

**Subject: Land at Marshgate Lane, Pudding Mill, Stratford, London E15 2NH,
Reference 17/00669/VAR**

Meeting date: 25 September 2018

Report to: Planning Decisions Committee

Report of: Anne Ogundiya, Principal Planning Development Manager

FOR DECISION

This report would be considered in public

1. EXECUTIVE SUMMARY

- 1.1. This application for full planning permission was considered at the meeting of the Planning Decisions Committee (PDC) held on 22nd May 2018. Having considered the report (as clarified by the update report); received a presentation from the Principal Planning Development Manager; and asked questions of the applicants, Members resolved to defer consideration of the application for the following reasons:
- Further detail to be provided by the applicant regarding the driver for the proposed increased commercial space;
 - Officers to explore with the applicant an enhanced affordable housing offer;
 - Mix of Units - not enough family units and too many studios;
 - Residential Quality and Density:
 - Proposals are poor quality, loss of cores, units too small and are too many per core;
 - Officers to provide further details demonstrating that the quality of the scheme would be high despite the proposal exceeding the density thresholds recommended in the London Plan;
 - Architectural expression:
 - The provision of the additional floor between Buildings 1 and 2 results in a poorer visual appearance.
- 1.2. An updated report was prepared by officers for the 24th July PDC but deferred at the applicant's request and therefore not considered by Members.
- 1.3. The applicant has provided further detail as requested by Members on the driver for increased commercial space, which is included within the assessment.

- 1.4. Since the May PDC the applicant has revised the s73 submission. The applicant has reduced the proposed amount of commercial floorspace by 199m², i.e. from 5,671m² to 5,472m². The extant consent approved 4,257m² of commercial floorspace. In addition, the total number of residential units now proposed on the site is 260 from the originally proposed 275 units. The approved number of residential units on the site is 254, with a 17.7% affordable housing provision.
- 1.5. Affordable housing: The revised s73 proposes 206 market sale units compared to 209 in the extant consent and 221 in the previous s73 application. Therefore, a reduction from both previous proposals. In lieu of this the current s73 proposal contains 54 affordable tenure units (87% London Affordable Rent / 13% London Shared Ownership). This equates to 21% affordable housing (24% by NIA floorspace) an increase over the previous s73 proposition of 19.6% (21% by NIA floorspace). This is a higher provision than the original consent (17.7%), and a proposal which provides a higher proportion of affordable homes as LAR (London Affordable Rent) tenure.
- 1.6. Mix of Units: Following Members concerns regarding the introduction of 10 studios to the development and the proposed reduction in the number of 3 bedroom units, the applicant has removed all the studios, and has increased the number of 3 bedroom units from the originally proposed 50 units (in the original S73 application) to 69 x 3 bedroom units, 4 less than the extant consent position of 73 units. Generally, as revised, the s73 unit mix split is more similarly aligned with the extant consent than previously proposed to Members at the May PDC. The proposed revised unit mix equates to 62% family housing (i.e. 2 bed units or more), the proportion of family housing in the extant consent is 60%.
- 1.7. Residential Quality and Density: The proposals, as submitted and revised, comply with adopted policy and design guidance. A number of the consented residential units were significantly larger than required by the Housing SPG (2016) space standards. As revised Officers are satisfied that all units still meet space standards, and indeed they are typically around 10% larger than the Mayor's Housing SPG standards, and the proposals result in more housing.
- 1.8. As revised, of the approved 8 residential blocks only blocks 1, 2 and 3 are now proposed to be amended.
- 1.9. Architectural Expression: A deeper recess of 2.5m has been introduced to the south elevation. This is compared with 1.15m for the development as previously presented to Members and 2.65m for the approved development. The deeper recess reinforces the concept of the original design as approved, in response to Members' concerns that the recess is not as visible as the original proposals. There would be no change to the materials proposed for the elevation which, as consented, are GRP panels. There would be minor changes to the setting out of the elevation, to allow for the internal changes to the apartment layouts. Balcony locations and sizes remain unchanged.
- 1.10. Following the review of the additional and updated information, Officers remain of the view that the s73 variation to condition 2 (approved drawings) is considered to be acceptable. The development meets the tests of national, regional and local development plan policy in terms of density, urban design, and architecture of the buildings. The development successfully optimises the capabilities of the site and will deliver housing including affordable housing meeting local and strategic need. It is therefore recommended that the application be approved.

- 1.11. The applicant has also submitted a section s96A non-material amendment application, which would change the description of development so that it is consistent with the conditions as altered by the s73, the decision for which would be issued at the same time as this s73 application.

2. RECOMMENDATIONS

2.1 The Committee is asked to:

- a) **Approve the application for the reasons given in the report and grant planning permission subject to:**
- 1. the satisfactory completion of the deed of variation to the original legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and**
 - 2. the conditions set out in this report.**
- b) **Confirm that their decision has taken into consideration the environmental information addendum submitted in relation to the application, as required by Regulation 26(1) of the EIA Regulations:**
- c) **Agree to delegate authority to the Director of Planning Policy and Decisions to:**
- 1. Finalise the recommended conditions 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 deed of variation to the original s.106 legal agreement) as the Director of Planning Policy and Decisions considers reasonably necessary;**
 - 2. Finalise the recommended deed of variation to the original legal agreement under s.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**
 - 3. Complete the deed of variation to the original s.106 legal agreement referred to above and issue the planning permission.**
 - 4. Determine the associated S96A application for non-material amendments referred to above.**

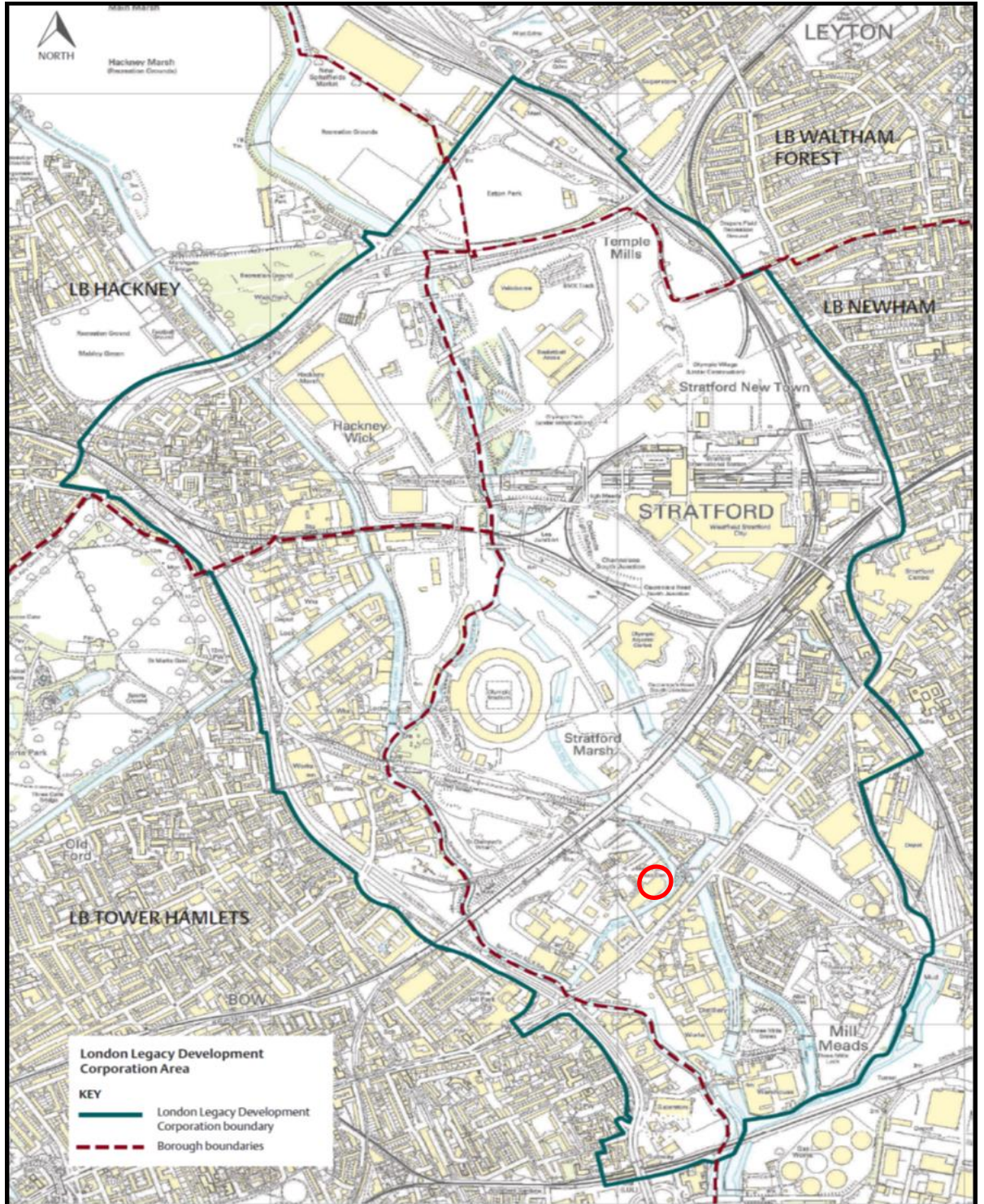
3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications.

4. LEGAL IMPLICATIONS

- 4.1. The recommendation is that planning permission is granted, subject to conditions and completion of a deed of variation to the original s.106 agreement in order to tie the originally agreed obligations to the new permission, to ensure adequate mitigation of the impacts of the development. The contents of the deed of variation and summary of the original Heads of Terms is described in paragraphs 6.35 and 6.36 of this report and 10.94 of the report to May PDC.

SITE PLAN



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- Location:** Land at Marshgate Lane, Pudding Mill Stratford, London E15 2NH
- London Borough:** Newham
- Proposal:** Application under s73 of the Town and Country Planning Act 1990 (as amended) for the variation of Condition 2 (approved drawings) of planning permission ref. 14/00422/FUL dated 5 May 2017 (comprehensive mixed use redevelopment comprising: demolition of

existing buildings, and the erection of 8 buildings ranging from 3 to 12-storeys in height, comprising a total of 254 residential dwellings including affordable housing, and 4,257m² Gross Internal Area (GIA) of B1 (business) floorspace, together with basement, access, servicing, car parking, cycle parking, cycle storage, plant, open space and landscaping).

Submission under s73 of the Town and Country Planning Act 1990 (as amended) for variation to condition 2 (approved drawings) of planning permission reference 14/00422/FUL, to make changes to the approved scheme to include: (1) increase of employment use from 4,257m² to 5,472m² (additional 1,175m² (GIA) floorspace); (2) decrease of residential floorspace from 28,003m² to 27,514m² (decrease of 489m² (GIA) floorspace); (3) optimisation of residential floorspace, increasing the number of residential units from 254 to 260; and (4) alterations to façades and associated minor internal amendments to facilitate the proposed changes.

Applicants: Workspace 14 Limited
Agent: Bilfinger GVA
Architects: Squire and Partners

5. REVISIONS TO SECTION 73

5.1. The revised s.73 seeks the following:

5.1.1. Increase of employment use from 4,257m² to 5,472m² (additional 1,175m² (GIA) floorspace) within building 1 and 2. This has resulted in the loss on the approved 3rd floor of a total of 5 residential units to accommodate the additional commercial floorspace;

5.1.2. Decrease of residential floorspace from 28,003m² to 27,514m² (decrease of 489m² (GIA) floorspace);

5.1.3. Optimisation of residential floorspace, increasing the number of residential units from 254 to 260 (see table 1 below). Unit sizes on the residential floors within building 1 and 2 have been optimised, which has enabled additional residential units to be provided; five additional units in Building 1 (total 47 units net gain of 5 over extant consent (consented as 42)) and one additional unit in Building 2 (total 28 units net gain over extant consent of 1 unit (consented as 27)). See table 2 below;

5.1.4. Reconfiguration of the party walls and marginal movement of the cores in Building 3. There are no changes to the number of units within Building 3, which is as consented i.e. 56, however there are changes to the unit mix as follows: 3 less 1 bedroom units, 2 less 2 bedroom units and 7 extra 3 bedroom units.

5.1.5. General alterations to façades and associated minor internal amendments to facilitate the proposed changes.

Table 1 - Overall Scheme Optimisation of Units

Consented Scheme	Number of Units	Proposed S.73	Number of Units	Change
1 bedroom	100	1 bedroom	99	-1
2 bedroom	76	2 bedroom	88	+12
3 bedroom	73	3 bedroom	69	- 4
4 bedroom	5	4 bedroom	4	-1
Consented Total Units	254	Proposed Total Units	260	+6

- 5.2. The following table 2 is a comparison of the residential element within Buildings 1 and 2 illustrating what is consented and what is proposed.

Table 2 - Buildings 1 + 2 Mix Comparison

	Consented Number of units	Proposed s73 number of units	Change in number of units
1 bedroom	33	35	+2
2 bedroom	12	28	+16
3 bedroom	23	12	-11
4 bedroom	1	0	-1
Total	69	75	+6

- 5.3. The approved landscaping has generally not been revised for this s.73 application. Where there are changes to the approved landscape they are limited to the building entrances of Buildings 1 and 2, and the relocation of the shared landscape area to the new roof above the office levels. The servicing strategy for the site remains as the consented scheme.

6. ASSESSMENT OF PLANNING ISSUES

- 6.1. The assessment of the application presented in the appended Planning Decisions Committee (PDC) report remains applicable. However, references to changes to buildings 4 - 8 is no longer applicable as the layout and façade treatment are now proposed to remain the same as the original permission (14/00422/FUL). Also, since the May PDC the applicant has revised the total number of proposed additional of units which was previously proposed at 21 to the now proposed 6 units. The total number of residential units proposed on the site is now 260 from the originally approved 254.
- 6.2. The following addresses the issues that have been raised as being of concern to Members at their meeting on 22nd May 2018.

Driver for increased commercial space

- 6.3. At the May PDC Members requested further details relating to the need for the additional commercial floorspace. The applicant has since revised the amount of additional commercial floorspace proposed. An additional 1,175m² (GIA) is proposed within Buildings 1 and 2, which is a reduction of 239m² from the quantum reported to Members in May. The total commercial floorspace now proposed is 5,472m² from the extant consent approval of 4,257m². The applicant has advised that the revisions are necessary in order to enable delivery of the development and to secure a joint venture partner, which they advise is critical to the delivery of the scheme.
- 6.4. The additional floor of commercial development within Buildings 1 and 2 is required to provide a minimum floorspace for the applicant (Workspace Ltd) to viably occupy the development. They state that they are "...keen to invest in Pudding Mill as a veritable prospect for the future in the next few years and beyond. This project and the additional commercial floorspace proposed will kick start the regeneration of Pudding Mill and encourage future agglomeration of business floorspace and housing in the Pudding Mill Local Centre. In addition, the additional B1 floorspace could equate to an additional 117 full time jobs...".
- 6.5. They also comment that given that the majority of the development earmarked/approved for the immediate Pudding Mill area has not yet come forward the additional commercial floorspace would ensure their minimum business centre requirements as a "destination centre" for this area. As such, the applicant advises that the additional commercial floorspace is essential for Workspace to ensure the business centre is successful.
- 6.6. Officers consider the delivery and occupation of the commercial floorspace by the applicant to be a significant driver to this part of the regeneration of Pudding Mill Lane, which would deliver additional benefits including an employment hub for small and medium enterprises alongside a significant number of new homes (260 units) together with increased connectivity and the provision of high quality public amenity space and playspace, which accords with the policy aspirations for the area.

Affordable Housing

- 6.7. At the May PDC meeting Members raised concerns regarding the applicant's offer of 19.6% by unit of affordable housing, which whilst lower than the Local Plan Policy H.2 requirement of 35% (subject to viability) is higher than the extant consent affordable housing provision of 17.7%.

- 6.8. As revised, the amended s73 proposal would result in an additional 6 units created overall from the optimised floorspace i.e. from the approved 254 units to 260 units, along with the additional floor of commercial floorspace at Buildings 1 and 2; of which 54 units would be affordable housing. Overall this equates to 21% (24% by NIA floorspace) of affordable housing across the site compared to the 17.7% agreed in the consented scheme and the 19.6% (21% by NIA floorspace) presented to Members in May.
- 6.9. It is noted that whilst the overall number of units proposed in the original s73 has reduced from 275 to the now 260 units, the proposed quantum of affordable housing proposed remains the same at 54 units, an increase of 9 affordable units from the extant consent.
- 6.10. In response to the points raised by Members the applicant has revised the affordable offer to include a greater proportion of London Affordable Rent tenure (LAR) family units. All of the additional affordable housing units that would be provided pursuant to the s.73 application would be made available at the LAR tenure, which is considered to be genuinely more affordable than the Affordable Rent tenure approved in the extant scheme.
- 6.11. As stated in the draft London Plan (Policy H4) ‘...delivering more genuinely affordable housing is a key strategic issue for London...’. The Mayor’s preferred affordable housing tenures are: homes based on social rent levels, including social rent and London Affordable Rent, London Living Rent and London Shared Ownership. LAR and social rent homes are for households on low incomes where the rent levels are based on the formulas in the Social Housing Regulator’s Rent Standard Guidance. The rent levels for social rent homes use a capped formula and LAR homes are capped at benchmark levels published by the GLA. Rents for both are significantly less than 80 per cent of market rents, which is the maximum for Affordable Rent permitted in the NPPF. London Shared Ownership is an intermediate ownership product which enables London households unable to buy on the open market, to purchase a share in a new home and pay a low rent on the remaining, unsold, share.
- 6.12. The revised offer (since May) equates to four more 3 bed units, six more 2 bed units, and four more 1 bedroom units, all at LAR; which is 19 more affordable rented units than the consented scheme; whilst the number of shared ownership units would reduce by 9, from 16 to 7 (see table 5 below). As revised, the overall affordable housing tenure split is 65% LAR, and 35% shared ownership, Members were previously presented with 52% LAR and 48% shared ownership. The additional LAR tenure is welcomed in helping to meet affordable housing need.
- 6.13. The commercial floorspace has been valued at approximately the same value per ft² as the London Affordable Rented units, given the site’s PTAL rating of between 3 and 4 and the current lack of amenities in Pudding Mill.
- 6.14. PPDT’s viability consultant, having reviewed the proposed changes to the development / tenure mix now proposed, and the impact this now has on potential value, concludes that ‘...there is no scope on financial viability grounds for an increase from the affordable housing provision contained within the current proposal...’. The viability consultant has run an independent discounted cashflow analysis of the revised proposals and note that there are two fundamental changes compared to their previous review; firstly, the larger average unit sizes, and secondly the change in tenure mix from higher value shared ownership towards lower value London affordable rent. ‘
- 6.15. PPDT’s viability consultant’s analysis is satisfied that the blended value applied by the applicant’s viability consultant for affordable tenures is reasonable, and concludes that the

proposed development generates a residual land value below the land value that would be considered as a competitive return in line with GLA guidance. This represents the land value that would otherwise be generated by the current consented scheme. They go on to state that ‘...it is appropriate to use this land value as a reference point for determining viability for the proposed scheme on the basis that it fairly represents the existing use value of the site...’ Officers are satisfied that the approach is in accordance with the Affordable Housing and Viability SPG.

- 6.16. The applicant has agreed to sign up to the Mayor’s affordable housing review mechanism in its SPG which is not included as part of the consented application, thereby potentially securing provision for more affordable housing. This is highlighted in the revised Heads of Terms (paragraph 6.35).

Unit Mix

- 6.17. The unit mix as originally consented, presented to Committee on 22nd May and then compared against the proposals set out in the s.73 application is set out in tables 3, 4 and 5 respectively below.
- 6.18. Following Members’ concerns regarding the proposed unit mix, which was considered to comprise too many studio apartments and not enough family units, the applicant has reviewed the proposals further and has removed all of the previously proposed studio units. These units have been enlarged to provide 1 bedroom units instead. This has been achieved by amending the typical floor plan of Buildings 1 to replace the private studio apartments with one bedroom apartments on each floor from level 5 to level 11, thereby reducing the number of studios from 10 to 0.
- 6.19. When compared with the schemes presented to Members at its May Committee the proposed market housing tenure has been reduced, by 15 units (see table 5 below). In addition (as stated above), ten family shared ownership units (2 and 3-bedroom units) are now offered at London Affordable Rent.
- 6.20. The total number of family units, 2+ bedrooms, is increased from 60% under the extant consent to 62%.
- 6.21. In addition, the typical floor plan of Building 1 has been amended to replace the private two bedroom apartments with three bedroom apartments on each floor from level 5 to level 11, thereby increasing the number of three bedroom units overall from 50 to 69.
- 6.22. Whilst the number of 3 bed units provided as open market units has been reduced when compared with the consented proposals i.e. from 60 to 49, this allows for the provision of more affordable housing for the revised proposals given the impact on viability.

Table 3 – Unit Mix as originally approved under application reference 14/00422/FUL

Tenure	Studio	1-bed	2-bed	3-bed	4-bed	All beds Total
Market (82% of total housing)	0	83	62	60	4	209
Shared Ownership / Intermediate (6% of total housing, 36% of total affordable housing)	0	5	7	4	0	16
Affordable Rent (11% of total housing, 64% of total affordable housing)	0	12	7	9	1	28
All tenures Total	0	100	76	73	5	254

Table 4 – Unit Mix as presented to Committee on 22nd May 2018

Tenure	Studio	1-bed	2-bed	3-bed	4-bed	All beds Total
Market (80% of total housing)	10	53	119	37	2	221
Shared Ownership (9.5% of total housing, 48% of total affordable housing)	0	5	14	2	0	21
London Affordable Rent (10.5% of total housing, 52% of total affordable housing)	0	13	8	11	1	33
All tenures Total	10	71	141	50	3	275

Table 5 – Proposed Revised Unit Mix

Tenure	Studio	1-bed	2-bed	3-bed	4-bed	All beds Total
Market (80% of total housing)	0	82	72	49	3	206
Shared Ownership (2.7% of total housing, 13% of total affordable housing)	0	0	2	5	0	7
London Affordable Rent (18% of total housing, 87% of total affordable housing)	0	17	14	15	1	47
All tenures Total	0	99	88	69	4	260

- 6.23. Officers welcome the revised mix and affordable housing offer which is over and above what is supported on viability grounds as set out in the appended Committee Report (paragraphs 10.18 – 10.43), and is regarded as beneficial in terms of helping to meet housing need.
- 6.24. Officers are of the view that the revised offer is acceptable. It is considered that the proposals offer a unit mix which from the applicant's viability perspective enables the scheme to be deliverable, while contributing to delivering mixed and balanced communities and homes for families in line with Local Plan Policy H1.

Architectural Expression, Design Quality, and Density

- 6.25. London Plan policy 3.5 seeks to achieve housing development of the highest quality – internally, externally and in relation to their context and to the wider environment. As set out in the appended Committee Report (paragraphs 10.55 – 10.58) the Mayor's Housing SPG states that where density ranges are exceeded they should be rigorously tested according to different aspects of 'liveability'. It also states that the scheme should be exemplary with respect to urban design, provision of amenity space, climate change and transport to ensure that the site is not being overdeveloped. Those matters are discussed in this report below, and in officers' report from May. Similar objectives are set out in the Local Plan Policy H.1. All of these issues are discussed in the appended Committee Report (paragraphs 10.44 – 10.85).

Architectural Expression: Following Members concerns around the perceived general degradation of the overall approved scheme, the applicant has further amended the proposals, and of the approved 8 buildings is now seeking to amend only blocks 1, 2 (the mixed residential and commercial block) and 3 (the residential block). Members expressed concern at the reduction in the number of cores per block. As revised the scheme meets the Mayor's Housing SPG which states that each core should be accessible to generally no more than 8 units per floor. As revised the scheme has reverted to the original scheme layout with two cores per block.

- 6.26. The s73 proposals introduce a third full floor of additional commercial accommodation to buildings 1 and 2, which results in a reduction in the recess originally proposed separating the commercial areas from the residential floors above. At its May meeting Members were of the view that the reduced recess presented as 1.15m could have a detrimental impact on original architectural integrity of the two buildings and the development as a whole. Following Members concerns the applicant has re-introduced a deeper recess of 2.5m, which compares to the originally approved recess of 2.65m.
- 6.27. Officers are of the view that the revision successfully reinforces the concept of the original design as approved. The reinstatement of the recess, albeit slightly less deep, would ensure that the initial architectural expression of the consented scheme is retained without compromising the quality of the increased commercial floor plates on this third-floor level. Officers are satisfied that the revision ensures that the scheme retains the high-quality architecture of the consented scheme while enabling changes which the applicant has advised are crucial to the scheme's delivery.
- 6.28. Other alterations now proposed are amendments primarily to the fenestration and balconies, in line with the proposed internal alterations as a result of the optimisation of the residential units, and are not unduly visible within the wider scheme.
- 6.29. Density: With regard to density, the proposed development as submitted and as revised falls within the suggested density parameters of the adopted London Plan (2016) and is comparable with the wider Legacy Communities Scheme (LCS) for Pudding Mill. Furthermore, it should be noted that the direction of travel for the draft London Plan is to increase site densities and to remove prescribed limits for housing in London where design

quality and adequate residential amenity can be provided. The s73 proposals would result in a residential density of 675 habitable rooms per hectares. For context, the LCS residential density range proposed for the adjoining PDZ 8 Development Parcels are between 450-950 and 450-650 habitable rooms per hectare. The London Plan maximum density range for development proposals is 200-700hr/ha.

- 6.30. All of the units as currently proposed are typically at least 10% above the nationally prescribed standards and all would have private balconies that would comply with the Mayor's Housing SPG.
- 6.31. Amenity: There is a reduction in residential amenity space by 70m² when compared with the consented scheme. However, the provision is still 2,033m² which would exceed the baseline requirement of 1,717m² as set out in the Mayor's Housing SPG; this excludes private balconies which are provided in every unit in accordance with the GLA's Housing SPG. In addition, publicly accessible space would be provided to the whole frontage of the Bow Back River, a significant benefit of the scheme. Also, the development offers high quality residential space including defensible space and high-quality entrances and amenity areas.
- 6.32. Furthermore, the reordering of the layout would mean that the proposals would provide additional amenity space (46m²) for the office accommodation over the extant consent.
- 6.33. Overall, and subject to the recommended conditions, the proposal meets the policy requirements for residential accommodation and performs well from a 'liveability' perspective. The proposal is considered to represent high quality design in terms of its high performance against the liveability criteria despite the high density. Officers can confirm that the size of units and internal room sizes meet and in many cases, exceed the minimum standards set out in the London Plan and the SPG.
- 6.34. As set out in the appended Committee Report, Officers are satisfied that taking into account the 'liveability' and design factors referred to, the density of the proposed scheme would be of high quality consistent with the density and character of its context. The proposals demonstrate high quality design, and architectural integrity in accordance with Local Plan Policies B.4, BN.1 and BN.4 in line with the extant consent.
- 6.35. **Extant Consent Heads of Terms:** The following are the heads of terms set out in the original s.106 agreement (14/00422/FUL) to mitigate the effects of the development.
- 6.36. As highlighted below the proposed deed of variation to the original s.106 agreement would tie in the originally agreed s.106 obligations to the proposed s73 permission. It would cover the proposed changes to the affordable housing offer, including requiring a review mechanism in accordance with the Mayor's Affordable Housing and Viability SPG. The heads of terms set out below reflect what has been secured in the existing s.106 agreement and the obligations that will need to be amended by the deed of variation are shown in bold and underlining:
- Final details of the treatment of the podium to Block 1 and 2
 - **To secure the Affordable Housing final offer, and to include review mechanisms, in accordance with the Mayor's Affordable Housing and Viability SPG.**
 - Affordable housing delivery linked to market housing
 - **Safeguarding of Land Required for Future Road and Bridge Link**
 - The land that is identified for the alignment of the future road link and bridge from Sugar House Lane to Pudding Mill shall be laid out in accordance with the details contained in the planning application and any subsequent approval of details prior to first occupation of the development and shall be maintained by the Developer in that condition thereafter until such time as the relevant highway

authority request that it be made available for the construction of the road and bridge link.

- Waterway Survey
- Transportation of Construction and Waste Materials by Water Transport
- An obligation in the legal agreement to use reasonable endeavours to meet aspirations for the water transport of waste arising from demolition at the site and for new materials to be delivered by waterway.
- Marshgate Lane Design Works Contribution
- Implement design initiatives / proposals arising from the impact of the development on Marshgate Lane in order to rebalance the street and enhance provision for users including pedestrians and cyclists.
- Relocation Strategy
- Relocation strategy as part of the legal agreement to ensure that the applicant uses reasonable endeavours to relocate the existing tenants within the Growth Boroughs
- Employment Workspace Model
- Delivery of workspace as per the model of Workspace14 Limited
- Workspace to notify the LPA prior to commencement as to whether it would occupy the workspace. If it does not occupy, then it should be offered as low-cost workspace for a period of 2 years
- Requirement for workspace strategy to ensure employment floorspace is designed and managed to meet the needs of small local companies and businesses
- Local Labour Strategy: To ensure a proportion of the employment during construction and operation (end-use) are from the Host Boroughs and to provide training initiatives
- London Living Wage: The minimum hourly wage as published by the GLA for both construction and end jobs.
- Travel Plan: To implement, monitor and review and provide membership to a car club and include electric car charging points
- Car Park Management Strategy
- Provision of Car Club spaces and Contribution to Membership Fees
- Safeguarded Land for TfL Cycle Docking Station
- Restriction on eligibility of future residents and commercial occupiers for on-street parking permits
- Electric Charging Point Provision
- Waterways Strategy
- Design Monitoring Contribution – In order to maintain design quality in the event that the original architect is not retained.
- Sustainability: Use of reasonable endeavours to secure the extension of the QEOP district heating and cooling network to the development site and thereafter an obligation to secure connection of all buildings; and in the event that this cannot be achieved to submit details of alternative measures by which equivalent

carbon savings can be achieved; reasonable endeavours to encourage occupiers to reduce their energy usage

- Management and maintenance of new public realm.
- Public pedestrian and cycle access along the east-west in perpetuity

7. Human Rights & Equalities Implications

7.1. 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.

7.2. 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:

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

7.3. Officers are satisfied that the application material and Officers' assessment has taken into account these issues. Particular matters of consideration have included provision of accessible housing and parking bays, as well as the provision of affordable and family housing.

8. CONCLUSION

8.1. As set out in section 12 of the appended Committee Report the proposals accord with national, regional and local development plan policy. The development forms a mixed use that is respectful of its context and would positively regenerate the area in accordance with Local Plan policy.

8.2. It is considered that the variations proposed as part of the s73 application can be supported, noting that they would be limited in their effect on the originally permitted scheme and would only constitute minor material amendments to the parent permission (14/00422/FUL). The minor material amendments are considered both individually and cumulatively to be acceptable and subject to the necessary alteration to the original s.106 agreement by way of the deed of variation and conditions, the officer recommendation is to grant this s73 variation planning permission.

8.3. The s73 application as revised is recommended for approval subject to the satisfactory completion of a deed of variation to the existing s.106 Legal Agreement.

9. PLANNING CONDITIONS

1. Time limit

S73 - CONSENT LIMITED TO THAT OF ORIGINAL PERMISSION: The development hereby permitted shall be begun not later than the expiration of [04/05/2020].

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on [05/05/2017] [ref: 14/00422/FUL]. Furthermore, to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990

2. Works in accordance with approved details

The development, including demolition and construction, shall be carried out in accordance with the following details and plan numbers:

INSERT DRAWING NUMBERS

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. Section 106 Obligation

No development on the 14ML Land shall commence until all of the parties who own a freehold interest in the 14ML Land have entered into the Supplemental Agreement with the Local Planning Authority.

Reason: To ensure that no development of the 14ML Land can take place until that land is bound into the relevant planning obligations contained within the s.106 Agreement.

4. Workspace 14 Build Out

No part of the development permitted on the 14ML Land shall be occupied until at least 84 residential units on the W14 Land have been occupied.

Reason: To ensure the viability review obligations of the s.106 Agreement capture the achieved sales values of the majority of residential units comprised within the development.

5. Notice of Commencement

The development shall not be commenced until written notice of intention to commence the development has been given to the Local Planning Authority. The notice required by this condition shall only be given where there is a genuine prospect of development being commenced within 21 days of the notice and the notice shall confirm and provide evidence that this is the case.

Reason and pre-commencement justification: To enable the LPA to monitor development.

6. **Development in accordance with Environmental Statement**

The Development (including other matters submitted for approval pursuant to this permission) shall be carried out in accordance with the mitigation measures set out in the document WIE10067.3.2.1. Marshgate_Mitigation Table - Final July 2016.

Reason: To ensure the mitigation measures specified in the Environmental Statement are satisfactorily implemented.

DEMOLITION & CONSTRUCTION

7. **Demolition and Construction Management Plan (DCMP)**

The development on either the W14 Land or the 14ML Land shall not be commenced until a demolition and construction management plan (CMP) for the respective area of land, has been submitted to and approved by the Local Planning Authority. The Demolition and Construction Management Plan and the updates thereto 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 DCMP shall include as a minimum the following information:

- a. The arrangements for liaison with the relevant highway authorities;
- b. The parking of vehicles of site operatives and visitors;
- c. The loading and unloading of plant and materials including a construction logistics plan;
- d. The storage of plant and materials use in constructing the development;
- e. The erection and maintenance of security hoardings;
- f. Measures to control the emission of dust and dirt during construction;
- g. A scheme for recycling and disposing of waste resulting from demolition and construction work;
- h. Dealing with complaints and community liaison;
- i. measures to control the flow of surface water off the slab (temporary drainage details);
- j. Attendance as necessary at the LLDC Construction Transport Management Group (CTMG) and or Construction Coordination Group;
- k. Details of routes and access for construction traffic. Including lorry holding areas; and
- l. 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.

Reason and pre-commencement justification: To ensure that the Local Planning Authority can assess whether the development would generate any unacceptable environmental impacts through demolition and construction that would require appropriate mitigation and to be in accordance with London Plan Policy S.3 and Local Plan 2015 Policy T.4.

8. Code of Construction Practice

The development on either the W14 Land or the 14ML Land shall not be commenced until a Code of Construction Practice for the respective area of land has been submitted to and approved by the Local Planning Authority. The Code of Construction Practice 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 Code of Construction Practice shall include proposals for the following:

- Safeguarding of buried services
- Location and height of any proposed stock
- waste generation and materials reuse and recycling
- air quality mitigation measures from demolition and construction activity within the Site
- noise mitigation measures from demolition and construction activity within the Site

The Development shall be carried out in accordance with the approved details.

Reason and pre-commencement justification: To ensure that the Local Planning Authority can assess whether the development would generate any unacceptable environmental impacts through construction that would require appropriate mitigation in accordance with Local Plan Policies BN.11 and S.4.

9. Demolition and Construction Waste Management Plan

The development on either the W14 Land or the 14ML Land shall not be commenced until a Demolition and Construction Waste Management Plan (DCWMP) for the respective area of land has been submitted to and approved by the Local Planning Authority. The objectives of the DCWMP shall be to ensure all waste arising from the construction works are managed in a sustainable manner, maximising the opportunities to reduce, reuse and recycle waste materials. The DCWMP shall also detail the compliance and assurance requirements to be maintained on the Site during all phases of construction. The DCWMP shall include as a minimum the following information:

- classification of all waste including hazardous waste according to current legislative provisions;
- performance measurement and target setting against estimated waste forecasts;
- reporting of project performance on quantities and options utilised;
- measures to minimise waste generation;
- opportunities for re-use or recycling;
- provision for the segregation of waste streams on the Site that are clearly labelled;
- licensing requirements for disposal sites;

- an appropriate audit trail encompassing waste disposal activities and waste consignment notes;
- measures to avoid fly tipping by others on lands being used for construction. Returns policies for unwanted materials;
- measures to provide adequate training and awareness through toolbox talks; and
- returns policies for unwanted materials.
- The Development shall be carried out in accordance with the approved details.

Reason and pre-commencement justification: Submission required prior to commencement to ensure that the Local Planning Authority to ensure that the impact of demolition and construction is appropriately mitigated and ensure high standards of sustainability are achieved in accordance with Policy 5.18 of the London Plan and Policy S.6 of the Local Plan 2015.

10. Approval of road works necessary

The development on either the W14 Land or the 14ML Land shall not be commenced until details of the following works to the highway for the respective area of land have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Works to the highway shall only be carried out by the Highway Authority:

- The provision of an on-street loading bay.
- The installation of new crossovers and reinstatement of footways where existing crossovers are being blocked up.

The building hereby permitted on the respective area of land shall not be occupied until these works have been consented in accordance with the approved details.

Reason and pre-commencement justification: To ensure that occupiers of the site have adequate facilities to support the use and encourage the uptake of sustainable transport methods to and from the site, and 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 and in accordance with Local Plan 2015 Policy T.4.

11. Piling/Foundation Designs

Piling or any other foundation designs using penetrative methods shall not be permitted on either the 14ML Land or the W14 Land other than with the express prior written consent of the Local Planning Authority, which may be given for those parts of the respective area of land where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed activities safeguard human health and do not harm controlled waters and groundwater resources in line with the Environment Agency's approach to groundwater protection March 2017 and in accordance Policies 5.21, 5.14 and 7.19 of the London Plan and Policy BN13 of the Local Plan 2015.

12. Piling method statement

No piling, including impact piling shall take place on either the 14ML Land or the W14 Land until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling would 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) for the respective area of land 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: To ensure that the proposed activities safeguard human health and do not harm controlled waters and groundwater resources in line with the Environment Agency's approach to groundwater protection March 2017 and in accordance Policies 5.21, 5.14 and 7.19 of the London Plan and Policy BN13 of the Local Plan 2015

13. Remediation Statement

No development except demolition to existing slab level shall commence on either the 14ML Land or W14 Land until a Remediation Statement has been submitted to and approved by the Local Planning Authority in writing. The Remediation Statement shall outline and justify the assessment approach required to be completed and approved by the Local Planning Authority. The Remediation Statement shall also define the phases of development for which subsequent submissions are required to be submitted to discharge the contamination assessment, remediation strategy and methodology.

Reason: Submission required prior to commencement to safeguard human health, controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policies 5.21, 5.14 and 7.19 of the London Plan and Policy BN13 of the Local Plan 2015.

14. Contamination assessment, remediation strategy and methodology

No phase shall be commenced except demolition to existing slab level until details of remediation for that phase as defined in the submitted Remediation Statement have been submitted to and approved in writing by the Local Planning Authority. The contamination assessment, remediation strategy and methodology approach shall be detailed in either of the following documents:

- remediation protection method statement; or
- site specific remediation strategy and remediation method statement

Each submission shall contain as a minimum:

- A review of relevant previous contamination information in conjunction with additional ground investigations undertaken as part of the Development. Any contamination assessment shall use appropriate assessment criteria.
- Details of the proposed development and general work methodology and programme.
- General health and safety and environmental controls including any details of any required authorisations, permits, licences and consents.
- Discovery strategy to deal with unexpected contamination.
- Details of how the remediation works and materials (including site won and imported) are to be validated.

- The remediation method statement shall include details of design, installation and verification of gas and vapour protection measures in accordance with current guidance and British Standards if required by the Local Planning Authority.

The Development shall be carried out in accordance with the approved details.

Reason: To safeguard human health, controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies 5.21, 5.14 and 7.19 of the London Plan and Policy BN13 of the Local Plan 2015.

15. Remediation, validation and protection

No occupation of any part of the permitted Development (or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a verification (or validation) report demonstrating completion of works set out in the approved remediation protection method statement, site specific remediation statement and remediation method statement has been submitted to and approved in writing by the Local Planning Authority.

The verification report shall assess and describe the requirements for long-term monitoring and maintenance (including contingency action) to ensure the effectiveness of the remediation measures implemented. The long-term monitoring and maintenance shall be implemented as approved.

Reason: To safeguard human health, controlled waters, property and ecological systems, and to ensure that the development has been carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with Policies 5.21, 5.14 and 7.19 of the London Plan and Policy BN13 of the Local Plan 2015

16. Unexpected contamination

If during development unexpected contamination is encountered then no further development shall be carried out until an addendum to the remediation protection method statement, site specific remediation statement and remediation method statement (referred to in conditions 13 and 14) has been submitted to and approved in writing by the Local Planning Authority (unless otherwise agreed in writing with the Local Planning Authority). The addendum shall be implemented as approved, in writing by the Local Planning Authority.

Reason: To safeguard human health, controlled waters, property and ecological systems, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies 5.21, 5.14 and 7.19 of the London Plan and Policy BN13 of the Local Plan 2015.

17. Surface Water Drainage

Development of either the 14ML Land or W14 Land shall not be commenced except demolition to existing slab level until a detailed surface water drainage scheme for the respective area of land, based on the following agreed documents has been submitted to and approved in writing by the local planning authority.

- Marshgate Business Centre and 14 Marshgate Lane, Flood Risk Assessment, Document Reference: CIV15409 ES 002, October 2014.

- Marshgate Lane, London, E15 2NH, Drainage Report, Job No. 5239, August 2014.

The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason and pre-commencement justification: Submission required prior to commencement to the Local Planning Authority to prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy 5.13 of the London Plan and Policy BN13 of the Local Plan 2015.

18. **Drainage**

The drainage works referred to in the approved Marshgate Business Centre Drainage strategy prepared by Waterman dated October 2014 shall be implemented in full for each relevant phase of the development, 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 unless minor variations are agreed in writing in advance with the Local Planning Authority.

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 and in accordance with Policy 5.13 of the London Plan and Policy BN13 of the Local Plan 2015.

19. **Archaeological investigation**

- A) For each of the 14ML Land and the W14 Land no development of the respective area of land other than demolition to existing ground level shall take place until (i) a programme of archaeological evaluation for the respective area of land has been submitted to and approved in writing by the Local Planning Authority (ii) the approved archaeological evaluation programme has been implemented and (iii) a report on that evaluation has been submitted to and approved in writing by the Local Planning Authority.
- B) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development of the respective area of land, other than demolition to existing ground level, commences (i) a Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority.
- C) No development or demolition of the respective area of land other than demolition to existing ground level shall take place other than in accordance with the Written Scheme of Investigation approved under Part (B) and archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.
- D) The development on the respective area of land shall not be occupied until a site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure that the archaeological interests are protected and considered appropriately and in accordance with London Plan policy 7.8 of the Local Plan and policy BN.2 of the Local Plan 2015.

RESIDENTIAL STANDARDS

20. Residential standard- internal noise levels

No residential premises shall be occupied unless it has been designed and constructed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings- Code of Practice' and attains the following internal noise levels:

- Bedrooms- 30dB LAeq,T* and 40dB LAfmax
- Living rooms- 30dB 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 and to be in accordance with Policy 7.15 of the London Plan and Policy BN11 of the Local Plan 2015.

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

The development on either of the 14ML Land or the W14 Land shall not be occupied until details of the proposed sound insulation scheme to be implemented between the residential accommodation and any non-residential uses of the respective area of land have been submitted to and approved in writing by the Local Planning Authority. 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 1999: "Sound insulation and noise reduction for buildings – code of practice" or an equivalent standard. Details should include airborne and impact sound insulation. The Development on the respective area of land 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 in accordance with Policy 7.15 of the London Plan and Policy BN11 of the Local Plan 2015.

22. Accessible housing

90% of the residential units hereby permitted shall be designed and constructed in accordance with 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 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 housing units, social rented housing units and affordable rented housing 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 would 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 and to be in accordance with Local Plan 2015 Policy BN.5: Requiring inclusive design.

23. **Refuse storage**

Before the first occupation of the development hereby permitted on either of the 14ML Land or the W14 Land, the waste and recycling storage, transfer and collection arrangements for the respective area of land shown on the approved drawing/s shall be submitted in a Waste Servicing Strategy and approved in writing by the local planning authority, and made available for use by the occupiers of the Development. The Waste Servicing Strategy shall include the following key pieces of information:

- Details and plans showing where residents and commercial tenants in each building should deposit their waste;
- Description of the waste containers and equipment to be housed in each waste storage area;
- Explanation of how and when waste containers will be transferred between waste rooms, the route the container will take during transfer, and where the necessary equipment for facilitating the operations will be stored; and
- Details of arrangements for collection contractors for municipal and commercial waste, including where the waste will be collected from, where the waste collection vehicles will park, and the route for transferring bins between waste stores and vehicles.

The facilities and management processes provided shall thereafter be retained and maintained for the life of the Development of the respective area of land and neither they nor the space they occupy shall be used for any other purpose unless it can be demonstrated that these facilities are no longer required or can be reduced in size without affecting recycling rates, to be agreed in writing by the Local Planning Authority in accordance with Policy S.6 of the Local Plan.

Reason: To ensure there are refuse storage and management arrangements in place in advance of the use commencing to avoid highway and safety issues and ensure that that the refuse would 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.

PARKING, SERVICING, CYCLES

24. **Deliveries and servicing management plan**

The development on either of the 14ML Land or the W14 Land shall not be occupied until a delivery and servicing management plan (DSMP) detailing how all elements of the respective area of land 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 for the respective area of land shall be implemented from first occupation of that respective area of land and thereafter for the life of the development on the respective area of land.

Reason: In the interests of highway and pedestrian safety and residential amenity making adequate provision for deliveries and servicing, and encouraging sustainable delivery methods in accordance with Policy 6.11 of the London Plan and Policy T4 of the Local Plan 2015.

25. **Cycle Storage and facilities- details to be submitted**

The development on either of the 14ML Land or the W14 Land shall not be occupied 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) for the respective area of land have been submitted to and approved in writing by the Local Planning Authority. The development of the respective area of land shall be carried out in accordance with the approved details and the facilities provided shall be retained for the life of the development on the respective area of land 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 and in accordance with Policy 6.3 of the London Plan and Policy T4 of the Local Plan 2015.

SUSTAINABILITY

26. **Renewable energy**

The development on the W14 Land and on the 14ML Land shall be constructed and operated in accordance with the submitted Price/Myers Energy Assessment dated 1st April 2015 and achieve reductions in regulated CO2 emissions through the use of on-site renewable energy generation sources approved as part of this development.

Reason: To ensure a high standard of sustainable design and construction and to ensure sufficient information is available to monitor the effects of the development in accordance with Policy 5.2 of The London Plan and Policies S2 and S5 of the Local Plan 2015.

27. **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 Design Stage rating and a BREEAM certificate of building performance) which demonstrates that a minimum 'Excellent' rating has been achieved shall be submitted to and approved in writing by the Local Planning Authority and the development of the respective area of land shall not be carried out otherwise than in accordance with any such approval given. Within three months of 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 in accordance with Policies 5.2, 5.3 and 5.6 of The London Plan and Policies S2 and S4 of the Local Plan 2015.

28. **Material samples**

Prior to the construction of the development on either of the 14ML Land or the W14 Land, a schedule detailing brick bonding(s) where appropriate and samples of materials and finishes to be used on the external surfaces of the development of the respective area of land shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development. A sample panel(s) of brickwork of not less than 1m x 1m showing mortar mix, bonding and pointing type shall be constructed for the Local Planning Authority to inspect and approve and shall be retained on site until completion of the works, and the brickwork shall be constructed in accordance with the approved panel(s).

Reason and pre-commencement justification: To safeguard the appearance of the buildings and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development in the interest of visual amenity and to accord with Policies BN.1 and BN.4 of the Local Plan 2015.

29. Prior to the construction of buildings 1 and 2 details of the architectural design, including façade treatment, as well as materials and colour of the external surfaces of the podium level (levels 1, 2 and 3) of buildings 1 and 2 (at a scale to be agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority and shall be constructed in accordance with the approved details.

Reason and pre-commencement justification: To safeguard the appearance of the buildings and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development and to be in accordance with Strategic Policy SP.3 and Policies BN.1 and BN.10 of the Local Plan 2015.

30. **Detailed drawings**

Prior to the construction of the development on either of the 14ML Land or the W14 Land detailed drawings including sections (at a scale to be agreed in writing with the Local Planning Authority) of the respective area of land shall be submitted to and approved in writing by the Local Planning Authority as follows:

- Commercial façade details (ground level entrances and shopfront): elevations and sections through shopfronts, including details of doors, windows and signage and junctions with new pedestrian space as well as canopies, security shutters and areas for signage;
- Residential façade details (including elevations facing the internal courtyard): 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; and all openings adjacent to the highways.

The development of the respective area of land shall not be carried out otherwise than in accordance with the approved drawings.

Reason and pre-commencement justification: To enable the Local Planning Authority to properly consider and control the development and to be in accordance and in order to ensure a high quality of design and detailing is achieved and to be in accordance with Strategic Policy SP.3 and Policies BN.1, BN.4 and BN.10 of the Local Plan 2015.

31. **Green/brown roof**

Prior to the construction of the development on either of the 14ML Land or the W14 Land, details of the biodiverse roofs (including a specification and maintenance plan) to buildings 2, 3, 4, 5, 6, 7 and 8 as relevant to the respective area of land shall be submitted to and approved in writing by the Local Planning Authority and the development of the respective area of land shall not be carried out otherwise than in accordance with any such approval given.

Reason and pre-commencement justification: To ensure the proposed development would enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity and to be in accordance with Policy S.4 of the Local Plan 2015.

32. **Landscaping Plan (including roof terrace)**

Prior to the construction of the development on either of the 14ML Land or W14 Land as shown on the appended phasing plan detailed drawings, the following information regarding the respective area of land 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 wind mitigation measures, boundary treatments, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping);
- Full details of the treatment of site boundaries (including bollards)
- 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;
- Waterside landscaping;
- Planting schedules;
- Sections through street tree pits;
- Species mix;
- Details of biodiversity enhancements (bird and bat nesting boxes etc);
- Details of the increased marginal habitat highlighted in Appendix 14.1 of the 2014 Environmental Statement
- Details including plans, elevations and specifications of any play equipment to be provided and
- Details of parapet/balustrade and planting buffer around the roof terrace

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 of the respective area of land 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. All other works including hard surface materials and play equipment shall be carried out and completed prior to the occupation of any part of the development.

Reason and pre-commencement justification: To ensure the proposed development would enhance the visual amenities of the locality and in order that the Local Planning Authority may ensure that the design and details are of high quality and to be in accordance with Policies BN.1 and BN.3 of the Local Plan 2015.

33. **Overheating**

Before the construction of the façades for the development on either of the W14 Land or the 14ML Land, an assessment of the internal temperature in summer of the development of the respective area of land shall be submitted to the Local Planning Authority, so as to demonstrate compliance with the requirements of the Building Regulations 2010 (Schedule 1, Part L) such assessment must use the method of calculation set out in the SAP 2012 (Appendix P) (or any subsequent edition of the SAP as may amend or replace the 2012 edition, as published by BRE). The assessment shall include details of any mitigation measures that are proposed to be used to reduce overheating, which shall include without limitation and where appropriate design of the facades; provision of ventilation; and internal layout. The mitigation measures shall be approved in writing by the Local Planning Authority. Following approval of the mitigation measures the building on the respective area of land shall be constructed in accordance with the approved details and maintained in this condition thereafter, unless other minor variations are agreed in writing by the Local Planning Authority.

Reason: To ensure a comfortable level of amenity for residents of the development and in the interests of visual amenity and to be in accordance with Policy S.4 of the Local Plan 2015.

34. **Photovoltaics**

Prior to the commencement of the development on either of the W14 Land or the 14ML Land full details of photovoltaic (PV) panels and a strategy for their installation on the respective area of land shall be submitted to and approved in writing by the Local Planning Authority. The development of the respective area of land shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building on the respective area of land and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

Reason and pre-commencement justification: To ensure that the development incorporates renewable technologies and meets a high standard of sustainable design and construction and is in accordance with Policy 5.2 of the London Plan and Policies S2 and S5 of the Local Plan 2015.

PERMITTED DEVELOPMENT

35. **Land Use**

Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) the commercial premises hereby approved shall only be used for the purposes specified in the application (being use class B1 as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended at the date of this permission).

Reason: To provide control over the loss of employment generating use in accordance with the regeneration objectives for the Legacy Corporation area as set out in its purposes and within the Corporation's Local Plan.

In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use.

CAFÉ / BREAKOUT AREA

36. Café / breakout hours of use

The café / breakout area shall not operate outside the hours of 0800 to 2300 hours on any day.

Reason: In the interests of residential amenity and to be in accordance with Policy BN.1 of the Local Plan 2015.

37. Café / breakout external alterations

Prior to the use of the café/breakout area, details of the external appearance and specification of the flue at roof top level to Building 1 shall be submitted and approved in writing by the Local Planning Authority and this shall be implemented before first use of the café/breakout area, and also retained in accordance with the approved details. No other external flue, ventilation equipment or any other external alteration shall be installed in relation to the café / breakout use without the prior written approval of the Local Planning Authority.

Reason: In the interest of visual and resident amenity and to be in accordance with Policy BN.1 of the Local Plan 2015.

38. Lighting

No architectural lighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interest of residential amenity and to protect ecological systems in accordance with Local Plan policy BN.3.

INFORMATIVES:

1. This planning application has been assessed against current planning legislation only. The applicant (or any subsequent owner or developer) is therefore reminded that the onus of responsibility to ensure the development meets current fire safety regulations lies fully with them and that they are legally obliged to obtain the relevant Building Regulations consent.
2. In accordance with LFEPA guidance the applicant is strongly recommended to ensure the installation of sprinklers in the new development. The development shall conform with Part B5 of Approved Document B of the Building Regulations.
3. Include Thames Water and English Heritage Greater London Archaeology informatives.

Appendices

Appendix 1 Marshgate PDC Report from 22nd May 2018

Appendix 2 Marshgate PDC - Update Report 22nd May 2018

Appendix 3 Marshgate PDC Report from 22nd May 2018 - original S73 drawings