 The proposed development is therefore in accordance with London Plan policy 7.6 and 7.7 and MDD policy DM25.

#### Light pollution

- 8.206 A condition has been included to require submission of full details of proposed lighting, in order to minimise any impact on the amenity of adjoining occupiers.

#### Conclusion

- 8.207 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining residents and occupiers and as such the proposed scheme is considered to comply with the abovementioned policies. Appropriate conditions have been included to mitigate any impacts and safeguard the amenity of these residents.

## **Highways, transportation and servicing**

- 8.208 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.209 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.
- 8.210 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.211 The application is accompanied by a Transport Assessment.
- 8.212 The site is bounded by A1020 Leamouth Road to the West, Leamouth Road roundabout to the South, Silvocea Way, an access only route and the River Lea to the East and a Council Depot to the North. The nearest section of the Transport for London Road Network (TLRN) is approximately 100metres to the North of the site at A1020 Leamouth Road, whilst the closest section of the Strategic Road Network (SRN) is approximately 980 metres to the East at Silvertown Way.
- 8.213 East India DLR station is located 450 metres to the South of the site and serves the Bank, Woolwich Arsenal, Tower Gateway and Beckton lines. Canning Town Underground Station is approximately 870 metres west of the site and serves the Jubilee line.
- 8.214 The site is supported by bus routes, D3, 115, N15, N550 and N551 within a reasonable walking distance. The closest bus stop is Abbott Road which is approximately 2 minute walking distance.
- 8.215 The above results in the site recording a Public Transport Accessibility Level (PTAL) of 4 on a scale of 1 to 6b, where 6b is excellent. This equates to a good level of accessibility to public transport. This may be improved in the future with the opening of the bridge link from Leamouth North to Canning Town interchange.



Figure 1: Local Transport Infrastructure

- 8.216 The site is also served by the Mayor's Cycle Hire Scheme with the nearest docking stations located at East India DLR approximately 450m south of the site providing 51 spaces.
- 8.217 Neither TfL nor LBTH Highways & Transportation object to the principle of the proposed development in this highly sustainable location.

### Cycle Parking

- 8.218 The applicant proposes 480 long-stay cycle basement cycle spaces for the residential element of the development, which is in line with London Plan policy 6.9. The applicant has specified that they will be Josta 2-tier High Capacity Racks. The majority of the residential cycle spaces will be accommodated within the basement car park.
- 8.219 The applicant proposes cycle access to the scheme via a cycle lift to the basement. Further details are required regarding cycle parking access, including reference to the London Cycling Design Standards.
- 8.220 The applicant proposes 12 visitor cycle spaces in Sheffield stands at street level; which meets the requirement.
- 8.221 With regards to commercial cycle parking, two of the non-residential units (Unit 2 & 3) will be less than 100sqm. Unit 3 is designated as an A1 café and would therefore not trigger a requirement. Unit 2, due to its size will also most likely attract an A1 user, and would therefore not trigger the requirement.
- 8.222 Whilst Unit 1 is larger at 295sqm, it has a proposed flexible use class and therefore it is not possible to accurately calculate the required cycle parking as per the London Plan guidance. Based on the potential users, the use would only be likely to generate the requirement for 1-2 spaces maximum. It is recommended that a condition is attached to address this once the end user is known.

- 8.223 A condition would require submission of full details of the proposed cycle storage arrangements including measures to ensure ease of use and accessibility.

### **Car Parking**

- 8.224 Policy DM22 sets out the Council's parking standards in new developments.
- 8.225 Given the high PTAL rating of 4, the development would be subject to a 'car free' S106 agreement restricting all future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.
- 8.226 The development includes 33 Blue Badge spaces located within the basement, 6 of which will be active electrical vehicle charging points (EVCP), whilst an additional 7 will be passive ECVPs. Council's Highway's Officer and TfL both support this quantum as it is in line with London plan standards. The provision of EVCPs is recommended to be secured by condition. Furthermore, the disabled bays shall be retained and maintained for this purpose for the life of the development.
- 8.227 It is also recommended that a car parking management plan is secured by condition to ensure only the residents use disabled bays and to clarify which parking spaces in the basement will be allocated for car clubs.

### **Servicing and Refuse Storage**

- 8.228 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage is in accordance with current waste policy.
- 8.229 All residents will have a communal bin store within 30m (horizontal travel distance) of their homes at either ground or basement level. The bin stores have been designed to segregate refuse from dry recyclables and food waste.
- 8.230 There would be a separate commercial bin store ensuring residential and commercial waste is segregated.
- 8.231 Originally, LBTH objected to the refuse collection strategy of the site as it was considered that the turning manoeuvre utilising the site access was unacceptable. However, Council's Highway's Officer has confirmed that due to the low frequency of the manoeuvre (2 times per week maximum) and the fact that the LBTH depot is at the end of Silvocea Way, that refuse servicing from Silvocea Way is an acceptable solution. This conclusion came as a result of the lack of options to take the refuse vehicle on site without compromising the ability of the site to deliver on other commitments such as disabled parking, public open space and play space.
- 8.232 Day to day servicing such as supermarket and courier deliveries, will be undertaken from the basement area. A swept path analysis has been submitted to demonstrate that a 7.5T box van can access and exit the basement in a forward gear. Similarly, 3.5T vans will also be able to service the site from the basement, allowing for day to day servicing such as supermarket home deliveries.

- 8.233 A condition is recommended to request submission of a Delivery and Servicing Management Plan.

### **Traffic generation and public transport impacts**

- 8.234 A Transport Assessment has been submitted as part of the supporting documentation. The assessment has been reviewed by both TfL and the Council's Highways & Transportation Officers.
- 8.235 Given the former use of the site as a petrol filling station and the 'car free' nature of the proposal, TfL and Council's Highways Officer acknowledge that vehicular use will be low and road traffic generation would be reduced as a result of the proposal. The great majority of trips generated by the development would take place on foot, by cycle or by public transport.
- 8.236 The biggest impact on public transport will be on the DLR/underground services, where some 65 additional trips are predicted in the AM peak (13 arrivals and 52 departures) and 79 (52 arrivals and 27 departures) in the PM peak. In order to assess the impact on these trips, officers have relied upon 2011 census travel to work data for Tower Hamlets.
- 8.237 The data demonstrates that the greatest impact will be on the Jubilee line from Canning Town, especially towards and from Stanmore. In the AM peak some 31 additional departures and 8 arrivals are predicted. During the PM peak some 17 departures and 31 arrivals are predicted.
- 8.238 During the AM peak some 24 Jubilee line trains depart Canning Town westbound meaning an additional ½ passenger per train. During this same time period approximately 23 services arrive at Canning Town from the west meaning one additional passenger every 2/3 trains. During the PM peak approximately 24 services depart from and arrive at Canning Town from/to the west meaning an additional ½ passenger per train arriving and less than one additional passenger per train departing, on average.
- 8.239 The proposed development is predicted to generate only 7 two-way bus trips in the morning peak and 9 two-way trips in the evening. Approximately 48 services depart the bus stops identified within easy walking distance of the site meaning approximately 1 additional person every 6 buses during the peak hours.

### Conclusion

- 8.240 Overall, subject to conditions and the planning obligations, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts. It is noted that neither the Council's Highways & Transportation Officer nor TfL raise an objection to the proposal.

### **Biodiversity**

- 8.241 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve an overall increase in biodiversity.

- 8.242 The Ecology Report concludes that the site is of little biodiversity value. The report however, fails to mention Jersey Cudweed, a plant protected under Schedule 8 of the Wildlife & Countryside Act. There is a large colony of this species very close to the application site, along the verge of Silvocea Way, and it could easily spread onto the application site, which has small areas of ruderal vegetation around the edges. If Jersey Cudweed was present on the site, Natural England would issue a licence for a suitable mitigation scheme, so it would not be a barrier to development of the site. A condition is recommended to be secured which requires a precautionary survey prior to commencement of work.
- 8.243 Policy DM11 requires biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP), and elements of a living building. The proposals include two areas of biodiverse roof, extensive use of nectar-rich flowers which will benefit bumblebees and other pollinators, bird and bat boxes and log piles, all of which will contribute to LBAP objectives.
- 8.244 The proposals for lighting, especially uplighting of trees in the communal garden, are not acceptable. Bats are known to use Bow Creek for foraging and commuting, and the landscaping of this development could add to their potential foraging habitat. Lighting should be restricted to lighting paths, and should not be directed upwards or towards the river. Therefore, a condition is recommended to be secured which requires full details to be submitted which detail biodiversity mitigation and enhancement measures.
- 8.245 Accordingly, the proposal would not result in undue biodiversity impacts. Subject to conditions, the proposal would deliver net biodiversity improvements, in accordance with the relevant policies.

### **Energy Efficiency and Sustainability**

- 8.246 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2015, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.247 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.248 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.249 The submitted Energy Strategy has followed the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand, utilising a CHP system

and integration of renewable energy technologies. The current proposals are anticipated to achieve CO<sub>2</sub> emission reductions of 10.5% through Be Lean measures, 25.6% through a CHP (35kWe) site wide heat network and 3.8% from a photovoltaic array (33.97kWp). The cumulative CO<sub>2</sub> savings from these measures are proposed to be in accordance with policy London Plan requirements at 40%. However, the proposals fall short of the LBTH policy requirements to achieve a 45% reduction in CO<sub>2</sub> emissions.

8.250 The CO<sub>2</sub> emissions are:

- Baseline – 411.5 Tonnes/CO<sub>2</sub>/yr
- Proposed design – 247.1 Tonnes/CO<sub>2</sub>/yr
- LBTH policy requirement – 226.3 Tonnes/CO<sub>2</sub>/yr
- Annual Shortfall – 20.8 Tonnes/CO<sub>2</sub>/yr

#### Carbon Offsetting

8.251 In order for the scheme to be supported by the sustainable development it is recommended that the shortfall in CO<sub>2</sub> emission reduction is met through a carbon offsetting payment. The planning obligations SPD contains the mechanism for any shortfall to be met through a carbon offsetting contribution, in the absence of the CO<sub>2</sub> emission reduction not being delivered on site. In addition, the council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £37,440 would be appropriate for carbon offset projects. The calculation for this figure is as follows:

8.252 Shortfall to meet DM29 requirements = 20.8 tonnes/CO<sub>2</sub> x £1,800 = £37,440 offset payment to meet current policy requirements.

8.253 This is recommended to be secured by condition and a S106 agreement for £37,440 to be payable prior to commencement of development.

8.254 The energy strategy is clear in identifying that the proposed carbon savings are based on the integration of a CHP system, that will require further consideration at the detailed design stage. Should a CHP not be feasible then the CO<sub>2</sub> savings would be significantly reduced and the carbon offsetting payment increased to £212,700 (the CO<sub>2</sub> shortfall would be circa 118 tonnes).

8.255 It is recommended that the submitted energy strategy, incorporating a CHP be secured via Condition and any subsequent change would require approval and variation of the S106 to take into account anticipated emission reductions.

#### Sustainability

8.256 Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM pre-assessment which shows the scheme is designed to achieve a BREEAM Very Good rating with a score of 63. Given the size of the non-residential area is only 400m<sup>2</sup> and this is split into smaller units, the proposed sustainability measures are appropriate and proportionate to the scale of development. It is recommended that the

submission of the final certificate to demonstrate it has been delivered should be secured via condition.

### Conclusion

- 8.257 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 40% reduction CO2 emission reductions.
- 8.258 Whilst this the CO2 emission reduction on-site fall short of the LBTH target, should the shortfall be met through a carbon offsetting contribution the proposals would be considered in accordance with adopted policies for emission reductions.
- 8.259 It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:
- Energy strategy to deliver 40% reductions in CO2 emissions and CHP system
  - Carbon offsetting contribution secured through S106 contribution (£37,440)
  - Delivery of BREEAM Very Good Development

### **Land Contamination**

- 8.260 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

### **Air quality**

- 8.261 Air quality is a material consideration to be taken into account in planning decisions (NPPF, London Plan Policy 5.3 and MDD policy DM9). The supporting Air Quality Assessment has assessed the likely air quality impacts associated with the construction and operation of the proposed development.
- 8.262 The construction works will give rise to a 'medium risk' of dust impacts for on-site activities and a 'low risk' of dust impacts for trackout. It will therefore be necessary to apply a package of mitigation measures to minimise dust emissions. With these mitigation measures in place, the overall impacts during construction will be 'not significant'.
- 8.263 The additional traffic generated by the proposed development will be minimal and falls beneath a recognised threshold (100 vehicles per day), below which air quality impacts are highly unlikely. Increases in pollutant concentrations at sensitive locations resulting from emissions from these additional traffic movements will have a negligible impact on air quality.
- 8.264 Emissions from the proposed boiler and CHP Plant within the proposed development will lead to an increase in nitrogen dioxide concentrations at nearby existing properties. The Air Quality Assessment has demonstrated that increases in both 1-hour and annual mean concentrations of nitrogen dioxide at existing properties will be insignificant.
- 8.265 Air quality conditions for new residents within the proposed development have also been considered. Annual mean nitrogen dioxide concentrations are predicted to be above the air quality objectives for the proposed residential units on the ground and

first-floor levels on the western boundary, however mitigation measures will ensure that conditions are suitable for residential occupation.

- 8.266 To reduce exposure of future residents to outdoor air that exceeds concentration limits specified in the government's air quality objectives, it is recognised that it is preferential to consider the position of buildings on site and to then review the internal layout of these buildings and the positioning of opening doors and windows. In this case, the scheme architects have explored a wide range of options, the merits of which have been considered with respect to a range of design and environmental constraints. It is understood that the arrangement and location of buildings was determined through an in-depth development with LBTH and the result was supported by GLA design officers. For example, the internal layout of the blocks maximise dual aspect accommodation, minimise any north facing dwellings and are arranged to ensure adequate levels of daylight & sunlight reach every dwelling.
- 8.267 All of the car parking associated with the site is for the residential elements, with no provision for the non-residential elements. It is therefore reasonable to assume that no vehicular trips would be generated by the non-residential element. In the Transport Assessment, it was stated that "It is important to note that the 412m<sup>2</sup> of flexible non-residential floor space on site has been considered to be ancillary to the residential uses on site and will not generate a significant number of trips itself. No formal trip generation exercise has therefore been undertaken for this element of the development."
- 8.268 A traffic count was carried out on the access road to the Tower Hamlets Council depot (including the MOT test centre) and the results presented in the Dust Assessment submitted with the application (J2532/2/F1, 10th June 2016). This indicates that traffic flows on the access road are approximately 56 vehicles per hour (10:00 – 11:00), around 8 of which are HGV. This is likely to equate to less than 1,000 vehicles per day accessing the site. Emissions from vehicles on this access road are insignificant when compared with flows on 20,000 to 113,000 on other roads in the area, and thus were not included in the model.
- 8.269 The MOT test centre is located to the north of the proposed development site. It appears to have 8 test bays and opening hours are 9am to 3pm, Monday to Friday. The proposed residential blocks are at least 20m from the building where MOT testing is carried out. However, this is the distance to the rear of the building. At the closest point, the proposed block is 35m from the access doors. The test centre would only be a source of emissions when engines are being run to test emissions. Therefore as a maximum, emissions from the test centre would equate to that of 8 vehicles (there are 8 test bays), at any one time. These emissions will be insignificant when compared with emissions from vehicles on local roads, and thus will not have a significant impact upon the proposed development.
- 8.270 The Air Quality Assessment shows that the annual NO<sub>2</sub> objective may be exceeded in parts of the development in the opening year. Mitigation must be provided to all facades shown to be nearing or exceeding the objective.
- 8.271 The construction assessment shows that the development is a medium risk site in regards to dust emissions. Appropriate mitigation for such a site must be included in a CEPM to be submitted to the council prior to commencement by way of condition.
- 8.272 All Non Road Mobile Machinery used in the construction and demolition must meet the GLA's NRMM emission limits as part of this condition.

8.273 As the energy centre plant has not been fully decided yet can it be included as a condition, should the development be approved, that any plant utilised for energy & heat production must meet the emission limits specified in the GLA's 'Sustainable Design and Construction' SPG.

8.274 Overall, the proposed development is considered to be in accordance with planning policy, in particular the NPPF; London Plan Policy 5.3 and Policy DM9.

### **Flood Risk**

8.275 The NPPF, London Plan policy 5.12 and Core Strategy policy SP04 make clear that there is a need to consider flood risk at all stages in the planning process.

8.276 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.

8.277 The FRA states that in the event of a breach or overtopping of the flood defences the occupants of the building should remain within the building (due to the potential for the surrounding areas to be flooded) and the following measures will be used to mitigate flood risk:

- Finished floor levels to be set at a minimum of 5.13m AOD;
- No sleeping accommodation below 5.59m AOD;
- No self-contained basement dwellings;
- Dry pedestrian access to be provided to areas at 5.59m AOD and higher, from all residential areas, non-residential space and the basement;
- Car park flood sensor and barrier to prevent the removal of vehicles during a breach event;
- Flood resilient/resistant construction methods;
- End users to sign up to the EA flood warning system.

8.278 The listed measures are acceptable and the applicant is advised to ensure that the flood resistant construction methods include the provision to protect building utility services from flooding, to ensure that in the unlikely event of flooding, occupants will be able to remain in the building in relative comfort.

8.279 The Environment Agency and Thames Water have raised no in principle objections to the proposal, subject to the imposition of suitable conditions which would be attached if planning permission was granted. Subject to these conditions, the proposal complies with the NPPF, London Plan policy 5.12 and Core Strategy Policy SP04.

8.280 In terms of sustainable drainage, the FRA states that the development will be designed to reduce surface water run-off from the site up to the 1 in 100 year storm by at least 50%. The FRA goes on to state that this requirement will be met without the inclusion of the extensive green roofs into the calculations, and that therefore the actual reduction will be in excess of 50%. The proposed destination of the discharge is to the nearby River Lea. This is welcomed and considered to be the most sustainable destination for the residual surface water. Given the nature and location of the proposals this approach is considered to be an acceptable approach to London Plan policy 5.13.

## **Aviation**

- 8.281 An Aviation Assessment has been submitted with the application. NATS and City Airport do not object to the proposal subject to a condition requiring the submission of a construction crane methodology plan.
- 8.282 The proposed height would not affect the safety or the operation of the City Airport flight paths.
- 8.283 Subject to conditions, the proposal would result in no unacceptable aviation impacts.

## **Health Considerations**

- 8.284 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.285 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.

- 8.286 The application proposal would result in the delivery of much need affordable housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

## **Planning Obligations and CIL**

- 8.287 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 8.288 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.
- 8.289 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.290 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.

8.291 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13.

8.292 The SPG also sets out the Borough's key priorities:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.293 The proposed heads of terms are:

8.294 Financial Obligations:

- a) A contribution of £98,596 towards employment, skills, training for construction job opportunities
- b) A contribution of £11,220 towards employment, skills, training for unemployed residents
- c) A Carbon offsetting contribution of £37,440.00
- d) £2500 towards monitoring fee (£500 per s106 HoT's)

**Total £149,756**

8.295 Non-financial Obligations:

- a) Affordable housing 35.4% by habitable room (303 habitable rooms)
  - 67% Affordable Rent at Borough affordable rental levels (59 units)
  - 33% Intermediate Shared Ownership (43 units)
- b) Affordable housing review mechanism if the development does not commence within 2 years.
- c) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction
  - 14 apprenticeship
- d) Car free agreement
- e) S278 agreement to the surrounding highway including public realm works
- f) Residential travel plan
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 8.296 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
- 8.297 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to key priorities. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

### **Local Finance Considerations**

- 8.298 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides: "In dealing with such an application the authority shall have regard to:

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

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

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

- 8.299 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use.
- 8.300 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.
- 8.301 Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would normally be payable. However, officers have determined that due to estimated amount of the affordable housing relief and the amount of the existing occupied floorspace on site, it is likely that a percentage of the proposal would not be liable for any CIL payments.
- 8.302 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus 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. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.303 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £518,642 in the first year and a total payment £3,11,853 over 6 years.

## **Human Rights Considerations**

- 8.304 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:
- 8.305 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 of Human Rights 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".
- 8.306 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.
- 8.307 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. 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. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.308 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.
- 8.309 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

## **Equalities Act Considerations**

- 8.310 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy

and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

8.311 The proposed contributions towards, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing, wheelchair accessible/adaptable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

## **9.0 CONCLUSION**

9.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report

Planning Application Site Map  
PA/16/01763



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 40 m 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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