

**LONDON THAMES GATEWAY DEVELOPMENT CORPORATION****PLANNING COMMITTEE MEETING: 8<sup>th</sup> February 2007**

**Planning Application for LTGDC's Determination had an Appeal not been submitted**

**Report of the Director of Planning**

**CASE NUMBER:** LTGDC-06-048-PP      **DATE MADE VALID:**      **31/05/2006**

**APPLICATION NO:** 06/00863/LTGDC/LBN      **TARGET DATE:**      **30/08/2006**

**APPLICANT:**      St John Spencer Estates and Developments Ltd.

**AGENT:**      AHA Architecture

**PROPOSAL:**      Demolition of existing buildings occupying site and construction of new 30 storey mixed use tower comprising 334 residential units, 110 bedroom hotel, conference facilities, mezzanine level, restaurant and bar facilities, creche, roof top health and fitness suite, roof top garden area, aerofoil wind turbine wing, technical plant level, basement car park servicing, and associated works to footpaths, highways and Channelsea River culvert.

**LOCATION:**      302-312 High Street, Stratford.

**1. SUMMARY**

1.1 On 22 December 2006 the applicant submitted an appeal to the Secretary of State against the Corporation's failure to determine the application within thirteen weeks. The submission of an appeal prevents the Corporation from being able to determine the application. The purpose of this report is to resolve how the committee would have determined the application in the event that an appeal had not been lodged.

1.2 The Planning Inspectorate has set out an appeal timetable that requires the Corporation to submit a Statement of Case by 21 February 2007. The committee resolution will inform the Corporation's position before submitting a Statement of Case and preparing evidence to be presented at the forthcoming public inquiry.

1.3 The application proposes redevelopment of the site to provide a 30 storey tower comprising 334 residential units, 110 bedroom hotel, creche and associated amenity space, car parking and servicing.

1.4 The principle of redeveloping the site with a tall building comprising a residential-led mixed use scheme is considered acceptable given the site's proximity to Stratford Town centre and accessibility by public transport. The appropriateness of redeveloping the site with a tall building is dependent on the (1) design quality (2) impact on local context in terms of height, scale, bulk and massing (3) impact on existing buildings in terms of sunlight and daylight, overshadowing and sense of enclosure, (4) proposed housing mix and tenure, (5) amenity space provision, (6) access and servicing arrangements, (7) car and cycle parking provision and (7) use of energy efficient and renewable energy technologies.

1.5 The desire to maximise site coverage and development quantum is considered to result in building scale, height, bulk and massing that responds poorly to its setting and creates an unattractive design. The building is considered to adopt a design quality and language that does not reflect its function or meet the aspirations for tall buildings. The height, scale and proportions of the building are considered to result in an unacceptable loss of sunlight and daylight and overshadowing to existing buildings surrounding the site. The offer of a commuted payment towards the provision of 35% affordable housing requires further clarification on delivery and composition. The development is considered to be deficient in the amount and quality of private and communal amenity provided. The proposed access and servicing arrangements are considered to compromise the safe and efficient operation of the highway for pedestrians and vehicles.

1.6 The proposed development is considered contrary to UDP, draft LDF Core Strategy and London Plan policies relating to design, tall buildings, housing density, affordable housing, residential amenity, amenity space and transport.

## **2. SITE AND PROPOSAL**

### 2.1 Description of Site & Surroundings

2.1.1 The site is crescent shaped and measures 0.2 hectares. The site is currently occupied by a variety of uses occupying two and three storey buildings. These uses comprise the Builders Arms public house, the locally listed West Ham Labour club and commercial units including Falcom Vehicle Transport. The site is located at the edge of Stratford Town Centre and the St. John's Conservation Area. The public house is served by an access from Lett Road. The commercial units are served by Stratford High Street (see Appendix 1).

2.1.2 The site is located west of Stratford Town Centre. The site is bounded by the London Underground Jubilee line to the north east, the A11 Stratford High Street to the south east, Lett Road to the south west and Channelsea River culvert to the north west. Beyond the Channelsea River culvert is 1a Lett Road, a development site the subject of a planning application submitted to the Corporation by The Worshipful Company of Carpenters, a 3 storey telephone exchange and the part 5 storey, part 7 storey Adrian House residential block. The planning application for 1a Lett Road is for a part 5, part 10 storey building comprising 64 residential units and ancillary parking and amenity space,

2.1.3 The Carpenters Estate is located west of the site and contains a high proportion of social rented accommodation.

2.1.4 The site benefits from a PTAL (Public Transport Accessibility Level) of 6 given its proximity to National Rail, London Underground, Dockland Light Railway (DLR) and bus routes serving Stratford Interchange and town centre. The site's accessibility to public transport will further improve when the proposed Stratford High Street DLR

station opens immediately south of Stratford High Street.

## 2.2 Description of Proposal

2.2.1 The application proposes a 30 storey tower comprising 334 residential units, a 110 bed hotel and a creche. The hotel and creche are proposed to occupy floors 0-5 and the residential units are proposed to occupy floors 6-30. The ground floor level will include 2 residential entrances, the hotel entrance foyer and reception with ancillary office and café facilities, and a 140m<sup>2</sup> creche (see Appendix 2).

2.2.2 The application proposes 184x1 bedroom units (55%), 138x2 bedroom units (41%) and 12x3 bedroom units (4%). The application proposes redeveloping the site at a residential density of 1192 units per hectare and 3057 habitable rooms per hectare. The scheme includes 10 basement car parking spaces including 2 spaces allocated to disabled users and 334 cycle parking facilities on the 5<sup>th</sup> floor.

2.2.3 The scheme incorporates communal amenity space through the provision of 65m<sup>2</sup> sky gardens located within central atria on every third level and roof garden. Individual residential units do not incorporate private balcony space.

## **3. MAIN ISSUES**

- Land Use
- Design
- Residential Amenity
- Housing Mix/Affordable Housing
- Housing Density
- Amenity Space
- Transport/Highways/Access
- Flood Risk
- Energy Efficiency and Renewable Energy

## **4. RELEVANT SITE HISTORY**

4.1 None

## **5. CONSULTATIONS/NOTIFICATIONS**

### London Borough of Newham

#### *Housing*

5.1 Recommend refusal of the application on grounds that (1) the affordable housing offer departs from the requirement to provide a 60:40 split between intermediate and social rented housing (2) the affordable housing offer departs from the requirement to provide 35% affordable housing on site (3) the affordable housing offer does not set out a mechanism for providing off-site affordable housing (4) the application does not provide a range of housing types.

#### *Transport*

5.2 Recommend refusal of the application on grounds that (1) the submitted Transport Assessment does not provide an adequate assessment of the trip generation impact of the development on the operation of the surrounding road network or public transport services and capacity, (2) the design and siting of the proposed turning and drop off area will increase the likelihood of queuing on Stratford High Street, generate

pedestrian and vehicle conflicts and result in the loss of pedestrian footway and (3) the siting of the proposed car park and service access/egress via Lett Road within close proximity of the junction of Lett Road and Stratford High Street will compromise road safety.

#### *Environmental Health*

5.3 Recommend refusal of the application on grounds that inadequate consideration has been given in the building design to providing vehicle, pedestrian and cyclist separation, a safe means of escape, sufficient residential and hotel recycling storage, comprehensive creche facilities, method of window cleaning, convenient cycle storage access, and comprehensive health and fitness facilities.

5.4 In the event that planning permission is granted recommend the imposition of planning conditions requiring the submission of details relating to means of escape, noise assessment, dust management and monitoring programme, air quality assessment, the cleaning of grid and mud from any pressure cleaning, and, prohibiting the burning of waste and impact piling without the permission of the planning authority in the event that planning permission is granted.

#### Commission for Architecture and the Built Environment (CABE)

5.5 CABE is broadly supportive of the aspiration to redevelop the site with a tall building. CABE's principal concern is with the architectural quality of the building which they do not find convincing. In terms of built form, CABE is concerned that the design does not result in the high quality architecture that a building of this height, because of its impact on a wide area, must have. The proposed wind turbine appears to be additional as opposed to integral to the elevation and fails to inform the architecture of the building. CABE considers greater attention should be paid to the roof level and ground floor plane of the building. The roof silhouette is considered average and lacking in articulation and clarity. The ground floor plane is considered confusing given the crossover and access arrangements, and it is clear what sort of place the street level will be. CABE is concerned that the building will appear as a wide slab block in certain views because the aspect ratio is not comfortable. Given the evolving character of the wider area, it is highly important that this proposal can stand on its own as a fine piece of architecture. The current proposal is not considered to reach the Mayor of London's aspirations for tall buildings in London.

#### Environment Agency

5.6 The Environment Agency objects to the application on grounds that (1) the applicant has not submitted comprehensive a Flood Risk Assessment that considers the risk of flooding to the site from fluvial and tidal sources and surface water run off, and (2) the applicant has submitted insufficient information to determine the ecological impact of the proposal on the adjacent Channelsea River.

#### English Heritage

5.7 The site is located in an archaeological priority area as specified in the UDP. The imposition of a planning condition requiring the submission of a programme of archaeological works is requested in the event that planning permission is granted.

5.8 The Builders Arms public house on the site at 302 Stratford High Street occupies a prominent location at the gateway to the St. John's Conservation Area and Stratford town centre. The building dates from the late 1930's and has an attractive Elizabethan Revival façade. Whilst the building is not listed, it contributes positively to the setting of the St. John's Conservation Area and the locally listed buildings nearby, and is a local

London Underground Limited (LUL)

5.9 LUL objects to the application on grounds that the building is proposed to be located at the boundary of the railway such that it cannot be built or maintained without infringing LUL land and airspace. Furthermore, LUL has concerns about (1) the impact of noise and vibration from the railway on prospective occupiers of the development (2) the need to site the development 3.0 metres from the boundary to allow access for maintenance of the building without relying on third party land (3) the need to avoid using LUL land to support any structure (4) the need to avoid interfering with the railway boundary fence (5) the need to ensure railway signals are not obstructed and that any lighting in or of the development is not confused with railway signals and (6) that building work is carried out in accordance with LUL's "Special Conditions for Work Carried Out Adjacent to the Railway"

**6. APPLICATION PUBLICITY**

**6.1 Site Notice Expiry: 10/07/2006**

**6.2 Press Notice Expiry: 28/06/2006**

**6.3 Neighbour Notification:**

6.3.1 Site notices were placed around the site on the 1 June 2006, a press notice dated 7 June 2006 and letters were sent to adjoining occupiers. The consultation period ended on the 10 July 2006.

**7. REPRESENTATIONS**

7.1 Three letters received, including representations from the Carpetners Estate Tenants Management Organisation, objecting to the application on the following grounds:

**Comment**

**Response to Comment**

- |  |                          |
|--|--------------------------|
| 1. The proposed development will result in the loss of sunlight/daylight to existing buildings in Jupp Road.   | See paragraphs 9.18-9.22 |
| 2. The proposed development will have an adverse impact on the emerging proposals for the adjacent development site at 1a Lett Road in terms of loss of sunlight/daylight, overshadowing and sense of enclosure. If constructed the development would necessitate the redesign of 1a Lett Road to remove habitable rooms from the eastern elevation. This would undermine attempts to animate this elevation and establish a relationship with the amenity buffer created by the Channelsea River culvert. | See paragraphs 9.18-9.22 |
| 3. The scale, bulk and architectural treatment of the of the building's western elevation will establish an  | See paragraphs 9.6-9.17  |

- uncomfortable relationship with the adjoining sites and have a significant and negative impact upon its immediate surroundings.
4. On the basis that the continuous band of louvres provides extraction of the hotel kitchens and air conditioning, there will be a noise and odour impact on adjoining sites to the rear. See paragraph 9.21
  5. On the assumption that the proposed balconies associated with the hotel lounge/bar/restaurant are open there will be a potential noise impact on adjoining land. See paragraph 9.21
  6. Light pollution from the stair tower and hotel use will have an adverse impact on the amenity of adjoining sites. See paragraph 9.21
  7. The combination of height and the incorporation of full height glass windows will result in the overlooking and loss of privacy to surrounding uses and adjoining sites to the west. See paragraph 9.21
  8. The proximity of the proposed car park and service road access at the existing junction of Letts Road and Stratford High Street will compromise highway safety. The proposed soft landscaping will impede driver visibility. See paragraphs 9.35-9.39
  9. A combination of the traffic generation impact associated with the development and the proximity of the car park and service access to the adjoining site to the west will give rise to noise and light pollution. See paragraphs 9.14-9.15
  10. The location of the service yard turning head conflicts with the pedestrian access proposed within the emerging scheme at 1a Lett Road. See paragraphs 9.14-9.15
  11. There is no justification for locating a tower of the scale proposed in this location. See paragraphs 8.4.1 and 9.6-9.17
  12. The building does not relate well to the existing townscape character in terms of its height, bulk and massing and relationship to neighbouring properties and building lines. See paragraphs 9.6-9.22
  13. The development represents a significant overdevelopment of a small site and a development that which sits uncomfortably with the low rise development in and around the site. See paragraphs 9.6-9.17 and 9.29-9.31
  14. There is no provision for public open space or children's play space. See paragraphs 9.32-9.34
  15. The application results in the loss of incidental open space in front of the existing public house. See paragraphs 9.15 and 9.38
  16. The application provides falls short of See paragraphs 9.32-9.34

- guidelines for amenity space provision.
17. The provision of 17.5% on-site affordable housing is contrary to UDP and London Plan policy. See paragraphs 9.23-9.28
18. The application will result in the loss of the Builders Arms public house. See paragraphs 9.4 and 9.15

## **8. RELEVANT PLANNING POLICY**

### **8.1 Planning Policy Guidance**

- PPS 1 Delivering Sustainable Development
- PPG3 Housing
- PPG13 Transport
- PPG16 Archaeology and Planning
- PPS22 Renewable Energy
- PPG25 Flood Risk

### **8.2 The London Plan (February 2004)**

- 2A.3 Areas for Intensification
- 2A.4 Areas for Regeneration
- 3A.1 Increasing London's supply of housing
- 3A.2 Borough housing targets
- 3A.5 Large housing developments
- 3A.7 Affordable housing targets and
- 3A.8 Negotiating affordable housing in individual private residential and mixed use schemes
- 3C.15 Road scheme proposals
- 3C.20 Improving conditions for pedestrians
- 3C.21 Improving conditions for cycling
- 3C.22 Parking strategy
- 4B.1 Design Principles for a compact city
- 4B.3 Maximising the potential of sites
- 4B.8 Tall Buildings - location
- 4B.9 Large-scale buildings – design and impact
- 4C.8 Sustainable drainage

### **8.3 LB Newham UDP (June 2001)**

- S3 Quality of Development
- S4 Sustainable Development
- S7 Strategic Policies for Urban Regeneration: Promotion of Development
- S9 Strategic Policy for Environmental Quality
- S19 Strategic Policies for Housing
- S20 Strategic Policies for Housing
- S24 Strategic Policies for Employment
- S28 Strategic Policies for Employment
- S39 Strategic Policies for Leisure, Recreation and Open Space
- EQ18 Promoting Urban Quality
- EQ19 Design Consideration: Residential Area
- EQ21 New Development: Landscaping
- EQ24 Energy Efficiency
- EQ26 Safety
- EQ27 High Buildings: Control and Design Considerations
- EQ28 High Buildings: Control and Design Considerations
- EQ36 Buildings of Local Interest
- EQ43 Archaeology
- EQ45 Pollution

EQ47	Noise Impact
EQ62	Protection of the Flood Plain and Urban Washlands
EQ63	Surface Water Disposal
H5	Conversion/Redevelopment From Other Commercial Uses
H6	Affordable Housing
H7	Affordable Housing in New Residential Areas
HI3	Promoting Quality in Housing
HI4	Promoting Choice in Housing
H15	Housing Mix
HI6	Density
HI7	Design and Layout
EMPI	Employment Growth
T1	New Development: Environmental Impact
T2	New Development: Public Transport Accessibility
T14	Design to Minimise Road Accidents in New Developments
T15	Parking Standards for New Development
T24	Access by Cycle and Cycle Parking
OS8	Green Space in New Housing
CS1	Protection of Sites in Community Use

#### **8.4 LB Newham Local Development Framework (February 2006)**

8.4.1 The draft LDF Preferred Options Core Strategy was issued in February 2006 and sets out the vision for Newham and defines the concept of sustainable neighbourhoods. The preferred options for the core policies include:

- The Core Strategy Key Diagram identifies Stratford as a key town centre development node.
- Paragraph 6.2 requires the highest standard of design for all new development, both for buildings and surrounding private and public space.
- Paragraph 6.4 requires proposals for new development to be designed to maximise the safety and security of those using the surrounding streets and spaces and of those who will live and work within the development.
- Paragraph 6.6 supports the principle of tall buildings in Stratford on the basis that they achieve the highest design quality, are compatible with local character and complement the surrounding townscape.
- Paragraph 6.8 promotes the conservation and efficient use of energy in all new developments.
- Paragraph 6.20 requires new residential development to be of a density that is appropriate to its location and recognises that densities in excess of 700 hr/ha may be considered on sites where a PTAL of 6 exists on the basis that development is of the highest design quality, must not adversely affect the amenity of existing residents, must provide sufficient amenity space and have regards to all other Policies in the Core Strategy.
- Paragraph 6.21 requires at least 35% of units to be provided as affordable housing.
- Paragraph 6.22 sets out the unit size and tenure mix for housing development on 'family oriented' and 'other' housing sites. On 'other' housing sites a balance of 1, 2 and 3 bedroom units is required within market, intermediate and social rented

accommodation. The affordable housing offer should comprise a 60:40 split between social rented and intermediate accommodation. Off site provision or a commuted payment may be acceptable in lieu of up to a 10% of affordable housing on 'other' housing sites.

- Paragraph 6.26 sets out minimum internal space standards for new homes which includes 49m<sup>2</sup> 1 bed, 66m<sup>2</sup> 2 bed, 85.5m<sup>2</sup> 3 bed in flat developments. Grant funded affordable housing will be expected to meet Housing Corporation Scheme Development Standards.
- Paragraph 6.29 requires all new development to achieve Lifetime Homes Standards.
- Paragraph 6.62 requires new residential development to provide a minimum of 20m<sup>2</sup> of communal/semi-private, including balconies and roof terraces, per dwelling.

#### **8.4 Other Relevant Planning Policies & SPG's**

- LBN Residential Planning Guidelines SPG (May 2001)
- Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) (2007)
- London Plan Housing SPG (November 2005)

### **9. ASSESSMENT OF MAIN ISSUES**

#### Land Use

9.1 The adopted Unitary Development Plan (UDP) does not designate the application site within any specific land use category but it occupies a prominent location at the edge of Stratford Town Centre and the St. John's Conservation Area. The existing employment uses are afforded limited policy protection as they are not located within a Principal Employment Area of Local Employment Area designation.

9.2 The land use principle of redeveloping the site with a residential led, mixed use development is considered to be in accordance with UDP and draft LDF Core Strategy policies designed to promote mixed use urban regeneration, expand and diversify the economy and make a contribution towards achieving local and strategic objectives relating to housing provision. The proposed hotel and crèche have the potential to indirectly strengthen the economic role and base of Stratford Town Centre in accordance with UDP Policy S24.

9.3 The LDF Core Strategy supports the principle of a tall building in Stratford on the basis that it achieves the highest design quality, is compatible with local character and complements the surrounding townscape.

9.4 The demolition of the existing buildings and their replacement with a mix of uses including housing, hotel, crèche and health and fitness uses has the potential to secure the regeneration of an inefficiently used site located within a prominent location at the edge of Stratford Town Centre with new housing, employment and community uses.

9.5 The existing Builders Arms public house makes an important contribution as a local landmark and community use. The West Ham Labour Party building is locally listed. In accordance with UDP Policies CS1 and EQ36 their loss should be fully justified and their retention considered as part of any comprehensive redevelopment of the site.

9.6 UDP Policy EQ19 requires all new developments to adopt (1) scale and bulk in relation to the plot size and surrounding and (2) aesthetic quality in terms of the intrinsic design of the proposal and its relationship to its surroundings.

9.7 London Plan Policy 4B.1 seeks to ensure that new developments (1) respect local context, character and communities, (2) are practical and legible, (3) are attractive to look at and, where appropriate, inspire, delight and excite.

9.8 London Plan Policy 4B.8 lends support to tall buildings where they (1) create attractive landmarks enhancing London's character, (2) act as a catalyst for regeneration and (3) acceptable in terms of design and impact on their surroundings.

9.9 London Plan policy 4B.9 requires tall buildings to be of the highest quality and design and in particular (1) be suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets, public and private open spaces, the waterways or other townscape elements, (2) be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline, consolidating clusters within that skyline or providing key foci within views, (3) illustrate exemplary standards of sustainable construction and resource management and potential for renewable energy generating and recycling, (4) be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing and (5) pay particular attention, in residential environments, to privacy, amenity and overshadowing.

9.10 The application proposes a 102.0m high, 30 storey tower that adopts a curved form in response to the size and configuration of the site and the desire to maximise site coverage and development quantum (see Appendices 3 and 4). It is noted that a 30 storey tower in this location would be considerably taller than any other existing or permitted towers along Stratford High Street, which are generally about 20 stories. This heightens the need for a tower of the scale proposed to be of the highest quality of design to ensure it makes a positive contribution to the skyline when viewed from distance and respects and contributes to the wider urban environment at street level.

9.11 As the building incorporates a fully glazed, sealed façade that is more typical of a mechanically ventilated office building, it is not considered to reflect its residential function or result in a building appropriately designed for residential occupation. This façade treatment has resulted in a number of concerns over the quality of the internal environment. It is not considered acceptable for the residential units to have no openable windows, and therefore to rely entirely on artificial ventilation. As the proposed sky gardens do not have natural ventilation the quality of space provided is questioned given the planting proposed.

9.12 The proposals only appear to provide private external amenity space to 6 out of 334 residential units, located on the 29<sup>th</sup> floor. The lack of private balcony space is not considered acceptable. Furthermore, the absence of openable windows or balcony type spaces results in a vast and uniform building appearance, with little articulation and animation.

9.13 This façade treatment is considered to compound the problems created by the significant scale and massing proportions of the building. The proposed building presents itself as a wide slab block when viewed from certain angles, especially when viewed from the existing residential community in Carpenters Estate to the north west and the south east. It is considered that the addition of a vertically mounted aerofoil wing to the façade compounds the building's inelegance and fails to inform the architecture of the building.

9.14 The siting and layout of the building at ground floor is considered to create a space of poor quality and function that has a negative rather than positive impact on the existing public realm. In seeking to maximise development quantum, the building footprint and ground floor configuration serves to create the significant risk of conflict between pedestrians and vehicle movements, both on Stratford High Street and Lett Road. The vehicular access arrangements proposed create a scenario where more than half of the existing public pavement becomes vehicular crossover space. The semi-concealed location of the eastern residential entrance and crèche entrances raises particular concerns about design legibility and safety.

9.15 The siting and layout of the building will also result in the loss of existing incidental open space located at the corner of Stratford High Street and Lett Road, in front of public house. The space should be retained and enlivened with entrances and public activities, as it will form an important space on the key route linking the Carpenters Estate community to the proposed Stratford High Street DLR station and other local community facilities. These proposals utilise this location to accommodate the access to the car parking and service area, treating it as the 'back' of the scheme.

9.16 Given the scale of change anticipated within the immediate vicinity of this site, these proposals must seek to engage positively with its context. In particular, the emerging proposals for the site at 1a Lett Road will have a strong relationship to this site. The currently proposed two metre high wall extending across the boundary of the site is not considered an appropriate response.

9.17 The building is therefore considered to fail in its attempt to provide a landmark building of high design quality. The building is considered to adopt a scale and bulk that is incompatible with the plot size and surrounding area. The building promotes an aesthetic quality that is lacking in terms of its intrinsic design qualities or townscape impact. The building does not make a positive addition to the townscape when viewed from distance, the surrounding street or through its interaction at street level. The application is therefore considered contrary to Policy S3, E18, E19, EQ26, EQ27, EQ28 and H15 of the Unitary Development Plan, the draft LDF Core Strategy and Policies 4B.1, 4B.8 and 4B.9 of the London Plan.

#### Residential Amenity

9.18 The application site is located east of an existing residential area comprising low rise residential housing within a network of streets including Jupp Road, Rosher Close and Kennard Road. The nearest properties (23-42, 45 and 59 Jupp Road) are located approximately 60.0 metres west of the site. An existing housing block (Adrian House), a telephone exchange (20-30 Jupp Road) and a site the subject of a planning application (1a Lett Road) are located approximately 10.0 metres from the site boundary beyond the Channelsea River culvert. A combination of the proximity of the site to existing housing and development and the proposed height of the development is considered to create an unacceptable impact on the amenity of existing residential occupiers and the development potential of surrounding sites.

9.19 London Plan policy 4B.9 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. UDP Policy EQ19 identifies the need for new developments to have regard to their surrounding in terms of scale and bulk and refers to the Residential Planning Guidelines SPG as providing supplementary detail on design standards to be incorporated within new development. The SPG adopts the Building Research Establishment (BRE) criteria for assessing the sunlight and daylight impact of new development on existing buildings.

9.20 The applicant has submitted a Sunlight and Daylight Assessment that does not

adequately conclude that the impact on the existing residential occupiers is minimised to an acceptable level. The assessment does not satisfy BRE (Building Research Establishment) standards on sunlight and daylight.

9.21 The submitted planning application for the adjacent site at 1a Lett Road proposes a part 5 and part 10 storey residential-led scheme whose eastern elevation includes habitable rooms overlooking the Channelsea River and the site. It is considered that the developments proposed for the application site and 1a Lett establish an uncomfortable relationship in terms of their design, proximity and use. The potential noise, odour, light pollution and overlooking impact created by the hotel use and plant level requires consideration to ensure the development potential of adjoining sites can be achieved.

9.22 The loss of sunlight and daylight, overshadowing and sense of enclosure is considered to be a result of a combination of the scale and bulk created by the desire to maximise development footprint and quantum. The effect is considered to be a material deterioration of sunlight and daylight conditions, and sense of enclosure, to the existing and future occupiers of dwellings in Jupp Road, Rosher Close and Kennard Road. The application is therefore considered contrary to Policies EQ19 and EQ28 of the Unitary Development Plan, the Residential Planning Guidelines SPG and Policy 4B.9 of the London Plan which seek to protect the sunlight and daylight conditions and overshadowing of existing buildings.

#### Housing Mix/Tenure

9.23 The application proposes a total of 334 units comprising 184x1 bedroom units (55%), 138x2 bedroom units (41%) and 12x3 bedroom units (4%). The application seeks to provide 117 (35%) affordable housing units on the basis that 58 (17.5%) will be intermediate housing units provided on-site and 59 (17.5%) will be social rented units provided off-site in the form of a commuted payment.

9.24 UDP Policy H15 requires development to provide a mix of dwellings sizes having regard to the characteristics of the site, its relationship to the surrounding area, the nature of the development proposed and marketing considerations. The draft LDF Core Strategy sets out a preferred unit size and tenure mix to be achieved on housing sites. The policy seeks 35% affordable housing with a 60:40 split between social rented and intermediate sectors and a mix of units sizes within both market and affordable sectors. The Mayor of London's target for affordable housing is 50% with a 70:30 split between social and intermediate sectors and London Plan Policy 3A.4 requires new development to provide a range of housing size and types. This approach is consolidated in the Housing SPG to the London Plan which seeks an overall housing mix of 32% 1 bed units, 38% 2/3 bed units and 30% 4+ bed units in new housing developments. The application is heavily skewed towards the provision of 1 (55%) and 2 (41%) bedroom units.

9.25 The principle of providing 35% affordable housing is in accordance with the UDP and draft LDF but below the London Plan requirement of 50%. The applicant has submitted a development appraisal supporting the level of affordable housing. The provision of 35% affordable housing is split between 50% on site intermediate housing 50% off site social rented in the form of a commuted payment. This offer departs from the policy requirement to provide a 60:40 split between social rented and intermediate sectors and the provision of a range of housing tenures on site. The draft LDF Core Strategy supports the off site provision or a commuted payment may be acceptable in lieu of up to 10% of affordable housing.

9.26 UDP Policy H7 requires the amount of affordable housing to take into account location, marketing and site conditions. The policy sub text seeks the provision of 25% affordable housing on site or 33% or its equivalent if provided off site. As a response to

the need to redevelop the site with a single building, the management issues associated with serving a range of tenures within a single building has resulted in the provision of intermediate housing within the scheme and social rented housing off-site.

9.27 While it is acknowledged that the application provides only 17.5% intermediate housing on site and assumes a commuted payment will be used to provide 17.5% social rented housing off site, the affordable housing offer is considered acceptable in principle given the total level of affordable housing, the unsuitability of the site to provide traditional family housing and the introduction of market and intermediate housing within an area which includes a high proportion of social rented housing. It is noted that the adjacent Carpenters Estate is identified for regeneration and intensification to which a commuted payment could contribute.

9.28 It is considered, however, that the affordable housing offer lacks sufficient information on the delivery of the off-site affordable housing and its constituent unit size and quantum to demonstrate conformity with UDP Policies H7, H8 and H15.

### Housing Density

9.29 The application proposes redeveloping the site with a residential led mixed use scheme comprising 334 units. The site measures 0.19 hectares resulting in a housing density of 1192 units or 3057 habitable rooms per hectare.

9.30 London Plan Policy 4B.3 seeks to maximise the potential of sites through a consideration of location, public transport accessibility and local context. Policy 4B.3 requires Borough's LDF's to adopt the residential density ranges set out Table 4B.1. These density ranges provide a guide to density relative to site classification based on an assessment of its location, setting and public transport accessibility. When assessed against this policy, the proposed density significantly exceeds the highest density range which assumes the site is located within a central setting, within 10 minutes walking distance of a town centre and benefiting from a PTAL of 4-6. The site is located at the edge of Stratford Town Centre and benefits from a PTAL of 6.

9.31 It is accepted that based on an assessment of site setting, PTAL and proximity to Stratford town centre, the site is capable of accommodating a very dense development and a building of above six stories. Nevertheless, the ability of the site to accommodate a 30 storey tower will depend on its ability to adopt a form, scale, massing and design that creates a landmark of aesthetic quality and contributes positively to the local context. It is argued that the proposed development, and resulting density, does not satisfy the requirements of Policy 4B.3 and would constitute an overdevelopment of the site that fails to achieve the highest possible intensity of use compatible with local context and the design principles in Policy 4B.1, 4B.8 and 4B.9 of the London Plan.

### Amenity Space

9.32 Due to the constrained size and shape of the site, communal amenity space is achieved through the provision of sky gardens measuring 65m and located on every third floor and a roof top garden to provide a total of approximately 2,400m<sup>2</sup> within the development.

9.33 Policy H17 requires a satisfactory level of private amenity space as integral to the development. Policy OS8 requires developments of more than 100 units to provide an area of open space within the site to meet the needs of the development. The draft LDF Core Strategy requires all new residential development to provide communal/semi-private amenity space at a ratio of 20m<sup>2</sup> per dwelling. As this would equate to a requirement for 6680m<sup>2</sup> the provision of 2400m<sup>2</sup> within the scheme is deficient given the intensification of residential use. While the provision of a roof garden on the 30<sup>th</sup> floor is

welcomed as one element within an amenity space strategy, it is not considered an adequate substitute for other types of amenity space outlined above.

9.34 The sky gardens are considered to be a untested typology that offer an inadequate substitute for private amenity space. Furthermore, these sky gardens can only be directly accessed from every third floor, and therefore do not operate as truly 'communal' spaces as proposed. Further design development is required for these spaces to be convincing in terms of their real amenity value for prospective residents. The deficiency in usable amenity space is highlighted by the absence of private balcony space.

#### Transport/Highways/Access

9.35 The submitted Transport Assessment (TA) is not considered to provide robust assessment of the trip generation impact of the proposed development on the operation of the surrounding road network and public transport serving the site. The TA does not consider the individual or cumulative trip generation impact of the residential, hotel and crèche uses within the scheme on the operation of the surrounding road network and public transport services and capacity.

9.36 The application proposes a total of 10 on-site car parking spaces allocated to the residential units, including to disabled spaces, plus car parking spaces allocated for use by a car club. No car parking is allocated to the hotel or crèche uses. Provision is made for 334 residential cycle parking spaces located on level 5 which relies on lift access. Provision is made for a cycle club in the basement car park. No provision is made for motorcycle parking.

9.37 The hotel is proposed to be served by a vehicle turning and drop off area accessed directly from Stratford High Street. This arrangement is considered unacceptable because it will (1) provide inadequate on-site capacity for short term parking, drop off and turning and due to its proximity to the highway result in the likelihood of queuing on Stratford High Street (2) generate conflict between pedestrians using the footway and vehicles accessing the drop off and turning area and (3) create an 18.0m wide crossover that will result in a significant removal of footway. The application is therefore considered contrary to Policies T1, T3 and T14 of the Unitary Development Plan.

9.38 The basement car park and service area is proposed to be accessed via Lett Road which relies on the use of land currently within the public highway boundary and used as incidental open space. This arrangement is considered unacceptable given the location and nature of the access with its proximity to the junction of Lett Road and Stratford High Street. While it is accepted that the existing public house uses an established crossover to access the rear of the building, its proximity to the junction of Lett Road and Stratford High Street is considered sub optimal on highway safety grounds. The application is therefore considered contrary to Policies T1, T3 and T14 of the Unitary Development Plan.

9.39 The LTGDC awaits the comments of Transport for London in relation to the impact of the proposed development on public transport services and capacity. It is noted that London Underground Ltd (LUL) have objected to the application on grounds that the proposed development is sited alongside the railway boundary prevent its construction and maintenance without occupying LUL land and airspace.

#### Flood Risk

9.40 The site is located within Flood Zone 3 which represents a high risk zone. The Environment Agency advise that the submitted Flood Risk Assessment does not

provide a sufficient robust assessment of (1) the risk of flooding to the site from fluvial or tidal sources and surface water run off and (2) the ecological impact of the proposal on the Channelsea River. Furthermore, the application does not include a buffer strip to facilitate access for maintaining the culvert and biodiversity improvements. The application therefore considered contrary to Policies EQ62 and EQ63 of the Unitary Development Plan.

### Energy

9.41 The application proposes the use of a gas fired combined heat and power plant, ground source heat pump and wind turbines. 10% of the development energy demands are proposed to be met by renewable energy technologies in accordance with the London Plan.

## **10. CONCLUSION AND REASONS FOR REFUSAL**

The principle of redeveloping the site with a tall building comprising a high density residential-led mixed use development is considered to be in accordance with planning policy. However, the size and shape of the site, and the character of surrounding area, impose significant development and planning policy constraints and requirements. The proposed development does not resolve these issues and is considered contrary to a range of planning policies.

The desire to maximise site coverage and development quantum is considered to result in building scale, height, bulk, massing and appearance that responds poorly to its setting and creates an unattractive landmark. The building is considered to adopt a design quality and language that does not reflect its function or meet the design quality for a tall building. The height, scale and proportions of the building are considered to result in an unacceptable loss of sunlight and daylight and overshadowing to existing buildings surrounding the site. The offer of a commuted payment towards the provision of 35% affordable housing requires further clarification on delivery and composition. The development is considered to be deficient in the amount and quality of private and communal amenity provided. The proposed access and servicing arrangements are considered to compromise the safe and efficient operation of the highway for pedestrians and vehicles.

Members are requested to agree that had an appeal not been submitted, and it had been for Corporation to determine the application, planning permission would have been refused for the following reasons:

### **Reasons for refusal:**

1. The proposed form, siting, height, scale and appearance of the development relates poorly to the plot and its setting, results in an inadequately designed building and constitutes an overdevelopment of the site by virtue of its excessive density, contrary to Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan, Policies S3, EQ18, EQ19, EQ26, EQ27, EQ28 and H16 of the Unitary Development Plan and paragraphs 6.2, 6.4 and 6.6 the draft Local Development Framework Core Strategy.

2. The proposed height, scale, bulk and massing of the development would result in an unacceptable loss of sunlight and daylight, overshadowing and sense of enclosure to surrounding building occupiers contrary to Policy 4B.9 of the London Plan, Policies EQ19 and EQ28 of the Unitary Development Plan and the London Borough of Newham Residential Planning Guidelines SPG.

3. The proposed dwelling mix and type provides a lack of clarity on how the affordable housing will be delivered and would result in a concentration of one and two bedroom units that would not contribute to the creation of a mixed community or secure an adequate level of affordable housing contrary to Policy 3A.4 of the London Plan Policy, Policy H7, H8 and H15 Unitary Development Plan and paragraphs 6.19, 6.21 and 6.22 of the draft Local Development Framework Core Strategy.

4. The proposed access and egress arrangements would result in the loss of existing highway land, pedestrian and vehicular conflict and the increased likelihood of queuing on the surrounding road network contrary to Policies 3C.15, 3C.20 and 4B.1 of the London Plan and Policies T1, T3 and T14 of the Unitary Development Plan.

5. The proposed type and amount of amenity space would result in a deficiency given the intensity of development sought contrary to Policies H17 and OS8 of the Unitary Development Plan, the Residential Planning Guidelines SPG and paragraph 6.62 of the draft Local Development Framework Core Strategy.

6. The application does not provide a robust assessment of the impact of the development on food risk and the ecological value of the Channelsea River, contrary to Policies EQ62 and EQ63 of the Unitary Development Plan.

7. The proposed development would have an unacceptable impact on the effective and safe operation of the adjacent London Underground contrary to Policy 3C.12 of the London Plan.

**CASE OFFICER:** Will Steadman

**Appendix 1: Site Location Plan**

**Appendix 2: Proposed Site Layout Plan**

**Appendix 3: Proposed Elevations**

**Appendix 4: Development Images**