

## **LONDON THAMES GATEWAY DEVELOPMENT CORPORATION**

**PLANNING COMMITTEE MEETING: 13 September 2007**

**Planning Application for Determination by the LTGDC**

### **Report of the Director of Planning**

<b>LTGDC CASE NUMBER:</b>	LTGDC-07-102-FUL	<b>DATE MADE VALID:</b>	09.07.2007
<b>APPLICATION NUMBER:</b>	07/00949/LTGDC/LBNM	<b>TARGET DATE:</b>	08.10.2007

<b>APPLICANT:</b>	Hollybrook Residential Developments Limited
<b>AGENT:</b>	RPS Planning
<b>PROPOSAL:</b>	Construction of a 7-storey B1 office development (4,607sqm) together with car parking and access.
<b>LOCATION:</b>	3 Cam Road, Burford Wharf, Stratford, London E15

#### **1. SUMMARY**

1.1 This application represents a variation to earlier planning permissions for a B1 office development at the site. These earlier proposals were granted planning permission by the London Borough of Newham on 17 March 2003 (Ref: P/02/0349) and 23 November 2005 (Ref: P/04/1142). These planning permissions covered the wider redevelopment of Burford Wharf, of which the B1 office development was a part.

1.2 The London Thames Gateway Development Corporation (LTGDC) is now the Planning Authority for applications of this scale within the Stratford area. Consequently, this application now falls to be determined by the LTGDC.

1.3 The principal difference between the proposed scheme and most recent consented scheme (P/04/1142) is the addition of an extra storey of B1 office floorspace, raising the height of the building from 6 to 7-storeys, an overall increase in height of 4.3 metres. The building on the additional storey is set back from the Cam Road frontage, however, the plans indicate a number of openings onto a large terrace area that faces south, west and east, and a smaller terrace area facing north.

1.4 Additionally, the bulk of the building is slightly greater than that previously consented and alterations have been made to the elevational design of the building and the internal layout. These alterations include additional floorspace throughout the building and a revised main entrance location and slightly altered car park entrance.

1.5 The proposed car parking for the scheme is 8 spaces which is less than the previously consented scheme which proposed 11 spaces. An additional motorcycle parking space is proposed above that previously consented thereby increasing provision to 12 motorcycle spaces. The scheme also provides 36 cycle parking spaces whereas the previously consented scheme had no cycle parking provision.

1.6 The proposed development is considered to be compliant in terms of the policy context and principle of the use. The design and layout of the building is also considered acceptable in principle. Conditions have been imposed restricting the use of the sixth floor terrace to maintenance and emergency uses only, as well as requiring certain windows in the building to be obscure glazed and fixed shut, in order to minimise overlooking of neighbouring properties. Conditions have also been imposed relating to the car parking layout in order to ensure that the proposed layout provides a safe environment.

1.7 It is recommended that planning permission is granted, subject to conditions.

## **2. SITE AND PROPOSAL**

### 2.1 Description of Site & Surroundings

2.1.1 The application site comprises a 0.08 hectare (816sqm) piece of land on the north side of Cam Road. The site is currently vacant, forming part of a larger site known as Burford Wharf. The site adjoins the car parking area of the neighbouring Gala Bingo Hall. The site was previously part of a derelict industrial area, containing unauthorised motor vehicle uses.

2.1.2 The application site falls within the Burford Road Development Area. The development proposals represent the final phase of regeneration for this part of Stratford. Developments which have taken place in the area during the last ten years include the previously mentioned Gala Bingo Hall immediately to the north of the site, plus the development undertaken by the current developers, Hollybrook, on land to the east. The Hollybrook development is a residential led mixed-use scheme, completed approximately two years ago, comprising a series of modern buildings extending up to nine storeys in height. The residential element of this scheme is known as Victoria Mills Studios.

2.1.3 On the other side of Cam Road, to the south of the site, is a recently completed largely residential development known as Burford Wharf, comprising a 20 storey tower and 85 affordable housing units, plus live/work units and business suites. This development has been constructed by Dominion Housing Group. The permission granted for this development (Ref: P/04/1142) included the subject application site on which a 6 storey B1 office block was proposed.

2.1.4 This area of Stratford is characterised by a mix of uses and building styles, including some tall buildings.

2.1.5 The site is designated as part of a mixed development site (Proposal m5) in the London Borough of Newham Unitary Development Plan (UDP) (adopted in June 2001).

Proposal m5 is described as “Employment-generating uses (B1, B2) linked to leisure uses, live/work units, studios associated with cultural industries”.

2.1.6 The site falls within a ‘Potential New Housing Area’ as designated by the Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) (adopted January 2007).

## 2.2 Description of Proposal

2.2.1 This application represents a variation to earlier planning permissions for a B1 office development at the site. These earlier proposals were granted planning permission by the London Borough of Newham on 17 March 2003 (Ref: P/02/0349) and 23 November 2005 (Ref: P/04/1142). These planning permissions covered the wider redevelopment of Burford Wharf, of which the B1 office development was a part.

2.2.2 The proposed building is similar to that approved by the London Borough of Newham in March 2003 and November 2005. The footprint of the proposed building is virtually the same as that of the earlier schemes.

2.2.3 The proposed development is for a B1 office development (4,607sqm), together with 8 car parking spaces. (The floorspace figure is gross external). The office development is proposed to be 7-storeys in height, which is an extra storey more than previously consented. This results in a building which would be 4.3 metres higher than that previously granted consent. The overall height of the proposed building will be 28 metres. The building on the additional storey is set back from the Cam Road frontage, however, the plans indicate a number of openings onto a large terrace area that faces south, west and east, and a smaller terrace area facing north. The development will be accessed directly off Cam Road.

2.2.4 The base of the proposed building will be clad in stone, with timber wrapping around to enclose a covered entrance. The upper part of the building will comprise glass panels. The rear elevation will feature timber veneer and will wrap around the roof part area. The design concept is to provide an animated façade, by way of a mixture of solid and translucent surfaces.

2.2.5 The bulk of the building is slightly greater than that previously consented and alterations have been made to the elevational design of the building and the internal layout. These alterations include additional floorspace throughout the building and a revised main entrance location and slightly altered car park entrance.

2.2.6 The proposed car parking for the scheme is 8 spaces (including 1 designated disabled space) which is less than the previously consented scheme which proposed 11 spaces. An additional motorcycle parking space is proposed above that previously consented thereby increasing provision to 12 motorcycle spaces. The scheme also provides 36 cycle parking spaces whereas the previously consented scheme had no cycle parking provision.

2.2.7 The current proposal is for 4,607sqm of gross external floorspace. The net lettable area proposed is 3,856sqm. This compares with the 3,003sqm approved as part of the extant planning consents, which was expressed as a net lettable figure. (The gross external floorspace equivalent of the consented schemes would be approximately 3,600sqm). Consequently, the additional total floorspace (i.e. gross external) created by the proposed application is 1,007sqm. The increase in net lettable area is 853sqm.

### **3. MAIN ISSUES**

3.1 The main issues for consideration are the principle of the development, the visual appearance and design of the building, the impact upon the amenity of neighbouring occupiers, and traffic and transport implications.

### **4. RELEVANT SITE HISTORY**

#### 4.1 Site History

4.1.1 Planning Permission No. P/04/1142 regarding "Burford Wharf, land bordered by Channelsea Road, Channelsea Path, and Cam Road" was granted by the London Borough of Newham on 23 November 2005 for "Redevelopment of two sites adjoining Cam Road for mixed-use proposal, in buildings ranging from 6-20 storeys, of 76 live/work units, 85 flats, one block with 3,003sqm of B1 business floorspace, a business suite with 103sqm of B1 business floorspace and 210sqm of commercial floorspace for uses within Classes A1 (retail), B1 (business), D1 (non-residential institutions) and/or D2 (assembly & leisure) together with parking, access and hard/soft landscaping. This permission was also subject to a S106.

4.1.2 Planning Permission No. P/02/0349 regarding "Burford Road, land bordered by Channelsea Road, and Cam Road" was granted by the London Borough of Newham on 17 March 2003 for "Redevelopment comprising 58 live/work units, 62 residential units and 3,003sqm B1 offices plus 226sqm B1/D2 (together with associated parking, servicing and landscape works).

### **5. CONSULTATIONS/NOTIFICATIONS**

LBN Building Control Services  
LBN Environmental Health  
LBN Forward Planning (Transportation)  
LBN Forward Planning (Policy)  
LBN Regeneration

Environment Agency  
Olympic Delivery Authority  
Thames Water Authority  
Transport for London  
Action and Rights of Disabled People  
National Grid  
Fire Service  
English Heritage (GLAAS)  
London City Airport  
GLA  
Stratford Renaissance Partnership

### **6. APPLICATION PUBLICITY**

#### 6.1 Site Notice Expiry

8 August 2007

## 6.2 Press Notice Expiry

8 August 2007

## 6.3 Neighbour Notification

Over 500 letters were sent out to neighbouring occupiers including addresses at Kerrison Road, Stratford Workshops, Hallings Wharf Studios, Burford Road, High Street, Poland House, Burford Wharf, Cam Road, and Channelsea Road.

Letters of objection were received from 22 neighbouring occupiers. The locations of the objectors can be summarised as follows:

Victoria Mills Studios, Burford Road – 11 objections.  
Burford Wharf, Cam Road – 5 objections.  
Hallings Wharf, Channelsea Road – 4 objections.  
Kerrison Road – 1 objection.  
Unknown – 1 objection.

1 letter of support was received from one neighbouring occupier at Burford Wharf.

## **7. REPRESENTATIONS**

### 7.1 Internal/External Consultation Responses

National Grid – No objection.

Thames Water – No objection subject to informatives.

London City Airport – No objection.

English Heritage (GLAAS) – No objection subject to conditions.

Environment Agency – No objection subject to conditions.

LBN Environmental Health – No objection subject to conditions.

LBN Transportation – Verbal comment received recommending a S106 agreement to prevent any future occupiers from applying for business permits in the Controlled Parking Zone (CPZ) in which the site is located.

LBN Forward Planning – No response.

LBN Regeneration – Response received suggesting s106 contributions of £34,000 towards environmental improvements within the area and £6,000 towards skills training.

LBN Planning Committee – The application is to be heard by LBN Planning Committee on Wednesday 5 September. Their recommendations will be reported verbally at LTGDC Committee.

## 7.2 Summary of Neighbour Objections

### COMMENT:

- The building will be visually overbearing.
- Loss of privacy from development.
- Loss of green space.
- Loss of sunlight and daylight.

### RESPONSE TO COMMENT:

- Consent has previously been granted on the subject site for a 6 storey block of similar massing. The overall scale of the building is considered appropriate for the local context. The distance to neighbouring occupiers is normal for an urban environment of this nature and sufficient to ensure that the proposal would not cause a material harm to neighbouring occupiers from visual domination.
- The distances proposed between the proposed building and neighbouring blocks is considered normal for an urban area such as this. The main building elevation facing east towards Victoria Mills Studios does not have any windows in it, apart from the set back top storey which proposes glazing facing east. The glazed elevations facing south towards Burford Wharf and westwards would alternate between opaque and clear glass panelling at 2<sup>nd</sup> to 5<sup>th</sup> floor level. Of most concern is the terrace facing south, west, and east, and the east-facing windows. These are considered to have a detrimental impact on local residents by reason of overlooking to neighbouring properties. Accordingly, conditions have been imposed restricting the use of the south, west, and east-facing terrace to maintenance and emergency uses only, and requiring windows on the eastern elevation to be opaque glazed for the first two metres in height and fixed shut.
- The site is brownfield land and afforded no protection or designation as green space.
- The increase in height of the building of one set back storey is

unlikely to create a perceptible change in the levels of natural light received by neighbouring residential occupiers. In addition the applicants have submitted a sunlight and daylight assessment that concludes neighbouring occupiers would continue to receive adequate levels of natural light in accordance with the Building Research Establishment (BRE) Guidelines, "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" 1991.

- Noise, disturbance, dust and fumes from construction.
- Use is incompatible with surrounding area.
- Impact on parking and congestion in the area.
- The applicants will have to comply with a Code of Construction Practice in order to minimise loss of amenity to neighbouring occupiers. This will be secured through the Environmental Code condition.
- The site and surrounding area is designated for mixed development under Proposal m5 of the London Borough of Newham UDP. The designation states that the area is suitable for "Employment-generating uses (B1, B2) linked to leisure uses, live/work units, studios associated with cultural industries".
- The site has a very good public transport accessibility level (PTAL) and the parking standards proposed meet the requirements of the London Borough of Newham UDP and the London Plan. Parking for local residents is more likely to be a problem during the evenings and weekends, while occupiers of the proposed development will be more likely to come into the area during week days.

## **8. RELEVANT PLANNING POLICY**

### 8.1 Planning Policy Guidance

PPS1: Delivering Sustainable Development  
PPG4: Industrial, Commercial Development and Small Firms  
PPG13: Transport

## 8.2 The London Plan (adopted February 2004)

Policy 2A.4 (Areas for Regeneration)  
Policy 3B.1 (Developing London's Economy)  
Policy 3B.2 (Office Demand and Supply)  
Policy 3B.3 (Office Provision)  
Policy 3B.4 (Mixed Use Development)  
Policy 3C.21 (Improving conditions for cycling)  
Policy 3C.22 (Parking Strategy)  
Policy 4A. 6 (Improving Air Quality)  
Policy 4A.14 (Reducing Noise)  
Policy 4B.1 (Design Principles for a Compact City)  
Policy 4B.3 (Maximising the Potential of Sites)  
Policy 4B.5 (Creating an Inclusive Environment)  
Policy 4B.6 (Sustainable Design and Construction)  
Policy 4B.7 (Respect Local Context and Communities)  
Policy 4B.14 (Archaeology)  
Policy 4C.8 (Sustainable Drainage)  
Policy 5C.1 (The Strategic Priorities for East London)

## 8.3 London Borough of Newham UDP (adopted June 2001) & Emerging LDF

### Proposals Map

The site is designated as part of a mixed development site (Proposal m5) in the London Borough of Newham Unitary Development Plan. Proposal m5 is described as "Employment-generating uses (B1, B2) linked to leisure uses, live/work units, studios associated with cultural industries".

### UDP Policies

Policy S3 (Quality of Development)  
Policy S4 (Sustainable Development)  
Policy S6 (Mixed Use Development)  
Policy S7 (Urban Regeneration: Promotion of Development)  
Policy S9 (Environmental Quality: Design Issues)  
Policy S24 (Employment: Meeting the Council's Regeneration Objectives)  
Policy S28 (Employment: Quality of Development)  
Policy S35 (Transport: Encouragement of Alternatives to the Motor Car)  
Policy EQ15 (Inclusion of Tree Planting in New Development)  
Policy EQ18 (Promoting Urban Quality)  
Policy EQ19 (Urban Design Considerations)  
Policy EQ20 (Design Considerations: Residential Areas)  
Policy EQ21 (New Development: Landscaping)  
Policy EQ24 (Energy Efficiency)  
Policy EQ25 (Access)  
Policy EQ26 (Safety)  
Policy EQ43 (Archaeology: Investigation, Excavation and Protection)  
Policy EQ45 (Pollution)  
Policy EQ46 (Air Quality Management)  
Policy EQ47 (Noise Impact Statement and Conditions)  
Policy EMP1 (Employment Growth)  
Policy EMP2 (Small Businesses)  
Policy EMP3 (Quality of Employment Development)  
Policy EMP11 (Office Development)

Policy T1 (New Development: Environmental Impact)  
Policy T2 (New Development: Public Transport Accessibility)  
Policy T5 (Preferred Modes of Transport)  
Policy T14 (Design to Minimise Road Accidents in New Development)  
Policy T15 (Parking Standards for New Developments)  
Policy T24 (Access by Cycle and Cycle Parking)  
Policy T26 (Motorcycle Parking)

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

Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) (adopted January 2007)

SPG: Business, Industry and Warehousing (1998)

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

The main issues for consideration are the principle of the development, the visual appearance and design of the building, the impact upon the amenity of neighbouring occupiers, and traffic and transport implications.

#### 9.1 Principle

9.1.1 The principle of a Class B1 office use at this location has been established through the extant planning permissions for the site and its construction would complete the mixed-use development scheme for the Burford Wharf site as proposed in the UDP. The principle of a mixed-use development in this location is also supported by national policy guidance, the London Plan, and the London Borough of Newham's emerging LDF.

#### 9.2 Design of the Development

9.2.1 The proposed 7-storey building would cover most of the site and be of contemporary design featuring a mix of clear and opaque glass, as well as timber. The materials proposed are considered to be of satisfactory quality and the modern design and proposed massing would appear appropriate within the context of the street scene and the remainder of the Burford Wharf development.

#### 9.3 Impact on the Amenity of Neighbouring Occupiers

9.3.1 The nearest windows of neighbouring residential occupiers would be located approximately 13 metres away from the proposed building within the Burford Wharf building on the south side of Cam Road. This is a similar distance to the schemes previously permitted. The applicants have submitted a sunlight and daylight impact assessment carried out by "Anstey Horne & Co" which uses the tests and standards taken from the Building Research Establishment (BRE) Guidelines, "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" 1991. The assessment concludes that the proposed difference in daylight levels between the proposed scheme and the extant planning permissions would be extremely minor and well within the permissible limits within the BRE Guidelines.

9.3.2 The distances proposed between the application site and neighbouring buildings are considered normal for an urban location such as this and it is not considered that the proposed development would cause material harm to neighbouring residential occupiers from visual domination.

9.3.3 The main building elevation facing east towards Victoria Mills Studios does not have any windows in it, apart from the set back top storey which proposes clear glazing facing east. The earlier approved schemes had no east-facing windows. In order to protect the amenity of occupiers of the Victoria Mills Studios, a condition has been imposed requiring that the first two metres in height of the windows facing east be obscure glazed. The windows should also be fixed shut.

9.3.4 The main glazed elevations (2<sup>nd</sup> to 5<sup>th</sup> floor) facing south towards Burford Wharf and westwards would alternate between opaque and clear glazed panelling. It is considered that the alternate glazing will help protect the amenity of occupiers of the Burford Wharf development opposite. A condition has been imposed to ensure all windows on the southern and western boundaries are fixed shut.

9.3.5 The proposed terraces at sixth floor level facing south, west, east and north did not form part of the earlier approved schemes. It is considered that the use of the terrace facing south, west and east would have a detrimental impact on the amenity of local residents by reason that it will result in people gathering on the terrace and overlooking to neighbouring residential properties (i.e. Victoria Mills Studios and Burford Wharf). Accordingly, a condition has been imposed restricting the use of the terrace facing south, west and east to maintenance and emergency uses only. It is considered that the small terrace facing north and overlooking the Gala Bingo car park will have no adverse impact on neighbouring occupiers and accordingly there are no proposed restrictions on the use of that north-facing terrace.

#### 9.4 Parking and Transportation Matters

9.4.1 The proposed car parking for the scheme is 8 spaces which is less than the previously consented scheme which proposed 11 spaces. An additional motorcycle parking space is proposed above that previously consented thereby increasing provision to 12 motorcycle spaces. The scheme also provides 36 cycle parking spaces whereas the previously consented scheme had no cycle parking provision.

9.4.2 The proposed entrance to the car park is also slightly altered from the previous consent.

9.4.3 It is noted that there is no street parking available in Cam Road as the entire street is double yellow lined.

9.4.4 London Borough of Newham Transportation Department has not fully commented on the proposal. However, given the PTAL of the site is rated as 6b, and given Central Government and GLA objectives to reduce the number of car journeys made in London and encourage more sustainable modes of transport, it is considered unlikely that a reason for refusal could be sustained relating to parking provision.

9.4.5 The proposed layout of the car parking is questioned however and further consideration is required as to whether the layout provides sufficient turning space for vehicles and provides a safe environment, especially in relation to the two car spaces that are located either side of the car park entrance. Accordingly, a condition has been imposed requiring the applicant to submit further details prior to the commencement of the development showing that the layout provides a safe environment. On receipt of these details and consideration by London Borough of Newham Transportation Department the layout of the car parking can then be agreed.

## 9.5 Section 106 Matters

9.5.1 As part of the Burford Wharf development substantial planning gain has already been secured through the 2005 planning permission (Ref: P/04/1142), which included this office development. Given the limited scale of the amendments proposed in this case, additional Section 106 contributions are not considered justified.

9.5.2 London Borough of Newham Transportation has recommended a S106 agreement preventing any future occupiers from applying for business permits in the Controlled Parking Zone (CPZ) in which the site is located. The S106 agreement dated 23 November 2005 relating to the previous consent P/04/1142 only restricted residential units from applying for permits. Given the limited scale of the amendments proposed in this case, it is considered unreasonable to impose a restriction on applying for business permits now.

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

10.1 The use of the site for office development is encouraged under development plan policy as reflected in the March 2003 and November 2005 extant consents for the site.

10.2 The increase in the bulk of the building and the increase in the height of the building by one set back storey is not considered to result in a loss of amenity to neighbouring occupiers from visual domination.

10.3 While the proposed terrace facing south, west and east is considered to result in a loss of amenity to neighbouring occupiers from overlooking, this objection to the proposed scheme has been overcome by imposing a condition that restricts the use of the south, west and east-facing terrace to maintenance and emergency uses only.

10.4 Conditions have also been imposed requiring certain windows in the building to be obscure glazed and/or fixed shut in an effort to minimise overlooking of neighbouring properties.

10.5 The design of the proposed development is considered satisfactory and appropriate for the context of the street scene.

10.6 The reduction in the number of car parking spaces from the previously consented schemes, and the increase in the number of motorcycle spaces and bicycle spaces, is considered to be satisfactory given the high PTAL rating of the site. Further details are required in order to be satisfied that the proposed layout of the car parking spaces provides a safe environment, particularly with respect to the car parking spaces on either side of the car park entrance, and therefore a condition has been imposed requiring the applicant to submit further details before the layout can be agreed.

### **Recommendation**

10.7 In view of the previous permissions and the proposed conditions, it is not considered that the objections received justify refusal. Therefore it is recommended that planning permission be granted, subject to conditions.

### **CONDITIONS & REASONS:**

1. The development hereby permitted shall be commenced not later than the expiration

of THREE YEARS from the date of this permission.

Reasons: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. All works are to be completed in accordance with Drawing Numbers 272/PL/001, 272/PL/010, 272/PL/011, 272/PL/012, 272/PL/013, 272/PL/014, 272/PL/015, 272/PL/016, 272/PL/017, 272/PL/020 Rev B, 272/PL/021 Rev B, 272/PL/022, 272/PL/023, and 272/PL/030 prepared by Nicholas Burwell Architects. No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

Reasons: To ensure that the development is undertaken in accordance with the approved drawings, and to protect the local amenity with regard to Policy EQ19 of the London Borough of Newham adopted UDP and Policy 4B.1 of the adopted London Plan. The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

3. Prior to the commencement of the development a sample of the materials to be used on all external surfaces shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure a satisfactory standard of external appearance, with regard to Policy EQ19 of the London Borough of Newham adopted UDP and Policy 4B.1 of the adopted London Plan.

4. Details of external lighting shall be submitted to the Local Planning Authority for their consideration and approval prior to the development commencing, and said lighting shall be retained permanently thereafter.

Reasons: To protect the amenity of existing and future adjoining occupiers and with regard to Policies EQ45 of the London Borough of Newham adopted UDP and Policy 4A.14 of the adopted London Plan.

5. Prior to the commencement of the development the applicant is required to submit details showing that the layout of the car parking spaces shown on the drawings hereby approved will provide a safe environment. The layout shall only then be agreed by the Local Planning Authority. Thereafter each agreed car parking space shall be surfaced, marked out and made available for use before office floorspace is occupied, and shall thereafter be permanently retained for use by occupiers of, or visitors to, the site.

Reasons: To ensure that adequate parking is provided for the users of the development, in accordance with Policy T15 of the London Borough of Newham adopted UDP and Policy 3C.22 of the adopted London Plan.

6. Prior to the commencement of development a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To protect the amenity of future occupiers and adjoining occupiers, in accordance with Policy EQ45 of the London Borough of Newham adopted UDP and

Policies 4B.1 and 4B.6 of the adopted London Plan.

7. The construction of the specified drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.

Reasons: To prevent the pollution of the water environment in accordance with Policy EQ45 of the London Borough of Newham adopted UDP and Policy 4C.8 of the adopted London Plan.

8. No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

Reasons: To prevent the pollution of the water environment in accordance with Policy EQ45 of the London Borough of Newham adopted UDP and Policy 4C.8 of the adopted London Plan.

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reasons: Important archaeological remains may exist on this site. Accordingly the Local Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16 and Policy EQ43 of the London Borough of Newham adopted UDP and Policy 4B.14 of the adopted London Plan.

10. Prior to the commencement of works on the site, an Environmental Code relating to construction works shall be submitted to and approved in writing by the Local Planning Authority, in respect of such matters as are likely to cause nuisance to adjoining occupiers. Details should include any demolition, ground works (including decontamination), construction and access to the site, hours of operation, noise, dust, smoke, road cleaning, odour control, wheel washing and any other matters relevant to this particular site. The Environmental Code shall be adhered to for the duration of the construction works.

Reasons: To ensure that the construction does not prejudice the ability of neighbouring occupier's reasonable enjoyment of their properties and with regard to Policy EQ45 of the London Borough of Newham adopted UDP.

11. Prior to the commencement of any works on the development hereby permitted, details of wheel washing equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme is to be maintained for the duration of the demolition/construction works at all vehicle exits to the site and shall be

used to prevent the carriage of mud and other materials onto adjoining public roads.

Reasons: To safeguard the amenities of the area and prevent the blocking of drainage systems and with regard to Policy EQ45 of the London Borough of Newham adopted UDP.

12. No impact piling shall be permitted during the construction of this development without the written permission of the Local Planning Authority.

Reasons: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties and with regard to Policy EQ45 of the London Borough of Newham adopted UDP.

13. Prior to the commencement of works on the development hereby permitted, an acoustic report shall be submitted to and approved in writing by the Local Planning Authority. Plant operation and activity on site shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst affected property. Where it is considered impractical to meet this noise standard the report should detail mitigation measures taken to reduce noise to a minimum.

The approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter. The developer shall certify to the Local Planning Authority that the noise mitigation measures agreed have been installed.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to Policy EQ47 of the London Borough of Newham adopted UDP and Policy 4A.14 of the adopted London Plan.

14. Prior to the commencement of works on the development hereby permitted, a site report detailing steps to minimise exposure to air pollution shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and in the interest of the declared Air Quality Management Area and with regard to Policies EQ45 and EQ46 of the London Borough of Newham adopted UDP and Policy 4A.6 of the adopted London Plan.

15. No demolition / construction / building works shall be carried out except between the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or Statutory holidays without prior written approval of the Local Planning Authority. No waste materials shall be burnt on site.

Reasons: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties, in accordance with Policies EQ20 and EQ45 of the London Borough of Newham adopted UDP.

16. All lifts hereby approved shall have a turning circle of 1.5m, or otherwise be

designed in such a way to be usable by wheelchair users, with controls to be designed to be usable by all.

Reasons: To ensure adequate access for all users of the building, in particular wheelchair users and people with pushchairs and prams, in accordance with Policy EQ25 of the London Borough of Newham adopted UDP.

17. No meter boxes, flues, vents, plumbing or pipes, other than rainwater pipes, other than those shown on the approved drawings, shall be fixed to the front elevation of the building without the prior written approval of the Local Planning Authority.

Reasons: To protect local amenity and with regard to Policy EQ19 of the London Borough of Newham adopted UDP and Policy 4B.1 of the adopted London Plan.

18. The windows to be formed on the eastern boundary of the site at sixth floor level shall be glazed in opaque glass for the first two metres in height and fixed closed, and shall thereafter be permanently maintained as such.

Reasons: In the interest of the amenities of the adjacent properties and with regard to Policy EQ19 of the London Borough of Newham adopted UDP.

19. The outdoor areas at sixth floor level facing east, south, and west shall not be used as balconies, roof gardens or similar amenity areas. The doors to these areas shall be kept locked and shall only be accessible for maintenance and emergency purposes.

Reasons: To protect the amenity of the locality and the privacy of neighbouring occupants and with regard to Policy EQ19 of the London Borough of Newham adopted UDP.

20. The windows to be formed on the southern and western boundaries of the site shall be fixed closed and shall thereafter be permanently maintained as such.

Reasons: In the interest of the amenities of the adjacent properties and with regard to Policy EQ19 of the London Borough of Newham adopted UDP.

21. The building hereby approved shall be used for purposes falling within Use Classes B1(a) or B1(b) of the Town and Country Planning (Use Classes) Order 1987 (or any superseding legislation) and for no other purpose, unless agreed in writing by the Local Planning Authority to whom an application for planning permission must be made.

Reasons: In the interest of the amenities of the adjacent properties and with regard to Policy EQ45 of the London Borough of Newham adopted UDP.

22. Prior to the commencement of works, full details of all boundary walls, fences and / or other boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved by the Local Planning Authority shall be erected prior to the first occupation of the development and thereafter retained permanently to the satisfaction of the Local Planning Authority.

Reasons: In the interest of the amenities of the adjacent properties and urban design, and with regard to Policy EQ19 of the London Borough of Newham adopted UDP and Policy 4B.1 of the adopted London Plan.

23. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a scheme of landscaping for the hereby permitted development. The scheme shall include details of proposed planting and both soft and hard surfaces, including the details for the planting and protection of all trees proposed within the development. The development shall proceed in accordance with the details as approved by the Local Planning Authority.

All planting, seeding or turfing comprised in the details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent of variation.

Reasons: To ensure a satisfactory standard of external appearance, in accordance with Policies EQ15 and EQ21 of the London Borough of Newham adopted UDP and Policy 4B.1 of the adopted London Plan.

#### **INFORMATIVES:**

1. The proposed passenger/goods lift must comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). There is a specific requirement that no new lift may be used unless it has either a certificate of thorough examination or a certificate of conformity to the relevant EU Directive. Normal commissioning documentation IS NOT ADEQUATE. Use of a lift that does not comply with LOLER is a criminal offence. You should refer to your CDM planning supervisor to ensure compliance.

Note: Compliance with Planning Law does not automatically mean that you will comply with more specific Health and Safety Law requirements.

2. The proposed commercial development appears to have an above average risk of causing human ill health due to legionella bacterial colonisation of the water systems. All non-domestic buildings with hot and / or cold water systems must by law have a risk assessment for legionella carried out in accordance with HSE Approved Code of Practice L8 “the control of legionella bacteria in water systems”. The most cost effective time to start the risk assessment process for new development is at the planning stage as many factors elevating risk can be addressed at this point. Good design will also greatly reduce the need for frequent and expensive maintenance to water systems whilst introducing necessary engineering changes retrospectively may be considerably more expensive.

The following are some examples of water systems that give rise to increased risk :-

- Single showers (especially those intended for people who use wheelchairs) may be rarely used and therefore rarely cleaned/maintained and thus give rise to situations where undisturbed scale and biofilms are more likely to develop. Single showers are often on separate long pipe runs resulting in “dead legs” with little water usage

and result in water stagnating or being held at the least desirable temperatures for long periods.

- Indoor water features (especially fountains and foggers) - indoor water will be at ambient temperature that will cause water to be at potentially unsafe temperatures for parts of the year. As the water is open and re-circulating it will become contaminated with atmospheric micro nutrients further encouraging colonisation.
- Changing room showers for venues not used all year round. Certain sports are seasonal and so such facilities may be unused for periods of the year resulting in risk of bacterial multiplication. Some venues, such as schools, regularly close for weeks at a time. Some multi-use venues have showers installed for some intended uses (such as theatrical performance) that may only rarely occur.
- Humidified hot or cold food display cabinets.
- Spa or whirlpool baths.

All of these features can be operated safely, but impose design and maintenance restrictions that must be met if safety of occupants is to be ensured. The cost of safely operating such features can be greatly reduced by correct risk assessment at the design stage. For most commercial buildings such a risk assessment need not be complex or burdensome, assuming that the basic design fully meets the building regulations and all components meet the relevant UK water regulations. However simply meeting these regulations on their own is not always sufficient as the overall design and maintenance regime as a whole needs to be managed. Often simple changes such as better insulation, or installing 'point of use' heating (rather than remote heating or stored hot water) significantly reduce risk. Regular maintenance is, however, usually essential on all systems.

There is a potential safety conflict between the use of high temperatures for stored hot water (to reduce the legionella risk), and the creation of a scalding risk for vulnerable building users. This often results in a need for point of use thermostatic mixing valves. However such valves need great care when inserting into a design if the legionella risk is to be properly controlled to an acceptable level. They also impose additional maintenance requirements.

Further information see: <http://www.hse.gov.uk/legionnaires/>.

3. Bonfires should not be used on any construction or demolition sites. Burning materials causes smoke that will contain carbon monoxide, particles and a range of noxious compounds. A bonfire will add to the background level of air pollution, which can cause adverse health effects to persons on site and beyond the site boundary. The smoke, smell and smuts from bonfires can also cause annoyance to neighbours and bonfires may get out of control and become dangerous.

The Clean Air Act 1993 makes it an offence to burn any material that results in the emission of dark smoke on industrial or trade premises (including demolition sites), with a maximum fine of £20,000.

The Environmental Protection Act 1990 gives Local Authorities and the Environment Agency the power to control smoke arising from burning waste on site. In cases where complaints have been received, or the Council has reason to believe that burning is to take place and nuisance is likely to occur, an Abatement Notice may be served prohibiting nuisance and specifying steps to be taken to minimise further problems. If

the requirements of the notice are not satisfied the Local Authority can enforce by taking legal proceedings.

4. Dust from demolition and construction work can also damage health and impact upon quality of life by leaving deposits on cars, windows and property. These impacts can be reduced through using measures such as:

- Using water sprays or sprinklers to suppress dust during dust generating activities such as filling skips, breakout of concrete and managing stock piles.
- Washing the wheels of vehicles leaving the site if they are carrying mud or debris.
- Erecting solid barriers to the site boundary.
- Ensuring that lorries leaving the site carrying debris or waste are properly covered.
- Cleaning the road and footpath near the site entrance as required.

Where disk cutters are to be used they should have a dust bag, have water suppression or the working area should be wet prior to use of the machinery.

Where demolition or construction is due to occur over greater than one week the contractor should provide the Local Authority with a dust management protocol. This should detail the identification of dust generating activities, their location, duration and the means by which the dust shall be suppressed.

Under the Environmental Protection Act 1990, dust from a demolition or construction site may, like smoke, be a statutory nuisance. As above the Local Authority may serve an abatement notice on the person responsible and take legal proceedings if the notice is not complied with.

Detailed guidance on dust issues relating to construction sites can be found in the Building Research Establishment documents 'Control of dust from construction and demolition activities' and 'Improving air quality in urban environments: Guidance for the construction industry'.

In addition, the GLA Best Practice Guide for dust, currently in draft format, is seen as the most comprehensive dust management protocol. Contractors should be aware of its details regarding the efficient management of dust and particulate on site.

[http://www.london.gov.uk/mayor/environment/air\\_quality/construction-dust.jsp](http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp)

5. The redevelopment of a site involving demolition and construction activities will inevitably cause some noise that affects neighbouring residential or commercial properties. You can reduce or avoid annoyance for neighbours by informing the neighbours before demolition or construction work starts, telling them about the work and what to expect. Give the neighbours a contact name and telephone number and keep them informed. If a neighbour does makes a complaint try to resolve the matter straight away.

Complaints are often made in relation to noise at unsociable hours of the day. We recommend working hours of 8 AM – 6 PM Monday to Friday and 8 AM – 1 PM on Saturdays. No noisy works should be carried out on Sundays and Bank/Public Holidays.

The Control of Pollution Act 1974 gives the Council the power to serve a notice upon contractors or developers which sets out how works should be carried out in order to minimise noise arising from demolition or construction activities. This may involve restricting the hours of noisy operations audible beyond the site boundary, the provision of noise barriers and precluding the use of certain plant.

Developers and contractors have the option of applying to the Council for approval of their works prior to commencement.

Detailed guidance on noise issues relating to construction sites can be found in BS 5228 *Noise control on construction and open sites*. In particular, Part 1, "Code of practice for basic information and procedures for noise control" will be useful because as well as giving general advice, it describes a method for predicting noise from construction sites.

6. Developers should be aware that there are likely to be other Acts or legislation that are not covered in this document and that Acts and Regulations identified within the document may have been superseded.

Please note that if you are carrying out demolition works you may need to notify the Council as required by the Building Act 1984. This enables the Council to protect public safety and ensure that adjoining premises and the site are made good on completion of the demolition. For further information contact London Borough of Newham Council Building Control Service on 020 8430 2000 or e-mail: [reception.bco@newham.gov.uk](mailto:reception.bco@newham.gov.uk).

If you have any queries about air pollution or noise from construction or demolition sites please telephone Public Protection on 020 8430 3820 or e-mail: [pollution.inquiry@newham.gov.uk](mailto:pollution.inquiry@newham.gov.uk).

7. In accordance with Section 34 of the Environmental Protection Act and the Duty of Care in respect of waste, any waste generated on site is to be stored in a safe and secure manner in order to prevent its escape or its handling by unauthorised persons.

8. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking / washing / repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

9. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

10. Thames Water has advised that surface water retention will be necessary so that flows to the combine system does not exceed historic peaks. Contact Developer Services at Thames Water to agree drainage strategy.

11. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

**CASE OFFICER:** Adele Williamson

**Appendix 1: Site Location Plan**

**Appendix 2: Proposed Floor Plans**

**Appendix 3: Proposed Elevations**