

Land at Marshgate Lane, Pudding Mill Lane, Stratford, E15

in the London Borough of Newham, (London Legacy Development
Corporation)

planning application no. 14/00422/FUL

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing buildings and primarily residential development comprising 254 residential units and 4,257 sq.m. of new B1 employment floorspace in eight buildings ranging in height from 3 to 12 storeys.

The applicant

The applicant is Workspace and the architect is Squire and Partners.

Strategic issues

At the consultation stage, the proposed **mix of uses**, approach to **convergence** and general approach to **urban design** were supported. However unresolved issues were identified in respect of **housing mix**, level of **affordable housing** and **design quality**. Additional unresolved matters related to **children's play space**, **inclusive design**, **energy** and **transport**. All these matters are now satisfactorily resolved as set out in this report.

The Corporation's decision

In this instance the London Legacy Development Corporation has resolved to grant permission.

Recommendation

That the London Legacy Development Corporation be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal.

Context

1 On the 17 November 2015 the Mayor of London received documents from the London Legacy Development Corporation (LLDC) notifying him of a planning application of potential strategic importance to develop the above site for the above uses.

2 This application was referred to the Mayor under Categories 1A. 1 (Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats) and 1C. 1.3 (A building more than 30 metres high outside the City of London), of the Schedule to the Order 2008.

3 On the 13 January 2015 the Chief of Staff and Deputy Mayor for Planning acting under delegated authority considered planning report D&P/3347/01 and subsequently advised the LLDC that the application did not comply with the London Plan for the reasons set out in paragraph 84 of the above-mentioned report; but that the possible remedies set out in this paragraph could address these deficiencies. A copy of the above-mentioned report is attached.

4 Since then, the application was revised and additional material provided in response to the Mayor's concerns as set out below. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

5 On the 15 December 2015 the LLDC resolved to approve the application, and on the 4 January 2016 advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged or direct the Corporation under Article 6 to refuse the application. The Mayor has until the 17 January 2016 to notify the Corporation of his decision and to issue any direction.

6 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

7 The Mayor's decision on this case, and his reasons, will be made available on the GLA's website www.london.gov.uk.

Update

8 As set out above, the LLDC was advised at Stage 1 that the application did not comply with the London Plan but that a number of suggested changes might remedy these deficiencies. These areas of concern and the subsequent responses are as follows:

Housing

9 The principle of introducing residential uses was supported in strategic planning terms but evidence was requested to show that the maximum reasonable level of affordable housing would be provided. Additional efforts were also suggested to increase the proposed level of family housing and to reduce the proportion of north facing single aspect units. The proposed approach to children's play space was also questioned.

10 The applicant subsequently submitted a viability report that was independently assessed by the LLDC. This showed that the current level of affordable housing (17.7%), whilst a reduction in the quantum indicatively proposed at Stage 1 (31%), does represent the maximum reasonable level of affordable housing the scheme could now support given the physical changes the LLDC sought and the increase in employment floorspace the scheme will now provide. The LLDC is however proposing a review mechanism that will reassess this in the future and might subsequently increase this amount.

11 The level of family housing remains unchanged but is considered acceptable by the LLDC and confirmed it is in accordance with its adopted Local Plan and needs. The applicant has also now confirmed that the proposed level of play space would exceed Mayoral standards. A playspace strategy was however was not produced at requested at Stage 1, but is required by condition.

12 The applicant has also reduced the number of north facing single aspect units from 34 to 29 (11%), which whilst still relatively high, is considered acceptable given the layout and orientation of the site and the revised scheme. These matters are therefore now acceptable from a strategic planning perspective.

Urban design

13 The general approach to urban design was supported in strategic planning terms at Stage 1 but it was suggested that the differentiation between public and private space and the design of the public realm in a number of areas should be improved before the application was referred back to the Mayor at Stage 2. These matters have been satisfactorily addressed in the revised scheme.

Inclusive design

14 Concerns were raised at Stage 1 in respect of the location and tenure of the scheme's wheelchair accessible units, the approach to disabled parking and the insufficient detail of the proposed accessible homes. Further details have now been provided and these matters are now acceptable from a strategic planning perspective if conditioned in accordance with the LLDC's decision.

Sustainable development and energy

15 A number of detailed energy concerns relating to overheating risk, build quality, the need to connect all units and uses to the proposed site heat network and the running profile of the CHP unit were identified at Stage 1. The applicant has confirmed that all uses and buildings would be connected to the site heat network and amended its approach to reflect advice from Cofely. These matters are now acceptable from a strategic planning perspective if conditioned in accordance with the LLDC's decision.

Transport

16 TfL raised a number of transport concerns at Staged 1 and in summary sought:

Section 106 / Mitigation measures (in no order of priority)

- A contribution to the *Bow Vision* programme - figure to be discussed with LLDC and applicant.
- A contribution towards new bus/cycle/pedestrian bridge to improve the connectivity of the site and the wider area – figure to be discussed with LLDC and applicant.
- A Car club contribution.
- A restriction from applying for on-street parking permits.
- Travel plans.

The following matters to be secured by condition

- Car Parking Management Plan including disabled parking provision.
- Confirmation of cycle parking and facilities provision.
- Electric vehicle charging points.
- Construction Logistics Plan.
- Delivery and Servicing Plan.

17 These have largely been addressed by the proposed conditions and through the section 106 (S106) agreements. For example, cycle parking would be secured by condition and there would be provision for larger cycles in line with TfL guidance. The applicant has also agreed to safeguard an area of land within the site for a cycle hire docking station and to enter into discussions with the LLDC and highway authority and to contribute to works to mitigate the impact of the development on Marshgate Lane in the context of TfL's *Bow Vision* proposals. The amount of the contribution is to be negotiated and will be secured by through the proposed S106 agreement.

18 The applicant will provide two Zip cars for the development which would include 1 year free membership and usage credit. The applicant will also enter into discussions with the highway authority as to whether they would support these spaces being provided on the highway and to again secure this through the proposed S106 if agreement can be reached. Electric Vehicle charging points will be provided in accordance with London Plan standards which would be secured by condition. The proposed S106 agreement would also preclude on-street parking permits for the commercial and residential occupants and secure the necessary Travel Plan. The Construction Logistics and Delivery and Servicing Management Plans would be secured by planning conditions.

19 Overall, TfL is satisfied that the proposal now accords with London Plan transport policies and would make a positive contribution to the area in terms of transport.

Response to consultation

20 The LLDC undertook two rounds of consultation, advertised the application in the Newham Recorder and posted four site notices on or around the site. It also consulted 771 adjoining and nearby residential and commercial properties by post. As a result it received four letters raising concerns about noise disturbance, the timing of the development, sunlight and design, height and massing and possible changes to local bus routes.

21 Statutory and additional consultees responded as follows:

- **BT UK** – Submitted no comments.
- **Canal and Rivers Trust** – Had no objection to the proposed development subject to the imposition of suitably worded conditions and the applicant entering into a legal agreement to mitigate specific impacts on the adjoining waterway.
- **Cofely East London Energy** – Submitted no comments.
- **Crossrail** – Confirmed it had no comments.
- **DCLG** – Submitted no comments.
- **Docklands Light Railway** – Confirmed it had no comments.
- **EDF Energy** – Submitted no comments.
- **Environment Agency** – Was satisfied that subject to the development being carried out in line with the submitted material, the development will not pose an unacceptable increase in flood risk and recommended conditions relating to habitat and surface water drainage and that all risks to groundwater and surface waters from contamination be identified so that appropriate remedial action can be taken.

- **Health Protection Agency** – Submitted no comments.
- **High Speed 1** – Confirmed it had no interest.
- **Historic England** – Did not consider it necessary for the application to be notified to it.
- **Historic England (Greater London Archaeological Advisory Service)** – Confirmed that 10 Marshgate Lane had been an historic glassworks use and therefore recommended conditions be imposed requiring archaeological investigations be carried out
- **HSE** – Submitted no comments.
- **Lea Rivers Trust** – Submitted no comments.
- **London Ambulance Service** – Submitted no comments.
- **London Borough of Newham** – Confirmed that the principle of mixed use development and the scheme's approach to urban design was supported, but that the level of family housing (3 bed and 3 bed +) should be increased and that the LLDC should carry out a robust review of the scheme's viability to assess if the level of affordable housing could be increased. The applicant should also consider providing a contribution towards the creation of a 'Home Zone' along Marshgate Lane. The Council also recommended conditions in respect of sound insulation; noise mitigation; contamination; housing ventilation; air pollution; and noise from demolition and construction. Finally, it recommended S106 contributions towards air quality and noise mitigation measures and expressed a number of concerns about the detail of the viability assessment.
- **London Borough of Tower Hamlets** – Confirmed it did not wish to comment on the application.
- **London Cycling Campaign** – Submitted no comments.
- **London Fire and Emergency Planning Authority** – Confirmed the opportunity for the developer and building owners to install sprinkler systems to save money and property and to protect future occupiers.
- **London Wildlife Trust** – Submitted no comments.
- **Metropolitan Police Service** – Asked that consideration be given to imposing a condition requiring the development to seek Secure by Design accreditation to a minimum of Part 2.
- **National Grid** – Advised the applicant to contact it directly to discuss infrastructure impacts.
- **Natural England** – Confirmed that the proposal was unlikely to affect any statutorily protected sites or landscapes and that the application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The LLDC should also consider securing measures to enhance the biodiversity of the site from the applicant.
- **Network Rail** – Had no objection.
- **Thames Water** – Had no objections but recommended informatives in respect of surface water drainage, storm flows attenuation, discharge and connections to public sewers/. Also recommended a piling method statement be prepared.
- **UK and London Power Networks** – Submitted no comments.

Legal considerations

22 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the London Legacy Development Corporation to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor may also leave the decision to the Corporation. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London.

Financial considerations

23 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

24 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

Conclusion

25 Further information has been provided by the applicant and the Corporation and the outstanding issues raised at Stage 1 have been satisfactorily addressed.

26 Having regard to the details of the application, the matters set out in the committee report and the Corporation's draft decision notice and section 106 planning agreement, there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to direct refusal.

27 The Mayor is therefore recommended to allow the London Legacy Development Corporation to determine the application itself, subject to any action the Secretary of State may take and not direct refusal.

for further information, contact the GLA Planning Unit (Development and Projects):

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