

PLANNING COMMITTEE MEETING: 14 May 2009

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC
REPORT OF THE DIRECTOR OF PLANNING**

UDC CASE NUMBER:	LTGDC-09-004-FUL	DATE MADE VALID:	21/01/2009
APPLICATION NUMBER:	PA09/00109/LBTH	TARGET DATE:	01/05/2009

APPLICANT:	Chilton Transport (Bow) Ltd
AGENT:	Stock Woolstencroft
PROPOSAL:	Redevelopment of site comprising the erection of a six and eleven storey building to provide 7 affordable B1 units and 68 residential units together with 12 car parking spaces, riverside walkway and public forecourt.
LOCATION:	Devon Wharf, Leven Road, Tower Hamlets, London, E14 0LL

1. SUMMARY

- 1.1 The application proposes a residential led mixed use scheme at Devons Wharf, located on Leven Road in Poplar. The proposal seeks permission for a 66 unit scheme and seven affordable business space units as well as an open public square and public access to the River Lea.
- 1.2 The site has been the subject of a previous application that was taller and higher in density. This scheme was the subject of an appeal against non-determination, which was dismissed in February 2009.
- 1.3 The principle of this development is considered to be acceptable and in line with the Lower Lea Valley OAPF and Tower Hamlets Interim AAP for the area. Further, it is considered that the site history establishes the principle of the use, given the approval of a 37 unit scheme was approved by Tower Hamlets in December of 2007.
- 1.4 The design of the scheme is considered to be acceptable in the context of the site and the surrounding area. The scheme provides a six storey element at Leven Road, rising up to an eleven storey element at the River Lea. A public square is provided at Leven Road between the proposed structure and the former tram sheds adjacent to the north. Public access is also provided to the river.

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- 1.5 The density of the scheme is 787hrh, which is marginally higher than the policy guidance for the area and slightly higher than the Public Transport Accessibility Level (PTAL) rating for the site would normally justify, but is considered acceptable based on other mitigating factors.
- 1.6 The scheme proposes a total affordable housing allocation of 16 units split between 10 social rented and six intermediate units. This equates to a provision of 24% affordable housing on site, split 62.5% social rent and 37.5% intermediate. A financial toolkit appraisal has been provided and further details continue to be sought in this respect.
- 1.7 Parking, servicing and access are all considered to be acceptable. Twelve car parking bays are located at basement level, while servicing (including for the affordable business space) is provided via the public square at Leven Road. Retractable bollards are also provided to restrict non-service/emergency vehicles from accessing the space.
- 1.8 The scheme will also provide seven affordable business space units employing at least one person per unit. This is a net gain from the previous use, as well as being an employment use with greater compatibility with the existing and future residential environment.
- 1.9 The Health and Safety Executive maintain their objection to the scheme, stating that sufficient grounds exist to refuse this scheme due to the risk posed by the Leven Road gasholder site. The Corporation and the Borough disagree with this objection based on the amount of information provided by the HSE. However, a site specific risk assessment is underway on behalf of the Corporation.
- 1.10 Subject to the outstanding points relating to the financial appraisal being satisfied and no significant adverse conclusions arising from the site specific risk assessment, the scheme is recommended for approval, subject to conditions and the satisfactory completion of a Section 106 agreement to secure:
- A financial contribution towards community infrastructure
 - Works in Kind for the public square
 - Affordable housing provision as detailed in this report
 - Affordable business space provision as detailed in this report
 - Car free development
 - Public access to the square and riverside walkway
 - Car club

2. SITE AND PROPOSAL

Site Description

- 2.1 The site is located on the north eastern side of Leven Road, opposite the intersection with Aberfeldy Street. The site area is 0.22ha and is rectangular in shape, having a frontage width of 32 metres and a depth of 67 metres. The orientation of the site is southwest to northeast.
- 2.2 The current use of the site is industrial, being a haulage depot. There are no buildings of significant scale on site, however the site frontage features a pair of semi-detached former dwellings that are now used as site offices. Two single storey

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industrial sheds are positioned on the south eastern and north eastern boundaries of the site.

- 2.3 The site backs onto a tight outer bend in the River Lea and gains views along the water course to the north and north east. This section of the River Lea does not benefit from canalisation or locks and is therefore influenced by the tidal patterns of the River Thames. At present there have been no improvements to the edge of the river at this location.
- 2.4 The site is surrounded by a mix of industrial and residential land uses. The adjacent site to the north west is a large brick warehouse (former tram sheds) occupied by Iron Mountain for storage purposes. To the south east is an industrial haulage yard similar to the current use of the application site. Eighty metres beyond this adjacent site is the first of three major gas holders of 50, 58 and 68 metres in diameter which dominate the local skyline.
- 2.5 Directly opposite the site is a relatively new residential terrace of two to three storeys. Approximately 100 metres to the north east, construction of a new residential development of four to eight storeys incorporating 66 affordable units, 774m² of commercial space and 25 artists' studios has just been completed.
- 2.6 In terms of local amenities, the nearest local shopping parade is located 220 metres away on Aberfeldy Street, with a smaller local parade 400 metres away on Oban Street. The nearest Core District Centre is located 700 metres to the west on Chrisp Street.
- 2.7 Two local parks are located within 250 metres of the site. One is triangular between Abbott Road and Aberfeldy Street and is in good condition and the other rectangular park between Leven Road and Abbott Road contains two basketball courts. A third park is located 300 metres to the south east between Abbott Road and Blair Street.
- 2.8 The site is well connected to road networks. Access to the north of the site via Abbott Road leads to the A12, which eventually links as far as the M25 to the north east. The site is linked south of the Thames via the Blackwall Tunnel (A102), access to which is located 340 metres south of the site. East India Dock Road (A13) provides a link east through Newham towards the North Circular Road and eventually the M25, and west towards central London.
- 2.9 The site has medium accessibility to public transport and is rated having a PTAL of 3. The DLR is the most convenient rail connection, All Saints station being 700 metres to the south west and East India 750 metres to the south. It should be noted that Langdon Park DLR Station to the west is the closest DLR Station as the crow flies, however access from the site is badly constrained by limited pedestrian crossing opportunities across the A12, although programmed improvements to the Lochnager Street junction will improve this link. Other DLR and London Underground stations are more than 20 minutes walk from the site.
- 2.10 Three bus routes serve the site, being routes 108 and 309 within 5 minutes walk and route 115 within 10 minutes walk. The most accessible bus route from the site is the 309, which passes along Abbott Road connecting Canning Town and Bethnal Green. Along the A12, bus route 108 connects Stratford to Lewisham and along East India Dock Road the 115 connects Aldgate with East Ham.

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2.11 Historically, the development of the site first occurred in the early 20th century. Since 1916 the site has had various industrial uses but primarily warehouse and storage purposes. A petrol pump was once adjacent to Devon Cottage which would suggest the possibility of below ground tanks. The residential uses along Leven Road first appeared in 1916 along with the gas works to the south east. Prior to 1916 there was no major development on the site.

Proposal

2.12 The application has been lodged on behalf of Chiltern (Bow) Transport Ltd who own and operate the site as a haulage depot. The application seeks permission to redevelop this site as a residential led mixed use scheme comprising 66 residential units, 387m² of B1 affordable business space arranged into seven units intended to be used as artist studios, communal amenity spaces, public access to a riverside walkway and basement parking for 12 cars and 68 cycles.

2.13 The proposed building is a six storey structure of 18.8 metres in height fronting Leven Road that rises to 11 storeys 31.8 metres in height and fronting the River Lea. This taller element is set back 16.4 metres from the river edge. The structure does not occupy the entire site, but allows for a 16 metre width of the Leven Road frontage as an open square. The result of this is that the six storey element occupies 17 metres of the Leven Road frontage. The building also features a cantilevered element extending over the open space. This is from the second to the fifth storeys and is parallel with Leven Road.

2.14 At the Leven Road street level, the seven affordable business units front onto the open square between the new build and the former tram sheds. Access is provided from this square to the River Lea by a ramp and stair arrangement up to the top of the flood defence wall. The raised flood defences mean that this area of open space adjacent to the Lea is one level above Leven Road. The riverside area is also proposed to be landscaped and accessible to the public.

2.15 The residential accommodation within the scheme begins above the affordable business units and occupies both the six and 11 storey elements. The residential component is made up of five studio flats, 26 one bedroom, 19 two bedroom and 16 three bedroom flats. Of these units, 16 are intended to be affordable of which nine are 1 bedroom, two are 2 bedroom and five are 3 bedroom. This proportion equates to 24% by number of dwellings. The proposals intend to achieve Level 3 Code for Sustainable Homes rating and a BREEAM Eco-Homes rating of 'Very Good'.

2.16 Private amenity space is provided communally and by way of balconies to each unit. The communal area occupies the roof space of the cantilevered element and the main six storey element. The total area of these communal open spaces are 110m² and 148m². Each of the residential units has access to a private balcony. These range from 3.6m² to 15m².

3. MAIN ISSUES

3.1 The primary points of consideration in the assessment of the scheme are as follows:

- Principle of the Development

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- Design
- Residential Density
- Mix and Tenure of Residential Units
- Amenity Space
- Parking and Access
- Proximity to Leven Road Gasholder Site.

4. RELEVANT SITE HISTORY

4.1 On 17th of December 2007, the London Borough of Tower Hamlets granted full planning permission for the mixed use redevelopment of the site to provide 37 residential flats, 869m² of B1 (business) floor space and associated car parking. That permission (PA/04/774) has not been implemented but is extant.

4.2 Soon after the granting of this permission, on the 24th of December 2007, the applicant lodged a second larger application for the site comprising 66 residential units, 1000m² of B1 floorspace and associated car parking. The main feature of this scheme was a 14 storey cylindrical tower alongside the river. The Corporation considered the application to be an overdevelopment of the site, was not satisfied with the design, massing or layout, felt that the energy requirements of the GLA had not been addressed and that the mix and proportion of affordable housing had not been justified. On the 1st of October 2008 the applicant appealed to the Planning Inspectorate, citing a failure of the Corporation to determine the application within the prescribed time period. On the 10th of February 2009 the Inspectorate dismissed the appeal.

5. CONSULTATIONS/NOTIFICATIONS

London Borough of Tower Hamlets

5.1 At the time of writing this report, Tower Hamlets had not formally advised the Corporation of their opinion of the scheme. Members will be updated of the Borough's view of the application by way of an addendum to this report.

Greater London Authority

5.2 The application went before the Mayor of London on the 18th of March 2009. The Stage 1 report that followed this meeting stated that, on balance, the application does not comply with the London Plan.

Proximity of Gasholder Station

5.3 The GLA did not draw a definite view on the health and safety implications of the nearby gasholder station. The case history of the scheme was detailed, including the HSE's reaction to the previous schemes at this location, the recent appeal decision at this site as well as the well publicised and pending appeal decision at The Oval cricket ground.

Land Use

5.4 The Stage 1 report did not regard there to be justification of the land use at this location. The principal reason for this view is the land allocation within the Lower Lea Valley OAPF. More specifically, it was considered that the change in land use

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from the existing industrial to this mixed use residential scheme would not meet the main criterion for land use change and intensification, namely the land use change should be the subject of a spatially specific masterplan process. It was also considered that until a masterplan is gone through, the change in land use would be premature.

5.5 The report also cited Tower Hamlets' Leaside Area Action Plan in terms of the land use designation within that document. It was considered that the allocation of open space to this site in both the AAP and the emerging Core Strategy was evidence of a contrary land use approach at a local level.

5.6 It was acknowledged that the approach to this scheme is somewhat at odds with the Stage 1 report for the previous scheme, which raised no land use issues and went as far as to state that there were no grounds for objecting on the basis of prematurity given the site history. The current Stage 1 report places emphasis on the appeal decision for the site, stating that although significant weight was placed on the planning history of the site previously, the Inspector did not place weight on this planning history in dismissing the appeal.

5.7 It was also considered that the development could not be justified on the grounds that the scheme would deliver regeneration or site improvements. Again, this view relies on the previous appeal decision.

5.8 Finally, the scheme was considered to impact upon the neighbouring industrial use (Joseph Ash), reducing its ability to operate due to nuisance complaints from the future occupiers of the residential units.

Employment

5.9 The GLA are generally supportive of the affordable workspace and have recommended a Section 106 agreement head of term to secure measures for local employment and training for the ongoing use of the affordable artist studios. The recommendation is to grant subject to a S106 Agreement covering, among the things, such a term.

Housing

5.10 The Stage 1 report states that the proportion and tenure split of affordable housing is not acceptable in strategic policy terms. GLA officers have questioned the viability appraisal accompanying the scheme and are not convinced as to why the proportion of affordable housing is so much lower than with the previous scheme.

Density

5.11 In terms of density, the GLA consider that the scheme is contrary to both the London Plan and the Lower Lea Valley OAPF. It is not considered that the density of the development matches the transport capacity for the area and therefore should be reduced. Again, reference is made to the comments of the Inspector in dismissing the previous appeal decision, being that there is insufficient justification to warrant the density proposed.

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Urban Design

- 5.12 The principal concerns in urban design terms relate to the arrangement of the stairs, ramps and lift to the riverside walkway. It has been suggested that the lift be removed and that a more direct ramp be included, rather than the existing layout that doubles back upon itself.
- 5.13 It is also considered that the layout of the public space should encourage better public movement by moving the planters and car space to the western boundary, thereby allowing more direct sight lines and more openness for the business space units.
- 5.14 It was also noted the area of some of the private balconies on the flats are unacceptably low at around 4sqm.
- 5.15 The treatment of the windows overlooking the Joseph Ash site was also considered to be unacceptable and again the conflict of land uses was stated to be an issue for the scheme. It was suggested that the provision of semi-enclosed communal access routes for residents may provide a more effective buffer.
- 5.16 The communal open space on the fourth and fifth floors was also considered to be an area requiring improvement and it was suggested that the arrangement of photovoltaic cells within these spaces needs to be reviewed
- 5.17 Although the elevations of the scheme were considered to be of sufficiently high quality for the area, the choice of materials and layout of the elevations were considered to be 'generic and banal'. The advice goes on to describe the tall building element as not meeting the requirement for the highest quality design in this riverside setting.

Biodiversity

- 5.18 The GLA are satisfied that the development would not have a significant impact upon the River Lea in terms of biodiversity or nature conservation, but has recommended that a condition be imposed to secure positive gains in ecology to be in compliance with London Plan policy 3D.14. A condition to this effect is included in section 11 of this report.

Access and Inclusive Design

- 5.19 Further information on the ramped access to the riverside open space from the Leven Road is sought, as the arrangement is considered to be complicated and messy. Further information is also required on the raised play space on the riverside open space.

Children's Play Space

- 5.20 The provision of two areas of child play space, one public and one communal, is welcomed by the GLA.

Energy

- 5.21 The GLA require additional information to be submitted. In the first instance,

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clarification is sought on whether a reduction in the building's heating requirement can be achieved through air tightness and wall insulation.

- 5.22 Further information is required to demonstrate that the heating requirements of the development are supplied from a single energy centre. This requirement goes only so far as to require indicative drawings with the specific detail to be secured by a condition.
- 5.23 Further information is also required on the proportion of roof space allocated to photovoltaic cells and the calculation of carbon saving and electricity yield. It has been suggested that the installation of these photovoltaic cells be secured by condition.
- 5.24 The applicant has provided a response to these queries dated 16 April 2009. This response demonstrates that insulation and air tightness would be considerably better than the current Building Standards. An energy centre will also be provided at the lower ground floor level and will house a high efficiency gas boiler for space heating and domestic hot water requirements. Calculations of 'realistic' energy yield for the photovoltaic cells have also been provided. Conditions to secure these elements are contained in section 11 of this report.

Sustainable Design and Construction

- 5.25 With regard to sustainability, the GLA seem to generally accept the principles being put forward subject to the applicant committing to this in practice. These measures have been suggested to be secured by condition, which is included in section 11 of this report.

Ambient Noise

- 5.26 The residential windows along the eastern boundary of the site have again been identified as being sensitive to the neighbouring industrial use. However, unlike the preceding land use section of the Stage 1 report, in this section it has been suggested that conditions overcome any noise nuisance to future residents and to avoid disruption to the functioning of the industrial site. Such a condition is included in section 11 of this report.

Health and Safety Executive

- 5.27 The HSE object to the proposal stating that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case. This advice was generated using the PADHI+ risk assessment system, the details of which are discussed in more detail later in this report.

Environment Agency

- 5.28 The EA have no objection to the scheme subject to eight conditions to secure the following:
- A final report on the condition of the flood defences
 - The provision and management of a buffer zone alongside the River Lea
 - All planting within eight metres of the River Lea shall be local native plant species

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- A landscape management plan
- No storage of materials within eight metres of the River Lea.
- An investigation on the effects of shading from the development on the River Lea reed bed on the opposite bank.
- No light spill from the development into the watercourse or adjacent river corridor habitat.
- Details of the footpath within the buffer zone.

5.29 Conditions to this effect have are suggested in the recommendation below.

Transport for London

5.30 In providing comment on this application, TfL specified that the content of the advice does not represent the views of the Greater London Authority, which should be consulted separately.

5.31 In analysing the site location and access to public transport facilities, it was considered that the PTAL rating for the site is 1b (on a scale of 1 to 6 where 6 is considered excellent). See paragraph 9.13 below for the explanation of the apparent discrepancy between the Corporation's PTAL assess of 3 and TfL's assessment of 1b.

5.32 The assessment of the trip generation for the development indicated that the Transport Assessment 'significantly underestimated' the trip rate of both the residential and commercial elements of the scheme. However, despite this factor, it was accepted that the impacts of the development on the local road network would be likely to be negligible. The impact of the development on public transport was also considered to be low.

5.33 The car free nature of the development was supported and it was recommended that residents be (other than registered disabled residents) should not qualify for local parking permits. The provision of cycle parking was also supported.

5.34 TfL has asked for more information to determine the servicing arrangements as well as any proposed means to mitigate the impact of construction and delivery traffic. It has been suggested that this information be secured by condition and would involve a Delivery and Servicing Plan and Construction Logistics Plan. Conditions securing this is suggested in the recommendation below.

English Heritage

5.35 The site is located within an archaeological priority area and therefore English Heritage has requested a condition to secure a programme of archaeological works in accordance with a written scheme of investigation. Such a condition is recommended.

5.36 English Heritage has also requested a condition to secure a programme of recording and historic analysis of the standing buildings on site. Again, such a condition is recommended

Thames Water

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5.37 Thames Water has provided general advice on the treatment of waste water, drainage and water supply.

National Grid

5.38 National Grid has advised that the risk to operational gas and electricity networks is negligible. This advice does not refer to the nearby gasholder site.

Other Representations

5.39 The London Borough of Newham, the Olympic Delivery Authority, Inland Waterways Association and the National Air Traffic Service all responded with no objection or comment.

6. APPLICATION PUBLICITY

6.1 Site Notice Expiry: 20 February 2009

6.2 Neighbour Notification: 21 January 2009

7. REPRESENTATIONS

7.1 No representations were received from neighbours or other non-statutory consultees.

8. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance

PPS1 Sustainable Development
PPS3 Housing
PPG4 Industrial, Commercial Development and Small Firms
PPG13 Transport
PPG24 Noise
PPS25 Flood Risk

8.2 The London Plan

2A.1 – Sustainability Criteria
2A.7 – Areas for Intensification
3A.3 – Maximising the Potential of Sites
3A.5 – Housing Choice
3A.6 – Quality of New Housing Provision
3A.8 – Definition of Affordable Housing
3A.9 – Affordable Housing Targets
3A.10 – Negotiating Affordable Housing
3C.2 – Matching Development to Transport Capacity
4A.1 – Tackling Climate Change
4A.2 – Mitigating Climate Change
4A.3 – Sustainable Design and Construction
4A.4 – Energy Assessment
4A.5 – Provision of Heating and Cooling Networks
4A.6 – Decentralised Energy

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4A.7 – Renewable Energy
4A.9 – Adaption to Climate Change
4A.10 – Overheating
4A.11 – Living Roofs and Walls
4A.12 – Flooding
4A.13 – Flood Risk Management
4A.14 – Sustainable Drainage
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.9 – Tall Buildings – Location
4C.3 – The Natural Value of the Blue Ribbon Network
4C.4 – Natural Landscape
4C.6 – Sustainable Growth Priorities for the Blue Ribbon Network
4C.11 – Increasing Access Alongside and to the Blue Ribbon Network
4C.22 – Rivers, Brooks and Streams

8.3 LB Tower Hamlets Unitary Development Plan and Local Development Framework

In November 2006, Tower Hamlets submitted to the Secretary of State for approval Local Development Framework documents that included the Core Strategy and Development Control Development Plan Document and the Leaside Area Action Plan Development Document. However, the Tower Hamlet's Cabinet raised concerns regarding the style of the Core Strategy and in September 2007 the Cabinet resolved to withdraw and recast the plans. Whilst the renewed consultation on the Core Strategy is undertaken and reviewed, interim planning documents should be read in conjunction with the adopted UDP.

Tower Hamlets Unitary Development Plan (1998)

DEV1 – Design Requirements
DEV2 – Environmental Requirements
DEV3 – Mixed Use Development
DEV12 – Provision of Landscaping in Developments
DEV13 – Design of Landscaping Schemes
DEV46 – Protection of Waterways
DEV47 – Development Adjacent to Rivers and Canals
DEV48 – Provision of Walkways on the River Lea
DEV51 – Land Contamination
DEV55 – Development and Waste Disposal
DEV56 – Recycling Provision
DEV63 – Green Chains
EMP1 – Promoting Employment Growth on Derelict Sites
EMP2 – Retaining Existing Employment
HSG1 – Provision of Housing Development
HSG2 – Location of New Housing Development
HSG3 – Affordable Housing
HSG7 – Dwelling Mix and Type
HSG16 – Residential Amenity Space
T11 – Controlled Parking Zones
T15 – Traffic Generation
T16 – Impact of Development on Transport Infrastructure

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T17 – Parking Standards
T20 – Pedestrian Facilities Along Canals
U2 – Development in Flood Risk Areas
U3 – Flood Protection Measures

Tower Hamlets Interim Planning Guidance Core Strategy and Development Control Plan

CP1 – Creating Sustainable Communities
CP3 – Sustainable Environment
CP4 – Good Design
CP5 – Supporting Infrastructure
CP9 – Affordable Workspaces
CP14 – Combining Employment and Residential Use
CP19 – New Housing Provision
CP20 – Sustainable Residential Density
CP21 – Dwelling Type and Mix
CP22 – Affordable Housing
CP25 – Housing Amenity Space
CP34 – Green Chains
CP36 – The Water Environment and Waterside Walkways
CP37 – Flood Alleviation
CP46 – Accessible and Inclusive Environments
CP48 – Tall Buildings

8.4 Other Relevant Planning Policies & SPG's

Lower Lea Valley Opportunity Area Planning Framework (2007)
Tower Hamlets Interim Planning Guidance Leaside Area Action Plan (2007)
PAHDI – HSE's Land Use Planning Methodology (2008)

9. ASSESSMENT OF MAIN ISSUES

Principle of the Development

9.1 In strategic land use terms, PPS3 seeks to ensure that residential developments are located in areas that offer a range of community facilities with good access to jobs, key services and infrastructure. PPS3 places particular emphasis on previously developed or derelict sites for priority in development. This application site would clearly fall under this category of a priority development site.

9.2 Notwithstanding the advice of PPS3, paragraphs 15 and 18 of PPG4 identify the issues surrounding the introduction of residential uses into areas of existing industry and state that planning permission should normally be granted unless there are unacceptable noise, smell, safety or health impacts associated with the adjacent industrial uses. PPG4 goes on to state that the fact that a proposed use differs from the predominant surrounding use is not sufficient reason in itself to refuse permission. Refusal would require specific and significant reasons such as those previously mentioned.

9.3 In more specific land use terms, the Lower Lea Valley Opportunity Area Planning Framework (OAPF), the adopted Tower Hamlets UDP and the Leaside Area Action Plan (AAP) all identify this area of riverside industrial use as being appropriate for

mixed use development.

- 9.4 The Lower Lea Valley OAPF generally identifies the Poplar Riverside sub-area as having the potential to deliver between 1750 and 1850 new homes at density ranges of between 225 to 725 habitable rooms per hectare (hrh), depending on improvements to public transport accessibility. The OAPF states in paragraph 2.105 that the pre-requisite for residential development in this area is a detailed analysis and spatially specific masterplan process that identifies the potential impact of land use change to the area and to ensure that the future development of the surrounding area is not constrained. To this end, Tower Hamlets, the LTGDC, Design for London and the Greater London Authority are preparing the Poplar Riverside Implementation Plan. This plan seeks to guide a coordinated approach to the planning of the area and in particular the urban form and future uses. The detail emerging from this plan indicates that the land that fronts Leven Road between the application site and the Tram Sheds has the potential to be an important public square providing an inviting access through to the River Lea. Furthermore, the Tram Sheds themselves have the ability to serve an important community function and would be particularly well suited if opening out onto an easily identifiable public square.
- 9.5 The policy context of this location has previously been tested by the London Borough of Tower Hamlets, by their approval of a 37 unit mixed use scheme at this location in January of 2007. More recently, the Inspector considering the appeal in relation to the previous 66 units scheme dated 10 February 2009 did not regard the land use principle of the development to be an issue when coming to his decision to dismiss the appeal.
- 9.6 Members will note, however, that the GLA have raised concerns with regard to the principle of land use change at this location. The view held is that there is insufficient justification for the land use change and at this point in time, the proposal is premature. In reaching this conclusion, the GLA viewed the appeal decision as being the most recent and relevant reference and stated that as the Inspector did not consider the site history, the site history was no longer a relevant consideration in the current application. This view is at odds with the conclusions on land use principle contained within the Stage 1 report on the previous scheme for this site. At that time, an argument for prematurity was being put forward by Design for London, however the GLA dismissed these concerns, stating that the approval by Tower Hamlets for a 37 unit residential scheme establishes the principle of the land use change and that there is no policy basis to refuse on grounds of prematurity. The fact that the Inspector did not reference the site history has more to do with the fact that the land use principle was agreed to be sound by all parties and was not therefore at issue. Therefore, officers do not consider this appeal decision discounts the land use principle established by the previous permission of 37 units.
- 9.7 As a side note, although the previous scheme was considered by a different GLA case officer and under a different Mayor of London, both the London Plan and Lower Lea Valley OAPF remain unchanged.

Design

- 9.8 The design of the previous scheme was dominated by a 45 metre, 14 storey cylindrical tower set back eight metres from the River Lea. This was considered to

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be at odds with the intention for the area, particularly in terms of the waterside location and the lack of open space.

- 9.9 The design of the current development has evolved and responded to the concerns relating to the previous scheme. The result is a development that delivers part of the open square envisaged in the emerging Poplar Riverside Implementation Strategy to the front of the former tram sheds.
- 9.10 At the Leven Road frontage, the building rises 18.8 metres in six storeys. Despite being higher at the Leven Road frontage than the previous scheme, the frontage is narrower due to the allocation of the open square. Specifically, the width at Leven road is 17 metres, which occupies 51% of the 33 metre site frontage. This creates openness in the streetscape and helps to reduce any perception of overbearing for the dwellings opposite. The second storey 22 metre wide cantilevered element provides a point of interest in its own right, while also being a canopy over the shop frontages. Overall, this frontage can be said to be comparable in height to the recently completed Swan Housing development at 84 Leven Road, which is a part four, part five and part eight storey development, while also creating a visual and physical connection to the River Lea.
- 9.11 Linking Leven Road with the River Lea is a public square with ramps up to the top of the flood defence wall. This public square is activated at street level by seven affordable business units and overlooked by balconies on the storeys above. The public spaces surrounding the building will be discussed in greater detail later in this report.
- 9.12 At the River Lea frontage of the site, the tower element has been reduced from the previous application to 11 storeys and a total height of 31.8 metres while being set back 16.4 metres from the river's edge. The 17 metre width is maintained through to this river frontage and therefore results in a slender tower structure. It is considered that this results in a balance of a wide useable and desirable riverside walkway while presenting a tower that does not dominate the river side environment.
- 9.13 Facing the adjacent John Ash site to the south west, the elevation provides a simpler façade with off set windows. This approach intends to develop the application site without jeopardising the development potential of the John Ash site, which has been identified within the Implementation Strategy as having the potential to be developed for residential use. The eastern elevation drawings indicate where an adjacent building may be developed in line with the approach of the Implementation Strategy. This is indicated by the red dashed lined on the building elevation.
- 9.14 The applicant has committed to meet Level 3 of the Code for Sustainable Homes, which is the equivalent of the former BREEAM Eco-Homes rating of 'Very Good'. This rating has been achieved by achieving 61 points on the Code's pre-assessment scorecard which is only 7 points short of meeting the Level 4 rating. The reason for this shortfall comes down to the minimum standard for the reduction in CO₂ emissions. Level 3 requires a minimum of 25%, while Level 4 is 44%. To achieve this greater reduction, a revised energy strategy would be required, however due to the parameters of the site layout and proposed development, this would be difficult to achieve. The GLA are satisfied with both the Sustainability and Energy Statements provided with the application, subject to further measures as

listed earlier being secured by condition. It is therefore considered that the Level 3 rating is satisfactory.

- 9.15 A range of materials have been suggested for the new structure, ranging from grey brickwork over the primary core of the building, white insulated render over the tower and Joseph Ash flank elevations and timber cladding panels to the Leven Road frontage. The affordable business space units all are full height glazing. It is recommended that conditions be imposed to secure full details of these materials, including samples.

Residential Density

- 9.16 At 66 units and 178 habitable rooms, the scheme presents a residential density of 787 habitable rooms per hectare (hrh). This residential density is a reduction from the previous scheme which was 927hrh, but is an increase in density over the extant planning permission for the site of 450hrh.

- 9.17 In terms of the policy guidance for the area, the London Plan, Leaside AAP and the Lower Lea Valley OAPF are specific in stating what would be considered reasonable residential densities for the area.

- 9.18 The Leaside AAP suggests a range of between 200-700hrh, unless designated to provide higher proportions of family housing, in which case the range is reduced to 200-450hrh. The size of the site and the scale of the development are not conducive to typical family accommodation and therefore the density limitation would not be taken from the lower density of 450hrh.

- 9.19 The Lower Lea Valley OAPF reflects the Leaside AAP suggesting densities in the range of 225-725hrh. However, this document qualifies the higher density range in stating that this would be subject to public transport improvements.

- 9.20 The London Plan establishes a site specific density assessment through the PTAL density matrix contained in Table 3A.2. The advice received from the Transport for London indicates a PTAL of 1b, which would suggest a maximum density of 250hrh, based on this London Plan density matrix. However, a site specific PTAL analysis conducted by the Corporation's consultants on the previous scheme in October of 2008 found that the site had a PTAL rating of 3. There is no reason to believe that the public transport situation would have changed since this analysis was undertaken and it is likely that the 1b rating has been taken from a more general PTAL map of the area.

- 9.21 While it is acknowledged that the residential density of the proposed development is higher than what is prescribed in these three documents, it should be noted that these ranges are by no means prescriptive and public transport accessibility is a key, but far from sole, factor to be taken into account in considering appropriate residential density. In this regard, there has been varying advice received on the public transport accessibility of the site. London Plan policy 3A.3 seeks to achieve the maximum potential of development sites but only in compatibility with the local context, good design and public transport accessibility. In this respect, the residential density is, on balance, acceptable for the location. In the first instance, the scheme delivers a large area of open space that links the local community to the River Lea. This layout and design solution is discussed in greater detail elsewhere in this report, however it should be noted that this space allows

greater openness and activity at ground level of the site. The result is a development that provides a less intense form of development that responds to the policy guidance for the area, albeit above the recommended density ranges.

9.22 The applicant has provided a financial appraisal of the scheme which has sought to demonstrate that a development at a lower density would not be viable. As stated later in this report, the specific details of the appraisal are still the subject of negotiation.

Residential Mix and Tenure

9.23 The scheme proposes a total affordable housing allocation of 16 units split between 10 social rented units and six intermediate. This equates to a provision of 24% affordable housing on site, split 62.5% as to social rented and 37.5% intermediate. The total breakdown is summarised in the table below.

	Studio	1 Bed	2 Bed	3 Bed	TOTAL	%
Private	5	17	17	11	50	76
Social Rent	0	5	1	4	10	15
Intermediate	0	4	1	1	6	9
TOTAL	5	26	19	16	66	
%	8	39	29	24		

9.24 The proportion and mix of affordable housing is inconsistent with both the strategic and local policy objectives in this regard. In terms of proportion, the London Plan through policy 3A.9 seeks an affordable proportion of 50%, of which 70% is allocated to social rented and 30% intermediate. Tower Hamlets UDP differs from the London Plan, seeking an affordable proportion of 25%, although the draft LDF seeks raises this proportion to 35% with a split of 80% social rented to 20% intermediate. For the purposes of this application and at this point in time, the policy document with the greatest weight is the London Plan.

9.25 Ultimately, the surrounding context must also be taken into account. In the first instance, this area of Poplar has a high proportion of social housing pre-existing. Although the London Plan approach to affordable housing does not take the existing area proportion into consideration, a more pragmatic approach is to consider the surrounding context, particularly in light of the findings within the financial appraisal.

9.26 Another consideration is Tower Hamlet's Interim Poplar Riverside AAP which designates the site as being within an area for family housing. This document has been given due consideration. However the site's size and layout is not conducive to family housing, being a multi storey flatted development.

9.27 The applicant has sought to justify the policy shortfall with a financial appraisal of the scheme. At the time of writing, further information on the affordable toolkit was being sought from the applicant. The outcome of this continuing negotiation will be reported at the committee in an addendum report.

Residential Amenity and Open Space

9.28 Residential units throughout the scheme are arranged in a way that benefits

from daylight and sunlight. The orientation of the block is roughly south to north and therefore allows the majority of units either an easterly or westerly outlook. The only exceptions to this are the nine north facing units in the north eastern corner of the tower block. However, these units enjoy an uninterrupted outlook and are not considered to represent a poor internal natural lighting environment.

- 9.29 The surrounding built environment, being predominantly low rise, will not impact upon the daylight or sunlight environment of the proposed units. The reverse situation, ie overshadowing of the existing residential dwellings, will also not be an issue despite this existing urban form being low rise in comparison to the proposed development. This is because all other existing residential dwellings are located to the south of the application site.
- 9.30 To the east of the application site is the Joseph Ash galvanising site. This site has the greatest potential to generate disturbance to the residential amenity of future occupiers, particularly through noise and odour. However, it is considered by officers, in the context of the guidance contained with PPG24, that the impact of this industrial site is not likely to be severe and that where a disturbance may occur, the impact is able to be mitigated. In the first instance, the layout of the Joseph Ash site is such that the main galvanising facilities are on the far side of the site and contained within industrial buildings. It should also be noted that the existing housing on Leven Road is already closer to the site, being literally opposite the main galvanising building. Those units within the scheme that overlook the site have their eastern windows offset and are all dual aspect. Officers are satisfied that further means of mitigation can be achieved by the imposition of a condition securing details of the glazing specification and an acoustic report. Such a report is suggested.
- 9.31 In terms of private open space, each unit within the scheme has access to its own private balcony. The balcony sizes range from 3.6m² to 15m², however the pair of three bedroom units located on the ninth floor take advantage of the space available at this level and have large roof terraces. In terms of the smaller balcony sizes, it is noted that the GLA regard these as being unacceptably low. However, when considering the balcony dimensions *BRE Housing Design Handbook*, the rule of thumb is that a minimum balcony size of 3m² for a one bed unit is acceptable, rising 1m² per person per unit thereafter.
- 9.32 Communal open space for residents is provided by way of a 110m² terrace on the fourth floor and a 148m² roof terrace on the fifth floor. The latter includes a children's play area.
- 9.33 Public open space occupies most of the Leven Road and upper ground floor levels. At the Leven Road level, the open areas take the form of a large area of public square. This approach has taken its lead from the Poplar Implementation Plan which identifies this site as being a public square to the front of a large community facility, namely the former tram sheds. Although the conversion of the trams sheds is an ambition of the Corporation for the area, the delivery of this square with the affordable art studios activating the space will greatly assist in delivering this ambition.
- 9.34 Rising up from the public square is the flood defences, on top of which are a riverside walk. This area achieves an eight metre wide passage of public space that will ultimately link into the wider pedestrian and cycle links to be delivered in the

Lower Lea Valley. The riverside walk also delivers a children's area, landscaping and further terraced spaces. Like the public square, the riverside walk is one element of a much wider aspiration for the area. The full details of these open areas shall be secured by condition.

Parking and Access

- 9.35 Access to the site is provided from Leven Road by way of a 4.8 metre wide crossover and driveway to a basement parking level. This access narrows to 3.5 metres within the building, with the one way flow of traffic being controlled by a system of traffic signals.
- 9.36 Twelve car parking bays are located in this basement area. This level of provision accords with the maximum car parking standard of 50% of residential units as specified in Tower Hamlets UDP. In support of this low proportion of car parking, the Section 106 agreement will ensure that future residents will not be eligible for on-street parking permits. In term of cycle parking, the proposal intends to provide one space per residential unit and 20 spaces in the public areas for visitors and employees of the business units. A car club bay has also been indicated on Leven Road frontage. This approach to parking is considered to be consistent with all levels of planning policy intended to reduce dependence on the private motor vehicle and to encourage alternate methods of transportation, such as public transport, walking or cycling.
- 9.37 The servicing of the ground floor business units will be achieved via the public square. A row of retractable bollards set back 18 metres from Leven Road allows service, refuse or emergency vehicles access to this area of the space. The swept path analysis contained within the supporting Transport Statement indicates that all these vehicles will be able to enter, manoeuvre and exit the site in forward gear. A Delivery and Servicing Plan shall be imposed by way of a condition that will ensure that these servicing vehicles do not conflict with the pedestrian environment created in the public square.

Employment Use

- 9.38 The proposal brings forward seven affordable business units intended to be used as artist studios. These units occupy 387m² of the Leven Road level building area and will result in the creation of seven jobs. These units result in a loss of net industrial space of 561m² from the existing 948m². However, the delivery of these units results in an increase in employment numbers from six to seven.
- 9.39 The Lower Lea Valley OAPF seeks to protect industrial capacity while also looking to introduce additional uses in a sustainable and managed way. In this respect, the scheme results in a loss of industrial area but delivers a higher quality of business space and increasing employment numbers. The business units also represent better compatibility with the existing residential in the area.
- 9.40 The principle of the employment space is also in general conformity with the adopted Tower Hamlets UDP. Specifically, policy EMP2 only supports the redevelopment of employment sites with residential mixed use schemes this where a comparable or increased job density can be achieved.
- 9.41 The affordable business space has the support of Acme Studios who, in their

supporting letter dated January 2009, have agreed to purchase a long lease (125 years) of seven fit-for-purpose artist studios. According to this letter of support, Acme's terms have been fully accepted by the developer. Acme has also stated that the majority of artist taking up these studio spaces will be residents of Tower Hamlets.

Proximity of Leven Road Gasholders

9.42 As stated previously in this report, PPG4 provides guidance on where residential development should be considered appropriate in the context of existing industrial development. Among other considerations, PPG4 states that planning permission should normally be granted unless there are issues of safety arising from nearby industrial uses. On this matter, the Leven Road gasholder site potentially raises such safety concerns in the context of this development.

9.43 Circular 04/00 provides guidance on planning controls for hazardous substances and specifically outlines the role of the HSE in providing advice, inter alia, on proposed development in the vicinity of hazardous installations. The guidance states that where the HSE has recommended that a planning application near a hazardous installation be refused, a determination of the planning authority contrary to this advice should not be taken without careful consideration of the issues, after which the planning authority will advise the HSE of its intention and allow 21 days before making a determination. During this 21 day period, the HSE will decide whether there are sufficient grounds to request that the Secretary of State call in and determine the application.

9.44 As described earlier in this report, the principle of residential development has previously been tested with the granting of planning permission by Tower Hamlets Council for a 37 unit residential scheme. In approving the previous scheme, the Tower Hamlets Planning Committee took into consideration the location of the nearby gasholders and concluded that, on balance, the benefit to the area of redeveloping the site with the number of units proposed carried greater weight than the risk associated by the location of the gasholders. This decision took into consideration the history of gasholder failures in the country as well as the location of existing residential properties in relation to the site. It should be noted that the HSE advised against the granting of planning permission in this case, stating that there were sufficient reasons on safety grounds to refuse the application. Whilst the HSE were given the 21 day period in which to request that the application be called in by the Secretary of State, it was concluded that there would not be the need on that occasion. The letter from the HSE advising of this decision also emphasised that this conclusion should not be interpreted as a withdrawal of the advice against the granting of planning permission and also expressed concern that the local planning authority should not act without a full understanding of the consequences that would follow an accident.

9.45 The approach taken by the Corporation to the assessment of the larger 66 unit appeal scheme was similar to that of the Borough. It was considered that, on the information provided by the HSE and their previous decision not to request that the Secretary of State determine the application, a reason for refusal would not stand on its own merits. It was also felt that, on balance, the redevelopment of the Poplar area should not be prejudiced by the Corporation on formulaic advice from the HSE, particularly when that authority has the specific opportunity to request Secretary of State's intervention, but to date has chosen not to avail itself of that opportunity.

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However, on the other hand, it must be acknowledged that, in determining the 66 unit appeal, the Inspector found that the residual risk that the gasholders present to the development would make the development unsafe and the appeal could be dismissed on this factor alone.

9.46 Unless the Health and Safety Executive can provide convincing site specific advice on how these gasholders pose a risk to the safety of future occupiers of the site, particularly considering the number of existing dwellings within the inner consultation zone, it is considered that a reason for refusal on safety grounds would be unreasonable. However, should a real risk be presented to this development by these gasholders, the Health and Safety Executive has the opportunity to request that the Secretary of State call in the application for her own determination.

9.47 Finally, in light of the potential conflict between regeneration and safety, the Corporation has commissioned its own risk assessment of the development and the gasholders. The results of this risk assessment will be reported to the committee in an addendum report.

10. CONCLUSION AND REASONS FOR APPROVAL

10.1 The proposal is effective in bringing forward the regeneration of an under-developed brownfield site. This approach is consistent with the policy approach to meeting the demand for housing by maximising the potential of sites. Furthermore, the affordable business space provides a mix of uses on site as well as increasing the number of jobs on site.

10.2 While the proposal is a fairly intensive development of the site, a large public square and access to the river are generously provided for. This provides an added benefit for the future residents of the site while also providing a new open space for the surrounding community.

10.3 The HSE maintain their objection to the scheme on the ground of the risk posed by the existing gasholder site. While the Corporation's approach to this risk has remained consistent, a detailed risk assessment is underway and shall be reported on the night of the Committee. That addendum will also provide an update on the financial appraisal.

10.4 Subject to no significant issues arising, it is therefore recommended that the application be delegated to the Director of Planning to **APPROVE** the application, subject to:

1. The completion of a Section 106 Agreement in accordance with the Corporation's Planning Obligations Community Benefit Strategy to secure:

- A financial contribution towards community infrastructure
- Works in Kind for the provision public square
- Securing the provision of not less than 16 affordable units in the mix described at paragraph 9.16 (above)
- Affordable business space provision as detailed in this report
- Car permit free development
- Public access to the square and riverside walkway
- Car club details

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2. Referral to the Health and Safety Executive to allow 21 days for their consideration on whether to request that the Secretary of State call-in the application for her determination
3. Referral to the Greater London Authority for their Stage 2 consultation response.
4. The conditions as listed in section 11 of this report.

11. CONDITIONS AND REASONS

1. The development to which this permission relates shall be commenced not later than the expiration of THREE YEARS from the date of this permission.

Reason: To ensure that the development is commenced within a reasonable time period and in accordance with Section 91 of the Town and Country Planning Act 1990

2. The details to be implemented in accordance with the approved plans (will be listed on decision notice)

Reason: To ensure that the development is implemented in accordance with the approved drawings.

3. Full details of the following shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved.

- a. The materials to be used on the external faces of the buildings provided on a sample board and indicated on a drawing of each elevation
- b. Further details of the treatment of the affordable business unit frontages including potential signage zones
- c. Acoustic glazing and ventilation for the residential units
- d. The treatment of open land within the site including both hard and soft landscaping to include the riverside walk, any proposed walls, fences and railings and outdoor furniture.
- e. A scheme of external lighting that shall demonstrate that the on site lighting will not disturb adjacent residential occupiers and that no light spill will be experienced onto the watercourse or adjacent river corridor habitat.
- f. Any storage facilities for oils, fuels or chemicals

Reason: To ensure the specific details of the scheme are delivered to a high quality specification.

4. All residential units shall be constructed so as to provide sound insulation against externally generated noise of the adjacent industrial operations such that the resultant internal noise levels within residential units between the hours of 11.00pm and 7.00am shall not exceed 33dB L Aeq 15 min (based on an external noise environment of 63dB L Aeq 15 min, 1 metre from the closest residential facade), unless otherwise agreed in writing by the Local Planning Authority. This criterion applies with windows shut and with an appropriate ventilation system that does not give rise to a noise level greater than 33dB(A) or a sound level in any 1/3 octave

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band in the range 50Hz to 8kHz that is more than 5dB above immediate adjacent 1/3 octave bands.

Reason: In order to protect the residential amenity of future occupiers of the development

5. Full details of the refuse and recycling storage areas shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be implemented prior to the first occupation.

Reason: To ensure that the refuse and recycling areas are completed to an acceptable standard.

6. Prior to the commencement of the development hereby approved, full details of the children's play areas located on the upper ground floor (plan number 2943(A) PL103 rev G) and fifth floor (plan number 2943(A) PL108 rev F) shall be submitted to and approved in writing by the Local Planning Authority. No part of the building shall be occupied until the approved details have been implemented thereafter.

Reason: To ensure that the child play space is delivered and maintained to an acceptable standard.

7. All the residential accommodation provided within the development hereby approved shall comply with Lifetime Homes standards and 10% of such accommodation shall be accessible by wheelchair users or easily adaptable to such use.

Reason: To ensure that the appropriate level of accessibility

8. Prior to the commencement of the development hereby permitted, full particulars of a Demolition and Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- a. Public safety, amenity and site security
- b. Building, engineering and other operation carried out only between the hours of 0800 and 1800 Monday to Friday, 0800 to 1300 Saturdays and shall not be carried out at any time on Sundays or Public Holidays.
- c. Noise and vibration controls
- d. An air quality and dust management plan
- e. Surface/foul water drainage plans and associated control measures
- f. Recycling plan for waste and material reuse
- g. Details of wheel washing facilities to prevent the carriage of mud and material onto the public highway
- h. A construction traffic management plan, including details of on-site construction parking and delivery arrangements.

Reason: In the interests of the local residential amenity

9. Development of the site shall not begin until a scheme of site investigation to identify and mitigate any contamination had been submitted to and approved in writing by the Local Planning Authority. The scheme should identify the extent of any contamination and the measures to be taken to avoid risk to human health, buildings and environment when the site is developed. Details of the scheme should

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include:

- a. A 'desk study report' documenting the history of the site
- b. A proposal to undertake an intrusive investigation at the site based on the findings of this report
- c. A 'site investigation report' to investigate and identify potential contamination
- d. A risk assessment of the site
- e. Proposals for any necessary remedial works to contain, treat or remove any contamination
- f. Where remediation is required, it shall be carried out before the site is occupied and a certificate or validation report stating that remediation has been completed as agreed with the Local Planning Authority must also be prepared by a suitably qualified person and submitted to and approved in writing by the Local Planning Authority. Occupation of the site must not occur until the certificate or validation report has been approved by the Local Planning Authority.

Reason: To safeguard the public, environment and ground and surface water from any possible contaminated material found on site.

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. the archaeological work shall be undertaken by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: So that the local authority may record and preserve any archaeological remains that may be present on site.

11. Before any construction work commences on site, arrangements for the monitoring before and during the construction phase for Black Redstarts and bats shall be submitted to and approved by the Local Planning Authority in writing. Full details of any necessary measures for the protection of the identified species and the provision of habitats shall be submitted to the Local Planning Authority for written approval. The approved scheme shall thereafter be implemented to the satisfaction of the Local Planning Authority unless any variation is approved in writing.

Reason: To protect any likely population of these species

12. A final report on the condition of flood defences shall be submitted to and approved in writing by the Local Planning Authority. The final report shall include details of any proposed replacement, repair or maintenance works.

Reason: To protect the development from flooding

13. Prior to the commencement of the development hereby permitted, a scheme for the provision and management of a buffer zone alongside the River Lea shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect and maintain the ecological value of the watercourse.

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14. Prior to the first occupation of the development hereby approved, a landscape management plan, indicating long term design objectives, a planting scheme, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out as approved thereafter.

Reason: To protect and conserve the natural features and character of the area.

15. All planting within 8 metres of the River Lea watercourse shall be of locally native plant species only and of UK genetic origin.

Reason: In the interests of local wildlife and to help maintain the region's natural balance of flora.

16. During construction, there shall be no storage of materials within 8 metres of the River Lea. This area must be suitably marked and protected and there shall be no access during development. There shall also be no fires, dumping or use of machinery within this area designated area.

Reason: To reduce the impact of the development on wildlife habitats upstream and downstream, including bankside habitats.

17. Development shall not begin until a further study into the effect of the development on the ecology and biodiversity of the River Lea including the reed bed opposite the site, has been submitted to and approved in writing by the Local Planning Authority. The further study should not be limited to the affects of shading at mid-day but should incorporate the percentage of time during daylight hours (at different times of the year) that the river and reed bed would be shaded. This study shall demonstrate a net ecological gain with the development from the existing use.

Reason: To ensure that the development does not have a significant negative effect on the River Lea and the associated habitats.

18. Full details of sustainable urban drainage systems to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The construction of such drainage systems shall be carried out in accordance with such approved details thereafter.

Reason: In the interests of sustainable drainage principles.

19. No works shall be commenced on site until the London Borough of Tower Hamlets (as Highway Authority) has approved in writing a scheme of highway improvements necessary to serve the development being alterations and repairs to the adopted length of Leven Road adjacent to the site.

Reason: In the interests of proper maintenance standard to the public highway.

20. Prior to the commencement of the development hereby permitted, full details of a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to reduce the impact of construction traffic on the local road network

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21. Prior to the first occupation of the development hereby approved, full details of a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority

Reason: In order to identify the optimum use of landing facilities and to reduce the impact of goods vehicles on the local road network.

22. Prior to the commencement of the development hereby permitted, full details of the energy centre to be provide on site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the details provided in principle are secured in detail

23. The installation of photovoltaic cells specified in the application documents and as shown on the approved drawings shall be implemented prior to the first occupation of the development.

Reason: To ensure the provision of renewable energy systems on site.

12. INFORMATIVES

1. A Section 278 agreement will be required for the proposed works to the local highway. The applicant is advised to contact the London Borough of Tower Hamlets Highway Services in this respect
2. The applicant is advised to contact the London Borough of Tower Hamlets Buidling Control Services to ensure that all building works are in compliance with the appropriate Building Regulations
3. The applicant is advised to contact the Environment Agency, quoting their reference TL/2009/102450/01-L01, prior to the submission of details pursuant to conditions 12, 13, 14, 15, 16 and 17.
4. Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992 for the erection of any advertisement signs and/or hoardings.

CASE OFFICER: Stephen Allen

Appendix 1: Site Location Plan

Appendix 2: Application Drawings

Appendix 3: Perspective Views