

## Planning Committee Report

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### London Thames Gateway Development Corporation

#### Planning Application for Determination by the LTGDC

#### Report of the Director of Planning

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<b>UDC CASE NUMBER:</b>	LTGDC-07-147-FUL	<b>DATE MADE VALID:</b>	13/07/2007
<b>APPLICATION NUMBER:</b>	07/01327/LTGDC/LBN M	<b>TARGET DATE:</b>	

<b>APPLICANT:</b>	Community Housing Association
<b>AGENT:</b>	Stock Woolstencroft
<b>PROPOSAL:</b>	Erection of a part 17, part 7/8 storey building comprising 113 residential units (50% affordable), 1833m <sup>2</sup> of commercial floorspace (A1, A2, A3 and B1) 24 basement car parking spaces and associated amenity areas, bin storage and cycle parking (amended plans received)
<b>LOCATION:</b>	Albert House 236 - 252 High Street Stratford London E15 2SA

#### SUMMARY

1.1 The proposal involves demolition of existing buildings on the site and construction of a part 17, part 7/8 storey building containing 113 flats and 1833m<sup>2</sup> of commercial floorspace (uses A1, A2, A3 and B1) along with 24 parking spaces. The scheme is considered to provide an appropriate quantum of development for the site as it makes the best use of available land while achieving a good standard of residential amenity and design quality. The affordable housing provision, tenure split and mix is consistent with policy requirements and appropriate to the site. Overall the proposal will provide additional housing as well as modern commercial space and will contribute positively to regeneration of the Stratford High Street area. Therefore it is recommended the application be delegated to the Director of Planning to APPROVE subject to:

a S106 Agreement as set out in this report, any outcomes from the Mayor of London's Stage 2 report and conditions listed under Section 11 of this report.

## **2. SITE AND PROPOSAL**

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

- 2.1 The proposed development site covers an area of approximately 0.186 hectares and is bounded to the southeast by Stratford High Street, to the northeast by Ward Road and to the northwest by the Jupp Road West.
- 2.2 The site lies in close proximity to Stratford Town Centre and the public transport interchange. In addition a footbridge exists linking Jupp Road and Station Street allowing pedestrian access directly to the interchange.
- 2.3 The site currently comprises a vacant L shaped two storey yellow stock/painted brick building previously used as offices with a courtyard to the rear used in part for car parking.
- 2.4 To the rear of the site lies James Riley Point, a 23 storey residential tower block and a two storey terrace row of residential properties, both part of the Carpenters Estate. To the east lies Duncan House, occupied by UEL, and to the west is a collection of industrial buildings in use as car repairs, a church and nursery and a petrol filling station.

### **Description of Proposal.**

- 2.5 The application is for a comprehensive redevelopment of the site involving the erection of a part 17, part 7/8 storey building comprising 113 residential units (50% affordable), 1833m<sup>2</sup> of commercial floorspace (A1, A2, A3 and B1) 24 basement car parking spaces and associated amenity, bin storage and cycle parking.
- 2.6 It is noted that the original submission was amended as a result of discussions with officers, the main changes being a reduction in the number of units from 118 to 113, re-location of vehicle access to Jupp Road and lowering of courtyard gardens on the Jupp Road West frontage, and an increased set-back to the top rear storey of the development by two stories. It is also now proposed to add A3 (restaurant) to the range of uses proposed within the commercial floorspace of the building. These amendments were viewed as significant and as such all consultees (internal, external and adjoining occupiers) were re-consulted.

## **3. RELEVANT SITE HISTORY**

P/05/0541: Proposed redevelopment to provide 103 residential units (250 habitable rooms) and 1833m<sup>2</sup> of commercial space (use classes A1,A2,A3 & B1) with 28 car and 3 van spaces in a building comprising basement, double height ground floor, plus seven floors and a mansard roof. Refused 13<sup>th</sup> September 2005 at LBN Development Control Committee. Reasons for refusal were: insufficient amenity space, excessive density, failure to provide affordable housing to council requirements, failure to provide family sized units, inadequate provision of on-site car parking, failure to provide wheelchair housing and no commitment to lifetime homes standards, and failure to address sustainability and energy impacts of the development.

P/05/0517: Outline planning application for proposed redevelopment to provide 84 residential units (195 Habitable Rooms) and 1,833m<sup>2</sup> of commercial space (use Classes A1, A2, A3 And B1) with 28 car and 3 van spaces in a building comprising basement, double height ground floor, plus seven floors and a mansard roof:(revised Outline Application). Approved 1<sup>st</sup> January 2005 subject to completion of a Section 106

agreement, the heads of terms of which included affordable housing (quantum, social rented and intermediate split and overall mix of 1,2 and 3 bed units), assessments and commitments addressing sustainability matters, an Access Statement, various transport requirements including expansion of Stratford CPZ, highways works and car free scheme, contribution to Stratford High Street DLR station, and an Education contribution. The S106 was not completed.

#### 4. NEIGHBOUR NOTIFICATIONS

##### Adjoining Occupiers

	<b>Original (24/7/07)</b>	<b>Revisions (10/10/07)</b>
<i>Number of Letters Sent</i>	320	320
<i>Number of responses Received</i>	2	<b>0</b>
<i>Number in Support</i>	0	<b>0</b>
<i>Number of Objections</i>	2	<b>0</b>

Two objections to the original application were received. The issues raised are summarised and addressed as follows:-

<b>Comment</b>	<b>Response to Comment</b>
Height of building will block light and result in loss of privacy.	<p>The development will result in a drastically different outlook for occupiers of surrounding residential properties, particularly those directly adjacent to the site along Jupp Road West to the northwest. The 8 storey northern part of the proposed building adjacent to does not comply with the 25 degree daylighting and outlook angle specified in SPG 'Residential Planning Guidelines' relative to properties opposite along Jupp Road West.</p> <p>Notwithstanding this, the applicant has provided a Sunlight/Daylight assessment which concludes that the proposal will meet the Building Regulation (BRE) Guidelines ensuring adequate light would reach habitable rooms in the neighbouring residential properties along Jupp Road West. These are the only properties which could be adversely affected by loss of light because all other immediately adjoining sites are non-residential.</p> <p>In regards to loss of privacy, the only properties that could be adversely affected are those opposite to the northwest along Jupp Road West (No.s 1-17 odd numbers only). The closest windows in the development will be approximately 23m (at first and second floor level) from the closest habitable room windows in this block, complying with the SPG requirement of 21m</p>

separation. There are also balconies on the north elevation of the proposed building however (with the closest being 24m as above), and balconies at third floor level up do not comply with the recommended 30m separation distance. In regards to this it is noted that the views from third floor balconies and higher will be aimed out over the neighbouring properties rather than straight into them, and the development is also at somewhat of an oblique angle which will direct main views somewhat east of these properties.

Overall the distances proposed between this building and neighbouring blocks are considered normal for an urban area such as this and most of the proposal complies with the councils SPG guidance in regards to overlooking and privacy.

Adverse impacts on health and noise during building works.

This is not a planning consideration however the applicants will have to comply with a code of construction practice in order to minimise loss of amenity to neighbouring occupiers which will be secured through the environmental code condition.

Lack of adequate parking in the development, increase in traffic.

The site has a very good level of public transport accessibility and as such it is anticipated that residents of the scheme will make use of the sites excellent public transport accessibility. As the site is in a CPZ, the scheme is eligible to be a 'reduced car development' whereby occupants would not be eligible for parking permits (to be secured through a Section 106 agreement). As such overspill parking should not be a problem. As there is minimal parking within the development it is not anticipated that it will create excess traffic because of the CPZ controls.

Effect on TV reception in the area.

It is suggested that a clause be included in the Section 106 requiring that the impact on TV reception be measured and appropriate mitigation be implemented if required.

## 5. APPLICATION PUBLICITY

Site Notice Expiry: 23/10/2007

Press Notice Expiry: 15/08/2007

## 6. REPRESENTATIONS

### Statutory and Non Statutory Consultees

#### **Environment Agency**

No objection to the proposal but proposed a number of conditions. Also advised that the developer might wish to carry out an investigation to satisfy themselves that there is no contamination associated with the site. A desk study detailing the previous uses would be most appropriate initially for such an investigation. This should identify previous uses of the site, processes undertaken, use and storage of potentially polluting substances, pollution prevention measures previously or currently in place, assess the likely impact of all these on the water environment and recommend any further investigation considered necessary.

#### **Greater London Authority – Stage 1 Report**

Consider that a travel plan is an essential requirement for a development of this size. Have also requested a number of contributions towards transport projects around the site. Further information was requested in relation to the energy strategy submitted. Commitment to employment and training initiatives was also requested as part of the section 106 agreement. The housing mix and level of affordable housing was also considered acceptable, although it departed slightly from the required tenure split and unit mix, as it was justified by the financial appraisal. The layout, scale and form of the proposal was considered acceptable and to successfully respond to the context of the site, creating a strong frontage to the High Street and stepping down to the rear of the site. The design of the elevations was considered to be simple and well considered.

The Mayor has concluded that the proposal is acceptable in principle subject to the concerns raised in the report regarding the energy strategy and transport proposals, which should be addressed before the application is referred back to the Mayor.

#### **National Grid**

Responded on the 10<sup>th</sup> of August to state the sensitivity of their networks to the proposal is negligible.

#### **Thames Water Authority**

Responded on the 27<sup>th</sup> of July requesting a condition be attached to any approval relating to submission of a drainage strategy, and also recommended informatives relating to waste and water. All of these are considered reasonable if permission is granted and are included in Section 11 of this report accordingly.

#### **Newham Primary Care Trust**

Responded on the 30<sup>th</sup> of July to state that the development can be expected to generate around 310 additional residents to the Borough which equates to a financial value of £496,000 for healthcare impacts. This is requested to be captured through a Section 106 agreement.

#### **English Heritage – Historic Buildings and Areas**

Concerned there will be a large blank south western elevation towering over lower buildings. In response, it is noted that pre-application discussions have begun in regards to developing the neighbouring site. However, its imminent development is not guaranteed and as such there may be a flank south facing wall on the site for some time. It is thus recommended that a condition be placed on any approval given to ensure that details of the materials for the flank wall be

submitted and approved by the LPA to ensure they are of sufficient quality and interest to ensure the visual amenity of the development is not prejudiced should the neighbouring site not be developed in the near future.

#### **English Heritage – Archaeology**

Replied by letter on the 30<sup>th</sup> of August to state that the site is in an archaeological priority area and as such the development may affect archaeological remains. Recommended a condition for archaeological investigations to be carried out prior to the commencement of works and an associated informative.

#### **Transport for London**

Asked for a number of financial contributions totalling £695,000 towards bus improvements, DLR improvements, DLR Daisy System, pedestrian and cycle access and a travel plan through the Mayor's Stage 1 report.

#### **Olympic Delivery Authority**

Raised no objection to the proposal.

#### **Action and Rights of Disabled People**

No response was received.

#### **Stratford Renaissance Partnership**

No response was received.

#### **Metropolitan Police**

No response was received.

#### **London Borough of Newham**

The application was reported to London Borough of Newham planning committee on 7 November 2007. The report commented that the scheme is considered to provide an appropriate quantum of development for the site as it makes the best use of available land while achieving a good standard of residential amenity and design quality. The affordable housing provision, tenure split and mix is consistent with policy requirements and appropriate to the site. Overall the proposal will provide much needed additional housing in the Borough as well as modern commercial space and will contribute positively to regeneration of the Stratford High Street area. Therefore it was recommended that planning permission is granted, subject to a satisfactory section 106 agreement.

#### **Newham Transportation**

Commented that the development provides as much parking as possible taking into account physical constraints of the site. Recognise high PTAL and good location for reduced parking. No objection but require an assessment as to whether there will be any impact on residents due to parking shortfall. Also requested following s106 commitments and conditions:-

#### **S106**

- Commitment to reduced car development whereby residents will not be issued with parking permits.
- Commitment to car clubs.

#### **Conditions:-**

- Motorcycle parking to be provided at one space per ten units.
- Developer to enter into s278 agreement with Highways regarding access changes to highway network.

- Developer to liaise with parking to agree suitable arrangements to alteration to on-street parking bays.
- Financial contribution of £5000 per unit towards sustainable transportation/implementation of the new DLR station at Stratford High Street.

### **Access Officer**

Commented that manifestations on glazing and colour contrasting should be provided for the visually impaired, noted that all Lifetimes Homes criteria have been addressed except for heights of electricity sockets/light switches. Noted that the scheme does not appear to provide for adequate emergency egress from upper floors and requested either fire proof lifts or some other provision for emergency egress. The applicant has confirmed that fire proof lifts will be provided and this is considered acceptable.

### **London Borough of Newham Housing Partnerships**

No objection to the proposed tenure split and mix however commented that increasing the percentage of affordable housing above what is required will not necessarily mean that it will get grant.

### **Newham Education**

Requested a Section 106 contribution of £255,000 to fund new school places in Newham.

## **7. RELEVANT PLANNING POLICY**

### **7.1 Relevant 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

### **7.2 The relevant London Plan (adopted Feb 2004) policies are as follows:**

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

**7.3** The relevant policies of the Newham Unitary Development Plan (as saved) are as follows:

S1	Community Safety and Crime Reduction
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

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

- London Borough of Newham SPG 'Sustainability Checklist'
- London Borough of Newham SPG 'Residential Planning Guidelines'
- London Borough of Newham SPG 'Access'
- The London Plan Sub-Regional Framework: East London
- London Plan SPG's 'Housing', and 'Sustainable Design and Construction'
- Mayor of London Lower Lea Valley Opportunity Area Planning Framework (January 2007)

## 8. ASSESSMENT OF MAIN ISSUES

### 8.1 Principle of Development

The proposed development is not located in an area identified in the UDP or the London Plan as subject to any specific planning policies or constraints. The Mayor of London Lower Lea Valley Opportunity Area Planning Framework (January 2007) states that the Stratford sub area is highly appropriate for delivery of significant proportion of housing, and also supports commercial uses along and adjacent to Stratford High Street. Given this, the principle for providing a mixed use development such as that proposed is supported.

The proposed building will be up to 17 storeys in height. Stratford High Street is recognised in the Councils UDP as an appropriate location for tall buildings and additionally several examples of buildings of between 20 and 43 storeys have been granted permission in the past four to five years. Given this the proposal would not be out of context in its surroundings and provided site constraints can be overcome a building of this height is considered acceptable in principle.

The existing two storey building on the site was previously used as office space and is now vacant. There is no objection to the loss of this office space as the proposal provides for 1833m<sup>2</sup> of floor space that could be utilised a range of commercial uses including office space if there is a demand for such a use.

The redevelopment proposal includes 1833m<sup>2</sup> of commercial space over part of the three lower levels, coupled with 113 residential units. The provision of modern up to date commercial floorspace is welcomed and would meet the employment policies of the UDP. The applicant has expressed a desire to maintain some flexibility for the final use of the lower ground, upper ground and first floor commercial use. In this respect they are applying for flexible use covering Class A1, A2, and B1 use class category. Final uses have not yet been decided and will be market dependent. No objection is raised to allowing a certain degree of flexibility for the first use of this space.

The provision of residential accommodation is also welcomed given that the site is not constrained by any particular land use policies and The London Plan and UDP support the provision of housing to provide the much needed housing stock for the Borough. The site is also in close proximity to public transport and shopping facilities, and would therefore be close to essential services for its residents. The principle of a mixed commercial and residential use is considered appropriate in this location.

## 8.2 Residential Accommodation - Affordable Housing & Mix of Units

The development proposes to provide 113 flats on the site and 57 (50%) of these will be provided as affordable housing (all on site) and 56 flats will be for private sale. The quantum of affordable housing is in accordance with the GLA policy for 50% affordable housing provision and as such is considered acceptable.

LBN Housing requires a 60:40 tenure split between social rented and intermediate and the split proposed is 52:48 at present.

The application proposes the following mix of unit sizes:

	Private	Affordable	
		Shared Ownership	Social Rented
1 bed	21	14	10
2 bed	26	13	9
3 bed	9	1	10
<b>TOTAL</b>	<b>56</b>	<b>28</b>	<b>29</b>

The Council welcomes the inclusion of an element of 3 bed family units to be provided on site in line with the requirements of UDP Policy H15, The provision of some larger 4 and 5 bed units would be desirable, as the site is identified as suitable for family housing in the Mayor of London Lower Lea Valley Opportunity Area Planning Framework, although no objection is raised to the mix.

## 8.3 Amenity

Amenity space provision is considered to be of an acceptable standard overall. A balcony or roof terrace (or combination) large enough to accommodate a table and chairs is provided for every flat in the proposal and the total private balcony area in the scheme is 1155.5m<sup>2</sup> equating to an average private amenity of 10.2m<sup>2</sup> per unit. Most of

the balconies and terraces are well oriented and overall private amenity space provision is acceptable.

Several communal amenity areas are proposed at various roof levels as follows:-

Ground floor communal garden (all tenures, includes children's play area) – 492.5m<sup>2</sup>

Communal roof terrace (affordable rented) – 120m<sup>2</sup>

Communal roof Terrace (private tenure) – 567m<sup>2</sup>

Newham SPG 'Residential Planning Guidelines' requires 1735m<sup>2</sup> of communal amenity space for this proposal and as shown above the actual provision will be well in excess of that figure. The ground floor communal amenity area is positioned such that it will be shaded during much of the first part of the day, which is not optimal. However, given its fairly large size and given there are also other large well oriented communal areas provided it is considered acceptable on balance.

The development does not provide for any open space as required by UDP Policy OS8 and as such Newham Parks requested a Section 106 contribution of £206,250 towards improvements to parks in the vicinity of the site (namely Abbey Lane Open Space). It is considered that this would adequately cover increased pressure placed on existing green spaces.

#### **8.4 Overlooking/Privacy and Daylight/Sunlight**

The development will result in a drastically different outlook for occupiers of surrounding residential properties, particularly those directly adjacent to the site along Jupp Road West to the northwest. The building height is to be approximately 21m at its closest point to residential. The eight storey northern part of the proposed building adjacent to does not comply with the 25 degree daylighting and outlook angle specified in SPG 'Residential Planning Guidelines' relative to properties opposite along Jupp Road West.

Notwithstanding this, the applicant has provided a Sunlight/Daylight assessment. This concludes that the proposed building will affect sunlight to 5 windows on Jupp Road West, meaning that the sunlight reaching these ground floor rooms would not meet the Building Regulation (BRE) Guidelines. However, these rooms already have limited sunlight reaching them because of the design of the residential properties which have porches which reduce the amount of sunlight reaching the windows to these rooms. It is considered that this limited additional impact on the light to these two residential properties is on balance acceptable. These are the only properties which could be adversely affected by loss of light because all other immediately adjoining sites are non-residential.

In regards to loss of privacy, the only properties that could be adversely affected are those opposite to the northwest along Jupp Road West (No.s 1-17 odd numbers only). The closest windows in the development will be approximately 23m (at first and second floor level) from the closest habitable room windows in this block, complying with the SPG requirement of 21m separation. There are also balconies on the north elevation of the proposed building however (with the closest being 24m as above), and balconies at third floor level up do not comply with the recommended 30m separation distance. In regards to this it is noted that all the balconies are recessed and the views from third floor balconies and higher will be aimed out over the neighbouring properties rather than straight into them, and the development is also at somewhat of an oblique angle which will direct main views somewhat east of these properties. Given these points it is not considered necessary to provide screening to balconies.

Overall the distances proposed between this building and neighbouring blocks are considered normal for an urban area and as most of the proposal complies with the councils SPG guidance in regards to overlooking and privacy the proposal is considered acceptable overall in this regard. It is also noted that none of the properties along Jupp Road West have objected to the revised proposal.

### **8.5 Density**

The London Plan allows for higher densities in areas with good accessibility index and Table 4B.1 of the London Plan allows a density of up to 1100hrha on this site. The proposed density is 1688hr/ha hrph, well in excess of policy guidance. However it is considered the location and overall quality of this scheme can justify such a density in this instance.

It is noted the site has a PTAL of 6B and is within 10 minutes walking distance of Stratford Station and the shops and services of Stratford Town Centre thus fulfilling the location requirement.

### **8.6 Design**

The proposed building will be up to 17 storeys in height. Stratford High Street is recognised in the Councils UDP as an appropriate location for tall buildings and additionally several examples of buildings of between 20 and 43 storeys have been granted permission in the past four to five years. Given this the proposal would not be out of context in its surroundings and provided site constraints can be overcome a building of this height is considered acceptable in principle. Information submitted shows that there is not an unacceptable impact in terms of residential amenity or microclimate for surrounding occupiers.

The building is designed to have the highest element on the corner of Ward Road and High Street Stratford to define the corner, stepping down to a split six/seven storey element down Ward Road to respect the building heights and residential amenity of properties to the rear. The proposed building is 8 storeys on the Stratford High Street frontage, which is in line with emerging design guidance for the high street in the Stratford Urban Design Strategy. The proposed location of a taller 17 storey element on this part of the high street is also in line with emerging guidance. The design of the elevations is considered to be simple and well considered, but further details should be requested to ensure high quality materials are used for the external building envelope. In design terms the proposal is therefore considered to be acceptable and is supported by Design for London.

### **8.7 Traffic Implications & Car Parking**

The development seeks to provide 21 car parking spaces in a basement car park. Vehicular access to the car park will be provided from Ward Road. Of the proposed 21 spaces, three van parking spaces, and three car parking spaces would be provided for use by the occupiers of the commercial units. The remaining 15 parking spaces would be available to residential occupants. Six of the parking spaces will be provided as disabled parking spaces. In addition to car parking, secure cycle parking is provided to exceed UDP requirements (T24) of one space for four units and additional space per ten units for visitors. A planning condition can be used to secure this provision. Secure on-site parking space for four motorcycles will be provided as part of the scheme. This level is considered appropriate given the excellent public transport accessibility available to the development and the desire to promote sustainable transport.

It is appreciated there is a significant shortfall in parking in this development when compared with many other developments in the Borough. However, there is a policy

thrust towards providing less parking in developments to encourage more sustainable modes of transport (London Plan policy 3C.22). The development site is located within the southwest corner of the Stratford CPZ which operates Monday to Saturday between 08:00 and 18:30. The site also has access to very high levels of public transport provision and local facilities. As such, the site would be suitable for applying significantly reduced levels of on-site parking provision as well as entering into a Section 106 'reduced car' agreement. The residential and commercial occupiers would not be allowed access to parking permits thus preventing or at least making car ownership extremely difficult for occupiers with no where to park. This mechanism would thus control on street parking by the occupiers of the flats whilst the CPZ controlled hours are in operation to ensure parking congestion does not affect local residents.

A number of 'car clubs' operate in, or are proposed for, the area around the site. Residents of the development at 236-252 High Street would be able to join one of these clubs to have access to a car when they need one, without having the burden of owning and finding parking space their own vehicle. It is proposed to have a commitment to these car clubs as part of the Section 106 agreement.

### **8.8 Access/Wheelchair Housing**

The applicant has committed to providing lifetime homes and wheelchair accessible housing. Six wheelchair flats and a further six adaptable units plus six wheelchair parking spaces are provided and this is considered acceptable as it complies with policy. Newham's Access Officer commented that manifestations on glazing and colour contrasting should be provided for the visually impaired and noted that all Lifetimes Homes criteria have been addressed except for heights of electricity sockets/light switches. The applicant later provided amended information to show compliance with all 16 criteria.

### **8.9 Sustainability & Energy**

Current requirements of sustainable development require a scheme with a commitment to using at least 10% of renewable energy. The scheme claims to provide 30% of predicted energy requirements from renewable sources (i.e. biomass boiler) and this is welcomed. The minimum of 10% renewable can be secured through a s106 agreement. It is noted the applicant has submitted an EcoHomes assessment which states the proposal is capable of meeting a 'very good' standard. The development would be expected to meet a 'very good' standard and this would be secured through a s106 agreement. Further information on this aspect has also been requested by the GLA. The applicants are currently preparing this information and it is assumed that the GLA's concerns will have been met before the application is report back to the Mayor for Stage 2.

### **8.10 Commercial uses**

The applicant has applied for the 1833m<sup>2</sup> of commercial floorspace with potential uses being A1, A2, B1 or A3. Commercial use of the lower floors is welcomed as it will ensure the building has an active frontage thus engaging with the street. If any of the units are used for A3 purposes, extraction flues may need to be constructed after the building has been completed and this will affect its external appearance. Given this a condition is recommended for submission and approval of these details prior to construction to ensure that the appearance of the development is not detrimentally affected.

## **9. Planning Obligations Community Benefit Strategy**

- 9.1** The LTGDC has a Planning Obligations Community Benefit Strategy which would seek contributions of a discounted standard charge of £10,000 per residential unit in this area. The level of contribution offered by the applicants has been subject to extensive discussions and provision of information on the viability of the project. The applicants are now offering a contribution of £560,000, which would equate to £10,000 for each of the private sale units, or an average of just under £5000 per unit across the scheme as a whole.
- 9.2** It is clear in the strategy that the discounted standard charge applies to affordable and market housing, and indeed the affordable housing could reasonably be expected to have a more significant impact on and requirement for infrastructure than the private housing. There is no strategic provision of infrastructure proposed on this site which could be considered as offsets in line with the strategy. However, it is recognised that the scheme is proposing 50% affordable housing which accords with the GLA policy and this is welcomed. The viability assumptions underlying the strategy and the charge to be sought are predicated on 35% affordable housing and this is a material consideration.
- 9.3** Another material consideration is that the applicants based the price they paid for the site on a pro rata assumption of the financial contribution agreed for the previous smaller scheme with a resolution to grant planning permission by LB Newham in March 2006, where the sum being sought under the S106 was significantly lower.
- 9.4** The LTGDC consultant has considered the financial information submitted to support the level of contribution of £560,000 on the basis of the two material considerations above. On balance therefore it is considered that the financial contribution should be accepted in these circumstances. The applicants have agreed to sign up to the recapturing the discount clause in a section 106 agreement. This would mean that should values increase above the threshold in the strategy that a higher contribution would be payable. It is considered that the Section 106 should ensure that £560,000 index linked to April 07, should be the minimum that is payable on this site.
- 9.5** A number of consultees have suggested that the development would have an impact on their services and that financial contributions should be sought to address this impact, as set out in the report. However under the Corporation's Planning Obligations Community Benefit Strategy, it will be for the Lower Lea Valley Management Group to make recommendations in due course as to how the money is best allocated.
- 9.6** In addition to the financial contribution, there are additional commitments and clauses recommended for inclusion within the Section 106:-
- A commitment toward local goods and services and local labour during construction of the development.
  - A commitment towards providing affordable housing to Council standards.
  - Achievement of at least 10% renewable energy
  - Achievement of "Very Good" standard regarding Eco Homes
  - A clause requiring that effects on TV reception in the area be assessed on completion of the development and mitigation provided if required.
  - Renewal and reinstatement of footways around the site as required.

- Commitment to a reduced car development whereby residents will not be issued with parking permits – this has an administration fee of £2000.
- Commitment to a car club.

## 10. CONCLUSION AND REASONS FOR APPROVAL

10.1. The scheme is considered to provide an appropriate quantum of development for the site as it makes the best use of available land while achieving a good standard of residential amenity and design quality that can justify a very high residential density figure. The principle of a tall building on the site is supported by UDP and London Plan policies and the layout and massing of the development is considered acceptable given site context and constraints. The affordable housing provision, tenure split and mix is consistent with policy requirements and appropriate to the site. Parking provision is low, however given the high PTAL of the site and its location within a CPZ, reduce parking provision is acceptable and can be secured through a Section 106 agreement along with a commitment to car club usage to minimise overspill parking. While the scheme will have an impact on the outlook from and privacy of neighbouring properties along Jupp Road West, it is not considered that the impacts are unreasonable given the urban context of the site, and it is noted that none of these neighbours objected to the revised proposal. In addition development on this site would secure planning gain which will compensate and mitigate for the impact of the proposal upon local services and infrastructure.

10.2 The scheme is considered to accord with relevant policies in both the London Plan and Newhams UDP policies (as saved) and there are no material planning considerations which justify refusal.

## 11. RECOMMENDATION

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

- (1) The completion of a S106 Agreement in accordance with the Corporation's Planning Obligations Community Benefit Strategy to secure:
  - a) a financial contribution of £560,000 index linked to April 2007
  - b) recapturing the discount arrangements as set out in the 'Planning Obligations Community Benefit Strategy and referred to above
  - c) a commitment toward local goods and services and local labour during construction of the development.
  - d) a commitment towards providing affordable housing to Council standards.
  - e) a clause requiring that effects on TV reception in the area be assessed on completion of the development and mitigation provided if required.
  - f) renewal and reinstatement of footways around the site as required.
  - g) commitment to a reduced car development whereby residents will not be issued with parking permits – this has an administration fee of £2000.
  - h) commitment to a car club.
  - i) provision of affordable housing at the level set out in this report
  - j) provision of at least 10% renewable energy
  - k) achievement of "Very Good" standard re EcoHomes
- (2) any outcomes from the Mayor of London's Stage 2 report; and
- (3) the conditions listed below.

## 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.

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

2. All works are to be completed in accordance with drawing numbers:-

PL 100 A Site Layout  
§ PL 101 B Lower Ground Floor Plan  
§ PL 102 B Upper Ground Floor Plan  
§ PL 103 B 1st & 2nd Floor Plan  
§ PL 105 B 5th & 6th Floor Plan  
§ PL 106 B 7th & 8th Floor Plan  
§ PL 107 B 9-15th & 16th Floor Plan  
§ PL 108 B 17th & Roof Plan  
§ PL 120 B High Street Elevation  
§ PL 121 B Ward Street Elevation  
§ PL 122 B Jupp Road Elevation  
§ PL 123 B Rear Elevation  
§ PL 124 B Section AA  
§ PL 125 B Section BB  
§ PL130 B High Street Detail

prepared by Stock Woolstencroft and dated 26/09/2007. 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 drawing(s), and to protect the local amenity with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy 4B.1 of the adopted London Plan, 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. Prior to the commencement of works on the development hereby permitted, details of the means of ventilation to internal bathrooms and open plan kitchen/dining and living areas shall be submitted to and approved by the Local Planning Authority. Details should include the termination positions of any ducting. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason: To ensure a satisfactory standard of accommodation and in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and London Plan policy 4B.1.

4.
  - a). Prior to the commencement of works on the development, an investigation into ground conditions shall be 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 London Plan Policy 4A.16 (Bringing Contaminated Land into Beneficial Use) and policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

5. Prior to the commencement of works on the development hereby permitted, details of the proposed sound insulation scheme to be implemented between the residential accommodation and any non residential uses shall be submitted to and approved by the Local Planning Authority. Details should include airborne and impact sound insulation. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and London Plan policy 4A.14 (Reducing noise).

6. Prior to the commencement of works on the development hereby permitted, an acoustic report shall be 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 approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and London Plan policy 4A.14 (Reducing noise).

7. Prior to the commencement of works on the site, an Environmental Code shall be 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 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 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and London Plan policies 4A.14 (Reducing noise) and 4A.16 (Bringing contaminated Land into Beneficial Use).

8. 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 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and London Plan Policy 4A.14 (Reducing noise).

9. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been complete.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community, and in accordance with London Plan Policy 4A.11 (Water supplies), and policy EQ63 (Surface Water Disposal) of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

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

Reason: Important archaeological remains may exist on this site. Accordingly the Local Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16 and Policy EQ43 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.14 (Archaeology) of the adopted London Plan.

11. Should the first use of any of the commercial units be for purposes falling within Use Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), the following details of any proposed extract system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any unit of the development:

- a) Anti-vibration mounting system on the exterior, including manufacturer's specification, confirmation that weight limits of mountings are not exceeded, and details of how flue is to penetrate wall without transmitting vibration.
- b) Full details of all ducts, canopies and flues within structure, including mounting.
- c) Details of access to the flue system and filters for cleaning/maintenance purposes.
- d) Details of exact termination details, fan(s), motor(s), filtration units, etc., including efflux velocities, noise outputs, isolation systems and positions.
- e) Full manufacturer's details of any odour treatment systems proposed, if relevant.
- f) Full details of the grease trap or grease digester system to be installed for any commercial kitchen including plans and sectional drawings with measured drain sizes and invert levels and full manufacturer's specifications.

The details as approved in writing by the Local Planning Authority shall be installed prior to the first occupation of any unit of the development and shall be permanently maintained thereafter.

Reason: To determine whether there will be any loss of amenity to nearby residents as a result of noise or fume from any extract system, in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.14 of the London Plan.

12. Prior to the commencement of works on the development hereby permitted, a sample of materials to be used on all external surfaces shall be submitted to and be approved by the Local Planning Authority. The approved materials are to be constructed/installed prior to the occupation of the development to the satisfaction of the Local Planning Authority and shall be permanently maintained thereafter to the satisfaction of the Local Planning Authority.

Reasons: To ensure a satisfactory standard of external appearance and to protect local amenity and with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.1 of the adopted London Plan, February 2004.

13. Prior to the commencement of works on the development hereby permitted, full details of the grease trap or grease digester system to be installed for any commercial kitchen shall be 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 approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and London Plan policy 4B.1 (Design principles for a compact city)

14. Prior to the commencement of works on the development hereby permitted, full details of the mechanical ventilation or other plant associated with the commercial operation of the building shall be submitted to and approved by the Local Planning Authority. Details should include plans and drawings, full specifications of all filtration and odour abatement systems, noise output, termination points and maintenance schedules. Particular consideration should be given to the potential high level discharge of kitchen extract air or odoriferous extract air where a high level of discharge is usually essential. Regard shall be had to the guidance and best practice in 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by the Department for Environment, Food and Rural Affairs (available from <http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/index.htm>) The approved scheme shall be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and London Plan policy 4A.14 (Reducing noise)

15. Unless otherwise agreed in writing by the Local Planning Authority, all residential units hereby approved shall be constructed to comply with Lifetime Homes standards, as defined in the Joseph Roundtree Foundation publication "Achieving Part M and Lifetime Homes standards" and the joint collaboration of JRF, Major of London, GML Architects and Habinteg HA in the publication 'Lifetime Homes' and as referred to in the GLA Accessible London SPG (Appendix 4). The development shall be implemented in accordance with the Lifetime Homes standards prior to the first occupation of the dwellings and retained permanently, to the satisfaction of the Local Planning Authority.

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

16. Prior to the commencement of any works on the site, a plan showing the proposed landscaping scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall include the following:

i. Full details of plants and trees (common and Latin names, size and pot height; density or number, tree girth and method of growth i.e. container or open ground).

- ii. Maintenance schedule
- iii. Full details of materials to be used on paved areas and other hard surfaces.
- iv. Suppliers or manufacturers
- v. Guide to construction
- vi. Paving/fencing/colours/finishes
- vii. Location of lighting and details of lighting levels (wattage)
- viii. Any play equipment (specs, manufacturer, British or European Standard)
- ix. Any features or artworks
- x. All furniture

All planting, seeding or turfing 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 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.

Reasons: To ensure a satisfactory standard of external appearance of the development and with regard to Policy EQ15 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and London Plan policy 4B.1 (Design Principles for a compact city).

17. Prior to occupation of the development hereby approved, sustainability measures identified in the submitted sustainability report (specifically the biomass boiler) shall be implemented and thereafter permanently retained in working order to the satisfaction of the Local Planning Authority.

Reasons: In the interests of the long term sustainability of the scheme and with regard to London Plan policy 4B.6.

18. Prior to occupation of the development hereby approved the applicant shall liaise with the Councils Parking Department to agree suitable arrangements for the alterations to the on-street parking bays in Ward Road that are part of the Stratford Controlled Parking Zone to the written satisfaction of the Local Planning Authority.

Reasons: To ensure adequate and satisfactory arrangements are made for parking facilities within the Controlled Parking Zone, and with consideration to Policy S38 (Transport: Parking) of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and London Plan Policy 3C.1 (Integrating transport and development).

19. Prior to the occupation of the development hereby approved, motorcycle parking shall be provided to a minimum of one motorcycle space per ten residential units to the satisfaction of the Local Planning Authority.

Reasons: To ensure adequate motorcycle parking facilities are provided, and with consideration to Policy S38 (Transport: Parking) of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and London Plan Policy 3C.22 (Parking strategy).

20. Prior to the commencement of the development the applicant must enter into a S.278 Agreement with the Local Planning Authority to include the following:

- (a) Agree the access changes proposed onto the highway network.

The use hereby approved shall not commence until the above agreement and any associated works have been completed to the satisfaction of the Local Planning Authority with the written approval of Council's Engineer, and all costs in relation to this S.278 Agreement shall be met exclusively by the applicant.

Reason: In the interest of highway safety, in accordance with Policy T14 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy 3C.17 of the adopted London Plan.

## **INFORMATIVES**

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

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

2. Your attention is drawn to minimum room sizes under Newham's Private Sector Housing Standard:  
Minimum for Single Bedroom is 6.5M2  
Minimum for Double Bedroom is 10.2M2
3. 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: 020 430 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 Council's Development Control 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 the Pollution Control Unit, Environment Agency or any other Council department consultees without notifying the planning case officer.

4. 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.
5. The property lies within an area of the borough that has been identified as being at potential risk from buried explosive ordnance due to wartime bombing. It is recommended that professional advice is obtained and a risk assessment undertaken to identify and analyse any threat posed by ordnance before works commence.
6. 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.
7. The proposed development lies within Newham's Air Quality Management Area that was declared in March 2002. When deciding upon ventilation to the building you should consider how to reduce exposure to road traffic pollution. For details of the area, the review and assessment of air quality in Newham and the Action Plan that sets out how the Council will act to tackle air pollution the applicant should contact Public Protection (Pollution Control Unit) at No. 2-12 West Ham Lane, Stratford, London E15 4SF (Telephone 020 8430 2000 Ext. 25255).
8. External lighting for the development should be designed and positioned such as to:
  - Be the minimum required to perform the relevant lighting task.
  - Minimise light spillage and pollution.
  - Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas.
  - Avoid dazzle or distraction to drivers on nearby highways.

The developer should be aware that the Clean Neighbourhoods and Environment Act 2005 amended the Environmental Protection Act 1990 to bring artificial light from premises under the statutory nuisance regime as of 6 April 2006. Local authorities now have a duty to deal with light nuisance from premises which they consider to be a statutory nuisance.

Useful contacts:

The Institute of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby, Warwickshire CV21 2DZ, Tel: 01788 576492 <http://www.ile.org.uk/>

Lighting in the Countryside: towards good practice, which is on the website, <http://www.odpm.gov.uk/>. This document is a guide for local authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the adverse effects of external lighting, including security, street and flood-lights. The advice is applicable in towns as well as the countryside.

Environment Agency - Light Pollution:  
<http://www.environment-agency.gov.uk/yourenv/eff/1190084/pollution/152227/>

9. The relative internal arrangement of the flats is not ideal. We would usually recommend that 'like for like' rooms are positioned adjacent to and above one another so as reduce the potential for later noise problems.
10. The fenestration does not have an obvious safe cleaning access system which is required under the Workplace Regulations 1992. The applicant is advised to give further consideration to this matter.

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

11. **Smoke.**  
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 authority can enforce by taking legal proceedings.

#### Dust.

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

Using water sprays or sprinklers to suppress dust during dust generating activities such as filling skips, breakout of concrete and managing stock piles  
Washing the wheels of vehicles leaving the site if they are carrying mud or debris.

Erecting solid barriers to the site boundary.

Ensuring that lorries leaving the site carrying debris or waste are properly covered.

Cleaning the road and footpath near the site entrance as required.

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

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

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

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

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

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

#### Noise.

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

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

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

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

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

#### General.

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

Please note that if you are carrying out demolition works you may need to notify the council as required by the Building Act 1984. This enables the council to protect public safety and ensure that adjoining premises and the site are made good on completion of the demolition. For further information contact London

Borough of Newham Council Building Control Service on 020 8430 2000 or  
Email: reception.bco@newham.gov.uk

If you have any queries about air pollution or noise from construction or  
demolition sites please telephone or email Public Protection on 0208 430 3820 or  
pollution.inquiry@Newham.gov.uk

12.
  - 1) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
  - 2) 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.
  - 3) 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.
  - 4) Peak flows to the combined sewer should not exceed historical peaks - this should be achieved by surface water retention if necessary. Basement drainage should be pumped to ground level.
13. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidance.
14. Manifestations on glazing and colour contrasting should be provided for the visually impaired.

**CASE OFFICER:** Alice Leach

**Appendix 1:** Site Location Plan

**Appendix 2:** Proposed Site Layout Plan

**Appendix 3:** Proposed Elevations