

Committee: Strategic Development Committee	Date: 21 July 2014	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Gareth Gwynne		Ref No: PA/13/03053	
		Ward(s): Lansbury	

1. APPLICATION DETAILS

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

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

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

Drawing Numbers: T10E01-Rev. P1, T10E02-Rev. P, T10E03-Rev. P1, T10POO, T20DO1=Rev P1, T20DO2-Rev P3, T20EO1-Rev P7, T20EO2-Rev P7, T20EO3-Rev P7, T20P00-Rev P11, T20P01-Rev P6, T20P02-Rev P6, T20P03-Rev P6, T20P04-Rev P4, T20P05-Rev P4, T20P06-Rev P4, T20P07-Rev P3, T20P08-Rev P3, T20P09-Rev P3, T20P-Rev 11, T20SO1-Rev P1, T20SO2-Rev P1, T70DO1-Rev P3, T70DO2-Rev P3, T70DO5-Rev P3, T70DO6-Rev P3, T70DO7-Rev P3, T70DO8-Rev P3, T70DO9, T70DO10, T70DO11, T70DO12, T70DO13, T70DO14, T70DO15, T70DO16, T70DO17, T70DO18, T70DO19, T70DO20, T70DO21, T70DO22, T90EO1-Rev P1, T90POO-P1, 1522-MW-P-011, 1522-MW-P-007, 1522-MW-P-0008, 1522-MW-P-009

Structural Review of River Leigh Wall (Ref: LRJ/13073 – 20140204)

Flood Risk Assessment (Ref: HLEF28249/001R), dated November 2013

draft Servicing Management Strategy, dated May 2014

Accommodation Schedule, dated 1 May 2014

Transport Assessment containing draft Travel Plan dated December 2013

Waste Management Plan
Sunlight and Daylight Assessment including amenity analysis, dated December 2013
Sustainability Assessment (Ref 13-S063-002v6), dated December 2013
Energy Statement (Ref 13-S063-001v6) dated December 2013
Noise Assessment (Ref 3173/20/13) dated 29 October 2013
draft Waste Management Strategy, dated December 2013
Access Diagrams, dated May 2014

Applicant: Goldcrest Land plc
Owners Goldcrest Land plc
Historic Building: N/A
Conservation Area: N/A

2 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the adopted London Borough of Tower Hamlets Core Strategy (September 2010), Managing Development Document (April 2013) as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:
- 2.2 The site falls within the Borough's Site Allocation for Leven Road Gas Works. A residential led scheme with the provision of publically accessible riverside walkway is consistent with the Borough's site allocation objectives as set out in the Managing Development Document (April 2013). The site allocation objective means there is no requirement placed upon the applicant to justify the loss of existing industrial land on the site. With the provision of a residential led mixed use development, the scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment in accordance with objectives of the Policy 3.3 and 3.4 of the London Plan (2011); Policies SP02 of Core Strategy (2010); Policy DM3 of Managing Development Document (2013) and Site Allocation 12 in MDD (2013). The proposed development includes floor space for flexible retail, office or community uses which is considered to be appropriate given the future aspirations for redevelopment in this area. The relatively small size of this flexible unit means it is not considered to be a threat to the viability or vitality of nearby town centres.
- 2.3 SPO2 of the Core Strategy and Policy DM3 of the Development Management Document requires new residential development to provide a minimum 35% affordable housing on site. The proposed development would provide 30% affordable housing by habitable room. Whilst this sum represents a shortfall against the Local Plan standard it is considered by officers to deliver the maximum reasonable amount of affordable housing whilst ensuring the viability of the proposal. The housing mix is broadly policy compliant. Although there is an underprovision of one bedroom flats in all tenures, the proposed development provides a generous 61% family units (including 6 x four

bedroom homes provided at social rent levels) for social rent, which is well above the LBTH policy target 45%. Rented family units are the affordable provision for which there is the greatest need. The mix of social rent and affordable rents within the viability constraints has appeared to optimise the maximum share of affordable housing provision to market housing without compromising the preferable social rent tenure in the key family sized rented units. As such the scheme would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing in accordance with policies 3.8, 3.10 and 3.12 of the London Plan 2011, policy SP10 of the Core Strategy 2010 and policies DM3 and DM4 of the Managing Development Document 2013 which seeks to ensure development provide a mix of housing which meets the needs of the local population, subject to the constraints imposed by scheme viability.

- 2.4 The scheme adequately protects the amenity of future and existing residents and is sensitive to its physical setting. The density of the scheme is 877 habitable rooms per hectare which is broadly comparable with the consented Devon's Wharf scheme that is being built out on the neighbouring site but exceeds the London Plan housing density guidelines for sites with poor access to public transport. However, the scheme would not result in significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM24 and DM25 of the Managing Development Document 2013 which seeks to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity
- 2.5 Both the quantity and quality of housing amenity space, communal space, child play space and open space are considered to be good, of a well-considered design that effectively meets the needs of the development, in accordance with policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development Document 2013 which seek to improve amenity and liveability for residents.
- 2.6 The impact of the development on the amenity of neighbours and upon emerging new residential development in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are considered to be relatively limited and not unduly detrimental given the urban nature of the site, and as such the proposal accords with policy SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development Document 2013 which seeks to ensure development does not have an adverse impact on neighbouring amenity.
- 2.7 The scheme would deliver improved permeability and accessibility across the site through the provision of a section of public river side walkway and a public path on its eastern edge to link up to the river walkway, from Leven Road. Simultaneously the scheme is designed to provide a suitably private, safe and secure environment for future residents of the scheme with the underground car park and refuse areas and the communal external amenity spaces secure from general public access. The development accords with policies SP09 and SP10 of the Core Strategy (2010), policies DM23, DM24, DM27 and the site

allocation of the Managing Development Document (MDD), which require all developments to consider the safety and security of development, without compromising the achievement of good quality design and inclusive environments.

- 2.8 Transport matters, including parking, access, waste collection and servicing are acceptable and accord with policies 5.17 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development Document 2013 which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.9 The scheme lies in Flood Risk Zone 3, however with the details provided, including an 8m clear zone between the substantive built development and the river wall, the Environment Agency are satisfied the scheme poses no threat to flood risk and river water management. Sustainability matters, including energy, are acceptable subject to payment of a financial contribution towards alternative carbon reduction measures in the area and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development Document 2013 which seek to promote sustainable development practices.
- 2.10 The proposed development will provide appropriate contributions towards the provision of on-site affordable housing, open space, community facilities and employment, skills training opportunities for residents, in line with the NPPF, policy SP12 of the Core Strategy 2010 and the Councils Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

3 RECOMMENDATION

- 3.1 That the Strategic Development Committee resolve to **GRANT** planning permission subject to

A Any direction by **The London Mayor**

B The prior completion of a **legal agreement** to secure the following planning obligations

3.2 Financial Obligations

- a) A contribution of £8,684 towards enterprise & employment.
- b) A contribution of £31,298 towards leisure and community facilities.
- c) A contribution of £8,096 towards libraries facilities.
- d) A contribution of £93,214 to mitigate against the demand of the additional population on educational facilities.
- e) A contribution of £32,681 towards public open space.

- f) A contribution of £41,021 towards heath facilities.
- g) A contribution of £25,100 to carbon off-set contribution.
- h) A contribution of £4,900 S106 monitoring fee (2%).

Total: £245,000

In addition to above s106 contributions £361,935 payment (figure subject to affordable housing relief) to the Mayor of London's Community Infrastructure Levy (CIL).

Non-Financial Obligations

- a) 30% affordable housing, as a minimum, by habitable room with 70.9% as social/affordable rent and 29.1% as intermediate:-
 - with 6 in number 4 bedroom units, 5 in number 3 bedroom units and 1 in number 2 bedroom unit all with social rents;
 - 3 in number two bedroom units with affordable rents and 3 in number with 1 bedroom units;
 - 29.1% Intermediate housing, with 5 in number 1 bedroom units and 7 two bedroom units.
- b) Employment and Training Strategy
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs).
- d) On Street Parking Permits removed for future occupants.
- e) Basement car parking spaces for new residents eligible of the Council's Permit Transfer Scheme.
- f) Travel Plan.
- h) Permanent Public access to the river walkway and the path located within the development site leading to the walkway from Leven Road.
- i) Development Viability Review Clause inserted to secure any uplift for an additional affordable housing contribution gained from any unanticipated rise in value of the market sales.
- j) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal including s S278 agreement for any works which affect / improve the public highway and for the alterations to the existing crossovers, including the removal / relocation of any redundant crossover(s) and reinstating back to footway.

- 3.3 That the Corporate Director Development & Renewal is delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.

- 3.4 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters

CONDITION AND INFORMATIVES

- 3.5 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

Prior to Commencement Conditions:

1. Construction management plan
2. Contaminated land
3. Archaeological investigations
4. Thames Water (water infrastructure capacity)
5. Piling Method Statement
6. SUDS (drainage)

Prior to works about ground level conditions:

7. External materials
8. Landscaping include river walkway and access route and lighting strategy
9. Biodiversity
10. Crane heights / aircraft obstacle lighting

Prior to Occupation Conditions:

9. Waste Management Plan
10. Details of Combined Heat and Pump
11. Delivery and Servicing Plan
12. Code for Sustainable homes
13. Bream Excellence rating
14. Lifetime Homes
15. Secure by Design
16. Details of mechanical ventilation and extraction system

Compliance Conditions –

15. Permission valid for 3yrs
16. Development in accordance with approved plans
17. Energy Strategy
18. Electric vehicle charging points
19. Cycle parking
20. 10% Wheelchair housing
21. Noise mitigation
22. Landscape maintenance
23. Piling
24. Hours of Operation of commercial unit

3.6 **Informatives:**

- Consultation with Building Control
- Thames Water Advice

- Canals & River Trust Code of Practice
 - Operational substation on site
 - S278 agreement required
- 3.7 Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.8 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The site has an area of approximately 0.45ha and is bordered to the north by the River Lea, bounded on its shortest edge to the south by Leven Road, bounded to the west by Devon's Wharf and bounded to the east by the Leven Road Gas Holder site.
- 4.2 The site is currently vacant, but has been used in the last 2 years as a metal galvanizing works. Recently it suffered from an episode of fly tipping. It comprises poor quality industrial buildings along much of the east side and an open yard on the rest consisting of hard standing. The site falls within Flood Risk Zones 3a. The site lies adjacent to the Bow Creek Bend in the River Lea, which forms a part of Lea Valley Metropolitan Site of Importance for Nature Conservation (SINC). The mud banks to the river at this location serve as an important habitat for birds.
- 4.3 The general character of the site and the surrounding land that is bound by the River Lea to the north and Leven Road to the south is industrial, in contrast the land to the south of Leven Road is generally residential in character. The residential development consists predominantly a mix of Victorian housing and 1950/60's housing, the latter development making up the Aberfeldy Estate. Typically the surrounding residential development to the south is 2 or 3 storeys in height although with some residential blocks rising to 5 and 6 storeys.
- 4.4 The adjoining Devons Wharf has planning approval for the erection of a 66 residential units, 7 affordable B1 industrial units contained within a part 6 part 11 storey block with a publically accessible riverside walkway and a public forecourt.
- 4.5 The eastern boundary of the site is shared with the Leven Road Gas Holder Site that is operated by National Grid. The application site until very recently lay within the consultation zone set around the gas holder site by the Health and Safety Executive (HSE) for reasons of safety in respect of the neighbouring site's storage of gas and the Hazardous Substance Consent (HSC) that did pertain to that site. The Secretary of State confirmed on 20 June 2014 the Order revoking the HSC for Leven Road Gas Holder Site and accordingly the consultation zone is removed by the HSE.

- 4.6 The development site itself plus gas holder site to the east form the Site Allocation 12 (Leven Road Gas Works) within the Borough Managing Development document (MDD). The objectives for the wider site within the MDD document, that forms a part of the adopted LBTH Local Plan are to establish “a large local park integrated as part of the wider Lea River Park with a strategic housing development, primary school, a district heating facility and other compatible uses. The objective for the local park will be required to incorporate flood mitigation measures.”
- 4.7 The development site and the wider locality known as Poplar Riverside have relative poor access to public transport reflected in a PTAL rating of 1 the development site. It is approximately 17 minute walk to Canning Town Jubilee Line/ DLR Station, a similar walking distance to Langdon Park DLR, All Saints and East India Quay DLR. The site shares with the neighbouring Aberfeldy Estate the attribute of severe community severance to the wider Tower Hamlets and Newham area stemming the lack of convenient pedestrian links across the dual carriageways of the A12 to the north and west of the site, the A13 (East India Docks Road) to the south and a lack of pedestrian bridges across the River Lea.
- 4.8 The site falls within Poplar Riverside as set out in the Core Strategy. The Core Strategy sets an objective to “transform Poplar Riverside into a revitalised and integrated community reconnecting with the A12 and River Lea and change from a largely industrial area to a predominately residential area”. The Lea River Park and FAT Walk will offer connections northwards to the Olympic Legacy area via a regeneration at Bromley-by-Bow and Fish Island and new connections will be forged to overcome the barrier of the A12. “The design of new development will need to ensure it achieves a joined-up street network and connects to surrounding routes. Buildings to be sensitive to the setting and present an active and positive edge to the River Lea, along with an appropriate setback to ensure the creation of a continuous riverside walkway.”



Proposal

- 4.10 The scheme would involve the demolition of all the remaining disused metal galvanizing works buildings on site and the construction of two physically connected building blocks to provide 126 residential units and a single ground floor commercial unit (of 291sq.m). Figure 1 below shows the proposed layout of the scheme (the red dotted line is the site boundary).

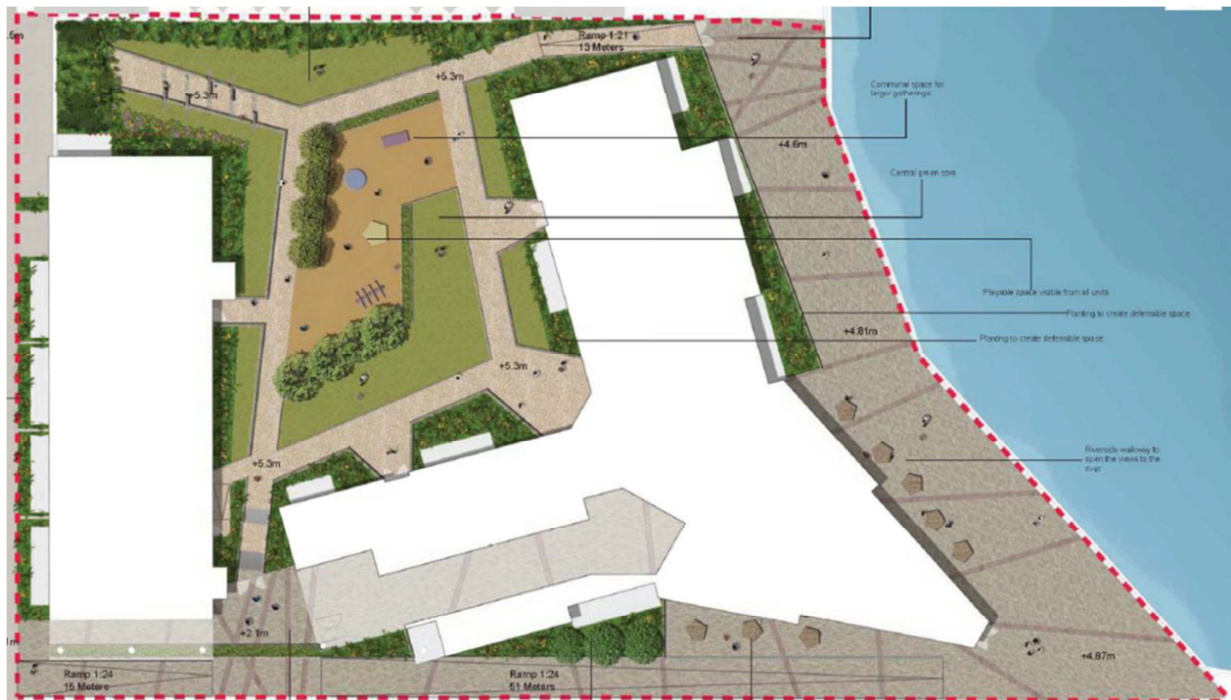


Figure 1 *General Site Layout - with rectangular Block B to the left and the larger two winged Block A. Blocks linked at lower ground floor by the car park and refuse storage area located beneath the central podium (upper ground floor level) landscaped courtyard. River Walkway and public link path from Leven Road shown on right and bottom edge of layout plan*

- 4.11 The smaller block (Block B) would be of a regular rectangular shape and face onto Leven Road and would read as a 6 storey building from its south facing street frontage. Due to changes in ground levels, the rear elevation of this block (facing north) would read as a 5 storey block fronting a raised podium level courtyard (landscaped) that would be constructed between Block B and the larger in footprint and taller in height river side upper block (Block A) which is 9 storeys (plus a lower ground floor).
- 4.12 The car parking for the scheme would be located beneath the courtyard and effectively would serve as a basement car park, although minimal excavation would be required to construct the car park as the design exploits the change of levels across the site (from the higher land towards the northern edge of the site (the River Lea)

and the lower land towards Leven Road. The lower block (Block B) would contain 27 residential units allocated for [affordable rented and intermediate housing provision.

- 4.13 The upper block would be altogether less regular in shape and consists of two arms or wings that meet at the north east corner of the site. One wing of the block would run parallel with the river with a new river walkway running in front it and the other wing would return the building along the eastern edge of the site. The latter frontage would look towards the neighbouring Gas Holder site and with potential views of the park planned for this site. In addition to providing residential accommodation Block A would also contain an upper ground floor commercial space of 291sq.m occupying the north east corner (apex) of the building. The commercial space would have consent to be used as A1, A2, A3 or A4 or B1(a) and D1 Use Classes.
- 4.14 The main communal amenity space for the scheme, including the provision of a children's play area would be located on the podium level courtyard and towards the adjacent Devon's Wharf development, although additional outdoor amenity space would be provided through 3 roof gardens in addition to the individual private balconies and roof terraces provided to each and every residential unit.
- 4.15 The basement car park would be accessed from Leven Road towards the western Devon's Wharf end of the site and provide 25 car parking spaces for the residential accommodation (13 bays allocated for disabled users). The basement (lower ground floor) would also accommodate a plant room, secure cycle parking stores and refuse storage areas for both the residential accommodation and the commercial unit.

5 Relevant Planning History

Application Site

- 5.1 The site has been subject to no planning applications since the early 1980's. These previous historic applications related to development to modernise the very long established metal galvanising industrial works located on the site.

Adjoining Sites

- 5.2 PA/09/00109 - Immediately to the west of site north is Devons Wharf a 0.22 hectare site that was previously used for general industrial use and subsequently a haulage depot that gained consent from London Thames Gateway Development Corporation (PA/09/00109) on 25 June 2009 for a residential led redevelopment scheme, that is currently in the early stages of being built out, for the redevelopment of the site comprising the erection of a part six part eleven storey building to provide 7 affordable B1 units and 66 residential units together with 12 car parking spaces, riverside walkway and public forecourt. Approved on 8 October 2001 (PA/01/01202).
- 5.3 PA/01/01202 – A Hazardous Substance Consent (HSC) was granted deemed consent on 16 November 1992 and a further continuation of

Hazardous Substance Consent (necessitated following a change of site ownership was issued on 8 October 2001 (PA/01/01202)

- 5.4 PA/13/00435 - National Grid who own and operate the Leven Road gas holder site (also known as the Poplar Gas Works Site) formally requested to London Borough of Tower Hamlets, as the Hazardous Substance Authority for the area, to revoke the HSC for the site. The Secretary of State confirmed the revocation Order on 20 June 2014

6 POLICY FRAMEWORK

Tower Hamlets Core Strategy (adopted September 2010) (CS)

SP01 Refocusing on our Town Centres
SP02 Delivering Homes
SP04 Creating a Green and Blue Grid
SP05 Dealing with waste
SP08 Making connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
SP11 Working towards a Zero Carbon Borough
SP12 Delivering placemaking
SP13 Planning Obligations

Managing Development Document (adopted April 2013) (MDD)

DM0 Delivering Sustainable Development
DM3 Delivering Homes
DM4 Housing Standards and Amenity Space
DM9 Improving Air Quality
DM10 Delivering Open Space
DM11 Living Buildings and Biodiversity
DM12 Water Spaces
DM13 Sustainable Drainage
DM14 Managing Waste
DM15 Local Job Creation and Investment
DM18 Delivering Schools and Early Learning
DM20 Supporting a Sustainable Transport Network
DM22 Parking
DM23 Streets and Public Realm
DM24 Place-sensitive Design
DM25 Amenity
DM26 Building heights
DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
DM30 Contaminated Land
Site Allocation 12 – Leven Road Gas Works

Supplementary Planning Documents (SPD)

LBTH Planning Obligations SPD (adopted January 2012)

Spatial Development Strategy for Greater London - London Plan 2011 (LP)

- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Improving 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 recreational facilities
- 3.7 Large residential development
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing in individual private and mixed use schemes
- 4.2 Offices
- 4.3 Mixed use development and offices
- 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
- 5.17 Waste Capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 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
- 7.14 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
- 8.2 Planning obligations
- 8.3 Community Infrastructure

Draft Further Alterations to the London Plan, 2014 (FALP)

On 15 January 2014, the London Mayor published the draft GLA *Further Alterations to the London Plan* (FALP) for a 12 week period of public consultation. Examination in public is scheduled for autumn 2014, with adoption anticipated by spring 2015. The main changes material to this scheme are greater densification of the Opportunity Areas to promote greater growth to housing need and jobs with a draft target set to deliver 560,000 additional jobs and 300,000 new homes. The Borough's new minimum housing target, as set by the London May would be 3,931 per year. .

In addition the FALP Policy 7.5 (Public Realm) gives a recognition the quality of the public realm is particularly important in high density development and that public realm that leads into major green spaces, especially for pedestrians is key to the integration of green infrastructure and landscape into the urban fabric, and this should be secured through the planning system where appropriate.

The further alterations are not adopted so carry limited weight however they are a material planning consideration in the determination of this planning application

London Plan Supplementary Planning Guidance/Documents

Housing Supplementary Planning Guidance (November 2012)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

Government Planning Policy Guidance/Statements

National Planning Policy Framework and National Planning Policy Guidance

7 CONSULTATION RESPONSE

- 7.1 The following were consulted and made comments regarding the application
- 7.2 These comments have been taken into account in the MATERIAL PLANNING CONSIDERATIONS section below.:

LBTH Heritage & Urban Design Officer

- 7.3 The scheme would be formed of two blocks, connected by a podium with private amenity space above and car parking below. The proposed ground floor commercial unit, along with residential units set behind amenity buffer strips, will help to activate the new frontage and create a positive relationship with the north and east site boundaries (taking into account the emerging development context).
- 7.4 Block B is considered to respond positively to the scale and massing of existing development along Leven Road and to provide a continuity and sense of enclosure to the street. The Leven Road frontage will present a good level of activity and interest to the public realm and is

on balance considered acceptable notwithstanding the presence of the entrance to the car park and other necessary service doors.

- 7.5 Block A would be accessed from Leven Road by passing underneath an overhanging element of Block B. Significant changes have been made to the design of this part of the scheme to help achieve safe and convenient access, including improving sightlines and creating a better setting for the main entrance.
- 7.6 The simplification of the material palette is considered to have improved the overall appearance of the scheme.
- 7.7 Overall, the proposed development is considered acceptable in urban design terms, subject to suitably worded conditions requiring approval of materials, details and landscaping arrangements.

(Officer response: Noted, the conditions sought be imposed on any approval.)

LBTH Affordable Housing

- 7.8 This scheme provides 30% affordable housing and a rent/intermediate mix of 70.9 / 29.1% by habitable room.
- 7.10 The rented provision has been provided as a mix of social rent and affordable rent, with only 1 and 2 bed units provided for affordable rent at pod levels. The mix of social rent and affordable rents within the viability constraints has appeared to optimise the maximum share of affordable & intermediate housing provision to market housing without compromising the preferable social rent tenure in the key family sized rented units.
- 7.11 The scheme benefits from a standalone block (Block B) for all but 3 of the affordable housing units the affordable housing (Block B) which make it attractive for an RSL, enabling management of services and resultant service charges. Externally the 2 residential blocks are tenure blind which is welcome. The affordable housing block has full and easy access to the podium communal amenity space and play space. Block B also benefits from a prominent street frontage with legible entrances, including individual secondary entrances to the 4 ground floor units off Leven Road. Of the 18 rented affordable units, 5 units will benefit from triple aspect, 9 units from dual aspect and single aspect is restricted to only 4 units which are all south facing. The majority (7) of the intermediate units benefit from either triple or dual aspect, the remaining 5 single aspect units avoid a north facing aspect.
- 7.12 The proposed development would provide a reasonable mix of units by bed sizes. Overall the scheme provides only 22.2% family units. The private market units provide just 18% family units against the target of 20%. There are no family units in the intermediate tenure, but the rented tenure provides a generous 61% family units, all for social rent, which is well above the 45% target, and rented family units are the affordable provision for which there is the greatest need. In the context of the overall financial viability the share of affordable and intermediate

housing, the mix of rented tenures and the mix of unit sizes is considered acceptable. In conclusion no objection to the proposal.

(Officer response: noted)

LBTH Access Officer

- 7.13 The Block A wheelchair accessible units show charging points located in the living space this is bad practice and should be relocated into the hall. The wheelchair charging area for residential unit B.003 benefits from unsatisfactory head height.
- 7.14 The location of the mobility scooter storage/charging in the parking area raises potential difficulties for some disabled people to manoeuvre into and out of. A more open but secure area for this charging activity close to the lifts should be sought.
- 7.15 The applicant should mark on the internal floor plans the capped drainage and power for a future shower if required in the bathrooms, and more details on the intended hoist routes

(Officer response: Comments noted, a condition will be imposed to require further details prior to occupation in respect of Lifetime Home Standards including: details of the final hoist routes; the location of chargeable points; and submission of fully detailed 1:50 floor plan layouts for all the wheelchair units. In line with other comments received from Highways & Transportation a condition will be imposed in respect of more detail in regard the location of the mobility scooter storage/charging in the car park.

LBTH Green Grid Officer

- 7.16 The site is along the Green Grid and also part of a proposal by GLA to develop the Lea Way Walk and provide greater public access to it. On that basis there should be greater elements of green infrastructure in the scheme than in other places. The proposal shall provide a minimum 8m wide open space along the River Lea which will serve as a public open space, connecting to the larger open space proposed to be developed at the Gaswork site and linking back on this development site by publicly accessible footpath to Leven Road. This is welcomed.
- 7.17 The green roofs contained in the scheme are a welcomed feature, as is the revised soft landscaping plants provided for the River Walkway. However we shall seek by planning condition additional green wall planting on flank elevations facing (west) towards Devon's Wharf scheme.

(Officer response: Noted a condition shall be imposed to secure details of green wall planting)

LBTH Land Contamination Officer

- 7.18 No objection subject to imposition of a standard condition that identifies 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 and sets out any necessary strategy of remediation prior to occupation.

(Officer response: Noted and a land contamination condition shall be imposed).

LBTH Environmental Health Officer – Heath & Housing Unit

- 7.19 No objection, the scheme must comply with statutory requirements including the Housing Act 2004, and comply with relevant Building Regulations.

(Officer response: Comments noted, no specific planning conditions or informative arising from these observations)

LBTH Environmental Health Officer – Noise and Vibration Unit

- 7.20 No objection. The noise assessment and other submission documents have been reviewed and their contents are accepted. The glazing specification within the acoustic assessment needs to be adhered to and controlled by condition.

(Officer Response: Noted, a condition requiring compliance with the glazing specification as set out in the submitted Acoustic Assessment)

LBTH Biodiversity Officer

- 7.21 The application site has no significant biodiversity value, and the existing buildings have been assessed as having negligible potential for roosting bats. It is, however, immediately adjacent to Bow Creek, which is part of a Site of Metropolitan Importance for Nature Conservation. Bow Creek is important for birds and could be important for foraging bats.
- 7.22 An 8 metre buffer strip is to be left undeveloped alongside Bow Creek, to accommodate a riverside walk. This provides an excellent opportunity for enhancing riverside biodiversity. With the 8 metre buffer, the only potential adverse impact on the ecology of Bow Creek would be from lighting. If the riverside walk is to be lit, such lighting should be located and designed to avoid any light spill onto the creek.
- 7.23 Other than potential impacts from lighting, there will not be significant adverse impacts on biodiversity.
- 7.24 Green roofs are proposed for most of the roof area, with 3 sedum roofs and one “wildflower roof”. This would be a significant biodiversity enhancement. The landscaping includes areas of nectar-rich planting for wildlife, which will further enhance the site for biodiversity.

(Officer Response: Noted, a condition shall be imposed requiring prior to occupation details of green roofs (contained in landscaping condition) and an external lighting strategy for the scheme that includes the river walkway area to demonstrate how these design elements will be compatible with maximising the biodiversity benefits of

scheme and be compatible with the existing wildlife of Bow Creek (notably birds)

LBTH Planning Policy Team

- 7.25 The vision established for the Poplar Riverside ‘place’ within the Core Strategy is to revitalise a previous industrial area into an integrated residential community. Further to this, the Managing Development Document (MDD) allocates land at Leven Road Gas Works site allocation for the following, “*a large local park integrated as part of the wider Lea River Park with a strategic housing development, primary school, a district heating facility (where possible) and other compatible uses. The local park will be required to incorporate flood mitigation measures*”. The role of the site allocation is to comprehensively deliver strategic infrastructure requirements to support the anticipated level of growth in the borough. To deliver this vision, the proposal is required to provide and/or contribute towards the principles identified in the site allocation.
- 7.26 A proposed residential-led mix use scheme is acceptable in principle. By reason of the site size and location, on the western edge of the site allocation, it’s unreasonable to seek the delivery of a local park and primary school as part of the proposal. However, appropriate S106 contributions should be sought to contribute towards the provision of the local park and primary school when the remaining area of the site allocation is delivered.
- 7.27 The proposal incorporates design principles such as active frontages on the waterways, walking and cycling connections and contributes to the Green Grid route, which is required to deliver the aspirations of the site allocation.
- 7.28 Provided that the applicant includes a financial contribution towards the local park and primary school, the proposal would be meeting its requirement to deliver the aspirations for the Leven Road Gas Works site allocation.
- 7.29 The London Plan policy 3.4 requires development to optimise housing potential whilst having regard to the London Plan density matrix. The proposal exceeds the highest density range recommended for this area. The London Plan density matrix is a guideline and other principles such as local context and character, good design and transport capacity should also be taken into account. In assessing whether the proposed density is acceptable, it is particularly important to take account of the design, massing, scale and local character. Detailed advice should be sought from a Design Officer to ensure the proposal is of a high quality and the scale and mass is appropriate, given its location and accessibility.

(Officer response: The scheme is considered to comply with the relevant London plan and Local Plan policies, when appropriate consideration is given to the viability appraisal which has been accepted by Officers, following an independent review on behalf of the Council. The full set of s106 financial contributions as prescribed for the scheme by the Planning Obligation SPD cannot be met in views of

the viability appraisal. However those contributions that are to be made accord with the Council's key corporate priorities as set out in the Planning Obligation SPD and with due regard to the specific Leven Road Gas Works site allocation objectives.

LBTH Energy Efficiency/ Sustainability Officer

- 7.30 Local Plan Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 7.31 In general the broad principles of the energy strategy are supported as the proposals follow the London Plan sets out the Mayor's energy hierarchy. However, the submitted information does not include appropriate details on the CHP sizing, plant rooms and pipework between the buildings. Full details should be dealt with by planning condition in respect of the CHP equipment and the district heat network.
- 7.32 The Sustainability Statement identifies that BREEAM Excellent and Code for Sustainable Homes level 4 will be achieved, consistent with Policy DM29. Code and BREEAM pre-assessments have been submitted to demonstrate how this will be achieved. This is supported by the sustainable development team and should be secured via appropriate conditions.
- 7.33 Policy DM29 within the Managing Development Document requires developments to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 requirements through the cumulative steps of the Energy Hierarchy.
- 7.34 The current proposal falls short of the policy requirement by 8.11% and this equates to 13.95 tonnes of regulated CO2. It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment to the LBTH Carbon Offset Fund. The current identified cost for a tonne of CO2 is £1,800 per tonne. This figure is recommended by the GLA (GLA Planning Energy Assessment Guidance April 2014).
- 7.35 For the proposed scheme it is recommended that a figure of £25,110 is sought for LBTH Carbon Offset Fund. The calculation for this figure is as follows:

The calculation for this figure is as follows:

- Building Regulation 2010 Baseline is 172.08 tonnes/CO2;
- Proposed development is at 99.99 tonnes/CO2;
- 50% DM29 reduction would be 86.04 tonnes/CO2;
- Shortfall to meet DM29 requirements = 13.95 tonnes/CO2 x £1,800 = £25,110 offset payment to meet current policy requirements.

(Officer Response: Noted, and the full carbon off set figure of carbon offsetting figure of £25,110 shall be secured by s106 to ensure the

scheme is policy compliant in respect to DM29 and London Plan policies 5.1 and 5.2 and conditions will be applied to secure CHP, ability to connect to future district heat network, Code for Sustainable Homes Level 4 and BREEAM 'Excellent' rating)

LBTH Highways & Transportation Team

- 7.36 An amended plan has been provided showing revisions to the car parking layout and these are welcome. In summary, the Highways and Transportation Group has no objection in principle to this proposal.
- 7.37 Car parking levels are acceptable and it is recommended that parking spaces be offered to the larger units initially. The provision for 12 of these bays to accessible parking is acceptable. Exact details of electric charging points are requested by planning condition. A space for two mobility scooters has been incorporated and this is welcomed. The gradient of the ramp is acceptable set at approximately 1 in 69.
- 7.38 The gates to the car park are set back adequately to prevent vehicles waiting to access the site from having to wait on the public highway whilst (a) the gates open and (b) if another car is exiting the site.
- 7.39 A 'Permit Free' agreement restricting all future residents from parking permits in the surrounding controlled parking zone is required, secured by the S106 agreement.
- 7.40 164 cycle parking are provided which is welcomed. Detailed plans of the type of stand and dimensions of the storage rooms are required. Cycle parking for the commercial unit(s) is also required.
- 7.41 A S278 agreement is required for any works which affect / improve the public highway and for the alterations to the existing crossovers, including the removal / relocation of any redundant crossover(s) and reinstating back to footway.
- 7.42 A draft Travel Plan has been submitted and this is welcomed at this stage. A Full Travel Plan, which complies with any updated LBTH and TfL guidance will be required as a condition and submitted and agreed prior to occupation.
- 7.43 A Construction Management Plan will be required as a condition and submitted and agreed prior to any works taking place.
- 7.44 A draft Service Management Plan has been provided, a comprehensive plan will be required as a condition and submitted and agreed prior to occupation.
- 7.45 A Waste Management Strategy has been submitted and this should be referred to colleagues in the Waste Management Group for their approval.

(Officer response: Comments noted. A Travel Plan and Permit Free agreement will be subject of s106. The other outstanding details can be secured by a set of compliance and prior to occupation planning conditions in respect of Service Management Plan, Construction

Management Plan, cycle stand and stores, electric charging points, motor scooter storage and charging points, details of vehicle access gates set 6m away from back of public pavement and achieving a maximum 1:50 gradient of vehicle ramp)

LBTH Employment & Enterprise Team

Proposed employment/enterprise contributions at construction phase:

- 7.46 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skills match Construction Services.
- 7.47 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.
- 7.48 The Council will seek to secure a financial contribution of £31,062 (subject to viability) to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

Proposed employment/enterprise contributions at end-use phase:

- 7.49 The council seeks a monetary contribution of £3,447 (subject to viability) towards the training and development of unemployed residents in Tower Hamlets to access either:
- i) jobs within the B1 uses of the development
 - ii) jobs or training within employment sectors relating to the final development
- Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

(Officer response: Noted and the planning contributions requested will be secured although not in full (pro rata) in light of viability assessment.)

LBTH Communities, Localities & Culture – Strategy Team

- 7.50 Cultural Services consider that there will be an increase in permanent population generated by the development which will increase demand on community, cultural and leisure facilities. The requests for s106 financial contributions are supported by the Planning Obligations Supplementary Planning Document (SPD). Appendix 1 of the Planning Obligations SPD outlines the Occupancy Rates and Employment Yields for new development

- 7.51 Therefore, a request has been made for financial contributions [subject to viability] towards:
- Education facilities - £390,359
 - Open Space - £136,858
 - Library / Idea stores – £33,902

(Officer response: Planning obligations have been secured although not in full (pro-rata) in light of review of viability assessment).

Greater London Authority (GLA)

- 7.52 The GLA have provided a stage I response and the main points are summarised below, with the

GLA's Overview/Recommendation

- 7.53 In general strategic terms the principle of a residential-led mixed-use redevelopment is supported, subject to the revocation of the hazardous substance consent on the adjacent gas holder site.

- 7.54 However, specific issues relating to affordable housing, residential density, urban design, inclusive design, sustainable development and transport should be resolved prior to the final decision making stage. As such the application does not comply with the London Plan, but with the possible remedies set out in the Stage 1 report could address these deficiencies

(Officer concluding response: As detailed in the officer response (below) to the individual concerns raised in the GLA Stage 1 response and with the benefit of revised drawings and documentation since submission and Stage 1 referral to GLA, it is considered the deficiencies highlighted by the GLA have been adequately addressed)

Principle of development:

- 7.55 The site is located within the Poplar Riverside Sub-area of the Lower Lea Valley OAPF which identifies the area's potential to deliver a strategic amount of residential development and supporting social infrastructure such as a new school, surgery and community space, and a large park as part of the Lower Lea Valley open space network. These aspirations are also established locally in the Council's Site Allocations DPD for the Leven Gas Works Site. More specifically, based on strategic assumptions of industrial land release along the River Lea Corridor, the OAPF identifies the opportunity to deliver a proportion of the total residential capacity and small scale commercial floor space through mixed use residential development on waterfront sites. Therefore, the principle of a residential-led mixed use development on a waterfront site at this location, is in general accordance with local and strategic planning policy.
- 7.56 The applicant should demonstrate how the scheme will contribute an appropriate and reasonable amount towards delivering the identified strategic and local interventions set out in in the OAPF and the

Council's Site Allocations DPD. This is particularly important given the proposed high residential density of the scheme.

(Officer response: Noted the scheme will provide strategic quantum of housing that is consistent with the site allocation and the objectives of the opportunity areas as well as delivering a section of publically accessible river walkway and a walk way connecting to the local neighbourhood)

Adjacent land use:

- 7.57 Should the existing Hazardous Substance Consent for the adjacent gas holder site not have been revoked prior to the determination and the Council resolves to grant planning permission a Grampian condition will need to be imposed in respect of the HSC.

Housing Mix

- 7.58 The residential mix responds very positively to the strategic aims of London Plan Housing policies 3.8 and 3.11, and strategic guidance set out within the Mayor's Housing SPG (2012).

Residential Quality

- 7.59 All the residential units will meet or exceed with the Mayor's minimum space standards set out and the Housing SPG, which is supported. The layout of the residential units in this building results in a number of north facing single aspect units which is a concern. The applicant should provide further information to demonstrate that the issues faced by such units are mitigated. In addition the applicant should provide further information on the average daylight factor and detailed floor plans for those north facing units in order for officers to make an appropriate assessment.

Residential Density

- 7.60 At this stage, officers remain concerned with regards to the high density nature of the scheme in this location and the applicant is strongly advised to provide a robust justification as to how the scheme takes into account the other factors set out in London Plan Policy 3.4 and Chapter 7. In particular, a scheme of this density would be expected to achieve the highest quality of residential design and therefore the applicant should address the design issues set out in this report in order to help justify the proposed density.

(Office Response: Significant design changes have been received since the scheme was validated and referred to the GLA for a Stage 1 response. Only 7% of the units are north facing. The review of the sunlight/daylight impacts of the scheme demonstrate the scheme provides a high standard of accommodation by BRE criteria on the matter and without any significant adverse impact on neighbouring residential development either. The external amenity and children's play space provision exceeds the London Plan area standards and is of a good quality).

Urban design:

- 7.61 The overall design strategy is generally supported and the applicant has revised certain aspects of the pre-application scheme to positively address the initial design concerns. However, the applicant should reconsider the proposed ground floor layout of the Leven Road building in order to provide more active uses along this route as set out in more detail above and provide more detail how the scheme would appear from the riverside. The applicant is advised to simplify the massing to create a more elegant and legible form, with a clearer distinction between the tall element and the lower.

(Officer response: The entrance and walkway up to Block A from Leven Road has been modified and made more open and legible. The choice of material and landscaping has been adapted at the western end of Leven Road to enliven and make more cohesive the area surrounding the doors to the vehicular entrance and refuse store).

Inclusive Design

- 7.63 Further detailed information is required that demonstrates how the detailed design will meet each of the relevant Lifetime Homes Standards. Given the change in levels across the site, further information and discussion is welcomed regarding how the public realm will be fully accessible, in particular, step free access to the communal courtyard and the provision of accessible seating.

(Officer response: Level access will be provided from all the cores to the podium courtyard and from there to the river walkway. The eastern boundary walkway from Leven Road through to the river walk way will be wheelchair accessible and not exceed 1:20 gradient).

Climate Change:

- 7.64 The proposals approach to climate change mitigation and adaption are generally supported. Further information regarding the sizing of the CHP and information on the proposed site heat network and energy centre should be provided.

(Officer response: Details of CHP will be provided by planning condition)

Transport:

- 7.65 Clarification and/or commitments are required to address issues regarding electric vehicle charging points, visitor cycle parking, contributions towards increasing Cycle Hire capacity, an assessment of local bus stops, a PERS audit the possibility of providing on-site servicing and the submission of a construction logistics plan. All identified improvements from the PERS audit should be agreed with the Council and contributions secured through the Section 106 agreement.

(Officer response: No visitor parking proposed in line with LBTH policies to curb car usage and encourage sustainable modes of

transport. A PERS audit has been undertaken and revealed no serious issues although the links to the local DLR stations could benefit from improved signage. The Council are not aware of a marked deficit in cycle hire capacity within the neighbourhood and in light of the scheme inability to meet all the s106 financial obligations due to viability pressures this £40,000 is not being sought. On site servicing is not feasible without a fundamental redesign of the scheme. The Council's Highway Engineer is satisfied with on street servicing subject to an agreed Service Management Plan and Waste Management Strategy being secured by condition.)

Environment Agency

- 7.66 The river wall report addresses our previous concerns and we are therefore in a position to remove our objection to the proposed development.

Biodiversity Advice

- 7.67 We are pleased to see the green and brown roofs within the development proposals, however we feel that the Riverside Walkway proposed would further benefit from some softer landscaping with native species planted in the 8 metre buffer zone.

Flood Defence Consent Advice:

- 7.68 Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of bank of the River Lea designated a 'main river'.

(Officer response: Noted and further details surrounding landscaping to support biodiversity at the river edge will be secured by planning condition)

Thames Water

- 7.69 No objection subject to conditions that address capacity surrounding water supply infrastructure and impact of any piling including a piling method statement

(Office response: Noted, the recommended conditions will be attached)

Civil Aviation Authority

- 7.70 No objection, the applicant is advised that any crane of a height of 60m or more used in construction is fitted warning lighting.

(Officer response: An informative on use of crane will be attached to any approval)

London City Airport

No response received.

Canal & River Trust

7.71 The Canal & River Trust is Navigation Authority for this part of Bow Creek, but not land or water space owner. After due consideration of the application details, we therefore have no comments to make. If the Council grant planning permission, it is requested that the following informative be attached:

- *“The applicant/developer should refer to the current “Code of Practice for Works affecting the Canal & River Trust” to ensure that any necessary consents are obtained*

(Officer response: An informative on use of cranes will be attached to any approval)

Metropolitan Police Designing Out Crime Officer

7.72 Following receipt of further information the following observations are made

- a. It is noted there is a central garden / courtyard to the development which is gated and for use by the residents only and which provides the amenity space. The courtyard is overlooked by all the residents. There is gated access to the river walkway again for use by residents of the development *only*.
- b. It is noted the commercial and residential parts of the building are completely separately accessed and serviced.
- c. Need to ensure that all secondary internal security doors from the street are to the same standard as the external door/locks

7.73 *Outstanding concerns from previous observations made:*

- A) *Refuse Stores:* Not enough is being done to prevent crime/and anti-social behaviour to these spaces with, unauthorised tailgating from the ‘temporary’ refuse store [used for collection purpose].
- B) *Entrance Columns:* The undercroft area/cantilevered columns leading up to the entrance door to Block A lobby does not work well together from a crime perspective. The crime problems in this locality are 'challenging' to say the least. A well-lit shelter will not only encourage legitimate use but also illegitimate use. Experience, shows illegitimate use often triumphs due to levels of intimidation from the groups who 'hang around' these spaces. Leven Road is a relatively quiet street which does not assist greatly with natural surveillance.

7.74 A condition is requested to achieve Secured By Design to at least Section 2 (Part compliance) be placed on any planning permission.

(Officer Response: Noted. With regard to issue (A) [the applicant has confirmed the single refuse store with a door to the street will be a controlled by the management company) with future resident’s not having key access to it and therefore the risk is minimal. Regard to

issue an extended response is provided within relevant section of the report. Only to note at this juncture, officers shared these concerns with the original submission drawings and this led to a series of requested revisions and these are considered to address officer concerns. A Secure by Design condition will be applied that it is trusted can resolve any outstanding security concerns.)

Natural England

- 7.75 No objection in respect of statutory nature conservation sites.
- 7.76 [Opportunities for bio-diversity enhancement should seek to secure these if local planning authority minded to approve scheme since the character and local distinctiveness of surrounding natural and built environment.
- 7.77 The local authority should before determination assess the impact of the scheme on local nature/wildlife sites

(Officer Response: Noted and impact on nature conservation officer has been considered separately LBTH with benefit of submitted bio-diversity report)

Leaside Regeneration

- 7.78 No comments received.

Greater London Archaeological Advisory Service

- 7.79 No objection, subject to a suitably worded archaeological condition and an informative in respect of an archaeological project design
- 7.80 An archaeological assessment has been submitted and reviewed. Deep alluvial sequences are present at the site. These likely contain environmental evidence that would inform on the changing land use at the mouth of the Lea. Additionally, an inlet close to or on the site shown on an early map may represent a former channel of the Lea running towards Blackwall.
- 7.81 As the development is likely to have an impact on deposits that would inform on these aspects of the area's heritage, it would be beneficial for any consent to allow for a programme of geo-archaeological boreholing that would retrieve samples of the alluvial sequence for analysis.

(Officer response: A condition and informative will be added. The condition will follow the wording suggested by GLAAS)

Health and Safety Executive - HSE Construction Division

- 7.82 In view of the impending revocation of the hazardous substances consent for Poplar Gasholder Station, the HSE is prepared in this instance to withdraw our advice objecting to the application.

(Officer response: Since receipt of these comments from HSE the Secretary of State has confirmed the HSC Revocation Order).

London Borough of Newham

7.83 No comments received.

LOCAL REPRESENTATIONS

7.84 A total of 60 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and by two site notices. This consultation was undertaken twice, in January 2014 and again in May 2014, following a number of scheme amendments.

7.85 No representations have been received.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by this application that the committee are requested to consider are

Land Use
Design
Housing
Amenity
Transportation and Highways
Energy, Sustainability and Environmental considerations including
Flood Risk
Planning Obligations

Land Use

8.2 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve national housing targets.

8.3 At a regional level, the site is identified in the London Plan as falling within the Lower Lea Valley Opportunity Area Planning Framework (LLV-OAPF) which identifies the area's potential to deliver a strategic amount of residential development and supporting social infrastructure such as a new school, surgery and community space, and a large park as part of the Lower Lea Valley open space network. The LLV-OAPF identifies the scope to strategically release industrial land release along the River Lea to deliver a proportion of the total residential capacity and small scale commercial floor space necessary for mixed use residential development on waterfront sites.

8.4 At a local level, the Local Plan's Core Strategy offers a vision for Poplar Riverside *"as transformed into a revitalised and integrated community, change from a largely industrial area to a predominately residential area, characterised by its reconnection to the River Lea. A*

new large green space, bridges linking to and over the River Lea, and new social infrastructure will make this place a desirable location for families and new communities". Within the Core Strategy for Poplar Riverside it sets out four key principles to achieve this vision, and this includes the design principle that "[new] buildings to be sensitive to the setting and present an active and positive edge to the River Lea, along with an appropriate setback to ensure the creation of a continuous riverside walkway"

- 8.5 The site falls within the Leven Road Gas Works Site Allocation within the Managing Development Document (MDD). The site allocation objectives are for the delivery of a large local park integrated as part of the wider Lea River Park with a strategic housing development, primary school, district heating facility (where possible) and other compatible uses.
- 8.6 Given the site falls within the Leven Road Gas Works Site Allocation and with the aforementioned site allocation delivery objectives there is no objection to the loss of existing industrial land. [As stated in the supporting text to policy DM15 (Local job creation and investment) of the MDD (paragraph 15.4) proposals within site allocations do not need to demonstrate evidence for employment loss, therefore Policy DM15 does apply to this application.
- 8.7 The site allocation in the (MDD) sets out a series of design principles that are material to this scheme:-
- *"Development should respect and be informed by the existing character, scale, height, massing and urban grain of the surrounding built form and its riverside location.*
 - *Development should be stepped back from the River Lea to avoid excessive overshadowing and enable activation of the riverside.*
 - *Development should successfully include and deliver family homes.*
 - *Walking and cycling connections should be improved to, from and created within the site. These should align with the existing urban grain to support permeability and legibility.*
 - *The public realm should be improved at active site edges, specifically along Leven Road.*
 - *The Green Grid route should be well integrated into the site, helping to activate the riverside and improve access from the local park to the wider Lea River Park, and further north to the Queen Elizabeth Olympic Park.*
- 8.8 The role of the site allocation is to comprehensively deliver strategic infrastructure requirements to support the anticipated level of growth in the borough. To deliver this vision, the scheme is required to provide and/or contribute towards the principles identified in the site allocation. By reason of the site size and location, on the western edge of the site

allocation, it is unreasonable to seek the delivery of a local park and primary school as part of the proposal. However the scheme will contribute towards the site allocation objective with the delivery of 126 new housing units, public realm improvements, and the inclusion of a significant area of new public open space with the River Walkway and the link footpath from Leven Road itself to it. In total the proposed development will contribute 1098sq.m of new public open space which will contribute to realising the 'vision' for a new park for site allocation 12 as contained within the MDD (2013).

- 8.9 Set within the policy context of the Leven Road Site Allocation there is no objection in land use terms to the principle of a residential led mixed use scheme and it accords with national, regional and Local Plan policies, specifically London Plan objectives for Lower Lea Valley Opportunity Area 20 and specifically Policy 2.13 (Opportunity Area and Intensification Areas), London Plan Policy 3.3 (Increasing Housing Supply), and London Borough of Tower Hamlet's Local Plan policies SP02 (Delivering Homes), SP12 (Delivering Place-making) and Site Allocation 12 – Leven Road Gas Works all [policies] that support the principle of the delivery of a residential-led mixed-use development for the development site.

A commercial/community floor space proposed is 291sqm within Uses Classes A1, A2, A3, A4 or B1(a) or D1 is to be set alongside the proposed river walkway. It is also faces towards the potential new park on the neighbouring gas works site which would help animate the scheme at ground level on its river frontage and help draw people and activity to the walkway during the daytime, thereby improving the creation the public realm aspect of the river walkway. Policy SPO6 of the Core Strategy supports and encourages the creation of commercial units of approximately 250sq.m that lend themselves for occupation by small and medium sized enterprises. Policy DM24 of the MDD strives for new development to be sensitive and enhances the local character and setting of the area. Set within this policy context the provision of the commercial space is considered to comply with Policies SP06 and DM24 of the Local Plan.

Policy DM2 (Local shops) of MDD (2013) requires

- "2. Development of local shops outside of town centres will only be supported where:*
- a. there is demonstrable local need that cannot be met within an existing town centre;*
 - b. they are of an appropriate scale to their locality;*
 - c. they do not affect amenity or detract from the character of the area; and*
 - d. they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres"*

The potential occupation of the commercial space by a retail provider is in this instance considered on balance compatible with Policy DM2 given the distance from a town centre, the comparable small size of the unit and the lack of small retail shops within the locality, the unit's location set away from the street and existing neighbouring residential properties thereby minimising amenity issues, and will not compete

with existing town centres and will therefore not compromise their viability and vitality.

Design and Townscape considerations

- 8.10 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.11 National Planning Practice Guidance (2014) sets out seven qualities a well-designed new or changing places should exhibit:-
- *be functional;*
 - *support mixed uses and tenures;*
 - *include successful public spaces;*
 - *be adaptable and resilient;*
 - *have a distinctive character;*
 - *be attractive; and*
 - *encourage ease of movement*
- 8.12 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site.
- 8.13 SP10 and Policy DM23 and DM24 of the Local Plan 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.

Layout

- 8.14 Following analysis of the local context, aspect, orientation and the design principles underlying the architectural approach is well considered.
- 8.15 The two proposed residential blocks would step away from the western edge of the site to allow daylight and sunlight to be maintained to the windows in the eastern elevation of the consented Devon Wharf residential led scheme. This space and the associated massing break along the southern Leven Road frontage of the site also offer opportunities for greater sunlight to enter into the podium level landscaped area and more sunlight to fall upon south facing individual balconies within Block A.
- 8.16 The scheme will have public frontages on three of its four site edges with generous expanses of hard and soft landscaping on two of these sides, with the river walkway to the north and river link way route to the east (both contained within the site boundaries). This is capable of forming part of the new park anticipated to come forward when the neighbouring gas works site is redeveloped. This arrangement brings wider public benefits as well as offering the future occupants a good degree of natural surveillance whilst simultaneously not compromising

ground level site security, with access to the private communal central courtyard limited to only two points of gated entry (with electronic keypad control confined to residents).

- 8.17 Due the difference in ground levels at the Leven Road boundary of the site and riverside edge of the site, the layout of the scheme enables a undercroft car par to be integrated within the scheme with a large podium of green amenity space, and child playspace serving the residents (both affordable and private occupiers) of the scheme. The scheme contains nine single aspect north facing units (within private sale), however these residential units benefit from open views over the River Lea or look east in anticipation of being rewarded at a future date with views of the new park set for this site.
- 8.18 The smaller Block B (containing the bulk of the affordable housing units) would benefit from all these residential units enjoying a south facing frontage onto Leven Road and the majority of these units being either dual or triple aspect. With private front doors to the ground floor residential units facing Leven Road and a small series of defensible space set before these street the scheme will echo the building pattern found on the existing terrace housing opposite. Taking this building pattern and provision of a legible communal lobby entrance opening directly onto Leven Road the scheme will provide a welcomed degree of activity and animation to the street.
- 8.19 A ground floor commercial unit is located next to the river at the north east apex of the site. This flexible floor space unit will help bring life to the scheme at ground level towards the river edge with its expansive dual aspect glazed frontage and outside seating terrace.

Materials

- 8.20 The scheme would use brick, distinct galvanised steel on the balconies and weathered (rusty) steel (known as corten steel).
- 8.21 The general palette of material used is considered robust. The choice of brick making an architectural reference to the brick used on long established residential buildings in the area and the choice of galvanised steel balconies and corten steel (the latter surrounding the entrances to the two residential block) as making visual associations with the historic industrial buildings located in the area. The choice of a mixed grey/brown stock brick peppered with more eye catching red/orange bricks is intended to give the building a distinct signature appearance, with the feature red/orange bricks reminiscent of the rusty colour tones associated with historic riverside warehouses.

Height, scale and massing

- 8.22 The massing seeks to respond to the site context with Block B fronting Leven Road proposed at six storeys (which includes the top storey set back)_ in height which responds to the two and three storey residential houses lying opposite and is the same height as approved on the neighbouring Devon's Wharf site. Block A has its highest point with nine storeys in the north east of the site, towards the river at the apex of the two long wings to Block A. The design of Block A (located at the

back of a very pronounced bend in the River Lea) seeks to act as a marker for the site and help define it in relation to the river walkway and the gas holder site located next to it. Block A would remain 2 storeys lower than the consented Devon's Wharf scheme also located by the river on the neighbouring site to the east. Figure 1 below shows how the proposed blocks generally step up in height towards the river.

1.2 Proposed Leven Road View, South East corner



Figure 2 - *View of the proposed development from junction of Leven Road and Abbott Road. (The landscape layout in foreground on gas works site is for illustrative purposes only). Block B is shown towards the left side of the image, fronting Leven Road with the neighbouring Devon Wharf development beyond that and the entrance lobby to the taller Block A in the centre of the image, located to the right of the cantilevered pillar.*

Riverside walkway

- 8.23 The new river walkway is an integral part of the design scheme and contained within the development site red line. The walkway as well as providing a requisite minimum 8 metre separation distance between the new block and the banks of the River Lea, as required by the Environment Agency, will also positively contribute to the public realm helping to open up the banks of River Lea to the public and contribute towards the wider ambitions for a public walkway along the river as part of the River Lea Park and LBTH wide Green Grid project.
- 8.24 The hard and soft landscaping to the river walkway will echo the detailed design approach agreed for the river walkway consented for the Devon Wharf residential led scheme, including a common use of granite paving setts and soft landscaping planting to enhance wildlife and biodiversity along the river banks. The walkway shall remain within the ownership of the developer but with 24/7 uninhibited free passageway for pedestrian and cyclists to use it and this public access will be secured by s106 legal agreement, repeating the legal agreement secured on the river side walkway for the neighbouring Devon Wharf consent.

Detailed Design Revisions

- 8.25 This redevelopment proposal was subject to pre-application discussions which elicited significant improvement to the initial design including:
- A reduction in the overall storey height and more sympathetic massing arrangement to the site and its neighbours.
 - Previously the car parking was at grade between the two residential blocks which was highly visible from Leven Road.
 - Moving the car parking into the lower ground level has enabled the introduction of the attractive and relatively generously sized podium level communal garden/play space.
 - This podium level courtyard also benefits the scheme by helping to unify the two residential blocks together and offers direct level footway access from all the residential units to the river walkway.
- 8.26 Since the planning application was submitted in December 2013 further design changes to the scheme have been negotiated that help address a series of design concerns that LBTH officers had with the scheme and also design concerns articulated in the Mayor of London's Stage 1 response. Other revisions respond to crime prevention concerns raised by the Metropolitan Police crime prevention design advisor.

Proposed River View, North East Corner



Figure 3 *View of the proposed development from neighbouring gas works site (by the riverside) showing the riverside ground floor flexible floor space located at the apex of the 9 storey Block A. The under construction Devon's Wharf scheme (which is 11 storeys) is also shown abutting the proposed development towards the right edge of this image)*

8.27 In respect of the external appearance of the scheme changes since submission have included:-

- Replacement of the anodized aluminium finish panels on the top 2 floors of the 8th and 9th storey element of Block A and substituted with brick.
- Alterations to the two upper storeys to Block A, with the floor plates pulled away from the principal elevation serving the lower storeys, to reduce the visual impact of the upper floors from the ground level and to aid Block A 'read' as two distinct and clear massing elements.
- The range of external materials on the scheme has been generally simplified to make for a less fussy appearance to the scheme (notably on the River Lea and gas works (future park) frontage). Other changes to materials include the introduction of a frosted glazing treatment to the exterior of the lift overhangs to 'sharpen' the appearance of the building and to give assurance in respect of weathering well and general durability.
- Significant changes have been made to the entry and walkway to the main lobby to Block A from Leven Road to improve the legibility and sightlines to the entrance/walkway from the street. Involving a chamfering to Block B and thereby a concealment point, removing a section of retaining wall, reducing the number of cantilevered pillars and introducing a series of feature red corten steel finials surrounding the entrance.
- The feature corten steel details are repeated on the entrance to the smaller Block B to improve legibility of this entrance to and to help provide a visual unity across the scheme.
- Redesign of external appearance of commercial unit (including introduction of corten steel) to give a more solid appearance to the base of the block and to better "announce" the commercial units presence from afar.

Secured by Design

8.28 The applicant has agreed that all the entrances including to the podium courtyard from the river walkway and the entrance car park will have access control systems, with video and audio links. All windows will have internal locks with laminated/toughened double glazed units.

8.29 The applicant has engaged with the Metropolitan Police who have accepted the applicant's response on all issues except two outstanding concerns, namely:

- (i) the refuse stores being a weak link in the site security (with the threat of door left ajar and ensuing tailgating into residential cores) and,
- (ii) the open area beneath the cantilevered edge Block B, that would serve as part of the pedestrian route to the entrance to Block A

and could attract young persons to loiter and undertake anti-social behaviour.

- 8.30 In respect to the latter following the revision made to this entrance area (as detailed in the previous sub-section of this report) it is considered this under-croft space will achieve reasonable levels of natural surveillance and not be unduly vulnerable in terms of attracting anti-social behaviour due to: (a) much improved pedestrian sightlines from Leven Road to the main entrance; (b) improved environmental quality with imaginative architectural detailing; (c) good external lighting; and (d) use of robust & high quality facing materials.
- 8.31 With regard to the external door to the temporary refuse stores permitting unauthorised entrance into the car park through the 2nd internal door serving the store. Officers are now satisfied this threat is minimised with key access to this specific refuse store limited to employees of the management company. Any other potential security weaknesses can be adequately dealt with through the scheme achieving Secure by Design accreditation (which the applicant is agreeable to) that would provide further opportunities to finalise/review the controlled access arrangements and internal CCTV coverage of the basement and residential cores. An external lighting strategy can be secured by planning condition.
- 8.32 With the details provided to date and with the benefit of further details that will follow with the submission and compliance with a Secure by Design accreditation condition, it is considered the scheme can ensure the safety and security of the proposed development and comply with the requirements of Policy DM 23 of the MDD.

Design Overview

- 8.33 Policy DM24 (Place-sensitive design) of the DMM sets out that *“Development will be required to be designed to the highest quality standards, incorporating principles of good design, including ensuring design is sensitive to and enhances the local character and setting of the development, taking into account the surrounding:*
- i. scale, height, mass, bulk and form of development;*
 - ii. building plot sizes, plot coverage and street patterns;*
 - ii. building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements;*
 - iv. design details and elements; and*
 - v. natural environment.*

Ensure the use of high quality building materials and finishes.”

- 8.34 Paragraph 1 of Policy DM23 (Streets and the public realm) of the MMD sets out that new *“development should be well-connected with the surrounding area and should be easily accessible for all people by:*
- a. improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities;*
 - b. ensuring design of the public realm is integral to development proposals and takes into consideration the design of the surrounding public realm;*

- c. *ensuring development and the public realm are designed at a human scale;*
- d. *providing clear definitions and an appropriate degree of enclosure of the public realm;*
- e. *incorporating the principles of inclusive design; and*
- f. *ensuring development and the public realm are comfortable and useable.*²

8.35 Paragraph 3 of DM23 requires new “*development to improve safety and security without compromising good design and inclusive environments by:*

- a. *locating entrances in visible, safe and accessible locations;*
- b. *creating opportunities for natural surveillance;*
- c. *avoiding the creation of concealment points;*
- d. *making clear distinctions between public, semi-public and private spaces; and*
- e. *creating clear sightlines and improving legibility of the surrounding area.”*

8.36 In conclusion and with regard to Policy DM23 and DM24 of DMM officers consider the scheme to be of good quality in general architectural and urban design terms.

8.37 Adjustments made to the scheme since the application submission are considered successful in respect to the massing and to the treatment of the elevations to simplify its appearance, to give it a greater uniformity and simplicity of form, and to provide a stronger degree of visual distinction between Block A (where it reads as 6 storeys from the river and where it reads as 8 storeys, the actual lowest storey (the lower ground floor) is effectively hidden in view from the river).

8.38 The height and massing arrangement, the relationship to Leven Road, to the two new public walkways all exhibit a good degree of sensitivity to the site context and neighbouring development, both long established and newly emerging. The newly created open spaces and the juncture these will have with the more private aspects of the scheme are carefully considered. The scheme will bring tangible public realm and open space benefits and will physically help define and contribute to the positive placing making objectives set out for the Leven Road Site Allocation.

8.39 The choice of materials and rhythm in the elevations, most particularly on the Leven Road frontage, is reminiscent to what is sometimes described as an emerging ‘new London vernacular’ and is considered a sympathetic addition to the terrace of houses lying opposite. The palate of materials is well considered and attractive and considered will stand the test of time. The feature red bricks, balcony design detail and corten steel finials are considered attractive features that will give the scheme some welcome individual character. More generally the scheme is considered to respond well to its site context with the largest massing located on the river and the lower height profile to street.

8.40 The residential layouts all meet London Plan Housing SPG minimum baseline standards with the majority of units benefiting from dual or

triple aspects. Each unit will have its own private balcony or roof terrace, as well as level access to the public river walkway, the private communal courtyard garden and a set of three communal roof terraces. This is considered in more detail later in the report.

- 8.41 The public realm will be attractively landscaped with high quality material and external lighting to create an attractive environment and conducive to enhancing greater biodiversity and safeguarding wildlife habitats to the neighbouring nature conservation area.
- 8.42 A clear physical distinction is made between the external spaces designed for the benefit of individual residents, compared to those communal spaces available to all residents of the development and the public open spaces on the fringes of the site that will be for the benefit of all. The boundary enclosures demarcating these three differing sets of spaces are well defined, robust and appear attractively detailed.
- 8.43 The scheme will open up of the river edge to the public and as such will make a significant positive contribution to the area. The general layout of the scheme including the public open spaces, the children's play spaces and the communal gardens all accord with the principles of inclusive design. Level access from all the residential cores units to these spaces will be achieved and to the river walk and the public will benefit from a maximum 1:20 gradient pedestrian path (i.e. it is wheelchair accessible) from Leven Road to the river walkway.
- 8.44 As such, the scheme accords with Chapter 7 of the London Plan (2011), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MDD which seek to ensure buildings and places are of a high quality of design and suitably located.

Housing

- 8.45 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.46 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes from 2010 to 2025 in-line with the housing targets set out the London Plan. The FALP sets a more ambitious target for the Borough of approximately 4,000 new homes per year.
- 8.47 The application provides additional housing pursuant of Policy 3.3 London Plan, Local Plan SP02 and Further Alterations to the London Plan (FALP). The 126 residential units will all be flats, in the following mix 96 market units (private sale), 12 social rented, 6 affordable rented and 12 intermediate housing (shared ownership). 27 of the 30 affordable units would be located in Block B. In external appearance the two residential blocks are tenure blind in respect of the finish materials and treatment of the elevations and all the units in Block B would have a south facing aspect. The main communal amenity and

play space would be readily accessible for residents of both residential blocks.

Density

- 8.48 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate locality.
- 8.49 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in London Plan policy 3.4 which requires development to maximise the potential of site and policy 3.5 which details design principles for a compact city. Policy SO8 and SP02 of the Core Strategy also seek to maximise residential densities.
- 8.50 The site has a PTAL rating of 1 and the proposed residential density is approximately 877 habitable room per hectare which exceeds the London Plan's recommended density matrix, in simple numerical, of 200-450 habitable room per hectare terms for a scheme with a PTAL rating of 1. However the intent of London Plan and Local Plan policies is to maximise the highest possible intensity of use compatible with the local context, good design and high amenity for future occupant and safeguarding the amenity of neighbours. The consented scheme at Devons Wharf is of comparable density with 788 habitable rooms per hectare. Moreover the proposed development demonstrates no typical signs of over-development such as poor access to daylight/sunlight, sub-standard dwelling units (measures against London Plan and Mayor's Housing SPG), undue sense of enclosure, loss of outlook, increase traffic generation, loss of visual amenity to the locality, poor housing mix. Given the scheme is not exhibiting adverse amenity impacts to neighbours and providing a decent standard of accommodation to future occupants (as detailed elsewhere in this report) the scheme is considered consistent in density terms with London Plan policies 3.4 and 3.5 and with Local Plan policy SPO2.

Affordable Housing

- 8.51 The scheme will deliver 30% of the housing provision (by habitable rooms) as affordable housing and the remaining 70% as private units.
- 8.52 Policies 3.10, 3.11 and 3.12 of the London Plan define affordable housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to a viability assessment of the proposed development.
- 8.53 Policy SPO2 of Core Strategy seek to maximise all opportunities for affordable housing on each site with a minimum 35% on-site affordable housing provision being sought, subject to viability.
- 8.54 The applicant has increased the affordable housing offer from 28% to 30% following a review of their Viability Assessment.

8.55 The Council appointed an independent assessor to review this viability appraisal. The independent assessment advised the scheme could support a higher level of affordable housing provision which led to the application increasing their offer. Following detailed negotiations regarding the quantum of units and tenure (e.g., social rented vs affordable rented) it was established the scheme could provide 30% affordable housing by habitable room and total financial contribution of £245,000 necessary to mitigate the impacts of the proposed development (the detail of the latter is discussed elsewhere in this report). In summary the maximum amount of affordable housing and planning contributions the scheme can afford has been secured. On balance, the provision of 30% affordable housing by habitable room is considered acceptable and accords with policy. This conclusion is informed by the final tenure and mix of affordable housing units provided which is addressed in detail below. It should be noted that the scheme delivers much needed affordable family housing units at social rent levels with 5 x 4 bedroom units and 6 x 4 bedroom units. Those rented units not provided at social rent shall be provided at the POD rent levels set for this part of the Borough.

Housing Mix

8.56 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type:

Unit size	Total units in scheme	affordable housing						market housing		
		social and Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0		0%	0%		0%	0%	0	0%	0%
1 bedroom	42	3	17%	30%	5	42%	25.0%	34	35%	50.0%
2 bedroom	56	4	22%	25%	7	58%	50.0%	45	47%	30.0%
3 bedroom	22	5	28%	30%	0	0%	25%	17	18%	20%
4 bedroom	6	6	33%	15%	0	0%		0%		
5 bedroom	0	0	0%	0%		0%		0%		
6 bedroom	0		0%			0%		0%		
TOTAL	126	18	100%	100%	12	100%	100%	96	100%	100%

Table 1: Proposed housing mix compared to current policy requirements

8.57 Strategic policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.

8.58 Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).

- 8.59 Within the market sector the scheme over provides 2 bedroom units (47% as opposed to the Core policy target 30%) and under provides against the Council target 1 bedroom units (35% as opposed to 50% target). For larger family sized units the market provision is broadly in line with Council's target, providing 18% as 3 bedroom units against the 20% target for larger family sized units as set out in LBTH policy.
- 8.60 Within the intermediate (shared ownership) the scheme fails to provide any 3 or 4 bedroom units where policy seeks 25% provision and also underprovides in 1 bedroom units with over-provision (58%) in 2 bedroom units.
- 8.61 Within the rented tenure the scheme provides a generous 61% family sized (3 or 4 bedroom) units, all for social rent, which is well above the 45% target. As reflected in the comments from the Affordable Housing team rented family units are the affordable provision for which there is the greatest need.
- 8.62 It is of note that four social rented units are wheelchair accessible units with one in number three bedroom unit and two in number four bedroom units. These larger family sized wheelchair accessible units will respond appropriately to the high demand in the Borough for larger family sized wheelchair accessible units. The applicant has agreed to bear the cost of full adaption to meet the identified need of the end occupier of the four () wheelchair units proposed in social rented tenure when the register social provider is chosen.
- 8.63 In the context of the overall financial viability, the share of affordable and intermediate housing, the mix of rented tenures and the emphasis on a large proportion of the rented units to be larger family sized units, all delivered at social rent the mix of unit sizes is considered acceptable mix and consistent with Policy 3.8 of the London Plan (2011), Policy SP02 and Policy DM3 (part 7) of the Local Plan which seeks to ensure developments provide an appropriate housing mix to meet the needs of the Borough

Housing Layout and Private Amenity Space:

- 8.64 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, the Mayor's Housing SPD and Policy DM4 in the Local Plan requires new development to make adequate provision of internal residential space.
- 8.65 Policy DM4 also sets out standards for new housing developments with relation to private amenity space. These standards are in line with the Mayor of London's Housing Design Guide SPD, recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and extra 1 sq. m is provided for each additional occupant.
- 8.66 The proposed development is designed to the Mayor of London's design guidance standards and therefore is acceptable in terms of internal space standards. Each residential unit within the proposed development is provided with its individual outdoor amenity space

(either a balcony or roof top terrace). In total the scheme provide 621sq.m of private amenity space, against the aggregate minimum 518sq.m required by London Plan and local plan policy.

- 8.67 All the units will have a minimal internal floor to ceiling height of 2.5m in compliance with the London Plan space standards.
- 8.68 Block B contains 27 affordable dwellings with 14 out 18 of the social/affordable rented tenure units either double or triple aspect. 4 out of 9 of the intermediate units in Block B are single aspect but all of these single aspect units will be south facing.
- 8.69 Whilst 36% of the market units for sale will be single aspect units, *only* 9 out of these 96 units (this equates to less than 10% of the units) will be north facing units. These single aspect north facing units will benefit from relatively wide external frontages, generous levels of glazing and open and uninhibited views across the River Lea - these combined set of attributes will secure more than adequate daylight amenity levels.

Communal Amenity Space and child play space

- 8.70 Policy 3.6 of the London Plan and policy SP02 of the Core Strategy and policy DM4 of the MDD requires the provision of new appropriate play space within new residential development. For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided.
- 8.71 With the provision of three communal roof terraces and a secure courtyard communal garden set between the two residential blocks the scheme provides 553sq.m of communal outdoor amenity space (excluding from this calculation the area of the podium dedicated for children's play space) exceeds the 166sq.m required by policy
- 8.72 Using the Borough's Planning Obligations SPD (2012) and the child yield data sets contained within it (derived from LBTH's *Planning for Population Change and Growth Assessment 2009*) the overall development is anticipated to accommodate 40 children up to 15 years of age. In accordance with Policy DM4 of MDD, LBTH Planning Obligations SPD and Mayor of London's *Shaping Neighbourhoods: Play and Informal Recreation SPD* the development should provide a minimum 10sq.m per child and therefore a minimum of 400sq.m of defined play space for all ages (ages 0-15). The scheme provides 421sq.m of the dedicated child play space in the podium courtyard, although this is likely to predominately cater for younger children but the details of this will be subject to an approval of details application secured by condition on any planning permission
- 8.73 With regard to the provision of appropriate and accessible facilities for older children the London Plan considers existing park and play facilities within 800m to be appropriate for children over 12 in age and 400m for children aged between 5 and 11. The scheme is located within 250m of three play spaces the Aberfeldy Millennium Green, Brithwaite Park and Leven Road Open Space. The latter *Leven Road Open Space* is the nearest of these three play spaces and contains an

all-weather pitch. As such the scheme complies with London Plan and Local Plan policies.

Wheelchair Housing and Lifetime Homes

- 8.74 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 8.75 The scheme proposes to provide 10 residential units within the market sector that are easily adaptable for wheelchair use (3 x 2 bed units and 7 x 1 bed units) and four easily adaptable for wheelchair use within the rented affordable housing block (1 x 2bed, 1 x 3 bed and 2 x4 bed). This level of provision exceeds the 10% standard. All these units would have level access from building cores (with lift) to the communal amenity space located between the blocks, to the car park and to the river side walkway. 13 disabled car parking spaces would be provided.
- 8.76 All the units will be constructed in line with Lifetimes Homes Standards. A condition will be included to ensure that these standards are indeed secured.
- 8.77 In overall terms, the units comply with Lifetimes Homes Standards and the requisite proportion of units are readily adaptable for wheelchair housing provision. Accordingly the scheme is considered in accordance with the requirement of London Plan policy 3.8 and policy SPO2 of the Core Strategy

Amenity considerations

- 8.78 Part 4 (a) and (b) of policy SP10 of the Core Strategy and policy DM25 of the MDD seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or have a material deterioration of daylight and sunlight conditions.

Overlooking/Privacy

- 8.79 Currently the nearest residential properties to the site are Nos. 128 to No 144 (even numbers only) Leven Road. These are residential properties of two and three storeys height and are situated to the south of the site and would look across Leven Road to Block B, situated on the opposite side of road. The minimum distance between the front elevations of these houses and Block B would be approximately 17.5m, which is considered to be acceptable as the public highway runs between them.
- 8.80 No residential properties lie to the east or north of the development. The Devon Wharf consented scheme that is currently in the early stages of being built out would be located to the west of the site. The nearest sections of the two developments would be approximately 4m apart. The Devon Wharf involves a building block that runs the depth of that site (from Leven Road to the newly created river walkway) and

built very close to the western site. A series of habitable room windows face out from the eastern elevation of this consented scheme. However to avoid neutralising the Glaucus Works site these habitable room windows have angled oriel windows. Between the two residential schemes no habitable room windows would face each other within a 20m distance at an angle of 45 degree or less. As such there are not considered to be any significant overlooking issues.

Daylight/Sunlight

- 8.81 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.82 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment. Average daylight factor (ADF) is also calculated and the latter is often considered to be a more useful method since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the room's use.
- 8.83 Policy SP10 and policy DM25 of the MDD seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential development.
- 8.84 A daylight/sunlight study was submitted as part of the application and this report included a detailed assessment of the impact of the scheme upon future occupied units within the Devons Wharf consented scheme and also the impact of this consented neighbouring scheme upon future units within this current scheme.

Impact to neighbours

- 8.85 With respect to existing residential premises the report shows the impact is limited to three blocks at 116 to 146 Leven Road (even numbers *only*). The report shows the VSC is fully compliant with BRE recommendations with the exception of two habitable rooms and these are very marginal shortfalls, of under 0.5% (below the 20% value). When the absolute VSC values are applied these two windows achieve a VSC value in excess of 20% value. When the cumulative impact of the Devon Wharf scheme is also taken into account four living rooms will be adversely affected in 130, 132, 134 and 136 Leven Road, but the adverse affect is not considered significant falling only very marginally below the ADF standard set out by BRE.
- 8.86 All the habitable rooms will continue to achieve ADF values in excess of the BRE recommendations when the impact of the scheme is taken in isolation, when the cumulative impact is considered with the Devon Wharf scheme two living rooms will fall marginally below the ADF

standard. The report concludes the negative impact upon existing dwellings is very limited. This view is shared by the Council and is considered does not provide a sustainable reason for refusal.

- 8.87 With respect to the Devon Wharf scheme the results show that with the exception of two rooms all the proposed habitable rooms will achieved the target BRE standard for daylight. One of these failing rooms serves a studio flat that even with the current open yard arrangement at Glaucus works fails. The other failing window, the margin of failure is 0.01% and therefore not significant.
- 8.88 With regard to sunlight the south facing angled oriel windows on the eastern elevation all the rooms will meet the BRE standard except two bedrooms. As the BRE sunlight standard is usually only applied to living rooms this is not considered a significant concern.

Daylight/Sunlight level for the new residential accommodation

- 8.89 With the exception of one room, all the windows in the new development will meet the BRE design standard. Given this room benefits from a balcony that impacts upon the daylight it is not considered this room warrants significant concern.
- 8.90 In terms of sunlight and the BRE standard all the windows that face within 90 degree of due south will comfortably satisfy the BRE annual and winter sunlight standards demonstrating the scheme will achieve very good level of sunlight amenity.
- 8.91 The design of the scheme, in terms of the general massing in regard to neighbours and the internal residential layout shows, that the architects have applied a good degree of thought to minimising daylight/sunlight impacts to neighbours and to achieving high standards of daylight/sunlight to future occupants of the scheme. Informed by results of the daylight/sunlight report the scheme is considered to comply with the daylight/sunlight issues as set out in policy SP10 and policy DM25 of the Council's Local Plan.

Sense of Enclosure, Outlook and Privacy

- 8.92 Policy SP10 of the Core Strategy seeks to protect residential amenity and policy DM25 of the MDD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.
- 8.93 In accordance with policy DM25 of the MDD, a reasonably acceptable separation distance between directly facing habitable rooms windows to ensure privacy is maintained at 18 metres. With respect to the dwellings located opposite the site at Nos. 128 to No 144 Leven Road a 17.5m minimum distance would be provided (albeit there be external balconies provided in closer proximity) and this separation distance is considered acceptable in terms of privacy and safeguarding adequate outlook, given the relationship of these properties is across a public street which curtails the existing degree of privacy gained by these homes from their street facing windows. In terms of sense enclosure the new development is not considered unduly imposing to these

properties with Block B of 6 storeys and the top floor set back from the principal elevation to reduce its imposition from the street.

Noise

- 8.94 A noise assessment report accompanied the application. The report concluded the site is subjected to moderately high levels of noise arising from traffic on the local road network, from aircraft and from neighbouring commercial activities. The acoustic report provides a glazing specification to the new residential units to curb external noise transfer and in respect of construction detailing for noise transfer from the commercial unit and the residential unit above. The Council's Noise Team have reviewed the report and accept its conclusions, subject to appropriate conditions.
- 8.95 The proposed commercial unit will be located some distance from Leven Road and thereby minimising noise impact to neighbouring properties. The applicant is agreeable to a set of planning conditions in respect of control of hours of operation for future occupants of the commercial unit, imposition of acoustic noise level controls over installation of any mechanical extract or ventilation equipment and the waste and servicing management plans for the scheme would also pertain to the commercial unit, to control potential disturbance arising from vehicular movements associated with the commercial unit
- 8.96 To conclude, Policy DM25 (Amenity) of the MDD requires development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The scheme is considered to comply with Policy DM25. The proposed development would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, outlook, sense of enclosure, sunlight and daylight, and noise upon the surrounding residents or upon future occupants of the development or the consented Devons Wharf scheme.

Highways and Transportation

- 8.97 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 of the London Plan also requires transport demand generated by new development to be within the relative capacity of the existing highway network
- 8.98 Core Strategy policies SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.99 The scheme provides 25 car parking spaces located beneath the podium level courtyard that links the two blocks. 13 of these spaces are allocated for disabled users. Access to the car park will be from Leven Road via security shutters (set 6 metres distance from the back of the pavement) and with a vehicular gradient into the beneath ground

car park of no greater than 1:50. Three secure cycle stores are proposed in the lower ground floor alongside the car parking and the refuse storage area and plant rooms.

- 8.101 The site is approximately 17 minutes' walk away from Canning Town DLR/ Jubilee Line underground station, and a comparable walking time away from the DLR stations of Landon Park, All Saints and East India. Three stopping bus routes serve the A12 and A13. The A12 and A13, both dual carriageway arterial roads, serve as severe community severance barriers to this part of Poplar Riverside, detracting from the enjoyment and impeding the ease of walking to public transport nodes. A PERS audit accompanies the application, following the GLA Stage 1 response and the audit concludes the general pedestrian environment is good quality. There are no significant defects in the walking routes but they would all benefit from pedestrian signing of specific destinations.
- 8.102 The scheme will promote sustainable transport through the cycling and walking provision the scheme will through provide with the Riverside Walkway, through its integration into the Borough's Green Grid with the link walkway to Leven Road and to the River Lea FAT Walk that will subsequently bridge the River Lea, within the adjacent gas works site.

Car Parking Provision

- 8.103 As detailed earlier in this report, the site has a very poor public transport accessibility level (PTAL) of 1 (1 being poor and 6 being excellent) and in light of this and the Transport Assessment submitted the level of car parking provision is considered acceptable. This view is shared by the Council's Transportation officer and in the GLA's stage 1 response, subject to conditions and imposition of a Travel Plan and on-street permit free development by means of s106 legal agreement

Cycle Parking Provision

- 8.104 The scheme will provide a dedicated cycle store for Block A and in total 158 secure cycle stores will be provided that is consistent with London Plan standards. Separate secure cycle storage for the commercial unit will be provided contained within the commercial unit itself. The level of cycle provision is consistent with London Plan standards.

Servicing and Deliveries

- 8.105 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in Core Strategy policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes
- 8.106 The opportunity for on-site servicing of the flexible floor space unit is curtailed by general design approach taken to the scheme. In view of the modest size of the unit, its location on the site and the lightly trafficked nature of Leven Road it is considered by the LBTH Highways officer that on-street servicing arrangement, including refuse collection is acceptable, albeit not ideal. This arrangement complies with London Plan Policy 6.13 subject to an end-user service management plan and

waste management plan being agreed upon and secured by planning condition.

Impact on local highway network

- 8.107 The Transport Assessment submitted with the application concluded the number of vehicular movements arising from this development will have negligible impact on the local highway network. This conclusion is shared by the Council.

Energy, Sustainability and Environmental Considerations including flood risk)

- 8.108 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency

The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green)

- 8.109 The London Plan 2011 also includes the target to achieve a minimum 40% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 8.110 The information provided in the submitted energy strategy is broadly in accordance with the adopted Local Plan policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures.

- 8.111 The Energy Statement (July 2012), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The total anticipated CO2 savings from the development are 40% through a combination of energy efficiency measures, a CHP power system, passive design energy saving measures and thermal performance standard of the construction.

- 8.112 The proposed energy strategy therefore falls short of Policy DM29 which seeks a 50% reduction in CO2 emissions. Therefore a planning obligation will be required to address this deficit with a financial contribution for carbon off setting to make up this shortfall and ensure the scheme is policy compliant in respect to DM29 of MDD. The Site

Allocation seeks a district heating system to be brought forward for the wider site. The scheme's energy strategy has been mindful of that objective and shall be designed to provide the potential for connection to any future district heating network, however in the meantime an energy efficient CHP power system will be installed.

- 8.113 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and all non-residential development to achieve a BREEAM Excellent rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets emerging Managing Development DPD.
- 8.114 The submitted Sustainability Statement (including Code Pre-assessment and BREEAM pre-assessment) details how the residential development will achieve a Code for Sustainable Homes Level 4 and site wide BREEAM 'Excellent'. It is recommended that the achievement of a Code Level 4 and BREEAM Excellent ratings are secured through an appropriately worded Condition and Code for Sustainable Homes Final Certificates submitted to the Council within 3 months of occupation

Biodiversity including impact on River Lea SINC

- 8.115 The new buildings will be set 8m back from the River Lea and Bow Creek that falls within the River Lea Site of National Conservation Area (SINC) of Metropolitan Importance.
- 8.116 London Plan Policy 7.19 (Biodiversity) sub-section (C) requires:
- “Development proposals wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity and subsection (E) “when considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest. The following hierarchy will apply:*
- 1 Avoid adverse impact to the biodiversity interest;*
 - 2 Minimize impact and seek mitigation;*
 - 3 Only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.”*
- 8.117 Policy SP04 of the Core Strategy and Policy DM11 of the MDD seeks 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 a net gain in biodiversity.
- 8.118 A habitat survey accompanied the planning application. Shadow diagrams have been produced showing that Bow Creek would only be overshadowed at midday in December. Given this brief occurrence of overshadowing no adverse impacts on the creek are anticipated in respect of wildlife. In line with the comments received from LBTH's Biodiversity Officer the potential adverse habitat

impacts of the scheme are limited to light pollution from external lighting serving the River Walkway. A planning condition will be imposed to provide a lighting strategy to address this issue.

- 8.119 Vegetation on site is very limited. A habitat survey was undertaken and the site was deemed of low ecological value, although just off site Bow Creek supports waterfowl. There is evidence of nesting birds but no evidence of nesting bats, or water body habitats to support amphibians. Through the provision of a landscaping scheme that includes the creation of a biodiversity planting areas, buffer planting, ornamental trees in planters set at ground level and green sedum and wildflower roofs at raised levels the proposed development provides an ecological enhancement to the local area.
- 8.121 The scheme is considered to have adequate regard for safeguarding and enhancing biodiversity on and surrounding the site and accordingly complies with London Plan Policy 7.1 and policies SPO4 and DM11 of LBTH Local Plan.

Flood Risk

- 8.122 London Plan Policy 5.12 requires *“Development proposals must comply with the flood risk assessment and management requirements set out in the NPPF over the lifetime of the development and have regard to measures proposed in Thames Estuary 2100 and Catchment Flood Management Plans.”*
- 8.123 Policy SP04 of the Local Plan states that the Council will reduce the risk and impact of flooding with new development through:
- a) Using the Sequential Test to assess and determine the suitability of land for development based on flood risk.
 - b) All new development that has to be located in a high risk flood zone must demonstrate that it is safe and passes the Exceptions Test
 - c) Ensuring that all new development across the Borough does not increase the risk and impact of flooding.
 - d) Ensuring the application of flood-resilient design of all new developments in areas of Flood Risk 2 and 3a.
 - f) All new developments must aim to increase the amount of permeable surfaces, including SUDS, to improve drainage and reduce surface water run-off.’
 - g) Seeking to maintain existing flood defences to the appropriate standards and, in the case of riverside development, improve the standard, lifetime and access to such defences.”
- 8.124 The development falls within Flood Risk Zone 3a of the Environment Agency (EA) map, whereby the annual probability of fluvial flooding is classified as greater than 1 in 100 and the annual probability of tidal flooding is classified as greater than 1 in 200. This is the highest risk of flooding in the Borough but protected by the Thames Barrier.
- 8.125 The application is supported by a flood risk assessment and describes various potential flood mitigation measures and contains a structural review of the River Lea flood wall, following a request from the Environment Agency. Site-specific tidal breach flood levels have

been provided for the subject site in the event of a breach of the defences along the River Lea (Bow Creek). 1 in 200 year breach event would affect only the very south eastern corner of the development site, comprising less than 5% of the total site area. The flood hazard for the area of the site affected is classified as 'low'. The mitigation measures include the location of less flood sensitive uses in the lower ground floor of Block A with residential uses located above that and all the residential units located at lower ground floor level of Block B designed as duplex flats with the bedrooms on the upper storey.

- 8.126 With the scheme's flood mitigation measures and following receipt of the comments from the Environment Agency lifting their initial objection to the scheme and in it is considered that the proposed development complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the Core Strategy.

Planning Obligations and CIL

- 8.127 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) and by the delivery objectives set out for the Leven Road Gas Works Site Allocation, in which the scheme falls, as set out the DMM.

- 8.128 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) Are fairly and reasonably related in scale and kind to the development

- 8.129 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

- 8.130 Securing appropriate planning contributions is further supported by policy SP13 in the Core Strategy which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

- 8.131 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- o Public Realm

- o Health
- o Sustainable Transport
- o Environmental Sustainability

8.132 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the proportion of affordable housing has been secured at 30% affordable housing (by habitable rooms) based on 78% of the affordable secured with a social rent tenure. The rented to intermediate split is 70.9% rented and 29.1% intermediate. The independent advice includes a revised appraisal using alternative benchmark values to those used by the applicant. The revised appraisal produces a lower residual land value than the applicants own appraisal therefore the independent advice concludes that: “the development cannot support any additional affordable housing or planning obligations”.

8.133 Within the s106 is contained an Additional Affordable Housing Contribution clause to capture for the Borough any uplift in sales values for the market units that was not estimated in the Viability Appraisal to provide a contribution towards Affordable Housing over and above that included in the Financial Contribution. The trigger to undertake the reappraisal is the sale of the last market sale residential unit or the Long Stop date. Long Stop date is 18 months after the Disposal of the first Residential Unit or 36 months after the commencement date

8.134 The financial contributions are focussed around Tower Hamlets corporate priorities, as set out in the Councils Local Plan and the adopted Planning Obligation SPD and as such recommend planning obligations are centred upon:

- Seeking to maximise the delivery of affordable housing on the site;
- Making a reasonable contributing to the Site Allocation interventions set out for Leven Road Gas Works in the Local Plan, specifically contributing to the open space and the delivery of a new public park within Site Allocation;
- Alongside that of delivery of affordable housing meeting the other three key Corporate priorities of Education, Community Facilities and the delivery of Employment, Skills Training and Enterprise opportunities for local residents and the other priority of health facilities.

8.135 Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development and Planning Obligations SPD (2012).

8.136 Factored into this was a maximum financial contribution secured through planning obligations (s106) of £245,000 and in addition to this the application would be liable for the Mayor of London’s CIL charge of approximately £361,935

8.137 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions and non-financial contributions as set out below

- a) A contribution of £8,684 towards enterprise & employment.
- b) A contribution of towards £31,298 leisure and community facilities.
- c) A contribution of £8,096 towards libraries facilities.
- d) A contribution of £93,214 to mitigate against the demand of the additional population on educational facilities.
- e) A contribution of £32,681 towards public open space.
- f) A contribution of £41,021 towards heath facilities
- g) A contribution of £25,100 to carbon off-set contribution
- h) A contribution of £4,900 S106 monitoring fee (2%)

Total: £245,000

Non-Financial Obligations

- a) 30% affordable housing, as a minimum, by habitable room with 70.9% as rent and 29.1% as intermediate
 - with 6 in number 4 bedroom units and 5 in number 3 bedroom units with social rents
 - 3 in number two bedroom units with affordable rents and 3 in number with 1 bedroom units
 - 29.1% intermediate housing with 5 in number 1 bedroom units and 7 two bedroom units
- b) Employment and Training Strategy
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- d) On Street Parking Permits removed for future occupants.
- e) Basement car parking spaces for new residents eligible of the Council's Permit Transfer Scheme
- f) Travel Plan
- h) Permanent Public access to the river walkway and the path located within the development site leading to the walkway from Leven Road.
- i) Development Viability Review Clause inserted to secure any uplift for an additional affordable housing contribution gained from any unanticipated rise in value of the market sales.

- j) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal including s S278 agreement for any works which affect / improve the public highway and for the alterations to the existing crossovers, including the removal / relocation of any redundant crossover(s) and reinstating back to footway
- k) That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- l) That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters

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

8.138 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

8.139 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;
- c) Any other material consideration.

8.140 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.

8.141 In this context “grants” might include:

- a) New Homes Bonus;
- a. These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- b. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

Community Infrastructure Levy

8.142 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £361,935 payment (figure subject to affordable housing relief) to the Mayor of London's Community Infrastructure Levy (CIL).

New Home Bonus

8.143 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.

8.144 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 £190, 532 in the first year and a total payment £1,143,190 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme

Human Rights Considerations

8.145 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:-

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

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"

8.147 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

8.148 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified

8.149 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.

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

8.151 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.

Equalities Act Considerations

8.152 The Equality Act 2010 provides protection from discrimination in respect of certain characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. 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:

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

8.153 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce

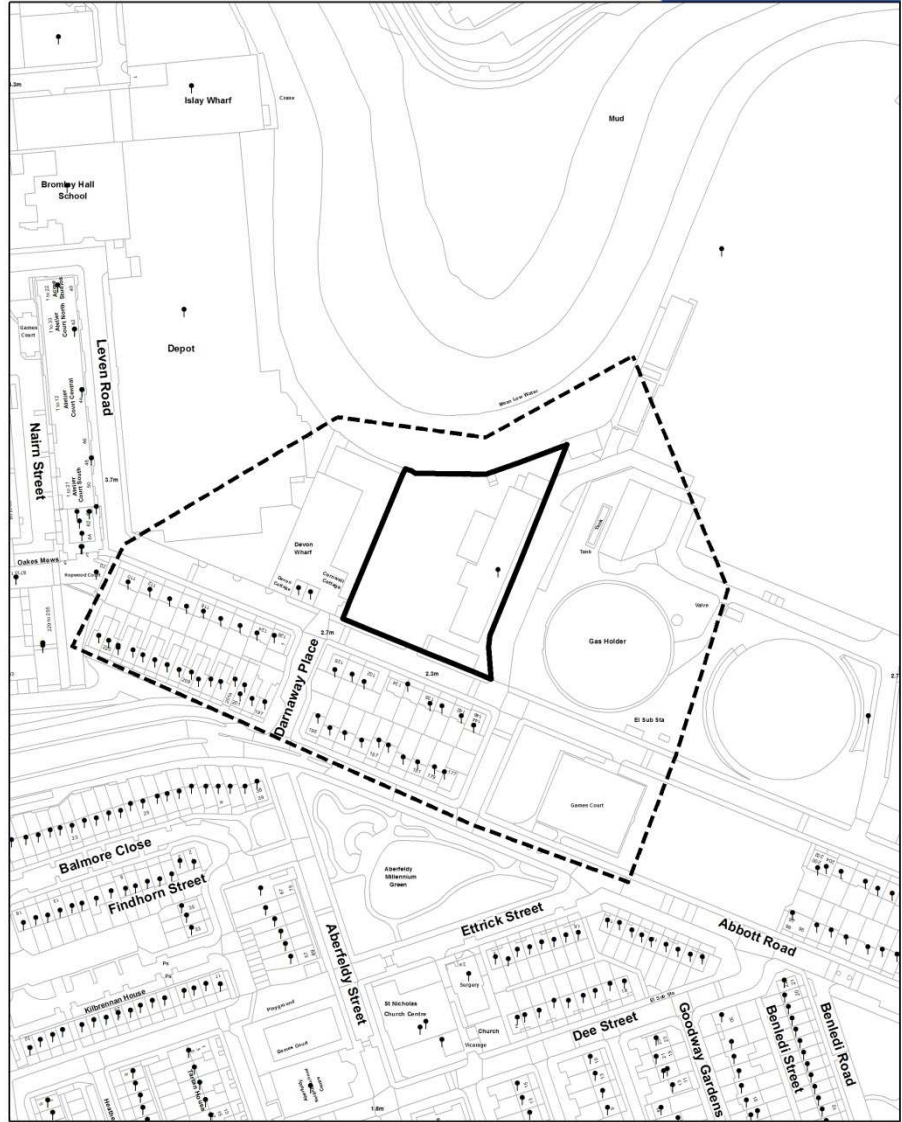
on the local communities, and in the longer term support community wellbeing and social cohesion

- 8.154 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities
- 8.155 The provision of affordable housing and other infrastructure including a publically accessible river walkway and link walkway from Leven Road, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion and wellbeing by ensuring that access to the bank of the River Lea will be opened up to provide opportunities for the wider community to enjoy the open space/ public realm opportunities associated with this development.

Conclusion

- 8.156 The proposed development is consistent with place making objectives Leven Road Gas Works site allocation. The scheme would contribute towards the development of the Lea River Walk Park and the Borough's Green Grid network, and would help deliver the objectives of the Core Strategy including the provision of much needed affordable housing in a high quality, well designed, mixed use development. The proposals comply with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.
- 8.157 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/13/03053



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings
- Land Parcel Address
- OSLine

0 20 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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1:2,000