

**PLANNING COMMITTEE MEETING: 11 November 2010**

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

|                            |                     |                         |            |
|----------------------------|---------------------|-------------------------|------------|
| <b>UDC CASE NUMBER:</b>    | LTGDC-10-115-FUL    | <b>DATE MADE VALID:</b> | 26/08/10   |
| <b>APPLICATION NUMBER:</b> | 10/01868/LTGDC/LBNM | <b>TARGET DATE:</b>     | 30/12/2010 |

|                   |  |
|-------------------|--|
| <b>APPLICANT:</b> | Birkbeck University of London (BBK) and University of East London (UEL)  |
| <b>AGENT:</b>     | GL Hearn   |
| <b>PROPOSAL:</b>  | Erection of a five storey building to provide 8,596m <sup>2</sup> of new academic floorspace (Use Class D1) to be used for higher education purposes including teaching space, a lecture theatre, ancillary offices, rehearsal space, music rooms, café and advice centre together with a private student and staff garden, bicycle storage, landscaping and open space resurfacing. |
| <b>LOCATION:</b>  | Land at Salway Road and Great Eastern Road, Stratford, E15 1NS   |

**1. SUMMARY**

- 1.1 This report considers an application for full planning permission made jointly by Birkbeck University of London (BBK) and University of East London (UEL) for the erection of a new University in the Cultural Quarter of Stratford Island, London E15, as described in the schedule above, with frontages to Salway Place, Salway Road and Great Eastern Road.
- 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 lies within LTGDC's Lower Lea Valley planning functions area.
- 1.4 The application is not referable to the Mayor of London.
- 1.5 The application does not require Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- 1.6 LTGDC planning officers have considered the application with regard to the

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provisions of the development plan (The London Plan: Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (Published February 2008 and altered by the London Plan Crossrail Alterations dated April 2010) and 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 planning permission be granted subject to: (i) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 covering the matters listed at paragraph 9.131 below; and (ii) the conditions set out at section 11 below.

## **2. SITE AND PROPOSAL**

### **2.1 Description of Site & Surroundings**

- 2.2 The application site covers an area of 5,427m<sup>2</sup> within the Cultural Quarter of Stratford Island, Stratford, London E15.
- 2.3 The site comprises an amalgam of two land parcels (referred to as Site A and Site B), which are presently separated by part of Grove Crescent Road. Site A is vacant and is bounded by Great Eastern Road, Gove Crescent Road and Salway Road. It comprises unused hard standing and is hoarded with advertising on the Great Eastern Road. Site B is bounded by Great Eastern Road and Grove Crescent Road and is currently laid out as a temporary surface 'Pay & Display' car park, operated by the London Borough of Newham.
- 2.4 London Borough of Newham is the freeholder of the site. It is intended that the applicant will secure a long lease.
- 2.5 The site is surrounded by a variety of land uses with Stratford Picture House, Stratford Circus and Theatre Royal (Grade II\* listed building 1884) to the immediate west; residential properties to the north (four storey maisonettes) and south (five and seven storey blocks); and commercial premises fronting The Grove with some residential above to the east (ground plus five storeys).
- 2.6 The surrounding built form comprises building heights ranging between three and seven storeys in height, with the exception of Gerry Raffles Square to the west and Angel Lane tower to the north west.
- 2.7 The site is located within Newham's UDP designated Stratford Town Centre and also falls partly within an area designated as a 'Mixed Development Site' (m3) now known as the Cultural Quarter. The site area is also identified as falling within an Archaeological Priority Area; an Area of Nature Conservation Deficiency; and an Area of Deficiency in Tree Coverage. The site is close to, but does not fall within, the St. John's Conservation Area. The site is bordered to the north by the A11 Great Eastern Road, which forms part of the Gyratory road system around the town centre. Public transport links to the site are excellent with Stratford regional train and bus station approximately 500 m to the west.

### **2.8 Description of Proposal**

- 2.9 Full planning permission is sought to develop new academic floor space with

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ancillary office space and a café for Birkbeck University of London (BBK) and University of East London (UEL), which is to be known as the Stratford Island University Centre (SIUC).

- 2.10 The proposed building will cover a footprint of 2,188m<sup>2</sup>.
- 2.11 The building will house teaching spaces, dance and performance spaces, offices, seminar rooms, a lecture theatre, a café and student advice centre.
- 2.12 The maximum building capacity would be approximately 1,670 students with an average student occupancy of 1,110 and an average staff occupancy of 230.
- 2.13 The development would not provide any off-street car parking spaces. Cycle parking will extend to 70 bicycles at the site. The existing public disabled parking (12 spaces) will be replaced on street.
- 2.14 The proposals would require the permanent closure of Grove Crescent Road on the southern side of Great Eastern Road and the eastern section of Salway Road fronting Salway Square. The freehold of these areas will revert to LBN on stopping up and form part of the demised area.
- 2.15 The proposals offer a BREEAM rating of 'Excellent'.
- 2.16 The following documents and drawings have been submitted in support of the planning application:
  - Town Planning Statement, prepared by GL Hearn, dated August 2010
  - Design and Access Statement SIUC building, prepared by Make Architects, dated August 2010
  - Stage D Access Statement, prepared by David Bonnett Associates, dated August 2010
  - Stratford Island University Centre Flood Risk Assessment, prepared by AECOM Limited, dated June 2010
  - Sustainability Statement, prepared by AECOM Limited, dated 13.08.10
  - Energy Strategy, prepared by AECOM Limited, dated 04.08.10
  - Stratford Island University Centre Air Quality Assessment, prepared by AECOM Limited, dated July 2010
  - Stratford Island University Centre – CFD Microclimate Study, prepared by AECOM Limited, dated 18.08.10
  - Stratford Island University Campus Ecological Appraisal, prepared by Ecology and Land Management, dated April 2010
  - Daylight and Sunlight Report, prepared by Anstey Horne dated 13.08.2010
  - Stratford Island University Centre Transport Assessment and Travel Plan, prepared by AECOM, dated August 2010
  - Archaeological Desk Based Assessment, prepared by L-P Partnership Limited, dated May 2010
  - Drawing numbers:
    - P10 Rev 02, Revised 13.08.10 (Proposed Site Plan and Existing Site Plan)
    - P0 Rev 02, Revised 13.08.10 (Ground Level)
    - P1 Rev 02, Revised 13.08.10 (Level 1)
    - P2 Rev 02, Revised 13.08.10 (Level 2)

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P3 Rev 02, Revised 13.08.10 (Level 3)  
P4 Rev 02, Revised 13.08.10 (Level 4)  
P5 Rev 02, Revised 13.08.10 (Roof Level)  
P6 Rev 02, Revised 13.08.10 (Section AA & BB)  
P7 Rev 02, Revised 13.08.10 (West & South Elevation)  
P8 Rev 02, Revised 13.08.10 (East & North Elevation)  
P12 Rev 02, Revised 13.08.10 (Detail Section)  
P13 Rev 02, Revised 13.08.10 (Site Sections and Elevations)  
P18 Rev 02, Revised 13.08.10 (Perspective Views)  
P19 Rev 02, Revised 13.08.10 (Perspective Views)  
P20 Rev 02, Revised 13.08.10 (Perspective Views)

### **3. MAIN ISSUES**

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

- Principle of proposed land use
- Environmental Issues
- Urban design and accessibility
- Amenity Impacts on Surrounding Residential Properties
- Landscape and Lighting
- Employment
- Archaeology
- Climate change adaptation and mitigation
- Traffic and Parking
- Planning Obligations / Legal Agreements
- Equalities
- Human Rights Act 1998
- Legal Agreements

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

4.1 No relevant planning history.

### **5. CONSULTATION / RESPONSES FROM STATUTORY CONSULTEES**

5.1 English Heritage Historic Buildings and Areas Adviser Letter dated 30 September 2010. English Heritage specialist staff have considered the information received and do not wish to offer any comments on this occasion.

5.2 English Heritage (Greater London Archaeological Advisory Service - GLAAS) Letter dated 27 September 2010. Redevelopment of the site 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.

English Heritage do not consider that archaeological fieldwork need be undertaken prior to determination of the planning application, but do advise on the wording of a condition relating to the need for archaeological mitigation.

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The suggested condition has been included at section 11 of this report.

- 5.3 Environment Agency Letter dated 07 October 2010 advising that the Agency has no objection in principle to the proposed development but consider that specified conditions relating to contamination, remediation and piling should be imposed on any planning permission that is granted.

The suggested conditions have been included at section 11 of this report.

- 5.4 London Borough of Newham Letter dated 21 October 2010. The application was presented to the London Borough of Newham's Strategic Development Committee on the 19<sup>th</sup> October 2010. Members endorsed the following representations:

- The proposed use of this site for academic purposes is supported as this use would be complementary to the Cultural Quarter and would diversify Stratford Town Centre.
- The scale of the building is considered appropriate in this location, and the height is comparable to other existing buildings in the area. However, an excellent standard of architecture is essential if this large building is to be accepted in this important location within a conservation area and near to a listed building. [LTGDC officers note that the site does not fall within a conservation area]
- The proposal has generally received support from key design advisors including Newham Council's Design Review Panel and the Council's Design and Conservation officer. It is considered that the proposal demonstrates a level of design quality which would result in an attractive building, subject to a robust condition for external materials and detailing. While there is some concern that the building does not have a secondary entrance from Great Eastern Road, the building will still display an active frontage through the use of large 'ship window' glazed openings and sign boards, and on balance this is considered acceptable. The impacts of the development on the wider setting including the listed Theatre Royal building are considered to be acceptable.
- The principle of a car free development is accepted, and the proposed level of cycle parking is appropriate, subject to conditions for an ongoing travel plan, a CPZ contribution and the requirement for the applicant to enter into a reduced car development agreement. The proposed servicing arrangements are acceptable in principle subject to a condition for an Operational Delivery and Servicing Plan (ODSP) in relation to overall vehicle movements associated with all sites that require servicing from Salway Road.
- The application makes adequate commitments to promote and support the most effective adaptation to climate change, subject to a condition requiring the applicant to achieve a minimum BREEAM rating of 'excellent' as stated in the application.
- While there is concern that there will be impacts on daylight to the properties at 14-24 Great Eastern Road, 7 Salway Place, 108-118 The Grove (The Q Building), 132 The Grove and 140-142 The Grove, which exceed the relevant BRE guidance, many of the affected rooms already fail to comply with BRE standards and many of the non-compliances are due to the presence of a balcony, which is a pre-existing daylight obstruction. On balance the magnitude of the impacts is not considered to warrant refusal of the scheme.
- The proposed landscape strategy and external lighting strategy are acceptable

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subject to conditions for full details and specifications to ensure that a high quality, seamless public realm and quality private garden are achieved.

- Air quality impacts are acceptable subject to a condition requiring an assessment of local air quality impact and mitigation measures, if required.
- Wind and microclimate impacts are acceptable subject to a condition to ensure that the mitigation identified in the submitted report is implemented.
- The development provides for a good standard of access and inclusion, subject to a condition to ensure that the 12 public car parking spaces are only used by disabled people / Blue Badge Holders, and that two of these spaces are for SIUC users only.
- A number of Section 106 commitments and contributions are considered necessary to mitigate the impacts of the development. The applicant is yet to agree to the proposed heads of terms. The LTGDC should ensure that a suitable Section 106 package is secured before making a decision on the application.
- Subject to the resolution of the Section 106 heads of terms, on balance the supplication is considered to be acceptable with regard to the relevant development plan policies and guidance.

5.5 London City Airport No representations had been received at the time of writing this report.

5.6 London Development Agency / Design for London E-mail dated 27 September 2010, making the following comments:

- We believe that the proposal for a University Building in this location is appropriate.
- There is a requirement for the project to be integrated with the Urban Initiatives Stratford Metropolitan Masterplan in terms of the location of the educational offer within the wider context. This would be worth stressing in terms of the development of the project
- There is a requirement for the project to interface well with the LTGDC public realm proposals directly in front of the University building/ Peacocks in the Shopping Centre. There is a real opportunity for the building and the public realm to work together to provide high quality public space. There is also opportunity for funds to be raised towards the public realm project by means of a Section 106 agreement.

5.7 London Thames Gateway Development Corporation, Culture and Community Development Manager E-mail dated 27 September 2010. Whilst clearly providing a community benefit, SIUC will impact on the wider public realm and will derive a direct benefit from public realm improvements in the cultural quarter. A request is made that consideration for a contribution towards public realm improvements in the cultural quarter – a key component of the regeneration of Stratford Town Centre – be included as part of the Section 106 Agreement for this planning application. A contribution in the region of £100,000 would represent 1% of the outline cultural quarter public realm improvement costs and 0.3% of the £33m budget for SIUC.

5.8 Metropolitan Police LB Newham Regeneration, Planning & Property have advised LTGDC that they consulted with the Met Police on 24<sup>th</sup> September 2010, who verbally confirmed that they have been involved in the proposals during the pre-application phase and are satisfied with the way that their

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previously raised concerns have been resolved.

5.9 National Grid E-mail dated 16 September 2010.

There is National Grid apparatus directly crossing the area of enquiry. Before carrying out any excavation, trial holes must be dug to find the exact position of gas pipes, using recognised and agreed safe hand digging techniques.

Reference should be made to the HSE Guidance note HSG47 – ‘Avoiding Danger from Underground Services’.

Due to the nature of the planning application and the presence of National Grid apparatus within the site, the contractor should contact National Grid before any physical works are carried out to ensure that National Grid’s apparatus is not affected by any of the works.

There is Low or Medium pressure gas apparatus in the vicinity of the enquiry which may be affected by the proposed activities.

It is essential that **NO** mechanical excavations take place above or within 0.5m of Low and Medium pressure systems.

The developer should **CONFIRM THE POSITION** of mains using **HAND DUG TRIAL HOLES**.

5.10 Olympic Delivery Authority Planning Decisions Team No representations had been received at the time of writing this report.

5.11 Stratford Renaissance Partnership No representations had been received at the time of writing this report.

5.12 Stratford Town Centre Manager No representations had been received at the time of writing this report.

5.13 Thames Water E-mail dated 10 September 2010.

5.14 Waste comments – There are public sewers crossing the site. In order to protect public sewers and ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line or, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

5.15 Surface Water Drainage – With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage

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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.

- 5.16 Water Comments - Thames Water recommend the following informatives be attached to any planning permission:
- *There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on 0845 850 2777 for further information.*
  - *Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.*
- 5.17 Transport for London, Surface Transport Letter dated 16 September 2010. Great Eastern Road and The Grove form part of Stratford Gyratory, which is part of the Strategic Road Network (SRN) and part of the Olympic Route network (ORN).
- 5.18 Should planning permission be granted any works on the SRN will need TfL approval under the Traffic Management Act 2004; should works commence between 1<sup>st</sup> January 2011 and 1<sup>st</sup> October 2012 an Olympic Route Network Notification (ORNN) must additionally be made to TfL's Olympic Route Management Programme Team. 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.
- 5.19 TfL met the applicant's consultant on 1<sup>st</sup> April 2010 and they are aware of TfL procedures and will assist the London Borough of Newham as highway authority with regards to these aspects.
- 5.20 TfL Surface recommends that a Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) is secured by condition or via s106 for the site in line with TfL guidance and linked to the Travel Plan.
- 5.21 The Travel Plan included within the Transport Assessment (August 2010) seems to be in line with TfL's guidance. TfL suggest this is secured as a standalone document via a Section 106 agreement or by condition.
- 5.22 The Cycle Superhighway proposals are shown as running around Stratford Gyratory. Detailed proposals have not been developed for this area; as of writing. It seems likely that when TfL looks at the details of the Cycle Superhighways here that it would focus on providing facilities south of the site rather around the entire gyratory; however this cannot be confirmed until that

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details design process commences. It is important that the developers of this site confirm that a safe shared or segregated cycle link can be provided between the on site cycle parking areas and the existing and / or enhance cycle links around the site. This could be secured by condition or S106 agreement and detail agreed with LB Newham Highways.

## **6. APPLICATION PUBLICITY**

- |     |                         |            |
|-----|-------------------------|------------|
| 6.1 | Site Notice Expiry:     | 08/10/2010 |
| 6.2 | Press Notice Expiry:    | 05/10/2010 |
| 6.3 | Neighbour Notification: | 08/10/2010 |

## **7. CONSULTATION / RESPONSES FROM MEMBERS OF THE PUBLIC**

- 7.1 The application was advertised in the Newham Recorder on the 15<sup>th</sup> September 2010, as a major application affecting the setting of a listed building. Three site notices were posted outside the site on the 13<sup>th</sup> September 2010, which also state that the development affects the setting of a listed building. In addition letters were sent to 331 neighbouring properties. No representations have been received in response to date.

## **8. RELEVANT PLANNING POLICY**

- 8.1 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 Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).
- 8.2 Newham's adopted Proposals Map illustrates the site as falling within Stratford Town Centre and also partly within an area designated as a 'Mixed Development Site' (where proposal m3 is applicable) now known as the Cultural Quarter. The site is also identified as an Archaeological Priority Area, an Area of Nature Conservation Deficiency and an Area of Deficiency in Tree Coverage.
- 8.3 Proposal m3 is now obsolete as it refers to proposals for a cinema, performing arts centre and Theatre Royal refurbishments, all of which have been completed. The cinema is the 'Picture House', the performing arts centre is 'Stratford Circus' and, the Theatre Royal has been refurbished.
- 8.4 The London Plan illustrates the site as being in an Area for Regeneration and an Opportunity Area.
- 8.5 The Lower Lea Valley Opportunity Area Planning Framework (January 2007) illustrates the site as falling within Sub-Area 6: Stratford, where new investment will rejuvenate the town centre and improve its retail, leisure and cultural

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facilities.

8.6 The London Plan: Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

- 1.1 London in its global, European and UK context
- 1.2 London and the Wider Metropolitan Region
- 1.3 Growth Areas and Co-ordination Corridors
- 2A.1 Sustainability Criteria
- 2A.2 The Spatial Strategy for Development
- 2A.5 Opportunity Areas
- 2A.7 Areas for Regeneration
- 2A.8 Town Centres
- 3A.18 Protection and enhancement of social infrastructure and community facilities
- 3A.24 Education facilities
- 3A.25 Higher and Further Education
- 3B.1 Developing London's Economy
- 3B.9 Tourism Industry
- 3B.11 Improving Employment Opportunities for Londoners
- 3C.1 Integrating Transport and Development
- 3C.2 Matching Development to Transport Capacity
- 3C.3 Sustainable Transport in London
- 3C.17 Tackling Congestion and Reducing Traffic
- 3C.18 Allocation of Street Space
- 3C.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.4 Development and Promotion of Arts and Culture
- 3D.8 Realising the Value of Open Space and Green Infrastructure
- 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.7 Renewable Energy
- 4A.12 Flooding
- 4A.13 Flood Risk Management
- 4A.14 Sustainable Drainage
- 4A.19 Air Quality
- 4A.20 Reducing Noise
- 4A.28 Construction, Excavation and Demolition Waste
- 4A.33 Bringing Contaminated Land into Beneficial Use
- 4B.1 Design Principles for a Compact City
- 4B.2 Promoting World-Class Architecture and Design
- 4B.3 Enhancing the Quality of the Public Realm
- 4B.5 Creating an Inclusive Environment

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- 4B.6 Safety, Security, Fire Prevention and Protection
- 4B.7 London's Resilience and Emergency Planning
- 4B.8 Respect Local Context and Communities
- 4B.9 Tall Buildings – Location
- 4B.10 Large-Scale Buildings – Design and Impact
- 4B.11 London's Built Heritage
- 4B.12 Heritage Conservation
- 4B.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

8.7 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)

- S1 Community Safety and Crime Reduction
- S2 Community Benefit/Planning Obligations
- S3 Quality of Development
- S4 Sustainable Development
- S5 Priority Development Nodes
- S7 Urban Regeneration: Promotion of Development
- S9 Environmental Quality: Design Issues
- S11 Environmental Quality: Protection of the Borough's Heritage
- S12 Environmental Quality: Improvement in Key Areas
- 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
- S35 Transport: Encouragement of Alternatives to the Motor Car
- S37 Transport: Improvement of Facilities for Pedestrians and Cyclists
- S38 Transport: Parking
- S41 Leisure, Recreation and Open Space: Support for new Proposals for Arts, Culture, Entertainment and Nature Conservation
- S45 Community Services: Ensuring Adequate Supply of Land
- S46 Community Services: Accessibility
- 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
- EQ22 Advertising Hoardings
- EQ25 Access
- EQ26 Safety
- EQ27 High Buildings: Control
- EQ28 High Buildings: Design Considerations
- EQ35 Preservation of Listed Buildings
- EQ36 Buildings of Local Interest
- EQ37 Scheduled and Other Nationally Important Monuments
- EQ38 Planning Applications Affecting the Setting of a Listed Building

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| EQ42 | Treatment and Use of Highways  |
| EQ43 | Archaeology  |
| EQ45 | Pollution  |
| EQ46 | Air Quality Management   |
| EQ47 | Noise Impact Statement   |
| EQ48 | Noise - Sensitive Development  |
| EQ49 | Contaminated Land: Assessment, Remediation and Monitoring                |
| EQ54 | Promoting Sustainable Waste Management                                   |
| EQ62 | Protection of the Flood Plain and Urban Washlands                        |
| EQ63 | Surface Water Disposal   |
| EMP1 | Employment Growth  |
| EMP3 | Quality of Employment Development  |
| SH1  | Consolidation of the Shopping Hierarchy                                  |
| SH2  | Stratford Town Centre  |
| SH15 | Shopfront Design   |
| T1   | New Development: Environmental Impact                                    |
| T2   | New Development: Public Transport Accessibility                          |
| T3   | New Development: Highway Capacity  |
| T5   | Preferred Modes of Transport   |
| T10  | Road Hierarchy: Relation to Development Proposals                        |
| T13  | Road Safety, Traffic Management and Calming                              |
| T14  | Design to Minimise Road Accidents  |
| T18  | Loss of Parking and Servicing Areas                                      |
| T19  | Improvement of Conditions for Pedestrians                                |
| T20  | Pavement Congestion  |
| T23  | Cycle Network  |
| T24  | Access by Cycle and Cycle Parking  |
| T26  | Motorcycle Parking   |
| LR1  | Protection of Leisure and Recreation Facilities                          |
| LR2  | New and Improved Leisure and Recreation Provision                        |
| LR3  | Arts Culture and Entertainment: Sites and Activities                     |
| LR4  | Public Art   |
| OS9  | Improvements to Parks and Public Open Space                              |
| TM1  | Tourist Attractions: Improvement of Development Focal Points for Tourism |
| CS16 | Further and Higher Education   |

## 8.8 Other Relevant Planning Policies & SPG's

PPS1 Delivering Sustainable Development (31 Jan 2005)  
PPS4 Planning for Sustainable Economic Development (29 December 2009)  
PPS6 Planning for Town Centres (29 December 2009)  
PPS5 Planning for the Historic Environment (23 March 2010)  
PPG13 Transport (20 April 2001)  
PPS 22 Renewable Energy (10 Aug 2004)  
PPS23 Planning and Pollution Control (3 November 2004)  
PPG24 Planning and Noise (3 Oct 1994)  
PPS25 Development and Flood Risk (29 March 2010)

Mayor of London Lower Lea Valley Opportunity Area Planning Framework  
(January 2007)  
London Plan SPG 'Sustainable Design and Construction'  
London Borough of Newham SPG 'Sustainability Checklist'

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London Borough of Newham SPG 'Access'  
London Borough of Newham Stratford St John's Conservation Area character  
Appraisal and Management Proposals (March 2009)  
Guidance on Tall Buildings (CABE & English Heritage, July 2007)

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

### **9.1 Principle of proposed land use**

9.2 The proposed land use falls within Use Class D1 (Non-Residential Institutions) as defined by the Town and Country Use Classes Order 1987 (as amended).

9.3 Policy CS16 (Further and Higher Education) supports in principle the expansion of the University of East London's higher education facilities.

9.4 London Plan policy 3A.25 (Higher and further education) encourages boroughs to work with the LDA and the higher and further education sectors to ensure that the needs of the education sectors are addressed in DPDs.

9.5 Strategically, there is a shared vision between LB Newham, LTGDC and other agencies to develop Stratford into a Metropolitan Centre, integrating the existing town centre with Stratford City, the Olympic Park and surrounding Lower Lea Valley. Stratford should form an integral and integrated part of the regenerated wider area to meet the needs of the area's current and future communities. The proposals would provide those communities with valuable social infrastructure as sought by London Plan policy 3A.18 (Protection and enhancement of social infrastructure and community facilities) within easy reach by walking and public transport for the population that use them.

9.6 Birkbeck's focus on evening study would add to the vibrancy of the Cultural Quarter and help build and support the town centre activity and night time economy. Stratford's night time economy, as it develops successfully, can become an important reputational marker with positive knock on effects for the social, economic and cultural life of the wider Lower Lea Valley.

9.7 The proposal has been considered with regard to its context and is not considered to prejudice the comprehensive redevelopment of the Island Site going forward.

9.8 The principle of a new educational facility offering enhanced education opportunities on the site is supported as substantially adding to the town centre Cultural Quarter offer, delivering valuable synergies with Theatre Royal, Stratford Circus and potentially the Picture House. Universities are recognised as important feeders to labour supply and as playing a key role in skills development and life long learning.

### **9.9 Environmental Issues**

#### **9.10 Environmental Impact Assessment**

The application does not require Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (England and

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Wales) Regulations 1999.

#### 9.11 Flood Risk

The site is located in flood risk zone 1 i.e. outside the floodplain. Planning Policy Statement 25: Development and Flood Risk, Communities and Local Government, 2006 and revised March 2010 (PPS 25) states that any site greater than 1 hectare in Flood Zone 1 and any site with in Flood Zone 2 or 3 requires a site specific Flood Risk Assessment (FRA) to accompany any planning application. The total area of the site, being less than 1 hectare, negates the requirement for the formal submission of an FRA with the planning submission. However, the applicant has submitted a Flood Risk Assessment prepared by AECOM, dated June 2010.

9.12 The FRA states that the likelihood of the site flooding is assessed as very low. The risk of internal flooding will be even lower with the adoption of the following mitigation methods:

- Operation and maintenance of the site sewerage systems by site owners and public sewers by Thames Water;
- Calculation and installation of the correct hydraulically and structurally sized drainage pipes and retention vessels by the developer;
- Construction of finished floor levels 150mm above surrounding ground levels; and
- Maintaining safe access and egress to/from the site.

9.13 The FRA concludes that subject to the application of mitigation measures as detailed above the flood risk both on and off-site is deemed acceptable.

9.14 The Environment Agency responded on the 7<sup>th</sup> October 2010, stating that it has no objection in principle to the proposed development but considers that specified conditions relating to contamination, remediation and piling should be imposed on any planning permission that is granted.

9.15 LTGDC officers consider that the proposal meets the requirements of London Plan policies 4A.14 (Sustainable drainage), 4A.17 (Water quality) and 4A.18 (Water and sewerage infrastructure), and the requirements of policy PPS25 if implemented in accordance with the suggested mitigation measures and conditions listed at section 11 of this report.

#### 9.16 Wind and Microclimate

9.17 The applicant has submitted a Computational Fluid Dynamics (CFD) Microclimate Study prepared by AECOM, dated 18/08/2010. The report was undertaken to gain an understanding of the microclimate dynamics and to assess comfort implications for pedestrian use.

9.18 The simulation results predict that:

- Under prevailing wind conditions from the South-West, no regions of uncomfortable air speeds occur for the planned use of the site.
- Under wind conditions from the South-East & North-West, some uncomfortable air speeds occur around the main entrance but that these conditions occur less

than 1% of the year on average. It is assumed that pedestrian behaviour on these occasions will mitigate these circumstances. Localised planting schemes and street furniture could reduce the wind velocities in this area.

- Under wind conditions from the North-West & West, some uncomfortable air speeds occur outside a public house to the South of the University building. These conditions occur less than 3% of the year on average. It is assumed that pub customer behaviour on these occasions will mitigate these circumstances.
- Under wind conditions from the North-West & West, some air speeds occur in a small region to the South of the university building which would be uncomfortable for 'leisure walking'. These conditions occur less than 3% of the year on average. It is assumed that pedestrians will only use this region for crossing the Stratford Island site.

9.19 Suggested mitigation measures to address possible uncomfortable winds include localised planting schemes of both evergreen and deciduous trees and shrubs around the main entrance. The presence of any street furniture (benches, cycle facilities, etc) may also mitigate these circumstances. It is noted that none of the recommended mitigation measures appear to have been incorporated into the design of the building. Given that mitigation has been recommended by AECOM, it is considered that a condition should be imposed to ensure the mitigation is designed into the scheme and implemented.

9.20 Subject to a condition requiring appropriate mitigation measures to be implemented, the wind and microclimate impacts of the proposal are considered acceptable and the proposals accord with London Plan policy 4B.10 (Large-scale buildings – design and impact).

#### 9.21 Noise/Disturbance

The proposed development is likely to result in an increase in the number of comings and goings to and from the site, and as such there will be some impact in terms of noise and general disturbance. The scale of the impact is not anticipated to unduly affect residential amenity given that most site activities will occur indoors and the proposed use for educational purposes is not a use that typically creates significant levels of noise.

9.22 Conditions are proposed to limit the hours of use and to prevent amplified music from being audible outside the building to ensure that any noise and disturbance impacts are minimised. No objections from surrounding occupants have been received.

9.23 A condition is also proposed to limit the permitted land use to Non-residential Education and Training Centre with ancillary offices use (Use Class D1) (as specifically described in the documentation supplied with the planning application) and for no other purpose (including any other purpose in Class D1). That condition is drafted as condition number 3 at section 11 below and is intended to avoid the introduction of other uses in the same use class, which may be harmful to the amenities of the area. Officers are satisfied that the proposed use would not result in noise or disturbance to the detriment of adjoining properties but would wish to control future changes of use within the same Use Class in the interests of the amenity of neighbouring residents and adjoining properties.

#### 9.24 Air Quality

The applicant has submitted an air quality assessment by AECOM dated July 2010, which concludes that the proposed development is unlikely to have a significant effect on local air quality during its operation given that limited on-site parking is proposed for disabled / blue badge holders only. No other car parking is proposed. No on-site sources of combustion such as CHP or biomass plant are proposed. The report identifies that the proposed development does have the potential to impact on air quality during the construction phase and recommends an Construction Environmental Management Plan (CEMP) as a mitigation measure.

9.25 Newham Council's Environmental Health department have assessed the report and recommend the imposition of an air quality condition in spite of the submitted air quality report, as they consider that given the siting and size of this development, an assessment of local air quality impact should be made and mitigation measures should be put in place to reduce any impact. This is considered reasonable.

9.26 LTGDC officers have considered the proposals against Newham saved policies EQ45 (Pollution) and EQ46 (Air Quality Management) and London Plan policy 4A.19 (Improving air quality) and are satisfied that the proposal would not present any adverse air quality impacts if carried out in accordance with the suggested condition as drafted at section 11 of this report.

#### 9.27 Ecology and Biodiversity

London Plan Policy 3D.14 requires that new developments have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation and biodiversity.

9.28 The application is accompanied by an Ecological Appraisal by Ecology and Land Management dated April 2010. The report concludes that the site is currently of negligible ecological value; however it notes that there are a few habitats which have the potential to provide some local wildlife value.

9.29 The Ecological Appraisal recommends that:

- Trees are inspected for bat roost prior to felling. The inspection should be undertaken by a licenced bat worker; and
- Vegetation clearance should not be undertaken during the bird breeding season from March to September inclusive. Where this is not possible, great care should be taken to avoid damage to nesting birds.

9.30 The report also recommends that a variety of measures should be introduced to enhance the environment of any future development taking into consideration the UK, London and Local Biodiversity Action Plan for the Lee Valley and the nearby Site of Importance for Nature Conservation. LTGDC officers are not aware of any nearby Sites of Importance for Nature Conservation and note that the Ecological Appraisal only mentions one non-statutory site within 500m of the site. That site being the Railside Land, identified as a site of Borough Importance Grade II for Nature Conservation, 100m to the north of the site.

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9.31 The application proposes 750 sq.m of 'green' roofs, which is welcomed. Full details of the green roofs will be secured by condition. Officers also propose a condition to ensure that the recommendations within the submitted ecological appraisal are implemented. Subject to these conditions, the development is considered to maximise the biodiversity value of the site in accordance with the objectives of London Plan policy 3D.14 (Biodiversity and nature conservation).

### 9.32 **Urban design and Accessibility**

London Plan Policy 4B.1 (Design principles for a compact city) seeks to ensure that new developments (1) respect local context, character and communities, (2) are practical and legible, (3) are attractive to look at and, where appropriate, inspire, delight and excite. UDP Policies EQ18 and EQ19 seek to promote the highest design quality, and requires applications to be assessed having regard to layout, form and function of buildings, scale and bulk in relation to plot size and surroundings, arrangements for parking and servicing, materials and detailing including landscaping, safety, security and privacy, and aesthetic quality in terms of its relationship to its surroundings.

### 9.33 Height and Massing

The building heights vary from 25.5m to 29.80m AOD. In addition, roof top plant screening will extend some parts of the building up to a maximum height of 33.5m AOD. The building is higher to the south and lower towards the north-eastern corner to minimise overshadowing and impact on the residential buildings on the northern site of Great Eastern Road.

9.34 The building will comprise 8,596m<sup>2</sup> (GIA) in total, with about 1,900m<sup>2</sup> per typical floor.

9.35 The applicant states that the height and massing seeks to reflect its use and the design desire to shape the building according to the internal forms and requirements. While this is supported in principle, some concern was raised at pre-application stage as to whether the large scale of the building combined with its cubic forms and their resulting overhangs has the potential to appear bulky and over-dominant, and more information was requested to demonstrate how the building would sit within its context and the wider townscape.

9.36 The applicant has provided a number of views from key points in the Cultural Quarter (including from the Grade II Listed Theatre Royal), which demonstrate that the building, although large, will not be over-dominant in terms of the immediate setting. These views can be found within Appendices 4, 5 and 6. The applicant has also provided a number of site section elevations, which demonstrate that while the proposed building is significant in scale, this is comparable with that of existing development in the wider locality. These elevations are included within Appendices 8 and 9. Having considered these points, officers find the height and massing of the scheme to have been adequately justified and are considered to be acceptable.

### 9.37 External Appearance

The building has no back; all its elevations are visible from the public realm / street. Three cladding systems are proposed to introduce subtle material

differences between the building's different surfaces.

- 9.38 The 'outer' surfaces have a vertically-orientated ceramic granite cladding and a more polished and reflective finish.
- 9.39 The 'recessed' surfaces have a more horizontally-orientated cladding and a non-reflective or textured finish. Alucobond metal panels and matt Fibre-C cement panels have been given as examples of materials that would achieve this effect.
- 9.40 The 'feature' surfaces are to be coloured yellow back painted glass panels. They are intended to reinforce the buildings form, create scale and enliven the facades.
- 9.41 The applicant states that signage will be integrated into the building façade either as applied letters or as cut holes or engraved markings within the cladding material. Several locations for signage have been identified; however the strategy, number position, and size of the logos for each organisation on the signs are still to be agreed. A condition for full signage details is recommended (currently included within the materials condition).
- 9.42 The building design includes large feature windows and large glazed areas on the ground floor to communicate the activities within the building at night. The applicant explains that this will increase night time security; evening classes will keep up the numbers of pedestrians in the area and the light, active ground floor uses will provide a passive surveillance, overlooking the pavement.
- 9.43 Officers conclude that the success of the external appearance of the building rests with the application of good quality materials. Officers propose a condition requiring the submission and prior written approval of all external materials in order to ensure a high quality of materials, finishes and detailing is achieved.

9.44 Ground Floor and Public Realm

The proposals to extend the shared space from the existing pedestrian zone to Salway Place are welcomed in principle. This will strengthen the "street" through the cultural quarter, linking the key public realm areas of The Grove / Broadway, Salway Place, Theatre Square and Gerry Raffles Square, encouraging pedestrian movement and improving permeability. This will provide strong connections between the site and the Olympic Park, Stratford City, Stratford Regional and International Stations and Stratford Bus Station.

- 9.45 It is essential that this development is fully integrated with the wider Stratford Town Centre Public Realm proposals. The physical interface between the separate projects/areas needs to be seamless and complimentary. It is also essential that the proposal delivers a workable solution for the new and existing buildings by balancing vehicular servicing needs with improved pedestrian flows to achieve a high quality public space which contributes positively to the Cultural Quarter.
- 9.46 The application area includes a significant area of public realm to the south and west of the proposed building. The applicant seeks to improve the existing public realm around the site by limiting vehicular traffic and allowing for more

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controlled servicing and a better pedestrian environment. This commitment to improving the public realm around the site is supported in principle.

- 9.47 The proposal has been amended to increase the size and prominence of the entrance to Salway Place through increased glazing, a more open plan lobby, a larger café, and a more visible help desk and low level access gates. Further details regarding landscaping strategy for the proposed garden and boundary treatment have also been provided with the application. A study of possible new pedestrian connections and options for a future masterplan has also been carried out. In addition the building has been oriented so as to ensure the proposed area of public realm within Salway Place gets a good amount of sunlight. It is considered that the scheme has responded well to the comments the DRP raised.
- 9.48 Some concern has been raised that the development does not provide enough animation and activity on Great Eastern Road as its entrance is located towards Salway Road and the focus of activity will be at this end of the development. The applicant's design team strongly considers that the best place for the building entrance is on Salway Place, addressing the "mews" that connects the neighbouring buildings together. They consider that the building can only be managed and operated effectively with a single entrance, as introducing a second entrance would effectively require two receptions, two security desks, and two sets of swipe barriers etc. Instead, other strategies are used to animate the Great Eastern Road elevation including large 'shop window' glazed openings to the library, primary staircase, lecture hall and lecture room to reveal activity in the building. In addition, sign boards are proposed at eye level along the street which will contain information to explain what is going on in the building. Overall, it is considered these strategies will create an acceptable level of interaction with Great Eastern Road.
- 9.49 Queries were raised during the pre-application stage regarding the potential hazard/conflict between the student pedestrian flow into and out of the building entrance and the cross-route for articulated vehicles entering the service yard and nearby existing commercial premises (fronting The Grove and Broadway) and requested assurance of servicing patterns generally (refuse, etc) given the proposed new level of pedestrian flows. It is noted that measures such as bollards at the end of Salway Road will be used to restrict the movement of vehicles into Salway Place. In addition, a condition for a detailed and robust servicing and delivery plan is recommended to ensure that pedestrian safety can be assured [see draft condition number 10 at section 11 below].
- 9.50 It is noted that the LTGDC (Culture and Community) and the LDA/Design for London have suggested that a contribution should be secured within the Section 106 to mitigate the impact of the development on the public realm and help fund committed public realm enhancement schemes. Given that the application proposes to improve a large area of public realm around the new building, it is considered that the development already makes a significant public realm contribution. Further, the Stratford Public Realm works (as granted planning permission by LTGDC in June 2010) will provide extensive public realm works in the immediate vicinity of the subject application and beyond, extending around most of the island site and up to the entrance to Stratford Regional Station and the bridge serving the Stratford City (Westfield) site.

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9.51 The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. Under Regulation 122, a planning obligation may only constitute a reason for granting planning permission if the obligation is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. In addition, under Circular 05/05, a planning obligation must be relevant to planning and reasonable in all other respects. The requested £100,000 is not considered to be necessary to make the development acceptable in planning terms and therefore may fail the tests. Given this, a Section 106 contribution towards public realm improvements will not be sought.

9.52 Subject to conditions for wind impact mitigation, and a servicing and delivery plan, the development is considered to have a successful relationship with the surrounding streets and public realm as it incorporates active frontages and improves the quality of the public realm in this part of the Cultural Quarter.

9.53 Impacts on the setting of the Theatre Royal (Grade II listed) and nearby Conservation Area

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. London Plan Policies 4B.1, 4B.11, 4B.12 and 4B.10 require buildings to respect local townscape, context, history, and built heritage.

9.54 A Grade II\* listed building, the Theatre Royal, is located to the south-west of the site approximately 60 metres away on Salway Mews. The scheme does not directly impact on the setting of this building. The proposed building is visible from outside the Theatre Royal; however it is located past the Picture House and Stratford Circus and fills in the 'missing piece' in Salway Mews rather than appearing over-dominant. The proposed external materials are significantly different to those of the Theatre Royal, however given that the materials used on other existing developments in this area are extremely varied, and the proposed building is located some distance away, no concern is raised in terms of the materials.

9.55 The scheme is not located within a Conservation Area. It sits to the west of the St. Johns Conservation Area and it is noted that the immediate area has been redeveloped in recent years. It is considered that the proposal does not impact on the character or appearance of the Conservation Area.

9.56 English Heritage has been consulted and has not raised any objection to the application.

9.57 Overall the proposed building displays a sympathetic relationship with the Theatre Royal and its setting in accordance with the objectives of UDP Policy EQ38.

9.58 Safety and Security

The applicant engaged with the Newham Crime Prevention Design Advisor (Metropolitan Police) at pre-application stage and took advice on how best to

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achieve maximum safety and security for the development. The parts of the design that have been developed following that advice are listed below:

- Simplified building line at ground level to design out hidden spaces.
- Maximised glazed frontages for natural surveillance.
- The garden is not accessible to the public to avoid attracting anti-social behaviour.
- 2.4m high fences and spiky plant species against the garden fence to deter intruders.
- Secure cycle storage areas.
- Improved lighting to the public realm.
- On street parking in a highly visible location.

9.59 Newham Council's Crime Prevention Design Advisor was consulted on the above listed design enhancements and verbally responded to the Newham Planning Case Officer stating that their advice has been adequately followed and that they are satisfied with the proposals in terms of them achieving Secure by Design principles.

#### 9.60 Access and Inclusion

London Plan policy 4B.5 (Creating an inclusive environment) requires new developments to achieve the highest standard of accessibility and inclusion. The proposed building will be accessible to all with access to upper floors available via lifts. The proposals are generally car free, but do include the provision of twelve parking bays for the sole use of disabled / blue badge users.

9.61 Officers consider the proposed building to be acceptable in terms of access and inclusion but recommend the imposition of a condition to ensure that all public realm and garden areas are fully accessible to all. The suggested draft condition is set out as condition number 32 at section 11 below. Subject to this condition, the development provides an acceptable standard of access and inclusion.

#### 9.62 Officer conclusion on urban design

Officers conclude that the proposals offer a high architectural quality that will be an attractive addition to the streetscape when viewed from the surrounding public realm. The development accords with the objectives of saved UDP policies EQ18, EQ19 and EQ20 and London Plan policies 4B.1, 4B.9 and 4B.10 and should be implemented with the suggested conditions as referred to above and set out at section 11 of this report.

#### 9.63 **Amenity Impacts on Surrounding Residential Properties**

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. There are existing residential properties in close proximity to the development site. UDP Policy EQ19 (Urban Design Considerations) identifies the need for new developments to have regard to their surrounding in

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terms of scale and bulk and refers to Newham 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.

#### 9.64 Daylight and Sunlight

Newham SPG entitled 'Residential Planning Guidelines' guidance stipulates that new buildings should be below a 43° angle from rear garden boundary and below a 25° angle measured from the window wall to ensure that the outlook and daylight of residential neighbours is protected. In considering the impact of the proposed building on nearby residential properties the proposed building does not comply with this guidance and as such a Daylight and Sunlight report by Anstey Horne dated 13 August 2010, has been submitted with the application to assess the impacts on daylight and sunlight amenity within neighbouring properties as a consequence of the development. The report considers the surrounding residential properties at 14-24 Great Eastern Road, 7 Salway Place, 108-118 The Grove (The Q Building), 132 The Grove and 140-142 The Grove.

9.65 The submitted Daylight and Sunlight Report analyses the impacts on daylight in terms of Vertical Sky Component (VSC), Daylight Distribution and Average Daylight Factor (ADF). Sunlight availability has been tested using the Annual Probable Sunlight Hours (APSH) method.

9.66 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. Daylight Distribution assesses the change in position of the No Sky Line between the existing and proposed situation.

9.67 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.

9.68 ASPH measures sunlight levels in the space between and surrounding buildings. BRE guidance suggests that where a proposed ASPH value is less than 25%, including at least 5% of annual probable sunlight hours in the winter months, then the resultant value should not be less than 0.8 times its former value.

#### 9.69 14-24 Great Eastern Road

The Anstey Horne report identifies that there will be losses in daylight to the development at 14-26 Great Eastern Road to the north of the site across Great Eastern Road. The report identifies that the proposed scheme would result in losses in VSC (daylight) in excess of the 20% (ranging from 0.41 to 0.78 of their former value) to 10 rooms (5 living/kitchen and 5 bedrooms) on the 1<sup>st</sup> to 3<sup>rd</sup> floors of the southern elevation of that development. It is noted that 4 of the affected rooms already have limited daylight below 27% VSC. The report states that the bigger reductions relate to the windows where the VSC value is

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hampered by the fact that there are external balconies immediately above and the windows are therefore effectively recessed below these external projections. Officers concur that this does appear to be the case.

9.70 The daylight distribution tests that have been undertaken confirm that the majority of rooms tested will satisfy the BRE guide by retaining at least 0.8 times their existing daylight area. Daylight will continue to penetrate to the back of all of the rooms for the 4 rooms that do not comply with this figure and a drawing (ROL6054\_2\_100) is provided to demonstrate this. The report concludes that the Daylight Distribution transgressions that do arise occur because the rooms have enjoyed an open aspect across the site since it was cleared and there will inevitably be some reduction if it is now to be developed. However, it is clear that good daylight penetration will be retained in the proposed condition. Officers concur with this assessment.

9.71 There will also be some impact on sunlight to 14-24 Great Eastern Road, with 4 windows (all living rooms) on the ground and 1<sup>st</sup> floors falling below the BRE standard for ASPH (resultant values range from 0.48 – 0.63%). It is noted that these rooms have inset balconies which already reduce their view of the sky dome.

9.72 7 Salway Place

The Anstey Horne report identifies that there will be losses in daylight to the development at 7 Salway Place to the south of the site. The report identifies that the proposed scheme would result in losses in VSC (daylight) in excess of the 20% (ranging from 0.71 to 0.79 of their former value) to 6 rooms (4 living/kitchen and 2 bedrooms) on the 1<sup>st</sup> and 2<sup>nd</sup> floors of the northern elevation of that development. It is noted that 2 of the affected rooms already have limited daylight below 27% VSC. The report highlights that there are very few transgressions and they are only just below the BRE 0.8 guideline. The report also states that as with 14-24 Great Eastern Road, some of the windows are recessed beneath projecting balconies so the light to the room is self-obstructed. Officers concur that this does appear to be the case.

9.73 The daylight distribution tests that have been undertaken confirm that all but 1 of the 50 rooms tested will satisfy the BRE guide by retaining at least 0.8 times their existing daylight area. The non-compliant room will reduce to 0.76 times its former value, which is close to achieving compliance. It is also noted that as this room is in excess of 7 metres deep and BRE guidance states that for rooms that are lit from one side only and in excess of 5m deep, a greater movement of the no-sky line may be unavoidable. Officers concur with this assessment.

9.74 The report states that sunlight impacts for this building are compliant with BRE guidelines.

9.75 108-118 The Grove (The Q Building)

The Anstey Horne report identifies that there will be losses in daylight to the development at 108-118 The Grove to the south of the site. The report identifies that the proposed scheme would result in losses in VSC (daylight) in excess of the 20% (ranging from 0.32 to 0.79 of their former value) to 14 rooms (10 living/kitchen and 4 bedrooms) on the 1<sup>st</sup> to 4<sup>th</sup> floors of the eastern

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elevation of that development. It is noted that all of the affected rooms already have limited daylight below 27% VSC and that many of the affected windows are set beneath balconies, so are self-obstructed. Officers concur that this does appear to be the case.

9.76 The daylight distribution tests that have been undertaken confirm that the majority of rooms tested will satisfy the BRE guide by retaining at least 0.8 times their existing daylight area, with only 8 non-compliances (which range from 0.10 to 0.79 of their former value). The report states that where the non-compliances occur, this is due partly to the fact that the rooms are poorly designed as they are deep, narrow and only have a small amount of glazing. Furthermore, the affected windows are set behind recessed balconies which exacerbates the problem further. Officers concur with this assessment.

9.77 The report states that sunlight impacts for this building are compliant with BRE guidelines.

9.78 132 The Grove

The Anstey Horne report identifies that there will be losses in daylight to the development at 132 The Grove to the east of the site. The report identifies that the proposed scheme would result in losses in VSC (daylight) in excess of the 20% (ranging from 0.74 to 0.78 of their former value) to 2 rooms (1 kitchen and 1 other room where useage is not stated) on the 1<sup>st</sup> and 2<sup>nd</sup> floors of the eastern elevation of that development. It is noted that two of the affected rooms already have limited daylight below 27% VSC. The report highlights that the transgressions are only just below the BRE 0.8 guideline.

9.79 The daylight distribution tests that have been undertaken confirm that all but 1 of the rooms tested will satisfy the BRE guide by retaining at least 0.8 times their existing daylight area. The non-compliant room will reduce to 0.64 times its former value. The report states that as this room is a bedroom, which the BRE Guide notes as being less important.

9.80 The report states that sunlight impacts for this building are compliant with BRE guidelines.

9.81 140-142 The Grove

The Anstey Horne report identifies that there will be losses in daylight to the development at 140-142 The Grove to the east of the site. The report identifies that the proposed scheme would result in losses in VSC (daylight) in excess of the 20% (ranging from 0.73 to 0.77 of their former value) to 4 rooms (1 kitchen and 3 bedrooms) on the 1<sup>st</sup> and 2<sup>nd</sup> floors of the eastern elevation of that development. It is noted that all the affected rooms already have limited daylight below 27% VSC and they are set beneath balconies, so are self-obstructed. The report highlights that the transgressions are only just below the BRE 0.8 guideline.

9.82 The daylight distribution tests that have been undertaken confirm that all of the rooms tested will satisfy the BRE guide by retaining at least 0.8 times their existing daylight area.

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9.83 The report states that sunlight impacts are compliant with BRE guidelines.

9.84 While there is concern that there will be impacts on daylight and sunlight to the abovementioned properties which exceed the relevant BRE guidance, many of the affected rooms already fail to comply with BRE standards and many of the non-compliances are due to the presence of a balcony, which is a pre-existing daylight obstruction. No objections have been received from the surrounding properties. On balance the magnitude of the impacts is not considered to warrant refusal of the scheme and the proposal is consequently considered to be acceptable with regard to saved Newham 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 in relation to the properties which were tested in the submitted sunlight and daylight report.

9.85 Privacy/Overlooking

Newham SPG entitled 'Residential Planning Guidelines' guidance 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. That 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.

9.86 The development provides for a minimum separation distance of 18m between windows in the development and existing habitable room windows, which does not meet the recommended 21m. The 18m separation occurs between the second floor windows in the southern elevation (which relate to two teaching/lecture rooms) and the apartment building at 7 Salway Place. Separation distances of 21m and above are achieved in relation to the other residential buildings around the site.

9.87 While it is appreciated that the development does not achieve the recommended separation distances set out in the SPG guidance, the closest 18m separation distance is not considered unreasonable given the urban context of the site. No objections have been received from surrounding occupants. Mitigation in the form of obscure glazing is not considered necessary.

9.88 **Landscaping and Lighting**

Newham saved UDP policy EQ21 (New Development landscaping) requires new proposals to provide adequate landscaping. London Plan policy 4B.3 (Enhancing the quality of the public realm) seeks to ensure that areas of public realm are accessible and achieve the highest quality of design.

9.89 The application seeks to contribute to the wider public realm by developing a spatial framework of external areas reflective of those already on site. The existing square will be mirrored with a new external space at the end of Salway Mews, which will tie together the SIUC building and the other existing buildings in the Cultural Quarter.

9.90 The applicant has submitted a Landscape Management Plan for the site, which is provided at Appendix 10. The public realm areas within the site are divided

into four main areas and these are summarised as follows:

1. Great Eastern Road: The street design aims to be a simple and uncluttered area with finishes that tie into and respect the wider pavement design. Simple concrete pavers are combined with some raised low level, low maintenance and shade tolerant planting. The existing guard rail is retained with new sections in place on the former Grove Crescent Road exit to ensure pedestrian safety and deter against crossing Great Eastern Road.
  2. Parking Area: 12 disabled car parking spaces are proposed. Concrete conservation kerbs will define edges with some simple native hedges and planting to add structure. Durable tarmac road surfaces tie into the Great Eastern Road. New tree planting proposed.
  3. Stratford Cultural Quarter shared space extension: Existing shared space extended to incorporate the revised extent of areas accessible for regular service and delivery vehicles. Bollards at its perimeter to restrict further movement into Salway Place, with some collapsable bollards to allow for emergency vehicular access.
  4. Salway Place: With the aim of extending in the future to the whole of Salway Place, a new temporary surface treatment is proposed with bands of pavers responding to the main SIUC entrance and architectural geometry. Uncluttered, simple layout with associated lighting.
- 9.91 The private garden for the SIUC will comprise of a series of seating compartments which are separated by native planting bands. Access to this area will be via a secure gate from Salway Place leading into the covered bike store (70 cycle parking spaces provided).
- 9.92 Newham Council's Landscape Architects have assessed and support the proposals. It is recommended that a condition be imposed requiring the submission of the full landscaping details (to include details of street furniture, planting, management and maintenance etc) to ensure that the landscape proposals are implemented to an acceptable standard. That condition is drafted as condition number 6 at section 11 of this report.
- 9.93 The existing site and surrounding area is not well lit at night, therefore a robust external lighting strategy for both the building and public realm around it is important. Given that Birkbeck's programme is based on adult evening education, the building will need to be well lit and inviting during the hours of darkness.
- 9.94 The applicant states that the lighting strategy for the development seeks to both complement the existing Cultural Quarter, whilst also assisting in navigation and way finding to the SIUC development. Two main types of lighting are proposed:
- 1) Street Lighting: Pole lights to parking areas and streetscape to match existing lighting columns.
  - 2) Pedestrian Lighting: Low level bollard lighting to provide soft levels of illumination to the garden area to assist with navigation around that area.

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9.95 The proposed lighting strategy is supported in principle. However a requirement for the submission of full lighting details is included within the materials condition to ensure that the detailed design of lighting is adequate and to ensure that light spill to surrounding residential properties can be controlled. The materials condition is drafted as condition number 5 at section 11 below.

9.96 Overall the proposed landscape strategy and external lighting are acceptable subject to the imposition of conditions requiring full landscape and lighting details. The proposal is considered to be acceptable with regard to saved UDP Policy EQ21 (New Development: landscaping) and London Plan policy 4B.3 (Enhancing the quality of the public realm).

#### 9.97 **Employment**

The development will have average staff occupancy of 230.

9.98 Officers recommend that a commitment towards the use of local goods and services and local labour should be secured by agreement under Section 106 of the Act. This commitment should cover both the construction and operational phases of the development.

9.99 In addition to the creation of jobs at the site, there are clear economic gains attaching to related business expenditure. Job creation will also enhance certain important “invisible” gains relating to the desirability of Stratford as a residential and visitor location.

9.100 The new university building will provide a modern and accessible context in which employment opportunities can be taken up, in accordance with London plan policies 3B.1, 3B.2 and 3D.1 and 3D.2. This is fully supported.

#### 9.101 **Archaeology**

The site is within an Archaeological Priority Area. London Plan Policy 4.15 supports the identification, protection, interpretation and preservation of London’s Archaeological resources. The applicant has provided a desk based archaeological assessment from L-P Partnership, which does not identify any issues of concern regarding the scheme proposals.

9.102 English Heritage GLAAS has recommended a condition to secure a programme of archaeological work. This is considered reasonable and has been drafted as condition number 11 at section 11 below.

#### 9.103 **Climate change adaptation and mitigation**

London Plan policy 4A.9 (Adaptation to Climate Change) seeks to promote and support the most effective adaptation to climate change by:

- minimising overheating and contribution to heat island effects
- minimising solar gain in summer
- contribution to reduction flood risk including applying principles of sustainable urban drainage
- minimising water use; and

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- protecting and enhancing green infrastructure.

9.104 London Plan policy 4B.1 (Design principles for a compact city) requires developments to contribute to adaptation to, and mitigation of, the effects of climate change.

9.105 London Plan policy 4A.1 sets out a hierarchy that should be used to assess applications as follows:

- use less energy, in particular by adopting sustainable design and construction measures
- supply energy efficiently, in particular by prioritising decentralised energy generation; and
- use renewable energy.

9.106 London Plan policy 4A.4 requires applications to be accompanied by an energy assessment setting out the expected energy and CO<sub>2</sub> emission savings from the energy efficient and renewable energy measures incorporated into the development.

9.107 The applicant has provided an Energy Strategy and a Sustainability Statement, both prepared by AECOM, which confirm that the building will achieve a minimum BREEAM rating of 'excellent'. The following design strategies will be used to achieve this:-

- Energy efficient building; good insulation, low glazing percentage, especially on the south elevation to reduce solar gain.
- Single system for heating, cooling and ventilation through a displacement vent strategy; future connection to evolving district heat network.
- A concrete frame with exposed ceilings to act as thermal mass.
- Reduced-car scheme, no parking provision except for 12 disabled bays.
- Encourage the use of public transport, for example by providing an info display.
- Promote biking by providing secure and covered bike stands and shower facilities.
- Promote renewable energy by installing PV panels in the south facade and on the roof.
- Green roofs and natural habitats in the garden.
- Recycling facilities.
- Energy saving fittings.
- Grey and rainwater recycling, slow-flow water fittings

9.108 The application site is in the vicinity of the Olympic Park district heating network, which is in the early stages of development. While connection to this network is understood to not be possible for some five years, the applicant has designed the internal heat distribution systems to enable and facilitate future connection to that network.

9.109 The applicant has investigated the potential to use CHP, but ruled this out as a building specific CHP system is unlikely to offer significant CO<sub>2</sub> savings and is not ideally suited to this development.

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9.110 Overall it is considered that the application makes adequate commitments to promote and support the most effective adaptation to climate change. Officers suggest the imposition of a condition to ensure that the development is carried out in accordance with the submitted Energy Strategy and Sustainability Statement. A condition should also be imposed requiring the applicant to demonstrate that the proposals do indeed achieve a minimum BREEAM rating of 'excellent'. These conditions are drafted as condition numbers 2 and 27 respectively at section 11 below.

#### 9.111 **Traffic and parking**

Planning Policy Guidance Note (PPG) 13 (Transport) encourages more sustainable transport choices and reducing the need to travel. London Plan policies 3C.2, 3C.21, 3C.22, 3C.23 and 3C.17 and Newham saved policies T5, T13, T14, and T19 are particularly pertinent to the assessment of this proposal. Together, these policies seek to make the best use of existing roads, reduce additional road traffic generation, regulate parking and reduce congestion, in order to improve road safety; reduce CO<sub>2</sub> emissions; and, to provide facilities at a level appropriate to everyone, including those without access to private vehicles.

9.112 The applicant has provided a Transport Assessment by AECOM together with a draft travel plan.

#### 9.113 Site Accessibility and Parking Provision

The application proposes to develop land part of which currently accommodates 46 pay and display car parking spaces. The proposals provide 12 replacement disabled parking bays. It is proposed to stop up Grove Crescent Road and provide a new consolidated two-way access road to Salway Place. There is some concern regarding the loss of overall parking provision. However, on balance, given the PTAL rating of the site; the overriding community benefit of the development; and the fact that scheme will reduce the overall number of vehicle trips to the site, this is considered acceptable on balance.

9.114 The site is highly accessible by all forms of public transport and has a PTAL rating of 6B (excellent).

9.115 The development would only provide off-street parking for disabled / blue badge holders. Given the excellent PTAL rating of the site, there is no objection to there being no other dedicated parking provision for the development, subject to the applicant agreeing to enter into a 'reduced car parking development' agreement with the Council to prevent the occupiers (staff and students) of the development from obtaining a Stratford Controlled Parking Zone (CPZ) parking permit.

9.116 The proposals provide covered and secure cycle parking for 70 cycles to the east of the proposed building. This is considered a reasonable level of cycle parking, but officers also recommend that some additional publically accessible visitor cycle parking be provided to the front of the building.

9.117 Officers recommend the imposition of a condition requiring the submission of

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the full details of the proposed cycle parking to ensure that it is adequately covered, lit and secure to encourage its use. Transport for London have requested a condition requiring the applicant to confirm that a safe or segregated cycle link can be provided between the on site cycle parking area and the existing or any enhanced cycle links around the site. This is considered reasonable and is recommended accordingly [see draft condition number 22 at section 11 below].

#### 9.118 Trip Generation

In order to identify the trip generation of the development the submitted Transport Assessment (TA) has interrogated the TRAVL database to identify similar sites for comparison. The TA has considered two sites which have been surveyed in the last 10 years: Kingston College and the Kensington and Chelsea College. The trip rate suggested by the survey is 3.9 two-way trips made per student at the site over the course of the day, and there are no concerns regarding this figure.

- 9.119 The TA has not taken account of staff trips associated with the proposals. This should ideally have been provided, however it is accepted that the overall additional trips from the proposals are unlikely to have any impact on the local public transport network.

The submitted Travel Plan is considered acceptable and a condition is recommended to ensure that it is adhered to at all times and that all results of monitoring and review are reported to the Local Planning Authority within one year of the first occupation of the development to promote the use of sustainable modes of transport [see draft condition number 23 at section 11 below].

#### 9.120 Servicing and Deliveries

Access for parking, servicing, refuse and deliveries is currently via a one-way loop with vehicles entering Grove Crescent Road and exiting back onto Great Eastern Road via Salway Road.

- 9.121 The applicant states that the key organisations in the area (Stratford Circus, Theatre Royal, Picturehouse, Pizza Express, Richard Roberts Residence (also known as Strettons Apartments), Pound Stretcher, Wilkinsons, The Goose, Tyco, Peacocks, and the Fox) were contacted in order to identify their current servicing and delivery activity. It is noted that none of these surrounding occupiers have commented on the application. It is understood that deliveries are currently able to take place during most of the day despite the existing restrictions.

- 9.122 The proposals include the provision of a new servicing facility between the SIUC building and Richard Roberts Residence. This area will be able to accommodate at least two large rigid vehicles at any one time. This would allow a formalisation of current servicing agreements. A servicing and delivery plan has been submitted for the site and wider area and the applicant proposes that in going forward, further discussions will be held between the various operators in the Cultural Quarter to discuss the potential for introducing an area wide vehicle booking system.

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- 9.123 The proposed servicing strategy is acceptable in principle, and the applicant's commitment to engaging with the other operators in the Cultural Quarter is welcomed. A condition is recommended requiring the submission of an Operational Delivery and Servicing Plan (ODSP) in relation to overall vehicle movements associated with all sites that require servicing from Salway Road. The condition as drafted as number 10 at section 11 below requires the applicant to provide: i) provide full details of booking systems; ii) detail secure off street loading and drop-off facilities; and iii) demonstrate clear vehicle sweep paths, in relation to overall vehicle movements associated with all sites that require servicing from Salway Road. This will ensure that all of the occupants of the Cultural Quarter are able to service their sites adequately in a managed way.
- 9.124 Newham Council is committed to working with the applicant to ensure that the servicing plan can be delivered. It is likely that the public realm will be adopted by the Council, who will therefore be responsible for the monitoring and enforcement of any agreed servicing strategy.
- 9.125 Transport for London have been consulted and have no objection to the proposed arrangements subject to the submission of a delivery and service plan and construction logistics plan to prevent obstruction of the public highway, avoid accidents, and mitigate any construction impacts on the Strategic Road Network and Olympic Route Network. This is considered reasonable and is recommended accordingly.
- 9.126 Newham Council's Transportation Section has requested the following Section 106 commitments and contributions:
1. A financial contribution of £30,000 towards future extensions to Stratford CPZ to reduce the impact of displaced parking in the locality.
  2. A financial contribution of £30,000 towards Public Transport.
  3. The removal of any redundant crossovers and the renewal/reinstatement of footways fronting or surrounding the site due to any damage of the footways during the course of construction work.
  4. Applicant to agree to enter into a reduced car development agreement to prevent the occupiers (staff and students) of the development from obtaining a Stratford CPZ parking permit. This is required to reduce the impact of displaced parking in the locality. Developer to pay £2,000 as an LB Newham administration cost.
  5. Applicant to pay total cost for the implementation of loading and unloading restriction along Salway Road and Salway Place.
- 9.127 The submitted TA demonstrated that it is unlikely that the overall additional trips from the development site would have any impact on the local public transport network, therefore the request for a public transport contribution is not considered reasonable. The remainder of the contributions are accepted and as such it is expected that these will be secured within the Section 106.
- 9.128 Overall the traffic and parking impacts of the development would be accepted if the proposal is carried out in accordance with the submitted documents, suggested conditions and S106 obligations. The application generally accords with the objectives of saved UDP policies T1, T5, T13 and T14, and London

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Plan policies 3C.3, 3C.22, and 3C.23. Agreement to these heads of terms is considered necessary to mitigate the likely transport impacts and make the application acceptable in planning terms.

### 9.129 Planning Obligations / Legal Agreements

The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010. Under Regulation 122, a planning obligation may only constitute a reason for granting planning permission if the obligation is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. In addition, under Circular 05/05, a planning obligation must be relevant to planning and reasonable in all other respects.

9.130 Having considered the planning application, with particular reference to the representations received from statutory bodies, officers have reached the decision that the application generally accords with the relevant development plan(s), but that the scheme is likely to create a need for facilities which have not been provided for in the application. Officers consider it necessary and reasonable to ensure that contributions are applied to make provision for the impacts created by the proposed development in order to make the proposals acceptable in planning terms.

9.131 The following heads of terms of agreement are required to mitigate the effects of the development and make the proposals acceptable in planning terms:

- A commitment towards the use of local goods and services and local labour.
- Applicant to agree to enter into a reduced car development agreement, preventing the occupiers (staff and students) of the development from obtaining a Stratford CPZ parking permit. Developer to pay £2,000 towards LBN administration costs.
- A commitment to pay the total cost for the implementation of loading and unloading restrictions along Salway Road and Salway Place. LBN had not provided a figure at the time this report was concluded.
- £30,000 towards future extensions to the Stratford Controlled Parking Zone.
- Payment of the costs of a highway closure order under S247 of the Town and Country Planning Act 1990 to extinguish the public highway and a road traffic regulation order to restrict vehicular access on the areas designated for pedestrians.
- LTGDC section S106 monitoring contribution of £2,000.

9.132 In addition, any alteration of the existing highway will require a S278 agreement as well as a S38 in relation to any areas of highway that are to be dedicated.

9.133 Officers are satisfied that the community benefits under the proposed s106 agreement meet the statutory tests prescribed in regulation 122 of the Community Infrastructure Levy Regulations 2010, and can therefore be taken into account as a reason for approval.

9.134 If members agree with the officer assessment, they may take the proposed obligations into account as material considerations but not otherwise.

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### 9.135 Equalities

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

9.136 LTGDC officers have ensured non-discrimination in carrying out its planning functions.

9.137 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 no adverse equalities issues.

### 9.138 Human Rights Act 1998

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

## 10. CONCLUSION AND REASONS FOR APPROVAL

10.1 The proposals have been the subject of extensive pre-planning application discussions and were revised to reflect the outcome of that early process prior to the formal submission of the planning application. The amended scheme is considered to be an improvement on previous iterations.

10.2 The principle of a new educational facility offering enhanced education opportunities on the site is supported.

10.3 If fully implemented in accordance with the conditions and informatives set out at section 11 of this report, the proposals would greatly contribute to the regeneration aspirations for Stratford town centre, providing a valuable educational facility and associated public amenity that does not result in material harm to St. John's conservation area, listed buildings or their setting, or any features of special architectural and historic interest. The proposal would greatly contribute to the regeneration aspirations for Stratford without prejudicing the comprehensive redevelopment of the remainder of the Island Site.

10.4 The proposals accord with the provisions of the development plan(s) and no material considerations have been identified including representations from adjoining owners / occupiers that warrant refusal of the application.

10.5 **RECOMMENDATION** - 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 and subject to the completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and other relevant legislation securing the matters set out at paragraph 9.131 (above).

## 11. CONDITIONS AND REASONS

11.1 LTGDC officers consider that the following conditions should be imposed if planning permission is granted:

1. The development hereby permitted shall be commenced not later than the expiration of THREE YEARS from the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. All works are to be completed in accordance with the following submitted documents and drawings:
  - Town Planning Statement, prepared by GL Hearn, dated August 2010;
  - Design and Access Statement SIUC building, prepared by Make Architects, dated August 2010;
  - Stage D Access Statement, prepared by David Bonnett Associates, dated August 2010;
  - Stratford Island University Centre Flood Risk Assessment, prepared by AECOM Limited, dated June 2010;
  - Sustainability Statement, prepared by AECOM Limited, dated 13.08.10;
  - Energy Strategy, prepared by AECOM Limited, dated 04.08.10;
  - Stratford Island University Centre Air Quality Assessment, prepared by AECOM Limited, dated July 2010;
  - Stratford Island University Centre – CFD Microclimate Study, prepared by AECOM Limited, dated 18.08.10;
  - Stratford Island University Campus Ecological Appraisal, prepared by Ecology and Land Management, dated April 2010;
  - Daylight and Sunlight Report, prepared by Anstey Horne dated 13.08.2010;
  - Stratford Island University Centre Transport Assessment and Travel Plan, prepared by AECOM, dated August 2010;
  - Archaeological Desk Based Assessment, prepared by L-P Partnership Limited, dated May 2010; and
  - Drawing numbers:

P10 Rev 02 (Proposed Site Plan and Existing Site Plan)  
P0 Rev 02 (Ground Level)  
P1 Rev 02 (Level 1)  
P2 Rev 02 (Level 2)  
P3 Rev 02 (Level 3)  
P4 Rev 02 (Level 4)  
P5 Rev 02 (Roof Level)  
P6 Rev 02, Revised 13.08.10 (Section AA & BB)  
P7 Rev 02, Revised 13.08.10 (West & South Elevation)  
P8 Rev 02, Revised 13.08.10 (East & North Elevation)  
P12 Rev 02, Revised 13.08.10 (Detail Section)  
P13 Rev 02, Revised 13.08.10 (Site Sections and Elevations)  
P18 Rev 02, Revised 13.08.10 (Perspective Views)  
P19 Rev 02, Revised 13.08.10 (Perspective Views)  
P20 Rev 02, Revised 13.08.10 (Perspective Views)

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

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Reasons: To ensure that the development is undertaken in accordance with the approved drawings and to protect the local amenity with regard to Policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy 4B.1 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any provisions equivalent to that class on any statutory instrument revoking and re-enacting that order), the use of the premises shall be limited to Non-residential Education and Training Centre with ancillary offices use (Use Class D1) (as specifically described in the documentation supplied with the planning application hereby approved) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: For the avoidance of doubt and to avoid the introduction of other uses in the same use class, which may be harmful to the amenities of the area and with regard to policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State). The determining Local Planning Authority is satisfied that the use hereby approved would not result in detriment to adjoining properties but would wish to control future changes of use within the same Class in the interests of the amenity of neighbouring residents and adjoining properties.

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.

Reasons: 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, saved from 27<sup>th</sup> September 2007 by direction from the Secretary of State) and Policy 4A.3 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

5. No part of the development hereby permitted shall be occupied until full details, including samples, specifications and annotated plans of the following have been submitted to and approved in writing by the Local Planning Authority:

1. facing materials
2. external signage
3. windows
4. external lighting
5. external plant

The development shall only be implemented in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reasons: To ensure a satisfactory standard of external appearance and to protect local amenity in accordance with Policy EQ19 of the London Borough of

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Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.1 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

6. a) Notwithstanding the plans hereby approved, no part of the development hereby approved shall be occupied until full details of the hard and soft landscaping proposed for all areas of ground floor public realm and private garden within the application site have been submitted to and approved by the Local Planning Authority. The submission shall include the following:
1. 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);
  2. full details of the design, specifications, colour, finishes and materials of all surface treatment;
  3. full details of all seating and street furniture;
  4. full details of any green roofs and brown roofs;
  5. full details of management and maintenance.
- b) All planting, seeding or turfing shall be implemented in the first planting season following occupation of the building or the substantial completion of the development, whichever is the sooner.
- c) The green roofs shall be provided prior to the first occupation of the building and retained thereafter.
- d) Any plants or trees that die or are removed, damaged or diseased within a period of FIVE years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species, unless otherwise approved in writing by the Local Planning Authority.

Reasons: To ensure a satisfactory standard of residential environment and public realm and to protect local amenity and with regard to Policies EQ14, EQ18, EQ19, EQ21, 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, and 4B.12 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

7. 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.

Reasons: 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

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Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

8. Notwithstanding the plans hereby approved, no doors or windows at ground floor level in the development shall open outwards on to public highway.

Reasons: In the interest of pedestrian safety, in accordance with Policies EQ19 and T19 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 (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

9. 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:

1. An assessment of the cumulative impacts of construction traffic;
2. Details of the likely volume of construction trips and any mitigation measures proposed;
3. Site access arrangements;
4. Booking systems;
5. Construction phasing;
6. Vehicular routes;
7. Scope for load consolidation to reduce generated road trips;
8. An investigation of the use of rail and/or water based freight during construction; and
9. A full breakdown of the timing and detail of construction works and their impacts on the public highway and Olympic Road Network (ORN)

The development shall only be constructed in accordance with the approved Construction Logistics Plan.

Reason: To prevent obstruction of the public highway, avoid accidents, and to ensure there are no adverse impacts on the Olympic Road Network during the Olympic Games and 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 and 5C.2 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

10. Prior to the occupation of the development hereby permitted an Operational Delivery and Servicing Plan (ODSP) shall be submitted to and approved in writing by the Local Planning Authority. The ODSP shall: i) provide full details of booking systems; ii) detail secure off street loading and drop-off facilities; and iii) demonstrate clear vehicle sweep paths, in relation to overall vehicle movements associated with all sites that require servicing from Salway Road.

Reasons: To ensure that all the occupants of the Cultural Quarter are able to service their sites adequately, to further reduce the overall number of vehicle movements, and to avoid accidents, in accordance with Policies T10, T13, T14, and T19 of the London Borough of Newham Unitary Development Plan (adopted 2001, saved in accordance with the direction given by the Secretary of State for London on 27th September 2007), and Policies 3C.17 and 3C.21 of

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the adopted London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

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

Reasons: Significant archaeological remains may survive on the site. The Local Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with Policy EQ43 of the London Borough of Newham Unitary Development Plan (adopted June 2001 saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), Policy 4B.15 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010), and PPG16.

12. No impact piling or any other foundation designs using penetrative methods shall be permitted during the construction of this development without the prior written permission of the Local Planning Authority in consultation with the Environment Agency.

Reasons: To ensure that the development does not cause undue impacts to the amenity of adjoining neighbouring occupiers through noise and vibration disturbance, to protect underground water and sewage utility infrastructure, and to protect controlled waters from pollution, and in accordance with Policies EQ45 and EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.16, 4A.17 and 4A.33 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

13. Prior to the commencement of works on the development, an Environmental Code shall be submitted to and approved in writing by the Local Planning Authority, in respect of such matters as are likely to cause nuisance to adjoining occupiers. Details should include any demolition, ground works, (including decontamination), construction and access to the site, hours of operation, noise, dust, smoke, road cleaning, odour control, wheel washing and any other matters relevant to this particular site. The approved Environmental Code shall be adhered to for the duration of the construction works.

Reasons: To protect the amenity of neighbours and in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4B.1 and 4A.3 of the adopted London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

14. No part of the development hereby permitted shall be occupied until details of the means of ventilation to internal WCs have been submitted to and approved in writing by the Local Planning Authority. Details should include the termination positions of any ducting. The approved scheme is to be implemented prior to occupation of the development and shall be permanently maintained thereafter.

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Reasons: To ensure a satisfactory standard of accommodation for students and staff and in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.1 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

15. No part of the development hereby permitted shall be occupied until full details of any mechanical ventilation or other plant have been submitted to and approved in writing by the Local Planning Authority. Details shall include full specifications of all filtration, deodorising systems, noise output and termination points. Particular consideration should be given to the potential high level discharge of kitchen extract air/ the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential. The approved scheme shall be completed prior to occupation of the development and shall be permanently maintained thereafter. Reference shall be made to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA ([www.defra.gov.uk/environment/noise/research/kitchenexhaust/index.htm](http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/index.htm)).

The approved scheme of mechanical ventilation is to be implemented prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.1 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

16. Prior to the commencement of works on the development hereby permitted, an air quality report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify:
1. The areas within the boundary of the site that may exceed relevant national air quality objectives;
  2. How the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives;
  3. All areas of potential exposure; and
  4. How the development will reduce its impact on local air pollution.

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

Reasons: To protect the amenity of future users of the development and neighbours and in the interest of the declared Air Quality Management Area and with regard to policies EQ45 and EQ46 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 4A.19 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

17. No part of the development hereby permitted shall be occupied until an acoustic report has been submitted to and approved by the Local Planning Authority.

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Plant operation and activity on site shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst affected property. Where it is considered impractical to meet this noise standard the report should detail mitigation measures taken to reduce noise to a minimum.

The approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001) and Policy 4B.1 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

18. At no time shall any amplified music generated from the site be audible within the adjoining premises.

Reason: To prevent loss of amenity to neighbouring residential premises due to noise generated from the premises and with regard to policies EQ45 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 4B.1 of the adopted London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

19. a) Prior to the commencement of works on the development, an investigation into ground conditions shall be undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report 11. The report of the investigation and proposals for any remediation required shall be submitted to and approved in writing by the Local Planning Authority.
- b) All works approved shall be undertaken to the satisfaction of the Local Planning Authority.
- c) As soon as reasonably practicable, and before the occupation of any remediated area of the site, a validation report shall be submitted and approved by the Local Planning Authority in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy.

Reasons: To safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to policies EQ45 and EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.33 of the adopted London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

20. No development shall take place until a wind mitigation scheme to address the impacts identified in the submitted Wind Microclimate Desk Study by AECOM has been submitted to and approved in writing by the Local Planning Authority.

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The developer shall certify the provision of the approved mitigation works prior to the first use of the development to the satisfaction of the Local Planning Authority.

Reasons: To ensure the safety and amenity of residents, staff and the general public in accordance with Policy 4B.10 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

21. The development shall be carried out in accordance with the recommended biodiversity mitigation measures and enhancements set out in the Ecological Appraisal by Ecology and Land Management, to the satisfaction of the Local Planning Authority.

Reasons: To maximise the biodiversity value of the site in accordance with the objectives of Policy 3D.14 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

22. No development shall take place until details confirming that a safe shared or segregated cycle link can be provided between the on-site cycle parking areas and the existing and/or enhanced cycle links around the site have been submitted to and approved in writing by the Local Planning Authority, in consultation with Transport for London.

Reasons: To promote sustainable modes of transport and encourage cycling in accordance with Policies T5, T23 and T24 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 and 3C.22 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

23. No part of the development hereby permitted shall be occupied until details that demonstrate that the Travel Plan by AECOM dated August 2010 has passed the ATTRIBUTE requirement have been submitted to and be approved in writing by the Local Planning Authority.

That approved Travel Plan shall then be adhered to at all times, and all results of monitoring and review shall be reported to the Local Planning Authority within one year of the first occupation of the development.

Reasons: To promote sustainable modes of transport in accordance with Policy T5 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy 3C.3 of the adopted London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

24. The car parking spaces within the application site shall be clearly marked out and available for use by disabled people / Blue Badge Holders only to the satisfaction of the Local Planning Authority.

Reasons: To ensure blue badge holders have priority parking close to the development and the town centre in accordance with Policy EQ25 of the London Borough of Newham Unitary Development Plan (adopted June 2001 & saved from 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.5 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

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25. No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking for a minimum of 70 cycles, and details of secure cycle parking for visitors to the front of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle parking has been installed in accordance with the approved details.

Reasons: To promote sustainable modes of transport in accordance with Policy T24 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3C.3 and 3C.22 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

26. Unless otherwise agreed in writing by the Local Planning Authority, access to the public footways and bus stops surrounding the development shall be maintained at all times during construction to the satisfaction of the Local Planning Authority.

Reason: To ensure that safe and accessible footways and public transport links are maintained for pedestrians around the construction site in compliance with Policy T19 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 3C.20 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

27. The development hereby permitted shall not be occupied unless and until, the developer has provided a copy of the final Building Research Establishment (BRE) certificate confirming that the development design for the permanent building achieves a minimum BREEAM rating of Excellent. 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 climate change and sustainability in accordance with Policies S4, 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.2, 4A.3 and 4A.8 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

28. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency:

- 1) A preliminary risk assessment which has identified:
  - All previous uses;
  - Potential contaminants associated with those uses;
  - A conceptual model of the site indicating sources, pathways and receptors; and
  - Potentially unacceptable risks arising from contamination at the site.

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- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) 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.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be implemented in strict accordance with the approved details to the satisfaction of the Local Planning Authority.

Reasons: To safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to Policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4A.33 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

- 29.
- a) Prior to commencement of development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
  - b) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority in accordance with the plan in part a) above.
  - c) On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

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

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dated April 2010).

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: To prevent pollution of the water environment, in accordance with Policies S4, EQ18, EQ19 and EQ63 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

31. The development hereby permitted shall not be commenced unless and until, a plan showing details of all access routes for fire and other emergency vehicles to the development, during the construction period and when completed have been submitted to and approved in writing by the Local Planning Authority. The approved access routes shall be kept clear at all times.

Reason: To ensure satisfactory access for emergency vehicles and with regard to saved policy EQ19 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 policy 4B.6 of the London Plan, Consolidated with Alterations since 2004 (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

32. All landscaping, public realm, facilities and street furniture provided as part of the development hereby permitted shall be designed to be fully accessible and usable by all people, including those with disabilities, wheelchair and scooter users, people with sight impairment and people with prams or pushchairs, to the satisfaction of the Local Planning Authority.

Reason: In the interest of inclusive design and to ensure that disabled people are not excluded from using the proposed development, in accordance with saved policies EQ19 and EQ25 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 and 4B.5 of the London Plan, Consolidated with Alterations since 2004 (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

33. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be in use between the hours of 0700 and 2230 Monday to Saturday and between 0700 and 1800 on Sunday and Public Holidays and at no other time except with the prior written approval of the Local Planning Authority.

Reasons: 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 (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010).

## 12. INFORMATIVES

### 1. Thames Water Comments

**Waste Comments:** There are public sewers crossing the site. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

**Surface Water Drainage:** With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. They 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:** There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.

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

### 2. National Grid Comments

The works proposed are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus. If the developer decides to proceed with these works, please contact National Grid so that they can arrange for

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technical advice and guidance to be provided.

### 3. Transport for London Comments

Any works on the Strategic Road Network (SRN) will need TfL approval under the Traffic Management Act 2004. Should works commence between 1st January 2011 and 1st October 2012 an Olympic Route Network Notification (ORNN) must additionally be made to TfL's Olympic Route Management Programme Team. Formal notifications and approval/s may be needed for both the permanent highway scheme and any temporary highway works required during the construction phase of the development.

### 4. Environmental Health Comments

#### *Passenger/goods lift*

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

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

#### *Land Contamination*

For advice and information upon contaminated land site investigation, risk assessment and implementing a remediation strategy it is recommended that the developer contacts the Environmental Health Pollution Control Unit, Pollution Control, Housing & Public Protection, Third Floor, West Wing, Newham Dockside, Dockside Road, London E16 2QU Tel 020 3373 0643. 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,

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will be required in order to determine the requirement for gas mitigation measures in the development.

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

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

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

No soils, or infill materials should be imported onto the site unless they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, should be obtained and copies may be requested by the Local Planning Authority.

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

Supporting reports should be prepared by appropriately qualified professionals. All reports should be sent directly to the planning case officer in the Development Control Unit. For each application at least two copies of each report should be submitted in hard copy format plus a further copy in electronic format. The planning case officer will forward the reports on to the appropriate consultees for comment. Applicants are advised against entering into direct negotiation with either the Pollution Control Unit, Environment Agency or any other Council department consultees without notifying the planning case officer.

#### *Air Quality Management Area*

The proposed development lies within Newham's Air Quality Management Area that was declared in March 2002. When deciding upon ventilation to the building you should consider how to reduce exposure to road traffic pollution. For details of the area, the review and assessment of air quality in Newham and the Action Plan that sets out how the Council will act to tackle air pollution the applicant should contact Public Protection (Pollution Control Unit) at Pollution Control Unit, Housing & Public Protection, Third Floor, West Wing, Newham Dockside, Dockside Road, London E16 2QU Tel 020 3373 0643.

#### *External lighting*

External lighting for the development should be designed and positioned such as to:

- Be the minimum required to perform the relevant lighting task;
- Minimise light spillage and pollution;

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- Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas; and
- Avoid dazzle or distraction to drivers on nearby highways.

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

Useful contacts:

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

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

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

*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 effects 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.

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- Erecting solid barriers to the site boundary.
- Ensuring that lorries leaving the site carrying debris or waste are properly covered.
- Cleaning the road and footpath near the site entrance as required.

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

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

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

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

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

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

#### Noise

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

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

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

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

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

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predicting noise from construction sites.

#### General

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

Please note that if you are carrying out demolition works you may need to notify the council as required by the Building Act 1984. This enables the council to protect public safety and ensure that adjoining premises and the site are made good on completion of the demolition. For further information contact London Borough of Newham Council Building Control Service on 020 8430 2000 or Email: [reception.bco@newham.gov.uk](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 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:** Proposed and Existing Site Plan
- Appendix 2:** Site in the context of Stratford Cultural Quarter
- Appendix 3:** Ground Floor Plan
- Appendix 4:** Perspective Views
- Appendix 5:** Perspective Views
- Appendix 6:** Perspective Views
- Appendix 7:** Cross Sections of Proposed Building
- Appendix 8:** West & South Elevation
- Appendix 9:** East & North Elevation
- Appendix 10:** Landscape Management Plan

#### 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);

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- The London Plan: Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (Published Feb 2008 and altered by the London Plan Crossrail Alterations dated April 2010);
- 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);
- The Control of Pollution Act 1974;
- The Environmental Protection Act 1990;
- Control of Noise at Work Regulations 2005;
- Health and Safety at Work Act 1974;
- The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 as amended; and
- The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2010.