

**PLANNING COMMITTEE MEETING: 21 April 2010**

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

<b>UDC CASE NUMBER:</b>	LTGDC-09-064-FUL	<b>DATE MADE VALID:</b>	06/11/2009
<b>APPLICATION NUMBER:</b>	09/01507/LBNM	<b>TARGET DATE:</b>	30/04/2010

<b>APPLICANT:</b>	Genesis Housing Group
<b>AGENT:</b>	DP9 Planning Consultants
<b>PROPOSAL:</b>	Alterations during the course of construction to planning permission reference 07/01166/LTGDC dated 19 December 2007 involving the development of six new buildings of between 7 and 43 storey`s (plus roof plant level) and restoration of Warton House to provide 2,797 sq.m of retail/commercial/community floor space for Class A1-A4/B1/D1 uses and 639 number one, two, three and four bedroom residential units (Class C3), 65 units of extra care, plus associated car and cycle parking, landscaping, and all associated enabling works under the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
<b>LOCATION:</b>	150 High Street Stratford, E15

**1. SUMMARY**

1.1 The site including the former Warton House, is located at 150 High Street, Stratford, in the London Borough of Newham. Planning permission was granted by the Development Corporation in June of 2007 (ref: 07/01166/LTGDC) for a residential led mixed use development comprising a 43 storey residential tower, subsidised work space, a hotel and public riverside landscaping. This scheme was implemented and construction substantially underway when work ceased on site due to financial viability constraints. The scheme is eligible for funding from the Homes and Communities Agency, subject to various scheme improvements relating to design standards, unit sizes and residential amenity improvements.

1.2 The application seeks planning permission for alterations to the approved scheme that will enable HCA funding to be released. Specifically the scheme involves 639 residential units, 65 extra care units (with 783m<sup>2</sup> of ancillary facilities), 1,389m<sup>2</sup> of commercial/community uses and 14 subsidised workspace units (1,498m<sup>2</sup>). The

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submission included changes to the design of the tower but the applicants have since reverted to the permitted design.

- 1.3 In terms of land use principle, the primary change relates to the loss of the permitted hotel element and the inclusion of the extra care units. The land use principle of the development remains acceptable from the consented scheme.
- 1.4 The design and layout of the scheme is considered to be an improvement over the original consent, both in terms of the external features of the lower rise elements, the re-distribution of ground floor uses and the better utilisation of public and semi-private spaces and courtyards.
- 1.5 The residential elements have undergone the most significant changes from the original consent, however these are all considered to be positive changes on the whole. The affordable housing proportion and tenure split is unchanged from the original consent, being 35% affordable housing split 60/40 in favour of social rented housing to intermediate accommodation.
- 1.6 In terms of the highways considerations, the scheme remains largely unchanged and is considered to be acceptable.
- 1.7 The scheme offers an option to connect to the Olympic Park's Kings Yard Energy Centre which will (if feasible) make the scheme an energy efficient and sustainable development. The scheme also has the secondary option of an on site CHP.
- 1.8 The scheme is an EIA development and is accompanied by an Environmental Statement. Following the submission of further information clarifying four chapters of the ES, the scheme is now considered to be acceptable in environmental impact terms.
- 1.9 The proposal is recommended for approval, subject to the completion of a Section 106 legal agreement, a financial contribution in line with the Corporation's Community Benefits Strategy and the conditions set out in section 12 of this report.

## **2. SITE AND PROPOSAL**

### Site and Surrounds

- 2.1 The application site is a 1.3 hectare parcel of land located on the junction of High Street and Warton Road in Stratford. The site is roughly triangular in shape, being bounded by these two roads and enclosed on its western boundary by the Waterworks River, which is the eastern most channel of the River Lea.
- 2.2 The site has been cleared of all buildings with the exception of Warton House in the southern corner of the site. Warton House is a part four, part five storey building built for the Yardley Company as a site for the manufacture of boxes for its soap products in 1937. The building has a distinctive modernist inter war design and is a local landmark that contributes positively to the townscape of the surrounding area. The building is locally listed, but English Heritage have confirmed that it is not suitable for statutory listing as a building of national architectural or historic interest and as a result it enjoys no statutory protection.

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- 2.3 The site has the benefit of planning permission (ref: 07/01166/LTGDC ) for the development of six new buildings of between 3 and 45 storeys and the restoration and extension of Warton House to provide 300m<sup>2</sup> of community or commercial floor space (A1/A2/B1 and D1 uses), 435m<sup>2</sup> commercial floorspace (suitable for A1-A4/B1/D1 uses), a 4510m<sup>2</sup> 153 bedroom hotel (C1), 20 subsidised workspace units (B1) and 690 studio, one, two, three and four bedroom residential units (C3), plus associated car and cycle parking and landscaped amenity space. This scheme has been partially constructed. At present, the majority of the ground works have been completed, including basement slabs, columns and some core structures. The frames of the buildings in the northern corner of the site have been built to four storeys.
- 2.4 The site is located 600 metres south-west of the Stratford town centre boundary, as defined in the London Borough of Newham Unitary Development Plan (UDP) (adopted June 2001). A predominantly residential area lies between Stratford and the site, while the balance of the surrounding area comprises new residential blocks along the High Street, works associated with the Olympics and Westfield shopping centre and some light industrial/warehousing activities. The main existing residential neighbourhoods are characterised by social housing ranging in scale from three storeys to tower blocks.
- 2.5 The High Street is the focus for several large scale development proposals at various stages of construction. Neighbouring the site on the opposite side of Warton Road is the former LD Toys site. A scheme was considered by the Development Corporation's planning committee on the 11<sup>th</sup> of October 2007 which consented a residential-led mixed-use development comprising two buildings between 8 and 27 storeys (including mezzanine level) with 1,130m<sup>2</sup> of commercial floor space suitable for Class A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), B1 (Business) and D1 (Non-Residential Institutions) uses at ground floor and mezzanine levels, and 298 one, two and three bedroom residential units, including landscaped amenity space and 80 car parking spaces, 40 motorcycle parking spaces, and 298 cycle parking spaces. Construction of this development is nearing completion.
- 2.6 On the opposite corner of the High Street junction and on the northern side of Rick Roberts Way construction is underway for a mixed use development comprising 178 new homes and 946m<sup>2</sup> of commercial space A1 (shop), A2 (financial and professional services) A3 (restaurants and cafes) B1 (business) D1 (non residential institutions) and D2 (assembly and leisure).
- 2.7 Also on Warton Road, adjacent to the railway viaduct, is 'Icona Stratford', a completed 18 storey block of flats.
- 2.8 The application site is well located in relation to a range of public transport options and has a PTAL of 4/5. It is situated approximately 600 metres from Stratford Station, which provides access to mainline and suburban rail services, the London Underground network, the Docklands Light Railway (DLR) and 17 local bus routes. Pudding Mill Lane DLR Station is also 750 metres to the south-west of the site. High Street is served by five bus routes (25, 108, 276, D8 and S2), which provide frequent access to the City of London, the Isle of Dogs and throughout east London. The application site is within walking distance of a range of shops, services and employment opportunities. A range of new commercial spaces, retail units, and community services are also proposed as part of the emerging developments in the

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area surrounding the application site. The Stratford City (Westfield) Development to the north of the site will utilise Warton Road as one of the principle vehicular access routes into the development.

### Development Proposal

2.9 The application has been lodged on behalf of Genesis Housing Limited and seeks alterations to the existing planning permission during the course of the construction. The changes have been led by requirements for funding from the Homes and Communities Agency in terms of enhanced design and space standards.

### *Extant Permission*

2.10 In more detail, the six new buildings under the extant planning permission are summarised as follows:

- Building A: a 43 storey tower located at the midpoint of the High Street frontage. The building has a curved plan form and a roof line tapering from the northern to southern (High Street) edge. A total of 293 private residential units are contained within the building.
- Building B: the retained and refurbished Warton House, with two lightweight additional storeys accommodating overall 27 affordable units and 31 private residential units plus affordable workspace.
- Building C: a 11 storey building in the eastern Warton Road/High Street corner of the site, fronting High Street. The consent provides for a 137 room hotel.
- Building D: a 10 storey building fronting Warton Road, containing 495m<sup>2</sup> of commercial space and 70 intermediate tenure residential units.
- Building E: a part three, part 10 storey building in the centre of the site. The 10 storey element is orientated north west to south east with the lower three storey element forming an 'L' shape and enclosing the public square created by the other buildings. This building contains 122 residential units, of which five are private, 15 intermediate and 102 private accommodation.
- Building F: a part two, part 10 storey building containing 285m<sup>2</sup> of commercial floorspace at ground floor level and 95 social rented residential units above.
- Building G: a part two, part eight storey building containing 44 social rented residential units.

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2.11 The approved residential mix is 35% affordable split 60% to 40% in favour of social rented accommodation. The specific approved breakdown is as follows:

	Studio	1 Bed	2 Bed	3 Bed	4 Bed	Totals
Private	14	192	158	60	2	<b>426 (65%)</b>
Intermediate	2	30	50	8	1	<b>91 (14%)</b>
Social	0	40	41	47	10	<b>138 (21%)</b>
<b>Totals</b>	<b>16 (2%)</b>	<b>262 (40%)</b>	<b>249 (38%)</b>	<b>115 (17.5%)</b>	<b>13 (2%)</b>	<b>655</b>

2.12 The approved landscaping proposals are arranged into four areas and a riverside walkway, Buildings F and G each enclose a private communal garden area for the residents with the respective blocks. Between buildings F and E is a pocket park which provides a landscaped link through the site from Warton Road to the Riverside Walkway, as well as a play area for 9 to 11 year olds. Buildings A, C, D and E enclose a hard landscaped piazza area. This also provides a servicing area for the hotel, car club parking and possible seating areas for the commercial uses at ground floor level. A river edge green buffer has also been secured along the western edge of the development. Provision has been allowed to link the riverside walkway to the Greenway.

2.13 The buildings along Warton Road have been set back from the existing highway alignment to allow increased footfall and junction works associated with the Olympics and the Stratford City development.

#### *Proposed Alterations*

2.14 The alterations to the consented scheme are principally concerned with achieving enhanced standards in terms of units sizes, layouts and design as well as completely re-modelling the external public and private space. The changes to the scheme are as follow:

- Building A: an increase in residential units by one to 294 private units and an addition commercial floorspace allocation of 323m<sup>2</sup>.
- Building B: removal of one stair core and relocation of the main entrance to the river frontage elevation.
- Building C: removal of the C1 Hotel use and associated servicing and coach access. The building will now accommodate 91 private residential units and 389m<sup>2</sup> of commercial floorspace. The total building height is also reduced by one storey to 10 storeys. The building footprint as also been regularised.
- Building D: a reduction in commercial space from 495m<sup>2</sup> to 288m<sup>2</sup> and an increase in intermediate residential accommodation from 70 to 85 units.
- Building E: All residential units are replaced with 65 extra care units plus 783m<sup>2</sup> of ancillary facilities. The two storey return wing is removed to allow greater

sunlight penetration and to open the internal courtyard to the riverside walkspace.

- Building F: no change
- Building G: an additional 389m<sup>2</sup> commercial/community floorspace.

2.15 Overall, the development now proposes, 639 residential units, 65 extra care units (with 783m<sup>2</sup> of ancillary facilities), 1,389m<sup>2</sup> of commercial/community uses and 14 subsidised workspace units (1,498m<sup>2</sup>). The proposed new residential breakdown is as follows:

	1 bed	2 bed	3 bed	4 bed	Totals
Private	239	144	25	2	<b>410</b> <b>(64%)</b>
Intermediate	58	25	8	0	<b>91</b> <b>(14%)</b>
Social	40	38	51	9	<b>138</b> <b>(22%)</b>
<b>Totals</b>	<b>337</b> <b>(53%)</b>	<b>207</b> <b>(32%)</b>	<b>84</b> <b>(13%)</b>	<b>11</b> <b>(2%)</b>	<b>639</b>

2.16 The proportion and split of affordable housing remains unchanged, representing 35% of units and split 60/40 in favour of social rented accommodation.

2.17 The proposal also intends to provide a total of 128 basement level car parking spaces, of which 17 are allocated as disabled bays, 9 for the extra care accommodation and 4 car club bays. The basement parking is accessed by a ramp up to Warton Road.

2.18 A further 11 car parking spaces are intended to be provided beneath Buildings F and G at ground floor level, of which 6 are allocated as disabled bays. A further 6 car club bays are proposed for Warton Road. Therefore, in total, the scheme proposes 151 car parking spaces, of which 23 are disabled spaces, 9 allocated to the extra care units and 10 car club spaces.

2.19 In addition to the car parking spaces, the scheme proposes 28 motorcycle bays and 320 cycle parking spaces.

2.20 In terms of servicing, the basement access ramp is proposed to provide a route for service access along the side of Building E and serving Building B. Emergency and delivery vehicles will gain access to the proposed courtyard space with three defined bay for delivery vehicles. It has been proposed that two of these bays will be removed and re-landscaped once the initial moving in period has finished. Each of the buildings will have dedicated refuse storage rooms.

### 3. MAIN ISSUES

- Principle of the alterations
- Design and Layout
- Housing

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- Highways
- Energy and Sustainability
- Environmental considerations
- Section 106 matters

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

*06/02292/LTGDC - December 2006*

4.1 An application for full planning permission was submitted on behalf of Seapoint Development Limited for the demolition of the existing buildings and development of seven buildings between 10 and 41 storeys to provide 3161m<sup>2</sup> of commercial floorspace (B1/A1-4/D2), a 5948m<sup>2</sup> 144 bedroom hotel (C1), a 388m<sup>2</sup> PCT surgery (D1), a 378m<sup>2</sup> nursery (D1) and 736 residential units plus associated car and cycle parking, landscaped amenity areas including a riverside walkway.

4.2 This application was withdrawn following comments from the planning authorities that the scheme was unacceptable and would be refused.

*07/01166/LTGDC – June 2007*

4.3 A second full planning application was submitted by Seapoint Development Limited for the demolition of the existing buildings and partial demolition and extension of Warton House. The scheme proposed six new buildings of between 3 and 45 storeys and the restoration and extension of Warton House to provide 300m<sup>2</sup> of community or commercial floorspace (A1/A2/B1/D1), 435m<sup>2</sup> commercial floorspace (A1-4/B1/D1), a 4510m<sup>2</sup> 153 room hotel (C1), 20 subsidised workspace units (B1) and 690 residential units, plus associated car and cycle parking and landscape amenity space.

4.4 Although the scheme was considered an improvement over the previous, officers considered that height of the tower and perimeter blocks were excessive. Following the submission of revision in October of 2007, planning permission was granted in December of 2007. This permission was implemented in January 2008 however work on site ceased in November of 2008 in order to carry out consultation and discussion with the Home and Communities Agency. As a result of this consultation, the applicant has decided to revisit the internal composition of the approved buildings, which has resulted in the submission of the application before Members.

#### **5. CONSULTATIONS**

The London Borough of Newham

5.1 At the time of writing this report, the formal recommendation of the London Borough of Newham was not known. However, the proposal is due to go before the Borough's Planning Committee on the 14<sup>th</sup> of April 2010 with an officer recommendation to Members that they object to the proposal. The stated reason for this objection is as follows:

*“The design of the proposed tower is not of sufficient architectural quality to justify*

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*such a tall building in this prominent location, by reason of the unacceptably generic, repetitive and over-simplified appearance of the elevations, resulting in a development that would cause significant and demonstrable harm to townscape and visual amenity, contrary to Policies S3, S11, EQ18, EQ19, EQ27, EQ28 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27/09/2007 by Direction of the Secretary of State) and Policies 3A.6, 4B.1, 4B.2, 4B.9 and 4B.10 of the London Plan (Feb 2008: Consolidated with Alterations Since 2004).*

- 5.2 The report was prepared before the design of the tower was reverted to the permitted design. However, it should be noted that Newham Officers support the principle of reverting Building A to the design previously consented under planning permission 07/01166/LTGDC. Newham's Members have also been advised that in the event that amended plans are submitted reverting to the original tower design, they should then recommend to the Corporation that the scheme should only grant planning permission following appropriate consultation and assessment.
- 5.3 The outcome of Newham's planning committee will be reported to Members by way of an addendum to this report.

#### CABE

- 5.4 CABE have provided two responses to the application. The first dated 23<sup>rd</sup> February 2010 essentially welcomed the decision to revisit the scheme, however the conclusion overall was that the brief and urban design strategy reflects a poor understanding of the nature and role of the site in the wider Stratford context.
- 5.5 The focus of the concern was on Building A, the 43 storey tower. CABE considers that a tower of this height is not suitable for the location and were not convinced that the site can accommodate the quantum of development. The architectural changes to Building A were considered to be generic and less convincing than the original design. The repositioning of the Sky Gardens from the southern High Street elevation to the opposite side of the tower was considered to also be a detrimental step in the scheme. Overall, Building A was not considered to set an exemplary standard of development.
- 5.6 Notwithstanding Building A, CABE highlighted a number of areas they felt were improvements to the scheme. This included the change to Building C on the High Street from Hotel to residential units and the opening up of the courtyard by the removal of the three storey element to Building E. The improvements to the riverside walkway were also welcomed by CABE.
- 5.7 Following a meeting between CABE and the applicant, a second consultation response dated 19<sup>th</sup> March was received which clarified the earlier comments. The second response stated that while the proposed resulted in greatly improved residential units with useful accommodation, the architectural quality of the 43 storey tower was the basis for their concerns. In this respect, CABE have elected to defer to their previous comments on the extant permission rather than altogether remove their objection.

#### Design for London

- 5.8 Design for London have supported the views held by CABE particularly with regard

to the changes to the design of the tower, Building A. In particular, the key issues identified were that the tower remains unacceptably generic in appearance and does not provide sufficient architectural quality to justify a tower of this scale in this prominent location, and that the changes to the winter gardens were compromised by the significant number of structural columns and would more closely resemble an office atrium than a communal residential space. No comments have been received on the reversion to the original tower design.

#### Greater London Authority

5.9 The GLA have confirmed by way of an email that given that the scheme is substantively similar to the previous application, which has now been partially implemented, it is not considered to raise any further strategic issues and the Mayor will not be making any formal comment on the application. The advice is that the planning authority does not need to further consult the Mayor on this application.

#### Transport for London

5.10 TfL have reviewed the Transport Assessment and have outlined a number of concerns. Firstly, TfL would have expected a more comprehensive assessment of the cumulative impact in line with other development proposals along Stratford High Street. It has not been accepted that there will be no perceptible impact on the capacity and operation of bus services when account is taken of cumulative impacts on bus routes that are already approaching capacity. In this respect, TfL has request a financial contribution from the LTGDC tariff.

5.11 TfL has also requested that a contribution be provided towards the implementation of the Docklands Arrival Information System (DAISY) screens in public areas, such as the foyers of towers. These have been suggested to be secured separately from the LTGDC tariff contribution.

5.12 The amount and proportion of car parking is considered to be acceptable, however in term of traffic impacts, the preference would be for a largely car free development. TfL has also requested the extension of the Stratford controlled parking zones and exclusion of future residential occupiers from eligibility for parking permits.

5.13 Cycle parking is considered to be below London Plan minimums and it has been requested that this be increased. TfL suggests that some car and motorcycle parking should be converted into cycle parking.

5.14 TfL welcomes the draft Travel Plan and has made suggestions on how the final version can be implemented and monitored. A formalised Delivery and Servicing Plan has also been requested by condition, as well as a Construction Logistics Plan.

5.15 Subject to the issues raised in the consultation response, TfL consider that the development would be in accordance with the transport policies adopted in the London Plan.

5.16 TfL has been consulted on the changes to the Transport Assessment since the receipt of these comments. At the time of writing this report, TfL had not commented on whether their concerns have been overcome.

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### British Waterways

5.17 British Waterways support the principle of the development subject the imposition of conditions to secure full details of the landscaping scheme, lighting scheme, Risk Assessment and Method Statement for work next to the river and a feasibility study for the potential to move freight by water.

### Environment Agency

5.18 No objection subject to conditions regarding river walls assessment, timber cladding to river walls, surface water drainage, compliance with the FRA, contamination and piling.

### National Grid

5.19 There is National Grid apparatus directly crossing the site. National Grid has advised that 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. Detailed advice has been provided by National Grid and forwarded to the applicant.

### English Heritage

5.20 The previously approved development at 150 High Street is significantly taller than any other of the approved schemes and proposals within this area. The development as submitted is significantly taller than the site specific guidance contained within the Stratford High Street Urban Design and Public Realm Strategy.

5.21 The less orthodox form of the new proposal (ref; 09/01507/LTGDC) would result in a structure with a more emphatic urban presence in views across East London. It is particularly important that external architectural details and the choice of facing materials are fully considered at this stage. Any aspects of the external appearance that are unresolved should be the subject of robust conditions attached to any permission to ensure the necessary quality in order to comply with Policy 4B.9 and Policy 4B.10 of the London Plan. The nature of the case, whereby work has stopped on a part completed building, must not override the need for architectural quality. It should be noted that these comments are superseded by the reversion to the previous tower design.

5.22 We welcome the proposed restoration of Warton House as part of the 150 High Street scheme.

### English Heritage GLAAS

5.23 English Heritage GLAAS has advised that the ES correctly identifies the potential for significant archaeological remains on the site. The previously approved application included an archaeological condition to secure the implementation of a programme of archeological works which included an evaluation and the subsequent excavation of the substantial remains of a late 18<sup>th</sup> and early 19<sup>th</sup> century mill, along with more fragmentary remains of early phases of the mill which documentary records suggest has medieval origins.

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5.24 While the archaeological fieldwork has been completed; the post-excavation assessment report included in the Technical Appendices of Volume 3 of the Environmental Statement, has identified the analysis and publication requirements to complete the programme of archaeological work. English Heritage GLAAS therefore recommend that the completion of the archaeological work identified in the post-excavation assessment is secured by condition.

#### Newham Primary Care Trust

5.25 The HUDU Planning Contributions Model estimates that the development will generate 1,407 new residents to Newham who will have a requirement for health services including primary healthcare, mental healthcare and acute care, e.g. Accident & Emergency. The model suggests that the following contribution should be sought to mitigate the impact on the local health economy:

REVENUE: £2,909,754  
TOTAL CAPITAL: £ 899,087  
TOTAL: £3,808,841

5.26 The revenue contribution is equivalent to the additional funding received by the NHS for this population for a year. This is based on calculations associated with age of residents, morbidity, and anticipated use of health services. Anticipate the expected impact on health services to be communicated to LTGDC in the decision making so it can form part of future discussions in respect of pooled funding.

#### Natural England

5.27 Welcome the inclusion of many features which will improve the ecological value of the site, as outlined in the ES.

As there are significant opportunities to deliver environmental gain as part of the proposals we recommend that the applicant produces an Ecological Mitigation and Management Plan (EMMP) as a condition of the development. This will formalise the proposals and ensure they are delivered. The EMMP should include details of how these features will be monitored, managed and funded in the future.

#### Thames Water

5.28 Advice provided regarding surface water drainage, storm flows, public sewer connection, non-return valve, Trade Effluent Consent, petrol / oil interceptors, fat trap and water pressure.

5.29 With regard to water infrastructure Thames Water would not have any objection to the above planning application.

5.30 The development covers a large area, currently served by combined sewers. Impact will depend upon proposed points of connection. Overall flows to combined sewers should not exceed historic flows and this may often be achievable by agreed surface water retention.

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### London City Airport

5.31 The proposal has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Three conditions have been recommended, that include details of any craneage or scaffolding that may be required higher than the completed structure, that proper insulation and glazing is installed in compliance with current noise attenuation regulations, and that obstacle lights are fitted atop Building A.

### Other Consultation Responses

5.32 The Olympic Delivery Authority has advised that they have no objection to the scheme.

5.33 Other authorities consulted but have not provided comment on this proposal are EDF Energy, Lea Rivers Trust, the London Development Authority, the Borough's Crime Prevention Officer and the Stratford Renaissance Partnership.

## **6. APPLICATION PUBLICITY**

6.1 Press Notice Expiry: 7 April 2010

6.2 Neighbour Notification Expiry: 8 December 2010

## **7. REPRESENTATIONS**

7.1 A total of 315 neighbouring occupiers were advised of the proposal by letter on the 17<sup>th</sup> of November 2009. The application was advertised in the Newham Recorder on the 25<sup>th</sup> of November 2009. Following the submission of further information relating to chapters within the Environmental Statement, the neighbouring occupiers were re-consulted on the 9<sup>th</sup> of March 2010 and the ES Addendum advertised in the Newham Recorder on the 17<sup>th</sup> of March 2010.

7.2 A total of three representations were received from the consultation process, all objecting to the scheme. These objections are summarised as follows:

- The impacts of the development on traffic;
- The impact of the development on parking, particularly to Warton Road;
- Increased on-street parking should be considered;
- The landscaping is inadequate. There should be ample green space, tree planting and access to the river as part of the landscaping;
- The landscaping should consider the river and wild life;
- The landscaping should be open to the general public;
- Consideration should be given to allow sufficient vehicle entry and exit points for the development and Warton House.
- Overlooking between the development and Meridia Court (where is this block?) should not cause undue loss of privacy;
- Overlooking to properties in Wise Road;
- The building work would remove the last source of light to properties in Wise Road;

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- Increased traffic and noise from building work;

## **8. RELEVANT PLANNING POLICY**

### 8.1 Planning Policy Guidance and Statements

PPG4: Industrial, Commercial Development and Small Firms (November 1992)  
PPG13: Transport (April 2001)  
PPG15: Planning and the Historic Environment (September 1994)  
PPG17: Planning for Open Space, Sport and Recreation (July 2002)  
PPG24: Planning and Noise (October 1994)

PPS1: Delivering Sustainable Development (January 2005)  
PPS1 Supplement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)  
PPS3: Housing (November 2006)  
PPS6: Planning for Town Centres (March 2005) [and Proposed Changes to PPS6 (July 2008)]  
PPS9: Biodiversity and Geological Conservation  
PPS22: Renewable Energy (August 2004)  
PPS23: Planning and Pollution Control (November 2004)  
PPS25 Development and Flood Risk (2006)

### 8.2 The London Plan – Consolidated with Alteration since 2004 (February 2008):

1.3: Growth Areas and Co-ordination Corridors  
2A.1: Sustainability Criteria  
2A.2: The Spatial Strategy for Development  
2A.5: Opportunity Areas  
2A.7: Areas for Regeneration  
3A.1: Increasing London's Supply of Housing  
3A.2: Borough Housing Targets  
3A.3: Maximising the Potential of Sites  
3A.5: Housing Choice  
3A.6: Quality of New Housing Provision  
3A.7: Large Residential Developments  
3A.8: Definition of Affordable Housing  
3A.9: Affordable Housing Targets  
3A.10: Negotiating Affordable Housing in Individual Private Residential and Mixed-Use Schemes  
3A.11: Affordable Housing Thresholds  
3A.18: Protection and Enhancement of Social Infrastructure and Community Facilities  
3A.20: Health Objectives  
3B.1: Developing London's Economy  
3B.3: Mixed Use Development  
3C.1: Integrating Transport and Development  
3C.2: Matching Development to Transport Capacity  
3C.3: Sustainable Transport in London  
3C.17: Tackling Congestion and Reducing Traffic  
3C.18: Allocation of Street Space  
3C.21: Improving Conditions for Walking  
3C.22: Improving Conditions for Cycling  
3C.23: Parking Strategy

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- 3D.1: Supporting Town Centres
- 3D.8: Realising the Value of Open Space and Green Infrastructure
- 3D.13: Children and Young People's Play and Informal Recreation Strategy
- 4A.1: Tackling Climate Change
- 4A.2: Mitigating Climate Change
- 4A.3: Sustainable Design and Construction
- 4A.4: Energy Assessment
- 4A.5: Provision of Heating and Cooling Networks
- 4A.6: Decentralised Energy: Heating, Cooling and Power
- 4A.7: Renewable Energy
- 4A.10: Overheating
- 4A.11: Living Roofs and Walls
- 4A.12: Flooding
- 4A.13: Flood Risk Management
- 4A.14: Sustainable Drainage
- 4A.16: Water Supplies and Resources
- 4A.19: Air Quality
- 4A.20: Reducing Noise
- 4A.28: Construction, Excavation and Demolition Waste
- 4A.33: Bringing Contaminated Land into Beneficial Use
- 4B.1: Design Principles for a Compact City
- 4B.2: Promoting World-Class Architecture and Design
- 4B.3: Enhancing the Quality of the Public Realm
- 4B.5: Creating an Inclusive Environment
- 4B.6: Safety, Security, Fire Prevention and Protection
- 4B.8: Respect Local Context and Communities
- 4B.9: Tall Buildings – Location
- 4B.10: Large-Scale Buildings – Design and Impact
- 4B.11: London's Built Heritage
- 4B.12: Heritage Conservation
- 4B.13: Historic Conservation-led Regeneration
- 4B.15: Archaeology
- 4C.1: The strategic importance of the Blue Ribbon Network
- 4C.2: Context for sustainable growth
- 4C.3: The natural value of the Blue Ribbon Network
- 4C.4: Natural landscape
- 4C.11: Increasing access alongside the Blue Ribbon Network
- 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

### 8.3LB Newham UDP & LDF

- S2: Community Benefit/Planning Obligations
- S3: Quality of Development
- S4: Sustainable Development
- S5: Priority Development Nodes
- S6: Mixed Use Development
- S7: Urban Regeneration: Promotion of Development
- S9: Environmental Quality: Design Issues
- S11: Environmental Quality: Protection of the Borough's Heritage

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S13: Environmental Quality: Rivers and Waterways  
S14: Environmental Quality: Nature Conservation  
S19: Housing: Extending the Range of Housing Choice  
Housing: Inclusion of Affordable Housing in New Housing Schemes  
S21: Housing: Special Needs Housing  
S22: Housing: Mix and Density  
S24: Employment: Meeting the Council's Regeneration Objectives  
S28: Employment: Quality of Development  
S30: Shopping: New Retail Development  
S32: Shopping: Location of Major Retail Development  
S35: Transport: Encouragement of Alternatives to the Motor Car  
S37: Transport: Improvement of Facilities for Pedestrians and Cyclists  
S38: Transport: Parking  
S39: Leisure, Recreation and Open Space: Reducing Overall Deficiency in Open Space  
S40: Leisure, Recreation and Open Space: New Children's Play Areas  
Community Services: ensuring Adequate Supply of Land  
Community Services: Accessibility  
Community Services: Provision of Services in Conjunction with Major New Development  
UR14: Stratford Rail Lands: Land Use Proposals  
UR15: Stratford Rail Lands: Urban Framework Plan  
UR18: Stratford Rail Lands: Road Access  
EQ1: Waterway Improvements  
EQ2: Waterside Access  
EQ4: Quality of Waterside Development  
EQ5: Waterway Structures  
EQ9: Protection of Sites of Nature Conservation Importance  
EQ10: Species Protection  
EQ14: Tree Loss and Retention  
EQ15: Inclusion of Tree Planting in New Development  
EQ18: Promoting Urban Quality  
EQ19: Urban Design Considerations  
EQ20: Design Considerations: Residential Areas  
EQ21: New Development: Landscaping  
EQ25: Access  
EQ26: Safety  
EQ27: High Buildings: Control  
EQ28: High Buildings: Design Considerations  
EQ36: Buildings of Local Interest  
EQ38: Planning Applications Affecting the Setting of a Listed Building  
EQ43: Archaeology  
EQ45: Pollution  
EQ46: Air Quality Management  
EQ47: Noise Impact Statement  
EQ48: Noise - Sensitive Development  
EQ49: Contaminated Land: Assessment, Remediation and Monitoring  
EQ62: Protection of the Flood Plain and Urban Washlands  
EQ63: Surface Water Disposal  
H13: Promoting Quality in Housing  
H14: Promoting Choice in Housing  
H15: Housing Mix  
H17: Housing Design and Layout

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EMP1: Employment Growth  
EMP3: Quality of Employment Development  
EMP11: Other Office Development  
SH1: Consolidation of the Shopping Hierarchy  
SH15: Shopfront Design  
T1: New Development: Environmental Impact  
T2: New Development: Public Transport Accessibility and Highway Capacity  
T5: Preferred Modes of Transport  
T11: Road Hierarchy: New Roads  
T14: Design to Minimise Road Accidents  
T19: Improvement of Conditions for Pedestrians  
T24: Access by Cycle and Cycle Parking  
T26: Motorcycle Parking  
T30: Restrictions on Development within the Airport Safeguarding Area  
OS8: Green Space in New Housing Development  
OS12: Children's Play Facilities in New Developments  
CS1: Protection of Sites in Community Use

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

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

London Plan SPG 'Housing'

London Plan SPG 'Sustainable Design and Construction'

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

London Borough of Newham SPG 'Sustainability Checklist'

London Borough of Newham SPG 'Residential Planning Guidelines'

London Borough of Newham SPG 'Access for All'

London Borough of Newham SPG 'London City Airport Safeguarding'

Guidance on tall buildings (CABE & English Heritage, July 2007)

## 9. ASSESSMENT OF MAIN ISSUES

### Principle of the Alterations

9.1 In terms of the land use principle of the site, the site has the benefit of planning permission for a residential-led mixed use scheme incorporating affordable housing, a hotel, subsidised workspace and public riverside walkways. The site is designated as 'other industrial areas' in the Lower Lea Valley OAPF which seeks to protect industrial capacity while introducing additional uses and activities to the location. While most of the industrial capacity on the site has been lost, the site re-provides 2,797m<sup>2</sup> of floorspace suitable for use classes A1-4, B1 and D1 through the restoration and extension of Warton House. These uses provide a much greater density of employment space than the previous industrial uses, almost doubling the potential number of jobs provided on site. This increase in employment numbers, along with the delivery of housing and the environmental improvements make the current scheme, like the previous scheme, consistent with the objectives of the OAPF in land use terms.

9.2 At a local level, the site falls within Newham's UDP designated Major Opportunity Zone 1 (Stratford Rail Lands). UDP Policies UR14 to 18 promote mixed use

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redevelopment including employment, leisure, tourism, residential and retail. The proposed land uses are consistent with the UDP policy context and are also largely consistent with the approved scheme.

- 9.3 The only land use change that differs from the existing permission is removal of the 137 room hotel from Building C to be replaced by private residential accommodation and the removal of the residential from Building E to be replaced by 65 extra care units. It is understood that the applicant was unable to find a hotel operator willing to occupy the hotel and therefore approached Newham Housing Services to discuss alternative options. Newham Housing, in consultation with the Newham PCT, advised that the introduction of extra care units would be a possible and positive solution. This suggestion stemmed from the identified need for 120 beds of extra care accommodation for the future need in the Borough. This need was initially identified to be met by the schemes in the Olympic Village and other major developments in the area. However, due to changes to the Olympic Village proposals, the start on site for the extra care scheme has been delayed until at least 2014. Therefore, the inclusion of extra care units within the current proposal delivers an early extra care need provision to the Borough that would otherwise not be realised. Furthermore, the removal of the hotel has also achieved some very positive changes by reducing servicing needs and allowing residents to take more ownership of the central amenity courtyard.
- 9.4 Overall, the land use principle for the scheme at this location remains acceptable since the previous consent was granted permission. The removal of the hotel and the introduction of extra care accommodation is seen as a positive improvement, rather than detracting from the scheme overall.

#### Design and Layout

- 9.5 Chapter 4B of the London Plan sets out the strategic design considerations of new developments within London. Of relevance to this proposal, policy 4B.1 seeks to ensure that new developments maximise the potential of site, while at the same time respecting local context, character and communities, are practical and legible, are attractive to look at and, where appropriate, inspire, delight and excite. 4B.2 seeks to promote world class architecture and design and policy 4B.9 lends support to tall buildings where they create attractive landmarks enhancing London's character, act as a catalyst for regeneration and are acceptable in terms of design and impact on their surroundings.
- 9.6 Locally, Newham's UDP Policy EQ19 deals with urban design considerations and seeks to ensure that new development shall have regard to the layout, function and form between buildings, scale and bulk of new buildings in relation to their surroundings, the materials and detail of design including landscaping, among other design considerations. EQ27 identifies that the Council will resist tall buildings in residential areas, whilst UDP Policy EQ28 identifies that consideration will be given to tall buildings in the periphery of Stratford Town Centre providing they do not harm the composition and harmony of existing buildings or the surrounding environment, do not adversely affect the skyline and do not cause a hazard to aircraft.
- 9.7 The principle area of concern relating to the design of this scheme has been the treatment of the 43 storey Building A. The objective of the changes to Building A was to provide reconfigured and larger residential units and to re-position the 'Sky Gardens' to face towards the Olympic Park. However, CABI and Design for

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London have both criticised the amended tower design, which they considered to have taken a step back from the approved design and was described as disappointingly generic. The previous position of the sky gardens were considered to define a sense of hierarchy to the spatial order of the tower. This element was lost as a result of their relocation to the northern façade in the amended scheme. CABI in particular made the point that the proposal represents a dumbing down of the design in an over-simplified approach to elevational detail. It is for these strong design reasons that Newham's officers are recommending to their committee that the Council object to the proposal.

- 9.8 In response to this design criticism, the applicant has chosen not to progress with the external tower design as submitted, but to revert to the design of the consented scheme. Therefore, the external appearance of Building A is established with the grant of the previous application and is no longer at issue in the current proposal.
- 9.9 With respect to the remaining elements of the scheme, the proposal represents a marked improvement of what was previously permitted. The internal courtyard sitting between Buildings C, D and E has been opened out towards the Waterworks River by the deletion of the original three storey element that enclosed this space. Additionally, this courtyard area has the benefit of providing a softer approach to the landscaping as the hard landscaping has been removed with the coach set down and pick areas required for the hotel.
- 9.10 In terms of the external façades of each of the remaining buildings, the main visible changes, excluding the changes to the building footprint as described above, result from additional balconies and the re-distribution of the non-residential uses at ground floor level.
- 9.11 With the tower design of Building A reverting to the consented scheme, the design and layout changes to the rest of the scheme are relatively minor in the overall context. This being said, officers consider that the design changes now before Members represent a material improvement over the consented scheme and are therefore recommended to be accepted.

### Housing

- 9.12 Part of the purpose of this application is to seek to address the HCA's enhanced Housing Quality Indicators for unit sizes in order to secure funding for the development. In addition to the increase in unit sizes, each residential unit has its own private amenity space by way of either balcony (Blocks C, D and E), winter garden (Block A) or external terrace for the units which line the courtyards at ground level.
- 9.13 The revised dwelling mix also represents an improvement over the previously permitted scheme. The important elements in this respect are the removal of the studio flats and the inclusions of the extra care units, which are both considered to be improvements and are supported by officers. However, the number of one bed units within the private housing offer has increased from 45% to 58%, whilst the number of three bed+ units within the private offer has decreased from 15% to 7%. Although these figures themselves do not necessarily represent an improvement themselves, it must also be remembered that the unit sizes have also increased to offer greater living area and a better quality of unit generally. The second consideration is that these changes are to the market housing only and are reflective of market demands. The mix within the affordable housing offer remains

largely unchanged and is also acceptable. Overall, the mix is consistent with London Plan Policy 3A.5 with respect to the range of housing sizes and types as well as Newham's UDP Policy H15 which seeks to provide a mix of dwelling sizes having regard to the characteristics of the site, its relationship to the surrounding area, the nature of the development proposed and marketing considerations.

- 9.14 The affordable housing offer is unchanged from the consented scheme, being 35% of the units affordable of which 60% are social housing and 40% shared ownership. In the context of London Plan policies 3A.9 and 3A.10, the affordable offer is considered to be acceptable.

#### Highways

- 9.15 The submitted Transport Assessment (TA) concludes that there is an overall small net reduction in the transport impact of the site compared to the consented application. The transportation implications are set out as follows.

#### *Car Parking*

- 9.16 The application proposes 201 car parking spaces, of which 23 will be disabled bays, 10 are proposed as car club bays, nine would be allocated to the extra care facility and the remaining spaces will serve the residential units. This is below the London Plan maximum standards which is appropriate to a highly accessible location and is therefore acceptable.
- 9.17 All the parking proposed is allocated for the residential aspect of this application and that none is allocated to the other land uses (retail/commercial/community floor space). This is considered to be acceptable in principle, given the site's location near public transport services.

#### *Cycle Parking*

- 9.18 A total of 320 cycle parking spaces are proposed to serve residents, commercial occupiers and visitors. This is well below London Plan minimum standards which would require at least 1 per residential unit (2 for the larger 3 and 4 bed units) as well as provision for visitors and the commercial units. This is also 100 spaces less than the consented arrangements. Justification for the loss of these cycle bays has not been provided and the loss of the hotel alone does not justify a reduction of this magnitude. Cycle parking shall therefore be the subject of a planning condition to increase the quantum to ensure it is in accordance London Plan minimum provision. TfL has made the suggestion that some of the space currently allocated for car and motorcycle parking should be converted for use as cycle parking.

#### *Motorcycle Parking*

- 9.19 The developer is proposing 28 motorcycle spaces based on the assumption motorcycle journeys would be approximately 1% of all generated trips. Recent Transport Statistics produced by the Department for Transport details that the percentage of all journeys in inner London by motorcycle is 3% and 1% in out London. It is likely that a provision catering for one percent of journeys may be an under provision in time, so scope for increasing this will be needed in the Travel Plan.

### *Site Access and Servicing*

9.20 Vehicle access to site is unchanged from the previous scheme and is via two locations along Warton Road. The public space between building E and F will include an internal shared space access road with space for vehicles to turn around within the site. The development will allow for limited deliveries via larger scale vehicles to the proposed courtyard space. Three dedicated bays will be provided within the courtyard to enable residents to initially move into the development. Two of these bays will subsequently be landscaped 12 months after completion of the development and one larger scale delivery bay will be retained in the longer term. The courtyard space will allow for turning of larger scale delivery vehicles. A swept path analysis has been provided by the applicant which demonstrates that the space can accommodate this manoeuvring space.

9.21 Service vehicles for building B will use a one-way route located between building E and the car park ramp. Access will be managed, giving priority to vehicles entering the site in order to keep the site access clear for vehicles using the car park ramp. A turning area will be provided close to building B and vehicles will be held if another is detected entering the service road.

9.22 It is understood that occasional short term access may be required to building E directly from the service road. While vehicles are stationary on the service road, all other service road access would be restricted until the vehicle moves off and reaches the turning area adjacent to building B. Access and egress would then continue as for building B.

9.23 Refuse will be stored in Eurobins within dedicated refuse stores on the site. Refuse from the northern corner of the site will be stored at ground level and collected from Warton Road. For the uses in the central and south parts of the site, refuse will be stored below ground level and brought to ground level when required. This will be collected within the site in front of building D via the vehicle access from Warton Road. Residential and commercial refuse will be collected on a weekly basis. Again, swept path analysis diagrams provided by the applicant demonstrate that refuse vehicles can successfully access and egress the site.

9.24 While the provision for deliveries and servicing has been outlined in the TA, the following information shall be secured within a Delivery and Servicing Plan:

- The shared access road between Blocks E and F
- Access to Block B;
- Servicing bays in the courtyard
- Servicing and refuse arrangements from Warton Road.

### Energy and Sustainability

9.25 Two options have been identified for the proposed Energy Strategy. The preferred option is to connect into the Olympic Park's Kings Yard Energy Centre which is adjacent to this development site. However, as this is subject to further investigation and discussion, a second 'preferred on-site option' of gas CHP with a biomass boiler and efficient gas boilers has been developed. The development has been designed to accommodate this second option as this is a proven and effective

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way to provide the proposed development with heating and power efficiently, reducing the carbon emissions associated with this new development. If it proves feasible to connect to the Olympic Park Energy Centre, then the district heating pipe from the Energy Centre would be routed to the plant room of the site and the CHP, biomass and gas boilers would be replaced by plate heat exchangers.

9.26 The combined reduction of passive measures and energy efficient systems (Part L 2006 Compliance Assessment) plus Low and Zero Carbon Technologies (Energy Strategy) has resulted in a total reduction of approximately 32.7% over the operational baseline development's CO<sub>2</sub> emissions per annum.

9.27 The development also proposes improvements to sustainability commitments including a minimum Code for Sustainable Homes Level 4 for all affordable rented and intermediate residential units, a minimum Level 3 for all private residential units; and BREEAM rating for the non-residential uses of Very Good.

9.28 This represents an improved offer in comparison to the approved scheme and is supported. The Energy and Sustainability Strategies need to be secured in the S106.

#### Environmental Considerations

9.29 The application was accompanied by an Environmental Statement which updated the previous ES to be relevant to the current scheme. The chapters of the ES covered Townscape and Visual Impact, Built and Cultural Heritage, Traffic and Transport, Ecology, Soil and Ground Conditions, Environmental Wind, Daylight Sunlight and Overshadowing, Communications, Air Quality, Environmental Noise, Archaeology, Socioeconomic and Community Impacts, Water resources, and Cumulative Effects and Impacts. After initial consideration of the ES, officers were of the opinion that further environmental information was required and a request for such information was served upon the applicant under Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The deficiencies in the ES as set out to the applicant are listed below:

#### *Traffic and Transportation*

- Further consideration should be given to the levels of development activity within the area since the traffic counts were undertaken and justification on the appropriateness of the data.
- In order to establish the baseline based on the former occupation of the site, justification is required for the use of TRAVL data and how the survey sites correspond with the previous uses and site location.
- Further clarification and justification of the trip rates and modal splits adopted in the assessment is required.
- The assessment needs to identify receptors, sensitive receptors and levels of significance
- There is the need for an assessment of the impact of the proposed development

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on Warton Road during the construction period

- Further consideration of the cumulative impact is required

#### *Soil and Ground Conditions*

- The gas monitoring assessment indicates Characteristic Situation 1 (CS1) applies and that no gas protection measures are required, although a previous assessment indicated CS2 may be applicable. The data and basis for CS1 conclusions have not been outlined. This should include confirmation of the extent of any subsurface basement car parking and the specification of any associated ventilation measures.
- The specification of 300mm imported topsoil may not ensure a sufficient barrier to subsurface contamination in private residential gardens. Some further assessment is required to ascertain what mitigation measures would be appropriate to ensure a sufficient barrier to subsurface contamination is in place.

#### *Air Quality*

- The site is identified as 'High Risk' in terms of dust emissions, however the mitigation and enhancement measures proposals reflect a 'Medium Risk' site. Therefore, confirmation of the measures contained within the Mayor's Best Practice Guidance for 'High Risk' sites is required.
- The use of national traffic growth figures scaled to 2006 may not include the impacts of other committed developments and therefore may underestimate the current and forecast traffic levels. Therefore, the air quality effects may similarly be underestimated.
- There are several concerns relating to the detailed dispersion modelling methodology.

#### *Water Resources*

- There is a lack of information on water quality. In order that the mitigation works are site specific and geared towards sensitive receptors, it is necessary to present additional information on baseline water quality and any local abstraction or discharges which would also be viewed as receptors.

9.30 The applicant responded to the Regulation 19 notice with the submission of information that responded directly to each of the above points. These points are addressed below:

#### *Traffic and Transportation*

- The response identified that the development proposal traffic generation as being marginally higher than permitted proposal, but still less than base/existing development.
- Carpenters Primary School was identified as the most sensitive receptor, however construction traffic was also identified as not affecting the rear school

entrance. The principal access to the construction site is on Warton Road south of the rear access to the Carpenters Primary School. The majority of construction vehicles will not, therefore, pass the rear of the school. Whilst this may be the case, it does not consider school pedestrians who pass the construction access, however this can be addressed in the content of the construction management plan in relation to pedestrians. The Street View figure indicates that good footway widths are retained.

- In relation to the cumulative impact, the response identifies that none of the nearby developments has an impact and therefore there is no cumulative impact. Without sight of the other applications, this is not something that we can corroborate.

#### *Soil and Ground Conditions*

- The applicant has identified earlier site investigations prepared for the discharge of condition 35 of the consented scheme that indicate a CS1 are applicable. While it has been accepted that the basement affords sufficient protection, there is still some uncertainty regarding the remainder of the site. However this matter is considered to overcome by the imposition of a suitably worded condition.
- The applicant accepted that 600mm of topsoil is required and would create a sufficient barrier.

#### *Air Quality*

- The applicant has set out measures of dust control for 'High Risk' sites, as contained within the Mayor's best practice guide. These measures are accepted.
- Model verification of PM<sub>10</sub>, NO<sub>x</sub> and NO<sub>2</sub> to 2012 traffic growth data was submitted and is accepted

#### *Water Resources*

- The applicant provided detailed information on the existing surface water drainage, existing water quality data which showed that surface water is currently drained into the local sewer and that several potential historical sources of contamination exist on site. A qualitative and quantitative risk assessment was also provided. The qualitative risk assessment concluded that contamination could potentially be able to leach or migrate via surface runoff into ground water and/or the Waterworks River. However the detailed quantitative assessment concluded that there are no risks of groundwater contamination on site. A surface water management plan has been designed for the development and the Code of Construction Practice controls construction related pollution events.

#### Section 106 Matters

9.31 Approval of this scheme will involve a new Section 106 agreement. This agreement is broadly the same as the original agreement, subject to changes that reflect the scheme revisions. Members should be aware that the applicant has paid a

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financial contribution linked to the previous permission of £1,766,866 which was triggered by the implementation of the previous scheme. This amount will therefore be offset from the financial contribution generated by the Corporation's Community Benefit Strategy amounting to £6,390,000 making the Section 106 contribution £4,623,134.

9.32 The previous Section 106 agreement was also the subject of financial offsets associated to Works in Kind. The original figure of these Works in Kind amounted to £2,556,800. The financial offset sought for the current scheme was originally quoted at £4,410,000 but has since increased to £4,584,213. These costs are broken down as follows:

- Improvement to the River Wall and improvements to public facilities including landscaping and associated works: **£1,535,000**
- Greenway pedestrian link: **£145,000**
- Pocket Park (including walkway alongside): **£445,000**
- Children's Play Area: **£141,550**
- Public Square: **£195,000**
- Contingencies (in respect of the above items): **£123,578**
- Capitalised contribution to repair, maintenance, management and insurance: **£1,989,085**
- **TOTAL: £4,584,213**

9.33 Officers do not agree that this figure should be offset from the Discounted Standard Charge. In the first instance, the 'capitalised contribution' was not an agreed offset under the previous Section 106 and moreover is not considered by officers to be a genuine offset.

9.34 Secondly, the Corporation's costs consultants have advised on lower figures than those quoted by the applicant. Negotiations are ongoing regarding the Works in Kind, however the final figure can be a matter delegated to the Director of Planning.

9.35 The new Section 106 agreement will be an updated version of the existing signed agreement. For the information of Members, the existing agreement covers the following Site Specific Covenants:

1. Implementation
2. Standard Charge
3. Works in Kind
4. Contribution and Environmental Parameters
5. Affordable Housing
6. Affordable Business Space
7. Public Realm
8. Highway Works
9. Walkways
10. Green Travel Plan
11. Car Club
12. Local Labour, Contractors, and Goods and Services
13. Retention of Warton House
14. Waterworks River Wall Works
15. Phasing

9.36 Each of these clauses will require updating to be consistent with the proposed

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scheme, should Members resolve to grant consent to this scheme. Additionally, it is proposed that two additional clauses be included under these Site Specific Covenants that relate to the extra care accommodation and an energy strategy. The nature and extent of the changes to the clauses, along with the additional clauses can be matters delegated to the Director of Planning.

9.37 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 in that they are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

## **10. CONCLUSION**

10.1 The application before Members seeks alterations to the approved scheme as a HCA funding requirement that will ensure the development is restarted and completed, at least externally and part internally, around the time of the 2012 Olympics. In order to secure this funding, a range of changes have been required, primarily to increase unit sizes and improved residential amenity.

10.2 As the application deals primarily with changes to this approved scheme, the areas for consideration are reduced in scope over what would normally be considered with a fresh application. However, despite this, the application represents a significant development in a key location in the context of Stratford and the Olympic Park.

10.3 In land use terms, the main consideration involves the loss of the hotel and the inclusion of extra care units. This change delivers a land use of recognised need to the Borough and earlier than what is expected to be delivered through the Olympic Village development

10.4 In design terms, the 43 storey tower has been a contentious point but is no longer at issue due to the reversion to the original façade design. Therefore, the external appearances of the approved blocks, excluding Building A, are the subject of the application. The layout changes, landscape improvements and the change in dwelling mix have also been considered and are all added benefits over the approved scheme.

10.5 Being EIA development, the environmental impact of the scheme has been given close analysis. It has been concluded, following submission of further information, that the development does not represent a detrimental impact on the environment when compared with both the existing baseline conditions and the approved scheme.

10.6 At the time of writing this report, officers of the London Borough of Newham

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have written a report to their committee advising their Members to object to this scheme. However, it is understood that upon the reversion to the original tower design into the current scheme, this officer recommendation changes to a positive recommendation. However, this should not be interpreted as a positive recommendation from the Newham's Committee itself until the formal committee resolution has been received. Member will be updated of Newham's resolution at their meeting.

## 11. RECOMMENDATION

- 11.1 Subject to there being no substantial issues arising from Newham's Planning Committee, it is recommended that the application be delegated to the Director of Planning to **APPROVE** the application, subject to the completion a Section 106 legal agreement, a financial contribution of £4,623,134, agreement of the Works in Kind to be offset from the financial contribution and the conditions as set out in section 12 of this report.
- 11.2 The application is EIA development. Members are advised to take into account the environment information when coming to their resolution.

## 12. CONDITIONS AND REASONS

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

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

2. This planning permission applies to the following plan numbers:

9051\_[00]\_001 rev P1 Proposed Site Plan  
09051\_[00]\_002 rev P1 Proposed Site Plan  
09051\_[00]\_003 Site Boundary Drawing  
BP (PL) 003 Basement Plan  
09051\_[00]\_102 rev P1 Proposed Ground Floor Plan  
09051\_[00]\_103 rev P1 Proposed First Floor Plan  
09051\_[00]\_104 rev P1 Proposed Second Floor Plan  
09051\_[00]\_105 rev P1 Proposed Third Floor Plan  
09051\_[00]\_106 rev P1 Proposed Fourth Floor Plan  
09051\_[00]\_107 rev P1 Proposed Fifth Floor Plan  
09051\_[00]\_108 rev P1 Proposed Sixth Floor Plan  
09051\_[00]\_109 rev P1 Proposed Seventh Floor Plan  
09051\_[00]\_110 rev P1 Proposed Eighth Floor Plan  
09051\_[00]\_111 rev P1 Proposed Ninth Floor Plan  
09051\_[00]\_112 Proposed Tenth- Twenty Seventh Floor Plan  
09051\_[00]\_113 Proposed Twenty Eighth Floor Plan  
09051\_[00]\_114 Proposed Twenty Ninth Floor Plan  
09051\_[00]\_115 Proposed Thirtieth Floor Plan  
09051\_[00]\_116 Proposed Thirty First Floor Plan  
09051\_[00]\_117 Proposed Thirty Second Floor Plan

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09051\_[00]\_118 Proposed Thirty Third Floor Plan  
09051\_[00]\_119 Proposed Thirty Fourth Floor Plan  
09051\_[00]\_120 Proposed Thirty Fifth Floor Plan  
09051\_[00]\_121 Proposed Thirty Sixth Floor Plan  
09051\_[00]\_122 Proposed Thirty Seventh Floor Plan  
09051\_[00]\_123 Proposed Thirty Eighth Floor Plan  
09051\_[00]\_124 Proposed Thirty Ninth Floor Plan  
09051\_[00]\_125 Proposed Fortieth Floor Plan  
09051\_[00]\_126 Proposed Forty First Floor Plan  
09051\_[00]\_127 Proposed Forty Second Floor Plan  
09051\_[00]\_128 Proposed Forty Third Floor Plan  
09051\_[00]\_129 Proposed Roof Plan  
09051\_[00]\_201 rev P4 SW Elevation, Waterworks River  
09051\_[00]\_202 rev P4 Section A-A, Tower Block A+E+F+G  
09051\_[00]\_203 rev P4 South East High Street Elevation  
09051\_[00]\_204 rev P4 North East Elevation  
09051\_[00]\_206 rev P2 Elevation NW: Bridgewater Road Elevation  
09051\_[00]\_207 rev P1 Section C-C: Through Block F & G  
09051\_[00]\_208 rev P4 Section D-D Block E, NE Elevation  
09051\_[00]\_209 rev P4 Section E-E Through Block D  
09051\_[00]\_210 rev P2 Section G-G Blocks D + E, and Section F-F, Blocks C + E  
09051\_[00]\_211 Section H-H/Section I-I  
09051\_[00]\_500\_stackogram-G-2 Mix and Tenure Diagram: Ground to 2<sup>nd</sup> Floor  
09051\_[00]\_501\_stackogram-3-5 Mix and Tenure Diagram: 3<sup>rd</sup> to 5<sup>th</sup> Floor  
09051\_[00]\_502\_stackogram-6-8 Mix and Tenure Diagram: 6<sup>th</sup> to 8<sup>th</sup> Floor  
09051\_[00]\_503\_stackogram-9-11 Mix and Tenure Diagram: 9<sup>th</sup> to 11<sup>th</sup> Floor  
09051\_[00]\_504\_stackogram-12-14 Mix and Tenure Diagram: 12<sup>th</sup> to 14<sup>th</sup> Floor  
09051\_[00]\_505\_stackogram-15-17 Mix and Tenure Diagram: 15<sup>th</sup> to 17<sup>th</sup> Floor  
09051\_[00]\_506\_stackogram-18-20 Mix and Tenure Diagram: 18<sup>th</sup> to 20<sup>th</sup> Floor  
09051\_[00]\_507\_stackogram-21-23 Mix and Tenure Diagram: 21<sup>st</sup> to 23<sup>rd</sup> Floor  
09051\_[00]\_508\_stackogram-24-26 Mix and Tenure Diagram: 24<sup>th</sup> to 26<sup>th</sup> Floor  
09051\_[00]\_509\_stackogram-27-29 Mix and Tenure Diagram: 27<sup>th</sup> to 29<sup>th</sup> Floor  
09051\_[00]\_510\_stackogram-30-32 Mix and Tenure Diagram: 30<sup>th</sup> to 32<sup>nd</sup> Floor  
09051\_[00]\_511\_stackogram-33-35 Mix and Tenure Diagram: 33<sup>rd</sup> to 35<sup>th</sup> Floor  
09051\_[00]\_512\_stackogram-36-38 Mix and Tenure Diagram: 36<sup>th</sup> to 38<sup>th</sup> Floor  
09051\_[00]\_513\_stackogram-39-41 Mix and Tenure Diagram: 39<sup>th</sup> to 41<sup>st</sup> Floor  
09051\_[00]\_514\_stackogram-42-43 Mix and Tenure Diagram: 42<sup>nd</sup> to 43<sup>rd</sup> Floor  
777-PL01-revB General Arrangement Plan  
777-PL02-revA Hardworks Plan  
777-PL03-revA Softworks Plan

The development shall be constructed in accordance with the above approved plans thereafter.

Reason: To ensure that the development is constructed in accordance with the approved plans

3. All construction work on site shall be undertaken in full accordance with the 'Environmental Code of Construction Practice' contained within Appendix C of the submitted Construction Phase Plan revision 4 dated January 2008 prepared by Ardmore Construction Limited and approved by the Local Planning Authority

18 September 2009.

Reason: To ensure that the works do not adversely impact on adjoining occupiers in accordance with policies EQ20, EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 by direction of the Secretary of State) and policies 4A.3, 4A.19 and 4A.20 of the London Plan consolidated with alternations since 2004 (2008).

4. Samples of all external materials for each of the buildings hereby approved [excluding Building A] shall be submitted to and approved in writing by the Local Planning Authority prior to the external materials being fixed to that building. Each building shall be implemented in accordance with the approved external materials thereafter.

Reason: To ensure a satisfactory standard of external appearance for each building, in accordance with policies EQ18, EQ19 and EQ20 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 by direction of the Secretary of State) and policies 4B.1 and 4B.2 of the London Plan 2008.

5. Within three months of the date of this permission, full details all surfaces, materials and fixings comprising the design of the external structure of Building A (the tower) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
  - i) samples and specifications of all proposed external materials;
  - ii) samples and specifications of all proposed windows and winter garden façade treatment, including methods of opening;
  - iii) details of material fixings and material junctions; and
  - iv) drawings detailing all elevations of Building A (to a scale of 1:50, unless otherwise agreed) annotated to demonstrate the above.

Thereafter the development shall be constructed in accordance with the approved details prior to the first occupation of the development to the satisfaction of the Local Planning Authority.

Reason: To ensure a exemplar standard of external appearance of this tall building, in accordance with Policies EQ18, EQ19, EQ20 and EQ28 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 by direction of the Secretary of State) and Policies 4B.1, 4B.2, 4B.9 and 4B.10 of the London Plan 2008.

6. The use of the commercial space within buildings D to G shall be restricted to Use Classes A1, A2, A3, B1 and D1 unless otherwise agreed in writing by the local planning authority. Furthermore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 once a use has been implemented any subsequent material change of use should be the subject of a planning application if required by the General Development order as amended.

Reason: To ensure the use complies with the relevant policies in the adopted London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 by direction of the Secretary of

State).

7. Prior to the expiration of six months from the date of this permission, a phasing scheme shall be submitted to the Local Planning Authority and thereafter approved in writing. The development shall not be constructed except in accordance with the approved phasing scheme. References to 'phases' in these conditions are references to phases set out in the approved phasing scheme.

Reason: To prescribe the order in which the different phases of the development will be carried out.

8. Prior to the expiration of six months from the date of this permission, details of the surface and foul water drainage system shall be submitted to the Local Planning Authority and approved in writing thereafter. The development shall be constructed in accordance with the approved details thereafter.

Reason: To prevent pollution of the water environment.

9. Prior to the expiration of six months from the date of this permission, the following information shall be submitted to the Local Planning Authority:
  - a) details and plans of the water supply infrastructure together with the anticipated flow rates necessary to support this development have been submitted to and approved by the Local Planning Authority in consultation with Thames Water, and
  - b) the provision of water supplies for the whole of the development has been secured. Such supply shall be secured by means of a water main requisition pursuant to Sections 41 to 44 of the Water Industry Act 1991.

The development shall not be constructed except in accordance with the approved details.

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

10. Prior to the expiration of six months from the date of this permission, detailed design drawings (including pedestrian and cycle facilities) and safety audits of the proposed access arrangements and access to the basement car park shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the local highway authority. The development shall not be constructed except in accordance with the approved drawings and safety audits.

Reason: to agree an acceptable vehicular access to the development to maintain pedestrian and vehicular safety in accordance with the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 by direction of the Secretary of State) Policies T14, T19 and London Plan Policy 3C.20.

11. At all times during construction the applicant shall maintain local access to public footways and bus stops surrounding the development.

Reason: to ensure that safe and accessible footways and public transport links

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are maintained for pedestrians around the construction site in compliance with the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 by direction of the Secretary of State) policy T19 and London Plan Policy 3C.20.

12. No phase of the development shall be occupied unless and until all damage to the existing public highway (including footway in the locality) caused by construction works has been renewed and repaired in accordance with the standards of the relevant local highway authority.

Reason: not to compromise highway or pedestrian safety in the locality in compliance with the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 by direction of the Secretary of State) Policy T11 and London Plan policy 3C.15.

13. No doors of the development shall open outwards onto any public highway.

Reason: to prevent pedestrian accidents on the public highway in compliance with the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 by direction of the Secretary of State) policy T19 AND London Plan policy 3C.20.

14. Prior to the expiration of six months from the date of this permission, details of finishes/specifications of all highway materials/surfaces shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the local highway authority. The development shall not be constructed except in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the highways

15. The applicant shall secure the implementation of the programme of archaeological work before any new buildings are occupied. The work will be completed in accordance with the updated project design that forms part of the post-excavation assessment report prepared by MoLA. The archaeological post-excavation works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

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

16. Prior to the expiration of six months from the date of this permission, the developer shall submit to the Local Planning Authority details of an assessment of the potential for utilising waterborne transport to move demolition waste, excavation spoil and construction materials into and out of the site and the removal of waste and recyclates from the site.. Where the approved assessment reveals that waterborne transport is available waterborne transport shall be used during the construction of the development in accordance with

proposals set out in the approved assessment.

Reason: To encourage the use of the waterways for transporting waste and bulk materials in accordance with Policies 3C.24 and 4C.14 of the London Plan and the Draft Further Alterations to the London Plan.

17. Prior to the expiration of six months from the date of this permission, the developer shall submit to the Local Planning Authority full details of a proposed landscaping scheme, including the public walkway between the Greenway and Bridgewater Road. Such details shall only be implemented once the Local Planning Authority, in consultation with British Waterways and the Environment Agency, has given its approval in writing. The landscaping scheme shall include reference to plant species types, surface treatments, fences and walls, planting arrangements to address any localised microclimate matters, any signage and information boards together with the means of on-going maintenance for a five year period. The approved landscaping scheme shall be implemented by the first planting scheme after the development commences and shall be carried out in accordance with the approved details of the scheme.

Reason: In the interest of preserving open views to and from the canal, the living environment for future residents, ecology and the canal setting.

18. All planting within 8 metres of the watercourse shall be of locally native plant species only, of UK genetic origin.

Reason: Use of locally native plants in landscaping is essential to benefit local wildlife and to help maintain the region's natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that native plants provide - introduced plants usually offer little to our native wildlife. Local plants are the essence of regional identity and preserve the character of the British landscape. Local plants are adapted to local soils and climate, so have low maintenance requirements. In addition, planting locally native plants helps to prevent the spread of invasive plants in the region.

19. Development shall not be occupied unless and until the developer has submitted to the Local Planning Authority a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except small, privately owned domestic gardens) and the Local Planning Authority has given its approval in writing. The landscape management plan shall subsequently be implemented in accordance with the approved details of the plan.

Reason: To protect and enhance the natural features and character of the area.

20. Development shall not be occupied unless and until the developer has submitted to the Local Planning Authority a light spill scheme to include details of the level of light spill from the new development into the watercourse or adjacent river corridor habitat and the Local Planning Authority has given its approval in writing. External artificial lighting within 8 metres of the watercourse should be minimised. No phase of the development shall be occupied except in accordance with the approved scheme.

Reason: Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. The corridor adjacent to a watercourse provides important habitat for the terrestrial life stages of many aquatic insects. metres of the bank top shall be directed away from the watercourse and shall be focused with cowlings. The river channel with its wider corridor should be considered an 'intrinsically dark area' and treated as recommended under the Institute of Lighting Engineers 'Guidance Notes for the Reduction of Light Pollution'.

21. Construction of the drainage network shall not begin until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be designed in accordance with the principles set out in the Flood Risk assessment by Peter Brett Associates (September 2009)

Reason: To prevent the increased risk of surface water flooding, improve water quality, improve habitat and amenity.

22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)(Peter Brett Associates, September 2009) and the following mitigation measures detailed within the FRA shall be implemented:
- a. Limiting the surface water run-off to the greenfield run-off rate
  - b. Finished floor levels are set no lower than 5.6 metres Above Ordnance Datum (AOD)

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface water drainage from the site and to reduce the risk of flooding to the proposed development and future occupants.

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

Reason: The site may be contaminated and infiltration of the surface water would provide a potential pathway for contaminants to migrate into the underlying aquifer.

24. During construction no solid matter shall be stored within 10 metres of the banks of the Waterworks River and thereafter no storage of materials shall be permitted in this area.

Reason: To prevent solid materials from entering the Waterworks River and causing pollution.

25. Prior to work commencing on the proposed timber cladding of the river walls,

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details of the nature and extent of the cladding shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate access for future inspection and repair of the river wall.

26. No phase of the development shall be occupied unless and until the construction of the site foundations in relation to that phase has been carried out in accordance with the 'Piling Risk Assessment' dated 7 May 2008 approved by the Local Planning Authority 16 September 2008.

Reason: To prevent pollution of controlled waters.

27. Prior to the expiration of six months from the date of this permission, the developer shall submitted to the Local Planning Authority a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the waterway. Works shall not be undertaken until the Local Planning Authority, in consultation with the British Waterways Board, has given its approval in writing. Works to be carried out adjacent to the waterway shall be carried out in accordance with the approved Risk Assessment and Method Statement thereafter.

Reason: In the interests of health and safety and visual amenity

28. Development shall not be occupied unless and until the developer has submitted to the Local Planning Authority details of proposed safety equipment alongside the Waterworks River and the Local Planning Authority has given its approval in writing. The details shall be implemented in accordance with the approved details before first occupation of the development.

Reason: In the interest of health and safety.

29. Development shall not be occupied unless and until the developer has submitted to the Local Planning Authority full details of a proposed lighting and CCTV scheme together with the comments of the Metropolitan Police and the Local Authority, in consultation with British Waterways, has given its approval in writing. The lighting and CCTV scheme shall be implemented in accordance with the approved details of the scheme.

Reason: In the interest of crime prevention, ecology, visual amenity and the canal setting.

30. The development shall not be occupied unless and until the developer has submitted to the Local Planning Authority a security scheme which shall include details of the following security elements: a security management plan based on an operational requirement and agreed in consultation with the police; an extension to cover all road boundaries of landscaping measures to prevent unauthorised vehicles crossing the site perimeter (as is currently proposed for part of the Warton Road frontage); and parking areas being secured to an agreed standard, including robust vehicle access and egress points, and the Local Planning Authority has given its approval of the scheme in writing. The

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security scheme shall be implemented in accordance with the approved details of the scheme and retained.

Reason: In the interests of safety and security because of the proximity of the application site to the Olympic Games venues.

31. The mural located on the elevation of Warton House shall be retained and maintained in perpetuity.

Reason: To ensure a satisfactory standard of external appearance.

32. Prior to the expiration of six months from the date of this permission, works in respect of Warton House shall be submitted to the Local Planning Authority showing details of new and replacement external doors and windows at 1:50 scale and a sample of the materials to be used on all external surfaces of the partially demolished refurbished and extended Warton House. The details shall be approved in writing by the Local Planning Authority and the development shall not be constructed except in accordance with the approved details.

Reason: to protect and enhance the local interest of the building

33. The fitting out of the ground floor of Building A and Building C shall not commence unless and until the developer has submitted to the Local Planning Authority full details of the ground floor of Building A and Building C including drawings to show the layout of the ground floor and entrances to the buildings and the Local Planning Authority has given approval in writing. The ground floor of Building A and Building C shall not be constructed and fitted out except in accordance with those details.

Reason: to ensure that the entrances are appropriate and contribute as much as possible to the objective of providing active streets and frontages to the development.

34. In the event that during construction, craneage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with London City Airport. We would advise that the attention of crane operators be brought to the British Standard Code of Practice for the safe use of cranes, British Standard Institute 7121:Part 1: 1989 (as amended).

Reason: in the interests of aviation safety.

35. Prior to the expiration of six months from the date of this permission, the developer shall provide the following information:

- a. The proposed further ground and soil condition investigations stated in Chapter F.7 of the Environmental Statement accompanying the application for planning permission 07/001166/LTGDC and subsequently updated by the ES in support the current application, have been carried out;
- b. A report has been produced in relation to the ground and soil condition investigations and has been sent to the Environmental Health Department of the local planning authority and London Borough of

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Newham; and

- c. A remediation strategy in relation to ground and soil conditions has been approved by the local planning authority in consultation with the Environmental Health Department of the London Borough of Newham.

The development shall not be constructed except in accordance with the approved remediation strategy.

Reason: To ensure any identified contaminated land is made suitable for its intended use.

36. No soils or infill materials shall be brought onto the site unless and until they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. The development shall not be occupied unless and until 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, has been submitted to the Local Planning Authority and the Local Planning Authority has given its approval in writing.

Reasons: To prevent uncontaminated and remediated land from becoming contaminated with material that is potentially harmful to humans, planting and the environment and with regard to policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

37. Development of any unit which can or may be used for any purposes within use class A3 shall not commence unless and until full details (including plan and sectional drawings with measured drain sizes and invert levels, full manufacturers specifications etc.) of the grease trap and / or grease digester system to be installed for the commercial kitchen have been submitted to the Local Planning Authority and it has given its approval in writing. No building containing the commercial kitchen shall be occupied unless and until the grease trap and / or grease digester system has been installed in accordance with the approved details. The approved details shall be complied with and 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).

38. Prior to the expiration of six months from the date of this permission, details of acoustic insulation and ventilation with mitigation measures producing internal noise levels specified in BS8233 (Good) for each building shall be submitted to and approved in writing by the Local Planning Authority. The relevant building shall not be occupied until the approved details in relation to that phase have been completed and the approved details shall be permanently retained.

Reason: To protect the amenity of future occupiers with regard to Policy EQ19 and EQ48 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27<sup>th</sup> of September 2007 by direction of the Secretary of State)

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39. Prior to the expiration of six months from the date of this permission, a scheme including details of sound insulation between residential and business uses shall be submitted to the Local Planning Authority and approved in writing thereafter. No phase of the development shall be occupied unless and until the approved scheme in relation to that phase has been completed and the approved scheme shall be permanently retained.

Reason: To protect the amenity of future residential occupiers and with regard to policy EQ19 of the Council's Unitary Development Plan, adopted June 2001.

40. Prior to the expiration of six months from the date of this permission full details of the routing of mechanical ventilation and the passive provision of associated ducting for all commercial units shall be submitted to the Local Planning Authority. Implementation of such details shall not commence prior to the written approval of the Local Planning Authority. The development shall not be occupied unless and until the routing of mechanical ventilation and the passive provision of associated ducting for all commercial units has been completed in accordance with the approved details. The approved mechanical ventilation routing and the passive provision of associated ducting shall be permanently maintained in proper working order thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

41. No unit within the development for Class A3 (food and drink) purposes shall be occupied unless and until full details of any mechanical ventilation or other plant associated with each such unit has been submitted to the Local Planning Authority and It has given its written approval. Such details shall include full specifications of all filtration, deodorising systems, noise output and termination points. Particular attention shall be given to the potential high-level discharge of kitchen extract air and the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential. The development shall not be occupied unless and until the approved ventilation equipment and other plant has been installed and commissioned and they shall be permanently maintained in proper working order thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

42. The developer shall inform the Local Planning Authority in writing whether a biomass boiler is required for the development. In the event that the biomass boiler is required for this development, details shall be submitted to and approved in writing by the Local Planning Authority that detail the following information:

- a. siting of the boiler(s) and fuel, the size of the boiler(s) and the calculation details regarding the height of the chimney, certification for use in a smoke control area and where it is to be situated on the building.
- b. the impact on air quality and include mitigation measures to reduce

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emissions to an acceptable level.

- c. A life cycle analysis showing a net benefit to carbon emissions from the plant. This will need to consider where the fuel is sourced and how it is transported. The fuel usage shall be monitored annually starting 12 months from the commencement of plant operation for a period of three years.
- d. An acoustic report confirming that plant operation and activity shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst affected property.

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

Reason: To protect the amenity of future occupants and/or neighbours and with regard to policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

43. Prior to the expiration of six months from the date of this permission, details of the proposed sound insulation scheme to be implemented between the residential accommodation and the roof gardens (Sky Gardens) shall be submitted to and approved by the Local Planning Authority. Details shall include airborne and impact sound insulation. The developer shall certify to the Local Planning Authority that the noise mitigation measures agreed have been installed. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

44. The occupation of any unit within Warton House for any purpose within use class A1 shall not be permitted except with the prior written consent of the Local Planning Authority and shall only enure for the benefit of the individual occupier for which such consent has been given.

Reasons: To ensure the proper regulation of A1 uses within Warton House.

**CASE OFFICER:** Stephen Allen

**Appendix 1:** Site Location Plans and Boundary Details

**Appendix 2:** Extent of Construction

**Appendix 3:** Consented Site Layout

**Appendix 4:** Proposed Site Layout

**Appendix 5:** Consented Elevations

**Appendix 6:** Proposed Elevations

**Appendix 7:** Proposed Landscaping