

**LONDON THAMES GATEWAY DEVELOPMENT CORPORATION**

**PLANNING COMMITTEE MEETING: 11 October 2007 (LTGDC)**

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC**

**REPORT OF THE DIRECTOR OF PLANNING**

<b>UDC CASE NUMBER:</b>	LTGDC-07-133-FUL	<b>DATE MADE VALID:</b>	23/07/2007
<b>APPLICATION NUMBER:</b>	07/01390/LTGDC/LBNM	<b>TARGET DATE:</b>	22/10/2007

<b>APPLICANT:</b>	McFeely Group
<b>AGENT:</b>	Stock Woolstencroft
<b>PROPOSAL:</b>	Construction of a residential-led mixed-use development comprising two buildings between 8 and 27 storeys (including mezzanine level) with 1,130 square metres of commercial floor space suitable for Class A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), B1 (Business) and D1 (Non-Residential Institutions) uses at ground floor and mezzanine levels, and 298 one, two and three bedroom residential units, including landscaped amenity space and 80 car parking spaces, 40 motorcycle parking spaces, and 298 cycle parking spaces.
<b>LOCATION:</b>	160 - 188 High Street, Stratford, London E15

**1. SUMMARY**

1.1 This is an application by McFeely Group for the erection of two buildings between 8 and 27-storeys (including mezzanine level) at 160-188 High Street, Stratford to comprise 298 new dwellings with 1,130 square metres of commercial space (A1, A2, A3, B1, D1 uses) at ground floor and mezzanine level.

1.2 The buildings that previously existed on the site have been demolished and

construction is underway to implement two previous planning consents (LBN Ref. P/04/1845 and P/04/1846) for a similar scheme, albeit a lesser number of residential units within a smaller tower.

1.3 The main considerations are the principle of development, design, the standard and mix of accommodation, the impact on the amenities of neighbouring occupiers, transport impact, sustainability and renewable energy, noise, and the nature of the Section 106 agreement including the provisions made for affordable housing.

1.4 The proposal is considered to generally accord with the relevant London Borough of Newham Unitary Development Plan and London Plan policies.

1.5 Carpenters Primary School which is adjacent to the site has objected to the proposed development on the grounds of overshadowing of a grassed area that forms a 'secondary element' of the playground and the consequential length of time it remains more prone to being wet and unusable. In order to assess the impact of the proposed additional 8-storeys on the school playing field, the applicant has been requested to provide overshadowing plots that illustrate the effects of the previously approved schemes on the levels of sunlight received across the school playing field. This will allow a comparison to be made with the overshadowing plots for the proposed development which have been provided.

1.6 The application is recommended for approval subject to the provision of further information to assess the impact of the proposed development on the Carpenters Primary School playing fields and the Corporation being satisfied of the findings; any direction from the Mayor of London; conditions; and a S106 agreement.

## **2. SITE AND PROPOSAL**

### **2.1 Description of Site & Surroundings.**

2.1.1 The application site covers an 'L' shaped area of 0.33 hectares (net) on the northern side of Stratford High Street, at its junction with Warton Road. The site has frontages onto both roads. The area to the north of the site is occupied by the Carpenters Primary School and associated play areas, which front onto Friendship Way, a pedestrian pathway to the west. The south-eastern and south-western site boundaries are formed by Stratford High Street and Warton Road respectively.

2.1.2 The site is located in a mixed-use neighbourhood to the south-west of Stratford town centre. It is located 600 metres south-west of the Stratford town centre boundary, as defined in the London Borough of Newham Unitary Development Plan (UDP) (adopted June 2001). The surrounding area is primarily occupied by residential and industrial uses, whilst the wider area surrounding the site is characterised by a range of land uses and also forms the focus for several large-scale development proposals.

2.1.3 The area to the north of the site comprises the Carpenters Primary School and Carpenters Estate, which includes three 23-storey residential towers (Dennison House, James Riley House and Lund Point) and a series of lower rise buildings. Beyond this is Stratford town centre.

2.1.4 To the east of the application site, the High Street is fronted by buildings in a range of uses, including the University of East London campus, a Holiday Inn Express hotel, small shops, a petrol station, residential properties, and vacant sites.

2.1.5 Immediately to the west of the site, on the south side of Warton Road, is a three-storey office building and various commercial and industrial buildings adjacent to the Waterworks River (150 High Street). This site is the subject of an application for a high density, residential-led scheme, including a tower of 41 storeys (although further revisions to the design are expected). Further along Warton Road are single storey buildings (Nos. 53-57), which are currently used as vehicle repair workshops and light industrial units, or are vacant. The north-western end of Warton Road is dominated by an 18-storey landmark development that is currently under construction adjacent to the railway viaduct (Icona Stratford, No. 40B Warton Road).

2.1.6 The application site is well located in relation to a range of public transport options and has a Public Transport Accessibility level of 4/5. It is situated approximately 600 metres from Stratford Station, which provides access to mainline and suburban rail services, the London Underground network, the Docklands Light Railway (DLR), and 17 local bus routes. In addition, Pudding Mill Lane DLR Station is situated within walking distance to the south-west of the site. New transport interchanges are proposed for the Stratford Railway lands area as part of the Stratford City development, whilst the site is also approximately 600 metres south-west of the proposed Stratford International Station. In the immediate vicinity of the proposal site, Stratford High Street is served by five bus routes (25, 108, 276, D8 and S2), which provide frequent access to the City of London, the Isle of Dogs and throughout east London.

2.1.7 The application site is within comfortable walking distance of a range of shops, services and employment opportunities. A range of new commercial spaces, retail units, and community services are also proposed as part of the emerging developments in the area surrounding the application site.

2.1.8 The Stratford City Development to the north of the site will utilise Warton Road as one of the principle vehicular access routes into the development. The Olympic site is also located to the north-west of the site.

2.1.9 The site of 160-170 High Street was previously occupied by 'LD Toys' who operated from a two-storey warehouse building comprising 1,790 square metres of floor space. 172-188 High Street was a single storey commercial building comprising 435 square metres of floor space.

2.1.10 The previous planning permissions for the site (P/04/1845 and P/04/1846) are currently being built on site. It is the applicant's intention to complete the buildings as per this current proposal should planning permission be granted.

## 2.2 Description of Proposal.

2.2.1 The application seeks full planning permission for the construction of two buildings comprising 1,130 square metres of commercial floor space (A1/A2/A3/B1/D1 uses) at ground floor and mezzanine levels, and 298 one, two and three bedroom residential units, including landscaped amenity space and 80 car parking spaces, 40 motorcycle parking spaces, and 298 cycle parking spaces.

2.2.2 Building 1 (160 – 170 High Street) will comprise two blocks (Block A and Block B).

2.2.3 Block A will consist of a 27-storey tower (including mezzanine level) situated at the junction of the High Street and Warton Road. It will step down to 12-storey structures either side of the tower. Block A comprises commercial space at ground floor and mezzanine level, with residential accommodation above. The residential accommodation is accessed from the High Street, just north of the Warton Road

junction. The commercial space will be accessed directly from the building's Warton Road and High Street frontages

2.2.4 Block B will consist of a 10-storey block fronting Warton Road including a 9-storey projecting block to the rear. Block B comprises a car parking entrance and entrance lobby at ground floor level, with residential accommodation above. The rented units within this block are accessed from Warton Road, while the shared ownership units are accessed via the High Street and across the amenity deck.

2.2.5 Blocks A and B share a two level car park accessed from Warton Road and associated facilities including refuse storage, cycle / motorcycle storage and plant areas. Together Blocks A and B comprise 246 residential units and 760 square metres of commercial space.

2.2.6 Building 2 (172 – 188 High Street) is an 8-storey building fronting the High Street. The building comprises commercial space at ground floor and part mezzanine level, with residential accommodation at part mezzanine level and above. The building comprises 52 residential units and 370 square metres of commercial space. Residential access is provided from the High Street, while car parking is provided in the basement car park which is accessed from Warton Road via the main car park. The commercial space will be accessed directly from the buildings High Street frontage.

2.2.7 The proposed development will comprise 298 units in total, which will provide 103 x 1-bedroom/2 person units (35%); 119 x 2-bedroom/3 person units (40%); 47 x 2-bedroom/4 person units (16%) and 29 x 3-bedroom/4-5 person units (10%).

2.2.8 Overall the development would provide 171 private sale units (57%), 79 shared ownership units (27%) and 48 social rented units (16%). Twenty-nine of the proposed units will be for family occupation (10%).

2.2.9 The residential density of the proposed scheme is 2000 habitable rooms per hectare (hrph) based on a net site area of 0.33 hectares and a gross site area of 0.41 hectares.

2.2.10 The proposal includes two levels of car parking providing 80 car parking spaces. The car parking areas will be accessed via an entrance from Warton Road. Refuse storage areas are proposed at lower ground floor level within Building 1 and ground floor level within Building 2. These areas will be accessed directly from Warton Road and the High Street respectively, as well as internally. Similarly cycle and motorcycle parking areas are proposed at lower ground and ground floor levels within the development. The cycle and motorcycle parking areas will include provision for 298 cycles and 40 motorcycles.

2.2.11 A landscaped communal amenity deck is proposed at mezzanine level in Block A above the car parking area and a communal roof terrace is proposed in Block B.

2.2.12 Two private gardens will also be provided at mezzanine level to the rear of Building 1. In addition, private amenity space in the form of a balcony will be provided for all residential units. In total, the proposed development will provide around 2000 square metres of amenity space.

2.2.13 The application proposes an additional 48 residential units over and above the 250 residential units granted consent in March 2007.

### 3. MAIN ISSUES

- Principle of Development
- Design
- Standard and Mix of Accommodation
- Impact on Amenities of Neighbouring Occupiers
- Transport Impact
- Sustainability and Renewable Energy
- Noise
- S106 Planning Obligations

### 4. RELEVANT SITE HISTORY

4.1 September 2003 - London Borough of Newham resolved to grant permission for a mixed-use development at this site (Submitted in duplicate – LB of Newham Ref. Nos. P/03/0665 and P/03/0667). The proposal included a 25-storey tower and comprised 200 residential flats, 3 live/work units, a gym and 603 square metres of commercial floorspace for uses within Classes A1 (Retail), B1 (Business) or D1 (Nursery) together with parking, access and hard and soft landscaping. Broadway Malayan Architects designed this scheme for Barratt East London. This resolution was subject to conditions and a S106 Agreement. This application was later withdrawn.

4.2 February 2005 – London Borough of Newham resolved to approve two related planning applications (P/04/1845 and P/04/1846) for this site for a major mixed-use scheme designed by Stock Woolstencroft Architects. The proposals together comprised 250 residential units and 1,532 square metres of commercial floor space in buildings of between eight and eighteen/nineteen storeys. The s106 agreements for these applications were signed and the permissions were granted on 15 March 2007.

4.3 February 2005 – This application (P/04/1849) related to Carpenters School fronting onto Warton Road. The subject site directly adjoins it, but it does not comprise part of the site under consideration in this planning application. London Borough of Newham resolved to grant consent for the “Demolition of an existing 2-storey house and construction of a 4-storey building comprising 24 No. residential units over 3 floors, and provision of 17 No. car parking spaces dedicated to Carpenters Primary School at ground floor level. Provision of a new school caretaker’s 3-storey detached house with garden, and reconfigured playground (1,060 square metres) for Carpenters Primary School”. A Section 106 agreement was never signed in respect of this application and it has since been withdrawn.

### 5. CONSULTATIONS/NOTIFICATIONS

**Environment Agency** – Initially raised an objection to the application stating that the flood risk assessment does not adequately consider the flood risk. They also requested that a Sequential Test be carried out by the Local Planning Authority in line with PPS25. The Environment Agency has now confirmed that both of these objections

have been withdrawn.

**London City Airport** – No Objection, subject to an informative.

**National Grid** – No objection as risk is considered negligible.

**Olympic Delivery Authority** – No objection subject to conditions to ensure security for the staging of the 2012 Olympic Games.

**Newham Primary Care Trust** – Requested a sum of money towards healthcare however their letter regarded the scheme as being a lot larger than it actually is and a updated letter has been sought but not received. An update will be reported to Committee.

**Greater London Authority (GLA)** – The Mayor supports the proposal in principle subject to the applicant undertaking to:

- Demonstrate that it cannot deliver a higher proportion of affordable housing within the development and meet London Plan housing targets, any justification will need to provide an up to date detailed financial viability assessment and explanation as to why social housing grant has not been sought to increase the affordable housing output.
- Provide clarification that all shared equity housing within the scheme will be affordable at the levels set out in the Mayor's Housing supplementary planning guidance (2005).
- Ensure the detailed design of the ground floor frontage on Warton Road provides a high quality urban environment on Warton Road.
- Provide further information to enable an assessment of the extent of the shadowing impact of the current proposals on the neighbouring Carpenters Primary School in comparison to the previously approved scheme (PDU/0584).
- Explore the feasibility of offering the ground floor commercial floorspace of the proposals to the Carpenters School as additional space for the school or complimentary uses, potentially accessed from Stratford High Street and from the school grounds.
- Provide further detail on the design of both proposed open spaces within the development and in particular, the applicant will need to demonstrate how the proposed rooftop space can safely meet the recreational needs of children within the development.
- To address the deficiency in children's play space within the development the applicant should either make a financial contribution towards the upgrading of children's play facilities within the existing open space located nearby on the Carpenters Estate to meet the needs of older children or alternatively explore the potential for children within the development to obtain access to the school recreational facilities outside school hours.
- Undertake building regulations compliant modelling to show how demand reduction measures only the carbon dioxide emissions relate to the minimum requirements of the 2006 building regulations.

- Investigate the feasibility of linking the adjacent nearby development at 150 High Street in a heating and/or cooling network.
- Investigate further the feasibility of linking the scheme to the proposed CCHP/district heating scheme at the nearby Olympic Park.
- Ensure disabled parking spaces are 10% of the total residential provision.
- Increase cycle parking provision in line with TfL requirements of at least one cycle space per residential unit. (Now provided).
- Provide cycle facilities for visitors to the commercial and leisure uses in line with the London Cycle Network Design Manual.
- Make a financial contribution towards: improving the pedestrian environment between the site and the station; the implementation of a controlled parking zone within the area and; the upgrading of the junction of High Street and Warton Road.
- Finance the provision of DAISY (Docklands Arrival Information System) boards in the development, suitable for upgrade to display information for multi-modal travel in the future.
- Agree to the payment of financial contribution towards additional capacity to mitigate the impact of the additional bus patronage generated by the proposed development.
- Produce a travel plan for the different components of the development, as well as a construction travel plan.
- Agree to initiatives suggested by the LDA which seek to ensure that local residents and businesses benefit from jobs created by this proposal, particularly Black, Asian and minority ethnic (BAME) groups and disabled persons or groups.

These points still need to be resolved.

**Transport for London (TfL)** – Have made supplementary comments to the Mayor's Stage 1 Report as follows:

- The application proposes a total of 80 car parking spaces, provided at a ratio of 0.27 spaces per residential unit, which is consistent with London Plan policy requirements. Confirmation of the level of disabled parking provision is required (10% disabled parking is required), as are details of on-street parking restrictions in the vicinity of the site.
- TfL welcomes the provision of 298 cycle parking spaces, meeting the standard of 1 space per residential unit. Facilities must be secure, sheltered and in an easily accessible location. Lockers and changing facilities should also be provided. Additionally, cycle facilities should also be provided for visitors to the commercial and leisure uses in line with TfL's cycle parking standards. Access to cycle parking should be appropriately segregated from vehicular access.
- Improvements and contributions towards improving the pedestrian environment in the vicinity of the site should be included. Given the scale of the development,

TfL considers it appropriate for the developer to contribute towards any pedestrian/cycle and/or environmental improvements along desire lines between the site and public transport and activity nodes.

- Given that DLR stations, including the future Stratford High Street station, are within walking distance of the site, DAISY (Docklands Arrival Information System) boards should be financed in the development, suitable for upgrade to display multi-modal travel information. A sum of £20,000 would be required to finance the purchase of the hardware and installation.
- Some trips generated by the proposed development would likely use the Stratford High Street DLR station, e.g., for southbound trips towards Canary Wharf and Woolwich Arsenal. Funding for the canopies on each platform is required, as are works to improve the public realm at the station. As the proposed development would directly benefit from these improvements, an appropriate contribution towards implementation is sought.
- The site is located at the junction of High Street and Warton Road which will need remodelling to facilitate Stratford City developments. Detailed design of the scheme should therefore ensure compatibility with junction improvement requirements. Closure of parts of Warton Road and Carpenters Road in preparation for the Olympics should be taken into account in any impact assessment.
- TfL has some concerns regarding the trip generation methodology and further details are required.
- Details are required from the application regarding trip generation and potential impacts on the bus network. An audit is requested for all bus stops within 400 m walking distance of the site. Subject to the results of this audit, an appropriate contribution will be determined towards bus stop upgrading to current TfL accessibility standards. As part of a S106 agreement, TfL supports a contribution towards implementation of a Controlled Parking Zone within the area, and the commitment towards preventing prospective occupiers from applying for a permit. TfL also encourages the developer to contribute to upgrading the junction of High Street and Warton Road, and expects bus, pedestrian and cycle priority to be incorporated within an approved scheme, which should ensure compatibility with remodelling in association with Stratford City and other developments in the area.
- It is noted and welcome that the developer is willing to consider a number of measures to encourage sustainable travel amongst users of the site. The proposed development of a car club or membership of an existing local organisation is welcomed. The proposed Travel Plan strategy should cover both the residential and commercial elements of the development, and should include details of monitoring activities. Monitoring should extend beyond simple surveys and must be iTrace compliant and reported to the local authority.
- Further information on the measures outlined in the transport assessment should be provided and incorporated as part of a wider travel plan, which should be secured, monitored and reviewed as part of the Section 106 agreement.

These points still need to be resolved.

**Design for London** - There have been extensive discussions with the applicant over

the detailed design of the scheme which have resulted in modifications being made to the scheme, including changes to the tower's roof design, refinement of the materials palette across the scheme elevations, and the introduction of an additional 8<sup>th</sup> storey roof terrace to the rear of the development.

The quality of the ground floor frontage on Warton Road remains an outstanding concern – this is a location identified as appropriate for active frontages, as proposed by the 150 High Street scheme opposite. However, the proposed frontage in this location consists of a car park entrance, bin stores and substation access doors. Unfortunately, the structures for these elements have already been constructed so major reconfiguration is not possible, but the detailed design of this elevation and the public realm around it will require careful consideration to ensure that a high quality urban environment is nonetheless created on Warton Road in this key location.

**Action and Rights of Disabled People** – No response.

**English Heritage (Archaeology)** – No response.

**English Heritage** – General observations as follows, but no objection.

- Sites along High Street Stratford are currently experiencing significant development pressure. There is scope for new developments to significantly improve the appearance of this important thoroughfare. There is however a danger that piecemeal development of sites in isolation will result in a street scene with a particularly disjointed appearance. This proposal should therefore be fully assessed in light of other nearby large-scale schemes including that for the former Yardley Box Factory site and also the evolving strategy for the street as a whole as well as the EH/CABE Guidance on Tall Buildings.
- New development along the street must also relate to the existing built environment and street pattern in areas to either side of the road in a sensitive and considered manner.
- Tree planting is indicated on several drawings however the number and location appears to vary. A well co-ordinated tree planting scheme has the potential to significantly improve the amenity and appearance of this part of the High Street.
- A building of this scale will obviously have an impact over a wide area therefore external materials and details should be fully resolved at this stage.

**Thames Water Authority** – No objection, subject to informatives.

**Stratford Renaissance Partnership** – No response.

**EDF Energy** – No response.

**City and East London Family Health Services Authority** – No response.

**London Fire and Emergency Planning Authority** – No response.

**LBN Transport** – Have raised a number of concerns / issues as follows, many of which still remain unresolved. An update will be provided to Committee.

- Have a number of concerns relating to vehicular access.
- Seek contributions towards the extension of the CPZ and improvements to

public transport (in this case extension to the DLR).

- Consider that the locations of some of the motorcycle and cycle parking spaces within the development are inappropriate in terms of their remoteness to the main pedestrian entrance.
- A parking management strategy is also required to deal with the allocation of commercial parking spaces.
- The Council would also be concerned about any retail (Class A1) use on site.
- The development proposals need to set aside an area to facilitate improvements to the junction of Warton Road and the High Street.
- A suitable refuse management strategy would need to be implemented.
- Still have concerns about the servicing of the commercial units as the Transport Assessment does not indicate the end user and their specific servicing requirements. There will be a need to introduce waiting, loading and unloading restrictions in Warton Road and the High Street fronting the site and beyond. In the case of Warton Road, both sides need to be considered. The applicant needs to demonstrate how the service vehicles will enter and leave the site.
- A Travel Plan needs to be developed for the entire site as per the Transport Assessment and once agreed with the Local Planning Authority it needs to be adopted prior to occupation.
- A S106 contribution is required towards various transport improvements in the area to create a sustainable development for the future. The contribution towards all traffic/parking related works could include improvements to local bus services, DLR extension, extension to the existing CPZ, improvements to local cycle networks and any traffic management schemes. Also the removal of all redundant cross-overs, waiting and loading restrictions deemed fit by LBN's Highway/Parking Engineer and the reconstruction of footpaths fronting the development sites and where LBN's Highway Engineer sees the need for improvements in the vicinity.
- A S106 contribution of £2000.00 is also required for the administration to set up the future (when the CPZ is extended) "reduced car parking development" policy status for the entire development.

**LBN Planning Policy** – Have raised a number of concerns/issues relating to sustainability, lift access to the car parking levels, windows in the flank elevation of Building 2, and disabled access. Also raised concerns regarding the impact on the school. It is unclear as to whether these have been fully resolved. An update will be provided to Committee.

**LBN Regeneration** – The development because of its high density nature should provide for off-site contributions towards public realm improvements along the High Street, the context works to Stratford High Street Station, public open space, and play area and community facilities that are required to sustain the new residential population to live in these flats. A contribution is required for skills training and the developer should enter into an agreement to use local labour and local goods and services.

**LBN Building Control** – No response.

**LBN Environmental Health** – No objection in principle, subject to conditions and informatives. The Pollution Control Unit is also seeking £4000.00 under a Section 106 agreement, due to the likely effect on the noise and air quality environment.

**LBN Education** – No response.

**LBN Housing** – No response.

**LBN Landscaping** – No response.

**LBN Planning Committee** – The application is to be heard by LBN Planning Committee on Wednesday 3 October. Their recommendations will be reported verbally at LTGDC Committee.

## 6. APPLICATION PUBLICITY

6.1 Site Notice Expiry: 22 August 2007

6.2 Press Notice Expiry: 22 August 2007

6.3 Neighbour Notification:

6.3.1 A total of 403 adjoining occupiers were consulted about the proposal. Initial consultation letters were sent on 25 July 2007, but an amended letter followed soon after on 31 July 2007 with a revised description of development.

6.3.2 A third letter was sent on 5 September 2007 with a further revised description of development (only given 14 days to respond on this occasion).

## 7. REPRESENTATIONS

<b>SUMMARY OF REPRESENTATIONS</b>	<b>Initial Consultation (July 2007)</b>	<b>Consultation with Revised Description (05/09/2007)</b>
<i>Number of letters sent</i>	403	403
<i>Number of responses received</i>	1	1
<i>Number in support</i>	0	0
<i>Number of objections</i>	1	1

### Individual Comment:

### Response to Comment:

#### 1. Carpenters Primary School

A letter of objection was received from the Chairman of the Governors of Carpenters Primary School in response to the first round of consultation.

The letter advised that they object in the strongest possible terms to the application.

While they have not objected to previous The proposed development will add an

applications, the overbearing presence of the building that is partly constructed has made them very aware of further problems that will be caused if the height of the building is increased.

The objections relate to the overshadowing of a grassed area that forms a second element of the playground and the consequential length of time it remains wet and unusable.

They have also raised concerns in terms of sunlight, daylight, shadowing and overlooking from the windows of the building near to this grassed area. Any items that may be thrown or fall from the windows will land on the grass and the play area possibly resulting in injury to

additional 8-storeys in height to the tower which was approved in March 2007. While the principle of a tall building on the site has been accepted, the consideration in this case is as to whether the additional 8-storeys will have any adverse effects on the school.

The applicant has submitted overshadowing plots that illustrate the effects of the proposed development on the levels of sunlight received across the school playing field. The results demonstrate that during the summer months (plots carried out for 21 June), when the playing field is most frequently used, the vast majority of the field will remain unshaded throughout the day. At all times, during this period the area of overshadowing will cover less than 25% of the field and during the early morning and late afternoon only the southern-most corner of the field will experience shadow as a result of the proposed development. On 21 March and 21 September larger areas of shadow will be experienced, although the applicant has pointed out that the playing field would be less frequently used during these periods. On these dates significant areas of shadow will be experienced at midday and during the early afternoon, with lesser shadows in the morning and late afternoon. It is unclear, however, as to how the overshadowing caused by the proposed development differs from the overshadowing caused by the previously approved scheme which is currently being built. The applicant has been asked to provide further overshadowing plots that illustrate the effects of the previously approved scheme on the levels of sunlight received across the school playing field. This will allow both schemes to be compared and the impact of the additional 8-storeys to be assessed. These plots will be provided as part of an addendum report to Committee.

The proposed buildings follow a similar footprint to those previously approved and which had windows in a similar proximity to the school boundary. There is no reason to believe that the changed development will result in a substantially increased risk of such occurrences or of

either pupils or staff.

the consequences of such occurrences worsening.

The Governors feel that the application should not proceed until such time that it can be demonstrated that the proposed building will not adversely affect the future use of the playground and the school in general.

It is our understanding that the applicant has recently met with the school in an effort to try to address their concerns and overcome this objection. The objection remains outstanding. An update will be provided to Committee on this matter, including further information, as discussed, in the form of additional overshadowing plots to illustrate the effects of the previously approved scheme on the levels of sunlight received across the school playing field. This will allow for a comparison to be made with the proposed overshadowing effects.

## 2. 103 Wise Road, Stratford

A letter of objection was received from 103 Wise Road, Stratford in response to the revised consultation letter sent on 5 September 2007.

The objector commented that: This property offers no benefits to the local community and can only be justified for the commercial benefits of those behind its construction. Indeed, I believe my neighbours and I would be greatly disadvantaged by its construction.

The principle of a high density, residential-led, mixed-use development has already been established for this site by reason of the existing permissions which are currently being implemented on the site.

The objections are as follows:

1) The building work would involve a complete disruption to all normal life in the area. At present neighbours are bombarded with noise and other building related problems from two other sites (approved without proper consultation). A third would make life unbearable in the area and cause major disruption to our normal life.

The existing permissions included a condition requiring the applicant to submit and follow an Environmental Code to reduce the likelihood of any adverse impacts on neighbouring properties during construction. These conditions have been discharged and/or are being complied with. Any further consent granted would also be subject to the need to follow an Environmental Code.

2) I would also like to object to the size of the development which I believe is completely unsuitable for a quiet residential neighbourhood such as the one that exists at that site. It would cause homes to be overlooked and lead to a total loss of privacy. The size of the proposed project is above that of the flat

The proposed height of the development is not considered to be unsuitable for this High Street location. There are already a number of high residential towers being built in the vicinity, and further proposals for similar height buildings in the area are the subject of pre-application discussions.

and hotel.

3) I object to such a development because it would block out any remaining light in the neighbourhood. There are already two buildings, which are more than 10 storeys high (a hotel and a flat). The development would be completely out of place in a neighbourhood at the site which consists of semi-detached houses and a few self standing homes such as mine. See comments above.

4) I oppose the planned development because it would fragment the community in the area and diminish the good social interaction we enjoy in our neighbourhood. Most people know each other on our street and the vast number of people would cause people to become alienated and more internalised as regards the neighbourhood. We are currently forming a residents association and I will be sending them copy of my objection to discuss in the next meeting. See comments above.

## **8. RELEVANT PLANNING POLICY**

### 8.1 National Planning Policy Guidance

PPG4 - Industrial, Commercial Development and Small Firms  
PPG13 – Transport  
PPG24 – Planning and Noise  
PPS1 - Delivering Sustainable Development  
PPS3 – Housing  
PPS25 – Development and Flood Risk

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

Policy 2A.1 - Sustainability Criteria  
Policy 2A.2 - Opportunity Areas  
Policy 2A.4 - Areas for Regeneration  
Policy 3A.1 - Increasing London's Supply of Housing  
Policy 3A.2 - Borough Housing Targets  
Policy 3A.3 - Efficient Use of Stock  
Policy 3A.4 - Housing Choice  
Policy 3A.5 - Large Residential Developments  
Policy 3A.6 - Definition of Affordable Housing  
Policy 3A.7 - Affordable Housing Targets  
Policy 3A.8 - Negotiating Affordable Housing in Individual Private Residential and Mixed-Use Schemes  
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 3B.12 - Improving the Skills and Employment Opportunities for Londoners  
Policy 3C.1 - Integrating Transport and Development  
Policy 3C.2 - Matching Development to Transport Capacity  
Policy 3C.3 - Sustainable Transport in London  
Policy 3C.20 - Improving Conditions for Walking  
Policy 3C.21 - Improving Conditions for Cycling  
Policy 3C.22 - Parking Strategy  
Policy 4A.6 - Improving Air Quality  
Policy 4A.7 - Energy Efficiency and Renewable Energy  
Policy 4A.8 - Energy Assessment  
Policy 4A.9 - Providing for Renewable Energy  
Policy 4A.10 - Supporting the Provision of Renewable Energy  
Policy 4A.11 - Water Supplies  
Policy 4A.12 - Water Quality  
Policy 4A.13 - Water and Sewerage Infrastructure  
Policy 4A.14 - Reducing Noise  
Policy 4B.1 - Design Principles for a Compact City  
Policy 4B.2 - Promoting World-Class Architecture and Design  
Policy 4B.3 - Maximising the Potential of Sites  
Policy 4B.4 - Enhancing the Quality of the Public Realm  
Policy 4B.5 - Creating an Inclusive Environment  
Policy 4B.6 - Sustainable Design and Construction  
Policy 4B.7 - Respect Local Context and Communities  
Policy 4B.8 - Tall Buildings – Location  
Policy 4B.9 - Large-Scale Buildings – Design and Impact  
Policy 4B.14 - Archaeology  
Policy 4C.6 - Flood Plains  
Policy 4C.8 - Sustainable Drainage  
Policy 5C.1 - The Strategic Priorities for East London  
Policy 5C.2 - Opportunity Areas in East London

### 8.3 London Borough of Newham Unitary Development Plan (adopted June 2001)

S1 - Community Safety and Crime Reduction  
S2 – Community Benefit / Planning Obligations  
S3 - Quality of Development  
S4 - Sustainable Development  
S5 - Priority Development Nodes  
S6 - Mixed Use Development  
S7 - Urban Regeneration: Promotion of Development  
S9 - Environmental Quality: Design Issues  
S10 - Environmental Quality: Neglected, Derelict and Vacant Land  
S12 - Environmental Quality: Improvements in Key Areas  
S19 - Housing: Extending the Range of Housing Choice  
S20 - Housing: Inclusion of Affordable Housing in New Housing Schemes  
S22 - Housing: Mix and Density  
S23 - Housing: Improvement of Public and Private Dwellings and Residential Environment  
S24 - Employment: Meeting the Council's Regeneration Objectives  
S28 - Employment: Quality of Development  
S30 – Shopping: New Retail Development  
S35 - Transport: Encouragement of Alternatives to the Motor Car

S37 - Transport: Improvement of Facilities for Pedestrians and Cyclists  
S38 - Transport: Parking  
UR14 - Stratford Rail Lands: Land Use Proposals  
UR15 - Stratford Rail Lands: Urban Framework Plan  
UR18 – Stratford Rail Lands: Road Access  
EQ18 - Promoting Urban Quality  
EQ19 - Urban Design Considerations  
EQ20 - Design Considerations: Residential Areas  
EQ21 - New Development: Landscaping  
EQ25 - Access  
EQ26 - Safety  
EQ27 - High Buildings: Control  
EQ28 - High Buildings: Design Considerations  
EQ43 – Archaeology: Investigation, Excavation and Protection  
EQ44 - Vacant Land: Environmental Improvements  
EQ45 - Pollution  
EQ46 - Air Quality Management  
EQ47 - Noise Impact Statement  
EQ48 - Noise - Sensitive Development  
EQ49 – Contaminated Land: Assessment, Remediation and Monitoring  
EQ54 - Promoting Sustainable Waste Management  
EQ61 – Recycling  
EQ62 – Protection of the Flood Plain and Urban Washlands  
EQ63 - Surface Water Disposal  
H6 - Affordable Housing  
H13 - Promoting Quality in Housing  
H14 - Promoting Choice in Housing  
H15 - Housing Mix  
H17 - Housing Design and Layout  
EMP1 - Employment Growth  
EMP3 - Quality of Employment Development  
EMP6 - Diversification and Strengthening of Economy  
T1 – New Development: Environmental Impact  
T2 – New Development: Public Transport Accessibility  
T3 – New Development: Highway Capacity  
T4 – New Development: Areas in Need of Major Highway Public Transport Investment  
T5 – Preferred Modes of Transport  
T10 – Road Hierarchy: Relation to Development Proposals  
T14 – Design to Minimise Road Accidents in New Development  
T19 - Improvement of Conditions for Pedestrians  
T24 - Access by Cycle and Cycle Parking  
T26 - Motorcycle Parking

#### 8.4 London Borough of Newham Local Development Framework – Draft Preferred Options for the Core Strategy (February 2006)

6.2 – Quality of Design  
6.3 – Promoting Environmental Sustainability  
6.4 – Community Safety and Design  
6.5 – Creating an Accessible Environment  
6.6 – Tall Buildings  
6.8 – Energy Efficiency and Renewable Energy  
6.9 – Water Use, Supply and Quality  
6.10 – Flood Protection and Sustainable Drainage

- 6.18 – Housing Supply
- 6.19 – Sustaining Mixed Communities
- 6.20 - Housing Density
- 6.21 - Affordable Housing
- 6.22 – Provision of Family Housing (Unit Size and Tenure Mix)
- 6.26 - Internal Space Standards for New Homes
- 6.29 – Accessible Housing
- 6.48 – Transport and New Development
- 6.48 – Transport Assessments and Green Travel Plans
- 6.52 – Pedestrians, Cyclists and Motorcyclists
- 6.53 – Parking and New Development
- 6.55 – Reduced Car Parking Development
- 6.56 – Public Open Space Standards in New Housing Development
- 6.59 – Open Space Improvement
- 6.62 – Amenity Space Standards in Residential Development
- 6.74 – Section 106 Contributions

#### 8.5 Other Relevant Planning Policies & Supplementary Planning Guidance (SPGs)

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the London Borough of Newham Unitary Development Plan (UDP) adopted in June 2001, and the London Plan adopted in February 2004. The site is designated in the adopted UDP as a Major Opportunity Zone (M.O.Z. 1).

The site is also located within an Archaeology Priority Zone as identified in the UDP.

##### Mayor of London SPGs:

Housing (November 2005)  
Accessible London: Achieving an Inclusive Environment (April 2004)  
Sustainable Design and Construction (May 2006)  
Draft SPG: Providing for Children and Young People's Play and Informal Recreation (October 2006)

##### Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF):

Also of relevance to the consideration of the scheme is the Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF), which was adopted by the Mayor in January 2007 and identifies the site for potential residential, mixed use, retail, and commercial uses.

##### London Borough of Newham SPGs:

Residential Planning Guidelines (2001)  
Environmental Sustainability Checklist for Major Development (2004)  
Flat Conversions (2001)  
Business, Industry and Warehousing (1998)

CABE and English Heritage "Guidance on Tall Buildings" (July 2007).

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

## 9.1 Principle of Development

9.1.1 The site is located at the periphery of Stratford Town Centre as identified within the London Borough of Newham UDP (adopted June 2001), as well as being within the Stratford Opportunity Area, as identified within the London Plan (adopted February 2004). As such the site is identified as being appropriate for taller buildings of high density, mixed-use development.

9.1.2 The principle of redeveloping the site for a mixed-use scheme has been established with the extant March 2007 permissions. Prior to demolition of the buildings on the site, the site provided 2,225 square metres of commercial floor space, though this was vacant. This application would provide 1,130 square metres of commercial floor space that could be utilised for uses within Classes A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), B1 (Business) and D1 (Non-Residential Institutions). This is also a reduction in the amount of such floor space as was provided by the extant permissions, being 1,532 square metres, however it will still be enough to provide a satisfactory level of employment opportunities, retail provision and/or other activities that will be of benefit to the local economy.

9.1.3 The site's very good PTAL level (4/5) and the mixed use nature of the area, makes it appropriate for a high density mixed-use scheme with the dominant residential element contributing to meeting housing objectives and providing a market for the local economy. The proposal exceeds the London Plan density matrix for a site within 10 minutes walking distance of a town centre which is set at between 650 – 1100 habitable rooms per hectare. However, giving consideration to the good quality design, the proposed standard of accommodation, and the local context, the proposed density is considered to be justified.

9.1.4 Given the above it is considered that the application meets local, regional and national policy objectives in respect of the principle of land use.

## 9.2 Design

9.2.1 Policy requires that buildings of this nature contribute positively to the appearance of the street scene and townscape of which it would become part. The proposal includes a 27-storey tower on the corner of Warton Road / Stratford High Street. The first planning application on the site made in 2003 (that was approved subject to a Section 106 but then later withdrawn) included a tower of similar height. That application was found to be acceptable on this ground by the Committee even though the application was not determined, but withdrawn. As such, the principle for a tall building at this location has been established. To the north-east and north-west of the proposed tower, the proposed buildings will progressively step down to eight and ten storeys respectively.

9.2.2 The previous permissions for the site which are currently being built (Planning Permission Nos. P/04/1845 and P/04/1846 granted in March 2007) are for a part 18/19-storey landmark building fronting the High Street (at the corner of Warton Road) and stepping down to 17-storeys to the north. A separate 10-storey building faces Warton Road. The development also includes a further 8-storey building fronting the High Street at 172-188 High Street.

9.2.3 CABE and English Heritage Guidance on Tall Buildings (July 2007) states that applicants seeking planning permission for tall buildings should ensure that the following criteria are fully addressed: the relationship to the context (including natural topography, scale, height, urban grain, streetscape and built form), the effect on the

historic context, the relationship to transport infrastructure, the architectural quality of the building, the sustainable design and construction of the proposal, the credibility of the design, the contribution to public space and facilities (both internal and external), the effect on the local environment, the contribution made to the permeability of the site and the wider area, and the provision of a well-designed environment (both internal and external).

9.2.4 The site is located in an emerging cluster/corridor of tall buildings that is currently developing at the periphery of Stratford Town Centre and along Stratford High Street. The proposal represents an increase in the corner block/tower of the March 2007 approved schemes of 8-storeys. It is considered that the scale and massing of this tower is reflective of the heights now established within Stratford High Street, including at 302-310 High Street (30-storeys) and at 223-231 High Street (25-storeys), and as such would appear appropriate within the local context.

9.2.5 Design for London have been involved in the extensive discussions with the applicant over the detailed design of the scheme. These discussions have resulted in modifications being made to the scheme, including changes to the tower's roof design, refinement of the materials palette across the scheme elevations, and the introduction of an additional 8<sup>th</sup> storey roof terrace to the rear of the development. The quality of the ground floor frontage on Warton Road however remains an outstanding concern as this is a location identified as appropriate for active frontages, as proposed by the 150 High Street scheme opposite. The proposed frontage in this location consists of a car park entrance, bin stores and substation access doors. Unfortunately, the structures for these elements have already been constructed so major reconfiguration has not been possible, but the detailed design of this elevation and the public realm around it will require careful consideration to ensure that a high quality urban environment is nonetheless created on Warton Road in this key location.

9.2.6 Both the buildings would feature double height commercial space which would create an active frontage to Stratford High Street at pedestrian level. The elevations would include glazing, balconies with obscure glazed balustrading, and a range of other materials to create interest and add articulation. The tower has a somewhat tapered form to soften its impact into the area's skyline. Overall, it is considered that with adequate conditions imposed to ensure the quality of materials, the proposed development would make a positive visual contribution to the street scene and area as a whole.

9.2.7 Having regard to the discussion in this section of the report, it is considered that the proposed development is in keeping with the CABI and English Heritage guidance for tall buildings and will result in a high quality development that will contribute to the regeneration of the wider area, as well as provide a high quality standard of accommodation for residents.

### 9.3 Standard and Mix of Accommodation

9.3.1 All units are proposed to meet the minimum floor area requirements for accommodation of this nature and provide access to a small amount of private balcony space.

9.3.2 Two of the units at mezzanine level in Building 1 include private garden space. Communal amenity space is also provided in Building 1 at mezzanine level over the parking area and on the roof of the projecting block.

9.3.3 Given the site's location, it is not considered that it lends itself to family

accommodation and therefore a large proportion of family housing has not been sought. Although this does not meet policy it is nonetheless considered to be acceptable.

9.3.4 The proposed mix of 103 x 1-bedroom/2 person units (35%); 119 x 2-bedroom/3 person units (40%); 47 x 2-bedroom/4 person units (16%) and 29 x 3-bedroom/4-5 person units (10%) is considered to be acceptable.

9.3.5 The two applications granted permission in March 2007 secured together 96 x 1-bedroom/2 person units (38%), 116 x 2-bedroom/3 person units (47%), 31 x 2-bedroom/4 person units (12%), and 7 x 3-bedroom/5 person units (3%).

9.3.6 The proposed development will therefore result in a welcome increase in the percentage of 4 and 5 person units provided at the site.

9.3.7 Overall the development would provide 171 private sale units (57%), 79 shared ownership units (27%) and 48 social rented units (16%).

9.3.8 The applicant proposes to provide 127 (43%) affordable housing units on the basis that 79 (27%) will be shared ownership units and 48 (16%) will be social rented units. This is a 38:62 split rather than the 70:30 (social rented to intermediate) split usually sought under London Plan policy, although this is similar to the proportion agreed in the existing consents which are currently being implemented.

9.3.9 The shared ownership units will comprise 32 one-bed, 32 two-bed, and 15 3-bedroom units.

9.3.10 The social rented units will comprise 12 one-bed, 32 two-bed, and 4 3-bedroom units.

#### 9.4 Impact on Amenities of Neighbouring Occupiers

9.4.1 Policy requires that the proposal would not harm the amenities of neighbouring occupiers from a significant loss of natural light, visual domination, overlooking and nuisance from use. There are residential windows on the upper floors at the rear of 190 High Street that would sit adjacent to the north-east flank of the proposed development. The closest neighbouring residential occupiers with windows that face onto the site are almost 40 metres away on the opposite side of Stratford High Street.

9.4.2 The greatest impact of the proposed development on amenity is to Carpenters Primary School which has grounds adjoining the site. The school have lodged an objection to the application stating that overshadowing from the partially built development is already causing their grounds to remain too wet to use for longer into the day and believe that any increase in height will exacerbate this situation.

9.4.3 The increase in bulk and massing of the proposed development over that permitted in March 2007 is confined to the tower. The applicants have submitted a daylight/sunlight/overshadowing assessment that concludes that the increase in the buildings massing over that which has been approved will have little impact on the levels of natural light received by neighbouring occupiers, and that the proposal continues to accord with the guidance laid out in the BRE Guidelines. They have also submitted an acoustic report, a flood risk assessment (albeit requiring further work as required by the Environment Agency), and a wind impact study which conclude that the increase in the buildings mass would have a negligible impact upon the amenity of neighbouring occupiers in respect of those issues.

9.4.4 The applicant has also submitted additional overshadowing plots that illustrate the effects of the proposed development on the levels of sunlight received across the school playing field. The results demonstrate that during the summer months (plots carried out for 21 June), when the playing field is most frequently used, the vast majority of the field will remain unshaded throughout the day. At all times, during this period the area of overshadowing will cover less than 25% of the field and during the early morning and late afternoon only the southern-most corner of the field will experience shadow as a result of the proposed development. On 21 March and 21 September larger areas of shadow will be experienced, although the applicant has pointed out that the playing field would be less frequently used during these periods. On these dates significant areas of shadow will be experienced at midday and during the early afternoon, with lesser shadows in the morning and late afternoon.

9.4.5 As a means of comparison and to assess the impact of the additional 8-storeys on the school playing field, the applicant has been requested to provide further overshadowing plots that illustrate the effects of the previously approved schemes on the levels of sunlight received across the school playing field. These are not yet available but will be provided as part of an addendum report to Committee.

9.4.6 In the meantime, the impact of the proposed development on the school grounds remains a concern having regard to the increase in height of the building. It is our understanding that the applicant has recently met with the school in an effort to try to address their concerns and an update will be provided to Committee on this matter.

9.4.7 As regards the school's concerns relating to the proximity of windows to the school grounds, the proposed development is similar in nature to the existing consents.

## 9.5 Transport Impact

9.5.1 The proposed development would include 80 car parking spaces at ground and lower ground floor levels (27% provision) that would be accessed from Warton Road. There would also be spaces for 298 cycles and 40 motorcycles. The site's close proximity to Stratford Town Centre means that it benefits from a Public Transport Accessibility Level of 4/5 (Very Good). Given this, and the central Government and GLA objectives to reduce the number of car journeys made in the capital and encourage more sustainable modes of transport, it is considered that the level of parking provision is satisfactory, subject to a contribution towards the amendment of the CPZ to ensure that future occupiers would not be able to park on the surrounding roads.

9.5.2 The two applications granted permission in March 2007 provided 25% parking, as such this application represents a minor increase in provision.

9.5.3 During the assessment of the application the London Borough of Newham Transport Team have highlighted concerns in regards to visibility splays to the vehicular access, servicing of the proposed commercial units and the location of the cycle spaces, amongst other things. The applicant is working to address these issues and an update will be provided to Committee. It is considered that by the securing of appropriate S106 funds to the CPZ, alterations to highways, and the transfer of some of the adjoining land into the ownership of the Council to maintain adequate sight lines, the proposal will not cause harm to vehicle and pedestrian safety.

## 9.6 Sustainability and Renewable Energy

9.6.1 The application proposes biomass boilers to meet the Mayor's 10% renewables target. This will be secured via condition.

## 9.7 Noise

9.7.1 The Acoustic Report highlights that the area of the site closest to the High Street where the proposed façade is located falls within Noise Exposure Category D as defined by PPG24 Planning and Noise.

9.7.2 Noise Exposure Category D relates to the situation when development should normally be refused.

9.7.3 The area of the site closest to Warton Road where the proposed façade is located falls within Noise Exposure Category C which is a situation where planning permission should not normally be granted. If it is proposed to grant such an application conditions should be imposed to ensure a commensurate level of protection against noise.

9.7.4 Given the previous consents on the site and the other proposed developments nearby which would ultimately suffer from similar noise exposure, it is considered that with suitable mitigation as set out in the Acoustic Report, the development could provide a suitable standard of accommodation and accordingly should not be refused on the grounds of noise.

## 9.8 S106 Planning Obligations

9.8.1 The Corporation has developed a Planning Obligations Community Benefit Strategy. This is to ensure that developments contribute financially and in kind towards the infrastructure that is needed in the London Thames Gateway area to support the developments that are coming forward for planning approval.

9.8.2 The Planning Obligations Community Benefit Strategy requires a financial contribution of £10,000 per residential unit for developments in the Lower Lea Valley area where the proposed application site is located.

9.8.3 Overall the development would provide 171 private sale units (57%), 79 shared ownership units (27%) and 48 social rented units (16%).

9.8.4 The applicant proposes to provide 127 (43%) affordable housing units on the basis that 79 (27%) will be shared ownership units and 48 (16%) will be social rented units. This is a 38:62 split rather than the 70:30 usually sought under London Plan policy, although this is similar to the proportion agreed in the existing consents which are currently being implemented.

9.8.5 The shared ownership units will comprise 32 one-bed, 32 two-bed, and 15 3-bedroom units.

9.8.6 The social rented units will comprise 12 one-bed, 32 two-bed, and 4 3-bedroom units.

9.8.7 The two applications granted permission in March 2007 for a total of 250 units secured 74 units (30%) for affordable rent and 53 units (21%) for shared ownership, thereby achieving 51% affordable housing. The proposed offer is only 43% in comparison.

9.8.8 The two applications granted permission in March 2007 provided a combined

S106 contribution of £345,000, the money for which has apparently been received by the London Borough of Newham. This was split as follows:

- £70,000 Open space contribution.
- £25,000 CPZ contribution.
- £250,000 Education (£150,000 of which was allocated to Carpenters Primary School).

The extant planning permissions and the S106s attached to them are material considerations in the determination of this application, particularly as these sums have already been paid.

9.8.9 The applicant has proposed the following S106 contributions on top of the proposed affordable housing offer. This offer is based on the Corporation's Strategy of £10,000 per unit. Given that the proposed application only effectively adds 48 units to the existing consents, the figure of £10,000 has only been applied to these additional 48 units. Accordingly, the offer is for £480,000 in total.

9.8.10 The applicant has suggested the £480,000 be allocated as follows:

- Education contribution - £135,000 (£100,000 of which is to be paid towards the implementation of Phase 2 of the proposed Carpenters Road Primary School key stage 1 play space).
- Environmental/public realm improvements to Stratford High Street and Warton Road - £90,000.
- Healthcare - £50,000.
- Public transport information boards - £50,000.
- CCTV/Signage - £40,000.
- CPZ expansion - £40,000.
- Local labour in construction - £40,000.
- Cycle/pedestrian infrastructure - £35,000.
- Wheelchair adaptable housing.
- Lifetime homes.
- Energy strategy.

9.8.11 Overall this would result in a combined S106 contribution of £825,000 from the development on this site, taking into account the contributions from the permissions which are currently being implemented. The Corporation's Planning Obligations Community Benefit Strategy also provides for recapturing the discount. It is recommended that any S106 Agreement should comply with the Corporation's Strategy in this regard, in which case the contribution may increase.

9.8.12 Whilst the applicant has suggested how the money might be allocated, under the requirements of the Corporation's S106 Strategy it would be for the Lower Lea Valley Management Board to consider how the money might be allocated. Certain of the items that are the subject of this report are not susceptible to being addressed by means of contribution. Separate provisions would be required for this.

9.8.13 The Section 106 agreement or conditions should also secure the following:

- Provision of affordable housing.
- A Travel Plan, as well as a Construction Travel Plan.
- A Parking Management Strategy.
- A Refuse Management Strategy.

- Local labour and local goods and services clause.
- Provision of public transport information boards in the development (DAISY boards).
- Children's Play Space Strategy.
- Implementation of a controlled parking zone (CPZ).
- Improving the pedestrian environment between the site and the station, and upgrading of the junction of the High Street and Warton Road.
- Bus Patronage Strategy.
- Wheelchair adaptable housing.
- Lifetime homes.
- Energy Strategy.

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

10.1 The principle of redeveloping the site for a mixed-use scheme has been established with the extant March 2007 permissions for the site which proposed a very similar scheme.

10.2 The increase in the number of units as proposed is considered to provide good quality additional accommodation to meet Newham's housing targets.

10.3 It is considered that with adequate conditions imposed to ensure the quality of materials, the proposed development would make a positive visual contribution to the street scene and area as a whole.

10.4 The concerns of Carpenters Primary School are noted and further information has been sought from the applicant to allow a further assessment of how the additional 8-storeys will impact on the school playing fields compared to the previously approved schemes.

10.5 The proposed development would secure a combined S106 contribution of £825,000 which would sufficiently compensate and mitigate for the impact of the proposal upon local services and infrastructure. Other S106 obligations and conditions are proposed in accordance with Paragraph 9.8 above that secure compensation/mitigation and/or benefits.

## **11. RECOMMENDATION**

**That the application be delegated to the Director of Planning to APPROVE subject to:**

**(1) The provision of further information to assess the impact of the proposed development on the Carpenters Primary School playing fields and the Corporation being satisfied of the findings, and**

**(2) any direction from the Mayor of London, and**

**(3) the conditions listed below (with any amendment that might be necessary up to the issue of the decision), and**

**(4) the completion of a S106 Agreement in respect of a discounted standard charge of £480,000 and otherwise in accordance with the Corporation's Planning Obligations Community Benefit Strategy, and provision of affordable housing; and securing by S106 Agreement or condition a Travel Plan, as well as a Construction Travel Plan; a Parking Management Strategy; a Refuse**

**Management Strategy; use of local labour and local goods and services; provision of public transport information boards in the development (DAISY boards); a Children's Play Space Strategy; implementation of a controlled parking zone (CPZ); improving the pedestrian environment between the site and the station, and upgrading of the junction of the High Street and Warton Road; a Bus Patronage Strategy; wheelchair adaptable housing; Lifetime homes; and an Energy Strategy.**

## **CONDITIONS AND 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 PL100A to PL119A inclusive, PL220A to PL222A inclusive, PL223B, PL224B, and PL225A to PL227A inclusive, all prepared by Stock Woolstencroft 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 Unitary Development Plan (adopted June 2001) and Policy 4B.1 of the London Plan (adopted February 2004). 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. The development shall not be commenced until 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. The development shall thereafter be constructed in accordance with the approved materials.

Reasons: To ensure a satisfactory standard of external appearance, with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001) and Policy 4B.1 of the London Plan (adopted February 2004).

4. No works on the site shall be commenced until an Environmental Code has been submitted to and approved 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 approved 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 Unitary Development Plan (adopted June 2001).

5. No works on the development hereby permitted shall commence until full details of the grease trap or grease digester system to be installed for the commercial kitchen have been submitted to and approved by the Local Planning Authority. Details should include plan and sectional drawings with measured drain sizes and invert levels, full manufacturers specifications etc. The development shall not be occupied until the approved system has been installed. Thereafter the approved system shall be permanently maintained.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

6. No development shall commence until an air quality report has been submitted to and approved by the Local Planning Authority. The report shall detail:

- The area within the boundary of the site, which may exceed relevant national air quality objectives.
- Specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives.
- Identify areas of potential exposure.
- Detail how the development will reduce its impact on local air pollution.

Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note" in the compilation of the report.

The development shall not be occupied unless any mitigation measures required under the approved report have been put in place.

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 Unitary Development Plan (adopted June 2001).

7. No works on the development hereby permitted shall be commenced until details of the proposed sound insulation scheme to be implemented between the residential accommodation and any non-residential uses have been submitted to and approved by the Local Planning Authority. Details should include impact sound insulation. The developer shall certify to the Local Planning Authority that the noise mitigation measures agreed have been installed.

The development shall not be occupied until the noise mitigation measures set out in the approved scheme have been put in place. Thereafter, the noise mitigation measures shall be permanently maintained.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

8. a) No works on the development shall be commenced until an investigation into ground conditions has been undertaken in accordance with the Model Procedures for

the Management of Land Contamination, Environment Agency, Contaminated Land Report 11. The report of the investigation and proposals for any remediation required shall be submitted to and approved in writing by the Local Planning Authority.

b) All works approved shall be undertaken to the satisfaction of the Local Planning Authority.

c) As soon as reasonably practicable, and before the occupation of any remediated area of the site, a validation report shall be submitted and approved by the Local Planning Authority in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy.

Please see the informative(s) below for further advice and information.

Reasons: To safeguard the public, the environment and surface and groundwater as this site may have, or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to Policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

9. No works on the development hereby permitted shall be commenced until full details of any mechanical ventilation or other plant have been submitted to and approved by the Local Planning Authority. Details should include full specifications of all filtration, deodorising systems, noise output and termination points. Particular consideration should be given to the potential high level discharge of kitchen extract air/the discharge of toxic or odorous extract air where a high level of discharge is usually essential. The development shall not be occupied until the mechanical ventilation has been installed. Thereafter, it shall be permanently maintained.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

10. No works on the development hereby permitted shall be commenced until a survey measuring noise (and vibration) levels generated from road traffic/rail services has been submitted to and approved by the Local Planning Authority. Details should include mitigation measures such as siting, orientation, noise barriers and other such measures where appropriate. Where it is shown that the site falls within Category C or D as set out in Planning and Policy Guidance Note 24, these measures are to include the provision of acoustic glazing and mechanical ventilation.

Noise mitigation measures should produce internal noise levels specified in BS8233 (Good). The mechanical ventilation system shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates. Alternative schemes that meet the above noise and ventilation standards can be considered.

The development shall not be occupied until the mitigation measures set out in the approved scheme have been put in place and completed. Thereafter, the mitigation measures shall be permanently maintained.

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 Unitary Development Plan (adopted June 2001).

11. No works on the development hereby permitted shall be commenced until an acoustic report has been submitted to and approved 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 effected 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 development shall not be occupied until the mitigation measures are in place. Thereafter, the measures shall be permanently maintained.

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 Unitary Development Plan (adopted June 2001).

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 Unitary Development Plan (adopted June 2001).

13. Noise from construction activities shall not exceed 65dB La<sub>eq</sub> 1 hour & 70dB La<sub>eq</sub> 1 minute at any educational premises measured at 1 metre from the façade of the educational building in question during term time, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To ensure that the development does not prejudice the use of Carpenters Primary School and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

14. The commercial space within the development shall not be used except for uses falling under Use Classes A1, A2, A3, B1 and D1 unless otherwise agreed in writing by the Local Planning Authority. Furthermore once a use has been implemented any subsequent change should be the subject of a planning application if required by the General Development Order as amended.

Reasons: To ensure the use complies with the relevant policies in the London Borough of Newham Unitary Development Plan (adopted June 2001).

15. Development shall not commence until details of the site drainage works (and any associated off site works should they be necessary) have been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker.

No works which result in the discharge of foul or surface water from the site shall be commenced until the on site drainage works referred to above have been completed.

Reasons: To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system and to protect the amenity of future residential occupiers and with regard to Policy EQ19 of the London Borough of Newham Development Plan (adopted June 2001).

16. No development shall be commenced until details of the construction of the surface and foul water drainage system have been submitted to and approved in writing by the Local Planning Authority and have been completed in accordance with the approved details.

Reasons: To prevent pollution of the water environment.

17. Development shall not be commenced until:

a) Details of the water infrastructure plans have been submitted to and approved by the Local Planning Authority in consultation with Thames Water and that these plans, together with the anticipated flow rates necessary to support this development, have been properly scrutinised by Thames Water.

b) Arrangements have been made to the satisfaction of the Local Planning Authority in consultation with Thames Water for the provision of adequate water supplies for the whole of the development. Such supply shall be secured where appropriate by means of a water main requisition pursuant to Sections 41 to 44 of the Water Industry Act 1991.

Reasons: To ensure that the network infrastructure has sufficient capacity to cope with this additional demand.

18. No development shall take place until there has been submitted and approved by the Local Planning Authority a scheme of landscaping. 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 with regard to Policies EQ15, EQ19, and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001) and Policy 4B.1 of the London Plan (adopted February 2004).

19. 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 to and approved by the Local Planning Authority. The development shall not take place except 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 PPG 16.

20. No development shall commence until details of the construction of the site foundations have been submitted to and approved in writing by the Local Planning Authority and have been carried out in accordance with these details.

Reasons: To prevent pollution of groundwater, in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

21. No soils, or infill materials, are to be brought onto the site unless they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. The development shall not be occupied unless a declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, have been submitted to and approved by the Local Planning Authority.

Reasons: To prevent uncontaminated and remediated land from becoming contaminated with material that is potentially harmful to humans, planting and the environment and with regard to Policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

22. The development shall not be occupied until a Security Management Plan has been submitted to and approved by the Local Planning Authority. The security management plan should be based upon an operational requirement to be agreed with Police. The plan should be supported by a robust vehicle access control system, to include hard landscaping features capable of preventing unauthorised vehicles crossing the site perimeter at any point. Parking areas should be secured to an agreed standard. A monitored closed circuit television system should be constructed to fulfil an operational requirement developed with the assistance of Police, supported by adequate lighting.

Reasons: There may be potential for security issues for the staging of the 2012 Olympic Games associated with the proposed development in relationship to its height, proximity to the Olympic Park and proximity to one of the proposed entrances to the Olympic Park.

23. The ground / first floor commercial spaces shall not be used except between the hours 7.00am and 8.00pm, unless otherwise agreed in writing with the Local Planning Authority.

Reasons: To prevent the use(s) causing any undue disturbance to residents of the development and occupants of neighbouring properties at unreasonable hours.

24. Accommodation shall be provided on the site for 80 car parking spaces, 298 cycle

parking spaces, and 40 motorcycle parking spaces as shown on the approved drawings. The development hereby permitted shall not be occupied unless and until the car / cycle / motorcycle parking spaces have been surfaced / marked out / provided in accordance with the approved drawings and the Local Planning Authority has confirmed that it is satisfied with their provision. The parking spaces shall thereafter be permanently maintained for use by occupiers and / or visitors to the site.

Reasons: To ensure that adequate parking is provided for the users of the development, in accordance with Policies T24 and T26 of the London Borough of Newham Unitary Development Plan (adopted June 2001) and Policy 3C.22 of the London Plan (adopted February 2004).

## **INFORMATIVES**

1. The property lies within an area of the borough that has moderate to high gas susceptibility resulting from natural alluvial and peat deposits. The construction methods and materials should take account of this possibility and professional advice should be taken to ensure the adoption of appropriate gas protection measures. Professional advice should also be sought regarding possible requirements within the Building Regulations 2000 APPROVED DOCUMENT C: C1 Site preparation and resistance to contaminants.

2. The kitchen and other food areas of the premises need to comply in full with:

- a) The Food Safety (General Food Hygiene) Regulations 1995.
- b) The Food Premises Registration Regulations 1991 (under these regulations there is a requirement to register with the Environmental Health Service at least 28 days prior to opening. This form is accessible from Newham's website).

Further details in respect of food requirements are available from The London Borough of Newham, Environmental Health, Food Safety Unit, tel.: 020 8430 2000 Ext. 25283, [food@newham.gov.uk](mailto:food@newham.gov.uk) or [www.newham.gov.uk](http://www.newham.gov.uk).

Compliance with Planning Law does not automatically mean that you will comply with these more specific food law requirements.

3. The commercial parts of these premises should comply with the Health & Safety at Work etc. Act 1974 & Associated Legislation, and the Workplace (Health, Safety and Welfare) Regulations 1992 in particular. For this sort of commercial premises the enforcing authority for Health and Safety at Work is the Local Authority Environmental Health Service.

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

4. 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 affects 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 Planning Authority can enforce by taking legal proceedings.

5. 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 Planning 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 Planning 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)

6. 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 make 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 Local Planning Authority 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 Local Planning Authority 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.

7. 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 Local Planning Authority as required by the Building Act 1984. This enables the Local Planning Authority 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 Email: [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 or e-mail Public Protection on 0208 430 3820 or [pollution.inquiry@newham.gov.uk](mailto:pollution.inquiry@newham.gov.uk).

8. For advice and information upon contaminated land site investigation, risk assessment and implementing a remediation strategy it is recommended that the developer contacts the Environmental Health Pollution Control Unit, Alice Billings House, 2-12 West Ham Lane, Stratford, London E15 4SF, Tel: 0208 430 3820. The Unit has produced a leaflet 'The development of contaminated sites' which can be downloaded free from [www.newham.gov.uk](http://www.newham.gov.uk). The developer shall notify the Local Planning Authority's Development Control Unit and the Environmental Health Pollution Control Unit of the start dates and programme of site investigations and any subsequent remediation works.

For the site investigation, risk assessment and remediation strategy reference should

be made to:

- Model Procedures for the Management of Land Contamination, Environment Agency Contaminated Land Report 11. This document can be downloaded free from [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).
- BS 10175: Investigation of potentially contaminated sites – Code of Practice.
- Building Regulations 2000 APPROVED DOCUMENT C Site preparation and resistance to contaminants and moisture: C1 Site preparation and resistance to contaminants.

If the site investigation reveals land contamination the associated report must include the results of a source-pathway-receptor environmental risk assessment with regard to the current use and proposed development.

If the site investigation discovers organic containing natural soils or made ground then monitoring of potential ground gases, over a suitable period of time, will be required in order to determine the requirement for gas mitigation measures in the development.

If the site is located in a groundwater protection zone or if groundwater is encountered during the site investigation then the groundwater should also be tested for contamination. The Local Planning Authority may require more detailed groundwater monitoring to be undertaken on the advice of the Environment Agency.

A remediation scheme should include, where necessary, a long-term commitment to maintenance of any works and measures required by the Local Planning Authority or the Environment Agency.

Remediation capping layers based upon 'Cover systems for land regeneration' BR 465 by the Building Research Establishment will not be accepted, as this is not approved by the Environment Agency.

No soils, or infill materials should be imported onto the site unless they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, should be obtained and copies may be requested by the Local Planning Authority.

Anyone procuring analytical services must ensure that the data supplied to the Local Planning Authority meets the requirements in the Monitoring Certification Scheme (MCERTS). Laboratories undertaking the chemical testing of soil must be accredited, the analytical methods should be appropriate and fit for the purpose of the parameter being investigated and the sampling procedures and the audit trail should also conform.

Supporting reports should be prepared by appropriately qualified professionals. All reports should be sent directly to the planning case officer in the Development Control Unit. For each application at least two copies of each report should be submitted in hard copy format plus a further copy in electronic format. The planning case officer will forward the reports on to the appropriate consultees for comment. Applicants are advised against entering into direct negotiation with either the Pollution Control Unit, Environment Agency or any other Council department consultees without notifying the planning case officer.

9. The sound insulation between flats in this development must meet or exceed the standards set out in approved Document E of the Building Regulations. Reference should be had to the Council's Building Control Department or an approved building inspector.

10. 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.

11. Your attention is drawn to minimum room sizes under Newham's Private Sector Housing Standard:

Minimum for Single Bedroom is 6.5M<sup>2</sup>  
Minimum for Double Bedroom is 10.2M<sup>2</sup>

12. London City Airport has no safeguarding objection to the proposed development. It should be noted that this response applies to the completed structure. In the event that during construction, craneage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation. London City Airport would advise that the attention of crane operators be brought to the British Standard Code of Practice for the safe use of cranes, British Standard Institute 7121 : Part 1 : 1989 (as amended).

13. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

14. With regard to surface water drainage, Thames Water advise that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through, on, or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

15. There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building

over / diversion application form, or other information relating to Thames Water's assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.

16. 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.

**CASE OFFICER:** Adele Williamson

**Appendix 1:** Site Location Plan

**Appendix 2:** Proposed Floor Plans

**Appendix 3:** Proposed Elevations

**Appendix 4:** Overshadowing Plots for Proposed Development