Subject: Application 16/00441/FUL

25 - 37 Rothbury Road, Hackney Wick. Application for full planning permission for mixed use redevelopment comprising: construction of a new 6 storey building to provide 645 sqm (GIA) of commercial space (use class B1) with yard area, 23 residential dwellings (7 x 1 bed, 11 x 2 bed and 5 x 3 bed), amenity areas, cycle parking and refuse/recycling stores.

Meeting date: 28 February 2017
Report to: Planning Decisions Committee
Report of: Hilary Wrenn – Senior Planning Development Manager

FOR DECISION

This report will be considered in public

1. EXECUTIVE SUMMARY

1.1. This report considers the application for a mixed commercial and residential use development of a 0.1 hectare site at 25-37 Rothbury Road. The site is not allocated within the Local Plan, but is within the Hackney Wick and Fish Island Sub Area 1 where the strategy is for development to maintain and re-provide commercial floorspace whilst providing for other new uses including housing. Adjacent sites to the north and west have been recently granted consent for new mixed uses including housing and are being brought forward for development by the same applicant, the Aitch Group. The wider area to the south of Rothbury Road remains as B1/B2/B8 industrial and warehousing uses.

1.2. The key matters for consideration in deciding this application are identified as:

- Principle of development including land use;
- Housing mix, including affordable housing;
- Quality of accommodation;
- Impact upon the living conditions of neighbouring properties;
- Design and impact on townscape;
- Transport;
- Flooding;
- Sustainability and energy; and
- Planning obligations.

1.3. The principle of redevelopment of the site is supported as this new mixed use development will maximise the use of previously developed land, contributing towards meeting local housing need, whilst retaining employment land and providing new flexible commercial workspace. The property is a low quality building which has been vacant for some time and has most recently been in unauthorised non-employment uses. No existing businesses would be displaced by the development proposal. Whilst representing a reduction in
commercial floorspace the scheme would maximise flexible employment space at ground floor level and use of the yard area provided within the adjacent Aitch Group development at 54-56 White Post Lane which was granted planning consent in 2016. The flexibility is provided by building the commercial floorspace to shell and core capable of fit out to a varied layout of sized units or as a single space. Officers consider the loss of commercial floorspace in the scheme is only acceptable given the constraints of the size of the site and the fact that there is an affordable housing offer made by the applicant, despite the submitted viability appraisal demonstrating that it would not be reasonable to expect affordable housing to be required within the scheme for reasons of viability. PPDT’s viability consultants have reviewed the submitted appraisal and agree with its conclusion. The flexible work space is considered by Officers suitable for a range of small and medium enterprises and the applicant has experience of providing and managing similar workspace in East London.

1.4. The development proposal as submitted for the application site would provide 23 new residential units and the affordable housing offer is for 5 units (22% by unit no and 27% by habitable room).

1.5. The developer Aitch Group controls the application site and the two adjacent consented sites and intends to progress with redevelopment across the three sites, consolidating the affordable housing units into this application site and the adjacent Block C of the 24-26 White Post Lane consent and providing as a first phase of the comprehensive development. The proposed redistribution of the affordable housing across the three adjacent sites within their control would provide 23% by unit and 24% by habitable room as a 56%: 44% split between affordable rent and shared ownership tenures. This is considered by Officers as an appropriate amount and distribution which will contribute towards local housing need and enable a Registered Provider to effectively manage the provision within the two consented sites and this proposed development.

1.6. A significant benefit of the scheme is that this proposed building would complete the redevelopment of the urban block formed by White Post Lane/Rothbury Road/Hepscott Road in a comprehensive way which designs commercial space sensitively adjacent to new residential use. The design of the proposed 6 storey building is suitably varied to the new buildings that have been consented on the adjacent sites and the urban design, height, scale and massing and proposed architectural expression and materials have been supported by the Quality Review Panel.

1.7. Officers are satisfied with the quality of the accommodation provided in the proposal and that the amenities of the adjacent developments in terms of light, outlook and privacy are suitably protected by the detailed design in accordance with London Plan and Local Plan policies.

1.8. Overall the scheme is considered a sustainable form of development complying with planning policy for the area and other relevant planning policies. Planning permission is recommended subject to a section 106 (s106) legal agreement to secure obligations including affordable housing provision.

2. RECOMMENDATIONS

2.1 The Committee is asked to:

a) Approve the application 16/00441/FUL subject to the satisfactory conclusion of a section 106 agreement. The Heads of Terms are included in this report at 10.38; and
b) Agree to delegate authority to the Director of Planning Policy and Decisions to:

i) Finalise the recommended conditions and informatives (including relevant definitions and annexes) as set out in this report including such refinements, amendments, additions and/or deletions (including to dovetail with and where appropriate, reinforce, the final planning obligations to be contained in the section 106 legal agreement) as the Director of Planning Policy and Decisions considers reasonably necessary;

ii) Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Director of Planning Policy and Decisions considers reasonably necessary; and

iii) Complete the section 106 legal agreement referred to above and issue the planning permission.

3. **FINANCIAL IMPLICATIONS**

3.1. None

4. **LEGAL IMPLICATIONS**

4.1. The recommendation is that planning permission is granted, subject to completion of a s106 legal agreement to ensure adequate mitigation of the impacts of the development. The contents of the required s106 agreement are described in paragraph 10.38 of this Report.
5. SITE & SURROUNDINGS

5.1. The application site area is 0.1 hectare of land with frontage to Rothbury Road and currently occupied by vacant commercial buildings. The buildings on the site are a 1960's three storey flat-roofed block across the front of the site with a number of one and two storey buildings located to the rear. The existing floorspace is 1,496 square metres comprising an open plan ground floor, warehousing and upper floors with ancillary kitchen/bathroom facilities and is understood to have been built for B1/B2 purposes.

5.2. The area is a mix of industrial and development sites. North and east of the site is the former Mr Bagel's site at 54-56 White Post Lane, which was granted planning consent for a mixed commercial/residential development in 2016 (15/00416/FUL) reproviding 95% of business floorspace and including 55 residential units. To the west of the site is another development site granted consent in 2016, 24-26 White Post Lane (15/00540/FUL), which reprovided 83% of business floorspace and introduced 103 residential units.

5.3. South of the site on the other side of Rothbury Road there are a group of single storey industrial units with a vehicle access opposite the application site. Rothbury Road is a busy through-route in the area. There is a bus stop west of the application site and restrictions on waiting on the north side of Rothbury Road. Opposite the site on the south side of Rothbury Road road-side parking is possible, restricted to permit holders or payment can be made for up to 4 hours parking.

5.4. The site does not fall within any conservation area and there are no statutory listed buildings or identified heritage assets on or near to the site.

5.5. The site currently has a public transport accessibility (PTAL) rating of between 3 and 4 and is forecast to move entirely into category 4 or ‘good’ by the year 2021 reflecting planned improvements to the bus network within the vicinity. The site is approximately 100m from Hackney Wick Overground Station and is within a 20-25 minute walk of Stratford Station (providing access to DLR, Underground and National Rail services). There are three bus routes running within close proximity of the site.

5.6. The site lies outside the Hackney Wick neighbourhood centre boundary (which runs along Hepscott Road to the east). The site is located within an area of flood risk. According to the EA flood maps for planning, the site is located within Flood Zone 3 in an area benefitting from flood defences and protected from River flooding up to the 1 in 100 year (1% annual probability) event. The
Hackney Surface Water Management Plan (which covers a small part of Tower Hamlets (including the site) identifies the site as being located within a Critical Drainage Area associated with a high risk of flooding. This risk will be mitigated through the measures proposed to be incorporated in the design to address the risk from river flooding, discussed further at 10.27 in this report.

6. **RELEVANT PLANNING HISTORY**

6.1. The buildings are understood to have historically operated as a light industrial use (B1(c) use class), although the last use (at least in part) is stated as being a place of worship (D1 use class) and possibly some residential use. However, officers believe the non-commercial uses were unauthorised and consider the site and buildings to be of B1 use.

6.2. The site is within the urban block bounded by White Post Lane to the north, Rothbury Road to the south and Hepscott Road to the east. Two development sites form the remainder of the block, also within ownership of the Aitch Group and these are covered by the following recent planning consents approved by Planning Decisions Committee in 2016 subject to s106 agreements to secure obligations including affordable housing:

6.3. Planning consent 15/00416/FUL at 52-54 White Post Lane (former Mr Bagels) was for demolition of existing buildings and structures and erection of a 5/6 storey building providing 2367sqm (GIA) of commercial space (use class B1c) with commercial yard and 55 residential dwellings with upper level amenity areas. This development wraps around the current application site to the north and east providing a yard space between the building block and the 25-37 Rothbury Road plot. The 52-54 White Post Lane scheme was assessed on the basis of the existing industrial buildings and use at 25-37 Rothbury Road and also a nominal scheme similar to this application scheme. Planning consent was granted for this application on 21 April 2016 subject to a section 106 agreement which secures that 13 of the 55 units (24%) are provided as affordable housing.

6.4. Planning consent 15/00540/FUL at 24-26 White Post Lane was for the demolition of existing buildings and structures and erection of four new linked buildings of up to six storeys to provide 2,916sqm (GIA) of commercial floorspace (Use Class B1c) and 103 residential units, commercial yard, new public realm, vehicular access and car and cycle parking. This development included a north/south public realm link between White Post Lane and Rothbury Road which lies immediately west of the 25-37 Rothbury Road application site. Again the 24-26 White Post Lane scheme was assessed on the basis of the existing industrial buildings and use at 25-37 Rothbury Road and also a nominal scheme similar to the development proposed in this application. Planning consent was granted for this application on 23 May 2016 subject to a section 106 agreement which secures that 23 of the 103 units (22%) are provided as affordable housing.

6.5. At the time of the 2015 planning applications on the adjacent sites (both Aitch Group schemes) the applicant was seeking to purchase the current application site and this was achieved in the mid 2016.

6.6. In 2016 PPDT received a prior notification request (16/00217/DEM) for the demolition of 25-37 Rothbury Road and duly considered whether planning consent was required for the demolition of the existing buildings on the site. Demolition is permitted development under Part 11, Schedule 2 Class B of the Town and Country Planning (General Permitted Development) Order 2016, but
where demolition is proposed separate to any application for development the applicant is required to apply for a determination as to whether the prior approval of the authority will be required to the method of demolition and any proposed restoration of the site. On 13 June 2016 notice was issued that prior approval was not required and permission granted for the demolition of the existing buildings on the application site. This allows demolition to proceed prior to the determination of any development scheme for the site.

7. APPLICATION PROPOSALS

7.1. The application seeks full planning consent for a 6 storey building (with single, two and four storey elements) comprising a mix of uses, 645 sq m of commercial space (use class B1) with yard area and 23 residential dwellings (7 x 1 bed, 11 x 2 bed and 5 x 3 bed), amenity areas, cycle parking and refuse/recycling stores

Commercial floorspace

7.2. The ground floor will provide 645 sq metres of commercial B1 use on the ground floor with residential uses above. The commercial uses would have windows to all elevations and entrances to the street at Rothbury Road and to the rear to the yard space which is approved under the consent for 52-54 White Post Lane. In addition there is a side entrance to the commercial floor on the eastern elevation of the building. Internally, the applicant has shown the floorspace could be provided flexibly as a number of smaller units with shared facilities or as combined larger areas and the floor to ceiling height would be 3.55m

Residential floorspace

7.3. The 23 residential units would be reached via an entrance lobby to Rothbury Road and there would be two lifts providing access to the upper floors. Two cycle stores are accessed via the lobby. Two bin stores for refuse and recycling (commercial and residential) would also be located at the front of the building with doors to the front elevation.

7.4. All units have balconies and in addition there are areas of shared amenity roof terraces at first and sixth floor.

7.5. The scheme design includes 3 one-bedroom wheelchair accessible units and the proposed split between unit sizes is:

<table>
<thead>
<tr>
<th>Units</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed</td>
<td>7</td>
<td>30%</td>
</tr>
<tr>
<td>2 bed</td>
<td>11</td>
<td>48%</td>
</tr>
<tr>
<td>3 bed</td>
<td>5</td>
<td>22%</td>
</tr>
<tr>
<td>Total units</td>
<td>23</td>
<td></td>
</tr>
</tbody>
</table>

Affordable Housing

7.6. The planning statement submitted in support of the scheme indicates the following provision of affordable housing:
7.7. The initially submitted scheme proposed that 5 of the units would be provided as affordable housing with 2 intermediate units and 3 affordable rent. This would represent 22% by unit number and 27% by habitable room as affordable housing.

Proposal to re-distribute affordable housing

7.8. Further to Aitch Group’s discussions with Registered Providers on the take up of units across the wider development site (consented as 15/00540/FUL and 15/00416/FUL and proposed within this application) the applicant/developer have submitted a proposal to redistribute the affordable housing within the scheme. The proposed redistribution would equate to 41/181 (23%) of units and 120/503 (24%) of habitable rooms across the 3 sites as affordable housing, with 56% of the affordable units as social rent and 44% as intermediate tenure.

<table>
<thead>
<tr>
<th>Market Sale</th>
<th>Intermediate</th>
<th>Affordable Rent</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Units</td>
<td>HR</td>
<td>Units</td>
</tr>
<tr>
<td>1 bed</td>
<td>59</td>
<td>118</td>
<td>RR 7</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>C -</td>
</tr>
<tr>
<td>2 bed</td>
<td>59</td>
<td>177</td>
<td>RR 9</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>C -</td>
</tr>
<tr>
<td>3 bed</td>
<td>22</td>
<td>88</td>
<td>RR 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>C -</td>
</tr>
<tr>
<td>Totals</td>
<td>140</td>
<td>383</td>
<td>18</td>
</tr>
</tbody>
</table>

| % affordable | 23% of total units as affordable (41/181) |
| Breakdown between types of affordable | 24% of total HR as affordable (120/503) |

| 18/41 units of total affordable units are intermediate = 44% | 23/41 units of total affordable units are social rent = 56% |

Servicing/deliveries

7.9. A servicing and delivery plan has been submitted with the application which shows a mix of on and off street provision. The adjacent shared public realm area to the west of the site to be provided under the 24-26 White Post Lane development is within the control of the applicant and will provide a shared area for off-highway servicing as well as blue-badge parking. Refuse collection will
be from Rothbury Road adjacent to the planned refuse storage areas incorporated within the building.

7.10. No general car parking is provided as part of the scheme, but a blue badge car parking space is proposed within the shared public realm/access area adjacent to the proposed building.

Building design and materials

7.11. Building height is to 21.23m above ground to Rothbury Road (+27m AOD), with the highest part of the building being a lift overrun sited towards the rear of the six storey block where the AOD height would be +29.5m AOD and the height above ground approximately 24m.

7.12. The building’s primary external material would be brick with articulation of the robust grid design incorporating metal panels and balustrades, with brick patterning providing texture and interest at elements of the elevations in an ordered way. The ground floor will have fenestrated bays on all sides of the building, incorporating entrance doors to three sides of the building.

8. POLICIES & GUIDANCE

National Planning Policy Framework 2012

8.1. The following NPPF policies are relevant to this submission:

1. Building a strong, competitive economy
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change
11. Conserving and enhancing the natural environment

8.2. Planning policies contained within the National Planning Policy Framework – March 2012 are relevant to the application and the over-arching principle of the Framework is that local authorities should be positive and proactive in encouraging sustainable growth and addressing barriers to investment. The NPPF should be read in conjunction with the National Planning Practice Guidance, a web-based resource for all users of the planning system. This describes the importance of good design and how this can be achieved through planning decisions.

Mayor of London The London Plan Consolidated with Alterations Since 2011(March 2016)

8.3. The following London Plan policies are relevant to this submission:

2.4 The 2012 Games and their legacy
2.9 Inner London
2.13 Opportunity areas
2.14 Areas for regeneration
3.3 Increasing housing supply
3.5 Quality and design of housing developments
3.6 Children and Young People’s Play and Informal Recreation Facilities
3.8 Housing choice
3.9 Mixed and balanced communities
3.11 Affordable housing targets
8.4. The London Legacy Development Corporation Local Plan 2015-2031 was adopted on 21 July 2015 and provides the formal local policy basis for planning decisions.

8.5. The site is within the Hackney Wick and Fish Island Sub Area 1 as defined in the Local Plan. The Plan states that the area has the potential to become a diverse location, driving a significant element of business and employment growth, alongside the delivery of new homes, open spaces, education and community facilities. The site does not fall within any Local Plan allocation for development, but any proposals should conform to the general Hackney Wick Fish Island policies for development set out within the Local Plan as Policies 1.1-1.6 in addition to all other relevant policies for this type of development.

8.6. The Local Plan policies below are relevant to the application:

- SP.1 Building a strong and diverse economy
- B.1 Location and maintenance of employment uses
- B.2 Thriving town, neighbourhood and local centres
- B.5 Increasing local access to jobs, skills and employment training
- SP.2 Maximising housing and infrastructure provision within new neighbourhoods
- H.1 Providing a mix of housing types
- H.2 Delivering affordable housing
- H.7 Large-scale investment in private rented sector
- CI.1 Providing new and retaining existing community infrastructure
- CI.2 Planning for and bringing forward new schools
- BN.1 Responding to place
- BN.3 Maximising biodiversity
- BN.4 Designing residential schemes
BN.5 Requiring inclusive design
BN.7 Improving Local Open Space
BN.8 Maximising opportunities for play
BN.10 Proposals for tall buildings
BN.13 Improving the quality of land
T.4 Managing development and its transport impacts
T.6 Facilitating local connectivity
T.7 Transport Assessments and Travel Plans
T.8 Parking and parking standards for new development
T.9 Providing for pedestrians and cyclists
SP.5 A sustainable and healthy place to live and work
S.1 Health and wellbeing
S.2 Energy in new development
S.3 Energy infrastructure and heat networks
S.4 Sustainable design and construction
S.5 Water supply and waste water disposal
S.6 Waste reduction
S.7 Overheating and urban greening
1.1 Managing change in Hackney Wick and Fish Island (HWFI)
1.2 Promoting HWFI’s unique identify and appearance
1.3 Connecting HWFI
1.4 Preserving and enhancing heritage assets in HWFI
1.5 Improving the public and private realm in HWFI

8.7. Building to an appropriate height in HWFI

8.8. The following are also relevant to the proposal:

- Olympic Legacy Supplementary Planning Guidance (July 2012)
- Mayor of London Housing Supplementary Planning Guidance (March 2016)
- Mayor of London Homes for Londoners draft Affordable Housing and Viability Supplementary Planning Guidance (November 2016)
- Mayor of London Play and Informal Recreation Supplementary Planning Guidance (September 2012).
- Mayor of London Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment Supplementary Planning Guidance (October 2014)
- Mayor of London Sustainable Design and Construction Supplementary Planning Guidance (April 2014)
- LLDC Inclusive Design Standards (March 2013)
- LLDC Design Quality Policy (September 2012)
- Hackney Wick and Fish Island SPD Consultation Draft (July 2016)
- LLDC Carbon Offset Supplementary Planning Document (August 2016)
- LLDC Planning Obligations Supplementary Planning Document (November 2016)
9. CONSULTATIONS

9.1. The application was advertised in the Hackney Today on 19 September and a site notice placed 16 September 2016; letters were sent to statutory and non-statutory consultees and letters sent to 19 neighbouring properties notifying of the application. No responses were received from neighbours. Details of the responses received are set out in the table below:

<p>| London Borough of Tower Hamlets – Highways and Transportation | No objection in principle. Car-free development welcomed, restriction on parking permits and Travel Plan to be secured through s106. Disabled parking bay to be secured through condition. Sheffield cycle stand preferred and for 39 cycle spaces. No details of shower/locker facilities for cyclists in workspace – to be covered by condition. Delivery and service plan to be conditioned. S278 agreement required with LBTH to cover highway improvements and condition to cover. Final Construction management plan to be approved – subject to condition. Officer response: conditions recommended to cover cycle parking, delivery and service plan, restricting parking permits and Travel Plan through s106. |
| London Borough of Tower Hamlets - Planning | No response received |
| Environment Agency | Initial objection 28 September 2016 to the application was received, due to a lack of detailed approach to climate change within the Flood Risk Assessment and the applicant requested to undertake further modelling work. Following that the <strong>EA responded on 17 January that they removed their previous objection</strong>, but would recommend that finished floor levels for the proposed development are set as high as is practically possible, ideally 300mm above the 1 in 100 chance in any year including an allowance for climate change flood level, OR, where this is not practicable, flood resilience / resistance measures are incorporated up to the 1 in 100 chance in any year including an allowance for climate change flood level. This is to protect the proposed development from flooding. The submitted flood risk assessment and associated plans demonstrate that finished floor levels shall be set no lower than 300mm above the 1 in 100 chance in any year flood level including a 35% allowance for climate change to protect the development from flooding. The development should be carried out in accordance with this FRA. |</p>
<table>
<thead>
<tr>
<th>Organization</th>
<th>Officer Response/Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer response:</td>
<td>A condition is recommended to require the development to be carried out in accordance with the Flood Risk Assessment including proposed design measures to mitigate risk from flooding.</td>
</tr>
<tr>
<td>London Borough of Hackney – Environmental Health</td>
<td>No objection in principle.</td>
</tr>
<tr>
<td>Request for Construction Management Plan</td>
<td>covering matters including restriction on hours of working to minimise impact on neighbours in surrounding area. Request for restriction on noise from plant/machinery associated with the development.</td>
</tr>
<tr>
<td>Transport for London</td>
<td>Request additional 9 long stay and 1 short stay cycle parking space incorporated within the development. Would request the incorporation of shower/changing facilities within the commercial development. The blue badge space should be secured by condition. Conditions should also require construction logistics, service and delivery and Travel plans. The development will be subject to mayoral CIL for Crossrail.</td>
</tr>
<tr>
<td>Officer comments:</td>
<td>Conditions will cover the matters suggested and an informative placed on the decision notice regarding liability for Mayoral CIL.</td>
</tr>
<tr>
<td>Thames Water</td>
<td>No objection to the planning application with regard to sewerage infrastructure capacity, but no connections to Thames Water sewers for ground water removal and any connection to public sewer requires approval from Thames Water Developer Services. Request piling method statement approval prior to any piling taking place to control the impact on local underground sewerage utility infrastructure.</td>
</tr>
<tr>
<td>Officer comment:</td>
<td>Informatives and conditions to be recommended in response to the comments.</td>
</tr>
<tr>
<td>Metropolitan Police – Secured By Design</td>
<td>Scheme does not appear to raise any Secure by Design issues, although there is the potential for Anti-Social Behaviour problems relating to the roof terrace area and some type of effective physical security measures will need to be installed from outset is recommended.</td>
</tr>
<tr>
<td>Officer response:</td>
<td>Access to the roof terraces will be restricted by security control measures (key fob access to residents only) which should overcome this potential issue.</td>
</tr>
<tr>
<td>Historic England - Greater</td>
<td>The Archaeological Advisory Service has reviewed</td>
</tr>
</tbody>
</table>
10. ASSESSMENT OF PLANNING ISSUES

10.1. The key matters for assessment set out in this report include the following:

- Principle of development including land uses;
- Housing and housing density;
- Housing mix, including affordable housing;
- Quality of accommodation;
- Impact upon the living conditions of neighbouring properties;
- Design and impact on townscape;
- Transport;
- Flooding;
- Sustainability and energy; and
- Planning obligations.

Principle of the development

10.2. The site is located within Sub Area 1 (Hackney Wick and Fish Island) where the Local Plan identifies potential for this area to become a diverse location, driving a significant element of business and employment growth alongside the delivery of new homes, open spaces, education and community facilities. The draft Hackney Wick and Fish Island Supplementary Planning Document states that the strategy for all sites in private ownership is one of mixed-use development replacing existing employment floorspace and providing new residential development in accordance with Local Plan policies. The mixed use redevelopment of this site for employment use and housing is consistent with the strategic objectives of the LLDC LP and the draft SPD.

10.3. Policy B.1 (Location and maintenance of employment uses) seeks to manage existing employment land and floorspace and directs certain employment functions to specific employment clusters. The application site is not within an employment cluster nor within an area subject to any other employment designation. However, the previous lawful use was B1 (c) and so Policy B.1 (5) (b) requiring proposals to maintain and re-provide equivalent industrial floorspace within B1 uses is relevant. Policy 1.1 Managing change in Hackney Wick Fish Island also seeks to maintain the overall amount of existing employment floorspace (B Use Class).

10.4. The proposal only represents a 43% re-provision in employment floorspace on the site, which is contrary to the objective of Local Plan Policy B1. However, the proposal maximises use of the plot and provides for ground floor flexible work space capable of sharing the yard space to the north and east of the building and which is expected to generate around 54 employees as set out in
the submitted Employment Strategy. Due to the existing building on the site providing commercial floorspace partly over 3 floors there would be limited opportunity to incorporate further commercial floorspace without significantly reducing the housing offer and viability of the development proposal (Policy B1 (f) consideration) and reducing the possibility of achieving the major benefit that will come from the comprehensive redevelopment of the plot and early delivery of the affordable housing that has been proposed. Whilst Policy B4 sets out that the provision of new managed workspace and/or low-cost workspace will be encouraged there is no existing managed or low-cost workspace currently at the site to be replaced. The Employment Strategy submitted with the application sets out the experience of Aitch Group in providing new flexible workspace for micro and small start-up businesses, including those for creative industries. Overall Officers consider on this site, the level of re-provision together with the introduction of residential accommodation including the provision of affordable housing to meet policy objectives of the Local Plan.

Housing density and mix

10.5. The LLDC LP notes potential for the delivery of up to 2,500 additional residential units within Sub Area 1 within the plan period (2015 – 2031). The proposed development of the site represents a higher density scheme (838 hr/hra compared to the 200-700 hr/hra guidance set out in the London Plan Policy 3.4 based on a PTAL of 4). However, Policy H.1 of the LLDC LP notes that whilst the London Plan density matrix is a useful tool, when considering appropriate densities, the Legacy Corporation will consider individual site circumstances. The London Plan Policy 3.5 sets out that proposals which compromise elements of design quality including such as density may be permitted if of exemplary design and contribute to achievement of other objectives of the plan. Additionally, the Mayor’s Housing SPG is clear that where density ranges are exceeded, developments must be of a high design quality and take into account the factors outlined in London Plan Policy 3.4 and the design principles set out in Chapter 7 of the London Plan, the accessibility of the site, the scheme’s contribution to local place making, the potential for larger sites to accommodate higher densities by defining their own setting, dwelling mix, design and also take into account factors such as children’s play provision and cycle parking facilities. A detailed assessment of residential quality and design is set out below.

10.6. Policy H.1 seeks to address identified needs in the housing sector and requires a mix of unit sizes, and requires development proposal to provide at least 50% of units at two bedrooms or more. Additionally, policy BN.5 seeks to ensure that 10% of dwellings are wheelchair user dwellings (built in accordance with Category 3 of Part M of the Building Regulations).

10.7. The scheme provides 70% of the dwellings as 2 or more bedrooms complying with Policy H1 and the proportion of wheelchair user homes is in excess of the standard at 30%.

Affordable Housing and redistribution of affordable homes

10.8. LLDC LP policy H.2 seeks to maximise affordable housing, and a minimum provision of 35% (with a 60%/40% split in favour of affordable/social rent) will be sought across the Legacy Corporation area, subject to viability. The Mayor’s Draft Affordable Housing SPD 2016 highlights that “the percentage of affordable housing on a scheme should be measured in habitable rooms to ensure that a range of sizes of affordable homes can be delivered, including family sized homes”
10.9. The level of affordable homes as submitted within the scheme was 22% by unit and 27% by habitable room, which has been offered by the applicant even though it has been demonstrated by appraisal that this is not reasonably viable. Officers did seek an increase in amount of affordable housing within the scheme but viewed that the offered alternative involving more intermediate units and an off-site payment in lieu is not as favourable as the offer of delivering affordable rented units, which should better meet local housing need.

10.10. The Aitch Group have proposed a redistribution of the affordable housing across the three adjacent sites at Rothbury Road/White Post Lane (this application and the consented 52-54 White Post Lane and 24-26 White Post Lane schemes) following discussions with registered housing providers. Officers have negotiated with the developer that the consolidated affordable elements of housing across the wider site will be delivered prior to the disposal of market housing to provide for early delivery of affordable housing.

10.11. The proposed redistribution would result in all affordable housing being consolidated within Block C of the 24-26 White Post Lane scheme and this proposed building at 25-37 Rothbury Road. The proposed redistribution would represent 23% of all units and 24% of habitable rooms across the 3 sites as affordable, with 56% as affordable rented (Tower Hamlets POD rents) and 44% as intermediate. This tenure mix is viewed as being near to the 60:40 Local Plan requirement of Policy H2 which is designed to meet local housing need in a way which should achieve mixed and balanced communities. Officers recommend approval on this basis and request delegated authority to determine legal agreements allowing any necessary variations to the existing agreements for 15/00416/FUL and 16/00540/FUL.

Quality of accommodation

10.12. Policies 3.5 and 3.6 of the London Plan and Policy BN.4 of the LLDC LP require housing developments to be of the highest quality internally and externally, referring to the requirement to meet the minimum space standards adopted in the National Described Space Standards – Technical Requirements and the Mayor of London’s Housing SPG, which provides baseline and good practice guidance in relation to internal rooms sizes, daylight and sunlight, amenity space standards, and ensure children have safe access to good quality, secure, and stimulating play and informal recreation. When a proposal exceeds the ranges set out in the London Plan density matrix, it is these criteria against which proposals must be tested for ‘liveability’. Similar objectives are set out in the LLDC LP policy H.1.

10.13. In relation to the size of units and internal room sizes, the proposal meets and in many cases exceeds the minimum standards described in London Plan policy 3.5 and the Mayor of London’s Housing SPG. The application also details how the proposal will meet Lifetime Homes Standards.

10.14. Approximately one third of the units (7) are single aspect units, but these are all south facing and one or two bedroom units. The arrangement of residential accommodation is considered well thought through and responsive to the site and surroundings.

10.15. The submitted Sunlight and Daylight Report demonstrates that 76% of habitable rooms receive good Average Daylight Factor (ADF) ADF levels in excess of the BRE and British Standard targets. Of the 16 rooms falling below the target 10 are bedrooms located behind balconies and the provision of this external amenity space is considered to be a positive factor, which for those units outweighs the lower ADF levels. Of the 6 living rooms that are below the
ADF British Research Establishment (BRE) standard all exceed the Annual Probable Sunlight Hours (APSH) standard. There are 8 living rooms, which whilst receiving good levels of annual sunlight fail to meet the winter sunlight targets. Six of these are assessed to be affected by notional future development at 20m height south of Rothbury Road, the other two by the approved adjacent development.

10.16. The submitted reports have been reviewed by PPDT’s environmental consultants and on balance the daylighting and sunlighting of the proposed units is considered to be acceptable.

10.17. The relationship of the proposed development with the approved two schemes on adjacent plots is considered to provide adequate separation for privacy/overlooking appropriate within an urban residential scheme. At first floor level there are private balcony areas providing separation to units adjacent to the shared roof amenity space. There is 11.6m distance between bedroom windows on the rear north elevation at first floor level and windows on the southern elevation of the commercial units on the first floor of the 52-54 White Post Lane approved scheme.

10.18. All of the proposed dwellings have access to their own private amenity space in balconies or terraces. All units incorporate well-sized inset balconies which will provide good quality external amenity space and there is also access to roof-top shared amenity areas at first and sixth floor levels (115 sq m and 350 sq m respectively) which will adequately incorporate 30 sq m play for younger children which meets the London Plan standard.

Impact on the amenity of neighbouring properties

10.19. The impacts of the proposal on the daylighting and sunlighting of neighbouring properties have also been assessed and documented in a report prepared by EB7. The analysis finds that levels of daylight would meet BRE standards in 98% of the 134 main habitable rooms within neighbouring proposed developments. In terms of sunlight 25 of the 33 main habitable rooms in neighbouring development will continue to receive good levels of sunlight, with the proposed scheme in place. As existing only 26 out of the 33 windows meet the sunlight criteria, so the impacts from the development are very minor and considered to comply with Planning Policy BN4 (6).

Design and impact on townscape

10.20. Policy 1.6 of the Local Plan sets out that development greater than 20m above ground will only be acceptable where it meets the provisions of Policy BN10. The proposal exceeds this prevailing height but is considered to meet the requirements of Policy BN10 criteria as follows:

- *Exhibit outstanding architecture and incorporate high-quality materials, finishes and details*

  On scale the Quality Review Panel noted that, “the proposed height of the building – to include the parapet – exceeds the specified prevailing height for this location. It considers however, that this is justified by the successful composition achieved.”

  With respect to impact on the quality of urban design and architecture in the area the panel stated it, “fully supports the proposed architectural expression of the building, including the extensive use of brick and proposed detailing. It thinks that this has the potential to enhance the quality of the streetscape.”

- *Respect the scale and grain of their context*
The development is the remaining undeveloped plot in the block and the scale and massing respects the urban grain of the adjacent approved developments and the wider area

- **Relate well to street widths and make a positive contribution to the streetscape**

Rothbury Road is 12.5m wide including footways on the north and south sides and the proposed 6 storey 21.23m height above ground to the Rothbury Road frontage is considered to relate well to the street width and the strong corner to the public realm route. The chamfered metal surround detail to the ground floor windows and incorporation of doors to the commercial and residential space to Rothbury Road will be a positive contribution to the streetscape.

- **Generate active street frontage**

The development provides for activity at the street front and to the new public route adjacent to the west of the site.

- **Provide accessible public space within their curtilage**

The development relates well to the new public space to be provided as part of the consent for the redevelopment of 24-26 White Post Lane.

- **Incorporate sufficient communal space**

465 sq metres of shared amenity space is provided within the scheme at first and sixth floor roof levels

- **Contribute to defining public routes and spaces and Promote legibility**

The building will provide for a clear edge to the new public realm route between Rothbury Road and White Post Lane and with the stepping of the building down towards the new commercial yard area will promote legibility of that space.

- **Create new or enhance existing views, vistas and sightlines**

The views along Rothbury Road will be enhanced, with this infill block providing new high quality built form completing the redevelopment of this section of Rothbury Road

- **Preserve or enhance heritage assets and the views to/from these, and contribute positively to the setting of heritage assets, including conservation areas**

The view towards the conservation area will also be enhanced, whilst views from the conservation area will be preserved with the new building having a minimal impact on its townscape setting, given the c70m distance from the conservation area and its position next to the consented 52-54 White Post Lane development.

The environmental and amenity criteria in Policy BN.10 have been assessed at the relevant sections of this report above. Whilst this is a scheme which exceeds the relevant London Plan SRQ density range, overall, based upon the assessment of the development against the provisions of policies BN.4 and BN.10 above, the scheme is considered to meet the London Plan policy 3.5 test of exemplary design.

**Transport**

10.21. As set out in the site description above, the site has a moderate transport accessibility rating (PTAL 3) at present and is within a short walk of Hackney Wick Overground Station and a 20-25 minute walk of Stratford Station (providing access to DLR, Underground and National Rail services). There are
three bus routes running within close proximity of the site and the site is within five minutes’ walk of the Queen Elizabeth Olympic Park. This is anticipated to rise to PTAL 4 with planned improvements to local bus services by 2021.

10.22. London Plan policy 6.9 requires developments to provide secure, integrated, convenient and accessible cycle parking facilities in line with minimum standards and provide on-site changing facilities and showers for cyclists. Based on the number/size of residential units and amount of commercial floorspace proposed, the development is required to provide 39 cycle parking spaces and these are shown in various secure cycle parking storage areas distributed across the development. There is sufficient space within the scheme for on-site changing facilities and showers for cyclists of the commercial elements to be provided and it is recommended that this is secured by condition.

10.23. Policy T.8 of the LLDC LP requires car parking to be at a low level appropriate to its location and this proposed car free scheme is considered appropriate given the moderate PTAL rating and proximity to Hackney Wick Overground Station and Neighbourhood Centre and is supported by the TfL consultation response. A s106 obligation is recommended to secure the submission and implementation of a full travel plan prior to occupation of the development and proved a contribution towards amending the local Traffic Management Order to further restrict on-street parking.

10.24. The proposal includes provision of a blue badge parking space within the proposed public realm adjacent to the building, within the control of the developer. This is below the standard of one space per wheelchair housing unit. TfL has not objected to the proposed level of parking and both TfL and LBTH Highways request the space is secured by condition. On the adjacent site an obligation for the owner to secure additional blue badge parking on street was secured by a s106 agreement and this is recommended to provide for further blue badge parking.

10.25. Due to the scale and type of development, the majority of delivery vehicles are anticipated to be by motorbike, car or small van; with a larger vehicle, such as a 7.5-tonne box van, used for the occasional bulky goods delivery. It is proposed that the deliveries and servicing arrangements associated with this site would be linked and managed in conjunction with those associated with the development proposed on the adjacent sites (52-54 White Post Lane ref. 15/00416/FUL and 24-26 White Post Lane ref. 15/00540/FUL).

10.26. Given the small number of deliveries anticipated to be made this is considered an acceptable arrangement and has been reviewed by the Highway Authority, TfL and PPDT’s Transport Consultants and found to be acceptable. A condition is recommended to secure the submission of a detailed servicing and delivery management plan prior to occupation.

Flooding

10.27. The site is located within flood zone 3a, which is an area identified as having a high probability of flooding. The NPPF aims to steer development to areas with the lowest probability of flooding through the sequential test. The Sequential Test asks the LPA to determine whether it is possible to identify alternative sites that are at no risk or less risk from flooding that are available to meet the development needs within the planning authority area.

10.28. In this respect, the Legacy Corporation area is geographically constrained and contains a range of potential development sites, the majority of which have been identified in the LLDC LP as being available for development, with many
of these benefiting from planning permission for development. The strategic nature of this London Plan Opportunity Area also means that the available land is required for delivery of new development to meet the growth needs of the wider east London area and contribute significantly to meeting the growth needs of London as a whole. It is noted that in order to meet or exceed the Local Plan housing target, as required by the London Plan, new residential development is required on sites outside of the site allocations. Given the housing targets set out in London Plan and in turn that are attributed to Sub Area 1, and that a large proportion of Sub Area 1 is also affected by flood risk, it is considered that there are no reasonable alternative sites where the development proposed could be provided and enable compliance with wider objectives of the LLDC LP and London Plan. On this basis, the sequential test is considered to have been passed.

10.29. The NPPF goes on to note that if the sequential test is passed, the exception test should be applied. For the exception test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

10.30. In respect of the first requirement, it is considered that the proposal would provide wider sustainability benefits that outweigh the flood risk. The development would contribute towards the achievement of the housing target for the LLDC area and will also provide a significant amount of employment floorspace which will be of benefit to the local economy.

10.31. The applicant has prepared a Flood Risk Assessment which addresses the second requirement of the exception test, and demonstrates that the development will be safe for its lifetime taking into account the vulnerability of its users. The proposal has been designed to address flood risk with minimum finished floor levels across the site at 5.77m AOD which is 300mm above the 1 in 100 year plus climate change flood level at the site (5.47m AOD or above). The proposed finished floor levels (FFL) for living and sleeping accommodation will be set at 9.67 m AOD, significantly higher than the EA FFL requirement where the minimum FFL should be set no lower than 300mm above the 1 in 100 year with 35% climate change allowance. The proposal also allows for safe refuge in the event of the breach of existing flood defences, and if time allows safe access and egress for all users of the buildings. Flood Risk Assessment also identifies a number of other specific measures to mitigate against flood risk including flood resilient and resistant measures for the building, signing up to the Environment Agency’s Flood Warning Service and also includes the provision of a Flood Response Plan. The Flood Response Plan provides essential information, informing the occupants of the proposed development of the Environment Agency flood warning systems, safe access and egress routes, actions and procedures to undertake during a flood event.

10.32. The Flood Risk Assessment and Flood Response Plan have been reviewed by the Environment Agency and PPDT’s Environmental Consultants and both are considered to be acceptable. Subject to conditions, Officers are satisfied that the proposal passes both the sequential and exception tests and presents wider sustainability benefits which outweigh flood risk and would therefore meet the requirements of relevant Local Plan policy.

Sustainability and Energy
Policy S2 of the Local Plan requires major developments to meet a zero carbon standard for residential buildings and a 35% improvement on 2010 Building Regulations Target Emission Rate for non-domestic proposals and where this cannot be met on site a financial contribution will be required to be made to the LLDC Carbon Off-setting Fund in accordance with the approved Supplementary Planning Document adopted by the LLDC in 2016. The submitted Energy report sets out that there are 3 options for the applicant to achieve a 35% improvement on Building Regulations TER. This is acceptable for the non-domestic element of the scheme, but if zero carbon emission rates cannot be achieved for the domestic element then a contribution will be required and it is recommended that this is secured within a planning obligation.

The submitted Sustainability Statement sets out additional measures designed to improve the performance of the building through incorporation of passive design, low and zero carbon technologies and water management amongst other things.

The applicant has prepared a BREEAM pre assessment which demonstrates that the commercial accommodation will achieve a BREEAM “Very Good” rating meeting the policy expectation. Subject to conditions and s106 obligations to secure provision, the proposal would achieve the aims and objectives of policies in the Local Plan.

Containment

The applicant has submitted reports on the ground conditions at the site and results of some investigations and proposals for remediation at the site. The PPDT’s environmental consultants have reviewed the submitted reports and initially recommended conditions be imposed to secure the detail of further investigative work and associated remediation, whilst further review was undertaken on the results of investigations which have been submitted since this application was submitted. An update will be provided to Planning Decisions Committee on the recommended wording of conditions relating to contamination/remediation.

Planning Obligations

The submitted scheme includes an offer of affordable housing. The developer, Aitch Group, has been in discussion with Registered Providers to agree take up of units within the wider site and intends to redistribute the affordable units agreed within those buildings so that they are grouped in 25-37 Rothbury Road and Block C of 24-26 White Post Lane, which is preferable to Registered Providers for acquisition and management purposes. Officers have negotiated that any redistribution is dependent upon the provision of the affordable housing across the wider site prior to the occupation of any market units.

A Section 106 agreement is recommended to cover:

- Affordable housing with review mechanism which will be triggered in the event of a delay to the start of construction and subsequent progression of the development. Delivery to be prior to market housing.
- Consolidation of the affordable housing (provided by 15/00540/FUL; 15/00416/FUL and this application) within 25-37 Rothbury Road and Block C of 24-26 White Post Lane.
- Restriction on the occupation of other 15/00540/FUL and 15/00416/FUL schemes until the consolidated affordable housing is built and occupation agreed with a registered provider
- Affordable housing to secure agreed number, mix and affordable (LBTH POD) rent levels
• Obligation to submit, implement, monitor and review travel plan, provide membership to a car club;
• Contribution towards LBTH for amending the Traffic Management Order for the Controlled Parking Zone
• Design Monitoring (Design Quality) – In the event that the original architect is not retained to oversee the design quality of the development a financial contribution will become payable to the LPA as a contribution towards the LPA’s costs in supervising the design quality of the development;
• Sustainability:
  – reasonable endeavours to secure extension of Olympic Park district heating and cooling network to the development site, or if not possible provision of a combined system across all buildings on adjacent developer sites; and in the event that this cannot be achieved submit details of alternative measures by which equivalent carbon savings can be achieved; reasonable endeavours to encourage occupiers to reduce their energy usage
  – a contribution to the Legacy Corporation Carbon Off-setting Fund
• Employment and training: obligations to promote employment opportunities arising from development via local labour schemes, to maximise recruitment of local people and to secure London Living Wage
• Employment workspace:
  – delivery of employment floorspace to shell and core linked to occupation of residential floorspace
  – requirement for workspace strategy to ensure employment floorspace is designed and managed to meet the needs of small local companies and businesses
• Provision for additional blue badge parking spaces on street adjoining the development subject to agreement with the Highway Authority.

Environmental Impact Assessment

10.39. The application site is under a hectare in area and the proposed development within the application does not relate to more than 150 residential units. As such Officers do not consider that the development should be considered EIA development as set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

10.40. The applicant, however, since acquiring the site proposes to carry out this development together with two adjacent sites constructing the wider block at the same time and also proposes amending the scheme by redistributing the affordable housing. The wider site is a total area of over 1 hectare and involves 181 residential units, which does mean that the combined development exceeds the threshold of 150 residential units as set out in Schedule 2 10b of the EIA Regulations. Officers are screening the combined development proposal with input from our technical advisors. Given that the individual applications previously considered (15/00461/FUL and 15/00540/FUL) have been assessed as not giving rise to significant effects it is not likely that EIA is required, but this is being assessed and an update will be provided to members and the screening opinion confirmed at Planning Decisions Committee.

11. **HUMAN RIGHTS & EQUALITIES IMPLICATIONS**
11.1. Members should take account of the provisions of the Human Rights Act 1998 as they relate to the application and the conflicting interests of the Applicants and any third party opposing the application in reaching their decisions. The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.

11.2. In addition the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty inter alia when determining all planning applications. In particular Members must pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.3. Officers are satisfied that the application material and Officers’ assessment has taken into account these issues, in particular impacts on residential amenity, provision of employment and housing, including affordable housing, inclusivity and quality of the design of the units, parking and servicing provision.

12. CONCLUSION

12.1. The principle of redevelopment the site is supported and through the provision of a new mixed use development, the scheme will maximise the use of previously developed land and will make a valuable contribution to both local housing needs and the local employment offer. The proposal would result in an increase in job density on the site and would provide flexible B1 work space which could accommodate small and medium enterprises including creative industries, a typology which is suitable for Hackney Wick. The existing business on the site would not be displaced as a result of the proposal.

12.2. The subject application would provide 23 new residential units and 645 sqm (GIA) of commercial floorspace at ground floor. The affordable housing offer made by the applicant is to provide 5 units (equating to 22% by units). The viability appraisal of the scheme has been independently reviewed by PPDT’s viability consultants and the received advice is that they are satisfied that the affordable housing offer made by the applicant exceeds the level that could be reasonably required based on the current viability position of the proposals (which is 0%).

12.3. The applicant has successfully demonstrated that the quality of accommodation would be high despite the proposal exceeding the density thresholds recommended in the London Plan. The proposal successfully optimises the capabilities of the site and will deliver much needed housing units of a suitable
standard, meeting the needs of future occupants and the housing market more generally.

12.4. Officers consider that the scheme is of exemplary design and that exceeding the density set out in the matrix in the London Plan is justified due to meeting the requirements of London and Local Plan Policies including BN10, BN4 and the quality standards of the Mayors Housing SPG.

12.5. The urban design, layout, building height, scale and bulk and detailed design of the scheme are considered acceptable. The Quality Review Panel has stated that it ‘fully supports the proposed architectural expression of the building, including the extensive use of brick and proposed detailing warmly support the development proposals’ The proposal respects and reinterprets the industrial heritage of the area whilst providing a high quality contemporary finish. The scheme would make a worthy contribution to the area and would preserve the character, appearance and setting of the conservation area and nearby heritage assets.

12.6. The impacts of the development on the amenity of existing and future neighbouring properties in terms of loss of light, outlook and privacy have been assessed and considered to be compliant with London Plan and Local Plan polices. No objections to the scheme have been received and no material considerations have been raised by statutory consultees or local residents that would justify withholding planning permission.

12.7. Subject to the measures which are proposed to be secured by recommended conditions and s.106 legal agreement obligations, it is considered that the impacts of the scheme can be suitably mitigated. Overall the scheme is considered to represent a sustainable form of development in compliance with relevant planning policies, subject to measures and mitigations to be secured by conditions and s106 obligations.

12.8. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Director of Planning Policy and Decisions) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

13. PLANNING CONDITIONS

1. Time limit

The development shall be commenced before the expiration of three years from the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1991

2. Works in accordance with approved details

Unless minor variations have been agreed by the Local Planning Authority and to the extent that it does not deviate from this permission, the development shall be carried out in accordance with the following drawings and documents:

[to be inserted and including signage strategy in support of the application]
and the description of development contained in the application and any other plans, drawings, documents, details, schemes or strategies which have been approved by the Local Planning Authority pursuant to these conditions. 

Reason: To ensure that all works are properly implemented and retained.

3. Residential standard – internal noise levels

All residential premises shall be designed and constructed in accordance with BS8233:2014 ‘Sound insulation and noise reduction for buildings - Code of Practice’ to attain the following internal noise levels:
- Bedrooms: 30dB LAeq,T* and 45dB LAfmax
- Living rooms: 35dB LAeq, D*

*T- Night-time 8 hours between 23:00-07:00
*D- Daytime 16 hours between 07:00-23:00.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources.

4. Sound insulation and noise mitigation details - Residential

Prior to the installation of acoustic insulation measures for the development hereby approved details shall have been submitted to and approved in writing by the Local Planning Authority for a scheme of acoustic insulation and any other necessary means of ventilation provided.  The scheme shall include a glazing specification for all windows to ensure a good standard of internal noise can be achieved during day time and night time in accordance with the guideline levels of BS8233 2014: "Sound insulation and noise reduction for buildings – code of practice" or an equivalent standard.  The residential units hereby permitted shall not be occupied until the noise attenuation scheme, including glazing specification, has been implemented in accordance with the approved scheme and thereafter permanently retained.

Reason: To ensure an adequate standard of residential amenity.

5. Sound insulation and noise mitigation details – Residential and Non-Residential

The Development shall not be occupied until details of the proposed sound insulation scheme to be implemented between the residential accommodation and any non-residential uses have been submitted to and approved in writing by the Local Planning Authority. Details should include airborne and impact sound insulation. The Development shall not be occupied until the noise mitigation measures approved as part of the sound insulation scheme have been installed. The approved scheme is to be completed prior to occupation of the Development and thereafter permanently retained.

Reason: To protect the amenity of future occupants and/or neighbours.

6. Refuse storage

Before the first occupation of the buildings hereby permitted, the refuse storage arrangements shown on the approved drawing/s shall be provided and made available for use by the occupiers of the buildings and the facilities provided shall thereafter be retained for the life of the development and neither they nor the space they occupy shall be used for any other purpose.
Reason: To ensure that the refuse will be appropriately stored within the site in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance.

7. Approval of road works necessary

The development shall not be commenced until details of the following works to the highway have been submitted to and approved in writing by the Local Planning Authority:

- Installation of new crossovers and reinstatement of footways where existing crossovers are being blocked up

The building hereby permitted shall not be occupied until these works have been completed in accordance with the approved details.

Reason: To ensure that all road works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed before occupation.

8. Construction Management Plan

The development shall not be commenced until a construction management plan (CMP), has been submitted to and approved by the Local Planning Authority. The Construction Management Plan shall be in accordance with all relevant legislation in force and substantially in accordance with all policy adopted and best practice guidance published at the time of submission. The CMP shall include as a minimum the following information:

- The arrangements for liaison with the relevant highway authorities;
- The arrangements for the temporary or permanent relocation of bus stops (if required);
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials including a construction logistics plan;
- The storage of plant and materials use in constructing the development;
- The erection and maintenance of security hoardings;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling and disposing of waste resulting from demolition and construction work;
- Dealing with complaints and community liaison;
- Attendance as necessary at the LLDC Construction Co-ordination Group;
- Details of routes and access for construction traffic. Including lorry holding areas; and
- Guidance on membership of the Fleet Operator Recognition Scheme and implementation of vehicle safety measures and driver training including cycle awareness and an on road cycle module.

The development shall be carried out in accordance with the approved details.
9. Material samples
No above ground works shall take place until material samples and sample-panels of all external facing materials (including any hard landscaping materials, mortar and bond) to be used in the construction of the external surfaces of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development

10. Detailed drawings
Prior to commencement of the development the following detailed drawings including sections (at a scale to be agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority:

- Commercial façade details (ground level shopfronts and entrances): Elevations and sections through shopfronts, including details of doors, windows, canopies security shutters and areas for signage
- Residential façade details: Elevations and sections annotated with materials and finishes of all windows (including reveals and sills), entrances, external bin stores, balconies, and balustrades, pipework and parapets;
- External lighting, in particular to Yard;
- Gates to yard; and
- The development shall not be carried out otherwise than in accordance with the approved drawings.

Reason: In order to ensure a high quality of design and detailing is achieved.

11. Deliveries and servicing management plan
The development shall not be commenced until a delivery and servicing management plan (DSMP) detailing how all elements of the site are to be serviced has been submitted to and approved in writing by the Local Planning Authority. The DSMP shall be prepared in accordance with TfL's online guidance on delivery and servicing plans found at http://www.tfl.gov.uk/info-for/freight/planning/delivery-and-servicing-plans#on-this-page-1 or such replacement best practice guidance as shall apply at the date of submission of the DSMP. The approved DSMP shall be implemented from first occupation and thereafter for the life of the development.

Reason: In the interests of highway and pedestrian safety.

12. Blue Badge Car Parking
Prior to the first use of the development hereby approved, the blue badge parking bay shown on the approved drawings shall be provided, marked out, and signposted. Thereafter this space shall be permanently maintained solely for the use of vehicle parking by blue badge holders.
Reason: To ensure the permanent retention of the parking space to make provision for blue badge holders and to avoid obstruction of the surrounding streets by waiting vehicles.

13. Cycle Storage and facilities - details to be submitted
No above ground works shall take place until details (1:50 scale drawings) of the facilities to be provided for the secure storage of cycles (for both residential and commercial elements) and on site changing facilities and showers (for the commercial element) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the facilities provided shall be retained for the life of the development and the space used for no other purpose.

Reason: In order to ensure that satisfactory secure cycle parking and facilities for cyclists are provided and retained.

14. BREEAM
Before any fit out works to the commercial premises hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) which demonstrates that a minimum ‘very good’ rating has been achieved shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given. Before the first occupation of any commercial premises hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards above have been met.

Reason: To ensure that high standards of sustainability are achieved.

15. Landscaping Plan (including roof terraces)
Before any above ground work hereby authorised begins, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- detailed drawings 1:50 and 1:10 of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings and roof terrace areas (including boundary treatments, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping);
- details of all existing trees on and adjacent to the land, and details of any to be retained, together with measures for their protection, during the course of development;
- planting schedules;
- species mix;
- details of biodiversity enhancements (bird and bat nesting boxes etc).

The planting, seeding and/or turfing shall be carried out as approved in the first planting season following completion of building works comprised in the development and any tree or shrub that is found to be dead, dying, severely
damaged or diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Planting shall comply to BS:4428 Code of practice for general landscaping operations, BS:3996 Nursery stock specification, BS:5837 Trees in relation to construction and BS:7370 Recommendations for establishing and managing grounds maintenance organisations and for design considerations related to maintenance.

Reason: In order that the Local Planning Authority may ensure that the design and details are in the interest of the special architectural qualities of the existing building and the public spaces around it.

16. Contamination – preliminary risk assessment
Prior to the commencement of the development permitted under this consent taking place the details of the following shall be submitted to and approved 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 the preliminary risk assessment (1) to all receptors that may be affected, including those off site. The preliminary risk assessment and scheme of investigation should be agreed in advance with LLDC PPDT before the investigation commences.

3) The results of the site investigation (2) and quantitative risk assessment of the results, 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.

Reason: To protect Human Health and the water environment, including groundwater.

17. Remediation, Implementation and verification method statement
Prior to any永久 building works including foundation and piling being carried out a Remediation, Implementation and verification method statement providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in condition 16 (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 written consent of the LLDC PPDT. The scheme shall be implemented in full as approved.

Reason: To protect Human Health and the water environment, including groundwater.

18. Piling method statement
No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for impact on ground water, damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
Reason: The proposed works will be in close proximity to underground water utility infrastructure and some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

19. Verification report

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been 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 a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, a maintenance timetable and arrangements for contingency action arising from the monitoring, as identified in the verification report. The long-term monitoring and maintenance plan shall be implemented in full as approved.

Reason: To protect the water environment, including groundwater from pollution and/or further deterioration.

20. Unexpected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the protection of human health and avoidance of pollution of controlled waters.

21. Removal of any underground tank and fuel lines

Should any underground tank and fuel lines be present on-site they must be emptied, desludged and purged, prior to commencement of demolition works and in accordance with details agreed with the Local Planning Authority.

Reason: To reduce the risk of pollution and protect the quality of the water environment.

22. Flood risk

The development must be carried out in accordance with the following mitigation and resilience measures detailed in the approved Flood Risk Assessment (FRA) Ref 160460-06A August 2016 and Addendum Ref 160460-08 November 2016 Ardent Consulting Engineers):

Reason: To ensure that the proposed development and future occupants are adequately protected from flooding.
23. Accessible housing
90% of the residential units hereby permitted shall be designed and constructed in accordance with Optional Requirement M4 (2) Category 2 of Part M of the Building Regulations.

10% of the residential units hereby permitted shall be designed and constructed in accordance with Optional Requirement M4 (3) Category 3 of Part M of the Building Regulations (split proportionately so that 10% of each of the following tenures of residential units shall be so provided: market housing units, intermediate units, social rented Units and affordable rented units; and 10% of each of the following sizes of residential units shall be so provided: one, two and three bedroom units).

The actual number of units to be provided in accordance with this condition will be the number of whole units that is as near as arithmetically possible to the specified percentage and 0.5 or above shall be rounded up to the nearest whole.

Reason: To ensure adequate accessible housing is provided

24. Car parking permits

No occupiers of the residential or commercial units hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Local Highway Authority for a parking permit or retain such permit, and if such permit is issued it shall be surrendered to the Council within seven days of written demand.

Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident’s parking permit within any controlled parking zone which may be in force in the area (define) at any time.

Reason: In order that the prospective occupiers of the residential or commercial units are made aware of the fact that they will not be entitled to an off-street car parking permit, in the interests of the proper management of parking and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring properties by increasing on-street car parking in the area.

25. Refuse storage

Before the first occupation of the Development hereby permitted, the refuse and recycling storage arrangements shown on the approved drawing/s shall be provided and made available for use by the occupiers of the Development and the facilities provided shall thereafter be retained for the life of the Development and neither they nor the space they occupy shall be used for any other purpose.

Reason: To ensure that that the refuse will be appropriately stored within the site in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance.

Pre commencement justification: To ensure there are refuse storage arrangements in place in advance of the use commencing to avoid highway and safety issues.
26. Smart metering and reduction of energy demand
All residential units and non-residential units constructed as part of the Development shall have installed at the time of construction smart meters (meaning a meter and any associated or ancillary devices which enables information to be communicated to or from it, using an external electronic communications network) for measuring the supply of electricity, gas and water consumption which shall as a minimum be designed to inform the occupants and owners of each residential unit and non-residential units (as appropriate) of the level of their usage by way of a digital display showing total power consumption and figures for cost and CO2 emissions and comparison of energy use on a daily, weekly or monthly basis.

Reason: To optimise the standards of sustainable design and construction.

27. Development Energy demand reduction
Prior to first Occupation of the Development a scheme setting out measures to encourage reduced energy demand by the occupiers and owners of the Development shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted pursuant to this condition shall consider and include the use of marketing materials, education, distribution of information on energy saving methods, tips and advice, promotion of energy efficient appliances and installation of the same where appliances are to be installed as part of the original construction and fit out of buildings. The scheme shall be implemented during the marketing of the Development.

Reason: To optimise the standards of sustainable design and construction.

28. Photovoltaics
Prior to the installation of any photovoltaic (PV) panels full details and a strategy for their installation on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development meets a high standard of sustainable design and construction and incorporates renewable technologies

29. Drainage
Prior to the installation a drainage strategy, detailing any on and/or off site drainage works, shall be submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. The drainage works referred to in the approved strategy shall be implemented in full and no discharge of foul or surface water from the site shall be accepted into the public system until the said drainage works have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

30. Sewerage
The development hereby permitted shall not be commenced (except demolition) until such time as a scheme to agree sewage pipe work specifications (in SPZ1s)
has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: to protect groundwater. Leakages from foul water sewage pipes can pose a risk to groundwater quality, particularly in sensitive areas such as SPZ1. In such locations we expect these works to be completed to the highest standard.

31. Surface water drainage
No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the water environment, including groundwater.

Informatives:
1. CIL - You will be liable to pay Community Infrastructure Levy (CIL) to London Legacy Development Corporation as collecting authority on commencement of the above development. Charges have been levied under the Mayor of London CIL Charging Schedule which took effect on 1 April 2012, the London Legacy Development Corporation Charging Schedule which took effect on 6 April 2015 and section 211 of the Planning Act 2008. For further information on CIL please see http://queenelizabetholympicpark.co.uk/planning-authority/planning-policy/community-infrastructure-levies

Thames Water

2. Surface Water Drainage - It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

3. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

4. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
5. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

6. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk/wastewaterquality.

7. Water Comments - Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

8. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

Proactive and Positive Statement
In accordance with the National Planning Policy Framework and with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the following statement explains how the LLDC as Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with this planning application:

Following submission of the planning application to LLDC, the local planning authority continued to work with the applicant in a positive and proactive manner. The planning application complies with planning policy as stated above and was determined in a timely manner.

The applicant has been kept informed of the progress of the application and has been given the opportunity to respond to and address any problems arising.

APPENDICES
Appendix 1 – Site context and adjacent approved schemes  
Appendix 2 – Site and layout plans ground and first  
Appendix 3 – Layout plans 2nd and 3rd floors  
Appendix 4 – Layout plans 4th to 6th (roof)  
Appendix 5 - Elevations  
Appendix 6 – Rothbury Road – views of proposed scheme  
Appendix 7 – QRP report 23 June 2016