

## Planning Committee Report

### London Thames Gateway Development Corporation

### Planning Application for Determination by the LTGDC

### Report of the Director of Planning

|                            |                  |                         |            |
|----------------------------|------------------|-------------------------|------------|
| <b>UDC CASE NUMBER:</b>    | LTGDC-07-052-FUL | <b>DATE MADE VALID:</b> | 05/03/2007 |
| <b>APPLICATION NUMBER:</b> | PA/07/00391/LBTH | <b>TARGET DATE:</b>     |            |

|                   |   |
|-------------------|---|
| <b>APPLICANT:</b> | Barratt Homes Ltd, Circle Anglia Ltd, Notting Hill Housing Group and Urban Regeneration Agency  |
| <b>AGENT:</b>     | DP9   |
| <b>PROPOSAL:</b>  | <p>Erection of nine new buildings: Block A being 36 storeys high, Block B 20 storeys, Block C and D 8 storeys, Block E 12 storeys, Block F 8 storeys, Block G 21 storeys, Block H 11 storeys and Block I 33 Storeys.</p> <p>Use of the new buildings as 796 residential flats (56 studios, 297 one-bedroom, 362 two-bedroom, 76 three-bedroom and 5 four-bedroom units), 975 sqm of commercial floorspace (Classes A1/A2/A3/A4/A5/B1a), 368 sqm of community floorspace (Class D1/D2), a 373 sqm gymnasium, 760 sqm of internal child play space and 203 sqm of energy centre use plus 236 car parking spaces in two basement levels and associated communal, private and public realm amenity spaces including landscaping and variety of works.<br/> <b>Pedestrianisation of Sorrel Lane. (AMENDED SCHEME AND REVISED ES)</b></p> <p><u>The application includes the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.</u></p> |
| <b>LOCATION:</b>  | Land on West Side of Leamouth Road at South West Junction of East India Dock Road, Leamouth Road, London, E14   |

## 1. SUMMARY

1.1 This report considers an application for a mixed use residential led scheme on a currently vacant site. The development proposals have been assessed against the London Borough of Tower Hamlets (LBTH) saved planning policies contained within the adopted Unitary Development Plan (1998), the Interim Planning Guidance October 2007 and associated supplementary planning guidance, and against the London Plan (2008) and Government Planning Policy Guidance and has found that:

- (a) The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- (b) The retail uses (Class A1, A2, A3, A4, A5, B1a) and/or community uses (Class D1) and/or leisure use (Class D2) are acceptable in principle as they will provide a suitable provision of jobs and activity in a suitable location. They will also provide an essential service to the community and future residents of the development, as well as provide visual interest to the new area of public realm. As such, it is in line with policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (2007), which seek to ensure services are provided that meet the needs of the local community.
- (c) The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment, subject to the securing of an acceptable s106 package to mitigate the impacts on local social infrastructure. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1, DEV2 and HSG1 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.
- (d) The quantity and quality of housing amenity space and the public realm strategy is considered to be acceptable and in line with PPS3, policy 3A.15, 3D.13 and 4B.3 of the London Plan, policy HSG16 of the Council's Unitary Development Plan 1998 and policies HSG7 and DEV2 the Council's Interim Planning Guidance which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- (e) The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.6 and 3A.9 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.

- (f) The building height, scale, bulk and design is acceptable and in line with English Heritage and CABE criteria for tall buildings; Planning Policy Guidance 15, policies 4B.1, 4B.2, 4B.9 and 4B.10 of the London Plan, policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV 27, CON2 and CON5 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- (g) There were no adverse impacts that were identified as a result of the assessment of the Environmental Statement that could not be satisfactorily covered by condition or legal agreement.
- 1.2 Officers are at an advanced stage of discussion with the applicants regarding the S106, with the intention of achieving an agreement that is in compliance with the LTGDC Planning Obligations Community Benefit Strategy and heads of terms can be found in section 10.3. This scheme is providing a significantly higher than usual amount of affordable housing through the London Wide Initiative (46% rather than 35%, the baseline in the strategy) and there are on site strategic infrastructure costs which could be offset against the financial contribution. This means that the financial contribution by way of the normal tariff provision is likely to be less than £10,000 per unit as a consequence of the level of affordable housing. Attached at appendix 1 is a letter from English Partnerships providing further information on this.
- 1.3 It is therefore recommended that the application be delegated to the Director of Planning to approve subject to:
- The referral of the application to the Mayor of London;
  - Conditions as detailed in section 13; and
  - The completion of a S106 legal agreement as detailed in section 10.3.

## **2. SITE AND PROPOSAL**

- 2.1 The site is located within the Lower Lea Valley Area, between Canary Wharf and Canning Town. The site is rectangular in shape, is currently vacant and is divided from west to east by Sorrel Lane. It is bounded by four main roads being, to the north East India Dock Road (the A13), to the east Leamouth Road, to the south Aspen Way and to the west Oregano Drive. The East India Dock Road Tunnel is located beneath the south western corner of the site.
- 2.2 East India Dock DLR station is located approximately a 5 minute walk to the west of the site via the East India Commercial Estate. Canning Town station (Jubilee Line & DLR) is located approximately 5 minute walk to the east of the site via the A13.
- 2.3 To the north of the site across the A13 is a Poplar Harca housing estate known as Currie and Dunfield Houses. There are also a number of industrial uses adjacent to the River Lea including the Leven Road Gas Holder. To the west is the East India Commercial Estate that comprises a

number of data centres, hotel complexes and office uses including the London Borough of Tower Hamlets Town Hall. To the east is a Grade II listed remnant of the dock wall, a gas filling station, Council storage depot and the River Lea. To the south across Aspen Way and the roundabout are new residential areas known as Virginia Quay and Elektron Buildings and the DLR viaducts.

- 2.4 The application is for the redevelopment of the site to provide for the erection of nine new buildings: Block A being 36 storeys high, Block B 20 storeys, Block C and D 8 storeys, Block E 12 storeys, Block F 8 storeys, Block G 21 storeys, Block H 11 storeys and Block I 33 Storeys and the use of these buildings for 796 residential flats (56 studios, 297 one-bedroom, 362 two-bedroom, 76 three-bedroom and 5 four-bedroom units), 975 sqm of commercial floorspace (Classes A1/A2/A3/A4/A5/B1a), 368 sqm of community floorspace (Class D1/D2), a 373 sqm gymnasium, 760 sqm of internal child play space and 203 sqm of energy centre use plus 236 car parking spaces in two basement levels and associated communal, private and public realm amenity spaces including landscaping and variety of works including the pedestrianisation of Sorrel Lane.
- 2.5 The development provides 141 units for the London Wide Initiative (LWI) for key workers and has an overall provision of affordable housing of 366 units or 46% (on habitable room basis). The LWI is a joint initiative between English Partnerships (EP), the CLG, the Housing Corporation and the Greater London Assembly. It is a £204m investment programme in London generating over £1bn of private investment across 16 development sites. It is on target to deliver over 4,500 new homes which at least 1400 are LWI homes for Key Workers and over 1200 other affordable homes. The objective is to demonstrate how using land value as an investment rather than a capital grant can deliver more high quality affordable homes than through typical S106 schemes. The Key London Alliance (KLA) was set up as a LLP in 2004 specifically to work with EP to deliver a number of sites as part of the LWI. In 2005, the KLA signed a Framework Agreement with EP which sets out how the LWI sites are allocated by EP and how the KLA will take forward and develop the sites. For East India Dock Road, the consortia is split three ways between Barratt, Circle Anglia and Notting Hill. The LWI is a shared equity scheme whereby the cost of the property is split between the Government and the homeowner. Unlike shared ownership schemes, where purchasers pay both a mortgage on their share of the property and rent on the part retained by a landlord, purchasers do not have to pay anything to finance the government's stake.
- 2.6 The proposal has been subject to a number of amendments since the original lodgement in March 2007. This amendments are summarised as follows:
- The height of Block A was reduced from 37 to 36 storeys and Block F was reduced from 15 to 8 storeys.
  - The height of Block G was increased from 19 to 21 storeys.
  - The footprint of Block C has been reduced from approximately 569sqm to 425sqm.

- The footprint of Block F has been reduced from 493sqm to 305sqm and Block G has been reduced from 359sqm and 312sqm.
- The number of residential units has been reduced from 878 to 796 units with a total floor area reduction of 51,487sqm to 46,442sqm.
- Reconfiguration of residential units to meet London Borough of Tower Hamlets minimum unit size guidelines.
- Amendments to tenure mix on site by increasing the market component from 48.6% to 54% and reducing the affordable components from 51.4% to 46% (on habitable room basis).
- The gymnasium has been increased from 337sqm to 373sqm.
- The community space has increased from 316sqm to 368sq.
- Window gardens in lieu of balconies have been added to 48 of the units facing Leamouth Road.
- The ground to second floor levels of Block A and B have been joined to form a new child play space.
- The roof terraces have been extended by 741sqm to a total of 2,702sqm.
- The roof top amenity areas between Block F and E have been interlinked.
- Increased green landscaping has been incorporated around the public square.
- The ramps to the car park have been relocated.
- The number of proposed parking spaces has reduced from 270 to 236.
- The cycle storage areas have been relocated to basement level and the number of spaces has increased from 481 to 796.
- The area of ecological green roof has increased from 211sqm to 510sqm.
- The amount of active frontage at ground floor area has been increased by 35%.
- Amendments to the design of entrances to Blocks B and C.
- The recycling store has been relocated at the bottom of Block C.
- The energy centre for the 'North Island' has been relocated to the basement of Block A and the centre for the 'South Island' has been relocated to the ground floor of Block H facing onto Leamouth Road.
- The basement level has been extended by 742sqm to allow for the relocation of the cycle store and energy centres.

2.7 The application includes the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

### **3. MAIN ISSUES**

3.1 The main planning issues that must be considered are:

- Land Use
- Density
- Housing
- Design
- Open Space
- Amenity Considerations

- Air Quality
- Highways
- Energy
- Flood Risk
- Other
- Environmental Impact Assessment Issues.

#### 4. RELEVANT SITE HISTORY

- PA/00/01922 - Erection of an 11 storey building to be used for data centre and/or offices, switch centre, restaurant and energy centre was resolved to be approved by committee on the 21<sup>st</sup> May 2001, however the s106 agreement was never completed and the application was subsequently withdrawn by the applicant.
- PA/04/01860 - Request for Scoping Opinion as to what information needs to be provided in an Environmental Impact Assessment to be submitted in support of planning application for redevelopment to provide 500 residential units. A decision was issued on the 11<sup>th</sup> January 2005.

#### 5. CONSULTATIONS/NOTIFICATIONS

##### 5.1 LBTH Highways - email dated 21 December 2007 advised the following:

###### Cycle Parking

- The cycle parking provision should be covered and secure in its design and Sheffield type stands are recommended.
- The applicant has included 270 parking spaces which is a ratio of 0.32 spaces per unit which represents an increase in the level of parking from 0.28 units; this level of parking provision including the increase would not be acceptable. (OFFICER COMMENT: The scheme has since reduced the level of parking down to 236 parking spaces, with 36 designated for disabled users and 10 for car club spaces resulting in a remaining 190 spaces equating to a ratio of to 0.24 spaces per dwelling (excluding disabled spaces).
- The adjacent road network in this area already currently operates at above capacity. Any additional traffic generated as a result of this scheme would exacerbate the existing saturated traffic conditions and as such would be unacceptable.
- The site is in such a location that the development should be car free and any potential car use limited to provision via a "City Car Club", disabled users and serving. This would need to be supported by the promotion of a robust Travel Plan.
- The applicant has indicated the proposed closure of Sorrell Lane to vehicular traffic providing pedestrian access only. This closure is acceptable and supported by Highways.

###### Section 106 Works

- The dwellings should be designated as a car free development and be subject to a section 106 agreement prevent occupants from applying for any on street parking permits.

- Improvements to the unmade section of pedestrian footway that forms a link to East India Dock Road from the end of Oregano Drive should be secured.

#### Section 278 Works

- Works in respect to removal of any existing crossovers and accesses into the site and their reinstatement to the existing kerb level and maintenance too the footway surrounding the site including Oregano Drive. Any areas that require work on the public highway would be subject to a section 278 Agreement

## 5.2 LBTH Environmental Health

- Noise and vibration: The site actually falls within noise category D not the C identified in the ES. In accordance with the guidance of PPG24 planning permission should be refused for residential uses, unless suitable mitigation measures can be secured and implemented. The measures that would need to be secured would be glazing/ insulation specification to achieve compliance with BS8233 and the implementation of a whole house ventilation strategy drawings air from the quieter facades. Full details of the mitigation measures need to be submitted to Council for approval prior to commencement.
- In addition, the full details of the ventilation system need to be submitted for approval to the Council.
- Air Quality: Mitigation is required on the basis of 10% of 40ug/m<sup>3</sup> for all sensitive receptors. Given the associated uncertainties with the model used for the air quality assessment and the already existing poor air quality in that area.
- A Green Travel Plan should be submitted outlining how the applicant intends to promote green travel.
- The Demolition Method Statement and Environmental Management Plan must be submitted to the air quality officer for perusal prior to the commencement of works.
- A risk assessment of the construction site must be completed and submitted to this section. Due regard must be given to the London Best Practice Guide. Once a score is obtained, a detailed **Code of Construction Practice** must be submitted to me for perusal. This document can be tied in with the proposed Environmental Management Plan, outlining detailed mitigation measures for controlling dust and emissions from the construction phase,
- Due to the development size, proximity of other sensitive receptors etc, we request funding via any Section 106 agreements to fulfil statutory requirements under air quality. This may include air quality monitoring.
- Contamination: Our records illustrate that the site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. Given the ground works proposed and the fact that a potential pathway for contaminants may exist and we need further characterisation to determine associated risks.
- Please can you condition this application to ensure the developer carries out a site investigation to investigate and identify potential contamination?

**5.3 LBTH Education** advised that the revised dwelling mix has been assessed as requiring a contribution towards the provision of 77 additional primary school places @ £12,342 = £950,334. This proposed development will place considerable further pressure on the provision of primary school places in this area and with consequential effect on other areas of the borough.

**5.4 LBTH Access**

- Charging space for mobility scooters
- Flexible storage for bikes i.e. trikes, recumbent
- Car club (should be able to offer simple adaptations i.e. hand controls - hire cars in US all have this poss.)
- Convenience store within walking distance - maximum distance without a resting point for mobility impaired is 50m - so seats need to be available
- Ensuring a variety of seating is available across the site and to other destinations
- That any surface crossings are motion sensed (puffin or pelican so people crossing slowly are protected)
- Ensure step free routes are maintained through out construction
- Any shared surfaces are designed to developing best practice i.e. that pedestrians have priority and that they don't rely on eye contact (not much good when you are visually impaired)
- Improved access to DLR - it is currently approx 500m from site with particularly poor public realm approaching lift - is this lift large enough to take a mobility scooter? Would it be possible to have a bus stop on the A13 i.e. so you could access to the south or maybe do a loop into Blackwall
- Public realm changes in level should be as shallow as possible i.e. 1:40 and no cross fall greater than 1:50 (this could be incorporated in landscape plan)
- Steps in public realm should be obvious and not in direction of travel (chamfered steps into a gradient are a tripping hazard).
- Surface parking for visiting Blue Badge users and taxi drop off should be considered
- With regard to Wheelchair units I think it is useful to note that Electron are having difficulty letting their Wheelchair units due to the lack of amenity on that site so if this site is to succeed in that regard it needs easy access to goods and services i.e. Doctors, schools etc, shops, connectivity is the key to making this scheme work.
- Can the Access Statement be turned into a 'living document' so that detailed design decisions consider inclusive design e.g. that entry phones are audible and visible and positioned so someone of short stature can use them?

**5.5 LBTH Energy Services** No comments received (currently assessing amended energy strategy and an update will be provided at Committee).

**5.6 Tower Hamlets Primary Care Trust** No Comments received.

**5.7 LBTH Parks and Open Spaces**

- **Environment and Ecology Officer** advised in a letter dated 12 April 2007 that the proposed development poses little risk to local biodiversity and that opportunities should be taken to promote biodiversity through inclusion of nectar rich plants, bird boxes and bat bricks.
- **LBTH Ecology Officer advised in a letter dated 8 November 2007 that** more thought needs to be given to the type of landscaped roofs to be provided to encourage more wildlife and provide areas for the Black Redstart's; a black redstart survey must be undertaken preconstruction to ensure no net loss of foraging capacity; and appropriate nectar rich shrubs need to be incorporated in the amenity open space to provide opportunities for biodiversity

**5.8 GLA – Stage 1 report dated 20 February 2008 with a recommendation that the London Thames Gateway Development Corporation be advised that the principle of new residential use at this location is accepted and the proposed revisions are welcomed. Further key Strategic Comments as follows:**

Urban Design

- The site has an isolated character with diminished connectivity given heavily trafficked roads. However, the East India DLR Station is closer and reasonably accessible from the site. A landscaping scheme is being investigated which would enhance these routes to the DLR and should be secured as part of any planning consent.
- The proposed building heights and design meet the objectives and parameters of policies in respect to tall buildings and local context.
- The architecture of the proposal is of high quality and the design of the facades has been well combined with the dimensions of the blocks. The development would make a positive contribution to the London skyline.
- The internal layout has been subject to a number of revisions to improve the quality of the accommodation with the introduction of a number of double aspect units and reduction in units overall. However, there are still a number of single aspect units on the floor levels facing East India Dock and Leamouth Roads. Overall the changes to the internal layouts are and the provision of additional balcony space and enclosed winter gardens are welcomed.
- The isolated nature of the site places greater emphasis on the accessibility of the site. The GLA is keen to be kept involved with the ongoing design development to improve the urban context. Confirmation is also sought that all dwellings meet Lifetime Homes requirements and that 10% of all units across tenures are wheelchair accessible.

Density

- The proposed density is above the suggested London Plan matrix, however, the number of units has been reduced from the original submission. Furthermore, the site is within close proximity to public transport and the area around the site is likely to develop and improve further.
- The site is located within the Lower Lea Valley Opportunity Area which identifies that higher plot ratios can be achieved in these locations. In addition, the London Plan states that proposal should have regard to

*“intensification of housing provision development at higher densities where consistent with the principle of sustainable residential quality”.*

### Housing

- Dwellings developed under the London Wide Initiative are considered ‘affordable’ for planning purposes. Therefore the overall provision is 46% with a tenure split of 26-74 in favour of intermediate. The overall provision nears the London plan target of 50%, but the split is almost diametrically opposed. The Mayors Draft Housing Strategy (Sept 2007) identified that housing programmes aimed at intermediate accommodation will generally lead to a different tenure mix compared with London targets. Furthermore, given the connectivity of the site and access to open space it is not considered that it is suitable for a housing mix with an emphasis on social rented accommodation.

### Open Space and Child Play Space

- The scheme is calculated to generate 275 children. Using the benchmark play space requirement of 10sqm per child the development would require 2,750sqm of play space. The proposal includes a combination of dedicated play space and informal play opportunities within the ground floor public realm. The dedicated play space is 760sqm, 3,889sqm of public realm and 2,702sqm on communal roof terraces. This results in a total provision of public/ communal open space of 7,351sqm which is welcome.
- The wider urban context has a deficiency of publicly accessible open space. The application should contribute to urban realm improvements to enable a better usage of the existing and potential new spaces by improved connections.

### Social Infrastructure

- The site has a lack of social infrastructure and heads of terms for s106 have not yet been drafted.

### Sustainable Construction and Design

- The energy proposals are limited in terms of detail and are not consistent with the London Plan policy. The applicant needs to demonstrate the CO2 savings associated with energy efficient design measures through building regulation approved software and passive design measures given cooling has been incorporated. Furthermore, a scheme of this size should be able to deliver Combined Heat and Power this should be revisited. If the ATES system is to be retained it will require clear and detailed justification including a comparison of CO2 savings between the CHP alternative.

### Air Quality

- Concerns are raised about a lack of verification for the modelling work. Reference is made to the fact that there is a degree of uncertainty, however, no detail is provided on this level of uncertainty. In addition, further details on the methodology and assumptions made in estimating concentration above ground level are required.
- Mitigation measures during construction are to be agreed with Tower hamlets Council and should be in accordance with the London Best Practice Guidance.
- In terms of vehicle emissions during construction it is recommended that ultra-low sulphur fuel is used on site. The use of any additional measures to control exhaust emissions is supported.

### Noise and Vibration

- The ES demonstrates that a significant proportion of the proposed dwellings will be exposed to road traffic noise. The high exposure to a large number of dwellings argues for a high standard of acoustic design. The current proposal, which places single aspect dwellings on the noisiest facades, does not achieve this. An alternative response would be to separate new noise-sensitive development from major sources of noise. Overall, the scheme does not provide a high quality response to the noisy environment created by the surrounding major roads.

### **London Development Agency**

- The absence of B1 for small businesses is not acceptable given the proximity of the site to Canary Wharf and the sites allocation identified within the Lower Lea Valley Opportunity Area Framework. The LDA considers that the developer further considers providing B1 space within the development before it is again referred to the mayor.
- The provision of a community space is welcomed. The LDA requests that this space is considered for child-care facilities to assist single parent households.
- The densities proposed are in excess of what is identified as appropriate within the Lower Lea Valley Opportunity Area Framework. This evidence base has been used to undertake detailed social and transport infrastructure planning and needs assessments in the Lower Lea Valley across Borough boundaries. The developer should demonstrate that their proposed density is not going to impact on the strategic recommendations of this plan and what adequate infrastructure will be provided to meet the needs of the development.
- If the above are resolved it is important to ensure the employment opportunities presented by the re-development are maximised for the benefit of local residents and businesses. The LDA request that consideration is given to developing initiatives to create employment and training opportunities for locals during construction and operation. An employment and training strategy should be secured through a section 106 agreement.

### **Transport for London**

- The traffic impact the modals indicate that the development will add to significant delays and queuing on the A13 approaches and A1261 slip roads at Aspen Way. Subject to the confirmation of the net traffic impact appropriate mitigation measures are required.
- A section of guard railing should be removed on the west side of Blackwall Way and the footpath widened to 2 metres. In addition improved street lighting should be provided for the resultant pedestrian short cut. TfL welcome further discussion about these measures.
- TfL require clarification on the overall number of service trips in order to assess the appropriateness of the proposed on-street lay-by in Oregon Drive. In addition, TfL requires submission of a servicing management strategy that should seek to rationalise servicing with the aim to reduce the total number of trips.
- A total of 796 bicycle spaces are provided for the residential units, to accords with TfL standards provision should be made for visitor spaces at the entrance to the blocks. For the commercial uses provision should also

be made for staff and visitors. The proposed car parking at 0.31 spaces per unit is supported.

- It is not considered that the scheme by itself would rise to capacity problems on the bus network, however, contributions should be sought for new bus stops on Leamouth Road (north and south) and a new pedestrian crossing.
- The development is partly located above the East India Dock Road Tunnel and in order to ensure that the safety and security of the tunnel is not compromised during or after development it is recommended that a condition including a 'construction method statement' is included on any permission.
- TfL supports production of a travel plan for the development. The plan should be compliant with TfL Best Practice Guidance. In addition to the measures proposed such as car club the travel plan should set aside £20,000 to cover the cost of linking up the development to the DAISY system (Dockland Arrival Information System) boards in order to maximise public transport use.

**5.9 Natural England** - Letter dated 26 April 2007 to confirm no objections to the proposal.

**5.10 Environment Agency –**

- Letter dated 13 November 2007 and 5 April 2007 stating no objection subject to appropriate conditions regarding surface water run off; foul and surface water drainage; contamination; site foundations; water efficiency. And informatives regarding dewatering and water conservation.
- Letter dated 4 June 2008 confirming that the amended information was acceptable and no further comments to add to letter dated 22 April 2008.

**5.11 London Borough of Newham –** Letter dated 25 May 2007 objecting on the following grounds:

- Newham Council would be interested to know what the amount of S106 directed towards road/transport improvements would be.
- The Socio-economic impact assessment on Chapter 16 of the Environmental Statement Volume 1 (March 2007), includes the education and health and open space facilities within Newham. It would appear that the applicant is relying upon the community services capacity within the London Borough of Newham to mitigate the impact of the proposed development. The Council is therefore concerned that there would be negative impact on nearby health, early years, primary and secondary education and other facilities in Newham.
- It would also appear that the applicant is relying upon Newham's existing public open spaces in Canning Town and West Ham to mitigate the impact of the proposed development and not provide sufficient public open space on site or elsewhere in Tower Hamlets. This would adversely impact upon Newham's public open space network, especially in the context of the 40% increase in population within Newham envisaged in the emerging LDF over the next 10 to 15 years. Furthermore, Newham is unlikely to benefit from any off-site financial contributions which may be made by the applicant towards improving the quality of the existing public open space network. In which case Newham would have to bear the

increased maintenance costs associated with more intensive use of parks in Canning Town and West Ham.

- The site is being over developed and 36 storeys will have over shadowing issues on Bow Creek. Have Lea Valley Park Authority has been consulted on the proposal?
- Concerns on the impact this development could have on the reconfiguration of the Canning Roundabout. Has this issue been addressed in their transport assessment?
- Funding should be secured to enhance bow creek and provide new connections from the roundabout next to the site and Bow Creek.
- Considering the additional pedestrian and cycle movements the development should be looking providing signalised crossing at the Roundabout next to the development.
- The Council therefore objects to the planning application on grounds of lack of sufficient provision for Community facilities for the 1,768 estimated potential residents of the development.

(OFFICER NOTE: - Comments from LBN were provided prior to significant revisions, which enable provision of amenity space and open space within LBTH.~~(OFFICER NOTE: - it is considered that the proposal provides an adequate level of amenity space and play space, and will therefore not rely on existing open space within the London Borough of Newham.~~ The Bow Creek is some distance from the site and the EA has confirmed that there will not be any overshadowing impact on it.)

- 5.12 London Borough of Greenwich** – letter dated 13 April 2007 to confirm no objection.
- 5.13 Olympic Delivery Authority** – Letter dated 13 March 2007 to confirm that no objection.
- 5.14 Transport for London (TfL)** Comments included under section 5.8 GLA response
- 5.15 Metropolitan Police Authority** Letter dated 12 March 2007 to confirm that following discussions with the architects there is a commitment to achieving a secured by design certification for the site. It is recommended that a condition is included on the permission to secure this to ensure our concerns are addressed. In particular, we have the following concerns:
- The safety of the car park and security around the cycle stores.
  - Proximity of a landmark development close to the Olympics in terms of access to roof terraces means that additional precautions should be undertaken.
  - A Security Management Plan should be produced.
  - A monitored CCTV system that is linked into the LBTH control room should be provided.
- 5.16 DLR (Property Services)** no comments.
- 5.17 Crossrail** – email dated 23 May 2008 to confirm no objection

**5.18 English Heritage Archaeology** - Letter dated 16 April to recommend that further work is undertaken to incorporate the existing buried remnants of the dock wall into the scheme and the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

**5.19 English Heritage (Design)** – Letter dated 3 May 2007

- The submitted 'Built Heritage, Townscape and Visual Assessment Report' submitted states that the proposed development would not impact on any protected strategic views. The report does indicate the development would have some impact on the setting of a number of listed buildings including the adjacent East India Dock Wall and Entrance Gateway as well as an effect on the setting of Conservation Areas over a wide area.
- English Heritage is concerned that the impact of the proposal would be magnified by the proposed metallic finishes particularly the gold colour. Traditionally, finishes such as this are used to highlight important architectural features. The form of the building would appear to be sufficient to ensure that the scheme is an 'eye catching' feature on the skyline and therefore the unorthodox colour palette seems unnecessary and indeed has the potential to make the development an unduly intrusive feature of many views across London.
- Architecturally this is an exciting scheme but it is unfortunate, particularly given its very intensive nature, that it does not knit more fully into the surrounding urban fabric which is already severely disjointed. The East India Dock Wall will remain an isolated feature in the centre of the road.

**5.20 Civil Aviation Authority (NATS)** letter dated 14 November 2007 to confirm no safeguarding objection.

**5.21 London City Airport** - Letter dated 7 November 2007 to confirm no safeguarding objection subject to the inclusion of conditions regarding lighting and craneage.

**5.22 London Fire and Civil Defence Authority**

- Letter dated 8 May 2007 - No reference on plans to provision of fire hydrants. Refer to BS 5306-1:1976 Section 2 (5.1) which refers to the need for a fire main to be positioned 'not more than 70m from an entry to the building and not more than 150m apart' and 'they should normally be not less than 6m from the building'. Notwithstanding the above it is accepted custom and practice within eh LFEDA to accept that hydrants are positioned not more than 90m from an entry o the building and not more than 180m apart; and access for Fire Brigade Appliance appears to be satisfactory

**5.23 Commission for Architecture and Built Environment** – letter dated 5 July 2007 stating that the site is challenging, however in general terms we find the scheme convincing. In particular, we consider that the central public space has the potential to be a valuable amenity to the new and existing community. The architects and clients have the ambition to realise the potential of this landmark development. We support the scheme, but would like to make the following comments:

Dock Wall

- We are content with the impact of this scheme on the local and wider area as shown in the submitted visualisations.
- We consider that the existing dock wall has been successfully provided the design concept for the scheme. However, it is still marooned on the traffic island and any opportunities to reintegrate this historic asset into the public realm of the area should not be missed.

#### Central Public Space

- The success of the public space will be dependent on pedestrian access to the site. The existing environment is unwelcoming environment for pedestrians. It is considered that further work is completed on this to ensure that adequate and safe provision for pedestrians in the form of analysis of travel routes, connections and links to the surrounding area. This analysis would highlight the areas where public investment is required to ensure the surrounding community benefits from the scheme.
- The central space of has potential, however, there are several invariables that affect the quality of the space and its capacity to be a comfortable place, being:
  - The sites proximity to the A13,
  - The narrow nature of the site and the orientation; and
  - The height of the surrounding buildings.
- The local authority should examine wind, noise and sunlight studies to assess how the space would perform and whether it can provide a place in which residential and visitors could spend time.
- Furthermore, given the density of the scheme the quantum of retail and commercial floor space provision should be reassessed as the site could take a greater level of occupancy.

#### Design

- The concept of the blocks in linear form with the central space is convincing. The decision to stagger the built forms to achieve maximum sunlight and views and use of central cores for each building is supported. There are however apartment at the lower levels that are single aspect and these should be revisited and reduced.
- The elevational treatment does have potential, subject to high quality materials and detailing. It is recommended that conditions are secured to ensure these are delivered.
- We support the target of eco-homes excellent rating and suggest that procedures are put in place to ensure that it is delivered.

**5.24 Health and Safety Executive** - LBTH have run the scheme through the PADHI system and the result is "Do Not Advise Against". Confirmation is awaited from the HSE that this is agreed.

**5.25 Thames Water Utilities Ltd** – email dated 22 May 2008

#### *Waste Comments*

- The Applicant should incorporate protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

#### *Surface Water Drainage*

- It is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

*Water Comments*

- The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition should be included to require completion of impact studies of the existing water supply infrastructure have been prior to the commencement of development.

*Supplementary Comments*

- Adjacent sewers appear to be private. Surface water attenuation should be incorporated within proposals. Basement drainage should pump to ground level.

**5.26 BBC** – letter dated 4 April 2007 stating no objection to development and noting that the submitted ES appears to take into account the impacts associated with the construction of a tall building in terms of radio and television reception.

**6. APPLICATION PUBLICITY**

|     |                         |            |
|-----|-------------------------|------------|
| 6.1 | Site Notice Expiry:     | 11/06/2008 |
| 6.2 | Press Notice Expiry:    | 09/06/2008 |
| 6.3 | Neighbour Notification: | 11/06/2008 |

**7. REPRESENTATIONS**

7.1 A total of 770 neighbouring properties within the area were notified about the application and invited to comment. The application has been advertised in East End Life and site notices were posted. Because of the changes to the scheme the application has been subject to a number of consultations with the most recent consultation period expiring 11 June 2008, therefore the consultation period was still running at the time of writing this report. Any additional comments received will be the subject of an update at the Planning Committee. The number of representations received from neighbours and local groups to date, in response to notification and publicity of the applications were as follows:

No of individual responses: 3  
 Objecting: 2  
 Supporting: 1  
 No of petitions received: 0

- 7.2 The following issues were raised in representations and all planning issues raised are addressed in section 9 below.:-
- Overdevelopment of the site;
  - Excessive housing provision;
  - Out of character in terms of scale and height;
  - Undue impact on road networks, increased traffic congestion due to number of car parking spaces and use of only one vehicle access way; and
  - Concerns regarding the access arrangements to and from the site, especially during construction period. Concerns relate also to the additional vehicle flow and associated pressure on the existing road network.

## **8. RELEVANT PLANNING POLICY**

- 8.1 The relevant policy and guidance against which to consider the planning application is contained within the following documents:-
- London Plan (2008) and Supplementary Planning Guidance
  - London Borough of Tower Hamlets Unitary Development Plan (1998) (UDP) saved policies and Supplementary Planning Guidance
  - LBTH Interim Planning Guidance October 2007
  - LBTH Community Plan
- 8.2 Decisions must be taken in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 8.3 Whilst the LBTH adopted UDP is the statutory development plan for the borough, it will be replaced by a more up to date set of plan documents that will make up the Local Development Framework.
- 8.4 The Council submitted the first phase of the Local Development Framework on the 6<sup>th</sup> November 2006 to the Secretary of State. However, following submission of the framework a number of new guidance documents were produced by the Government on the submission and production of such frameworks. Following this the Council resolved to request the withdrawal of the Local Development Framework and to adopt it as Interim Planning Guidance following any direction from the Secretary of State. On 4<sup>th</sup> October 2007, the Secretary of State directed Council to withdrawal the LDF documents following this the Councils earlier resolution to adopt the documents as interim planning guidance took effect
- 8.5 This report takes account of the policies and guidance contained within the documents set out above. The proposed development scheme has been analysed and assessed against the policies set out below and other material considerations set out in the report. The following policies are relevant to the application
- 8.6 Planning Policy Guidance / Statements  
PPS1 Delivering Sustainable Development

PPS3 Housing  
PPG13 Transport Strategy  
PPG16 Archaeology and Planning  
PPG17 Sport and Recreation  
PPG23 Air Quality Strategy  
PPG24 Planning and Noise  
PPS22 Energy Strategy  
PPS25 Development and Flood Risk

8.7 The London Plan Spatial Development Strategy for Greater London  
Consolidated with Alterations since 2004 (London Plan February 2008)

2A.1 Sustainability Criteria  
2A.2 The Spatial Strategy for Development  
3A.1 Housing Supply  
3A.2 Borough housing targets  
3A.3 Maximising the Potential of Sites  
3A.5 Housing Choice  
3A.6 Quality of New Housing Provision  
3A.7 Large Residential Developments  
3A.8 Definition of Affordable Housing  
3A.9 Affordable housing target  
3A.10 Negotiating Affordable Housing  
3A.17 Needs of Diverse Communities  
3A.18 Social Infrastructure and Community Facilities  
3A.20 Health Objectives  
3A.24 Education Facilities  
3A.27 Meeting Floor Targets  
3A.28 Social and Economic Impact Assessments  
3B.3 Mixed Use Development  
3C.1 Integrating transport and development  
3C.2 Matching development to transport capacity  
3C.21 Improving conditions for walking  
3C.22 Improving conditions for cycling  
3C.23 Parking  
3D.13 Children's Play and Informal Play Space  
4A.3 Sustainable Design and Construction  
4A.4 Energy Assessment  
4A.5 Provision of Heating and Cooling Networks  
4A.6 Decentralised Energy: Heating, Cooling and Power  
4A.7 Renewable energy  
4A.9 Adaptation to Climate Change  
4A.10 Overheating  
4A.11 Living Roofs and Walls  
4A.12 Flooding  
4A.14 Sustainable Drainage  
4A.16 Water Supplies and Resources  
4A.19 Improving Air Quality  
4A.20 Noise  
4B.1 Design principles for a compact city  
4B.2 Promoting world-class architecture and design  
4B.3 Enhancing the Quality of the Public realm

4B.5 Creating an inclusive environment  
4B.6 Safety, Security and Fire Protection  
4B.8 Respect Local context and communities  
4B.9 Tall buildings - location  
4B.10 Large scale buildings, design and impact  
4C.1 The strategic importance of the Blue Ribbon Network  
5C.1 The strategic priorities for East London  
5C.2 Opportunity Areas in East London

8.8 LB Tower Hamlets Unitary Development Plan (1998)

**Proposals:**

Areas of Archaeological Importance or Potential  
Strategic Road

Flood Protection Areas

Within 200 metres of East West Crossrail

Aviation use and bird attracting

Wind Turbine development by City Airport

Urban Development Corporation

Potential Contamination

**Policies**

ST23 Quality of housing

ST25 Sustainable infrastructure for housing

ST28 Restrain use of private cars

ST30 Safety of road users

ST34 Shopping

ST37 Open Spaces

ST45 Education and Training

ST49 Social and Community Facilities

DEV1 Design Requirements

DEV2 Environmental Requirements

DEV3 Mixed Use Developments

DEV4 Planning Obligations

DEV8 Protection of local views

DEV12 Provision of landscaping in development

DEV17 Siting and design of Street Furniture

DEV44 Preservation of Archaeological Remains

DEV50 Noise

DEV51 Contamination

DEV55 Development and Waste Disposal

DEV56 Waste recycling

DEV66 Creation of new walkways

EMP1 Encouraging new employment uses

HSG7 Dwelling Mix and Type

HSG8 Wheelchair accessible housing

HSG9 Density in Family Housing

HSG13 Standard of Dwellings

HSG15 Development affecting residential amenity

HSG16 Housing Amenity Space

T3 Bus Services

T16 New development and associated operation requirements

T17 Planning Standards (Parking)

T18 Pedestrians  
T19 Pedestrians  
S7 Special Uses  
S10 New shopfronts  
OS9 Children's Play space  
ART1 Promotion of arts and entertainment uses  
SCF1 Provision for Community and Social Facilities.  
SCF11 Meeting Places  
U2 Development in Areas at risk from flooding  
U3 Flood Protection Measures  
U10 electricity supply

8.9 LBTH Interim Planning Guidance for the purposes of Development Control  
(Oct 2007)

**Proposals:**

Areas of Archaeological Importance or Potential  
Industrial Employment Areas  
Flood Protection Areas  
Within 200 metres of East West Crossrail  
Aviation use and bird attracting  
Wind Turbine development by City Airport  
Urban Development Corporation  
Potential Contamination  
Core Policies:  
IMP1 Planning Obligations  
CP1 Creating Sustainable Communities  
CP2 Character and Design  
CP3 Sustainable Environment  
CP4 Good Design  
CP5 Supporting Infrastructure  
CP7 Job creation and growth  
CP15 Provision of a range of shops and services  
CP19 New Housing Provision  
CP20 Sustainable Residential Density  
CP21 Dwelling Mix and Type  
CP22 Affordable Housing  
CP25 Housing Amenity Space  
CP27 High Quality Social and Community Facilities to Support Growth  
CP29 Improving Education and Skills  
CP30 Improving the Quality and Quantity of Open Spaces  
CP37 Flood Alleviation  
CP38 Energy Efficiency and Production of Renewable Energy  
CP39 Sustainable Waste Management  
CP40 Sustainable Transport Network  
CP41 Integrating Development with Transport  
CP42 Streets for People  
CP43 Better Public Transport  
CP46 Accessible and Inclusive Environments  
CP47 Community Safety  
CP48 Tall Buildings  
CP49 Historic Environment

**Policies:**

DEV1 Amenity  
DEV2 Character and Design  
DEV3 Accessibility and inclusive design  
DEV4 Safety and Security  
DEV5 Sustainable Design  
DEV6 Energy Efficiency and Renewable Energy  
DEV7 Water Quality and Conservation  
DEV8 Sustainable Drainage  
DEV9 Sustainable Construction Materials  
DEV10 Disturbance from Noise Pollution  
DEV11 Air Pollution and Air Quality  
DEV13 Landscaping and Tree Preservation  
DEV15 Waste and Recyclable Storage  
DEV16 Walking and Cycling Routes and Facilities  
DEV17 Transport Assessments  
DEV18 Travel Plans  
DEV19 Parking for Motor Vehicles  
DEV20 Capacity of Utility Infrastructure  
DEV21 Flood Risk Management  
DEV22 Contamination Land  
DEV23 Hazardous Development and Storage of Hazardous Substances  
DEV24 Accessible Amenities and Services  
DEV25 Social Impact Assessment  
DEV27 Tall Buildings Assessment  
EE2 Redevelopment /Change of Use of Employment Sites  
RT4 Retail Development and the Sequential Approach  
RT5 Evening and Night-time Economy  
HSG1 Determining Residential Density  
HSG2 Housing Mix  
HSG3 Affordable Housing Provisions in Individual private Residential and Mixed-use Schemes  
HSG4 Varying the Ratio of Social Rented to Intermediate Housing  
HSG7 Housing Amenity Space  
HSG9 Accessible and Adaptable Homes  
HSG10 Calculating Provision of Affordable Housing  
SCF1 Social and Community Facilities  
SCF2 School Recreation Space  
OSN2 Open Space  
CON4 Archaeology and Ancient Monuments  
Leaside Area Action Plan

**Proposals:**

LS21 Policies:  
L1 Leaside Spatial Strategy  
L2 Transport  
L3 Connectivity  
L4 Water space  
L5 Open Space  
L6 Flooding  
L7 Education Provision  
L8 Health Provision  
L9 Infrastructure and Services

- L34 Employment uses in the East India sub-area
- L35 Residential, Retail and Leisure uses in East India sub-area
- L36 Design and Built form in East India North sub-area
- L37 Site Allocations in East India North sub-area

#### 8.10 Other Relevant Planning Policies & SPG's

- London Borough of Tower Hamlets Supplementary Planning Guidance/Documents = Archaeology and Development – Adopted 1998; Residential Space – Adopted 1998; Landscape Requirements – Adopted 1998
- Sub Regional Development Framework: East London (May 2006) (SRDF-EL)
- Lower Lea Valley Opportunity Area Planning Framework (Consultation Draft – May 2006) (LLV OAPF)
- London Plan SPG: Housing (Nov 2005)
- London Plan SPG: Accessible London (April 2004)
- London Plan SPG: Provision of children's play and informal recreation (March 2008)
- LBTH Community Plan The following Community Plan objectives relate to the application = A better place for living safely; A better place for living well; A better place for creating and sharing prosperity; A better place for learning, achievement and leisure; A better place for excellent public services

### 9. **ASSESSMENT OF MAIN ISSUES**

#### 9.1 Land Use

- 9.1.1 The site is located within the Lower Lea Valley Regeneration Area and is identified within the Mayor's draft Lower Lea Valley Opportunity Area Planning Framework July 2006 (LLV OAPF) as an area for potential new housing and for commercial, retail and leisure uses. The regeneration objectives for the area are set out in the LLV OAPF and will provide a planning policy context for the sensitive management of land-use change in the LLV to provide and improve the profile of the area and the quality of life for people across the Valley. The LLV OAPF identifies the northern part of the site for residential housing, but does specify that it should not be led for family housing provision given the site constraints.
- 9.1.2 The Council's Interim Planning Guidance October 2007 identifies the site as a potential residential mixed use development site ('Leamouth Road' ref: L21) with supporting employment uses (Use Class B1) and social and community uses (Use Class D2).
- 9.1.3 The proposed scheme seeks to provide a residential led mixed use development. In accordance with policies 3A.1 and 3A.2 of the London Plan, the Mayor is seeking to maximise the provision of additional housing in London. The London Plan housing targets (December 2006) for Tower Hamlets from 2007 to 2016 is 31,500 new homes, subject to the provision of adequate social and physical infrastructure and contributing to sustainable communities (CP19).

- 9.1.4 The site does have constraints being surrounded by three strategic roads that adjoin the northern, eastern and part of the southern boundaries. Given the proximity of these roads careful consideration of air quality and noise implications on the future residents needs to be undertaken. These matters are discussed in detail later on in this report. However it is considered that, subject to appropriate mitigation measures being secured, an acceptable residential environment can be achieved on site.
- 9.1.5 It is considered that the site is appropriate for residential-led development given it is identified for residential uses by the site allocation and given the emerging precedents from surrounding development sites.

## 9.2 **Density**

- 9.2.1 The site has a net residential area of approximately 0.93 hectares. The scheme is proposing 796 units or 2,063 habitable rooms. The proposed residential accommodation would result in a density of approximately 856 units per hectare and 2,216 habitable rooms per hectare (hr/ha).
- 9.2.2 The site has a public transport accessibility level, or PTAL, of 4. According to policy 3A.3 of the London Plan, the site is described as 'central' under the LLV OAPF and therefore has a suggested density range of 650– 1100 habitable rooms per hectare (hr/ha) in accordance with the 'Density location and parking matrix'.
- 9.2.3 The site is identified within the LLV OAPF as being approximately 10 minutes walking distance of the town centres located at Watney Market and Canning Town. Furthermore, the site is located within close proximity of both the East India DLR and the Jubilee Line at Canning Town.
- 9.2.4 In general numerical terms, the proposed density of 2,063hr/ha would therefore appear to be an overdevelopment of the site. However, the intent of the London Plan and LBTH's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity. It should be remembered that density only serves an indication of the likely impact of development.
- 9.2.5 Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure;
- These issues are all considered in detail later in the report and were considered to be acceptable subject to the securing of an acceptable package of s106 contributions to mitigate the density of the scheme.
- 9.2.6 Policy 3A.2 of the London Plan encourages Boroughs to exceed the housing targets and to address the suitability of housing development in

terms of location, type and impact on the locality. Policies CP20 and HSG1 of LBTH's IPG seek to maximise residential densities on individual sites; taking into consideration the local context and character; residential amenity, site accessibility; housing mix and type; achieving high quality, well designed homes; maximising resource efficiency; minimising adverse environmental impacts; the capacity of social and physical infrastructure and open spaces; and to ensure the most efficient use of land within the Borough.

- 9.2.7 On review of these issues, a high density mixed use development can be supported in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable for the following reasons:
- The proposal is of quality design and responds appropriately to its context. In particular a cluster of tall buildings to the south of the site is emerging.
  - The proposal is not considered to result in any adverse symptoms of overdevelopment in terms of loss of daylight/ sunlight, sense of enclosure or loss of privacy.
  - The proposal includes the provision of 2,702sqm of communal open space, 3,890sqm of public realm, 760.4sqm of child play space and 2,897sqm of private open space.
  - The development is located within an area with good access to public transport services and other local facilities. The site also has good access to cycle and pedestrian linkages.
  - Suitable levels of mitigation are secured under a s106 agreement to allow for the density levels sought.

### 9.3 **Housing**

#### 9.3.1 *Affordable Housing*

Policy 3A.9 of the London Plan sets out a strategic target that 50% of the new housing provision should be affordable. Policy CP22 of LBTH's IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.

- 9.3.2 The applicant is proposing to provide 366 affordable dwellings, which represents 46% of the proposed housing on habitable room basis. The affordable housing provision is provided via three specific tenures being social rented, intermediate and London Wide Initiative (key worker housing).

- 9.3.3 The London Wide Initiative (LWI) is government-backed scheme which enables key workers to buy their own homes. The LWI is a shared equity scheme whereby the cost of the property is split between the Government and the homeowner. Unlike shared ownership schemes, where purchasers pay both a mortgage on their share of the property and rent on the part retained by a landlord, purchasers do not have to pay anything to finance the government's stake.

9.3.4 The applicant has provided a financial appraisal as part of the proposal to demonstrate the schemes viability given the provision is less than the 50% affordable housing, in line with policy 3A.10 of the London Plan. It is considered that the level of affordable housing provision complies with Council policies and is therefore acceptable.

**9.3.5 Social Rented/ Intermediate Ratio** – Against London Plan policy 3A.9 affordable housing there is a requirement that of the affordable housing units on site, 70% should be social rent and 30% should be intermediate rent. Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing. A summary of the proposed affordable housing social rented/ intermediate split on site is provided below:

| Tenure                       | Proposed units | Proposed Habitable rooms | London Plan policy | LDF policy |
|------------------------------|----------------|--------------------------|--------------------|------------|
| Social Rent                  | 98 (27%)       | 318 (33%)                | 70%                | 80%        |
| Shared Ownership             | 127 (35%)      | 317 (33%)                | 30%                | 20%        |
| London Wide Initiative (LWI) | 141 (38%)      | 321 (34%)                |                    |            |
| Total                        | 366 (100%)     | 956(100%)                | 100%               | 100%       |

9.3.6 As can be seen from the table, the proposed tenure split is the opposite of the policy requirements with 33% of the total affordable being for social rent and 67% for intermediate units. This is a result of the proposal being part of a London Wide Initiative which seeks to provide shared ownership units for key workers.

9.3.7 It is considered that the proposed tenure split provides for a housing offer that caters for a number of acknowledged housing needs balanced across all three proposed tenures by habitable rooms. In addition, with an overall offer of 46% affordable housing it will provide a high profile key worker development in an area of identified regeneration. Overall it is considered that the scheme provides a varied mix of households though the tenure splits that would allow for a sustainable and mixed community.

**9.3.8 Housing Mix**

The scheme is proposing a total of 796 residential units comprising of 56 x Studios, 297 x 1 bedrooms, 362 x 2 bedrooms, 76 x 3 bedrooms and 5 x 4 bedrooms.

9.3.9 Paragraph 20 of Planning Policy Statement 3 states that a “*key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people*”.

9.3.10 Pursuant to policy 3A.5 of the London Plan the development should “*offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups*”.

9.3.11 The GLA housing requirements study identified within the Mayor's Housing SPG provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is inappropriate to apply the identified proportions crudely at local authority level or site level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.

9.3.12 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP does not provide and prescribed targets.

9.3.13 Policy L35 of the IPG identifies that the East India North sub-area should be seeking a mix and variety of housing types on the development sites identified in the allocations.

9.3.14 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Boroughs current housing needs:

| Unit size    | Total units in scheme | affordable housing |            |            |                        |            |            | market housing |           |            |
|--------------|-----------------------|--------------------|------------|------------|------------------------|------------|------------|----------------|-----------|------------|
|              |                       | social rented      |            |            | Intermediate (inc LWI) |            |            | private sale   |           |            |
|              |                       | units              | %          | LDF %      | units                  | %          | LDF %      | units          | %         | LDF %      |
| Studio       | 56                    | 0                  | 0          | 0          | 17                     | 6          | 0          | 39             | 9         | 0          |
| 1 bed        | 297                   | 30                 | 31         | 20         | 136                    | 51         | 37.5       | 131            | 30        | 37.5       |
| 2 bed        | 362                   | 19                 | 19         | 35         | 107                    | 40         | 37.5       | 236            | 55        | 37.5       |
| 3 bed        | 76                    | 44                 | 45         | 30         | 8                      |            |            | 24             |           |            |
| 4 bed        | 5                     | 5                  | 5          | 10         | 0                      |            |            | 0              |           |            |
| 5 Bed        | 0                     | 0                  | 0          | 5          | 0                      | 3          | 25         | 0              | 6         | 25         |
| <b>TOTAL</b> | <b>796</b>            | <b>98</b>          | <b>100</b> | <b>100</b> | <b>268</b>             | <b>100</b> | <b>100</b> | <b>430</b>     | <b>xx</b> | <b>100</b> |

9.3.15 The provision of family sized units is at 45% for the social rented units, 3% for the intermediate mix and 6% for the private units. It is considered that the proposal is in general accordance with Council policies HSG2 given the site is specifically not identified for family housing in the site allocations identified under LLV OAPF and seeks to provide key worker housing under the LWI. It is not considered that the low provision of family accommodation within the shared ownership or private tenures would warrant the Council recommending the refusal of the scheme given the benefit gained from the provision of 46% of affordable housing.

9.3.16 The scheme provides a suitable range of housing choices and providing for both first home buyers, key workers and families across all tenures. As such, the proposed housing mix is considered to comply with national guidance, the London Plan and the Interim Planning Guidance in creating a mixed and balanced community.

### 9.3.17 Unit sizes

According to policy HSG13 of the UDP, all housing units should have adequate provision of internal space in order to function effectively, in accordance with the Council's residential space supplementary planning guidance (SPG). Furthermore, the objective to provide a high standard of accommodation is encouraged by the Mayor's London Plan which states that '*New building projects should ensure the highest possible space standards for users, in both public and private spaces inside and outside the building, creating spacious and usable private as well as public spaces. In particular, buildings should provide good storage and secondary space and maximise floor-ceiling heights where this is compatible with other urban design objectives*'. (para. 4.42)

9.3.18 The developer has identified that all the 796 units proposed either comply with or exceed the internal space standards required by Council under the SPG. It is noted that amendments were undertaken to ensure this following the initial submission of the application.

9.3.19 Further to this, given the constraints posed by the adjacent roads and the proximity of the affordable housing blocks to the road, at the request of officers the developer has provided dual aspect family sized units through the social rented affordable components of the scheme adjacent to Leamouth Road. The proposed dual outlook will allow for enhanced layout in terms of solar gain, internal space, noise, air quality and outlook.

9.3.20 Given the amendments made it is considered that the unit sizes and design comply with the Council's SPG, the scheme is considered to be acceptable.

## 9.4 **Design**

9.4.1 The buildings height, scale, bulk and quality of design are appropriate for this location in the East India Road given the cluster of tall buildings which is evolving around Blackwall and East India DLR Stations. This assessment is examined in detail below. The proposal has been assessed by CABE, English Heritage and comments from the GLA have been received which are discussed in detail below.

### 9.4.2 *Bulk and Massing*

Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.

9.4.3 Policy CP4 of the IPG states that LBTH will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.

- 9.4.4 The proposed development comprises of nine buildings located in two linear blocks (A, B, C, D, E, F, G, H and I) orientated in a north-south direction. The highest parts of the scheme are located at both the northern and southern ends of the site, with Block A rising to 36 storeys (120m AOD) adjacent to East India Dock Road and Block I rising to 33 storeys (112.525m AOD) adjacent to Aspen Way. The remaining seven blocks are at staggered heights ranging from 8-21 storeys. The staggering of the blocks enables separation distances between blocks allowing for maximised privacy and daylight sunlight penetration.
- 9.4.5 The buildings surround an internal area of public realm comprising of 3,890sqm that would be solely for pedestrians, incorporating childrens' playspace. This space provides both permeability across the site and a centre for civic activity with commercial, community and leisure uses providing activity frontages and usability to the areas of public realm. The blocks have been designed to shelter this space away from the constraints of the adjoining roads.
- 9.4.6 There have been a number of amendments to the scheme (as detailed within section 2.6 of the report) with a number of the blocks reduced in height and width to allow for additional provision of ground floor public realm, enhance separation distances from the adjacent blocks and increased provision of roof terraces on the upper levels.
- 9.4.7 The proposal has been assessed by CABE who advise that *"although this is a challenging site, in general terms we find the scheme convincing. We find much to admire in the way that the scheme has developed and feel the central public space, in particular, has the potential to be a valuable amenity to the new and existing community.... We support the decision to stagger the built forms in order to achieve maximum sunlight and views...and the decision to create a number of buildings each with a central core avoiding the corridor layout commonly found in key-worker and social housing schemes"*.
- 9.4.8 Given the prominence of the site and height of the buildings it is considered that the use of materials and finer detailing of the building (i.e. the reveals, windows and balconies) are crucial to the long term success of the building. There is concern from English Heritage and LBTH Officers about the colour of the material palette chosen. It is therefore recommended that conditions are included to ensure that further work on colour options are completed and that any final palette includes a mock up on site and 1.5 typical details of balconies, reveals and windows detailing specifications.
- 9.4.9 In summary, the bulk and massing of the development is considered to be acceptable. The scheme should be conditioned appropriately to ensure that a high quality detailing and alternative material palettes for the development is achieved prior to any development on site.
- 9.4.10 *Tall Buildings*  
The London Plan encourages the development of tall buildings in appropriate locations. Policy 4B.9 states that tall buildings will be

particularly appropriate where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the London Plan requires all large-scale buildings, including tall buildings, to be of the highest quality of design.

9.4.12 Policy CP48 of LBTH IPG permits the Council to consider proposals for tall buildings in locations outside the tall building cluster locations identified in this policy if adequate justification can be made for their development.

9.4.13 The site is located within the East India Dock sub-area of the IPG. The emerging urban fabric has created a cluster of tall buildings around the East India Dock DLR station for example:

- Elektron Buildings, Aspen Way (81.55 above AOD)
- Reuters, Blackwall Yard (maximum height 103.2m above AOD)
- Pura Foods Site, Orchard Place (maximum height 70.880m above AOD)
- New Providence Wharf, Blackwall Way Building C (maximum height 142.24m above AOD)

The proposed nine buildings on site range from 34.05m to a maximum height of 120.00m above AOD. This is in accordance with the emerging building heights identified above in the emerging cluster in this area. It is noted on the adjacent side of East India Dock Road the building heights are much lower and the existing context ranges from four to nine storeys. However, the site can be viewed in isolation from these areas and the orientation of the taller elements is not considered to have any adverse impacts on the existing context.

9.4.14 The success of the building height is considered to lie in the quality of the materials and fenestration proposed. It is therefore considered that conditions need to be included to ensure that this design quality is not lost during construction, along with conditions regarding materials and colours.

9.4.15 Policy DEV27 of the IPG provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfy the relevant policy criteria as follows:

- The design is sensitive to the context of the site and is of a high quality architectural quality.
- The scheme has demonstrated consideration of the appearance of the building as viewed from all angles and is considered to provide an appropriate contribution to the skyline.
- The site does not fall within the strategic views designated in Regional Planning Guidance 3A (Strategic Guidance for London Planning Authorities, 1991) or the Mayor's draft London View Management Framework SPG (2005).
- The proposal does not adversely impact on Conservation Areas or Listed Buildings.
- A range of useable communal and private amenity spaces are provided on site.

- The design allows for permeability with the surrounding street network with new linkages through the site in both north-south and east-west directions, incorporating human scale development at the street level.
- There will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents. Any potential internal impacts on the proposed units are considered to be appropriately mitigated by both the external and internal design of the building. For example, by the provision of dual aspect units, orientation of the main living areas and window and balcony placement.
- Extensive environmental impact testing including wind and micro climate testing has been undertaken and concludes that the impact on the microclimate of the surrounding area, including the proposal site and public spaces, will not be detrimental.
- Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management.
- The impact on biodiversity will not be detrimental and will be enhanced by the provision of new habitats via brown roofs.
- The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses directly adjacent new areas of public realm. It is recommended, that contributions are sought to allow for increased density on local health, education and open space facilities.
- Incorporates principles of inclusive design.
- The site is located in an area with good public transport access and appropriate contributions will be secured through a S106 legal agreement to ensure improved access to local public transport interchanges, in particular Canning Town.
- The scheme provides publicly accessible areas, including the ground floor non-residential uses, public realm and new routes through the site.
- The scheme would conform to Civil Aviation requirements. The City Airport has advised there is no safeguarding objection.
- The scheme would not interfere with telecommunication and radio transmission networks, subject to suitable mitigation measures.

9.4.16 On balance, in accordance with London Plan, CABE / EH guidance on tall buildings, and the IPG the height of the building is considered to be acceptable in terms of context, evolution of form, distinct character, high quality finishes and provision of public realm.

#### 9.4.17 *Impact on Listed Buildings*

Policy CON1 of the IPG seeks to ensure that new development does not adversely affected the setting of a listed building. The eastern boundary of the site adjoins the Grade II East India Dock Road Wall and Entrance Gate. The existing wall provides a division for the north and south bound traffic lanes along Leamouth Road and has an entrance gate that provides pedestrian access to the banks of the River Lea.

9.4.18 English Heritage (EH) have advised that they do not consider that the scheme knits into the urban fabric of the local area. In particular, they consider that the dock wall will “*remain an isolated feature in the centre of the road*”. Whilst the concerns of EH are noted, the listed building is outside of the application site and it’s isolated nature is outside of the applicants’ control. It is considered that the new public routes through the site and identification of potential s106 obligations would enhance the connections through the wall to the river side and improve the existing situation.

#### *9.4.19 Material and External Appearance*

The scheme proposes a material palette for the external cladding system, which includes pre-fabricated metal panels, stainless steel and terra-cotta panels, is considered to be of a high quality design and finish. Notwithstanding, the concerns regarding the colour of these materials raised earlier in the report, it is considered that further details should be submitted for approval by conditioning to ensure the performance and hard wearing properties required of a development of this quality is achieved.

#### *9.4.20 Permeability and legibility*

DEV2 of the IPG seeks to improve legibility and permeability of the urban environment. The development is entirely publicly accessible with key linkages across the site being from east to west and north to south through the new central square. These linkages are required to ensure the success of the proposal in terms of both design and vitality of the public spaces proposed.

9.4.21 The proposal includes new linkages through the site in both north-south and east-west directions. These are considered to be in accordance with policy 3C.21 of the London Plan and DEV2 of the IPG.

#### *9.4.22 Accessibility and Inclusive Design*

The revised ES indicates that 14% of the units will be wheelchair accessible. The scheme will be conditioned appropriately to ensure that this is provided for.

9.4.23 The developer has confirmed that the affordable and market housing elements have been designed to incorporate full Lifetime Homes standard requirements. The scheme will be conditioned appropriately to ensure that this is provided for.

#### *9.4.24 Safety and Security*

In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.

9.4.25 The revised ES states that the design and development of the proposal accords with the criteria of the ‘secure by design’ principles. The scheme will be conditioned appropriately to ensure that these principles are carried

through to the ‘as built’ design by the submission of a secured by design statement.

## 9.5 **Open Space**

9.5.1 Policy 3D.11 of the London Plan requires that local plan policies seek to redress open space deficiencies and ensure that future open space needs are considered. Policy 3D.12 requires the boroughs to produce open space strategies to protect, create and enhance all types of open space in their area. Policy 3A.7 refers to the need for open space in large developments.

9.5.2 The findings of the Council’s Open Space Strategy (OSS), which refers to the National Playing Fields Association’s (NPFA) guidelines, are reflected in the new LDF submission documents. Policy CP30 of the LDF Core Strategy submission documents sets out the aim to protect, increase and improve open space and the aim to maintain and improve upon an open space standard of 1.2ha per 1,000 population.

9.5.3 In the Leaside area, where the application site is located, access to public open space is poor and overall provision low at 0.4 ha/1,000 population. Policies L5 and L43 of the IPG require the provision of public open space.

9.5.4 Therefore, given the sites location within the Leaside area, the creation of spacious and useable private as well as public spaces within new development is essential to ensure that new developments cater adequately for their future residents, employees and visitors and do not increase pressure on existing open spaces and playgrounds. Furthermore, S106 contributions need to be secured from development to allow for the future delivery of public green spaces in the local area.

9.5.6 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council’s Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below:

| <b>Tenure</b>                                       | <b>Proposed</b> | <b>SPG Requirement</b>                                | <b>Total (m²)</b> |
|---|-----------------|---|-------------------|
| Family Units  | 81              | 50sqm of private space per family unit                | 4,050             |
| Non-family units                                    | 796             | 50sqm plus an additional 5sqm per 5 non-family units; | 765               |
| Child Bed spaces (according to the ES calculations) | 264             | 3sq.m per child bed space                             | 792               |
| <b>Total</b>  |                 |   | <b>5,607sqm</b>   |

9.5.6 The Council’s the residential amenity space requirements under policy HSG7 of the emerging LDF Core Strategy document is shown below:

| <b>Units</b> | <b>Total</b> | <b>Minimum Standard (sq.m)</b> | <b>Required Provision (sq.m)</b> |
|--------------|--------------|--------------------------------|----------------------------------|
| Studio       | 56           | 6                              | 336                              |
| 1 Bed        | 297          | 6                              | 1782                             |
| 2 Bed        | 362          | 10                             | 3620                             |

|  |            |  |                                     |
|--|------------|--|-------------------------------------|
| 3 Bed  | 76         | 10   | 760                                 |
| 4 Bed  | 5          | 10   | 50                                  |
| <b>Grand Total</b>                             | <b>796</b> |  | <b>6,548sqm</b>                     |
| <b>Communal amenity</b>                        |            | 50sqm for the first 10 units, plus a further 5sqm for every additional 5 units | <b>836sq.m</b> (50sq.m plus 786qm). |
| <b>Total Housing Amenity Space Requirement</b> |            |  | <b>7,384sqm</b>                     |

9.5.7 The proposal seeks to provide open space via four types of spaces:

- *Roof Gardens:* The scheme provides 2,702sqm of communal roof terraces on all blocks (the roof tops on blocks A and I would also feature brown or green roofs to provide habitat for local wildlife with no public access to these parts of the roof)
- *Ground Floor Public Realm:* The scheme provides 3,890sqm of public realm. The revised scheme seeks to provide three key spaces within the ground floor public realm in the form of a north, central and south square. The landscaping scheme would seek to provide multifunctional 'playable' space throughout the public realm.
- *Play Hub:* Would provide 760.4sqm of space at both ground level and then across two levels of the building in the form of multi-use space for indoor sports games, climbing wall and would be base for facilitated and programmed activities for children.
- *Private balconies/ terraces:* The scheme provides 2,897sqm of private open space via open balconies, terraces or winter gardens.

9.5.8 The scheme proposes private balconies/ terrace or winter gardens to 77% of dwellings. In particular, 98% of all family sized accommodation in both private and affordable have areas of private open space.

9.5.9 The total amenity space provision for the proposed development, consisting of both public accessible ground floor areas of public realm across the site (3,890sqm), communal roof terraces (2,702sqm), the play hub (760.4sqm) and private balconies/ terraces (2,897sqm), comprises a total of 10,249.4sqm.

#### 9.5.10 Child Play Space

London Plan Policies 3A.17 and 3D13 seek to protect and enhance of social infrastructure, including child play and recreation facilities. The policy seeks to ensure that these facilities are provided within easy reach by walking and public transport of the population that use them.

9.5.11 Daft GLA Guide to Preparing Play Strategies encourages the provision of a wide range of play opportunities and spaces, rather than prescribed, fenced off area with a quota of manufactured equipment. Further, according to paragraph 11.8 of the Mayors SPG for Housing, when assessing needs of children and young people, "*full account should be taken of their need for play and informal recreation facilities within walking distance of their home*".

- 9.5.12 According to paragraph 16 of PPS3, matters to consider when assessing design quality of housing developments include the extent to which the proposed development “*provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies*”. Paragraph 17 of PPS3 states that “*where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space*”.
- 9.5.13 The revised ES advises that the child yield for the development would be 264 children. Applying the GLA SPG guidelines of 10sqm of play space per child, a total of **2,640qm** would be required on site.
- 9.5.14 The scheme is proposing a total area of 760.4sqm for formal/informal child play space in the multi-functional play hub. The play hub provided on site would have management links to the adjacent community hall, crèche and gymnasium. The developer identifies that the hub may be run by Play Association Tower Hamlets. The provision of the play hub is to be commended; however, the long-term success of the space will come down to a robust management strategy and flexibility of the space to adapt to change. It is recommended that a management strategy is provided under the s106 process and this should include provision for monitoring.
- 9.5.15 The revised ES also identifies that play provision will be incorporated into the actual landscape strategy for the ground floor public realm and roof top communal terraces to meet the needs of all age groups. A condition will be placed requiring the exact amount to be submitted and agreed. Given the constraints surrounding the site and the number of children being generated from the scheme it is recommended that S106 contributions are secured to ensure the linkages to nearby green spaces i.e. River Lea and Leven Road are improved to allow safe and legible access to these spaces.
- 9.5.16 The total amenity space is in accordance with the LBTH’s housing SPG and the Interim Planning Guidance, with all family sized units across all tenures provided with a degree of private amenity space. It is considered that the proposed child play space complies with relevant national and local policies and guidance subject to the spaces being managed successfully. On balance, the amenity space provision is considered acceptable subject to a detailed landscape design condition and s106 agreement for management of the communal and child play spaces on site and contributions towards improving the connections to local green spaces.

## 9.6 **Amenity Considerations**

### 9.6.1 *Daylight /Sunlight Access*

DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is

concerned with the impact of development on the amenity of residents and the environment.

- 9.6.2 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 9.6.3 The applicant submitted a Daylight and Sunlight report within the ES, prepared by URS, which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties. The following residential properties that were considered to include habitable rooms were assessed for daylight and sunlight:
- Currie and Dunfield House (Poplar Harca Estate)
  - 447 East India Road
- 9.6.4 This assessment demonstrates that any external impacts on adjoining residential properties from the proposed development would not be significant with all windows achieving the standards set out under the VSC calculations of the BRE guidance. It is therefore considered that no further regard needs to be given to adjoining properties given the assessment results demonstrate that all adjacent windows on the above properties complies with BRE guidance.
- 9.6.5 The assessment then examined the internal impacts of the proposed building. The report demonstrates that 99.5% of the habitable rooms do pass the standards set out by Building Research establishment (BRE) Guidelines. These results will be discussed in further detail below.
- 9.6.6 *(a) Internal Daylight Assessment within the proposed Development*  
Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use. British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.
- 9.6.7 Within the proposed development the daylight analysis identified that the majority (99.5%) of habitable rooms are left with adequate ADF for their room use and therefore meet the required standard. There were 9 windows that fell short of the standards these failures featured on units at lower levels and improved at higher levels.

- 9.6.8 The inclusion of balconies has resulted in the above daylight failures to bedrooms. The results did advise that the failure was limited to the bedroom and that the living/ dining areas and other bedrooms of the unit did pass the ADF standards. On balance it is considered that the provision of amenity space to these units is a more appropriate outcome.
- 9.6.9 *(b) Sunlight Assessment within the Proposed Development* Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south. The results showed that the levels of sunlight to the majority of habitable rooms within the development would be acceptable and in accordance with BRE standards.
- 9.6.10 *(c) Shadow Analysis Within the Proposed Development and on adjacent areas of open space* The BRE report advises that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21<sup>st</sup> of March.
- 9.6.11 The applicants shadow analysis identifies that the provided central areas of public open space and areas of open space to the north within Currie/ Dunfield House will receive sufficient sunlight during the year to provide a satisfactory level of sunlight 'on the ground'.
- 9.6.12 *Sense of Enclosure/ Outlook*  
Unlike sunlight and daylight assessments, this impact cannot be readily assessed in terms of a percentage or measurable loss of quality of light. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. However, given the isolation of the site from adjoining residential schemes it is considered that any assessment would be limited to effects within the scheme.
- 9.6.13 The design and internal layout of the proposed residential units allows for the main outlooks for the majority of the units to be well separated from adjoining units with the staggered layout of the buildings allowing for the maximising of views out of and within the site.
- 9.6.14 *Privacy*  
According to Policy DEV2 of the UDP, new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline and is interpreted as a perpendicular projection from the face of the habitable room window.
- 9.6.15 In this regard, the development is not considered to have an impact on adjacent residential buildings. The site is only located in proximity to residential properties to the north, being Dunfield and Currie Houses and is separated from these by the East India Dock Road with a separation

distance of approximately 50m. Given this distance is in excess of Council standards it is not considered that there would be any privacy effects on the properties to the north.

9.6.16 Consideration should also be given to the impact on future occupants of the development. The internal layouts have been redesigned to address concerns to allow for dual aspect units, screening and room orientation. Generally, all internal habitable rooms have a separation distance exceeding 18 metres. Where the separation falls less than this the internal layouts have been designed to prevent main outlooks between units and window and balcony placements have been carefully considered. The separation distances therefore provided within the scheme are considered to be acceptable in this instance to ensure the future privacy of occupants. However, it is recommended that a condition is included on any permission to ensure that final details of screening details for balconies and window placements are provided prior to construction to ensure the level of privacy is maintained.

9.6.17 On balance, it is considered that the proposal is acceptable and will ensure that the amenity of the future occupants is safeguarded.

#### *9.6.18 Wind/ Microclimate*

As part of the application, the applicant undertook a Wind Assessment within the ES to assess the impact of the proposal on the microclimate. The conclusions of the study show that the pedestrian level wind environment in and around the site will have a negligible to minor beneficial impact.

9.6.19 In respect of wind conditions on the thoroughfares surrounding the site, entrance and roof gardens the assessment identified a number of mitigation measures. These measures were identified as screening, landscaping and balustrading the roof terraces, landscaping to the thoroughfares and use of canopies and screens to some of the entrance ways. These measures will result in local wind conditions that are suitable for existing and planned activities at both ground and upper floor levels. Suitable conditions will be put in place to mitigation measures are implemented and secured.

#### *9.6.20 Noise and Vibration*

The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.20).

9.6.21 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.

- 9.6.22 A noise assessment was carried out and is included within the Environmental Statement. The assessment considers impacts upon the surrounding environment during the construction phase and the operation phase.
- 9.6.23 Concerns have been raised by officers of the LBTH, the GLA and the LTGDC since the initial lodgment of the application given the noise levels around the site and the implications this would have on the quality of accommodation provided on site for future occupants. As a result of these concerns the number of dual aspect units affronting the road facades has been increased with 60.2% of units being dual aspect through out the scheme. The number of single aspect units to the road frontage is limited and is equally shared throughout the tenure types. It is anticipated that noise levels would reduce vertically and that the noisiest facades would be located at the lower levels of the building, thereby requiring greater levels of insulation.
- 9.6.24 Concerns were also raised about the usability of balconies along certain facades given the high noise levels. As a result the developer has amended the scheme to include the provision of 48 winter gardens in lieu of balconies for the social rented affordable units to the 5<sup>th</sup> level in Blocks E and H to improve the usability of the spaces.
- 9.6.25 LBTH Environmental Health officers have advised that the site actually falls within noise category D not the C identified in the ES. In accordance with the guidance of PPG24 planning permission should be refused for residential uses, unless suitable mitigation measures can be secured and implemented. The measures that would need to be secured would be glazing/ insulation specification to achieve compliance with BS8233 and the implementation of a whole house ventilation strategy drawing air from the quieter facades.
- 9.6.26 Given the above it is recommended conditions are included on the permission requiring full details of the noise mitigation measures, including the implementation of the whole house ventilation strategy. It is considered that if the mitigation measures are secured that on balance the quality of accommodation provided would be acceptable for future occupants.
- 9.6.27 The submitted revised ES states that the noisy activities during construction would be of short duration and adhere to a Construction Management Plan would reduce excessive noise levels with no significant noise impact for sensitive locations outside of the proposed development. The assessment does advise that impacts on sensitive locations within the proposed development would be a moderate adverse impact; however, this will be limited to the construction period.
- 9.6.28 Concerns have been raised by adjacent occupiers about the construction impacts in terms of noise and vibration. It is considered that suitable conditions regarding hours of operation and vibration levels within a Code of Construction Practice document will ensure any impacts are

appropriately mitigated and the amenities of surrounding and future residents are protected.

9.6.29 Furthermore, it is recommended that conditions are included to allow further baseline measurements of the noise from the site during construction phase and the operational phase to be undertaken for design work purposes.

## 9.7 **Air Quality**

9.7.1 Policy 4A.19 of the London Plan 2008 and policies CP3 and DEV11 of the IPG set out specific air quality strategies and objectives. They seek to ensure that air quality assessments are undertaken at the planning application stage. The Council's Air Quality Action Plan provides key actions to ensure that proposed mitigation measures are acceptable to reduce impacts to acceptable levels. The application site is located within an Air Quality Management Area and current readings show exceedances to the EU Directive on Air Quality Levels.

9.7.2 The submitted air quality statement under the ES was reviewed and principal objections were raised with regard to the level of mitigation measures for the receptors given the high local concentrations from 2007 data, cumulative impacts from adjacent developments and uncertainty around both results and information within the model. Given the level of sensitive receptors being introduced to the site it is considered that the key assessment that the Council needs to undertake is how much mitigation is required to ensure that the health of the future occupants is protected to a satisfactory level.

9.7.3 A revised assessment has been submitted following concerns raised by LBTH's Air Quality Officer and EIA consultants Bureau Veritas. The revised assessment has been reviewed by these advisors and recommendations have been made to secure mitigation to all units within 10% of the 40ug/m<sup>3</sup> EU directive level. The reasons for this are the already existing poor air quality in the area and the associated uncertainties with the model used for the air quality assessment. As a result of this a condition will be placed on the consent requiring mitigation to all units within 10% of the 40ug/m<sup>3</sup> EU directive level to ensure that the safety of future sensitive receptors (residential occupiers) is satisfactorily protected from local air pollution.

9.7.4 The development would result in changes to the traffic flow characteristics of the local road network. However, the effects of the proposed development on local air quality based on traffic flow predictions have been assessed and are considered to be acceptable.

9.7.5 An assessment shows that the effects of the proposed development are likely to be of minor negative impact. In order to mitigate any potential impacts a Construction Environmental Management Plan (CEMP) will be required setting out measures to be applied throughout the construction phase.

9.7.8 The revised assessment also demonstrates that the potential moderate impacts from the proposal CHP boilers can be satisfactorily mitigated through the detailed design of the boilers which would reduce any impacts to minor adverse significance. It is recommended that if the LTGDC is minded to grant planning permission that a condition is included requiring the submission of the final mitigation measures for the boilers to ensure the mitigation provided is satisfactory.

9.7.9 During the operational phase, encouraging sustainable transport and reducing dependence on the private car would reduce the impact of the development in terms of both greenhouse gases and pollutants. This should be addressed through s106 agreement by the inclusion of a robust travel plan that includes monitoring and target reductions.

## 9.8 **Highways**

### 9.8.1 Access

The site is in a location of good public transport accessibility (PTAL 4) and has good links to areas with high public transport accessibility and is generally in close proximity to a range of local facilities, thereby encouraging more walking and reducing the reliance on private car use. The East India DLR Station is approximately 450m to the south west and the Canning Town Jubilee Tube Line/ DLR Station is located approximately 800 metres to the northeast. Several bus networks are located along East India Dock Road and Saffron Avenue which adjoins the site to the north and south respectively. In addition, there are also good cycle routes in the area towards the City and Canary Wharf.

9.8.2 In order to maximise the areas of open space for pedestrians and to minimise the impact of car parking at ground level, basement car parking will be provided. Access into all areas of the car park will be directly from Oregon Avenue. Access into the basement car parking will be controlled by a physical barrier system located at the point of entry. It is considered that the revised access location is acceptable and will not dominate the frontage along Oregon Avenue.

9.8.3 The proposal also seeks to close Sorrell Lane to traffic and for access to be limited to pedestrians. Council Highways officers confirm that they are supportive of this proposal as Sorrell Lane is currently abused by drivers seeking to achieve a short cut down Leamouth Road.

9.8.4 Given the constraints surrounding the site and level of development currently occurring within the Blackwall and East India area it is considered appropriate for a condition to be included to provide an Environmental Construction Management Plan prior to the commencement of works on the site.

9.8.5 In addition, part of the site is located above the East India Dock Road Tunnel. In order to ensure that the safety and security of the tunnel is not compromised TfL have requested the inclusion of a condition regarding a construction method statement. It is recommended that this condition is included.

#### 9.8.6 *Car parking and Traffic Flows*

The basement car park will provide 236 spaces, including 36 disabled spaces and 24 motorcycle spaces. The layout for the disabled bays will be designed as per LBTH guidance and meet the minimum required spaces under the IPG guidance. It is recommended that a condition is included on any permission to ensure that the 'as built' design confirms to our parking standards in terms of design.

9.8.7 According to policy 3C.23 of the London Plan, on-site car parking provision for new developments should be the minimum necessary to ensure there is no overprovision that could undermine the use of more sustainable non-car modes. This in part, is to be controlled by the parking standard in Annex 4 of the London Plan and UDP policies.

9.8.8 Following negotiation with the applicant, 10 car club spaces are proposed, which results in a residential parking provision equivalent to 0.24 spaces per dwelling (excluding disabled spaces). This is considered acceptable and it is recommended that there is a condition requiring a breakdown of the parking space on site as follows - 190 general spaces, 10 car club spaces, 36 disabled spaces, 24 motorcycle spaces and 796 cycle spaces.

9.8.9 Subject to the above condition being secured it is considered that the proposed car parking provision is in accordance with the standard set out within the IPG parking standard. Further, the number of car parking spaces complies with the parking standards identified in Annex 4 of the London Plan. LBTH's Highways department have indicated that the number of spaces should be further reduced due to the capacity of surrounding road networks. However, there is insufficient policy justification to sustain a refusal on these grounds. It is considered that the mitigations works proposed for the approaches and actual signalisation of the Aspen Way roundabout under the Pura Foods scheme will improve the cumulative impacts from surrounding schemes.

9.8.10 It is recommended that further additional contributions are secured under a s106 to allow for further works to be undertaken to adequately protect the TLRN and SRN networks. This has been identified by TfL and needs to be negotiated further within them in terms of the location of the works and associated costs.

9.8.11 It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development who do not have an allocated parking space, and this should be backed up by the requirement for a green travel plan. As such, there will be no overspill parking from the development. Most of the residents will therefore be committed to using public transport services and alternative modes for all journeys.

#### 9.8.12 *Cycle Parking*

The scheme proposes 796 cycle parking spaces both within accessible and secure stores at basement levels close to the building cores in accordance with the standards set out by TfL, the GLA and the Council.

No detailed provision has been made for additional spaces for visitors within the ground floor areas of public realm. It is recommended that provision is made in this respect given the high number of potential users from outside the development. Therefore a condition should be included on any permission to ensure it is secured and the cycle provision within the basement is to the required standard.

9.8.13 In addition, given the accessibility of the site a s106 agreement for the preparation, implementation and maintenance of a green travel plan should be secured to further reduce parking dependence and to allow for future expansion of the car club.

9.8.14 It is therefore considered that the provision of cycle parking across the site for both residential uses is acceptable and accordance with Council, TfL and London Plan standards.

*9.8.15 Servicing and Refuse Provisions*

Policy DEV17 of the IPG requires that development makes adequate provision for servicing to ensure that the capacity and function of the local highway is not affected.

9.8.16 The revised ES states that servicing area for the residential and commercial deliveries would be via a lay-by on Oregon Drive directly adjacent to the western site boundary. This will ensure that no vehicles need to enter the designated areas of public realm thereby reducing any conflict with pedestrians. It is considered that the servicing arrangement is acceptable given the cul-de-sac nature of Oregon Drive.

9.8.17 The Council policies DEV15 seek to maximise the reusing or recycling of waste including construction waste via sustainable waster management. In particular, the Tower Hamlets Council Municipal Waste Strategy has set a performance target for recycling and composting of municipal waste of 35% by 2010.

9.8.18 All of the nine blocks have rubbish/ recycling stores at ground level. The waste would be transferred to a central area beneath Block F where it would be collected by the Council. The developer has been in discussions with Council's refuse team and a two weekly collection has been agreed.

9.8.20 Provision for the storage and collection of refuse for the residential and non-residential uses has been provided for. It is recommended that a condition be included to ensure the adequate provision of storage of refuse and recycling facilities is provided and that a refuse management plan is agreed with Council prior to the occupation of any part of the scheme.

9.9 **Energy**

9.9.1 The London Plan energy policies policy 2A.1 and 4A.3 to 4A.11 aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Energy Efficiency is addressed in policy DEV6 which reiterates

the Mayor's target of 20% of new development's energy to come from renewable energy generated on site and a reduction of 20% of emissions. Policies DEV7, DEV8, DEV9 and DEV11 of the IPG seek sustainable developments through water quality and conservation, sustainable drainage, sustainable construction materials and air pollution and air quality.

- 9.9.2 The applicant submitted an energy statement as part of the submitted ES to indicate that it will reduce carbon dioxide emissions through design measures to meet minimum requirements of building regulations. A range of energy technologies had been considered as potential on-site energy generation sources. However, the GLA raised concerns that alternatives for the systems proposed (in particular for combined heat and power system) has not been adequately undertaken and needs to be revisited.
- 9.9.3 Following this, an additional URS report (April 2008) was submitted which undertook further assessment on this matter. The report recommends implementing a gas fired CHP (Combined Heat and Power) and ATES (Aquifer Thermal Energy Storage) and assesses this against other alternative such as biomass boilers, wind turbines, solar hot water collectors, ground source heat pumps and photo-voltaic panels. The proposed combination of CHP + ATES would achieve an overall carbon reduction of 19% resulting from both regulated (i.e. heating, cooling, hot water, lighting and auxiliary energy from fans, pumps and controls) and non-regulated uses (i.e. cooking, appliances etc.). The URS report advises that a single energy centre would be dedicated to the CHP plant and relevant hot water storage tanks.
- 9.9.4 At the time of drafting this report, the Council's Energy Officer and the GLA have not yet provided any comments on this updated information. An update is expected to follow at the Committee.
- 9.9.5 Furthermore, the submitted revised ES states the residential development will achieve a code level 3 – code for sustainable homes. To ensure this is delivered Council recommends that a condition is included on any permission to secure an assessment confirming compliance.

## 9.10 **Flood Risk**

- 9.10.1 The application site is identified as being in an area at risk of flooding. Policies 4C.6 and 4C.7 of the London Plan, policies U2 and U3 of the UDP and policies CP37 and DEV21 of the IPG set out that the risk of flooding must be minimised.
- 9.10.2 The Environmental Statement identified that the site is located within an area that could potentially at risk of tidal flooding (Flood Zone 3). The site is protected from such flooding by both the Thames Barrier and flood walls along the west bank of the River Lea.
- 9.10.3 The Environment Agency raised no objection on flooding issues. They have requested the inclusion of a number of conditions if planning

permission was granted to ensure the groundwater is protected during construction. It is recommended that these are included on the permission

9.10.4 Furthermore, the revised ES identified that a number of potential adverse effects were identified in the construction and operational stages of the proposed development, being:

- Groundwater abstraction and pumping;
- Piling (non-displacement);
- Surface water runoff and groundwater discharge;
- Buried drainage and service runs;
- Groundwater level rise; and
- Groundwater Contamination.

9.10.5 The ES identified a number of mitigation measures to ensure that the effects would be minor adverse to negligible. It is recommended that the LTGDC if minded to grant planning permission includes conditions to ensure these mitigation measures are secured.

## 9.11 **Other**

### 9.11.1 *Biodiversity*

The development site is not designated for its ecological importance, however the submitted ES has identified four sensitive ecological receptors, being:

- Wasteland/ Brownfield Habitat
- Invertebrate Assemblage;
- Black Redstarts; and
- Surrounding SNCIs

9.11.2 The ES demonstrates that the impacts on these receptors would range from no impact to minor adverse over both construction and operational phases of development. This was subject to the implementation of a number of mitigation measures which include native planting, soft landscaping at ground level, 510m<sup>2</sup> of ecological roofs and the completion of a pre-construction Redstart survey.

9.11.3 The Council's review of the EIA identified that the ecology statement provides an adequate assessment of the potential impacts of construction and operation on the site and local ecology. A number of conditions have been attached to this development to ensure the provision of the biodiversity mitigation measures identified within the ES are implemented.

9.11.4 On balance, the development is considered acceptable in terms of potential impact on biodiversity, subject to appropriate conditioning.

### 9.11.5 *Archaeology*

PPG15 Archaeology and Planning advises on procedures for dealing with archaeological remains and discoveries. Policy 4B.10 of the London Plan relates to historic conservation

9.11.6 The site is located within an Archaeological Priority Zone as specified within the UDP and the IPG. English Heritage have reviewed the proposal

and have recommended that further work is undertaken to incorporate the existing buried remnants of the dock wall into the scheme and the implementation of a programme of archaeological work in accordance with a written scheme of investigation. It is recommended that conditions are included on the permission to allow for these investigations.

9.12 **Environmental Impact Assessment** The Council's consultants, Bureau Veritas undertook a review of the Environmental Statement (ES). The ES examines the impact of the proposed development on the following issues:

- EIA Process and Method
- Design Evolution
- Planning Policy and Context
- Landscape and Visual Character
- Archaeology
- Built Heritage
- Geology and Contaminated Land
- Solid Waste management
- Ecology and Nature Conservation
- Water Quality and Drainage
- Noise and Vibration
- Daylight, Sunlight and Overshadowing
- Wind Assessment
- Energy Assessment
- Telecommunications
- Traffic and Transport
- Local Air quality
- Socio-economics
- Cumulative Impacts

9.12.1 The proposal has been subject to two revised Environmental Statements. The final revised ES was received at the beginning of March 2008. The most recent review highlighted a number of areas where additional information or clarification was required. Following the submission of information on these points, this additional information provided is considered adequate for the Local Planning Authority to appropriately form a viewpoint on the environmental impacts of the proposed development.

9.12.2 The environmental impacts have been considered to be satisfactory, with mitigation measures for potential impacts to be implemented through conditions and/ or Section 106 obligations. It is recommended to the LTGDC that conditions/ s106 contributions are secured were required to mitigate the proposed scheme.

## 10. SECTION 106 LEGAL AGREEMENT (Heads of Terms)

10.1 Officers are at an advanced stage of discussion with the applicants regarding the S106, with the intention of achieving an agreement that is in compliance with the LTGDC Planning Obligations Community Benefit Strategy and heads of terms can be found in section 10.3. This scheme is providing a significantly higher than usual amount of affordable housing through the London Wide Initiative (46% rather than 35%, the baseline in the strategy) and there are on site strategic infrastructure costs which could be offset against the financial contribution. This means that the financial contribution by way of the normal tariff provision is likely to be less than £10,000 per unit as a consequence of the level of affordable housing. Attached at appendix 1 is a letter from English Partnerships providing further information on this.

10.2 Following comments from statutory consultees the financial contribution obtained in the S106 from this development could be spent on works in the area including (but not limited to) the following:

- Open space improvements
- Social infrastructure (childcare, education, healthcare provision in the area)
- Pedestrian/public realm improvements in the wider area (Improved access to public transport interchange at canning town; improved access to green links and areas of open space; improved street lighting)
- Listed dock wall on Leamouth road (improvements; heritage signs etc)
- New pedestrian crossings (across Leamouth Road, A13 etc)
- Highway works (A13 approaches at Leamouth Road, A1261 slip roads at Aspen Way roundabout)

In accordance with the Strategy the allocation of funds will be considered by the Lower Lea Valley Management Board and then referred to the Corporation's Board.

10.3 The following Heads of Terms have been agreed by the applicants and are to be included in the S106 agreement:

- **Index linked financial contribution for mitigation measures in the area, in line with the LTGDC Planning Obligations Community Benefit Strategy, including 'recapturing the discount'** (amount and final details to be delegated to the Director of Planning)
- **Social infrastructure**
  - Community centre to be provided on site
  - Play hub to be provided on site
  - Management strategy for the play hub to be submitted
- **Pedestrian/public realm improvements**
  - Improvements to the unmade section of pedestrian footway that forms a link to East India Dock Road from the end of Oregano Drive (subject to necessary Section 278 Agreements and/or agreements with other landowners)
  - Removal of any existing crossovers and accesses into the site and their reinstatement to the existing kerb level

- Improvements to the footway surrounding the site Inc Oregano Drive (including paving, lighting, landscaping (subject to necessary Section 278 Agreements and/or agreements with other landowners)
- Guard railing on west side of Blackwall way removed (£15k) and footway widened to 2 Metres (£20k)
- **Contribution towards new bus stops on Leamouth Road (north & southbound) (£40k)**
- **Servicing management strategy** to reduce trips especially during peak periods
- **Electric car charging** spaces/points to be provided
- **10 Car club spaces** to be provided
- Removal of the rights of future residents of units without on site parking spaces to apply for **parking permits**
- **Renewable energy** (the applicant has submitted information confirming that this is 19%, at the time of writing the report comments were still to be received from the GLA. The exact percentage to be delegated to the Director of Planning)
- **£20,000 to link up to DAISY system** (Dockland Arrival Information System Boards)
- **Local employment and training strategy**
- **Code of construction practice**
- **Affordable housing provision** – schedule to be attached to S106 & clause regarding the provision of affordable housing units and private units in line with phasing of the development
- **Green travel plan**
- **Estate management company details to be submitted**
- **Mitigation measures for impacts identified by TV signal study/ micro signal impact at Telehouse**

## 11. CONCLUSION

- 11.1 **As this report makes clear the application has been the subject of extensive consultation and resultant revisions. The LWI seeks to provide higher levels of affordable housing with a range of tenures on sites across London. The quality of design of both buildings and spaces around them is key and is recognised by the applicants.**
- 11.2 **The proposal is considered to be in accordance with the intent of existing policies, and will result in the regeneration an existing vacant site. The use of the site for a residential led mixed use development is in accordance with the strategic policies of the GLA and the London Borough of Tower Hamlets. As a result of mitigation and through the inclusion of conditions, it is considered that the application does not give rise to issues justifying refusal.**

## 12. RECOMMENDATION

- 12.1 It is recommended that the application be delegated to the Director of Planning to approve subject to:

- The referral of the application to the Mayor of London; and
- Conditions (as detailed in section 12);
- The completion of a S106 legal agreement as detailed in section 10.2.

### 13. CONDITIONS AND REASONS

#### Conditions

1. The development to which this permission relates must be commenced no later than three years from the date of this permission:

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall only be undertaken in accordance with:

- Relevant Drawing numbers
- Relevant EA documents
- And all other submitted assessments and reports under the above reference.

Reason: The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

3. Prior to commencement of development a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with this phasing plan unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory phasing of the development

4. Prior to occupation of any part of the development a detailed marketing strategy for the ground floor units shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the retail uses are ancillary to the development proposed and to ensure that the development provides for the everyday convenience retail needs of the resident population and to meet the requirements of Policy CP15 of the Interim Planning Guidance (October 2007).

5. Prior to occupation of the ground floor units, details of the proposed unit sizes for the A1-A5 uses shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the retail uses are ancillary to the development proposed and to ensure that the development provides for the everyday convenience retail needs of the resident population and to meet the requirements of Policy CP15 of the Interim Planning Guidance (October 2007).

6. The non residential uses hereby approved shall be restricted to the following hours of opening, unless otherwise agreed in writing by the local planning authority:

- 7am to 11pm Monday to Saturday
- 10am to 10pm Sundays and/or Bank Holidays

Any outdoor seating areas must be vacated and any tables and chairs must be removed by 11pm Monday to Saturday and by 10pm Sunday and/or Bank holidays.

Reason: To safeguard the amenity of adjacent residents and the area generally and to meet the requirements of Policy 4A.20 of the London Plan (February 2008), Policy DEV50, HSG15 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and DEV1 of the Interim Planning Guidance (October 2007).

7. Notwithstanding details submitted, no approval is given to the design of the retail frontage within the development. Any proposed temporary retail frontages shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Large scale details of the permanent retail frontages shall be submitted to and approved by the Local Planning Authority prior to the occupation of each unit. The development shall not be carried out otherwise than in accordance with the particulars so approved, the shop front windows must be used for display purposes and the window glass must not be painted or obscured.

Reason: To safeguard the appearance of the development and to prevent the introduction of dead frontages within the development, in accordance with Policy 4B.1 of the London Plan (February 2008), Policies S10, S11, S13 and DEV1 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and DEV1 and Dev2 of the Interim Planning Guidance (October 2007).

8. Prior to commencement of development details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes from the non residential uses within the development including details of the extraction, ventilation and filtration equipment and any other external plant or machinery (including ventilation units and air intake louvers) together with its method of construction, appearance and finish shall be submitted to and approved by the Local Planning Authority. The development shall not be occupied other than in accordance with the details thus approved.

Details of any additional extraction, ventilation and filtration equipment required as a result of the specific requirements of the end user or occupier shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of that unit

Reason: To safeguard the amenity of the occupiers of adjoining properties by preventing noise disturbance and to ensure a satisfactory appearance

in accordance with Policy 4A.20 of the London Plan (February 2008), Policies DEV2, DEV 50 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and DEV1 of the Interim Planning Guidance (October 2007).

9. Any electrical and mechanical plant must not exceed 10dBA below current ambient noise level. Reports showing compliance with this requirement shall be submitted to the LPA for each building on/to which the equipment is erected/attached prior to the first use/occupation of the relevant building.

Between 2300 and 0700 hours, a level of LA<sub>max</sub> 45dB (or lower) shall be achieved within residential premises with the exception of a few occasions, provided that 35 Laeq is not exceeded. Reports showing compliance with this requirement shall be submitted to the LPA for each building prior to the first use/occupation of the relevant building.

Reason: To safeguard the residential amenity of future occupiers, in line with Policy 4A.20 of the London Plan (February 2008), Policies DEV2 and DEV50 of the adopted LBTH UDP (1998) of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and DEV1 and Dev10 of the Interim Planning Guidance (October 2007).

10. Mitigation shall be provided and permanently retained to all residential units on the basis of 10% of 40ug/m<sup>2</sup> for all sensitive receptors. The measures shall be implemented prior to occupation of the units and thereafter permanently retained.

Reason: To ensure that future occupants are protected from air pollution and in line with Policy 4A.19 of the London Plan (February 2008), Policies Dev2 and Dev50 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and DEV1 and Dev11 of the Interim Planning Guidance (October 2007).

11. Vibration levels within residential premises shall comply with the rating 'Low probability of adverse comments' within BS6472:1992. A report showing compliance with this requirement shall be submitted to the LPA prior to the first use/occupation of the development.

Reason: To safeguard the residential amenity of future occupiers, in line with Policy 4A.20 of the London Plan (February 2008), Policies DEV2 and DEV50 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV10 of the Interim Planning Guidance (October 2007).

12. Noise mitigation measures shall be provided and permanently retained to all residential units to ensure that all glazing/insulation specification

achieves compliance with BS8233, including the implementation of a suitably attenuated ventilation system or whole house ventilation strategy. Full details of the mitigation measures, including full details of the ventilation system shall be submitted to and approved in writing prior to commencement of development.

Reason: To safeguard the residential amenity of future occupiers, in line with Policy 4A.20 of the London Plan (February 2008), Policies DEV2 and DEV50 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV10 of the Interim Planning Guidance (October 2007).

13. Potential condition re baseline measurements of noise from the site during construction and operation to be undertaken, subject to further comments from LBTH officers

Reason: To safeguard the residential amenity of future occupiers, in line with Policy 4A.20 of the London Plan (February 2008), Policies DEV2 and DEV50 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV10 of the Interim Planning Guidance (October 2007).

14. The residential units hereby approved shall not be occupied until they have been insulated to minimise noise transmission between dwellings and between the commercial units, in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason: To safeguard the amenity of the future occupants by preventing noise and vibration nuisance in line with Policy 4A.20 of the London Plan (February 2008), Policies DEV2 and DEV50 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV10 of the Interim Planning Guidance (October 2007).

15. Prior to commencement of each phase of the development hereby approved a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority, incorporating details of:
- Information on any noise and vibration impacts on neighbouring properties, including the adjacent Telehouse building, and consequent mitigation measures to minimise this;
  - Information on any construction dust impacts on neighbouring properties, including the adjacent Telehouse building, and consequent mitigation measures to minimise this impact;
  - Information on any construction dust impacts
  - Construction traffic management,
  - Waste management,

- Use of river to transport materials,
- Sourcing of materials,
- Location and means of storage of materials within the site,
- Craneage and scaffolding height,
- Timing of noisy operations and
- Demolition method statement
- Risk assessment of the construction site
- Any other such matters relevant to the site.
- Evidence that local residents and businesses have been consulted on the Construction Management Plan and copies of any responses received.

Once approved this plan shall be adhered to throughout the construction period.

Reason: In the interests of ensuring sustainable construction practices, residential amenity and in accordance with Policies 4A.20 and 4A.19 of the London Plan (February 2008) and Dev2 and Dev50 the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1, DEV10, Dev11 and Dev12 of the Interim Planning Guidance (October 2007).

16. Prior to commencement of development a 'Construction method statement' shall be submitted to and approved in writing by the Local Planning Authority. In particular this should focus on the impact of construction on the East India Dock Road Tunnel.

Reason: to ensure the safety and security of the tunnel is not compromised during or after the development is constructed.

17. Prior to commencement of development, details of the method of construction, including details of the use, location and height of cranes and other plant and equipment or temporary structures, shall be submitted to and approved in writing by the local planning authority in consultation with the operator of London City Airport.

Reason: To ensure that the safeguarded areas for London City Airport are not infringed and do not impair the safety of aircraft operations.

18. Operations in relation to construction for which noise is audible at the nearest residential boundary shall be restricted to the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or Statutory holidays without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties and with regard to Policies Dev2 and Dev50 the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction

from the Secretary of State, and policies DEV1 and DEV10 of the Interim Planning Guidance (October 2007).

19. No works pursuant to this permission shall be carried out unless the developer has submitted for the written approval of the Local Planning Authority:
- A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model
  - A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
  - A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:
    - (i) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the local Planning Authority; and
    - (ii) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and with regard to Policy 4A.33 of the London Plan (February 2008) and Policy Dev51 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV22 of the Interim Planning Guidance (October 2007).

20. The construction of site foundations shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.

Reason: to prevent pollution of the water environment and with regard to policies 4A.12, 4A.13, 4A.14, 4A.15 and 4A.16 of the London Plan (February 2008) and Policy DEV69 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies CP37, DEV7, DEV8 and DEV21 of the Interim Planning Guidance (October 2007).

21. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the

applicant and approved by the local planning authority. This shall detail the incorporation of the existing buried remnants of the dock wall. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16, Policy 4B.15 of the London Plan (February 2008), Policies Dev43 and Dev44 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and Policies DEV1, CON4 and CP49 of the Interim Planning Guidance (October 2007).

22. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a scheme of landscaping for the hereby permitted development. The scheme shall include details of proposed

- planting,
- soft and hard surfaces,
- planting and protection of all trees proposed;
- surfacing, boundary treatment and equipment proposed for areas designated as Local Equipped Area for play and Local Areas for Play.
- Any street furniture such as seating, refuse bins, etc.

The development shall proceed in accordance with the details as approved by the Local Planning Authority.

All planting, seeding or turfing comprised in the details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent of variation.

Reason: To ensure a satisfactory standard of external appearance of the development and surrounding landscape is satisfactory and of a high quality, in accordance with Policy 4B.1 of the London Plan (February 2008), Policies Dev1, Dev12 and Dev13 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV13 of the Interim Planning Guidance (October 2007).

23. Details of the proposed communal roof gardens including details of access to them shall be submitted to and approved by the Local Planning Authority prior to the relevant construction stage, the communal roof

gardens shall be provided in accordance with the approved details and shall be available for use prior to the occupation of the building to which they relate. The communal roof gardens shall be maintained as such and shall not be used for any other purpose.

Reason. To ensure residents have access to adequate amenity space, and to safeguard the appearance of the development in accordance with Policies Dev12, Dev13 and HSG16 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1, DEV13, OSN2 and HSG7 of the Interim Planning Guidance (October 2007).

24. Prior to commencement of development, details of biodiversity based green and brown roofs including details of location, design, dimensions, materials and a maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority. These roofs shall be installed in accordance with the approved details prior to occupation of the development.

Reason: In the interests of promoting biodiversity and to mitigate surface water run off in accordance with policies Dev1 Dev12 and Dev13 the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1, CP3 and CP31 of the Interim Planning Guidance (October 2007).

25. A method statement for the monitoring of the black redstarts and sand martins during the construction phase of development shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Once approved the monitoring shall take place in accordance with the approved scheme.

Reason: In the interests of biodiversity and the protection of the black redstart, in accordance with Policies CP3 and CP31 of the Interim Planning Guidance (October 2007).

26. Notwithstanding the submitted plans and documents, prior to commencement of development details shall be submitted regarding the location, design and number of nesting boxes and bat bricks, where appropriate, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity and in accordance with Policies CP3 and CP31 of the Interim Planning Guidance (October 2007).

27. The development hereby approved shall provide no less than 10,249.4sqm of amenity space by way of balconies, terraces, roof gardens, roof terraces, publicly accessible amenity space in accordance with the details of the approved plans and documents entitled, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an adequate amount of amenity space for the future residents of the development in line with Policies Dev1, Dev12 and Dev13 the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1, DEV13, OSN2 and HSG7 of the Interim Planning Guidance (October 2007).

28. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority plans showing the areas of playspace to be provided on site, both within the ground floor amenity areas and the rooftop gardens. These playspaces shall be installed in accordance with the approved details prior to occupation of the development.

Reason: To ensure an adequate amount of play space for future residents of the development in line with Policy 3D.13 of the London Plan (February 2008), policies OS9 and HSG7 of the Interim Planning Guidance (October 2007)

29. Prior to the commencement of development a security management plan shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of how the development meets the requirements of "Secure by Design" and shall provide details of security management measures including location of CCTV and concierge services, door entry systems and car parking security.

Reason: In order to provide a safe and secure development, in accordance with Policy 4B.6 of the London Plan (February 2008), Policy DEV1 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV4 of the Interim Planning Guidance (October 2007).

30. Detailed drawings of all elevations (including typical 1:5 details and material specifications) and samples of all facing materials to be used on the approved buildings shall be submitted to and approved by the Council as local planning authority before any works are commenced. A full scale mock up of key elements of the elevations shall be provided on the site or at another agreed location for inspection by the local planning authority before the details are approved. The development shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure a satisfactory standard of external appearance and to protect local amenity and with regard to Policy 4B.1 of the London Plan (February 2008), Policy Dev1 the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV2 of the Interim Planning Guidance (October 2007).

31. Prior to commencement of development hereby permitted details of the proposed external lighting scheme shall be submitted to and approved in

writing by the Local Planning Authority by an appropriately qualified lighting engineer or designer. The report should show how the lighting scheme proposed will:

- Be the minimum required to perform the relevant lighting task;
- Minimise the amount of street furniture and clutter within the public realm areas and on nearby pavements;
- Minimise light spillage and pollution;
- Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas; and avoid dazzle or distraction to drivers on nearby highways.

Details should include where appropriate:

- The location, type, number, mounting height and alignment of the luminaries;
- The beam angles and upward waste light ration for each light;
- Details of screening and other mitigation;
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts the highway; and
- Where necessary the percentage increase in luminance and the predicted illuminance in the vertical plan (in lux) at key points.

The approved scheme is to be constructed and/or installed prior to occupation of the development and shall be maintained thereafter to the satisfaction of the local Planning Authority unless otherwise agreed in writing.

Reason: To minimise the intrusion of artificial lighting and ensure highway safety is not compromised and with regard to Policy 4B.1 of the London Plan (February 2008), Policy Dev1 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV4 of the Interim Planning Guidance (October 2007).

32. Prior to commencement of development details of the screening details for balconies and windows shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided prior to occupation and thereafter permanently provided.

Reason: To ensure adequate privacy for future occupants and in line with Policy DEV2 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State.

33. Prior to commencement of development details of the wind mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided prior to occupation and thereafter permanently provided

Reason: To minimise the impact of the development and in line with Policy DEV1 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup>

of September 2007 in accordance with the direction from the Secretary of State.

34. No fewer 14% of the total number of residential units within the development hereby approved shall be constructed to be easily adaptable for residents who are wheelchair users in accordance with the publication "Wheelchair Housing Guide, second edition" by Stephen Thorpe and HabintegHA unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that accessible housing is provided in accordance with Policy 3A.17 and 4B.5 of the London Plan (February 2008) and PolicyHSG9 of the Interim Planning Guidance (October 2007).

35. All residential units hereby approved are to comply with Lifetime Homes standards as defined in the Joseph Rowntree Foundation publication "Achieving Part M and Lifetime Home standards" and the joint collaboration of the JRF, Mayor of London, GML Architects and HabintegHA in the publication "Lifetime Homes" as referred to in the GLA Accessible London SPG (Appendix 4).

Reason: To ensure that accessible housing is provided in accordance with Policy 3A.17 and 4B.5 of the London Plan (February 2008) and PolicyHSG9 of the Interim Planning Guidance (October 2007).

36. All facilities and amenities open to the public and staff are to be fully accessible to disabled people, in particular wheelchair users, including the public realm areas. Prior to commencement of development an inclusive design statement containing full particulars and detailed drawings showing the means of access and egress of buildings suitable for people of disabilities, and measures to ensure ability to move freely within the site shall be submitted to and approved by the local planning authority before any work is commenced on site. The approved scheme must be implemented before the development is brought into use.

Reason: To ensure that people with mobility impairment in particular wheelchair users are not excluded from using the proposed development by reasons of lack of adequate facilities and with regard to Policy 3A.17 and 4B.5 of the London Plan (February 2008) and Policy CP46 of the Interim Planning Guidance (October 2007).

37. All entrances and exits to the buildings hereby permitted shall be constructed with level or ramped access (no greater than 1:15 gradient) with a minimum 900mm front pathway to a level landing 1.5m deep x 1.2m wide leading to a flush threshold, with a minimum clear door opening of 800mm.

Reason: To ensure that people with mobility impairment in particular wheelchair users are not excluded from using the proposed development by reasons of lack of adequate facilities and with regard to Policy 3A.17

and 4B.5 of the London Plan (February 2008) and Policy CP46 of the Interim Planning Guidance (October 2007).

38. Prior to commencement of development, full details of cycle parking and motorcycle parking within the basement car parking areas, including its location, means of secure storage proposed and allocation shall be submitted to and approved in writing by the Local Planning Authority. This parking shall be provided prior to the occupation of the development and shall be retained thereafter and used for no other purpose.

Reason: In order to encourage the use of other sustainable modes of transport in accordance with Policies 3C.3, 3C.21 and 3C.23 of the London Plan (February 2008), Policy DEV16 of the Interim Planning Guidance (October 2007).

39. Notwithstanding submitted details, car parking accommodation is to be provided and retained within the site in accordance with the following schedule:

- a maximum of 190 general spaces
- a minimum of 10 car club spaces,
- a minimum of 36 disabled space
- a minimum of 24 motorcycle spaces and
- A minimum of 796 cycle spaces.

All spaces are to comply with LBTH guidelines. Disabled parking spaces are to be marked out on site with appropriate signage, prior to occupation of the development and permanently maintained thereafter.

Reason: To encourage use of sustainable modes of transport to the site in accordance with Policies 3C.3, 3C.21 and 3C.23 of the London Plan (February 2008) and policies DEV19 and DEV16 of the Interim Planning Guidance (October 2007).

40. Accommodation shall be provided within the public realm area for visitor cycle parking. Works on the development hereby permitted shall not take place until details of this cycle provision has been submitted to and approved in writing by the Local Planning Authority. The facilities are to be constructed and available for use prior to occupation of the development and shall be permanently maintained thereafter.

Reason: In order to ensure that adequate cycle parking is provided and in line with Policies 3C.3 and 3C.22 of the London Plan (February 2008) and policies DEV19 and DEV16 of the Interim Planning Guidance (October 2007).

41. No development shall take place until the applicant has provided to the Local Planning Authority the Code for Sustainable Homes site registration number which will set out the level that the development is aiming to achieve and the code's requirements for the developer as issued by the BRE.

The scheme will seek to achieve a minimum of code level 3. Once the notional SAP ratings for the development are known a design stage certificate must be submitted to the Local Planning Authority verifying the code level that will be achieved. The scheme should achieve a minimum of code level 3. A post construction certificate stating that the residential units have achieved a minimum code level rating of 3 shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any residential unit unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed residential units are designed in an environmentally sustainable manner and in accordance with Policy 4A.3 of the London Plan (February 2008) and Policies DEV9 and DEV5 of the Interim Planning Guidance (October 2007).

42. No development approved by this permission shall be commenced until a detailed scheme of the proposed surface water run-off limitation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding to third parties, to the site itself, to prevent pollution of the water environment, to improve water quality and to enhance biodiversity and with regard to policies 4A.12, 4A.13, 4A.14, 4A.15 and 4A.16 of the London Plan (February 2008) and Policy DEV69 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies CP37, DEV7, DEV8 and DEV21 of the Interim Planning Guidance (October 2007).

43. A scheme must be agreed by the Local Planning Authority for the water efficiency measures to be incorporated in the development

Reason: Water Resources in the region are scarce and under increasing pressure from development as demand increases and with regard to policies 4A.12, 4A.13, 4A.14, 4A.15 and 4A.16 of the London Plan (February 2008) and Policy DEV69 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies CP37, DEV7, DEV8 and DEV21 of the Interim Planning Guidance (October 2007).

44. Development shall not be commenced until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure the water supply infrastructure has sufficient capacity to cope with the additional demand, in accordance with policy DEV 20 of the Interim Planning Guidance (October 2007).

45. No development shall commence until details of drainage for separate foul and surface water systems have been submitted to and approved in writing by the Local Planning Authority. As the adjacent sewers appear to be private, surface water attenuation should be incorporated within proposals and basement drainage should pump to ground level. The scheme shall be completed in accordance with the approved plans.

Reason: To prevent the increased risk of flooding to third parties, to the site itself, to prevent pollution of the water environment, to improve water quality and to enhance biodiversity and with regard to policies 4A.12, 4A.13, 4A.14, 4A.15 and 4A.16 of the London Plan (February 2008) and Policy DEV69 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State, and policies CP37, DEV7, DEV8 and DEV21 of the Interim Planning Guidance (October 2007).

46. Wheel scrubbing/wash down facilities shall be provided to prevent mud being deposited onto the public highway and local roads within the East India Commercial estate during construction of the development. These facilities shall be permanently retained and used at the entrance of the site for the entire duration of construction. Details of these facilities shall be provided at the requires of the Local Planning Authority.

Reason: In order to prevent materials from the site being deposited on the adjoining roads and public highway, in the interests of highway safety and the amenity of the surrounding area and with regard to policy 4B.1 of the London Plan (February 2008) and Policy DEV12 of the Interim Planning Guidance (October 2007).

47. Prior to the commencement of development a survey to detect any potential unexploded ordnance within the site shall be carried out by the developer, and where such unexploded ordnance is located, a suitable mitigation plan shall be agreed in consultation with London City Airport. The development shall only be implemented in accordance with the agreed mitigation plan.

Reason: To avoid disruption to the operation of the airport.

48. Prior to commencement of development, full details of the waste and refuse facilities to be provided on site and a waste strategy for dealing with all waste and refuse on site shall be submitted to and approved in writing by the Local Planning Authority. This shall be provided prior to the occupation of the development and shall be retained thereafter and used for no other purpose.

Reason: In order to ensure adequate waste and refuse facilities are provided on site and with regard to Policy DEV55 of the Interim Planning Guidance (October 2007).

## **Informatives**

1. Notwithstanding the plans approved under condition 2 the proposed colour to be used on the buildings is not approved. The colour is considered inappropriate by LBTH officers and English Heritage officers and is therefore unlikely to be approved. Alternative sample boards and colour schemes shall be submitted under condition 30.
2. This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
3. The Applicant is reminded that Advertisement consent is required for any signage for the ground floor units or otherwise within the development.

### **Thames Water**

4. *Waste Comments* - The Applicant should incorporate protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
5. *Surface Water Drainage* - It is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
6. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses
7. *Surface Water Drainage* - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contact on 0845 850 2777. Reason - To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

### **London Fire and Civil Defence Authority.**

8. Refer to BS 5306-1:1976 Section 2 (5.1) which refers to the need for a fire main to be positioned 'not more than 70m from an entry to the building and not more than 150m apart' and 'they should normally be not less than

6m from the building'. Notwithstanding the above it is accepted custom and practice within the LFEPA to accept that hydrants are positioned not more than 90m from an entry of the building and not more than 180m apart.

### **London City Airport**

9. In the event that during construction, craneage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with London City Airport. Crane operators should be aware of the British Standard Code of Practice for the safe use of cranes, British Standard Institute 7121:Part 1:1989 (as amended)

10. As the proposed development is detached from the current building mass created by the group of developments located at Canary Wharf, we would ask that the south eastern facing corners of the tallest blocks, A and I, be equipped with aircraft obstacle lighting at the highest corners. The lighting should be steady red lights of medium intensity.

### **English Heritage**

11. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

### **Environment Agency**

12 In accordance with Section 34 of the Environmental Protection act and the Duty of Care in respect of waste, any waste generated on site is to be stored in a safe and secure manner in order to prevent its escape or its handling by unauthorised persons. Contact Andrew Grant on 01707 632 450 for further details

### *Dewatering*

13 Large underground structures constructed below the water table may act as an obstruction to groundwater flows. Consequently, a building up of groundwater levels may occur on the up gradient side of such structures. Any drainage systems proposed for such structures should also be capable of allowing groundwater flows to bypass the structure without any unacceptable change in groundwater levels, or flow in groundwater fed streams, ditches or springs.

Currently, the legislation concerning dewatering is undergoing a few changes. Prior to 1<sup>st</sup> April 2006, dewatering was covered by Section 30 of the Water Resources Act 1991 where activities were exempt from licensing and instead a 'notice to conserve' was issued. Since this time, 'notice to conserve' can no longer be issued due to the part enactment of the Water Act 2003, which is to replace parts of the Water Resources Act 1991. Under this new Act, dewatering activities will require licensing but this item of legislation will not come into effect until at least April 2007. As a result, any dewatering activities commencing at this time do not require a Notice to conserve nor a Licence. Therefore the applicant should contact the

environment Agency prior to the commencement of any dewatering for further advice.

- 14 The applicant should ensure that no aspect of the proposed operations (particularly dewatering) results in any adverse change in flows or levels in any rivers, streams, ditches, springs, lakes or ponds in the vicinity.

*Water Conservation – household use*

- 15 Water is one of our most precious natural resources, and we are keen to ensure it is used wisely:
- Water for WC flushing can represent 35% of all household use. The applicant should consider installing low (6 litres or less) or dual flush toilets.
  - 10% of household water use comes through wash hand basin taps. The installation of water efficient taps such as spray taps can reduce consumption from this source by up to a half.
  - A shower uses less than half the water used for a bath. Power showers can use as much water as a bath in just 5 minutes. Shower units using a maximum of 9 litres of water a minute should be fitted.

*Water conservation – Domestic appliances*

- 16 If domestic appliances are to be provided in the new properties, the applicant is asked to consider installing water and energy efficient models. Most products such as washing machines and dishwashers are now advertised with energy and water use information.

*Water conservation – garden and landscape maintenance*

- 17 Maintaining lawns, gardens and other planted areas need not require vast amounts of watering. A few simple measures can be taken to reduce the amount of water required. On this site we would encourage the applicant to consider the following:
- Collecting rainwater in water butts connected to downpipes
  - Grass should not be mown too often or too short, this only encourages shallow roots which are more likely to dry out
  - Use of mulches or ground cover plants to retain soil moisture
  - Provision of shade for those plants that require more water
  - Watering when necessary in the early morning or evening to reduce evaporation losses

We support the use of rainwater harvesting and low water use appliances. More information regarding the water resources, water efficient technology and grey water recycling can be found on our website:

<http://www.environment-agency.gov.uk/subjects/waterres>

**Access**

- 18 Any shared surfaces within the public realm should be designed to develop best practice i.e. that pedestrians have priority and that they don't rely on eye contact.

- 19 Public realm changes in level should be as shallow as possible i.e. 1:40 and no cross fall greater than 1:50.
- 20 Steps in public realm should be obvious and not in direction of travel (chamfered steps into a gradient are a tripping hazard).

**CASE OFFICER:** Peter Minoletti

**Appendix 1:** English Partnerships letter

**Appendix 2:** Site Location Plan

**Appendix 3:** Proposed Site Layout Plan

**Appendix 4:** Proposed Elevations