

Meeting: 8 October 2009  
 Agenda Item: 3  
 Report No: LTGDC/09/PC45



**PLANNING COMMITTEE MEETING: 8 October 2009**

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

<b>UDC CASE NUMBER:</b>	LTGDC-09-019-FUL	<b>DATE MADE VALID:</b>	12/05/2009
<b>APPLICATION NUMBER:</b>	09/00361/LTGDC/LBNM	<b>TARGET DATE:</b>	Subject to a PPA

<b>APPLICANT:</b>	One Housing Group
<b>AGENT:</b>	Stock Woolstencroft
<b>PROPOSAL:</b>	<p>Application for amendments to full planning approval reference 06/00634/LTGDC for 178 No. new homes and 946m<sup>2</sup> of commercial space (A1, A2, A3, B1, D1 &amp; D2). The amendments propose the omission of 15 No. studio flats to be replaced with 10 No. 1-bed flats, resulting in a reduction in the total number of residential units to 173; the omission of parking stackers and re-planning of semi-basement car park resulting in a reduction in the number of car parking spaces from 85 No. spaces + 2 No. car club spaces to 60 No. spaces + 2 No. car club spaces; the raising of the commercial entrance level of the proposed units along Rick Roberts Way to the existing level of the pavement to provide level access to these units; amended refuse arrangements; the addition of gates to the main entrance of Blocks A &amp; C; and minor amendments to the setting out of the building. Additional amended plans received on 25/08/2009 proposing to amend the end residential unit of the proposed Rick Roberts Way terrace (adjoining 79 Wise Road) from a 3 storey 4-bed unit to a 2 storey 3-bed unit.</p>
<b>LOCATION:</b>	Site of 223-231 High Street, Stratford, London E15

## **1. SUMMARY**

- 1.1 This report concerns an application for full planning permission submitted by One Housing Group proposing amendments to full planning approval reference 06/00634/LTGDC for 178 No. new homes and 946m<sup>2</sup> of commercial space (A1, A2, A3, B1, D1 & D2). The amendments propose the omission of 15 No. studio flats to be replaced with 10 No. 1-bed flats, resulting in a reduction in the total number of residential units to 173; the omission of parking stackers and re-planning of semi-basement car park resulting in a reduction in the number of car parking spaces from 85 No. spaces + 2 No. car club spaces to 60 No. spaces + 2 No. car club spaces; the raising of the commercial entrance level of the proposed units along Rick Roberts Way to the existing level of the pavement to provide level access to these units; amended refuse arrangements; the addition of gates to the main entrance of Blocks A & C; and minor amendments to the setting out of the building. Additional amended plans received on 25/08/2009 proposing to amend the end residential unit of the proposed Rick Roberts Way terrace (adjoining 79 Wise Road) from a 3 storey 4-bed unit to a 2 storey 3-bed unit.
- 1.2 The London Thames Gateway Development Corporation (LTGDC) is the Local Planning Authority for the application for full planning permission. The London Borough of Newham has been consulted on the application.
- 1.3 Overall the amendments proposed represent an improvement in comparison to the development approved by the LTGDC under planning permission 06/00634/LTGDC. The design changes would improve accessibility to the development. The amended dwelling mix and affordable housing provision is acceptable. The reduced parking provision is acceptable in relation to the Public Transport Accessibility Level (PTAL) of the site, subject to the proposed S106 clauses.
- 1.4 Objections have been received from residents of Wise Road raising concern that both the development approved by the LTGDC under 06/00634/LTGDC and the amended development proposed in this application would have detrimental impacts on the amenities of residents of Wise Road, particularly in terms of daylight, sunlight and privacy. It is a material consideration that 06/00634/LTGDC has been granted planning permission by the LTGDC and could still be implemented. As such the impact of the proposed development falls to be considered in comparison to those of the already consented scheme. The impacts of the development proposed in this application on daylight, sunlight and privacy for adjoining residents would be no greater than those resulting from the approved development. Nonetheless officers have assessed the impacts and sought to address the concerns raised, either through suggesting amendments to the

development or through new conditions. The proposed amendment to the end unit adjoining 79 Wise Road would improve the relationship between the two properties in terms of design and impacts on amenity. Officers are also proposing new conditions (Nos. 21 and 22) to reduce overlooking from the new development to the Wise Road properties adjoining the site. Subject to these conditions and in view of the resulting improvements to the existing planning permission, this application for amendments is considered to be acceptable.

- 1.5 It is consequently recommended that Members agree to delegate authority to the Director of Planning to approve the application subject to the conditions and S106 Heads of Terms identified in this report.

## **2. SITE AND PROPOSAL**

### **2.1 Description of Site and Surroundings**

- 2.1.1 The application site covers an area of 0.44 hectares. The site was previously occupied by three buildings fronting the High Street with vacant space to the rear. These buildings have been demolished following the approval of planning permission 06/00634/LTGDC.
- 2.1.2 The building previously located at the junction of the High Street and Wise Road was a red brick building equivalent to two storeys in height. It was adjoined by a derelict single storey building with a white painted brick elevation to the High Street. The building formerly provided an entrance to the timber yard that previously occupied part of the site. The building previously occupying the western section of the site's frontage to the High Street was two storeys and was originally used as a public house.
- 2.1.3 All of the buildings previously occupying the site were in a relatively poor state of repair. The remainder of the frontage to the High Street comprised advertising hoardings and metal fencing. As a whole the previous buildings and spaces represented an inefficient use of the site and did not have a positive impact on the High Street.
- 2.1.4 Historically a Grade II Listed Parish Boundary Marker has been located between the buildings at 231-233 High Street. Listed building consent was granted by the LTGDC in December 2008 for the repositioning of the listed boundary marker to the footway on Rick Roberts Way close to the entrance of the new development.
- 2.1.5 The two storey terraced houses and gardens of properties on Wise Road are located to the east adjoining the site boundary.
- 2.1.6 To the north of the site on the opposite side of the High Street at 160-

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188 High Street (previously known as LD Toys) buildings of 9 and 28 storeys are under construction to comprise 298 residential units and commercial space. Construction has also commenced at 150 High Street which has planning permission for six buildings between 3 and 45 storeys comprising a 153 bed hotel, 690 residential units, commercial and community uses.

2.1.7 To the west of the site on the opposite side of Rick Roberts Way is a hoarded site which is being cleared in preparation for the construction of the southern transport mall in connection with the 2012 Olympic Games.

## **2.2 Description of Proposal**

2.2.1 The application proposes amendments to planning permission reference No. 06/00634/LTGDC which was granted by the LTGDC on the 4<sup>th</sup> of December 2008 for 178 new homes and 946m<sup>2</sup> of commercial space - A1 (shop), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), B1 (Business), D1 (Non-residential Institutions), and D2 (Assembly and Leisure).

2.2.2 The proposed changes to the approved scheme are:

- the omission of 15 No. studio flats to be replaced with 10 No. 1-bed / 2 person flats, resulting in a reduction in the total number of residential units to 173. This will result in the loss of 5 No. private sale units;
- the omission of parking stackers and re-planning of semi-basement car park resulting in a reduction in the number of car parking spaces from 85 No. spaces + 2 No. car club spaces to 60 No. spaces + 2 No. car club spaces. The layout has been rationalised to one level to make it more easily accessible;
- the raising of the commercial entrance level of the proposed units along Rick Roberts Way to the existing level of the pavement to provide level access to these units;
- revised refuse arrangements;
- the addition of gates to the main entrance of Blocks A & C;
- minor amendments to the setting out of the building to avoid balconies overhanging the pavement; and
- amendments to the end residential unit of the proposed Rick Roberts Way terrace (adjoining 79 Wise Road) from a 3 storey 4-bed unit to a 2 storey 3-bed unit.

### 3. MAIN ISSUES

- Land Use
- Design, Height and Massing
- Impacts on Adjoining Occupiers
- Impact on Listed Parish Boundary Marker
- Housing Density
- Housing Mix
- Affordable Housing
- Dwelling Sizes
- Access
- Private and Communal Amenity Space
- Parking
- Section 106

### 4. RELEVANT SITE HISTORY

4.1 A summary of the relevant application history for the site is set out below.

<b>Appn No:</b>	<b>Proposal:</b>	<b>Decision:</b>
64/AA/11215	Display of non-illuminated advertisement panel.	Refused 03/04/1964
67/13147/A/510	The display of illuminated projecting box sign.	Approved 10/01/1968
72/13147/5880	Erection of steel framed building for storage of timber.	Approved 10/10/1973
76/13147/9170	Erection of a six unit plywood storage shed.	Approved 14/07/1976
80/13147/11213	Erection of a building for the storage of timber.	Refused 27/10/1980
83/13147/15133	Change of use of land to storage of timber.	Approved 23/11/1983

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84/0052/DTLS	Approval of details in pursuance of conditions 3 and 4 attached to planning reference No. 13147/15133 dated 01/12/83 change of use of land to storage of timber.	Approved 15/10/1984
86/0599/PLAN	Erection of a timber store.	Refused 15/10/1986
95/0258	Change of use from retail shop to offices for an estate agency or travel agency.	Approved 15/06/1995
96/0337	Display of an illuminated advertisement panel forming an integral part of a bus shelter.	Approved 15/06/1996
98/0077	Change of use from public house to B1 (a) use.	Approved 12/05/1998
06/00634/LTGDC	Mixed use development comprising 178 new homes and 946m <sup>2</sup> of commercial space, A1 (shop), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business), D1 (non-residential institutions), D2 (assembly and leisure).	Approved by LTGDC 04/12/2008
06/01999/LTGDC	Repositioning of listed boundary marker.	Approved by LTGDC 30/12/2008
09/00681/LTGAOD	Application for approval of details of Conditions 3 (Materials), 4 (Environmental Code), 10 (Archaeology), 11 (Site Drainage) and 13 (Foundations) attached to planning permission 06/00634/LTGDC.	Pending

09/00707/LTGAOD	Approval of details pursuant to Condition 5 (removal and repositioning of listed boundary marker) and Condition 3 (method statement and schedule of works) attached to planning permission no. 06/01999/LTGDC dated 30/12/2008.	Approved by LTGDC 07/07/2009
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## 5. CONSULTATIONS / NOTIFICATIONS

### 5.1 Greater London Authority

Advised that the proposal for amendments to full planning approval reference 06/00634/LTGDC does not raise any strategic planning issues and therefore the Mayor of London does not need to be consulted further on the application.

### 5.2 Environment Agency

No objection in principle, subject to conditions being imposed on any planning permission granted. Four conditions have been proposed as follows:

1. *Before the development is commenced a detailed Remediation Strategy and Method Statement shall be developed giving details of appropriate measures to prevent pollution of groundwater and surface water, including suitable provision for monitoring surface and groundwater where appropriate and remedial target values shall be approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved. A final Remediation Validation Report shall be submitted detailing the final remedial target values and any variance in actual soil contamination concentrations. Any exceedances in target values should be justified within the report.*

*Reason: To prevent pollution of the water environment.*

2. *The construction of the site foundations shall be carried out in accordance with details submitted to and approved in writing by*

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*the Local Planning Authority before the development commences.*

*Reason: To prevent pollution of groundwater.*

- 3. The construction of the surface and foul water drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.*

*Reason: To prevent pollution of the water environment.*

- 4. Surface water drainage works and source control measures shall be carried out in accordance with details which have been submitted to and approved in writing by the Local Planning Authority before development commences.*

*Reason: To prevent the increased risk of flooding.*

### **5.3 London City Airport**

No safeguarding objection subject to the following condition being imposed:

- 1. It should be noted that this response applies to the completed structure. In the event that during construction, craning or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation. We would advise that the attention of crane operators be brought to the British Standard Code of Practice for the safe use of cranes, British Standard Institute 7121 : Part 1 : 1989 (as amended).*

### **5.4 Olympic Delivery Authority (ODA)**

No objection.

### **5.5 Transport for London (TfL)**

TfL support the proposal to reduce the number of car parking spaces from 85 to 60 plus 2 car club spaces, particularly in light of the relatively high level of public transport accessibility indicated by the PTAL score of 5.

The proposal to raise the commercial entrance level of the proposed

units along Rick Roberts Way to the existing level of the pavement to provide level access to the units is also supported by TfL.

TfL do not believe that the amendments to this development would result in an unacceptable impact on the Strategic Road Network (SRN) and therefore have no objection to the proposal.

## **5.6 National Grid**

With respect to the proximity and sensitivity of their operational electricity transmission network and their operational gas transmission network to the proposal, National Grid has concluded that the risk is negligible.

## **5.7 Thames Water**

### Waste Comments

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

### Surface Water Drainage

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the 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. They can be contacted on 0845 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Water's assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.

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

### Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission:

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

### Supplementary Comments

Peak discharge to combined sewer should not exceed historical peak, this should be achieved by surface water retention. A large sewer crosses the site and the applicant should liaise with Thames Water Developer Services regarding the acceptability of any proposals. It is not normally acceptable to build within 3m of any sewer.

## **5.8 English Heritage (GLAAS)**

Advised that they have received reports detailing the results of the archaeological evaluation at the site and for the recording of historic buildings. The evaluation revealed a medieval ditch which is of some interest, although further excavation would be of limited value, and the recording of buildings has produced an appropriate record to mitigate the effects of their demolition.

The archaeological contractors have already made a commitment to prepare and deposit the archive and to disseminate the results of these investigations. Therefore no further archaeological work is necessary under this application.

**5.9 English Heritage (Historic Buildings Advisor)**

No comments received.

**5.10 Newham PCT**

The changes will have a limited impact on the population impact of the development and therefore the PCT wish to leave the health funding request as per the level secured in the S106 for 06/00634/LTGDC.

**5.11 Metropolitan Police**

No comments received.

**5.12 Stratford Renaissance Partnership**

No comments received.

**5.13 Stratford Town Centre Manager**

No comments received.

**5.14 London Borough of Newham - Land Panel**

The proposal has not been presented to Newham's Land Panel.

**5.15 London Borough of Newham - Design Review Panel**

The proposal has not been presented to Newham's Design Review Panel.

**5.16 London Borough of Newham - Forward Planning Policy**

The amendment has little impact on the housing density and therefore remains an efficient use of the site in terms of the London Plan density Policy 3A.3 (Maximising the Potential of Sites). The changes to the affordable housing provision need to be assessed in relation to London Plan Policy 3A.9 (Affordable Housing Targets).

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

Confirmed no objection to the amended affordable housing mix.

### **5.18 London Borough of Newham - Transportation**

The application proposes to reduce the car parking provision from 87 parking spaces (including 7 wheelchair accessible spaces and 2 car club spaces) to 62 spaces (including 5 wheelchair accessible spaces and 2 car club spaces). The 60 off-street parking spaces (excluding the 2 car club spaces) for the 173 residential units equates to 35% provision in relation to London plan standards.

The development is located in the Stratford Controlled Parking Zone (CPZ) and has a PTAL of 5, so the development can be considered for reduced car parking policy. The developer will therefore need to enter into a S106 restricting residents of the development from obtaining parking permits for the Stratford CPZ.

It should be noted that Transportation had concerns over the impact of the development on local residential streets including Wise Road and Kerrison Road at the time of determining the original application due to the shortfall in parking. However, to mitigate this, Transportation had requested a contribution of £300,000 towards a homezone and extension of Stratford CPZ. Works to the homezone and extension to Stratford CPZ have since been carried forward with funding from other sources.

A separate contribution of £300,000 is required to signalise the Cam Road/High Street junction with the provision of a right turn out of Cam Road and on to the High Street.

Newham's Transportation and Highway departments are broadly supportive of the proposed amendments. Transportation would however request conditions and S106 heads of terms relating to the following matters. The conditions and S106 Heads of Terms included in the approved scheme are still valid.

#### Conditions

- The car parking shown on the submitted drawings shall be used by residential occupiers and visitors to the flats and for no other users.
- Prior to the occupation of the residential units hereby approved, details of the allocation of car parking spaces between the market and affordable housing units shall be submitted and approved.

### S106 Heads of Terms

- A contribution of £300,000 towards the signalisation and improvements to the Cam Road/High Street south junction.
- A reduced car development agreement to prevent the occupiers obtaining a parking permit for the Stratford CPZ to reduce the impact of displaced parking in the locality. £2,000 is required for the administrative cost of this agreement.
- Creation of a car club for the development and local community. Cost to be borne by the developer.
- Travel Plan. Cost to be borne by the developer.

### **5.19 London Borough of Newham - Environmental Health**

No objections in principle, but conditions regarding the following matters are recommended to control the likely loss of amenity:

- Submission of an Environmental Code;
- Submission of details of the proposed biomass boilers;
- Submission and installation of a grease trap for any A3 uses;
- Submission of details of mechanical ventilation and plant for any A3 uses;
- Submission and installation of sound insulation between residential and non-residential uses;
- Submission of noise mitigation measures to residential units;
- Submission of a contaminated land remediation completion report and validation certificate; and
- No impact piling during construction.

A number of informatives were also recommended regarding:

- Potential foundation piling technique restrictions due to the proximity of the development in relation to the underground power line tunnels associated with the Olympic 2012 site;
- Air quality management;
- Food law requirements;
- Lifting operations and lifting equipment regulations 1998; and
- Sound insulation.

Newham's Environmental Health have raised concern that some of the residential room sizes appear to be less than the minimum room sizes under Newham's Private Sector Housing Standards (minimum for a single bedroom = 6.5m<sup>2</sup> / minimum for a double bedroom is 10.2m<sup>2</sup>). These concerns especially relate to the duplex units where some of the single bedrooms are not big enough to qualify as habitable rooms.

Environmental Health have requested a S106 contribution of £2,400 payable before the occupation of the development to be used to support the Local Authority in minimising the environmental impact of air pollution, ambient noise, and contaminated land in the community. The contribution is required for all developments with 50 vehicle spaces or more. The contribution is calculated based on the proposed parking provision (60 spaces).

**5.20 London Borough of Newham - Education**

Confirmed they have no additional comments to add as a result of this amendment to the application.

**5.21 London Borough of Newham - Access Officer**

Stated that the Design and Access Statement is fairly comprehensive and the applicant appears to be committed to providing an accessible facility. It is welcomed that they are now providing level access. There is also mention of Part M of the Building Regulations, the DDA and Lifetime Homes, and that some of the units will be suitable for conversion for wheelchair users. As the original application was approved in 2006 when there was no requirement for Lifetime Homes (100%) and Wheelchair Housing (10%) the applicant has done well.

**5.22 London Borough of Newham - Design and Conservation Officer**

No comments received.

**5.23 London Borough of Newham - Regeneration**

No comments received.

**6. APPLICATION PUBLICITY**

**Site Notices:**

Date displayed: 14 May 2009  
Expiry: 4 June 2009

Date displayed: 26 August 2009  
Expiry: 16 September 2009

**Press Notices:**

Advertisements in the Newham Recorder as follows:

Date of 1st advertisement: 25 March 2009  
Expiry: 15 April 2009

Date of 2nd advertisement: 20 May 2009  
Expiry: 10 June 2009

Date of 3rd advertisement: 2 September 2009  
Expiry: 23 September 2009

**7. REPRESENTATIONS**

**7.1 Consultation With Adjoining Properties**

	<b>March/June 2009 Consultation</b>	<b>August 2009 Amendment</b>
<b>Number of Letters Sent</b>	445	2
<b>Number of Responses Received</b>	2	10
<b>Number in Support</b>	0	0
<b>Number of Objections</b>	2	10

7.2 Consultation letters were sent on 20<sup>th</sup> March 2009 and 3<sup>rd</sup> June 2009 (following receipt of additional information) to a total of 445 adjoining occupiers, including properties in High Street, Wise Road, Carpenters Road, Warton Road, Kerrison Road, Biggerstaff Road and Park Lane. A separate consultation letter was also sent to 79 Wise Road on 15<sup>th</sup> May 2009. The application was advertised in the Newham Recorder on 25<sup>th</sup> March 2009 and 20<sup>th</sup> May 2009. Site notices were displayed on 14<sup>th</sup> May 2009. The application was advertised as affecting the setting of a listed building.

7.3 With regard to the amended plans submitted on 25<sup>th</sup> August 2009, consultation letters were sent on 26<sup>th</sup> August 2009 to all adjoining occupiers who had made representations regarding the March/June 2009 consultation (79 Wise Road and 103 Wise Road). The application was advertised in the Newham Recorder on 2<sup>nd</sup> September 2009 and site notices were displayed on 26<sup>th</sup> August 2009. The application was advertised as affecting the setting of a listed building.

7.4 Representations objecting to the application were received from

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residents of a total of 10 properties, being 75, 77, 79, 81, 85, 87, 93, 95, 101 and 103 Wise Road. These representations are summarised below.

7.5 Letters of representation dated 10<sup>th</sup> March 2009, 26<sup>th</sup> March 2009, 7<sup>th</sup> April 2009 and 16<sup>th</sup> September 2009 were received from a resident of 79 Wise Road. The letters raise concerns about this application as well as the development approved by the LTGDC under planning permission 06/00634/LTGDC. In response the Council and LTGDC jointly wrote to the resident of 79 Wise Road on 26<sup>th</sup> March 2009 and 18<sup>th</sup> May 2009. The issues raised in the letters from the resident of 79 Wise Road are summarised in the left column of the table below, with the officer response in the right column.

<b>Comments:</b>	<b>Officer Response:</b>
<p>79 Wise Road directly adjoins the application site and would be worst affected by the development, but the resident of 79 Wise Road did not receive a consultation letter regarding application 06/00634/LTGDC, did not see any site notice and did not have an opportunity to comment on that application.</p>	<p>Application 06/00634/LTGDC was submitted on 23<sup>rd</sup> March 2006. The London Borough of Newham's records indicate that a consultation letter was sent to 79 Wise Road (as well as 443 other properties) on 11<sup>th</sup> April 2006. A site notice was displayed and a press notice appeared in the Newham Recorder. It appears that the Council correctly exercised its consultation duties regarding the application.</p>
<p>The three storey house proposed will be within 1m of 79 Wise Road and the resident is concerned that the development could cause damage to 79 Wise Road.</p>	<p>This is not a planning matter. The developer is required to adhere to Building Regulations. Any issues regarding the Party Wall Act are a civil matter between the resident and the developer in which the authorities have no remit to become involved.</p>

<p>The development would greatly affect the 'right to light' for 79 Wise Road.</p>	<p>This is not a planning matter. 'Right to light' is covered under common law and is a matter between the resident and the developer in which the authorities have no remit to become involved.</p>
<p>The daylight report submitted with application 06/00634/LTGDC omitted an assessment of the impacts on 79 Wise Road.</p>	<p>The Daylight and Sunlight Assessment submitted by the applicant with application 06/00634/LTGDC did not include an assessment of the impacts of the development on 79 Wise Road. The London Borough of Newham/LTGDC has required the submission of a new Daylight and Sunlight Assessment with this application to assess the impacts on 79 Wise Road. See paragraphs 9.8.3 - 9.8.7 of this report.</p>
<p>79 Wise Road has at least 5 windows at the rear of the property and the house adjoining 79 Wise Road would greatly reduce light to the property.</p>	<p>The amended plans received on 25/08/2009 change the design of the proposed house adjoining 79 Wise Road from 3 storeys to 2 storeys. The impacts on daylight and sunlight to 79 Wise Road have been assessed and are considered acceptable. See paragraphs 9.8.3 – 9.8.7 of this report.</p>
<p>The resultant Vertical Sky Component (VSC) for the dining room and lounge window of 79 Wise Road is significantly less than the recommended 27% whilst being only marginally above the 0.8 multiple (0.83 and 0.86 respectively).</p>	<p>There would be an impact on daylight to 79 Wise Road, but the resulting levels accord with BRE guidance.</p>

<p>The resultant sunlight to 79 Wise Road remains above the minimum BRE level of 25% despite the fact that the alteration in sunlight in the summer months will be less than 0.8 times its former value. In respect of winter sunlight not only does the resultant availability fall on the minimum level but the degree of change is less than 50% its former value.</p>	<p>There would be an impact on sunlight to 79 Wise Road, but the resulting levels accord with BRE guidance.</p>
<p>It is unjust to apply minimum BRE targets as a means of 'passing' a development. The weight of analysis should be placed on the degree of change as opposed to the resultant availability.</p>	<p>The use of BRE guidance for assessing impacts on sunlight and daylight is established in planning policy guidance. The application has been assessed on this basis.</p>
<p>It appears from the Anstey Horne comments that the applicant's daylight distribution analysis (13<sup>th</sup> July 2009) is not sophisticated enough to pick up entirely accurate results.</p>	<p>Anstey Horne have identified a number of errors in the submitted reports. Anstey Horne have advised that those errors are not material and do not influence or affect their conclusions that the proposed development will satisfy the daylight and overshadowing targets in the BRE guidelines.</p>
<p>The applicant's transient overshadowing model illustrates that the rear of 79 Wise Road is substantially overshadowed. This is not the case. The rear of 79 Wise Road is fully lit.</p>	<p>The overshadowing assessment has been verified by Anstey Horne.</p>
<p>An on-site assessment should be undertaken to verify the permanent overshadowing results. Anstey Horne has confirmed that the development complies with BRE guidelines in the absence of undertaking the tests independently. Further assessments of daylight/sunlight by a completely independent party are requested.</p>	<p>Officers are satisfied that a decision can be made on the basis of the submitted assessments and the advice from Anstey Horne.</p>

<p>A comparison of the approved and proposed developments in terms of the daylight distribution impacts to 79 Wise Road reveals there is insignificant or no improvement in the degree of change.</p>	<p>The impacts of the amended proposal on daylight to 79 Wise Road represent an overall improvement in comparison to the approved development.</p>
<p>In view of the location of the proposed affordable housing the proposed access point from Wise Road is a point of contention.</p>	<p>The access point to the development site from Wise Road would improve linkages and integrate the development into the surroundings. The access point was approved in planning permission 06/00634/LTGDC.</p>
<p>The three storey house adjoining 79 Wise Road proposed in planning permission 06/00634/LTGDC would include windows on the north side which would face the south facing windows and bedroom of 79 Wise Road. This is a breach of privacy.</p>	<p>The first floor of the two storey house now proposed adjoining 79 Wise Road has a bathroom window and a staircase window on the north side. A condition is proposed to require these windows to be fitted with obscure glazing to prevent overlooking. The impacts on privacy to 79 Wise Road are considered acceptable subject to this condition. See paragraphs 9.8.11 – 9.8.12 of this report.</p>
<p>The house adjoining 79 Wise Road has been designed to be wheelchair accessible. As a result it would overlook and overshadow 79 Wise Road more than is necessary as a result of it being wider and deeper. In a more considered design the wheelchair accessible property should have been in an alternative location.</p>	<p>The house proposed adjoining 79 Wise Road is still designed to be wheelchair accessible, although it has been reduced from 3 storeys to 2 storeys. Impacts on privacy and overshadowing associated with the amended design have been assessed and are considered to be acceptable. See paragraphs 9.8.3 – 9.8.7 and 9.8.11 – 9.8.12 of this report.</p>

<p>The impact the development will have on 79 Wise Road will be negative. Heavy drilling, heavy duty vehicles passing through and the erection of 3, 7 and/or 13 storey apartments and commercial premises will place a severe physical burden on the structural foundations of the property.</p>	<p>Structural impacts are not a planning matter. The developer is required to adhere to Building Regulations.</p>
<p>The development will have a negative impact on the value of 79 Wise Road.</p>	<p>Property value is not a planning matter.</p>
<p>Concerns in respect of loss of daylight/sunlight, size and height of the building and inadequate design and layout remain.</p>	<p>The amended plans proposed in this application represent an improvement in comparison to that approved by the LTGDC under 06/00634/LTGDC.</p>

7.6 Representations were received from a resident of 103 Wise Road objecting to the application in a letter dated 17<sup>th</sup> May 2009, via Newham's Public Access website on 31<sup>st</sup> July 2009 and in an e-mail dated 16<sup>th</sup> September 2009. The issues raised are summarised in the left column of the table below, with the officer response in the right column.

<b>Comments:</b>	<b>Officer Response:</b>
<p>The resident of 103 Wise Road did not receive a consultation letter regarding application 06/00634/LTGDC and did not have an opportunity to comment on that application. The resident would have opposed the application if it had been brought to their attention because of the negative impacts on local residents.</p>	<p>Application 06/00634/LTGDC was submitted on 23<sup>rd</sup> March 2006. The London Borough of Newham's records indicate that a consultation letter was sent to 103 Wise Road (as well as 443 other properties) on 11<sup>th</sup> April 2006. A site notice was displayed and a press notice appeared in the Newham Recorder. It appears that the Council correctly exercised its consultation duties regarding the application.</p>

<p>Objects due to the proximity of the building work to small residential houses. Site clearance work is causing a significant amount of noise and dust to enter homes in the area.</p>	<p>Conditions are proposed regarding:</p> <ul style="list-style-type: none"> <li>• Submission of an Environmental Code regarding construction; and</li> <li>• Hours of operation during construction.</li> </ul> <p>The resident's concerns have also been forwarded to Newham's Environment Health section.</p>
<p>There are no guarantees that building work will not cause structural damage or collapse of the houses in the area. An investigation should be carried out into the potential structural damage to the homes.</p>	<p>Structural impacts are not a planning matter. The developer is however required to adhere to Building Regulations. The resident's concerns have been forwarded to Newham's Building Control section.</p>
<p>103 Wise Road was shaking because of close drilling and the resident had to call a gas inspector because of noxious gas smells coming from the building work.</p>	<p>Structural impacts are not a planning matter. The developer is however required to adhere to Building Regulations. The resident's concerns have also been forwarded to Newham's Building Control section.</p>
<p>The development will block out light to the low rise properties on Wise Road. There are already 2 large flats in front and to the side of the homes on Wise Road. The building work is behind the homes which will block the last source of light.</p>	<p>Impacts on daylight and sunlight are assessed in paragraphs 9.8.8 – 9.8.10 of this report. No significant amendments to the development are proposed which would alter the impacts of the approved development on daylight and sunlight for 81-103 Wise Road.</p>

<p>The development will result in a complete loss of privacy. The flats will be able to see into the gardens of residents on Wise Road.</p>	<p>Some of the proposed overlooking distances between the development and the Wise Road properties do not comply with Newham's SPG 'Residential Planning Guidelines'. It is a material consideration that the proposal is largely consistent with the development approved by the LTGDC under planning permission 06/00634/LTGDC. Officers recommend that a new condition be imposed requiring submission of balcony and terrace screening. See paragraphs 9.8.13 – 9.8.15 of this report.</p>
<p>103 Wise Road has been burgled twice with access being obtained from the application site. There is a risk that the flats could become a source of burglary or other crimes. Residents will be subject to greater vulnerability of crime due to the garden access.</p>	<p>The Metropolitan Police have been consulted regarding the application. No comments have been received. There is no reason to suggest that this development will directly increase crime in the locality.</p>
<p>The bus stop located at the top of Wise Road has been removed for the building of the flats. Residents now have to cross two sets of traffic lights to get to the relocated bus stop.</p>	<p>This application does not impact on the bus stop. The bus stop has been removed to facilitate the proposed improvements to the High Street and the junction of Warton Road / Rick Roberts Way. It will be relocated along the High Street between the two arms of Wise Road. This is covered under a separate application ref 09/00908/FUL.</p>

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There will be an increase in traffic because of the busy interaction of traffic crossings along the High Street.	Issues regarding transportation are assessed in Section 9.16 of this report.
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7.7 Representations objecting to the application were also received from residents of 75, 77, 81, 85, 87, 93, 95, 101 and 103 Wise Road. These were appended to the letter dated 16<sup>th</sup> September 2009 from the resident of 79 Wise Road. The issues raised are summarised in the left column of the table below, with the officer response in the right column.

<b>Comments:</b>	<b>Officer Response:</b>
Loss of daylight and sunlight. The findings of the Daylight and Sunlight Assessment submitted in March 2006 are questioned.	Impacts on daylight and sunlight are assessed in paragraphs 9.8.8 – 9.8.10 of this report.
The unacceptable level of dust that the residents are already subject to.	A condition is proposed regarding submission of an Environmental Code regarding construction. The resident's concerns have also been forwarded to the Newham's Environment Health section.
Inadequate parking facilities.	The proposed level of parking is considered to be acceptable. See Section 9.16 of this report.
Privacy and overlooking.	Some of the proposed overlooking distances between the development and the Wise Road properties do not comply with the Newham's SPG 'Residential Planning Guidelines'. It is a material consideration that the proposal is largely consistent with the development approved under planning permission 06/00634/LTGDC. Officers

	recommend that a new condition be imposed requiring submission of balcony and terrace screening. See paragraphs 9.8.13 – 9.8.15 of this report.
Flooding.	The Environment Agency has confirmed that the development is acceptable in terms of flood risk subject to conditions.

## 8. RELEVANT PLANNING POLICY

### **Planning Policy Statements / Guidance:**

PPS1: Delivering Sustainable Development  
 PPS3: Housing  
 PPS4: Planning for Sustainable Economic Development (draft)  
 PPG13: Transport  
 PPG16: Archaeology and Planning  
 PPG24: Noise  
 PPS25: Development and Flood Risk

### **The London Plan – Consolidated With Alterations Since 2004 (February 2008):**

1.3: Growth Areas and Co-ordination Corridors  
 2A.1: Sustainability Criteria  
 2A.2: The Spatial Strategy for Development  
 2A.5: Opportunity Areas  
 2A.7: Areas for Regeneration  
 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  
 3B.1: Developing London's Economy

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- 3B.2: Office Demand and Supply
- 3B.3: Mixed Use Development
- 3C.1: Integrating Transport and Development
- 3C.2: Matching Development to Transport Capacity
- 3C.3: Sustainable Transport in London
- 3C.17: Tackling Congestion and Reducing Traffic
- 3C.18: Allocation of Street Space
- 3C.21: Improving Conditions for Walking
- 3C.22: Improving Conditions for Cycling
- 3C.23: Parking Strategy
- 3D.8: Realising the Value of Open Space and Green Infrastructure
- 3D.13: Children and Young People's Play and Informal Recreation Strategy
- 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.10: Overheating
- 4A.11: Living Roofs and Walls
- 4A.12: Flooding
- 4A.13: Flood Risk Management
- 4A.14: Sustainable Drainage
- 4A.16: Water Supplies and Resources
- 4A.19: Air Quality
- 4A.20: Reducing Noise
- 4A.28: Construction, Excavation and Demolition Waste
- 4A.33: Bringing Contaminated Land into Beneficial Use
- 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, Fire Prevention and Protection
- 4B.8: Respect Local Context and Communities
- 4B.9: Tall Buildings – Location
- 4B.10: Large-Scale Buildings – Design and Impact
- 4B.11: London's Built Heritage
- 4B.12: Heritage Conservation
- 4B.13: Historic Conservation-led Regeneration
- 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

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**London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th September 2007 in accordance with the direction from the Secretary of State):**

S2: Community Benefit/Planning Obligations  
S3: Quality of Development  
S4: Sustainable Development  
S5: Priority Development Nodes  
S6: Mixed Use Development  
S7: Urban Regeneration: Promotion of Development  
S9: Environmental Quality: Design Issues  
S10: Environmental Quality: Neglected, Derelict and Vacant Land  
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 Housing  
S22: Housing: Mix and Density  
S24: Employment: Meeting the Council's Regeneration Objectives  
S27: Employment: Restrictions on Change of Use of Land and Premises  
S28: Employment: Quality of Development  
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  
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  
EQ45: Pollution  
EQ46: Air Quality Management  
EQ47: Noise Impact Statement  
EQ48: Noise - Sensitive Development  
EQ49: Contaminated Land: Assessment, Remediation and Monitoring

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EQ62: Protection of the Flood Plain and Urban Washlands  
EQ63: Surface Water Disposal  
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  
SH15: Shopfront Design  
T1: New Development: Environmental Impact  
T2: New Development: Public Transport Accessibility and Highway Capacity  
T5: Preferred Modes of Transport  
T11: Road Hierarchy: New Roads  
T14: Design to Minimise Road Accidents  
T19: Improvement of Conditions for Pedestrians  
T24: Access by Cycle and Cycle Parking  
T26: Motorcycle Parking  
OS8: Green Space in New Housing Development  
OS12: Children's Play Facilities in New Developments

**Additional Guidance:**

Mayor of London Lower Lea Valley Opportunity Area Planning Framework (January 2007)  
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 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)

**Newham Local Development Framework:**

Core Strategy Issues and Options (Feb 2008)  
Stratford and Lower Lea Valley Area Action Plan (June 2008:  
Consultation on Issues and Opportunities)

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

- 9.1 Planning permission 06/00634/LTGDC was granted on 4<sup>th</sup> December 2008 by the LTGDC for 178 new homes and 946m<sup>2</sup> of commercial space on the site. The application was submitted on 26<sup>th</sup> March 2006 and was reported to the LTGDC Planning Committee on 14<sup>th</sup> December 2006 where it was resolved to grant planning permission subject to resolution of matters relating to flood risk, affordable housing, any issues in the GLA Stage 2 Report, and the completion of a S106. A delegated report on outstanding matters was signed off on 28<sup>th</sup> September 2007. The S106 was completed on 2<sup>nd</sup> December 2008 and planning permission was granted on 4<sup>th</sup> December 2008.
- 9.2 It is noted that application 06/00634/LTGDC was not reported to Newham's Development Control Committee at the time of the original assessment of the application in 2006 and Newham did not make any formal representations to the LTGDC.
- 9.3 Application 09/00361/LTGDC, the subject of this report, proposes the following amendments to planning permission 06/00634/LTGDC:
- The omission of 15 No. studio flats to be replaced with 10 No. 1-bed / 2 person flats, resulting in a reduction in the total number of residential units to 173. This will result in the loss of 5 No. private sale units;
  - The omission of parking stackers and re-planning of semi-basement car park resulting in a reduction in the number of car parking spaces from 85 No. spaces + 2 No. car club spaces to 60 No. spaces + 2 No. car club spaces. The layout has been rationalised to one level to make it more easily accessible;
  - The raising of the commercial entrance level of the proposed units along Rick Roberts Way to the existing level of the pavement to provide level access to these units;
  - Revised refuse arrangements;
  - The addition of gates to the main entrance of Blocks A & C;
  - Minor amendments to the setting out of the building to avoid balconies overhanging the pavement; and
  - Amendments to the end residential unit of the proposed Rick Roberts Way terrace (adjoining 79 Wise Road) from a 3 storey 4-bed unit to a 2 storey 3-bed unit.
- 9.4 The application needs to be assessed in relation to the planning merits of these proposed amendments. Representations from adjoining occupiers and statutory consultees also need to be taken into consideration.

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

- Land Use
- Design, Height and Massing
- Impacts on Adjoining Occupiers
- Impact on Listed Parish Boundary Marker
- Housing Density
- Housing Mix
- Affordable Housing
- Dwelling Sizes
- Access
- Private and Communal Amenity Space
- Parking
- Section 106

## 9.6 **Land Use**

9.6.1 The principle of redeveloping the site for a residential-led mixed use scheme including commercial space (Use Classes - A1, A2, A3, B1, D1 & D2) is established under planning permission 06/00634/LTGDC. Overall the principle of the proposed land uses on this previously underdeveloped site is considered to be acceptable in this location.

## 9.7 **Design, Height and Massing**

9.7.1 The design, height and massing of the development is largely consistent with that approved under planning permission 06/00634/LTGDC. The key design related issues associated with the proposed amendments are set out below.

9.7.2 The omission of the previously approved parking stackers and the re-planning of semi-basement car park aims to rationalise the layout of the car park to one level to make it more easily accessible for users. The implications of this amendment on the design of the development are considered to be acceptable. The issues associated with the resulting decrease in on-site parking are assessed in paragraph 9.16 of this report.

9.7.3 The proposed commercial spaces along Rick Roberts Way were originally accessible via a ramped level 600mm below the existing pavement level on the approved plans. The proposed revisions are for the ground access level of these units to be raised to provide level access to the units at the same level as the existing pavement to Rick Roberts Way. This serves to improve accessibility to the units and has the additional benefit of increasing head room in the basement car park. As a result the floor plates of the floors above in Block C are raised by

600mm, however the overall building height of Block C has been kept the same as that previously approved due to a reduction in the parapet height. As a result the scale of the building and its associated impacts are unchanged. The proposal to improve the accessibility to the commercial units is supported and the associated changes to the design of Block C are acceptable.

- 9.7.4 The refuse arrangements are proposed to be relocated to the ground floor for each block and will be standard Euro bins, rather than the lift out refuse facilities proposed in the original submission. This is proposed to comply with Newham's refuse service requirements. The refuse areas are located close to the residential entrances of the respective blocks, which is appropriate for use by residents. The design implications of the amended refuse arrangements are acceptable.
- 9.7.5 The proposed addition of gates to the main entrance of Blocks A & C is acceptable in terms of design and security.
- 9.7.6 The application also proposes to amend the end residential unit of the proposed Rick Roberts Way terrace (adjoining 79 Wise Road) from a 3 storey 4-bed unit to a 2 storey 3-bed unit. This would result in the height and scale of the end unit being more comparable to that of 79 Wise Road. The impacts of this amendment on the amenities of 79 Wise Road are discussed in detail in the 'Impacts on Adjoining Occupiers' section of this report below (paragraph 9.8). Overall the impacts on design and amenity associated with this amendment are considered to be acceptable.

## **9.8 Impacts on Adjoining Occupiers**

- 9.8.1 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. Unitary Development Plan (UDP) Policy H17 requires new development to ensure a satisfactory level of amenity, outlook and natural lighting is maintained to existing occupiers. UDP Policy EQ19 identifies the need for new developments to have regard to their surroundings in terms of scale and bulk and refers to Newham'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.
- 9.8.2 Representations have been received from 10 adjoining occupiers (residents of 75, 77, 79, 81, 85, 87, 93, 95, 101 and 103 Wise Road) raising a number of objections to the application. The comments received from the residents and the officers response to the issues raised is detailed in Section 7 of this report. The key issues in relation to the assessment of this application are set out below.

*Daylight, Sunlight, and Overshadowing to 79 Wise Road*

- 9.8.3 The first issue concerns the impacts on daylight and sunlight to 79 Wise Road. Planning permission 06/00634/LTGDC approved a 3-storey residential unit adjoining 79 Wise Road. This application proposes to amend the design of the end residential unit adjoining 79 Wise Road from a 3 storey 4-bed unit to a 2 storey 3-bed unit. This design amendment has been submitted following objections from a resident of 79 Wise Road who raised concern about the relationship of the development to 79 Wise Road and the resulting impacts in terms of sunlight, daylight and privacy, as detailed in Section 7 of this report.
- 9.8.4 Following the concerns raised by the resident of 79 Wise Road regarding the development approved under 06/00634/LTGDC the London Borough of Newham and the LTGDC have been in discussion with the applicant in an effort to improve the relationship of the development to 79 Wise Road. Officers have expressed to the applicant a preference that the end residential unit adjoining 79 Wise Road be completely removed. The applicant's response has been to submit the amended plans which propose to reduce the scale of the end unit adjoining 79 Wise Road from 3 to 2 storeys, rather than remove it.
- 9.8.5 It is apparent that the Daylight and Sunlight Assessment originally submitted with application 06/00634/LTGDC omitted any detailed specific assessment of the impacts on 79 Wise Road. Officers consequently required the applicant to submit with this application assessments of the impacts of the development on 79 Wise Road in terms of daylight (Vertical Sky Component (VSC) and Daylight Distribution), sunlight (Sunlight Availability), and overshadowing (Transient Overshadowing). The findings of the submitted reports are as follows:

Daylight:

- The rear ground floor windows of 79 Wise Road would experience a loss of VSC adhering to BRE guideline levels based on the 06/00634/LTGDC approved development (3 storeys adjacent to 79 Wise Road).
- The rear ground floor windows of 79 Wise Road would experience a loss of Daylight Distribution adhering to BRE guideline levels based on the 06/00634/LTGDC approved development (3 storeys adjacent 79 Wise Road). A Daylight Distribution assessment was then undertaken for the amended development proposed in this application (2 storeys adjacent 79 Wise Road) which demonstrates that the impacts on the rear ground floor windows of 79 Wise Road would be improved in relation to, or no worse than, the impacts of the 06/00634/LTGDC approved development.

Sunlight:

- The rear ground floor windows of 79 Wise Road would experience a loss of sunlight adhering to BRE guideline levels for annual sunlight availability.
- The rear ground floor windows of 79 Wise Road would experience a loss of sunlight at or adhering to BRE guideline levels for winter sunlight availability.

Overshadowing:

- The rear garden of 79 Wise Road would experience overshadowing during the afternoon as a result of the development, with the magnitude of the impacts being greater when the sun is lower in the sky during the winter months. The overshadowing impacts would adhere to BRE guideline levels.

9.8.6 The LTGDC commissioned a third party sunlight/daylight consultant (Anstey Horne) to assess the submitted reports. The consultant has concluded as follows:

*“In overall conclusion, I am satisfied with the data that has been submitted by NLP even though it contains a number of minor errors. Those errors are not material and do not influence or affect my conclusions. Those conclusions are that the proposed development will satisfy the daylight and overshadowing targets in the BRE Guidelines and it should therefore follow that the proposed development will not have a material or adverse effect on the amenity of 79 Wise Road.”*

9.8.7 It is clear that both the approved and the proposed development will have an impact on levels of daylight, sunlight, and overshadowing to 79 Wise Road. However, the magnitude of these impacts would be acceptable with regard to BRE guidelines. Officers are satisfied that the amended proposal represents an improvement when compared to the development previously approved under planning permission 06/00634/LTGDC in terms of the potential impacts on the amenities of the resident of 79 Wise Road with regard to daylight, sunlight, and overshadowing. It is a material consideration that the development proposed under 06/00634/LTGDC has already been granted planning permission by the LTGDC and could be implemented by the applicant. On balance, the amended proposal is considered to be acceptable on the basis that it represents an improvement in relation to that permitted under 06/00634/LTGDC and it complies with BRE guidelines.

*Daylight and Sunlight to 81-103 Wise Road*

- 9.8.8 As detailed in Section 7 of this report, residents of Wise Road have raised concern that the development will result in a loss of light for properties in Wise Road. Aside from the amendment to the unit adjoining 79 Wise Road this application does not propose any further significant amendments to the height and scale of the development already approved under planning permission 06/00634/LTGDC.
- 9.8.9 A Daylight and Sunlight Assessment was submitted by the applicant with application 06/00634/LTGDC which assessed the impacts of the development on the 81-103 Wise Road terrace in terms of daylight (Vertical Sky Component (VSC) and Average Daylight Factor (ADF)) and sunlight (Sunlight Availability). The assessment identified that the development would have some negative impacts in relation to BRE guidelines for levels of daylight and sunlight to properties in Wise Road, as follows:

Daylight:

- All of the properties along the 81-103 Wise Road terrace would include windows experiencing a loss of VSC below the BRE guideline levels. ADF calculations were therefore undertaken;
- The ground floor rear kitchen windows of 81-103 Wise Road would experience a loss of ADF levels adhering to BRE guideline levels;
- The ground floor rear windows in the recessed elements of 81-103 would experience a loss of ADF levels adhering to BRE guideline levels for bedrooms, but in the case of 83-103 Wise Road the loss of ADF levels would be below the BRE guideline levels for living rooms.
- The first floor recessed south west facing window of 103 Wise Road would experience a loss of ADF levels below the BRE guideline levels for living rooms. All other first floor windows of 81-103 Wise Road will experience a loss of ADF levels adhering to BRE guideline levels for both bedrooms and living rooms; and
- In total 14 of the 70 windows (20%) on the rear elevation of the 81-103 Wise Road terrace would experience a loss of ADF below the BRE guideline level.

Sunlight:

- The ground and first floor rear projecting windows of 81-103 Wise Road orientated within 90 degrees of due south would experience a loss of sunlight availability adhering to the BRE guideline level.
- The ground floor rear recessed windows of 81, 85, 101 and 103 Wise Road orientated within 90 degrees of due south would experience a loss of sunlight availability adhering to the BRE guideline level.
- The ground floor rear recessed windows of 89, 93 and 97 Wise Road orientated within 90 degrees of due south would experience a loss of sunlight availability below the BRE guideline level.

- The first floor recessed windows of 103 Wise Road orientated within 90 degrees of due south would experience a loss of sunlight availability below the BRE guideline level.
- The first floor recessed windows of 81-101 Wise Road orientated within 90 degrees of due south would experience a loss of sunlight availability adhering to the BRE guideline level.
- In total 11 of the 63 windows (17.5%) on the rear elevation of the 81-103 Wise Road terrace orientated within 90 degrees of due south would experience a loss of sunlight availability below the BRE guideline level.

It is clear that the scale of both the approved and proposed developments exceeds that of the Wise Road terraces and would result in some negative impacts on levels of sunlight and daylight for adjoining residents of Wise Road in relation to BRE guideline levels, particularly to the recessed rear windows.

- 9.8.10 The conclusion reached in respect of application 06/00634/LTGDC was that the proposal had an acceptable relationship to the residential properties in the surrounding area and planning permission was consequently granted. This sets a precedent relevant to this application for amendments. When making the decision regarding application 06/00634/LTGDC, the Corporation's Planning Committee with advice from officers considered the high rise, high density style of development to be appropriate for the High Street, irrespective of the lack of objections from adjoining occupiers at that time, taking into account the magnitude of the impacts identified then and in light of the fact that the properties affected are all double aspect. These are all material planning issues relevant to this application. Given that no significant amendments to the development are proposed which would alter the impacts of the approved development on daylight and sunlight for 81-103 Wise Road, on balance the application is considered to be acceptable.

#### Privacy to 79 Wise Road

- 9.8.11 The resident of 79 Wise Road has raised concern that the three storey house adjoining 79 Wise Road proposed in planning permission 06/00634/LTGDC would include windows on the north side which would face the south facing windows and bedroom of 79 Wise Road. Officers agree that the proximity of these windows could result in a detrimental impact on privacy for residents.
- 9.8.12 The first floor of the two storey house now proposed adjoining 79 Wise Road has a bathroom window and a staircase window on the north side. A new condition is consequently proposed by officers to require these windows to be fitted with obscure glazing to prevent overlooking. This would mitigate overlooking between the two properties and the

impacts on privacy to 79 Wise Road are considered acceptable subject to this condition.

Privacy to 81-103 Wise Road

9.8.13 As detailed in Section 7 of this report, residents of Wise Road have raised concern that the development will result in a loss of privacy because the flats will be able to see into the adjoining gardens and windows of properties on Wise Road. Officers have assessed the proposed development against Newham's SPG 'Residential Planning Guidelines', which states:

- 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; and
- 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 at third floor.

9.8.14 The following overlooking distances are proposed:

- The distance between the rear balconies of Block B and the flank garden wall of 103 Wise Road would be approximately 7.6m at the closest point;
- The distance between the rear windows of Block B and the flank garden wall of 103 Wise Road would be approximately 8.4m at the closest point;
- The distances between the rear windows/balconies of Block C and the rear windows of 81-103 Wise Road would range between approximately 12m to 23.2m, with the majority exceeding 21m.
- The distances between the rear windows/balconies of Block C and the rear garden boundaries of 81-103 Wise Road would range between approximately 4.8m to 20m.
- The raised amenity podium at the rear of Block B/C (above the car park) would directly adjoin the garden boundary of 97-103 Wise Road.

9.8.15 Assessment reveals that many of the approved overlooking distances do not comply with Newham's SPG 'Residential Planning Guidelines'. Of particular concern is the impact on 103 Wise Road, which would have the rear balconies/windows of Block B and the raised amenity podium within close proximity. Again, it is a material consideration that the development proposed in this application is largely consistent with the development approved under planning permission 06/00634/LTGDC. Officers propose that in order to improve the relationship between the proposed development and the Wise Road terrace, a new condition be imposed requiring submission of details of screening to be provided to all rear balconies and terraces, including

the raised amenity podium.

## **9.9 Impact on Listed Parish Boundary Marker**

- 9.9.1 The Grade II Listed Parish Boundary Marker has historically been located between the buildings at 231-233 High Street. Listed building consent was granted by the LTGDC in December 2008 for the repositioning of the listed boundary marker to the footway on Rick Roberts Way close to the entrance of the new development. The amended proposal would not have any detrimental impact on the repositioned setting or location of the boundary marker. English Heritage's Historic Buildings Advisor has been consulted. No comments have been received at the time of writing.
- 9.9.2 It is considered that the impact on the setting of the listed boundary marker is acceptable with regard to UDP Policies S11 and EQ38, and London Plan Policies 4B.11 and 4B.12.

## **9.10 Housing Density**

- 9.10.1 The proposed amendments to the dwelling mix would have no significant material impact on the density approved under 06/00634/LTGDC and the proposal is considered to be acceptable with regard to London Plan Policy 3A.3.

## **9.11 Housing Mix**

- 9.11.1 London Plan Policy 3A.5 requires new development to offer a range of housing sizes and types and the corresponding Housing SPG consolidates this policy objective by seeking a London-wide housing mix. UDP Policy H15 states that the Council will permit developments which provide a mix of dwellings appropriate to a specific site, as determined by negotiation with a developer, having regard to the characteristics of the site, its relationship to the surrounding area, the nature of the development proposed and marketing considerations.
- 9.11.2 The dwelling mix approved under 06/00634/LTGDC is as follows:

<b>Unit Type</b>	<b>No. of Units</b>
Studio	15
1 bed	60
2 bed	71
3 bed	20
4 bed	12
<b>Total</b>	<b>178</b>

9.11.3 This application proposes the following dwelling mix:

<b>Unit Type</b>	<b>No. of Units</b>
1 bed	70
2 bed	71
3 bed	21
4 bed	11
<b>Total</b>	<b>173</b>

9.11.4 This application proposes to internally rearrange the layout to remove the studio flats and replace them with 10 x 1-bed flats. The application also proposes to reduce the size of the 4-bed unit adjoining 79 Wise Road to a 3-bed unit. This is supported due to the improved relationship to 79 Wise Road. Overall the amended housing mix is considered to be acceptable with regard to London Plan Policy 3A.5 and UDP Policy H15.

## **9.12 Affordable Housing**

9.12.1 London Plan Policy 3A.9 requires new developments to deliver 50% affordable housing with a tenure split of 70% social rent / 30% intermediate housing.

9.12.2 The S106 for planning permission 06/00634/LTGDC requires 35% of units to be secured as affordable housing.

9.12.3 This application proposes a minor increase in the ratio of affordable housing to 36% of units, with a tenure split of approximately 60% social rent / 40% shared ownership, as follows:

<b>Unit Type</b>	<b>Private</b>	<b>Social Rent</b>	<b>Shared Ownership</b>	<b>Total</b>
1 bed	50	8	12	70
2 bed	54	6	11	71
3 bed	7	12	2	21
4 bed	-	11	-	11
<b>Total</b>	<b>111 (64%)</b>	<b>37 (21%)</b>	<b>25 (15%)</b>	<b>173</b>

9.12.4 Newham's Housing Partnerships section has confirmed that this minor change is acceptable. It is recommended that the amended affordable housing offer is reflected in a S106 deed of variation. The proposed affordable housing is considered to be acceptable in relation to UDP Policy S20 and London Plan Policies 3A.9 and 3A.10.

### **9.13 Dwelling Sizes**

9.13.1 The amended 1-bed / 2 person flats would have an internal floor area of either 49.7m<sup>2</sup> or 54.3m<sup>2</sup>. This is acceptable with regard to Newham's 'Flat Conversions' SPG which requires a minimum of 45m<sup>2</sup> for 1-bed / 2 person flats.

9.13.2 In terms of room sizes, the single bedrooms in the 3-bed / 5 person duplex units appear to be 6m<sup>2</sup>, rather than 6.5m<sup>2</sup> as required in Newham's 'Flat Conversions' SPG. It is, however, apparent that planning permission 06/00634/LTGDC was approved on this basis.

### **9.14 Access**

9.14.1 Policy 3A.5 of the London Plan requires all units to be designed in accordance with Lifetime Homes Standards and that 10% of units be designed to be wheelchair accessible.

9.14.2 The application states that all units achieve 12 or more of the 16 points required under Lifetime Homes Standards and that the residential units in Block A have been identified as being suitable for wheelchair users.

9.14.3 Newham's Access Officer has assessed the proposal and advised that the Design and Access Statement is fairly comprehensive and the applicant appears to be committed to providing an accessible facility. It is welcomed that they are now providing level access. As the original application was submitted in 2006 when there was no requirement for Lifetime Homes (100%) and Wheelchair Housing (10%), Newham's Access Officer considers that the applicant has done well to achieve this.

9.14.4 Overall in terms of access the application is considered to represent an improvement when compared to planning permission 06/00634/LTGDC. It is recommended that a new condition is proposed to secure provision of the wheelchair accessible units.

### **9.15 Private and Communal Amenity Space**

9.15.1 Policy H17 of the UDP encourages appropriate levels of amenity space and Newham's 'Residential Planning Guidelines' SPG suggests levels of amenity provision.

9.15.2 In terms of amenity space planning permission 06/00634/LTGDC approved a communal garden and raised communal amenity podium, private gardens for the majority of the 3 and 4 bed units and balconies or terraces for the remainder of the units with the exception of the flats

fronting the High Street.

- 9.15.3 The levels of amenity space proposed in the amended application are consistent with planning permission 06/00634/LTGDC. The amended 1-bed flats (replacing the studios) would not have any private amenity space due to their location fronting the High Street. The authorities consider it preferable that all units have access to private amenity space. However, in view of the amenity provision approved under planning permission 06/00634/LTGDC on balance it is not considered that the lack of amenity space for the amended 1-bed flats should reasonably result in a refusal of planning permission.

## **9.16 Parking and Transportation**

- 9.16.1 The application proposes to reduce the car parking provision from 87 parking spaces (including 7 wheelchair accessible spaces and 2 car club spaces) to 62 spaces (including 5 wheelchair accessible spaces and 2 car club spaces). The 60 off-street parking spaces for the 173 residential units equates to 35% provision in relation to London Plan standards set out in Policy 3C.23.
- 9.16.2 The development is located in the Stratford Controlled Parking Zone (CPZ) and has a Public Transport Accessibility Level (PTAL) of 5. Newham's Transportation officer has advised that the development can be considered for reduced car parking policy requiring the developer to enter into a S106 restricting residents of the development from obtaining parking permits for the Stratford CPZ. This would ensure that residents of the development could not park in the surrounding streets and would therefore not result in an increase in on-street parking congestion. In view of the good PTAL and subject to this S106 clause, on balance the proposed reduction in parking can be considered acceptable.
- 9.16.3 TfL do not believe that the amendments to this development would result in an unacceptable impact on the Strategic Road Network (SRN) and therefore have no objection to the proposal.
- 9.16.4 As detailed in Section 5 of this report, Newham's Transportation officer has requested a number of conditions and S106 Heads Of Terms to mitigate the impact of the development. Subject to the proposed conditions and S106 Heads of Terms the application is considered to be acceptable with regard to London Plan Policy 3C.23.

## **9.17 Section 106**

- 9.17.1 The S106 dated 2<sup>nd</sup> December 2008 between Toynbee Housing

Association Limited and the LTGDC regarding planning permission 06/00634/LTGDC covers the following Heads Of Terms:

- Affordable Housing (35%);
- Education contribution £100,000;
- Transport contribution £50,000;
- Home Zone contribution £135,000;
- Environmental Improvements contribution £51,500;
- Healthcare contribution £150,000;
- Car club and parking;
- Restriction on residents from obtaining parking permits within Newham;
- Highway works; and
- Local labour, contractors, and goods and services.

9.17.2 Based on the consultation responses received and the assessment of the amendment application, as detailed in this report, officers recommend that the S106 should be amended by a deed of variation to cover the following Heads Of Terms:

- Affordable Housing (36%) to be secured in accordance with the proposed tenure split and mix;
- Education contribution £100,000;
- Transport contribution £50,000;
- Cam Road/High Street south junction signalisation and improvements contribution £135,000;
- Environmental Improvements contribution £51,500;
- Healthcare contribution £150,000;
- Environmental Health monitoring contribution £2,400;
- Car club and parking;
- Restriction on residents from obtaining parking permits within Newham (including £2,000 contribution towards administrative costs);
- Travel Plan;
- Highway works; and
- Local labour, contractors, and goods and services.

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

10.1 Overall the amendments proposed represent an improvement in comparison to the development approved by the LTGDC under planning permission 06/00634/LTGDC. The design changes would improve accessibility to the development. The amended dwelling mix and affordable housing provision is acceptable. The reduced parking provision is acceptable in relation to the PTAL of the site, subject to the proposed S106 clauses.

10.2 Objections have been received from residents of Wise Road raising concern that both the development approved by planning permission 06/00634/LTGDC and the amended development proposed in this application would have detrimental impacts on the amenities of residents of Wise Road, particularly in terms of daylight, sunlight and privacy. It is a material consideration that 06/00634/LTGDC has been granted planning permission by the LTGDC and could still be implemented. As such the impact of the proposed development falls to be considered in comparison to those of the already consented scheme. The impacts of the development proposed in this application on daylight, sunlight and privacy for adjoining residents would be no greater than those resulting from the approved development. Nonetheless, officers have assessed the impacts and sought to address the concerns raised, either through suggesting amendments to the development or through new conditions. The proposed amendment to the end unit adjoining 79 Wise Road would improve the relationship between the two properties in terms of design and impacts on amenity. Officers are also proposing new conditions (Nos. 21 and 22) to reduce overlooking from the new development to the Wise Road properties adjoining the site. Subject to these conditions and in view of the resulting improvements to the existing planning permission, on balance this application for amendments is considered to be acceptable.

## 11. RECOMMENDATION

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

- (1) the conditions listed below (with any amendment that might be necessary up to the issue of the decision), and
- (2) the completion of a S106 Agreement securing the following Heads of Term:
  - Affordable Housing (36%) to be secured in accordance with the proposed tenure split and mix;
  - Education contribution £100,000;
  - Transport contribution £50,000;
  - Cam Road/High Street south junction signalisation and improvements contribution £135,000;
  - Environmental Improvements contribution £51,500;
  - Healthcare contribution £150,000;
  - Environmental Health monitoring contribution £2,400;
  - Car club and parking;
  - Restriction on residents from obtaining parking permits within

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Newham (including £2,000 contribution towards administrative costs);

- Travel Plan;
- Highway works; and
- Local labour, contractors, and goods and services.

## 12. CONDITIONS AND REASONS

1. The development hereby permitted shall be commenced not later than the expiration of THREE YEARS from the date of this permission.

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

2. All works are to be completed in accordance with the following drawing numbers prepared by Stock Woolstencroft:

PL/001A  
PL/100C  
PL/102E  
PL/103F  
PL/104F  
PL/105E  
PL/106C  
PL/107B  
PL/108B  
PL/109B  
PL/110A  
PL/113  
PL/123  
LBC/001A  
PL/200E  
PL/201B  
PL/202C  
PL/203C  
PL/204  
PL/205A  
PL/210B  
PL/211D  
PL/212B  
PL/220  
PL/221A  
PL/222.

No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

**Reasons:** To ensure that the development is undertaken in accordance with the approved drawings and to protect the local amenity with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.1 of the London Plan (adopted 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.

3. Prior to the commencement of works on the development hereby permitted, details of materials to be used on all external surfaces on the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Details should include colour, texture and type of materials. The approved materials are to be constructed and installed prior to the first occupation of the residential units within the development and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure a satisfactory standard of external appearance and to protect local amenity, with regard to Policies H17, EQ18, EQ19, EQ28, EQ30 and EQ38 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4B.1, 4B.2, 4B.3, 4B.10, 4B.11, 4B.12 and 4B.13 of the London Plan (adopted February 2008).

4. Prior to the commencement of any construction works, an Environmental Code shall be submitted to and approved in writing by the Local Planning Authority in respect of such matters likely to cause nuisance to adjoining occupiers during construction. Details should include measures to mitigate impacts regarding noise, dust, smoke, road cleaning and any other matters relevant to the development. For the avoidance of doubt, no waste materials shall be burnt on site. The construction of the development shall then be undertaken in accordance with the provisions of the approved Environmental Code, to the satisfaction of the Local Planning Authority.

**Reasons:** In the interest of residential amenity, air quality, noise and safety, in accordance with Policies EQ20, EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.19 and 4A.20 of the London Plan (adopted February 2008).

5. Prior to the first occupation of the development a report detailing the installed noise mitigation measures shall be submitted to the Local Planning Authority supplemented with a validation certificate signed by the developer to confirm that sound insulation has been installed in accordance with the recommendation detailed in the submitted report entitled 'Assessment of Environmental Noise Affecting the Proposed Development', Section 7.0, page 14 (project reference 056845). For the avoidance of doubt these measures are to include the provision of acoustic glazing and mechanical ventilation for residential units overlooking Stratford High Street and acoustic trickle vents for habitable rooms overlooking Rick Roberts Way.

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

The submitted report shall include all details of the remediation exercise including:

- Details of who carried out the work.
- Details and justification of any changes from original recommendation.
- Plans showing mitigated areas and details of any differences from the original report.
- Confirmation that the acoustic performance objectives have been met.

If the applicant intends to undertake a noise mitigation strategy that differs from that detailed in 'Assessment of Environmental Noise Affecting the Proposed Development' full details of the proposed noise mitigation strategy shall be submitted to and approved by the Local Planning Authority prior to the commencement of works on the development.

**Reasons:** This site falls within Category C and D as set out in Planning and Policy Guidance Note 24. To protect the amenity of future occupants in accordance with Policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.20 of the London Plan (adopted February 2008).

6. Surface water drainage works and source control measures shall be

carried out in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

**Reasons:** To prevent the increased risk of flooding and with regard to Policy EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.9, 4A.13 and 4A.14 of the London Plan (adopted February 2008).

7. Unless otherwise agreed in writing by the Local Planning Authority, the commercial space within the development shall not be used for any other purpose except Use Classes A1, A2, A3, B1 and D1.

**Reasons:** To ensure appropriate use of the commercial space and avoid the introduction of other uses which may be harmful to the amenities of the area and with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

8. Prior to the commencement of works details of the proposed sound insulation scheme to be implemented between the residential accommodation and any non-residential uses shall be submitted to and approved in writing by the Local Planning Authority. Details should include airborne and impact sound insulation. The developer shall certify to the Local Planning Authority that the noise mitigation measures agreed have been installed. The approved scheme is to be completed prior to occupation and shall be permanently maintained thereafter.

**Reasons:** To protect the amenity of future occupants in accordance with Policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.20 of the London Plan (adopted February 2008).

9. The construction of the surface and foul water drainage system shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

**Reasons:** To prevent pollution of the water environment, in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.17 of the London Plan (adopted February 2008).

10. Prior to commencement of the works, a detailed Remediation Strategy and Method Statement shall be developed giving details of appropriate measures to prevent pollution of groundwater and surface water, including suitable provision for monitoring surface and groundwater where appropriate and remedial target values shall be approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved. A final Remediation Validation Report shall be submitted detailing the final remedial target values and any variance in actual soil contamination concentrations. Any exceedance in target values should be justified within the report.

**Reasons:** To prevent pollution of the water environment, in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.17 of the London Plan (adopted February 2008).

11. The construction of the site foundations shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.

**Reasons:** To prevent pollution of groundwater, in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.17 of the London Plan (adopted February 2008).

12. Prior to commencement of the works on the development:

a) details of the water infrastructure plans shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water and these plans, together with the anticipated flow rates necessary to support this development, shall be properly scrutinised by Thames Water; and

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

**Reasons:** In the interests of sustainability and flood protection and with regard to Policies 4A.13 and 4A.16 of the London Plan (adopted February 2008).

13. Prior to commencement of the works on the development details of the energy efficient design measures, centralised heating system and renewable energy technologies in accordance with the Energy Strategy dated March 2006 shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and retained thereafter to the satisfaction of the Local Planning Authority.

**Reasons:** To control the expected energy and carbon dioxide emissions saving and with regard to Policies 4A.4 and 4A.7 of the London Plan (adopted February 2008).

14. Prior to the occupation of any unit within the development for Use Class A3 purposes full details of any mechanical ventilation or other plant associated with each such unit shall be submitted to and approved in writing by the Local Planning Authority. Such details to include full specifications of all filtration, deodorising systems, noise output and termination points. Particular attention shall be given to the potential high-level discharge of kitchen extract air and the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential. The approved ventilation equipment and other plant shall be installed and commissioned prior to the occupation of the development and shall be permanently maintained in proper working order thereafter.

**Reasons:** To protect the amenity of future occupants and/or neighbours and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.19 of the London Plan (adopted February 2008).

15. Prior to the occupation of any unit within the development for Use Class A3 full details of the grease trap or grease digester system to be installed for the commercial kitchens shall be submitted to and approved in writing by the Local Planning Authority. Details should include plan and sectional drawings with measured drain sizes and invert levels and full manufacturer's specifications. The approved scheme is to be completed prior to the first occupation of the development and shall be permanently maintained thereafter.

**Reasons:** To protect and improve water quality with regard to Policy 4A.17 of the London Plan (adopted February 2008) and to protect the amenity of future occupants and/or neighbours and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

16. Unless otherwise agreed in writing by the Local Planning Authority, no operations shall be carried out on the site for which noise is audible at the nearest residential boundary except between the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or Statutory holidays.

**Reasons:** To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

17. Prior to the commencement of works on the development hereby permitted, details of the proposed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Details should include appearance, siting, orientation and screening of the lights and the means of construction and laying out of cabling. The approved scheme is to be constructed/installed prior to occupation of the development and shall be permanently maintained thereafter.

**Reasons:** To ensure that community and highway safety is not compromised and with regard to Policies EQ19 and EQ26 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

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

**Reasons:** In the interest of residential amenity, in accordance with Policies EQ45 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.20 of the London Plan (adopted February 2008).

19. a) Prior to the commencement of works on the development, full details of the proposed biomass boiler shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- I. The location and size of the boiler;
  - II. Fuel type, usage, sourcing and transportation;
  - III. The height and location of the chimney;
  - IV. Certification for use in a smoke control area;
  - V. The air quality impact of the boiler;

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- VI. Mitigation measures proposed to reduce emissions;
- VII. A life cycle analysis, showing a net benefit to carbon emission from the plant; and
- VIII. An acoustic report for the biomass boiler which shall demonstrate that plant operation and activity on site shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst affected property. Where it is considered impractical to meet this noise standard the report should detail mitigation measures taken to reduce noise to a minimum.

b) The biomass boiler shall be installed prior to the first occupation of the development and shall be operated permanently in accordance with the approved details, to the satisfaction of the Local Planning Authority.

c) The applicant shall monitor fuel usage from the biomass boiler for 3 years from the first operation of the plant. Details of fuel usage shall be submitted to the Local Planning Authority annually, with the first report being submitted 1 year after the commencement of operation of the biomass boiler.

**Reasons:** In the interest of climate change, air quality and the amenities of users of the development, with regard to Policies S4, EQ19, EQ45, EQ46, and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.1, 4A.2, 4A.4, 4A.7, 4A.19, 4A.20 and 4B.1 of the London Plan (adopted February 2008).

20. Prior to the first occupation of the development a contaminated land remediation completion report and a validation certificate signed by the developer shall be submitted to and approved in writing by the Local Planning Authority to confirm that the work has been undertaken in accordance with the specification detailed in the submitted document entitled 'Report on a Ground Investigation at 225-229 High Street/Rick Roberts Way', Section 5.6 page 21 (reference 05/11601).

In addition, the removal of made ground in all garden areas shall be no less than 1.00m below ground level and 0.60m for landscaped areas.

The submitted completion report will include all details of the remediation exercise including:

- Details of who carried out the work;
- Details and justification of any changes from original remediation plan;
- Plans showing treatment areas and details of any differences from the original report; and
- Confirmation that remediation objectives have been met.

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If the applicant intends to undertake a remediation strategy that differs from that detailed in the 'Report on a Ground Investigation at 225-229 High Street/Rick Roberts Way' full details of the proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the development.

**Reasons:** To safeguard the public, the environment and surface and groundwater as this site may have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment, in accordance with Policy EQ45 and EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.33 of the London Plan (adopted February 2008).

21. The north facing upper ground floor windows (serving a bathroom and staircase) on the hereby approved house adjoining 79 Wise Road, as shown on drawing number PL/104 Rev F, shall be permanently fitted with obscure glazing to the satisfaction of the Local Planning Authority.

**Reasons:** In the interest of the privacy of the residents of 79 Wise Road, in accordance with Policies EQ19, EQ20 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.1 of the London Plan (adopted February 2008).

22. Prior to the commencement of works, full details of a scheme of screening to be provided to the proposed balconies and terraces, including the raised amenity podium (above the car park), shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate how the proposed screens are designed and located so as to reduce potential overlooking to the windows and gardens of the adjoining residential properties in Wise Road, whilst maintaining an adequate quality of balcony to the respective flats within the development. The details as approved shall be installed prior to first occupation and thereafter permanently retained to the satisfaction of the Local Planning Authority.

**Reasons:** In the interest of design and the privacy of residents in Wise Road, in accordance with Policies EQ19, EQ20 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.1 of the London Plan (adopted February 2008).

23. The car parking shown on the submitted drawings shall be used by residential occupiers and visitors to the flats and for no other users.

**Reasons:** To ensure that adequate on-site parking is provided, with regard to Policy 3C.23 of the London Plan (adopted February 2008).

24. Prior to the first occupation of the development a parking allocation strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The parking allocation strategy shall detail how the off-street car parking spaces within the development are to be allocated to the residential units within the relevant development Plot, including residents of private units, affordable units and wheelchair adaptable units. Thereafter the development shall operate permanently in accordance with the approved parking allocation strategy, to the satisfaction of the Local Planning Authority.

**Reasons:** To ensure that adequate on-site parking is provided, with regard to Policy 3C.23 of the London Plan (adopted February 2008).

25. In the event that during construction, cranes or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with London City Airport.

**Reasons:** In the interest of airport safeguarding in accordance with Policies EQ27, EQ28, and T30 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State).

26. 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.

**Reasons:** To ensure that accessible housing is provided, in accordance with Policies EQ18, EQ19, EQ25, H14, and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (adopted February 2008).

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27. Unless otherwise approved in writing by the Local Planning Authority all of the residential units comprised within the development hereby permitted shall be constructed in accordance with Lifetime Homes Standards, as defined in the Joseph Rowntree 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);

**Reasons:** To ensure that accessible housing is provided, in accordance with Policies EQ18, EQ19, EQ25, H14, and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (adopted February 2008).

### 13. **INFORMATIVES**

#### 1. Thames Water

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

#### 2. Olympic Power line Tunnels

The proposed development lies above the location of the underground power line tunnels that run beneath and adjacent to the 2012 Olympic site. There may be restrictions applied to foundation piling techniques. You are advised to contact London Development Agency, Capita Symonds, 24-30 Holborn, London, EC1N 2LX, Telephone: 020 7870 9300 in advance of works.

#### 3. Gas Susceptibility

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

2000 APPROVED DOCUMENT C: C1 Site preparation and resistance to contaminants.

4. Air Quality Management Area

The proposed development lies within Newham's Air Quality Management Area that was declared in March 2002. When deciding upon ventilation to the building you should consider how to reduce exposure to road traffic pollution. For details of the area, the review and assessment of air quality in Newham and the Action Plan that sets out how the Council will act to tackle air pollution the applicant should contact the London Borough of Newham Public Protection (Pollution Control Unit) - Telephone 020 8430 2000.

5. Food Law Requirements

The kitchen and other food areas of the premises need to 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; and
- 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. This form is accessible from Newham's website).

All structural finishes and equipment must comply with the Industry Guide to Good Hygiene Practice: Catering Guide; Chadwick House Group Ltd.

Particular requirements of the Hygiene Legislation include:

- a) Sufficient internal and external hygiene refuse storage capacity. The external store should be capable of accommodating standard Council wheeled bins of a total capacity appropriate to the scale of the business. External bins should not be placed in a position where they are likely to cause an obstruction.
- b) Provision of double sink and wash-hand basin in main food preparation area.
- c) Hot water supply to all wash-hand basins and sinks should preferably be from a gas fired balanced flue instant water heater.
- d) Sufficient refrigeration and freezer capacity.
- e) Sufficient hot food storage / display / capacity (if applicable).
- f) Kitchen layout to facilitate separation of raw and cooked food handling and preparation.
- g) Adequate artificial lighting levels throughout, achieved by means of

fluorescent tube lights, (minimum wattage 40 watts) fitted with diffusers.

- h) Sufficient general ventilation to all rooms.
- i) Extraction ventilation to food preparation areas / rooms must be capable of maintaining at least 20 air changes per hour.
- j) Creation of a lobby between the WC and the food rooms.
- k) All structural finishes, work surfaces and equipment to be of durable, smooth and impervious materials.

Further details in respect of food requirements are available from the London Borough of Newham, Housing and Public Protection, Food Safety Unit, Telephone: 020 8430 2000, [food@newham.gov.uk](mailto:food@newham.gov.uk) or [www.newham.gov.uk](http://www.newham.gov.uk).

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

#### 6. Minimum Room Sizes

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

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

Some room sizes appear to be less than this, especially in the duplex units some of the single bedrooms are not big enough to qualify as habitable rooms.

#### 7. Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)

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

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

#### 8. Sound Insulation

The sound insulation between flats in this development must meet or

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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.

9. Mechanical Extract Ventilation

Where the kitchen areas form part of a living room they should be provided with mechanical extract ventilation (or other approved alternative to a window opening) to prevent transmission of water vapour and odours to the living areas.

10. Mechanical Ventilation to Bathrooms/Ensuites

The mechanical ventilation to the bathrooms/ensuites should comply with Part F of the Building Regulations 2006.

**CASE OFFICER:** Adele Williamson

**Appendix 1:** Site Location Plan

**Appendix 2:** Proposed Site Layout Plan

**Appendix 3:** Proposed Floor Plans

**Appendix 4:** Proposed Elevations

**Appendix 5:** Proposed Sections