

Planning Committee Report

London Thames Gateway Development Corporation

Planning Application for Determination by the LTGDC

Report of the Director of Planning

UDC CASE NUMBER:	LTGDC-07-092-FUL	DATE MADE VALID:	08/05/2007
APPLICATION NUMBER:	07/00822/LTGDC/LBNM	TARGET DATE:	07/08/2007

APPLICANT:	User Friendly Properties Ltd
AGENT:	Atkins Ltd
PROPOSAL:	Demolition of existing building and construction of a 26 storey mixed use tower with a three storey basement comprising retail (A1) and office (B1) floor space and 260 residential units (C3) with associated car and cycle parking and landscaped amenity space at ground floor levels.
LOCATION:	Station House, Station Street, Stratford, London E15 1AP

1. SUMMARY

1.1 The application site is owned by User Friendly Properties Ltd (UFPL). UFPL has entered into a joint venture partnership with Telford Homes to redevelop the site. UFPL will manage the commercial floorspace and retain a freehold interest in the site.

1.2 The site is located within Stratford Town Centre and adjacent to Stratford Station interchange and currently accommodates an 810m² office and storage building.

1.3 The submitted application proposed redevelopment to provide 280 residential units (floors 6-25), 5,197m² of office floorspace (floors 2-5) and 536m² of retail floorspace (ground floor). The application has been revised following discussions with the public

authorities to reduce the number of residential units to 260 and the ground floor retail floorspace to 513m².

1.4 The 260 residential units comprise 140x1 bedroom units (54%) and 120x2 bedroom units (46%). The application proposes 91 (35%) affordable housing units comprising 36 on-site intermediate units and a commuted sum towards the provision of 55 off-site social rented units.

1.5 The application proposes a 26 storey elliptical tower. The tower adopts an approximately east-west axis in order to achieve an efficient floorplate and maximise the development potential of the site. The residential units occupy either a predominantly north-east or south-west facing aspect and have access to a private balcony. A communal garden is located at roof level. The application proposes basement level car and cycle parking.

1.7 The principle of redeveloping the site with a residential development is considered to be in accordance with planning policies seeking the redevelopment of inefficiently used brownfield sites within town centre locations well served by public transport.

1.8 The proposed development will secure the provision of 260 new housing units, including the provision of 36 intermediate units and a financial contribution towards the provision of 55 off-site social rented housing. The proposed development is considered to provide an acceptable living environment for prospective residents.

1.9 The proposed height and massing is considered to respond appropriately to the site context, but objections have been submitted by the Commission for Architecture and Built Environment (CABE) and London Borough of Newham (LBN) about the impact of building orientation on (1) the sunlight and daylight conditions of flats with a predominantly north facing aspect, (2) scale and massing and (3) its interaction with the public realm and appropriateness in townscape terms. Both consultees prefer a tower orientated on a north-south axis to provide single aspect units with either a predominantly west or east facing aspect and create a more elegant building profile. While a tower orientated on a predominantly north-south axis would offer improved solar gain to a greater number of units, these concerns are not considered to justify refusal. The scheme is supported by Design for London.

1.10 LBN requires a commuted sum of £6,600,000 towards the provision of off-site affordable housing on the basis that £120,000 per unit is required to provide 55x4 persons units or the equivalent on a habitable room basis. The applicant has offered a commuted sum of £4,950,000 and submitted a development appraisal to demonstrate that the scheme would be unviable if the commuted sum sought by LBN was provided in full. The appraisal has been verified by the Corporation's consultant.

1.11 While the application fails to provide the total commuted sum required to provide 55x4 persons off-site social rented units, the application is considered to be in accordance with planning policies seeking to link the provision of affordable housing to development viability within the context of encouraging as opposed to restraining development. The shortfall in affordable housing is not considered to justify refusal given the verification of the financial appraisal.

1.12 The applicant has offered to contribute £7,500 per unit towards the S106 Community Benefit Strategy requirement of £10,000 per unit. This is considered acceptable given the verification of the financial appraisal and the S106 including a mechanism to 'recapture the discount'.

1.13 The restraint based approach to car parking provision is considered acceptable

given the site's proximity to Stratford station and town centre.

1.14 The application is recommended for approval subject to any direction from the Mayor of London, planning conditions set out in section 11.0 of this report and a Section 106 agreement securing:

- £4,950,000 contribution towards the provision of off-site affordable housing;
- £1,950,000 contribution towards the S106 Community Benefit Strategy including terms for recapturing the discount as required in the strategy.
- a Local Labour commitment;
- a Local Goods and Services commitment;
- a Green Travel Plan
- an on-site car club.
- a Section 278 agreement to renew and reinstate footways surrounding the site
- a commitment to prevent future occupiers being issued with car parking permits for the Stratford Controlled Parking Zone;

2. SITE AND PROPOSAL

2.1 Description of Site & Surroundings

2.1.1 The application site measures 0.23ha and is bounded by Stratford Station to the north west, Station Street to the south west, Great Eastern Road to the north east and a six storey office building to the south east. The site is located at the edge of Stratford town centre (see Appendix 1).

2.1.2 The application site is currently occupied by one and two-storey pre-war office and storage buildings. The single storey storage buildings are in a poor condition whilst the two storey offices until fairly recently had two occupiers. There are also two large advertisement hoardings on the eastern boundary of the site.

2.1.3 The Carpenters Estate is located beyond the LUL Jubilee Line to the south west of the site and contains a high proportion of social rented housing within both low and high rise housing. The LBN is developing a masterplan to form the basis of a planning application that will propose the refurbishment and redevelopment of the estate to include a net increase in the number of housing and greater mix across the affordable and private sectors.

2.2 Description of Proposal

2.2.1 The application proposes demolition of the existing buildings and redevelopment to provide a 26 storey tower comprising 260 residential units (floors 6-25), 5,197m² office floorspace (floors 1-5) and 513m² of retail floorspace (ground floor) with basement car and cycle parking (see appendices 2, 3 and 4).

2.2.2 The application proposes 140x1 bedroom units and 120x2 bedroom units. Each floor will provide 7x1 bedroom and 6x2 bedroom units. The 1 bedroom flats measures between 46-55m² and the 2 bed flats measure between 66-81m² and all units have access to a private balcony. All flats comply with lifetime homes standards and 2 flats on each floor are designed for wheelchair users.

2.2.3 The application proposes 91 (35%) affordable housing units comprising 36 on-site intermediate units and a commuted sum towards the provision of 55 off-site social rented units. The on-site intermediate units are located on floors 6-8.

2.2.4 The proposal will provide amenity space in the form of private balconies, a communal roof top garden and new public realm. The extended public realm will comprise a granite landscape and will accommodate tree planting and seating along the site's northern edge.

2.2.5 Vehicular access to a 3 level basement car parking area is via Station Street to the rear of the building. Parking provided for 62 cars, 18 motorcycles and 296 cycles. One off-street service bay is provided adjacent to the car park ramp at ground floor level.

2.2.6 The proposed development was screened for EIA development and it was concluded that it did not fall within any of the descriptions of development or applicable thresholds or criteria set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

2.2.7 A model of the development will be available at the committee meeting.

3. MAIN ISSUES

The main planning issues for consideration in relation to this application are:

- Land Use
- Design, Massing and Orientation
- Sunlight and Daylight
- Housing Density
- Amenity Space
- Affordable Housing
- Housing Mix
- Parking, Transport and Access
- Density
- Energy
- Flood Risk
- S106 Community Benefit Strategy

4. RELEVANT SITE HISTORY

22.5.00 Outline planning permission granted for a 19 storey office building (ref: P/97/1244). The planning permission expired in May 2006.

An outline application for a 32 storey residential-led mixed use scheme was submitted in 2004 (ref: P/04/1827). The application was not determined and later withdrawn.

5. CONSULTATIONS/NOTIFICATIONS

Greater London Authority (GLA)

5.1 The application is referable under category 1C1 and 1D of the Town and Country Planning (Mayor of London) Order 2000. The Mayor of London has not issued Stage 1 comments on the application.

Transport for London (TfL)

5.2 TfL has submitted comments on the application independently of the Mayor of London. While noting that the Transport Assessment (TA) does not contain any details of the construction timescales or methodologies, TfL advises that the proposed development should not have an adverse impact on delivery of the Olympic critical Stratford Station Upgrade. Car parking and cycling provision is largely considered acceptable.

5.3 TfL recommends that the heads of terms of a S106 agreement should include (1) a contribution towards providing the proposed High Street DLR station, (2) a contribution of £20,000 towards the installation of DLR Daisy (Docklands Arrival Information System) boards within the development, (3) an unspecified contribution towards improving pedestrian routes and (4) the preparation, implementation and monitoring of a Travel Plan.

Design for London

5.4 Raise no objection to the application and commend the standard of architecture proposed.

London Borough of Newham (LBN)

5.5 The LBN Planning Committee considered the application in its capacity as a statutory consultee on 7 November 2007 and agreed the officer recommendation that the application be refused on grounds that (1) it makes an inadequate financial contribution towards the level of off-site affordable housing required to meet the policy requirement 50% affordable housing and (2) the building orientation results in an unacceptably high number of north facing single aspect units that will receive unacceptable daylight and sunlight conditions. The following provides a summary of the comments received by officers:

Housing Partnerships

5.6 Object on the basis that the commuted sum offered (£4,950,000) to deliver 55x4 persons units is below that sought (£6,600,000). As such, the proposed development is considered contrary to planning policy seeking 50% affordable housing. The assumptions about sales values contained within the financial appraisal are questioned and it is considered that the scheme can support a greater contribution towards the provision of off-site social rented housing.

5.7 The application accords with policies seeking to achieve a mix of housing types and tenures. The application provides an appropriate level of intermediate housing given that the surrounding area accommodates a high proportion of social rented housing.

5.8 While there is a need for larger family sized accommodation, some locations are considered unsuitable for family housing such as town centres, main thoroughfares, commercial conversion and highly contaminated sites with a noisy environment. The site is located in Stratford town centre next to the very busy gyratory road system and bus station and is considered to be unsuitable for family housing. The off-site provision will need to be for additional family housing in more suitable locations – in this instance the Carpenters Estate is a likely option.

Environmental Health

5.9 Recommend that on the basis that planning permission is granted conditions are imposed requiring the submission of (1) an energy strategy (2) a site investigation and remediation report (3) details of means of ventilation to all flats, (4) details of sound insulation, (5) an environmental code and (6) restricting the hours of impact piling and (7) construction. It is recommended that a S106 contribution be secured towards improvements to local air quality, ambient noise and contamination.

Transportation

5.10 Raise no objections subject to the imposition of conditions requiring the submission of (1) details of car and cycle parking ,(2) details of public access during construction, (3) a construction safety audit and (4) renewal of damaged footways during construction. It is recommended that the applicant contributes £50,000 towards new Stratford High Street DLR station, £20,000 towards Stratford Controlled Parking Zone, £5,000 towards preventing future occupiers from obtaining parking permits within the CPZ and £100,000 towards highway improvements works.

Commission for Architecture and the Built Environment (CABE)

5.11 CABE has submitted letters dated 10 August 2007 and 1 November 2007 objecting to the application. The letter dated 1 November 2007 supersedes the views set out in the previous letter and is a response to the scheme amendments to the ground floor plan. While CABE support the idea of a tall mixed use building of the architectural expression proposed, they have concerns about the building's orientation in relation to sustainability and urban design. CABE suggest the building is orientated to maximise site coverage to the overall detriment of the building, its inhabitants, the public realm and the townscape. CABE argue that (1) the 55m wide form is potentially bulky, (2) the north east orientation of the building results in half the building's inhabitants having limited solar exposure, (3) the orientation does not result in the most successful configuration of the public realm or the optimum response in townscape terms (4) the tapered private balcony spaces undermine their usability and (5) the building's crisp appearance will be compromised once inhabited.

English Heritage

5.12 Advises that the proposal responds well to the site and will serve as a marker for the railway station. Recommend that details of external materials and hard landscaping are agreed prior to any grant of planning permission.

Environment Agency

5.13 Recommends the imposition of conditions require the submission of details of (1) surface water control (2) site contamination and remediation and (3) piling.

Newham Primary Care Trust

5.14 Recommends that a S106 contribution of £678,705 is secured towards health care provision.

6. APPLICATION PUBLICITY

6.1 Site Notice Expiry:

6.2 Press Notice Expiry:

6.3 Neighbour Notification:

7. REPRESENTATIONS

7.1 None

8. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance

Planning Policy Statement 1	Delivering Sustainable Development
Planning Policy Statement 3	Housing
Planning Policy Guide 13	Transport
Planning Policy Guide 24	Noise
Planning Policy Statement 25	Development and Flood Risk

8.2 The London Plan (Feb 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 54
Policy 3A.2	Borough housing targets
Policy 3A.4	Housing choice
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.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.14 Reducing noise
- Policy 4A.16 Bringing contaminated Land into Beneficial Use
- 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.2 Context for sustainable growth
- Policy 5C.2 Opportunity Areas in East London
- Policy 5C.3 Areas for Intensification in East London

8.3 Unitary Development Plan (Relevant policies saved from 27th September 2007 in accordance with the direction from the Secretary of State)

- 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
- S35 Transport: Encouragement of Alternatives to the Motor Car
- S37 Transport: Improvement of Facilities for Pedestrians and Cyclists
- S38 Transport: Parking
- 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
- EQ44 Vacant Land: Environmental Improvements
- EQ45 Pollution
- EQ46 Air Quality Management
- EQ47 Noise
- EQ48 Noise - Sensitive Development
- EQ54 Promoting Sustainable Waste Management
- EQ61 Recycling
- EQ63 Surface Water Disposal

EQ8 Areas Liable to Flood
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
T19 Improvement of Conditions for Pedestrians
T24 Access by Cycle and Cycle Parking
T26 Motorcycle Parking
OS8 Green Space in New Housing Development
OS12 Children's Play Facilities in New Developments

8.4 Other Relevant Planning Policies & SPG's

- Mayor of London Lower Lea Valley Opportunity Area Planning Framework (January 2007)
- London Plan SPG's 'Housing', and 'Sustainable Design and Construction'
- London Borough of Newham SPG 'Sustainability Checklist'
- London Borough of Newham SPG 'Residential Planning Guidelines'
- London Borough of Newham SPG 'Access'
- Guidance on tall buildings (CABE & English Heritage, July 2007)

9. ASSESSMENT OF MAIN ISSUES

Land Use

9.1 The principle of redeveloping the site with a residential-led mixed use development is considered to be in accordance with London Plan and UDP policies designed to maximise the development potential of brownfield sites to contribute to achieving local and strategic housing need and improving the vitality and viability of town centres. A previous planning permission for this site established the principle of mixed use development and the suitability of a tall building.

9.2 The adopted Unitary Development Plan (UDP) does not designate the application site within any specific land use category. The application site is located within the Stratford town centre boundary and the Stratford Rail Lands Major Opportunity Zone 1 (MOZ1). UDP Policy S6 supports the principle of mixed use development in MOZs in order to create diversity and vitality and minimise the need to travel.

9.3 The Mayor of London Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) locates the site at the edge of an area identified for existing town centre uses including commercial, leisure and retail uses. Paragraph 4.89 anticipates additional mixed use development within the town centre through intensification of existing sites. Paragraph 4.93 refers to the potential to provide mixed use residential development in and around the town centre that incorporates retail and office uses.

9.4 The UDP identifies the periphery of Stratford town centre as an appropriate location for high buildings provided they adopt high quality design, do not harm the composition and harmony of existing buildings and do not have an adverse impact on the amenity of surrounding residents.

9.5 The principle of demolishing the existing buildings and redeveloping the site with a high density residential-led mixed development can secure the regeneration of an inefficiently used site located at the edge of Stratford town centre. The principle of development is contingent on the scheme leading to no site or scheme specific objections.

Design, Massing and Orientation

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

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

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

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

9.10 The CABI/English Heritage Guidance on tall buildings identifies the (1) relationship to context, (2) effect on the historic environment (3) effect on world heritage sites, (4) relationship to transport infrastructure, (5) architectural quality of the building, (6) sustainable design and construction, (7) credibility of design, (8) contribution to public space and facilities, (9) effect on the local environment, (10) contribution made to permeability and (11) provision of a well designed environment as the criteria against which development should be assessed.

9.11 The proposed 26 storey tower adopts an elliptical form and is orientated on an approximately north-west south-east axis to (1) maximise the building footprint and the development potential of the site and (2) make a positive contribution to the public realm and reinforce pedestrian desire lines to and from the station interchange and shopping centre. The tower has the potential to act as a marker for the station and act as a catalyst for regeneration by setting a benchmark for architectural quality in the existing Stratford town centre (see Appendix 5).

9.12 The building elevation comprises a glass inner skin and a metal outer sleeve. The inner skin provides enclosure to the internal spaces and the outer skin responds to the environmental requirements of the office and residential environments. This buffer zone accommodates private residential amenity space which acts as an extension to the living spaces and a thermal buffer to mediate the difference in temperatures inside and outside the building.

9.13 The outer metal sleeve consists of a series of louvered panels and horizontal

channels that articulate the building elevations. The louvered panels are slightly off-set horizontally around the perimeter of the building on each floor to create a dynamic spiralling effect. An opening shutter is provided behind the louvers to provide ventilation.

9.14 The metal sleeve will project beyond the top of the building by the equivalent of a further two storeys while the inner skin will continue to provide a balustrade at roof level. It is anticipated that this will improve the building's profile when viewed in silhouette and partially enclose the communal roof top garden.

9.15 Discussions have taken place between the applicant and the Corporation, GLA and LBN about the impact of the building orientation on the sunlight and daylight conditions to single aspect units, building scale and proportion, energy efficiency and townscape design. The applicant has amended the ground floor plan by introducing a series of cuts into the form of the ellipse. This increases the amount of ground floor active frontage and reinforces the pedestrian desire line along Station Street to and from the station and town centre.

9.16 The applicant has rejected encouragement to re-orientate the building in order to improve residential aspect and achieve a more elegant profile and submitted a sunpath analysis and development appraisal to justify the proposed development. As the building is sited on a north-west south-east axis, the sunpath analysis concludes that even the predominantly north facing units will receive some sunlight during early morning or evening hours but only limited penetration of the living spaces. A development appraisal has been submitted which explains that reorienting the building can only be achieved at the expense of reduced floorspace and scheme viability. The development appraisal has been verified by the Corporation.

9.17 Despite submission of the scheme amendments and supporting information, CABE and LBN object to the scheme on grounds that the building orientation (1) results in 80 (30%) units experiencing sub-optimal sunlight conditions given their predominantly north-east facing single aspect, (2) adopts a squat proportion and appears bulky when viewed along its widest axis, (3) creates an unsuccessfully configured public realm despite improvements to the ground floor and (4) is unclear in terms of its impact in townscape terms. It is noted that both organisations applaud the quality of architecture generally and consider the living spaces to be generous.

9.18 While it is accepted that 80 units will experience sub-optimal sunlight conditions, this is not considered to justify grounds for refusal. The same units will experience acceptable daylight conditions in accordance with the British Research Establishment (BRE) guidelines. It is noted that British Standard 8206 Lighting for Buildings explains that while *"considerations of sunlight should influence the form of a building..."* and *"the provision of sunlight is important in dwellings, particularly during winter months"*, the guidance states that *"the degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing the absence of sunlight is more acceptable than when its exclusion is arbitrary."*

9.19 While it is accepted that reorienting the building and reducing its footprint has the potential to achieve greater elegance and a more slender profile, the proposed elliptical form and architectural quality is considered to offset the concerns about scale and massing when the building is viewed along its widest axis.

9.20 While it is accepted that there are urban design merits to siting an elliptical shape building on either a north-south or east-west orientation, the proposed orientation creates a space that connects successfully with the transport interchange and shopping centre and shields the basement car parking and servicing point from view.

Furthermore, the ground floor has been reconfigured to improve the pedestrian desire lines along Station Street towards the transport interchange and town centre. It is considered that the development will activate and enhance the public realm.

9.21 Notwithstanding the objections from CABE and LBN the overall height, scale, massing and appearance of the development is considered to be an acceptable response to the site setting and context and a benchmark for architectural and design quality within Stratford town centre. These scheme limitations, when assessed against its merits including broad compliance with BRE guidelines, are not considered to justify grounds for refusal.

Sunlight and Daylight

9.22 London Plan policy 4B.9 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. UDP Policy H17 requires new development to ensure a satisfactory level of amenity, outlook and natural lighting is maintained to existing occupiers. UDP Policy EQ19 identifies the need for new developments to have regard to their surrounding in terms of scale and bulk and refers to the Residential Planning Guidelines SPG as providing supplementary detail on design standards to be incorporated within new development. The SPG adopts the Building Research Establishment (BRE) criteria for assessing the sunlight and daylight impact of new development on existing buildings.

9.23 The applicant has submitted a Daylight and Sunlight Report that assesses the impact of the development on overshadowing of adjacent sites and the daylight and sunlight conditions which will be experienced by prospective residents. There are no surrounding residential uses and the tower would cast a moving shadow across the interchange and road gyratory.

9.24 The submitted Daylight and Sunlight Report concludes that the proposed development will not result in a material deterioration of the daylight and sunlight conditions which could prejudice the development potential of adjacent sites. The report also concludes that, with the exception of one 6th floor living room the daylight conditions experienced by prospective residents complies with the recommendations set out in the BRE guidelines.

9.25 The sunlight analysis considers only windows within 90 degrees of due south and concludes that they will also meet BRE guidelines. While it is acknowledged that 80 units will not receive sunlight due to their north facing aspect is far from ideal, these units will receive good daylighting conditions and are broadly compliant with the BRE guidelines. This limitation of the scheme is not considered to justify grounds for refusal.

Density

9.26 The scheme comprises 260 residential units. The site measures 0.23 hectares resulting in a housing density of 1130 units or 2782 habitable rooms per hectare. The site has a maximum PTAL of 6B and is located adjacent to Stratford Station and Stratford Town Centre.

9.27 London Plan Policy 4B.3 seeks to maximise the potential of sites through a consideration of location, public transport accessibility and local context. Policy 4B.3 requires Borough's policies to adopt the residential density ranges set out Table 4B.1.

9.28 These density ranges provide a guide to density relative to site classification based on an assessment of its location, setting and public transport accessibility. In considering the application of Table 4B.1, paragraph 6.7 of the London Plan Housing

SPG advises that the table should not be seen as prescriptive, should be applied flexibly and support higher densities where they can be justified by local circumstances.

9.29 While the proposed density exceeds the density ranges adopted in the London Plan, it is considered that based on an assessment of site setting, PTAL and proximity to Stratford town centre, and the proposed architectural solution, the site is capable of accommodating a very high density development and a tall building.

Amenity Space

9.30 The application provides amenity space through the provision of 6.0m² private balconies and a 870m² communal roof garden. All units have access to a private balcony and the communal roof garden. The application will also create an additional 780m² of public realm.

9.31 Policy H17 requires a satisfactory level of private amenity space as integral to the development. The Residential Planning Guidelines Supplementary Planning Guidance (SPG) recommends that for one bedroom flats 100m² of communal garden is required for up to 4 dwellings and 15m² for each additional dwelling and for 2 bedroom flats 25m² of communal garden per dwelling is required. The SPG acknowledges that balconies can be included within this requirement. On this basis, the SPG recommends that a total of 5,140m² of private amenity space is required.

9.32 The private balconies and communal roof garden provide 2,430m² of private and semi-private amenity space. While this falls short of the standards recommended in the SPG, the amount and quality of private amenity space is considered acceptable given the site location and constraints and the form of development proposed.

9.33 While CABE question the value of the balconies as the building tapers in response to its elliptical form, this is not considered to detract from the overall amount and quality of space provided.

Affordable Housing

9.34 The application proposes 91 (35%) affordable housing units in the form of 36x1 and 2 bedroom on-site intermediate units and a financial contribution towards the provision of 55 off-site social rented family units.

9.35 London Plan Policy 3A.7 seeks 50% affordable housing split between 70% social rented and 30% intermediate provision. In negotiating affordable housing Policy 3A.8 requires Boroughs to seek the maximum reasonable amount of affordable housing having regard to the need to encourage rather than restrain residential development and the individual circumstances of the site. As LBN has not saved Policy HSG7, which required affordable housing to be agreed taking into account location, marketing and site conditions and 25% of units are required on site, or 33% or its equivalent if provided off site, London Plan policy carries greatest weight.

9.36 LBN seeks £120,000 per unit and a total contribution of £6,600,000 towards the provision of 55x4 person off-site social rented units. This figure is based on the commuted sum required to deliver 55x4 person units or the equivalent when calculated on a habitable room basis. LBN requested a contribution of £90,000 per unit (£4,950,000) during past pre-application negotiations on alternative schemes and the applicant assembled a development package on that basis.

9.37 The applicant has offered £4,950,000 towards the provision of 55x4 person off-site social rented units. This equates to a contribution of £90,000 per unit. LBN objects to

the shortfall in the applicant's offer on grounds that it will only deliver 41.25 units and the equivalent of only 30% affordable housing on a per unit basis. This constitutes a departure from the London Plan policy requirement to provide 50% affordable housing. However, planning policies refer to the need to take into account economic viability and the most effective use of private and public investment when estimating the affordable housing provision from private residential developments.

9.38 The applicant has submitted a development appraisal to demonstrate that the scheme would be unviable if additional contributions were provided. The development appraisal has been verified by the Corporation. It is anticipated that the £4,950,000 contribution will contribute to the refurbishment and redevelopment of the adjacent Carpenters Estate to include a net increase in the number of housing and greater mix across the affordable and private sectors.

9.39 While the application fails to provide the total commuted sum sought towards the provision of 55x4 persons off-site social rented housing, the application is considered to be in accordance with planning policies that seek to link the provision of affordable housing to development viability within the context of encouraging as opposed to restraining development.

Housing Mix

9.40 The proposed development will comprise 140x1 bedroom units (54 %) and 120x2 bed units (46%). The applicant will make a commuted sum towards the provision of 55 social rented units and 36x1 bedroom on-site units will be allocated intermediate housing to be managed by a Housing Association.

9.41 London Plan Policy 3A.4 requires new development to offer a range of housing sizes and types and the corresponding Housing SPG consolidates this policy objective by seeking a preferred housing mix within new development.

9.42 UDP Policy H15 requires development to provide a mix of dwelling sizes having regard to the characteristics of the site, its relationship to the surrounding area, the nature of the development proposed and marketing considerations.

9.43 It is considered that a combination of the site's town centre location and the scheme design does not lend itself to the provision of family housing on the application site.

Parking, Transport and Access

9.44 The application proposes 62 car parking spaces, 296 cycle and 18 motorcycle parking located in a basement car park accessed from Station Street. The number of trips generated by the proposed development is not considered to have an adverse impact on the safe and efficient operation of the surrounding road network. The provision of 0.24 car parking spaces per unit is considered acceptable given the site's excellent public transport accessibility. The applicants are also willing to link the scheme to a car club.

9.45 The application site is located within a Controlled Parking Zone and very close to Stratford station and town centre. To prevent future occupiers of the development increasing pressure for car parking in local roads, the applicant is required to enter into a S106 agreement to prevent future occupiers from applying for and receiving parking permits and provide a financial contribution towards an amendment to the traffic order.

9.46 The provision of bicycle storage at a rate of 1 per flat is considered acceptable as

well as the provision of the 18 motorcycle bays.

9.47 It has also been suggested that a contribution to improve public transport provision, by some funding for the new High Street DLR station, is considered necessary to help limit the impacts of this proposal. The inclusion of a service area for not only the commercial uses but also the residential element is welcomed.

Energy

9.48 The London Plan and Mayor's Energy Strategy seeks a reduction in carbon emissions through the use of energy efficient technologies and a 10% reduction through the use of renewable energy. The EIP Panel report into the Further Alterations to the London endorses the policy requirement for a 20% reduction in carbon emissions to be met from on-site renewable energy generation.

9.49 The building is designed to reduce energy loads and a reliance on the use of artificial heating, cooling and lighting. The building's use of a second skin will act as a buffer zone that will moderate extreme temperatures by insulating and shading the internal spaces.

9.50 The submitted Energy Strategy explains that the building is limited in its ability to employ renewable energy technologies given the size of roof area, the integrity of the elevation appearance and the size of building plot.

9.51 The application proposes a biomass boiler that is anticipated to reduce carbon dioxide emissions by 13%. The public sector authorities are promoting the development of a district heating system with new development required to demonstrate that site wide systems are compatible with a district wide system.

Flood Risk

9.52 The site is located within Flood Zone 3 which represents a high flood risk zone. The Environment Agency raises no objection to the application subject to the imposition of conditions concerning surface water control, contamination, pollution of the water environment and piling. These all relate to the detailed design of the scheme.

Section 106 Community Benefit Strategy

9.53 The applicant has offered £7,500 per unit towards the Corporation's S106 Community Benefit Strategy and has submitted a development appraisal to demonstrate that the scheme would be unviable if additional contributions were provided. The Corporation has had the development appraisal verified and is recommended that, in accordance with the Strategy, the S106 includes terms for recapturing the discount subject to increases in sales values and development costs. Whilst various requests for funding for projects in the local area have been made following consultations it is considered that the financial contribution when received, other than for the off site affordable housing, should be put into the 'Lower Lea Valley Pooled Fund' as set out in the Strategy and managed accordingly.

10. CONCLUSION AND REASONS FOR APPROVAL

10.1 The proposed development will secure the redevelopment of an inefficiently used brownfield site located on the edge of Stratford town centre and benefiting from excellent public transport accessibility.

10.2 The proposed development will secure the provision of 260 new housing units, including the provision of 35% affordable housing in the form of 36 intermediate units and a contribution towards the provision of 55x4 persons off-site social rented units.

10.3 The proposed height and massing are considered to respond appropriately to the site context, particularly given the quality of the design. The proposed height and massing is considered to respond appropriately to the site context, but objections have been received from CABE and LBN about the impact of building orientation on (1) the sunlight and daylight conditions of flats with a predominantly north facing aspect, (2) scale and massing and (3) its interaction with the public realm and appropriateness in townscape terms. While both consultees suggest a tower orientated on a north-south axis to provide a predominantly east or west facing aspect and a more elegant building profile would address these concerns, the view has been taken the concerns are not material considerations of such significance as to justify refusal. There is also support from Design for London and English Heritage.

10.4 The restraint based approach to car parking provision is considered acceptable given the site's proximity to Stratford station and town centre.

10.5 LB Newham seeks a commuted sum of £6,600,000 towards the provision of off-site affordable housing on the basis that £120,000 per unit is required to provide 13x4 persons or the equivalent on a habitable room basis. The applicant has offered £4,950,000 towards this provision and submitted a development appraisal to demonstrate that the scheme would become unviable if this contribution was increased. The Corporation's consultant recognises that there is a difference of opinion between Newham's officer and the applicant's advisers as to the residential value which has been adopted in the calculations. His advice is that whilst currently he does not have any evidence as to higher figures being achieved at transaction stage, as opposed to asking prices, this assertion may be correct and the best way of dealing with this aspect is to include the 'recapturing the discount' provision in the S106 in line with the strategy.

10.6 While the application fails to provide the total commuted sum sought towards the provision of 55x4 persons off-site social rented housing, the application is considered in accordance with planning policies seeking to link the provision of affordable housing to development viability within the context of encouraging as opposed to restraining development.

10.7 The applicant's offer of a S106 contribution of £7,500 per unit does not accord with the discounted standard charge of £10,000 per unit set out in the S106 Community Benefit Strategy. However, subject to a mechanism for recapturing the discount within the S106 agreement, this is not considered to justify a refusal.

10.8 The concerns relating to the building design and the shortfall in affordable housing provision are not considered to justify a refusal. The application is considered to be in accordance with relevant planning policies subject to a S106 agreement that secures a financial contribution in line with the S106 Community Benefit Strategy and a local labour commitment, local goods and services commitment, green travel plan, car club, section 278 agreement and a commitment to prevent future occupiers being issued with residential parking permits.

11. RECOMMENDATION

11.1 That the application be delegated to the Director of Planning to **APPROVE** for the reasons set out in Section 10 above, subject to:

1. the planning conditions set out below

2. any outcomes from the Mayor of London's Stage 2 report and
3. a Section 106 agreement securing:

- £4,950,000 contribution towards the provision of off-site affordable housing;
- £1,950,000 contribution towards the S106 Community Benefit Strategy including terms for recapturing the discount as required in the strategy.
- a Local Labour commitment;
- a Local Goods and Services commitment;
- a Green Travel Plan
- an on-site car club.
- a Section 278 agreement to renew and reinstate footways surrounding the site
- a commitment to prevent future occupiers being issued with car parking permits for the Stratford Controlled Parking Zone;

12. CONDITIONS AND REASONS

1. The development to which this permission relates must be commenced not later than the expiration of THREE YEARS from the date of this permission.

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

2. Save as these conditions provide otherwise or any matter is reserved for the later approval of the Local Planning Authority, all works are to be completed in accordance with drawing numbers 460_07_002 (P1), 460_07_097 (P1), 460_07_098 (P1), 460_07_099 (P2), 460_07_100 (P2), 460_07_101, 460_07_105 (P1), (P1), 460_07_106 (P2), 460_07_107 (P2), 460_07_125 (P2), 460_07_126 (P1), 460_07_127 (P1), 460_07_200 (P2), 460_07_201 (P1), 460_07_202 (P1), 460_07_203 (P2), 460_07_204 (P2), 460_07_300 (P1), 460_07_301 (P1), 460_07_400 (P1), 460_07_401 (P1), 460_07_402 (P1), prepared by Allies and Morrison unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of design and external appearance in accordance with Policy EQ19 of the Unitary Development Plan (2001) and Policy 4B.1 of the London Plan (2004).

3. No part of the development hereby approved shall commence until a site investigation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must provide for the extent of existing contamination and identify the measures to be taken to prevent risk to the public, buildings and environment when the site is developed. The scheme shall include:

- (i) a desk top report documenting the site history
- (ii) if the desk top report indicates that a site investigation is required, a proposal to undertake an intrusive investigation based on the findings of the desk top study
- (iii) a site investigation report to investigate and identify potential contamination
- (iv) a health and safety risk assessment of the contamination identified
- (v) proposals for any necessary remedial works to contain, treat or remove any contamination
- (vi) the identities of the persons certifying any matter and performing any task.

No construction authorised by the planning permission shall commence until a certificate or validation report stating that remediation has been completed in accordance with the approved scheme that has been submitted to and approved in

writing by the Local Planning Authority. The certificate must be prepared by a suitably qualified person and submitted to the Local Planning Authority for written approval.

Reason: 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 in accordance with Policies EQ45, EQ49, EQ60 and T14 of the Unitary Development Plan (2001).

4. No part of the development hereby approved shall commence until an Environmental Code has been submitted to and approved by the Local Planning Authority to cover all methods of site preparation and construction of the development, including traffic management, demolition, clearance, site remediation, ground works, waste management, sourcing of materials, crane and scaffolding height, dust, smoke and odour control, avoidance of fires, wheel washing, noise and vibration and hours of operation etc. The approved code shall include details of its implementation and monitoring and shall be in place for the whole period of the works at the site and the development shall only take place in accordance with the approved code.

Reason: To ensure that the development does not harm the amenity of neighbouring occupiers in accordance with Policies EQ45 of the Unitary Development Plan (2001).

5. The development hereby approved shall not be occupied until a detailed Site Management Plan has been submitted to and approved by the Local Planning Authority to cover all aspects of the day to day management of the site. The Site Management Plan shall include details of refuse and recycling storage and collection, servicing and deliveries and management of the public realm, communal amenity space and children's play areas. The development hereby approved shall only be operated in accordance with the approved Site Management Plan.

Reason: In order to protect the amenity of the future occupiers of and visitors to the site and to ensure that the site is managed in such a way as to ensure the safety and security of users of the site and residents of the locality in accordance with Policies EQ26 and EQ45 of the Unitary Development Plan (2001).

6. No demolition/construction/building works shall take place outside the hours of 0700 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays unless with the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of surrounding occupiers in accordance with Policies EQ45 and EQ47 of the Unitary Development Plan (2001) and Policy 4A.14 of the London Plan (2004).

7. Impact piling shall only take place during construction with the prior agreement of the Local Planning Authority. Details of proposed impact piling shall be provided in writing to the Local Planning Authority at least seven days before such works are scheduled to take place.

Reason: In the interest of residential amenity, in accordance with Policies EQ45 and EQ47 of the Unitary Development Plan (2001) and Policy 4A.14 of the London Plan (2004).

8. The development hereby approved shall not commence until details of all materials to be used on all elevations have been submitted to and approved in writing by the Local Planning Authority. Details should include colour, texture and type of materials. The approved materials shall be implemented in accordance with the approved details and

thereafter permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of design and external appearance in accordance with Policy EQ19 of the Unitary Development Plan (2001).

9. The development hereby approved shall not commence until details of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (i) trees and plants;
- (ii) surface treatment;
- (iii) street furniture;
- (iv) external lighting;
- (v) a schedule for maintenance.

The hard and soft landscaping shall be implemented in accordance and thereafter retained.

The approved soft landscaping scheme shall be implemented in the first planting season following occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any plants or trees required as part of the implementation of the condition that die or are removed, damaged or diseased within a period of FIVE years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent for a variation.

Reason: To ensure landscaped areas in open spaces are of a high quality design and appearance that will enhance the amenity value of the development and its surroundings. This is in accordance with Policies EQ15, EQ19 and EQ21 of the Unitary Development Plan (2001).

10. The development hereby approved shall not be occupied until details of the proposed communal roof garden, including details of lift access, have been submitted to and approved by the Local Planning Authority and the communal roof gardens shall be provided in accordance with the approved details and shall be available for use prior to the occupation of the building to which they relate. The communal roof garden shall be maintained as such, and shall not be used for any other purpose.

Reason: To ensure residents have access to adequate amenity space and to safeguard the appearance of the development in accordance with Policies EQ15, EQ19 and EQ21 of the Unitary Development Plan (2001).

11. The development hereby approved shall be implemented in accordance with the energy efficient and renewable energy technologies proposed in the approved Energy Strategy prepared by ESD and submitted with the application. The energy efficient and renewable energy technologies specified in this document will provide 13% carbon savings through the use of renewable energy technologies and shall be implemented prior to the occupation of the development and thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote the use of energy efficient and renewable energy technologies in accordance with Policy EQ24 of the Unitary Development Plan (2001) and Policies 4A.7, 4A.8 and 4A.9 of the London Plan (2004).

12. The development hereby approved shall not be occupied until details of cycle parking facilities, including their means of secure storage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle parking facilities have been provided in accordance with the approved details and shall be retained thereafter and used for no other purpose without the prior approval of the Local Planning Authority.

Reason: In order to promote the use of cycling in accordance with Policy T24 of the Unitary Development Plan (2001).

13. Those uses identified for commercial operation (within the A1, A2, A3, B1 and D1 use classes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) hereby approved shall be restricted to the following hours of opening, unless otherwise agreed in writing by the Local Planning Authority:

7am to 11pm, Monday to Saturday
10am to 10pm on Sundays or Bank Holidays.

Any outdoor seating areas must be vacated and any tables and chairs must be removed by 10pm Monday – Saturday and by 9pm on Sundays and Bank Holidays.

Reason: To safeguard the amenity of adjacent residents and the area generally in accordance with Policy EQ45 of the Unitary Development Plan (2001).

14. All residential units hereby approved shall comply with Lifetime Homes standards as defined in the GLA Accessible London: Achieving an Inclusive Environment Supplementary Planning Guidance (2004).

Reason: To ensure that accessible housing is provided in accordance with Policy 3A.4 of the London Plan (2004).

15. The development hereby approved shall not commence until a an independently verified EcoHomes 2006 report is provided which confirms the development would achieve a certified "very good" rating (or its equivalent in the "Code for Sustainable Homes: A step-change in sustainable home building practice") has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved report. A certificated EcoHomes 2006 post construction review, or other verification process agreed with the Local Planning Authority, shall be provided confirming that the agreed standards have been met prior to the first occupation of the development.

Reason: To ensure that the proposed residential units are designed in an environmentally sustainable manner and in accordance with Policy 2A.1 of the London Plan (2004).

16. No fewer than 10% of the total number of residential units within the development hereby approved shall be constructed to be easily adapted for residents who are wheelchair users.

Reason: To ensure that accessible housing is provided in accordance with Policy 3A.4 of the London Plan.

17. The development hereby approved shall not commence until details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes, from the non residential uses, including details of the extraction, ventilation and filtration

equipment and any other external plant or machinery (including ventilation units and air intake louvres) together with details of its method of construction, appearance and finish have been submitted to and approved by the Local Planning Authority. The development shall not be occupied other than in accordance with the details thus approved.

Reason: To safeguard the amenity of the occupiers of adjoining properties by preventing noise disturbance and to ensure a satisfactory appearance in accordance with the requirements of Policy EQ45 of the Unitary Development Plan (2001).

18. Prior to commencement of the development hereby approved, a scheme for the attenuation and mitigation of noise and vibration from the road and rail movements shall be submitted and approved by the Local Planning Authority. The attenuation and mitigation measures shall be implemented in accordance with the approved scheme prior to occupation of the development and thereafter maintained.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ47 of the Unitary Development Plan (2001).

19. The development hereby approved shall not commence until a scheme for the implementation of a surface water drainage system has been submitted to and approved by the Local Planning Authority. The foul and surface water drainage system shall be implemented in accordance with the approved scheme and thereafter permanently retained.

Reason: To prevent pollution of the water environment, and prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, in accordance with Policies EQ62 and EQ63 of the Unitary Development Plan (1998) and Policies DEV 20 and DEV 21 of the Local Development Framework Core Strategy and Development Control Submission Document (2006).

CASE OFFICER: Will Steadman

Appendix 1: Site Location Plan
Appendix 2: Site Layout
Appendix 3: Typical Residential Floor Plan
Appendix 4: Building Section
Appendix 5: Computer Generated Images