

PLANNING COMMITTEE MEETING: 26 January 2011

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

UDC CASE NUMBER:	LTGDC-10-103-FUL	DATE MADE VALID:	09/08/2010
APPLICATION NUMBER:	PA/10/01728/LBTH	TARGET DATE:	

APPLICANT:	Regentmart
AGENT:	GHM Rock Townsend
PROPOSAL:	New building comprising A3 restaurant use on Ground and Mezzanine floors and B1(c) Light industrial use on floors 1-5, together with communal Ground floor accommodation incorporating shower, changing, waste and recycling storage.
LOCATION:	90 White Post Lane, London, E9 5EN

1. SUMMARY

- 1.1 The site is the former Lea Tavern Public House located at 90 White Post Lane, Hackney Wick on the corner of Davey Road. The location is on the main route through the area to the Olympic Park. The site is cleared of all structures.
- 1.2 The application is before Members recommended to be approved. The scheme is for a seven storey commercial building that will be occupied by light industrial uses such as small printing firms, clothing designers and creative media businesses. An A3 restaurant is proposed for ground floor level.
- 1.3 The design of the building takes on a modular appearance, using glazed and cantilevered elements to create a contemporary design. This provides a modern juxtaposition against the 19th Century brick built warehouse buildings further along White Post Lane.
- 1.4 The design of the building is a point of difference between officers of the Corporation and Design for London. The consultation response received from Design for London expresses concern that the proposal will have a negative impact upon the historic buildings in the area, is too tall and is of a low design quality. Officers of the Corporation and Tower Hamlets disagree and consider that the design is high quality, the scale is appropriate and that no harm to nearby historic buildings can be reasonably demonstrated.

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- 1.5 The scheme is not considered to be of an intensity that will generate a high level of vehicle movements. An outline Travel Plan has been submitted with the application and is considered to be acceptable. The full details of the Travel Plan are to be secured by condition (see recommended condition 6).
- 1.6 Servicing of the units is achieved off street via a goods lift, with a standing area for loading being off Davey Road. The specific detail of this servicing is to be achieved by a Servicing Management Plan secured by condition (see recommended condition 5).
- 1.7 The scheme aims to achieve a BREEAM rating of 'Excellent' by incorporating a range of passive environmental design features. The commitment to this high rating is to be secured by condition (see recommended condition 16).
- 1.8 In balancing all material considerations related to this scheme, the proposal is considered acceptable subject to the imposition of the conditions listed in section 11 of this report.

2. SITE AND PROPOSAL

Site

- 2.1 The site is the former Lea Tavern at 90 White Post Lane in Hackney Wick, located on the corner of Davey Road. The site is 312 sq. metres in area and is now cleared of any structures. The adjacent building to the west is a four storey brick built warehouse building. Opposite the site are a single storey printers and a two storey office building. To the west of the site opposite Davey Road are open yard areas and single storey industrial sheds.
- 2.2 The site's location is within the Fish Island Strategic Industrial Location and the land uses surrounding are generally consistent with this designation, being warehousing, general industry, office and some sui generis uses associated with MOT services and waste uses. Approximately 100 metres to the east is the River Lea navigation, beyond which is the Olympic Park site.
- 2.3 White Post Lane is the primary east-west route through the area, linking the A12 in the west with Stratford in the east. Currently, through access to Stratford is closed due to Olympic Park construction. Hackney Wick Overground station is located 100 metres to the north of the site and local bus services run past the site.
- 2.4 Buildings in the area are a combination of large Victorian era brick warehouses with walled yard areas and later 20th Century commercial structures and open or fenced yard areas. The Victorian buildings range in scale from three to six storeys and are oriented around the canal network and built to the back edge of pavement. The later 20th century structures tend to sit back from the street within the yard areas.
- 2.5 The nearest residential development is 140 metres to the south of the site on the confluence of the River Lea Navigation and the Hertford Union Canal. This is a newly developed seven storey building overlooking the Olympic site.
- 2.6 The Fish Island Conservation Area is located 330 metres to the south of the site. There are no Listed Buildings in the vicinity.

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Proposal

- 2.7 The application has been submitted on behalf of the owner of the site, Regentmart, who are seeking full planning permission for a seven storey commercial building comprising an A3 restaurant at ground level and B1(c) light industrial uses above.
- 2.8 The design of the building can be described as being modular in form. The corner of the structure is emphasised by articulating the second and third storeys out over White Post Lane and Davey Road. The southern boundary of the site is a flat slab structure which forms the backdrop for the rest of the building. This structure houses the ventilation ducting from each level up to the plant at the top.
- 2.9 The specific heights of the buildings vary depending on each element of the scheme. The ground floor, mezzanine and first floor levels rise from the site boundaries to a height of 8.8 metres. The second and third floors are articulated out from the main structure 2.2 metres on the Davey Road frontage and 2.5 metres on the White Post Lane frontage. At a height of 16.5 metres, the building returns to the site boundaries until roof level 23.8 metres above ground level. The final major design feature of the building is the 'fin' structure that rises from ground level to a height of 29.5 metres on the southern boundary of the site.
- 2.10 A range of materials are proposed for the structure. The ground floor and mezzanine are intended to be glazed with frameless glass. Above this, the main structure of the building is proposed to be coloured curtain wall panelling and aluminium framed windows. The articulated element at the second and third storeys is glazed where it faces White Post Lane and features vertical aluminium PPC solar fins on the Davey Road frontage. The block that houses the ventilation services is intended to be a precast white concrete core to the building and features a vertical frameless glazed slot that extends from ground level to a point 26.3 metres high where it forms a horizontal band along the southern side of the building. The southern face of the building is precast concrete with occasional circular aluminium framed windows of various sizes.
- 2.11 The design of the building seeks to promote a passive environmental strategy throughout the building. The large vertical fin on the southern boundary acts as a chimney for natural ventilation, high proportions of glazing to the north and east façades are intended to increase natural lighting and the orientation of the building itself is such as to reduce solar gain.
- 2.12 Servicing of the commercial units is by way of an internal goods lift on White Post Lane. The A3 unit at ground floor level is serviced via Davey Road.

3. MAIN ISSUES

- Principle of the Development
- Design and Scale
- Highways and Servicing Matters
- Environmental Sustainability

4. RELEVANT SITE HISTORY

- 4.1 The site was the Lea Tavern Public House a Victorian era building that has now been demolished. No other relevant history of the site exists.

5. CONSULTATIONS/NOTIFICATIONS

London Borough of Tower Hamlets

5.1 At the time of writing, the Borough had yet to issue its formal recommendation. However, it is understood that the Borough will not object to the proposal. Members will be updated as to the Borough's recommendation on the night of the committee.

5.2 Internal officer comments have been passed to the Corporation and have assisted in forming the recommendation in this report. These responses are summarised as follows:

Planning Policy

5.3 Comments from the policy officer confirm that the site lies within the Fish Island Strategic Industrial Location and that the Borough will be working with the GLA and other partners to coordinate a phased release of industrial land in this area once an Area Action Plan is adopted.

5.4 The B1(c) and A3 uses within the building are considered to be acceptable in the current policy context and are also in line with the emerging vision for the area.

Design

5.5 Whilst the design officer has concerns, the planning case officer supports the scheme. The design officer's concern relates to the height of the scheme, particularly in the context of the adjacent historic brick buildings. Careful consideration also needs to be given to the projecting elements of the scheme.

Transportation and Highways

5.6 The principle of on-street servicing has previously been agreed with Highways. However no information has been provided as to how this servicing is to be managed. The details of a servicing management plan are to be secured by a condition (see recommended condition 5).

5.7 An issue was raised as to whether details of on-site cycle provision had been provided, given that 16 racks had been indicated on the application form. The ground floor plan shows provision for cycle racks and it is intended that the specific type and number will be secured by condition (see recommended condition 7).

5.8 The proposed disabled parking bay on White Post Lane was recommended to be removed, as it was considered to be difficult to implement.

5.9 A comment was made regarding doors opening outward over the public highway and reference has been made to such arrangements being unlawful under Section 153 of the Highways Act 1980. This will be brought to the attention of the applicant by way of an informative (see recommended informative 1).

5.10 Tower Hamlets Highways have expressed concern relating to the elements of the building oversailing the public highway. It has been stated that Highways do not support any applications that involve parts of the building projecting over the public

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highway. As this is not a planning matter, the applicant will be advised of the requirement to enter into a licence under Section 177 of the Highways Act (see recommended informative 2).

5.11 The Borough's Highways officers have also stated that there is a need for a full Transport Assessment to be submitted with the application. Although the applicant has not provided a full TA, an outline Travel Plan and a Servicing Management Plan have been provided along with evidence of the Borough's acceptance of the servicing arrangements at the pre-application stage. Highways have not provided an explanation as to why its advice has changed since pre-application, however the formal recommendation from the Borough will elaborate on this point.

Environmental Health

5.12 The Borough's Environmental Health Officers have assessed the scheme with respect to food safety, daylight and sunlight and contamination. Subject to the imposition of conditions, the scheme is considered to be satisfactory.

5.13 Comments relating to smell and noise pollution express concern that the details of mechanical ventilation and acoustic insulation have not been detailed. It is normal for such information to be conditioned rather than provided in detail with the submission information. Furthermore, the size of the proposed core provides sufficient room for internal ventilation flues to be run inside the building. Suitable conditions are recommended (see recommended conditions 13 and 14).

Waste

5.14 The design, layout and space provided for the waste and recycling areas are well thought through and should function well.

Design for London

5.15 Design for London does not support the application. Their concerns can be distilled into three main areas; the proposal impacts negatively upon the heritage of the area, the scheme is too tall and the design quality is poor.

5.16 The concerns of Design for London are expanded upon and discussed in detail in section 9 of this report.

English Heritage

5.17 English Heritage has confirmed that the proposal is not considered to have an effect on any heritage assets of archaeological interest. Therefore, any requirements for archaeological assessment or evaluation in can be waived in this instance.

Environment Agency

5.18 The EA are satisfied with the proposal subject to the imposition of five conditions to secure 1) a scheme to deal with on-site contamination, 2) a verification report demonstrating completion of the remediation strategy, 3) a scheme to deal with contamination not previously identified, 4) details of surface water drainage and 5) prohibition of ground piling unless otherwise agreed. (Recommended conditions

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8-12 (inc) cover these points.)

Olympic Delivery Authority

5.19 The ODA's Planning Decisions Team raises no objection to the proposal.

Transport for London

5.20 TfL have recommended that a Construction Management and Logistics Plan be secured by condition. This Plan should investigate the movement of construction material by water, given the site's location near the Grand Union Canal. (See recommended condition 4.)

Thames Water

5.21 Thames Water has provided advice to the developer with respect to waste and surface water connections. The developer will be made aware of this advice by way of an informative. **[NOTE: No such informative is currently recommended. - NH]**

6. APPLICATION PUBLICITY

6.1 Consultation Expiry: 23 September 2010

6.2 Neighbour Notification: 9 August 2010

7. REPRESENTATIONS

7.1 A total of 45 neighbouring properties were consulted on the application. No responses have been received.

8. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance and Statements

PPS1 Sustainable Development
PPG4 Industrial, Commercial Development and Small Firms
PPG13 Transport

8.2 The London Plan, consolidated with changes since 2004 (2008)

2A.1 Sustainable Criteria
2A.6 Areas for Intensification
2A.7 Areas for Regeneration
2A.10 Strategic Industrial Locations
3B.1 Developing London's Economy
3B.4 Strategic Industrial Locations
3B.5 Supporting Innovation
3B.8 Creative Industries
3B.11 Improving Employment Opportunities
3C.1 Integrating Transport and Development
3C.2 Matching Development to Transport Capacity
3C.3 Sustainable Transport in London

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3C.17 Tackling Congestion and Reducing Traffic
3C.25 Freight Strategy
4A.1 Tackling Climate Change
4A.2 Mitigating Climate Change
4A.3 Sustainable Design and Construction
4A.6 Decentralised Energy
4A.9 Adaptation to Climate Change
4A.10 Overheating
4A.19 Improving Air Quality
4A.20 Reducing Noise and Enhancing Soundscapes
4B.1 Design Principles for a Compact City
4B.2 Promoting World Class Architecture
4B.5 Creating an Inclusive Environment
4B.6 Safety, Security and Fire Prevention
4B.8 Respect for Local Context and Communities
4B.9 Tall Buildings – Location
4B.10 Large Scale Buildings
4C.1 The Strategic Importance of the Blue Ribbon Network
4C.8 Freight Uses on the Blue Ribbon Network
5C.1 Strategic Priorities for North East London
5C.2 Olympic and Paralympic Games
5C.3 Opportunity Areas in North East London

8.3 Draft Replacement London Plan Development Strategy, Consultation Document, (2009)

Policy 2.4 2012 Games and their Legacy
Policy 2.17 Strategic Industrial Locations
Policy 5.1 Climate Change Mitigation
Policy 5.2 Minimise Carbon Dioxide
Policy 6.1 Strategic Approach
Policy 7.1 Building Environment
Policy 7.2 Inclusive Environment
Policy 7.8 Heritage Assets and Archeology
Policy 7.7 Location and Design of Tall and Large Buildings
Policy 7.19 Biodiversity and Access to Nature

8.4 Lower Lea Valley Opportunity Area Planning Framework 2008

Sub-Area 5: Hackney Wick

8.5 London Borough of Tower Hamlets Core Strategy DPD 2010

SO16 Growth of existing and future businesses
SO19 Integrated Transport Network
SO24 Zero Carbon Borough
SO25 Placemaking
LAP 5 & 6 Fish Island

8.6 London Borough of Tower Hamlets Unitary Development Plan 1998

DEV1 Design Requirements
DEV2 Environmental Requirements

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DEV50 Noise
DEV51 Land Contamination
DEV55 Development and Waste Disposal
DEV56 Recycling Provision
EMP1 Promoting Employment Growth on Derelict Sites
T15 Traffic Generation
T16 Impact of Development on Transport Infrastructure
T17 Parking Standards

9. ASSESSMENT OF MAIN ISSUES

Principle of the Development

- 9.1 In land use terms, the principle of developing a commercial-led scheme at this location is considered to be acceptable. The area is designated within the London Plan as a Preferred Industrial Location and in the Tower Hamlets proposals map as being an Industrial Employment Area.
- 9.2 The London Plan also identifies this site as being within an Opportunity Area under policies 2A.5 and 5C.3. These policies seek to maximise densities, including non-residential densities, taking into account other policies. Policies 3B.11 and 5C.2 tie into this by ensuring that opportunities presented by the Olympic Games are best used to enhance skills and provide job opportunities for local communities.
- 9.3 The site is also located within sub-area 5 of the Lower Lea Valley OAPF. Specialised industrial activity, such as printing, food and creative/cultural uses are intended to be protected and promoted in this area, and this is the subject of further masterplanning work undertaken by the Corporation in conjunction with the London Boroughs of Tower Hamlets and Hackney. The OAPF emphasises the importance of this specialised industrial activity after the 2012 Olympics particularly through encouraging new and emerging industrial sectors. The release of industrial land supply in this area also means that the use of remaining industrial land will be intensified.
- 9.4 Tower Hamlets' Core Strategy identifies significant opportunity for the area given the substantial public and private investment in the Olympic Park, Legacy and Stratford City. A significant attractor to the area is the Olympic media centre, which may be instrumental in enhancing the area's small and medium enterprise cluster. The Core Strategy also underlines the importance of a regeneration framework for the area in the form of an Area Action Plan. The area's Strategic Industrial Designation will only be released once the AAP is in place.
- 9.5 The wider vision for Hackney Wick is outlined in the Hackney Wick and Fish Island Hub Delivery and Implementation Strategy as being a successful mixed use employment location that is home to creative, technology and environmental industries. This will result in a vibrant cultural and creative district stretching from Hackney Wick Station to the Olympic Media Village. While this Strategy is not an adopted policy document, it will serve to inform the eventual AAP for the area.
- 9.6 The scheme is in line with the current policy context for the area. Moreover, the proposal is well positioned to be consistent with the emerging strategic context of the surrounding area.

Design and Scale

- 9.7 When considering the design and scale of the proposal, the relevant strategic policies are 4B.1 'design criteria', 4B.8 'local context and communities' and 4B.9 'tall buildings'.
- 9.8 Policy 4B.1 sets out a list of criteria including that proposals should maximise the potential of sites, respect the local context and history, be sustainable and adaptable and be attractive to look at generally. Policy 4B.8 seeks that proposals recognise local distinctiveness and preserve or enhance local characteristics. It is a moot point whether policy 4B.9 should apply to this case, as the height of the proposal is not sufficient to trigger referral to the GLA. Be this as it may, 4B.9 sets out relevant points such as that tall buildings should create attractive landmarks, provide coherent economic clusters and act as catalysts for regeneration.
- 9.9 At a local level, Tower Hamlets policy DEV1 outlines the general design requirements for new developments. This states that proposals should take into account the character of the surrounding area in terms of its design, bulk, scale and use of materials. The policy also seeks a continuity of street frontages, taking into account building lines, roof lines and street patterns.
- 9.10 The design of the proposal cannot be said to reflect other large scale buildings in the surrounding area. The most relevant contextual references are the 19th Century warehouse buildings along White Post Lane between the site and the Hertford Union Canal. These buildings are brick built with small punctuated windows that range in height from the 15 metre high adjacent building at 92 White Post Lane to the 28 metre AOD height of the Queens Yard building next to the River Lea Navigation. Rather than try to replicate these building forms, the proposal takes a contemporary approach, utilising glazed surfaces and articulation in its façade treatments, rather than attempting to use traditional materials and uniform features. This design approach serves to make an interesting corner structure on the route through to the Olympic Park. Given the prevailing vision for the area, the contemporary approach taken by the architects will fit well into the wider regeneration of the area and act as an important benchmark for emerging scheme designs in the Hackney Wick/Fish Island area.
- 9.11 As set out in section 5 of this report, the scheme is not supported by Design for London. Officers of the Corporation and Tower Hamlets have met with the design officer and it was agreed that Design for London's comments can be distilled down into three main themes: heritage impact, scale and appearance.
- 9.12 In their comments, Design for London have placed much emphasis on the heritage significance of the area, going so far as to state that the area should be denoted as a conservation area. While there may be merit in this, the current situation is that the area is not a conservation area, nor are there any conservation areas nearby. None of the buildings are listed and no comments have been received from English Heritage in response to consultation about the impact on nearby historic buildings. Therefore, any heritage argument must be based on policy HE8 of PPS5 which provides the principles for guiding the considerations of applications that may relate to a non-designated heritage asset. A non-designated heritage asset is defined in Appendix 2 of PPS5 as (in this case) a building, site or area that has a degree of significance that merits consideration in planning decisions. Importantly, such assets are identified during the decision making

process, normally at the pre-application stage. In this particular case, the importance of the local historic buildings in the area was explained to the applicants at pre-application stage and the design evolution has taken the local historic buildings into account. It is the opinion of officers that the scheme does not result in demonstrable harm to the historic warehouse buildings nearby.

- 9.13 The scale of the building is considered by the case officers of the Corporation and Tower Hamlets to be appropriate for the location. Design for London disagree, stating that the site is not appropriate for tall, iconic and prominent building and that the scale should not compete with adjacent larger warehouse buildings. There are a range of factors that lead officers to disagree with Design for London's position. The first is that the most significant view lines to the site are improved, rather than detracted from by a building of this scale. These view lines are along White Post Lane from Hackney Wick Station and looking from west to east along Rothbury Road. The surrounding context can best be seen in Appendix 1. The alignment of Rothbury Road turns toward the site as it meets the junction with White Post Lane, creating a situation where the building emerges from around a long wide bend in the road. Similarly, the site will be seen from longer distances such as from Hackney Wick Station, which will eventually be opened out to have its main entrance near the right angled bend in White Post Lane. A building of this height and scale, coupled with its contemporary design appearance will act as a local landmark on the route to the Olympic Park.
- 9.14 The second factor is that the height can be considered to complement existing heights in the immediate area and is not considered in any way overbearing. The height cannot be said to compete with the existing warehouse buildings, which themselves are of a larger scale proportionally, but rather is an appropriate height to balance the end of this section of White Post Lane. In terms of the local context, the proposal is eight metres taller than the adjacent building at 92 White Post Lane, however this adjacent building is 25 metres from the corner of White Post Lane and Davey Road. Given the distance of 92 White Post Lane back from the corner of the proposal site, it is not considered by officers that this is a reasonable height reference or parameter to use for the proposal. It can be argued that the corner should have a building of height and significance to bookend the procession of buildings along this section of White Post Lane.
- 9.15 A third consideration is the bulk and scale of the warehouse buildings themselves. 92 White Post Lane and the Queen's Yard building significantly enclose White Post Lane both in terms of their heights and their lengths. These buildings read as having a greater mass and bulk than the proposal, which stands out more as a marker. It should also be noted that the Queen's Yard building sits on elevated ground that further emphasises the height and bulk of this building. For these reasons, officers do not consider that the proposal could possibly compete with the existing historic warehouse buildings.
- 9.16 The final factor to consider is the height of the scheme in its own right. At 23.8 metres from the street elevations and a maximum height of 28.5 metres, the scheme does not meet the criteria as a development of potential strategic importance and as such is not referable to the GLA. Furthermore, the scheme is only 3.5 metres above the minimum height for applications to be determined by the Development Corporation. Whilst the surrounding local context is always a consideration in determining the appropriate height, the scheme is not considered to be substantial in height and is not considered to demonstrate any material harm

to the surrounding area.

9.17 Design for London have described the appearance of the building as being 'inelegant and ungainly', exacerbated by the 'boxes' resulting in a 'top heavy' development. Officers do not share this view. The massing and proportions of the development were supported by Tower Hamlets design officers at pre-application stage, which led to the scheme being submitted in its current form. The design of the development is considered to be unusual but at the same time original and interesting. It is not a neutral building, but has the potential to invoke response. It has the potential to divide opinion. However this should not be construed as being bad design. Such design should be supported in Hackney Wick if the area's vision as a unique creative and media hub is to be realised.

9.18 The design and scale of the proposal is considered to meet the policy aims of design. The proposal will be a distinctive local landmark on one of the routes into the Olympic Park and a fitting benchmark for future schemes in the area.

Highway Matters and Servicing Arrangements

9.19 The development is not considered to be a high generator of vehicle movements. The applicant has evidenced this by submitting five separate and comparable examples of this type of development using TRAVL data. Tower Hamlets Highways officers were satisfied of this at pre-application stage and it therefore was not considered necessary to provide a Transport Assessment but instead accept a Travel Plan. This approach is consistent with Department of Transport guidance of Transport Assessments and London Plan policy 3C.2 in matching development to transport capacity. However, the Borough's Highway officers have requested a full Transport Assessment but have not elaborated on why this is required.

9.20 The light industrial uses on site will be subject to the Travel Plan. It is considered that the propensity for using non car modes at this development is going to be high based upon the existing local public transport provision and the proposal for a "car free" development.

9.21 Pedestrian access to the site will be gained directly from White Post Lane which has footways flanking either side of the carriageway. The remainder of the local highway network generally has footways available alongside to facilitate walking journeys.

9.22 Tower Hamlets have an objective to encourage cycling to help improve mobility, reduce traffic congestion, and improve health in the borough. A number of schemes are promoted by the Council, such as the free cycle training and cycling scheme.

9.23 The Travel Plan indicates that employees at the site will be able to take advantage of the free adult cycle training scheme. The scheme offers one on one session with a qualified cycle instructor to improve cycling skills. Once individuals are at a competent level to cycle on the road the scheme pays for a professional instructor to 'buddy' on a useful journey (e.g. home to work), helping individuals to understand and cycle the safest and most convenient route. Each participant is entitled to one such hourly session.

9.24 Cycle access to the site will be gained directly from White Post Lane and secure

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cycle parking is provided on site. White Post Lane is classed as “an alternative route recommended by cyclists” according to the cycle maps of the area.

- 9.25 Currently, the area local to the site is served by the 276 bus service. Once the link through to Stratford is restored, bus services to the area will improve. The nearest bus stop for this route is on Hepscott Road approximately 150m from the site, for the southbound stop, and approximately 200m for the northbound stop. This bus service operates between Newham Hospital and Stoke Newington Common at an approximately 10 minute frequency through the day.
- 9.26 The nearest rail station is Hackney Wick approximately 250-300m from the proposed site. Services from this station are operated by London Overground and connections are available with the London Underground network at Stratford and Highbury and Islington. The frequency of train services will significantly improve by the time of the Olympics.
- 9.27 Due to the restricted nature of the site, a unique servicing arrangement has been put forward by the applicant. Servicing and delivery vehicles are to park on Davey Road and deliveries transferred into the building. All refuse and recycling facilities are located on the ground floor off Davey Road. All floors above ground are served via a goods lift located on the White Post Lane frontage. This servicing set up will restrict future occupiers to the types of bespoke production and creative industries intended for the future of the area rather than larger scale storage and distribution occupiers that would require yards and loading bays.
- 9.28 Tower Hamlets SPG on Flexible Design in B1 Developments stipulates that service lifts should be provided in buildings of more than two storeys, which lifts should have internal dimensions of 1.4 metre width, 1.65 metre depth and 2 metre height. The minimum capacity for such lifts should be 500kg. Refuse stores should be within 10 metres of the refuse vehicle collection point and the development should have the capacity to accommodate large vehicles of a minimum 15 metres in length. The scheme meets these requirements with the exception of the final point regarding 15 metres vehicle.
- 9.29 Tower Hamlets Highways officers have provided inconsistent advice to the applicant and Corporation officers. Prior to the submission of the application, their advice was that the SPG requirements would be applied flexibly. The most recent information received prior to the application being submitted was on 2 June 2010 indicating that the servicing situation was acceptable and would be managed with a servicing management plan. Earlier correspondence indicated that the scheme does not have major servicing requirements that could not be accommodated on the public highway. It was also indicated that the draft servicing management plan put to Highways officers was sufficient and that a detailed plan should be secured prior to occupation. However, Tower Hamlets Highways officers have now requested that a full servicing management plan be submitted prior to approval of the scheme. Like the request for a full Transport Assessment, the reasons for this change in view have not been explained. The most likely reason for this change in advice is the recent turnover of staff in Tower Hamlets Highways department.
- 9.30 Officers consider that the weight of evidence provided in support of the application obviates the need for the servicing management plan to be provided prior to approval. This consideration takes into account the advice received prior to the submission of the application, particularly as this steered the applicant to submit

the servicing information in its current form. It is reasonable for the servicing management plan to be secured by condition prior to the occupation of the development.

Environmental Sustainability

9.31 The proposal incorporates a range of techniques that helps to minimise energy usage and aims to achieve a BREEAM rating of 'Excellent'. The proposal is considered to meet the criteria outlined in London Plan policy 4A.3 regarding sustainable design and construction and 4A.9 relating to climate change adaptation. These principles are also in line with the Tower Hamlets Core Strategy which identifies Hackney Wick as a 'Low Carbon Area'.

9.32 The scheme has been conceived in a way that maximises passive methods of heating and cooling, rather than relying on mechanical systems. The orientation of the building is such that the ancillary and core activities are all located on the southern side of the building. The main spaces for the units are on the northern side of this space and therefore are not exposed to excessive solar gain.

9.33 The facade design seeks to maximise natural daylight into the main units to reduce the need for artificial lighting. The northern facade has the greatest amount of glazing while the amount of light received through the western facade can be altered by changing the angle of a system of vertical fins depending on how much light or solar gain is needed within the units. The southern facade is mostly solid, but small porthole style windows have been punched in the wall to allow narrow shafts of the more intense sunlight from the southern part of the sky.

9.34 Natural ventilation is also a theme of the scheme design. The southern wall of the building houses the core systems, including chimneys for natural ventilation. This produces a stack effect where warmer air moves from the units up through the ventilation shaft. Cooler air outside the building is pulled into the building via vents or open windows on the northern facade.

9.35 Hot water and heating for the scheme is to be provided by air source heat pumps which draw heat from the outside air in a technique that is the reverse of refrigeration. Heat from the air is absorbed into a fluid which is pumped through a heat exchanger. Low grade heat is then extracted by the refrigeration system and is concentrated into higher temperature useful heat. Although this system requires electricity to run, it typically draws on a quarter to a third of the power required for electric heating and does not require fuel to be delivered and burnt as with CHP boilers.

9.36 The scheme also proposes a green roof system and rainwater harvesting.

9.37 The scheme aims to achieve a BREEAM rating of 'Excellent' and an initial overview of how this can be achieved through the BREEAM credits expected to be applicable to the development has been provided. A condition will be imposed to ensure that the 'Excellent' rating is achieved (see recommended condition 16).

10. CONCLUSION

10.1 The application before Members is considered to represent an interesting new addition to the Hackney Wick area. The uses proposed for the area are in line with

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the current Strategic Industrial Location designation and are also consistent with the emerging vision for the area.

- 10.2 The contemporary approach to the design of the scheme creates an interesting local landmark and will serve as a benchmark for future scheme designs. The scale of the building is considered to be acceptable for the location as it does not result in an overbearing or harmful impact upon any adjacent buildings. It is acknowledged that Design for London does not share this view. However it is the view of officers that the scheme will be of benefit to the area and does not result in demonstrable harm to the area and justify refusal on design grounds.
- 10.3 The servicing strategy is different from the more traditional B1(c) uses, but is entirely acceptable, subject to a servicing management plan being secured by condition.
- 10.4 The scheme introduces a number of passive environmental design features that will ensure the building achieves a BREEAM rating of 'Excellent'.
- 10.5 On the balance of all material considerations relevant to this proposal, the application is considered by officers to be acceptable. As such, the officer recommendation to Members is that the scheme be approved, subject to the conditions listed in section 11 below.

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. This planning permission applies to the following drawings, plans and details unless otherwise agreed in writing by the Local Planning Authority:

RX 2290 001 rev A Ground Floor Plan
RX 2290 002 rev A Mezzanine Floor Plan
RX 2290 003 rev A First Floor Plan
RX 2290 004 rev A Second Floor Plan
RX 2290 005 rev A Third Floor Plan
RX 2290 006 rev A Fourth Floor Plan
RX 2290 007 rev A Fifth Floor Plan
RX 2290 008 rev A Roof Plan
RX 2290 009 rev A Upper Roof Plan
RX 2290 2101 rev A North/South Elevation
RX 2290 2102 rev A East/West Elevation
RX 2290 2201 rev A Section

Reason: To ensure that the development is implemented in accordance with the approved plans, in accordance with policy DEV1 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policies 4A.3, 4B.1, 4B.2 and 4B.3 of the London Plan 2008.

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3. Full details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement.
 - a. The materials to be used on elevation of the building, to be provided on a sample board and indicated on a drawing of each elevation
 - b. Details of the treatment of the ground and mezzanine A3 use frontages including potential signage zones
 - c. A scheme of external lighting that shall demonstrate that the onsite lighting will not disturb nearby residential or commercial occupiers

The development shall not be carried out otherwise than in accordance with the particulars so approved.

Reason: To ensure that the external appearance of the building is of a high quality, in accordance with policy DEV1 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policies 4A.3, 4B.1, 4B.2 and 4B.3 of the London Plan 2008.

4. 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.
 - i. An investigation into the feasibility of moving construction and demolition material by water, given the site's location near the River Lea Navigation and Hertford Union Canal.

Reason: In the interests of pollution control and residential amenity, in accordance with policies DEV 50, DEV55 and T16 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan 2008.

5. Details of a Servicing Management Plan demonstrating the arrangements for control of the arrival and departure of vehicles servicing the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The building facilities shall thereafter be operated in accordance with the approved Servicing Management Plan.

Reason: To ensure that the servicing of the units is managed in an appropriate way that does not impede or disrupt the local highway network, in accordance with policies T15 and T16 of the adopted London Borough of Tower Hamlets Unitary

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Development Plan and policies 3C.1, 3C.2 and 3C.17 of the London Plan 2008.

6. Prior to the first occupation of the development hereby permitted, a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in full thereafter.

Reason: To encourage sustainable forms of transport, in accordance with policies T15 and T16 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policy 3C.3 of the London Plan 2008.

7. Prior to the commencement of the development hereby permitted, full details of cycle parking to be provided within the development shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the number of stands, the stand specification and security arrangements to be installed. The details shall be implemented in accordance with the approved details thereafter.

Reason: In the interests of promoting cycle usage over private motor vehicle, in accordance with policies T15 and T16 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policy 3C.3 of the London Plan 2008.

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In the interests of human safety and environmental protection, and in accordance with policies DEV2 and DEV51 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policies 3D.14, 4A.3 and 4C.3

of the London Plan 2008.

9. Prior to the first occupation of the proposed development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: In the interests of human safety and environmental protection, in accordance with polices DEV2 and DEV51 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policies 3D.14, 4A.3 and 4C.3 of the London Plan 2008.

10. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until the developer has submitted to and obtained written approved from the Local Planning Authority an amendment to the remediation strategy detailed how this unsuspected contamination shall be dealt with.

Reason: In the interests of protecting the controlled waterways from contamination, in accordance with policies DEV2 and DEV51 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policies 3D.14, 4A.3 and 4C.3 of the London Plan 2008.

11. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority. Such consent will only be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waterways. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of protecting the controlled waterways from contamination, in accordance with policies DEV2 and DEV51 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policies 3D.14, 4A.3 and 4C.3 of the London Plan 2008.

12. No piling or any other foundation designs using penetrative methods shall be permitted other than with the express written consent of the Local Planning Authority. Such consent will only be given for those parts of the site where it has been demonstrated that there is not resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details thereafter.

Reason: In order to prevent contamination pathways through London Clay into the underlying groundwater, in accordance with policies DEV2 and DEV51 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policies 3D.14, 4A.3 and 4C.3 of the London Plan 2008.

13. Prior to the first occupation of the A3 unit, full details of the means of kitchen

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extraction and ventilation shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- a. Cooker range and location
- b. Kitchen canopy
- c. Route of all ductwork including size and details of the terminus
- d. Size and type of extract fan, attenuator(s), anti-vibration mountings and flexible isolator mountings
- e. Pre-filter and activated carbon filtration system
- f. Full manufacturers data sheets for extract fan, attenuator(s), AV mounts and filtration system.

The extraction and ventilation system shall only be implemented in accordance with the approved details thereafter.

Reason: In the interest of residential amenity, in accordance with policy DEV50 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policies 4A.19 and 4A.20 of the London Plan 2008.

14. Prior to the first occupation of the development hereby permitted, an Acoustic Report shall be submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that all noise from any plant and equipment installed within or external to the building is attenuated to 10dBA below the lowest recorded background noise levels measured at the nearest noise sensitive window or residential façade. The details of the approved report shall be implemented in full thereafter.

Reason: In the interest of residential amenity, in accordance with policy DEV50 of the adopted London Borough of Tower Hamlets Unitary Development Plan 1998 and policies 4A.19 and 4A.20 of the London Plan 2008.

15. Prior to the commencement of the development hereby permitted, full details of the green roof systems, including specifications, location and coverage, to be installed into the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full thereafter.

Reason: In the interests of local drainage and sustainability, in accordance with policy DEV2 of the adopted London Borough of Tower Hamlets Unitary Development Plan and policy 4A.3 of the London Plan 2008.

16. Full details of the following information shall be submitted to, and approved in writing by, the Local Planning Authority:
 - (a) Prior to the commencement of the development, a BREEAM Pre-Assessment demonstrating that the development will achieve a minimum rating of 'Excellent'.
 - (b) Prior to the first occupation of the development phase, the final BREEAM Assessment, verified by the awarding body (Building Research Establishment) under the BREEAM certification scheme, showing that the development phase will achieve a minimum rating of 'Excellent'.

The development shall be implemented in accordance with the approved details

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thereafter.

Reason: To ensure that the scheme achieves the high quality environmental standards committed to in the submitted documentation and in accordance with London Plan 2008 policy 4A.3 and policy DEV2 of the London Borough of Tower Hamlets Unitary Development Plan 1998.

12. INFORMATIVES

1. The developer is advised that doors that open outwards onto the public highway are forbidden under Section 153 of the Highways Act 1980. Where possible, doors shall either open inwards or be embedded within the building.
2. The developer is advised that, under Section 177 Highways Act 1980, it is unlawful for any person to construct a building over any part of a highway maintainable at the public expense without a licence from the Local Highway Authority. It is recommended that, before commencing the development, the developer contact the Local Highway Authority (London Borough of Tower Hamlets) with respect to licensing and/or technical approvals required for those elements of the proposed building which oversail the public highway.
3. Should the developer wish to discharge surface water into a public sewer, prior approval from Thames Water is required. They can be contacted on 0845 850 2777.

CASE OFFICER: Stephen Allen

Appendix 1: Site Location Plans

Appendix 2: Proposed Plans

Appendix 3: Proposed Elevations

Appendix 4: Site Sections

Appendix 5: Access Strategy

Appendix 6: Perspective Views