

**Subject: Land at Marshgate Lane, Pudding Mill, Stratford, London E15 2NH,  
(Ref: 17/00669/AOD)**

**Meeting date: 22 May 2018**

**Report to: Planning Decisions Committee**

**Report of: Anne Ogundiya, Principal Planning Development Manager**

FOR DECISION

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**This report would be considered in public**

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**1. EXECUTIVE SUMMARY**

- 1.1.** The application site comprises two industrial sites, No. 14 Marshgate Lane (14ML), and the Marshgate Business Centre (W14) which would be demolished as part of the proposal. The application site has an area of approximately 1.33 ha and is bounded by Marshgate Lane to the west, Bow Back River and City Mill River to the south and east and the LLDC Legacy Communities Scheme (LCS) redevelopment land (Planning Delivery Zone 8 (PDZ 8)) to the north. The site is located within the Pudding Mill Local Centre.
- 1.2.** This report considers a 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, which granted consent in May 2017 for a mixed-use development comprising 254 residential units within 8 new buildings (ranging from 3-12 storeys) and 4,257m<sup>2</sup> Gross Internal Area (GIA) of commercial floorspace on 3 floors within Buildings 1 and 2. The permission also includes associated landscaped public realm, basement, access, servicing, car and cycle parking, and safeguarded land for the route of a new link road from Stratford High Street across the Bow Back River.
- 1.3.** The proposed s73 variation to condition 2 (approved plans) is submitted as a result of the applicant carrying out a post planning permission viability assessment and a design development appraisal to determine the optimal amount of employment and residential space that the redevelopment could provide. The process revealed that the scheme would benefit from additional commercial floorspace, and that a number of the residential units were significantly oversized when compared to the minimum floorspace requirements set out within the national described space standards (DCLG Technical Housing Standards) and referred to in the Mayor's Housing Supplementary Planning Guidance (SPG) of March 2016.
- 1.4.** The s73 seeks to make changes to the approved scheme, described above, to increase the amount of commercial floorspace (Use Class B1) to 5,671m<sup>2</sup> (an additional 1,414m<sup>2</sup> (GIA)) representing an increase of 33% (within Buildings 1 and

2); the optimisation of the existing residential floorspace resulting in an increase in the number of residential units to 275 from the consented 254 units (an increase of 21 units or 8.3%); and alterations to the approved façades to align with the proposed new plan arrangements. The additional residential units are proposed to be contained within the existing building footprint and height.

- 1.5.** The residential component would comprise 71 x one bedroom units, 141 x two bedroom units, 50 x three bedroom units, 10 x studios, and 3 x four bedroom units. The proposal includes 19.6% (by unit) affordable housing overall, (17.7% under the extant consent 14/00422/FUL). It is noted that of the 21 proposed additional units, 9 units (42.8%) are affordable units. The development would provide 10% wheelchair accessible units. All of the 275 residential units would meet or exceed the nationally described space standards.
- 1.6.** The additional floor of commercial floorspace would be contained within Buildings 1 and 2 resulting in four floors of employment workspace compared to the consented three floors. The additional commercial floorspace would not increase the height or massing of the buildings, which would remain at 12 and 8 storeys respectively. These first four floors would form a Business Centre for small and medium enterprises which would be managed by the applicant, a workspace provider (Workspace 14 Ltd). Residential accommodation would continue as before to be provided above the Business Centre.
- 1.7.** In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended (the EIA Regulations) the application was submitted with an addendum Environmental Statement. Officers and their environmental and transport consultants conclude that the amendments proposed in the s73 application have no additional environmental impacts when compared to the extant permission (14/00422/FUL).
- 1.8.** The key issues in considering the s73 variation to condition 2 are:

  - Additional Commercial Floorspace
  - Housing Mix, including affordable housing;
  - Design and Residential Quality;
  - Elevational changes; and
  - Overall impact of the proposed changes including any impacts resulting from the increased commercial space (transport matters, environmental matters)
- 1.9.** The principle of redevelopment of the site is supported by development plan policy and is established by virtue of the consented permission (14/00422/FUL).
- 1.10.** The s73 variation to condition 2 (approved drawings) is considered to be acceptable in terms of the proposed amendments to the approved plans, no changes are proposed to the footprint or height of the development. The increase in residential units would make a contribution to overall housing targets. The development would make provision for additional affordable housing on the site and a review mechanism has been agreed to re-assess any additional contribution that could be made over the agreed level at the time of delivery of the development, depending on viability. The increase in office floorspace would help support the provision of additional jobs over the consented scheme.
- 1.11.** Officers are also satisfied that the changes to the design would still ensure a suitably high-quality development and that the alterations to the layout would still ensure a

quality residential development. The proposed amendments would not result in any significant loss of amenity to surrounding residents or prospective residents within the scheme including in terms of outlook/daylight/sunlight or from increased activity. The changes, both individually and cumulatively, are also considered to be acceptable amendments to the extant consent on account of their scale and minimal impact.

- 1.12.** This is a significant regeneration project in the area and would maximise the use of previously developed land and would make a valuable contribution to both local housing needs and the local employment offer.
- 1.13.** The proposal is considered to be acceptable in planning policy terms and the scale and nature results in a development which is not substantially different from the one which has been approved. It is therefore recommended that the s73 application is approved subject to conditions and a deed of variation to the original s106 agreement in order to amend and tie the originally agreed obligations to the new permission. The applicant has been advised to submit 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.

## **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 section 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 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**

3. Complete the deed of variation to the original section 106 legal agreement referred to above and issue the planning permission.
4. Determine the associated S96A application for non-material amendments referred to above.

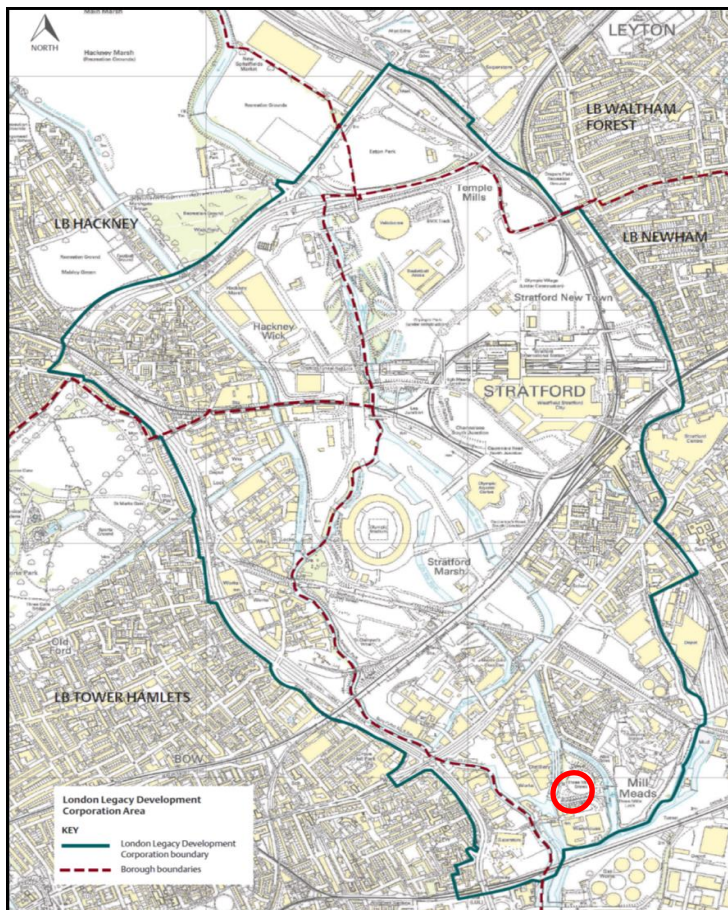
### 3. FINANCIAL IMPLICATIONS

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 s106 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 10.94.

#### 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 4,257m<sup>2</sup> Gross Internal Area (GIA) of B1 (business) floorspace, together with basement, access, servicing, car parking, cycle parking, cycle storage, plant, open space and landscaping).

The variation to Condition 2 (approved drawings) seeks to make changes to the approved scheme to include: (1) increase of employment use from 4,257m<sup>2</sup> to 5,671m<sup>2</sup> (additional 1,414m<sup>2</sup> (GIA) floorspace); (2) decrease of residential floorspace from 28,003m<sup>2</sup> to 27,295m<sup>2</sup> (decrease of 708m<sup>2</sup> (GIA) floorspace); (3) optimisation of residential floorspace, increasing the number of residential units from 254 to 275; and (4) alterations to façades.

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

## **5. SITE & SURROUNDINGS**

- 5.1** The application site has an area of 1.33 ha and is irregular in shape. It contains No. 14 Marshgate Lane and the Marshgate Business Centre. It is bounded by Marshgate Lane to the west, Bow Back River and City Mill River to the south and east and vacant LLDC owned land to the north. The site is currently part open vacant land and part buildings forming the Marshgate Business Centre comprising buildings of up to four storeys in height but predominantly two and three storey which equates to a total floorspace of approximately 8,610m<sup>2</sup> gross internal area (GIA). Since the grant of planning permission for the redevelopment of the site in May 2017 a significant proportion of this floorspace is vacant with the remainder in B8 (storage and distribution), B1 (business) and B2 (general industry) use with 26 people employed in total. The site is located in the Pudding Mill Local Centre.
- 5.2** The buildings on the site are not listed nor is the site in or adjacent to any conservation area. The nearest Conservation Area is Sugar House Lane to the south of Stratford High Street (some 83.75m away to the south east of the application site).
- 5.3** To the north and west of the site much of the land is vacant having been in transport and logistics related uses during the 2012 Games. Much of this land is included in the Legacy Communities Scheme (LCS) outline planning permission (see History section 6). Further to the north is the redeveloped Pudding Mill Lane DLR station.
- 5.4** To the east and south of the site across the Bow Back and City Mill Rivers the area is characterised by large scale existing or projected residential led developments. To the north east on Blaker Road is Otter Close, a four-storey flatted development. To the east is City Mill Lock and Lock Keeper's Cottage where a four-storey building of flats has recently been completed. To the south east and fronting Stratford High Street is a seven and eight storey mainly residential building known as The Lock Building the rear elevation of which faces the application site. Adjoining the Lock Building to the south west is 68-70 Stratford High Street (former Porsche garage) which is currently vacant but with planning permission for residential led redevelopment (see History section 6). Further major schemes are under construction or recently

completed in the vicinity on Stratford High Street including 27 storey development at Stratford Edge, 80-82 Stratford High Street (Weston Homes) and the 31 and 16 storeys development at 2-12 Stratford High Street (Galliard).

- 5.5 Access to the site is from Marshgate Lane which is a vehicular route from Stratford High Street into the Queen Elizabeth Olympic Park (QEOP). At Stratford High Street access is only from and to the eastbound carriageway. The recently enlarged Pudding Mill DLR station is approximately 250m to the north with access from Marshgate Lane. Bromley by Bow station (District Line) is 1.1km to the south west and Stratford Station is 1.6km away to the north east. Stratford High Street is served by five bus routes and the Cycle Superhighway 2 (Stratford to Aldgate).
- 5.6 An existing below ground sewer and easement area is located to the western corner of the site and precludes development in that area. The application site forms part of the wider Pudding Mill Lane development area bounded by Bow Back River and City Mills River to the south and east, River Lea to the west and Great Eastern railway to the north.
- 5.7 The site is in two separate land ownerships: Marshgate Business Centre (W14); and 14 Marshgate Lane (14ML). The applicant owns and operates the majority of the application site (approximately 80%), which is Marshgate Business Centre. 14 Marshgate Lane to the north is owned by another party. A plan showing the different land ownerships is appended to this report.

## 6. RELEVANT PLANNING HISTORY

- 6.1 A planning application for demolition of the existing buildings, and the erection of 8 buildings ranging from 3 to 12 storeys in height, comprising a total of 254 residential dwellings and 4,257m<sup>2</sup> Gross Internal Area (GIA) of B1 (business) floorspace, together with basement, access, servicing, car parking, cycle parking, cycle storage, plant, open space and landscaping was approved in May 2017
- 6.2 Relevant planning permissions on adjacent sites which have not been implemented are set out below and shown in the appendices.
- 6.3 Legacy Communities Scheme (LCS) (11/90621/OUTODA)
- 6.4 This is an outline permission covering 64 ha of the QEOP for a comprehensive residential led mixed use scheme to be delivered in phases over a period to 2031.
- 6.5 The parcel of land adjacent to the north and west of the current application site is known as Planning Delivery Zone (PDZ) 8 and has outline consent for up to 118,290m<sup>2</sup> of residential (Class C3) floorspace, 5,045m<sup>2</sup> of retail (Class A1-A5) floorspace, 23,791m<sup>2</sup> of office (Class B1a) floorspace, 12,158m<sup>2</sup> light industrial (Class B1b / B1c) floorspace, 169m<sup>2</sup> leisure (Class D1) and 1,482m<sup>2</sup> community (Class D2) floorspace, in buildings of up to 39 metres AOD (approximately 11 / 12 storeys in height) in the parcels closest to the application site and up to 53 metres (AOD) (approximately 17 storeys in height) adjacent to Pudding Mill Station. The approved phasing for PDZ 8 is for construction between 2022 and 2031.
- 6.6 The design principles for the proposed PDZ 8 LCS development are to create a neighbourhood mixing a range of uses (residential, office, light industrial/research and development etc), with a permeable block structure and a flexible framework to accommodate future change.
- 6.7 68-70 Stratford High Street (former Porsche garage site) (11/90619/FUMODA)

**6.8** This is a full planning permission for the demolition of existing buildings and erection of new development comprising linked buildings of one, five, nine and eighteen storeys to provide 731m<sup>2</sup> of commercial floorspace (for use within classes A1, A2, A3, B1, D1 and D2) at ground floor and 173 residential units, with 36 car-parking spaces, 213 cycle parking spaces, refuse and recycling facilities, access, landscaping and amenity areas.

**6.9** The approved building heights are:

- 5 storey block = 21.8m AOD = approximately 16.8m above ground level
- 9 storey block = 33.8m AOD = approximately 28.8m above ground level
- 18 storey block = 62.3m AOD = approximately 57.3m above ground level

**6.10** The permitted scheme includes a safeguarded area between Stratford High Street and Bow Back River for the approach to a pedestrian / cycle / bus bridge which would link with the proposed safeguarded area in the current Marshgate Lane application site.

#### **6.11 Planning History - Strategic Industrial Land**

**6.12** Pudding Mill Lane has historically been designated Strategic Industrial Land; with the Newham Core Strategy (2012) within its strategic site allocation S09 identifying the location would be de-designated in order to realise its regeneration potential for mixed use comprising employment uses, residential and community uses with a new centre focused around Pudding Mill DLR station. The Legacy Corporation Local Plan (July 2015) Pudding Mill site allocation (SA4.3) has now replaced this policy and while continuing much of the previous policy position in relation to the required mix and type of uses, does not identify Pudding Mill as strategic industrial land.

#### **6.13 ENVIRONMENTAL STATEMENT**

**6.14** An Environmental Statement (ES) accompanied the extant planning permission (14/00422/FUL) to assess the likely significant effects of the proposed development. Following the proposed s73 variation to condition 2 (approved drawings) an Environmental Statement Addendum has been submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations).

**6.15** The scope of the ES addendum includes updates to the following topics:

- Socio-economics
- Transport and access
- Noise and vibration
- Air quality
- Water resources and flood risk
- Ground conditions and contamination
- Archaeology and built heritage
- Ecology
- Wind and micro climate
- Daylight, sunlight and overshadowing
- Townscape and visual impact
- Cumulative effects

**6.16** The ES addendum has been reviewed by PPDT's Environmental and Transport Consultants, who along with officers are satisfied that it appropriately describes the environmental effects of the development and identifies appropriate mitigation measures, which would be secured by conditions. PPDT conclude that the amendments proposed in the s73 application have no significant adverse additional environmental impacts when compared to the extant permission 14/00422/FUL.

## **7 DESCRIPTION OF DEVELOPMENT**

**7.1** Application under s73 of the Town and Country Planning Act 1990 (as amended) for a minor material amendment to condition 2 (approved drawings) of planning permission reference 14/00422/FUL granted on the 5<sup>th</sup> May 2017 for: -

**7.2** Demolition of existing buildings, and the erection of 8 buildings ranging from 3 to 12-storeys in height, comprising a total of 275 residential dwellings (27,295m<sup>2</sup> (GIA) floorspace) including affordable housing, and 5,671m<sup>2</sup> Gross Internal Area (GIA) of B1 (business) floorspace, together with basement, access, servicing, car parking, cycle parking, cycle storage, plant, open space and landscaping)).

**7.3** The applicant has been advised to submit 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.

### **7.4 Summary of Extant Consent (14/00422/FUL)**

**7.5** The extant consent consists of 8 building designed around the proposed safeguarded link to Stratford High Street and a series of linked, landscaped spaces leading to the Bow Back River frontage (see appendices). Two of the buildings at the west of the site would be linked (Buildings 1 and 2) and would be the only mixed used buildings (residential and commercial) within the development. Building 1 would be 12 storeys (40m high) and Building 2 (27.4m high) eight storeys.

**7.6** The other 6 buildings to the north and east would be purely residential blocks and range from 3 to 8 storeys arranged into 5 residential apartment buildings (6 - 8 storeys) and 1 x 3 storey town-house block. The residential accommodation would comprise 233 apartments, 14 maisonettes and 7 townhouses with associated basement car parking, access and landscaping. A business centre (B1a use) is proposed to be provided within the mixed-use buildings 1 & 2.

**7.7** The consented scheme includes: associated open space and landscaping; a taxi drop off / servicing bay on Marshgate Lane close to the main entrance to the business centre (the commercial units could also be serviced from the yard proposed at the south of Buildings 1 and 2); a site management office at the north-west corner of Building 2 which would act as delivery point and allow controlled vehicle access to Bow Back Street; and provision for safeguarding a 15m wide area within the site on the south side of the river for a future bridge link. These elements remain unchanged in the s73 variation.

### **7.8 Proposed s73 Variation Amendments**

**7.9 Buildings 1 and 2 (Employment and Residential Buildings):** As consented the three-storey podium to these buildings proposes an employment building providing 4,257m<sup>2</sup> floorspace of B1 (business) with the main entrance on the Marshgate Lane / Pudding Mill Lane corner with reception / café, gallery and collaborative space. On the south



side of the building there would be a working yard accessed from Marshgate Lane and the proposed Marshgate Square for use of the commercial occupiers.

- 7.10** As consented, the central space on top of the podium between the two buildings is a shared amenity space for the residential occupiers. The fourth floor above the podium contains 6 residential flats, and is set back from the lower podium and the upper seven residential floors in Building 1 and upper three residential floors in Building 2.
- 7.11** s73 Variation – Buildings 1 & 2 - Employment Building: The s73 variation proposes an additional 1,414m<sup>2</sup> to the employment building by removing the central space on top of the podium between the two buildings and replacing it with commercial floorspace; increasing the total amount of commercial floorspace to 5,671m<sup>2</sup>.
- 7.12** s73 Variation Residential Buildings 1 and 2: Arising from the reconfiguration of the podium, the 6 residential units and shared amenity space originally proposed on the fourth floor above the podium would be removed to accommodate the proposed additional commercial floorspace. **Five additional units** would be provided in Building 1 and **1 additional unit** in Building 2. These additional units are provided on levels 5 to 8, and this is possible because the units in the extant consent were oversized compared to the national described space standards.
- 7.13** Building 3: As consented Building 3 is eight storeys (27.5m) in height and sited along the east side of the proposed Marshgate Square. It is wholly residential and as consented contains 56 residential units.
- 7.14** s73 Variation – Building 3: Building 3 remains eight storeys (27.5m, however it would contain **60** residential units. **An additional four units** are proposed. This is achieved by reducing the originally consented lift cores from two to one, which would be located centrally within the building. Reconfigured it would still include some maisonettes/duplexes with associated entrances on the lower floors. Nine affordable housing units would be accommodated within 2 floors of the block.
- 7.15** Building 4: As consented building 4 is six storeys (20.6m high), containing 23 units and sited approximately at right angles to Building 3.
- 7.16** s73 Variation – Building 4: Building 4 remains six storeys (20.6m high), however it would contain 29 residential units. As with Building 3 the second core in the consented scheme has been removed with the remaining single core located centrally within the building. As a result, **six additional units** are proposed within this building. Reconfigured there would be five residential units on a typical floor.
- 7.17** Building 5: As consented building 5 (town houses) comprises seven three storey (10.6m high) town houses with private rear gardens.
- 7.18** s73 Variation – Building 5: Building 5 has been altered to take account of the boundary between the two separate land owners more clearly. The number and mix of units remains unchanged albeit there is a change to the interior layout to account for the change in boundary, which involves the minor realignment of two entrances and adjoining rooms.
- 7.19** Building 6: As consented Building 6 is six storeys (20.6m), containing 22 units and lies approximately parallel to Buildings 4 and 8.
- 7.20** s73 – Building 6: As with all the buildings, the footprint and height has been maintained but with optimisation internally to the apartment layouts following the

removal of one of the two cores shown in the consented proposals. An additional unit has been added on each floor, including a duplex on ground floor. As a result, **five additional units** are proposed overall in this building resulting in a total of 27units.

- 7.21 Building 7:** As consented building 7 is eight storeys (27.4m) and is aligned with Building 3 fronting Marshgate Square and Marshgate Lane. The ground floor includes the refuse collection point for the residential part of the development. The main external material is brick with recessed balconies. As consented, it contains 45 affordable residential units (17x1 beds; 14x2 beds; 13x3 beds; 1x4 beds).
- 7.22 s73 – Building 7:** The plan arrangement of Building 7 has altered to meet the alignment of the ownership boundary between the two land ownerships, with a party wall between the two parts of the building introduced along the boundary. Whilst this has altered the arrangement of the apartments the number of units which are all affordable in the building overall remains the same.
- 7.23** At the ground floor, the redesign of refuse arrangements has meant that one apartment has been altered from being a duplex unit to being a residential unit at first floor only, to enable more room for refuse storage on the southern side of the land ownership boundary.
- 7.24** As consented refuse and recycling collection would be from a centralised storage area at Building 7 with refuse collection from a servicing bay on Marshgate Lane. The refuse strategy remains as previously, but with the changes at ground floor, the refuse spaces have now been split between the two land ownerships. This has required that the lift from the basement be moved to be better located for the removal of refuse to the collection point.
- 7.25 s73 – Building 8:** Building 8 remains unchanged as a result of the s73 variation.
- 7.26 s73 - Elevational Changes:** The façade treatment to the buildings in the development remains the same as consented i.e. brick finish to buildings 3 to 8 and GRP panels and glass with vertical pier lines carried down to the ground to buildings 1 and 2. The recessed balcony typology and the distribution of windows is similar, albeit with more windows introduced to ensure daylight to additional rooms/units.

**Table 1 – Summary of Changes**

	<b>Extant Permission 14/00422/FUL</b>	<b>s73 Variation to condition 2 - approved drawings</b>	<b>Difference</b>
<b>Residential units</b>	254	275	Increase of 21 units (8.3%)
<b>Residential Floorspace</b>	23,239m <sup>2</sup> (GIA)	22,531m <sup>2</sup> (GIA)	-708m <sup>2</sup> (GIA) (3%)
		For changes to residential unit mix (see Table 2 below)	
<b>B1 Floorspace</b>	4,257m <sup>2</sup> (GIA)	5,671m <sup>2</sup> (GIA)	Increase of 1,414m <sup>2</sup> (33%)
<b>Car Parking</b>	29 spaces (residential and commercial)	Unchanged	

<b>Cycle Parking</b>	588 spaces (residential and commercial)	595 spaces (residential and commercial)	+7
<b>Amenity Space</b>	2,109m <sup>2</sup>	2,036m <sup>2</sup>	-73m <sup>2</sup> (3.4%)
		Alterations to façades*	

\*No changes are proposed to the height, scale and mass of the development as approved under 14/00422/FUL

**7.27 Affordable Housing:** The scheme proposes a total of 54 affordable units, an increase of 9 units over the originally consented 45 affordable housing units. The tenure and mix of units is set out in table 2 below:

**Table 2 - Overview of Residential Mix and Affordable Housing**

Unit Type	Extant Permission					s73				
	Number of Units			Percentages		Number of Units			Percentages	
	Market	Affordable	Totals	Affordable	All Units	Market	Affordable	Totals	Affordable	All Units
Studio	0	0	0	0	0	10	0	10	0	4
1 Bed	83	17	100	38	39	53	18	71	33	26
2 Bed	62	14	76	31	30	119	22	141	41	51
3 Bed	60	13	73	29	29	37	13	50	24	18
4 Bed	4	1	5	2	2	2	1	3	2	1
<b>Total Number of Beds</b>	<b>209</b>	<b>45</b>	<b>254</b>	<b>100%</b>	<b>100%</b>	<b>221 (+14)</b>	<b>54 (+9)</b>	<b>275</b>	<b>100%</b>	<b>100%</b>

## 8. POLICIES & GUIDANCE

### 8.1 National Planning Policy Framework (NPPF)

The policies in the NPPF are material considerations in the determination of applications. The NPPF recommends that as of April 2013, due weight should be given to relevant local plan policies according to their degree of consistency with the NPPF. The principle of sustainable development permeates the Framework. The Framework makes clear 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 Planning Practice Guidance, a new 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.

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, flooding and coastal change
  - 11. Conserving and enhancing the natural environment
  - 12. Conserving and enhancing the historic environment
- Ensuring viability and deliverability (paragraph 173)

**8.2** For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004, the adopted 'Development Plan' for this site comprises the London Plan (March 2015) and the London Legacy Development Corporation's Local Plan 2015-2031 (August 2015).

**8.3** Certain planning guidance documents are also relevant and have been taken into consideration. These are referred to below.

**8.4** **The most relevant policies are listed below:**

**8.5** **London Plan (2016):**

The following London Plan policies are relevant to this submission:

- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and Design of Housing Developments
- Policy 3.9 Mixed and Balanced Communities
- Policy 3.10 Definition of Affordable Housing
- Policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed-Use Schemes
- Policy 3.12 Affordable Housing Thresholds
- Policy 4.1 Developing London's Economy
- Policy 4.12 Improving Opportunities for All
- Policy 5.2 Minimising Carbon Dioxide Emissions
- Policy 5.3 Sustainable Design and Construction
- Policy 5.5 Decentralised Energy Networks
- Policy 5.6 Decentralised Energy in Development Proposals
- Policy 5.7 Renewable Energy
- Policy 5.9 Overheating and Cooling
- Policy 5.12 Flood Risk Management
- Policy 5.13 Sustainable Drainage
- Policy 5.15 Water Use and Supplies
- Policy 5.17 Waste Capacity
- Policy 6.3 Assessing the Effects of Development on Transport Capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.1 Lifetime Neighbourhoods
- Policy 7.2 An inclusive environment
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.7 Location and Design of Tall and Large Buildings
- Policy 7.8 Heritage Assets and Archaeology
- Policy 7.14 Improving Air Quality
- Policy 7.15 Reducing Noise and Enhancing Soundscapes
- Policy 7.19 Biodiversity and access to nature
- Policy 7.30 London's canals and other rivers and waterspaces

- Policy 8.2 Planning Obligations

#### **8.6 LLDC Local Plan (July 2015):**

- Policy SP.1 Building a strong and diverse economy
- Policy SA4.3 Pudding Mill
- Policy B.1 Location and maintenance of employment uses
- Policy H.1 Providing a mix of housing types
- Policy H.2 Delivering affordable housing
- Policy SP.2 Maximising housing and infrastructure provision
- Policy SP.3 Integrating the built and natural environment
- Policy BN.1 Responding to place
- Policy BN.4 Designing residential schemes
- Policy BN.5 Requiring inclusive design
- Policy BN.8 Maximising opportunities for play
- Policy BN.10 Proposals for tall buildings
- Policy T.2 Transport Improvements
- Policy T.4 Managing development and its transport impacts to promote sustainable transport choices and prioritise pedestrians and cyclists
- Policy T.5 Street Network
- Policy T.6 Facilitating local connectivity
- Policy T.7 Transport assessments and travel plans
- Policy T.8 Parking and parking standards in new development
- Policy T.9 Providing for pedestrians and cyclists
- Policy S.2 Energy in new development
- Policy S.3 Energy infrastructure and heat networks
- Policy S.4 Sustainable design and construction
- Policy S.6 Waste reduction
- Policy S.7 Overheating and urban greening
- Policy S.8 Flood risk

#### **8.7 Other Relevant Material Considerations**

- Mayor of London - Housing SPG (2016)
- Mayor of London – Affordable Housing and Viability SPG (2017)
- LLDC Planning Obligations SPD (2015)
- LLDC Pudding Mill SPD (2017)

#### **8.8 The Draft London Plan (December 2017)**

The Mayor of London published for the purpose of public consultation a draft new London Plan on 29th November 2017. The policies in the draft new London Plan currently have only very limited material weight when making planning decisions. That weight will increase once the new Plan is submitted for its Examination in Public. This report may make reference to policies within the new London Plan where they are directly relevant to the assessment of the application proposal. However, the relevant development plan policies remain those within the current London Plan (March 2016) and the LLDC Local Plan (July 2015).

### **9. CONSULTATION**

- 9.1** The application was advertised in the press, published in the Newham Recorder on 17th January 2018. A total of 4 site notices were displayed in and around the site. 368 neighbouring residential and commercial properties were consulted by post.

- 9.2** Details of the responses received are set out in the paragraphs below.
- 9.3 Responses have been received from the following statutory and non-statutory consultees as set out below:**
- 9.4 Greater London Authority (GLA)**
- The GLA confirmed that given the scale and nature of the proposals that the amendments did not give rise to any new strategic planning issues. However, they asked that the LLDC continue to ensure that the scheme does deliver the maximum reasonable amount of affordable housing it can in accordance with London Plan and draft London policy.
- 9.5 L B Newham Planning (LBN)**
- No comments received
- 9.6 L B Newham (Waste Management)**
- Waste capacity should follow the guidance in BS 5906 for residential waste and should include an extra 25-30% capacity for recycling
- 9.7 L B Tower Hamlets Planning (LBTH)**
- No comments to make
- 9.8 L B Tower Hamlets Environmental Health**
- No adverse comments to make
- 9.9 Transport for London (TfL)**
- TfL has commented that the amended scheme should adopt the amended cycle parking standards which are in the draft London Plan. While the consented provision was slightly above previous London Plan standards the new standards require that 1 bed units provide 1.5 spaces per unit and the commercial element provide 1 space per 75m<sup>2</sup>.
- 9.10 TfL (Infrastructure Team)**
- No comments
- 9.11 Canal and Rivers Trust (CRT)**
- Responded to say ‘...cannot see changes that are likely to have any further impact on the waterway, and therefore have no comments to make...’
- 9.12 HSE**
- No Comments
- 9.13 Historic England**
- Do not consider that it is necessary for this application to be notified to Historic England
- 9.14 Historic England Greater London Archaeological Advisory Service (GLASS)**
- Do not consider it necessary to comment.
- 9.15 London City Airport**

- No safeguarding objection to the development.

**9.16 London Fire and Emergency Planning Authority (LFEPA)**

- Satisfied with the proposals in relation to the fire precautionary arrangements for access and water supplies providing they both comply with Approved Document b Section B5;
- Extra consideration should be given to water supplies from hydrants; and
- Attention is drawn to landscaping and other features so as not to impede fire brigade access to premises

**9.17 Metropolitan Police Service**

- No further comments to make at this stage in relation to the amendments.

**9.18 Natural England:**

- No comments to make

**9.19** No comments have been received at the time of the report going to print from the following:

DCLG; Docklands Light Railway; Environment Agency; EDF Energy; Cofely East London Energy; CGMS Consulting; Crossrail; Secure by Design; London Wildlife Trust; London Cycling Campaign; HS1; National Grid; London Ambulance Service; UK and London Power Networks; Lea Rivers Trust; Health Protection Agency; Thames Water; Network Rail, and BT UK.

**10. ASSESSMENT OF PLANNING ISSUES**

**10.1** Principle of Development:

**10.2** The application is made under section 73 of the Town and Country Planning Act 1990 (as amended). Applications made under s73 can remove conditions attached to an existing planning permission or vary their wording. This application seeks to vary condition 2 (approved drawings) of the existing consent which requires the development to be carried out in accordance with the approved plans. In effect, this allows previously approved drawings to be substituted with new drawings. It should be noted that the s73 does not allow a change to the description of development. The applicant has been advised to submit a 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.

**10.3** The changes have been put forward by the applicant as the design detail of the development has progressed following the issuing of planning permission in May 2017 under application reference 14/00422/FUL. This process has resulted in the rationalisation of the floorspace arrangements of the extant scheme as described in section 7.

**10.4** The National Planning Policy Guidance (NPPG) states that amendments secured under a s73 application must be 'minor-material amendments' to the existing consent. There is no statutory definition of a 'minor material amendment' but NPPG states it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

**10.5** The principle of the loss of the previous uses on site including office and warehouse accommodation and the erection of a residential led mixed-use development,

including flexible commercial floor space, was established under the extant consent (application reference 14/00422/FUL). The proposed alterations relate to the changes to the volume of Buildings 1 to 2 at Level 3 with the provision of an additional complete commercial floor and minor alterations to the external façades of the buildings to accommodate changes to the internal layout of some of the buildings arising from the additional residential accommodation.

- 10.6** Given the nature of the s73 proposals, i.e. they do not propose additional height, or alter building footprints, Officers are satisfied that the scale and nature of the proposed s73 amendment would not be substantially different from the extant consent and the proposed minor material amendments are considered both individually and cumulatively to be acceptable.
- 10.7** This assessment would therefore not revisit every aspect of the proposed development, only the proposed amendments to the approved plans are assessed in the context of current relevant planning policy/guidance. Officers and their transport and environmental consultants have assessed the proposed amendments proposed in the s73 application as having no significant adverse additional environmental impacts when compared to the consented scheme.
- 10.8** The main issues in respect of this application are therefore considered to be as follows:
- Additional Commercial Floorspace
  - Housing Mix, including affordable housing;
  - Design and Residential Quality;
  - Elevational changes; and
  - Overall impact of the proposed changes (transport matters, environmental matters)

**10.9 Additional Commercial Floorspace**

- 10.10** The extant consent (14/00422/FUL) provides a consolidated commercial floorspace offer within the first three floors of Buildings 1 and 2, with a floorspace of 4,257m<sup>2</sup> Gross Internal Area (GIA).
- 10.11** The current s73 commercial offer increases this to four floors resulting in a total commercial floorspace in Buildings 1 and 2 of 5,671m<sup>2</sup> Gross Internal Area (GIA). Overall, the applicant is providing significantly more B1 employment space (5,671m<sup>2</sup>) than is currently available on the site (1,444m<sup>2</sup>) and over that provided by the extant scheme. The increase over the consented level of commercial space would be achieved by in-filling the void area at podium level with the additional commercial floorspace.
- 10.12** The applicant, Workspace 14 Limited, would manage the commercial workspace. They are a reputable workspace provider and currently provide circa 500,000m<sup>2</sup> of managed business accommodation for new and growing companies across 25 London Boroughs. Their portfolio consists of a range of sizes and types of space including converted factory buildings, co-working hubs and new bespoke purpose built managed business centres.
- 10.13** Given not only the track record of Workspace 14 Limited, but the size of the site, its accessible location (within walking distance of Pudding Mill station and the High



Street bus routes), and its Pudding Mill Local Centre location, the additional commercial floorspace is considered to be appropriate.

- 10.14** In the context of the commercial provision approved in the extant scheme, and given the configuration and location of the additional B1 floorspace, Officers are satisfied that any additional activity would not be detrimental to the amenity of prospective occupiers of the development.
- 10.15** Employment: The s73 variation would result in an additional 1,4141m<sup>2</sup> to the office floorspace. Based on the Homes and Communities Agency's document, 'Employment Densities Guide' (2010), such additional B1 floorspace could equate to an additional 117 full time jobs. The extant consent is calculated as providing 337 full time jobs. Officers are satisfied that there is a significant increase in employment density on the site consistent with Strategic Local Plan policy SP.1 and London Plan policies 4.1 and 4.12. The additional floorspace is therefore considered to be acceptable.
- 10.16** Officers are satisfied that the proposals support the objectives of the Local Plan site allocation (SA4.3) in so far as contributing to achieving the overall target of 25% non-residential floorspace within the wider Pudding Mill area, and are in step with national aspirations.
- 10.17** The proposed additional commercial floorspace is considered to be acceptable and is not substantially different in nature from the extant consent and complies with London Plan policies 3.3, 4.1 and 4.12 and Local Plan policies SA4.3, SP.1, SP.2, B1, B2, B6, H1 and H2.
- 10.18 Housing Mix**
- 10.19** Local Plan Policy H.1 requires development proposals to provide at least 50% of units at two bedrooms or more. The s73 variation complies with policy in that it proposes that 71% of the total number of residential units would be 2 bedroom units or over (see table 4 below). This is compared to 61% under the extant permission, where there was a higher proportion of one, and also three bedroom units (see table 3 below).
- 10.20** The original residential development mix within the consented scheme is as follows:

**Table 3**

**Extant Consent 14/00422/FUL - Unit Mix**

<b>Unit Type</b>	<b>Total Units</b>	<b>% Provision</b>
Studio	0	0%
1 bed	100	39%
2 bed	76	30%
3 bed	73	29%
4 bed	5	2%
<b>TOTAL</b>	<b>254</b>	<b>100%</b>

- 10.21** The proposed s73 variation residential development mix is as follows:

**Table 4**

**s73 Variation – Unit Mix**

<b>Unit Type</b>	<b>Total Units</b>	<b>Adjustment</b>	<b>% Provision</b>
Studio	10	+10	4%
1 bed	71	-22	26%
2 bed	141	+65	51%
3 bed	50	-23	18%
4 bed	3	-2	1%
<b>TOTAL</b>	<b>275</b>		<b>100%</b>

- 10.22** As demonstrated in the table above, the proposed scheme assumes a reduction in 1 & 3 bed units underpinning a significant increase in 2 bed units. As per the previous consented scheme residential units would be delivered across all eight blocks. The increase in overall residential unit numbers would be achieved despite a decrease in floorspace of 708m<sup>2</sup> (GIA), bringing the average unit size down from 87m<sup>2</sup> to 78m<sup>2</sup>. Each residential property would still meet the nationally described space standards (DCLG Technical Housing Standards) as referred to in the Mayor's Housing SPG.
- 10.23** The Housing Requirements Study undertaken as part of the Local Plan review has identified that within the LLDC area there is greatest need for 2-bedroom market homes, followed by 2 and 3 bed intermediate and then 2 and 3 bedroom low cost rent. However, as LLDC are providing for the strategic need for housing across London and strategically there is demand for all sizes and tenures but those in particular demand are 1 bedroom low cost rent units, 2-bedroom market homes and then intermediate tenures across all bedroom sizes.
- 10.24** The s73 proposals provide a significant proportion of 1 and 2 bedroom units (circa 30% and 50%+ respectively). However, it would result in fewer units being 3 bedrooms or above (total 53 units or 19%) which the applicant has advised is on the basis of changes to market demand since the original proposals were approved, and to optimise deliverability. Nevertheless, the 21% increase in the 2-bedroom unit provision over the extant permission is welcomed, and addresses the need identified in the Local Plan Review Housing Requirement Study. Officers consider the proportion of family units (2 or more bedrooms) to be sufficient and it responds to the identified need and accords with Local Plan Policy H.1 in so far as requiring half of the total provision of residential units to be 2-bedroom or more.
- 10.25** Additionally, policies H.1 along with London Plan policy 3.8 require a minimum of 10% of the development to be accessible wheelchair accommodation. The proposals include a 10% provision of wheelchair accessible homes which equates to 27 dwellings, and they are comprised of a mix of unit sizes.
- 10.26** Officers have assessed the site circumstances, including location and viability. Officers are satisfied that in line with policy objectives the s73 variations in terms of unit mix and tenure are acceptable and the proposals overall provide an appropriate balance and mix of units in accordance with local plan policy.

## 10.27 Affordable Housing

- 10.28** The Mayor's Affordable Housing and Viability (AHV) SPG requires schemes that do not meet the 35% affordable housing threshold, to submit to the LPA and where relevant the Mayor, detailed viability information. In this instance, the GLA '...ask that the LLDC continue to ensure that the scheme delivers the maximum reasonable amount of affordable housing it can in accordance with London Plan and draft London Plan policy...'
- 10.29** As the s73 proposals do not deliver 35% affordable housing the applicant has submitted a financial viability appraisal in accordance with the 'viability tested route' set out in the AHV SPG, to demonstrate how much affordable housing the scheme can deliver. The appraisal has been reviewed by PPDT's Viability Consultants.
- 10.30** London Plan policy 3.12 and the AHV SPG requires planning authorities to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes having regard to affordable housing targets; the need to promote mixed and balanced communities; and the size and type of affordable housing needed. Local Plan policy H2 requires affordable housing to be maximised on sites with 10 or more units broken down as 60% affordable rent / social rent and 40% intermediate. The supporting text of policy H2 identifies a minimum target of 35% across the LLDC area.
- 10.31** Extant Consent (14/00422/FUL) Affordable Housing Provision: The extant consent provides for a total of 45 on-site affordable units, which equates to 17.7% by unit. The tenure split, is set out in table 5 and is summarised as providing 29 affordable rent units and 16 intermediate/shared ownership units, which equates to a 64:36 split.

**Table 5**

### **Affordable Housing Unit Mix Provision (s73 variation & extant consent)**

<b>Unit Type</b>	<b>Extant Consent</b>	<b>s73 Variation</b>	<b>% Provision</b>
Studio	0	0	0%
1 bed	17	18	34%
2 bed	14	22	40%
3 bed	13	13	24%
4 bed	1	1	2%
<b>TOTAL</b>	<b>45</b>	<b>54</b>	<b>100%</b>

- 10.32** s73 Proposal: The s.73 variation proposes an increase in the overall affordable housing provision from 45 units (17.7%) in the extant consent to *initially* 53 units (19.2%). This would result in an increase in an affordable housing provision uplift of 1.5% over the consented scheme. With respect to tenure mix, the provision would equate to a 60:40 split (32 affordable rent units / 21 intermediate/shared ownership units).
- 10.33** The affordable housing offer takes into account costs to the development arising from scheme design (including the provision of basement car parking); the likely land remediation costs resulting from its industrial history; and the provision of a significant quantum of commercial floorspace built on a 'workspace model' that aligns with the Mayor's convergence commitment in so far as creating long term

jobs which would contribute to not just the local economy and regeneration of Pudding Mill but to the wider area including the neighbouring Growth Boroughs.

- 10.34** However, following a review of the applicant's financial viability appraisal, PPDT's viability consultant argued that an additional 3 units could be provided and be converted to the affordable housing tenure at a ratio of 34 affordable rent and 22 intermediate/shared ownership units increasing the overall provision to 56 units (20.3%). As with the overall housing mix, the proposed affordable housing mix (table 5) reflects a significant increase in the number of 2 bedroom units.
- 10.35** Subsequent discussions and negotiations with the applicant have led to an increase in the affordable housing offer from their initial position of 19.2% (53 units) to their final offer of 19.6% (54 units)), which is less than the PPDT's viability consultant recommended. However, the applicant has offered the initially proposed affordable rented (AR) tenure units as London affordable rented tenure (LAR).
- 10.36** PPDT's viability consultants have reviewed the revised offer. Whilst it is below their suggested uplift of the originally proposed 53 units to 56 units, they have advised that if the LAR tenure, is to be assumed as a replacement to the AR tenure, it would result in a reduction in the overall value present in the scheme. The analysis of PPDT's viability consultant indicates that the blended affordable value would reduce and in turn lead to a reduction in the site's residential land value. PPDT's viability consultant advises that a shift to the LAR tenure would remove any justification in viability terms for an increase in affordable housing unit numbers, to either their originally suggested 56 units or indeed above the applicant's initially proposed offer of 53 units albeit with a different tenure split (32 AR and 21 intermediate/shared ownership).
- 10.37** Nevertheless, the applicant has confirmed an offer of 54 units (33 LAR / 21 intermediate / shared ownership) equating to a circa 60:40 split. This equates to 19.6% by unit of affordable housing across the site. It is noted that the 9-affordable housing units equates to 42.8% of the 21 additional units proposed in the s73 variation.
- 10.38** PPDT's viability consultant concludes that if the LAR tenure is to be assumed as a replacement to the AR tenure on a 60:40 split across the development, it would equate to the provision of 32 LAR units and 21 intermediate / shared ownership units (53 units) and would be the maximum reasonable amount of affordable housing the scheme can deliver.

**Table 6**

**Affordable Housing Tenure Split**

<b>Options</b>	<b>Tenure Mix</b>	<b>Unit Number</b>	<b>Tenure Split</b>
<b>Extant Consent</b>	29 Affordable Rent / 16 intermediate / shared ownership	45	64:32
<b>s73 - Applicant's Original Offer</b>	32 Affordable Rent / 21 intermediate / shared ownership	53	60:40
<b>PPDT's Viability Consultant Maximum Viable</b>	34 Affordable Rent / 22 intermediate / shared ownership	56	60:40

<b>Applicant's Revised s73 Offer</b>	33 London Affordable Rent / 21 intermediate / shared ownership	54	60:40
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**10.39** It should be noted that the extant consent assumes an Affordable Rent (AR) tenure, which assumes affordable rent below 80% of market rents inclusive of rates. However, as set out in the Mayor's Affordable Homes Programme 2016-21 the Mayor does not consider 80% of market rents to be *genuinely* affordable in most parts of London, and therefore expects most homes let for LAR to be substantially below the AR level. The starting point for London Affordable Rent is the benchmarks for homes which are let in 2017/18 (set out in table 7 below). Updated benchmarks would be published by the GLA on an annual basis.

**Table 7**

**London Affordable Rent benchmarks for 2017-18**

<b>Bedroom size</b>	<b>2017-18 Benchmark (weekly rents, exclusive of service charge)</b>
Bedsit and one bedroom	£144.26
Two bedrooms	£152.73
Three bedrooms	£161.22
Four bedrooms	£169.70
Five bedrooms	£178.18
Six or more bedrooms	£186.66

**10.40** Officers have also considered a 70:30 split as recommended in the Mayor's AHV SPG. In this case the maximum viably reasonable amount of affordable housing the scheme can deliver would equate to 35 LAR units and 14 intermediate/shared ownership units (49 units).

**10.41** However, evidenced from the Local Plan Review Housing Requirements Study which suggests that the 60:40 tenure split is retained for the area, officers are of the view that the applicant's offer of 54 units on a circa 60:40 split, as set in tables 6 and 8, is the most appropriate in this case. Officers and their viability consultants are satisfied that this is the maximum reasonable amount of affordable housing that the scheme can deliver it can in accordance with London Plan and draft London policy. It not only would provide more units overall than could be provided on a 70:30 split ratio, it would provide more units overall than the extant consent with a better percentage of potentially *genuinely* affordable housing in line with the aspirations set out in the Mayor's AHV SPG. The overall housing and tenure mix is set out in table 8 below.

**Table 8**  
**Indicative s73 Tenure Split**

Tenure	Studio	1 bedroom	2 bedroom	3 bedroom	4 bedroom	All Bedroom Types Total
<b>Market</b>	10 (1% of total market)	59 (27% of total market)	119 (55% of total market)	37 (17% of total market)	2 (1% of total market)	221  80% of total housing)
<b>Shared Ownership</b>	0	5 (24% of total intermediate)	14 (67% of total intermediate)	2 (9% of total intermediate)	0	21  (8% of total housing, 39% of total affordable housing)
<b>London Affordable Rent (LAR)</b>	0	13 (39% of total LAR)	8 (24% of total LAR)	11 (34% of total LAR)	1 (3% of total LAR)	33  (12% of total housing, 61% of total affordable housing)
<b>All Tenures Total</b>	<b>10 (4%)</b>	<b>71 (26%)</b>	<b>141 (51%)</b>	<b>50 (18%)</b>	<b>3 (1%)</b>	<b>275 (100%)</b>

**10.42** Another of the benefits of the s73 scheme is that the affordable housing would be distributed within 2 buildings enabling a degree of ‘pepper potting’. Under the extant consent all of the affordable housing would be contained within one building (Building 7 (45 units)). In the s73 proposals Building 3 would contain 9 units on 2 of its 8 floors, in addition to the 45 affordable housing units contained within Building 7.

**10.43** Some of the affordable units would have direct ground floor access. The intermediate units would be accessible from the north-west core of Building 7. The LAR units would be accessed within the south-east core of Building 7. This would enable independent access to both the intermediate and the LAR units.

**10.44 Design and Residential Quality**

- 10.45** Policy 3.5 of The London Plan and the Mayor's Housing SPG advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment.
- 10.46** As previously stated there are no alterations proposed to the footprints or heights of the buildings. The additional floorspace generally impacts the layout of the residential units and the elevational treatment of the buildings arising from the arrangement of additional doors and windows on the elevations. There has also been an increase in number of units per core proposed in some of the blocks however this is never above 8, which is in accordance with the Mayor's Housing SPG.
- 10.47** Officers have sought updated plans as it was noted that whilst elevations had been altered to reflect changes in plan, this had not happened consistently leading to uncertainty as to the actual proposed façade appearance. However, subsequent additional information/clarification has been provided by the applicant, which satisfactorily addresses the concerns raised.
- 10.48** Officers are of the view that the internal arrangement of the proposed accommodation is well considered. Whilst there would be a loss of dual aspect units (from 69% dual aspect in the consented scheme to 58% in the proposed scheme), the s73 amendments are considered to be acceptable in this instance as they do not present any directly north facing single aspect units. Indeed, it is noted that a number of the single aspect units have a south-easterly aspect thereby benefiting from some direct sunlight. As with the consented scheme a number of the proposed units across the site (44 in total) have a west-north-west aspect enabling units to receive sunlight at certain points in the day. Furthermore, the layout, including the single aspect units, are in keeping with the floorplans on the upper floors of the consented scheme. Whilst the reduction in the number of cores has led to narrower corridors officers are satisfied that this has not impacted detrimentally on residential quality i.e. there would be no difference in terms of lighting of the corridors from stair cores which would be as per the consented scheme.
- 10.49** The revised plans confirm that the façade amendments are minor, some imperceptible and would not diminish the original architectural design intent.
- 10.50** The volume increase to Buildings 1 and 2 as a result of the additional commercial floor at level 3 would provide a continuation of the structural grid from the upper buildings to the lower building. The s73 amendments still results in the approved vertical patterned re-constituted stone (GRC) cladded finish, punctuated by horizontal bands every two floors. The location and design of the recessed balconies to the east and west elevation remains unchanged. The visual appearance and design of Buildings 1 and 2 remains largely unchanged from the extant consent.
- 10.51** The alterations to the façades of the buildings would allow for the internal changes to the apartment layouts. The balconies would generally remain in the same location and the distribution of windows is similar, albeit more windows are introduced to provide daylight to additional rooms. These amendments would not have a significant visual impact and are acceptable.
- 10.52** Officers analysis concludes that all the alterations are acceptable in design detailing, materials and finish, indeed some of the alterations are imperceptible. The proposed changes to the scheme approved in 2017 are minor and raise no new design or quality issues. Officers are satisfied that the s73 proposed alteration can be viewed as a minor-material amendment.

**Table 8**

Unit Size	Nationally Described Standards (m <sup>2</sup> )	s73 Proposed Sizes(m <sup>2</sup> ) and Unit Numbers
Studio (with shower room / bathroom)	37 / 39	38 – 46 (10 units)
1 bedroom/2 person	50	Between 50 – 67 (71 Units)
2 bedroom/3 person	61	Between 69 – 86 (24 units)
2 bedroom/4 person	70	Between 71 – 116 (117 units)
3 bedroom/5 person	86	Between 90 – 164 (46 units)
3 bedroom/6 person	90	Between 105 – 151 (4 units)
4 bedroom/6 person	99	Between 147 – 156 (3 units)

\*No studio apartments are approved in the extant consent

**10.53** Officers are satisfied that in both the flatted blocks and the terrace row of houses as with the extant consent the quality of the residential accommodation is considered to be good not only providing residential units with varying floor space sizes but the internal floor areas of all units including their external amenity spaces would still meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve in line with the DCLG Technical Housing Standards (nationally described space standards) see table 8). Given this it is considered that the proposed development would be in accordance with the London Plan Housing SPG (2016) and the flats and houses would provide an acceptable amount of space for day to day living.

**10.54** Following receipt of revised drawings officers are satisfied that the overall amendments respect the context, quality and design principles associated with the extant consent, and visually make a positive contribution to the development providing a robust, high quality and considered finish and materiality to these buildings. Officers analysis concludes that the alterations both individually and cumulatively are acceptable and would not be substantially different from the extant consent and is a minor material amendment. The proposals accord with policies 7.1, 7.4, 7.6 and 7.7 of the London Plan and Local Plan Sub Area 4 and policies BN.1 and BN.10.

**10.55** Density

**10.56** The site is located within an area that has a PTAL rating of between 3 and 4, and is located approximately 250m from Pudding Mill DLR Station, which is about a 5-minute walk. Within PTAL 4/6 areas London Plan Policy 3.4 states that the maximum density range for development proposals is 200-700hr/ha.

**10.57** The s73 proposals would result in a residential density of 722 habitable rooms per hectares, based on 745 habitable rooms taking into account the commercial element, which is in line with the specified density ranges for a site within a PTAL 4 location. The extant consent would result in 638 habitable rooms per hectare. For context, the LCS residential density range proposed for the adjoin PDZ 8 Development Parcels are between 450-950 and 450-650.



- 10.58** Officers are satisfied that, taking into account the ‘liveability’, design factors, provision of amenity space, and need to make effective use of previously developed land in accessible locations to mitigate climate change and transport impacts, the increased density of the proposed s73 scheme will be broadly consistent with the density character of surrounding developments including the extant consent and the approved LCS scheme. It would fall within the London Plan density ranges for sites within PTAL 4.
- 10.59** Daylight, Sunlight and Overshadowing
- 10.60** Daylight/Sunlight: An updated sunlight/daylight report has been submitted alongside the s73 application. The assessment shows that the internal daylight and sunlight conditions within the development would vary but overall effects would be characteristic of a dense urban environment. The report concludes that there would be minimal changes to the sunlight/daylight (vertical sky component (VSC) and average daylight factor (ADF)) within the proposed scheme and existing nearby residential development as a result of the proposals and that good levels of sunlight/daylight would be maintained in accordance with BRE guidance.
- 10.61** PPDT’s Environmental Consultant’s review of the s73 concludes that there is no change to surrounding receptors. They also state that daylight access is considered to be good. Whilst sunlight access would as a result of the density, height of the blocks, orientation and the provision of balconies remain acceptable as per the extant permission.
- 10.62** Officers and their consultants agree that in terms of the daylight/sunlight assessment the proposals are in accordance with the BRE guidance and would provide satisfactory living conditions for future occupiers of the new development and would not impact on adjoining developments in terms of achieving minimum levels of sunlight to adjoining development.
- 10.63** Officers are also satisfied that there would not be any significant impact upon privacy or outlook in this instance given that the separation distances between the blocks remains unchanged as per the extant consent. As such it is considered that there would be minimal actual and perceived overlooking from the new additional units.
- 10.64** Overshadowing: PPDT’s environmental consultants are satisfied that overshadowing analysis of the surrounding amenity areas shows there would be little or no effect on the existing values as approved under the extant consent. To that end no objections are raised.
- 10.65** In terms of daylight/sunlight and overshadowing the proposals are thus in accordance with Local Plan policies BN.1, BN.4 and SP.1.
- 10.66** Amenity Space and Landscaping and Public Realm
- 10.67** No alterations are proposed to the location and layout of the public realm. As with the extant consent residents would also benefit from the areas of publicly accessible open space within the development.
- 10.68** There is however a reduction of some 73m<sup>2</sup> (3.4%) of amenity space serving the development, which is at the new podium level on the fifth floor, over the originally approved 2,109m<sup>2</sup>. The private amenity space provided in the amended scheme would amount to 2,036m<sup>2</sup>. Private amenity space for the use of residents would be

provided in the form of balconies to all units, communal amenity space within the courtyard around buildings 5, 6, 7 and 8, podium level roof space at Buildings 1 and 2 and private gardens to the town houses in Building 5.

**10.69** Nevertheless, despite the increase in the quantum of development proposed and the decrease in the proposed level of amenity space, officers are satisfied that the amenity space provision is acceptable and would not be substantially different from the extant consent and is a minor material amendment. Given that as with the extant consent, the proposed quantum of public realm exceeds the baseline minimum requirement set out in the Mayor's Housing SPG of 1,717m<sup>2</sup>. Also, the quality and quantity of public open space which residents would have access to would provide a good living environment and comply with Local Plan policy BN.8 and London Plan policies 3.6 and 7.5 which promote quality and good design in new housing developments.

**10.70** As with the extant consent the revised development would open up the currently inaccessible and impermeable site to provide a high quality and extensive public realm, with informal and formal play space, alongside a number of other landscaped character areas, all of which are linked to create a network of navigable green spaces.

#### **10.71 Accessibility and Inclusive Design**

**10.72** The s73 variation includes 10% (27 units) of the total housing to be suitable for wheelchair use of varying mix and tenure in accordance with the London Plan Housing Standards. Officers consider that the quantum and distribution of wheelchair housing is satisfactory for this development and have recommended the imposition of a condition which secures that 10% of the residential units be designed and constructed in accordance with Optional Requirement M4 (3) Category 3 of Part M of the Building Regulations (split proportionately).

**10.73** As reflected within Local Plan Policy BN5, the applicant has committed to ensuring that adaptation may be undertaken at a future date in response to the needs of occupiers. Officers recommend that 90% of the residential units (not covered by the 10% secured above) be designed and constructed in accordance with the M4 (2) Category 2 of Part M of the Building Regulations.

**10.74** A total of 29 accessible parking bays would be available on site accessed via the basement (27 spaces to serve the residential flats including visitor spaces and 2 to serve the commercial units. Officers can confirm that the accessible parking provision complies with the baseline standards in the Housing SPG.

**10.75** The extant consent requires a car park management strategy (secured by s106) to ensure that the details of the way in which spaces are allocated and managed to ensure on-going availability of accessible parking spaces is approved by the Local Planning Authority; and this would carry through to the deed of variation for this S73 application.

**10.76** Officers are satisfied that the proposals meet the development plan objectives in terms of accessibility and inclusive design and are capable of complying with Policy BN.5 of the Local Plan.

## **10.77 Transport Matters**

- 10.78** Cycle Parking: TfL have commented that the amended scheme should adopt the amended cycle parking standards which are in the draft London Plan. While the consented provision was slightly above previous London Plan standards. The consented scheme would provide a total of 590 spaces to serve the scheme. 597 spaces are proposed to serve the revised s73 scheme.
- 10.79** The new standards (draft London Plan) require that 1 bed units have 1.5 spaces per unit and the commercial element have 1 space per 75m<sup>2</sup>. The new residential requirement would therefore be 508 long stay and 7 short stay, and the employment requirement would be 76 long stay and 11 short stay, for an overall total of 584 long stay and 18 short stay spaces. TfL, comment that the long stay element should be increased from 533 by 51 spaces to reach a total of 584 spaces while the short stay element of 18 spaces is still acceptable. The increased commercial area would provide showers and changing facilities to promote cycle use.
- 10.80** The total increase in cycle spaces over the extant consent is 7 spaces. It is noted that the provision in the extant consent is an overprovision against the current London Plan standards. The applicant has confirmed that there would be sufficient space within the basement parking area to incorporate the increase in residential provision as suggested by TfL and have provided an updated plan, which identifies across the site where employment long stay cycle parking would be provided.
- 10.81** Car Parking: The s73 variation proposes no changes to the car parking provision. A parking plan is provided as part of the revised scheme. Car parking is provided in a basement area for a total of 69 vehicles and would be sold on a first come-first serve principle. The commercial element would have 2 accessible spaces. For the residential element 67 spaces are provided including 29 accessible spaces which is at a ratio of 0.25 spaces per unit, which is below London Plan standards and is welcomed by TfL. The applicant has confirmed that there would be a restriction on the number of spaces that can be purchased by an individual dwelling. If a space is unsold it would remain unallocated. Commercial parking would be managed through a Parking Management Strategy, which as part of the extant consent is secured by a s106 obligation; and would also be secured in the Deed of Variation.
- 10.82** Officers are satisfied that the provision of accessible parking bays is in accordance with London Plan standards. London Plan policy 6.13 para 6A.2 states that the non-residential element of a development should provide at least one accessible on or off-street car parking bay designated for accessible parking badge holders.
- 10.83** The London Plan Housing SPG states that each accessible wheelchair dwelling (10% of the development) 'should' have a car parking space. Local Plan Policy T.8 requires amongst other things the provision of on or off street accessible parking to be appropriate to the size, nature and location of the development. The total required provision to serve this development according to the London Plan and Housing SPG (i.e. in terms of accessible wheelchair dwellings and non-residential) this would be 29 spaces (29 accessible spaces are to be provided within the basement car park (27 for the residential units and 2 for the commercial unit)).
- 10.84** It should be noted that the extant consent includes a s106 obligation requiring a Parking Management Strategy which would monitor the provision and management; and this would also apply to the section 73 permission via be in the Deed of Variation.

- 10.85** Officers are satisfied that the parking provision strikes an appropriate balance between meeting expected demand from residents and providing a degree of restraint to deter car ownership. Officers analysis concludes that the proposals meet the aspirations of regional (London Plan policies 6.9, 6.10 and 6.13) and local development plan policy (T.4, T.6, T.8, and T.9 refers), in proposing a development which supports sustainable transport objectives.
- 10.86** Waste Collection: As a result of the s73 proposals there are alterations to the refuse arrangements at the ground floor of Building 7, as revised the building would now have two separate storage areas. The changes have been made to the waste and servicing arrangements due to the land ownership delineation (building 7 straddles two land ownerships). This is to enable refuse collection from both parts of the site and has required that the lift from the basement is moved to be better located for the removal of refuse to the collection point.
- 10.87** PPDT's environmental consultants have commented that the provision of household bulky waste storage within the Building 7 bin store does not meet LBN requirements (i.e. developments of 25+ units should have a household bulky waste store that is separate from storage areas containing normal refuse and recycling bins). Furthermore, the proposed 15m<sup>2</sup> allowance for bulky waste is below the calculated requirement of 55m<sup>2</sup> store that is separate from storage areas containing normal refuse and recycling bins) and does not accord with LB Newham's Waste Management Guidelines for Architects and Property Developers.
- 10.88** The applicant commented that the provision of a 55m<sup>2</sup> space on the ground floor would be excessive and that a 15m<sup>2</sup> space would be sufficient on the grounds that it is highly unlikely that the number of bulky waste items requiring storage at any time will exceed the space provided. For reference, a sofa represents less than 3m<sup>2</sup> and a fridge less than 1m<sup>2</sup>. They go on to state that the reason why a separate space is not provided is that the Building 7 bin store would only be at full capacity on collection days and would largely be available for bulky waste on the other days. LB Newham (Waste department) have commented that the capacity should follow the guidance in BS 5906 for residential waste and should include an extra 25-30% capacity for recycling.
- 10.89** The applicant has shared with PPDT's environmental consultants and LB Newham an updated refuse service plan, and revised drawings illustrating how the development would accord with LB Newham's waste strategy and advised that the bins would be transferred by the management company servicing the development to the collection point in Building 7. The applicant has provided confirmation to officers that the waste strategy has been accepted by LB Newham. Officers and their advisors are satisfied the proposals demonstrate how the development would be serviced in order to avoid vehicle obstructions and awkward manoeuvres and bins being stored to the detriment of the safe and free flow of pedestrians/ cyclists. However due to the journey lengths involved for waste collection/management (8km) PPDT's environmental consultants advise that condition 23 is revised to ensure that transfer operations are conducted safely, including any provision for storing manual handling aids.
- 10.90 Other Environmental Impacts**
- 10.91** Sustainability: Officers and their environmental advisors are satisfied that the original approach and targets for the development have been followed in the amended design. All of the conditions from the extant consent would be retained and separately discharged.

- 10.92 Ecology:** The amended design remains within the original footprint and this does not trigger any further ecological impacts or require any further surveys. All of the conditions from the extant consent would be retained and separately discharged.
- 10.93 Air Quality:** PPDT's environmental consultants required the applicant to carry out further work on air quality as the ES addendum initially did not address the changes to information on background air quality concentrations, emission factors and assessment of significance. The applicant has made revisions and provided further detail and PPDT's advisors are satisfied, that as with the extant consent, there are no negligible impacts and therefore no objections are raised.
- 10.94 Wind:** PPDT's environmental consultants are satisfied that the amendments do not significantly change the massing or the location of entrances proposed on the extant consent. The environmental consultants agree that as with the extant consent the effect of wind is considered to be negligible and no objections are raised.
- 10.95 Noise and Vibration:** PPDT's environmental advisors consider that the noise and vibration impacts arising from the development as being acceptable and suggest the imposition of a condition to deal with construction impacts. Condition 7, re-imposed from the extant consent, would mitigate the impact of the works and safeguard amenity and limit noise levels in accordance with London Plan policies 5.3 and 5.8 and Local Plan policy BN.11. Officers are satisfied that the proposed minor material amendments raise now new issues.
- 10.96 Archaeology and Contamination:** PPDT's environmental advisors have also commented that the revisions raise no residual concerns with respect to archaeology. It should be noted that to ensure to better alignment with the on-site development process as well as best practice contamination conditions (nos. 13 to 16) from the extant consent have been reworded.
- 10.97 Extant Consent Heads of Terms:** The following are the heads of terms set out in the original s106 agreement (14/00422/FUL) to mitigate the effects of the development.
- 10.98** As highlighted below the proposed deed of variation to the original s106 agreement would tie in the originally agreed s106 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 Mayors Affordable Housing and Viability SPG.
- Final details of the treatment of the podium to Block 1 and 2
  - **To secure the Affordable Housing final offer, and include a review mechanism in accordance with the Mayors Affordable Housing and Viability SPG.**
    - **Affordable housing delivery linked to market housing**
    - **Delayed commencement**
  - **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

## **10.99 Community Infrastructure Ley (CIL)**

- 10.100** The site is liable for both Mayoral and LLDC CIL which is based on the current proposals. The s73 application would trigger additional Mayoral CIL which would

only apply to the additional commercial floor space being provided which is 1,414m<sup>2</sup>.

## **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:

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.

**11.3** 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.

## **12 CONCLUSION**

**12.1** 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 s106 agreement by way of the deed of variation and conditions, the officer recommendation is to grant this s73 variation planning permission.

**12.2** The design of the development would remain of a high quality and there would be no detrimental impact upon local or strategic views, nor would harm be caused to local amenity in relation to an unacceptable loss of sunlight/daylight, sense of enclosure or loss of privacy or outlook.

**12.3** The quality of the residential accommodation provided within the development would remain at a high standard. The increased number of residential units in comparison to the extant permission would make a contribution to housing targets

(as well as affordable housing) and the increase in commercial floorspace would improve the quality of the space and help increase job density on the site.

- 12.4** The scheme would remain a sustainable form of development that would continue to deliver a range of public benefits.
- 12.5** The alterations proposed under this s73 application would be in general compliance with national, regional and local plan policies and guidance. Officers are therefore recommending approval of the scheme in accordance with the presumption in favour of sustainable development as per the requirement of the National Planning Policy Framework (NPPF).
- 12.6** As set out in the National Planning Policy Guidance (NPPG) the s106 obligations that were required to mitigate against the parent consent would be tied to the new consent via a deed of variation.
- 12.7** The NPPG also states that where an application under s73 is granted, the effect is the issuance of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. It should be noted that no conditions or obligations under the parent application have been discharged.
- 12.8** As a s73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission (see condition 1). The conditions have been reapplied albeit with minor revisions (highlighted below) to include policy reference and modification to the remediation conditions (see conditions 13 to 16) to better align with the on-site development process as well as best practice. The applicant is expected to submit a section s96A non-material amendment application, which would change the description of development to ensure that it is consistent with the conditions as altered by the s73.
- 12.9** No objections have been received from statutory consultees.
- 12.10** The analysis concludes that the proposal is acceptable in planning policy terms and the scale and nature results in a development which is not substantially different from the one which has been approved. In light of the above assessment it is recommended that the application be approved subject to the conditions set out below and the satisfactory completion of a deed of variation to the existing s106 Legal Agreement.

## **13 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 as amended by the Planning and Compulsory Purchase Act 2004



**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 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 Section 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 Section 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 paragraph 109 of the NPPF and 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 paragraph 109 of the NPPF and 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 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 prior to any commencement of Development. 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 and pre-commencement justification: 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 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 refuse and recycling storage arrangements for the respective area of land 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 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.~~



~~Reason: To ensure there are refuse storage 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.~~

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.

~~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 in accordance with Policy S.6 of the Local Plan.~~

## **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. The Scheme is liable for Mayoral and LLDC CIL
2. The applicant is reminded that this planning permission is subject to the accompanying S106 Legal Agreement.
3. Thames Water Informatives:

- The applicant is reminded of their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer.
- The applicant is reminded of the need for a groundwater discharge permit
- The developer should take account of minimum water pressure in the design of the proposed development.

#### 4. English Heritage Greater London Archaeology informatives

- Written schemes of investigation would need to be prepared and implemented by a suitably qualified archaeological practice in accordance guidelines.
- In order to protect groundwater quality from further deterioration. No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person.

### **Appendices**

Appendix 1 Location Plan

Appendix 2 Drawings