

**Application for Planning Permission**[click here for case file](#)

<b>Reference</b>	PA/19/02717
<b>Site</b>	Marian Place Gasholder Site, Bethnal Green, London, E2 9AP
<b>Ward</b>	St. Peters
<b>Proposal</b>	<p>Demolition of existing buildings, decontamination/remediation of the site and retention (including dismantling, refurbishment and reinstatement) of the two existing gasholder frames to facilitate redevelopment for a mixed-use development comprising 5 buildings ranging between 6-13 storeys (up to 63m AOD) to contain 555 residential dwellings and 4,182sqm (GIA) non-residential floorspace in flexible A1-A4, B1 and D Use Classes (maximum provision of up to 180sqm A1/A2, up to 1,300sqm A3/A4, up to 2,485sqm of B1(a) and up to 635sqm of D1/D2 use class floorspace), together with access, car and cycle parking, associated landscaping and public realm, public open space and works to the existing canal wall, Pressure Reduction Station and existing gasholders.</p> <p>This application is accompanied by an Environmental Statement.</p>
<b>Summary Recommendation</b>	Grant Planning Permission subject to conditions
<b>Applicant</b>	St. William Homes LLP
<b>Architect/agent</b>	Rogers Stirk Harbour + Partners/Lichfields
<b>Case Officer</b>	Adam Garcia
<b>Key dates</b>	Application validated 24/02/2020 Public consultation finished on 12/04/2020 EIA Regulation 25 consultation ended 16/09/2020

**EXECUTIVE SUMMARY**

This proposed mixed-use residential led development would positively contribute to the broader regeneration of the area, as defined by the Marian Place Gas Works and The Oval Site Allocation. In addition to the scheme providing 555 new homes, the creation of a new fully publicly accessible open space, the retention and reuse of the two former gasholder guide frames that fall within the Regent's Canal Conservation Area, the scheme would also provide a range of other complimentary land uses which would deliver a vibrant and successful form of placemaking. The proposals represent a significant opportunity to enhance and return a redundant site back into use and would enhance and provide public access along the southern edge of the Regent's Canal.

In land use terms, given the site's location within the Marian Place Gas Works and The Oval Site Allocation and the Cambridge Heath Local Employment Location (LEL), a residential-led mixed use scheme with a significant quantum of employment floorspace is considered appropriate for this location.

The scheme provides for 35% affordable housing by habitable room based upon a 70:30 split between social rent units and intermediate housing. The residential accommodation is of a high standard, providing for generous floor to ceiling heights, internal spaces and communal amenity.

The height, massing and design appropriately respond to the local context. The buildings would deliver a unique and high-quality design which respond to the immediate site context make a positive contribution to the area. The retention of the former gasholder guide frames would secure their long-term future. The architecture is of exceptional quality and has been developed significantly through pre-application engagement, design review and submission stage revisions.

In terms of daylight and sunlight, the proposal does not result in any unacceptably significant material reductions to sunlight and daylight levels in reference of the BRE guidance to existing or consented neighbouring properties. Although the proposal does not fully accord with BRE guidance for the proposed dwellings, the unique constraints and opportunities posed by this site are considered to constitute exceptional circumstances that justify this departure.

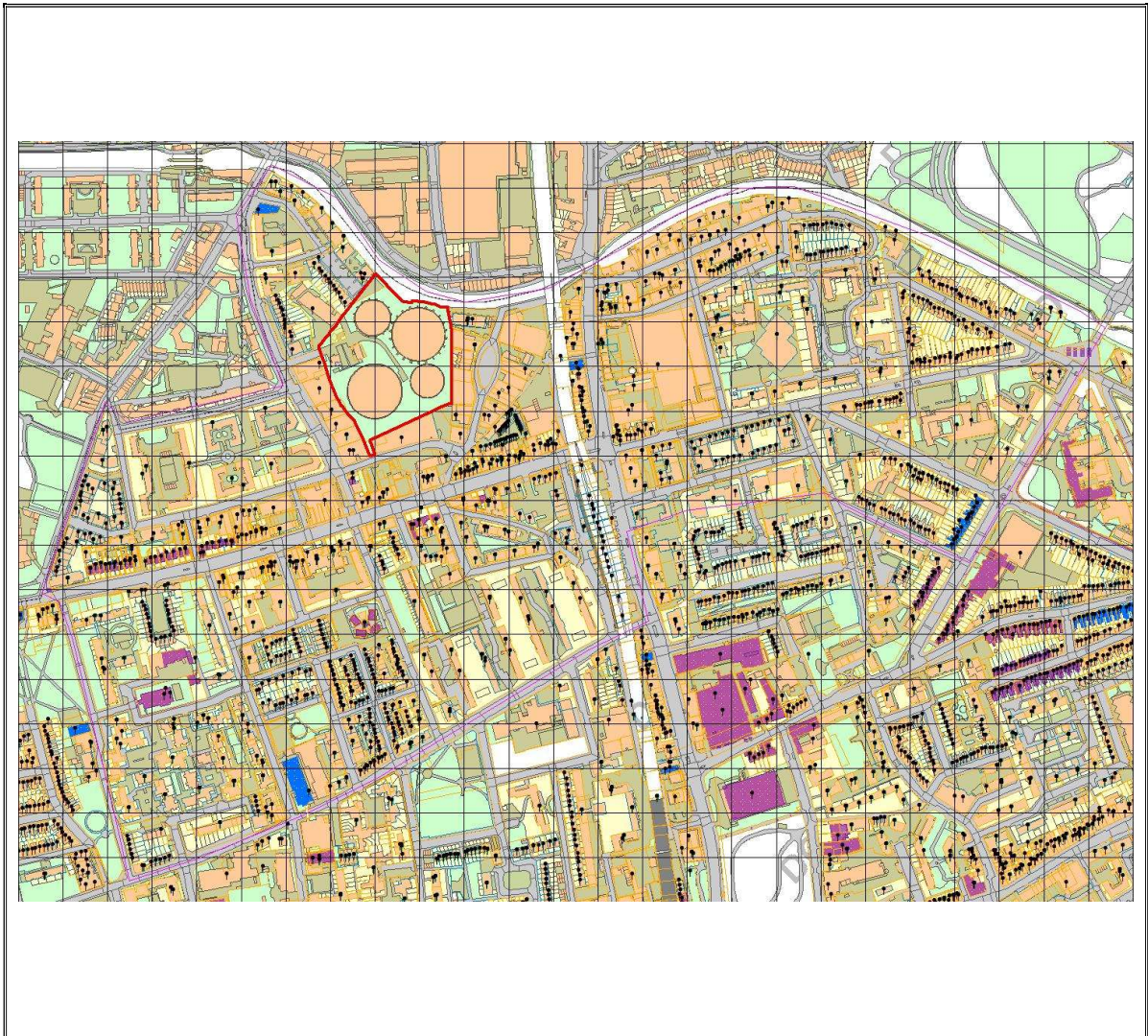
Parking access and servicing are acceptable subject to conditions and the submission of a Travel Plan.

A strategy for minimising carbon dioxide emissions from the development complies with planning policy. Considerable biodiversity enhancements are also proposed which are considered sufficient to meet policy requirements.








In broad terms, each section of this report reaches positive conclusions on the proposals. Policies can pull in different directions, but no material departure has been identified, and the recommendation to resolve to grant planning permission is based on the conclusion that the development is in accordance with the Development Plan and that none of the considerations indicate otherwise.

This recommendation reflects the conclusions that the proposals would deliver substantial housing, jobs, new open space and provide a long-term future for the guide frames of former Gasholder Nos. 2 and 5 within the Regent's Canal Conservation Area in addition to other associated regeneration benefits. The recommended conditions and legal agreement would secure these as well as high design quality and other relevant control over the detailed nature of the development.

**SITE PLAN**



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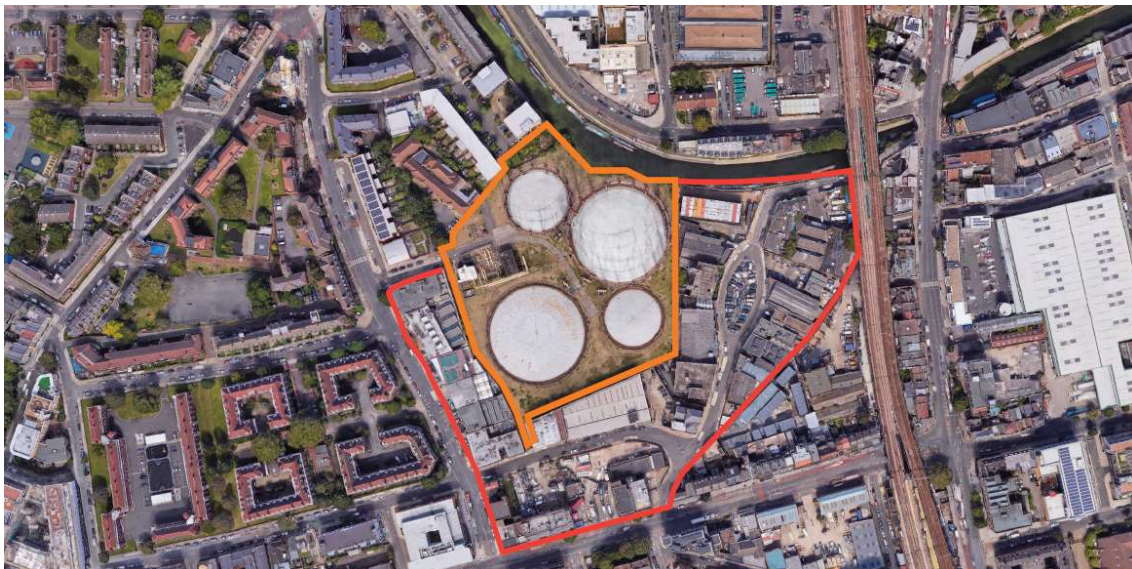
<ul style="list-style-type: none"> <li> Planning Application Site Boundary</li> <li> Other Planning Applications</li> <li> Consultation Area</li> <li> Land Parcel Address Point</li> <li> Locally Listed Buildings</li> <li> Statutory Listed Buildings</li> </ul>	<p><b>Planning Applications Site Map</b> <b>PA/19/02717</b></p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p><b>TOWER HAMLETS</b> London Borough of Tower Hamlets</p>
	<p>Scale: 50m grid squares</p>	<p>Date: 16 September 2020</p>



# 1 SITE AND SURROUNDINGS

- 1.1 The application site is known under a variety of names. Most commonly, it is referred to as the Marian Place Gasholder site, but it may also be referred to as the Bethnal Green Gasholders or variances thereof. For the purposes of this report, it will be referred to as 'the site'.
- 1.2 The site measures 1.83 hectares in area and is in the St. Peter's Ward at the northern edge of the Borough. It is adjacent to the Regent's Canal which acts as the boundary between the London Borough of Tower Hamlets and the London Borough of Hackney. Access to the site is from Marian Place via Pritchard's Road.
- 1.3 The site is a brownfield, former utilities premises that was previously used for the storage of natural gas until May 2012 when the last three gasholders were decommissioned. Like other gasholder sites within London and across the country, their original purpose is now defunct due to the advancement of gas storage technology. The site contains the footprints of four former gasholders, two of which are occupied by gasholder guide frames, referred to as Gasholders No.2 and 5, both located within the Regent's Canal Conservation Area. Both gasholder guide frames are not listed and have a certificate of immunity which expires on 9<sup>th</sup> December 2020. The other two gasholders fall outside the Conservation Area. The site is also occupied by a gas Pressure Reduction Station (PRS) and two substations.
- 1.4 As per the site's former use, it previously held a Hazardous Substance Consent (HSC) for the storage of natural gas. The Council, as the Hazardous Substances Authority, issued a Revocation Order to the National Planning Casework Unit. The Order took effect on 12 December 2019, upon confirmation by the Secretary of State (application ref: PA/18/01067/NC).
- 1.5 The site forms a substantial part of the Council's Site Allocation 1.3 'Marian Place Gas Works and The Oval' within the Tower Hamlets Local Plan 2031 (2020). The redevelopment of the site is an integral part of the Site Allocation and is the only parcel of land which is largely unoccupied by existing buildings. The Site Allocation designates the site and its surroundings for a comprehensive mixed-use development to provide a strategic housing development, a strategic open space, and employment floorspace suitable for the needs of small-medium enterprises, start-ups and creative and tech industries.

**Figure 1: Aerial view of the application site (orange) in the context of the wider site allocation (red)**





**Figure 2: Aerial view looking south**



**Figure 3: View from the Regent's Canal**



**Figure 4: Within the site**



**Figure 5: Archive photograph from 2005 when the site was in operation**



- 1.6 The site is also located within the Cambridge Heath Local Employment Location (LEL), which provides a range of office, industrial and studio workspaces meeting the needs of businesses serving a more local need, start-ups, small-to-medium enterprises and creative industries.
- 1.7 The site is some 100 metres to the west of the Network Rail / London Overground railway viaduct. The height and scale of surrounding buildings typically ranges between two and five storeys in height. The buildings that bound the immediate vicinity of the site to the south, west and east are predominantly in light industrial and commercial use, whilst nearby buildings fronting onto Cambridge Heath Road and Hackney Road typically includes retail units at ground level with residential on the upper floors. The north west edge of the site is bound by some low-rise residential dwellings as well as the Council operated Pritchard's Day Centre. On the western side of Pritchard's Road are five storey blocks of flats that sit within a landscaped setting.
- 1.8 The site lies to the north of the Cambridge Heath Neighbourhood Centre, the boundary of which includes a number of small scale retail units on both Hackney Road and Cambridge Heath Road and is centred around the intersection of these roads, together with the adjacent Cambridge Heath London Overground / National Rail Station
- 1.9 The site is in close proximity to the site known as 'Empress Coachworks; at 1-3 Corbridge Crescent And 1-4 The Oval, London, E2 9DS. This site received consent at appeal in April 2018 for two schemes which have subsequently been amended. The Empress Coachworks scheme is the first consented application within the Site Allocation for a residential scheme, and it pre-dated the revocation of the HSC.
- 1.10 The surrounding public highways are constrained in terms of the limited width of the carriageways and footways on Marian Place (the primary entrance to the site) and the layout of The Oval. There is also an entrance to the site from Emma Street which is still more constrained in width. The highway network within the Site Allocation is generally constrained.



Corbridge Crescent is closed to vehicular traffic at its north-eastern end, resulting in a 'dead end' street, with vehicles entering Corbridge Crescent having to turn around and exit southwards via The Oval. As such, there is no direct vehicular access from Corbridge Crescent to Cambridge Heath Road.

- 1.11 The Oval is a protected London Square which is a narrow ellipse in plan form. The Council have undertaken public realm improvements to The Oval in recent years and created an outdoor event space.
- 1.12 The site forms part of the City Fringe/Tech City Opportunity Area Planning Framework adopted by the Mayor of London on 31 December 2015. The OAPF identifies the site as part of the Outer Core Growth Area where a significant amount of employment floorspace is expected as part of mixed-use schemes.

## 2. PROPOSAL

- 2.1 The scheme proposes to retain the guide frames to Gasholders Nos. 2 and 5. In total, five new residential buildings are proposed. Of these new buildings, two new buildings are proposed within the former gasholder guide frames (categorised as A-E). The buildings are located within a regular radial setting out that is derived from the geometry of the two gasholder guide frames. Buildings B-E have identical floorplates.

Figure 6: CGI



- 2.2 Building A (within Gasholder No. 5, the larger guide frame) is a proposed 13-storey building. The building comprises 12 floors of private residential accommodation including 3 upper set back levels. The ground floor and the sub-ground floor (basement level) is made up of a concierge and resident's facilities including the back of house space for the management of the development in addition to various commercial units.

- 2.3 A concierge is provided at ground level between the two parts of the building which overlooks the central courtyard. The proposed cylindrical building set within the guide frame is broken into two parts with a simple glazed single storey concierge building linking them together. The platform which includes the concierge area follows the radial planning of the rest of the building. A private resident's roof terrace is located on the western half of building.
- 2.4 Building B is a proposed 9-storey building. The building comprises 8 upper floors of private residential accommodation. At ground level there is a resident's entrance, two commercial units, a bin store for the residents and a substation unit. This building has one level of basement which contains most of the plant equipment serving the development.
- 2.5 Building C is a 13-storey building. The building comprises 12 upper floors of affordable rented accommodation. The ground floor includes the resident's entrance, 2 commercial units, a resident's bin store and a substation unit. Building C sits above the two-storey shared basement including space for car parking, cycle parking and supplementary plant equipment.
- 2.6 Building D is an 11-storey building. The building comprises 10 upper floors of residential accommodation. Throughout levels 1 to 7 the accommodation is comprised of intermediate units and from levels 7 to 10 there are private units (with mixed accommodation on level 7). The ground floor of the building includes the ramp to the basement car parking, a shared residence entrance, one commercial unit and the resident's bin store. This building, as well as Building C sit above a 2-storey shared basement which contain 57 residential car parking spaces, cycle parking and supplementary plant equipment.
- 2.7 Building E is a proposed 6-storey building located within the guide frame of gasholder no.2. This building comprises 5 upper floors of private residential accommodation. The ground floor contains a private resident's entrance, one food and beverage unit, leisure unit and one retail unit. The ground floor also includes a substation unit and resident's bin store. The basement accommodates one food and beverage unit and one leisure unit.

**Figure 7: CGI image looking east across the site with the landscaped Pressure Reduction Station (PRS) in the foreground**





- 2.8 A single storey enclosure is proposed around the existing Pressure Reduction Station (PRS) with associated landscaping features.
- 2.9 The main vehicular access to the site would be from Marian Place via Pritchard's Road, with pedestrian access from Emma Street also proposed. An opportunity for canal side access from Corbridge Crescent is proposed in the north-east corner of the site. The layout of the proposed development is structured around a connected public realm network. At the centre of this is a large public open space in the form of a central lawn which is fed by surrounding spaces including the canal-side zone, quieter and more planted spaces between the buildings and spaces for active use. A play area is proposed in the south-west corner of the site.
- 2.10 The entrance on Marian Place will be the only entrance/exit point for vehicles entering the site for either the car parking facilities underneath Buildings C and D (accessed through Building D) and for servicing that takes place on the 'Homezone', a perimeter surface that will be shared by vehicles and cyclists.

### **3 RELEVANT PLANNING HISTORY**

#### **Application site**

- 3.1 PA/00/01825: Continuation of Hazardous Substances Consent (relating to change in control of part of site). Permitted: 22/01/2001
- 3.2 PA/02/00453: Continuation of Hazardous Substances Consent following a change in control of part of the land. Permitted: 26/06/2002
- 3.3 PA/18/01067: Application for revocation of hazardous substance consent. Hazardous Substances Consent revoked: 12/12/2019
- 3.4 PF/19/00061: Mixed use development proposal preceding a full planning application. Pre-application closed: 06/07/2019
- 3.5 PA/19/01133: Request for an Environmental Impact Assessment Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for proposed residential-led, mix -use development up to 650 dwellings with provision of up to 5,600 sqm commercial floorspace and associated infrastructure, car parking and landscaping. Scoping opinion issued: 11/07/2019
- 3.6 PA/20/00549: Installation of replacement gas Pressure Reduction Station (PRS) and associated works. Permitted: 09/06/2020
- 3.7 PA/20/01372: Submission of details pursuant to condition no. 4 (Construction Management Plan), of planning permission ref: PA/20/00549, Dated 09/06/2020. Permitted: 17/08/2020

#### **8 Pritchard's Road**

- 3.8 PA/19/00850: Change of use from B2 (wholesale coffee roasting) to mixed B2/A3 (wholesale coffee roastery/restaurant/cafe) with associated external changes, installation of extraction equipment and variation of existing opening hours. Permitted: 07/01/2020

#### **1-3 Corbridge Crescent and 1-4 The Oval**

- 3.9 PA/16/03773/A1 (Appeal ref: APP/E5900/W/17/3179119): Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 8 storeys to provide 51 residential dwellings (Use Class C3), with

associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1). Permitted at appeal: 05/04/2018.

3.10 PA/18/02970: A minor material amendment to the scheme was proposed amendment to the ground floor layout, including infilling the undercroft to provide additional commercial floorspace and the internal layout on the upper floors to improve the efficiency; the increase the number of residential units from 51 to 56; an increase in affordable housing from 6% to 9%; changing the winter gardens to recessed balconies; reconfiguring roof-level communal amenity spaces, including the provision of additional communal amenity space; and changing the facing material from pre-cast concrete to brick. Permitted: 15/05/2019.

3.11 PA/19/02060: Minor material amendments to Planning Permission LBTH Ref: PA/16/03773, Appeal Ref: APP/E5900/W/17/3179119, Dated 05/04/2018 and Minor Material Amendment to Planning Permission Ref: PA/18/02970, Dated 15/05/2019 Originally consented development: Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 8 storeys to provide 51 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1). The amended development includes: Changes to the internal layout of the Regency Cottages, including the subdivision of the 2 x 4 bed units (as consented) to provide 4 flats, with 2 x 1 bed and 2 x 2 bed units; Introduction of fanlights above the front doors of both Cottages; Removal of the non-original timber structure in front of the front door of the Victorian Cottage and installation of traditional Victorian entrance surround, and; Reinstatement of the original entrance stairs to the Regency Cottages, in the form of a straight stair with metal railings. Amendment to the approved structural method statement (condition 10) to enable the retention in situ of the front elevation of the Regency Cottages. Permitted: 17/04/2020

### **29-32 The Oval (also known as Oval Space)**

3.12 PA/13/00915: Change of use of part ground floor and first floor of property to provide a multi-purpose arts and events space, including the holding of a maximum 30 music entertainment events until 06:00hrs per year; formation of roof terraces at first floor level; erection of a new fire escape stair on the front elevation; associated cycle parking, plant and other related improvements for a temporary period of twelve months. Permitted: 15/10/2013

3.13 PA/14/02459: Continued use of above for period of 30 months from date of decision. Permitted: 17/02/2015

3.14 PA/15/03193: Change of use of part of the ground floor for employment purposes (Class B1, B2 & B8). Permitted: 04/02/2016

3.15 PA/17/01844: Continued use of multi-purpose arts and events space, including a maximum of 30 music events until 6am per calendar year and retention of roof terraces. Permitted: 05/01/2019

### **Containerville sites**

3.16 There have been multiple planning permissions on sites surrounding the development for the temporary erection of re-purposed shipping containers known as 'Containerville'. These developments provide temporary low-cost workspace to a wide range of SMEs. There are numerous consents in place. The following is a list of the most recent relevant consents:

- The containers at Rear 445-453 Hackney Road are permitted until 26th January 2023 as per permission PA/19/00391.



- The containers at 455-459 Hackney Road are permitted until 2nd November 2023 as per permission PA/19/00379.
- The containers at Emma Street are permitted until 23rd May 2023 as per permission PA/19/00380.
- The substation contained within the Emma Street site is permitted until 23rd May 2023 as per permission PA/18/02002.

### **Sites within LB Hackney**

#### Ion House 1-3 Sheep Lane London E8 4QS

- 3.17 2016:3600: Demolition of existing buildings and erection of a part 2, part 5 and part 7, plus basement to provide 3,165sqm of office floorspace (Use Class B1) at basement ground and first floor level and 40 residential dwellings on the upper floors with 7 x 1 bed, 23 x 2 bed and 10 x 3 bed, together with associated amenity space, refuse storage and cycle parking facilities. Permitted: 08/01/2018

#### 40 Andrews Road, London, E8 4RL

- 3.18 2017/4983: Continued temporary use of the site for storage, vehicle de-commissioning and re-commissioning works, installation of storage containers and continued use of existing Portacabins for a period of 5 Years (sui generis use). Permitted: 21/03/2018

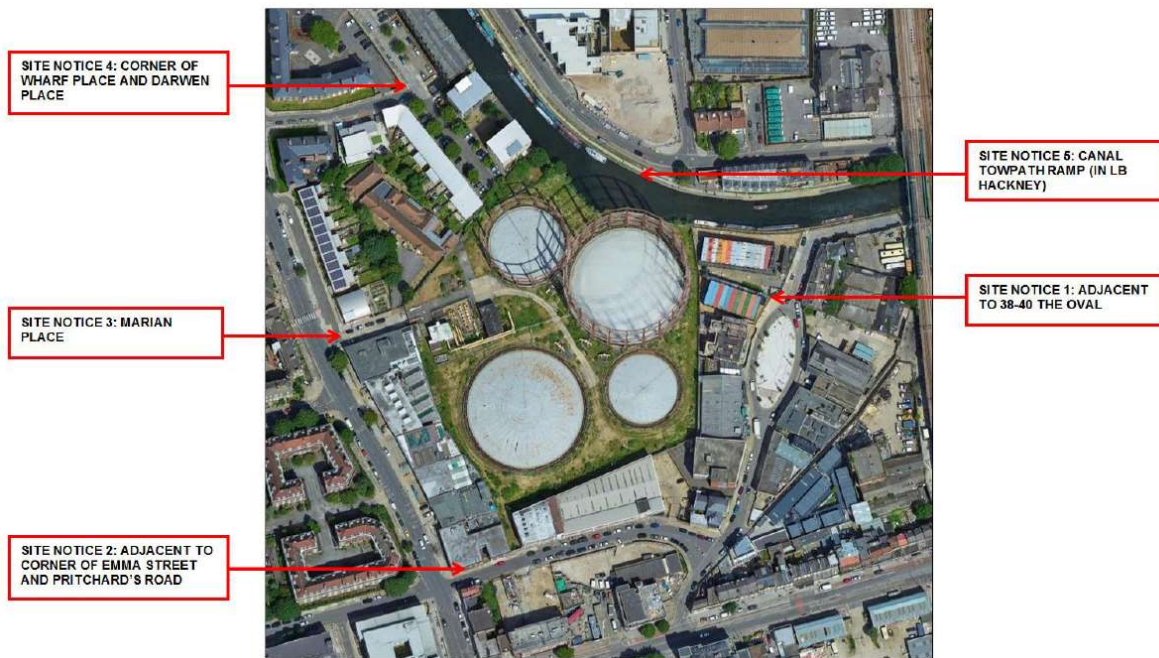
#### 1 - 3 Mare Street London E8 4RP

- 3.19 2015/1532: Demolition of existing single storey A3 cafe building and erection of five storey mixed use building comprising A1/A2 unit at ground floor level and 4 X 2 bed residential units on the upper floors. Permitted: 04/09/2015

## **4 PUBLICITY AND ENGAGEMENT**

- 4.1 A total of 4843 planning notification letters were sent to nearby properties as detailed on the attached site plan. 4414 letters were sent to addresses in the London Borough of Tower Hamlets on 25/02/2020. 429 letters were sent to addresses in the London Borough of Hackney on 12/03/2020.
- 4.2 5 site notices were displayed around the application site on 02/03/2020 as detailed in Figure 8.

**Figure 8: Site notice locations**



- 4.3 A press notice was advertised on 05/03/2020.
- 4.4 The number of representations received in response to notification and publicity of the application is as follows:
- 4.5 85 letters of representation have been received
- Objections**
- 4.6 75 letters of objection were received. The comments raised in objection to the proposal can be summarised as follows:
- 4.7 Principle/Land use
- Object to the principle of any development
  - Object to principle of housing
  - Conflict of interest due to Local Plan viability process – with respect to use of BNP Paribas Real Estate who have also conducted work for the Berkeley Group.
  - Lack of consultation by the applicant
  - Local infrastructure negatively impacted including schools, medical centres and transport services
- 4.8 Housing
- No affordable housing
  - Insufficient affordable housing
  - Poor internal layouts
- 4.9 Heritage and design
- Excessive scale/height/bulk/mass
  - Scale of the buildings would be out of character with surrounding context
  - Excessive density
  - Poor quality design/architecture
  - Insufficient open space



- Poor quality public realm
- The development would cause anti-social behaviour
- The scheme detracts from Regent's Canal Conservation Area
- The scheme would cause substantial harm to the Regent's Canal Conservation Area.
- Detract from key views
- Poor landscaping and public movement
- The former gasholders do not provide justification for new buildings
- The high archaeological interest of the No. 2 guide frame on its original in ground brick tank should be afforded to same protection as a designated heritage asset
- The scheme should propose in situ conservation of the guide frames on their original in-ground tanks
- The guide frames should be listed
- The guide frames should not be demolished
- The guide frames should not be dismantled
- The guide frames should be retained in-situ with the proposed development built within
- The dismantling and re-erection of the guide frames risks damage to them
- Internal fixings within the guide frames would be lost/damaged
- The site is not contaminated to the extent that a gas production facility would be (like at King's Cross) so this does not offer the same viability justification
- The application makes no guarantee that both frames will be retained
- There should be a park inside one/both guide frames
- The significance of the gasholders would not be enhanced
- Detract from heritage significance of guide frames
- The guide frames should be preserved in-situ on their original in ground tanks
- The failure to properly retain the guide frames would be a breach of Site Allocation 1.3 in the Local Plan
- The No.2 guide frame/in-ground tank should be conserved together, in situ without any dismantlement/no loss of historic fabric.
- The proposals would not preserve the significance of the guide frames
- The significance of the two historic gasholders (especially the guide frames on their original in-ground tanks) should be properly looked after and not harmed in any way.
- The methodology for dismantling, refurbishment and re-erection (not reinstatement) should be in the form of a second planning application for public consultation to ensure that it is considered by the committee

#### 4.10 Amenity

- The courtyard in Building A would be significantly overshadowed
- Overshadowing
- Overlooking
- Loss of privacy
- Obstruction to outlook/views
- Impact on daylight and sunlight
- Impact on daylight and sunlight to Imperial Wharf/properties on Darwen Place
- Negative amenity impacts arising from construction including idling vehicles, noise and air pollution and the local highway network being overwhelmed.
- Negative amenity impacts arising from air pollution
- Negative amenity impacts arising from noise pollution

#### 4.11 Transport and Servicing

- Concerns about the impact of new cars in the area

#### 4.12 Environment

- Impact on health of residents

- The proposal would cause wind tunnelling
- Impact or cause the closure of the Pritchard's Road Day Centre
- The site should accommodate for wildlife
- The proposals are not green enough
- The contamination of the site will cause illness to new residents
- Decontaminating the site will cause illness to surrounding residents

4.13 5 objection letters from interest groups/organisations have also been received as follows:

East End Waterway Group (EEWG)

*First letter – Sent 03 June 2020*

- 4.14 The significance of the borough's two surviving Gasholders is undervalued in the proposals. The No.2 gasholder guide frame is the oldest surviving large gasholder guide frame in the world and the earliest and most classical example of the double order, double tier type. The No.5 gasholder guide frame is the most aesthetic and only surviving of its distinctive type in the world. The internationally significant gasholder guide frames on their original in ground tanks makes a substantial positive contribution to the character and appearance of the London Borough of Tower Hamlets Regents Canal Conservation Area.
- 4.15 2200 people have signed the EEWG petition to St. William Homes requesting in-situ conservation of the guide frames with their respective guide rails, and the relocation of the salvaged roller carriages at the bases of the guide rails. You also have a copy of Paul Latham's feasibility study which refers to the in-situ conservation of the Alliance gasholder guide frame and detailed estimates by a noted ironwork expert for the in-situ conservation of the No. 2 guide frame.
- 4.16 Two independent engineering experts have provided a report which demonstrates the desirability and practicality of in-situ conservation of the guide frames. So far over 1230 people have signed the EEWG petition objecting to the proposed dismantling of the guide frames and their re erection around flats.
- 4.17 The unnecessary dismantling would destroy their structural integrity and significance. The dismantled frames would be re-erected with new connections, reinforcements and replaced damaged parts and without their guide rails and roller carriages.
- 4.18 The proposed blocks would prevent the full and permanent views of the guide frames against the sky and views of their reflections in the waters of the canal. This would severely reduce the gasholders' positive contribution to the character and appearance of the Regent's Canal Conservation Area and would cause harm to it. This impact would be compounded by the extensive area of level paving around Blocks A and E. this would serve no connection between the re-erected guide frames and the original site. The planting of trees would further compound this issue and would block important views between the canal and the No.2 guide frame.
- 4.19 The proposals would contravene Site Allocation 1.3 in the Local Plan. The special character of the Conservation Area is informed by the association of all the elements described in the Character Appraisal which include the gasholders. Positive response to the special character of the Conservation Area therefore requires the on-site retention of the three-part gasholders. As the proposal would remove the telescope bells and the in-ground tanks, the guide frames would be partially re-erected on new pile driven foundations and as such would not meet the requirements of the Site Allocation. Only the in-situ conservation of the guide frames on in ground tank would meet the requirements of the Site Allocation.



- 4.20 The proposals would also contravene policy S.DH3 of the Local Plan as they would not preserve the non-designated heritage assets in a manner appropriate to their significance nor would the proposals contribute to the character and appearance of the Conservation Area.
- 4.21 The gasholders clearly make a positive contribution to the character and appearance of the LBTH Regent's Canal Conservation Area. This substantial contribution would be severely reduced by the loss of 2/3 of each three-part gasholder. As such the proposals would contravene Section 72(1) of the Planning (Listed Buildings and Conservation Areas Act) (1990) as it would fail to pay attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 4.22 Whatever 'new vibrancy in views' is given to the re-erected guide frames by the new high-quality buildings, it would not compensate for the loss of the full and permanent views of the guide frames against the sky and reflection in the canal. The proposals would not secure the long-term use and conservation of the guide frames because they would not meet NPPF tests (192) which requires conservation that sustains and enhances the significance of heritage assets.
- 4.23 The interior of the more important No. 2 guide frame needs an open space to maintain its visual significance and identity. Not only because it is the oldest surviving large gasholder guide frame in the world but also because of its significance and archaeological interest as the earliest and most 'classical' example of its type surviving in the world.
- 4.24 The principal archaeological interest of the gasholders means that they have the same level of interest as a Scheduled Monument and should be considered subject to the policies for designated heritage assets. The proposed removal of the in-ground tanks would effectively destroy the structural integrity of the guide frames leading to substantial harm.
- 4.25 The application should propose in-situ conservation of both guide frames and creation of a circular grassed public open space. This mitigation would mean that the joint substantial positive contribution to the conservation area would be slightly rather than severely reduced. The level of harm to the conservation area would be sufficiently limited in scope for the development to preserve the conservation area.
- 4.26 The submitted heritage statement attempts to mislead the authority and others into thinking that the gasholders are only locally important because of their immunity from listing. It is also misleading as it states that the telescopic bells and in ground tanks do not contribute to the interest of the gasholders. It is also misleading in its aging of the guide frames. It attempts to mislead one to believe that English Heritage/Historic England considers the telescopic bells and in-ground tanks do not constitute to the interest or significance of the gasholders and consequently there is no necessity for their retention.
- 4.27 The English Heritage report (10 Feb 2015) states that the No.2 is the 'oldest surviving example in the country of a gasholder of telescopic design and with more than one tier of girders in the guide frame'. The latter part of this statement is an oblique reference to the fact that the No.2 guide frame is the oldest surviving double order, double tier type. As London led the world in gasholder design and construction, it is probably the oldest surviving example of its type in the world.
- 4.28 The No.2 guide frame is the earliest known and best surviving example and exemplar of its very important transitional type and, together with its in-ground brick tank, is of great archaeological interest. In the case of the No.5 gasholder, the EH advice report makes a claim that conflates Tucker Type 35 (No.5 at Bethnal Green) with Tucker Type 41 (No.13 at Old Kent Road). The false claim is that the No.5 is a cylindrical-shell frame holder and other false claims were designed to diminish the significance of the No.5 gasholder and to allow part of the second of four principal reasons for the issue of a Certificate of Immunity.

- 4.29 The submitted Heritage Statement is clearly incorrect in that the EH Selection Guide does not refer to telescopic bells as they are below and above ground infrastructure. It is also incorrect in-ground tanks are simply excluded from consideration for designation because they are perceived as below-ground infrastructure because they are not thought to contribute to the interest of the structure.
- 4.30 The Heritage Statement claims that, because they have limited external expression, the bells and tanks do not contribute to the significance of the Conservation Area. The limited visibility does not prevent the bells and tanks from contributing to the significance of the Conservation Area.
- 4.31 The reported absence of contamination in the ground suggests the cylindrical pier and panel walls have not been contaminated. They should be investigated. The opportunity should be taken to reveal the formerly exposed parts of the tops of the cylindrical pier and panel walls and for new paving either side to be at the same level as the re-exposed tops of the walls.
- 4.32 The EEWG are concerned that the applicant could be allowed to have its methodology for dismantling, refurbishing and reinstating the two gasholder frames dealt with by planning condition thereby precluding the opportunity for public comment or scrutiny by committee members on the approach adopted.
- 4.33 Note: an appended paper was submitted with the objection which sets out the EEWG's assessment of the significance, archaeological interest and positive contribution of the No.2 and No.5 Gasholders at Bethnal Green.

*Second Letter – sent 12 August 2020*

- 4.34 A second letter was sent by the EEWG in response to additional information submitted by Montagu Evans, the applicant's appointed heritage consultants. The letter is summarised below.
- 4.35 EEWG has not alleged that the proposals would lead to the substantial harm of the conservation area or the setting of listed buildings nor have the statutory consultees.
- 4.36 With respect to the new methodology and condition document be prepared "prior to the determination of the planning application", EEWG expects that it will be made available for comments and that the comments will be conveyed to the members of the strategic development committee at their meeting to determine the planning application. EEWG also expects that the new refurbishment and condition strategy will be made available for comments, as part of the process of being dealt with by condition.
- 4.37 Montagu Evans have failed to properly explain that, in the process of re-erecting the guide frames, would lead to potential degradation and or/loss to key elements of the guide frames.
- 4.38 New drawings should be submitted that accurately portray the guide rails along with the columns and standards. At Gasholder Park, Kings Cross, where one of the four relocated St Pancras guide frames is reused as a public open space, complete sets of roller carriages were salvaged and relocated in their resting positions at the bases of the guide rails.
- 4.39 The clarification relating to "essential" paving is an indirect rebuttal of EEWG's proposal that there is paving on either side and at the same level as the re-exposed tops of the cylindrical pier and panel walls of the in-ground tanks.
- 4.40 The clarification relating to "aesthetic repairs" (mentioned but not described in the Heritage Statement) is seriously misleading as the removal of old paint etc is a health and safety requirement. Furthermore, the clarification deliberately excludes repairs to and replacements for damaged parts and the need to reinforce the No.2's cast-iron columns. The likelihood of

serious long-lasting harm to the No.2 guide frame has been demonstrated at 3 above. And it should be pointed out here that there is also a strong likelihood of serious long-lasting harm to the No.5's lattice guide frame.

- 4.41 It is very good of Montagu Evans to now 'clarify' that St William are not proposing to strip integral parts from the No.5 gasholder guide frame. EEWG objected in great detail to the stripping of parts because many of the parts were not shown on the CGI's or then drawings or appeared to be replaced by new parts. New drawings are, therefore, required which actually show the No.5 guide frame with its integral parts.

*Third letter – sent 11 September 2020*

- 4.42 A third letter was sent by the EEWG in response to additional information submitted within the Environmental Statement addendum and planning documents.
- 4.43 With regards to Appendix 6 of the ES Addendum (Revised Archaeological Desk Based Assessment) there are inaccurate quotations made from the EEWG's significance paper.
- 4.44 Since 2015 the number of surviving gasholders in Greater London has continued to decline and there are now only about 20 gasholders in what was the birthplace of the gas industry. The two gasholders at Bethnal Green are members of a small group of only five internationally significant gasholders in Greater London. The others are the No.8 gasholder of 1876-79 at Beckton, the No.13 gasholder of 1879-81 at Old Kent Road and the Grade II\* listed No.2 gasholder at Fulham.
- 4.45 New information has come to light since the deeply-flawed EH Advice Report was written (and Tom Ridge and Malcolm Tucker made their separate appeals to the Secretary of State), and indicates that the architectural, historic and archaeological interest of the No.2 and No.5 gasholders, together with their aesthetic value and group value, constitutes more than sufficient significance to "*merit listing in their own right*" (4.57 on page 27 of the assessment).
- 4.46 St William's proposals would not even preserve or enhance the historic gasholders "*in a manner appropriate to their significance*" as deliberately undervalued by Montagu Evans. Whatever the conclusions of the Montagu Evans Heritage Statement, they are invalidated by the fact that the statement is a deliberate under-assessment of significance, based on a deeply-flawed and out-of-date EH Advice Report 10 February 2015, as indicated in the Appendix 6 part of this letter.
- 4.47 Whilst long-term survival is an appropriate aim for the repair and refurbishment of the two gasholders, suitability for their new use is not, as this will be achieved mainly by the removal of the telescopic bells from the in-ground tanks. Rather than seeking to ensure suitability for their new use, the main aim for the repair and refurbishment of the guide frames should be their proper conservation without excessive repairs, replacements and reinforcements ruining their appearance. Especially as the two guide frames are the most beautiful of the few surviving gasholder guide frames in Greater London. And EEWG has demonstrated that the No.2 and No.5 gasholders at Bethnal Green are of sufficient archaeological interest to be treated as designated heritage assets and, as such, great weight should be given to their conservation (NPPF para.193).
- 4.48 The statement that repair and refurbishment are needed to make the gasholders suitable for their new use is a clear indication that St William's proposed repair and refurbishment strategy is not so much about the proper conservation of the guide frames on their original in-ground tanks but more about the perceived need to dispose of the guide frames during the construction of proposed Blocks A and E. And to allow the selective re-erection of the guide frames to suit pre-conceived notions of what the guide frames should look like in relation to proposed Blocks A and E, regardless of the risks associated with dismantling, off-site refurbishment and re-erection, because the gasholders are only of local importance.



- 4.49 Whilst positive comments were made by Historic England, 5.2 excludes the fact that Historic England is also concerned that *“no justification has been provided as to why one or both of the gasholders could not be retained and developed in situ”*. There is nothing in this St William document, nor in Montagu Evans 24 July 2020 letter, by way of justification along the lines recommended by Historic England.
- 4.50 With regards to planning conditions and obligations, a S106 obligation that refurbishment and re-erection will have been completed prior to the occupation of buildings A and E does not guarantee that dismantling, off-site refurbishment and re-erection will be carried out to a standard commensurate with even the local importance of the gasholders, let alone their international importance. The proposed S106 legal agreement is a pointless exercise which will not only fail to prevent serious damage and disfigurement, but could also fail to ensure that the dismantled brittle cast-iron guide frame is re-erected.
- 4.51 The references to the King’s Cross and Oval sites are not relevant as these are in different contexts with site specific requirements. In the case of the latter, the former scheme has been abandoned and the guide frame will be retained in-situ.
- 4.52 The description of the guide frames is incorrect and excludes their historic detailing which is highly important to their significance.
- 4.53 The condition survey to be *“completed prior to the start of works”* (9.1) would contravene NPPF paras. 189, 190 and 192(a); and ignore the recommendations of Historic England and the GLA. It would not *“accompany the application to allow for an understanding of the current condition of the gasholders”* (Historic England); nor would it provide an essential part of the information needed for Tower Hamlets *“to undertake a full assessment of impact at application stage”* (GLA).
- 4.54 Clearly, St William will not be a proper custodian of the Marian Place Gasholder site as St William’s level of care will only be commensurate with the low level of importance given to the C19 gasholders by Montagu Evans, and not their actual high level of importance or international significance, as demonstrated in 2020 by EEWG.
- 4.55 It is clearly indicated at 11.2 that St William only recognises their value as NDHA’s which make *“a positive contribution to the historic industrial character and appearance of the Regent’s Canal Conservation Area”*. And, whilst the information provided in 2020 by Tom Ridge on behalf of EEWG has not been criticised in Montagu Evans 24 July 2020 letter (or in St William’s document), Montagu Evans discredits Tom Ridge’s and Malcolm Tucker’s 2020 information by falsely claiming that it was considered and dismissed by the Secretary of State in 2015, so the Certificate of Immunity from Listing *“carries more weight at this stage, in determining significance”* than the *“information presented by Tom Ridge and Malcolm Tucker”* in 2020 (para.4.57 on page 27 CgMs Heritage report and the first part of this letter commenting on the CgMs Heritage report).
- 4.56 St William’s document totally fails to provide any assurance that the two C19 gasholders will be *“successfully surveyed, refurbished and retained”* (11.3), and shows that St William lacks the necessary expertise and resources to properly retain, reuse and enhance the gasholders, as required by Site Allocation 1.3 in the adopted Local Plan. In fact, EEWG is now strongly of the opinion that, unless Tower Hamlets Council recognises the international significance of the gasholders and requires St William to provide a proper condition survey of both guide frames and a strategy for their in situ conservation and a grassed public open space inside the No.2’s columnar guide frame, the two most beautiful gasholder guide frames in Greater London will be substantially harmed by St William; and Greater London’s group of only five internationally significant gasholders will be effectively reduced to three.

- 4.57 If St William was genuinely committed to building on the experience and knowledge gained at Fulham and the so called Oval Gasworks to ensure the “*successful refurbishment and retention of gasholders no.2 and no.5*”, it would be proposing an NPPF-compliant scheme for the in situ conservation of the guide frames and the construction of Blocks A and E inside the in situ-conserved guide frames.

Greater London Industrial Archaeological Society

- 4.58 Our first objection is that it is proposed to take down the frames and then re-erect them after building works are complete, with inevitable losses of authenticity. In the case of No.2, it will be a difficult task, because the internal fixing bolts are largely inaccessible and there is a risk that the designers will wish to cut the pedestals apart and remake them to a modified, unauthentic design. In the case of No.5, taking this riveted structure apart and remaking and refitting the joints will be no mean task and has not been done before on such a scale. In both cases, the costs of transporting everything to an off-site workshop for refurbishment and back again, while keeping tabs on all components, will be very high.
- 4.59 Our second objection is that the Application Drawings portray the frames inaccurately or with deliberate alterations including the pedestals in No.2 and the detailed elements of No. 5. The pedestals of the No.2 frame are drawn with significantly stockier proportions than they have at present, while it appears that when remaking the No.5 guide frame the original design may not be replicated.
- 4.60 A third area of concern is that, according to the Heritage Statement Para 6.102, it is proposed to remove not only the bells of the holders, which held the gas, but also the tanks, i.e. the below-ground structures which contained the bells and on which the guide frames stand. That would require new foundations to be created for the frames.
- 4.61 We are content that the metallic bells of Gasholders Nos. 2 and 5, have to be removed, since they will be obstructive to the cleaning out of the tanks and beneficial use of the land. However, keeping the carriages that supported the guide rollers from the tops of the several lifts will be a practical means of demonstrating the functioning of the gasholders. We appreciate that they might locally cause obstruction to circulation, so displaying complete sets will be unpractical, but a sufficient number should be salvaged and reinstated against their guide rails to display a line of at least 3 complete sets of carriages at each holder at a suitable vantage point, and preferably more. The statement at para. 6.23 of the Heritage Statement, that only 'a' roller carriage will be retained, is quite inadequate. Furthermore, the depictions fail to show any guide rails affixed to the columns/standards, whereas the guide rail should be kept as an essential feature of every column and standard.
- 4.62 Another interpretation opportunity is in the paving. The edge of each tank can be picked out in the paving. On the canal side, the extent of the former (pre 1888) canal dock can be demarcated. In the landscaping, the planting of trees between Gasholder No.2 and the canal risks obstructing views from the canal and fewer, smaller trees should be used.
- 4.63 Interpretation boards will be very important, and we suggest that Haggerston Park in Hackney should be included in this interpretation plan. The Heritage Statement at paras. 4.56-58 notes how remnants of the Shoreditch Gasworks can be seen there, and Gasholder No.5 can be seen from there, but the whole needs tying together.

SAVE Britain's Heritage

- 4.64 SAVE Britain's Heritage writes to object to the above planning application. Whilst we are not opposed to the principle of redeveloping the gasholder site, we consider the proposed quantum of infill development within the surviving gasholder frames to be excessive. In our view, by infilling both frames, the special architectural and historical significance of their

silhouette and setting within the Regents Canal Conservation Area would be overwhelmed and lost, leading to significant harm to this designated townscape.

- 4.65 Whilst we welcome that retention of the historic gasholders and note that the infill elements proposed are set back from the historic frames, we would argue the appreciation of their architectural form will be lost with the quantum of infill development proposed for both gasholders. We consider the overshadowing impact this will have on the Regents Canal Conservation Area to the northern axis of the site and views along the canal towpath within the Conservation Area, to be harmful, echoing the conclusion of “less than substantial harm” identified to the conservation area identified by Historic England.
- 4.66 In light of such harm, we would encourage the applicant to reconsider development within gasholder No.2 in favour of its retention as open public realm, as is also advised by the Victorian Society in their consultation response. The recent retention and conversion of the 1883 No.8 Gasholder at King’s Cross into a public park, also beside the Regent’s canal, has shown how leaving a historic gasholder frame unfilled can reveal its aesthetic and architectural significance to great effect, whilst simultaneously enhancing the surrounding development and the historic character of the Conservation Area.
- 4.67 We consider such an approach here would help address concerns highlighted above regarding overshadowing, and would better support the management objectives for protecting and enhancing the Conservation Area, a key duty set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Friends of Regent’s Canal

- 4.68 We support the idea of retaining the gasholder frames and putting them to visible everyday use. However, we are most concerned that the frames will become irretrievably damaged during the prolonged construction period, especially if dismantled and moved. We require an assurance that the frames will definitely be re-installed before any flats are occupied, even if the costs exceed the original budget or if this means a delay to the completion date.
- 4.69 Some of the comments in the Planning Statement do not give confidence that the gasholder frames are a sufficiently high priority. Their retention has been described as a constraint rather than an opportunity and it could be inferred that they might be sacrificed if the project ran into difficulties. So we cannot give unconditional support to the designs unless we are convinced that retention of both gasholders is guaranteed.
- 4.70 We are disappointed that the smaller gasholder is not to be left empty and we believe that it could and should be used as a small park. We are aware of Paul Latham’s very detailed report, which concluded that the project would still be financially viable without filling this gasholder with flats, and we are quite surprised that the council and the developers have not commented on it. (There is no mention of it in the planning statement or in the community involvement statement).
- 4.71 Leaving the smaller gasholder empty is an attractive option; it certainly alleviates any apparent need to dismantle this Victorian structure and its skilful engineering would be retained in place for future generations. It would also enhance the outlook from neighbouring flats inside the larger gasholder. This option must be explored, and the existing viability calculations must be challenged.
- 4.72 We are also disappointed that the canal edge is not being used constructively. The illustrations in the Design and Access Statement suggest that the canal’s only purpose would be an aesthetic one, serving as a backdrop to the retail outlets. There are many other possibilities that have been overlooked. A much-needed community mooring space, for example, would allow the public realm to be accessible to designated community boats. This space could also be used as an access point for service boats that deliver supplies or collect recycling waste.



- 4.73 We are aware of the official response from the Canal and River Trust and we share their concerns about heritage, drainage, biodiversity, overshadowing and missed opportunities to utilise the canal for freight. (There is no mention of using the canal for the transport of materials during construction).

#### Hackney Society

- 4.74 The two structures have historic and detailed qualities (see Historic England comment) that are lost in the infill proposals; keeping one of the two gas holders 'empty' and part of the public realm would pay more respect to the heritage.
- 4.75 The lack of legibility of the retained parts, in particular for Block E (Gas Holder 2) is detrimental to the character of the building. We agree with Historic England's concern regarding the full dismantling of the structures as proposed, instead of restoration in situ.
- 4.76 Retaining one gas holder as a hollow structure as part of the landscaping of the site would retain sky views and light for the Canal. In the current proposals, the canal will be seriously overshadowed by the two infill developments.
- 4.77 Reproducing the shape of the gasholders in plan for the three buildings to the south has no pre-existing configuration or historic justification. As such this fails to enhance the existing landmarks and further weakens their special character. The three southern towers are too large for the site and erase any sense of scale and as a result the gas holders and the public space are dwarfed by the new towers.
- 4.78 Visually the design of the facades seems to compete with the historic structure rather than providing a calm background that would enhance legibility of the frames. Developers should look to the WilkinsonEyre 'Gasholders London' development at Kings Cross as a more successful precedent in this respect.
- 4.79 The quality of the central space is doubtful. The space generated seems too small for the density proposed and driven by an apparent desire to make circular buildings rather than the creation of a well-defined space.
- 4.80 On all aerial views (e.g. p58 and p143) the shadows of the 13 and 11 storey building seem to be very much underestimated.
- 4.81 The proposed BREEAM rating of 'Excellent' is not very ambitious for the density and size of development proposed.
- 4.82 The reference used is 2012 or TFEE 2013, yet more up-to-date science and technology are available to exceed an 'Outstanding' score. As this development will need to be sustainable for the long term, why not aim higher? For instance, the well-established Passivhaus standard would use less energy, and help achieve carbon reduction without cash-in-lieu. We fail to see why such a development – physically defined by profligate energy consumption of a past era – cannot perform better and be a net Zero Carbon development.

#### Petitions

- 4.83 *Petition dated 28 March 2020*
- 4.84 A petition was received on 28 March 2020 of 500 signatures. The reasons for the petition were stated as follows:
- 4.85 Rogers Stirk Harbour + Partners have submitted proposals for the redevelopment of the Bethnal Green gasholders in East London. Their development includes the development of 6-13 storey residential dwellings around and within the Marian Place gasholders.

- 4.86 Gasholders no2 and no5 are icons of the East London skyline, enjoyed by all who journey along the Regent's canal. The fascinating lattice frames and their canal reflections are an ode to the Victorian industrial age and should be preserved for future generations. The beauty of the Bethnal Green gasholders is their striking silhouette against the London skyline and their frame reflection upon the canal, which will be lost if this development goes ahead.
- 4.87 Gasholder "No 2", dates back to 1866 and is the most classical surviving example of a "columnar" guide frame in the world.
- 4.88 Gasholder "No 5", dates to 1889 and is the best surviving example of a "lattice girder" guide frame, built by the firm Samuel Cutler and Sons of Millwall.
- 4.89 The recent development of the Kings Cross Gasholders is a fine example of integrating gasholders into a residential development while preserving the gasholder silhouette. Gasholder Park at Kings Cross is a beautifully designed green public space, created within a preserved gasholder. This public space is enjoyed by many and has been used successfully for large events.
- 4.90 The Regents canal walk is a hugely popular tourist attraction connecting growing tourism to the areas of London fields, Broadway market and Victoria Park. There is an opportunity to create green park spaces within the gasholders offering mixed use public space for events such as open-air performance, music, theatre, fitness, fashion shows and beyond. These spaces could be an exceptional meeting point with food markets and business developing around them.

#### *Petitions from East End Waterway Group*

##### *1<sup>st</sup> Petition*

- 4.91 The East End Waterway Group started a petition in early 2020 which has 1401 names listed as of 9<sup>th</sup> September 2020. The reasons for this petition were stated as follows:
- 4.92 Object to the proposed block of flats inside the re-erected No.2 columnar guide frame and want the guide frame conserved in situ (on its original in-ground brick tank) with a circular grassed public open space inside so that:
- the world's oldest surviving gasholder guide frame is fully appreciated in its canalside location
  - the circular open space admits sunlight to what would otherwise be a very shaded part of the canalside and the canal
  - the circular open space links the proposed central public open space with the open space of the canalside and the canal.
- 4.93 The No.5 lattice guide frame should be *conserved in situ* (on its original in-ground concrete tank) and the proposed block of flats built inside the in-situ conserved guide frame, like the block of flats built inside the Alliance gasholder guide frame at Dublin, which was conserved in situ from scaffolding.

##### *2<sup>nd</sup> Petition*

- 4.94 Another petition was received on 22 May 2020 of 2236 names in connection with the East End Waterway Group's objections to the proposals. The reasons for the petition were stated as follows:
- 4.95 We the undersigned are alarmed at the prospect of the No. 2 gasholder's columnar guide frame being demolished. And want the earliest and most 'classical' surviving example of its

type in the world retained and conserved in situ on its original in-ground brick tank; so that the structural integrity and significance of the world's second oldest surviving gasholder is preserved for present and future generations. We want the No. 5 gasholder's lattice guide frame to be retained and conserved in situ on its original in-ground concrete tank; so that the structural integrity and significance of the magnificent gasholder (built by the world renowned local firm of Samuel Cutler & Sons of Millwall) is preserved for present and future generations. We also want the roller carriages from the gasholder's removed bells to be relocated at the bases of the guide rails: so that, with the help of interpretation boards, present and future generations would be able to understand how the up and down movements of the telescopic bells were guided and supported by the guide frames.

## **Support**

4.96 4 letters of support were received. The comments raised in support of the proposal can be summarised as follows:

- The proposals would benefit the community
- The proposals would deliver upon the site allocation objectives
- The quality of the architecture would significantly enhance the area
- The retention of the gasholder guide frames will add further interest to the new neighbourhood
- The proposals respect the character and industrial vernacular
- The proposals would provide the guide frames with a sustainable and long-term future
- The proposals would provide much needed housing
- The proposals would provide public access to the canal

4.97 1 support letter from interest groups/organisations have also been received as follows:

### Inland Waterway's Association

4.98 In general, we welcome the scheme to refurbish and reinstate two of the gasholders as proposed with residential infill, and the provision of the three further buildings in the same style, also the proposed landscaping. This seems a realistic means to enable the preservation of the gasholders, whilst putting the site to productive use and creating an attractive backdrop and waterside, overcoming the dereliction which has blighted it for so long.

4.99 We support the comments of the Canal and River Trust in relation to reducing tree cover in favour of hard landscaping adjacent to the canal and incorporating surface treatments or features to enable visitors to understand the previous industrial use of the site. We support CRT's comments related to protecting biodiversity and minimising light pollution over the canal. Consideration will need to be given to managing boat mooring alongside the site and we recommend that this is restricted to very short term uses for visitors to the site. Also, we agree with the CRT's reference to the need for a contribution to improving the towpath in view of the increased footfall generated by the scheme.

4.100 We ask for an assessment to be made of the scope for use of the canal for freight during the construction period, particularly removing construction waste material. The economic comparison should quantify the environmental benefits and the safety issues, particularly recognising the problem London is facing of fatalities and serious injury to cyclists caused by lorries.

## **5 CONSULTATION RESPONSES**

### **INTERNAL CONSULTEES**

#### **LBTH Transportation and Highways**



- 5.1 Cycle Parking: Concur with TfL comments but additionally require a good proportion of 'Sheffield' type stands in the long-term residential provision to allow for larger / adapted cycles and to promote inclusivity in the cycling provision.
- 5.2 Car parking. Non blue-badge parking is not supported in an area with a high PTAL. Should this not be revised to car-free except for blue badge parking (and potentially Permit Transfer Scheme residents only for which spaces should be provided free) then this will result in an objection to the proposal. With regards the additional 7% of blue badge spaces that are required we would expect this space to be allocated on site for future use, not the public highway which we consider unsuitable for residential accessible parking.
- 5.3 Servicing: Concur with TfL that servicing should take place by sustainable means only, be it cargo bikes or electric vehicles. Officers wish to see the servicing steps to ensuring the development is exemplary in terms of promoting walking, cycling and more sustainable fuels in all its provisions.

### **LBTH Waste Policy and Development**

- 5.4 The applicant's Delivery and Service Waste Management plan identifies key policy requirements for development, capacity guidance and much of the commentary from LBTH policy and guidance. Local Plan (Appendix 4) - Waste collection standards, sets out waste requirements.
- 5.5 Waste capacity: Guidelines advise of greater quantities for dry recyclables, than what is shown within the applicant's Delivery and Service plan. Consideration to allow for sufficient storage capacity for the additional quantity will be required. There does not appear to be provision for the storage of residential bulky waste.
- 5.6 Timed collection: The waste collection service operates from 07.00 Monday to Saturday and does not operate times collections for individual developments. Access will be required from 07.00am
- 5.7 Collection distance: This is required to be within a 10-metre wheeling distance from the collection point. The paths between the storage facility and collection point must be a minimum width of 1.5 metres and free from obstruction such as trees, planters and lamp columns.
- 5.8 Roadways within the development: Roads should have suitable foundation and surfaces to withstand the maximum payload of vehicles, manhole covers, and gratings must also be strong enough to withstand this weight.
- 5.9 Access into Marian Place: The developer should ensure there are no access restrictions which will prevent or cause difficulty to allow the refuse collection vehicle into Marion Place. Waste Improvement would expect the developer to take this into consideration and discuss with LBTH highways and parking services.
- 5.10 Construction Environmental Management Plan: No objection

### **LBTH Environmental Health – Noise and Vibration**

- 5.11 Officers would recommend a restriction on hours of operation for Class A1, A2, B1, D1, D2 so that no machinery or plant shall be operated, no process shall be carried out and no deliveries taken at received or dispatched from the site except between the hours that the LPA deems appropriate.
- 5.12 Conditions are recommended that limit the noise levels of fixed building services/plant equipment for the non-residential uses. It should be noted I have not discussed noise from deconstruction and construction as the developer will have to comply with the standard

compliance condition relating to construction activities unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974

#### **LBTH Environmental Health – Contaminated Land**

- 5.13 Due to the contaminated nature of the site, officers recommend the following conditions.
1. A remediation strategy,
  2. Baseline monitoring and reports submitted,
  3. A Monitoring Maintenance, and Mitigation Plan,
  4. A verification report to demonstrate effective implementation of the remediation strategy.

#### **LBTH Environmental Health – Air Quality**

- 5.14 A draft CEMP is submitted and appears acceptable in principle. It is stated in the report that *'(the report) is not definitive final document and will be finalised prior to commencement of the construction activities'*. This should be finalised prior to construction, as per conditions to secure a Construction, Environmental Management and Logistics Plan, ensure air quality standards for boilers and CHP units and provide kitchen extract units for commercial uses where necessary.

#### **LBTH Environmental Health – Odour Control**

- 5.15 As per the above Air Quality comments, a condition is recommended that would provide kitchen extract units for commercial uses where necessary.

#### **LBTH Place Shaping**

- 5.16 Comments are incorporated within the 'Design' and 'Heritage' sections of this report.

#### **LBTH Enterprise and Employment**

- 5.17 A planning obligation is recommended to secure an Affordable Workspace Strategy

#### **LBTH Biodiversity**

- 5.18 No objections to the proposals subject to appropriate planning conditions

#### **LBTH Energy Efficiency/Sustainability**

- 5.19 Comments are incorporate within the 'Environment' section of this report.

#### **LBTH Arboricultural Officer**

- 5.20 The proposals do not require the removal of any trees and will not have an adverse impact on surrounding tree cover. The proposed tree planting is dominated by native species and includes black poplar, a LBAP priority species. All tree species proposed throughout the development are appropriate. Stock sizes are a minimum of Extra Heavy Standard in line with BS 3936 and planting locations have been chosen to consider post development pressures, such as excessive shade and litter once fully established and to ensure they can reach their intended proportions without significant or regular pruning.
- 5.21 A condition is recommended that requires the submission of a tree planting methodology in line with BS 8545 Trees: from nursery to independence in the landscape. This should describe a process for planting young trees that will result in them successfully establishing in the landscape.

### **LBTH Planning Policy**

- 5.22 Comments are incorporated within the 'Land use' section of this report.

### **LBTH Environmental Impact Assessment (EIA) Officer**

- 5.23 The EIA has been reviewed by the Council's EIA Consultants and found sound subject to the mitigation identified within the council's Final Review Report being secured as part of any forthcoming consent. This will be further considered within the EIA section of the report

### **LBTH Building Control**

- 5.24 No adverse comments to raise on the revised proposal with reference to the submitted fire strategy.

### **LBTH Town Centres**

- 5.25 The development will activate an underused piece of land that connects with the canal and creates a mixed use development including workspace to create a dynamic mixed development with residential, business (A1-4, B and D use classes to create a new neighbourhood and add to the local offer.
- 5.26 There is also potential for this development to generate additional footfall from people travelling to and from Bethnal Green Road and Cambridge Heath Road to this site and for this additional footfall to generate customers for existing local high streets.

### **LBTH Sustainable Urban Drainage**

- 5.27 To ensure flood risk is not increased elsewhere a detailed surface water drainage scheme as outlined in the report should be secured via planning condition. Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed 'Outline Strategy' has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off no higher than 9.4L/S as outlined in the Report.

## **EXTERNAL CONSULTEES**

### **Greater London Authority**

- 5.28 London Plan and draft London Plan policies on principle of development, housing and affordable housing, urban design, inclusive design, historic environment, energy, drainage and water, urban greening, noise and vibration and transport are relevant to this application. The application does not yet fully comply with the London Plan and draft London Plan as set out below:
- 5.29 Principle of development: The residential led mixed-use redevelopment is supported in principle. Whilst GLA officers still remain unconvinced that the quantum of non-residential uses proposed is appropriate given its out of centre location. It is for Tower Hamlets to satisfy itself that the appropriate demand exists, and that the quantum proposed would not adversely affect the nearby town centre or cause issues surrounding high vacancy rates. In respect of the proposed D1/D2 uses, social infrastructural type uses should be prioritised above others, dependent on the Council's assessment of local need. 10% of the employment workspace should be provided as affordable in accordance with Local Plan requirements.
- 5.30 Affordable housing: The application currently proposes 35% affordable housing by habitable room. Given that this is a former utilities site, this scheme could follow the Fast Track Route if

it can be robustly demonstrated that that extraordinary decontamination, enabling or remediation costs must be incurred to bring the site forward for development. The requisite viability evidence is currently being reviewed by GLA officers to determine whether the 35% affordable housing threshold could be applied. The tenure split does not quite comply with Policy H6 of the Mayor's Intend to Publish London Plan and should be revised accordingly.

- 5.31 Urban design: There is a lack of external residential amenity space and the amount of commercial space proposed is considered excessive given the site's relatively secluded location and predominantly residential/workspace context. Residential quality issues must be addressed to ensure the scheme is of the highest quality.
- 5.32 Heritage: Some harm would be caused to the setting of Grade II listed No.2 Pritchard Road as a result of the development, albeit the extent of harm would be limited and more than outweighed by the public benefits of the scheme.
- 5.33 Inclusive access: Confirmation is required that fire evacuation lifts would be provided throughout the scheme as necessary.
- 5.34 Energy: Significant issues have been identified with the energy strategy, the full details of which have been supplied to the Council and the applicant. In summary, the applicant must submit the GLA spreadsheet; updates on the 'Be Lean' and overheating required and a consistent g-value should be used; further information required on the potential to connect to district heating; further information required on PV potential; further information required on the proposed ambient loop heat pumps; the non-domestic element does not meet the London Plan Policy 5.2 or the Council's on-site targets. Further measures should be investigated and proposed.
- 5.35 Flood risk and drainage: The Flood Risk Assessment provided complies with London Plan Policy. However, the surface water drainage strategy does not give appropriate regard to rainwater reuse, swales and surface-level attenuation storage. The applicant should also consider water harvesting and reuse to reduce consumption of wholesome water across the entire development site. This can be integrated with the surface water drainage system to provide a dual benefit.
- 5.36 Urban greening: The scheme would provide an UGF of 0.39 which is welcomed.
- 5.37 Transport: The strategic transport issues arising from this development could be compliant with the current and draft London Plans, subject to the issue below being addressed prior to Stage 2 and determination by the Council. Further clarification on the cycling movement strategy, cycle parking, car parking provision and trip generation data is requested. Improvements identified within the Active Travel Zone should be secured.

#### **Transport for London – Land Use Planning**

- 5.38 TfL's comments are incorporated into the 'Transport and Servicing' section of this report.

#### **Metropolitan Police (Designing Out Crime Office)**

- 5.39 The Met request that a condition is added by the local authority to ensure that the development shall achieve a Certificate of Compliance to a Secured by Design scheme. This is in line with the boroughs Local Plan Policy D.DH2.

#### **Historic England Inspector of Historic Buildings**

##### Significance

- 5.40 Gasholders No.2 and No.5 are located in and make a strong positive contribution to the Regent's Canal Conservation Area within the London Borough of Tower Hamlets (LBTH), the



character and appearance of which is set out in detail in the Council's Conservation Area Character Appraisal and Management Guidelines (adopted 2009). While subject to a Certificate of Immunity from statutory listing (ref 1424572), these structures are non-designated heritage assets of clear local architectural and historic interest as a tangible reminder of the provision of Victorian coal gas supply and form a prominent local landmark along the Regent's Canal. The site also lies within close proximity to a number of other conservation areas, namely the Regent's Canal Conservation Area within the London Borough of Hackney (LBH), the Hackney Road Conservation Areas within both LBTH and LBH and the Broadway Market Conservation Area in LBH.

#### Impact

- 5.41 The development will impact on the character and appearance of the Regent's Canal Conservation Area within LBTH, and the setting of other local conservation areas most notably the Regent's Canal Conservation Area within LBH. The proposals will also impact on the significance of Gasholders No.2 and No.5 as non-designated heritage assets through the demolition and re-erection of the guide frames and demolition of the below ground tanks and bells.

#### Historic England's Position

- 5.42 We recognise that in general the redevelopment of gasholder sites is challenging in terms of design and construction. However we also recognise that the redevelopment of this site presents a number of opportunities, including the potential to better reveal the site's significance through new public access and interpretation, and the potential to enhance the significance of the Regent's Canal Conservation Areas through improvements to the canal frontage. We welcome the overall aim to secure the future of the guide frames as part of the redevelopment of the site in recognition of the strong positive contribution they make to the character and appearance of the Regent's Canal Conservation Area.
- 5.43 The design of the development has been carefully considered and clearly responds to the significance of the historic gasholders on the site, also retaining the prominence of Gasholder No.5 both along the canal and in the wider townscape. The height and set back of development within both gasholders allows some breathing space, and for the upper tiers of girders to be seen against a clear sky. Similarly, the view created through the central courtyard within Gasholder No.5 allows its lightweight and graceful aesthetic to be appreciated.
- 5.44 The loss of the below ground gasholder tanks and bells will cause harm to the non-designated heritage assets, which will need to be taken into account by your authority as part of the overall planning balance (please refer to comments by the Greater London Archaeological Advisory Service regarding archaeological recording). In addition, the proposed temporary dismantling of the guide frames will also cause some harm to the significance of the gasholders as non-designated heritage assets and positive contributors to the significance of the conservation area. Due to the nature of their construction, there is clearly potential for elements of the historic gasholders (particularly Gasholder No.2) to be lost or damaged in the process of dismantling. There is, therefore, a need for detailed recording in line with the recent Historic England guidance (2019) to be undertaken up-front.
- 5.45 We are concerned that no condition survey appears to have been submitted to accompany the application to allow for an understanding of the current condition of the gasholders. We also consider that an outline methodology for dismantling would be beneficial at this stage, however, recognise that this may be appropriate to deal with via a planning condition were your authority minded to grant planning permission.
- 5.46 We are also concerned that no justification has been provided as to why one or both of the gasholders could not be retained and developed in situ and would welcome further discussion

of this issue. We are aware of other gasholder sites where this approach has been taken, including the Alliance Gasholder in Dublin and in the developing scheme for the Grade II listed Gasholder at The Oval in the London Borough of Lambeth.

- 5.47 The less than substantial harm we have identified to the conservation area could, to some extent, be mitigated through the undertaking of an upfront programme of detailed archaeological recording and through the use of planning conditions and a robust legal framework through the Section 106 Agreement to secure the reinstatement of the guide frames.

Updated position – 10<sup>th</sup> September 2020

- 5.48 I can confirm that the proposed conditions appear to be well set out and to afford a high level of protection to the gasholder frames.
- 5.49 The conditions that the LPA proposes on Marian Place gasholders reflect those that Historic England placed on the grant of Listed Building Consent for the gasholder at Oval, where similar works were proposed. This demonstrates that your authority is proposing to afford an appropriately high level of protection to the gasholders at Marian Place and has treated them in a similar manner to listed gasholders elsewhere.

**Historic England Greater London Archaeological Advice Service (GLAAS)**

- 5.50 The submitted archaeological material, does not reflect GLAAS's scoping advice. The assessment does not include any informative coverage of the function, significance or history of the gasworks in the context of the industry's development. Importantly they have not detailed the pre-existing and proposed harm to the archaeology or considered management of the scheme within the constraints of the industrial contamination issues involved.
- 5.51 The applicants appear to justify their decision to omit the advised consideration of the Historic England Contaminated Land Guidance, the Historic England Historic Gasworks Guidance and the comparison of harm against a site model by quoting an email from me (September 2019) to their consultant, confirming that my interest in the site relates to the post-mediaeval period. The Society for Post-Mediaeval Archaeology considers the scope of that period to range from the late fifteenth century to the present day.
- 5.52 The applicant has not provided the necessary information to inform management of the site's postmediaeval archaeology, including the gasworks. The function of an EIA is to identify environmental receptors and then find ways to minimise or offset harm to them in the design and development process. As such, the archaeological study be extensively reworked. As advised at scoping, it should consider the site in the context of the HE Historic Gasworks Guidance and also use the HE Contaminated Land guidance and the deposit model to include buried remains in the approach to creating and managing the conceptual site model and remediation programme.

Updated position – 2<sup>nd</sup> September 2020

- 5.53 Further to recent discussions and the submission of additional material, I am writing to update my archaeological advice to the borough.
- 5.54 Historic England encourages the retention of the gasholder guide frames in-situ with below-ground elements, such as the tank, where this can be achieved. However, where this isn't possible, it is also our position that we welcome proposals to sympathetically dismantle and re-erect the gasholder guide frames, including through recording and arising improved public understanding.

- 5.55 Finally, we recommend that the final design, landscape and public realm of the site should acknowledge and interpret its heritage for public benefit.
- 5.56 I have examined the ES addendum which addresses some of the points raised in earlier advice. I note also the proposed Outline Refurbishment Methodology
- 5.57 As discussed, Historic England would offer a suite of recommended conditions to manage any consent. The recommended controls would cover archaeological investigation and recording, sympathetic dismantling and rebuilding and ways to convey the site's heritage through the public realm of a completed scheme.

### **The Victorian Society**

- 5.58 For over a century, the impressive silhouettes of Gasholders nos. 2 & 5 have dominated the skyline to the south of Regent's Canal. They are an important not only as a reminder of the area's industrial past, but also in their own right as architecturally eye-catching structures which make a highly significant contribution to the local townscape.
- 5.59 The proposal to infill both guide frames would cause significant harm by obscuring these silhouettes. Both frames could be retained as is with no development in their core. If this is demonstrably impossible from a viability standpoint, we urge that as a compromise, the applicant retains one of the guide frames with no central development so that the integrity of at least one of the remaining structures can be maintained. It is our view that no. 5, despite its later construction, would be the obvious contender for this given its scale and dominance of the skyline in this area. The infill within no.2 should reduce as well, thus allowing the upper part of the frame to remain visible.
- 5.60 Refraining from building within the frame of no. 5 and lowering development within no. 2 would moreover mean that the overall height of the development would be reduced and the negative impact on the surrounding area thus limited. The current proposal of a 12-storey block within Gasholder 5 would result in the permeable views currently offered by the large gas holder frame being blocked. In the context of a predominantly low-rise area, this would clearly have an adverse effect both on the canal and the conservation area.
- 5.61 There are concerns over the layout and design of blocks B,C & D. The proposal suggests that by constructing these buildings in a similar circular style to those proposed within the guide frames of the remaining gas holders, they both allude to these remaining frames and to the previous gas holders on the site. However, the result is historically confusing as they fail to relate to the footprint of the two gasholders which were there previously. If they are not going to occupy the same footprint, then a more fragmentary approach needs to be taken to their design so that they do not give the impression that they are faithfully alluding to previous structures.

### **Environment Agency**

- 5.62 We have reviewed the information submitted and believe the proposed development will be acceptable subject to 7 planning conditions being included on any planning permission granted. These are for the submission of; remediation strategy, verification report, Monitoring and maintenance plan, further remediation strategy if further contamination is found, no drainage systems allowing infiltration of surface water to the ground, piling foundation and borehole management

### **London Borough of Hackney**

- 5.63 LB Hackney does not object in principal to the proposed development but has the following heritage related concerns. Proposals for infill development within gasholders such as these undoubtedly harms their landmark quality. However, it is generally seen as an acceptable

compromise that is preferable to their complete loss. The general principle of infilling is therefore supported.

- 5.64 However, no justification has been given for the dismantling, off site refurbishment and reassembling of the gasholders. Similar developments have retained the gasholders in-situ during development.
- 5.65 There is a lack of contrast between the colour of the guide-frames and the infill development on the retained gasholders, which lessens the distinctiveness of the outer structure.
- 5.66 The proposals will impact several heritage assets within the London Borough of Hackney and a brief assessment of the impact on each asset is given below.
- 5.67 The Regents Canal Conservation Area (Hackney) was designated in 2007 and directly adjoins the site to the north. The conservation area is a unique green corridor with several surviving warehouses and other industries associated with its historical use. The existing gasholders make a positive contribution to the setting of the conservation area and the proposed infill development will cause some harm by virtue of its bulk, massing and external design.
- 5.68 Broadway Market Conservation Area (Designated) designated in 1995 and is located approximately 150 metres north west of the site. It follows the Market Porters' Route, a traditional route in the past for the transportation of produce from the fields in Hackney to the markets in the City and contains a largely intact Victorian townscape. The existing gasholders make a positive contribution to the setting of this conservation area in views from its southern end. The proposed infill development will therefore cause some harm by virtue of its bulk, massing and external design.
- 5.69 35 - 38 Andrews Road (Non-Designated). This is a short terrace of early to mid-Victorian properties, which was added to Hackney's Local List in 1991. The buildings are located approximately 50 metres north east of the site. The existing gasholders are visible from this terrace and make a positive contribution to its setting. The proposed infill development will therefore cause some harm by virtue of its bulk, massing and external design.
- 5.70 In all cases, the harm identified above is *less than substantial* and will need to be taken into account as part of the overall planning balance.

## **Thames Water**

### Waste Comments

- 5.71 Thames Water request a condition that secures confirmation regarding capacity to accommodate waste.
- 5.72 Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

### Water Comments

- 5.73 Thames Water are currently working with the applicant to identify and deliver the offsite water infrastructure needs to serve the development. Thames Water have identified that some capacity exists within the water network to serve 100 dwellings but beyond that upgrades to the water network will be required. Works are ongoing to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development doesn't outpace the delivery of essential infrastructure. There shall be no occupation beyond the 100th dwelling until confirmation has been provided that either:- all water network upgrades required to accommodate the additional

flows to serve the development have been completed; or- a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

#### **Canals and Rivers Trust**

- 5.74 The Trust provided advice with regards the Environmental Impact Assessment Scoping Opinion on the site, in 2019, and with respect to the related full application to which the additional information submission relates earlier this year, in March.
- 5.75 The matters raised in our March 2020 response remain the main issues relevant to the Trust as statutory consultee on this application:
- a) The impact on the character and appearance of the waterway and adjacent towpath.
  - b) Impacts on heritage assets.
  - c) Potential impacts on the structural integrity of the canal.
  - d) Impact on the overshadowing of the canal
  - e) Impact on biodiversity.
  - f) Drainage impacts
- 5.76 Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) remains that suitably worded conditions and/or a legal agreement are necessary to address these matters.

#### **London City Airport**

- 5.77 The proposal has been assessed from an aerodrome safeguarding perspective. Accordingly, it was found not to conflict with London City Airport's current safeguarding criteria.

#### **Roman Road Trust**

- 5.78 No comments received

#### **Roman Road Bow Neighbourhood Forum**

- 5.79 No comments received

#### **National Grid**

- 5.80 No comments received

#### **London Fire Brigade**

- 5.81 No comments received

#### **Transport for London – Buses**

- 5.82 No comments received.

#### **Network Rail**

- 5.83 No objections raised.

#### **National Air Traffic Services (NATS)**

- 5.84 No objections raised.



## Natural England

5.85 No comments to make

## 6 RELEVANT PLANNING POLICIES AND DOCUMENTS

### Adopted policy

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 The NPPF (2019), which the Development Plan needs to be in accordance with, sets out the Government's planning policies for England and how these should be applied and provides a framework within which locally prepared plans for housing and other development can be produced.

6.3 The purpose of the planning system is to contribute to the achievement of sustainable development which has the following three overarching objectives: economic, social and environmental.

6.4 The adopted Development Plan comprises:

- The London Plan (2016, LP) and
- Tower Hamlets Local Plan 2031, "The Local Plan", (adopted January 2020)

6.5 The key adopted Development Plan policies relevant to the determination of this proposal are:

#### Land Use - (*principle, residential, employment*)

- Local Plan policies - Site Allocation 1.3: Marian Place Gasworks and The Oval, S.H1, S.EMP1, D.EMP2, D.EMP4, S.TC1
- London Plan policies –LP2.13, LP3.3, LP4.3

#### Housing - (*standard of accommodation, amenity, play space*)

- Local Plan policies – S.H1, D.DH2, D.H3
- London Plan policies – LP3.3-9, LP3.10-13, LP3.14-15

#### Design and Heritage - (*layout, townscape, massing, heights and appearance, materials, heritage*)

- Local Plan policies - S.DH1, D.DH2, S.DH3, D.DH4, D.DH6
- London Plan policies – LP7.1 - 7.8

#### Amenity - (*privacy, outlook, daylight and sunlight, noise, construction impacts*)

- Local Plan policies - D.DH8
- London Plan policies – LP7.6, LP 7.14, LP7.15

#### Transport - (*sustainable transport, highway safety, car and cycle parking, servicing*)

- Local Plan policies - S.TR1, D.TR2, D.TR3 D.TR4
- London Plan policies – LP 6.1, LP6.3, LP6.5- LP6.13

#### Environment - (*energy efficiency, air quality, odour, noise, waste, biodiversity, flooding and drainage, Thames Water and contaminated land*)

- Local Plan policies – S.SG2, D.SG3, S.ES1, D.ES7, D.ES2, D.ES9, D.ES3, D.ES4, D.ES5, D.ES7, D.ES8
- London Plan policies – LP3.2, LP5.1 - 5.15, LP5.21, LP7.14, LP7.19, LP7.21,

6.6 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- National Design Guidance (2019)
- LP Housing SPG (updated 2017)
- LP Affordable Housing and Viability SPG (2017)
- Intend to Publish London Plan (2019)
- GLA Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)
- GLA City Fringe Opportunity Area Planning Framework (2015)
- Historic England Heritage Supplementary Guidance (Various)
- LBTH Planning Obligations SPD (2016)
- LBTH Regent's Canal Conservation Area Character Appraisal and Management Guidelines (2009)
- LBTH Hackney Road Conservation Area Character Appraisal and Management Guidelines (2009)
- LBH Hackney Road Conservation Area Appraisal (2009)
- LBH Regent's Canal Conservation Area Appraisal (2007)
- LBH Broadway Market Conservation Area Appraisal (2006)
- 

### **Emerging policy**

6.7 The Mayor of London's Draft New London Plan with Consolidated Suggested Changes was published in July 2019. The Examination in Public took place in January 2019. Generally, the weight carried by the emerging policies within the Draft New London Plan is considered significant as the document has been subject to Examination in Public (EiP), incorporates all of the Mayor's suggested changes following the EiP and an 'Intent to Publish' was made by the Mayor of London. However, some policies in the Draft New London Plan are subject to Secretary of State directions made on 13/03/2020, these policies are considered to have only limited or moderate weight. The statutory presumption still applies to the London Plan 2016 up until the moment that the new plan is adopted.

6.8 The key emerging London Plan policies relevant to the determination of this application are:

#### Land Use

- Draft New London Plan policies – GG1-5, SD1, SD6-10, D1

#### Housing

- Draft New London Plan policies – H1, H4-7, H10, H11

#### Design and Heritage - (*layout, townscape, massing, heights and appearance, material heritage*)

- Draft New London Plan policies – D2-9,

#### Amenity - (*privacy, outlook, daylight and sunlight, noise, construction impacts*)

- Draft New London Plan policies – D13.

#### Transport - (*sustainable transport, highway safety, car and cycle parking, servicing*)

- Draft New London Plan policies – T1, T2, T3, T4, T5, T6, T6.1, T6.4, T6.5, T7, T9

#### Environment - (*energy efficiency, air quality, odour, noise, waste, biodiversity, flooding and drainage, Thames Water and contaminated land*)

- Draft New London Plan policies – SI2, SI3, SI12, SI13, G6

## **7 PLANNING ASSESSMENT**

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Housing
- iii. Design
- iv. Heritage
- v. Neighbouring Amenity
- vi. Transport and Servicing
- vii. Environment
- viii. Human Rights and Equalities

### **LAND USE**

#### **Spatial designations**

7.2 In the Local Plan, the site is located within:

- Site Allocation 1.3: Marian Place Gas Works and The Oval
- The Regent's Canal Conservation Area
- Cambridge Heath Local Employment Area
- Green Grid Buffer Zones

#### **Place vision**

7.3 The site sits in the City Fringe Sub Area. Relevant aspects of the vision for this area are:

- Ensuring Whitechapel, Cambridge Heath, Shoreditch, Spitalfields and Aldgate will all have a more diverse mix of commercial, cultural, leisure, tourism and night-time activities. It will be a place for new affordable and flexible employment spaces.
- To protect and enhance the area's heritage assets and improve the historic character of the individual places.
- To improve and enhance legibility, permeability and connectivity within, to and from the area, whilst enhancing and improving green grid links.
- Strengthen the role and function of the area's distinctive and varied town centres to provide a choice of cultural, leisure and retail activities, and;
- Create new open spaces (including pocket parks and strategic open space) and improve links to existing publicly accessible open space.

#### **Site allocation requirements**

7.4 The site sits within the wider Site Allocation 1.3: Marian Place Gasworks and The Oval, as set out within the Tower Hamlets Local Plan 2031 (2020). The site is allocated to deliver:

- Housing

- Employment: a range of new units suitable for the needs of small-medium enterprises, start-up and creative and tech industries
- Strategic open space (minimum of 1 hectare)

7.5 The following principles and considerations apply to the whole allocation. This means that not all will be relevant to this site.

#### Design principles

7.6 Development will be expected to:

- respond positively to the special character of the Regents Canal conservation area and its setting, scale, height, massing and fine urban grain of the surrounding built environment, and specifically integrate heritage assets on site
- retain, reuse and enhance the existing heritage assets, including gasholders no.2 and no.5, Victorian buildings adjacent to Regents Canal, and Georgian cottages, including the associated setted street and railings
- re-use The Oval as new public open space which positively contributes to the surrounding buildings and well-connected to the new open space. The Oval should be fronted by a continuous building line following its footprint
- provide active frontage set back from the canal, and positively frame the open space and The Oval to avoid excessive overshadowing
- improve walking and cycling connections to, from and within the site: these should align with the existing urban grain to support permeability and link with Cambridge Heath Neighbourhood Centre
- maximise the provision of family homes
- improve biodiversity and ecology within open spaces and green infrastructure
- provide a minimum size of one hectare of consolidated open space which is designed to be usable for sport and recreation
- integrate the development into the green grid network through new and improved access routes to the canal, the open space and The Oval, together with greening the public realm, and
- improve the public realm with active site edges, specifically along Hackney Road, Pritchard's Road, Emma Street and The Oval. In addition, generous pavement and a linear landscaped square should be provided along Hackney Road in order to mitigate the impacts of the heavy through traffic on the narrow street.

#### Delivery considerations

- Family housing should be delivered in close proximity to the open space to increase recreational opportunities, access to and enjoyment of open space.
- Development should acknowledge the associated costs of decommissioning the gasworks and the relocation of any significant equipment and address any environmental pollution and on-site decontamination requirements caused by the gas works.
- Effective engagement between landowners, developers and leaseholders will be needed to facilitate potential land assembly and comprehensive redevelopment.
- The gasholders do not accommodate any employment floorspace and therefore this floorspace does not need to be re-provided as part of any new scheme.
- Development should accord with any flood mitigation and adaptation measures stated within the borough's Strategic Flood Risk Assessment and the sequential test.
- An assessment should be carried out to understand the potential contamination on site prior to any development taking place.

- g. Development will be expected to implement the actions identified in the Thames River Basin Management Plan to support delivery of the objectives of the plan, in accordance with Regulation 17 of the Water Environment Regulations 2013.

## **Assessment**

### Principle of the development

- 7.7 The scheme proposes to replace a vacant brownfield, former utilities site with a mixed-use development of 555 residential units, 4,182sqm non-residential floorspace and a public open space.
- 7.8 The principle of the development is in keeping with the land use requirements outlined in the Site Allocation. Specific elements of the design principles and delivery considerations will be addressed in relation to specific topics below.

### Residential

- 7.9 Policy S.H1 of the Local Plan outlines the need for the Borough to secure the delivery of 58,965 new homes across the Borough between 2016 and 2031, which equates to 3,931 new homes each year. Policy H1 of the Draft New London Plan also places a strategic expectation that the Borough will need to deliver 35,110 new homes as a 10-year housing target (annualised to 3,511 per year) between 2019/20 and 2028/29. As detailed in this policy, it is expected that much of this housing delivery be targeted within Opportunity Areas and areas identified by Local Planning Authorities for redevelopment and regeneration.
- 7.10 In line with the above policy and the specific requirements of the Site Allocation, this is a suitable location for residential development.

### Commercial space

- 7.11 The scheme proposes to deliver a range of commercial floorspace – employment, retail and community uses. A number of policies support the provision of these uses.

### *Changes to the use Classes Order*

- 7.12 On 21 July 2020 the Government announced a number of changes to the planning system which came into force on 1 September 2020. Of note to the application proposals, the introduction of Statutory Instrument no. 757 would see changes to the Town and Country Planning (Use Classes Order) and the creation of three new use classes, Class E, Class F1 and Class F2.
- 7.13 The new 'E' use class effectively amalgamates a number of previously disparate use classes into this new use. In the context of the Application Proposals, the previously existing A1, A2, A3, B1, D1 and D2 would fall within the E class. A4 falls within the Sui generis category.
- 7.14 Statutory Instrument no. 757 does however stipulate transition arrangements for planning applications submitted prior to the 1<sup>st</sup> September 2020, such as the Application Proposals. These transition arrangements state that such applications should be determined with reference to the Use Classes as existing *prior* to 1<sup>st</sup> September. It is on this basis that officers have considered the Application Proposals with reference to the Use Classes Order as existing, even though the application is to be determined after 1<sup>st</sup> September 2020, at a point when the new statutory instrument has come into effect.



- 7.15 Nevertheless, whilst the Application Proposals should be assessed and determined in accordance with the transitional arrangements (as per the following analysis), in officers' view the new legislation still amounts to a relevant material consideration. That is, it is relevant to note the legislative context against which the Application Proposals would be considered in the event that they were re-submitted after 1<sup>st</sup> September 2020. However, whilst material, officers would afford them very limited weight in the determination of the Application Proposals given the transitional arrangements in place while further noting that Statutory Instrument No. 757 is subject to legal challenge.
- 7.16 It is noted that the new E class would give a high level of flexibility as to the proposed uses and operation of the site. While such flexibility may be desirable in other circumstances and contexts, as set out the analysis that follows, the mix and balance of the proposed uses in the Application Proposals ensures that the non-residential floorspace is led by employment generating uses (B1) within the Cambridge Heath Local Employment Location;
- 7.17 With the amended Use Classes Order, the above benefits of Application Proposals may be diminished. As such, officers consider it reasonable and appropriate to secure the specific uses applied for, as well their quantum, by additional planning conditions.

#### Employment floorspace

- 7.18 The Delivery Considerations for the Site Allocation are clear that the gasworks are not considered to be existing employment floorspace. The loss of the former gasworks floor space does not have to be addressed in policy terms.
- 7.19 However, the site does fall within the Cambridge Heath Local Employment Location and so any development should be in keeping with the requirements of S.EMP1 of the Local Plan, which requires schemes within the designated employment locations to support, protect and enhance the role and function of these locations, maximise the provision of employment floorspace and contribute towards the Borough's jobs target. It also provides specific principles for each location. Those relevant for this scheme are:

*These are areas of high accessibility that provide or could provide significant capacity for employment accommodation meeting secondary, local or specialist employment needs, and to support the needs of start-ups, small-to-medium enterprises, grow-on space and creative and digital industries.*

*b. Cambridge Heath – which provides a range of office, industrial and studio workspaces meeting the needs of businesses serving a more local need, start-ups, small-to-medium enterprises and creative industries.*

- 7.20 The scheme proposes to deliver up to 2,485sqm of B1 floorspace. This is significantly greater than any other non-residential floorspace and more than 50% of the total non-residential floorspace. Employment floor space is provided at the ground floor level in buildings A-E and within the basement levels of both buildings A&E. The surrounding 'Containerville' developments currently provide workspace which is suitable for start-up companies and small businesses. As such the commercial offer proposed within this scheme is considered to provide complimentary floor space with larger floorplates which could allow for companies that have established themselves in the area to remain.
- 7.21 The space of the units has been set out, in addition to floor to ceiling heights which shows the floor space could be flexible for a range of employment types. The rationale for flexibility at this point is understood as spaces will partially be defined by the types of users that wish to take up occupation in the future. However, in the context of the LEL, it is appropriate to secure by condition the submission of a detailed Employment Plan which outlines in detail the

proposed employment provision, the location of the space, its design and details of the market evidence which informed these decisions.

- 7.22 Furthermore, given the LEL designation it is also appropriate to condition that over 50% of the non-residential floorspace proposed shall remain in B1 use.

#### Affordable workspace

- 7.23 The scheme would provide 11% of the floorspace at a rate of 10% below the indicative market rate. The total amount of office (Use Class B1) space currently proposed is a minimum of 2,101sqm (GIA). Unit B1 (within Building B) has been identified to provide the affordable workspace. This would be in line with policy D.EMP2 of the Local Plan which requires at a minimum 10% of the floorspace to be at 10% below the indicative market rate.
- 7.24 This would support small businesses and start-ups in the area and complement the existing surrounding 'Containerville' sites. SMEs and people wishing to start a business whom may find rent prices challenging elsewhere in the borough would benefit.
- 7.25 The affordable workspace would be secured as part of the S106 agreement including a management plan for the workspace.

#### Retail and associated uses

- 7.26 The scheme seeks to deliver up to 180sqm of A1/A2 use and up to 1,300sqm of A3/A4 space.
- 7.27 The provision of these uses would meet the objectives of policies D.TC3 and D.TC5 of the Local Plan. The applicant has provided a Retail Impact Assessment (RIA) which considers the impact on local town centres in both Tower Hamlets and Hackney. Officers find no reasons to disagree with the conclusions reached by the applicants RIA. The assessment identified there is a specific market and locational requirement for the proposed non-residential floor space to be provided. The facilities proposed can be located only within the application site as they will serve the needs of future residents within the proposed development and in the local catchment area. Other sites away from the site have been found not to be suitable or viable and as such the proposal complies with the sequential test.
- 7.28 Officers accept the submitted RIA demonstrates that the proposed non-residential floor space would not have a significant adverse impact on designated centres. Officers also conclude the scheme is also not considered to adversely affect the development opportunities of other sites within the defined centres.
- 7.29 The proposed D2 floorspace is up to 635sqm. This area is too small to accommodate many major leisure uses e.g. cinema, bingo hall, ten pin bowling etc. and as such, the most likely D2 leisure use that would occupy this space, compatible with the other proposed uses and classified as a main town centre use, is a health and fitness gymnasium. A medium sized gymnasium of up to 635 sqm is likely to have around 50 fitness stations. That said, the D2 space could potentially serve as a cultural event space.
- 7.30 Sport England data for registered gymnasium facilities indicates that Greater London has 983 Sport England registered health and fitness suites with 66,800 fitness stations. This existing provision equates to 7.5 fitness stations per 1,000 people in London. Based on this London average, a medium sized gymnasium facility with 50 stations would need a catchment population of just under 7,000 people. As indicated earlier, there will be over 31,000 people living within 700 metres of the application site at 2024.

- 7.31 Sport England data indicates there are 13 registered gymnasium facilities within the local postcode sectors (E2, E8 and E9). These facilities have 1,007 fitness stations. A medium sized gymnasium facility with 50 stations would represent an increase of less than 5%. This increase would be supported by future population growth and no significant adverse impact on existing facilities is envisaged within designated centres.
- 7.32 With regards to the proposed D1/D2 floor space (up to 635sqm), the applicant anticipates that this space is to be used as a gym (Use Class D2) as indicated and assessed in the Retail Impact Assessment. D1 alternatives are likely to be a day centre, nursery and/or community hall.
- 7.33 The NPPF only requires an impact assessment for retail and 'intensive leisure uses'. It is not considered that a gym would be an intensive use. Policies S.CF1 and D.CF3 of the Local Plan indicate that out of centre community uses will be supported where a local need can be demonstrated, and the site is accessible and complies with the sequential test. Consistent with the NPPF, there is no requirement to prepare an impact assessment on similar facilities within town centres. As with employment uses, 'need' can only be established at the time of occupation.
- 7.34 In relation to policy S.CF1, the scheme is in accordance with the policy because it would be enhancing community facilities if D1 uses are secured. The last criterion of this policy is effectively the sequential test. The D1 space was included within the sequential assessment (Section 5 of the RIA). It is accepted that the example uses= proposed (i.e. the gym) complies with the test, so as such it follows that D1 uses comply.
- 7.35 In terms of the local need elements of policies S.CF1 and D.CF3, the scale of provision up to 635sqm would not be excessive and consistent with the likely scale required to serve the local needs of the development considering the resident population of at least 1,100 people. These uses would only be of a scale to meet the development's need. Overall, the proposed development and resultant population increase would help to support existing community uses in the nearby centres.
- 7.36 Overall, the development complies with the relevant planning policies and is acceptable in retail/town centre terms.

#### Open space

- 7.37 A minimum provision of 1ha of consolidated public open space is required across the Site Allocation. It is acknowledged that this site does not encompass the entire Site Allocation and so is not expected to deliver the entirety of the open space requirement. Open space is discussed in detail within the 'Housing' section of this report where it is concluded open space targets are met within the proposed development.

#### **HOUSING**

- 7.38 As set out within the 'Land Use' section of this report, the principle of a residential-led development on the site is appropriate.

#### **Housing mix**

- 7.39 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. Policy D.DH2, as detailed in the above section, also seeks to secure a mixture of small and large housing and Policy DM3.

Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2017).

- 7.40 As noted above, the proposals would see the provision of 555 residential units. Table 1, below, details the overall proposed mix of the scheme.

**Table 1: Proposed housing mix**

Unit Type	Market		Intermediate		Affordable rent		Total	
	No.	%	No	%	No.	%	No.	%
Studio	48	12%	0	-	0	-	48	9%
1 Bed	182	45%	37	59%	14	17%	233	42%
2 Bed	148	36%	26	41%	12	14%	186	34%
3 Bed	30	7%	0	-	36	43%	66	12%
4 Bed	0	-	0	-	22	26%	22	4%
<b>Total</b>	<b>408</b>	<b>100</b>	<b>63</b>	<b>100</b>	<b>84</b>	<b>100</b>	<b>555</b>	<b>100</b>

- 7.41 The table below details the private housing provision of the scheme against D.H2 policy targets:

**Table 2: Housing mix policy comparison (by unit)**

Unit Type	Market (%)		Intermediate (%)		Affordable rent (%)	
	LBTH Policy	Proposal	LBTH Policy	Proposal	LBTH Policy	Proposal
Studio	-	12%	-	-	-	-
1 Bed	30%	45%	15%	59%	25%	17%
2 Bed	50%	36%	40%	41%	30%	14%
3 Bed	20%	7%	45%	-	30%	43%
4 Bed		-		-	15%	26%

- 7.42 Policy D.H2 (part 3) of the Local Plan outlines the housing mix across all tenures that all schemes should seek to deliver.
- 7.43 As detailed in Table 2, the scheme represents a deviation from policy in relation to housing mix. In the private tenure, the development comprises of an overprovision of studio/1-bedroom units and 7% 3-bedroom units. Studio units are not recognised by policy D.H2 and the provision of 3-bedroom units is 13% short of the 20% required for 3/4-bedroom units. In the intermediate tenure, there is an overprovision of 1-bedroom units and no family sized units. In the affordable tenure there is an overprovision of 3/4-bedroom units.
- 7.44 It is considered that, as the scheme does deliver significant social infrastructure (in a public park) on site, and that the scheme over-provides family sized units within the affordable rented tenure, then flexibility regarding the mix can be considered consistent with supporting paragraph 9.37 (part c) of policy D.H2. This is discussed in more detail, below.

### **Affordable housing**

- 7.45 Policy S.H1 (part2aiii) of the Local Plan requires schemes delivering over 9 units to provide 35% affordable housing, unless there are demonstrable viability constraints.
- 7.46 In line with the emerging London Plan and the Mayor of London's Affordable Housing and Viability SPG (2017), if a scheme delivers 35% affordable housing and meets certain tenure and mix requirements, it is able to proceed through the viability fast track route and does not

need to provide viability information. For former industrial land the threshold for affordable housing to follow the fast track route is 50%.

#### Abnormal site works and viability

- 7.47 The applicant has sought to demonstrate that, because of abnormal site costs, the Fast Track route (for non-industrial sites i.e. 35% affordable housing) applies to the scheme. As such, they have provided the GLA's Viability Team an abnormal cost report which includes several cost estimates and viability assessments.
- 7.48 Footnote 59 of the draft new London Plan states that, if it is robustly demonstrated that extraordinary decontamination, enabling or remediation costs must be incurred to bring a surplus utilities site forward for development, then a 35% affordable housing threshold could be applied, subject to detailed evidence, including viability evidence, being made available. The evidence base to the Council's Local Plan supports these requirements.
- 7.49 Most gasworks and gasholder sites were constructed for the production and/or storage of gas. The manufacture of town gas required the burning of coal in coke ovens inside large retort houses. This process was very dirty and generated excess tar, hydrocarbons and other contaminants as waste products. Town gas was gradually replaced by natural gas and therefore the production function was no longer required and ceased on all gasworks sites. Gas was still stored in the gasholders. However, advances in gas storage has meant that the gasholders themselves are no longer required.
- 7.50 The only remaining operational gas infrastructure present on gasworks and gasholder sites are the Pressure Reduction Stations (PRS) and the associated below ground gas mains. The new gas infrastructure is likely to include a re-sited PRS and the diversion and re-provision of the gas mains.
- 7.51 When releasing gasworks and gasholder sites for development there are several different activities which need to be undertaken which are unique to this type of site. These are in effect 'abnormal' activities because they are not required on a standard brownfield site (these are also in addition to the abnormal costs normally associated with standard construction). The activities must be carefully sequenced because the rationalisation of the gas infrastructure and elements of the remediation works cannot be undertaken simultaneously. These works must also be undertaken in advance of any standard building works on site and typically commence in advance of any planning permission for new development being granted.
- 7.52 The site is 1.83ha (4.53 acres) and comprises four gasholders: No.2 (north west), No.5 (north east), No.1 (south east) and No.4 (south west). The above ground frames of gasholders No.2 and No.5 are still present. All four gasholders at Marian Place have been decommissioned and purged of gas since 2012. Some ancillary buildings remain on the site, including a valve house and a gas pumping plant building, which are similarly redundant. The site has not been used for the manufacturing of gas.
- 7.53 The gasholder infrastructure rationalisation and remediation work that will enable the site to be released for development have commenced at the site. Further above and below ground enabling works and decontamination works are still required before development can come forward. These are detailed as follows:
1. In-ground Obstructions: The extent of in-ground obstructions is considerable, including oil and coke stores and below ground tar tanks. Many of these in-ground obstructions are still full of tar and other heavily contaminated substances that need to be remediated before being removed from site. In addition to the two above ground gasholders frames, four below ground structures remain. It is proposed that the four



in-ground gasholder tanks will be left in situ due to their sheer size and depth. The demolition of the below ground gasholder tanks is expected to take 62 weeks. Detailed information is provided dealing with the treatment of this work.

2. Site Clearance and Demolition: In addition to the large amount of above ground infrastructure the site has several structures will require demolition. These buildings contain high levels of asbestos and will require a specialist contractor to remove the hazardous material. In addition to the demolition of the above ground structures, the below ground tar tanks will require emptying, with all hazardous waste being extracted and transported to a specialist remediation facility.
3. Gas Infrastructure Rationalisation: There is still a significant amount of live and redundant gas infrastructure present on site. In order to bring in additional services into the site these live gas mains will require protection in the form of concrete service trenches. Due to the proximity to existing gas mains, the extent of the excavation and the plant protection required, construction access to the site will be significantly impacted and will result in an extended programme and increased costs.
4. Gasholder Refurbishment: Gasholders no.2 and no.5 will be dismantled, refurbished, and re-erected.

7.54 The GLA's Viability Team have reviewed information provided in the Abnormal cost report. To highlight the higher risk profile associated when developing gasworks and gasholder sites, the applicant has modelled two development scenarios as follows:

1. Assessment of the site as a gasholder site
2. Assessment as a standard brownfield site

7.55 For the purpose of the appraisal, the applicant has assumed many of the inputs provided by BNP Paribas as well as those from the London Plan Viability Study (December 17) including sales revenues and build costs (indexed). The number of homes has been reduced from 630 to 555 to reflect the planning application.

7.56 The summary estimated 'abnormal' costs have been included in the report (Appendix 2), prepared by Fulkers, Bailey, Russell. These total £39,662,792. GLA officers have considered the various costs itemised and compared these to cost estimates on other similar sites, concluding that the estimates fall within a typical range and can be accepted.

7.57 Contingency at 5% has been included for a small number of abnormal costs, but the majority have contingency at between 25-50% included. At this preliminary stage of assessment this is typical. Contingency overall represents about £10m of the total 'abnormal' cost.

7.58 The following amendments have been included to reflect the estimated abnormal costs and programme

1. London Plan Viability Abnormal Costs of £3,705,000 (based on £1.950m per ha) replaced with the St William estimated abnormal costs of £39.663m.
2. Development programme has been extended by 2 years

7.59 The results of the modelling show a substantially lower developer return for the gasholder site development at 0.87% profit on GDV and 7.23% IRR as opposed to 18.88% profit on GDV and 15.03% IRR for the brownfield site development.

7.60 The 'abnormal' costs are about 20% of the build costs for the scheme (including contingency.). This is a substantial cost over and above a typical brownfield site and justifies being accepted

as Fast Track provided that it delivers 35% Affordable Housing on a policy compliant (by tenure) basis.

Affordable housing provision

- 7.61 Policy D.H2 of the Local Plan provides further details on the affordable housing requirements and further stipulations which allow schemes to use the fast track approach. These are stated in supporting paragraph 9.37:

*Where a development proposes to deliver at least 35% affordable housing (to use the fast track approach) and in exceptional circumstances (e.g. where applications propose to deliver a significantly higher quantum of affordable housing than 35%, whilst meeting the required affordable housing tenure mix, and/or propose to deliver significant social infrastructure on-site), we will consider a different housing mix, having regard to the following factors:*

*a. The proposal must meet the tenure split requirements outlined in Part 1.*

*b. Proposals will be expected to meet our affordable housing product requirements outlined in paragraphs 9.29 and 9.30.*

*c. Greater unit mix flexibility can be applied to the market tenure unit mix, as opposed to the unit mix for affordable housing. However, the scheme must still provide a significant proportion of family housing in the market tenure and proposals will be expected to meet our unit mix requirements to deliver family housing in the affordable tenures.*

- 7.62 Policy D.H2 requires that schemes should deliver a 70:30 split of social rented affordable homes to intermediate affordable homes, with 50% of the social rented homes being London Affordable Rent and 50% being Tower Hamlets Living Rent.
- 7.63 In accordance with the required policy the scheme proposes to deliver 35% affordable (by habitable room) of the total number of new homes. 147 of 555 dwellings will be affordable. In addition to this, and as required by policy, the affordable housing provision will deliver a policy compliant split of 70:30 affordable/social rent: intermediate (as calculated by habitable room).
- 7.64 The affordable rent dwellings will be delivered at 50% London Affordable Rent and 50% LBTH Living Rent in line with policy.
- 7.65 The scheme proposes to provide all the intermediate homes as Shared Ownership. Supporting paragraph 9.31 states that larger intermediate units (three or more bedrooms) should be prioritised as London Living Rent products, and generally, shared ownership will not be considered appropriate where unrestricted market values of a unit exceed £600,000 (as per the Affordable Housing and Viability Supplementary Planning Guidance [GLA, 2016]).
- 7.66 As set out in Table 2, the scheme proposes only 1 bed (59%) and 2 beds (41%) as Intermediate (Shared Ownership) products. Officers have sought further justification for this and requested that the applicant engage with Registered Providers to seek their preference. The applicant has since provided letters from Registered Providers stating their preference for shared ownership products.
- 7.67 While it is noted that the scheme at present provides for 35% affordable housing by habitable room across the development, it does not represent a fully compliant housing mix across both tenures. It is concluded that on balance the scheme would provide an appropriate mix of housing and will be discussed below.

- 7.68 As highlighted within the Council's most recently Strategic Housing Market Assessment (SHMA) and reflected within the recently adopted Local Plan Policy D.H2, family sized housing (3- and 4-bedroom units) within the affordable rented tenure remains a priority.
- 7.69 In order to redress the imbalance presented by the intermediate tenure, the applicant has opted to uplift the family sized affordable rented units to 69%, an increase of 24% from policy requirement of 45% family sized affordable rented units. Considering the importance of these units, their provision holds significant weight when considering the mix as a whole.
- 7.70 In addition to this, and as set out in detail above, the mix proposed is a direct result of the numerous constraints present on the site. The scheme delivers on the requirement to provide a strategic open space, deal with contamination issues associated with the site's former use and retain and reuse the former gasholder guide frames on the site. As set out in policy flexibility regarding the mix can be afforded in line with supporting paragraph 9.37 (part c) of policy D.H2.
- 7.71 The achievements that the site makes in this regard cannot be underestimated as, whilst the site allocation requirements should be delivered across the allocation as a whole, this site forms a substantial chunk of this allocation (1.83ha) and has therefore had to form an appropriate urban design response which allows adjacent development sites, as they come forward for redevelopment in the future, to deliver upon the holistic ambitions for the wider site. Notably, the provision of the open space at the centre of the site, with spaces between the proposed buildings, will allow for connected open spaces and public realm.

#### Housing mix conclusions

- 7.72 It is noted that the scheme would fail to achieve the borough's target housing mix. The under provision of family sized units in the market housing and lack of family sized units in the intermediate tenure would not strictly accord with policy. However, strong weight is given to the affordable rented offer, which is acknowledged by local policy. When considering the affordable housing offer that the scheme makes, which includes a significant quantum of affordable rented family sized units, the proposal would not in overall conflict with policy D.H2 of the Local Plan.
- 7.73 The proposed development would make a considerable contribution to the borough's affordable housing requirements and overall, whilst there would be some tensions with respect to the mix, the provision of 35% affordable housing would carry substantial weight in favour of the proposal.
- 7.74 The affordable housing provision will be controlled through the section 106 agreement. It is stated by the applicant that all of the affordable housing will be delivered in the first phases of the development programme which will contribute to the supply of affordable dwellings available in the borough at the earliest possible opportunity.

#### **Wheelchair accessible housing**

- 7.75 Policy 3.8 of the London Plan and Policy D.H3 require that 10% of all new housing is designed to meet housing standard M4(3) for wheelchair accessibility, with the remainder of dwellings built to be accessible and adaptable dwellings in line with housing standard M4(2).
- 7.76 55 wheelchair accessible homes are proposed which amounts to 9.54% of the total units. 6 units are within intermediate, 8 are within the affordable rent, and 39 within the market housing.
- 7.77 The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Blue-badge accessible parking would be located within the garage

underneath Blocks C and D within the application site. No blue-badge spaces are proposed on-street. Subject to the further details being secured the proposed wheelchair housing would be in accordance with policy.

### **Quality of residential accommodation**

- 7.78 The GLA's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is *"fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime"*. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 7.79 Policy D.H3 of the Tower Hamlets Local Plan require that all new residential units must meet the minimum standards prescribed within the London Plan, with particular regard for 2.5m minimum floor to ceiling heights and the provision of 10% wheelchair housing. The policy also highlights the requirement that affordable housing not be of a distinguishable difference in quality.

### Minimum space standards

- 7.80 All units meet the minimum space requirements set out in the National Space Standards and provide adequate room sizes, storage space and floor to ceiling height (2.5m).

### Aspect

- 7.81 Standard 29 of the GLA's Housing SPG states that developments should minimise the number of single aspect dwellings. Policy D6 of the draft new London Plan states housing developments should maximise the provision of dual aspect dwellings.
- 7.82 Approximately 42% of dwellings throughout the development are dual aspect. It is acknowledged that this figure is lower than would be expected for new developments however there are other policy requirements which have dictated this outcome. Essential to the Site Allocation are to (a) respond positively to the special character of the Regents Canal conservation area and its setting, scale, height, massing and fine urban grain of the surrounding built environment, and specifically integrate heritage assets on site and (b) retain, reuse and enhance the existing heritage assets, including gasholders no.2 and no.5.
- 7.83 Policy D3 of the draft new London Plan seeks to ensure all developments make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Part B refers to form and layout of developments and states, among others, that development proposals *should "enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions"*.
- 7.84 The retention of the guide frames of former Gasholders No.2 and No. 5 is paramount to the success of the scheme, both in terms of conservation benefit and placemaking objectives. This has predicated the radial building forms within the guide frames (Buildings A and E) and throughout the rest of the site to ensure a holistic design approach. This radial form has significant benefits in that it positively responds to local distinctiveness and the local context in terms of layout, scale, appearance and shape. It also has the added benefit of reducing the appearance of bulk of the buildings, allowing for a greater degree of outlook from the apartments.

- 7.85 The radial building forms of Buildings B, C and D are not purely a product of the shape of the guide frames, but also form an appropriate response to the site boundaries, where neighbouring sites that sit within the Site Allocation may be redeveloped in the future. As such, ensuring that linear building forms are avoided within the site has been imperative as not to neutralise development on these neighbouring sites, which have the potential to deliver valuable employment floorspace and/or residential development, in accordance with the principle of the site allocation. In the context of this particular site, which is closed off on three sides, the radial building typology ensures pinch points are limited as much as possible. The layout of the site and the proposed buildings ensures the optimum capacity of the site is realised through a design-led approach.
- 7.86 The unique requirements of building within the guide frames, combined with an appropriate urban design solution which safeguards development potential on neighbouring sites and provides both a consolidated open space are considered to represent exceptional circumstances which result in a high proportion of single aspect units.
- 7.87 It should further be noted that many of the units benefit from angled balconies. This, combined with the radial form of the buildings, provides a wider outlook and angle or orientation than from standard single aspect units with an orthogonal façade.
- 7.88 Overall, considering the site's context, and having regard to the overall residential amenity for future occupants, the quality of aspect for the proposed units would be acceptable.

#### Internal circulation

- 7.89 Standard 12 of the GLA's Housing SPG states that each core should be accessible to generally no more than eight units on each floor. The rationale behind this guidance is that residential developments provide for safe, secure access and facilitate a more intimate environment for residents.
- 7.90 The proposed buildings include, with the exception of Building D which contains the Affordable Rent dwellings and consequently has less, up to eleven dwellings per core. It should be noted that the GLA's Stage 1 response raised no issues with this part of the development as it provides an efficient core to unit ratio given the overall footprint of the buildings.
- 7.91 The proposed layout, which features a centrally located core in buildings B to E avoids long, inactive corridors and circulation spaces. The design allows for two extended lobby spaces with a maximum of six apartments accessed off each. The corridor and lobby spaces are only used by occupants of the apartments that they serve. The unique nature of design means that, in Building A, the corridors are curved so that the appearance of a long corridor is avoided and punctuated at the mid-point by daylight illumination from the lift/stair lobby.
- 7.92 Due to the unique design of the development, the design solutions adopted, and the high-quality nature of the development proposed, the proposals are considered acceptable when assessed against the intent of this Standard.

#### **Amenity space**

##### Private amenity space

- 7.93 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Policy D.H3 of the Tower Hamlets Local Plan sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant.

- 7.94 The proposal provides private amenity space in the form of balconies to 507 flats. Amenity spaces are provided in the form of balconies, of which there are varying designs throughout the scheme.
- 7.95 Standard 27 of the GLA's Housing SPG states that balconies should have a minimum width of 1500mm and should be of practical shape and utility. Such space standards have been established in the same way as internal space standards, by considering the spaces required for furniture, access and activities. In Building A, balconies are in the form of three typologies as follows: outer (levels 1-9), outer (levels 10-12) and inner. All outer balconies are of a recessed triangular form whilst the inner balconies take the form of typical projecting balconies. Detailed plans show that these spaces would provide good quality amenity space with sufficient capacity for outdoor dining and seating space. Inner balconies are more typical as they are quadrilateral. Balconies within Buildings B-E are formed of two typologies; triangular and rectangular. As with Building A, detailed plans show that the spaces would be good quality with sufficient space for furniture and access.
- 7.96 The remaining 48 studio apartments do not have balconies however, in order to compensate for the lack of balconies, these studio dwellings are oversized by at least 10% and contain a Juliet balcony.

#### Communal amenity space

- 7.97 The proposed communal amenity space would be located in three spaces; the western half of the roof terrace and the sunken courtyard serving Building A, and the woodland ring between buildings B, C and D. In total, 1520sqm is provided against a minimum requirement of 590sqm. Overall, the communal amenity space would be in accordance with policy S.H1 and D.H3.

#### Play space

- 7.98 London Plan Policy 3.6 and draft London Plan Policy S4 seek to ensure that development proposals include at least 10 sqm per child of suitable play provision. Further guidance is set out in the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG (2012). Local Plan Policy D.H3 applies the above standard for play space. Both the GLA and the Council have their own standards for play space however the local calculator uses the GLA's methodology with data derived from developments in the Borough. Play space is set out against both standards in Tables 3 and 4.

**Table 3: LBTH play space requirements**

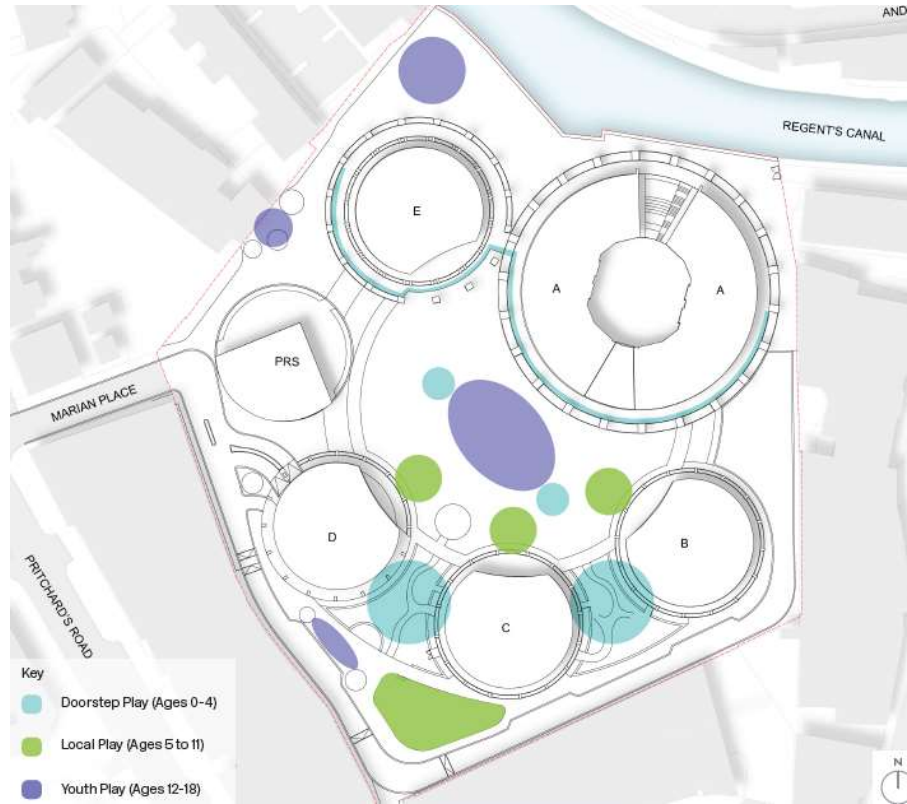
Child Age	Child Yield	Play space required (sqm)	Proposed play space (sqm)	Variance (sqm)
Doorstep play (0-4)	79	790	810	+20
Local play (5-11)	68	676	820	+144
Youth play (12-18)	73	725	873	+148
Total	219	2,191	2503	+312

**Table 4: GLA play space requirements**

Child Age	Child Yield	Play space required (sqm)	Proposed play space (sqm)	Variance (sqm)
Doorstep play (0-3)	65.9	659	810	+151
Local play (4-10)	72.6	726	820	+94
Youth play (11-15)	51.6	516	516	0
Youth play (16-17)	21.8	218	357	+139
Total	212	2,197	2503	+383



**Figure 9: Child play space locations**



- 7.99 All play and communal amenity space will be tenure blind and there would be equal access for all residents.
- 7.100 All the required play space will be delivered on site within the landscape proposals. Doorstop Play space (0-4) will be provided in the Woodland Ring, incorporating playable trails which can be overlooked from carefully located breakout spaces.
- 7.101 For Local Play (5-11), a designated play area is proposed near to the Emma Street pedestrian entrance. The space includes a range of equipment for different activities including climbing equipment, play poles, an undulating landform, sound pipes and balancing equipment. Seating and green landscaping features are incorporated so that the space caters for carers.

**Figure 10: Play area**



7.102 In terms of Youth Play (12-18) there is the flexible lawn space which provides opportunities for pop up sports e.g. badminton and volleyball, social gathering spaces and a loop fitness route around the edge of the site that connects a number of exercise stations. Informal sport activities such as table tennis are used to activate corners of the site.

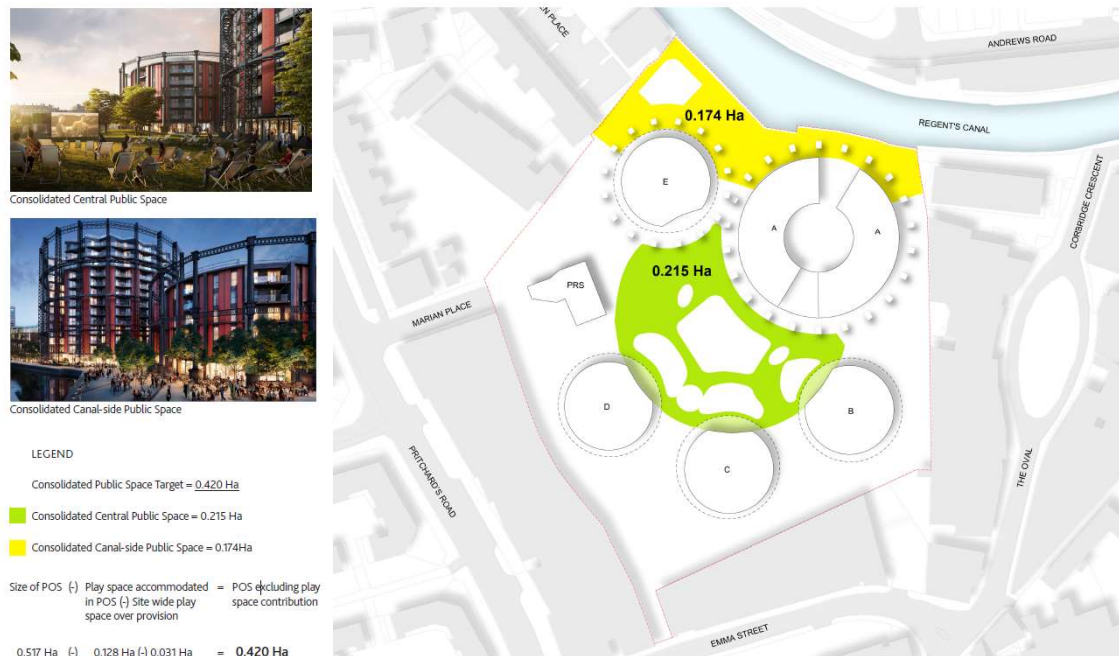
#### Open space

7.103 A minimum provision of 1ha of consolidated public open space is required across the Site Allocation. It is acknowledged that this site does not encompass the entire Site Allocation and so is not expected to deliver the entirety of the open space requirement. Based on the size of the site (1.83ha) the consolidated public open space target is 0.420ha.

7.104 In order to avoid double counting with the child play space, calculations have been provided that demonstrate the consolidated public open space would still meet the 0.42ha policy requirement if any play space accommodated within it and any overprovision of play space were accounted for. This is demonstrated in Figure 11.

7.105 The application proposes to provide two connected forms of open space: a central lawn and a canal side zone. These are connected between the two gasholders. It is considered that these two areas provide a sufficient contribution towards the Site Allocation infrastructure requirements. The canal side zone also meets the design principle requirement for an active frontage set back from the canal to reduce overshadowing.

**Figure 11: Open space and play space calculations**



- 7.106 The ongoing public accessibility of both the central lawn and canal side zone will be secured by way of a compliance condition. In addition to this, a detailed landscape and management plan will be secured through the Section 106 Agreement. This plan will be required to consider: design (including planting, play equipment, street furniture), maintenance, community involvement, the role and function of different spaces, ways to activate and bring residents and non-residents together, ensuring the space is welcoming and the rules governing the space.
- 7.107 The central lawn is a valuable asset and a key component of the design. It is sufficient in size and shape to allow for a range of simultaneous different activities for a significant quantity of people. As stated, calculations have been provided that show the space has not been double counted with play space requirements. However, it is envisaged that this space will be multi-use, allowing people of all ages to use it for leisure.
- 7.108 The Mayor of London has produced the Public Open Space Charter. This is not yet formally adopted guidance; nevertheless, the Council will be seeking a schedule in the S106 to deal comprehensively with the objectives and outcomes sought by the draft charter.

### **Daylight/sunlight – proposed development**

#### Policy and guidance

- 7.109 Policy D.DH8 of the Local Plan requires the protection of the amenity of future residents and occupants by ensuring adequate levels of daylight and sunlight for new residential developments. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

- 7.110 Further guidance is provided with regard to sunlight, with the BRE guidance stating that in general, a dwelling which has a particular requirement for sunlight will appear reasonably sunlit if at least one main window faces within 90 degrees due south and the centre of one window to a main living room can receive 25% annual probable sunlight hours (APSH), including at least 5% annual probable sunlight hours in the winter months (WPSH) between 21 Sept and 21 March.
- 7.111 The applicant has submitted a Daylight and Sunlight assessment, undertaken by Point 2 Surveyors. This has been reviewed by the Council's independently appointed Daylight and Sunlight consultant, BRE.

#### Daylight

- 7.112 Point 2 have analysed all the 1540 proposed habitable rooms in the five buildings. All buildings are cylindrical in shape. This is comprised of 624 rooms in Building A, 192 rooms in Building B, 364 room in Building C, 240 rooms in Building D and 120 rooms in Building E.

#### *Building A*

- 7.113 Building A is the largest block, to the north of the site and has rooms facing outward and inward to an internal courtyard area. There would be residential flats on the first to twelfth floors
- 7.114 73 (11.6%) rooms out of 624 would be below the minimum daylight recommendations in BS 8206 Part 2. 46 of these would be bedrooms and 27 would be living / dining / kitchen areas. Most of the rooms below the recommendations are in the inward courtyard facing area. Rooms here are heavily obstructed by the other parts of the building. Only from the seventh floor would all rooms meet the recommendations.

#### *Building B*

- 7.115 Building B is to the east of the site and would have accommodation on the first to eighth floors. 37 (19.2%) rooms out of 192 would be below the minimum daylight recommendation. All of these are deep living / dining / kitchen areas with balconies. ADF values would be between 1.1% and 1.4%.

#### *Building C*

- 7.116 Building C is to the south of the site and has proposed flats on the first to twelfth floors. The design of this block has some units with separate kitchen / dining rooms. 59 (16.2%) rooms out of 364 would be below the daylighting recommendations. This includes all 46 kitchen / dining rooms, which fail to meet the 2.0% kitchen recommendation. Seven living areas would be below the 1.5% living room recommendation and six bedrooms would not meet the 1.0%-bedroom target. The rooms below the recommendations are behind balcony areas.

#### *Building D*

- 7.117 Building D is to the south west of the site and would have accommodation on the first to tenth floors. 28 (11.6%) combined living / kitchen / dining rooms out of 240 habitable rooms would be below the 1.5% recommended for a living area. These are all single aspect deep spaces behind rectangular inset balcony areas facing the tall Blocks A or C. Similar rooms facing north west and south west have better provision due to relatively modest existing obstruction. Dual aspect living areas with a window to a triangular inset balcony meet the recommendations. This suggests it is the design of some rooms and balconies, especially in areas facing other tall buildings of the scheme, which is responsible for reduced daylight provision.

### *Building E*

- 7.118 Building E is to the north west of the site, next to Building A. 33 (27.5%) rooms out of 120 would be below the minimum recommendations. 28 combined living / kitchen / dining areas would be below the living room criterion (around half of the living rooms in the entire block). Five bedrooms would be below the bedroom target. The rooms are deep single aspect.

### *Daylight provision summary*

- 7.119 Overall, there would be 230 rooms out of 1540 below the minimum recommendations in BS8206 Part 2. This would represent 15% of the total number of habitable rooms within the development.
- 7.120 All the 46-separate kitchen / diners in Building C would be below the 2% kitchen recommendation.
- 7.121 57 Bedrooms would be below the bedroom recommendation. The majority of these would be to Building A (market tenure units) (46 rooms) facing into the internal courtyard area. It should be noted that the design of Building A has located the bedrooms on the internal courtyard as there is a lesser requirement for daylight to bedrooms (as acknowledged in the BRE guidelines) and to ensure the majority of living rooms are located on the outer façade of the building to maximise daylight levels.
- 7.122 127 combined living / kitchen / dining areas would be below the living room recommendation.
- 7.123 The existing surrounding environment does not present a large degree of obstruction to the site. Daylight provision is therefore predominately defined by the design and location of the proposed buildings.
- 7.124 Rooms facing the internal courtyard area at Building A would be obstructed by other parts of the building. It would be difficult to improve daylight provision here without redesigning the shape of the building.
- 7.125 In general, at the other main areas where daylight is below the recommendations this is due to the design of single aspect deep rooms and balconies, especially in areas facing other blocks. Where the design of the buildings uses dual aspect rooms and / or triangular balcony areas the results are generally better.
- 7.126 Officers have had regard to the results across the development and it is not considered that any one tenure would be disadvantaged by the proposals.

### Sunlight

- 7.127 In respect to sunlight amenity within new developments paragraphs 3.1.2 of the BRE states that *"In housing, the main requirement for sunlight is in living rooms...it is viewed less important in bedrooms and in kitchens"*.
- 7.128 The sunlight discussion in the Point 2 appendix comments on overall number of rooms meeting the probable sunlight hours recommendations and does not specifically discuss living rooms. For the purposes of this assessment, living rooms will be the focus, as this is the main room where the BRE Guidance recommends that sunlight be provided.

### *Building A*

7.129 The results presented in the appendix suggest that around a third of living areas in Building A would meet both the annual and winter probable sunlight hours guidelines. Around 60% would be below both guidelines, with the remaining meeting one guideline only.

*Building B*

7.130 Just over 10% of living areas in Building B meet both guidelines. Around 55% of living rooms would be below both guidelines. Approximately a third would meet the winter guideline only.

*Building C*

7.131 Around 30% of living rooms in Building C would meet both the annual and winter recommendations. More than 40% would be below both guidelines. The remaining would meet the winter guideline only.

*Building D*

7.132 Around 20% of living areas meet both guidelines. Just under 50% would be below both guidelines. The remainder would meet one guideline only.

*Building E*

7.133 Around 10% of living areas meet both guidelines. Nearly 65% would be below both guidelines. The remaining meet the winter guideline only.

*Sunlight provision summary*

7.134 The Council's appointed consultant BRE, classified sunlight provision to proposed living rooms as poor. BRE have acknowledged that there would have to be significant changes to the design of the scheme to improve the overall result and that the results themselves are dictated by the design and location of the proposed buildings.

7.135 The proportion of living areas able to meet both the annual and winter probable sunlight hours recommendations in each block varies from 10% in Buildings C and E to a maximum of approximately one third in Building A. Although north facing rooms would be naturally limited, well over half of living areas do not meet the recommendations; the results are worse than if the rooms were orientated at random. There would need to be significant changes to the design to improve the overall result.

7.136 There are several factors impacting the sunlight provision within the proposed dwellings. As with the daylighting considerations, the form of the proposed buildings has been driven by the heritage assets on the site in the form of the gasholder structures. The gas holder frames themselves have a partial self-shading effect and the form of the buildings naturally means that there are pockets where the buildings are very close to each other.

7.137 The overwhelming majority of units are provided with private amenity balconies which are recessed to retain the integrity of the faceted formation of the blocks. These naturally limit the view of the top part of the sky from the windows beneath them and therefore reduce access to sunlight, however those southerly orientated rooms (of which there are 918) would still have access to sunlight from the balcony itself, which would create a pleasant external amenity for the future residents.

*Sunlight to proposed open spaces*

- 7.138 Sunlight provision to proposed open spaces has been analysed in Appendix L7 of the Environmental Statement. The BRE Report states that to appear adequately sunlit at least half of the area should be able to receive at least two hours of sunlight on 21st March.
- 7.139 The courtyard at Building A would be poorly sunlit. None of the area would be able to receive at least two hours of sunlight on 21st March.
- 7.140 The rest of the open space at the site, taken as a whole, would technically meet the guidelines with over 60% able to receive at least two hours of sunlight. However, this area includes all open space at the scheme and does not present results by section. Point 2 provided further information on this space that shows a large portion of the central area would be able to receive at least 90 minutes of sunlight on 21<sup>st</sup> March.
- 7.141 To the south of the site, the landscape plan shows play areas and planting between Buildings B and C and Buildings C and D. These areas would be well sunlit, with all, or the vast majority, of the spaces able to receive at least two hours of sunlight on 21st March. The outdoor exercise equipment to the north west of the site would also be well sunlit.

*Assessment of daylight and sunlight provision*

- 7.142 Part 1(c) of policy D.DH8 seeks to ensure that the design of new development optimises the levels of daylight and sunlight. This implies recognition that daylight and sunlight are matters to be balanced against other issues
- 7.143 It is therefore important that policy D.DH8 is considered in the context of the design principles set out in the Site Allocation itself, namely that development will be expected to respond positively to the special character of the Regents Canal conservation area and its setting, scale, height, massing and fine urban grain of the surrounding built environment, and specifically integrate heritage assets on site and retain, reuse and enhance the existing heritage assets, including gasholders no.2 and no.5. The policy should also be considered in the context of development plan policies more widely.
- 7.144 The challenges associated with a unique site such as this, and the heritage imperative to retain the guide frames to Gasholders Nos. 2 and 5, whilst at the same time providing adequate levels of daylight and sunlight to the proposed residential uses cannot be underestimated.
- 7.145 Policy D3 of the draft new London Plan seeks to ensure all developments make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Part B refers to form and layout of developments and states, among others, that development proposals *should “enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions”*.
- 7.146 In accordance with the Site Allocation, the retention of the gasholder guide frames has led the overall form of the development. This has predicated the radial building forms within the guide frames (Buildings A and E) and throughout the rest of the site to ensure a holistic design approach. This radial form has significant benefits in that it positively responds to local distinctiveness and the local context in terms of layout, scale, appearance and shape. It also has the added benefit of reducing the appearance of bulk of the buildings, allowing for a greater degree of outlook from the apartments.
- 7.147 The radial building forms of Buildings B, C and D are not purely a product of the shape of the guide frames, but also form an appropriate response to the site boundaries, where neighbouring sites that sit within the Site Allocation may be redeveloped in the future. As such,



ensuring that linear building forms are avoided within the site has been imperative as not to neutralise development on these neighbouring sites, which have the potential to deliver valuable employment floorspace and/or residential development, in accordance with the principle of the site allocation. In the context of this particular site, which is closed off on three sides, the radial building typology ensures pinch points are limited as much as possible. The layout of the site and the proposed buildings ensures the optimum capacity of the site is realised through a design-led approach.

- 7.148 As considered in the 'Quality of residential accommodation' section, each unit is of an acceptable size and layout, with the vast majority benefitting from balconies. The faceted footprint of the buildings naturally leads to relatively deeper and narrower units when compared to more typical building footprints. In these instances, kitchens are located at the rear of the space to maximise daylight potential to the main living space at the front of the room closest to the window(s). This has resulted in some failures in the BRE guidelines, but these must be weighed, in the wider balance, against the benefits.
- 7.149 The unique requirements of building within the guide frames, combined with an appropriate urban design solution which safeguards development potential on neighbouring sites and provides both a consolidated open space are considered to represent exceptional circumstances which allow for flexibility.
- 7.150 Given the above context, the living conditions with respect to daylight and sunlight would be of an acceptable standard and ensure an acceptable level of amenity for future residential occupiers.

## **DESIGN**

- 7.151 Development Plan policies require high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets. 7.118 Policy S.DH1 of The Local Plan requires developments to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different spatial scales. Development should be of an appropriate scale, height, mass, bulk and form in its site and context.
- 7.152 Policy D.DH4 requires developments to positively contribute to views and skylines that are components of the character of the 24 places in Tower Hamlets. Intrusive elements in the foreground, middle ground and backdrop of such views will be resisted.
- 7.153 The Tall Buildings policy D.DH6 sets out the criteria for assessing the appropriateness of a tall building. The policy further directs tall buildings towards the designated tall building zones and sets out a series of stringent design and spatial criteria to which tall buildings must conform to.
- 7.154 Specifically, part 3 of policy D.DH6 relates to developments outside the tall building zones and states that tall building proposals (including those in site allocations) will be supported provided they meet the criteria set out in Part 1 of the policy.

## **Density**

- 7.155 Both the adopted and emerging London Plan promotes the efficient use of urban land and the optimisation of housing potential in new developments to help meet the strategic challenges of population growth and the pressing need for new homes. The need to utilise accessible brownfield land optimally and efficiently is particularly key in opportunity areas and housing

zones. Policy 3.4 of the London Plan (2016) states that new development should optimise housing output for different types of location within the relevant density range (Table 3.2), subject to a contextual assessment. An indicative density of 140-405 units per hectare (u/ha) or 650-1100 habitable rooms per hectare (hr/ha) is set for central sites.

- 7.156 Policy GG2 of the draft new London Plan promotes higher density development, particularly on sites that are well-connected by public transport, walking and cycling to other infrastructure and services, applying a design-led approach. Policy D3 also seeks to optimise density (with consideration being given to site context, connectivity and accessibility, and the capacity of surrounding infrastructure). Policy D3 also confirms development proposals must make the most efficient use of land and be designed at the optimum density. Proposals that do not demonstrably optimise the housing density of a site should be refused and greater scrutiny of design is required the greater the level of density. The policy also discourages an overly mechanistic approach to density based on the matrix.
- 7.157 In the context of achieving Borough housing completion targets, the draft London Plan aligns with that of the NPPF, placing a focus on making efficient use of land. Draft Policy H1 (increasing housing supply) states that boroughs should (inter alia) 'optimise the potential for housing delivery on all suitable and available brownfield sites through their...planning decisions'. This is especially the case on sites identified as surplus utilities sites.
- 7.158 Policy D.DH7 of the Local Plan sets out residential development should be consistent with the guidelines set out in the London Plan.
- 7.159 As a surplus utility site and vacant brownfield site, the site represents a significant opportunity to optimise housing delivery on the site through high density development and is allocated as such.
- 7.160 Taking the site area and number of dwellings proposed, the development has a density of 303 dwellings per hectare or 815 habitable rooms per hectare (based on a site area of 1.83ha). However, the GLA Housing SPG requires residential density to be calculated in accordance with a revised methodology for mixed-use schemes where the non-residential floorspace is deducted from the overall site area as a ratio of residential and non-residential floorspace. Calculations against the Housing SPG methodology are set out below:
1. Net site area: 1.83 hectares
  2. Total GIA: 63,864 sqm
  3. Of which is residential: 59,681 sqm (93.5% ratio)
  4. Ratio site area:  $1.83\text{ha}/93.5\% = 1.71\text{ha}$
  5. No. of dwellings:  $(555/1.71\text{ha})$  / No. of habitable rooms:  $(1,494/1.71\text{ha})$
  6. Residential density = 325 units per hectare / 874 habitable rooms per hectare (hr/ha).
- 7.161 The quantum and density of the development represents a positive and responsive townscape solution, with high quality landscaping and amenity space which will be subject to long term management. The site is not of high environmental value and is previously developed land in a central location. Further, the site is highly sustainable, located in close proximity to Cambridge Heath station, Bethnal Green underground station, a number of bus stops and a cycle hire scheme. Therefore, based on the design-led approach to the scheme and the proximity of the site to sustainable transport methods, it is considered that the quantum and density of the proposed development is acceptable.

## Height, scale and massing

### Existing and emerging context

- 7.162 As detailed in the above sections, the application site comprises four gasholders: No.2 (north west), No.5 (north east), No.1 (south east) and No.4 (south west). The above ground frames of gasholders No.2 and No.5 are still present. Some ancillary buildings remain on the site, including a valve house and a gas pumping plant building, which are similarly redundant.
- 7.163 It is considered that the retention of the guide frames of gasholders No.2 and No.5 (non-designated heritage assets), and the Conservation Area in which they are located (Regent's Canal – designated heritage asset), would ensure the site protects its heritage assets and would connect the development to the site's unique history. This will be outlined in detail within the 'Heritage' section of this report.
- 7.164 The height and scale of surrounding buildings typically ranges between two and five storeys in height. The buildings that bound the immediate vicinity of the site to the south, west and east are predominantly in light industrial and commercial use, whilst nearby buildings fronting onto Cambridge Heath Road and Hackney Road typically includes retail units at ground level with residential on the upper floors. The north west edge of the site is bound by some low-rise residential dwellings as well as the Council operated Pritchard's Day Centre. On the western side of Pritchard's Road are 5 storey blocks of flats that sit within a landscaped setting.
- 7.165 The site lies to the north of the Cambridge Heath Neighbourhood Centre, the boundary of which includes a number of small scale retail units on both Hackney Road and Cambridge Heath Road and is centred around the intersection of these roads, together with the adjacent Cambridge Heath London Overground / National Rail Station
- 7.166 The site is near the site known as 'Empress Coachworks; at 1-3 Corbridge Crescent And 1-4 The Oval, London, E2 9DS. This site received consent at appeal in April 2018 for two schemes which have subsequently been amended. (Appeal Ref: APP/E5900/W/17/3189374 (Appeal A) (max height: 10 storeys) and APP/E5900/W/17/3179119 (Appeal B) (max height: 8 storeys) dated 05 April 2018). The 8-storey scheme is currently under construction. The below image shows the Empress Coachworks development in the background of proposed buildings A and E.



### Tall building policy – part 1

- 7.167 The scheme proposes five stand-alone circular buildings which have heights ranging from 6 to 13 storeys (up to 63m AOD). According to Tower Hamlets' new Local Plan, buildings of more than 30m or those which are more than twice the prevailing height of surrounding buildings are tall buildings. Therefore, the scheme needs to be assessed against Tower Hamlet's tall building policy.
- 7.168 The scheme falls outside of a designated tall building zone within The Local Plan, and therefore both part 1 and part 3 of policy D.DH6 must be satisfied.
- 7.169 Part 1 of the policy is detailed but the most relevant aspects (a, b, c, d & h) relating to scale, massing, and townscape are copied below.
- a. be of a height and scale, mass and volume that are proportionate to their role, function and importance of the location in the local, borough-wide and London context
  - b. achieve exceptional architectural quality...
  - c. enhance the character and distinctiveness of an area without adversely affecting designated townscapes and landscapes (including building/roof lines) or detracting from important landmarks, heritage assets, key views...
  - d. provide a positive contribution to the skyline during both the day and night-time...
  - e. not prejudice future development potential of adjacent/ neighbouring buildings or plots
  - h. present a human scale of development at street level and comprise an attractive and legible streetscape that takes into account the use of the public realm for a variety of users and includes active uses at ground floor level.
- 7.170 Part b) will be considered in further detail in the appearance section but it is considered that the buildings would be of exceptional architectural quality, and their form and scale would further enhance and add to the diversity of new buildings coming forward within the area.

- 7.171 The proposed development ranges in scale from 6 to 13 storeys. A key policy requirement, as set out within the site allocation is to (b) retain, reuse and enhance the existing heritage assets, including gasholders no.2 and no.5. The proposed scale is a response to the scale of the existing guide frames on the site, which are to be retained and refurbished with new built elements located within. The volumes of the proposed buildings within the guide frames (Buildings A and E) feature slightly lower heights than the frames, which retains their prominence and strengthens the visual significance of the gasholders. (see views 11, 16, 17, 18, 19 & 20 in Environmental Statement Vol 2 Appendix D). The proposed massing and heights are considered appropriate for the immediate site context.
- 7.172 A scheme of 6 to 13 storeys results in taller development than the surrounding area, however the gasholders already exist on the site at this taller scale and as such, their infill with built development would not increase the established height, serving only reinforce it.
- 7.173 The heights of the other three proposed buildings (B, C and D) step down (refer to Views 4 & 19), in order to respond to the immediately adjacent low-rise buildings. In the existing context, these buildings appear to be slightly dominant in relation to their lower rise neighbours (2-storey) at the corner of Emma Street and Pritchard's Road (View 8).
- 7.174 However, these sites fall within the demise of the site allocation meaning it is likely they will be redeveloped at higher densities. Even a one-storey extension to these adjacent buildings would dramatically change the prominence of the proposed buildings in the view. As such, in general, the proposed rooflines are considered sympathetic to the adjacent buildings, as the proposed heights do not significantly change the skyline from the street level views. Therefore, the massing approach is appropriate for the significance of the site and its surrounding context.
- 7.175 In terms of safeguarding future neighbouring redevelopment the proposed buildings are located at a minimum of 9m from the site boundaries to ensure that any redevelopment of the neighbouring sites can equally be designed to safeguard privacy of any proposed new residential development and to collectively provide an 18m privacy distance. Furthermore, due to the radial forms of the buildings, the narrowest dimension between the buildings is limited to one position. Similarly, the radial forms mean there is no direct orthogonal overlooking into opposite habitable windows and no directly facing amenity balconies. As such, impact on privacy has been appropriately designed out.
- 7.176 At street level, the proposed development offers the opportunity to enhance the overall quality of the environment. The development has been sensitively designed to relate carefully to the surrounding context and to present a human scale of development at ground level through the creation of colonnades for Buildings A and E and the use of landscaping and tree planting. The proposed circular arrangement of the site and buildings also allows for the creation of a large central open space and numerous access routes connecting and integrating the site to the surrounding area.

#### Tall building policy – part 3

- 7.177 According to policy D.DH6, part 3, of the Local Plan, outside the designated tall building zones, tall building proposals will be supported provided they meet the criteria set out in D.DH6, part 1, for design quality and can demonstrate that they will meet the following requirements:
- a. be located in areas with high levels of public transport accessibility within town centres and/or opportunity areas
  - b. address deficiencies in the provision of strategic infrastructure

- c. significantly strengthen the legibility of a Major, District or Neighbourhood Centre, or mark the location of a transport interchange or other location of civic or visual significance within the area, and
- d. not undermine the prominence and/or integrity of existing landmark buildings and tall building zones

- 7.178 It is considered the scheme meets the 4 tests. The site is in an area of high PTAL (4-6a) and is in the City Fringe/Tech City opportunity area. The PTAL of the site is likely to improve as the site is opened up with new public routes through.
- 7.179 The proposal provides a new publicly accessible open space. A minimum provision of 1ha of consolidated public open space is required across the Site Allocation. It is acknowledged that this site does not encompass the entire Site Allocation and so is not expected to deliver the entirety of the open space requirement. Based on the size of the site (1.83ha) the consolidated public open space target is 0.420ha. The proposals meet this, as set out within the 'Open space' section of this report.
- 7.180 Whilst the site is outside of a town centre and does not mark a transport interchange, the tallest element of the scheme (the guide frame to former gasholder No.2) is an existing landmark. It is considered that the scheme strengthens the legibility of this location of visual significance.
- 7.181 The site is not in any public views of other Tall Building Zones. The closest Tall Building Zone is the Aldgate Cluster, approximately 1.7 miles to the south-west of the site. Due to the significant distance between the site and the Aldgate Cluster, the scheme would not undermine the prominence of the Tall Building Zone and the site would serve as part of a distinct cluster of buildings within the site allocation.
- 7.182 To conclude, the proposed scheme would meet the criteria within the tall buildings policy to justify buildings of the height proposed in this location. In addition, the scale, mass and volume of the proposed buildings would respond well to the existing and emerging context and provide a suitable transition in height.
- 7.183 The site's location within a designated Opportunity Area and Site Allocation is of considerable importance. As such, the scale of development is proportionate to the area's role and function both locally and for London.

### **Form and layout**

- 7.184 The scheme proposes five stand-alone circular buildings, taking a 'campus-style' approach through integrating the two existing guide frames within the Regent's Canal Conservation Area with a centrally located public open space. The approach to the general arrangement is considered to be appropriate for the site, responding to the principles of the site allocation.
- 7.185 Together, the buildings would read as a coherent composition distinct from their surroundings. Radial buildings featuring curved facades respond directly to both the site's former use which is survived by the remaining guide frames.
- 7.186 The form of the blocks is circular. The existing guide frames and guided spiral gasholder drums are a significant influence on the development. Their positioning takes cues from the former footprints of the gasholders, responding to the geometry and spacing of the existing guide frames.
- 7.187 With the exception of Building A, which is split due to the size of gasholder no.5, all of the buildings are solid built forms throughout. The residential units benefit from essential balconies



which breaks down the facades to a degree however, the form of the spiral gasholder drums is echoed throughout the scheme.

**Figure 12: CGI**



- 7.188 The layout principles of the proposed scheme are supported. In accordance with the design principles set out within the site allocation, the development provides active frontage set back from the canal, improves walking and cycling connections to, from and within the site and integrates into the green grid network through new and improved access routes to the canal together with greening the public realm.
- 7.189 Active frontage would be evident throughout all buildings, and along many of their facades. In particular, there is a large amount of commercial floorspace proposed within Building A at both ground and lower ground floor levels and Building E. Both buildings are on the canal and set away as to activate this part of the scheme, encouraging enjoyment of the canal edge. There is also active frontage provided facing into the centrally located public open space, increasing natural surveillance of this area.
- 7.190 The entrance on Marian Place will be the only entrance/exit point for vehicles entering the site for either the car parking facilities underneath Buildings C and D (accessed through Building D) and for servicing that takes place on the 'Homezone', a perimeter surface that will be shared by vehicles and cyclists.
- 7.191 Overall, the scheme would deliver on many good urban design principles with respect to layout and form and create strong relationships to the canal and the retained gasholder guide frames. The proposal would open the site up providing access to the previously inaccessible canal edge and through providing a large public open space. This represents significant public benefits.



## Architecture

Figure 13: CGI



### Buildings A-E

- 7.192 The form of the proposed scheme follows site's historic purpose. In terms of architectural expression, Gasholders Nos.2 and 5 are fine examples of Victorian engineering. The existing frames and guided spiral gasholder drums are a significant influence on the development of architectural expression within the proposals.
- 7.193 The layout of the buildings responds to the geometry of the existing gasholder frames. The primary living spaces and balconies are regularly spaced and centred between gasholder frame uprights views from these units are in uninterrupted.
- 7.194 The proposal achieves a contemporary architectural language that creates its own rhythm, articulation and coloration to define its unique character and relationship to the existing guide frames and historic canal-side context. The scheme is influenced by the simple expression of the gasholder frames, the coloration of the drums and the nearby Victorian warehouse and working wharf buildings.
- 7.195 The proposals are designed to build on the site's industrial and archaeological heritage. Buildings are simple forms that clearly express their construction. The architectural expression all buildings is legible and consistent with a simple expression of their framed structure. Balconies are simple steel constructions and cantilevered. These simple building elements define the main leading edges of each building and are expressed as two storey lifts within the building height. Metal balcony terraces create depth and articulate the building form whilst generating vertical rhythm that is reminiscent of the existing guide frames.
- 7.196 The architecture provides a clear expression as a composition of buildings in a townscape setting, that appear as framed isolated extracted parts that can be seen in long and mid

distance views and as identifiable and singular buildings that can be enjoyed when moving through the landscape and public realm.

- 7.197 The facades of buildings are informed by the existing guide frames. Buildings appear as single entities which respond to the modulation of the guide frame stanchions. The facade is expressed at intervals of three levels through the articulation of the floor edge. These three-storey elements are presented in the form of expressed frames and the colour panelised expanded aluminium mesh. The use of metal mesh and coloration is reminiscent of the original gas drums and the natural colouring through weathering over time.
- 7.198 The upper levels of building are defined as a three-storey element. At level 9 the slab edge provides a datum and above this the inflected facade is deeper and wider than that of the main floors below. This increases the terrace area and makes the facade more recessive, creating a finer profile when viewed from below. The profile of the facade is defined by the alignment with the guide frames. Importantly, this arrangement allows substantially more sky to be visible between the guide frame and building than when would otherwise be visible when viewed from the ground and the site approaches. The 'crown' also relates to the levels set out by the top horizontal tier of the guide frame and as an element announces the proposals stepping townscape sequence.
- 7.199 Within the courtyard of Building A the elevation is defined by the primary circulation core solid cladding which flanks either side of a full height clear glazed panel for the lift lobbies. The core is located at the centre of the elevation and adapts the same three-storey panel expression as the outer facade. To mirror the primary framing of the guide frame the building envelope is expressed every three levels. This system directly relates to the outer facade concept and defines the full height of the building on the courtyard facing elevations.
- 7.200 All residential levels of buildings B-E are defined by a single architectural expression. This is to ensure a simple continuous yet harmonious character to all buildings. The organisation and articulation of the structural framing to the balconies takes a lead from the structural expression of the framing of gasholder no.2.
- 7.201 For buildings B-E, the facade is expressed at every 2 levels through the articulation of building framing. Colour expanded aluminium mesh panels and full height glazing sit recessive to this framing. Each building has a different colour mesh which responds to local coloration in each part of the development.
- 7.202 Balconies vary throughout the development. The primary balcony is a simple rectangular lightweight steel frame. To maintain the lightweight character of the assembly the midpoint of the balcony is structurally assisted with an expressed inclined hangar. This reflects the industrial character and heritage of the site and is mirrored in the detailing of the existing gasholders. Secondary balconies are triangular in form and inflected into the façade.

#### Pressure Reduction Station (PRS)

- 7.203 An existing Pressure Reduction Station (PRS) is located close to the main site entrance from Marian Place. The PRS is an important part of the local gas infrastructure and has to be retained as part of any redevelopment of the site. This will be operated by Cadent Gas Ltd in the future.
- 7.204 A proposal has been developed that visually extends the PRS enclosure into a circular form in line with the other buildings on the site. A sculpted grove of trees and water feature will surround the PRS. The circular form mirrors the historic gasholder shapes and will lead visitors and residents through the grove of trees or the curved water feature into the central space and building entrances.

- 7.205 The north and east walls of the open top enclosure will be finished in mirrored aluminium to reflect the grove of trees, landscape, water and pedestrian movement. The curved southern wall will be formed of vertical slats which will mirror the treatment of the blind facades to the five proposed buildings. The express skin framing and slats reflects the architectural expression derived from the site's industrial heritage. That will be a separate internal acoustic enclosure to contain any background noise produced by the PRS plant equipment.
- 7.206 Overall, the architecture would be of an exceptional quality and integrate the historic fabric sensitively. The use of high-quality, yet contemporary materials would provide the building with a robust industrial aesthetic, reminiscent of the site's industrial heritage.
- 7.207 The distinctive design and appearance of the new buildings would reinforce the existing site's sense of place. The proposal would accord with the design policies in the Local Plan and London Plan.

### **Safety and security**

- 7.208 The existing site is bound by the backs of buildings and hostile perimeter fencing. It currently has no public access within the site or along the canal. New development within the site will bring passive surveillance and activation. It is critical that the public realm of the site remains publicly accessible at all hours, and gate free, this will be secured as part of the S106 agreement.
- 7.209 The scheme has passive surveillance to all frontages accessible by foot which includes the length of the canal-side, the open space and wider public realm. The mixture of commercial and residential uses would activate these spaces throughout different times of the day. The mixed-use ground floor plan would provide a good degree of surveillance.
- 7.210 Access points to the site will remain somewhat constrained however, through opening up these spaces with a clear movement strategy for pedestrians and cyclists, the site would encourage activity both within and on surrounding streets. Entrances to the buildings would be clearly visible and not behind any hidden corners.
- 7.211 It is noted that Metropolitan Police raised no objections in principle but have requested further information to be secured via a condition requiring the development to complete Secure by Design certification prior to the commencement of superstructure works.
- 7.212 Overall, it is considered that the development of the site will inherently improve the perception of safety within the area due to the existing nature of the site as a closed off former utilities site with very limited activity to and from it. The increase of passive surveillance and public foot and cycle traffic, through and around the site, will significantly improve the security of the area.

### **Landscaping**

- 7.213 A comprehensive landscaping scheme has been developed. The vision of the scheme is founded upon providing an accessible, sustainable and diverse green setting to complement the design of the proposed buildings and existing industrial forms.
- 7.214 The proposals unlock 0.420 hectares of publicly accessible open space. The design of these spaces provide flexibility as well as a series of programmed areas for both public and residential use.

Figure 14: Landscaping details plan



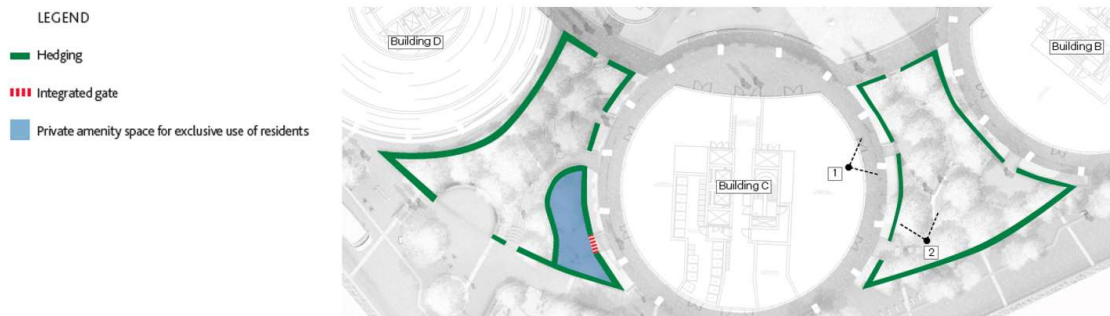
7.215 As annotated on Figure 14, the landscaping proposals comprise the following:

1. Central Lawn - A generous, flexible open space suitable for a range of activities including events and community gatherings.
2. PRS Grove - An inviting entrance encourages users to venture further into the site. A sculptural screen contains the existing pressure reduction station.
3. Canal Edge - Re-activated canal edge allows public access to a previously inaccessible part of the Regent's Canal.
4. Woodland Ring - Meandering paths and garden seating are nestled within trees and planting while maintaining clear views through to the central lawn.
5. Local Play Area - A variety of play equipment is located to the south of the site making it easily accessible for the public approaching from Emma Street.
6. 'Homezone' - Pedestrian friendly space with a 50mm high kerb to separate vehicles and pedestrians while encouraging slow vehicle movement.
7. Sunken Courtyard - Landscaped courtyard provides spill-out amenity space to private residents and users of the commercial units

7.216 The layout of the proposed development is structured around a connected public realm network. Spaces vary from active urban and civic spaces designed for multiple activities and communal gatherings to large areas of open lawn and also quieter spaces between the buildings.

7.217 The majority of the landscaped areas, excluding the sunken inner courtyard within Building A, and a space between Buildings C and D, will be publicly accessible. The GLA raised, within their Stage 1 response, that there is a general lack of shared external amenity space for residents, which given the size of the site and scope to create a balance between public and private spaces should be increased. It was suggested that the applicant should consider defining the spaces between the three southern blocks as residential amenity and the roofs of blocks could also be given over (in part) to external amenity space. As set out within the 'communal amenity space' section of this report, this would be located in three spaces; the western half of the roof terrace and the sunken courtyard serving Building A, in addition to the woodland ring between buildings B, C and D.

**Figure 15: Quiet (including private) space**



7.218 It should be noted that the space between buildings B, C and D is not purely private. This is shown in focus in Figure 15. This strategy is born out of a desire to make the site as public as possible so that it can be enjoyed by not only residents of the development, but also the existing community. However, the woodland ring would be designed as quieter spaces. Hedging surrounds the enclosures of the woodland ring providing a sense of privacy to those within and ensures safe playable spaces for children. These areas are accessible to the public however the hedging will create a natural barrier signifying a more intimate environment and change of use. The paving material within the Woodland Groves will be of a different tone and texture to that of the primary pedestrian routes. A dedicated private amenity space is located within the Woodland Grove between Buildings C&D for the exclusive use of Marian Place residents. This area is secured with hedging and an integrated gate at the entrance point.



**Figure 16: Centrally located open space**



- 7.219 The centrepiece of the landscaping proposals is the centrally located open space (Figure 16). At its centre the lawn is evenly graded and suitable for pop-up events and games. Towards its edges the lawn undulates to provide seating opportunities and an overview of its central element. Wildflowers and park trees are to be planted to promote biodiversity and provide shade. Clusters of boulders will be located under trees for seating.
- 7.220 The sunken courtyard within Building A (Figure 17) serves private residential and commercial uses. From the canal edge, visitors to the site will have a clear view of the gasholder stanchions and a sense of the impressive scale and volume of the space within the gasholder frame. The glass partition clearly defines the public/ private boundary whilst still allowing visitors to appreciate the visual amenity space within the courtyard.
- 7.221 Overall, the proposed landscaping would represent a significant public benefit by providing a significant quantum public open space, canal side access and improvements, communal space, play space and public realm improvements. The distinct character of each area responds to both the existing context and the newly proposed buildings and would create a coherent and accessible environment.

**Figure 17: CGI of Building A - Sunken courtyard**



### **Inclusive design**

- 7.222 Policy 7.2 of the London Plan (2016) and policy S.SG2 of the Local Plan seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 7.223 The pedestrian routes integrated into the landscape connect all parts of the development and will be level and step-free. In terms of setting down points, some users of the development may rely on community transport, taxis or minicabs. Residents, staff and visitors will be able to be dropped-off/picked up informally within 10 metres from the entrances to their buildings on the controlled access way to the edge of the development.
- 7.224 The proposed parking would accommodate 57 car parking spaces, representing the full 10% accessible car parking space requirement. Of these spaces, 17 (3%) will be provided as accessible spaces with the remaining 40 spaces (7%) to be large spaces available for the use of non-disabled residents until such time that demand arises for use of the full 10% of spaces by accessible users. This will be discussed in further detail within the Transportation and Highways' section of this report.
- 7.225 55 wheelchair accessible homes are proposed which amounts to 9.54% of the total units. 6 units are within intermediate, 8 are within the affordable rent, and 39 within the market housing. This is supported and will be secured by condition, along with Building Regulations standards M4(2) and M4(3) in line with London Plan Policy 3.8 and Policy D5 of the Draft New London Plan.
- 7.226 It is considered that the proposal would result in a scheme that would be well connected to its surroundings and would provide accommodation that can be used easily and with dignity by all.



## **Design conclusion**

- 7.227 To conclude, the scale, height, and massing of the proposal would respond appropriately to the site's strategic role within the Borough and London more broadly. The buildings respond well to the existing structures on site, the emerging context of developments within the site allocation and safeguard future development on neighbouring sites.
- 7.228 The form and layout of the proposed buildings would create a strong relationship with the open space and the canal and greatly enhance the existing townscape. The architecture is well considered and responds directly to the historic fabric of greatest importance. The materials and appearance of the buildings would be of an exceptional quality and the design would appear as a vibrant addition to Bethnal Green.
- 7.229 The landscaping is viewed as a considerable public benefit of the scheme due to its opening up of the canal and the creation of a public space that celebrates the gasholder guide frames. The introduction of soft landscaping will provide much needed relief in this part of the Borough where green open spaces in the immediate context are scarce.
- 7.230 In apportioning weight to these benefits, it is considered the scheme design and landscaping carries significant weight in favour of the proposal.

## **HERITAGE**

### **Policy**

- 7.231 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should 'should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' and in relation to conservation areas, special attention must be paid to 'the desirability of preserving or enhancing the character or appearance of that area'.
- 7.232 The Councils statutory duty to consider a proposal's impact to conservation areas and their setting is contained in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which is reflected in central, regional and local policy and guidance.
- 7.233 The relevant paragraphs of the NPPF (2019) relating to how to assess the impacts of development on heritage assets have been copied out below. They stipulate that the decision maker must assess and apportion weight to any potential harm to the significance of a heritage asset and provide justification for any such harm.
- 7.234 Paragraph 193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.235 Paragraph 194: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 7.236 Paragraph 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.237 Paragraph 197: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.238 Policy S.DH3 of the Local Plan, policy 7.8 of the London Plan (2016) and policy HC1 of the New Draft London Plan (2019) require development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

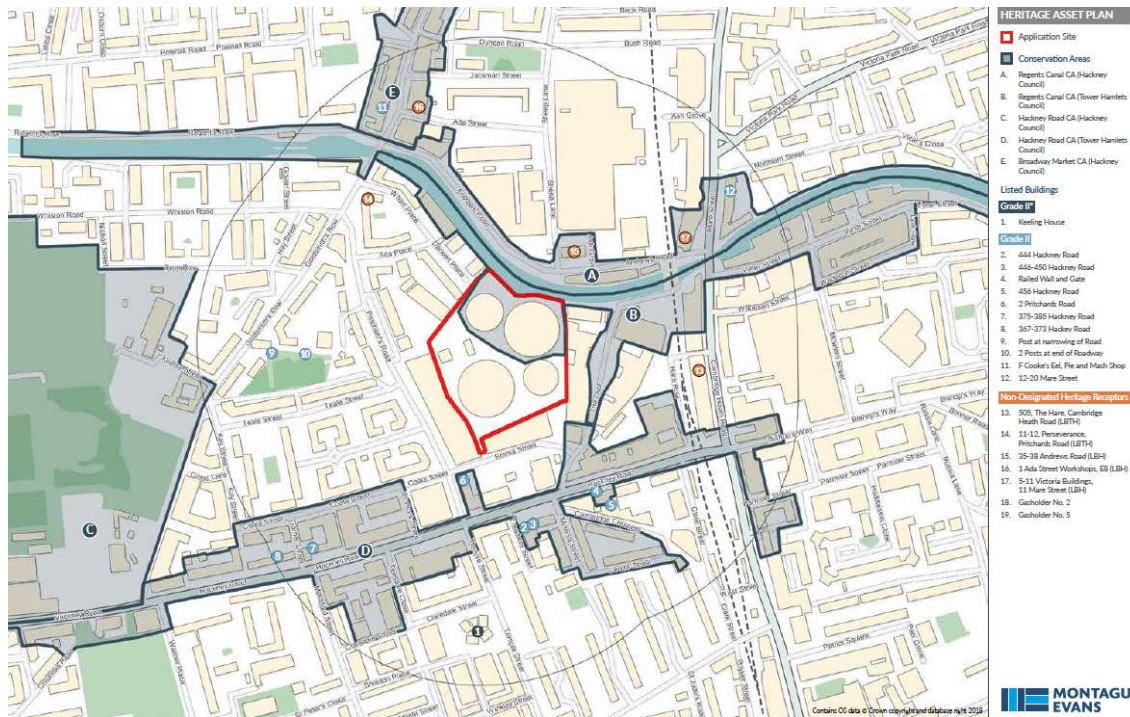
### **Heritage context**

- 7.239 The Marian Place Gasholder Station was built in the 1850s by the Imperial Gas Light and Coke Company, one of the earliest gas companies established in 1821, as a satellite station to the company's gasworks at Shoreditch (now demolished). The site was used solely for storage, not for the production of coal gas, and contains four redundant gasholders purged to air in 2012.
- 7.240 As per the site's former use, it previously held a Hazardous Substance Consent (HSC) for the storage of natural gas. The Council, as the Hazardous Substances Authority, issued a Revocation Order to the National Planning Casework Unit. The Order took effect on 12 December 2019, upon confirmation by the Secretary of State (application ref: PA/18/01067/NC).
- 7.241 Of these, Gasholders No.2 and No.5 are located in and make a strong positive contribution to the Regent's Canal Conservation Area. While subject to a Certificate of Immunity from statutory listing (ref 1424572), these structures are non-designated heritage assets of clear local architectural and historic interest as a tangible reminder of the provision of Victorian coal gas supply and form a prominent local landmark along the Regent's Canal. The site also lies within close proximity to a number of other conservation areas, namely the Regent's Canal Conservation Area within the London Borough of Hackney (LBH), the Hackney Road Conservation Areas within both LBTH and LBH and the Broadway Market Conservation Area in LBH.
- 7.242 Water-sealed gasholders were invented in the early nineteenth century. The heavy guide frames with their sturdy hollow cast-iron columns, were gradually supplemented by lighter, more sophisticated framing systems that used wrought-iron lattice standards and diagonal bracing rods. The latter, pioneered in the early 1860s, were adopted in the 1880s in a series of large holders built by George Livesey for the South Metropolitan Gas Company, where the post-and-beam principles of previous gasholder design gave way to a more three-dimensional approach in which the entire guide frame acted as a rigid cylindrical shell. Bethnal Green Gasholders No.2 and No.5 survive in their original state and, although not particularly innovative examples they illustrate both of these principal gasholder types. They feature as detailed case studies (and are identified as types '14' and '35') in Malcolm Tucker's London Gasholder Survey (2000).
- 7.243 Gasholder No.2 was constructed in 1865-6 to designs by Joseph Clark and is of particular historic significance as the third oldest surviving guide frame in England and the oldest surviving example in the country of a gasholder of telescopic design with more than one tier of girders in the guide frame. It has 16 cast iron columns with two tiers of composite girders

and classical ironwork detailing. Cast iron guide rails are fixed to the columns by substantial cast-iron brackets set at regular intervals.

- 7.244 Gasholder No.5 is significantly larger in scale (around 45m high and 61m in diameter) featuring prominently as a local landmark and was constructed in 1889-90 to designs by George Trewby. It comprises a wrought iron lattice guide frame with 22 standards and four-tiers of girders. It's lightweight and graceful aesthetic owes to the lack of diagonal bracing (distinguishing from George Livesey's designs), not needed due to the stiffness of the frame achieved through the tapering box-lattice standards and top girder and lower horizontally laid web girders.
- 7.245 Gasholders 1 and 4, the two earliest holders on the site (outside of the conservation area boundary), were converted in the 1920s and '30s to spiral-guided holders, which by this time was not innovative and their overall significance is low, although their below-ground tanks survive from the original structures.
- 7.246 A number of listed buildings surround the site. The closest listed buildings are on Hackney Road, namely 2 Pritchard's Road (Grade II), 444 Hackney Road (Grade II), 446-450 Hackney Road (Grade II) and 456 Hackney Road (Grade II).
- 7.247 Given the significance of the proposed development, it has the potential to affect the setting of number designated heritage assets. A map of the existing heritage assets shown in Figure 18 below.

**Figure 18: Map of heritage assets**



**Non-designated heritage assets**

- 7.248 Gasholder Nos. 2 and 5 contribute positively to the character and appearance of the Regent's Canal CA. Owing to their value, they are identified as non-designated heritage assets.

Retention of the guide frames to gasholders no. 2 and 5

- 7.249 An important aspect of the development is the retention of the guide frames of gasholder nos. 2 and 5. The gasholders are the most prominent features that reflect the industrial gas legacy associated with the site. As part of the retention, a roller carriage and guide rails of Gasholder Nos. 2 and 5 will be retained. This will ensure that the ability to appreciate how the gasholders functioned will remain tangible and easily understood, particularly when viewed from the public space on the canal side.
- 7.250 Gasholder Nos. 2 and 5 are not locally listed, however they are non-designated heritage assets. Both gasholders are currently redundant structures with no function or use.
- 7.251 The site forms part of the wider site allocation (1.3 - Marian Place Gasworks and The Oval) which seeks to retain, reuse and enhance gasholders no.2 and no.5 and requires development to respond positively to the character of the Regent's Canal Conservation Area.
- 7.252 With regards to the method of refurbishing and surveying the condition of the guide frames the submitted Heritage Statement states that they will be subject to repair and refurbishment to ensure they are suitable for the proposed use. Firstly, repairs will be made to ensure their long-term survival, and aesthetic repairs to improve their appearance. The Heritage Statement highlights that the repair and refurbishment strategy is subject to refinement prior to any works taking place to the gasholders due to their cast iron, steel and wrought iron construction which will be secured through a planning condition.
- 7.253 Historic England, in their consultation response, stated that they are concerned that no condition survey has been submitted to accompany the application to allow for an understanding of the current condition of the gasholders. Historic England also consider that an outline methodology for dismantling would be beneficial, however recognise that this may be appropriate to deal with via a planning condition if the Council were minded to grant planning permission. In addition to this, Historic England raised concerns that no justification has been provided as to why one or both of the gasholders could not be retained and developed in situ.
- 7.254 Through further dialogue with Historic England, they have since confirmed that the use of robust conditions and occupation triggers within the S106 are acceptable assurances for the long-term retention of the guide frames.
- 7.255 On the basis of further discussions with Historic England, a combination of planning conditions and obligations are proposed which would secure the following:
- Method statements for the dismantling, transport and storage of the guide frames
  - Full survey of both gasholders
  - Method statement and programme for the repair and re-erection of gasholders no.2 and no.5/evidence of contracts placed for the repair and re-erection of the guide frames/details of future maintenance
  - Details of exposed footings/roller carriage/finishes to iron work/final colour scheme
- 7.256 The applicant has also agreed to a S106 obligation that requires the refurbishment and re-erection of gasholders no.2 and no.5 to have been completed prior to the occupation of the buildings located within the respective gasholders (buildings A and E). This would mean that, the occupation of 283 private homes (69% of the total proposed private homes) and 31,720 ft<sup>2</sup> of commercial space (82% of the total proposed commercial floorspace) is directly linked to the retention of the gasholders.
- 7.257 Officers are aware of the concerns raised by Historic England, historic interest groups, amenity societies and residents. A primary concern is that the potential dismantlement could cause

damage to the guide frames. Through discussions with consultants, engineers and contractors involved in the successful delivery of King's Cross Gasholders project, the applicant has considered both in-situ refurbishment and off-site refurbishment.

- 7.258 In-situ refurbishment would involve the refurbishment of the guide frames in their existing location. The applicant has highlighted that there are practical difficulties with this, such as erecting a significant scaffolding structure to enable environmental containment (i.e. removing the existing paint system that is likely to contain lead) and their proximity to the canal.
- 7.259 Off-site refurbishment would involve the dismantling of the guide frames followed by their refurbishment off-site in a specialist restoration facility. The frames would be stored before returning to the site and re-erected around new buildings.
- 7.260 Although unknown, it is likely that corrosion of the internal fixings and the fixings between the beams and columns of the gasholder frames has occurred. This is a significant issue that could threaten the long-term structural stability of the gasholder guide frames.
- 7.261 The applicant contends that, identifying corrosion, particularly of internal fixings, via the in-situ method is much more challenging and carries greater risk than the off-site method. On this basis, off-site refurbishment is considered to be the optimum and most realistic option for both gasholders no.2 and no.5. However, the applicant has not ruled out in-situ refurbishment. This will be kept under review and will be fully revisited once a structural inspection has been taken following any grant of planning permission.
- 7.262 Overall, officers consider that the information provided and commitment by the applicant to agree to relevant S106 obligations and conditions, is proportionate to the objectives of the site allocation, the guide frames' status as non-designated heritage assets and their contribution to the Regent's Canal Conservation Area. This will ensure the long-term future of the guide frames. The appearance of the guide frames in relation to the new buildings is considered in the following section.

#### Removal of the bell and tank

- 7.263 The proposals include the removal of the gasholder bell (including internal apparatus) and tank. The tank of Gasholder No. 2 is of brick, 133ft (40.6m) in diameter and 36ft (11m) deep. The tank of Gasholder No. 5 is of mass concrete, 200ft (61m) in diameter and 50ft 6 inches (15.4m) deep.
- 7.264 Historic England have identified that this part of the proposals would "*cause harm to the non-designated heritage assets*", which will need to be considered by the LPA. In addition to this, comments have been received by local heritage interest groups (most notably the East End Waterway Group) who state that the applicant's assessment is inaccurate and/or incorrect.
- 7.265 Objectors have stated that it is standard practice for Historic England to only consider above-ground parts of buildings or structures for possible designation and as such the submitted Heritage Statement which contends that the in-ground elements of gasholders were not considered to contribute to the interest of the structures when Historic England assessed them for listing in 2015, is incorrect. The view of objectors, therefore, is that in-ground infrastructure contributes to the interest of the structure.
- 7.266 Officers have considered these statements whilst also considering the comments received by Historic England (both the Inspector of Historic Buildings and the Greater London Archaeological Advice Service). As recognised by Historic England, the gasholders are non-designated heritage assets and as such paragraph 197 of the NPPF applies. Applying a

*“balanced judgement”* is required that has *“regard to the scale of any harm or loss and the significance of the heritage asset”*.

- 7.267 Officers consider that the in-ground tanks and bells do contribute to the interest of the gasholders. However, the level of interest that the gasholders demand is controlled primarily by the imposing guide frames that are visible in the public realm. In-ground structures are not accessible and as such cannot be visibly appreciated for their design or contribution from the surrounding public realm. They are currently filled with water and the crowns have been cut with holes as part of the decommissioning process.
- 7.268 As a result of this, the in-ground structures are considered to make a very-limited contribution to the appreciation, and indeed ongoing appreciation, of the gasholders and the site’s former use. Although linked to the in-ground structures, it is considered that the above-ground guide frames are more valuable if one was to hierarchise the importance of each component of the gasholders in relation to their historical appreciation.
- 7.269 It is considered that the in-ground structures have low significance when considering the gasholders as non-designated heritage assets. In order to arrive at a balanced judgment (in line with paragraph 197 of the NPPF) the wider benefits of the proposals must be considered. These include:
- The refurbishment and retention of the guide frames to gasholders no.2 and no.5;
  - 35% affordable housing at a tenure split of 70% affordable rent, 30% intermediate;
  - 70% family homes within the affordable rent tenure;
  - The provision of a consolidated strategic open space for public access
  - Public access within and through the site
  - New employment floor space including affordable workspace
  - Employment and enterprise contributions
- 7.270 In line with the balanced judgment set out in paragraph 197 of the NPPF, the wider benefits of the proposals outweigh the limited degree of harm caused to the gasholders.

#### Locally listed buildings

- 7.271 There are a number of locally listed buildings around the north and east sides of the site. These include The Hare Public House at 505 Cambridge Heath Road, The Perseverance Public House at 112 Pritchard’s Road, 35-38 St. Andrew’s Road, 1 Ada Street Workshops and 5-11 Victoria Buildings at 11 Mare Street.
- 7.272 It is possible to see the site in views from and affecting these assets. However, the existing site’s contribution to their setting is not considered to be compromised by the proposed development. The retention of the guide frames, which are retained as prominent features, and the proposed new buildings would preserve the site’s contribution to the setting of these assets.

#### **Designated heritage assets**

##### Regent’s Canal Conservation Area

###### *Principle*

- 7.273 The Regent’s Canal Conservation Area Character Appraisal and Management Guidelines (2009) describes the site as follows:

*Further west again, we can see the four gasholders at Bethnal Green Holder Station silhouetted on the skyline, they are a remnant from the earliest days of the Canal when Gas companies were keen to locate next to canals in order to make use of the cheap transportation of the large amounts of coal they required to operate. These are substantial structures which make a significant impression as you walk along the canal.*

- 7.274 Historic England have stated that they welcome the overall aim to secure the future of the guide frames as part of the redevelopment of the site in recognition of the strong positive contribution they make to the character and appearance of the Regent's Canal Conservation Area. The existing guide frames and guided spiral gasholder drums are a significant influence on the development. Their positioning takes cues from the former footprints of the gasholders, responding to the geometry and spacing of the existing guide frames.
- 7.275 Despite this, Historic England have identified harm to the Regent's Canal Conservation Area. However, they have also stated that this could, to some extent, be mitigated through the use of planning conditions and a robust legal framework through the Section 106 Agreement to secure the reinstatement of the guide frames.
- 7.276 As outlined above, the applicant has agreed to planning conditions and obligations which secure the submission of a detailed Refurbishment Methodology and Strategy which has been agreed by Historic England; the completion of a full condition and structural survey; the recording of gasholders no.2 and no.5 and the retention and reinstatement of the guide frames of gasholders no.2 and no.5.
- 7.277 The applicant has also agreed to a S106 obligation that requires the refurbishment and re-erection of gasholders no.2 and no.5 to have been completed prior to the occupation of the buildings located within the respective gasholders (buildings A and E). This would mean that, the occupation of 283 private homes (69% of the total proposed private homes) and 31,720 ft<sup>2</sup> of commercial space (82% of the total proposed commercial floorspace) is directly linked to the retention of the gasholders.

*Design, scale and mass*

- 7.278 Within the guide frames will be radial buildings. Block E (within Gasholder No. 2) has an expressed structure to reflect the two tiers of the guide frame. The bays form repetitions of recessed balconies and screened elevations that include colourful vertical bands. Consequently, each bay of the building corresponds with the rhythm of the historic frame. The elevations of the new building are well-proportioned and complement the historic guide frame.
- 7.279 Building A is split into two crescent-shaped buildings with a break through the centre. There will be one full height opening on the northern side. The southern side will accommodate a single storey ground level infill. This will allow one to read the long radius of the gasholder frame with the historic structure's size and scale displayed in full.
- 7.280 The elevation of Building A has been articulated to directly relate to the rhythm of each bay of the guide frame. The repetition of recessed balconies corresponds with the rhythm of the frame. Vertical bands separate each unit and run up the building. This emphasises the vertical elements of the guide frames. This ensures structural form of the historic gasholder frame will be maintained.
- 7.281 The height of both buildings is lower than the upper tier of the gasholder frame or 'the crown'. The treatment of the upper floors of the buildings, particularly in Building A where the roof has a serrated edge, will be neutral in terms of colour and general articulation. This ensures that the frames will remain easily appreciated in silhouette within local townscape views.



- 7.282 At ground floor level Buildings A and E will be set back from the circumference of the gasholder frame. This creates an arcade at the base of each gasholder allowing movement around and through the structures. This enables users to appreciate the guide frames as well as integrating them fully into the public realm.
- 7.283 The other buildings on the site (B, C and D) are also radial. There were previously two gasholders in the southern part of the site however, as they were constructed later than nos. 2 and 5, they did not require guide frames.

**Figure 19: Archive photograph from 2005 when the site was in operation**



- 7.284 As a group, the buildings pay homage to the gasholder shapes and forms, recognising the industrial legacy of the site. The general articulation of these buildings is similar to buildings A and E, giving the development a coherence as a group of buildings grounded in the historical use of the site.
- 7.285 In terms of scale and mass, the buildings range from 6-13 storeys across the site. This gradual scale has been designed to reflect the height of the gasholders in their formerly inflated condition. This approach is beneficial in that the proposed buildings would respond directly to the gasholder forms that were a common sight until the site was decommissioned in 2012. Furthermore, no building within the site will exceed the height of the guide frame to gasholder no. 5 which ensures the site responds appropriately to local townscape views, especially from the Regent's Canal.
- 7.286 It is clear that the proposals have been carefully designed to respond to the former condition of the site as closely as possible. The architecture proposed is high quality and the scale and form of the proposed buildings across the site is directly informed by the guided spiral gasholder drums that used to rise and fall throughout the day prior to the site's decommissioning in 2012.



7.287 However, the imposing industrial forms that are noted within the Regent's Canal Conservation Area Character Appraisal (published in 2009) are replaced by residential buildings, which are inherently different in terms of massing and architecture. As such, it is considered that some harm is caused by way of the site's departure from its former industrial use and in the transition from guided spiral gasholder drums to residential buildings that would, to a limited degree, diminish the architectural form of the frame, notwithstanding the care the architects have taken to substantially set back the buildings from the guide frames.

#### *Landscaping*

7.288 The development will deliver a significant quantum of public open space. This is delivered principally through the central lawn, which will facilitate views through and across the site, contributing to an open and welcoming character which would be a marked improvement to the existing site condition. In addition, the canal edge will be animated and opened to the public for the first time, creating a space designed to encourage people to dwell and enjoy the views across the water in a manner that has not been possible before. The landscaping will be populated with areas of tree planting. Together with the central lawn, the landscaping will dramatically improve the appearance of this part of the Conservation Area and its immediate setting.

#### Balancing harm and public benefits

7.110 The starting point for any proposal involving heritage assets is to 'do no harm' to the significance of the asset. Where harm would occur and this is found to be less than substantial, the harm can be balanced against the public benefits of the scheme as required by para 196 of the NPPF.

7.111 The level of harm to the significance of the Regent's Canal Conservation Area caused by the proposals is assessed to be less than substantial, and given that the proposals would retain the gasholder guide frames and construct buildings within them that replicate the scale and form of the former gasholder drums, it is officers' opinion is that this harm lies firmly at the lower end of this scale.

7.112 In accordance with paragraph 196, the public benefits arising from the proposed development would include:

- The refurbishment and retention of the guide frames to gasholders no.2 and no.5;
- 35% affordable housing at a tenure split of 70% affordable rent, 30% intermediate;
- 70% family homes within the affordable rent tenure;
- The provision of a consolidated strategic open space for public access
- Public access within and through the site
- New employment floor space including affordable workspace
- Employment and enterprise contributions

7.113 Officers consider that the proposed public benefits listed above would outweigh the less than substantial harm to the Regent's Canal Conservation Area.

#### Other conservation areas

7.289 There are three other conservation areas where views of the site will be possible. The Hackney Road Conservation Area (LBTH), the Hackney Road Conservation Area (LBH), the Regent's Canal Conservation Area (LBH) and the Broadway Market Conservation Area (LBH).

- 7.290 The character of the Hackney Road Conservation Area (LBTH) is not considered to be changed as a result of the proposed development. It's character, as an east-west arterial route with residential and commercial uses would remain legible. The site would be visible from views within the CA and the change across the site would be perceptible however the proposal would be understood separately from the CA and as such the character of the CA would not change.
- 7.291 There would be some views of the site from the Hackney Road Conservation Area in LB Hackney from within Haggerston Park towards gasholder no.5. The view is at a considerable distance and would be preserved by the proposed development.
- 7.292 The Regent's Canal Conservation Area in LB Hackney runs along the northern side of the canal. The new buildings within the retained guide frames will continue to positively contribute to the setting and heritage value of the CA. The primacy of the guide frame to gasholders nos. 2 and 5 will be retained, as the buildings will be lower than their crowns. Overall, the proposed development is considered to enhance the setting and significance of the conservation area.
- 7.293 The Broadway Market Conservation Area is situated to the north of the site and orientated north-south. Gasholder no. 5 appears in some views south from the CA and, at the southern part of the area, is visible. The understanding of this CA is not considered to be heavily informed by the gasholder site, although the CA is linked to the site by the canal. However, as with the Regent's Canal CA in the LB Hackney, the primacy of the guide frames is retained by the scale and mass of the buildings which clearly reflect the site's former industrial use. As such, the proposed development would preserve the significance of the CA.

#### Listed buildings

- 7.294 There are a number of listed buildings around the site, mainly located to the south in and around the Hackney Road Conservation area (LBTH).
- 7.295 Keeling House (Grade II\*) is located to the south of the site, at the junction of Temple Street and Claredale Street. The application site does not contribute to the setting of Keeling House however there are likely to be private views of the proposed development from the residential units in its upper floors. As such, there would be no effect on the setting and significance of Keeling House.
- 7.296 There are a group of grade II listed buildings to the south of the site, on the southern side of Hackney Road. These are 444 Hackney Road, 446-450 Hackney Road, Railed, Wall and Gate and 456 Hackney Road. Although there is no visual relationship between these listed buildings and the site, it is possible to view the development at points along Hackney Road. However, such glimpsed views would not affect one's ability to appreciate the setting and significance of the listed buildings.
- 7.297 2 Pritchard's Road (grade II) is the nearest listed building to the site. It is a two-storey terraced house surrounded by industrial buildings and purposed built flats. The top of Building C would be visible above the roofline however, its circular form would echo the pre-existing visibility of the gasholders. Given that the gasholders were formerly part of the historic context, the significance and setting of the asset would be preserved.
- 7.298 A pair of grade II listed buildings are located to the south west of the site, on the northern side of Hackney Road. These are 375-385 Hackney Road and 367-373 Hackney Road. The top of Building C would be visible from the roofline of these 19<sup>th</sup> century houses. It is clear that the setting of the buildings would be changed by the proposals however the change is considered to be minor in nature. The proposed development is at such a distance so as not to detract from the significance of the buildings. It is clear that the proposed development is within a

different context and would detract no more from the setting and significance of these buildings than more contemporary additions further along the Hackney Road frontage itself. As such, the proposed development would preserve the setting of these heritage assets.

### **Built heritage conclusion**

- 7.299 Regarding non-designated heritage assets on the site, it is clear that, the understanding of the gasholder site and its former purpose, is symbolised by the large imposing guide frames. The in-ground elements that contribute to the site's former purpose are indeed tangible survivors of its industrial past however these are not currently visible from the surrounding public realm.
- 7.300 As such, the loss of these elements are considered to be, on balance, acceptable when considered in the context of the retention of the guide frames and the new buildings within and around them, which respond directly in form to the former gasholders, and maintain their prominence by not exceeding their height.
- 7.301 Regarding designated heritage assets, the scheme would ensure a long-term future for the above ground gasholder guide frames along with well-considered design that is appropriate in terms of mass, scale and form. As such, the development would preserve the character and appearance of the Regent's Canal CA, and the setting of nearby heritage assets.
- 7.302 The redevelopment of the site would deliver a number of public benefits including opening the site for public access, the retention and refurbishment of the guide frames to gasholders nos. 2 and 5, the provision of public open space and canal-side access, housing including affordable homes, as well as providing affordable workspace. These public benefits carry substantial weight in favour of the proposal.
- 7.303 The proposals therefore accord with Policy 7.8 of the London Plan and Policy HC1 of the Draft New London Plan and policies S.DH3, D.DH4, and S.DH5 of the Local Plan, the relevant paragraphs of the NPPF (2019), and the statutory duties under The Planning (Listed Buildings and Conservation Areas) Act 1990.

### **NEIGHBOURING AMENITY**

- 7.304 Development Plan policies seek to protect neighbour amenity by safeguarding privacy and ensuring acceptable outlook. Development must also not result in an unacceptable material deterioration of the daylight and sunlight conditions of surrounding development. Nor should the development result in an unacceptable level of overshadowing to surrounding open space and private outdoor space. The levels of artificial light, odour, noise, fume or dust pollution during the construction and life of the development must also be assessed.

#### **Daylight and sunlight**

##### Policy and guidance

- 7.305 Policy D.DH8 of the Local Plan requires the protection of the amenity of future residents and occupants by ensuring adequate levels of daylight and sunlight for new residential developments. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.306 For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) or daylight distribution (DD) assessment where

internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.

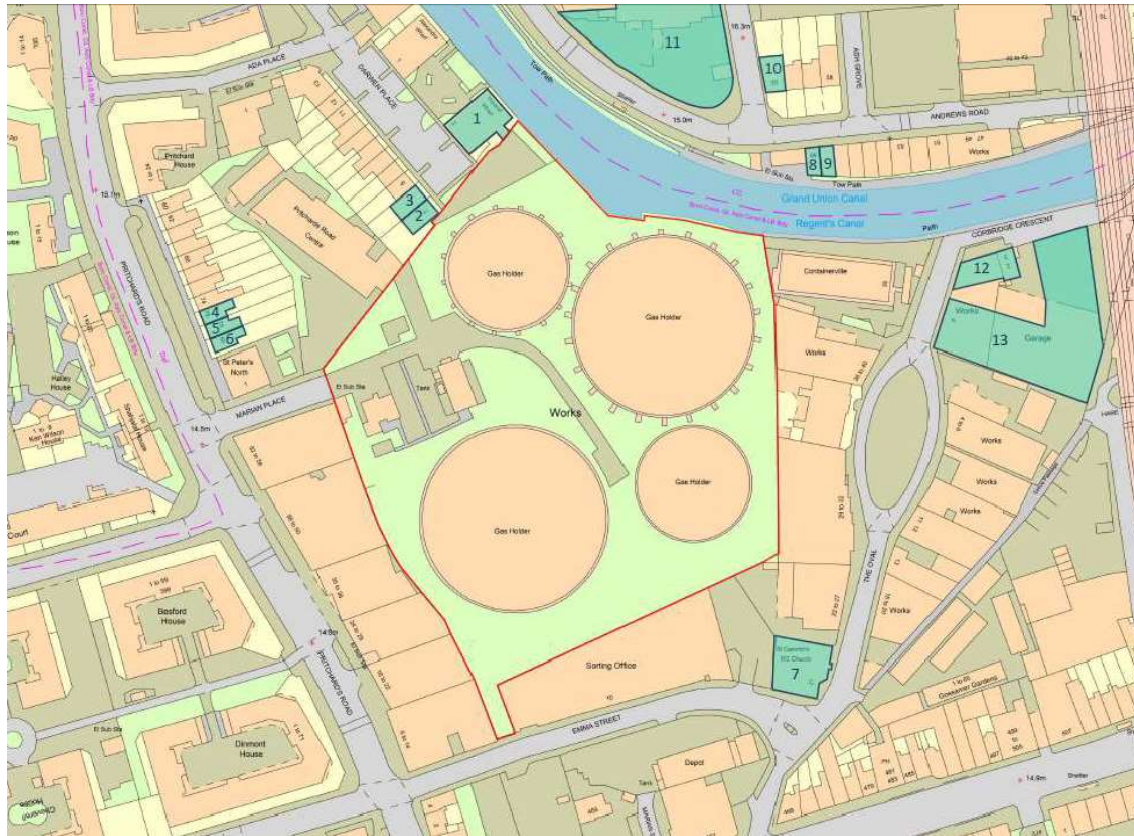
- 7.307 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27% or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows.
- 7.308 The Daylight Distribution calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 7.309 A window is considered to be adversely affected if a point at the centre of the window receives in the year less than 25% of the APSH, including at least 5% of the APSH during the winter months (21st September to 21st March) and less than 0.8 times its former sunlight hours during either period. Sunlight is relevant to main living rooms (i.e. habitable rooms) of dwellings and conservatories, if they have a window facing within 90 degrees (o) of due south.
- 7.310 BRE guidance suggests that for a space to appear sunlit throughout the year, at least 50% of the amenity area should receive at least 2 hours of direct sunlight on 21st March. It states that the “availability of sunlight should be checked for all open spaces”, which usually includes gardens, sitting-out areas, parks or playgrounds
- 7.311 Below are the LBTH numerical classifications that are required to be applied for Negligible, Minor Adverse, Moderate Adverse and Major Adverse bandings for daylight (VSC & NSL) and sunlight (APSH & WPSH).

**Table 5: Classifications for reductions in daylight and sunlight**

<b>Reduction to daylight (VSC &amp; NSL) and sunlight (APSH &amp; WPSH)</b>	<b>Effect classification</b>
0 - 20% reduction	Negligible effect
20.1% - 30% reduction	Minor adverse effect
30.1% - 40% reduction	Moderate adverse effect
Above 40% reduction	Major adverse effect

- 7.312 Figure 20 shows the proposal site and the nearest surrounding buildings. Green areas are those analysed by Point 2 in the chapter. North is to the top of the plan.

**Figure 20: Properties analysed**



7.313 The annotated numbers relate to the following properties:

1. Imperial Wharf, Darwen Place
2. 3 Darwen Place
3. 4 Darwen Place
4. 76 Pritchard's Road
5. 78 Pritchard's Road
6. 80 Pritchard's Road
7. St Casimir's RC Church
8. 59 Andrews Road
9. 58 Andrews Road
10. 35 Andrews Road
11. 1 Sheep Lane
12. 1 Sheep Lane
13. 1-3 Corbridge Crescent

North west of the site

7.314 To the north west of the site is Darwen Place and buildings on the north east side of Pritchard's Road.

7.315 Windows and rooms at the closest dwellings at 2 Imperial Wharf, 3-4 Darwen Place and 76-80 Pritchard's Road have been analysed for loss of daylight in addition to the non-domestic properties at St Peter's North Community Centre and Pritchard's Day Centre.

- 7.316 The BRE guidelines would be met with respect to the above noted properties, except at 2 Imperial Wharf, where two windows would be below the VSC guidelines (20.04% loss to window W6/300 and 22.38% loss to window W6/301). These would be marginally below the target values and the rooms would also be lit by another window which meets the guidelines. Both rooms would meet the NSL test. The daylight impact is assessed as minor to these rooms only and negligible to other parts of the building. As noted, at other properties listed above any loss of daylight impact would be negligible and would accord with BRE guidelines.
- 7.317 In terms of sunlight, one window to 80 Pritchard's Road would be below the winter sunlight guidelines (66.7% loss to window W4/330) however, the annual guidelines would be met. This is a north facing window which, in the context of BRE guidelines, means loss of sunlight is less of an issue. However, it lights the same room as a south facing window which contributes most of the sunlight to the room. The impact would be minor.
- 7.318 Loss of sunlight to the nearest gardens to the development at Darwen Place, Pritchard's Road, St Peter's North Community Centre and Pritchard's Day Centre have also been analysed. The BRE guidelines would be met, except at the community centre. The results suggest that 47.3% of the area would be able to receive at least two hours of sunlight on 21st March (compared to a guideline of 50%), 0.78 times the value before (compared to a guideline of 0.8). The impact is assessed as minor.

#### South west of the site

- 7.319 To the south west of the site is Pritchard's Road. On the opposite side of the road are flats called Besford House and Dinmont House. These have not been included in the Point 2 analysis. Windows would have a direct view of the site across Pritchard's Road however they are located some distance away from the site and according to the Council's daylight and sunlight consultant BRE, a significant impact would not be expected.
- 7.320 Directly neighbouring the site are commercial properties on the eastern side of Pritchard's Road. The guidance in the BRE Report is primarily designed for habitable rooms. However, it does state that the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight. If, for example, there were workshops or studios that are reliant on daylight from the rear windows, they should be checked. Officers have thus deemed it appropriate given the uses of the buildings.
- 7.321 24-28 Pritchard's Road is an architect's studio and 38-50 Pritchard's Road is a clothing design studio. The results show that 10 windows to 24 to 28 Pritchard's Road and 16 windows to 35 to 50 Pritchard's Road would be below the VSC guideline. 12 of these windows would have values with the proposed development in place between 0.7 and 0.6 times the values before (compared to a guideline of 0.8). 12 of the windows would have values less than 0.6 times those before indicating greater than 40% of their daylight would be lost. The results suggest some of the windows may light toilets or circulation areas. One room in each property would be below the daylight distribution guideline. The loss of daylight impact could be assessed as at least minor adverse.
- 7.322 Loss of sunlight to these non-domestic properties is afforded less weight in the context of the BRE guidelines. In any case, the results for the selected properties would be met.

#### South east of the site

- 7.323 To the south east of the site is Emma Street. The building directly neighbouring the site's boundary is a Royal Mail delivery office. There are no windows to the building facing the site. In any case, loss of daylight would be considered less of an issue as the space is likely to rely on electric lighting.

- 7.324 Next to the delivery office is the Church of St. Casimir (7 as annotated on Figure 19). Point 2 have analysed loss of daylight to this building where, on the upper floors, there is evidence of a dwelling. The windows meet the BRE guidelines. The main church hall is lit by large windows to the side and front and therefore any loss of light is not expected to be significant.
- 7.325 The windows to flats on Hackney Road or the southern part of The Oval with a view of the development are considered to be a sufficient distance away to not be significantly impacted.

#### East of the site

- 7.326 To the east of the site is The Oval and Corbridge Crescent. The buildings directly neighbouring the site are non-domestic. A potential loss of light would only be an issue if any space had a reasonable expectation of daylight.
- 7.327 Windows and rooms at the consented 1 – 4 The Oval (on the corner of The Oval and Corbridge Crescent) would meet the BRE guidelines.
- 7.328 1 – 3 Corbridge Crescent is a consented development under construction stretching from Corbridge Crescent to The Oval, behind 1 – 4 The Oval. 9 windows would be below VSC guidelines. Six of these have values between 0.70 and 0.79 times the existing values (minor adverse); three would have values of between 0.60 and 0.69 times the existing values (moderate adverse). All of these windows are below overhangs and serve rooms with other daylight sources. It should also be noted that all rooms within this development receive NSL in excess of 80%.
- 7.329 Overhangs restrict light from reaching windows from higher angles and as such may force a reliance from an area opposite. The BRE guidance gives states that the calculations should be repeated without the overhangs in place to assess their impact. Point 2 have provided these data in their Appendix L3. With overhangs removed from the calculations all windows would meet the guidelines. NSL meets the BRE guideline. Average daylight factor calculations suggest rooms would either meet the recommendations, or where below, would only be slightly reduced compared to the existing values. The overall impact is assessed as minor.
- 7.330 In terms of sunlight, the proposals would meet the BRE guidelines.
- 7.331 The Oval public open space would meet the BRE guidelines for loss of sunlight. The results show that all of the area would be able to receive at least two hours of sunlight on 21st March with the development in place.

#### North of the site

- 7.332 To the north of the site is Regent's Canal and properties on Andrews Road and Sheep Lane.
- 7.333 For mooring locations on the Regent's Canal, window positions and layouts have been based on actual boats when surveyed. However, it is considered that the results should be representative.
- 7.334 The loss of daylight results suggests that two mooring positions would have windows below the VSC guideline with values less than 27% with the proposed development in place and less than 0.8 times the current values. 5 analysed windows to the mooring position on the south bank of the canal (nearest to the development site) and 4 analysed windows to a mooring position on the north bank (in LB Hackney) would be below the guidelines. These represent all the analysed windows to each boat facing the development site. However, the boats would



have windows on the opposing side which would not be impacted by the development. The loss of daylight would be minor adverse.

- 7.335 Loss of winter sunlight would be below the BRE guidelines (5% or 0.8 times the current value) for two mooring positions on the south bank. The results suggest there is the potential to lose all winter sunlight at some window positions. Although there would be loss of sunlight annually, the results show that the BRE guidelines would be met since the values are greater than 25%. The loss of overall sunlight provision would be minor adverse.
- 7.336 35, 58 and 59 Andrews Road are the closest existing residential buildings on the north side of the canal to the development (located in LB Hackney). The results show that there would be only very minor degradations to daylight and sunlight to these properties and as such they would meet the BRE guidelines.
- 7.337 1 Sheep Lane is a consented scheme, under construction at the time the chapter was produced (in LB Hackney). The results show that there would be only very minor degradations to daylight and sunlight to these properties and as such they would meet the BRE guidelines.

## **Overlooking and outlook**

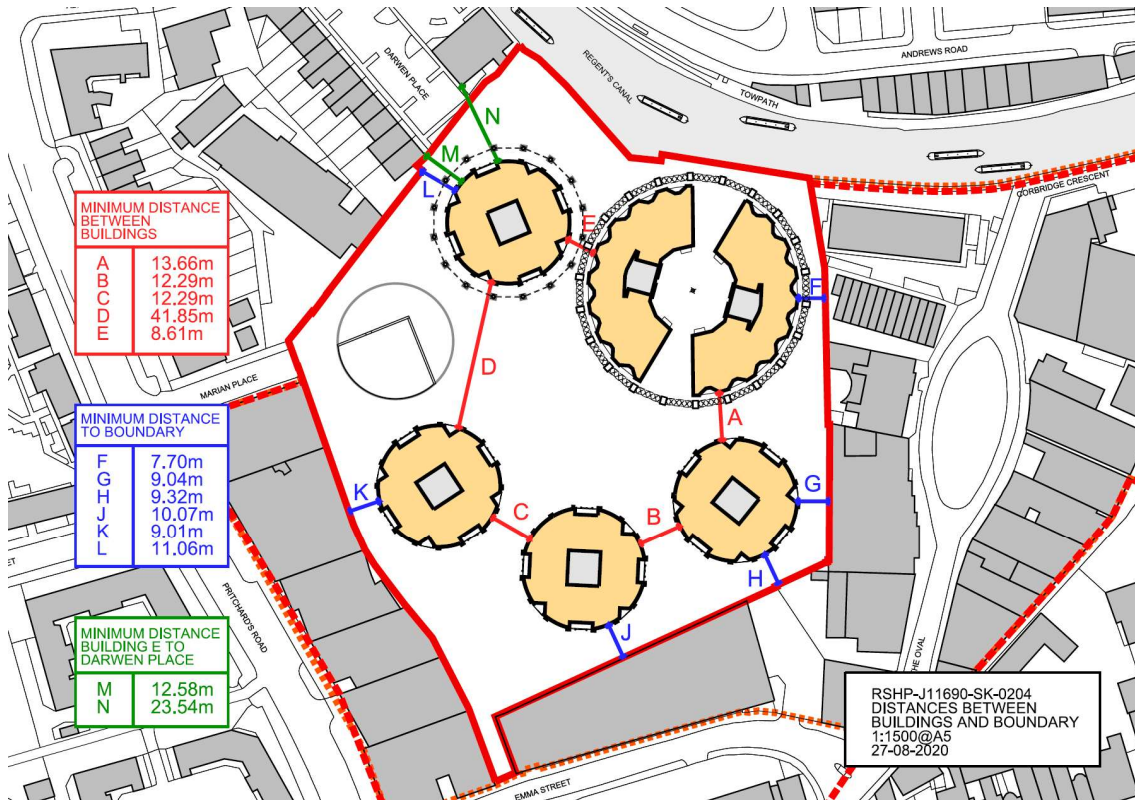
### Neighbouring properties

- 7.338 The site is generally not overlooked by existing residential development and at the nearest point (between existing and proposed buildings) to the north there are no flank windows in the existing properties. There is no direct line of sight from the proposed windows on Building E to the existing residential building (Imperial Wharf) at Darwen Place. The distance between Building E and this building is over 25m. As such, the proposals are not considered to incur an unacceptable instance of overlooking.
- 7.339 The only residential properties that directly neighbour the site are at Darwen Place. The proposed development is considered to cause some harm to the outlook of residents within Imperial Wharf which is located directly adjacent to the application site at its north-western point, on the canal. The building has residential windows that face onto the site.
- 7.340 It is acknowledged that Imperial Wharf benefits from a very good outlook in its existing state, due to the site's cessation from its former use in 2012. However, prior to 2012 the site was in operation and the open guide frames that allow for a wide expanse of outlook were filled with guided spiral gasholder drums rising and falling throughout the day. It should be noted that Imperial Wharf was constructed in the early 2000s so residents would have experienced the site in operation. Although the proposals would undoubtedly reduce the level of outlook enjoyed by Imperial Wharf, proposed Building E is located some 25m away which is considered appropriate in allowing for a good level of outlook in an urban setting.
- 7.341 The majority of neighbouring sites are in non-residential use and fall within the site allocation. As such, these sites have the potential to undergo redevelopment in the future. Where the proposed buildings are in close proximity to the site boundaries, they have been set back by a minimum of 9m to ensure that any redevelopment of the neighbouring sites could equally be designed to safeguard privacy of any proposed new residential development and to collectively provide an 18m privacy distance.
- 7.342 Overall, the outlook of neighbouring residential properties is considered to be maintained by the proposals and no unacceptable instances of overlooking would be incurred. In terms of neighbouring sites, the proposals are considered to adequately safeguard the potential for future neighbouring development and as such the proposals are considered acceptable.

Within the site

7.343 In terms of internal distances between buildings, there are locations where this falls below 18m due to the location of the existing gasholders and the formation of the proposed development to reflect the site's industrial heritage. However, the radial forms of the buildings mean the closest point between the buildings is limited to one position.

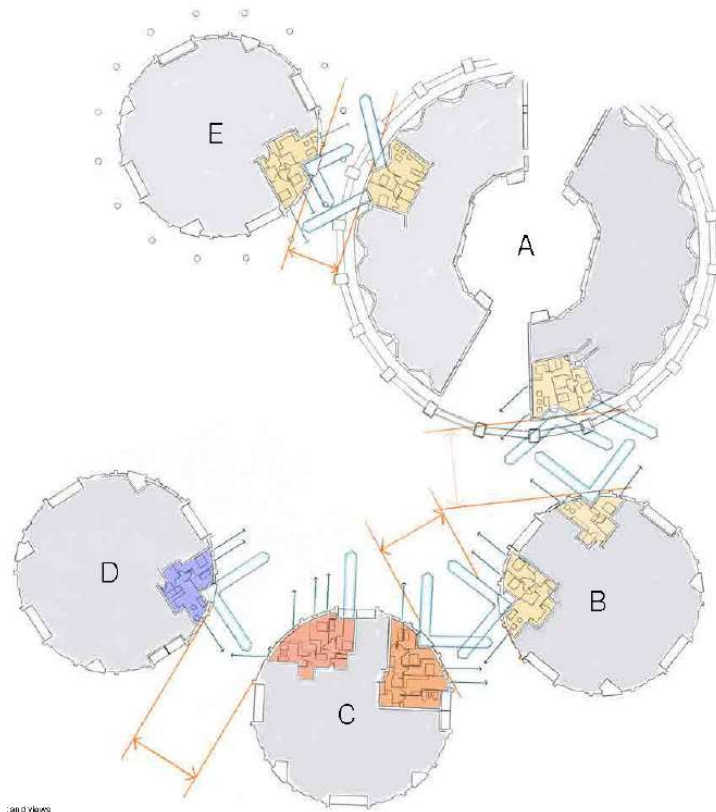
**Figure 21: Distances between buildings and boundary**



7.344 The layout of individual dwellings and their relationship with balconies is designed to avoid direct overlooking between adjacent buildings. Layouts are designed to avoid direct overlooking from principal windows in main living spaces. The principle of the radial building forms with inset balconies, combined with the placement of buildings within the site allows for views to be focussed between the buildings and avoid instances of the buildings suffering from abrupt orthogonal relationships between facades.

7.345 The balconies and inflected facades direct views away from neighbouring buildings and into the site's landscaped setting as denoted in Figure 22.

**Figure 22: Outlook direction from dwellings**



### **Sense of enclosure**

- 7.346 As set out, the only residential properties that directly neighbour the site are at Darwen Place. Imperial Wharf, which has residential windows that face onto the site, is considered to experience an increased sense of enclosure as a result of the proposals.
- 7.347 However, the sense of enclosure is not considered to be overbearing given the distance to proposed Building E and, as set out in the previous section, the fact that prior to 2012 the site was in operation and the open guide frames were filled with guided spiral gasholder drums rising and falling throughout the day. Furthermore, Building E is the shortest residential building on the site (6 storeys) which is the same height as Imperial Wharf.
- 7.348 Overall, the proposed development would cause limited impacts to sense of enclosure and would be acceptable.

### **Noise and vibration**

#### Noise arising from the development

- 7.349 Council Environmental Health Officers have reviewed the submitted material. They have concluded that the completed development would not have any unacceptable impacts on neighbouring amenity from noise and vibration.
- 7.350 Nonetheless, the noise officer has requested that a condition is added that limits the noise levels of fixed building services/plant equipment for the non-residential uses. This will be attached to any forthcoming consent.

## Agent of change

### *Policy*

- 7.351 Policy D12 'Agent of Change' of the draft London Plan places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses, on the proposed new noise-sensitive development, so that established noise and other nuisance generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them. Furthermore, it states that development proposals should manage noise and other potential nuisances by ensuring good design mitigates and minimises existing and potential nuisances; exploring mitigation measures early in the design stage, with necessary and appropriate provisions, including ongoing and future management of mitigation measures secured through planning obligations; and separating new noise sensitive development where possible from existing noise-generating businesses and uses through distance, screening, internal layout, sound-proofing, and insulation and other acoustic design measures.
- 7.352 Policy D.ES9 of the Local Plan states that where new noise-sensitive land uses are proposed in proximity to existing noise-generating uses, development is required to robustly demonstrate how conflict with existing uses will be avoided, through mitigation measures.

### *Oval Space (29-32 The Oval)*

- 7.353 The development is in close proximity to an arts and entertainment venue known as the Oval Space (29-32 The Oval) which operates late at night and early mornings. The venue was operating under a temporary planning permission which expired on 1 May 2019. The temporary time limit was applied in order to protect the long-term regeneration plans for the site allocation, which includes the Oval Space site.
- 7.354 Oval Space have since submitted another planning application (application ref: PA/20/01441). In this application, it is acknowledged that the Marian Place Gasholder Site has a live application submitted and as such requests a temporary extension based on the first occupation of the homes considered as part of this application.
- 7.355 It is on this basis that officers consider Agent of Change principles do not apply to Oval Space, as the Local Planning Authority have always made clear, that permissions are only justifiable on the basis that they are temporary and would not, for a limited period of time, compromise the Site Allocation objectives in the long-term, which are for housing and employment led uses.
- 7.356 The GLA, in its Stage 1 response, concurs that in this particular instance the provisions of 'agent of change' Policy D12, in terms of demonstrating that the necessary provisions are put in place to protect established entertainment venues from unreasonable restrictions on their use, would not apply.

### *The Pickle Factory (13-14 The Oval)*

- 7.357 The Pickle Factory is a nightclub on the eastern side of The Oval. The use does not benefit from planning permission and as such Agent of Change principles are not considered to apply.

### *Boiler Room (52-56 Pritchard's Road)*

- 7.358 Boiler Room is understood to be an online music broadcasting platform. The floor space benefits from permission for B1 floor space only (application ref: PA/15/03189). The recording element of the premises would be considered lawful under this use class. This is not

considered to be a particularly noise-generating use as the space is not an events venue, and in any case does not have permission for such a use.

*Royal Mail Delivery Office (10 Emma Street)*

- 7.359 Royal Mail were consulted as part of the planning application and have provided consultation responses in which they made several requests.
- 7.360 Firstly, Royal Mail requested a plan to identify the location of the noise measurement positions. This is included in Appendix C ES Figures Part 3, Figure 12 and is referenced in the Noise and Vibration Chapter of the ES.
- 7.361 Secondly, Royal Mail have requested that they be identified as a noise source within the Noise Assessment. The facility is specifically referenced as a noise source in Appendix K3 Site Suitability Assessment and assessed.
- 7.362 Finally, Royal Mail have proposed wording for a planning condition pertaining to the noise impact of the facility on the proposed homes. However, the proposed wording is imprecise as it only refers to the *'noise standard specified in BS8233:2014'* rather than the specific target internal noise level criteria stated in BS 8233 and the Environmental Statement. This would require noise criteria to be met in absolute terms which would be impossible to guarantee. Planning conditions can only reasonably seek for criteria to be met through design proposals based on stated assumptions.
- 7.363 Notwithstanding this, and as stated by the applicant, the proposed condition would actually undermine the design criteria the applicant's consultant, WSP, have adopted for the homes closest to the Royal Mail yard as these were corrected by -3 dB from those recommended in BS 8233 to account for the character of noise associated with the Royal Mail facility. Officers concur with this statement and, on that basis, the condition that Royal Mail have proposed would lead to less stringent internal noise criteria in the homes overlooking the yard than that proposed in the WSP assessment.
- 7.364 The internal ambient noise levels in the proposed homes will be in line with the target internal noise criteria stated in the Environmental Statement. Moreover, the proposed condition mentions external amenity areas. As noted in Appendix K3 Site Suitability, the external target noise criterion stated in BS 8233:2014 is unlikely to be achieved on all the proposed balconies. However, BS 8233 notes that this target value may not be appropriate for all balconies. All homes are within close proximity of the central open space and private amenity space and these spaces are likely to meet the target value and it is thus considered acceptable that some balconies may not achieve this criterion.
- 7.365 Taking into account the approach to assessment, information supplied and mitigation measures proposed it is considered that the Agent of Change tests detailed at within the relevant policies have been met.

**Construction impacts**

- 7.366 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies and with regard to likely significant effects identified within the ES a number of conditions are recommended to minimise these impacts. These will control working hours and require the approval and implementation of Construction Environmental Management and Logistics Plan.



## TRANSPORT AND SERVICING

7.367 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

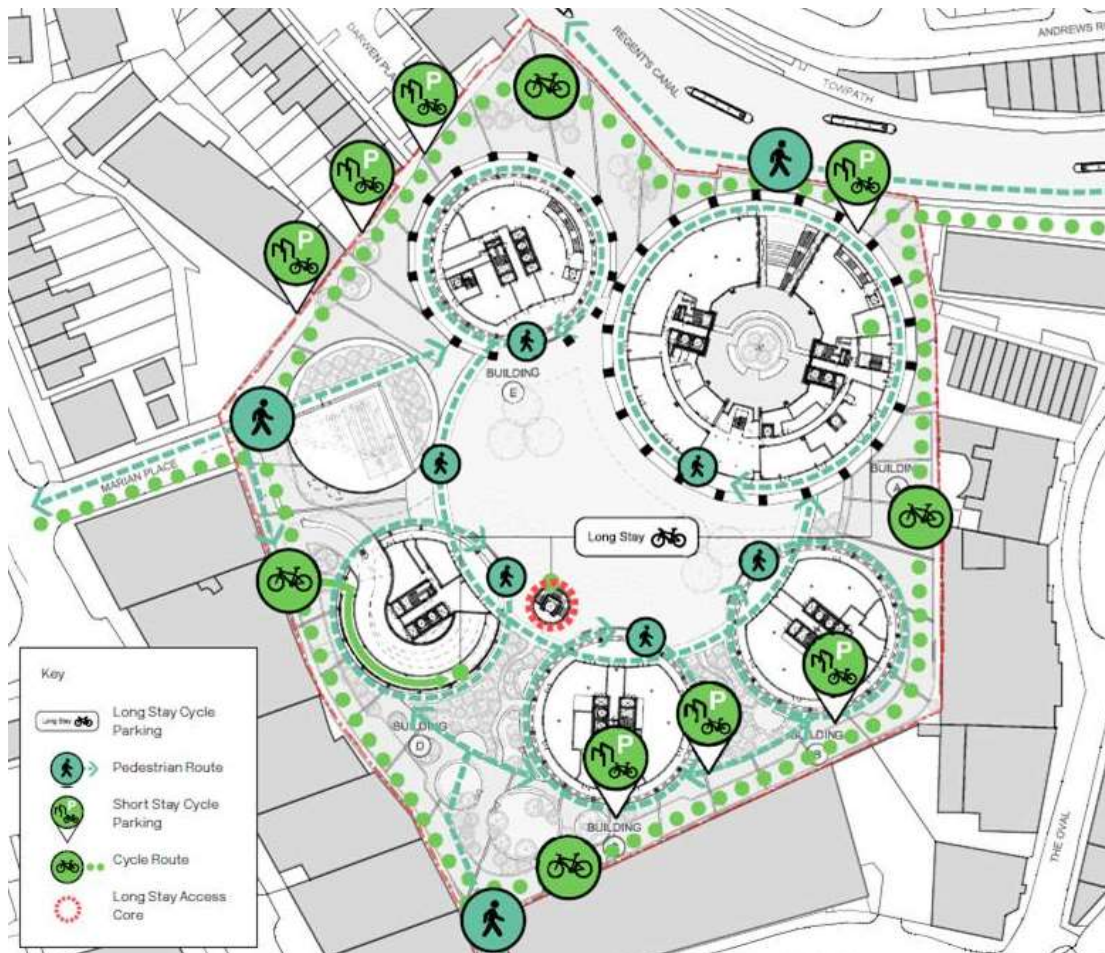
### Healthy Streets and public realm

7.368 The Transport Assessment (TA) submitted is in a Healthy Streets format in line with TfL's updated guidance and includes an Active Travel Zone (ATZ) assessment which is welcomed.

7.369 TfL is satisfied with the findings of the ATZ assessment and have recommended that developer contributions are secured towards improving the condition of tactile paving on Pritchard Road, Hackney Road and Cambridge Heath Road as set out in table 4.3 of the Healthy Streets TA. Similarly, TfL recommended securing developer contributions towards physical improvements to junctions to improve safety conditions as set out in section 4.2.7 of the Healthy Streets TA.

7.370 In terms of cycle access, TfL requested that the cycle movement strategy is clarified. Due to the open space at the centre of the site, cyclists cannot enter this space and are instead directed around the perimeters of the site. This is appropriate in considering the needs and safety of pedestrians whilst also allowing permeability through the site for cyclists (Figure 23).

Figure 23: Pedestrian and cycle access strategy



## **Access and Vision Zero**

- 7.371 Vehicular access to the site would remain as existing from Marian Place, with street treatment and traffic calming measures to limit vehicle speeds. This is welcomed in line with policy T2 (Healthy Streets) of the new London Plan. TfL is satisfied that the traffic calming measures proposed would support Vision Zero; the Mayor's commitment to eliminate all deaths and serious accidents on London's roads by 2041.
- 7.372 The proposals would safeguard future access to the north-east of the site, to the adjacent site of which the adjacent canal-side leads to Corbridge Crescent. This is not within the red line of the application site and as such the applicant has no control of this opening at this stage.

## **Cycle parking**

- 7.373 976 long-stay cycle parking spaces are proposed for the residential element of the development, exceeding the minimum requirements of policy T5 (Cycling) of the new London Plan. Residential long stay cycle parking is proposed within the shared basements of buildings C and D rather than proportionally for each building. TfL have stated that this does not comply with TfL's London Cycling Design Standards (LCDS) guidance. Section 8.1.2 (Cycle parking principles) of TfL's LCDS guidance requires cycle parking to be convenient, accessible and as close as possible to the destination. As such, TfL support the long stay cycle parking being split proportionally across all buildings.
- 7.374 The comments made by TfL are noted. However, as denoted on Figure 23, Building A, B and E will be able to access the cycle parking through a long stay access core that is located at the southern perimeter of the centrally located open space, which is only a short walk from the building entrances. Officers consider that, due to the Site Allocation requirements of providing employment floor space, which is located at the ground/basement floors of Buildings A and E, in addition to the constraints imposed by the existing sub-ground voids and retention of the gasholder structures, the shared basement beneath buildings C and D is best placed to accommodate cycle parking. Furthermore, buildings C and D contain the affordable homes and as such their access has been prioritised.
- 7.375 In terms of non-residential cycle parking, TfL initially stated that this is determined through Gross External Area (GEA) rather than Gross Internal Area (GIA). The applicant has clarified this through the ES Addendum showing that 40 long-stay and 73 short-stay spaces is in line with the minimum requirements.

## **Car parking**

- 7.376 The development proposes 57 car parking spaces (10%). Of these 17 (3%) will be blue badge / accessible spaces from the outset with the remaining 40 (7%) being available to other users on short term licenses until such time that demand comes forward from blue badge users above the initial 3%. All spaces will be built to accessible standards from the outset.
- 7.377 TfL have stated that, as set out in new London Plan policy T6 paragraph B, car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. TfL has no objection to the provision of 17 disabled parking spaces however, given that the site has a public transport access level (PTAL) of 4-6a TfL would expect the development to be car free except for disabled car parking.
- 7.378 The policy states that 10% disabled persons parking should be provided for new residential development as follows:



1. ensure that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset
2. demonstrate as part of the Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. This should be secured at the planning stage.

7.379 Policy T6.1 also stipulates that parking spaces within communal car parking facilities (including basements) should be leased rather than sold. Paragraph 10.6.14 adds:

*“Parking spaces should be leased rather than sold to ensure the land they take up is used as efficiently as possible over the life of a development. This includes ensuring that disabled persons parking bays can be used by those who need them at any given time and ensuring enlarged bays are available to be converted to disabled persons parking bays as required. Leasing allows for spaces with active charging points to serve electric or other Ultra-Low Emission vehicles and can more easily support passive provision becoming active. Leasing also supports parking provision to be adaptable to future re-purposing, such as following changes to transport technology or services. Leases should be short enough to allow for sufficient flexibility in parking allocation to reflect changing circumstances.”*

7.380 The above suggests that the intention for spaces to be leased is so their use can be re-purposed over time to reflect demand and current circumstances.

7.381 The draft London Plan standards on electric charging provision require at least 20% active provision, with passive provision for the remaining 80%. The active provision proposed is 100%, a significant overprovision of such spaces which would align with objectives for spaces with active charging points to serve electric or other Ultra-Low Emission vehicles

7.382 Regard must also be paid to the Borough’s Local Plan, in which policy TR3 sets out the following residential car parking standards:

7.383 For Marian Place, this would equate to 57 spaces on the basis that approximately 25% of the site is PTAL 4 and 75% is PTAL 5-6.

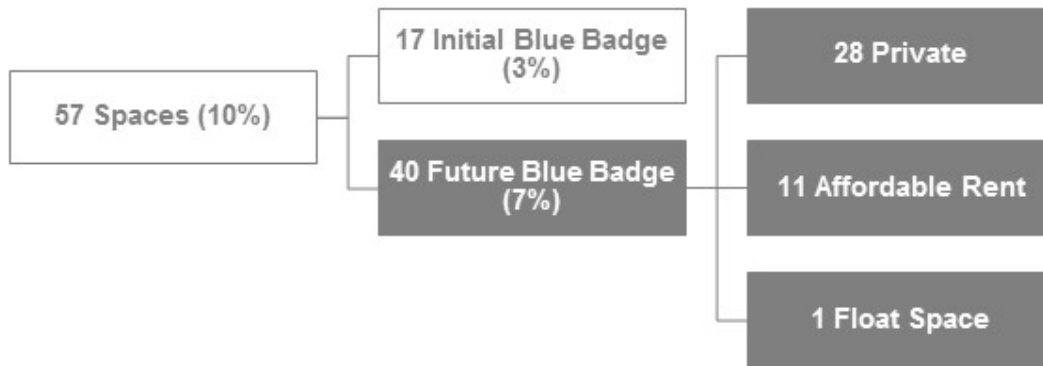
**Table 6: LBTH Adopted residential parking standards**

<b>Location</b>	<b>Less than 3 Bedrooms</b>	<b>3 Bedrooms +</b>
Isle of Dogs	0	0.1
PTAL 5-6	0	0.1
PTAL 3-4	0.2	0.3
PTAL 1-2	0.4	0.5

7.384 The applicant has proposed that the future 7% blue badge provision be delivered from the outset and then made available to other users until such time that demand comes forward from blue-badge users above the initial 3%. Considering that Local Plan policy allows for a level of non-blue badge car parking and that the draft London Plan, although intending to achieve car-free developments, allows for a level of flexibility to reflect changing circumstances, the proposals are considered to present an optimum solution to car parking. This would ensure both the efficient use and recyclability of the future provision.

- 7.385 Throughout the lifetime of the planning application, officers have sought to secure a proportion of the car parking for the Affordable Rent units at a discounted rate. The applicant has offered 11 out of the 39 spaces to residents of the Affordable Rent units for first refusal.
- 7.386 Should demand fail to come forward from affordable rent residents for these 11 spaces within a set period they will be offered to other residents. The duration of this period will be agreed within the full Car Parking Design and Management Plan (PDMP) to be secured within the S106. The remaining 28 spaces will be available to residents of the private homes with priority given to each of the 3-bedroom homes.

**Figure 24: Distribution of car parking spaces**



- 7.387 The 11 spaces available to Affordable Rent households on short term licenses will be let at 50% of the market rate. The market rate will be determined at the point at which the spaces are delivered. As the market rate is at this stage unknown, officers consider it necessary for this element to be reviewed through a S106 obligation that secures a Parking Design and Management Plan (PDMP).
- 7.388 A Parking Design and Management Plan (PDMP) will be included as a planning obligation that secures the following:
- 17 initial blue-badge spaces
  - 40 future blue-badge spaces let on short-term leases split as follows:
    - 28 Private
    - 11 Affordable Rent
    - 1 Float Space

- 7.389 A condition will ensure that 100% of spaces equipped with active electric charging provision and 100% of spaces are designed to accessible standards from the outset
- 7.390 New residents should be restricted from obtaining permits for any local Controlled Parking Zones (CPZs) in line with policy T6 (Car parking) of the Intend to Publish London Plan. This will be secured as a separate obligation within the S106 agreement.

### **Servicing and deliveries**

- 7.391 The outline Delivery and Servicing Plan (DSP) estimates 65 daily delivery and servicing trips associated with the residential, office and retail uses. Deliveries to the residential element of the proposals will be delivered to the concierge desk in the buildings and held for collection by residents. Three servicing bays are proposed to the south of Building A to accommodate

delivery vehicles and drop-offs will be available in laybys on the internal ring road. TfL has no objections to the principle of the delivery and servicing arrangement proposed.

### **Construction**

- 7.392 The Construction, Environmental and Logistics Management Plan secured via a planning condition would need to consider the impact on pedestrians, cyclists, and vehicles as well as fully considering the impact on other developments in close proximity. This should be produced in accordance with TfL best practice guidance. Subject to the details being acceptable to TfL and LBTH Highways, officers consider there would not be an unacceptable impact

### **Travel Plan**

- 7.393 The applicant has provided a framework Travel Plan. The final Travel Plan will be secured and monitored via the S106 agreement. The final Travel Plan will target a higher increase in active modes of travel.

### **Summary**

- 7.394 Subject to the above conditions it is considered the proposal would be acceptable in terms of supporting sustainable modes of transport, and will have no unacceptable impacts on the safety or capacity of the highways network, in accordance with policies S.TR1, D.TR2, D.TR3 and D.TR4 of the Local Plan (2020) and policies 6.1, 6.3, 6.8-6.13 of the London Plan (2016).

## **ENVIRONMENT**

### **Environmental Impact Assessment (EIA)**

- 7.395 The planning application constitutes an EIA development. The application was submitted in December 2019 and was accompanied by an Environmental Statement (ES) Addendum produced by Lichfields on behalf of St William Homes LLP, and provided assessment of the following topics:
- Townscape and Visual;
  - Built Heritage;
  - Ground Conditions;
  - Socio-economic;
  - Transportation;
  - Micro-climate and Wind Environment;
  - Noise and Vibration;
  - Daylight, Sunlight, Overshadowing;
  - Ecology and Nature Conservation;
  - Climate Change;
  - Water Environment and Flood Risk; and
  - Archaeology.
- 7.396 The ES has been reviewed in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations).
- 7.397 The application has been supported by an ES and Non-Technical Summary (NTS) (February 2020), and an ES Addendum (July 2020) and updated NTS (July 2020). The ES Addendum (July 2020) and updated NTS (July 2020) were considered to be 'further information' under Regulation 25 and were processed as required under the EIA Regulations.

- 7.398 The Council's EIA Officer and the Councils Appointed EIA Consultants have confirmed that the submitted ES (including the subsequent ES submission as set out above) meets the requirements of the EIA Regulations.
- 7.399 The 'environmental information' has been examined by the Council and has been taken into consideration by officers to reach a reasoned conclusion of the significant effects of the Proposed Development, which forms the basis of the assessment presented in this report.
- 7.400 Appropriate mitigation / monitoring measures as proposed in the ES will be secured through planning conditions and/or planning obligations. The environmental information comprises the ES, including any further information and any other information, any representations made by consultation bodies and by any other person about the environmental effects of the Proposed Development.

### **Energy and sustainability**

- 7.401 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

#### Energy

- 7.402 In general, the energy strategy proposals and principles follow the energy hierarchy. The scheme is proposing Air Source Heat Pumps (ASHP) and Photovoltaics (PV), electrical based systems that can take advantage of the decarbonised grid in the future.
- 7.403 It should be recognised that there is a greater focus on carbon emissions across the Borough following the LBTH Climate Emergency declaration in 2019. In April 2020 the Council adopted its net zero carbon plan. Carbon emissions and how development schemes are responding to the LBTH climate emergency are likely to be key considerations at strategic decisions making meetings moving forward. It is therefore essential that all development schemes play their part in delivering as close to zero carbon on-site to minimise future retrofit requirements and meet the on-site zero carbon requirements of the Climate Change Act 2008 (as amended).
- 7.404 The energy strategy should set out how the scheme will be net zero carbon on-site in 2050 as required by the Climate Change Act 2008 (as amended) and policy SI2 of the draft London Plan. Policy SI2 requirements for Energy Strategies include the requirement to provide details of:
- Proposals for how energy demand and carbon dioxide emissions post-construction will be monitored annually (for at least five years).
  - Proposals explaining how the site has been future-proofed to achieve zero-carbon on-site emissions by 2050.
  - Analysis of anticipated occupant costs for energy.
- 7.405 Policy D.ES7 of the Local Plan requires zero carbon emission development to be achieved through a minimum 45% reduction in regulated carbon dioxide emissions on-site, and the remaining regulated carbon dioxide emissions to 100%, to be offset through a cash in lieu contribution. This is applicable to all developments. A carbon offsetting figure of £95 per tonne is sought for all residual emissions. This is due to the adoption of the Local Plan and publication of GLA energy assessment guidance (April 2020) which sets out a carbon offsetting figure of £95 per tonne in accordance with GLA recommendations.

7.406 The submitted Energy Statement (WSP – February 2020) sets out the proposals to reduce energy demand through energy efficiency measures and renewable energy technologies (including 133kWp Photovoltaic array (800m<sup>2</sup>) and Air Source Heat Pumps) and deliver the following CO<sub>2</sub> emissions:

- Baseline – 679 tonnes CO<sub>2</sub> per annum
- Proposed Scheme – 398 tonnes CO<sub>2</sub> per annum

7.407 The total on-site site wide CO<sub>2</sub> emission reduction is anticipated to be 41% against the building regulation baseline utilising the SAP10 carbon factors.

7.408 The proposals are for a 281 tonnes/CO<sub>2</sub> reduction in on-site emissions and would result in a carbon offsetting contribution of £1,134,300 to offset the remaining 398 tonnes CO<sub>2</sub> and achieve net zero carbon. It is recommended that a post construction energy assessment be submitted, including the 'as built' calculations to demonstrate the anticipated savings have been delivered on-site. This calculation has been based on the new SAP10 carbon factors and using the recommended GLA carbon price of £95 per tonne for a 30-year period.

#### Sustainability

7.409 In relation to sustainability policy D.ES7 states '*All new non-residential development over 500 square metres floorspace (gross) are expected to meet or exceed BREEAM 'excellent' rating*'. The submission documentation includes a BREEAM pre-assessment which demonstrates the scheme is currently designed to achieve a BREEAM Excellent rating. This is supported and is recommended to be secured via condition for the Final BREEAM certificates for each use to be submitted post completion.

#### Summary and securing the proposals

7.410 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver CO<sub>2</sub> emission reductions. The proposals meet the Local Plan target for anticipated on-site carbon emission reductions, however in order to support the scheme the residual CO<sub>2</sub> emissions should be offset through a carbon offsetting contribution of £1,134,300 to deliver a policy compliant net zero carbon development.

7.411 Subject to appropriate conditions securing the energy proposals and the CO<sub>2</sub> emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for CO<sub>2</sub> emission reductions.

7.412 It is recommended that the proposals are secured through appropriate conditions and planning obligations to deliver:

- S106 - Carbon Offsetting contribution of £1,134,300 to offset all the residual emissions (*Reason: Local Plan Policy D.ES7 requires all schemes to achieve net zero carbon with all residual emissions offset through a carbon offsetting contribution*)
- Submission of post construction energy assessment including 'as built' calculations to demonstrate the reduction in CO<sub>2</sub> emissions have been delivered on-site (*Reason: Local Plan Policy D.ES7 requires all schemes to achieve net zero carbon with a minimum 45% reduction in CO<sub>2</sub> emissions on site*)
- Submission of final BREEAM Certificates to demonstrate an Excellent rated building has been delivered (*Reason: Local Plan Policy D.ES7 requires all schemes >500m<sup>2</sup> to achieve BREEAM Excellent*)

- Prior to commencement of development, a Zero Carbon Futureproofing statement shall be submitted to and approved in writing by the Local Planning Authority, setting out:
  - Proposals for how energy demand and carbon dioxide emissions post-construction will be monitored annually (for at least five years).
  - Proposals explaining how the site has been future-proofed to achieve zero-carbon on-site emissions by 2050, including anticipated retrofit costs.
  - Analysis of future occupant energy costs.

*(Reason: In order to demonstrate how the development would be futureproofed to achieve zero-carbon-on-site emissions by 2050 in accordance with policies D.ES7 of the Tower Hamlets Local Plan 2031 (2020), and SI2 of the Draft London Plan.)*

7.413 In conclusion it is considered that the application would deliver sufficient carbon savings through both the energy hierarchy and via the financial obligations required to ensure the scheme meets the zero carbon targets for all development, as set by Policy S12 of the Draft New London Plan, and policy D.ES7 of the Local Plan.

### **Air quality**

7.414 Policy D.ES2 of the Local Plan (2020) and policy 7.14 of the London Plan (2016) require major developments to be accompanied by an assessment which demonstrates that the proposed uses are acceptable and show how development would prevent or reduce air pollution.

7.415 The applicant has demonstrated that the residential development will not be affected by levels of air pollution above National Air Quality Standards. Therefore, no additional mitigation will be required to protect future occupiers from existing environmental pollution.

7.416 The applicant has stated that heating for the development would be by air source heat pumps which have no local emissions to atmosphere.

7.417 The ES identifies the main likely effects on local air quality during construction would be related to dust. A range of measures to minimise or prevent dust would be implemented with the CEMP and it is considered that following mitigation, the effects from nuisance dust emissions would be not significant.

7.418 Emissions from construction vehicles would be small in comparison to the emissions from the volume of vehicles travelling on roads in the surrounding area of the site and would not significantly affect air quality. Therefore, the effect of construction vehicles entering and egressing the site during the construction period would be not significant. There is the potential for significant effects with surrounding developments coming forward at the same time. The CEMP and CLP will need to provide suitable mitigation and reviewed in detail prior to discharge of the conditions.

7.419 In accordance with the London Plan, all construction plant would need to adhere to the emissions standards for NO<sub>2</sub> and PM<sub>10</sub> (particles with a diameter up to 10µm) and PM<sub>2.5</sub> (particles with a diameter up to 2.5µm) set out for non-road mobile machinery (NRMM). It is therefore considered the likely effect of construction plant on local air quality would be not significant.

7.420 Following completion, the Development is predicted to have a negligible impact on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations, at all receptors considered. As such, the overall effect of the Development on air quality is not significant.

- 7.421 Overall, the scheme would accord with policy D.ES2 of the Local Plan and policy 7.14 of the London Plan (2016) and conditions would be attached to any forthcoming consent to ensure local air quality is not adversely affected through the demolition and construction process.

### **Waste**

- 7.422 Policy D.MW3 of the Local Plan (2020) requires adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.
- 7.423 The LBTH Waste Team have reviewed the proposal and are satisfied that subject to securing the details of bin storage size and servicing arrangements by condition the proposal is acceptable.

### **Biodiversity**

- 7.424 Policy D.ES3 of the Local Plan (2020) and policy 7.19 of the London Plan (2016) seek to safeguard and where possible enhance biodiversity value and contribute towards the Local Biodiversity Action Plan (LBAP). Developments must also not include potentially invasive non-native species as determined by Schedule 9 of the Wildlife and Countryside Act. Any such existing species should be eradicated or controlled as part of redevelopment.
- 7.425 The Biodiversity Officers has reviewed the methodology and assessments in the Ecology chapter of the Environmental Statement, concluding that they are sound. The application site has little potential for protected or priority species except for common nesting birds. An informative will be required to prevent disturbance to nesting birds during site clearance
- 7.426 The application site is immediately adjacent to the Regent's Canal, part of a Site of Metropolitan Importance for Nature Conservation and an important foraging and commuting route for bats. There will be a very minor adverse impact on the ecology of the canal through shading. Potential impacts from pollution can readily be avoided through good construction practice, which will be secured by condition. Light spill onto the canal from the new development would adversely impact bats and other nocturnal wildlife using the canal, though this would be a minor impact given the existing light levels in the surrounding area.
- 7.427 Overall, without mitigation there would be a small adverse impact on biodiversity, which will be more than compensated for by the green roofs, landscaping and other biodiversity features included in the proposals. This will ensure the development meets the requirements for net gains in biodiversity.
- 7.428 The proposed landscaping beside the canal is dominated by hard surfaces, and the only planting consists of two non-native tree species of minimal wildlife value. Both the Biodiversity Officer and the Canal and River Trust have recommended revisions to the canalside landscaping, with a much greener, more naturalistic approach and that there should also be enhancements within the canal, with high-quality floating rafts with native wetland vegetation installed along the whole length of the frontage.
- 7.429 In contrast, the Biodiversity Officers has commented that the rest of the proposed landscaping is quite good for biodiversity and contains a number of features that will contribute to LBAP targets and objectives.
- 7.430 Officers acknowledge the request for improvements to the canalside landscaping. However, it is considered that the proposed development meets the provisions of policy D.ES3 of the Local Plan which seeks to ensure development protects and enhances biodiversity. The Biodiversity Officer has commented that the green roofs, landscaping and other biodiversity features will enhance the biodiversity of the site.



- 7.431 As such, subject to conditions that prevent disturbance to nesting birds during site clearance, secure details of all the biodiversity mitigation and enhancements, including nest boxes and green roofs, the development complies with policy and would lead to net gains in biodiversity.

### **Flood risk and drainage**

- 7.432 Local Plan policies D.ES4 and D.ES5 seek to manage flood risk and encourage the use of Sustainable Urban Drainage within new developments.
- 7.433 Both the Council's Sustainable Urban Drainage Team and the Environmental Agency have commented on the proposals and have no adverse comments in relation to flood risk and drainage. To ensure flood risk is not increased elsewhere a detailed surface water drainage scheme as outlined in the report will be recommended as a planning condition.
- 7.434 Subject to conditions the proposal would be acceptable with regards to surface water runoff and drainage.

### **Land contamination**

- 7.435 Due to the historic use of the application site, a variety of contaminants have been identified to be present within the ground.
- 7.436 The application submission includes a Land Contamination Assessment (prepared by RSK Environmental) which assesses the scope for receptors to be subject to contamination during the construction and operation stages of development.
- 7.437 The applicant proposes mitigation measures to prevent future site users being exposed to the impacted soils. The made ground will therefore be encapsulated by a clean capping layer in areas of proposed gardens and private soft landscaping.
- 7.438 The Council's Environmental Health officer and the Environment Agency have reviewed the Assessment and propose a series of planning conditions, requiring the applicant to undertake further ground investigations to fully establish the contaminants present. The proposed conditions include the submission of a remediation strategy and any mitigation measures required to mitigate potential adverse effects to future occupiers. Any contamination that is identified can be addressed within the condition discharge process, and will ensure that the land is made safe prior to any construction or demolition work takes place.

### **INFRASTRUCTURE IMPACT**

- 7.439 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £6,362,638.75 (inclusive of social housing relief and exclusive of indexation) and Mayor of London CIL of approximately £2,563,166.40 (inclusive of social housing relief and exclusive of indexation). These figures are indicative only and have been estimated using the most up to date available information on floorspace and would be subject to indexation.
- 7.440 The CIL Regulations 2010 (as amended) allow the Council to accept full or part payment of CIL liability by way of transfer of land to the Council. The Council may also enter into agreements in writing (subject to the criteria in Regulation 73A) to receive infrastructure payments, before the chargeable development is commenced. The infrastructure to be provided must be related to the provision of the types of projects listed in the Council's Regulation 123 list.

- 7.441 The proposed development includes the provision of public open space and the developer is therefore permitted to apply for a reduction in the CIL amount liable were the Council to take up the open space. The CIL reduction would be calculated to be equivalent to the financial cost of the value of land and the delivery costs associated with the open space.
- 7.442 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development.
- 7.443 The applicant has agreed to meet all the financial contributions that are sought by the Council's Planning Obligations SPD which are as follows:
- £257,040.00 towards construction phase employment skills training
  - £79,103.65 towards end-user phase employment skills training
  - £1,134,300.00 towards carbon off-setting

## **HUMAN RIGHTS & EQUALITIES**

- 7.444 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.445 The proposed development does however provide a series of benefits in this regard, including the provision of wheelchair units, associated disabled car parking, the provision of affordable workspace and the creation of jobs.
- 7.446 Officers are satisfied that the proposed development would not result in adverse impacts upon equality or social cohesion.

## **CONCLUSION**

- 7.447 Officers assessed the proposed development against the relevant Development Plan Policies, having regard to the consultation responses received and other material considerations. In drawing conclusions, officers have given full consideration to the Environmental Statement and are satisfied that the significant effects that would have been considered likely to occur during both construction and operations would be adequately mitigated by the proposed measures. On this basis, Officers are further satisfied that the proposed development would not give rise to an unacceptable environmental impact.
- 7.448 Taking all into account, the proposed development is considered to be acceptable and it is recommended that planning permission is granted, subject to the planning conditions and obligations set out in this report.

## **8 RECOMMENDATION**

- 8.1 That **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations

### **Financial Obligations**

- a. £257,040.00 towards construction phase employment skills training
- b. £79,103.65 towards end-user phase employment skills training
- c. £1,134,300.00 towards carbon off-setting
- d. £500 per heads of term

### **Non-Financial Obligations**

- a. Affordable housing across the development (35% by habitable room)
  - i. 70% Social Rented units (50% at London Affordable Rent and 50% at Tower Hamlets Living Rent)
  - ii. 30% Intermediate units (100% shared ownership)
  - iii. Early Stage Review
- b. Economic incentives
  - i. Access to employment
  - ii. 20% local procurement
  - iii. 20% local labour in construction
  - iv. x38 construction phase apprenticeships
  - v. x1 end-user phase apprenticeships
  - vi. Provision of 10% affordable rented (90% of market rent) workspace for the lifetime of the development (including provision of Affordable Workspace Strategy prior to the completion of the construction phase of the development).
- c. Transport matters:
  - i. Permit free development (residential)
  - ii. Car Parking Strategy (details of provision and Management Strategy relating to allocation of parking including parking for social rented units)
  - iii. Residential and non-residential Travel Plans
  - iv. S278 Agreement (works to Marian Place/Emma Street and improving the condition of tactile paving on Pritchard's Road/Hackney Road/Cambridge Heath Road)
  - v. Safeguarding of canalside access from north-east corner of the site to Corbridge Crescent
  - vi. Cycle and pedestrian access throughout the site
  - vii. Submission of a Parking Design and Management Plan (PDMP) to secure the following:
    - 17 initial blue-badge spaces
    - 40 future blue-badge spaces let on short-term leases split as follows:
      - 29 Private
      - 10 Affordable Rent
      - 1 Float Space
- d. Public access to site (including canal-side and park) and a Management Plan in line with the Public London Charter
- e. Dismantlement, refurbishment and re-erection of Gasholder guide frames Nos. 2 and 5 to be completed prior to the occupation of the buildings located within them (Buildings A and E).
- f. Compliance with Considerate Constructors Scheme
- g. Energy efficiency measures (including 100% led lighting in homes, energy efficient white goods, energy display devices in homes)

8.2 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

## **Planning Conditions**

8.3 The conditions apply to each phase of the proposed development, insofar as they are relevant to that phase.

### 8.4 Compliance

1. Timeframe - 3 years deadline for commencement of development.
2. Plans - Development in accordance with approved plans.
3. Accessibility – Inclusive access standards and wheelchair housing
4. Air Quality – Emission standards for boilers & CHP
5. Construction – Restrictions on demolition and construction activities:
6. Construction – All works in accordance with Tower Hamlets Code of Construction Practice;
7. Construction – Standard hours of construction and demolition;
8. Construction – Air quality standards for construction machinery;
9. Construction – Ground-borne vibration limits;
10. Construction – Noise pollution limits.
11. Energy – Energy and efficiency standards
12. Highways - 100% of spaces equipped with active electric charging provision/designed to accessible standards from the outset
13. Land Contamination – Contamination not previously identified triggers a further Remediation Strategy
14. Land Contamination – No surface water infiltration into ground
15. Land Contamination – Piling
16. Land Use – At least 50% of non-residential floorspace shall be maintained as employment floor space for the lifetime of the development
17. Noise – Noise standards from mechanical plant and equipment
18. Noise – bedrooms
19. Water – Implementation of Outline
20. Water – Water usage

### 8.5 Pre-commencement

8.6 The inclusion of the following pre-commencement conditions has been agreed in principle with the applicant, subject to detailed wording relating to each relevant phase of the development.

21. Biodiversity – Mitigation and Enhancement
22. Canal – Risk Assessment Method Statement (RAMS)
23. Construction – Code of Construction Practice
24. Construction – Construction Waste Management Plan
25. Construction – Construction and Demolition Plan
26. Construction – Construction Environmental Management Plan and Construction Logistics Plan
27. Construction – Phasing plan
28. Energy – Zero Carbon Futureproofing Statement
29. Land Contamination – Remediation Strategy
30. Land Contamination – Baseline Monitoring
31. Land Contamination – Monitoring Maintenance and Mitigation Plan
32. Land Contamination – Boreholes
33. SuDs - detailed surface water drainage scheme for the site

### 8.7 Pre-superstructure works

34. Accessible homes - Details and implementation of London Affordable Rent/Tower Hamlets Living Rent 'wheelchair accessible' dwellings to M4 (3)(2)(b) standard
35. Air Quality – Details of flue emissions
36. Arboriculture – Tree Planting Methodology
37. Construction – Basement impact assessment: geoarchaeology borehole work and modelling.
38. Construction – Foundation Works Risk Assessment (FWRA)
39. Design – Details of external facing materials and architectural detailing.
40. Design – Details of landscaping
41. Design – Details of hard and soft landscaping of all public realm and open spaces including details relating to play equipment, street furniture and lighting, wind mitigation measures, biodiversity mitigation and enhancements, sensitive light strategy, LEMP.
42. Highways – Details of cycle parking
43. Highways – Delivery, Servicing and Waste Management Plan
44. Noise – Operational noise impact assessment and mitigation (plant and machinery etc)
45. Noise – Ventilation
46. Secured by Design – compliance

#### 8.8 Prior to occupation

47. Canal – Exterior lighting scheme for all areas within 25m of canal corridor
48. Design – Wayfinding and signage strategy
49. Energy – Post construction energy assessment including 'as built' calculations
50. Energy – BREEAM Certificate 'Excellent' rating
51. Land Contamination – Verification report
52. Water – Confirmation that capacity exists to serve the development
53. Water – No occupation past 100<sup>th</sup> dwelling until water network upgrades are completed
54. Secure by design – security measures implemented

#### 8.9 Informatives

1. Permission subject to legal agreement.
2. Development is CIL liable.
3. Thames Water – proximity to assets.
4. Canal – Ambient lighting onto canal corridor
5. Canal – Works affecting the Canal & Rover Trust
6. Canal – Encroachment/access over water space
7. Canal – Water discharge into waterway
8. Biodiversity - Measures to ensure no nesting birds harmed

### **GASHOLDER CONDITIONS (IN CONJUNCTION WITH HISTORIC ENGLAND)**

#### **Condition 1**

No dismantling or demolition work to Gasholders Nos. 2 and 5 shall take place until detailed method statements for their dismantling, transport and storage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved.

Reason: To secure the preservation of the historic significance of the heritage asset in accordance with S.DH3 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 2**

No dismantling or demolition work to Gasholders Nos. 2 and 5 shall take place until a full survey of both gasholders is undertaken and the results of which are submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the preservation of the historic significance of the heritage asset in accordance with S.DH3 of the Tower Hamlets Local Plan 2031 (2020).

### **Condition 3**

No works of dismantling of Gasholders Nos. 2 and 5 shall take place until:

- a. Approval in writing from the Local Planning Authority has been issued for a method statement and programme for the repair and re-erection of Gasholders Nos. 2 and 5 including the means of ensuring the structural stability and integrity of the guide frames. The repair and re-erection of the guide frame shall be carried out in accordance with the method statement and programme so approved.
- b. Contracts have been placed for the repair and re-erection of the guide frames and evidence of such contract has been submitted to the Local Planning Authority
- c. The developer has provided details of how the future maintenance of the guide frames would be delivered and approval in writing from the Local Planning Authority has been issued for those details

Reason: To secure the preservation of the historic significance of the heritage asset in accordance with S.DH3 of the Tower Hamlets Local Plan 2031 (2020).

### **Condition 4**

Prior to the re-erection of Gasholders Nos. 2 and 5, details of the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained and properly maintained permanently thereafter:

- a. Exposed footings
- b. A roller carriage and guide rails of each gasholder
- c. Finishes to the iron work
- d. Final colour scheme

Reason: To secure the preservation of the historic significance of the heritage asset in accordance with S.DH3 of the Tower Hamlets Local Plan 2031 (2020).

## **ARCHAEOLOGY CONDITIONS (IN CONJUNCTION WITH GLAAS)**

### **Condition 1**

No demolition or development shall take place until a Stage 1 written scheme of investigation (WSI) for historic buildings recording and analysis to RCHME Level 4 has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the nomination of a competent person(s) or organisation to undertake the agreed works.

Following completion of the historic buildings recording and consideration of the results, a Stage 2 WSI for archaeological investigation and recording of underground industrial

archaeological features shall be submitted to and approved by the Local Planning Authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- a. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- b. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

*Informative: Recording and interpretation of the industrial archaeological remains, including the gasholders, the canal wharf and the historic limeworks is merited by the impact from the scheme and is also necessary to inform public benefits and landscape design. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.*

Reason: To secure the preservation of the historic significance of the heritage asset in accordance with S.DH3 of the Tower Hamlets Local Plan 2031 (2020).

## **Condition 2**

No development shall take place within the proposed development site until the applicant has produced a detailed scheme showing the complete scope and arrangement of the foundation design over and in the vicinity of gasholders 2 and 5, and other below ground works in that area, which have been submitted to and approved by the Local Planning Authority.

*Informative: The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed foundation designs for approval.*

Reason: To secure the preservation of the historic significance of the heritage asset in accordance with S.DH3 of the Tower Hamlets Local Plan 2031 (2020).

## **Condition 3**

The development shall not be occupied until a scheme of permanent heritage interpretation, landscaping and display at the site has been agreed, in accordance with a historical research, materials, design and long-term maintenance proposal. The proposal for the work is to be approved in advance in writing by the Local Planning Authority. The scheme shall be displayed in the public realm of the site and should integrate with existing heritage public realm measures.

*Informative: The LPA wishes that the rich industrial and social history of the site and its surroundings be conveyed to the public. The interpretation scheme should be researched and designed by a recognised historical or archaeological interpretation specialist with appropriate experience. It should be informed by associated archaeological fieldwork and link with the industrial heritage of the area, including Haggerston Park and the canal.*

Reason: To secure the preservation of the historic significance of the heritage asset in accordance with S.DH3 of the Tower Hamlets Local Plan 2031 (2020).



## APPENDIX 1 – LIST OF PLANS FOR APPROVAL

Drawing No	Title	Scale	Size	Revision No.
<b>Existing</b>				
RSHP-P-0001-P-00	General Arrangement – Site Context Plan as Existing Ground Level	1250	A1	P1
RSHP-P-0002-P-00	General Arrangement – Site Plan as Existing Basement Level	500	A0	P1
RSHP-P-0003-P-00	General Arrangement – Site Plan as Existing Ground Level	500	A0	P1
RSHP-P-0010-E-W	General Arrangement Context Elevation as Existing – West (Pritchard’s Road)	250	A0	P1
RSHP-P-0011-E-S	General Arrangement Context Elevation as Existing – South (Emma Street)	250	A0	P1
RSHP-P-0012-E-E	General Arrangement Context Elevation as Existing – East (The Oval)	250	A0	P1
RSHP-P-0013-E-N	General Arrangement Context Elevation as Existing – North (Regent’s Canal)	250	A0	P1
RSHP-P-0015-S-S1	General Arrangement Context Section as Existing – East-West	250	A0	P1
<b>Proposed</b>				
RSHP-P-0016-S-S2	General Arrangement Context Section as Proposed – North-South	250	A0	P1
RSHP-P-0004-P-00	General Arrangement – Site Plan as Proposed Ground Level	500	A0	P1
RSHP-P-098-P-B2	General Arrangement Site Plan as Proposed – Basement Level B2	250	A0	P1
RSHP-P-099-P-B1	General Arrangement Site Plan as Proposed – Basement Level B1	250	A0	P1
RSHP-P-0100-P-00	General Arrangement Site Plan as Proposed – Ground Level	250	A0	P1
RSHP-P-0101-P-01	General Arrangement Site Plan as Proposed – Level 01	250	A0	P1
RSHP-P-0102-P-02	General Arrangement Site Plan as Proposed – Level 02	250	A0	P1
RSHP-P-0103-P-03	General Arrangement Site Plan as Proposed – Level 03	250	A0	P1
RSHP-P-0104-P-04	General Arrangement Site Plan as Proposed – Level 04	250	A0	P1
RSHP-P-0105-P-05	General Arrangement Site Plan as Proposed – Level 05	250	A0	P1
RSHP-P-0106-P-06	General Arrangement Site Plan as Proposed – Level 06	250	A0	P1
RSHP-P-0107-P-07	General Arrangement Site Plan as Proposed – Level 07	250	A0	P1
RSHP-P-0108-P-08	General Arrangement Site Plan as Proposed – Level 08	250	A0	P1

<b>Drawing No</b>	<b>Title</b>	<b>Scale</b>	<b>Size</b>	<b>Revision No.</b>
RSHP-P-0109-P-09	General Arrangement Site Plan as Proposed – Level 09	250	A0	P1
RSHP-P-0110-P-10	General Arrangement Site Plan as Proposed – Level 10	250	A0	P1
RSHP-P-0111-P-11	General Arrangement Site Plan as Proposed – Level 11	250	A0	P1
RSHP-P-0112-P-12	General Arrangement Site Plan as Proposed – Level 12	250	A0	P1
RSHP-P-0113-P-RF	General Arrangement Site Plan as Proposed – Roof Level	250	A0	P1
RSHP-P-0201-E-W	General Arrangement – Context Elevation as Proposed – West (Pritchard’s Road)	250	A0	P1
RSHP-P-0202-E-W	General Arrangement – Complete Elevation as Proposed - West	250	A0	P1
RSHP-P-0203-E-S	General Arrangement – Context Elevation as Proposed – South (Emma Street)	250	A0	P1
RSHP-P-0204-E-S	General Arrangement – Complete Elevation as Proposed – South	250	A0	P1
RSHP-P-0205-E-E	General Arrangement – Context Elevation as Proposed –East (The Oval)	250	A0	P1
RSHP-P-0206-E-E	General Arrangement – Complete Elevation as Proposed – East	250	A0	P1
RSHP-P-0207-E-N	General Arrangement – Context Elevation as Proposed – North (Regent’s Canal)	250	A0	P1
RSHP-P-0301-S-S1	General Arrangement – Context Section as Proposed – East-West	250	A0	P1
RSHP-P-0302-S-S2	General Arrangement – Context Section as Proposed – North-South	250	A0	P1
RSHP-P-0303-S-S3	General Arrangement – Context Section as Proposed S3 – Building-A & Building -E	250	A0	P1
RSHP-P-0304-S-S4	General Arrangement – Context Section as Proposed S4 – Building-A & Building –C	250	A0	P1
RSHP-P-0305-S-S5	General Arrangement – Context Section as Proposed S5 – Building-D & Building –E	250	A0	P1
RSHP-P-0306-S-S6	General Arrangement – Context Section as Proposed S6 – Building-A & Building -B	250	A0	P1
RSHP-P-0400-3D-A	Detailed Bay – Building A: Typical Outer Façade, Perspective View	NTS	A1	P1
RSHP-P-0401-3D-B	Detailed Bay – Building B: Typical Outer Façade, Perspective View	NTS	A1	P1
RSHP-P-0402-D-A	Detailed Bay – Building A: Typical Outer Façade, Elevation	50	A1	P1
RSHP-P-0403-D-B	Detailed Bay – Building B: Typical Outer Façade, Elevation	50	A1	P1

Drawing No	Title	Scale	Size	Revision No.
RSHP-P-0404-D-A1	Detailed Bay – Building A: Typical Outer Façade, Balconies (Upper)	50	A1	P1
RSHP-P-0405-D-A2	Detailed Bay – Building A: Typical Outer Façade, Solid Wall (Lower)	50	A1	P1
RSHP-P-0406-D-A3	Detailed Bay – Building A: Typical Gable Wall & Entrance Pavilion	50	A1	P1
RSHP-P-0407-D-A4	Detailed Bay – Building A: Typical Courtyard Façade, (Upper)	50	A1	P1
RSHP-P-0408-D-A5	Detailed Bay – Building A: Setback Outer Façade, (Upper)	50	A1	P1
RSHP-P-0409-D-A6	Detailed Bay – Building A: Typical Circulation Core (Lower)	50	A1	P1
RSHP-P-0410-D-E1	Detailed Bay – Building E: (Gasholder 2) Primary Balcony & Façade	50	A1	P1
RSHP-P-0411-D-B1	Detailed Bay – Building B: Primary Balcony & Façade (Upper)	50	A1	P1
RSHP-P-0412-D-D1	Detailed Bay – Building D: Secondary Balcony and Façade (Lower)	50	A1	P1
RSHP-P-0413-D-X1	Detailed Bay – Pressure Reduction Station (PRS), Proposed Architectural Enclosure	50	A1	P1
RSHP-P-0414-3D-E	Detailed Bay – Building E: Typical Outer Façade Perspective View	50	A1	P1
RSHP-P-0500-P-A	Detailed Plan – Block A Typical	100	A0	P1
RSHP-P-0501-P-A	Detailed Plan – Block A Setback Levels 10-12	100	A0	P1
RSHP-P-0502-P-A	Detailed Plan – Block A Roof	100	A0	P1
RSHP-P-0503-P-X	Detailed Plan – Block B, D, and E Typical Levels	100	A1	P1
RSHP-P-0504-P-C	Detailed Plan – Block C Wheelchair Adaptable Layout Levels 01-02	100	A1	P1
RSHP-P-0505-P-C	Detailed Plan – Block C Typical Levels 03-12	100	A1	P1
RSHP-P-0506-P-X	Detailed Plan – Block B, C and E Roof Level	100	A1	P1
RSHP-P-0507-P-D	Detailed Plan – Building D Typical Levels 01 -10	100	A1	P1

Planning Documents	
Document	Author
Planning application form, covering letter, certificates and notices	Lichfields
Application Drawings	Rogers, Stirk, Harbour & Partners and Gillespies
Design and Access Statement	Rogers, Stirk, Harbour & Partners and Gillespies
Archaeological Desk-Based Assessment	RPS (CgMS)
Draft Construction Environmental Method Statement	St William
Daylight, Sunlight and Overshadowing Assessment	Point 2

Planning & Affordable Housing Statement	Lichfields
Energy Statement	WSP
Sustainability Statement	WSP
Outline Fire Strategy	WSP
Statement of Community Engagement	Soundings
Transport Assessment	TPP
Framework Travel Plan	TPP
Deliveries and Servicing Management Plan	TPP
Flood Risk Assessment including Sustainable Urban Drainage Systems (SuDS) report	WSP
Heritage Statement	Montagu Evans
Health Impact Assessment	Lichfields
Equalities Impact Assessment	Lichfields
Retail Impact Assessment	Lichfields
Outline Gasholder Refurbishment Methodology	St William

<b>Environmental Statement</b>	
<b>Document</b>	<b>Author</b>
Environmental Statement Volume 1 – Main Report Reports on the assessment of the likely significant effects of the application. Chapters include: Townscape and Visual Impact Assessment; Built Heritage; Ground Conditions; Socio-Economics; Transport; Micro climate and Wind Environment; Air Quality; Noise and Vibration; Daylight, Sunlight and Overshadowing; Ecology and Nature; Climate Change; Water Environment; and Archaeology.	Lichfields
Environmental Statement Volume 2 – Technical Appendices	Lichfields
Environmental Statement Volume 3 – Townscape and Visual Impact Assessment	Lichfields
Environmental Statement – Non-Technical Summary	Lichfields
Environmental Statement Addendum and Appendices	Lichfields