

**PLANNING COMMITTEE MEETING: 10<sup>th</sup> December 2009**

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC**

**REPORT OF THE DIRECTOR OF PLANNING**

<b>UDC CASE NUMBER:</b>	LTGDC-09-081-FUL	<b>DATE MADE VALID:</b>	13/10/2009
<b>APPLICATION NUMBER:</b>	Pending/LBNM	<b>TARGET DATE:</b>	11/01/2010

<b>APPLICANT:</b>	MCRP (NO 1) LLP
<b>AGENT:</b>	GVA Grimley Ltd.
<b>PROPOSAL:</b>	Demolition of existing building and erection of two buildings of ground plus 35 storeys and ground plus 10 storeys for a residential led mixed-use development comprising 342 residential units (Use Class C3), a contribution towards off-site affordable house, 1,040 m <sup>2</sup> of commercial floorspace (Use Classe B1), 694.5 m <sup>2</sup> of retail floorspace (Use Class A1 – A4) and 124 m <sup>2</sup> of leisure floorspace (Use Class D2) with associated landscaping, amenity space, parking and plant.
<b>LOCATION:</b>	2 Broadway Chambers, Broadway, Stratford, London E15 4QS

**1. SUMMARY & RECOMMENDATION**

- 1.1 **SUMMARY** This report considers a planning application by MCRP (No.1) LLP for full planning permission for the demolition and comprehensive redevelopment of 2 Broadway Chambers, Stratford, London E15. The application is a revised proposal with the same character and general description as a previous planning application, which was refused by LTGDC on 10<sup>th</sup> September 2009. That decision is now the subject of an appeal that is to be considered at Public Inquiry in February 2010. The only revisions in this new application are in relation to affordable housing (increased provision of off-site commuted sums) and the heads of terms of the section 106 legal agreement, including payments towards LTGDC's Community Benefit Strategy.
- 1.2 The application site lies within the local authority area of the London Borough of Newham and within the Ward of Stratford and New Town.
- 1.3 The application is made under Regulation 8 of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 as amended. As such, no planning fee is required.
- 1.4 This application is classified as a large scale development of 'potential strategic

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importance' under Part 1, Categories 1A, 1B and 1C of the Schedule to the Town and Country Planning (Mayor of London) Order 2008. Therefore notification of the Mayor of London was required. If LTGDC resolves to grant planning permission, it must first allow the Mayor an opportunity to decide whether to direct it to refuse planning permission.

- 1.5 The proposal was advertised in the Newham Recorder on 28<sup>th</sup> October 2009.
- 1.6 The site falls (partially) within a conservation area. A separate application for conservation area consent (LB Newham ref: 08/01998/CON) proposing the demolition of the existing buildings on the site to allow for the construction of the proposed development is currently being considered by the London Borough of Newham.
- 1.7 This application was received on 13<sup>th</sup> October 2009.
- 1.8 **RECOMMENDATION** Officers have considered the planning application with regard to the provisions of the development plan (The London Plan, Consolidated with Alterations since 2004, published February 2008; and the London Borough of Newham Unitary Development Plan adopted June 2001, saved from 27 September 2007 in accordance with the direction from the Secretary of State), so far as material to the application, and to other material considerations and recommend that the application be **approved** subject to: (i) referral to the Mayor of London; (ii) the completion of a legal agreement under Section 106 of the Act covering matters listed at paragraph 9.3.9 (below); and (iii) the conditions set out at paragraph 10 (below).
- 1.9 On balance, LTGDC Officers hold the view that if fully implemented, the proposal would contribute to regeneration aspirations for Stratford, providing housing and public amenity within the town centre, together with an improved employment and retail offer.

## 2. SITE AND PROPOSAL

- 2.1 **Description of Site & Surroundings** The application site comprises land located within Stratford Town Centre Boundary at the prominent junction of Broadway, Great Eastern Road and High Street, Stratford E15. Great Eastern Road lies on its south western boundary and Broadway (A118) lies on its eastern boundary. The site is approximately 0.26 hectares (2600m<sup>2</sup>). A118 Broadway / Great Eastern Road, also known as the Stratford Gyratory, form part of the Strategic Road Network (SRN). The site lies approximately 100m south of Stratford Bus and Regional Train Station, and records a Public Transport Accessibility Level (PTAL), of 6, on a scale of 1-6, where 6 is classed as excellent. A site location plan is provided at Appendix 1.
- 2.2 The existing built form on the site comprises a part two / part three storey brick building with retail / showroom use fronting Broadway and office uses at part ground, first and second floors accessed from Great Eastern Road. The building is sub-divided into units comprising: Jackson's Furnishing (Units 1, 2 and 3); Charles Kirit & Co Solicitors (Unit 4); Careers Enterprise Ltd. (Units 5 and 6); and London Borough of Newham offices (first and second floor). The site also contains pedestrian routes, grassed and landscaped areas, tree planting and 22 car parking spaces.

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- 2.3 To the north is Service Route No.1, a multi-storey car park, Morgan House (16 storey office block) and Stratford Shopping Mall. To the south is High Street (leading west to Bow and Central London) including Stratford Magistrates' Court, the former Rex Cinema and Gala Bingo. To the west are Jubilee House, Broadway House, Bridge House and Station House.
- 2.4 LTGDC Committee Members resolved to grant planning permission for 'Olympian Tower' to the immediate west of the subject site on 13<sup>th</sup> December 2007. That proposal comprised of a 26 storey (height +92 825 AOD) elliptical tower with a three storey basement comprising retail (use class A1) and office (use class B1) and 260 residential units. Negotiations in relation to the section 106 legal agreement are yet to be completed in relation to that proposal. As such, no decision notice has been issued to date.
- 2.5 Stratford rail and bus station are located to the north west of the site, with Stratford City development under construction beyond that.
- 2.6 The southern and south western parts of the site fall within the St. John's Conservation Area and the south western boundary fronting Broadway forms part of a parade of shops designated as 'secondary shopping frontage' in the Council's adopted UDP.
- 2.7 The surrounding built form varies in quality and scale comprising a mixture of architectural styles including Solii Abass' unusual and distinctive inverted Teflon canopies at Stratford bus station; Morgan House, a 16 storey (49m) tall office block; and various Grade II listed and locally listed buildings. A schedule of the listed buildings, along with a plan identifying their location is provided at appendices 4a and 4b of this report.
- 2.8 Description of Proposal
- 2.9 Full planning permission is sought to redevelop the site to provide two buildings for a residential-led mixed-use scheme. The proposed development will comprise of two buildings, which are to be linked at the lower levels, providing 342 residential units, commercial floor space (1040m<sup>2</sup> GIA), retail (694.5 m<sup>2</sup> GIA), leisure (124 m<sup>2</sup> GIA) uses and associated landscaping, car (20 spaces), motorcycle (34 spaces) and cycle parking (362 spaces: 342 in basement, 20 at ground level). The buildings are proposed to stand at ground plus 35 storeys (Building B1) and ground plus 10 storeys (Building B2).
- 2.10 Building 1 (B1) = proposed height +122 000 AOD
- 2.11 Building 2 (B2) = proposed height +46 750 AOD
- 2.12 The application is accompanied by the following documents:
- Air Quality Assessment (dated 12 March 2009), prepared by Building Research Establishment Ltd.
  - Sustainability Statement (front cover dated October 2009, document dated March 2009), Issue 4, prepared by Hoare Lea.
  - Planning Statement (dated November 2009), prepared by GVA Grimley.
  - Wind Assessment (front cover dated October 2009, document dated 19<sup>th</sup> September 2008) and supplementary document dated 19<sup>th</sup> May 2009, prepared

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by Building Research Establishment Ltd.

- Tree Survey & Arboricultural Report (front cover dated October 2009, document dated 26<sup>th</sup> September 2008), prepared by ACS Consulting (London).
- Daylight, Sunlight and Overshadowing Assessment (front cover dated October 2009, document issue dated 13<sup>th</sup> March 2009), prepared by gia.
- Flood Risk Assessment (front cover dated October 2009, document dated 21 January 2009), prepared by Building Research Establishment Ltd.
- Acoustic / Noise Assessment (front cover dated October 2009, document dated March 2009 and entitled Acoustic Strategy Report), prepared by Hoare Lea Acoustics.
- Transport Assessment (front cover dated October 2009, document dated March 2009), prepared by Transport Planning Practice.
- Statement of Community Involvement (front cover dated October 2009, document dated September 2008), prepared by Four Communications.
- Heritage Statement (Historical Buildings) (front cover dated October 2009, document dated 13<sup>th</sup> March 2009), prepared by Building Research Establishment Ltd.
- Heritage Statement (Archaeological Features) (front cover dated October 2009, document dated 25<sup>th</sup> September 2008), prepared by Building Research Establishment Ltd.
- Waste Strategy (front cover dated October 2000, document dated 25<sup>th</sup> September 2008), prepared by Building Research Establishment Ltd.
- Amenity Space Strategy / Landscape Design Statement (Supplement) (front cover dated October 2009, document dated 13 March 2009), prepared by Whitelaw Turkington; and Amenity & Play Space Summary (dated 19 May 2009) prepared by Whitelaw Turkington.
- Design and Access Statement (front cover dated October 2009, revised document dated March 2009), prepared by Allies and Morrison.
- Energy Strategy (front cover dated October 2009, document dated September 2008), Rev 3.1, prepared by Hoare Lea.
- Visual Assessment (front cover dated October 2009, document dated March 2009), prepared by Allies and Morrison.

2.13 The proposed 2,350 m<sup>2</sup> basement covers the entire site (sub-surface) and is illustrated as being accessible via a car lift; a 20 degree stepped cycle ramp; stairs; and fire fighting lifts serving the cores of buildings B1 and B2. Provision has also been reserved in the basement for potential connection to a district heating network. The following are also to be located within the basement area:

- 20 car parking spaces, of which 2 are designated disabled car parking spaces
- Plant rooms
- Separate refuse and recycling store areas for buildings B2 and B1 respectively
- Double stacker cycle racks for 342 cycles
- 33 motorcycle spaces

2.14 The proposed ground floor is illustrated as including access / entrance points to the loading bay, service area, car lift, cycle ramp, substations, residential, commercial and retail areas. No residential units are to be located on the ground floor. The two ground floor retail areas cover 322.5 m<sup>2</sup> (B1) and 372 m<sup>2</sup> (B2). A separate loading bay is proposed at street level on the north western boundary.

2.15 The proposed first floor plan is illustrated as comprising of 520 m<sup>2</sup> of commercial

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floor space within building B2; residential units within B1; residential outdoor amenity space (195 m<sup>2</sup> residential communal space and private gardens of 13 m<sup>2</sup>, 13 m<sup>2</sup> and 23 m<sup>2</sup>).

- 2.16 The proposed second floor plan is illustrated as comprising of 520 m<sup>2</sup> of commercial floor space within building B2 and residential units within B1.
- 2.17 The residential units occupy the remaining upper floors with the exception of the roofs, which are proposed to provide amenity space (360 m<sup>2</sup> on B1 and 425 m<sup>2</sup> on B2). The roof of building B1 is also proposed to include a residents gym (62 m<sup>2</sup>) and a residents lounge (62 m<sup>2</sup>).
- 2.18 The residential units comprise of:
- 35 x Studio flats
  - 146 x 1-bed flats
  - 139 x 2-bed flats; and
  - 22 x 3-bed flats. (12 x 3 bed; 4 x 3 bed penthouse; and 6 x 3 bed duplex)
- 2.19 In terms of tenure, the application proposes 308 residential units for private sale (90%) and 34 intermediate residential units (10%) (17 x 1bed and 17 x 2-bed). The intermediate housing units are all proposed to be located within building B1.

### **3. MAIN ISSUES**

- 3.1 The main planning issues for consideration in relation to this application are:
- Environmental Issues
  - Principle of proposed land use
  - Regeneration
  - Urban design and accessibility
  - Climate change adaptation and mitigation
  - Housing
  - Affordable Housing
  - Transport
  - Equalities
  - Human Rights Act 1998
  - Legal Agreements

### **4. RELEVANT SITE HISTORY**

- 4.1 The use of the premises for a mix of retail, commercial, office, financial and professional services is established. The planning history for the site is listed below. There have also been a number of applications for advertising consent which are not listed:
- Current application for Conservation Area Consent (08/01998/CON), which is yet to be determined, for the demolition of existing building and erection of two buildings (ground plus 35 and ground plus 10 storeys) to comprise 342 residential units (C3), commercial (B1), retail (A1-A4) and leisure floorspace with associated landscaping, amenity space, parking and plant. AMENDED PLANS RECEIVED 17/03/2009.

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- 11/09/2009: Planning permission (08/01953/LTGDC) refused for the demolition of existing buildings and erection of two buildings of ground plus 35 storeys and ground plus 10 storeys for a residential led mixed-use scheme comprising 342 residential units (use class C3), 1,040 sq.m. of commercial floor space (Use Class B1), 694.5 sq. m. of retail floor space (Use Class A1-A4) and 124 sq. m. of leisure floorspace (Use Class D2) with associated landscaping, amenity space, parking and plant.
- 12/09/2002: Planning permission (ref: P/02/1139) granted for a change of use of Unit 4 from A1 (retail use) to A2 professional services (solicitors office).
- 17/05/1996: Planning permission (ref: P/96/0333) granted for a change of use of Unit 6 to A2 use (financial & professional services).
- 28/04/1994: Planning permission (ref: P/94/0169) granted for a change of use of Unit 3 from retail (A1) to a coffee/sandwich bar (A3).
- 27/04/1994: Planning permission (ref: P/94/0025) granted for a change of use of Unit 6 to a health club.
- 24/02/1994: Planning permission (ref: P/94/0016) granted for a change of use of unit 5 from retail to A2 office use.
- 19/12/1991: Planning permission (ref: P/91/1052) refused for the use of land to create additional car parking spaces.
- 05/11/1990: Planning permission (ref: P/90/1028) granted for a change of use of the first floor to offices.
- 07/08/1990: Planning permission (ref: P/90/0314) for alterations to elevations, use of first floor as retail, use of 2nd floor as offices, subdivision of ground floor into 6 retail units and works to adjacent area to provide pedestrian access.
- 28/03/1990: Planning permission (ref: P/89/1433) granted for the demolition of an existing store and the erection of a new building around a courtyard with parking at basement level, retail on the ground floor with offices on 1st to 4th floors.
- 05/02/1990: Planning permission (ref: P/89/1414) granted for a change of use of first and second floors to offices, erection of a second floor extension and external alterations.
- 23/05/1986: Planning permission (ref: P/86/0293) granted for erection of roof plant.

4.2 **Background history to the subject planning application** - Applications for full planning permission (ref: 08/01953/LTGDC) and conservation area consent (ref: 08/01998/CON) were submitted in September 2008 seeking permission for the redevelopment of the site to provide two buildings of ground plus 37 storeys and ground plus 14 storeys with a podium structure to provide 388 residential units and retail and commercial floorspace on the lower floors, leisure floorspace, and

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associated landscaping and parking. LTGDC were the determining authority for the application for full planning permission and LBN are determining authority for the conservation area consent application. The conservation area consent application remains undetermined to date.

- 4.3 London Borough of Newham considered a report pertaining to the September 2008 version of that planning application at its Development Control Committee on 14<sup>th</sup> January 2009, with an officer recommendation to refuse to grant planning permission. In light of that report, the Applicant engaged in a series of design workshops with officers from GLA, Design for London, LB Newham and LTGDC. A revised scheme was then submitted on 16<sup>th</sup> March 2009. The principal changes being: the reduction in height of both buildings and resultant reduction in the proposed number of residential units (reduced from 388 to 342), redesign of the external appearance of both buildings, changes to the ground floor plane and improvements to the amenity of the residential units. Further amendments to the ground floor plane were submitted in May 2009, as a response to comments received from Newham's Design Review Panel and CABE.
- 4.4 The application for full planning permission was reported to LTGDC's Planning Committee on 9<sup>th</sup> July 2009 with a recommendation that planning permission should be granted subject to the completion of a satisfactory section 106 obligation. Members deferred consideration and instructed officers to seek to negotiate a greater contribution in terms of affordable housing and the LTGDC's Planning Obligations Strategy.
- 4.5 Following those negotiations, the Applicant made a final offer in relation to affordable housing and other contributions. In the light of that offer, officers continued to recommend approval of the application in the report to LTGDC planning committee for its meeting on 10<sup>th</sup> September. Planning permission was nevertheless refused by LTGDC planning committee on 10<sup>th</sup> September 2009. The reason for that decision was set out in LTGDC's decision notice dated 11<sup>th</sup> September 2009, as follows:
- “ The affordable housing proposed as part of the development fails to provide an adequate quantum of affordable housing and, in offering only intermediate housing with no social rented provision on site fails to provide for a mixed and balanced community contrary to Policies S20 and H15 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State) and Policies 3A.9 and 3A.10 of the London Plan (published February 2008) and London Plan Supplementary Planning Guidance 'Housing' (published November 2005)”*
- 4.6 An appeal was made by the Applicant under section 78 of the Town and Country Planning Act 1990 on 16<sup>th</sup> September 2009 against the above decision. That appeal will be decided by the inquiry procedure and has been recovered by the Secretary of State for determination instead of determination by an Inspector. The Public Inquiry is to commence on 22 February 2010.
- 4.7 The planning application, which is the subject of this report, was submitted on 13<sup>th</sup> October 2009, with an improved offer in relation to affordable housing (increased provision of off-site commuted sums) and amended heads of terms of the section 106 legal agreement, including payments towards LTGDC's

Community Benefit Strategy.

## 5. STATUTORY CONSULTATIONS RESPONSES

- 5.1 Action and Rights for Disabled People of Newham – No representations received to date.
- 5.2 Commission for Architecture and the Built Environment (CABE) – Letter dated 30<sup>th</sup> November 2009, which, they state, supersedes all views that may have been expressed previously.
- 5.3 *Summary* - CABE offers its broad support for the revised planning application. In CABE's view, tall buildings of the height proposed could be made to work on this site. The architecture of the proposed buildings reflects their differing contexts more successfully in this revised application. In the absence of an agreed vision for the wider island site it falls on this design team to ensure the proposals do not preclude the regeneration of sites to the north or reinforce the conditions created by the divisive gyratory system. Whilst the proposal now demonstrates a fuller appreciation of both issues CABE think there is scope to refine how Building Two addresses its immediate context at street level. Notwithstanding, CABE think that the design team can produce an accomplished scheme worth of this strategically important site in Stratford.
- 5.4 CABE's letter provides detailed comments under the headings of: The principle of tall buildings; Architectural expression; Public realm and connections; and, Sustainability. LTGDC officers note and welcome the representations received from CABE. The issues raised are virtually identical to previous representations made in respect of the refused planning application (08/01953/LTGDC) and have been addressed. Conditions have been drafted that seek to ensure that the quality of materials and details is maintained, as requested by CABE, should planning permission be granted.
- 5.5 English Heritage Historic Buildings and Areas Adviser – email dated 19<sup>th</sup> November 2009. EH has no additional comments to make and refers back to its previous letter email dated 4<sup>th</sup> December 2008, which commented that applications such as this highlight the need for a coherent planning policy framework within Stratford Town Centre. The application should be determined in accordance with national and local policy guidance, and on the basis of LBN specialist conservation advice. It is not necessary for us [English Heritage] to be consulted again.
- 5.6 English Heritage, Greater London Archaeology Advisory Service – letter dated 17<sup>th</sup> November 2009. The site lies within an Archaeological Priority Zone with the projected alignment of the Roman road from London to Colchester passing across the site. The site also lies in the historic core of Stratford on the main medieval road. Evidence for occupation from the medieval period and early post-medieval periods should be anticipated.
- 5.7 Redevelopment of the site therefore has the potential to damage or remove significant buried remains. Archaeological field evaluation is therefore required to determine the degree to which archaeological material will be affected by redevelopment. This advice is in line with the national guidance offered by

PPG16, and the policies of the London Borough of Newham.

- 5.8 Archaeological fieldwork need not be undertaken prior to determination of the planning application.
- 5.9 Condition suggested regarding the need for archaeological mitigation.
- 5.10 Recommendation that evaluation be undertaken to allow the archaeological programme to be incorporated into the development schedule.
- 5.11 Environment Agency – letter dated 5<sup>th</sup> November 2009 advising that the Agency has no objection in principle to the proposed development and associated amendments provided specified conditions are imposed on any planning permission. All of the suggested conditions have been included in the draft conditions at section 10 of this report.
- 5.12 Greater London Authority – The Mayor of London considered a Stage 1 officer report on 25 November 2009. The Mayor considered that the proposal does not comply with London Plan policies.
- 5.13 The GLA Officer Report stated that London Plan policies on regeneration, land use, housing, children’s play space, urban design, inclusive access, climate change mitigation and adaptation, and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:
- Regeneration and land use: the proposal is consistent with London Plan policies 2A.5, 2A.7, 2A.8, 3D.1 – 3D.3 and 5C.1 – 5C.3.
  - Housing: the proposal is consistent with London Plan policies 3A.3, 3A.5, 3A.9 and 3A.10.
  - Children’s play space: the proposal is consistent with London Plan policy 3D.13.
  - Urban Design: the proposal is consistent with the design requirements of London Plan policies 4B.1, 4B.9, 4B.10 and 4B.12.
  - Inclusive access: the proposal is consistent with London Plan policies 3A.5 and 4B.6.
  - Climate change mitigation and adaptation: the application is inconsistent with London Plan policies 4A.1, 4A.5, 4A.6, and 4A.7. The application is consistent with London Plan policies 4A.3, 4A.9 and related policies.
  - Transport: the proposal is inconsistent with London Plan policies 3C.2, 3C.13, 3C.21 and 3C.25.

On balance, the application does not comply with the London Plan.

The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- Climate change mitigation and adaptation: the applicant should provide the further information and commitments sought, to the satisfaction of GLA officers, in order to confirm compliance with the requirements of London Plan policies 4A.1, 4A.6 and 4A.7.
- Transport: the applicant should address the comments made by TfL to ensure the proposal would be consistent with London Plan policies 3C.2,

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3C.13, 3C.21 and 3C.25.

5.14 It is noted that if LTGDC Planning Committee Members are minded to recommend the grant of planning permission, the application is to be referred back to the Mayor for his further consideration.

5.15 London Borough of Newham – An officer report was presented to the LB Newham Development Control Committee on 2<sup>nd</sup> December 2009 recommending that that Committee agree to delegate authority to the Borough Planning Officer to make representations to the LTGDC objecting to the application on the basis of the unacceptable level of affordable housing and recommending that the application should be refused for the following reason:

*The proposed development would provide an inadequate amount of affordable housing that fails to meet housing needs and achieve a mixed and balanced community, contrary to Policy S20 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27/09/2007 by direction from the Secretary of State), Policies 3A.9 and 3A.10 of the London Plan (Feb 2008: consolidated with Alterations since 2004) and the London Plan Housing SPG (Nov2005).*

If, against the Council's recommendation, the LTGDC resolves to grant planning permission, the Council requests that the Borough Planning Officer be consulted by the LTGDC regarding the LTGDC's proposed conditions and full S106 Heads of Terms before a decision is issued.

5.16 London Borough of Newham Environmental and Commercial Standards (Environmental Health) – report dated 16 November 2009. No objections in principle, but conditions are recommended to control likely loss of amenity with regard to: Contamination; Details of ventilation / plant / etc.; Air Quality; and, Air Quality (Construction Phase). Informatives are also suggested regarding: Lifting Operations and Lifting Equipment Regulations 1998; Air Quality Management Area; and, Air pollution and noise from demolition or construction sites.

5.17 London City Airport Ltd. - No representations have been received to date. Representations were made in respect of the previous application (LTGDC-08-145-FUL): Letter dated 22 April 2009. The proposal has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. A condition is recommended regarding the height of cranes and scaffolding during construction.

5.18 Met Police – Crime Prevention Officer – No representations have been received to date. Representations were made in respect of the previous application (LTGDC-08-145-FUL). A number of concerns were raised regarding the creation of covered areas of public realm around the base of the building with limited visibility, which may increase opportunity for crime. Those concerns were addressed and resolved in the May 2009 amendments.

5.19 Met Police Asset Management - No representations have been received to date.

5.20 Newham PCT - No representations have been received to date.

5.21 National Grid – No representations have been received to date. Representations were made in respect of the previous application (LTGDC-08-

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145-FUL) in a letter dated 12 November 2008, advising that the risk to the operational electricity and gas transmission network is negligible.

The applicant is advised to obtain a response from both National Grid and the relevant gas distribution organisation, in addition to other utility operators, before proceeding with the proposal.

- 5.22 Olympic Delivery Authority – Email dated 3<sup>rd</sup> November 2009 advising that the ODA's previous comments as set out in its letter dated 2 December 2008 remain valid and unchanged.

Letter dated 2<sup>nd</sup> December 2008 – the Olympic Delivery Authority Planning Decisions Team has no objection to the proposed development in principle. However, the scheme proposes a prominent tall building close to the Olympic Park and so would encourage the consideration of the proposal in the context of the range of masterplanning and related development plan work that is seeking to plan a coherent long term regeneration of this part of Stratford Town Centre.

The information submitted in support of the application does not appear to consider the impacts of construction activity on the highway either from construction related traffic or directly from construction activity. Given the high levels of construction-related activity in this general area, consideration should be given to control of construction phase activities through the use of relevant conditions on any planning permission. Further information in this respect in support of the transport assessment might also be useful.

There may be potential for security issues for the staging of the 2012 Olympic Games associated with the proposed development in relationship to its height and proximity to the Olympic Park. It is, therefore, recommended that the design and management of the building incorporate measures to prevent unauthorised access to roof and other similar areas within the building. The reference within the D & A Statement to "Secured by Design" is welcomed and the applicant is also encouraged to participate in the Association of Chief Police Officers' "Secured by Design" award scheme in respect of this development.

Section 5 (5) of the London Olympic Games and Paralympic Games Act 2006 sets out the matters to which the Olympic Delivery Authority shall have regard to in discharging its planning functions. It is considered that the proposal outlined in the application is unlikely to conflict with these principles.

- 5.23 Stratford Renaissance Partnership – No representations received to date.

- 5.24 Stratford Town Centre Manager – No representations received to date.

- 5.25 Stratford and West Ham Community forum Lead Member – No representations received to date.

- 5.26 Thames Water – Email dated 27<sup>th</sup> October 2009 providing comments regarding:

- Waste – Recommendation that the Applicant should incorporate 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.

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- Surface Water Drainage – It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. 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.
- A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 8507 4321.
- 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.
- Swimming Pools - Where the proposal includes a swimming pool Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1. The pool to be emptied overnight and in dry periods. 2. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.
- Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321
- Water Comments - The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing

by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

5.27 Transport for London – Representations were set out in a letter dated 11<sup>th</sup> November 2009 and also in the GLA stage 1 officer report that was considered by the Mayor of London on the 25<sup>th</sup> November 2009. In conclusion, while TfL does not expect the development to have a significant adverse impact on the operation of the highway or public transport network, the submission of a site-wide travel plan and mitigation measures is required before TfL can confirm its in principle support of the proposal and conclude that the scheme fully complies with London Plan transport policies.

TfL's representations are summarised as follows:

- Taking account of the information submitted and the nature of the development further assessment of cumulative transport demand, including other committed developments in the area is not essential in this instance.
- Twenty car parking spaces are proposed, of which two will be disabled bays. Although this is below the London plan maximum standards, TfL's preference would be for a largely car-free development with the only car parking being disabled bays and spaces for car club vehicles. Given the proximity of Stratford interchange, TfL would request that future residents of the development be excluded from obtaining parking permits for the surrounding on-street Controlled Parking Zone (CPZ) and town centre car parks and recommend this to be secured by condition.
- Further consideration should be given to accommodating a car club scheme.
- Electric vehicle charging points would also need to be provided within the parking area in accordance with London Plan policy 4A.3 and the London Plan Sustainable Design and Construction SPG and policy 6.13 of the draft replacement London Plan.
- The 342 secure cycle parking spaces proposed for the residential units and the additional 20 provided at ground level for the retail and commercial uses are welcome. However, the minimum standards in Table 6.2 of the consultation draft replacement London Plan would require 2 cycle parking spaces for the larger (3 bedroom) units, which is equivalent to further 22 addition spaces.
- The access arrangements for the scheme would need to take account of and not prejudice any changes to surrounding highways that emerge as a result of the forthcoming study on the Stratford gyratory, as acknowledged in the Transport Assessment.
- TfL expect funds to be secured to contribute towards measures for improving the pedestrian environment from the standard tariff.
- TfL requests that a contribution of £100,000 be secured from the standard tariff towards the provision of station roofing for the new DLR station at Stratford High Street.
- The applicant should consider the need to upgrade nearby bus stops to TfL's accessibility standards, to be secured through the standard tariff.
- The development would not be liable for any contributions towards Crossrail.
- A site-wide Travel Plan developed in accordance with TfL guidance and submitted before the application is determined.
- TfL recommends that a delivery and servicing plan and construction logistics

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plan be secured through conditions. Due to the proximity of the River Lea and the railway, TfL would also recommend that rail and / or water based freight be considered during the construction phase.

## 6. APPLICATION PUBLICITY

- 6.1 Seven hundred and eighty four (784) consultation letters were sent to neighbouring properties regarding this application, together with relevant statutory bodies.
- 6.2 The application was advertised in the Newham Recorder on the 28<sup>th</sup> October 2009 and site notices were displayed on the 21<sup>st</sup> October 2009. The application was advertised as affecting the setting of listed buildings and the conservation area.
- 6.3 The following table summarises the representations that have been received to date:

Representation Received	LTGDC Offer Comment / Response
<p><u>RPS on behalf of Stratford City Developments Limited (SCDL)</u> letter dated 18 November 2009 – <b>Object</b> to the proposal in terms of height and the impact on the St John's Conservation Area and particularly in terms of the provision of affordable housing, as this issue has not yet been resolved between the applicant and LTGDC.</p>	<p>Noted.</p> <p>Officers have considered the proposed building heights, with particular regard to their context and proximity to the St. John's Conservation Area, locally listed and listed buildings. These issues are assessed at section 8.4 of this report. The proposal is not found to present a detrimental effect on the St. John's Conservation Area, nor, views into and / or out of the conservation area.</p> <p>Negotiations with regard to the proposed level of affordable housing between the applicant and LTGDC have been ongoing since refusal of the previous development proposal. The affordable housing offer is set out in detail at section 8.7 of this report.</p>
<p><u>Multi-User Credit Services Ltd.</u> Letter dated 30<sup>th</sup> October 2009 – <b>Object</b> to the proposal in terms of the ability of existing infrastructure to cope with the number of people that both buildings will attract. Comment also on the one way traffic system at the centre of Stratford and how often it could become gridlocked.</p>	<p>Noted.</p> <p>Officers have considered physical and social infrastructure provision. The representations made by Thames Water are noted and an appropriate condition has been drafted in accordance with their recommendation. Turning to social infrastructure, LTGDC had adopted a Planning Obligations Community Benefit Strategy to ensure</p>

	<p>that developments contribute financially and in kind towards the infrastructure that is needed in the London Thames Gateway area to support the developments that are coming forward for planning approval. Contributions will be secured in a legal agreement under S106 of the Town and Country Planning Act (1990 as amended). Details of the S106 are set out at section 9.3 of this report.</p>
<p><u>Unex Group</u> Four letters dated 27<sup>th</sup> November 2009 – <b>Object</b> to the proposal in terms of:</p> <ol style="list-style-type: none"> <li>1) Unacceptable loss of trees, which form a very important amenity in the area which is otherwise a very harsh environment.</li> <li>2) London Plane tree (T9) should be classified as a “vetran” specimen and it is extremely likely that the works up to the edge of the root protection zone will damage this important tree.</li> <li>3) The replacement trees will take many years to grow to any meaningful size.</li> <li>4) Objection on the grounds of the negative effect in terms of daylight, sunlight and overshadowing, with a detrimental effect on the neighbouring consented Olympian Tower. With regard to visible sky component (VSC) in some rooms within Olympian Tower will fall below BRE guidelines because of the effect of the proposed development. With regard to sunlight, the proposal will cause a reduction of sunlight into some of the living rooms of Olympian Tower. The shadows cast by the proposed towers are also unacceptable.</li> <li>5) Objection on the grounds of the proposed development’s unacceptable effect on the wind microclimate. The proposed replacement trees would need many years of growth before they would provide any significant mitigation. The current design of</li> </ol>	<p>Noted.</p> <p>1 – 3) Officers have considered the proposed loss of the Norway Maple trees and also the importance of the London Plane tree (Platanus X Hispanica) identified as T9 within the conservation area. The London Plane Tree will be permanently retained and maintained in its existing location. A condition has been drafted to ensure that adequate protection measures are implemented to protect it during the construction phase. The Arboricultural report identifies Trees T2, 5 and 6 as poor specimens whose removal would be required within 10 years and T10, a small Sweet Gum, is struggling to survive in the fairly harsh rooting environment of the pavement. The loss of the trees can be accepted subject to their replacement. The proposal would result in a new area of public realm which would include tree planting and the retention of tree T9.</p> <p>4) The topic of ‘Impacts on Adjoining Occupiers’, which includes consideration of visible sky component (VSC) is discussed at section 8.4.33 of this report. LTGDC Planning committee resolved to grant planning permission for Olympian tower in 2007, but negotiations are ongoing in relation to the associated legal agreement. As, such, planning permission has not yet been granted. Officers are not opposed to the principle of a cluster of tall buildings in the proposed location where no demonstrable negative impacts are resultant. Officers are</p>

<p>the buildings will lead to increased discomfort from wind effects for pedestrians passing the buildings.</p> <p>6) Objection on the grounds that the proposal by virtue of design and location will have a detrimental effect on the views into and out of the conservation area.</p> <p>7) The scheme will severely restrict the options for a comprehensive redevelopment of the island site.</p>	<p>satisfied that sunlight availability and permanent and transient overshadowing will not be detrimental to the amenity of existing neighbouring owners or the future occupants of the development itself.</p> <p>5) The Applicant submitted a Wind Assessment (prepared by BRE), which includes a qualitative assessment of the wind conditions around the current scheme during the Winter period as the worst case scenario (document dated 19<sup>th</sup> May 2009). The report notes that the proposed trees are expected to have a beneficial impact on the local wind speeds and that the wind conditions around the designated seating areas will be suitable for this activity. The report acknowledges that a wind tunnel study should be carried out as part of the landscaping strategy. Officers have drafted an appropriate condition to cover this matter.</p> <p>6) The proposal is not found to present a detrimental effect on views into and / or out of the St. John's conservation area.</p> <p>7) In the absence of an endorsed masterplan or adopted area based planning policy guidance regarding the Island Site, LTGDC officers are not opposed in principle to incremental development of the site. The application reasonably demonstrates how the proposal could relate to future, adjacent, redevelopment options for the remainder of the Island Site.</p>
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## 7. RELEVANT PLANNING POLICY

- 7.1 The Development Plan comprises of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State) and The London Plan: Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (Published February 2008).
- 7.2 Newham's adopted proposals map illustrates the site as:
- partially falling within St. John's Conservation Area; and
  - secondary shopping frontage at its boundary with Broadway.
- 7.3 The site also falls within:

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- an Archaeological Priority Zone, where important archaeological remains can be preserved within and below deep alluvial deposits on the historic flood plain of the Rivers Lea and Thames
- an Area of Deficiency in Tree Coverage;
- one of Newham's Priority Development Nodes; and
- Newham's Arc of Opportunity.

7.4 The London Plan illustrates the site as being located within:

- a 'Major Centre of specialised provision of more than local importance', which forms part of London's strategic town centre network within the North East London sub-region;
- an 'Opportunity Area' (Number 17); and
- an 'Area for Regeneration'.

7.5 The Lower Lea Valley Opportunity Area Planning Framework (January 2007) illustrates the site as falling within Sub-Area 6: Stratford, where the existing land uses will be retained. Additional mixed development is anticipated within the town centre, through intensification of existing sites and release of non-productive areas (such as surface parking).

7.6 The London Plan: Spatial Development Strategy for Greater London Consolidated with alterations since 2004 (Published Feb 2008).

1.3 Growth Areas and Co-ordination Corridors

2A.1 Sustainability criteria

2A.2 The Spatial strategy for development

2A.3 London's Sub-regions

2A.5 Opportunity Areas

2A.7 Areas for Regeneration

2A.8 Town Centres

3A.1 Increasing London's supply of housing

3A.2 Borough housing targets

3A.3 Maximising the potential of sites

3A.5 Housing choice

3A.6 Quality of new housing provision

3A.7 Large residential developments

3A.8 Definition of affordable housing

3A.9 Affordable housing targets

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

3A.11 Affordable housing thresholds

3A.13 Special needs and specialist housing

3A.15 Loss of housing and affordable housing

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

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

3A.23 Health Impacts

3A.27 Meeting floor targets

3A.28 Social and economic impact assessments

3B.1 Developing London's economy

3B.2 Office demand and supply

3B.3 Mixed Use Development

3B.11 Improving employment opportunities

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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.3 Sustainable transport in London  
3C.19 Local transport and public realm enhancements  
3C.21 Improving conditions for walking  
3C.22 Improving conditions for cycling  
3C.23 Parking strategy  
3C.24 Parking in town centres  
3D.1 Supporting town centres  
3D.2 Town centre development  
3D.3 Maintaining and improving retail facilities  
3D.8 Realising the value of open space and green infrastructure  
3D.13 Children and young people's play and informal recreation strategies  
3D.14 Biodiversity and nature conservation  
3D.15 Trees and woodland  
4A.1 Tackling climate change  
4A.2 Mitigating climate change  
4A.3 Sustainable design and construction  
4A.4 Energy assessment  
4A.5 Provision of heating and cooling networks  
4A.6 Decentralised Energy: Heating, Cooling and Power  
4A.7 Renewable Energy  
4A.9 Adaptation to climate change  
4A.10 Overheating  
4A.11 Living Roofs and Walls  
4A.13 Flood risk assessment  
4A.14 Sustainable drainage  
4A.15 Rising groundwater  
4A.16 Water supplies and resources  
4A.17 Water quality  
4A.18 Water and sewerage infrastructure  
4A.19 Improving air quality  
4A.20 Reducing noise and enhancing soundscapes  
4A.28 Construction, excavation and demolition waste  
4B.1 Design principles for a compact city  
4B.2 Promoting world-class architecture and design  
4B.3 Enhancing the quality of the public realm  
4B.5 Creating an inclusive environment  
4B.6 Safety, security and fire prevention and protection  
4B.8 Respect local context and communities  
4B.9 Tall Buildings  
4B.10 Large-scale buildings – design and impact  
4B.11 London's built heritage  
4B.12 Heritage conservation  
4B.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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7.7 London Borough of Newham Unitary Development Plan (Adopted June 2001, Saved from 27<sup>th</sup> September 2007 in accordance with the direction from the Secretary of State):

S1 – Community Safety and Crime Reduction  
S2 – Community Benefit / Planning Obligations  
S3 – Quality of Development  
S4 – Sustainable Development  
S5 – Priority Development Nodes  
S6 – Mixed Use Development  
S7 – Urban Regeneration: Promotion of Development  
S9 – Environmental Quality: Design Issues  
S11 – Environmental Quality: Protection of the Borough's Heritage  
SH14 – Shopping in Areas of New Development  
S19 – Housing: Extending the Range of Housing Choice  
S20 – Housing: Inclusion of Affordable Housing in New Housing Schemes  
S21 – Housing: Special Needs  
S22 – Housing: Mix & Density  
S24 – Employment: Meeting the Council's Regeneration Objectives  
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  
EQ30 – Planning Proposals with Conservation Areas  
EQ31 – Demolition within Conservation Areas  
EQ33 – Protection of Trees  
EQ36 – Buildings of Local Interest  
EQ38 – Planning Applications Affecting the Setting of a Listed Building  
EQ43 – Archaeology: Investigation, Excavation and Protection  
EQ45 – Pollution  
EQ46 – Air Quality Management  
EQ47 – Noise Impact Statement  
EQ48 – Noise – Sensitive Development  
EQ49 – Contaminated Land: Assessment, Remediation and Monitoring  
EQ61 – Recycling  
EQ62 – Protection of the Flood Plain and Urban Washlands  
EQ63 – Surface Water Disposal

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H9 – Affordable Housing: Retention  
H13 – Promoting Quality in Housing  
H14 – Promoting Choice in Housing  
H15 – Housing Mix  
H17 – Housing Design and Layout  
EMP1 – Employment Growth  
EMP3 – Quality of Employment Development  
EMP11 – Other Office Development  
SH1 – Consolidation of the Shopping Hierarchy  
SH2 – Stratford Town Centre  
SH9 – Secondary Shopping Frontages  
SH15 – Shopfront Design  
SH23 – Recycling  
T1 – New Development: Environmental Impact  
T2 – New Development: Public Transport Accessibility  
T3 – Highway capacity  
T5 – Preferred Modes of Transport  
T14 – Design to Minimise Road Accidents in New Development  
T19 – Improvement of Conditions for Pedestrians  
T24 – Access by Cycle and Cycle Parking  
T26 – Motorcycle Parking  
T30 – Restrictions on Development Within the Airport Safeguarding Area  
LR2 – New and Improved leisure and Recreation Provision  
LR4 – Public Art  
OS8 – Green Space in New Housing Development  
OS12 – Children’s Play Facilities in New Housing Development  
CS18 – Drainage System

7.8 Planning Policy Statements / Guidance:

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS4: Planning for Sustainable Economic Development (draft)  
PPS6: Planning for Town Centres  
PPG13: Transport  
PPG15: Planning and the Historic Environment  
PPG16: Archaeology and Planning  
PPG24: Noise  
PPG25: Development and Flood Risk

7.9 Additional Guidance:

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’  
London Borough of Newham SPG ‘London City Airport Safeguarding’  
Guidance on Tall Buildings (CABE & English Heritage, July 2007)

## 8. ASSESSMENT OF MAIN ISSUES

### 8.1 Environmental Issues

- 8.1.1 LTGDC Officers have taken environmental information into consideration in assessment of this application in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). The Applicant sought a screening opinion on 18 December 2007, in respect of the need or otherwise for an Environmental Impact Assessment for the previously proposed development. Additional information was provided on 12 March 2008. LTGDC issued a screening opinion under Regulation 5 on 31 March 2008, advising that on the basis of the information provided, an Environmental Impact Assessment is not required for the development of this site for a residential-led (approx 350 units) mixed use development including commercial / retail on the lower floors with underground car parking. In considering the new planning application, as submitted in October 2009, Officers have concluded that no additional information is required.
- 8.1.2 Air Quality The Applicant submitted an Air Quality Assessment (12<sup>th</sup> March 2009) by Building Research Establishment Ltd., which was assessed by LB Newham Environmental Health. It has been confirmed that air quality impacts for future residents will be acceptable subject to conditions regarding mitigation measures. Appropriate conditions have been drafted and are included at section 10 of this report.
- 8.1.3 With regard to air quality, LTGDC officers consider the proposal to accord with UDP policies EQ18 (Promoting Urban Quality), EQ19 (Urban Design Considerations), H13 (Promoting Quality in Housing), H17 (Housing Design and Layout); and London Plan policies 3A.6 (Quality of new housing provision), 3A.6 (Quality of new housing provision), 4A.19 (Improving air quality), and 4B.1 (Design principles for a compact city).
- 8.1.4 Noise The Applicant submitted an Acoustic / Noise Assessment (front cover dated October 2009, document dated March 2009 and entitled Acoustic Strategy Report), prepared by Hoare Lea Acoustics. Environmental noise levels at the site are dominated by road traffic, with some noise from nearby trains. The assessment detected no vibration impacts on the site. The assessment suggests mitigation measures to ensure noise impacts on future residents are acceptable. Newham's Environmental Health officers have assessed the submission documents and raise no objection subject to conditions requiring the submission of details of sound insulation and submission of details of the noise and vibration mitigation measures identified in the submitted Acoustic Assessment.
- 8.1.5 With regard to noise, LTGDC officers consider the proposal to accord with saved UDP policies H17 (Housing Design and Layout), EQ19 (Urban Design Considerations), EQ45 (Pollution), EQ47 (Noise Impact Statement) and EQ48 (Noise – Sensitive Development); and Policies 4B.1 (Design principles for a compact city) and 4A.20 (Reducing noise and enhancing soundscapes) of the London Plan.

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- 8.1.6 Contamination The Applicant has undertaken a Land Contamination Assessment, which identifies the possibility of land contamination on the site. LTGDC officers seek to impose a condition requiring the submission of a scheme / details to deal with the risks associated with contamination of the site in accordance with UDP policies EQ45 and EQ49; and London Plan policies 4A.17 and 4A.33.
- 8.1.7 Archaeology The site is within an Archaeological Priority Zone and English Heritage (Greater London Archaeology Advisory Service) has recommended a condition to secure a programme of archaeological work. LTGDC officers seek to impose a condition in accordance with that advice in accordance with saved policies EQ19 (Urban Design Considerations), EQ43 (Archaeology: Investigation, Excavation and Protection), EQ45 (Pollution) and EQ46 (Air Quality Management); London Plan policy 4B.15 (Archaeology) and the provisions of PPG16.
- 8.1.8 Wind The Applicant submitted a Wind Assessment (front cover dated October 2009, document dated 19th September 2008) and supplementary document dated 19th May 2009, prepared by Building Research Establishment Ltd., which suggested an improvement in wind conditions in comparison to the original submission document. The assessment identified that in winter (when wind conditions represent the worst case scenario) wind conditions around the proposed development are generally suitable for Sitting or Entrances. The locations at the western corner of Building 1 and the southern corner of Building 2 would be suitable for Strolling. It is likely that the wind conditions around designated seating areas will be suitable for their purpose. Trees are proposed to be planted around the base of the building, which would have a beneficial impact on local wind speeds. The report acknowledges that further a wind tunnel study should be carried out as part of the landscaping strategy.
- 8.1.9 LTGDC officers consider that the impacts on local microclimate can be accepted at this stage subject to the imposition of a condition requiring tree planting / landscaping measures around the base of the building along with details of the wind conditions resulting from such landscaping. Subject to the implementation of those mitigation measures, officers consider the proposal to accord with policies EQ18 (Promoting Urban Quality), EQ19 (Urban Design Considerations), EQ21 (New Development: Landscaping), H17 (Housing Design and Layout); and London Plan policies 3A.6 (Quality of new housing provision), 3C.21 (Improving conditions for walking), 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) and 4B.10 (Large-scale buildings – design and impact).
- 8.1.10 Trees - UDP Policy EQ33 identifies that the removal of healthy trees in a conservation area will normally be resisted. The proposed development would result in the removal of nine existing mature Maple trees which currently enhance the setting of the Stratford St. John's Conservation Area. There is some concern that the loss of the trees would have a detrimental impact on the setting of the conservation area, townscape character and visual amenity.
- 8.1.11 The proposal would result in a new area of public realm which would include landscaping and tree planting. The benefits of the proposal resulting from the high quality design of the buildings also needs to be considered. On balance when the above issues are weighed up, officers consider that the loss of the

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trees can be accepted subject to a condition requiring that a minimum of nine semi-mature trees be planted in the public realm as part of the landscaping submission.

8.1.12 The development also proposes to retain a good quality mature London Plane tree located in the public realm on Broadway. A condition is proposed to ensure the tree is retained and protected during construction.

8.1.13 Subject to conditions, on balance, the loss of the trees is considered to be acceptable with regard to UDP Policies S3, S9, S11, EQ14, EQ18, EQ19, EQ27, EQ28, EQ30, EQ33, H17 and SH2 and London Plan Policies 3A.6, 3D.15, 4B.1, 4B.2, 4B.9, 4B.10, 4B.11 and 4B.12.

## 8.2 **Principle of proposed land use**

8.2.1 There is no concern regarding the loss of the existing buildings.

8.2.2 The principle of redeveloping the site with a residential-led mixed use development is considered to be in accordance with development plan policies designed to maximise the development potential of brownfield sites to help to achieve local and strategic housing need and improving vitality and viability of town centres.

8.2.3 PPS1 stresses the importance of mixed use development, while Policy 2A.1 of the London Plan states the importance of mixed use development and the contribution it can make to strengthen local communities.

8.2.4 Policy 3A.5 (Housing Choice) of the London Plan states that Boroughs should encourage proposals for large residential developments in areas of high public transport accessibility, including the provision of suitable non-residential uses. Policy 3A.7 (Large residential developments) provides that boroughs should encourage proposals for large residential developments in areas of high public transport accessibility.

8.2.5 Table 3A.1 of the London Plan illustrates a ten year new housing target of 35,100 for Newham to 2017. The proposed provision of 342 new units would make a contribution to meeting the target in line with policies 3A.1 and 3A.2.

8.2.6 The application site is located within the Stratford Town Centre boundary and saved UDP policy S6 encourages mixed use developments, particularly in town centres, in order to create greater diversity and vitality and minimise the need to travel. Saved policy SH2 of the LBN UDP promotes and encourages the regeneration of Stratford Town Centre.

8.2.7 The Mayor of London Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF), identifies that in Stratford mixed use development is anticipated within the town centre, through intensification of existing sites and release of non-productive areas (such as surface carparking). It also states that, "new investment in Stratford will rejuvenate the town centre and improve its retail, leisure and cultural facilities".

8.2.8 In the absence of an endorsed masterplan or adopted area-based planning policy guidance regarding the Island Site, LTGDC officers are not opposed to incremental development of the site. The application reasonably demonstrates

how the proposal could relate to future, adjacent, redevelopment options for the remainder of the Island Site. Overall the high quality design response now proposed is considered to set a strong precedent with positive implications for the future redevelopment of the remainder of the Island Site.

- 8.2.9 LTGDC Officers conclude that the creation of high quality new investment, employment opportunities, improved retail facilities and housing is welcomed in Stratford and accords with local and regional aspirations for the site/area. The principle of demolishing the existing buildings and redeveloping the site with a high density residential-led mixed development will secure the regeneration of an inefficiently used site in a prominent town centre location if brought forward in line with development plan policies.

### 8.3 **Regeneration**

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

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

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

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

- 8.3.4 The LLV OAPF assumes that the Stratford sub-area has the potential capacity to deliver between 3,300 and 3,400 units at densities ranging across the sub-area from 110-440dph (325-1025 hrph) (those at the top end located in area with highest PTAL ratings). It is noted that the site enjoys a PTAL rating of 6a (excellent).

- 8.3.5 Employment generation through regeneration - The proposal includes the provision of commercial (1040m<sup>2</sup> GIA), and retail floor space (1040m<sup>2</sup> GIA and 694.5 m<sup>2</sup> GIA respectively) in a town centre. London Plan policy 3B.2 encourages the renovation and renewal of existing office stock to increase and enhance the quality and flexibility of London's office market offer, in line with policies for maximising the intensity of development. Policy 3D.3 encourages the maintenance and improvement of retail facilities.

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

and 3D.3 (Maintaining and improving retail facilities).

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

8.3.8 The proposed high quality, re-development of this part of Stratford is considered to be consistent with Regional and Local regeneration aspirations, in accordance with planning policy and strategic land use designation. Officers are confident that implementation of the proposal would positively contribute to the future regeneration of the area.

#### **8.4 Urban design and accessibility**

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

8.4.2 The proposed design results from a number of re-designs of the form, massing and elevations of the scheme further to pre and post-application dialogue between the London Borough of Newham, LTGDC, Design for London, GLA and the applicant team. Newham's Design Panel considered the scheme twice. Elevations are provided at Appendices 3a, 3b and 3c.

8.4.3 Impact on the Conservation Area – The site is within both the Stratford town centre boundary and partly within St. John's Conservation Area. The site is also located at a prominent junction, effectively marking the western entrance to the town centre and conservation area. Given this location any proposal should be the highest architectural quality and should preserve or enhance the character and appearance of the conservation area. The existing building is of little architectural or historic value and its loss is of no concern providing an acceptable replacement development is proposed.

8.4.4 With regard to the refused October 2008 proposal, officers previously raised concern that the proposed development, by reason of the unsympathetic design and appearance of the proposed buildings and the excessive scale and height of the proposed buildings, particularly that of the lower building (Building 2), would neither preserve nor enhance St. John's Conservation Area and would have a discordant, dominating, overbearing and detrimental impact on the historic character and setting of the Conservation Area, causing significant and demonstrable harm to local heritage, townscape and visual amenity.

8.4.5 The Applicant then sought to address those concerns, and the amended plans now propose reductions in the building heights of both buildings (to 36 and 11 storeys). The design, appearance and materials palette of the buildings have also been changed together with revisions to the ground floor arrangement. The amended designs progressed through a series of design-focused meetings between LTGDG, DfL, GLA and LBN officers and the applicant team.

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- 8.4.6 UDP Policy EQ27 states that the Council will resist high buildings in conservation areas, whilst Policy EQ28 specifically excludes high buildings from Stratford town centre's conservation area. UDP Policy EQ30 states that in considering development proposals within a conservation area the planning authority will pay special attention to the desirability of preserving or enhancing the character or appearance of that area. London Plan policy 4B.1 states that buildings should respect local context, history and built heritage, whilst policies 4B.11 and 4B.12 seek to protect and enhance London's built heritage. Policy 4B.10 states that tall buildings should be of the highest quality design and should be suited to their wider context in terms of proportion townscape and their relationship to other buildings.
- 8.4.7 Stratford is a major transport hub and policies in Newham's UDP, the London Plan and the Lower Lea Valley OAPF recognise and promote the redevelopment potential of the locality. In this context it is agreed that tall buildings can be appropriate in Stratford town centre area. Officers consider that the tallest buildings to come forward through redevelopment would be best located in a cluster around Stratford Station and Meridian Square, rather than in the conservation area and the old town centre. The applicant has attempted to address this by locating the taller of the proposed towers to the north of the site, with the lower tower fronting the Broadway and conservation area.
- 8.4.8 LTGDC and Newham officers have sought the views of key design advisors to ensure a thorough assessment of the proposal.
- 8.4.9 CABE recognise the challenge faced by the design team in bringing forward a proposal for tall buildings without the benefit of an agreed vision for Stratford High Street and the wider 'Island site' within which it sits. They note that it is critical that the proposal does not preclude future possibilities for sites immediately to the north, where residential development is likely to come forward. Notwithstanding this, it is CABE's view that tall building on this site could make a welcome contribution to an emerging tall building cluster around Stratford Station. CABE think that tall buildings of the height and form proposed could be made to work to the advantage of the wider island site, subject to them satisfying wind and overshadowing tests. CABE concluded that the principle of locating Building One away from the conservation area to face Meridian Square would appear sound and the Building Two could also work well as a 'bookend' to the High Street.
- 8.4.10 Newham's Design Review Panel also noted the improvements in relation to the character and scale of the adjacent conservation area resulting from the reductions of the heights of the towers.
- 8.4.11 Design for London have expressed that, "overall the appearance of the buildings is considered to be working well, especially the lower building. The strong differentiation between the character and appearance of the two buildings appears to be successful in the long views, where the lower building has a strong visual relationship with the existing historic buildings on the Broadway...".
- 8.4.12 English Heritage has advised that the application should be determined in accordance with national and local guidance and the Council's specialist conservation advice.

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- 8.4.13 Newham's Design and Conservation Officer has advised that the proposal has drastically improved since its previous submission. Although it still consists of two towers, it is felt that they are now of a substantial architectural quality and are appropriate on this significant site in Stratford.
- 8.4.14 Of the two towers, the southern tower (Building 2) is within the conservation area and directly opposite one of the most well preserved Victorian terraces, not only within the area, but also within the rest of the borough. The conservation area is characterised by natural materials such as brick and stone, with a fine grain of articulation and detailing of facades. By not only lowering the height to 11 storeys, but also redesigning the facades, this tower now provides a much better contemporary addition to the conservation area. The use of brick and other natural weathering materials corresponds to the surrounding heritage buildings, as does the vertical articulation of the fenestration and detailing. While the building is still tall for the conservation area, it is felt that its height now more successfully relates to its end of terrace location. It also appropriately serves as an intermediary marker to denote the entry into the town centre/conservation area from Stratford High Street (which itself has numerous tall buildings) and also the junction between the conservation area and the taller buildings around Meridian Square. It is considered that Building 2 would have an acceptable impact on the character and setting of the conservation area and would be a sensitive and appropriate addition to the historic street scene.
- 8.4.15 Although not located within the conservation area, the 36-storey height of the taller tower (Building 1) means that it too would be clearly visible from the majority of the public realm within the conservation area. Concern was also previously raised that the taller Building 1 would have a dominant and extremely overbearing presence on the character and setting of the conservation area. Previously, its materials and detailing were of a more corporate typology than a building that was meant for residential.
- 8.4.16 The previous reduction in height from 38 to 36 storeys was relatively minor. However the appearance and materiality of the tower has improved significantly. The building would now have an elevational clarity formed by a delicate white ceramic/terracotta frame. Behind the frame, while still utilizing glass as a primary material, the architects have redesigned the facades to incorporate winter gardens and sliding glass panels to create a more lived in feel. The overall appearance of Building 1 is considered elegant and high quality, being of significant architectural merit in its own right, but also appearing complementary as a backdrop to the Conservation Area and announcing the contemporary higher rise, higher density development emerging around Meridian Square, in Stratford City, the High Street and the Olympic Park. Building 1 would be a very prominent addition to the skyline of the Conservation Area, but on balance, it is considered to be successful.
- 8.4.17 LTGDC and LBN officers concur that in light of the significant design improvements and the resulting comments received from relevant design advisors, on balance it is considered that the proposed development would be a welcome addition to St. John's Conservation Area, preserving and enhancing its setting in accordance with UDP Policies S3, S11, EQ18, EQ19, EQ27, EQ28, EQ30, EQ31, EQ36, EQ38, H17 and SH2 and London Plan Policies 3A.6, 4B.1, 4B.2, 4B.9, 4B.10, 4B.11, 4B.12, 4B.13.
- 8.4.18 Impact on listed and locally listed buildings – Concern was previously raised

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regarding the unsympathetic design, appearance, scale and height of the proposed buildings and the impacts on the setting of the Grade II listed buildings and locally listed buildings within the locality.

- 8.4.19 UDP Policy EQ38 (Planning Applications: Affecting the Setting of a Listed Building) states that buildings affecting the setting of a listed building should display a sympathetic relationship to the building or its setting, with particular reference to scale, style, design, detailing, materials and layout. UDP Policy EQ36 (Buildings of Local Interest) identifies that LB Newham will seek to maintain the architectural or historic integrity of buildings on the local list. London Plan Policies 4B.1, 4B.11, 4B.12 and 4B.10 require buildings to respect local townscape, context, history and built heritage.
- 8.4.20 The conservation area and its surroundings are characterised by a number of Grade II listed and locally listed buildings, which represents the most important grouping of heritage buildings within Stratford and the borough. These are identified in Appendix 4b of this report. Those within the vicinity of the site include The Church of St. John the Evangelist (Grade II), Martyrs' Memorial (Grade II), Gurney Memorial Drinking Fountain (Grade II), former West Ham Town Hall (Grade II), 13 Broadway (Mulligan's Public House – locally listed), 47 Broadway (King Edward VII Public House – Grade II), 49 Broadway (former Natwest Bank – Grade II) and 306-308 High Street (Rex Cinema – locally listed).
- 8.4.21 As previously stated the scale and appearance of the proposed buildings is much improved and considered to be appropriate in relation to the Conservation Area and surroundings. Nonetheless the towers would be clearly visible from key view points within and around the listed buildings. The nature of the resulting impacts is demonstrated in the submitted Visual Impact Assessment.
- 8.4.22 A key issue concerns the impacts of the development on St. John's Church, which is the most dominant of the listed buildings and provides a historic focal point for the conservation area and the old town centre. When viewed from the east of the conservation area (Romford Road / The Grove) Building 1 would be very apparent in the Church's background, affecting the Church's setting. Newham's Design and Conservation Officer has advised that committed and potential major developments in the locality (Olympian Tower, Stratford City and Stratford Island site) means that the Church will have tall buildings as its backdrop in the future and that the proposed development cannot be considered in isolation in terms of its impacts. Newham's Design and Conservation Officer has also advised that the minor reduction in height coupled with the improved appearance of Building 1 would result in a high quality building appropriate as a contemporary backdrop to the Church in this changing context.
- 8.4.23 The Visual Assessment (front cover dated October 2009, document dated March 2009), prepared by Allies and Morrison provides a view looking west from Martyrs' Memorial along the Broadway. A separate view has been provided looking north-west from the front of the former West Ham Town Hall. These views demonstrate how the height and design of Building 2 would sit successfully at the end of the Conservation Area, improving the quality of built form along the northern side of the Broadway and enhancing the setting of the listed buildings located along the southern side of the Broadway. The views also demonstrate how the taller Building 1 would serve as a backdrop to the

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Conservation Area and how its delicate, elegant design would ensure that despite its scale the building would not appear overly dominant.

- 8.4.24 On balance, officers consider that the proposed buildings would have an impact on the setting of the listed and locally listed buildings within the locality, but that the nature of the impact is acceptable given the design quality of the development its role in the changing context of Stratford. Overall the impacts on the listed buildings are considered to be acceptable with regard to UDP Policies S3, S11, EQ18, EQ19, EQ27, EQ28, EQ30, EQ31, EQ36, EQ38, H17 and SH2 and London Policies 3A.6, 4B.1, 4B.2, 4B.9, 4B.10, 4B.11 and 4B.12.
- 8.4.25 Building heights in relation to the wider area – The site is in a prominent location and will play an important role in defining a new urban realm in this part of the town centre. UDP Policy EQ28 identifies that providing they do not harm the composition and harmony of existing buildings or the surrounding environment and do not adversely affect the skyline consideration will be given to high buildings on the periphery of Stratford town centre, excluding the centre's conservation area. It is noted that building 1 will not fall within the conservation area. London Plan Policy 4B.10 identifies that tall buildings should be of the highest quality design, be attractive city elements and suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets and other townscape elements.
- 8.4.26 The building height arrangement of the buildings ensures that they relate to their surroundings. Rather than being seen as a cluster of 3 towers (if Olympian Tower is built), it is considered that the taller Building 1 and Olympian Tower would form the emergence of a tall building cluster around Meridian Square, whilst Building 2 would have a more defined role primarily as part of the Conservation Area, but also by mediating between the differences in scale of these two contexts.
- 8.4.27 Building 1 would be taller than Olympian Tower, or indeed any other building within Stratford Town Centre. This is demonstrated in the submitted view image looking east from the High Street / Cam Road. However it is considered that in townscape terms the slimmer, more elegant nature of the amended design warrants a building of a greater height than Olympian Tower, which is proportionally much wider. The amended appearance of building 1 is considered to be of a high quality and as demonstrated in the view from Stratford Station, would provide a strong presence to Meridian Square and Stratford town centre.
- 8.4.28 LTGDC officers consider that the site is suitable for a development which maximises the allowable building heights and creates a series of buildings with a strong contemporary identity. The cumulative effects of the proposed development has been considered and is found to be acceptable. Overall, officers consider that the amended, proposed, building heights and design of the buildings is acceptable in terms of proportion, composition, townscape and visual amenity, in accordance with LBN UDP Policies S3, S11, EQ18, EQ19, EQ27, EQ28, EQ30, EQ31, EQ36, EQ38, H17 and SH2 and London Plan Policies 3A.6, 4B.1, 4B.2, 4B.9, 4B.10, 4B.11 and 4B.12.
- 8.4.29 The design quality of the external appearance of the buildings The two buildings are treated differently architecturally. As a result each building now relates well to its context and the development proposal better negotiates the site's

transitional aspect of marking both the entrance into the historic town centre and the entrance to the higher density developments around the station. The design and appearance of the proposed development demonstrates a contemporary, yet sympathetic response to these very different contexts, but results in buildings of identity and integrity in their own right.

- 8.4.30 The proposed built form contributes successfully to the design aspirations for Stratford town centre. Officers consider the external appearance of the buildings / architectural approach is of a high quality in accordance with UDP Policies S3, S11, EQ18, EQ19, EQ27, EQ28, EQ30, EQ31, EQ36, EQ38, H17 and SH2 and London Plan Policies 3A.6, 4B.1, 4B.2, 4B.9, 4B.10, 4B.11 and 4B.12.
- 8.4.31 Ground Floor Layout - Given the differences in the scale and appearance of the two towers it has been concluded that the link between the buildings should read as a secondary element allowing the buildings to express their individual identity. The proposal links the buildings in an understated way, but creates a defined residential entrance pronounced by a canopy projecting into a new area of landscaped public realm between the buildings. This space is located directly in front of the residential entrance lobby which will include a 24 hour reception, thus enhancing surveillance of the space. The plans envisage the public realm could be used for outdoor seating ancillary to adjoining retail units in the event that they are used for A3 or A4 purposes.
- 8.4.32 Overall, officers consider that the form and layout of the ground floor of the proposed development and its interface with the public realm is well designed and would accord with UDP Policies S3, EQ18, EQ19, EQ30, EQ31, EQ42, H17, SH2 and SH15 and London Plan Policies 3A.6, 4B.1, 4B.2, 4B.3 and 4B.10.
- 8.4.33 Impacts on Adjoining Occupiers London Plan policy 4B.1 (Design Principles for a Compact City) requires new developments to respect local communities, whilst policy 4B.10 (Large Scale Buildings – Design and Impact) requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. UDP Policy H17 (Housing Design and Layout) requires new development to ensure a satisfactory level of amenity, outlook and natural lighting is maintained to existing occupiers. UDP Policy EQ19 (Urban Design Considerations) identifies the need for new developments to have regard to their surrounding in terms of scale and bulk and refers to the Council's Residential Planning Guidelines SPG, which adopts the Building Research Establishment (BRE) criteria for assessing the daylight and sunlight impacts of new development on existing buildings.
- 8.4.34 The extent of the impacts on residential amenity requires assessment. The key issues to be assessed relate to daylight, sunlight, overshadowing and overlooking. The only property surrounding the site that will contain any residential element with windows in close proximity to the site may be the proposed Olympian Tower development on the site of Station House. Although planning permission has not been granted, it is noted that Members have resolved to grant planning permission and negotiations regarding the associated S106 agreement are ongoing. Possible impacts on residential amenity within that (as yet unbuilt) building need to be considered.
- 8.4.35 The Applicant has submitted a Daylight, Sunlight and Overshadowing Assessment (front cover dated October 2009, document issue dated 13<sup>th</sup> March

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2009), prepared by GIA, which considers the impacts of the proposed development on adjoining properties.

- 8.4.36 *Daylight* – The submission considers Vertical Sky Component (VSC), Daylight Distribution and Average Daylight Factor (ADF).
- 8.4.37 VSC is a measurement of daylight received at a window. BRE guidance suggests that where a proposed VSC value is less than 27%, then the resultant value should not be less than 0.8 times its former value.
- 8.4.38 Daylight Distribution assesses the change in position of the No Sky Line between the existing and proposed situation.
- 8.4.39 ADF measures the adequacy of daylight within a room. BRE guidance suggests that acceptable ADF depends on the use of the room and should be 1% for a bedroom, 1.5% for a living room and 2% for a kitchen. ADF is generally considered to be the most detailed method as it considers sky visibility, window size, room size and room use.
- 8.4.40 LTGDC instructed Anstey Horne & Co. Ltd to assess the submitted GIA Daylight, Sunlight and Overshadowing Assessment. Anstey Horne & Co. Ltd. identified a number of shortcomings in the assessment methodology but concluded that they are satisfied that that error will not result in any change in the conclusion with regard to the impact on Olympian Tower.
- 8.4.41 LTGDC officers conclude that the magnitude of forecast impact on Olympian Tower in terms of daylight does not warrant refusal of the application.
- 8.4.42 *Sunlight and Overshadowing* - Impacts on sunlight in terms of Annual Probably Sunlight Hours (ASPH), which measures levels of sunlight at windows facing within 90 degrees of south have been assessed. BRE guidance suggests that proposed values of APSH should be at least 25% of the total, including at least 5% in winter. Where the proposed value falls short then the resultant value should not be less than 0.8 times its former value. The applicant also undertook a Transient Overshadowing assessment.
- 8.4.43 Anstey Horne & Co. Ltd. have assessed the submitted GIA Daylight, Sunlight and Overshadowing Assessment and concluded that as far as sunlight availability and permanent and transient overshadowing are concerned, the effects of the proposal will not be detrimental to the amenity of neighbouring properties.
- 8.4.44 Officers conclude that although there may be some impact on levels of sunlight to Olympian Tower, the magnitude of that impact would not be overly detrimental to amenities of future residents of that development. The proposal is consequently considered to be acceptable with regard to UDP Policies S3, EQ18, EQ19, EQ27, EQ28, EQ31 and H17 and London Plan Policies 3A.6, 4B.1, 4B.2, 4B.9 and 4B.10.
- 8.4.45 The proposal would also have the potential to overshadow the gardens to the rear of properties in Chant Street in early evening during the summer months. However, the existing buildings on Broadway appear to already overshadow these gardens by this time. The impacts on Chant Street properties are not considered to warrant a refusal.

- 8.4.46 *Overlooking* Newham's SPG Residential Planning Guidelines states that distances between windows and existing or proposed habitable rooms should be 21m up to 3 storeys, 25m up for 4 storeys, or be suitably designed to prevent views out. The SPG also states that distances between balconies/roof terraces and existing or proposed habitable rooms or gardens should be 21m at first floor, 25m if at second floor and 30m if at third floor.
- 8.4.47 The distance between the proposed development and Olympian Tower is 22m at the closest point. This is marginally less than the SPG guidelines. However it is considered that the severance provided by Great Eastern Road provides a natural framework for separation distances between buildings. On balance the distance between the proposed development and the proposed Olympian Tower development is not considered to warrant a refusal of planning permission.
- 8.4.48 On balance officers consider the potential impacts on adjoining occupiers to be acceptable with regard to UDP Policies S3, EQ18, EQ19, EQ27, H13 and H17 and London Plan Policies 3A.6, 4B.1, 4B.2 and 4B.10.
- 8.4.49 Daylight, Sunlight and Overlooking within the Development The submitted assessment of Daylight and Sunlight internal to the proposal states that with regard to daylight all rooms tested within the development would achieve acceptable levels of daylight in relation to BRE guidance.
- 8.4.50 Anstey Horne & Co. Ltd. (on behalf of LTGDC) has identified a number of shortcomings in the assessment methodology regarding daylight and considers that at least 4 and perhaps 5 units in the proposed development would have daylight conditions below BRE guidelines. However they have concluded that the number and extent of the breach in standards is small and that the proposal will have no material or significant impact on the amenity of those units.
- 8.4.51 *Sunlight* - The assessment of Annual Probable Sunlight Hours (APSH) demonstrates that a number of windows within the proposed development would have levels of sunlight below BRE guidelines. The number of units affected has been reduced as a result of the decrease in height of Building 2. The windows still affected are primarily located in the lower floors of the south-eastern façade of Building 1 facing towards Building 2. Assessment reveals that the majority of the windows affected are individual panels, which serve rooms which overall receive good levels of sunlight. Many of the units in question are double aspect due to their corner location, further improving light and outlook.
- 8.4.52 There would be 84 single aspect units with either north-east or north-west orientation (69 in Building 1 and 15 in Building 2). This represents approximately 25% of the units in question. All of these single aspect units are either studios or 1-bed units. There is some concern that units with a predominantly northern aspect would receive limited levels of sunlight. However, it is of consideration that the orientation of the towers means that none of the units face due north and all units would enjoy some morning or afternoon sunlight.
- 8.4.53 Anstey Horne & Co. Ltd. (on behalf of LTGDC) have concluded that as far as sunlight availability and permanent and transient overshadowing are concerned, the effects of the proposal will not be detrimental to the amenity of future occupants of the development.

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- 8.4.54 *Overlooking* - The distance between Building 1 and Building 2 is 16m, which is significantly below Newham's SPG guidelines. There is concern that the proximity of the towers is too close and would result in overlooking and privacy concerns for some flats within the development.
- 8.4.55 Overall a total of 36 flats would have some overlooking issues in relation to SPG guidelines (2 flats on each floor from levels 1-10 in Building 1 and 2 flats on each floor from levels 3-10 in Building 2).
- 8.4.56 It is of consideration that the towers are offset and that 18 of the units affected are double aspect. As such the 36 units experiencing overlooking do have views away from or past the opposite tower, which to an extent reduces the magnitude of the overlooking impacts.
- 8.4.57 Overall officers consider the proposed quality of living environment to be acceptable, although some concerns remain regarding the proximity of the towers to one another and position of some units with north-east or north-west orientation. On balance officers consider that the resulting quality of residential accommodation can be accepted and that the deficiencies, such as they are, do not warrant a refusal of planning permission. On balance, the living environment is consequently considered to be acceptable with regard to UDP Policies S3, EQ18, EQ19, EQ27, H13 and H17 and London Plan Policies 3A.6, 4B.1, 4B.2 and 4B.10.
- 8.4.58 Impacts upon Future Adjacent Development Sites UDP Policy S30 (Shopping: New Retail Development) states that Newham Council will implement strategies for the regeneration of Stratford, including the expansion of Stratford Town Centre. London Plan Policy 2A.5 (Opportunity Areas) states that Stratford is an opportunity area and that a spatial planning framework should be prepared and implemented. The Lower Lea Valley OAPF promotes mixed use redevelopment in and around the town centre and identifies that a local planning framework should be prepared to indicate how development proposals could be delivered at local level. As part of Newham Council's emerging Local Development Framework (LDF), public consultation was undertaken in July-September 2008 by the Council regarding the Stratford and Lower Lea Valley Area Action Plan, which will provide a policy structure to guide the process for change. Newham Council is presently preparing its Core Strategy Preferred Options as part of development of its LDF.
- 8.4.59 Stratford is a focus for regeneration and it is likely that the surrounding area, particularly the Stratford Island site, will be subject to significant redevelopment proposals in the future. The layout, scale and use of such redevelopment proposals should ideally be informed by the emerging AAP. In the absence of adopted AAP or masterplan guidance at this time, neither LTGDC or Newham Council are opposed to the principle of piecemeal development on individual sites, however the implications of the proposal on redevelopment options for adjoining sites requires assessment.
- 8.4.60 It is acknowledged that it is not possible to conduct an exhaustive analysis of the potential impact of the proposal on future developments on adjoining land, however the application seeks to demonstrate how it could work in an emerging redevelopment context.

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- 8.4.61 A number of the submitted images show Building 2 alongside a potential 8 storey built scale along the northern side of the Broadway. This is considered to be a reasonable assumption and demonstrates that Building 2 would have a successful urban relationship to such a context.
- 8.4.62 As detailed in this report, the proposed design is considered to be of a high quality and would set a strong precedent which could positively influence the design quality of future developments on adjoining land.
- 8.4.63 The submitted Daylight, Sunlight and Overshadowing Assessment (front cover dated October 2009, document issue dated 13<sup>th</sup> March 2009), prepared by GIA demonstrates that Building 1 would have overshadowing impacts, casting shadows across the Stratford Island site. This would impact on the form, layout and land uses of development on adjoining land. There is some concern that this could constrain redevelopment options for Stratford Island site, particularly for potential residential development directly to the north of the application site. The applicant considers that residential development could be successfully orientated to the west towards Meridian Square or the east towards the Broadway. This is not an unreasonable conclusion.
- 8.4.64 The application also demonstrates how the basement car park could be extended to link to a potential shared service basement which could come forward as part of the redevelopment of the Stratford Island site, thus meaning that the existing servicing arrangements to the rear would not compromise comprehensive redevelopment.
- 8.4.65 Overall officers consider that the proposal would have implications for the redevelopment options and regeneration potential of Stratford town centre, but that the application reasonably demonstrates how the proposed layout and form of the development could work in relation to potential redevelopment options. Such implications are not considered to be significant enough to justify refusal to grant planning permission. The design quality of the development would also set a strong design precedent. In the absence of a masterplan or adopted area based policy guidance regarding the redevelopment of the town centre, the proposed development would not encumber the successful redevelopment of the remainder of the Island Site. It is therefore considered to broadly accord with UDP Policies S3, S5, S7, S11, S31, EQ18, EQ19, EQ27, EQ28, EQ30, EQ36, EQ38 and SH2, London Plan Policies 1.3, 2A.1, 2A.2, 2A.5, 2A.7, 2A.8, 3A.3, 3A.6, 3D.1, 3D.2, 4B.1, 4B.2, 4B.9, 4B.10, 4B.11 and 4B.12 and the Lower Lea Valley Opportunity Area Planning Framework.
- 8.4.66 Accessibility In accordance with Policy 3A.5 of the London Plan, the application proposes that all units will be Lifetime Homes compliant and that 10% of units will be wheelchair accessible. Newham's Access Officer has assessed the proposal and raised a number of issues, which the Applicant has responded to. The following measures are proposed, which are considered to be acceptable.
- There will be no revolving doors.
  - A counter induction loop will be fitted.
  - All lifts will have a minimum floor area of 1.1m x 1.4m.
  - 3 lifts will travel to basement level.
  - Door widths and door handles will be designed to comply with Approved Document M of the Building Regulations.
  - Accessible WCs will be provided at each commercial level.

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- 10% of all residential units will be designed to comply with the standards in the Wheelchair Housing Design Guide. The wheelchair accessible units will be fitted out from the outset and that the layout will comply with the Wheelchair Housing Design Guide.
- The kitchens in the wheelchair accessible housing units will be adaptable if there is an identified need.
- Level access to balconies will be provided.
- 10% of the 20 parking spaces (i.e. 2 in total) will be designed as accessible parking. The Council's Access Officer raised concern that 2 disabled parking bays for 34 wheelchair accessible homes is likely to be inadequate. The overall level of parking on site is low due to the very high PTAL. As such, the provision of 2 parking spaces accords with policy requirements to design 10% of the parking spaces as accessible parking.
- The inclusion of Inclusive Fitness Initiatives will be reviewed by the Applicant at detailed design stage.
- A fire escape strategy would form part of the Management Plan.

8.4.67 Officers are content that the proposed built form and surrounding public realm seek to provide adequate accessibility into, out of, and within the site for all users. As such, with specific regard to urban design and accessibility, the proposal is found to accord with policies UDP policies EQ18, EQ25 and London Plan policies 4B.1 and 4B.5.

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

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

## 8.5 Climate Change Adaptation and Mitigation

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

8.5.2 The Applicant has submitted an Energy Strategy (front cover dated October 2009, document dated September 2008), Rev 3.1, prepared by Hoare Lea, as required by the London Plan, setting out its approach to applying the energy hierarchy in policy 4A.1.

8.5.3 The Energy Strategy and Sustainability Statement identifies that the proposal achieves CO<sub>2</sub> savings of 34.3% through the use of passive design measures and the inclusion of Combined Heat and Power, which will be increased by a

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further 0.5% taking the proposed PV Panels into account. The scheme also makes provision to link into a future wider energy network / district heating system for the area.

- 8.5.4 The proposed development would incorporate appropriate measures to adequately mitigate the impacts of the development on climate change, particularly in terms of energy efficiency, heating, cooling, power and renewable energy. The proposal is considered to be acceptable with regard to UDP Policy S4 of the London Borough of Newham Unitary Development Plan and London Plan Policies 4A.1, 4A.6 and 4A.7.
- 8.5.5 Hydrology and Flood Risk In terms of flooding London Plan Policy 4A.12 states that within areas at risk of flooding, the assessment of flood risk for development proposals should be carried out in line with PPS25. PPS25 requires all new developments within Flood Zone 3 to be supported by a Flood Risk Assessment in order to demonstrate that the proposed development can be designed and constructed to be safe in the event of a flood.
- 8.5.6 A Flood Risk Assessment (front cover dated October 2009, document dated 21 January 2009), prepared by Building Research Establishment Ltd. was submitted with the application. The Environment Agency has confirmed no objection subject to the inclusion of conditions, as proposed.
- 8.5.7 LTGDC Officers have considered the provisions of saved policy EQ63 (Surface Water disposal) of the London Borough of Newham Unitary Development Plan; and policies 4A.9 (Adaptation to Climate Change), 4A.14 (Sustainable drainage), 4A.16 (Water supplies and resources) and 4A.17 (Water Quality) of the London Plan (published February 2008). Officers consider it necessary to impose conditions to any planning consent granted to prevent the increased risk of flooding to third parties; to the site itself; and to improve water quality. Those conditions have been drafted and are listed at the end of this report.
- 8.5.8 Code for Sustainable Homes The development has been designed to achieve Code for Sustainable Homes level 3 rating. This accords with the aspirations of the Mayor of London.

## 8.6 Housing

- 8.6.1 High Density and Efficient Use of Land PPS3 stresses the priority of using what was previously development land. London Plan Policy 3A.3 urges boroughs to ensure that development proposals achieve a maximum intensity of use compatible with local context and the design principles in policy 4B.1. Policy 3A.3 suggests a density range of 650-1100 habitable rooms per hectare (hr/ha) is appropriate for this central town centre site with very good public transport linkages (PTAL 6).
- 8.6.2 Whilst significantly in excess of the London Plan's suggested density range, LTGDC officers consider the proposed density of approximately 3200 hr/ha (342 units @ 832 habitable rooms) to be acceptable given the site's related setting in terms of location, proposed building form and massing and the indices of public transport accessibility (PTAL). Policy 2A.6 encourages higher densities and more mixed and intensive use to exploit their public transport accessibility.
- 8.6.3 Housing Mix PPS 3 stresses the importance of a mix of housing, both market

and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas (paragraph 10).

8.6.4 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 Newham 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.

8.6.5 The table below shows the proposed housing mix.

Unit Type	No. of units
Studio	35 (10%)
1 bed	146 (43%)
2 bed	139 (41%)
3 bed	22 (6%)
<b>Total</b>	<b>342</b>

8.6.6 The close proximity to a range of public transport options, the site location within a town centre and adjoining a busy road, supports the case for redevelopment to provide a mix of housing types, but with a low proportion of family housing. Overall officers are of the opinion that the broad housing mix proposed is a reasonable response to the site location.

8.6.7 Dwelling Sizes The following table identifies the range of internal floor areas for the proposed dwelling mix, along with the minimum floor area requirements in the Council's SPG. The table confirms that the proposed dwelling sizes are acceptable.

Dwelling Type	Proposed floor area	SPG required floor area
Studio	31.5m <sup>2</sup> - 34m <sup>2</sup>	30m <sup>2</sup>
1-bed	45m <sup>2</sup> - 53.6m <sup>2</sup>	45m <sup>2</sup>
2-bed	64.5m <sup>2</sup> - 79m <sup>2</sup>	57m <sup>2</sup>
3-bed	92m <sup>2</sup> - 115.5m <sup>2</sup>	80m <sup>2</sup>

8.6.8 Overall the dwelling sizes and flat layouts are considered to be acceptable in accordance with UDP Policies S3, S19, H13, H14 and H17 of the London Borough of Newham Unitary Development Plan and London Plan Policies 3A.6 and 4B.1.

8.6.9 Private and Communal Amenity Space The Applicant submitted an Amenity Space Strategy / Landscape Design Statement (front cover dated October 2009, document dated 13 March 2009), prepared by Whitelaw Turkington, which was amended on 19 May 2009 further to officer queries being raised.

8.6.10 UDP policy H17 encourages appropriate levels of amenity space. For the dwelling mix proposed in this application, Newham's SPG entitled 'Residential Planning Guidelines' suggests that a total of 6,780 m<sup>2</sup> of private and or/

communal amenity space should be provided.

- 8.6.11 86% of flats are to be afforded a private balcony/winter garden. This equates to an overall provision of 1,797 m<sup>2</sup>.
- 8.6.12 Roof B1 – 360 m<sup>2</sup> roof terrace comprising of a 4.5 m wide strip bounding the central building core, edged by a glass balustrade with hedge planting in planters; timber decking with seating; raised planters; and stone flags. The central building core at this level includes plant rooms, a 62 m<sup>2</sup> residents gym and a 62 m<sup>2</sup> resident's lounge. 70 m<sup>2</sup> of photovoltaic cells are proposed to be located on the plant roof area.
- 8.6.13 Roof B2 – 425 m<sup>2</sup> roof terrace surrounding the central building core, which houses the main stair well, lifts, ducts and plant. The terrace is proposed to include raised planters with small trees and seating; raised lawns; stone flags; a 'doorstep play area'; and timber decking.
- 8.6.14 The roof garden of Building 1 offers an intensive garden of 360 m<sup>2</sup> and an enclosed gym and lounge of 124 m<sup>2</sup>. The lower roof garden of Building 2 is 425 m<sup>2</sup> comprising a larger area of lawn and planting.
- 8.6.15 Officers are content that the application has maximised the available space within the development that could be used as communal amenity space and proposes a total area of 829 m<sup>2</sup> communal amenity space in the form of intensive external roof gardens and internal gym and lounge space. This is in addition to 275 m<sup>2</sup> of playable space.
- 8.6.16 Playable Space The proposed quantum of child playable space is based on the estimated child yield and calculated according to the Mayor's SPG on play space. London Plan Policy 3D.13 (Children and Young People's Play and Informal Recreation Strategy) and UDP Policy OS12 (Children's Play Facilities in New Developments) require new developments to make provision for children's play space and informal recreation space. The application proposes a likely child yield of 30 children, which equates to a total of 300 m<sup>2</sup> of play space (10 m<sup>2</sup> per child) when calculated in relation to the Mayor's SPG 'Providing for Children and Young People's play and Informal Recreation'.
- 8.6.17 The proposed play space strategy is that the 195 m<sup>2</sup> podium would provide a secure playable space for children and 80 m<sup>2</sup> of playable space would be integrated into the roof garden on Building 2. This totals 275 m<sup>2</sup> of playable space, which is below the SPG recommendations. Subject to the detailed landscaping design of the communal amenity spaces successfully incorporating a range of usable formal and informal play features, on balance the level of children's play space can be considered appropriate. A condition requiring submission of full details should be included if planning permission is granted.

## 8.7 Affordable Housing

- 8.7.1 The current combined affordable housing and LTGDC Planning Obligations Community Benefit Strategy offer is summarised as follows:
- (i) Provision of 10% on-site intermediate accommodation (34 units) comprising of 17 x 1-bed units and 17 x 2-bed units. The intermediate housing is to be located within Building 1 (the taller of the two buildings). No social rented

housing is proposed on site;

- (ii) Commuted payment of £2,540,000 (£2,040,000 + an additional £500,000) towards off site social rented affordable housing. This equates to 6% off-site social rented accommodation (21 units) assuming £120,000 per unit;
- (iii) Payment of the first part of the Discounted Standard Charge of £1,026,000, which equals £3,000 per unit;
- (iv) Additional payments where private revenue thresholds exceed prescribed values:
  - Recapturing of the second part of the Discounted Standard Charge, being £7,000 per unit (Total £2,394,000) once private revenue exceeds an average of £668 per sq.ft; and
  - Payment of the outstanding deferred part of the Standard Charge, being £12,600 per unit (Total £4,309,200) once private revenue exceeds an average of £775 per sq.ft. This would take the total paid up to the full Standard Charge, being £22,600.

#### 8.7.2 Proposed Timing of Initial Payments

1. 20% of the of the first part of the Discounted Standard Charge (being £205,200 i.e. £600 per unit) payable on implementation of the planning permission; and
2. 80% of the first part of the Discounted Standard Charge (being £820,800 i.e. £2,400 per unit) payable on practical completion of all residential units.
3. Balance of the Standard Charge is payable on practical completion of all residential units, but subject to realised average sales values exceeding triggers as per 'Trigger 1' and 'Trigger 2' detailed below.

#### 8.7.3 Proposed Payment of the Balance of Discounted Standard Charge

Baseline sales values = £555 per sq.ft (this is the private revenue rate that needs to be achieved prior to the scheme becoming viable, i.e. where the Existing Use Value (EUV) equals to Residual Land Value (RLV).

Trigger 1 at £668 per sq.ft = payment of £837,900 (being £2,450 per unit) towards the LTGDC Planning Obligations Community Benefit Strategy and £1,556,100 (being £4,550 per unit) commuted sum towards off-site social rented accommodation. All base Section 106 and affordable housing commuted sum payments will be paid as 20% at implementation and the balance of 80% paid in the next Quarter after the practical completion or 90 working days after the practical completion, whichever is later, of the relevant residential unit.

Trigger 2 at £775 per sq.ft = payment of £4,309,200 (being £12,600 per unit) towards the LTGDC Planning Obligations Community Benefit Strategy. Payment will be made in full by the end of the calendar year in which they are practically completed or 90 working days after practical completion, whichever is the later.

The total contribution towards affordable housing if the above triggers are both

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exceeded would be equivalent to 20%, consisting of 10% (on-site) plus 6% (commuted payment) plus 4% (additional payment towards off-site commuted payment based on 65% of Trigger 1).

#### Affordable Housing at Trigger 1

- a. 20% affordable housing (comprising 10% on-site intermediate accommodation and 10% off-site social rented commuted sum payment); and
- b. Balance of the Discounted Standard Charge being £7,000 per unit, which is to be split: £2,450 towards LTGDC's Planning Obligations Community Benefit Strategy; and £4,550 towards off-site affordable social rented housing.

#### Affordable Housing at Trigger 2

- a. 20% affordable housing (comprising 10% on-site intermediate accommodation and 10% off-site social rented commuted sum payment); and
- b. Payment of the deferred part of the Standard Charge, being £12,600 per unit.

8.7.4 PPS3: Housing (November 2006) states that: In Local Development Documents, Local Planning Authorities should:

- Set an overall (i.e. plan-wide) target for the amount of affordable housing to be provided. The target should reflect the new definition of affordable housing in PPS3. It should also reflect an assessment of the likely economic viability of land for housing within the area, taking account of risks to delivery and drawing on informed assessments of the likely levels of finance available for affordable housing, including public subsidy and the level of developer contribution that can reasonably be secured. Local Planning Authorities should aim to ensure that provision of affordable housing meets the needs of both current and future occupier, taking into account information from the Strategic Housing Market Assessment.
- Set out the approach to seeking developer contributions to facilitate the provision of affordable housing. In seeking developer contributions, the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing. However, where it can be robustly justified, off-site provision or a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted as long as the agreed approach contributes to the creation of mixed communities in the local authority area.

8.7.5 ODPM Circular 05/2005 provides guidance regarding Planning Obligations. In accordance with that guidance LTGDC's Planning Obligations Community Benefit Strategy seeks to pool a fair and reasonable scale of contributions, secured through planning obligations, to ensure that development contributes appropriately towards the infrastructure that needs to be provided in the LTGDC area.

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- 8.7.6 Importantly, the Circular notes that contributions policies must be applied flexibly and must have regard to the circumstances of individual sites.
- 8.7.7 London Plan policy 3A.9 (Affordable housing targets) states that 50 per cent of housing provision should be affordable, within that, the Londonwide objective is that 70 percent be social housing and 30 per cent intermediate provision. Mixed and balanced communities are also promoted. The policy states that DPD policies should take account of the most robust available assessment of housing capacity, and of potential sources of supply, such as:
- local authority developments, including net gain from estate regeneration
  - affordable housing schemes funded independently of planning contributions from private development
  - affordable housing secured through planning agreements or conditions on private residential or mixed use (including residential) development
  - long term vacant properties brought back into use
  - provision form non-self-contained accommodation.
- 8.7.8 London Plan policy 3A.10 (Negotiating affordable housing in individual private residential and mixed-use schemes) states that Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets adopted in line with Policy 3A.9, the need to encourage rather than restrain residential development and the individual circumstances of the site. The London Plan encourages Boroughs to apply targets in a flexible manner, taking account of the individual circumstances and costs for the site, the availability of public subsidy and other scheme requirements.
- 8.7.9 The Mayor of London published his draft London Housing Strategy in May 2009, for public consultation. The consultation period ended on 31<sup>st</sup> August 2009. One of the key proposed changes is the abolition of the current 50% affordable housing target.
- 8.7.10 LTGDC officers find the proposed provision of 10% affordable housing to be low when compared to Mayoral aspirations. The tenure split excludes social rented housing. The dwelling mix of affordable housing does not include any family sized units. That said, it is acknowledged that the subject site does not lend itself to being appropriate for large numbers of family housing. There are consequently concerns that the proposed development fails to meet housing need and would not create a mixed and balanced community.
- 8.7.11 The provision of 10% intermediate housing represents a significant reduction on the level of affordable housing provision that would normally be expected. This level of provision has been agreed following a detailed review of the project including independent development appraisal and cost checking of the project delivery costs by a third party quantity surveying practice on the proviso that commuted sums are secured to ensure delivery of offsite social rented accommodation. The high rise nature of the scheme, and quality of external design and finishes required provide a high level of cost at a time when revenues from the sale of completed private units have diminished significantly.
- 8.7.12 The London Borough of Newham LDF is not sufficiently advanced to be afforded material weight in the decision making process of this planning

application.

- 8.7.13 London Borough of Newham Policy H7, entitled 'Affordable Housing in New Residential Development' was not saved by the Secretary of State and therefore expired on 27<sup>th</sup> September 2007.
- 8.7.14 London Borough of Newham Policy S20 states that the Council will seek through negotiation, to make provision towards the Borough's affordable housing needs in new housing schemes. The proposed approach would accord with this policy.
- 8.7.15 To this end, LTGDC officers and advisers have undertaken a lengthy examination of the viability case submitted by the Applicant, and have arranged for an independent cost review of the proposals to be completed by quantity surveyors Cyril Sweett. The evaluation exercise conducted by LTGDC considered all aspects of the Applicant's development appraisal, and accounted for representations made by LB Newham on cost and value inputs as well as the Valuation Office, who are presently providing an advisory role to the Mayor of London's Office on viability assessments.
- 8.7.16 The scheme comprises two tower structures which present challenges for the handover and occupation of completed units, alongside ongoing construction works which in turn results in a prolonged delivery program and extended timescale for receipts from completed unit sales. The project cashflows have been benchmarked against similar tower projects under construction and this analysis identifies a further element of cost in excess of more conventional forms of low and medium rise residential developments.
- 8.7.17 During the course of negotiations, concessions were made by the Applicant on elements of value and cost within their current viability case in a bid to achieve consensus against LTGDC's own assessment of viability. As a result of the assessment undertaken LTGDC accepts the Applicant's assertion that against current development parameters and policy requirements the scheme achieves only a nominal return which would be far from what would be normally acceptable against a project of this size and complexity.
- 8.7.18 In relation to land value the viability submission presented by the applicant sets out a case where the proposed application, including 10% intermediate provision resulted in a negative land value. The independent analysis undertaken by the Planning Authority, has established that the viability position is not as weak as presented by the applicant. Whilst no more than 10% intermediate housing can be justified against the existing use value (EUV) for the site, LTGDC maintained that the proposal could afford to make additional contributions. The present offer does include additional commuted sums towards the provision of offsite social rented accommodation.
- 8.7.19 The Applicant expects that an improvement in market conditions will allow a more favourable consideration of the project's prospects for delivery in the short to medium term, and is keen to secure a planning permission which could be implemented should these expectations materialise. Officers have sought to secure, through negotiation, that any such improvement in market conditions triggers further payments towards the Community Benefit Strategy and also commuted sums for the provision of offsite social rented housing.

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8.7.20 LTGDC officers seek to secure the maximum reasonable amount of affordable housing is delivered as part of the proposal. Taking account of individual site costs and scrutiny of the Applicant's financial appraisal and accompanying cost plan in response to current market conditions, officers accept that it has been demonstrated that the proposed proportion of affordable housing as detailed at 8.7.1 above is acceptable as part of an improved package to include the offered off-site affordable housing commuted payment and also payments towards LTGDC's Planning Obligations Community Benefit Strategy. Insistence upon delivery of a greater amount of affordable housing would be likely to have a significant adverse impact on the delivery of housing in this instance.

8.7.21 LTGDC have concluded that the appraisal represents a reasonable balance of probabilities based on the relevant and current economic climate and seek to ensure that the affordable housing is provided through a legal agreement under section 106 of the Act.

## **8.8 Transport**

8.8.1 The application is supported by a Transport Assessment dated March 2009, prepared by Transport Planning Practice, which has been assessed by Newham's Transportation Officers and TfL.

8.8.2 The application proposes 20 parking spaces (including 2 x wheelchair accessible parking spaces), 34 motorcycle spaces and 342 cycle parking spaces. The car and motorcycle parking, the majority of the cycle parking spaces and refuse storage are located in the basement. Vehicles access the basement via a single car lift leading to the existing service road to the rear. There is also a cycle ramp, as well as stair and lift provision to the basement.

8.8.3 The application has been assessed by Newham's Transportation Officers who consider that the proposed car, cycle and motorcycle parking is adequate in view of the very high PTAL and that the lift access arrangements are appropriate subject to conditions requiring the submission of further details regarding the mechanical system, operation, maintenance and management. Detailed design of the lay-by is sought through the imposition of a condition.

8.8.4 The proposed car parking provision falls below London Plan maximum standards, which is appropriate in this highly accessible town centre location and is therefore acceptable. However, TfL's preference is for a largely car-free development with the only car parking being disabled bays and spaces for car club vehicles. Given the close proximity of Stratford interchange, TfL has requested that future residents of the development be excluded from obtaining parking permits for the surrounding on-street Controlled Parking Zone (CPZ) and town centre car parks and recommend this to be secured by condition. The Applicant has agreed to this request and LTGDC have included an appropriately worded clause within the associated S106 legal agreement.

8.8.5 TfL have commented that the minimum standards in Table 6.2 of the consultation draft replacement London Plan would require 2 cycle parking spaces for the larger (3 bedroom) units, which is equivalent to further 22 addition spaces. The Applicant has agreed that the proposed 342 cycle parking provision can be increased by 22 to 364. LTGDC officers will seek to secure the additional cycle parking provision by condition.

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8.8.6 Noting the LB Newham and TfL transportation representations, conditions are proposed requiring further details regarding:

- Details of the proposed access to public footways during construction; vehicular access from Great Eastern Road and surface treatment;
- Precluding doors from opening outwards onto the public highway;
- Requiring the submission of a Delivery and Servicing Plan and Construction Logistics Plan;
- Requiring the provision of electric vehicle charging points in the car park; and
- Requiring the submission of a site-wide Travel Plan, to include a programme for monitoring, review and management.

8.8.7 TfL and the Newham's Transportation officers have requested contributions towards improving the local pedestrian environment (notably the Greenway), public transport (particularly towards the new Stratford High Street DLR Station). Where LTGDC is signatory to a Section 106 agreement pursuant to its Planning Obligations Community Benefit Strategy and related Public Sector Investment Plan, expenditure of the money raised will be the subject of consultation with the Lower Lea Valley Management Group and final determination by LTGDC Board.

8.8.8 Officers note TfL's comment that taking account of the information submitted and the nature of the development further assessment of cumulative transport demand, including other committed developments in the area is not essential in this instance.

8.8.9 TfL requested that further consideration should be given to accommodating a car club scheme. The applicant has stated that a car club space could not be accommodated within the underground car park due to security issues but that a car club space could be provided off site using section 106 funding for highways. No additional funding has been offered by the Applicant for highway works or for the provision of a car club scheme.

8.8.10 Subject to the proposed conditions and S106 Heads of Terms the application is considered to be acceptable with regard to UDP policies EQ18, EQ19, H13, H17 and EMP3 and London Plan policies 3A.6, 3C.23 and 4B.1.

## 8.9 **Equalities**

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

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

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

- 8.9.4 LTGDC Officers have considered the fact that the Lower Lea Valley suffers from a high level of socio-economic deprivation, with wards in and adjoining the area generally within the 10% most deprived in England and some within the 10% most deprived in England and some within the 5% most deprived.
- 8.9.5 Policy 4B.5 of the London Plan sets out an over-arching requirement to create inclusive environments and the importance of building all houses to Lifetime Homes standards as well as ensuring that 10% of new housing is designed to be wheelchair accessible. Paragraph 6 of PPG13 (Transport) requires consideration of the needs of the disabled as pedestrians, public transport users and motorists. LTGDC Officers have included suggested conditions to ensure that the development is fully accessible to all.
- 8.9.6 LTGDC Officer conclusion on equalities LTGDC Officers consider that proposed development would accords with policy 4B.5 if implemented in accordance with the suggested conditions and accompanying legal agreement under section 106 of the Act.
- 8.9.7 In determining this planning application LTGDC must have regard to its equalities obligations including its obligations under section 71 of the Race Relations Act. For the purpose of this application there are not adverse equalities issues.
- 8.10 **Human Rights Act 1998**
- 8.10.1 The provisions of the Human Rights Act 1998 have been taken into account in the assessment of the subject application for planning permission.
- 8.11 **Legal Agreements**
- 8.11.1 LTGDC has adopted a Planning Obligations Community Benefit Strategy. This is to ensure that developments contribute financially and in kind towards the infrastructure that is needed in the London Thames Gateway area to support the developments that are coming forward for planning approval. These proposals have been developed in consultation with the Thames Gateway Executive and Communities and Local Government (CLG).
- 8.11.2 Residential developments falling within the Lower Lea Valley, such as the subject development, are required to pay a discounted standard charge of £10,000 per residential unit. This sum has been set by reaching a balance between the costs of infrastructure required in the LTGDC area, being £22,600 - £28,800 per dwelling, the likely scale of development that will come forward and the level of charge that is appropriate to developments to provide without stifling development. Payment of the balance of the standard charge up to £22,600 per residential unit may be deferred until later in the development programme.
- 8.11.3 The LLV OAPF states that:

*“Development proposals within each sub-area will be expected to provide an appropriate reasonable contribution towards the cost of delivering the identified strategic and local interventions”<sup>1</sup>*

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<sup>1</sup> Lower Lea Valley Opportunity Area Planning Framework, January 2007, paragraph 4.95.

*“Social / Community: Development in the sub-area should include, or contribute towards, strategic interventions to provide a new 4 FE primary school, a 4 GP walk-in health centre and associated large scale community space”<sup>2</sup>*

- 8.11.4 The applicant’s viability case has been appraised, and the costings (DBK Goyne Adams Cost Plan No. 2 dated April 2009) have been subjected to an independent evaluation and found to represent a reasonable balance of probabilities. The nature of the development proposal by virtue of its height and quality present a high level of build cost at a time when the residential sales environment has been going through a sharp decline.
- 8.11.5 The Applicant has offered to contribute the first part of an agreed Discounted Standard Charge, being £3,000 per residential unit. This equates to a total sum payable of £1,026,000. 20% of the first part of the agreed Discounted Standard Charge for the Maximum Number (342) of Residential Units will be paid on Implementation of the Planning Permission; and the remaining 80% will be payable in respect of each Residential Unit on its Completion. The balance of the agreed Discounted Standard Charge, being £7,000 per residential unit is payable on practical completion of all residential units, but subject to realised average sales values exceeding triggers as set out at section 8.7.3 of this report. Further, the Balance of the Agreed Discounted Standard Charge and additional commuted sums towards off site social rented affordable housing are also payable subject to realised average sales values exceeding specified triggers.
- 8.11.6 Policy 5C.1 of the London Plan lists the strategic priorities for the North East London sub-regions, including the need to:
- ‘ensure that the substantial expansion of population expected in North East London is accommodated in sustainable communities, taking into account their needs for social and community infrastructure and capacity building, access to employment and services, exemplary approaches to waste, energy and water use management and provision’.*
- 8.11.7 Further, Newham’s saved UDP policy S2 (Community Benefit / Planning Obligations) seeks to secure, community benefits through planning obligations.
- 8.11.8 Having considered the merits of the subject application, with particular reference to the representations received from statutory bodies, officers have reached the conclusion that the application generally accords with the relevant development plan, but that the scheme is likely to create a need for facilities which have not been provided for in the application. The Lower Lea Valley Management Group will be responsible for advising the LTGDC Board on the use and expenditure of the funds secured through the s106 agreement. Officers consider it reasonable to expect some of those moneys to be applied for the provision of the bus stops, DAISY screens and DLR station roof, as requested by TfL. LTGDC Officers consider it necessary to ensure that contributions are applied to make provision for the service requirements created by the proposed redevelopment of the Broadway Chambers site in order to make the proposal acceptable in planning terms.

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<sup>2</sup> Lower Lea Valley Opportunity Area Planning Framework, January 2007, paragraph 4.96.

8.11.9 The following heads of terms for the Section 106 agreement are recommended to mitigate the effects of the development and have been agreed with the Applicant:

- Provision of at least 10% (on a unit basis) on site affordable housing;
- Financial contributions to be subject to indexation in accordance with Building Cost Information Service (BCIS) All-in Tender Price applied to the 'Charges and Triggers' and 'Construction costs';
- Payment of LTGDC's standard charge in accordance with its Planning Obligations Community Benefit Strategy (March 2008) subject to indexation in accordance with Building Cost Information Service (BCIS) All-in Tender Price. Agreed Discounted Standard Charge of £3,000 per residential unit;
- Deferred Standard Charge to be paid on all Open Market Units completed more than 5 years after the date of the planning permission in accordance with agreed thresholds;
- Any unpaid part of the Deferred Standard Charge to be paid on the 10th anniversary of Implementation
- Payment towards off-site social rented accommodation;
- The Owner must select the affordable housing provider from Newham Council's preferred list of RSLs and consult the Council before appointing an affordable housing provider
- Submission of and adherence to a Local Labour Commitment Scheme;
- Future residents of the development to be excluded from obtaining parking permits for the surrounding on-street CPZ;
- Provision of TV reception mitigation measures;
- Environmental Monitoring;
- Payment of a financial contribution towards CCTV;
- Payment of LTGDC's legal, professional and monitoring costs.
- The Corporation can require security for outstanding payments (if not reasonably satisfied that the Owner will be able to meet them after the completion of 80% of Residential Units).

## **9. CONCLUSION AND REASONS FOR APPROVAL/REFUSAL**

- 9.1 The proposal has been the subject of extensive pre and post planning application discussions between the Applicant, LB Newham, Design for London, Greater London Authority and LTGDC as well as public consultation. The proposal has been subjected to detailed scrutiny and assessment and was amended several times and the current scheme is significantly different and better than the original proposal. The site is appropriate for high density residential led development to assist the regeneration of the area.
- 9.2 If fully implemented, the proposal would greatly contribute to the regeneration aspirations for Stratford, providing housing and public amenity within the town centre, together with an improved retail offer and office accommodation. The proposal has been considered with regard to its context and is not considered to prejudice the comprehensive redevelopment of the remainder of the Island Site.
- 9.3 Officers are content that they have taken interrogation of the Applicant's financial appraisal as far as is reasonable and have concluded that the appraisal represents a reasonable balance of probabilities based on the relevant and current economic climate.

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9.4 **RECOMMENDATION** - No material considerations have been identified including representations from adjoining owners / occupiers that warrant refusal of the application. As such, the Planning Committee is requested to delegate authority to the Director of Planning to grant full planning permission subject to the conditions and informatives listed in this report, together with any amendments or additions that he considers necessary, subject to:

- 1) Referral of the application to the Mayor of London as a Stage 2 referral confirming that LTGDC is minded to grant planning permission;
- 2) Any direction by the Mayor of London; and
- 3) The completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and other relevant legislation between LTGDC and the Applicant covering the Heads of Terms set out at 9.3.9 of this report.

## 10. CONDITIONS AND REASONS

10.1 LTGDC Officers consider that the following conditions should be imposed if planning permission is granted:

1. The development must be commenced not later than the expiration of FIVE YEARS from the date of this permission.

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

2. Unless otherwise approved in writing by the Local Planning Authority, all works are to be completed in full accordance with the following drawings prepared by Allies and Morrison Architects:

563\_07\_002(P1) Site Location Plan  
563\_07\_004(P5) Ground floor plan  
563\_07\_099(P2) Basement plan  
563\_07\_101(P4) 1st floor plan  
563\_07\_102(P2) 2nd and 3rd floors (B1) and 2nd floor (B2)  
563\_07\_103(P2) Duplex floor plans (B1)  
563\_07\_104(P3) 1 and 2 bed layouts (B1 and B2)  
563\_07\_105(P2) Intermediate plant floor (B1)  
563\_07\_106(P3) Duplex floor plans (B1)  
563\_07\_107(P3) 1 and 3 bed layouts (B1)  
563\_07\_108(P2) Top floor plan (B1 and B2)  
563\_07\_109(P2) Roof plan (B1 and B2)  
563\_07\_200(P1) Existing site elevations  
563\_07\_201(P2) North elevation  
563\_07\_202(P4) East elevation  
563\_07\_203(P5) South elevation  
563\_07\_204(P4) West elevation  
563\_07\_300(P2) Cross section  
563\_07\_400(P2) Bay study ground level (B1)

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563\_07\_401(P2) Bay study typical residential (B1)  
563\_07\_402(P2) Bay study roof level (B1)  
563\_07\_403(P4) Bay study ground level (B2)  
563\_07\_404(P3) Bay study commercial levels (B2)  
563\_07\_405(P2) Bay study typical residential (B2)  
563\_07\_406(P2) Bay study roof level (B2)

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

Reason: To ensure that the development is constructed in accordance with the approved plans and other details submitted, in accordance with Policies H17, EQ18, EQ19, EQ28, EQ30 and EQ38 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4B.1, 4B.2, 4B.3, 4B.10, 4B.11, 4B.12 and 4B.13 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

3. Unless otherwise agreed in writing by the Local Planning Authority:
  - a) the 694.5 sq m NIA of ground floor retail floorspace identified on drawing number 563\_07\_004 (P5) shall only be used for purposes falling within Use Classes A1, A2, A3 or A4 of the Use Classes Order 1987 (as amended);
  - b) the 1,040 sq m NIA of commercial floorspace on Levels 1 and 2 of Building 2 identified on drawing numbers 563\_07\_101(P4) and 563\_07\_102(P2) shall only be used for purposes falling within Use Classes B1(a) of the Use Classes Order 1987 (as amended); and
  - c) the 124 sq m GIA of leisure floorspace on the 36<sup>th</sup> floor of Building 1 identified on drawing number 563\_07\_109(P2) shall only be used as a residents gym and residents lounge and for no other purpose within Use Class D2 of Use Classes Order 1987 (as amended).

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

Reason: To ensure that the development is carried out in accordance with the approved plans and to ensure that the uses of the building are appropriate to the development, in accordance with Policies S6, H13, H17, EMP3, SH2, SH9, SH14, LR2, EQ19 and EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State) and Policies 3B.2, 3B.3, 3D.3 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

4. No development hereby permitted shall be commenced unless a minimum of 14 days' notice of the commencement date of the development shall have been given in writing to the Local Planning Authority.

Reason: To ensure that the Local Planning Authority is aware of the commencement date of the development and with regard to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001,

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saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State) and policy 4A.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

5. Prior to any first occupation of the development hereby approved, a Management Plan detailing how the ongoing maintenance and servicing of the completed development will be undertaken, shall be submitted and approved in writing by the Local Planning Authority. That Management Plan shall include details of:
- Delivery of goods (to residents, retail units and offices)
  - Building maintenance
  - Waste
  - Servicing strategy
  - Schedule of works and routine maintenance to be undertaken by the managing agent to ensure that the development is maintained and kept in a clean, accessible and safe condition at all times.

Reason: To safeguard the amenities of the area and with regard to Policies S1, S3, S9, EQ19, EQ20, EQ25, EQ26, EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.3, 4A.17, 4A.19 and 4A.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

6. 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 be approved 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 permanently maintained thereafter to the satisfaction of the Local Planning Authority and in accordance with the Management Plan as required by condition 5 above.

Reason: 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, saved from 27<sup>th</sup> September 2007 by 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 (Feb 2008, Consolidated with Alterations Since 2004).

7. a) Notwithstanding the plans hereby approved, prior to the occupation of the development hereby approved, full details of the hard and soft landscaping proposed for all areas of ground floor public realm and communal roof terraces within the application site shall be submitted to and approved by the Local Planning Authority. The submission shall include the following:
- I. full details of plants and trees (common and Latin names, size and pot height; density or number, tree girth and method of growth i.e. container or open ground);
  - II. full details of the design, specifications, colour, finishes and materials of all surface treatment;

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- III. full details of all seating and street furniture;
- IV. full details of any play equipment (specifications, manufacturer details, British or European Standard);
- V. full details of public artwork;
- VI. full details of all signage;
- VII. full details of biodiversity enhancements;
- VIII. full details of management and maintenance; and
- IX. full details of all measures proposed to ensure that the public realm and communal roof terraces are fully accessible to all, including wheelchair users and disabled people.

b) For the avoidance of doubt the landscaping proposal shall include the planting of at least 9 semi-mature trees within the public realm, the type and location of which shall be in accordance with the submitted Landscaping Strategy.

c) The landscaping proposal pursuant to a) above shall be accompanied by adequate information to demonstrate the resulting wind conditions in the public realm.

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

e) Any plants or trees that die or are removed, damaged or diseased within a period of FIVE years from the substantial completion of the relevant Phase of development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of residential environment and public realm and to protect local amenity and with regard to Policy EQ14, EQ18, EQ19, EQ21, EQ30, EQ33, EQ38 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14, 4B.1, 4B.2, 4B.3, 4B.10, 4B.11, 4B.12 and 4B.13 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

8. The amenity space shown on the approved drawings shall not be sub-divided in any manner that prejudices the use of that space by future occupants of the premises and shall be permanently maintained thereafter.

Reasons: To protect the amenities of future occupants and with regard to policies EQ19 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

9. a) The London Plane Tree (*Platanus X Hispanica*) identified as T9 in submitted Arboricultural Report (September 2008) shall be permanently retained and maintained in its existing location.

b) Prior to the commencement of works on the development hereby permitted, a scheme for the protection of the London Plane Tree (T9) shall be submitted

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to and approved in writing by the Local Planning Authority. The tree shall be protected in accordance with the standards set out in BS 5837: 2005 'Trees in relation to construction - Recommendations'.

c) No construction shall begin until the agreed protection measures have been put in place, inspected and approved in writing by the Local Planning Authority. The scheme as approved shall be in operation at all times during construction until the development is complete, to the satisfaction of the Local Planning Authority.

Reasons: The existing tree represents an important visual amenity that the Local Planning Authority considers should be maintained, with regard to Policies EQ14, EQ19, EQ30 and EQ33 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3D.14 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

10. No part of the development shall be occupied until full details of all proposed external lighting have been submitted to and approved in writing by the Local Planning Authority. Details shall include appearance and technical details and specifications, intensity, orientation and screening of lamps, siting, and the means of construction and layout of cabling. The approved scheme is to be completed prior to the first occupation of the development and shall be permanently maintained thereafter.

Reasons: In the interest of design quality, residential amenity, public safety and highway safety and with regard to Policies EQ19, EQ30, EQ38 and EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3A.3, 4B.1, 4B.2, 4B.10, 4B.11, 4B.12 and 4B.13 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

11. Unless otherwise approved in writing by the Local Planning Authority, the first floor residential amenity deck (identified on drawing 563\_07\_101(P4)), the 36<sup>th</sup> floor Building 1 roof terrace and the 11<sup>th</sup> floor Building 2 roof terrace (identified on drawing number 563\_07\_109(P2)) shall all be permanently available to residents of the development for use as communal amenity space.

Reason: To ensure a satisfactory standard of residential environment, with regard to Policies EQ18, EQ19 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4B.1 and 4B.2 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

12. Prior to the commencement of works on the development a Code of Construction Practice to control the adverse impact of the development on the amenity of the public and nearby occupiers shall be submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice shall include details of:
  - I. methods of demolition;

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- II. parking of vehicles of site personnel and visitors;
- III. dust management controls, which shall include wheel washing;
- IV. smoke control measures;
- V. odour management controls;
- VI. measures to ensure public access to the highways and footways adjoining the site at all times during construction;
- VII. cleaning of the highways and footways adjoining the site;
- VIII. predicted noise and vibration levels for construction using methodologies agreed with the Local Planning Authority;
- IX. a scheme for monitoring noise and if appropriate, vibration levels using methodologies agreed with the Local Planning Authority;
- X. measures of minimising the impact of noise and, if appropriate, vibration arising from construction activities; and
- XI. a scheme for security fencing / hoardings, depicting a readily visible 24-hour contact number for queries or emergencies.

The development shall be constructed in accordance with the approved Code of Construction Practice, unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area and with regard to Policies EQ19, EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.3, 4A.17, 4A.19 and 4A.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

13. Prior to the commencement of works on the development a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan shall include:

- I. an assessment of the cumulative impacts of construction traffic;
- II. details of the likely volume of construction trips and any mitigation measures proposed;
- III. site access arrangements;
- IV. booking systems;
- V. construction phasing;
- VI. vehicular routes;
- VII. scope for load consolidation to reduce generated road trips; and
- VIII. an investigation of the use of rail and/or water based freight during construction.

The development shall be constructed in accordance with the approved Construction Logistics Plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area and with regard to Policies EQ45, EQ46, EQ47, T5 and T14 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3, 3C.17, 3C.25, 4A.3, 4A.17, 4A.19 and 4A.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

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14. In the event that during construction, cranes or scaffolding is required at a higher elevation than the outer horizontal surface (155 metres AOD), then their use must be subject to approval in writing by the Local Planning Authority in consultation with London City Airport.

Reason: In the interest of airport safeguarding in accordance with Policies EQ27, EQ28, and T30 of the London Borough of Newham's UDP (adopted June 2001 & saved from 27th of September 2007 in accordance with the direction from the Secretary of State).

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

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

Reason: In order to minimise noise and disturbance, in the interest of residential amenity, and with regard to Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

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

Reason: In order to minimise noise and disturbance in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (February 2008, Consolidated with Alterations since 2004).

17. No impact piling shall take place without the prior written approval of the Local Planning Authority and shall only take place in accordance with the terms of any such approval.

Reason: In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

18. Prior to the commencement of basement works on the development hereby permitted the following information shall be submitted to and approved in writing

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by the Local Planning Authority regarding the proposed car lift to the basement:

- I. detailed engineering and working drawings of the car lift;
- II. operational and maintenance details of the mechanical system for the car lift; and
- III. an on-going repair and maintenance strategy, including evidence of the applicant entering into a management/maintenance contract with the manufacturers/installers of the car lift.

Thereafter the development shall operate in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To ensure the car lift is continuously available for use and to prevent on-street parking and/or queuing back on the highway as a result of faulty equipment, in accordance with Policies EQ19, H17 and T14 of the London Borough of Newham Unitary Development Plan adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3A.6, 3C.3, 3C.17, 3C.23, 3C.24 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

19. Prior to the first occupation of the development a parking allocation strategy 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 development, including residents of private and affordable 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, in the interest of pedestrian and vehicular safety and with regard to Policies 3C.23 and 3C.24 of the London Plan consolidated with alterations since 2004 (February 2008).

20. 364 secure cycle parking spaces and 34 motorcycle parking facilities shall be provided prior to the occupation of the development and shall thereafter be permanently maintained for users of the development, to the satisfaction of the Local Planning Authority.

Reasons: In order to ensure that adequate cycle and motorcycle parking is provided on this site, with regard to Policy T26 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.22 and 3C.23 of the London Plan consolidated with alterations since 2004 (February 2008).

21. Prior to any occupation of the development hereby approved, full details of the proposed Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall operate in accordance with the approved Delivery and Servicing Plan, to the satisfaction of the Local Planning Authority.

Reason: To ensure an appropriate servicing strategy for users of the development and to ensure conflict between service vehicles and pedestrians is minimised, in the interest of highway and pedestrian safety and residential amenity, in accordance with Policies EMP3, SH17, EQ19, T14, T19 and H17 of

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the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.17, 3C.18, 3C.21, 3C.22, 4B.1 and 4B.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

22. Notwithstanding the plans hereby approved, prior to the commencement of works details (including a safety audit) of the vehicular access to the development from Great Eastern Road and the detailed design of the proposed service vehicle lay-by, indicating site lines and distances from existing junctions, shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the details as approved.

Reason: In the interest of design quality, highway and pedestrian safety, and ensuring adequate servicing arrangements, in accordance with Policies EMP3, SH17, EQ19, T14, T19 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.17, 3C.18, 3C.21, 3C.22, 4B.1 and 4B.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

23. No doors or windows at ground floor level in the development shall open outwards on to public highway.

Reason: In the interest of pedestrian safety, in accordance with Policies EQ19, T19 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.21 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

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

Reason: To ensure that accessible housing is provided, in accordance with saved Policies EQ18 (Promoting Urban Quality), EQ19 (Urban Design Considerations), EQ25 (Access), H14 (Promoting Choice in Housing) and H17 (Housing Design and Layout) of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State) and Policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (February 2008, Consolidated with Alterations Since 2004).

25. (i) All of the residential units comprised within the development hereby permitted shall not be constructed unless in accordance with Lifetime Homes standards, as defined in the Joseph 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);

(ii) any application for reserved matters approval shall be accompanied by

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adequate information to demonstrate that all of the residential units in the development will be constructed to Lifetime Home Standards.

Reason: To ensure that accessible housing is provided, in accordance with saved policies EQ18 (Promoting Urban Quality), EQ19 (Urban Design Considerations), EQ25 (access), H14 (Promoting Choice in Housing); H17 (Housing Design and Layout) of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State); and policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (February 2008, Consolidated with Alterations Since 2004).

26. Unless otherwise approved in writing by the Local Planning Authority the development shall be constructed and operated in accordance with the Waste Strategy (front cover dated October 2000, document dated 25<sup>th</sup> September 2008), prepared by Building Research Establishment Ltd.

Reason: In the interest of waste management and local amenity, in accordance with Policies EQ19, EQ45, EQ54, EQ61 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.21 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

27. The development should be implemented in accordance with the Air Quality Assessment (dated 12 March 2009), prepared by Building Research Establishment Ltd.

- I. detail the area within the boundary of the site which may exceed relevant national air quality objectives;
- II. specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives;
- III. identify areas of potential exposure; and
- IV. detail how the development will reduce its impact on local air pollution.

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

Thereafter the approved measures shall be implemented to the satisfaction of the Local Planning Authority.

Reason: In the interest of air quality and residential amenity, in accordance with Policies H17, EQ19, EQ45 and EQ46 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State) and Policies 4B.1 and 4A.19 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

28. No part of the development used for food and drink purposes falling within Use Classes A3 and A4 shall be occupied until details of the arrangements for ventilation/extraction of cooking fumes have been submitted to and approved in writing by the Local Planning Authority. Details should include full specifications of all filtration and deodorising systems, noise output and termination points. Particular consideration should be given to the potential high level discharge of

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kitchen extract. Reference shall be had to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. The approved scheme shall be completed prior to occupation of the development and shall be permanently maintained thereafter.

For the avoidance of doubt no ventilation / extract ducting shall be fitted to any external elevation of the buildings hereby permitted.

Reason: In the interest of air quality and residential amenity and design in accordance with Policies H17, SH20, EQ19, EQ45 and EQ46 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4B.1 and 4A.19 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

29. a) Prior to the first occupation of the development, details of the acoustic protection to be provided to all flats within the development shall be submitted to and approved by the Local Planning Authority.
- b) 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.
- c) The approved scheme is to be completed prior to the first occupation of the development and shall be permanently maintained thereafter.
- d) The applicant shall certify to the Local Planning Authority that the approved noise mitigation measures have been installed.

Reason: To protect the amenity of future occupants and/or neighbours, in accordance with Policies H17, EQ19, EQ45, EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4B.1 and 4A.20 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

30. Prior to the commencement of basement works on the development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
- a) A further risk assessment which shall identify:
- I. All previous uses;
  - II. Potential contaminants associated with those uses;
  - III. A conceptual model of the site indicating sources, pathways and receptors; and
  - IV. Potentially unacceptable risks arising from contamination at the site.
- b) A further site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including

those off site.

c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved by the Local Planning Authority.

Reason: The site overlies the minor preched aquifer in the River Terrace Gravels and the major aquifer in the Chalk. The submitted report has identified the potential for contamination. The construction of deep basements and piling could potentially create pathways for contaminants or leading to cross-contamination. This condition is required to protect those engaged in construction and occupation of the development from potential contamination and to prevent pollution of the water environment as the site may be contaminated due to previous uses, in accordance with Policies EQ45 and EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.17 and 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

31. Piling or any other foundation designs using penetrative methods shall not be permitted unless otherwise approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: The construction of deep basements and piling can potentially create pathways for contaminants or lead to cross-contamination, in accordance with Policies EQ45 and EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.17 and 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

32. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: The submitted report has identified the potential for contamination, drainage proposals should ensure that these pose no risk to the groundwater, in accordance with Policies EQ45 and EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.17 and 4A.33 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

33. No part of the development used for food and drink purposes falling within Use Classes A3 or A4 shall be occupied until full details of the grease trap or grease digester system to be installed for the commercial kitchen has been submitted

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to and approved by the Local Planning Authority. Details should include plan and sectional drawings with measured drain sizes and invert levels, full manufacturers specifications etc. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason: To prevent pollution of the water environment, in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.17 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

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

Reason: In the interest of energy efficiency and sustainability and with regard to saved policy DC49 (Sustainable design and construction) of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.3 (Sustainable design and construction) of the London Plan (February 2008, Consolidated with Alterations since 2004).

35. The development hereby permitted shall not be commenced until full details demonstrating how the development will achieve the forecast carbon dioxide (CO<sub>2</sub>) reduction of 34.8%, as set out in the Energy Strategy Report submitted in support of the planning application, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Greater London Authority.

The reduction in CO<sub>2</sub> emissions achieved shall be established from the anticipated carbon dioxide emissions of all of the approved development once all energy efficiency measures have been accounted for (baseline carbon emissions) and those details shall be provided in writing to the Local Planning Authority.

The approved system(s) shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the Local Planning Authority.

Reason: To ensure the development makes the fullest contribution to the mitigation of, and adaptation to, climate change and meets the requirements of the Mayor's Climate Change Mitigation and Energy Strategy and its objectives of increasing the proportion of energy used generated from renewable sources, and with regard to UDP Policy S4 of the London Borough of Newham Unitary Development Plan (adopted June 2001, 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.6 and 4A.7 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

36. No residential unit within the development hereby permitted shall be occupied unless and until the developer has provided a copy of the post construction stage final certificate issued by a licensed code assessor on behalf of the Department of Communities and Local Government, and logged on the service provider database, demonstrating that the residential units have achieved The Code for Sustainable Homes Code Level 3.

Reason: To ensure that high standards of sustainable design are implemented and with regard to policy 4A.3 (Sustainable design and construction) of the London Plan (February 2008, Consolidated with Alterations since 2004).

37. Prior to the commencement of the development hereby approved impact studies of the existing water supply infrastructure shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the water supply system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand, in accordance with Policy S4 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.9 and 4A.16 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

38. Prior to the commencement of the development details of the measures proposed to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after construction shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water.

Reason: To ensure that the water resource is not detrimentally affected, in accordance with Policy S4 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.9 and 4A.16 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

39. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (front cover dated October 2009, document dated 21 January 2009), prepared by Building Research Establishment Ltd. and the finished floor levels, threshold and basement entrance levels shall be set no lower than 5m Above Ordnance Datum (AOD).

Reason: To reduce flood risk, in accordance with Policies EQ18, EQ19, EQ62 and EQ64 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.12, 4A.13 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

40. Unless otherwise approved in writing by the Local Planning Authority, the development shall be constructed and thereafter permanently operated in accordance with the measures proposed in the 'Sustainability Statement' (Issue 4 - March 2009) prepared by Hoare Lea and the 'Energy Strategy' (Rev 3.1 -

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September 2008) prepared by Hoare Lea as amended by the 'Response to GLA's Stage 1 Report – 25<sup>th</sup> November 2008' (5<sup>th</sup> December 2008) prepared by Hoare Lea.

Reason: In the interest of climate change, minimising energy use and achieving sustainable development, with regard to Policies S4, EQ19, EQ45, EQ46 EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, 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 consolidated with alterations since 2004 (February 2008).

41. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with the submitted Heritage Statement: Archaeological Features (September 2008). The development shall only take place in accordance with the approved details scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16 and in accordance with Policy EQ43 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State) and Policy 4B.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

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

Reason: In the interest of residential amenity, with regard to Policies EQ18, EQ19, EQ20 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State) and Policies 4B.1, 4B.2 and 4B.3 of the London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

43. Prior to any occupation of the development hereby approved, a Site-Wide Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. That Travel Plan will include:
- targets for reducing the number of commuting trips that are projected to be made to and from the Development by private car and in particular the number of single occupancy trips;
  - a programme for implementation of the Travel Plan; and
  - a methodology and a programme for monitoring, reviewing, maintaining and developing the Travel Plan in relation to the targets set out including the appointment of a Travel Plan Coordinator if appropriate.

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Except as otherwise agreed in writing by the Local Planning Authority, the Developer will not occupy or permit to be occupied the Development other than in accordance with the approved Travel Plan or any approved revisions thereof.

Reason: To ensure that the Development accords with the aims and objectives of PPG13 (March 2001); policy T1 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State); and with regard to policies 3C.2 and 3C.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

44. No development shall commence until details of the layout, specification, and construction programme for the roads, footpaths and parking areas, including street lighting, during the construction phase and after completion, have been submitted to and approved by the Local Planning Authority. Those details shall include details of proposed restatement of all redundant entrances and crossovers as footway, the construction of dropped kerbs, railings, and the replacement of the existing footway to the satisfaction of the Local Planning Authority. No unit, commercial or residential, shall be occupied until all approved works are provided with access constructed in accordance with such approved details to the established highway network.

Reasons: To safeguard traffic and pedestrian conditions in the local area with regard to policies T14 and T19 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27<sup>th</sup> of September 2007 in accordance with the direction from the Secretary of State), and policies 3C.21 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

45. All commercial road vehicles used on the construction project must meet the European Emission Standards (commonly known as Euro standards) of Euro 3 during any works that take place from the date of this consent and Euro 4 for any works that takes place from 1 January 2008. In the event of any new European Emission Standards being introduced after 2006 the standards shall be applied to all road vehicles serving the construction project within a period of 2 years after the date of introduction contained within the relevant EU Directive.

All non-road mobile vehicles with compression ignition engines used within the site must comply with emission standards set in EC directive 97/68/EC. Vehicles must meet Stage II limits from the start of contract and from 1 January 2012, meet Stage III a and b emission limits.

Exemptions to the above standards (for road and non-road vehicles) may be granted for specialist equipment or for equipment with alternative emission reduction equipment or run on alternative fuels. Such exemptions shall be applied for in writing to the LPA in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been received by the applicant.

No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

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Any diesel powered machines used on, or otherwise serving the site, must be run on ultra low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel'). "Ultra low sulphur diesel" means fuel meeting the specification within BS EN 590.

Reasons: In the interest of air quality and residential amenity, in accordance with Policies H17, EQ19, EQ45 and EQ46 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4B.1 and 4A.19 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

46. Unless otherwise agreed in writing by the Local Planning Authority no part of the development hereby permitted shall be occupied unless and until charging points for electric cars have been installed and are available for use in the car park.

Reason: To ensure the development contributes to the Mayor's Climate Change Mitigation and Energy Strategy and with regard to policies 4A.1, 4A.2 and 4A.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

## 11. INFORMATIVES

1. The applicant is advised that the grant of planning permission does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent highway scheme and any temporary highway works required during the construction phase of the development.
2. Thames Water advise the applicant to incorporate protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
3. 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.
4. This permission does not grant approval for fire safety measures that have been incorporated. The applicant is therefore reminded that building control regulations will need to be satisfied.
5. The applicant is advised to obtain a response from both National Grid and the relevant gas distribution organisation, in addition to other utility operators, before proceeding with the proposal.
6. The sound insulation between flats in the development must meet or exceed the

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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.

7. The commercial parts of the premises should comply with the Health & Safety at Work etc. Act 1974 & Associated Legislation, and the Workplace (Health, Safety and Welfare) Regulations 1992 in particular. For the proposed type of commercial premises the enforcing authority for Health and Safety at Work is the London Borough of Newham Environmental Health Service.
8. Any commercial kitchens and other food areas of the premises must comply in full with:
  - a) EU 852/2004 as enforced by the Food Hygiene (England) Regulations 2006
  - b) EU 178/2002 as enforced by the General Food Regulations 2004
  - c) The Food Premises Registration Regulations 1991, (under these regulations there is a requirement to register with the Environmental Health Service at least 28 days prior to opening for business. This form is accessible from Newham's website).

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

9. Consideration of the management and operation of the finished premises, in relation to health and safety is a requirement of The Construction (Design and Management) Regulations 2007. The Developer is strongly advised to contact London Borough of Newham Environmental Health and Safety team for further advice.
10. Careful consideration must be made of how it is proposed to control the above ground water features in terms of health and safety, including control of Legionnaire's Disease and other Water Borne micro organisms. The Developer is strongly advised to contact London Borough of Newham Environmental Health and Safety team for further advice.
11. Compliance with Planning Law does not automatically mean that you will comply with more specific Health and Safety Law requirements.
12. The proposed passenger/goods lifts must comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). There is a specific requirement that no new lift may be used unless it has either a certificate of thorough examination or a certificate of conformity to the relevant EU Directive. Normal commissioning documentation IS NOT ADEQUATE. Use of a lift that does not comply with LOLER is a criminal offence. You should refer to your CDM planning supervisor to ensure compliance.
13. For advice and information on contaminated land site investigation, risk

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assessment and implementing a remediation strategy it is recommended that the developer contacts the Environmental Health Pollution Control Unit, Alice Billings House, 2-12 West Ham Lane, Stratford, London E15 4SF Tel: 020 430 3820. The Unit has produced a leaflet 'The development of contaminated sites' which can be downloaded free from [www.newham.gov.uk](http://www.newham.gov.uk). The developer shall notify the Council's Development Control and the Environmental Health Pollution Control Unit of the start dates and programme of site investigations and any subsequent remediation works.

For the site investigation, risk assessment and remediation strategy reference should be made to:

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

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

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

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

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

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

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

Supporting reports should be prepared by appropriately qualified professionals. All reports should be sent directly to the planning case officers at both the

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London Borough of Newham and London Thames Gateway Development Corporation Planning Departments. For each application at least two copies of each report should be submitted in hard copy format plus a further copy in electronic format. The planning case officers will forward the reports on to the appropriate consultees for comment. Applicants are advised against entering into direct negotiation with either the Pollution Control Unit, Environment Agency or any other Council department consultees without notifying the planning case officers.

14. The proposed development lies within Newham's Air Quality Management Area that was declared in March 2002. When deciding upon ventilation to the building you should consider how to reduce exposure to road traffic pollution. For details of the area, the review and assessment of air quality in Newham and the Action Plan that sets out how the London Borough of Newham will act to tackle air pollution the applicant should contact Public Protection (Pollution Control Unit) at No. 2-12 West Ham Lane, Stratford, London E15 4SF (Telephone 020 8430 2000 Ext. 25255).
15. Attention is drawn to the position of cookers with the flats. Cookers within the open plan kitchens should be positioned away from the exit doors or away from the bedroom doors. The means of escape from a flat should not be through a kitchen and cookers should be positioned away from the exit doors or away from the bedroom doors. The applicant is strongly advised to seek the advice of the London Fire Brigade and Building Control Officers in this matter.
16. Attention is drawn to the siting of doors with the flats and their direction of opening, as this can create a hazard under the Housing Act 2004 of Collision and Entrapment. Doors opening into passages, small rooms (such as bathrooms) or onto stairs can be a collision hazard, as can doors opening across paths. Doors to wall hung cupboards over worktops in kitchens can also be a collision hazard.
17. Attention is drawn to the hazard of falls on the level, as detailed by the Housing Act 2004. There should be effective drainage of surface water on the outdoor paths and yards to reduce the chances of slips, trips and falls because of ponding of water, and in adverse weather, patches of ice.
18. Attention is drawn to the hazard of falls between levels, as detailed by the Housing Act 2004, due to the high rise nature of the development and extensive use of balconies, roof gardens and duplex units

In this type of multi-storey building there is a need for increased safety because of the increased risk posed by the more severe harms resulting from distance of fall. Guarding (e.g. balustrade) should be provided to balconies and landings to prevent falls, It should be at least 1,100mm high and designed and constructed so as to discourage children climbing and strong enough to support the weight of people leaning against it. There should be no openings to the guarding which would allow a 100mm sphere to pass through.

19. Safety catches on windows should be considered, as it will reduce the likelihood of children being able to open a window unsupervised. Catches which restrict the distance a window can be opened to 100mm should be fitted to windows above ground floor level to reduce the possibility of an accident involving a child.

20. The design of the windows should facilitate safe cleaning of the outer surface. It should be such that there is no reason to climb on a chair or stepladder to clean it. Where there is a high level opening light above the main opening light, the high level light should be easily cleanable on both sides without opening the main light.
21. Attention is drawn to the hazard of Entry by Intruders, as detailed by the Housing Act 2004. Regard should be had so that possible areas of concealment for burglars and intruders are reduced to a minimum. This includes providing both public and private space that the residents feel is theirs (defensible space), ensuring pedestrian routes are well lighted and defined. However a balance must be struck to prevent creating fortress-like dwellings which may have a negative effect on the health of occupiers. I would suggest that the applicant contact the Metropolitan Police Community Safety Unit for comment on these plans.
22. Air pollution and noise from demolition or construction sites

*Smoke*

Bonfires should not be used on any construction or demolition sites. Burning materials causes smoke that will contain carbon monoxide, particles and a range of noxious compounds. A bonfire will add to the background level of air pollution, which can cause adverse health affects to persons on site and beyond the site boundary. The smoke, smell and smuts from bonfires can also cause annoyance to neighbours and bonfires may get out of control and become dangerous.

The Clean Air Act 1993 makes it an offence to burn any material that results in the emission of dark smoke on industrial or trade premises (including demolition sites), with a maximum fine of £20,000.

The Environmental Protection Act 1990 gives Local Authorities and the Environment Agency the power to control smoke arising from burning waste on site. In cases where complaints have been received, or the Council has reason to believe that burning is to take place and nuisance is likely to occur, an Abatement Notice may be served prohibiting nuisance and specifying steps to be taken to minimise further problems. If the requirements of the notice are not satisfied the local authority can enforce by taking legal proceedings.

*Dust.*

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

- Using water sprays or sprinklers to suppress dust during dust generating activities such as filling skips, breakout of concrete and managing stock piles
- Washing the wheels of vehicles leaving the site if they are carrying mud or debris.
- Erecting solid barriers to the site boundary.
- Ensuring that lorries leaving the site carrying debris or waste are properly covered.
- Cleaning the road and footpath near the site entrance as required.

Where disk cutters are to be used they should have a dust bag, have water

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suppression or the working area should be wet prior to use of the machinery. Where demolition or construction is due to occur over greater than one week the contractor should provide the local authority with a dust management protocol. This should detail the identification of dust generating activities, their location, duration and the means by which the dust shall be suppressed. Under the Environmental Protection Act 1990 dust from a demolition or construction sites may, like smoke, be a statutory nuisance. As above the local authority may serve an abatement notice on the person responsible and take legal proceedings if the notice is not complied with.

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

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

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

#### *Noise.*

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

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

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

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

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

#### *General.*

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

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Please note that if you are carrying out demolition works you may need to notify the council as required by the Building Act 1984. This enables the council to protect public safety and ensure that adjoining premises and the site are made good on completion of the demolition. For further information contact London Borough of Newham Council Building Control Service on 020 8430 2000 or Email: [reception.bco@newham.gov.uk](mailto:reception.bco@newham.gov.uk)

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

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

Appendix 1: Site Location Plan

Appendix 2: Proposed Ground Floor Plan

Appendix 3a: High Street Elevation (East)

Appendix 3b: Great Eastern Road Elevation (South)

Appendix 3c: Great Eastern Road Elevation (West)

Appendix 4a: List of Listed and Locally Listed Buildings

Appendix 4b: Map of St. John's Conservation Area including location of Listed and Locally Listed Buildings

Appendix 5: Photographs of Site and Surroundings

Appendix 6a: Indicative view from High Street

Appendix 6b: Indicative view from Meridian Square

#### Additional Reference Documents

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

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- Control of Noise at Work Regulations 2005
- Health and Safety at Work Act 1974
- Circular 1/2003: Safeguarding, Aerodromes, Technical Sites and Military Explosives Storage Areas
- Town and Country Planning (Safeguarded Aerodromes, Technical Sites And Military Explosives Storage Areas) Direction 2002
- The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 as amended.
- The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008