



Appeal Decision

Inquiry opened on 12 November 2019

Accompanied site visit carried out on the same day

by Mrs J A Vyse DipTP Dip PBM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd January 2020

Appeal Ref: APP/M9584/W/19/3233990

60 Dace Road, London, E3 2NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Constable Homes Limited and Surreyvale LLP against the decision of the London Legacy Development Corporation.
 - The application No 18/00315/FUL, dated 31 May 2018, was refused by a notice on 31 January 2019.
 - The development proposed comprises the demolition of infill and rear courtyard buildings associated with part change of use and refurbishment of the Stable Block and the front concrete framed Warehouse Building with a two-storey extension, together with the erection of two x buildings, one up to six storeys in height, and one part three, part four storey building to provide 637.9 sqm GIA of B1 Class use, 127.5 sqm GIA of B1/A1, A3 and A4 Class use and residential accommodation, with car parking, soft and hard landscaping and associated works.
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Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for demolition of infill and rear courtyard buildings associated with part change of use and refurbishment of the Stable Block and the front concrete framed Warehouse Building with a two-storey extension, together with the erection of two x buildings, one up to six storeys in height, and one part three, part four storey building, to provide 637.9 sqm GIA of B1 Class use, 127.5 sqm GIA of B1/A1, A3 and A4 Class use and residential accommodation, with car parking, soft and hard landscaping and associated works at 60 Dace Road, London E3 2NN, in accordance with the terms of the application, No 18/00315/ FUL, dated 31 May 2018, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Inquiry sat for a total of six days (12-15 and 19 November and 10 December 2019).
3. The Decision Notice recites eight reasons for refusal (RfRs). In light of additional material submitted subsequent to the lodging of the appeal it was confirmed, subject to appropriate conditions and obligations, that the Corporation would not be pursuing those reasons for refusal relating to affordable housing tenure (RfR 5), long stay cycle parking/blue badge parking (RfR 6) and servicing (RfR 7).
4. On conclusion of its evidence in relation to heritage matters, the Corporation confirmed to the Inquiry that it was no longer pursuing RfR 1 and RfR 2 in relation to the effect of the development proposed on heritage assets.

Nonetheless, I have a statutory duty to consider whether the proposal would preserve or enhance the character or appearance of the Conservation Area. In addition, paragraph 197 of the National Planning Policy Framework (the Framework) requires that the effect of a development proposal on the significance of non-designated heritage assets be taken into account in determining planning applications. Concerns in these regards were also raised by interested parties.

5. RfR 8 related to concerns about impeding flood flow and reduction in storage capacity with implications for the risk of flooding elsewhere. Addendum No 1 to the Flood Risk Statement of Common Ground confirms that as the appeal site is an enclosed courtyard, then the concerns relate only to the potential loss of flood storage and the implications of that in terms of increased flood risk elsewhere. Following ongoing discussions between the appellant and the Environment Agency, and based on sketches and an accompanying email dated 4 December 2020,¹ the Agency confirmed through a position statement to the Inquiry² that the information now provided is sufficient to demonstrate that a suitable water entry strategy, allowing the ground floor uses to flood, could be incorporated into the proposed development. On that basis, and subject to conditions, there would be no increased risk to others in terms of flood risk elsewhere. Accordingly, RfR 8 was not pursued at the Inquiry.
6. The appellant submitted a planning obligation by deed of agreement made pursuant to the provisions of Section 106 of the Town and Country Planning Act 1990.³ It sets out a range of obligations, covenants and undertakings subject to the usual contingencies. The provisions secured are a material consideration and are dealt with in more detail later on.

Main Issues

7. With the forgoing in mind, the main issues in this case relate to:
 - the effect of the scheme on heritage assets, including the Stable Block, a non-designated heritage asset that forms part of the Dace Road cluster, and the Fish Island and White Post Lane Conservation Area;
 - whether the development would result in an unacceptable loss of employment floorspace, having regard to the provisions of policy B1(5) of the Local Plan;
 - the effect of the proposal on the living conditions of occupiers of the adjacent Ironworks building in terms of outlook and privacy; and,
 - whether future occupiers of the proposed scheme would be provided with acceptable living conditions in relation to communal and play space provision and, in terms of the three x 3-bedroom maisonette units proposed, in relation to natural cross-ventilation and outlook for occupiers.

Reasons for the Decision

8. The appeal site is roughly triangular in shape, covering an area of some 0.22 hectares. It is bounded by Dace Road to the north, the River Lee Navigation to the east, Crown Wharf and the Ironworks to the south, and by Britannia Works to the west.

¹ Listed as Doc 15 below

² Doc 14

³ Doc 18

9. Three buildings currently occupy the site: the former Swan Wharf industrial Stable block and later concrete framed Warehouse building, both of which front onto Dace Road and are connected by a link building, and the early 20th Century Small Works building to the rear of the site. The buildings enclose a triangular works yard. Primary pedestrian and vehicular access to the site is taken from Dace Road, through the link building referred to.
10. It is proposed to retain and refurbish the Stable block. The ground floor would remain in commercial use, accommodating some 374 square metres (sqm) flexible B1 class floorspace,⁴ with the upper floors converted to residential use providing three x three-bed duplex units split over the first and second floors each with a central internal amenity space, and four flats, each with a private balcony/terrace. The link between the Stable block and the Warehouse building would be demolished, leaving two separate buildings.
11. An additional two storeys would be added to the four storey Warehouse building, giving it an overall height to almost 22 metres. The ground floor would provide some 127.5 sqm flexible workspace and/or a café/restaurant/bar (use classes B1/A1, A3 and A4). The upper floors would accommodate ten flats, each benefitting from its own private amenity space in the form of balconies and terraces.
12. A linear six storey building (the Courtyard building) with an overall height of some 22.35 metres, is proposed adjacent to the rear elevation of, and running parallel to, the Stable block. The two buildings would be separated by a glazed buffer space/gallery, approximately 2.5 metres in width. Some 59 sqm of commercial floorspace (flexible B1 use) is shown at ground floor level, together with refuse storage and cycle parking spaces, with residential accommodation on the upper floors comprising 15 flats, each with a private balcony.
13. The Small Works building would be demolished and replaced with a part three, part four storey building (the Wharf building) on the south-eastern site boundary, next to the adjacent Crown Wharf building. It would accommodate some 205 sqm workspace on the ground floor (flexible B1 use) with ten flats on the upper floors, all with private amenity space in the form of balconies. Further private outdoor space would be provided in front of the proposed building, between the building and the adjacent waterway.
14. The remaining courtyard area within the site would be served via the existing entrance off Dace Road, which would be gated. It would comprise a shared surface accommodating multiple uses including service deliveries, blue badge parking, short stay cycle parking and incidental play platforms with integral planting, as well as overspill areas for the café/commercial uses.
15. As defined by the LLDC Local Plan (July 2015) the appeal site lies within Sub Area 1: Hackney Wick and Fish Island. Among other things the vision for this area states that the established residential areas in the north, the historic character of the centre, and industrial floorspace to the south, will be complemented by a mix of new homes, employment floorspace and community facilities around and within buildings of historic interest.

⁴ Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Class B1 includes (a) use as an office other than a use within class A2 (financial and professional services), (b) for research and development of products or processes, or (c) for any industrial process which can be carried out in any residential area without detriment to the amenity of that, vibration, smell, fumes, smoke, soot, ash, dust or grit.

16. The site is also located towards the southern end of the Fish Island and White Post Lane Conservation Area. The existing buildings on the site are typical of the industrial heritage that characterises the Conservation Area, with the Conservation Area Appraisal making it clear that every effort should be made to preserve the building cluster which is identified as forming a coherent and complementary group of medium/high significance.
17. In light of the forgoing, it was common ground that the principle of redevelopment for a mixed-use scheme here is consistent with the relevant development plan policy objectives and that any redevelopment proposals should take a heritage-led approach involving the retention and restoration of the historic buildings.
18. No objection was raised either in relation to the scale, form and massing of the proposed Wharf building. I have no reason to disagree. The design of this part three, part four storey building has evolved over a number of years in discussion with the Corporation. The building would be finished in buff brick and would include a pitched roof to the four storey element, with a pitched roof feature to each end of the three storey element, linked by a flat roof between. As set out in the Design and Access Statement, it is designed to anchor the site by completing a pavilion centrepiece within the perimeter horseshoe massing formed by the existing six storey Ironworks building, the proposed Courtyard building and the extended Warehouse building. Its staggered, gable ended form creates a pleasing composition in combination with adjacent Crown Wharf on the waterway frontage here and, whilst echoing the heritage of the adjacent building, the corner windows, varied depths and openings present a more contemporary take that complements its form. The pitched roofs also provide a visual link with the hoisting frame on the Warehouse building. Accordingly, the discussion that follows focuses on the remaining elements of the scheme.

Heritage Assets

19. Together and among other things, policies 3.5, 7.1, 7.5, 7.6, 7.7, 7.8 and 7.9 of the London Plan, and policies, BN.1, BN.10, BN.16, 1.2, 1.4, 1.6 and 1.7 of the Local Plan seek to reinforce or enhance the quality, character and legibility of the area, requiring that development is of the highest architectural quality, relating well to surrounding buildings, reinforcing local distinctiveness and referencing the area's industrial past. Development is also required to restore, re-use and incorporate heritage assets, conserving heritage significance and enhance architectural and historic settings. Tall buildings, i.e. those more than 20 metres in height in this sub area, can be permitted if they accord with other policies.
20. The Conservation Area is focussed on the industrial buildings of Dace Road, Smeed Road, Bream Street and part of Stour Road, and on the adjacent waterways. Much of the original street pattern remains throughout the Conservation Area, which is characterised by small clusters of industrial buildings ranging from two-six storeys in height that were engaged in the invention and production of goods relating to the birth of the consumer age. As set out in the Conservation Area Appraisal (November 2014) there is, collectively, a robust utilitarian aesthetic and scale that, when coupled with the 'island' nature of Hackney Wick, results in a particular sense of place.
21. The cluster of surviving historic industrial buildings around Dace Road is identified as one of only two such groupings within the Conservation Area.

Yards associated with factories or groups of factories, such as that on the appeal site, are also noted as an integral part of the Area's distinctive character. Views from Dace Road eastwards towards the lock and the Olympic Park beyond, and to and from the towpaths, are identified as an important element of the character of the Conservation Area, with views within Dace Road being much more urban in character.

22. The Dace Road cluster, which includes the buildings on the appeal site, comprises the former Wick Lane Rubber Works complex, thought to be England's only surviving steam-powered steam process rubber works. The buildings are a surviving remnant that is representative of the industrial activities that took place within the wider Conservation Area historically. Although not statutorily listed, the industrial Stable Block and the linked concrete warehouse building on the appeal site, together with the Crown Wharf building on adjacent land, are identified in the Local Plan as heritage assets.⁵
23. The Stable block dates from 1906-1912. It is a substantial three storey, late transitional structure of cast iron columns and steel floor beams which support a concrete floor, with attractive stock brick facades with blue brick trim. Its relatively small arched windows, which are set high above the internal floor levels reflecting the original use, provide a strong visual rhythm in the streetscape, broken only by larger doors introduced when it was later converted to warehouse use. The building was damaged by a fire in the 1960s. As a consequence, it no longer retains its original roof. Many internal features have also been lost, including the original flooring and central drainage channels and the internal stable partitioning. The rear elevation has also been altered significantly: the original ramped access from the courtyard to the upper floors has been removed, with newer windows and doors with horizontal lintels inserted into or across existing openings, whilst older openings have been filled in with a red brick. The red brick at the upper level on the rear elevation also illustrates the extent of rebuilding following the fire. However, the front and west flank facades, which are largely intact, are clearly visible in the public realm, creating a distinctive part of the streetscape along this part of Dace Road, making a positive contribution to the character and appearance of the Conservation Area.
24. The Stable block is linked to the mid-20th Century four-storey concrete framed Warehouse building, which sits at the eastern end of the site adjacent to the Lee Navigation. Whilst the Warehouse retains the functional interior of a 20th Century light industrial building, it also features a distinctive metal hoisting frame that is cantilevered over the waterway. That substantial frame is one of the most striking architectural features of the Conservation Area.
25. Together, the Stable block and the Warehouse building, particularly its hoisting frame, have architectural and historic significance and are visual landmarks that contribute to the historic, industrial character, appearance and grain of the locale. Elements of setting that contribute to their significance include their relationship with the street, the waterway and the yard.
26. The Small Works building lies to the southwest of, and on the opposite side of the yard to the Stable block. It is of two storeys, constructed of stock brick and, whilst likely to have been built at the same time as the Stable block, is in

⁵ Figure 31

- very poor condition, is unstable, and has been the subject of much unsympathetic alteration. There is no objection in this regard to its demolition.
27. No issue is taken either in relation to the proposed refurbishment works to the Stable block in terms of its heritage significance. Indeed, as set out in the officer's report, the works are welcomed. I agree. The roof would be re-covered with traditional slate and the distinctive fenestration pattern on the Dace Road elevation is to be retained, with blocked windows opened up. The later warehouse doors would be removed and replaced with extruded bay windows of contemporary design, in keeping with the character of the building. Internally, the floor levels would be raised to ensure a more practical relationship with the sill heights to the windows. Together with demolition of the unsympathetic link to the adjacent Warehouse building, the external scaffold staircase to the rear elevation and the bridge link to the Britannia Works on the western elevation, with the revealed elevations to be restored, the scheme would result in significant improvements in terms of appreciation of its heritage significance, bringing the building back into productive use with minimal alteration to its remaining historic fabric.
28. In relation to the proposed six storey Courtyard building, paragraph 10.48 of the officer's report recognises that, in isolation, it is of a reasonably high quality design. I agree. It would have a flat roof behind a parapet and a buff brick finish, with articulation provided by a frame structure across all elevations. Its scale reflects that of the adjacent Ironworks building and its industrial aesthetic makes it a much quieter building architecturally than the Stable block. Its character derives from the expressed frame within which it would be set, which would wrap around the perimeter of the building, reminiscent of the concrete framing on the Warehouse building. The frame would be infilled with a variety of elements such as glazing, balconies and metalwork, or solid façade. The building would be separated from the Stable block by what the architect describes as a 'shaft of light', created by a glazed atrium type space between the two buildings.
29. The Hackney Wick and Fish Island Supplementary Planning Document (March 2018) confirms that the area is characterised by large urban plots composed of multiple and amalgamated buildings and dramatic steps in height between buildings. Whilst part of the taller Courtyard building would be seen behind the three storey Stable Block in longer views along Bream Street, it would be read clearly as a separate building creating an appropriate backdrop: it would not compete with or detract from any appreciation of the Stable block from the public realm and, as confirmed by Mr Ableman for the Corporation at the Inquiry, there would be no harm to its heritage significance as a consequence of its visibility. Moreover, stepped changes in height between buildings, such as that proposed, are an identified feature of the area. In the much closer views from Dace Road itself, the available angle of vision, combined with the presence of adjacent buildings, means that the Courtyard building would hardly be visible at all. In any event, there would again be no harm to its heritage significance as a consequence of any visibility. For the same reasons, I find that there would be no harm to the character or appearance of the Conservation Area either.
30. The Courtyard building would mask the restored rear elevation of the Stable Block. However, whilst that elevation can be seen currently from the waterway on towpath opposite the site it is not, in my judgement, a prominent feature

from that aspect as asserted by the Corporation, lying as it does towards the rear of the site in that view. Much more prominent is the Crown Wharf, as would be the proposed Warehouse building. At present, the Stable block is screened in part by its own external staircase and the external staircase to the Warehouse building, although they would be removed as part of the appeal scheme. What views there are currently, are only of the upper part of the building which, as noted earlier, is much altered with little of historic significance remaining. As proposed, the Stable block would be screened to a large extent by the new Wharf building which would be in the forefront of those views and is an aspect of the scheme to which the Corporation does not object. In my opinion, the loss of what views there are of the rear elevation of the Stable block from the towpath as a consequence of the proposed Courtyard building, would not result in any material harm to the character or appearance of the Conservation Area, even noting that views from the towpath are identified in the Conservation Area as an important element of its character.

31. Inasmuch as the direct relationship of the Stable block with the existing yard to the rear would effectively be severed (albeit that an enclosed yard is an integral feature of the development proposed) there would be some, very limited harm to its heritage significance, a matter to which I return later. Suffice it to say here that Mr Abelman confirmed that there would be no loss of any heritage asset that should be retained, with all that is perceived to be worthwhile in physical heritage terms being retained.
32. Moving on then to the 1960s Warehouse building. With the exception of its distinctive metal hoisting frame overhanging the adjacent waterway, which has become a local landmark, the building is of much less heritage significance than the Stable block. It also makes less of a contribution to the character and appearance of the Conservation Area, although its utilitarian appearance, large scale concrete frame and prominent wharf-side location illustrate changing warehouse construction methods, giving it some townscape presence.
33. In terms of detailing, the existing concrete frame would be retained, cleaned and repaired. A two storey addition would be added on top of the building, with a flat roof behind a parapet. The extension would be finished in bronze coloured cladding, a typical accent material used on late Victorian and early Edwardian buildings to articulate decorative movements or features. The existing infill panels on the building are generally of poor quality and are inconsistent with the robust solidity of the frame. They would be removed, with the same bronze-coloured cladding material used for the new infill panels which would be recessed into the concrete frame, the intention being that the new elements would read as an 'insertion' dropped into the frame. I agree with the appellant in this regard, that this would help provide a harmony to the whole, rather than creating a 'top-hat' addition as feared by the Corporation.
34. The overall height of the extended Warehouse building would be consistent with the six storey height and form of the adjacent Bream Street development, currently under construction (the approved scheme has a seventh storey but that is set back from the frontages) and would tie in with proposed six storey Courtyard building and the adjacent Ironworks, albeit that there would be some variety in overall parapet heights. Given that context, I am satisfied that the height of the resultant building would not be overly intrusive or incongruous. Its scale and mass would also form a 'bookend' to the perimeter horseshoe alluded to earlier, comprising the large eight/nine storey riverside block at the

- far end (at the southern end of the Ironworks development) the Ironworks, and the Courtyard building which, together with the extended Warehouse building would 'embrace' the smaller buildings in the centre (the existing Crown Wharf and the proposed Wharf building). I find no harm to the character or appearance of the Conservation Area in this regard.
35. The Corporation is concerned at the loss of the pitched roof to the Warehouse, combined with the increase in height, which in its view would detract attention from the retained metal hoisting frame, which also has a pitched frame at the top mirroring the pitch of the existing roof. To my mind, whilst the existing shallow roof pitch reflects the pitched hoisting frame, of itself I consider it to be a slightly incongruous, architecturally weak device on this otherwise robust utilitarian building. As such, its loss would not cause any harm to the character or appearance of the Conservation Area. I also consider the randomised pattern of glazing and cladding to the proposed elevations to be entirely appropriate, presenting an almost artistic response to the strong geometric concrete frame. In my view, the extended building would present a neat, albeit more contemporary backdrop to the retained and refurbished hoist, which would still be clearly appreciated in views from the waterway, its pitched top reflecting not only the roof to the Crown Wharf building, but also the pitches to the gable ends of the proposed Wharf building, completing a pleasing rhythm along the waterside frontage of the site.
36. The proposed balcony areas to the first and second floor flats on the waterside frontage of the Warehouse building would project into the hoisting frame. To my mind, that arrangement does not undermine the concept of the accommodation being 'inserted' into the concrete frame. Rather, it makes good use of the space, inhabiting it and helping anchor the frame visually to the building, bringing it to life as an integral part of the building as a whole. The hoist would continue to be readily appreciated as a distinctive landmark feature within the Conservation Area.
37. Among other things, the Hackney Wick and Fish Island SPD requires that corners to new buildings must be strong and simple in form to create a vertically consistent and well defined frontage onto the public realm, without balconies breaking the corner line. Inasmuch as the two storey addition to the Warehouse building includes corner balconies, there would be conflict with the SPD. I agree with the Corporation in this regard, that they could be seen as weakening the otherwise robust form. However, that effect would only be seen in limited views on the approach along the towpath from the north. In other views, the balconies would be seen against the backdrop of the building itself. On balance, I am not persuaded that the arrangement materially undermines the overall strength and deceptively simple form of the building, or its vertical consistency, which is in fact emphasised by the two storey addition and its detailing.
38. In coming to a view on the proposals for the Warehouse building, I agree with the conclusions of Dr Miele, that the new building, formed of two things, one old one new, is suitably scaled within its spatial context and that the architectural design is of high quality and imaginative. I am also mindful that the Corporation's Quality Review Panel (equivalent to a Design Review Panel) is supportive of the architectural expression, including the additional storeys to this building, concluding that the scheme would result in an impressive piece of townscape along the waterfront. Paragraph 129 of the Framework advises that

regard should be had to the outcome of such processes when assessing proposals.

39. Whilst the development scheme proposed is quite dense, it would, as recognised in the officer's report to the committee, reflect the tight urban grain of the surrounding area. The report also confirms that there would be improvements to form and massing through removal of the unsympathetic infill link between the Stable block and the Warehouse building and removal of the bridge link at the western end of the Stable block with the Britannia Works. Further improvements would arise through removal of the bulky, very unsympathetic external staircases to the rear of Stable block and Warehouse building. In addition, the proposed Wharf building would create an improved waterfront to the site as would, in my view, the extended Warehouse building.
40. In terms of the significance of the non-designated heritage assets referred to, the only harm I have identified would be to the Stable block through the severing of a direct connection with courtyard to the rear. Having regard to paragraph 193 of the National Planning Policy Framework, any harm in that regard would be at the lower end of less substantial. Framework paragraph 197 sets out that the effect of such harm is to be taken into account in determining an application, with a balanced judgement required having regard to the scale of any harm and the significance of the asset.
41. Acknowledged benefits of the development proposed include restoration of the historic Stable block and its reuse. No substantive evidence was before me to demonstrate that those benefits would be otherwise realised without the development proposed. Other benefits of the scheme as a whole are set in a later section of this Decision. In my view, these benefits clearly outweigh the limited harm that I have found to the heritage significance of the Stable block.
42. To conclude on this issue, I find no material harm in terms of the significance of any of the identified non-designated heritage assets. What limited harm there is in terms of the setting of the Stable block is clearly outweighed by the many benefits associated with the scheme. I am also content that the appeal scheme demonstrates sufficiently high quality architecture, showing appropriate regard to its setting, such that there would no harm to the character or appearance of the Conservation Area, which would be preserved, if not enhanced. There would be no conflict therefore, with the relevant development plan policies in these regards.

Employment Floorspace

43. London Plan policy 4.1 seeks to promote and enable the continued development of a strong, sustainable and increasingly diverse economy, ensuring the availability of sufficient and suitable workspaces. Pursuant to that, Local Plan policy B.1, agreed as being the most relevant policy in relation determination of this issue, seeks to focus Class B uses⁶ within identified Employment Clusters and Centres according to type. The employment function for each Cluster, and employment land outside the Clusters, is then to be protected and developed in accordance with five criteria. The appeal site lies outwith any defined Cluster or Centre. In such areas, part (5) of policy B.1 sets out a total of eight further assessment criteria a)-h).

⁶ Class B of the Town and Country Planning (Use Classes) Order 1987 (as amended)

44. Initially, a proposal is required to a) maintain or re-provide equivalent industrial floorspace within B2/B8 use classes, or b) maintain or re-provide equivalent employment floorspace within B1 use classes⁷ or significantly increase job densities within B use classes. Criteria c)-h) then set out further considerations against which proposals may also be considered.
45. Notwithstanding that the measured floorspace of the current accommodation on the site extends to some 2,243 sqm, it was a matter of agreement between the parties that the existing lawful use provides for some 1,822 sqm of B1(c) floorspace here. On that basis, criterion (5)a) is not relevant, since it relates to B2/B8 uses. Moving on to criterion (5)b), the development proposed includes some 638 sqm of B1 floorspace and 127.5 sqm of B1/A1/A3/A4 floorspace. Even if all the commercial floorspace proposed (765.5 sqm) was used for B1 purposes, there would be a loss of some 1,056.5 sqm of B1 floorspace. As such, the appeal scheme would result in a material loss of employment floorspace. That leaves the proposal to be assessed against the second limb of criterion (5)b), namely whether the development proposed would significantly increase job densities within B use classes.⁸
46. Paragraph 4.14 of the reasoned justification to policy B.1 states that where a density approach is applied, densities should either be above average for the B class uses where job density is low, or significantly increase densities from existing levels, whichever is the greater. In addition, where density is applicable, the additional jobs created should meet local requirements. An accompanying footnote sets out that the Homes and Communities Agency (HCA): Employment Densities Guide 2010 provides a good indication of average space per full time employee. The Guide was updated in November 2015.
47. The Corporation suggests that a figure of 47 sqm per employee is appropriate for the existing floorspace here, equating to almost 39 full time equivalent jobs. That figure is based on the HCA figure for B1(c) use. However, the appeal site is currently vacant pending redevelopment, with zero existing employment.
48. The 2018 viability assessment submitted with the application, is based on an inspection of the premises carried out in October 2017.⁹ At that time, the valuer considered that the premises were in reasonable structural order, commensurate with their age and past use, providing what is described as good functional accommodation. However, during my site visit in November 2019, I saw the buildings on the site to be of varying but generally poor quality, with the space provided apparently no longer practical for most modern day B1(c) occupiers without significant refurbishment or reconstruction. For instance none has adequate welfare facilities, acceptable energy efficiency levels, useable windows or ventilation, goods lifts, adequate pedestrian access or fire escapes. Moreover, the road access is narrow, with poor site access for HGVs or LGVs. In essence, it would seem that they have reached the end of their useable life as employment space.
49. I am mindful that the current vacant situation has not arisen as part of any commercial decision on the part of the freehold owners. Rather, they

⁷ See footnote 4

⁸ B1 business; B2 General industrial; B8 storage or distribution

⁹ Valuation Report by Glenny LLP at Appendix 4 of the appellant's Financial Viability Assessment (June 2018)

apparently had no option but to allow the previous lease with Hive Locations LLP to lapse,¹⁰ to ensure that no liability as a consequence of the unauthorised activities that turned out to be taking place flowed through to them. Indeed, the current vacancy has resulted in the freeholder not being able to offset rates liability with limited rental income. Squatters have since managed to take occupation.

50. Whilst it may be feasible that, with a 'light' refurbishment, some parts could be occupied by informal artist/maker spaces as 'meanwhile' occupiers. Based on the history of occupation over recent years, I agree with the appellant that more likely than not that would be on a little or no rent basis, with just rates and insurance liabilities covered by occupiers. That is not a viable business model for a reasonable landlord looking for an economic return and does not create employment which is sustainable. I note in this regard, that during occupation by previous temporary non-B1(c) uses,¹¹ maximum employment on the site was up to 35 persons. Prior to that, the appellant advises that there were 22-25 full time jobs on the site. Whilst the Corporation is of the view that those figures do not reflect the full potential of the site they do, in my view, reflect the age and condition of the premises. In its present condition therefore, I consider that the appeal site cannot sustain any meaningful employment.
51. In terms of the proposed commercial floorspace and anticipated employment, the HCA Guide indicates a density of 12-47 sqm per employee for managed workspace (Classes B1a), b) and c)). Based on a mid-range figure, the Corporation estimates that the floorspace would generate some 26 jobs. However, the space proposed would provide high quality commercial space specifically aimed at micro, small and medium businesses, maker spaces and co-working enterprises, often within the creative industries, the flexible floorspace allowing for occupation by a range of occupiers in small teams or a single entity occupying one section of the scheme. On that basis, the appellant anticipates employment densities for the 638 sqm of B1 space, which would be provided as affordable workspace secured as such through the planning obligation, as being towards the lower end of the HCA spectrum of space per employee, given that the nature of the re-provided space would align with co-working space, identified in the HCA Guide as requiring some 10-15 sqm per employee. The appellant therefore adopts a mid-range figure of 12 sqm per employee for the space, generating up to some 53 employees.
52. In coming to a view on this matter, I am mindful that paragraph 4.7 of the reasoned justification to policy B.1 describes the range of employment sectors across the area as remarkable, providing the key conditions for creative and maker uses among others to flourish, with paragraph 4.8 confirming that the policy will preserve the economic character which makes the area unique, whilst building on opportunities for new business types to be introduced and

¹⁰ As confirmed in Doc 6, the site was used as a hospitality venue in 2012 in connection with the Olympic Games, following which it was occupied by 'meantime' users on short term (generally one month) and flexible contracts, generating limited rental income sufficient only to cover rates and insurance and partially offset maintenance liabilities. Until recently, Hive Locations held a lease, sub-letting space to a range of occupiers. It transpired however, that unlawful uses were taking place, with operations also breaching significant health and safety regulations etc. Despite non-compliance being raised with Hive, they continued to operate in direct contravention of the head lease.

¹¹ Temporary planning permission (No PA/11/00482/NC) for change of use to a hospitality venue (and some works of demolition) associated with the 2012 Olympic Games. Expired 16 September 2012. In October 2014, retrospective permission was granted for temporary use of the site as a cultural and arts hub (14/00303/FUL). Expired 1 May 2015.

expand. Paragraph 4.11 confirms that creative and productive industries, as well as new innovative technology sectors can be accommodated in workshops and so proposals incorporating this format of workspace will be encouraged. Reflecting that, page 9 of the Hackney Wick and Fish Island SPD specifically identifies appropriate employment typologies for the Fish Island Mid area, within which the appeal site is located, as including small creative studios and maker spaces (which lie within the B uses identified in the HCA Guide). The appellant also drew my attention to co-working space at WeWork2 at Southbank Place, where employee density is 4.1 sqm per employee, and to The Workspace Group at Westbourne Studios in west London, aimed at young creative businesses, which recommends a density of one employee per 5 sqm. That seems to me to suggest a possible trend towards increasing density of workspace in London, reflecting the different ways in which people now work in a progressively digital and web-based age. All in all, given the intended occupiers for the space and the encouragement to such space in this area given by the development plan and the SPD, I consider the appellant's approach to employment density for the development proposed be not unreasonable in the circumstances.

53. Added to the 9 employees that might be expected from the 127.5 sqm flexible B1/A1/A3/A4 space at 15 sqm per employee, that gives a total of 62, an increase of almost 59% even compared with the Corporation's figure of 39 for the 'existing' use. I therefore consider the increase in job density for B use classes on the site to be significant.
54. In coming to a view on this, I have also had regard to a number of other factors. No substantiated evidence was before me to undermine the appellant's position at the Inquiry that, in the event that appeal is dismissed, the site would remain dormant and largely unused, not least given that it has already taken some five years to get to this point following the appellant's acquisition of the site. Moreover, the Employment Statement of Common Ground confirms that demolition of all the buildings on the site for the purposes of redevelopment for a typical single storey employment scheme, would not be appropriate in the context of the heritage position requiring retention of the Stable block and the Warehouse with its metal hoisting frame, and having regard to the adjoining residential uses. Even if it were, on a market based 40% plot ratio, redevelopment would secure only around 880 sqm commercial floorspace, not dissimilar to the 765.5 sqm proposed and without the benefits of new housing provision, including affordable housing, and the securing of affordable workspace.
55. Given the poor state of repair currently, there seems to me to be little if any realistic prospect of the buildings returning to profitable commercial use without significant investment. Alongside the need to retain and enhance the significance of the non-designated heritage assets on the site, that investment would need to be funded in some way. The most obvious way is through the provision of residential accommodation on the site combined with the employment floorspace. Whilst other mixed use schemes may be contemplated, as advised by the appellant evidence of falling residential values will have viability implications and/or negative impacts on the provision of affordable housing and/or workspace. I have no reason to suppose in this regard, that any future development scheme would or could come forward with materially more employment space than is currently proposed.

56. As confirmed at paragraph 4.14 of the reasoned justification, the intention of policy B.1 is to maintain employment outside the Clusters as it plays a pivotal role in the economic performance of the area. Currently, the appeal site is in a poor state and vacant, providing no employment. As such, it does not play a meaningful role in the economic performance of the area. The development proposed would provide the opportunity for it to make a meaningful contribution. In my view, the development proposed makes efficient use of the site, providing more flexible accommodation and encouraging greater employment density. All in all, I consider that the quantum loss of employment floorspace that would be a consequence of the development proposed would not, in the circumstances that prevail here, be unacceptable and I find no conflict with policy B.1(5) of the Local Plan in this regard.

Living Conditions – adjoining occupiers

57. At their closest, the Ironworks and the proposed Courtyard building would be separated by just 0.6 metres at the tapered western end of the courtyard space. However, the two buildings would splay apart, such that the separation distances between the windows of the Ironworks flats and the far end of the Courtyard building would be in excess of 15 metres.
58. The Ironworks flats have balconies running across each level on this elevation – closest to the appeal site, the lowest balcony is at second floor, with the top floor recessed behind a parapet wall. Full height French windows to habitable rooms lead onto the balcony spaces. The balconies finish short of the end (flank) wall closest to the appeal site and would be approximately 1.2 metres from the nearest part of the facing wall of the proposed Courtyard building.
59. Although a number of the closest bedrooms in the Ironworks flats would fail the VSC¹² test as a consequence of the development proposed, the officer's report confirms that this is not as important a consideration as it is for living spaces. Whilst the report sets out that eight living/kitchen/dining spaces within the Ironworks would experience a daylight reduction greater than 0.8 times their former value, the related reason for refusal (RfR 4) does not refer daylight, with the Corporation's Statement of Case referring only to concerns in relation to privacy and outlook for occupiers. That position was confirmed at the pre-Inquiry case management conference, with Mr McFerran's proof of evidence clarifying that the daylight impact for existing residents would not be unacceptable given the tight urban context. Based on the evidence before me, I have no reason to come to a different view.
60. The central 'stack' of five flats in the Courtyard block¹³ has been designed such that the windows to each unit are inset and angled in a south-easterly direction, facing away from the Ironworks. As such, there would be no direct overlooking of any habitable rooms or balcony space in this regard, nor any loss of privacy. Whilst the Corporation considers the arrangement to be overly contrived, angling windows within a scheme to avoid direct overlooking is not unusual in my experience, particularly in dense urban developments such as this, and I find no harm in this regard. The Quality Review Panel also considered the angled windows to be an effective response to the proximity of the Ironworks, minimising overlooking and resulting in a simpler calmer architecture.

¹² Vertical Sky Component

¹³ These are the flats closest to the nearest east facing windows in the Ironworks.

61. The main window to each of the central flats within the proposed building would provide access on to individual balcony/amenity areas, the front of which would be flush with the facing wall and enclosed by railings. As such there would be opportunity from those external spaces for direct overlooking of the nearest Ironworks flats and their balcony areas. At the Inquiry, the appellant suggested that angled glazed 'fins' could be introduced into the design, which would prevent overlooking whilst allowing light still to enter the proposed flats and retaining views out in a south-easterly direction.¹⁴ Whilst only limited detail was available on this, I am content that in principle it would not necessarily erode the generally high quality design of the proposed building. In my view, the southern elevation of the Courtyard building has a rhythmic verticality which would not be undermined by the introduction of vertical fins over the five upper floors. Rather they would, in my view, be seen as a part and parcel of the character and appearance of the building, as opposed to late 'add-on', and would not bring unnecessary complexity to the elevation. Again, I find no harm in this regard. The detailing is a matter that could be dealt with by condition were the appeal to succeed.
62. Moving on to the matter of outlook for occupiers of the nearest of the adjacent flats, existing views across the appeal site and the Stable block would clearly be curtailed by the proposed Courtyard building. However, it is well established that there is no right to a view. Moreover, the existing windows and balconies are roughly east facing, and so would continue to benefit from direct sunlight in the later mornings. Views between the Warehouse building and the Wharf building would be retained, albeit that the width of that view would be narrowed. I am also mindful that the affected flats in the Ironworks building have dual aspect living spaces, with windows to the opposite (west facing) elevation too. All in all, whilst not ideal, I consider on balance that the living conditions for occupiers in terms of outlook would not be so oppressive as to be unacceptable given the urban context of the site.
63. To conclude on this issue, I find no material harm in relation to the living conditions for adjoining occupiers in the context of this site, in terms of outlook and privacy. There would be no conflict therefore, with policy 3.5 of the London Plan and policies, BN.1, BN.4, and BN.10 of the Local Plan, the Mayor's Housing SPG (2016) which together and among other things seek to minimise the impact of new development on the occupiers of surrounding development.

Living Conditions – future occupiers

64. Standard 29 of the Mayor's Housing SPG indicates that developments should minimise the number of single aspect dwellings. It goes on to advise that single aspect dwellings that are north facing, or which contain three or more bedrooms, should be avoided.
65. Each of the three duplex units proposed within the Courtyard building would have three-bedrooms. Whilst they would each have an elevation to Dace Road, the other elevation would be onto the glazed buffer zone between the Stable block and the proposed Courtyard building. Whilst that glazed buffer space would not be thermally or acoustically treated, it would not technically be external space. Accordingly, although there would be openable windows to that space, the only truly external windows would be to Dace Road. On the basis of the definition set out at Standard 29, the three units would therefore

¹⁴ Section 9.2.6 of the evidence of Mr Egret (Option 3B)

- fall to be considered as single aspect. Moreover, that elevation would be north facing.
66. However, it is important to understand the reasons behind the reservations relating to single aspect units. The supporting text to Standard 29 sets out that in single aspect dwellings with more than two bedrooms it is difficult to achieve natural ventilation and daylight to all rooms in an efficient plan layout which avoids long corridors. It also mentions benefits of dual aspect units as including a choice of views, access to a quiet side of the building, and flexibility in the use of rooms.
67. The main Statement of Common Ground confirms that the internal daylight and sunlight performance of all the proposed buildings would be acceptable and no concerns are raised in relation to noise. Rather, the concerns of the Corporation at the Inquiry related to outlook and cross-ventilation for future occupiers of the duplex units.
68. Reflecting the former use of the building as industrial stables, the original Dace Road windows have high sill levels. It is proposed to raise the internal floor levels for the proposed residential accommodation, such that the windowsills would be at a height of some 1.3-1.4m internally. Inasmuch as they would restrict views out to some extent when occupiers are seated, the sill heights are not ideal. I also recognise that the outlook from the windows that face into the glazed buffer zone between the two buildings would be on to the facing elevation of the proposed Courtyard building, roughly 2.5 m away, across a walkway. However, each of the three units would also benefit from an internal double height lightwell, extending right the way up to the apex of the roof, with zenithal roof lights. The lightwell would be fully glazed for its entire height, encompassing a garden/courtyard space around which the two storeys of living accommodation would be arranged and onto which future residents would look. Moreover, as explained by Mr Egret for the appellant, whilst the submitted plans show the main living/dining/kitchen space located on the lower floor of each apartment, there clearly is flexibility for it to be provided on the upper level as an alternative (as shown on the cross-section at page 98/143 of his round table presentation) to take advantage of the full roof height space.
69. All in all, I am content that as duplex units of the size proposed, the outlook for future occupiers of the three apartments would be sufficiently varied and would be acceptable in the circumstances that prevail here. I am also mindful that the compromise in terms of outlook allows for retention of the relatively small but numerous historical window openings, particularly on the Dace Road elevation where they are a defining feature of the building and of the Conservation Area, as well as for the retention and reinstatement of the original windows to the refurbished rear elevation.
70. There is increasing concern in London due to anticipated temperature increases related to climate change, coupled with the urban heat island effect experienced in high density areas of the city. I am aware in this regard that in general, single aspect dwellings are more difficult to ventilate naturally and as a consequence, may be more likely to overheat. In this case however, each of the apartments would have numerous openable windows onto Dace Road over two floors. In addition, the lightwell to each apartment would have openable skylights. Even were no ventilation whatsoever to derive via the numerous openable windows across both floors of each apartment facing onto the glazed

buffer area (which seems to me to be unlikely) it seems to me, as shown on the sketch on page 124/143 of Mr Egret's presentation document, that the natural cross ventilation that would be created through the combination of the opening skylights to the lightwells and the Dace Road facing windows would be sufficient to provide acceptable living conditions for future occupiers.

71. Although not referenced in the related reason for refusal, the Corporation pointed out at the Inquiry that the only window to the single bedroom in each of two two-bed three person apartments at the western end of the proposed Courtyard block (one at first floor, one at second floor level) would look out onto the blank flank wall of the adjacent Ironworks building, separated by just 0.8 metres. However, the remainder of the accommodation in each of those units has two sets of full height glazed sliding doors facing west. On balance, whilst not perfect, I am content that the living conditions for future occupiers of those two flats would not be unacceptable in this tight-knit urban context. I am also mindful that the arrangement affects one single bedroom in just two flats out of a total of 42 homes that would be provided and future residents would be aware of the arrangement before taking up residence.
72. Together and among other things, policies 3.5 and 3.6 of the London Plan, policies BN.4, BN.8 and BN.10 of the Local Plan, the Mayor's Housing SPG (2016) and the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG (2012) seek to ensure that an appropriate standard of accommodation is provided for future residents and that suitable recreation provision is made. Whilst the inclusion of some 570 square metres of communal courtyard space at the heart of the development proposed is acceptable to the Corporation in terms of quantum, there are concerns about the quality of that space given its multi-functional nature.
73. Currently, the courtyard area within the appeal site is hard surfaced and is used for a variety of purposes including parking, external storage, servicing and outdoor seating for the pub type use that previously occupied the ground floor of the Warehouse building. Following redevelopment, the remaining courtyard space would be served via a gated vehicular access off Dace Road and would be hard surfaced, with pockets of soft landscaping as an integral part of the raised seating/play platforms proposed. Given the tight urban context of the courtyard, the nature of the historic industrial buildings that surround it and the commercial nature of the proposed ground floor accommodation on the site, I consider that subject to the use of high quality materials both for the hard surfacing and the timber platforms, a matter that would be within the control of the Corporation, a largely hard surfaced area at the heart of the complex would be appropriate and not out of character.
74. The space is intended to meet the needs of a variety of users. The more utilitarian tapered western end, between the 3.5 metre wall along the boundary with the Ironworks site and the Courtyard building, would accommodate at least two blue badge parking spaces, short-term cycle rack parking and a raised timber seating and play platform (of 13 square metres) with integrated planting. If determined to be necessary at a later date, the planning obligation includes provision for a third blue badge parking space here, which would necessitate removal of the platform. Access would also be taken from this part of the space to the bin storage, internal cycle storage and workspace unit on the ground floor of the Courtyard building, as well as pedestrian access to the residential accommodation above. The other half of the space, between the

- Warehouse and Wharf buildings, would accommodate three raised timber seating and play platforms, including planting, of different sizes and shape, as well as access to the commercial floor space on the ground floor of each building plus associated bin storage and plant rooms, and spill-out space for the possible food and beverage unit and workspace unit.
75. Among other things, the Fish Island and White Post Lane Final Management Guidelines (March 2015) encourage frontages to exploit the opportunity for varied compositions at both individual building level and collectively in terms of frontages to yards. Whilst there is an unavoidable dead area at the rear of the Courtyard building, behind which are the bin and cycle storage, stairwell etc, that is contained to the narrowest part of the communal space, at the opposite end to that part which would be used for café/commercial space overspill and seating and the main raised seating/play platforms. That said, the proposed ground floor uses which do front onto this narrower part of the space would help activate the area to some extent.
76. In terms of use of the space, there is no evidence to suggest that demand for motorised vehicular access for parking/servicing/deliveries would be that great. In any event, two of the suggested conditions require the submission of servicing/delivery plans which would allow for control over those movements to some extent, including operation of the gated access. On that basis, whilst there may be a tension at times, I am not persuaded that the multiplicity of uses to which the space would be put is necessarily a problem.
77. As confirmed by Mr McFerran, the anticipated occupancy of the development would, largely as a consequence of the low affordable housing provision, yield only four children (two aged 0-5 years, one aged 6-11 years and one aged 12+). The development proposed includes 57 square metres of informal play space on three raised platforms within the eastern end of the courtyard area, plus the space between them.¹⁵ There was no suggestion in this regard that the space would not be sufficient in terms of quantum to provide sufficient incidental doorstep play space for the two 0-5 year olds that the development is predicted to yield. Older age groups would be expected to use offsite play space.
78. Whilst the play platforms may not provide a wide range of play opportunities, they would act as climbing structures, informal stages and islands to run around, close to the homes, with places for carers to sit and talk. I am satisfied in this regard that they can be regarded as doorstep playable space which the SPG recognises can be accommodated in smaller areas. I agree with the appellant in this regard, that given the very low child yield, the alternative of providing a small fenced off play area would provide very limited opportunity for stimulating space and informal recreation.
79. In terms of vehicle movements within the space, the swept path analysis¹⁶ shows movements contained to the central part of the space in close proximity to the nearest of the raised seating/play platforms proposed. As noted earlier however, there is unlikely to be a constant stream of traffic through the site. Indeed, the gated access would control many movements, its opening also

¹⁵ Page 131/143 of Mr Egret's round table presentation. I have excluded the westernmost platform since there is a possibility that it may need to be excluded to provide an additional accessible parking space should the need arise. If it is retained, then that would provide additional space.

¹⁶ Page 112/143 of Mr Egret's round table presentation document

alerting courtyard users to an imminent vehicle movement. The suggested conditions referred to in relation to delivery and servicing plans would also control access to the site. Nevertheless, I recognise that there could, at times, be a tension between those movements and use of the play space. In the round though, given that the play space provided is intended for up to two 0-5 year olds, whom one would expect to be closely supervised, I am content that the space available for them would be acceptable in this context and would not equate to design so poor that the appeal scheme should fail in this regard.

80. In relation to the older age groups, the main Statement of Common Ground confirms that Pools Playground and Victoria Splash Pool, Candy Street Play Area, Olympic Park Playground and Grove Hall Park lie within 0.8-1.3 kilometres of the site. Those distances exceed the 400 metres walking distance referred to in Table 4.2 of the SPG for the single 5-11 year old that the development is predicted to yield. In coming to a view on this, I note that in relation to the adjacent Bream Street development on the opposite side of Dace Road to the appeal site, the officer's report confirmed that it was located within 400 metres of Canal Park and within 800 metres of both South Park and Victoria Park, within which there are a variety of landscaped spaces and facilities for informal sport or recreational activity, as well as integrated play equipment and landscaping suitable for all age groups. Officers were satisfied in that case that notwithstanding the distances involved, the available provision was such that it made up for the on-site deficiency for all children and met the aspirational needs of the SPG and the London Plan. The appeal site lies immediately adjacent to the Bream Street development and I see no reason why the same considerations should not apply here.
81. To conclude on this issue, I consider that future occupiers of the proposed scheme would be provided with acceptable living conditions in relation to communal and play space provision and, in terms of the three x 3-bedroom maisonette units proposed. I find no conflict, therefore, with the relevant development plan policies and guidance.

Benefits of the scheme

82. I have found that in its current condition, the site is underutilised with only sporadic, temporary uses having occurred in the recent past. The buildings are also nearing the end of their useful life. The development proposed offers the opportunity to redevelop and intensify development on the site, retaining and restoring heritage assets, bringing them back into productive use, as well as delivering on the aspirations for this opportunity area in terms of economic development and future growth. These are matters to which I attach very substantial weight.
83. The scheme would deliver employment floorspace whilst optimising housing delivery. The commercial floorspace would be tailored to cater for small to medium enterprises with flexible provision for single or multiple occupation of the units and co-working, aligning with the employment typologies sought for the Fish Island Mid area. The floorspace provided would strengthen the diversification of employment in the area alongside and compatible with the residential component of the scheme, and its neighbours, compared with the previous relatively ad hoc uses to which the site has been put. These are matters to which I attach substantial weight. The provision of 42 homes on the site at a time of need is an appreciable benefit of the scheme, notwithstanding that it was no part of the appellant's case that the Authority could not

demonstrate a five year supply of housing land. The inclusion of four affordable homes is also a consideration that attracts significant weight, particularly since the provision goes beyond the agreed viability position.

84. Socio-economic benefits would also flow from the development, including provision of the employment floorspace at an affordable rent, which would have the added benefit of attracting occupiers that would meet the employment typology aspirations for the area. Other benefits include local spend from future occupiers and job creation on occupation of the commercial floorspace. The construction phase would also generate related direct and indirect jobs, albeit for a temporary period. Again these are all benefits that attract significant weight.
85. There would be some biodiversity gains from the proposed planting that would take place, combined with other measures such as a green roof and bird/bat boxes. I give those benefits limited weight, given their limited extent.

Planning Obligation

86. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 56 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
87. *Affordable Housing*: policy SP.4 of the Local Plan sets a minimum target of 35% of affordable homes across the whole of the Legacy Corporation area, with policy H.2 requiring a breakdown of 60% affordable rent and 40% intermediate. The viability assessment submitted with the application demonstrated that the scheme could not provide any affordable housing. That conclusion is agreed by the Corporation's own viability consultant. Nevertheless, the planning obligation ensures that unless an alternative contribution is secured in lieu of on-site provision, at least three x one-bedroom homes would be provided for shared ownership and at least one x two-bedroom home at London affordable rent.
88. *Viability Review*: in light of the fact that the development proposed is not able to meet the threshold target of 35% affordable housing provision, the obligation provides for the development viability to be reassessed to test that the affordable housing provision on the site has been optimised. That approach is supported by the Mayor's Affordable Housing and Viability SPG and policy H6 of the emerging London Plan, which require that development is subject to a comprehensive early and late stage viability review (the 'Viability Tested Route').
89. *Sustainable Transport*: reflecting likely increased demands on the transport infrastructure arising from the development scheme, and in order to promote sustainable transport choices, the first household to occupy each residential unit would be provided with free membership for the use of a car club in the vicinity for a period of three years, as supported by policies T.4 and T.8 of the Local Plan. In addition, the obligation secures the development as car free (with the exception of blue badge holders).
90. A £20,000 Construction Transport Management Contribution is secured towards the mitigation of construction traffic impacts arising from the development

- scheme, including signage and administration of the Construction Transport Management Group for Hackney Wick and Fish Island. In addition, the delivery of necessary highway works relating to kerb-realignment is secured, with the developer to enter into a Section 278 Agreement with the Highway Authority.
91. In order to ensure that disabled persons have a genuine choice of housing pursuant to Local Plan policy T.8 and policy T6.1 of the emerging London Plan, two on-site blue badge parking spaces are secured, with a mechanism to determine whether an additional space may be necessary in the future. A contribution of £10,000 is also secured towards the provision and operation of two on-street blue badge parking spaces on Dace Road.
 92. *Employment and training*: policy B.4 of the Local Plan actively encourages the provision of affordable, low-cost workspace, which plays a crucial role in the economic profile and expansion of the area. To that end, the obligation ensures that 637.9-765.4 square metres of the workspace provided is offered to future occupiers at up to £14.50 per square foot for the lifetime of the development. It also secures a workspace letting strategy to demonstrate how all the workspace has been designed and marketed to meet the needs of small and local businesses, the process for lettings management and maintenance of the workspace.
 93. Local Plan policy B.1 directs office uses to identified centres. The appeal site is not within such a centre. To that end, the obligation ensures that no more than 58.7 square metres of the affordable workspace can be used for class B1(a) (offices).
 94. In order to ensure that the development scheme is properly mixed, no residential units shall be occupied in any building until all of the workspace within that building has been completed.
 95. The development will result directly in the creation of new jobs both during construction and end-use stages of development. Pursuant to Local Plan policy B.5, the obligation secures measures to increase local access to those jobs.
 96. *Sustainability*: the development scheme will have significant needs in terms of heating, power and water use. Pursuant to Local Plan policy SP.5 and the Corporation's Carbon Offset SPD, the obligation secures a carbon offset payment of £40,752 and the use of reasonable endeavours to secure the extension of the District Energy Network to the site or, as an alternative, the extension of an off-site district energy network. In addition, arrangements are secured to ensure that future occupiers are encouraged to reduce their energy usage.
 97. *Design monitoring*: as recorded in the Planning Obligations SPD, S106 agreements will be used to ensure that design quality is carried through into the detailed design and construction of the development. To that end, in the event that the scheme architect is not retained by the developer, a contribution of up to £50,000 is secured towards the costs associated with Design monitoring to be undertaken by an architect with a similar highly regarded reputation. For the same reason, the obligation also requires that the submissions of particular matters are accompanied by details of the design team involved in their preparation.

98. *Estate management*: paragraph 3.40 of the London Plan and Local Plan policy T.4 require that arrangements are in place for the management and maintenance of play and communal facilities and that servicing and deliveries should be managed through an appropriate plan. To that end, the obligation secures the submission of an estate management strategy.
99. *Play area and publicly accessible open space*: play spaces are crucial to improving the health of young people and their life chances. That is reflected in policy BN.8 of the Local Plan. The obligation secures delivery of the areas of publicly accessible open space and the play areas and structures shown on the submitted plans and ensures that they are retained as such.
100. *National Considerate Constructors Scheme*: given the density of development locally, and the number of current construction schemes in the area, the obligation ensures that the developer complies with the Scheme in order to minimise negative impacts associated with construction.
101. All the contributions and obligations referred to above are consistent with the relevant planning policies, objectives and guidance. They are directly related to the development scheme and are fairly and reasonably related in scale and kind to it, mitigating potential harmful effects on the environment and community services, as well as securing some of the benefits promoted by the scheme. I am content, therefore, that the obligation complies with the requirements set in the Regulations and the Framework.

Other Matters

102. The appeal site lies within Flood Zone 3a. It is not allocated for development in the development plan. Since the development proposed includes residential accommodation, which is classified as 'more vulnerable' development, the scheme must pass both the Sequential and Exception Tests set out in the Framework and the Planning Practice Guidance, for permission to be granted.
103. It was a matter of agreement that the area to which the Sequential Test should be applied is the geographic area known as Fish Island Mid, as defined in the Hackney Wick and Fish Island SPD (March 2018). That area, which extends to some 21 hectares, comprises a wide mix of sites in a range of employment uses, including the appeal site. As set out in the second addendum to the Flooding Statement of Common Ground,¹⁷ the majority of that area falls within Flood Zone 3. On that basis, it was accepted for the Corporation that the appeal site is sequentially comparable with others in the area to which the Test applies and that the Sequential Test is passed. I have no reason to come to a different view. I am also mindful that the development is site specific inasmuch as one of its key objectives is to ensure a viable future for the non-designated heritage assets.
104. In relation to the Exception Test, the proposal seeks to refurbish and re-develop an under-utilised and deteriorating site, retaining and refurbishing non-designated heritage assets in an area identified in the SPD for the delivery of mixed use development, including appropriate new employment floorspace and providing new residential development. Much of the commercial floorspace proposed would be provided at affordable rents and the residential element includes affordable homes. I am content, therefore, that the scheme would

¹⁷ Dated 8 November 2019

deliver wider sustainability benefits to the community, sufficient to outweigh the flood risk. In the related discussion at the Inquiry, Mr McFerran also confirmed that the design quality of the scheme was a benefit in this regard.

105. The various site-specific flood risk assessments,¹⁸ and the material submitted during the Inquiry¹⁹ also demonstrate, subject to conditions, that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. Indeed, there may well be some slight improvement in this regard, as a consequence of the proposed new drainage system providing for improved attenuation and restricted outfall, with the removal of the existing steel gates across the access allowing the site to flood more freely than it does at present. In light of the forgoing, I am content that the Exception Test is also passed.

Overall Planning Balance and Conclusion

106. The proposal is to be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst, as noted by Dr Miele, the overall scale of the development proposed may be at the limit of what the site can accommodate, I have found no conflict with the relevant development plan policies and guidance.

107. In my view, when considered as a whole, the development meets the requirement of Local Plan policy BN.10 on tall buildings for outstanding architecture. The development would appear as a coherent composition that integrates well with its surroundings in terms of its form, mass and heights. I appreciate that the relationship of the proposed Courtyard building with the adjacent Ironworks flats is intimate and would not be ideal. Nevertheless, I consider on balance that the living conditions for occupiers in terms of outlook would not be so oppressive as to be unacceptable given the urban context of the site.

108. I have found no harm as a consequence of the development proposed to the character or appearance of the Conservation Area, which would be preserved. In terms of the significance of the non-designated heritage assets referred to, the only harm I have identified would be less than substantial harm to the Stable block through the severing of its direct connection with original courtyard. When balanced against the significance of the asset, the considerable benefits of the scheme clearly outweigh any harm in this regard.

109. The stated purpose of the Corporation, as set out in the Local Plan, is to *'promote and deliver physical, social, economic and environmental regeneration of the Olympic Park and its surrounding area ... by securing high-quality sustainable development and investment, ... supporting the aim of convergence.'* In my opinion, the appeal scheme would achieve just that. For the reasons set out above, I therefore conclude that the appeal should succeed.

Conditions

110. I have considered the suggested conditions in the light of the related discussion at the Inquiry and the related advice in both the Framework and the Government's Planning Practice Guidance. The conditions and wording set out in the attached schedule reflect that discussion and are based on the wording

¹⁸ Dated 4 May 2018, 23 August 2018 and 4 June 2019

¹⁹ Including Docs 14 and 15

- in Docs 13 and 19 below. The conditions numbers referred to in brackets below reflect those in the attached schedule, with conditions 3-9 necessarily worded as pre-commencement conditions.
111. In addition to the standard condition on commencement of development (1) a condition is needed to specify the approved plans in the interests of certainty and to confirm the approved form of development. (2)
112. Approval of a phasing plan is necessary to ensure that development is carried out in a logical and timely manner in order to secure delivery of planned outputs and to minimise adverse effects on local residents and infrastructure. (3) Minimisation of the same effects justifies approval and implementation of a demolition and construction method statement. (4) I have combined the suggested construction waste management and dust monitoring and management conditions into this single condition.
113. Given the previous industrial use of the site, it is necessary to ensure that any site contamination, or the potential for such, is detected and remediated accordingly and that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment. (5)
114. Given the heritage interest of the site, a condition is required to ensure that any historical or archaeological potential that is uncovered during the construction process is recorded in accordance with policy 7.8 of The London Plan and policy BN.12 of the Local Plan. (6) The large Poplar tree in front of the Warehouse building is a distinctive feature within this part of the Conservation Area. It is necessary, therefore, to ensure that it is protected during the construction period. (7)
115. Conditions (8) (9) (20) (21) and (28) are necessary to protect residents, occupiers and other users of the development from the risks of flooding, and to reduce the risk of flooding elsewhere.
116. Having regard to the presence of heritage assets on the site and the location of the site within the Conservation Area, together with the need for development to be of high quality in accordance with policy 7.4 of the London Plan and policy BN.10 of the Local Plan, conditions requiring the submission and approval of external materials, detailed design and plant, equipment and trunking etc are necessary. (10) (11) (12)
117. Conditions (13) and (26) are necessary to protect the visual amenity of the area, to enhance the ecological value of the site, and ensure that future occupiers are provided with meaningful and useable communal and play space. In addition, an external lighting strategy for the site is needed to ensure that effects on bats and other species impacted by artificial lighting, and on residential amenity, are minimised in accordance with Local Plan policies SP.3 and BN.3. (14)
118. Provision of sufficient cycle parking spaces of an appropriate type, and for their ongoing management is required to promote sustainable modes of transport in accordance with policy 6.9 of the London Plan and policy T.4 of the Local Plan. (15) (16) Provision of suitable waste and recycling facilities for future occupiers is needed to encourage the sustainable management of waste

- and to safeguard the visual amenities of the area, in accordance with policy S.6 of the Local Plan and Standards 22 and 23 of the Mayor's Housing SPG. (17)
119. Having regard to the narrow road approaches to the site and the uses to which the communal yard area is to be put, servicing and delivery management plans for the commercial and residential units are necessary in order to minimise obstruction of the surrounding streets and limit the effects of the increase in travel movements within the locality, and also in the interests of the safety and amenity of those living/working adjacent to and using the communal space within the site. (18) (19)
120. It is necessary to ensure that the development maintains and enhances community safety in accordance with policy 7.3 of the London Plan. (22)
121. In order to minimise noise and disturbance for occupiers and users of the development itself, and adjoining occupiers, it is necessary control the hours of operation of the commercial floorspace. (23) It is also necessary to ensure an acceptable environment for future occupiers/users of the development and adjoining occupiers, in terms of noise from environmental and transportation sources, given the mixed use nature of the scheme. (24) (25)
122. Control over the use of non-road mobile machinery is necessary to ensure that air quality is not adversely affected in accordance with policy 7.14 of The London Plan. (27) Conditions (29) and (30) are necessary to avoid pollution, to prevent increased risk from flooding and loss of water supplies. It is also necessary to minimise amenity impact during any piling works, having particular regard to noise and vibration. (31)
123. In order to secure required sustainability credentials pursuant to Local Plan policy S.4, certification both at the interim stage and on completion is needed, demonstrating achievement of a BREEAM rating of Very Good. (32) (33) It is also necessary to secure a mix of accessible units to provide for the needs of all sections of the community in accordance with inclusive design standards, pursuant to Local Plan policy BN.5. (34)
124. In order to safeguard the provision of employment floorspace in accordance with Local Plan policy B.1, it is necessary to remove permitted development rights relating to change of use within Schedule 2 Part 3 Class O of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any subsequent re-enactment thereof. (35)

Jennifer A Vyse
INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Neil Cameron, of Queen's Counsel

Instructed by Pinsent Masons

He called

Gwenaël Jerrett
BSc, DipArch, PGDip, ARB
Alex Savine
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Sacha Barnes
BSc

Principal in the Design Team at the Corporation
Head of Planning Policy with the Corporation
Lead Consultant for Built Heritage, Museum of London Archaeology
Principal Planning Development Manager at the Corporation
Flood Risk Advisor within the Flood and Coastal Risk Management Department of the Environment Agency

FOR THE APPELLANT:

Sacha White, of Queen's Counsel,
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Architect and Co-founding Director of Studio Egret West
Principal, Richard Coleman Citydesigner
Senior Director, Grant Mills Wood
Head of Planning for London and the South East with CBRE
Director – Civils, MLM Group

DOCUMENTS HANDED UP DURING THE INQUIRY

- Doc 1 Appearances for the Corporation
- Doc 2 Appearances for the appellant
- Doc 3 Inquiry Notification letter
- Doc 4 Agreed draft Planning Obligation
- Doc 5 Site visit itinerary
- Doc 6 Appellant's Note to the Inquiry outlining the chronology and key matters related to use of the site for employment purposes
- Doc 7 Opening submissions for the appellant
- Doc 8 Opening submissions for the Corporation
- Doc 9 Amended pages to Mr Egret's round table presentation document
- Doc 10 Main Statement of Common Ground
- Doc 11 Joint note to the Inquiry on employment space availability and planning permission pipeline for B1(c) space
- Doc 12 Table re employment densities
- Doc 13 Amended Conditions schedule
- Doc 14 Email dated 25 November 2019) confirming the appellant appellant's position in relation to the S106 obligation relating to affordable workspace use
- Doc 15 Position Statement from the Environment Agency for the Corporation dated 6 December 2019
- Doc 16 Email and sketches sent to the Environment Agency from the appellant dated 4 December 2019 in relation to a water entry strategy for the site
- Doc 17 Closing submissions for the Corporation
- Doc 18 Closing submissions for the appellant
- Doc 19 Signed Planning Obligation dated 10 December 2019
- Doc 20 Additional suggested flood risk condition

Schedule of Conditions
APP/M9584/W/19/3233990
60 Dace Road, London, E3 2NN

Commencement of development

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.

Plans

- 2) Unless required otherwise by conditions below, development shall be carried out and retained thereafter in accordance with the following drawings and documents:

Name	Number	Rev
Proposed Site Plan	0200-SEW-ZZ-DR-051100	00
Existing Ground Floor Plan	0200-SEW-DR-00-DR-A-000100	03
Existing Ground Floor Demolition Plan	0200-SEW-DR-00-DR-A-006100	03
Existing First Floor Plan	0200-SEW-DR-01-DR-A-000101	03
Existing First Floor Demolition Plan	0200-SEW-DR-01-DR-A-006101	03
Existing Second Floor Plan	0200-SEW--DR-02-DR-A-000102	03
Existing Second Floor Demolition Plan	0200-SEW-DR-02-DR-A-006102	03
Existing Third Floor Plan	0200-SEW-DR--03-DR-A-000103	03
Existing Third Floor Demolition Plan	0200-SEW-DR-03-DR-A-006103	02
Existing North Elevation	0200-SEW-DR-ZZ-DR-A-000301	04
Existing North Elevation Demolition	0200-SEW-DR-ZZ-A-006310	03
Existing East Elevation	0200-SEW-DR-ZZ-DR-A-000302	04
Existing East Elevation Demolition	0200_SEW_ZZ_DR_A_006302	03
Existing South Elevation	0200-SEW-DR-ZZ-DR-A-000303	05
Existing South Elevation Demolition	0200-SEW-DR-ZZ-DR-A-006303	03
Existing West Elevation	0200-SEW-DR-ZZ-DR-A-000304	04
Existing West Elevation Demolition	0200_SEW_ZZ_DR_A_006304	03
Proposed Ground Floor Plan	0200-SEW-DR-00-DR-A-001100	02
Proposed First Floor Plan	0200-SEW-DR-01-DR-A-001101	02
Proposed Second Floor Plan	0200-SEW-DR--02-DR-A-001102	02
Proposed Third Floor Plan	0200-SEW-DR-03-DR-A-001103	02

Proposed Fourth Floor Plan	0200-SEW-DR-04-DR-A-001104	02
Proposed Fifth Floor Plan	0200-SEW-DR-05-DR-A-001105	02
Proposed Sixth Floor Plan	0200-SEW-DR-06-DR-A-001106	01
Proposed North Elevation	0200-SEW-DR-ZZ-DR-A-001301	02
Proposed East Elevation	0200-SEW-DR-ZZ-DR-A-001302	02
Proposed South Elevation	0200-SEW-DR-ZZ-DR-A-001303	02
Proposed West Elevation	0200-SEW-DR-ZZ-DR-A-001304	01
Proposed East Elevation Internal	0200-SEW-DR-ZZ-DR-A-001305	01
Proposed West Elevation Internal	0200-SEW-DR-ZZ-DR-A-001306	01
Proposed North Elevation Wharf Building	0200_1307	01
Proposed North-East Elevation Wharf Building	0200-SEW-DR-ZZ-DR-A-001308	00
Proposed South-West Elevation Wharf Building	0200_1309	01
Proposed North-West Elevation Wharf Building	0200-SEW-DR-ZZ-DR-A-001310	01

Pre-commencement conditions

- 3) The development hereby permitted shall not commence until a plan setting out the detailed phasing of all aspects of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed and delivered in accordance with the approved phasing details.
- 4) No development (including works of site clearance and demolition) shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in full accordance with the approved Statement which shall remain in force for the construction period. The Statement shall include, but is not confined to details regarding:
 - the hours during which construction work (including works of site clearance and demolition) can take place, and noise monitoring and mitigation measures;
 - the safeguarding of buried services;
 - site management arrangements including provision for on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles; hours for deliveries; and for the loading/unloading of plant and materials to take place within the site;
 - details of measures to prevent the deposit of mud and debris on the public highway by wheeled vehicles;
 - a feasibility survey to consider the potential for moving material from the site by waterborne freight;

- details of compliance of demolition and construction related vehicles with Construction Logistics and Community Scheme (CLOCS) standards and Fleet Operator Recognition Scheme (FORS) registration;
 - details of collaboration with adjoining development sites to mitigate against detrimental highway and amenity impacts during the construction process;
 - a methodology statement in relation to how surface water (via drains or surface water run-off) or extracted perched water or groundwater is to be discharged into the Lee Navigation;
 - a construction waste management plan that identifies the main waste materials expected to be generated during the construction process, together with measures for dealing with such materials in a sustainable manner so as to minimise waste and to maximise re-use and recycling; and,
 - a scheme for dust monitoring, assessment and mitigation for all demolition and construction activities which shall be in substantial accordance with the Mayor of London's SPG '*The control of dust and emissions from construction and demolition*' (July 2014) or any subsequent revision, and shall include: a) the identification of dust sensitive premises to be used as the location for dust monitoring, including any arrangements proposed for amending the selected locations if new dust sensitive premises are introduced; b) the frequency and other arrangements for dust monitoring; and c) the arrangements for reporting the results of dust monitoring and the implementation of mitigation measures to the Local Planning Authority.
- 5) No development (including works of site clearance and demolition) shall take place unless and until the following components of a scheme to deal with the risks associated with any contamination of the site have been submitted to and approved in writing by the Local Planning Authority:
- i) a preliminary risk assessment which has identified, so far as possible, all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;
 - ii) a site investigation scheme, based on i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
 - iii) the site investigation results and the detailed risk assessment resulting from ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required, including gas protection measures, and how they are to be undertaken;
 - iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be implemented in accordance with the scheme approved.

Prior to first occupation of each phase of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan, to demonstrate that the site remediation criteria have been met. It shall also include any long-term monitoring and maintenance

plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved long-term monitoring and maintenance plan.

If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until there has been submitted to and approved in writing by the Local Planning Authority, an amendment to the remediation strategy detailing how this unexpected contamination will be dealt with. Thereafter, the development shall be implemented in accordance with the approved amended remediation strategy.

- 6) Other than works of demolition above ground floor level, no development shall take place until a programme of archaeological work, including a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. No work shall take place other than in accordance with the WSI, which shall include an assessment of significance and research questions, and all of the following:
 - i) provision of a site deposit model.
 - ii) the programme and methodology of site investigation and recording.
 - iii) a programme for post investigation assessment.
 - iv) provision to be made for analysis of the site investigation and recording.
 - v) provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - vi) provision to be made for archive deposition of the analysis and records of the site investigation.
 - vii) nomination of a competent person or persons/ organisation to undertake the works set out within the Written Scheme of Investigation.
- 7) No development shall take place, including works of demolition and site clearance, until a scheme to protect the existing Poplar tree within the street immediately to the north of the Warehouse Building (as shown on plan ref: 0200-SEW-DR-00-DR-A-001100 Revision 02) during the construction period, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved scheme.
- 8) No development shall take place unless and until an updated river wall survey has been submitted to, and approved in writing by, the Local Planning Authority. Should the updated survey demonstrate that the river wall needs repair or replacement as a result of the proposed development, then details of the required works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work. Prior to the first occupation of any part of the development hereby permitted, the river wall works shall be completed in accordance with the approved details.
- 9) No development, other than works of site clearance and demolition, shall take place until a scheme for flood compensation storage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall take into account the available pre-development flood storage volumes and likely rates of flooding agreed in advance with the Local Planning Authority. The scheme shall ensure that the proposed development causes no reduction in available flood storage volume or likely rate of flooding. Acceptable methods of achieving this include ensuring the ground floors of buildings on the site are available for flood storage and, if necessary, in additional provision of suitable below-ground tanks or other storage systems. The scheme shall subsequently be implemented in

accordance with the approved details before first occupation of any building and retained thereafter.

Conditions relating to commencement of works above slab level

- 10) Prior to the commencement of construction works above slab level and/or refurbishment works to an existing building, mock up sample panels of each façade type of that building, including its junctions with adjoining facades, shall be provided at a scale and location to be previously agreed in writing with the Local Planning Authority. The mock up sample panels shall be accompanied by a schedule of all materials to be used in the external elevations of the relevant building. The details shall be approved in writing by the Local Planning Authority prior to construction works taking place above slab level of the relevant building, or the commencement of refurbishment works and development shall be carried out accordance with the approved details. The following details are required:
- brick (including mortar);
 - windows frames;
 - external doors;
 - cladding;
 - roof elements;
 - balustrades;
 - balconies;
 - soffits;
 - fins;
 - louvres; and,
 - rainwater goods.
- 11) Prior to the commencement of construction works above slab level and/or refurbishment works to an existing building, detailed architectural drawings (at scales of 1:5, 1:10 or 1:20 as appropriate) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The following details are required:
- detailed brick elements (including junctions with different brick types);
 - windows;
 - cladding;
 - building entrances (including vehicle entrance and cycle, plant and refuse stores);
 - parapets;
 - fins;
 - roof elements; and,
 - balconies (including soffits, privacy screens and balustrade detailing).
- 12) Prior to the commencement of above ground construction works or refurbishment works to an existing building, full details of internal and external plant equipment and trunking, including any CHP equipment, building services plant, ventilation and filtration equipment and any commercial kitchen exhaust ducting/ventilation, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 13) Prior to the commencement of construction works above slab level and/or refurbishment works to an existing building, a landscaping scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and timetable. All trees included within the landscaping scheme shall accord with BS3936:1992, BS4043:1989 and BS4428:1989 (or any subsequent superseding equivalent) and current arboricultural best practice. The submitted details shall include the following:
- a) the quantity, size, species (including invasive non-native species and associated control methods), position and the proposed time of planting of all trees and shrubs to be planted;
 - b) an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection;
 - c) details of hard landscaping, demarcation of accessible parking spaces and any street furniture;
 - e) details of any proposed root barrier systems;
 - f) details of defensible space to first floor units which front communal amenity spaces;
 - g) details of the seating/play platforms;
 - h) details of green/brown roofs; and,
 - i) details of how the landscaping maximises biodiversity and provides new habitats, including provision of bird and bat boxes.
- 14) Prior to the commencement of above ground construction works, an external lighting strategy for the waterside area, buildings and open spaces shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be carried out in accordance with the approved details prior to first occupation.

Pre-occupation conditions

- 15) Prior to first occupation of the development hereby permitted, details of the provision to be made for cycle parking (minimum capacity: 70 long stay residential spaces to include a minimum 5% provision of Sheffield stands; 7 short stay spaces; and 12 workspace spaces) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be implemented in accordance with the approved details before occupation of the development and shall thereafter be retained solely for its designated use.
- 16) Prior to first occupation of the development hereby permitted, a Cycle Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Cycle Parking Management Plan shall include details of how the bottom tier of any two-tier cycle racks remain available for less able-bodied people. The cycle parking shall thereafter be managed and operated in accordance with the approved details.
- 17) Prior to first occupation of the development hereby permitted, details of waste and recycling storage for the development shall be submitted to and approved in writing by the Local Planning Authority. The waste and recycling storage shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained solely for its designated use.
- 18) Prior to first occupation of the commercial uses within the development hereby permitted, a Service and Delivery Management Plan (including details of refuse collection) shall be submitted to and approved in writing by the Local Planning

Authority. The approved plan shall be put in place prior to first occupation of any commercial use, and the development shall thereafter be operated in accordance with the approved plan.

- 19) Prior to occupation of the residential units hereby permitted, a Delivery Management Plan (including details of refuse collection) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be put in place prior to first occupation of any residential property and the development shall thereafter be operated in accordance with the approved plan.
- 20) No part of the development hereby permitted shall be occupied until a Flood Emergency Plan (based on the submitted Flood Risk Assessment) has been submitted to and approved in writing by the Local Planning Authority. The approved Flood Emergency Plan shall be implemented upon first occupation of the development hereby permitted and shall be permanently retained. Upon written request the appellant, or their successors in title, shall provide the Local Planning Authority with written details of how the measures contained in the approved Flood Emergency Plan are being implemented at any given time.
- 21) Prior to the first occupation of the development hereby permitted, a Courtyard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the storage and management of external items which may include furniture, equipment, and incidental items (other than those as hereby approved and included at ground floor level as shown on landscape plan number 0200-SEW-DR-00-DR-L-001100 Rev 01) that may be provided within the courtyard from time to time, in order to ensure that they do not impede the flow of water during a flood event throughout the lifetime of the development. The development shall thereafter only be occupied in accordance with the approved Courtyard Management Plan.
- 22) The development shall be constructed to 'Secured by Design Standards' (or any replacement standards). A certificate of accreditation to Secured by Design Standards (or any replacement standards) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. The measures provided to achieve the Standard shall be retained as operational thereafter.
- 23) Prior to first occupation of each of the commercial units hereby permitted, as shown on plan ref: 0200-SEW-DR-00-DR-A-001100 Revision 02, details of the hours of operation for that unit shall be submitted to and approved in writing by the Local Planning Authority. The commercial units shall thereafter be occupied solely in accordance with the approved details.

Noise

- 24) Noise from any mechanical equipment or building services plant, as measured in accordance with BS4142: 2014, shall not exceed the background noise level L90B(A) 15 minutes when measured outside the window of the nearest noise sensitive or residential premises.
- 25) Each of the residential units hereby permitted shall be designed, constructed and fitted out to ensure that it accords with BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' and attains the following maximum internal noise levels:

Bedrooms- 30dB LAeq,T* and 45dB LAFmax

Living rooms- 35dB LAeq, D*

*T- Night-time 8 hours between 23:00-07:00

*D- Daytime 16 hours between 07:00-23:00

None of the residential units within any building or phase shall be occupied until a post-completion verification report, including acoustic test results, for those units

has first been submitted to and approved in writing by the Local Planning Authority to confirm that the above minimum standards have been achieved. The measures provided to achieve the required sound insulation shall be retained as operational thereafter.

Landscaping/Planting

- 26) Any trees, shrubs or other planting included in the landscaping scheme approved pursuant to condition 13 above which, within five years of planting die, are removed, or become seriously damaged or diseased, shall be replaced within the next planting season with others of a similar size and species.

Non-road mobile machinery

- 27) No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements published by the Centre for Low Emission Construction (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

Flood Risk/Pollution

- 28) Residential floor levels within the development hereby permitted shall be set no lower than 5.95 metres AOD.
- 29) No infiltration of surface water drainage into the ground at or from the development site shall occur other than in accordance with a scheme of Surface Water Drainage which shall previously have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved scheme.
- 30) No boreholes shall be drilled on the site for the investigation of soils, groundwater or for geotechnical purposes unless and until a scheme for managing any such borehole has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also include details of how redundant boreholes are to be decommissioned and how any boreholes to be retained post-development for monitoring purposes will be secured, protected and inspected. Development shall be carried out in accordance with the approved scheme and any approved post-development measures shall be retained in accordance with the approved details.
- 31) No piling, including impact piling, deep foundations or other intrusive groundwork, shall take place until a Piling Method Statement detailing the depth and type of piling and/or intrusive groundworks to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for impact on ground water, damage to sub-surface water infrastructure, and the programme for the works, has been submitted to and approved in writing by the Local Planning Authority. All piling and intrusive groundworks shall be undertaken in accordance with the approved Statement.

BREEAM Ratings

- 32) Within three months of the commencement of development, certificates from the Building Research Establishment shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the commercial units hereby permitted will achieve an interim BREEAM rating of 'Very Good' (shell only) under the BREEAM New Construction 2014 Scheme. Development shall thereafter be carried out in accordance with the approved details.
- 33) No later than four months following first occupation of any commercial unit, certification from the Building Research Establishment shall be submitted to and approved in writing by the Local Planning Authority demonstrating that it has

achieved a final BREEAM rating of 'Very Good' shell only under the BREEAM New Construction 2014 Scheme. The measures provided to achieve the standard shall be retained as operational thereafter.

Accessible Housing

- 34) Ninety percent 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. Ten percent of the residential units hereby permitted shall be designed and constructed in accordance with M4(3) Category 3 of Part M of the Building Regulations.

Permitted Development Rights

- 35) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 no change of use permitted by Schedule 2, Part 3, Class O of the Order shall be carried out or implemented.

-----END OF CONDITIONS SCHEDULE-----