

PLANNING COMMITTEE MEETING: 12th March 2009

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC
 REPORT OF THE DIRECTOR OF PLANNING**

UDC CASE NUMBER:	LTGDC-08-165-OUT	DATE MADE VALID:	19/12/2008
APPLICATION NUMBER:	08/02263/LTGDC/LBNM	TARGET DATE:	19/03/2009

APPLICANT:	English Cities Fund
AGENT:	Longboard Consulting
PROPOSAL:	Outline planning application for comprehensive mixed use redevelopment of the site for up to 60,600m ² (gross external) comprising retail (Use Classes A1, A2, A3, A4 and A5), offices (Use Class B1 (a)), residential (Use Class C3), and market, parking for residential and market traders and associated highway infrastructure and public realm works and provision of open space; incorporating full planning permission for development of land to the south of Barking Road including 1-21 Rathbone Market for 25,907m ² (gross external) comprising retail (Use Classes A1, A2, A3, A4 and A5), residential (Use Class C3), parking for residential and associated highway infrastructure and public realm works.
LOCATION:	Rathbone Market, Barking Road, Canning Town, East London E16

SUMMARY & RECOMMENDATION

- 1.1 **SUMMARY** This report considers a hybrid planning application by English Cities Fund for outline planning permission (plots 1, 2 and 3) and part full planning permission (plot 1 only) for the phased, comprehensive, re-development of Rathbone Market and surrounding land in Canning Town, E16 (as detailed in the 'PROPOSAL' and 'LOCATION' sections above).
- 1.2 This application is classified as a large scale development of 'potential strategic importance' under Part 1, Categories 1A, 1B and 1C of the Schedule to the Town and Country Planning (Mayor of London) Order 2008. Therefore notification of the Mayor of London was required. If LTGDC resolves to grant planning permission, it must first allow the Mayor an opportunity to decide whether to direct it to refuse planning permission.
- 1.3 The proposal was advertised in the Newham Recorder on 14th January 2009.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

- 1.4 The proposal has been advertised as works which affect the setting of a listed building in line with sections 16 and 66 of the Act. The affected listed building is a Grade II former public house located at 67 Barking Road, Canning Town, London E16.
- 1.5 This application was validated by the London Borough of Newham on 19th December 2008.
- 1.6 RECOMMENDATION Officers have considered the planning application with regard to the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the provisions of the development plan (The London Plan and the London Borough of Newham Unitary Development Plan), so far as material to the application, and to other material considerations and recommend that the application be **approved**.
- 1.7 On balance, LTGDC Officers hold the view that if fully implemented, the proposal would greatly contribute to the regeneration aspirations for Canning Town, providing housing and public amenity within the town centre, together with an improved retail offer and community provision. This proposal would be complementary to the development schemes being provided by LBN and the LTGDC south of the A13.

SITE AND PROPOSAL

2.1 Description of Site & Surroundings

- 2.2 The application site comprises land bounded by Barking Road and properties at numbers 110a – 128f Barking Road to the north, Mary Street to the east, A13 Newham Way to the south, properties at number 24 Barking Road to the west, and incorporating Maud Street. The site area is approximately 1.56 hectares (15,600m²). A site location plan is provided at Appendix 1.
- 2.3 A pedestrian subway passes beneath the A13, linking the eastern part of the application site to a residential area to the south of the A13.
- 2.4 There are two mature London Plane Trees (*Patanus x hispanica*) situated in Rathbone Market, which are the subject of a Tree Preservation Order (TPO).
- 2.5 Canning Town is located in the southern part of the Lower Lea Valley at the western boundary of the London Borough of Newham, close to its boundary with the London Borough of Tower Hamlets. The area is dominated by established residential and retail land uses with pockets of industrial land use, and is bisected by the A13 trunk road, which provides east-west vehicular access from central London to Essex. The application site is a 'wedge shaped' site which tapers to its narrowest depth at its western end and is abutted by the A13 on its southern boundary and Barking Road on its northern boundary.
- 2.6 The area has excellent public transport connections by London Underground (Jubilee Line), Docklands Light Railway (DLR), bus and taxi, with an interchange at Canning Town station, which is located approximately 200m south west of the application site. Further transport improvements are proposed including the upgrade of the former North London Line to DLR; a new DLR station on Manor Road (Star Lane); and the introduction of Crossrail which proposes a station in nearby Custom House.

Meeting: 12 March 2009
 Agenda Item: 3
 Report No.: LTGDC/09/PC09

- 2.7 The existing local built form largely dates c. 19th century comprising of a mix of buildings varying in height from two/three to eleven storeys in a wide variety of architectural styles. Buildings in the immediate vicinity of the site include the two-storey Somerfield store building to the west; a Grade II listed former public house, St. Margaret's & All Saints church and Anchor House (5 storey) on the opposite site of Barking Road. Immediately to the east of Anchor House, a recently constructed seven storey residential development at 95-99 Barking Road is currently being extended north.
- 2.8 The site currently comprises an existing outdoor 60 pitch market; an eleven storey residential block called Thomas North Terrace (80 flats) with retail at ground floor level; retail units; lock up garages; and a surface car park.
- 2.9 Market days are Tuesday, Thursday and Saturday. When the market is not in operation, the market square is utilised for surface car parking, providing 200 car parking spaces.
- 2.10 The site is identified as falling within Flood Zone 3 A by the Environment Agency. Zone 3 means that the site is at high risk of flooding.

2.11 Description of Proposal

- 2.12 **The outline planning application** is for the entire site, comprising of Plots 1, 2 and 3. A plan illustrating the location of each of the plots is provided at Appendix 2. The outline planning application is for 60,600m² of new building/development comprising residential, retail, offices, market (open area), parking, associated highway and public realm works, and the provision of open space.
- 2.13 The entire proposal (all three plots) includes the provision of 652 residential units, comprising of 26 x studio flats (4%); 287 x 1 bedroom units (44%); 318 x 2 bedroom units (48%); and 21 x 3 bedroom units (3%).
- 2.14 The scheme has been designed to allow the existing 40 social rented residents of Thomas North Terrace (TNT), which is to be demolished, to be relocated to the re-developed Plot 1 without the need for temporary accommodation.
- 2.15 The 60,600 m² **Outline application** comprises of:

Residential (Use Class C3)	Up to 52,000 m ²
Retail (Use Classes A1 – A5) ^a	Up to 4,500 m ²
Offices (Use Class B1(a)) ^b	Up to 2,600 m ²
Internal Plan (ground floor)	Up to 1,500 m ²
Total ^c	Up to 60,600 m ²
Market (out door open area)	2,825 m ²
Residential parking	Up to 0.4 spaces / unit
Residential cycle parking	Up to 1 space / unit
Market Traders parking	Up to 15 spaces
Parking for Offices	Up to 7 spaces

Notes:

^a includes studio/workshop space for A1 retail units and market trader's storage.

^b comprises LB Newham Front Office facility including offices, library and café.

^c excludes basement parking/bike store/waste stores.

2.16 The matters to be **determined** in the outline planning application are:

- **Access** to and within the site for vehicles, cycles and pedestrians; the location of points of access for vehicles; and connections to vehicular and pedestrian routes beyond the site boundary;
- **Layout** of the buildings on the application site including open spaces and routes within the site and to buildings and spaces beyond; and the
- **Scale** of buildings on the application site in terms of their height, width and length.

2.17 The matters to be **reserved** for subsequent approval are:

- **Appearance** of the buildings (other than Plot 1) including their external built form, architecture and materials; and
- **Landscaping** including details (other than Plot 1) of tree / shrub planting and screening and other hard and soft landscaping features.

2.18 **The detailed (full) part of the planning application** applies to Plot 1 only at the western end of the side. The proposal for Plot 1 comprises of a group of four linked blocks of residential accommodation consisting of two towers connected by a lower level c-shaped arrangement of units overlooking a raised public garden. Residential entrances and commercial units are to be located at ground floor level and residential support services such as waste management areas, car parking and bicycle stores are accessed from ground floor level but located in a sub-surface basement.

2.19 The **Detailed** application for plot 1 comprises of:

Residential ^a	21,645 m ² (271 units)
Retail (Use classes A1 – A5) ^{b c}	2,987 m ²
Internal Plant (ground floor)	1,275 m ²
Total ^{c d}	25,907 m ²
Parking (residential)	120 car parking spaces (incl. 18 mobility spaces) 285 cycle parking spaces

Notes:

^a includes residential access (ground floor) (248 m²).

^b includes mezzanine studio / workshop (791 m²) and management office (44 m²).

^c excludes access ramp and stair cases to basement parking (192 m²).

^d excludes basement parking/bike store/waste store.

2.20 The proposed development includes the diversion and abandonment of some existing utilities along with the reinforcement of others. This will include the decommissioning of the existing substation adjacent to Thomas North Terrace and the provision of a new substation located within Plot 1 adjacent to Newham Way (A13 Trunk Road) and a further substation within Plot 2 accessible from Mary Street.

ENGLISH CITIES FUND – The Applicant

3.1 English Cities Fund (ECf) was created by the government to identify and break

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

through the barriers to institutional investment and pave the way for higher levels of private investment in the re-shaping of our towns and cities.

- 3.2 ECf aims to show that high-quality, mixed-use area-based regeneration schemes provide viable, attractive and worthwhile opportunities for institutional investors in the medium to long term, alongside lasting community benefits and environmental improvements.
- 3.3 The three partners are Muse Developments, Legal & General and Homes & Communities Agency.¹
- 3.4 The regeneration of Rathbone Market is a joint venture between landowners, the London Borough of Newham and ECf.

MAIN ISSUES

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

- Environmental Issues
- Principle of proposed land use
- Regeneration
- Urban design and accessibility
- Climate change adaptation and mitigation
- Housing
- Affordable Housing
- Transport
- Equalities
- Human Rights Act 1998
- Legal Agreements

RELEVANT SITE HISTORY

5.1 No planning history relevant to this application.

5.2 There have been no planning enforcement cases in relation to the site.

APPLICATION PUBLICITY

6.1 Site Notice Expiry: 3rd February 2009

6.2 Press Notice Expiry (Newham Recorder): 4th February 2009

6.3 Neighbour Notification Expiry: 4th Feb 2009

CONSULTATION / RESPONSES FROM STATUTORY CONSULTEES

- 7.1 Action and Rights of Disabled People in Newham: No representations received to date.
- 7.2 English Heritage: email dated 25th February 2009 - This is a very important site in terms of the future of Canning Town. English Heritage is pleased that the

¹ <http://www.englishcitiesfund.co.uk/about.html>

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

market would remain on the site at the heart of the community.

- 7.2.1 The development would impact on the setting of the listed former Royal Oak PH which stands on the north side of Barking Road amongst a fine group of buildings which includes the unlisted Public Library and Public Hall building. It is important to ensure that suitable conditions are placed on any permission in order to ensure that the necessary level of external quality is achieved.
- 7.3 English Heritage (GLAAS): Letter dated 19th January 2009. Officers disagree with the archaeological section of the ES which overstates the impact of previous development on the site and fails to mention the significant impact of the proposed basement on any surviving archaeological remains. English Heritage therefore disagree with the conclusions and recommend archaeological field evaluation is required to determine the degree to which archaeological material will be affected by redevelopment. This advice is in line with the national guidance offered by PPG16, and the policies of the London Borough of Newham.
- 7.3.1 However, English Heritage do not consider that archaeological field work need be undertaken prior to determination of the planning application and advise that the need for archaeological mitigation be secured by attaching a condition to any planning permission.
- 7.3.2 English Heritage recommend that evaluation be undertaken at the earliest possible opportunity (ideally archaeologists would be part of the project design team) to allow the archaeological programme to be incorporated into the development schedule. English Heritage has advised that it would be happy to provide a list of suitable archaeological contractors able to undertake the work.
- 7.3.3 Once the archaeological impact of the proposal has been defined a decision on the appropriate archaeological safeguard can be made. If necessary these would normally consist either of design measures to preserve remains in situ or archaeological investigations prior to development, or a combination of the two.
- 7.4 Environment Agency: Letter dated 19th December 2008 confirming that the Sequential Test and Exceptions Test (Parts A and B) have been carried out for the development and that the Flood Risk Assessment (FRA) is acceptable. As such Part C of the Exceptions Test has been satisfied.
- 7.4.1 Environment Agency has no objection to the application providing a number of suggested conditions are imposed on any planning permission granted.
- 7.4.2 Letter dated 5th October 2007 confirming that the Extended Phase 1 Habitat Survey for the site is satisfactory and that the Environment Agency does not require any further information. The Environment Agency support the identification of biodiversity enhancements as listed in the Extended Phase 1 Habitat Survey.
- 7.5 Greater London Authority: The Mayor of London received an officer report on 11th February 2009. That (stage 1) report includes comments from Design for London (DfL), Transport for London (TfL) and the London Development Agency (LDA). The GLA concluded that the application, on balance, does not comply with the London Plan. The report stated that the following changes might, however, remedy the deficiencies listed below, and could possibly lead to the application becoming compliant with the London Plan:

- Housing: further financial viability information should be provided to demonstrate that the scheme would provide the maximum reasonable amount of affordable housing consistent with London Plan policies 3A.9 and 3A.10.
 - Climate change mitigation: further information should be provided to confirm compliance with the requirements of London Plan policies 4A.1, 4A.6, and 4A.7.ble housing consistent with London Plan polices 3A.9 and 3A.10.
 - Climate change adaptation: further information should be provided to confirm compliance with the requirements of policy 4A.3.
 - Transport: [see 7.15 below] the applicant should address the all of the comments detailed in the TfL representation in order for the proposal to be consistent with London Plan policies 3C.2, 3C.17, 3C.20, 3C.21, 3C.22 and 3C.25.
- 7.6 Government Office for London (GOL): There is no statutory requirement to consult GOL and no representations have been received to date.
- 7.7 LB Newham Planning: An officer report was presented to the LB Newham Development Control Committee on 4th March 2009 recommending the Borough Planning Officer make representations to LTGDC that subject to the resolution of a number of outstanding issues, planning permission be granted subject to referral to the Mayor of London and the inclusion of conditions and s106 heads of terms.
- 7.8 LB Newham Canning Town and Custom House Regeneration Project (CTCH) Letter dated 3rd February – CTCH fully supports the scheme and consider that the scheme complies with the Canning Town and Custom House Supplementary Planning Document (SPD) which was adopted by the Council in July 2008, following confirmation from the Greater London Authority that the SPD was in compliance with the London Plan.
- 7.9 London City Airport: No representations received to date.
- 7.10 Metropolitan Police: Letter from CgMs dated 13th February 2009 on behalf of the Metropolitan Police Authority (MPA). Development of this scale will have significant implications for the MPA's resources in seeking to ensure a safe and secure environment is created. The development is likely to necessitate floor space of approximately 125 m² for police facilities. It is essential that the proposal complies with the security standards detailed in the Secured by Design Scheme.
- 7.11 The representation by CgMs dated 13th February stating the Metropolitan Police Authority's desire for 125 m² of floor space for police facilities is noted. However, Emergency Services have already been acknowledged in the Planning Obligations Community Benefit Strategy. Buildings for Emergency services are specifically captured within the Lower Lea Valley Public Sector Investment Plan. For this reason LTGDC will not be seeking additional contributions from the Developer in this respect.
- 7.12 Newham's Crime and Anti-Social Behaviour Team and the Metropolitan Police's Safer Neighbourhoods Team have recently (June 9th 2008) taken up newly

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

created space at 'The Place' on Silvertown Way, which was created as a joint venture between LTGDC, Newham Council, London Development Agency and the Metropolitan Police; demonstrating a shared approach to improving the quality of life for local people. The capital funding for that project was provided by LTGDC. Further, it is envisaged that more, permanent, provision for the Metropolitan Police will be delivered as part of the forthcoming Area 7 development to the immediate south of the subject (Rathbone Market) site.

- 7.13 National Grid: Letter dated 13th January 2009. National Grid has advised that based on the information provided and the proximity and sensitivity of the networks to the proposal, the risk is negligible with respect to its operational electricity transmission network and operational gas transmission network.
- 7.14 Sport England: No representations received to date.
- 7.15 Thames Water Authority: Email dated 19th January 2009 – It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into a receiving public network through on or off site storage.
- 7.15.1 Conditions and informatives were also suggested regarding: the location of public sewers crossing the site; the need for petrol / oil interceptors to be fitted in all car parks; the insufficient capacity of the existing water supply infrastructure and the need for the submission of an Impact Study; and the need to limit peak discharge to the combined sewer system.
- 7.16 Newham Primary Care Trust: Letter dated 27th January 2009 – There will be an impact on health services as a result of this development and the PCT would expect to discuss how this impact can be mitigated. The HUDU Planning Contributions Model estimates that the development will generate 1,414 new residents to Newham, whom will have a requirement for health services including primary healthcare, mental healthcare and acute care, e.g. Accident & Emergency.
- 7.16.1 The model suggests that £2,656,000 should be sought to mitigate the impact on the local health economy.
- 7.16.2 The above representation by Newham Primary Care Trust is noted. However, Health is already acknowledged in the Planning Obligations Community Benefit Strategy. Health services are specifically captured within the Lower Lea Valley Public Sector Investment Plan. For this reason LTGDC will not be seeking additional contributions from the Developer in this respect as suggested in the correspondence.
- 7.17 Transport for London: Letter dated 15th December 2008 & email dated 17th February 2009 – comments are made entirely on a 'without prejudice' basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this scheme.
- 7.17.1 While initial assessment suggests that the development is unlikely to have a significant impact on the highway network, additional information is required to confirm this, along with proposed measures to mitigate the impact of the development on the public transport network.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

- 7.17.2 There is a need for a car parking management plan to be produced.
- 7.17.3 TfL requires that a person trip rates exercise for the peak hour be submitted.
- 7.17.4 The modelled traffic flow data for Canning Town roundabout and the junction of Barking Road, Beckton Road and Hermit Road are considered acceptable, although the 2006 data used for this assessment is nearing the end of its useful life.
- 7.17.5 TfL requires the PM modelling work to be finalised and approved by TfL prior to occupation on site.
- 7.17.6 There is a need to collect financial contributions totalling £660,000 towards enhancing the bus network, which should be collected from the onset so that the bus network can continue to operate in a satisfactory manner, rather than wait until it is significantly over capacity and people are potentially put off using the service. TfL recommend that some of the LTGDC tariff fund goes toward these capacity enhancements.
- 7.17.7 New bus stops should be fully DDA compliant.
- 7.17.8 The provision of 652 cycle parking spaces for the residential aspect of the development is acceptable.
- 7.17.9 TfL requires confirmation that all footways within the vicinity of the site meet the 2 metre minimum width requirement.
- 7.17.10 The proposed provision of a ramped access to the subway is welcomed.
- 7.17.11 TfL would encourage the applicant to carry out a condition survey of all bus stops located within 400m of the site, and associated walking routes. TfL will then be able to identify the level of contribution required to bring these stops and walking routes up to current TfL's accessibility standards. In the absence of any audit, a capped sum of £20,000 per pair of stops will be required.
- 7.17.12 The TA forecasts only a small impact on the DLR services during the peak times of the day, and as such, it is accepted that the development is unlikely to have a negative impact on the network. The site would benefit from real time information displays in the building foyers, TfL would request that DAISY (Docklands Arrival Information System) screens be provided. Alternatively, the developer is welcomed to investigate alternative measures that will provide real time updates on a wider range of modes. Whilst this provision should be secured as an obligation, a minimum £20,000 contribution should be set aside in the s106 to ensure that sufficient funds exist for its delivery.
- 7.17.13 The framework travel plan submitted as part of this development is not considered to be acceptable in its current form as travel plan targets, policy section, background information on the development and information on the local transport environment as well as site accessibility, are currently missing. The travel plan should be a standalone document to the TA and therefore needs to contain full information about the site. In addition to this, a full residential travel plan also needs to be submitted as either a separate document or as a component of the framework travel plan. Individual travel plans for the retail and front office spaces may also be required post application, depending on whether the amount of floor space of the number of staff employed exceeds the TfL

Meeting: 12 March 2009
 Agenda Item: 3
 Report No.: LTGDC/09/PC09
 thresholds.

7.17.14 TfL is disappointed that there is little mention made of servicing within the TA and would therefore seek confirmation that service vehicle provision for the site will be well managed. Given the scale of development, provision of a Delivery Servicing Plan (DSP), as referred to in TfL's London Freight Plan, is requested. This plan should be secured through a condition.

7.17.15 TfL is pleased to see that a construction management impact and management strategy will be produced.

7.17.16 The above representation by TfL is noted. However, with respect to the financial contributions sought, Transport is already acknowledged in the Planning Obligations Community Benefit Strategy. Transport services are specifically captured within the Lower Lea Valley Public Sector Investment Plan. For this reason LTGDC will not be seeking additional contributions from the Developer in this respect as suggested in the correspondence.

7.18 London Borough of Tower Hamlets: Letter dated 28th January 2009 – The scheme is recognised as having enormous potential and ability to deliver the overarching objectives of regeneration. Tower Hamlets' emerging Core Strategy recognises the importance of Canning Town and the town centre will have to Tower Hamlets' residents, especially in Leamouth and Poplar Riverside.

7.18.1 Tower Hamlets confirm it has no objections to make in relation to the application and wish to remain involved in the progress of this scheme.

7.19 London Fire Service (LFEPA North East Area): No representations received to date.

CONSULTATION / RESPONSES FROM MEMBERS OF THE PUBLIC

8.1 Three thousand, one hundred and twenty three (3123) consultation letters were sent to neighbouring properties regarding this application. The application was also advertised in the Newham Recorder on 14th January 2009 as affecting the setting of a listed building and being accompanied by an Environmental Statement.

8.2 Site notices were posted on 13th January 2009.

8.3 A Statement of Community Involvement has been submitted as part of the application. That document sets out details of the pre-application consultation, as carried out by the Applicant and feedback received.

8.4 One representation has been received in relation to the application from River Christian Centre (RCC) - letter dated 4th February 2009. The comments made by rcc are summarised in the table below, together with LTGDC officer responses.

RCC comment	LTGDC response to comment
<u>Underpass</u> : Improvements to the subway under the A13 is welcomed. Keen to see the feasibility scheme regarding a possible overpass bridge linking Canning Town north and south acknowledged as	The application proposes improvements to the subway under the A13, which LTGDC propose to secure by condition. The Canning Town and Custom House Supplementary Planning Document

Meeting: 12 March 2009
 Agenda Item: 3
 Report No.: LTGDC/09/PC09

<p>desirable within the layouts/ designs. Local people have understandable aversion to underpasses for safety reasons. A more open-air passage over the A13 is therefore very attractive to local people.</p>	<p>dated July 2008 identifies the possibility of a new pedestrian bridge over the A13 outside of the application site area.</p>
<p><u>Rathbone Market</u>: There is a local acceptance that the market ceased to be a significant presence some years ago. A new market needs a very carefully planned business strategy to be effective.</p>	<p>The application includes the re provision of a new out door market.</p> <p>A condition requiring the submission of an Estate Management Strategy (EMS), including: full details of the proposed management and maintenance of the office, residential and retail floor space (including communal parts), the market square and areas of public realm, public open space and landscaping; and the funding of such maintenance is proposed.</p>
<p><u>Height</u>: The various building heights look proportional. We assume that due consideration has been given to the climatic elements associated with tall buildings e.g. wind effects.</p>	<p>The submitted ES includes a chapter on microclimate, which has been assessed.</p> <p>A condition requiring the scheme to be constructed in accordance with the mitigation measures set out in the Environmental Statement dated November 2008 is proposed.</p>
<p><u>Synergy</u>: We assume that a joined up approach will continue to form part of the overall CT & CH SPD will be carefully maintained.</p>	<p>The area covered by the Canning Town and Custom House Supplementary Planning Document dated July 2008 does not all fall within the LTGDC planning functions area. LTGDC officers will continue to work collaboratively with partners to bring forward successful and effective delivery of regeneration within the area.</p>
<p><u>Junction / Traffic Changes</u>: Concerned that the genuine infrastructure changes that arise from other associated regeneration planning applications (e.g. Canning Town Roundabout) will be carefully co-ordinated.</p>	<p>LTGDC and LB Newham officers are currently considering the Canning Town Roundabout planning application (LTGDC Ref: LTGDC-08-171-FUL) and are aware of the need to co-ordinate the interface between the two proposals.</p>

RELEVANT PLANNING POLICY

- 9.1 The Development Plan comprises of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

direction from the Secretary of State) and The London Plan: Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (Published Feb 2008).

9.2 Newham's Adopted Proposals Map illustrates the site as falling within the Canning Town Centre Boundary; including a Primary Shopping Frontage; and a Secondary Shopping Frontage. The site also falls within an Archaeological Priority Zone, where important archaeological remains can be preserved within and below deep alluvial deposits on the historic floodplain of the Rivers Lea and Thames.

9.3 The London Plan illustrates the site as being an 'Area for Regeneration' and an 'Opportunity Area' (Lower Lea Valley), falling within the North East London sub-region.

9.4 The Lower Lea Valley Opportunity Area Planning Framework (January 2007) illustrates the site as falling within Sub-Area 13: Canning Town.

9.5 The London Plan: Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (Published Feb 2008):

2A.1 Sustainability criteria

2A.2 The Spatial strategy for development

2A.3 London's Sub-regions

2A.5 Opportunity Areas

2A.6 Areas for Intensification

2A.7 Areas for Regeneration

2A.8 Town Centres

3A.1 Increasing London's supply of housing

3A.2 Borough housing targets

3A.3 Maximising the potential of sites

3A.5 Housing choice

3A.6 Quality of new housing provision

3A.7 Large residential developments

3A.8 Definition of affordable housing

3A.9 Affordable housing targets

3A.10 Negotiating affordable housing in individual private residential and mixed-use schemes

3A.11 Affordable housing thresholds

3A.13 Special needs and specialist housing

3A.15 Loss of housing and affordable housing

3A.17 Addressing the needs of London's diverse population

3A.18 Protection and enhancement of social infrastructure and community facilities

3A.23 Health Impacts

3A.27 Meeting floor target

3A.28 Social and economic impact assessments

3B.1 Developing London's economy

3B.2 Office demand and supply

3B.3 Mixed Use Development

3B.11 Improving employment opportunities

3C.2 Matching development to transport capacity

3C.3 Sustainable transport in London

3C.19 Local transport and public realm enhancements

3C.20 Improving conditions for buses

3C.21 Improving conditions for walking

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

- 3C.22 Improving conditions for cycling
 - 3C.23 Parking strategy
 - 3C.24 Parking in town centres
 - 3D.1 Supporting town centres
 - 3D.2 Town centre development
 - 3D.3 Maintaining and improving retail facilities
 - 3D.8 Realising the value of open space and green infrastructure
 - 3D.13 Children and young people's play and informal recreation strategies
 - 3D.15 Trees and woodland
 - 4A.1 Tackling climate change
 - 4A.2 Mitigating climate change
 - 4A.3 Sustainable design and construction
 - 4A.4 Energy assessment
 - 4A.5 Provision of heating and cooling networks
 - 4A.6 Decentralised Energy: Heating, Cooling and Power
 - 4A.7 Renewable Energy
 - 4A.9 Adaptation to climate change
 - 4A.10 Overheating
 - 4A.11 Living Roofs and Walls
 - 4A.13 Flood risk assessment
 - 4A.14 Sustainable drainage
 - 4A.15 Rising groundwater
 - 4A.16 Water supplies and resources
 - 4A.18 Water and sewerage infrastructure
 - 4A.19 Improving air quality
 - 4A.20 Reducing noise and enhancing soundscapes
 - 4A.28 Construction, excavation and demolition waste
 - 4B.1 Design principles for a compact city
 - 4B.2 Promoting world-class architecture and design
 - 4B.3 Enhancing the quality of the public realm
 - 4B.5 Creating an inclusive environment
 - 4B.6 Safety, security and fire prevention and protection
 - 4B.8 Respect local context and communities
 - 4B.9 Tall Buildings
 - 4B.10 Large-scale buildings – design and impact
 - 4B.11 London's built heritage
 - 4B.12 Heritage conservation
 - 4B.15 Archaeology
 - 5A.1 Sub-Regional Development Frameworks
 - 5C.1 The strategic priorities for North East London
 - 5C.3 Opportunity Areas in North East London
 - 6A.4 Priorities in planning obligations
 - 6A.5 Planning obligations
- 9.6 London Borough of Newham Unitary Development Plan (Adopted June 2001, Saved from 27 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
 - S6 – Mixed Use Development
 - S7 – Urban Regeneration: Promotion of Development
 - S9 – Environmental Quality: Design Issues

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

S11 – Environmental Quality: Protection of the Borough's Heritage
S19 – Housing: Extending the Range of Housing Choice
S20 – Housing: Inclusion of Affordable Housing in New Housing Schemes
S21 – Housing: Special Needs
S22 – Housing: Mix & Density
S24 – Employment – Meeting the Council's Regeneration Objectives
S30 – Shopping: New Retail Development
S31 – Shopping: Town Centre Regeneration Strategies
S32 – Shopping: Location of Major Retail Development
S35 – Transport: Encouragement of Alternatives to the Motor Car
S37 – Transport: Improvement of Facilities for Pedestrians and Cyclists
S38 – Transport: Parking
S39 – Leisure, Recreation and Open Space: Reducing Overall Deficiency in Open Space
S40 – Leisure, Recreation and Open Space: new Children's Play Areas
S46 – Community Services: Accessibility
EQ13 – Tree Preservation Orders
EQ14 – Tree Loss and Retention
EQ15 – Inclusion of Tree Planting in New Development
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
EQ38 – Planning Applications Affecting the Setting of a Listed Building
EQ43 – Archaeology: Investigation, Excavation and Protection
EQ45 – Pollution
EQ46 – Air Quality Management
EQ47 – Noise Impact Statement
EQ48 – Noise – Sensitive Development
EQ49 – Contaminated Land: Assessment, Remediation and Monitoring
EQ61 – Recycling
EQ62 – Protection of the Flood Plain and Urban Washlands
EQ63 – Surface Water Disposal
H9 – Affordable Housing: Retention
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
EMP11 – Other Office Development
SH1 – Consolidation of the Shopping Hierarchy
SH5 – Canning Town District Centre
SH8 – Primary Shopping Frontages
SH15 – Shopfront Design
SH16 – Street Markets: Restrictions on New Markets
SH18 – Street Markets: Temporary Permission
SH23 – Recycling
T1 – New Development: Environmental Impact
T2 – New Development: Public Transport Accessibility
T3 – Highway capacity

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

T5 – Preferred Modes of Transport

T14 – Design to Minimise Road Accidents in New Development

T16 – Controlled Parking Zones and Additional Public Car Parks in Shopping Centres

T19 – Improvement of Conditions for Pedestrians

T24 – Access by Cycle and Cycle Parking

T26 – Motorcycle Parking

T30 – Restrictions on Development Within the Airport Safeguarding Area

LR4 – Public Art

OS8 – Green Space in New Housing Development

OS12 – Children’s Play Facilities in New Housing Development

CS18 – Drainage System

9.7 Planning Policy Statements / Guidance:

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS4: Planning for Sustainable Economic Development (draft)

PPS6: Planning for Town Centres

PPG13: Transport

PPG15: Planning and the Historic Environment

PPG16: Archaeology and Planning

PPG24: Noise

PPG25: Development and Flood Risk

9.8 Additional Guidance:

London Plan SPG ‘Housing’

London Plan SPG ‘Sustainable Design and Construction’

London Plan SPG ‘Providing for Children and Young People’s Play and Informal Recreation’

London Borough of Newham SPD ‘Canning Town and Custom House’

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)

ASSESSMENT OF MAIN ISSUES

10.1 **Environmental Issues**

10.1.1 LTGDC Officers have taken environmental information into consideration in the assessment of this application in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

10.1.2 The Applicant sought a screening opinion on the 15th May 2007, in respect of the need or otherwise for an Environmental Impact Assessment for the proposed development. The Applicant also agreed an extension of time to respond.

10.1.3 An EIA Scoping Report by Peter Brett Associates was submitted with the screening opinion request.

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

10.1.4 On 6th July 2007 LTGDC resolved that the proposed development is considered to fall within Schedule 2 under part 10 (d) by virtue of being an urban development project where the area of development exceeds 0.5 hectares (the site being 1.56 hectares).

10.1.5 LTGDC issued a screening opinion that:

- the environmental effects arising from the proposed development could be complex and have implications for the wider area. The proposal represents a major development which is of more than local importance; with complex or potentially hazardous environmental effects; and development which exceeds the broad indicative threshold, set out in Annex A (paragraph A18) to Circular 02/99, above which, in the view of the Secretary of State, EIA is more likely to be required. That is, a new urban development project on a significantly greater scale than the previous use; and
- the development is a Schedule 2 application and that an EIA is required because there is a likelihood of significant effects on the environment.

10.1.6 The application is accompanied by an Environmental Statement by Peter Brett Associates covering the following topic areas:

- Transportation and Access
- Noise and Vibration
- Air Quality and Climate Change
- Microclimate
- Hydrology and Flood Risk
- Waste Management
- Land Quality (Summarised)
- Archaeology (Summarised)
- Ecology & Nature Conservation (Summarised)
- Impact Interactions and Cumulative Effects

10.1.7 LTGDC Officers note the following with regard to each of the above topic areas:

- Transportation and access (Chapter 8 of the ES)

Chapter 8 of the ES was prepared based on a separate Transport Assessment (TA) by Peter Brett dated November 2008, which was submitted with the planning application. That TA concludes that the calculated changes in development traffic are expected to be marginal when compared to existing conditions. Development traffic should not lead to significant effects on driver delay; pedestrian delay and amenity, fear and intimidation from HGV's or accidents or road safety. DLR and London Underground has sufficient capacity to accommodate the potential increase in demand without significant effect.

LTGDC officers note the representations made by Transport for London (TfL) as supported by the Greater London Authority, which states that the framework travel plan (TP) is not considered to be acceptable in its current form as travel plan targets, policy section, background information on the development and information on the local transport environment as well as site accessibility, are currently missing.

Further, LTGDC officers note TfL's recommendation that an ATTrBuTE assessment should therefore be carried out on a revised travel plan before it is submitted, and this should ensure that the travel plan meets the required

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09
standard.

LTGDC officers also note the requirement for the submission of modelling work in relation to PM modelling for the Barking Road, Beckton Road and Hermit Road junction.

LTGDC officers recommend that the Transport Assessment be approved as part of the ES, but wish to impose a condition requiring the submission of the above mentioned PM modelling work and also to require a TP through a legal agreement under section 106 of the Act.

- Noise and Vibration (Chapter 9 of the ES)

The ES states that an assessment of the noise and vibration impact of the proposed development has been carried out, including an assessment of demolition and construction activities. The ES states that the assessment methodology regarding Noise and Vibration has been agreed with the Environmental Health Officer at LBN.

In terms of the affect of the operation of the proposed development on the existing and proposed residences, the incorporation of the necessary mitigation would result in no significant impact.

LTGDC Officers are content that the development would result in no significant impact in relation to Noise and Vibration provided that the necessary mitigation measures are incorporated in full accordance with the details set out in the ES.

- Air quality and climate change (Chapter 10 of the ES)

The ES states that: (i) the completed development is expected to have no significant impact in terms of CO₂ emissions; (ii) the demolition and construction phases are expected to have a moderate temporary adverse impact on dust complaints and PM₁₀; (iii) at existing and proposed receptors on Plots 2 and 3 the impact of the operational phase is expected to be not significant, although mechanical ventilation is recommended for the ground and first floors of dwellings on Plot 3 and first floor flats on Plot 2 due to existing poor air quality. Mechanical ventilation is also proposed for first floor units and second floor units fronting Barking Road and the Market Square in Plot 1. With mitigation the operational phase is expected to have a moderate adverse impact.

LTGDC Officers are content that assuming that the proposed mitigation measures are incorporated, the completed development is expected to have a moderate adverse impact on local air quality.

- Microclimate (Chapter 11 of the ES)

This chapter of the ES considers the impact of the proposed development on the local wind environment and on daylight and sunlight conditions in surrounding properties. It also considers the potential for good daylight and sunlight on the facades of the proposed development and the level of permanent overshadowing of the proposed amenity areas within the development.

With regard to wind, the ES summarises that with the addition of mitigation measures it is considered that the risk of unsafe and uncomfortable wind conditions can be further reduced, such that the impact of the development is predicted to be minor adverse.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

With regard to daylight and sunlight, the ES summarises that the impact of the proposed development on daylight and sunlight levels is considered to be moderate adverse impact.

LTGDC Officers are content that provided that the proposed mitigation measures are incorporated, the completed development is expected to have a: (i) minor adverse impact with regard to wind; and (ii) a moderate adverse impact with regard to daylight and sunlight. This is considered to be generally acceptable.

- Hydrology and flood risk (Chapter 12 of the ES)

Due to the defended nature of the site and the proposed mitigation measures, the increased exposure to flood risk for the proposed development is a minor adverse impact.

The surface water runoff from the site would be managed by using sustainable urban drainage systems (SUDS) (i.e. green roofs and balancing ponds) and the discharge would be limited to 30% of the existing runoff. This would be a minor beneficial effect.

LTGDC Officers have considered the content of the ES with regard to Hydrology and Flood Risk in association with the representations made by the Environment Agency and are content that provided the proposed Flood Evacuation Plan, which is to be submitted pursuant to the ES, is found to be acceptable to the Environment Agency, the findings of Chapter 12 of the ES are sound.

- Waste management (Chapter 13)

The volume of waste arising from the demolition phase was found to be a minor adverse effect.

A Construction Code of Conduct will be adopted and agreed by LBN in order to control and monitor the generation of wastes.

The increase in volumes of household waste as a result of the proposed development is considered not significant. Tenants will have dedicated bin space and access to a dedicated waste storage area in the basement along with provisions for recycling. Overall the residual effect is summarised as not significant.

The volumes of commercial waste estimated during occupancy are summarised as being of minor adverse effect.

LTGDC officers are content that chapter 13 of the ES is acceptable and seek to ensure that unacceptable environmental impacts do not arise through the imposition of a condition requiring details of future waste management as part of an Estate Management Strategy (EMS), which is to be submitted to the Local Planning Authority for written approval.

- Land quality (Chapter 14 of the ES)

Though no major historical contaminative activities have been associated with the site, the presence of Made Ground on the site could be a source of ground contamination. The Made Ground as well as alluvium could be sources of ground gas from the site.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

It is anticipated that any residual risks from these sources can be managed through the implementation of appropriate mitigation measures should they be required; as such the impacts on land quality during the construction phase will not be significant while operational effects should be minor beneficial.

LTGDC Officers are content that impacts on land quality can be managed through the implementation of appropriate mitigation measures, should they be required, as suggested in the ES.

- Archaeology (Chapter 15 of the ES)

The ES states that previous land use impacts at the site have been severe and widespread. There have been several phases of development at the site, including World War II bomb damage. It goes on to state that in view of the sites low archaeological potential, and the impact of past development, the proposed development should not have a significant effect on archaeology and mitigation is not required.

LTGDC Officers acknowledge the representation made by English Heritage as set out in section 7.18 of this report. It is noted that English Heritage are content that the archaeological field work need not be undertaken prior to determination of the planning application and accept their advice that there is a need for archaeological mitigation be secured by attaching a condition to any planning permission. The suggested condition and informative have been included in the draft list of conditions and informatives at the end of this report.

- Ecology and nature conservation (Chapter 16 of the ES)

The ES states that the trees on site may support a small local breeding population of birds. The mature London Plane trees of local value and subject of a Tree Preservation Order are remaining as part of the scheme. The removal of the semi-mature trees is not significant however any tree clearance will be conducted outside of bird breeding season.

Overall the landscaping proposed as part of the development will have a minor beneficial effect on ecology and nature conservation.

LTGDC Officers are content that the expected minor beneficial effect on ecology and nature conservation is acceptable.

- Impact interactions and cumulative effects (Chapter 17 of the ES)

The ES states that the construction of the development is likely to have cumulative effects on the local population. These are in relation to dust, PM¹⁰ noise and vibration. There is likely to be a moderate adverse effect of construction on the local population, but this is typical of such large regeneration projects in a busy, urban location and will be temporary.

There will also be a number of environmental effects during the operation of the development such as the loss of car parking, air quality in some proposed dwellings, day lighting and sun lighting effects, wind conditions, flood risk, surface water flooding and contamination. It is considered that the proposed development will have a minor adverse effect on the local population, however this may be off set by the likely socio-economic benefits likely to result from the development and any catalytic effect on the wider regeneration of Canning Town.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

The potential for the generation of cumulative effects on traffic conditions from the construction of the Rathbone development at the same time as other local developments is not considered to be significant. The potential for disruption due to noise, air quality and dust may lead to minor adverse effect but is largely mitigated through the large distances between the majority of the developments.

LTGDC Officers are content that the findings of Chapter ES are acceptable.

10.2 **Principle of proposed land use**

- 10.2.1 The principle of redeveloping the site with a residential-led mixed use development is considered to be in accordance with development plan policies designed to maximise the development potential of brownfield sites to help to achieve local and strategic housing need and improving the vitality and viability of town centres.
- 10.2.2 PPS1 stresses the importance of mixed use development, while Policy 2A.1 of the London Plan stresses the importance of mixed use development and the contribution it can make to strengthen local communities.
- 10.2.3 Policy 3A.5 (Housing choice) of the London Plan states that Boroughs should encourage proposals for large residential developments in areas of high public transport accessibility, including the provision of suitable non-residential uses. Policy 3A.7 (Large residential developments) provides that boroughs should encourage proposals for large residential developments in areas of high public transport accessibility.
- 10.2.4 Table 3A.1 of the London Plan illustrates a ten year new housing target of 35,100 for Newham to 2017. The proposed provision of 652 new units would make a notable contribution to meeting that target in line with policies 3A.1 and 3A.2.
- 10.2.5 The application site is located within the Canning Town centre boundary and saved UDP policy S6 encourages mixed use developments, particularly in town centres, in order to create greater diversity and vitality and minimise the need to travel. Policy SH5 of the UDP promotes and encourages the regeneration of Canning Town District Centre.
- 10.2.6 The Mayor of London Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) states that the Canning Town area has considerable potential for mixed use development. Paragraph 4.218 anticipates 265-1025 hrph for mixed use areas, with the higher end of the range applicable only in those areas with the highest PTAL ratings. It is noted that the site enjoys a PTAL rating of 6a (excellent).
- 10.2.7 The Canning Town and Custom House SPG (July 2008) identifies the site as falling within sub-area 1 a, where mixed-use development with retail, residential (1 – 3 bed flats), office and food and drink uses are promoted.
- 10.2.8 LTGDC Officer conclusion on the principle of the proposed land use The creation of new investment, opportunities and mixed tenure housing is welcomed in Canning Town and the principle of creating an improved market, range of shops, services, commercial activity, open space and homes accords with local and regional aspirations for the site. The principle of demolishing the

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

existing buildings and redeveloping the site with a high density residential-led mixed development will secure the regeneration of an inefficiently used site located in Canning Town centre if brought forward in line with development plan policies.

10.3 **Regeneration**

10.3.1 The London Plan illustrates the site as an 'Area for Regeneration' and an 'Opportunity Area' (Lower Lea Valley), falling within the North East London sub-region. General policy for Areas for Regeneration is set out in London Plan Policy 2A.7.

10.3.2 The North East London sub-region contains a significant part of London's largest concentration of deprivation. Para 5.94 of the London Plan states that:

There is a general need throughout the sub-region to co-ordinate spatial, social, health and economic policies and action. In particular, its residents need to be equipped with the skills, access and support facilities that will allow them to benefit from job opportunities, including in their own sub-region.

10.3.3 The London Plan states that this Opportunity Area, "will accommodate some of the most important strategic regeneration initiatives for London and an urban renewal challenge of global significance".

10.3.4 The Lower Lea Valley Opportunity Area Planning Framework (OAPF) identifies the Canning Town sub-area (No 13) as being capable of accommodating between 5950-7100 residential units of the period to 2016, of which around 650 units could be expected as part of mixed use residential development.

10.3.5 The Canning Town and Custom House SPG identifies the application site as site 1a, stating that, 'redevelopment of the site is key to providing a sustainable commercial future for the wider Barking Road area'.

10.3.6 Newham's Canning Town and Custom House Regeneration Project has been included in the Government's Mixed Communities Initiatives, which aims to create neighbourhoods with a balanced mix of owned and rented accommodation.

10.3.7 The proposal includes the provision of a 'Front Office' with a minimum floor area of 1115m², which is to be provided for community use and operated as a Local Service Centre and Library by the London Borough of Newham, within a building in Plot 2 to be agreed between Ecf and Newham, pursuant to a Development Agreement which exists between those parties. Policy 3A.18 prescribes the need for adequate provision of social infrastructure and community facilities, as being particularly important in major areas of new development and regeneration.

10.3.8 Employment generation through regeneration - There are plans to link local training and employment to the large-scale construction project being undertaken in Canning Town generally, including establishing a construction related training facility in the area. Combined with new community facilities, including a library, a health centre and improvements to two primary schools, the aim is to transform the social, educational and health environment for all

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09
residents.

10.3.9 The provision of up to 4,500m² of retail, 2,600m² of office floor space and a rejuvenated market would provide a modern and accessible spatial context in which employment activities can be taken up in line with policy aspirations for Canning Town including policies 3B.1 (Developing London's economy), 3B.2 (Office demand and supply) and 3B.3 (Mixed use development). Further, such new provision within the town centre may enhance access to goods and services and strengthen the wider role of the town centre, in accordance with the policies 3D.1 (Supporting town centres), 3D.2 (Town centre development) and 3D.3 (Maintaining and improving retail facilities).

10.3.10 LTGDC Officers recommend that a Local Labour Commitment Scheme be secured through a section 106 agreement requiring details and mechanisms for securing the use of local labour, contractors and goods and services during the construction of the Development.

10.3.11 LTGDC Officer conclusion on Regeneration The proposed high quality, phased, re-development of this part of Canning Town Centre is considered to be consistent with Regional and Local regeneration aspirations, in accordance with planning policy and strategic land use designation. Officers are confident that implementation of the proposal would contribute to the ongoing regeneration of the area. Further, the representation made by LB Tower Hamlets is noted with regard to its emerging LDF, which recognises the importance of Canning Town and the town centre.

10.4 **Urban Design and Accessibility**

10.4.1 Quality of design lies at the heart of the planning system and is stressed in PPS 3 (para. 10), PPS1 (paras. 33-39), policy 4B.9 of the London Plan and Policy H13 of the Newham UDP. The main design concerns that have been considered are: the impact on the setting of the listed building located on the northern side of Barking Road; impacts on the character of the wider area, the design quality of the external appearance of the buildings; accessibility; and consideration of the Secured by Design award scheme.

10.4.2 The proposed design is resultant from a number of re-designs of the form, massing and elevations of the scheme further to pre-application dialogue between the London Borough of Newham, LTGDC, Design for London, GLA and the applicant team. Newham's Design Panel considered the scheme twice and an earlier version of the scheme was presented to LTGDC Members on 10th July 2008. Elevations are provided at Appendices 3a, 3b, 3c and 3d.

10.4.3 Plot 1 is proposed to comprise a cluster of buildings around a residential garden square on top of a podium, under which are retail units. The residential garden square will be open along its southern elevation, fronting the A13 and will be accessible to residents and the general public. A 21 storey block (max 75m above AOD) is proposed at the western most corner of the plot (building A). An eight storey (max 27.5m above AOD) building is proposed to front on to Barking Road (building B), forming the northern boundary of the garden square. The built form then wraps around the eastern boundary of the garden, extending up to 13 storeys (building C2 – max 45.5m above AOD).

10.4.4 The blocks fronting Barking Road are finished at either end with cylindrical, drum shaped buildings, ranging in height from 27.5m above AOD (building B2),

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

to a maximum height of 36.5m (building A4). A height plan is provided at Appendix 4.

- 10.4.5 A 4m high noise barrier is proposed to be erected along the open (southern) side of the garden square at podium level. It will consist of a composite arrangement of Rock Wool and fibre mesh to provide a screen suitable for supporting plant life and will be visible from the A13.
- 10.4.6 The proposed scale and layout of plots 2 and 3 are illustrated in the masterplan parameter drawings as rising to a maximum of 45.5m (above AOD) comprising three clusters of buildings which are intended to form the south and eastern boundaries of the proposed market square; the boundaries of Library Square; and the residential courtyard cluster at the easternmost part of the site. As previously stated in this report, the appearance of those buildings is yet to be determined and will be assessed as reserved matters. The parameters established in the masterplan drawings are considered to be acceptable.
- 10.4.7 Code for Sustainable Homes The development has been designed to achieve Code for Sustainable Homes level 4 rating. This accords with the aspirations of the Mayor and Government for moving from Code 3 to higher levels in the Code.
- 10.4.8 Green Roofs Sedum/perennial roofs are proposed on the buildings lining the western and eastern boundaries of the plot 1. The roof of Building B (fronting Barking Road) is proposed to be used as amenity space. Details regarding the roofs of plots 2 and 3 will be developed at a later date. This accords with policy 4A.11 (Living Roofs and Walls) of the London Plan, which sets an expectation that major developments incorporate living roofs and walls where feasible.
- 10.4.9 Market Square will be developed in plot 2 and is intended to retain the two protected London Plane Trees and incorporate a series of inground interactive water features, with ground jets to provide a new focus for play in the community. A market cross is also envisaged to be delivered as an arts based commission as the detailed design of the market develops. LTGDC Officers seek to secure its provision by condition.
- 10.4.10 Library Square will be developed in plot 3 and is intended to provide a secluded area of public realm, overlooked by the Front Office and residential cores, with retail at ground floor level on the western façade. The southern elevation, fronting the A13 is proposed to comprise of a 4m high living noise attenuation barrier; a 'green wall'. This is intended to reduce the negative effects of noise and particulate pollution.
- 10.4.11 The northern entrance to the existing subway which passes beneath the A13 will emerge in Library Square. A ramped approach to the subway is envisaged to enable access for all users together with a stepped entrance which is proposed to be lined on either side by street trees planted in elevated terraces. LTGDC Officers seek to secure the upgrade of the subway by condition.
- 10.4.12 It is intended that both Market and Library Squares will be paved with a combination of Neland slim clay pavers and concrete feature pavers. Drainage details will be incorporated to feed into the storm planters and tree planting details.

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

10.4.13 LTGDC Officers consider that the provision of a new Market Square and Library Square is in accordance with the key principles of the Canning Town and Custom House SPD. The proposed layout offers a high quality environment that is likely to provide a focal point on Barking Road, contributing to the improvement of public facilities in the area.

10.4.14 Impact on the setting of the listed building located on the northern side of Barking Road Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities when considering applications which affect a listed building to have special regard to the desirability of preserving the listed building and its setting. Policy 4B.1 states that buildings should respect local context, history and built heritage, whilst 4B.11 and 4B.12 seek to protect and enhance London's built heritage. Policy 4A.10 states that tall buildings should be of the highest quality design and should be suited to their wider context in terms of proportion townscape and their relationship to other buildings.

10.4.15 LTGDC Officers have considered the representations of English Heritage officers and conclude that the proposal is unlikely have a material adverse effect on the listed building located on the northern side of Barking Road or its setting.

10.4.16 Impacts on adjoining occupiers London Plan policy 4B.1 requires new developments to respect local communities, whilst policy 4B.10 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. Saved Newham UDP Policy H17 requires new development to ensure a satisfactory level of amenity, outlook and natural lighting is maintained to existing occupiers. Saved Newham 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 Council's Residential Planning Guidelines SPG, which adopts the Building Research Establishment (BRE) criteria for assessing the daylight and sunlight impacts of new development on existing buildings.

10.4.17 The extent of the impacts on residential amenity have been assessed. The key issues that have been assessed relate to daylight, sunlight, overshadowing and overlooking.

10.4.18 The Applicant has undertaken a Daylight and Sunlight assessment regarding the impacts of the development on adjoining properties in terms Vertical Sky Component (VSC), Average Daylight Factor (ADF) and Annual Probable Sunlight Hours (ASPH).

10.4.19 VSC is a measurement of daylight received at a window. BRE guidance suggests that where a proposed VSC value is less than 27%, then the resultant value should not be less than 0.8 times its former value.

10.4.20 ADF measures the adequacy of daylight within a room. BRE guidance suggests that acceptable ADF depends on the use of the room and should be 1% for a bedroom, 1.5% for a living room and 2% for a kitchen.

10.4.21 ASPH measures levels of sunlight at windows facing within 90 degrees of south. BRE guidance suggests that proposed values of APSH should be at least 25% of the total, including at least 5% in winter. Where the proposed value falls short then the resultant value should not be less than 0.8 times its former

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09
value.

10.4.22 In terms of permanent overshadowing, BRE guidance suggests that no more than two-fifths and preferably no more than one quarter of any garden or amenity area should be prevented by buildings from receiving any sun at all on 21st March. Where the proposed value falls short then the resultant value should not be less than 0.8 times its former value. The submitted permanent overshadowing study identifies that there will be some minor increases in overshadowing, but that none of the areas affected are the main amenity spaces to the properties they belong to.

10.4.23 In terms of overlooking, Newham's Residential Planning Guideline SPG states that distances between windows and existing or proposed habitable rooms should be 21m up to 3 storeys, 25m up for 4 storeys, or be suitably designed to prevent views out. The SPG also states that distances between balconies/roof terraces and existing or proposed habitable rooms or gardens should be 21m at first floor, 25m if at second floor and 30m if that third floor.

10.4.24 The impacts of the development on the relevant properties adjoining the site is set out below:

10.4.25 Barking Road (commercial on ground floor and residential above):

Daylight: Impacts are acceptable.

Sunlight: Impacts are acceptable.

Overlooking: The distance between the properties is 27m, across Barking Road, which is considered acceptable.

10.4.26 79 Barking Road (residential):

Daylight: There will be a loss of daylight in relation to BRE guidelines for the ground floor windows.

Sunlight: Impacts are acceptable.

Overlooking: The distance between the properties is 27m, across Barking Road, which is considered acceptable.

10.4.27 Anchor House (commercial ground floor with hostel/residential above):

Daylight: There will be a loss of daylight in relation to BRE guidelines for two first floor bedroom windows.

Sunlight: There will be a loss of winter sunlight in relation to BRE guidelines for some first floor bedroom windows.

Overlooking: The distance between the properties is 29m, across Barking Road, which is considered acceptable.

10.4.28 99 Barking Road (commercial ground floor with residential above):

Daylight: Impacts are acceptable.

Sunlight: There will be a loss of sunlight in relation to BRE guidelines for ten bedroom or non habitable room windows.

Overlooking: The distance between the properties is 30m at the closest point, which is considered acceptable.

10.4.29 110A Barking Road (commercial ground floor with residential above):

- Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09
- Daylight: Impacts are acceptable.
Sunlight: There will be a loss of sunlight in relation to BRE guidelines for five bedroom or non habitable room windows.
Overlooking: The development adjoins the rear boundary of the property and so the detailed design will need to ensure appropriate window location to avoid overlooking.
- 10.4.30 110 Barking Road (commercial ground floor with residential above):
- Daylight: Impacts are acceptable.
Sunlight: Impacts are acceptable
Overlooking: The proposed development adjoins the rear boundary of the property and so the detailed design will need to ensure appropriate window location to avoid overlooking.
- 10.4.31 118 Barking Road (commercial ground floor with residential above):
- Daylight: There will be a loss of daylight in relation to BRE guidelines for three bedroom windows.
Sunlight: There will be a loss of sunlight in relation to BRE guidelines for three bedroom windows.
Overlooking: The proposed development is separated from the rear boundary of the property by the proposed parking courtyard and so the detailed design will need to ensure appropriate window location to avoid overlooking.
- 10.4.32 120 Barking Road (commercial ground floor with residential above):
- Daylight: Impacts are acceptable.
Sunlight: There will be a loss of winter sunlight in relation to BRE guidelines for two second floor bedroom windows.
Overlooking: The proposed development is separated from the rear boundary of the property by the proposed parking courtyard and so the detailed design will need to ensure appropriate window location to avoid overlooking.
- 10.4.33 124 and 124A Barking Road (commercial ground floor with residential above):
- Daylight: There will be a marginal loss of daylight in relation to BRE guidelines for a bedroom window and kitchen window.
Sunlight: There will be a marginal loss of sunlight in relation to BRE guidelines for a bedroom window and kitchen window.
Overlooking: The proposed development is separated from the rear boundary of the property by the proposed parking courtyard and so the detailed design will need to ensure appropriate window location to avoid overlooking.
- 10.4.34 126A Barking Road (commercial ground floor with residential above):
- Daylight: There will be a marginal loss of daylight in relation to BRE guidelines for a bedroom window and kitchen window.
Sunlight: There will be a loss of sunlight in relation to BRE guidelines for a bedroom window and kitchen window.
Overlooking: The proposed development is separated from the rear

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

boundary of the property by the proposed parking courtyard and so the detailed design will need to ensure appropriate window location to avoid overlooking.

10.4.35 126 Barking Road (commercial ground floor with residential above):

Daylight: There will be a marginal loss of daylight in relation to BRE guidelines for a bedroom window and kitchen window.

Sunlight: There will be a loss of sunlight in relation to BRE guidelines for a bedroom window.

Overlooking: The proposed development is separated from the rear boundary of the property by the proposed parking courtyard and so the detailed design will need to ensure appropriate window location to avoid overlooking.

10.4.36 128 A, B and C Barking Road (commercial ground floor with residential above):

Daylight: Impacts are acceptable.

Sunlight: Impacts are acceptable.

Overlooking: The proposed development is separated from the rear boundary of the property by the proposed parking courtyard and so the detailed design will need to ensure appropriate window location to avoid overlooking.

10.4.37 1-6 Aviary Close (residential):

Daylight: There will be a loss of daylight in relation to BRE guidelines for four habitable room windows.

Sunlight: All windows in 1-5 Aviary Close and one window in 6 Aviary Close will experience a loss of sunlight in relation to BRE guidelines.

Overlooking: The distance between the properties and the proposed development would range from 12-25m. This is below the SPG guidelines. It should be noted that this site is within Area 1b of the Canning Town SPD which is scheduled to be redeveloped.

10.4.38 LTGDC Officers consider that the proposed development will alter the levels of daylight, sunlight and the perception of overlooking for some adjoining properties (as detailed above). In some instances, this impact could be significant. The magnitude of these impacts, needs to be balanced in relation to the planning benefits of the proposal, which include a development which accords with the layout, scale and density envisaged in the adopted SPD, as well as the fact that no objections have been received from adjoining residents regarding impacts on residential amenity.

10.4.39 Absent the final switch over to digital television, LTGDC Officers are concerned that development of the scale proposed could result in interference of television and / or domestic radio services reception. Assessment of the existing and resultant reception received by neighbouring properties should be assessed and monitored. Any interference of those services attributed by the development should be rectified at the cost of the Developer / Applicant. This will be covered through an appropriate clause within the s106 agreement.

10.4.40 On balance, officers do not consider that the impacts on residential amenity warrant refusal to grant planning permission having regard to Policies

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

4B.1 and 4B.10 of the London Plan and saved policies EQ19 and H17 of the Newham Unitary Development Plan.

- 10.4.41 Daylight and Sunlight within the Development The VSC assessment identifies that all buildings achieve very good daylight potential, with the exception of a limited part of the lower levels of Block H11 interior courtyard façade and the corners of Blocks A2 and A4. The units in Block A2 are double aspect so the impacts are acceptable. The corner bedroom in Block A4 would receive low levels of light, but the rest of the windows in the respective flats would achieve acceptable levels. Block H11 is an outline application and the flat layout at reserved matters stage should include double aspect units, as recommended in the Applicant's submission.
- 10.4.42 Levels of permanent overshadowing to all of the communal amenity areas, including the market square would be acceptable in relation to BRE guidelines.
- 10.4.43 Impacts on the character of the wider area: The site is in a prominent location at the western end of Barking Road, close to the Canning Town Roundabout and will play an important role in defining the new urban realm that is under consideration for Canning Town as a whole. When considered in this context, including consideration of the listed building on the north side of Barking Road, the imposing form of the A13 and flyover, and the SPD aspirations for the remainder of Canning Town regeneration area, LTGDC Officers are content that the proposal is acceptable.
- 10.4.44 LTGDC officers consider that the site is suitable for a development which maximises the allowable building heights and creates a series of buildings with a strong contemporary identity. As previously stated in this report, the cumulative effects of the proposed development have been considered as part of the assessment of the ES and are found to be acceptable.
- 10.4.45 Pedestrian Access – Accessible pedestrian permeability is proposed to be retained to encourage walking. This will include an improved entrance to the A13 subway to include the provision of a ramped access. Pedestrian routes include access from Mary Street; the A13 underpass, the A13 slip eastbound slip road; Barking Road and the new walkway on the western boundary of the site.
- 10.4.46 Vehicular Access - Two vehicular access points are proposed on the northern boundary of the site (Barking Road), one of which will service the market area and the other leading to the sub-surface car park which extends beneath Plot 1. A new vehicular crossover on Barking Road will be required to obtain access to that car park. A further two vehicular access points are to be locate along Aviary Close; providing access to the trader's and LB Newham Front Office facility, library and café car park and the basement car park of Plot 3.
- 10.4.47 Two existing vehicular site access points are proposed to be stopped-up; one on Barking Road in the north west corner of the Market Square and one on Mary Street where Maud Street currently enters into the site. This will include replacing the existing chevron road markings with a warning centre line to allow vehicles to pass stationary buses on Barking Road. The stopping up of Maud Street will also be necessary to enable the development to take place.

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

10.4.48 Vehicular servicing of plots 1 and 2 are to be provided for at the existing service area to the south of Plot 2, adjacent to the A13 eastbound on-slip. Servicing for the LB Newham Front Office facility, library and café and Plot 3 are to be provided for within the planning application boundary at a location adjacent to the vehicle entrance to Plot 3. There will also be a designated deliver bay located within the market square.

10.4.49 LTGDC Officers are content that the design and access statement submitted in support of the application demonstrates that inclusive design principles have been reflected in the proposed design. This accords with policy 4B.5 of the London Plan.

10.4.50 Consideration of the Secured by Design award scheme: Policy 3A.6 (Quality of new housing provision) states that the design of residential development should take into account the safety and security of residents. Similarly, policy S1 (community safety and crime reduction) requires assessment in terms of how development proposals contribute to the improvement of community safety and the prevention of crime. The application states that the design proposals will allow for Secured by Design to be achieved.

10.4.51 LTGDC Officers have drafted conditions to ensure that the scheme incorporates the principles of Secured by Design in the interests of amenity and creating safer, sustainable communities and residential amenity, reflecting guidance set out in PPS1, PPS3 and saved policies EQ19 (Urban Design Considerations), EQ26 (Safety) and S1 (Community Safety and Crime Reduction) of the London Borough of Newham Unitary Development Plan; and 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

10.4.52 LTGDC Officer conclusion on Urban Design and Accessibility LTGDC Officers consider that the proposed architectural approach is of a high quality and goes a long way to achieving the objectives of the adopted SPD for the area in terms of the height, shape and form of the development.

10.4.53 The benefits of the overall proposal, on balance, outweigh the negative impact on the outlook, and levels of day/sunlight for a small number of nearby properties.

10.4.54 The retention of the open street market is welcomed together with the proposed provision of an improved retail offer, office and community facilities.

10.4.55 The proposal does not present a material adverse effect on the nearby listed building. The proposed built form contributes successfully to the design aspirations for Canning Town Centre and seeks to provide adequate accessibility into, out of, and within the site for all users. As such, with specific regard to urban design and accessibility, the proposal is found to accord with planning policy and the Canning Town and Custom House SPD.

10.5 Climate change adaptation and mitigation

10.5.1 London Plan policy 4A.1 seeks to ensure that developments make the fullest contribution to the mitigation of and adaptation to climate change and to minimise emissions of carbon dioxide.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

- 10.5.2 The Applicant has submitted a sustainability and renewable energy statement prepared by Ramboll Whitbybird, as required by the London Plan, setting out its approach to applying the energy hierarchy in Policy 4A.1.
- 10.5.3 That energy statement identifies biofuel heating as the preferred renewable energy source. The chosen energy strategy option is a combination of natural gas CHP and biodiesel heating.
- 10.5.4 The natural gas CHP system is calculated to supply approx. 40% of the total heating and hot water demand, achieving an approximated CO₂ emissions reduction of 6.0%. The Biodiesel heating is considered to supply approx. 40% of the total heating and hot water demand, achieving an approximated CO₂ emissions reduction of 14.9%. This would achieve an overall 20.9% CO₂ emissions reduction.
- 10.5.5 The estimated savings from energy demand reduction through energy efficiency measures is illustrated at 16.4%.
- 10.5.6 GLA officers have assessed the sustainability and renewable energy statement. They have concluded that the information submitted suggests that the broad approach to climate change mitigation is likely to be compliant with strategic policy but is insufficient to comprehensively demonstrate this. The GLA has requested that the Applicant submit a revised energy statement. Discussions between GLA officers, the Applicant and LTGDC officers were on-going at the time of drafting this report. Any progress with regard to this matter will be reported to Committee Members in an addendum to this report together with an Officer conclusion on the topic.
- 10.5.7 Sustainable drainage and flood risk management
- 10.5.8 The site is located within the tidal floodplain of the River Thames, defended against a 1 in a 1,000 year flood event (assuming a 2030 scenario). The site is approximately 250 m to the east of the River Lea which flows in a southerly direction to discharge in the River Thames about 1km to the south of the site.
- 10.5.9 The site falls within Flood Zone 3A.
- 10.5.10 As previously stated in this report, LTGDC Officers have considered the content of the ES with regard to Hydrology and Flood Risk in association with the representations made by the Environment Agency. They are content that provided the proposed Flood Evacuation Plan, which is to be submitted pursuant to the ES, is found to be acceptable to the Environment Agency, the findings of Chapter 12 of the ES are sound.
- 10.5.11 In addition to consideration of the ES, LTGDC Officers have considered the provisions of saved policy EQ63 (Surface Water disposal) of the London Borough of Newham Unitary Development Plan; and policies 4A.9 (Adaptation to Climate Change), 4A.14 (Sustainable drainage), 4A.16 (Water supplies and resources) and 4A.17 (Water Quality) of the London Plan (published February 2008). Officers consider it necessary to impose conditions to any planning consent granted to prevent the increased risk of flooding to third parties; to the site itself; and to improve water quality. Those conditions have been drafted and are listed at the end of this report.
- 10.5.12 Waste As previously stated in this report, LTGDC Officers have

Meeting: 12 March 2009
 Agenda Item: 3
 Report No.: LTGDC/09/PC09

considered the waste management chapter of the ES, which is considered to be acceptable. They seek to impose a condition requiring details of future waste management as part of an Estate Management Strategy (EMS), which is to be submitted to the Local Planning Authority for written approval.

10.6 **Housing**

10.6.1 The table below sets out the proposed 'Indicative Residential Mix'. The Applicant stresses that this is subject to viability assessment:

	STUDIO	1B	2B	3B	TOTAL
PLOT 1					
Social rented		40			40
Intermediate		14	14		28
Private	7	76	116	4	203
PLOT 2					
Social rented					0
Intermediate		19	19		38
Private	18	40	50	3	111
PLOT 3					
Social rented			4	5	9
Intermediate		25	25		50
Private	1	73	90	9	173
Total	26 (4%)	287 (44%)	318 (48%)	21 (3%)	652

10.6.2 Recently issued Government guidance in PPS3 stresses the importance of a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas (paragraph 10).

10.6.3 The proposal would include 652 residential units of which 487 are shown as private homes; 49 social rented; and 116 intermediate. This accords with policy London Plan policy 3A.5 and UDP policy H15, which seek the provision of a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups, and viability. It does not accord with the Canning Town and Custom House SPD, which requires an equal split between social rented and intermediate provision.

10.6.4 The Canning Town and Custom House SPD suggests a range of 1 to 3 bed flats. The proposed mix has been developed through discussion with LB Newham Housing Partnerships. The mix comprises mostly smaller units in Plot 1 because that part of the site (wedged between the A13 trunk road and Barking Road) is not considered to be a desirable family housing location. Family housing is intended to be provided in the later phases of the development, particularly within Plot 3, where the site more readily accommodates the additional floorspace and amenity space required by larger family units.

10.6.5 Details of the residential units proposed within Plots 2 and 3 are proposed to be submitted as reserved matters applications.

10.6.6 High Density and Efficient Use of Land PPS3 stresses the priority of using what

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

was previously development land and in particular vacant and derelict sites and buildings. Policy 3A.1 of the London Plan seeks to maximise provision of affordable housing, while Policy 3A.2 requires the capacity of housing sites to be determined in accordance with table 4B.1. This permits densities up to 1110 habitable rooms per hectare (hrh) in sites with good public transport accessibility.

10.6.7 LTGDC officers consider the proposed density of approx.1253 habitable rooms per hectare to be acceptable given the site's related setting in terms of location, proposed building form and massing and the indices of public transport accessibility (PTAL). Policy 2A.6 encourages higher densities and more mixed and intensive use to exploit their public transport accessibility. Policy 3A.3 urges boroughs to ensure that development proposals achieve a maximum intensity of use compatible with local context and the design principles in policy 4B.1.

10.6.8 100% of the units are designed to Life time Homes standard and 10% of the units are illustrated as being wheelchair accessible, according with policy 3A.5.

10.6.9 Dwelling Sizes The residential units within the development have been designed to comply with the internal space standards identified in the Plaistow Charter, which was a requirement of the Principal Development Agreement between Newham Council and English Cities Fund. The Plaistow Charter also covers the Canning Town Area, outlining Newham Council's commitments to residents and was developed in consultation with a representative group of Tenants, Leaseholders and Freeholders known as the Resident Steering Group. It was approved by the Mayor of Newham and Cabinet in April 2007.

10.6.10 There is a range of dwelling sizes throughout the development, but all units meet the required standards and are considered to be acceptable. The following table identifies the range of internal floor area for the proposed dwelling mix for Plot 1:

Tenure	Type	Range
Private	Studio	35.0m ² – 38.0 m ²
	1-bed	41.0m ² – 59.0 m ²
	2-bed	57.5m ² - 76.0 m ²
	3-bed	98.0m ² – 121.0 m ²

10.6.11 Although the massing envelope is acceptable, there is some concern regarding the internal living spaces for the flats within the circular corner elements. The resulting room shapes with curved or jagged walls can create a difficult living arrangement in terms of room layout.

10.6.12 Amenity Space For Plot 1, all flats will have access to a communal garden square of 1,264m², which will include an under 5s children's play area of 227 m². It is noted that the public will have access to that area, so LTGDC officers classify it as public space. The play area is to be secured by agreement under section 106 of the Act.

10.6.13 255 of the 271 proposed residential units (within Plot 1) are to be afforded private amenity space, generally in the form of a balcony. These vary

Meeting: 12 March 2009
 Agenda Item: 3
 Report No.: LTGDC/09/PC09

in size, typically 4 – 7 m². The remaining 16 units that will not have a private balcony will have access to larger private amenity space in the form of a roof garden on top of Building B (291 m²) as well as the communal garden square. The table below illustrates how many residential units within Plot 1 will be afforded private balconies:

	With Balcony	Without Balcony
Building A	110	9
Building B	40	0
Building C1	36	1
Building C2	69	6
	255	16
	94%	6%

- 10.6.14 For Plot 2, a roof garden with an area of up to 765 m² may be provided.
- 10.6.15 For Plot 3, a communal garden (courtyard) of up to 972 m² may be provided.
- 10.6.16 The Market Square covers an area of up to 2,824 m² and Library Square covers an area of up to 1,880 m².
- 10.6.17 London Plan policy 3D.8 (Realising the value of open space and green infrastructure) requires all developments to incorporate appropriate elements of open space that make positive contribution to and are integrated with the wider network.
- 10.6.18 London Plan policy 3D.13 (Children and young people’s play and informal recreation strategies) seeks to ensure that developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.
- 10.6.19 Saved policy H17 encourages appropriate levels of amenity space. For the dwelling mix proposed in this application Newham’s ‘Residential Planning Guidelines’ SPG suggests that a total of 12,820 m² of private and communal amenity space should be provided. The proposal offers a total of 3,274 m². The LB Newham Officer report to its Development Control Committee states that although the provision of private and communal amenity space is lower than the SPG guidelines, on balance the Council considers this to be acceptable given the location and nature of the site in its urban context, and provided the private amenity space that is offered is of good quality and ultimately useable. LTGDC Officers concur with the view expressed by LB Newham and seek to impose conditions to ensure that the amenity space provided is provided and is of a high quality.
- 10.6.20 LTGDC Officer conclusion on Housing LTGDC Officers consider the proposed housing mix, density and provision of amenity space to be acceptable with regard to planning policy. The proposed development is considered to provide an acceptable living environment for prospective residents and visitors.

10.7 **Affordable Housing**

- 10.7.1 The proposal includes 25% affordable housing (on a unit basis), made up of 7%

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

social rented and 18% intermediate housing. The applicant states that viability is threatened beyond a 25% affordable housing provision. The affordable housing tenure mix is proposed as 30% social rented and 70% intermediate (on a unit basis).

10.7.2 The Canning Town and Custom House SPD requires that a level of 35% affordable housing be sought in redevelopment schemes across the area and that this be split equally between social rented (17.5%) and intermediate provision (17.5%). That SPD states that this level of affordable housing provision does not absolve applicants of other planning obligation requirements arising from their proposals and that where the level proposed is less than 35% additional financial contributions may be required.

10.7.3 Newham's draft Core Strategy identifies a requirement for 35% affordable housing (by unit) and requirements for family housing. The London Plan sets a London wide target of 50% affordable housing split between 70% social rented and 30% intermediate accommodation (Policy 3A.9). Policy 3A.10 states that:

Boroughs should seek the maximum reasonable amount of affordable housing when negotiation on individual private residential and mixed-use schemes, having regard to their affordable housing targets adopted in line with Policy 3A.9, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

10.7.4 In Plot 1 it is intended that the affordable housing accommodation be grouped together, providing replacement flats for existing tenants of Thomas North Terrace. This is to be secured by agreement under section 106 of the Act.

10.7.5 The applicant submitted two financial appraisals, including a Three Dragons Toolkit to justify the proposed level and tenure mix of affordable housing that could be delivered as part of a financially viable scheme on a confidential basis.

10.7.6 LTGDC Officer conclusion on affordable housing LTGDC and LB Newham Officers have assessed the submission and deem the provision of 25% affordable housing to be acceptable given the location and scale of the proposal. Similarly, the proposed tenure split as detailed at 10.7.1 above is deemed to be acceptable.

10.7.7 LTGDC Officers seek to ensure that the affordable housing is provided through a legal agreement under section 106 of the Act. Subject to satisfaction that the viability as submitted is accurate, LTGDC also seek to include cascade provisions in that agreement taking into account realised subsidy from the HCA and RSLs.

10.8 **Transport**

10.8.1 The application is supported by a Transport Assessment prepared by Peter Brett Associates dated November 2008, the scope of which was agreed with LB Newham. As stated in the TfL representation, the framework travel plan is not considered to be acceptable in its current form. As such, Officers recommend that a condition be imposed to address this matter. Further, a travel plan is sought through a s106 agreement.

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

10.8.2 Transportation and Access were considered in section 10.1.7 of this report as part of assessment of the ES.

10.8.3 The site is located adjacent to the A13 Newham Way, and the A124 Barking Road, which form part of the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) respectively. There are in excess of ten bus routes within walking distance of the site, with the nearest stops located just outside the site on Barking Road.

10.8.4 Canning Town Station has excellent links into Central London with the Jubilee Line and two new Docklands Light Railway lines that will link to Stratford International Station. Custom House has been earmarked for a Crossrail Station. London City Airport is in close proximity to Canning Town and Custom House with direct connections to most European business destinations. As such, it has been demonstrated that the site records a Public Transport Accessibility Level (PTAL) of 6a, on a scale of 1-6 where 6 is classed as excellent.

10.8.5 Policy 2A.1 seeks to ensure that development occurs in locations that are currently, or will be, accessible by public transport, walking and cycling.

10.8.6 Buses – Route numbers 5, 69, 115, 241, 276, 300, 330 and 474 are available on Barking Road, directly adjacent to the site. Other routes are accessible from Canning Town station, which is less than 5 min walk away.

10.8.7 The proposal includes the relocation of the west bound bus stop (Stop; N) on Barking Road so that it is adjacent to the market square. In addition, it is proposed to move the east bound bus stop (Stop J) on Barking Road 10 m to the west to ensure that vehicles using the Plots 1 and 2 basement car park access do not conflict with buses using bus stop J.

10.8.8 Car Parking – 120 car parking spaces (including 18 mobility spaces) will be provided in Plot 1, for the residential blocks. Across the whole site 0.4 car parking spaces per residential unit are proposed together with seven bays for the LB Newham Front Office facility, library and café, and 15 spaces for traders.

10.8.9 Cycle Parking –285 secured and sheltered cycle parking spaces will be provided in the basement of Plot 1, phase 1. Across the whole site, 1 cycle parking space per residential unit is proposed, which equates to a total of 653 cycle spaces.

10.8.10 A minimum of 49 cycle parking spaces will be provided for the non-residential uses.

10.8.11 Pedestrian access is discussed at section 10.4.30 of this report. Officers support the proposed pedestrian access arrangements and proposed improvements to the existing sub-way to Maud Street, enabling disabled access.

10.8.12 Vehicular access is discussed at section 10.4.31 of this report. Officers have no in-principle objection to the proposed access arrangements and note the need for the Applicant to engage with LB Newham as the Highways Authority in order to secure appropriate consents to implement those access arrangements.

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

10.8.13 Servicing TfL's representation stating that it is disappointed that there is little mention made of servicing within the TA is noted. Their suggestion that a Delivery Servicing Plan (DSP) be submitted, as referred to in TfL's London Freight Plan, has been reflected through the imposition of a condition.

10.8.14 LTGDC officer conclusion on Transport LTGDC Officers are content that subject to the imposition of conditions and a legal agreement covering the requirement for: (i) the submission of modelling work in relation to PM modelling for the Barking Road, Beckton Road and Hermit Road junction; (ii) a Travel Plan; and (iii) a satisfactory Delivery Servicing Plan (DSP), the proposal would be generally acceptable.

10.9 Equalities

10.9.1 There is no legal requirement on the London Thames Gateway Development Corporation (LTGDC) to request an Equalities Impact Assessment (EqIA) as part of a planning application.

10.9.2 LTGDC Officers have ensured non-discrimination in carrying out its planning functions.

10.9.3 LTGDC is committed to eliminating discrimination and encouraging diversity and to promoting an organisational culture which reflects and supports these values. The Corporation aims to ensure that it is fair and equitable in carrying out its responsibilities and functions and to this end aim to ensure that its activities are carried out regardless of the race, colour, age, heritage, gender identity, religious or non-religious belief, nationality, family background, disability, sex or marital status, or sexuality of its service users, partners and the wider community.

10.9.4 An Equalities Impact Assessment was undertaken as part of the development of the Canning Town and Custom House SPD. The proposal is found to accord with the provisions of that SPD.

10.9.5 LTGDC Officers have considered the fact that the Lower Lea Valley suffers from a high level of socio-economic deprivation, with wards in and adjoining the area generally within the 10% most deprived in England and some within the 10% most deprived in England and some within the 5% most deprived.

10.9.6 It is acknowledged by LTGDC Officers that the area suffers from high unemployment, a low proportion of managerial and professional skills among residents, poor health, and high crime rates. The population in the area is generally younger than average, is ethnically diverse and includes a higher proportion of black and Asian and minority ethnic groups than average, and has a high level of transience.

10.9.7 Policy 4B.5 of the London Plan sets out an over-arching requirement to create inclusive environments and the importance of building all houses to Lifetime Homes standards as well as ensuring that 10% of new housing is designed to be wheelchair accessible. Paragraph 6 of PPG13 (Transport) requires consideration of the needs of the disabled as pedestrians, public transport users and motorists. LTGDC Officers have included suggested conditions to ensure that the development is fully accessible to all.

10.9.8 LTGDC Officer conclusion on equalities LTGDC Officers consider that proposed

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

development would accords with policy 4B.5 if implemented in accordance with the suggested conditions and accompanying legal agreement under section 106 of the Act.

10.9.9 In determining this planning application LTGDC must have regard to its equalities obligations including its obligations under section 71 of the Race Relations Act. For the purpose of this application there are not adverse equalities issues.

10.10 **Human Rights Act 1998**

10.10.1 The provisions of the Human Rights Act 1998 have been taken into account in the assessment of the subject application for planning permission.

10.11 **Legal Agreements (s106, s38 & s278)**

10.11.1 LTGDC has adopted a Planning Obligations Community Benefit Strategy. This is to ensure that developments contribute financially and in kind towards the infrastructure that is needed in the London Thames Gateway area to support the developments that are coming forward for planning approval. These proposals have been developed in consultation with the Thames Gateway Executive at Communities and Local Government Department (CLG).

10.11.2 Residential developments falling within the Lower Lea Valley, such as the subject development, are required to pay a discounted standard charge of £10,000 per unit. This sum has been set by reaching a balance between the costs of infrastructure required in the LTGDC area, being £22,600 - £28,800 per dwelling, the likely scale of development that will come forward and the level of charge that is appropriate to developments to provide without stifling development.

10.11.3 It is noted that the financial appraisals submitted by the Applicant demonstrate that the proposal will require a considerable subsidy if the project is to be realised. LTGDC is, in-principle, prepared (so far as it is able to do so) to support an application made by the Owner(s) and the Developer for grant funding.

10.11.4 Officers have considered the financial appraisals submitted and note the proposed delivery of public facilities, including:

- the provision of public toilets @ £140,000;
- improvements to the subway @ £280,000;
- a Local Service Centre and library @ £1,327,000; and
- public open space @ £3,333,500

Total: £5,080,500

10.11.5 The above total of £5,080,500 equates to £7,792 per residential unit. These costings will be subjected to an independent validation by the Corporation to ensure that they properly reflect likely costs prior to the conclusion of the S106 agreement, if the Committee agrees the recommendation before them.

10.11.6 The development of the library is to be publicly funded by Newham and is clearly an infrastructure benefit. The provision of public toilets and improvements to the subway are also infrastructure benefits. It is possible that

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

part of the public open space may be considered as infrastructure benefits. The Community Benefit Strategy is applied equally to public and private land and developers. It would be permissible for LTGDC to consider the cost per residential unit of the provision of infrastructure benefits such as those listed at 10.11.4 as items of expenditure that may be off-set against the required £10,000 per unit discounted standard charge. Such an acceptance, if the whole cost of the public open space was included, would result in a short fall in respect of the discounted standard charge of £2,208 per residential unit, equalling £1,439,500. LTGDC would seek to secure that short fall and the balance of the standard charge through an agreement under section 106 of the Act, once the offset costings have been verified.

10.11.7 Policy 5C.1 of the London Plan lists the strategic priorities for the North East London sub-region, including the need to:

'ensure that the substantial expansion of population expected in North East London is accommodated in sustainable communities, taking into account their needs for social and community infrastructure and capacity building, access to employment and services, exemplary approaches to waste, energy and water use management and provision'

10.11.8 Further, saved policy S2 (Community Benefit/Planning Obligations) states that, 'The Local Planning Authority will seek to secure, through planning obligations, community benefits...'

10.11.9 Having considered the merits of the subject planning application, with particular reference to the representations received from statutory bodies, officers have reached the decision that the application generally accords with the relevant development plan, but that the scheme is likely to create a need for facilities which have not been provided for in the application. The Lower Lea Valley Management Group will be responsible for advising the LTGDC Board on the use and expenditure of the money raised through the s106 agreement and, in particular, the standard charge. Officers consider it reasonable to expect some of those moneys to be applied for the provision of the two bus stops and DAISY screens requested by TfL. LTGDC Officers consider it necessary to ensure that contributions are applied to make provision for the service requirements created by the proposed redevelopment of the Rathbone Market site in order to make the proposal acceptable in planning terms.

10.11.10 The following heads of terms of agreement are suggested to mitigate the effects of the development:

- Payment of LTGDC's standard charge in accordance with its Planning Obligations Community Benefit Strategy (March 2008);
- Provision of affordable housing;
- Carrying out and completion of highway and public realm works (including works to the A13 subway);
- Access to public open space;
- Carrying out, completion and transfer of the "Front Office" floor space (including Local Service Centre and library);
- Submission of and adherence to a Travel Plan;
- Submission of and adherence to a Local Labour Commitment Scheme;
- Carrying out and completion of Children's Play Space within the development;

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

- Submission of and adherence to a Car and Bicycle Parking Management Scheme;
- Assessment, monitoring and carrying out of mitigation measures in relation to television and domestic radio services reception; and
- Payment of LTGDC's legal, professional and monitoring costs.

10.11.11 With regard to the proposed highway and public realm works comprised in the application, the Applicant must enter into agreement(s) with the Local Highway Authority under sections 38 and/or 278 of the Highways Act 1980.

CONCLUSION AND REASONS FOR APPROVAL

- 11.1 The proposal has been the subject of extensive pre and post planning application discussions between the Applicant, LB Newham, Design for London, Transport for London, Greater London Authority and LTGDC as well as public consultation. The proposal has been subjected to detailed scrutiny and assessment and was amended several times prior to formal submission. The site is identified in relevant planning policies and documents as appropriate for high density residential led development to assist the regeneration of the area.
- 11.2 The development proposal is considered to be broadly acceptable in principle if implemented in strict accordance with the conditions, environmental statement and proposed legal agreement(s).
- 11.3 If fully implemented, the proposal would greatly contribute to the regeneration aspirations for Canning Town, providing housing and public amenity within the town centre, together with an improved retail offer and community provision. This proposal would be complementary to the development schemes being provided by LBN and the LTGDC south of the A13.
- 11.4 Assessment of the Applicant(s) financial appraisals has demonstrated that delivery of the proposal will require substantial grant funding subsidy if the development is to be implemented. LTGDC's consultant who assessed the appraisal has agreed that this is the case. LB Newham has also accepted the case and are content with the level of affordable housing proposed based on the individual merits of the subject planning application.
- 11.5 No material considerations have been identified that warrant refusal of the application. As such, the Planning Committee is requested to resolve to grant full planning permission in respect of Plot 1 only and Outline planning permission in respect of the whole site subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) and other relevant legislation and to agree the following

RECOMMENDATION:

- 1) Refer this application to the Mayor of London as a Stage 2 referral, confirming that LTGDC is minded to grant planning permission;
- 2) Subject to any direction by the Mayor of London, to delegate authority to the Director of Planning to determine the application subject to the satisfactory completion of the s106 agreement; and
- 3) Delegate authority to the Director of Planning to grant planning permission subject to the conditions and informatives listed in this report, together with any amendments or additions that he considers necessary.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

- 11.6 If Members resolve that planning permission be granted that the Committee confirms that in their decision, they have taken the environmental information into account as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 11.7 Following the issue of the decision a statement be placed on the London Borough of Newham Statutory Register confirming that the main reasons and considerations on which the Committee decision was based were those set out in this officer's report to the Committee as required by Regulation 21(1) (c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

CONDITIONS AND REASONS

- 12.1 LTGDC Officers consider that the following conditions should be imposed and that there may also be a need for two further conditions relating to; (a) the need for the provision of 2 x electric vehicle charging points; and (b) revised traffic modelling details. The Applicant is presently liaising with Officers from the GLA on these matters. The conclusion of those discussions will be relayed to Members in an addendum report.

12.2 Conditions

1.
 - i) No part of the development hereby permitted shall be commenced on Plot 2 or Plot 3 (as identified on Figure 1.2 of the Environmental Statement dated November 2008) unless and until an application or applications for written approval of the matters reserved by this planning permission in respect of the relevant plot have been made to and approved by the Local Planning Authority and the reserved matters applications shall include detailed plans, sections and elevations showing:
 - appearance; and
 - landscaping.
 - ii) Application(s) for approval of the matters reserved by this planning permission for the relevant plot referred to in paragraph (i) above must be made not later than the expiration of THREE YEARS from the date of this decision notice; and
 - iii) Development of Plots 2 and 3 to which this permission relates must be begun not later than the expiration of TWO YEARS from the final approval of reserved matters for the relevant plot, or, in the case of approval on different dates, the approval of the last such matter to be approved.

Reason: To comply with Article 2 of the Town and Country Planning (Applications) Regulations 1988 as amended by the Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006 and Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development of Plot 1 (as identified on Figure 1.2 of the

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

Environmental Statement dated November 2008) 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.

3. (i) No part of the development hereby permitted (with the exception of archaeological or preliminary site investigations) shall be commenced unless and until a Phasing Plan in respect of the whole of the development hereby permitted, including details of:
- the programme for construction of the development including the date by which each phase of the development shall be commenced;
 - the area and location of the plots of land comprised within each phase and the order in which development within those plots shall take place;
 - the type and quantum of accommodation to be provided in each phase of the development;
 - the quantum, tenure and location of affordable housing to be provided in each phase of the development;
 - the area, location and programme for construction of public open space, public realm and landscaping to be provided in each phase of the development; and
 - the quantum and location of car parking to be provided in each phase of the development,

has been submitted to and approved in writing by the Local Planning Authority; and

(ii) The development hereby permitted shall only be carried out in accordance with the Phasing Plan approved under (i) above, unless otherwise approved in writing by the Local Planning Authority.

Reasons: To ensure that the development is constructed in accordance with an approved phasing plan; and safeguard local amenity with regard to saved policies EQ18 (Promoting Urban Quality), EQ19 (Urban Design Consideration) and EQ45 (Pollution) of the London Borough of Newham Unitary Development Plan; and policies 4A.3 (Sustainable design and construction), 4B.1 (Design principles for a compact city), 4B.2 (Promoting world-class architecture and design) and 4B.3 (Enhancing the quality of the public realm) of the London Plan published February 2008.

4. The development hereby permitted shall not be constructed unless in accordance with the documents submitted as part of the planning application, including:

(i) the mitigation measures set out in the Environmental Statement dated November 2008;

(ii) CZWG design parameter drawing numbers:

1619-4-P-000-MP-900 Rev 0 (Proposed Masterplan Basement)
1619-4-P-000-MP-1000 Rev 0 (Proposed Masterplan Outline Application)
1619-4-P-000-MP-1001 Rev 0 (Proposed Masterplan Public Space)
1619-4-MP-000-1002 Rev 0 (Height Plan)
1619-4-S-000-3001 Rev 0 (Masterplan Sections A-B)

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09
1619-4-S-000-3002 Rev 0 (Masterplan Sections C-D-E)
1619-4-E-000-2001 Rev 0 (Masterplan Elevations)

(iii) CZWG drawing numbers:

1619-4-000-1000 Rev 0 (Application Boundaries)
1619-4-P-200-1009 Rev 0 (Basement Floor Plan)
1619-4-P-200-1010 Rev 0 (Ground Floor Plan)
1619-4-P-200-101M Rev 0 (Mezzanine Plan)
1619-4-P-200-1011 Rev 0 (First Floor Plan)
1619-4-P-200-1012 Rev 0 (Second Floor Plan)
1619-4-P-200-1013 Rev 0 (Third Floor Plan)
1619-4-P-200-1014 Rev 0 (Fourth Floor Plan)
1619-4-P-200-1015 Rev 0 (Fifth Floor Plan)
1619-4-P-200-1016 Rev 0 (Sixth Floor Plan)
1619-4-P-200-1017 Rev 0 (Seventh Floor Plan)
1619-4-P-200-1018 Rev 0 (Eight Floor Plan)
1619-4-P-200-1019 Rev 0 (Ninth Floor Plan)
1619-4-P-200-1020 Rev 0 (10th Floor Plan)
1619-4-P-200-1021 Rev 0 (11th Floor Plan)
1619-4-P-200-1022 Rev 0 (12th Floor Plan)
1619-4-P-200-1023 Rev 0 (13th Floor Plan)
1619-4-P-200-1024 Rev 0 (14th Floor Plan)
1619-4-P-200-1025 Rev 0 (15th Floor Plan)
1619-4-P-200-1026 Rev 0 (16th Floor Plan)
1619-4-P-200-1027 Rev 0 (17th Floor Plan)
1619-4-P-200-1028 Rev 0 (18th Floor Plan)
1619-4-P-200-1029 Rev 0 (19th Floor Plan)
1619-4-P-200-1030 Rev 0 (20th Floor Plan)
1619-4-P-200-1031 Rev 0 (21st Floor Plan)
1619-4-P-200-1032 Rev 0 (Roof Plan)
1619-4-S-200-3001 Rev 0 (Section JJ)
1619-4-S-200-3002 Rev 0 (Section KK)
1619-4-S-200-3003 Rev 0 (Section LL)
1619-4-S-200-3004 Rev 0 (Section MM)
1619-4-S-200-3005 Rev 0 (Section NN)
1619-4-D-200-1001 Rev 0 (External Materials Sheet 1 of 3)
1619-4-D-200-1002 Rev 0 (External Materials Sheet 2 of 3)
1619-4-D-200-1003 Rev 0 (External Materials Sheet 3 of 3)
1619-4-E-200-2001 Rev 0 (Elevation A-A)
1619-4-E-200-2002 Rev 0 (Elevation B-B)
1619-4-E-200-2003 Rev 0 (Elevation C-C)
1619-4-E-200-2004 Rev 0 (Elevation D-D)

and no other drawings, except where compliance with the conditions attached to this planning permission require otherwise, or unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents; the assessed Environmental Statement; and to protect local amenity with regard to saved Policy EQ18 of the London Borough of Newham adopted Unitary Development Plan and Policy 4B.1 (Design principles for a compact city) of the London Plan, published February 2008. 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.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

5. Unless otherwise approved by the Local Planning Authority all reserved matters applications shall comply with the principles and parameters set out in masterplan drawing numbers:

1619-4-P-000-MP-900 Rev 0 (Proposed Masterplan Basement)
1619-4-P-000-MP-1000 Rev 0 (Proposed Masterplan Outline Application)
1619-4-P-000-MP-1001 Rev 0 (Proposed Masterplan Public Space)
1619-4-S-000-3001 Rev 0 (Masterplan Sections A-B)
1619-4-S-000-3002 Rev 0 (Masterplan Sections C-D-E)
1619-4-E-000-2001 Rev 0 (Masterplan Elevations)

and other drawings and documents approved pursuant to condition 4 of this planning permission.

Reason: To ensure that the development is constructed in accordance with the Design Guidelines on which this decision is based and to be consistent with the principles of good masterplanning, in accordance with Policies EQ18 and EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4B.1, 4B.2 and 4B.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

6. Notwithstanding the Transport Assessment prepared by Peter Brett dated November 2008 submitted in support of the development, no phase of the development (as approved under condition 3) shall be occupied unless and until the modelling work in relation to PM modelling for the Barking Road, Beckton Road and Hermit Road junction has been finalised and submitted for approval by the Local Planning Authority in consultation with Transport for London. That submission shall include appropriate mitigation measures.

Reason: To ensure that maximum saturation levels are not exceeded at the Barking Road, Beckton Road and Hermit Road junction; with regard to TfL's Transport Assessment best practice guidance; and with regard to saved policies T1 (New Development: Environmental Impact) and T3 (Highway Capacity) of the London Borough of Newham adopted Unitary Development Plan; and policy 3C.2 (Matching development to transport capacity) of the London Plan (published February 2008).

7. Unless otherwise agreed in writing by the Local Planning Authority the total quantum of built floorspace across all phases (as approved pursuant to condition 3) of the development hereby permitted shall not exceed 60,600 square metres gross (m² GEA), (with the exception of the basement car and bicycle parking, waste stores), comprising:

- Residential (Use Class C3) up to 52,000m² GEA or 652 units, whichever is the lowest;
- Retail (Use Classes A1-A5) up to 4,500m² GEA;
- Offices (Use Class B1) up to 2,600m² GEA;
- Internal Plant (ground floor) up to 1,500 m².

In the event of there being any discrepancy between the figures specified above and the documents submitted in support of the application the floorspace figures specified in this condition shall apply.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

Reason: To ensure that the development is carried out in accordance with the approved plans and other submitted details and to ensure that the quantum of floorspace remains within the approved parameters as assessed pursuant to the environmental impact assessment of the development, in accordance with saved policies S6, H13, EMP3, SH14, LR2, EQ18 and EQ19 of the London Borough of Newham Unitary Development Plan; and Policies 3A.1, 3A.2, 3A.3, 3B.1, 3B.2, 3B.3, 3D.3, 4B.1, 4B.2 and 4B.3 of the London Plan (published February 2008).

8. Unless otherwise agreed in writing by the Local Planning Authority, the quantum of built floorspace across the whole development for uses falling within Use Classes A3, A4 or A5 shall not exceed 25% (1,125 m²) of the total 4,500 m² retail floorspace. In any event, Hot Food Takeaway (Use Class A5) shall not exceed 10% (450m² GEA) of the total 4,500 m² retail floorspace.

Reason: In the interest of residential amenity and achieving a mixed and balanced development, in accordance with saved policies S6, H13, SH14, SH20, EQ18, EQ19 and EQ45 of the London Borough of Newham Unitary Development Plan; and policies 3B.1, 3B.3 and 4B.1 of the London Plan (published February 2008).

9. Unless otherwise agreed in writing by the Local Planning Authority the total quantum of built floorspace within Plot 1 of the development shall not exceed a total of up to 25,907 square metres gross floorspace (m² GEA), (excluding the basement car and bicycle parking, waste stores and the access ramp and staircases to the basement parking), comprising:
 - Residential (Use Class C3) up to 21,645m² GEA or 271 units;
 - Retail (Use Classes A1-A5) up to 2,987m m² GEA; and
 - Internal Plant (ground floor) up to 1,275 m².

In the event of there being any discrepancy between the figures specified above and the documents submitted in support of the application the floorspace figures specified in this condition shall apply.

Reason: To ensure that the development is carried out in accordance with the approved plans and other submitted details and to ensure that the quantum of floorspace keeps within the parameters assessed pursuant to the environmental impact assessment of the development, in accordance with saved policies S6, H13, EMP3, SH14, LR2, EQ18 and EQ19 of the London Borough of Newham Unitary Development Plan; and Policies 3A.1, 3A.2, 3A.3, 3B.1, 3B.2, 3B.3, 3D.3, 4B.1, 4B.2 and 4B.3 of the London Plan (published February 2008).

10. (i) The development hereby permitted shall not be constructed unless in accordance with the environmental standards, mitigation measures, requirements, recommendations and methods of implementing the development contained in the environmental statement relevant to the development and appendices thereto, dated November 2008, unless and to the extent that such standards, measures, requirements and methods are altered by the express terms of the conditions attached to this planning permission and the approved drawings and supplementary documents submitted pursuant to them;

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

Reason: To ensure the development is carried out in accordance with the environmental impact assessment carried out as part of the environmental statement dated November 2008 and the mitigation measures proposed therein.

11. (i) The development hereby permitted shall not be commenced unless and until an Estate Management Strategy (EMS), including: full details of the proposed management and maintenance of the office, car parks, residential and retail floor space (including communal parts), the market square and areas of public realm, public open space and landscaping; and the funding of such maintenance and management has been submitted to and approved by the Local Planning Authority;

(ii) The EMS shall demonstrate a strategy for the management of Rathbone Market to facilitate its continued trading throughout the construction and operation of the development. In particular, the EMS shall also provide for:

- the relocation of the existing market during the construction phase;
- a new market comprising a minimum of 30 market stalls within Plot 2 (as approved pursuant to condition 3) of the development;
- the appointment of a reputable market operator as approved by the Local Planning Authority; and
- existing market traders to be offered tenancies/licences over new market stalls first at a reasonable rent and the negotiation process to be undertaken to achieve this.

(iii) With regard to car parking, the EMS shall include details on how spaces will be allocated and managed on site.

(iv) With regard to servicing, the EMS shall include a Delivery Servicing Plan (DSP) which: (a) seeks to rationalise the number of delivery and servicing trips including waste, particularly during peak traffic periods, with the aim of reducing the impact of residual freight activity; and (b) ensure that the delivery space and time is actively controlled through a site booking plan.

(v) The development shall only be operated in accordance with the EMS approved under (ii) above, unless otherwise approved by the Local Planning Authority.

Reason: To ensure that the all aspects of the development to which occupiers and / or members of the public will have access are adequately and appropriately managed, maintained and controlled so that they are of standard sufficient to ensure the development is some where people would wish to live, work and play and with regard to saved policies S1 (Community Safety and Crime Reduction), S3 (Quality of Development), S9 (Environmental Quality: Design Issues), EQ18 (Promoting Urban Quality), EQ19 (Urban Design Considerations), EQ20 (Design Considerations: Residential Areas), EQ21 (New Development: Landscaping), EQ25 (Access), EQ26 (Safety), LR4 (Public Art), OS8 (Green Space in New Housing Development), OS12 (Children's Play Facilities in New Housing Development), CS18 (Drainage System); and policy 4B.1 (Design principles for a compact city) of the London Plan (published February 2008).

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

12. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless a minimum of 14 days' notice of the commencement date of that phase shall have been given in writing to the Local Planning Authority.

Reason: To ensure that the Local Planning Authority is aware of the commencement date of each phase of the development.

13. No building on any phase (as approved under condition 3) shall exceed the maximum building heights illustrated on approved drawing 1619-4-MP-000-1002 Rev 0 (Height Plan) without the prior approval of the Local Planning Authority.

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents; the assessed Environmental Statement; and to protect local amenity with regard to saved Policy EQ19 (Urban Design Considerations) and EQ27 (High Buildings: Control and Design Considerations) of the London Borough of Newham adopted Unitary Development Plan and Policy 4B.1 (Design principles for a compact city) of the London Plan, published February 2008. 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.

14. (i) All of the residential units comprised within the development hereby permitted shall not be constructed unless in accordance 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, Mayor of London, GML Architects and Habinteg HA in the publication 'Lifetime Homes' and as referred to in the Greater London Authority Accessible London Supplemental Planning Guidance entitled Accessible London: achieving an inclusive environment (April 2004);

(ii) any application for reserved matters approval shall be accompanied by adequate information to demonstrate that all of the residential units in the relevant phase (as approved under condition 3) of the development will be constructed to Lifetime Home Standards.

Reason: To ensure that accessible housing is provided, in accordance with saved policies EQ18 (Promoting Urban Quality), EQ19 (Urban Design Considerations), EQ25 (access), H14 (Promoting Choice in Housing); H17 (Housing Design and Layout) of the London Borough of Newham Unitary Development Plan; and policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (Published February 2008).

15. Unless otherwise agreed in writing by the Local Planning Authority, no fewer than 10% of the total number of residential units within the development shall be constructed so that they can be easily adapted for residents who are wheelchair users in accordance with the publication 'Wheelchair Housing Guide, Stephen Thorpe, National Wheelchair Housing Association Group, Home Housing Trust, BRE 1997.

Reason: To ensure that accessible housing is provided, in accordance with saved policies EQ18 (Promoting Urban Quality), EQ19 (Urban Design Considerations), EQ25 (access), H14 (Promoting Choice in Housing); H17

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

(Housing Design and Layout) of the London Borough of Newham Unitary Development Plan; and policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (Published February 2008).

16. (i) No part of the development hereby permitted shall be commenced (with the exception of archaeological or preliminary site investigations) on Plot 2 or Plot 3 (as identified on Figure 1.2 of the Environmental Statement dated November 2008) unless and until full particulars and detailed drawings showing:

- the means of access and egress of buildings suitable for people with disabilities; and
- measures to ensure people of disabilities are able to move freely within the development, including details of the location, number and size of external lifts and provision for long term maintenance of them,

have been submitted to and approved in writing by the Local Planning Authority;

(ii) The approved details shall be implemented prior to the first occupation of the relevant development plot and thereafter permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development is fully accessible to all, in accordance with saved policies EQ18, EQ19, EQ25, H14 and H17 of the London Borough of Newham Unitary Development; and policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (published February 2008).

17. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, a plan showing details of all access routes for fire and other emergency vehicles to the development, during the construction period of that phase and when completed shall have been submitted to and approved in writing by the Local Planning Authority. The approved access routes shall be kept clear at all times.

Reason: To ensure satisfactory access for emergency vehicles.

18. (i) Notwithstanding submitted drawing numbers C329D201 Rev A (Materials Plan), 1619-4-D-200-1001 Rev 0, 1619-4-D-200-1002 Rev 0 and 1619-4-D-200-1003 Rev 0 dated 22.09.2008 no phase (as approved under condition 3) no part of the development hereby permitted shall be commenced unless and until, details and samples of materials to be used on all external surfaces of that phase, including windows and glazing, shall have been submitted to and approved by the Local Planning Authority and such details should include the colour, texture, type and specification of the materials to be used;

(ii) The materials approved pursuant to (i) above shall be constructed and/or installed prior to occupation of the relevant phase of the development and shall be permanently maintained thereafter on all permanent buildings.

Reason: To ensure a satisfactory standard of external appearance;

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

protect local amenity; and with regard to the assessment contained in the Environmental Statement and saved policy EQ19 (Urban Design Considerations) of the London Borough of Newham adopted Unitary Development Plan; and policy 4B.1 (Design principles for a compact city) of the London Plan (published February 2008).

19. (i) No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, details showing the hard and soft landscaping scheme (the Landscaping Scheme) for that phase has been submitted to and approved by the Local Planning Authority.

(ii) The Landscaping Scheme approved pursuant to (i) above shall include the following:

- Full details of plants and trees (common and Latin names, size and pot height; density or number, tree girth and method of growth e.g. container or open ground)
- Surface treatment
- Maintenance schedule
- Suppliers or manufacturers details
- Guide to construction
- Paving/fencing/colours/finishes
- Signage and information boards
- Internal and site boundary treatment
- Street furniture
- The play equipment to be provided (including the specifications, manufacturer, and British or European Standards of that equipment)
- The public works of art to be provided, e.g. the Market Cross

(iii) All planting, seeding or turfing shall be implemented in the first planting season following occupation of the buildings or the substantial completion of the relevant phase of development, whichever is the sooner.

(iv) 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 saved policy EQ21 (New development: Landscaping), EQ38 (Planning Applications Affecting the Setting of a Listed Building), of the London Borough of Newham Unitary Development Plan and Policies 4B.1 (Design principles for a compact city) and 3D.14 (Biodiversity and nature conservation) of the London Plan, published February 2008.

20. All landscaping provided as part of the development hereby permitted, shall be fully accessible and useable by disabled people, including wheelchair and scooter users, people with sight impairment and people with prams or pushchairs.

Reason: To ensure that the site is accessible and usable for all and with

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

regard to saved policy EQ25 (Access) of the London Borough of Newham Unitary Development and Policies 4B.1 (Design principles for a compact city) and 3A.17 (Addressing the needs of London's diverse population) of the London Plan, published February 2008.

21. (i) No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, details and a scheme setting out how the hard and soft landscaped areas identified in the Landscaping Scheme (approved pursuant to condition 20) are to be maintained and managed (Landscape Management and Maintenance Scheme) for that phase, shall have been submitted to and approved in writing by the Local Planning Authority;

(ii) the Landscape Management and Maintenance Scheme shall include specific details of: the proposed quantum of area; location; specification; long term design objectives; management responsibilities; and maintenance schedules for all landscape areas;

(iii) the Landscape Management and Maintenance Schemes shall be carried out as approved.

Reason: To protect, enhance and maintain the landscape features and character of the area and with regard to saved policies EQ18, EQ21 and EQ38 of the London Borough of Newham Unitary Development plan and policies 4B.1 (Design principles for a compact city), 4A.3 (Sustainable design and construction) and 3D.14 (Biodiversity and nature conservation) of the London Plan (published February 2008).

22. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, details and a scheme setting out how the areas of public realm comprised within that phase of the development are to be managed and maintained, including long term design objectives, management responsibilities and maintenance schedules (the Public Realm Management and Maintenance Scheme) shall have been submitted to and approved in writing by the Local Planning Authority;

The Public Realm Management and Maintenance Scheme shall be carried out as approved.

Reason: To protect, enhance and maintain the landscape features and character of the area and with regard to saved policy EQ18 of the London Borough of Newham Unitary Development plan and policies 4B.1 (Design principles for a compact city) and 4A.3 (Sustainable design and construction) of the London Plan (published February 2008).

23. Unless otherwise agreed in writing by the Local Planning Authority, the completed development shall provide the following minimum amounts of floor space in accordance with the submitted documents:

- a. 590 m² (minimum) formal play space for under 5s across Plots 1, 2 and 3 (as approved under condition 3);
- b. 1246 m² communal amenity space at podium level within Plot 1 (as approved under condition 3) (including 227 m² formal play space

Meeting: 12 March 2009

Agenda Item: 3

Report No.: LTGDC/09/PC09

for under 5s) and 291 m² communal amenity space for residents at roof level of Building B;

- c. 765 m² communal garden at roof level within Plot 2 (as approved under condition 3); and
- d. 972 m² communal courtyard garden within Plot 3 (as approved under condition 3).

The reserved matters applications for each phase of the development shall be accompanied by adequate information to demonstrate that formal play space and communal amenity space are provided and are fully accessible to disabled people.

Reason: To ensure that appropriate, accessible, play space and amenity space are provided, in accordance with saved policies EQ18, EQ19, EQ25, H13, H17, OS1 and OS12 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3D.13, 3D.14, 4A.11, 4B.1 and 4B.2 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

- 24. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, details of the proposed external lighting scheme (the External Lighting Scheme) shall be submitted to and approved by the Local Planning Authority in consultation with London City Airport;

(ii) the External Lighting Scheme shall include details of the appearance and technical details/specifications, intensity, orientation and screening of lamps, siting, and the means of construction and laying of cabling;

(iii) the External Lighting Scheme is to be constructed and/or installed prior to occupation of the relevant phase of the development and shall be permanently maintained thereafter.

Reasons: To ensure that safety is not compromised with regard to the principles/practices of Secured by Design; to minimize adverse impacts of light pollution on the highway network; to minimize adverse impacts on the safeguarded area around London City Airport; and with regard to saved policy EQ45 of the London Borough of Newham adopted Unitary Development Plan; and policies 4B.1 (Design principles for a compact city) and 4A.3 (Sustainable design and construction) of the London Plan (published February 2008).

- 25. (i) Notwithstanding drawing number 1619-4-P-200-1009 Rev 0 (Basement Floor Plan), no phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until details of the proposed car parking layout, motor cycle parking facilities and secure cycle facilities, and connection of the site to the existing on-street cycle route on Barking Road for each development phase shall be submitted to and approved in writing by the Local Planning Authority and such facilities will be made available for use prior to the first occupation of the relevant phase of development and shall be permanently retained and made available for use thereafter;

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

(ii) The development shall not include more than 120 car parking spaces in Plot 1 (as identified on drawing number 1619-4-P-200-1009 Rev 0) and no more than 0.4 car parking spaces per residential unit for Plot 2 and Plot 3 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate off street car, motor cycle and cycle facilities to the standards adopted by the Local Planning Authority and with regard to policies T24 (Access by Cycle and Cycle Parking) and T26 (Motorcycling); and 3C.22 (Improving conditions for cycling) and 3C.23 (Parking strategy) of the London Plan (published February 2008). The development of the site is subject of an Environmental Impact Assessment and any alteration to the use of the proposed car parking spaces may have an impact which has not been assessed by that process.

26. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, an air quality report shall be submitted to and agreed by the Local Planning Authority (the Air Quality Report). The Air Quality Report shall detail:

- the area(s) within the boundary of the site (if any), which may exceed relevant national air quality objectives;
- specify how the development will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives;
- identify areas of potential exposure to air pollution (if any); and
- detail how the development will mitigate its impact on local air pollution.

The Air Quality Report shall have regard to the guidance from the Association of London Government" Air quality assessment for planning applications – Technical Guidance Note".

Thereafter the scheme shall be implemented in accordance with the approved details.

Reason: To ensure that there is no breach of emission levels of prescribed pollutants in accordance with saved policies EQ45 (Pollution) and EQ46 (Air Quality Management) of the London Borough of Newham Unitary Development Plan; and policy 4A.19 (Improving air quality) of the London Plan (published February 2008).

27. No development shall commence until:

(i) a scheme and programme of archaeological investigation and works on the site has been submitted to and approved by the Local Planning Authority (the Archaeological Scheme); and

(ii) the Archaeological Scheme has been implemented in full by a suitably qualified archaeological body approved by the Local Planning Authority.

The development hereby permitted shall not be constructed otherwise than in accordance with the Archaeological Scheme.

Reason: Significant archaeological remains may survive on the site. The

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

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 with regard to saved policy EQ43 (Archaeology: Investigation, Excavation and Protection) of the London Borough of Newham Unitary Development Plan; and policy 4B.15 (Archaeology) of the London Plan (published February 2008).

28. No part of the development used for food and drink purposes falling within use classes A3, A4 or A5 shall be occupied until details of the arrangements for ventilation/extraction of cooking fumes have been submitted to and approved in writing by the Local Planning Authority. Details should include full specifications of all filtration, deodorising systems, noise output and termination points. Particular consideration should be given to the potential high level discharge of kitchen extract. Reference shall be had to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. The approved scheme shall be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason: To safeguard the amenities of the area, and in order that the development accords with saved policies EQ19 (Urban Design Considerations), EQ45 (Pollution) and EQ46 (Air Quality Management) of the London Borough of Newham Unitary Development Plan.

29. No part of the development used for food and drink purposes falling within use classes A3, A4 or A5 shall be occupied until full details of the grease trap or grease digester system to be installed for the commercial kitchen has been submitted to and approved by the Local Planning Authority in relation to that phase. Details should include plan and sectional drawings with measured drain sizes and invert levels, full manufacturer's 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 prevent pollution of the water environment with regard to saved policy EQ45 of the London Borough of Newham Unitary Development Plan; and policy 4A.17 (Water quality) of the London Plan (published February 2008).

30. (i) No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, full details of any mechanical ventilation or other plant shall be submitted to and approved by the Local Planning Authority in relation to that phase.

(ii) The details submitted should include full specifications of all filtration, deodorising systems, noise output and termination points. Particular consideration should be given to the potential high level discharge of kitchen extract air;

(iii) No phase (as approved under condition 3) of the development hereby permitted shall be occupied unless and until the mechanical ventilation or other plant approved under (i) above shall have been completed;

(iv) The mechanical ventilation or other plant approved under (i) above

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

shall be permanently maintained thereafter.

Reason: To safeguard the amenities of the area, and in order that the development accords with saved policies EQ19 (Urban Design Considerations), EQ45 (Pollution) and EQ46 (Air Quality Management) of the London Borough of Newham Unitary Development Plan.

31. (i) No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, details of the proposed sound insulation scheme to be implemented between the residential accommodation and any non residential uses (including any roof garden(s)) shall be submitted to and approved by the Local Planning Authority in relation to that phase. The details should include airborne and impact sound insulation.

(ii) No phase (as approved under condition 3) of the development hereby permitted shall be occupied unless and until in relation to that phase the noise mitigation measures set out in the scheme approved pursuant to (i) above have been installed and completed and a suitably qualified engineer approved by the Local Planning Authority has certified that the noise mitigation measures agreed have been installed and completed.

Reasons: To protect the amenity of future occupants and neighbours and with regard to saved policies EQ19 and EQ45 of the London Borough of Newham Unitary Development Plan.

32. Notwithstanding and in addition to the provisions of section 9.6 of the Environmental Statement dated November 2008 submitted as part of the application, no phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until a survey measuring noise levels generated from adjacent road traffic shall be submitted to and approved by the Local Planning Authority in relation to that phase. The survey should be accompanied by a scheme setting out mitigation measures such as siting, orientation, noise barriers and other such measures as may be appropriate to be incorporated into the development to ensure internal noise levels specified in BS8233 (Good) are achieved. Where it is shown that the site falls within Category C or D as set out in Planning and Policy Guidance Note 24, the mitigation measures shall include the provision of acoustic glazing and mechanical ventilation.

The mechanical ventilation system shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates. Alternative schemes that meet the above noise and ventilation standards can be considered.

No phase (as approved under condition 3) of the development hereby permitted shall be occupied unless and until in relation to that phase the mitigation measures approved pursuant to (i) above have been implemented in full and certified as such by a suitably qualified engineer approved by the Local Planning Authority. The mitigation measures approved pursuant to (i) above shall be permanently maintained thereafter.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

Reasons: To protect the amenity of future occupants and neighbours and with regard to saved policy EQ48 of the London Borough of Newham Unitary Development Plan and policy 4A.20 of the London Plan (published February 2008).

33. (i) Notwithstanding and in addition to the provisions of section 9.6 of the Environmental Statement submitted as part of the application, no phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase, an acoustic report shall have been submitted to and approved by the Local Planning Authority. Plant operation and activity on site shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst effected property. Where it is considered impractical to meet this noise standard the acoustic report should detail mitigation measures to be taken to reduce noise to a minimum.

(ii) No phase (as approved under condition 3) of the development hereby permitted shall be occupied unless and until in relation to that phase the mitigation measures approved pursuant to (i) above have been implemented in full and certified as such by a suitably qualified engineer approved by the Local Planning Authority. The mitigation measures approved pursuant to (i) above shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan; and policy 4A.20 of the London Plan (published February 2008).

34. (i) No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase, details relating to the means of refuse and recyclate storage for that phase of the development shall have been submitted to and approved by the Local Planning Authority. The details should include noise output, odour control systems and termination points.

(ii) No phase (as approved under condition 3) of the development hereby permitted shall be occupied unless and until in relation to that phase the scheme approved pursuant to (i) above have been implemented in full. The scheme approved pursuant to (i) above shall be permanently maintained thereafter.

Reason: To ensure adequate and hygienic refuse and recyclate storage with regard to saved policy EQ61 (Recycling) of the London Borough of Newham Unitary Development Plan; and policy 4A.3 (Sustainable design and construction) of the London Plan (published February 2008).

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and / or re-enacting that Order), no satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the roof of any building other than as shown on the drawings without the express permission of the Local Planning Authority.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

Reason: In the interest of visual amenity and with regard to saved EQ19 (Urban Design Considerations) of the London Borough of Newham Unitary Development Plan.

36. The non-residential parts of the development hereby permitted shall not be occupied unless and until, the developer shall have provided a copy of the final Building Research Establishment (BRE) certificate confirming that the development design for the permanent buildings each achieve a minimum BREEAM rating of Very Good. The BREEAM Post Construction Assessment shall be carried out on a sample of the development in accordance with an agreed methodology to ensure that the required minimum rating has been achieved and can be maintained.

Reason: In the interest of energy efficiency and sustainability and with regard to saved policy DC49 (Sustainable design and construction) of the London Borough of Havering Development Control Policies DPD (adopted October 2008); and policy 4A.3 (Sustainable design and construction) of the London Plan (published February 2008).

37. No phase (as approved under condition 3) of the development hereby permitted shall be occupied unless and until in respect of that phase, the developer shall have provided a copy of the post construction stage final certificate issued by a licensed code assessor on behalf of the Department of Communities and Local Government, and logged on the service provider database, demonstrating that the residential units have achieved The Code for Sustainable Homes Code Level 4.

Reason: To ensure that high standards of sustainable design are implemented and with regard to policy 4A.3 (Sustainable design and construction) of the London Plan (published February 2008).

38. The development hereby permitted shall not be commenced until, a scheme providing for the protection of the two London Plane Trees (*Platanus X Hispanica*), which are the subject of a Tree Preservation Order, shall have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented at all times until the development is complete.

Reasons: The existing trees represent an important visual amenity that the Local Planning Authority considers should be maintained and with regard to policy EQ14 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

39. The development hereby permitted shall only be constructed in accordance with the design principles and measures set out in the Flood Risk Assessment prepared by Peter Brett Associates (bearing project reference number 19173) dated September 2008 as approved by the Local Planning Authority.

Reason: To ensure the development is designed safely in reference to flood risk.

40. The development hereby permitted shall not be commenced until details of the existing ground levels and proposed finished floor levels across the site have been submitted to and approved in writing by the Local Planning

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

Authority in consultation with the Environment Agency. The development hereby permitted shall only be constructed in accordance with the approved details.

Reason: To prevent the increased risk of flooding to the site and with regard to policy 4C.6 of the London Plan (adopted February 2004).

41. The development hereby permitted shall not be commenced until details of the surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall only be constructed in accordance with the approved details.

Reason: To prevent the increased risk of flooding to third parties; to the site itself; to improve water quality; to enhance biodiversity and with regard to saved policy EQ63 of the London Borough of Newham Unitary Development Plan; and policy 4A.14 (Sustainable drainage) of the London Plan (published February 2008).

42. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase an evacuation plan covering flood evacuation and escape routes, in-house warning system, signage within and outside the buildings comprised within the development, shall have been submitted to and approved in writing by the Local Planning Authority. The approved evacuation plan shall be implemented in full from the date the buildings in the relevant phase are first occupied.

Reason: To minimise the risk to users of the development from flooding.

43. Piling or any other foundation designs using penetrative methods shall not be carried out other than with the express written consent of the Local Planning Authority. The Local Planning Authority shall consult with the Environment Agency before deciding whether to grant such consent, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To prevent pollution of the water environment and in accordance with policy 4A.17 (Water quality) of the London Plan (published February 2008).

44. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase a scheme detailing:

(i) how water efficiency measures along with rainwater harvesting and grey water reuse will be incorporated into the development; and

(ii) how rainwater attenuation measures will limit discharge to 30% of the existing site run-off and maximum water use will be limited to 105 litres per person per day,

shall have been submitted to and approved by the Local Planning Authority. Where such measures cannot be used justification should be provided to the Local Planning Authority. The approved scheme shall be

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

implemented and maintained in perpetuity.

No permanent building hereby approved shall be occupied until the approved scheme referred to above has been implemented to the satisfaction of the Local Planning Authority.

Reason: There is a high demand for limited water resources in this area; to ensure that water use is managed to meet the needs of society and the environment; and with regard to policy 4A.9 (Adaptation to Climate Change) and 4A.16 (Water supplies and resources) of the London Plan (published February 2008).

45. No permanent building hereby approved shall be commenced until a detailed scheme for living roofs and walls has been submitted to and approved by the Local Planning Authority.

No permanent building hereby approved shall be occupied until the approved scheme has been implemented to the satisfaction of the Local Planning Authority.

The approved scheme shall be maintained in perpetuity, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and enhance the biodiversity of the site and contribute towards sustainable drainage in accordance with policies 4A.11 (Living Roofs and Walls), 4A.9 (Adaptation to Climate Change) and 4A.14 (Sustainable drainage) of the London Plan (published February 2008).

46. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and specification compatible with the required drainage of the site and the details of which shall have been submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment and in accordance with policy 4A.17 (Water quality) of the London Plan (published February 2008).

47. The development hereby approved shall not be commenced until impact studies of the existing water supply infrastructure shall have been submitted to and approved by the Local Planning Authority. The Local Planning Authority shall consult with Thames Water before granting such approval. The studies should determine the magnitude of any new additional capacity required in the water supply system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

48. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase:

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

(i) 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;

(ii) the report setting out the findings of that investigation and the proposals for any remediation required shall be submitted to and approved in writing by the Local Planning Authority; and

(iii) all works approved under (ii) above shall be undertaken to the satisfaction of the Local Planning Authority.

No phase (as approved under condition 3) of the development hereby permitted shall be occupied unless and until in relation to that phase a validation report confirming that the works undertaken were completed in accordance with the report approved under (ii) above remediation strategy shall have been submitted to and approved by the Local Planning Authority.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and to prevent pollution of the water environment as the site may be contaminated due to previous use(s) and with regard to saved policy EQ49 (Contaminated Land: Assessment, Remediation and Monitoring) of the London Borough of Newham Unitary Development Plan; and 4A.17 (Water quality) and 4A.33 (Bringing contaminated land into beneficial use) of the London Plan (published February 2008).

49. No soils, or infill materials, are to be brought onto the site unless they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. 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, must be submitted to and be approved in writing by the Local Planning Authority prior to occupation of any phase of the development.

Reasons: To prevent uncontaminated and remediated land from becoming contaminated with material that is potentially harmful to humans, planting and the environment and with regard to saved policy EQ49 of the London Borough of Newham Unitary Development Plan; and policy 4A.34 (Dealing with hazardous substances) of the London Plan (published February 2008).

50. The development hereby permitted shall not be commenced unless and until:

(i) a scheme setting out the details of a settlement facility for the removal of suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the settlement facility approved pursuant to (i) above has been implemented in full.

The approved scheme shall be retained throughout the construction

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

phases of the development hereby permitted.

Reason: To prevent pollution of the water environment and in accordance with saved policy EQ49 (Pollution) of the London Borough of Newham Unitary Development Plan; and policy 4A.17 (Water quality) of the London Plan (published February 2008).

51. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Reason: To prevent pollution of the water environment; to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system; and in accordance with policy 4A.17 (Water quality) of the London Plan (published February 2008).

52. All areas where waste is stored, handled or transferred shall be underlain by impervious hardstanding with dedicated drainage to foul sewer or sealed tank.

Reason: To prevent pollution of the water environment and in accordance with policy 4A.17 (Water quality) of the London Plan (published February 2008).

53. No construction or building works shall be carried out on the site except between the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays without the prior written approval of the Local Planning Authority.

Deliveries of construction and demolition materials to and from the site by road shall take place between the hours of 0800 and 1800 Monday to Friday and between 0800 and 1300 on Saturday and at no other time except with the prior written approval of the Local Planning Authority.

Reason: In order to minimise noise and disturbance, in the interest of residential amenity, and with regard to saved policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan; and policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (published February 2008).

54. All construction compounds for the development hereby permitted shall be erected within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policies EQ45, EQ46 and EQ47 of

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

55. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase, a full and detailed application for the Secured by Design award scheme, indicating how the principles and practices of that scheme are to be incorporated shall have been submitted to and approved by the Local Planning Authority. The development shall not be constructed or maintained otherwise than in accordance with the agreed scheme.

Reason: In the interest of amenity and creating safer, sustainable communities and residential amenity, reflecting guidance set out in PPS1, PPS3 and saved policies EQ19 (Urban Design Considerations), EQ26 (Safety) and S1 (Community Safety and Crime Reduction) of the London Borough of Newham Unitary Development Plan; and 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

56. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase, a scheme showing the details of a CCTV system to be installed for the safety of users and the prevention of crime throughout the site, shall have been submitted to and approved in writing by the Local Planning Authority.

No phase (as approved under condition 3) of the development hereby permitted shall be occupied unless and until in respect of that phase the CCTV scheme has been implemented as approved.

Reason: In the interest of amenity and creating safer, sustainable communities and residential amenity, reflecting guidance set out in PPS1, PPS3 and saved policies EQ19 (Urban Design Considerations), EQ26 (Safety) and S1 (Community Safety and Crime Reduction) of the London Borough of Newham Unitary Development Plan; and 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

57. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase an Environmental Code shall have been submitted to and approved by the Local Planning Authority, in respect of such matters as are likely to cause nuisance to adjoining occupiers. The details submitted 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.

Reason: To ensure that the construction does not prejudice the ability of neighbouring occupiers' reasonable enjoyment of their properties and with regard to saved policy EQ45 of the London Borough of Newham Unitary Development Plan.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

58. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase, a scheme making provision for construction method and management to control the adverse impacts of the development on the amenity of the public and nearby occupiers has been submitted to and approved in writing by the Local Planning Authority (the Construction Management Statement).

The Construction Method Statement shall include, but not be limited to, details of:

- a) parking of vehicles of site personnel and visitors;
- b) sourcing of materials;
- c) storage of plant and materials;
- d) dust management controls;
- e) location and height of cranes and scaffolding;
- f) measures of minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- g) predicted noise and, if appropriate, vibration levels for construction using methodologies and at locations agreed with the Local Planning Authority;
- h) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- i) scheme for security fencing / hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- j) details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded);
- k) construction traffic management; and
- l) wheel washing facilities.

The relevant phase of the development hereby permitted shall only be constructed in accordance with the Construction Method Statement.

Reason: To safeguard the amenities of the area; in the interests of safety and the operation of London City Airport; and in order that the development accords with saved policies EQ19 (Urban Design Considerations), EQ45 (Pollution) and EQ46 (Air Quality Management), EQ47 (Noise Impact Assessment) of the London Borough of Newham Unitary Development Plan; and 4A.3 (Sustainable design and construction) (Reducing noise and enhancing soundscapes) of the London Plan (published February 2008).

59. No phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase, details demonstrating how a minimum reduction in carbon dioxide emission of 20% will be achieved, shall be submitted to the Local Planning Authority for written approval in consultation with the Greater London Authority. The approved system(s) shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the Local Planning Authority.

Reason: To ensure the development meets the requirements of the Mayor's Climate Change Mitigation and Energy Strategy and its objectives

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

of increasing the proportion of energy used generated from renewable sources in accordance with policy 4A.7 (Renewable energy) of the London Plan (published February 2008).

60. The minimum 20% reduction in carbon dioxide emissions shall be established from the anticipated carbon dioxide emissions of all of the approved permanent development phases once all energy efficiency measures have been accounted for and details shall be provided in writing to the Local Planning Authority.

Reason: To ensure accordance with policy 4A.7 (Renewable energy) and 4A.4 (Energy assessment) of the London Plan (published February 2008).

INFORMATIVES

1. The applicant is advised that the grant of planning permission does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent highway scheme and any temporary highway works required during the construction phase of the development.
2. The applicant is advised that there are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Water's assets be required, the application should contact Thames Water Developer Services on 0845 850 2777.
3. Thames Water advises that peak discharge to the combined sewer system should not exceed historic peak discharge from the site, this should be achieved by SUDS / surface water retention.
4. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 08450 850 2777.
5. The grant of planning permission does not discharge requirements under the Traffic Management Act 2004. Formal notifications and approval are required for both the permanent highway alterations and any temporary highway works required during the construction phase of the development. The grant of planning permission does not prejudice the TfL Network Assurance Team's subsequent decision on the formal notification.
6. This permission does not grant approval for fire safety measures that have been incorporated. The applicant is therefore reminded that building control regulations will need to be satisfied.
7. 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. The design should be in accordance with the appropriate English Heritage guidelines.
8. National Grid has advised that whilst the risk is negligible with respect to its operational electricity transmission network and its operational gas transmission network, the Developer must also obtain information of local gas and electricity

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09
distribution networks.

9. The sound insulation between flats in this development must meet or exceed the standards set out in approved Document E of the Building Regulations. Reference should be had to the London Borough of Newham's Building Control Department or an approved building inspector.
10. The commercial kitchens and other food areas of the premises must comply in full with:
 - a) EU 852/2004 as enforced by the Food Hygiene (England) Regulations 2006
 - b) EU 178/2002 as enforced by the General Food Regulations 2004
 - c) The Food Premises Registration Regulations 1991, (under these regulations there is a requirement to register with the Environmental Health Service at least 28 days prior to opening for business. This form is accessible from Newham's website).

All structural finishes and equipment must comply with the catering Guide (industry) to Good Hygiene Practice; Chadwick House Group Ltd.)
Further details in respect of food requirements are available from The London Borough of Newham, Housing and Public Protection, Food Safety Unit, tel.: 020 8430 2000 Ext. 25283, food@newham.gov.uk or www.newham.gov.uk

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

11. The commercial parts of these premises should comply with the Health & Safety at Work etc. Act 1974 & Associated Legislation, and the Workplace (Health, Safety and Welfare) Regulations 1992 in particular. For this sort of commercial premises the enforcing authority for Health and Safety at Work is the London Borough of Newham Environmental Health Service.
12. Consideration of the management and operation of the finished premises, in relation to health and safety is a requirement of The Construction (Design and Management) Regulations 2007. The Developer is strongly advised to contact London Borough of Newham Environmental Health and Safety team for further advice.
13. Careful consideration must be made of how it is proposed to control the above ground water features in terms of health and safety, including control of Legionnaire's Disease and other Water Borne micro organisms. The Developer is strongly advised to contact London Borough of Newham Environmental Health and Safety team for further advice.
14. Compliance with Planning Law does not automatically mean that you will comply with more specific Health and Safety Law requirements.
15. The proposed passenger/goods lifts 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.

16. For advice and information on 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. 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
- 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.

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.

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

All reports should be sent directly to the planning case officers at both the London Borough of Newham and London Thames Gateway Development Corporation Planning Departments. 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 officers will forward the reports on to the appropriate consultees for comment. Applicants are advised against entering into direct negotiation with either the Pollution Control Unit, Environment Agency or any other Council department consultees without notifying the planning case officers.

17. 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 London Borough of Newham 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).
18. Attention is drawn to the position of cookers with the flats. Cookers within the open plan kitchens, should be positioned away from the exit doors or away from the bedroom doors. The applicant should seek the advice of the London Fire Brigade and Building Control Officers in this matter.
19. Attention is drawn to the siting of doors with the flats and their direction of opening, as this can create a hazard under the Housing Act 2004 of Collision and Entrapment. Doors opening into passages, small rooms (such as bathrooms) or onto stairs can be a collision hazard, as can doors opening across paths. Doors to wall hung cupboards over worktops in kitchens can also be a collision hazard.
20. Attention is drawn to the hazard of falls on the level, as detailed by the Housing Act 2004. There should be effective drainage of surface water on the outdoor paths and yards to reduce the chances of slips, trips and falls because of ponding of water, and in adverse weather, patches of ice.
21. Attention is drawn to the hazard of falls between levels, as detailed by the Housing Act 2004, due to the high rise nature of the development and extensive use of balconies and roof gardens.
22. Safety catches on windows should be considered, as it will reduce the likelihood of children being able to open a window unsupervised. Catches which restrict the distance a window can be opened to 100mm should be fitted to windows above ground floor level to reduce the possibility of an accident involving a child.
23. The design of the windows should facilitate safe cleaning of the outer surface. It should be such that there is no reason to climb on a chair or stepladder to clean it. Where there is a high level opening light above the main opening light, the high level light should be easily cleanable on both sides without opening the main light.

In this type of multi-storey building there is a need for increased safety precautions to upper storey windows, because of the increased risk posed by the more severe harms resulting from distance of fall. Guarding (e.g. balustrade) should be provided to balconies and landings to prevent falls. It

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

should be at least 1,100mm high and designed and constructed so as to discourage children climbing and strong enough to support the weight of people leaning against it. There should be no openings to the guarding which would allow a 100mm sphere to pass through.

24. Attention is drawn to the hazard of Entry by Intruders, as detailed by the Housing Act 2004. Regard should be had so that possible areas of concealment for burglars and intruders are reduced to a minimum. This includes providing both public and private space that the residents feel is theirs (defensible space), ensuring pedestrian routes are well lighted and defined. However a balance must be struck to prevent creating fortress-like dwellings which may have a negative effect on the health of occupiers. I would suggest that the applicant contact the Metropolitan Police Community Safety Unit for comment on these plans.

25. Air pollution and noise from demolition or construction sites

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

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

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

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

Meeting: 12 March 2009
Agenda Item: 3
Report No.: LTGDC/09/PC09

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 Newham Public Protection on 0208 430 3820 or pollution.inquiry@Newham.gov.uk.

CASE OFFICER: Amanda Reid for John Allen, Director of Planning

Appendix 1: Site Location Plan
Appendix 2: Proposed Plot Locations Plan
Appendix 3a: Proposed Elevation A – A
Appendix 3b: Proposed Elevation B – B
Appendix 3c: Proposed Elevation C – C
Appendix 3d: Proposed Elevation D – D
Appendix 4: Height Plan
Appendix 5: Final Scheme Indicative Images

Additional Reference Documents

- Planning Application Documents;
 - The London Thames Gateway Development Corporation (Planning Functions) Order 2005;
 - Town and Country Planning Act 1990 (as amended);
 - Town and Country Use Classes Order 1987 (as amended);
 - Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;
 - The Town and Country Planning (Mayor of London) Order 2008;
 - London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State);
 - The Lower Lea Valley Opportunity Area Planning Framework (January 2007)
 - The Control of Pollution Act 1974
 - The Environmental Protection Act 1990
 - Control of Noise at Work Regulations 2005
 - Health and Safety at Work Act 1974
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