

Subject: 13/00322/FUL - Telford Homes Residential Development

Erection of a building of up to 33 storeys to provide 181 residential units in a mix of 1, 2 and 3 bedroom dwellings with ancillary gym at mezzanine floor level; integral Blue Badge car parking spaces and cycle parking spaces; refuse facilities and plant rooms together with the formation of a new access road from Great Eastern Road; removal of 7 trees and provision of hard and soft landscaping and works to the adjacent public realm.

Meeting date: 17th December 2013

Report to: Planning Decisions Committee

Report of: Liz Fisher

FOR DECISION

1. SUMMARY

- 1.1.** This application for full planning permission was considered at the meeting of the Planning Decisions Committee held on 26th November 2013. Having considered the report (as clarified by the update report); received a presentation from the Director of Planning Policy and Decisions; and asked questions of the applicants, Members debated whether the design of the building was of sufficient quality for its height, location and density.
- 1.2.** Members resolved to defer consideration of the application in order that officers could obtain more details about:
 - i. How the application would enhance the public realm; and
 - ii. The materials to be used, in order that the Committee could assess whether the design was exceptional, noting that quality of architecture concerned the design itself, not just the materials to be used.
- 1.3** This report considers only those issues that have been identified as matters of concern by Members. The applicants will be in attendance at the meeting to present the scheme in detail including making samples of typical materials to be used available for inspection by Members.
- 1.4** The original Committee report and update report are appended. In the further consideration of design quality and effect on the public realm Officers remain of the view that this is a high quality development meeting the tests at policy 3.4 of the London Plan, both in terms of density and urban design and in the architecture of the building. Conditions of the planning permission and obligations of the s106 will ensure that the original design intent is delivered through the use of good quality materials and architectural detailing. It is therefore proposed that the recommendations remain as set out in the appended report.

2. RECOMMENDATIONS

2.1 The Committee is invited to:

2.2 i. GRANT PERMISSION for the reasons given in the report, subject to the conditions and informatives set out below and subject to:

a) Referral to the Mayor of London;

b) The completion of a S106 agreement to secure the measures set out in section 9.27 of the appended report;

ii. Grant delegated authority to the Director of Planning Policy and Decisions to amend any conditions as necessary following receipt of the Mayor of London Stage 2 letter and any other consequential amendments to conditions;

iii. Grant delegated authority to the Director of Planning Policy and Decisions to complete the s106 agreement in the terms as outlined in the report and as may be amended by the Mayor's Stage 2 letter and issue the decision notice.

3. LEGAL IMPLICATIONS

3.1. If Members agree the recommendation a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) will be required to be completed before the grant of planning permission.

Location: Land to the north of Great Eastern Road, Zone 1, Stratford City

London Borough: **Newham**

Proposal: **Erection of a building of up to 33 storeys to provide 181 residential units in a mix of 1, 2 and 3 bedroom dwellings with ancillary gym at mezzanine floor level; integral Blue Badge car parking spaces and cycle parking spaces; refuse facilities and plant rooms together with formation of a new access road from Great Eastern Road; removal of 7 trees and provision of hard and soft landscaping and works to the adjacent public realm.**

Applicants: Telford Homes

Agent: RPS

4. ASSESSMENT OF PLANNING ISSUES

4.1. The assessment of the application presented in the appended Committee report remains applicable. The following deals only with those issues that have been raised as being of concern to Members at their meeting on 26th November 2013.

4.2. Design Quality

4.2.1 The report from the GLA (appendix 1 to report of 26th November 2013) notes the scheme proposes a 33 storey residential tower built on a 27 x 20m footprint. It goes on to say at paragraph 28 that *“for a building of this height and prominence to be acceptable in strategic planning terms, its design would need to be outstanding in respect of architecture and design quality”*.

4.2.2 Applicable strategic planning policy is contained in policies 3.4, 3.5 and 7.6 of the London Plan 2011.

- Policy 3.4 seeks to optimise the amount of housing on sites in relation to their proximity to public transport nodes, whilst taking account of local context and character;

- Policy 3.5 seeks to achieve housing development of the highest quality – internally, externally and in relation to their context and to the wider environment;

- Policy 7.6 requires that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.

The GLA comments at paragraph 28 refer to these policy requirements.

4.2.3 Paragraphs 9.16 – 9.18 of the appended LLDC report consider the scheme in detail against the strategic policy requirements;

- i. Policy 3.4 - The density of development in relation to the proximity of the site to public transport is acceptable – the site has a PTAL of 6b and is within 2 minutes walk of Stratford Regional Station and on the edge of an emerging Metropolitan Centre. With regards to local context, the site is located on the edge of Stratford City with its tall buildings and high residential densities. The proposed development would be part of a cluster of tall buildings in Stratford Town Centre and seen against the backdrop of taller buildings in Stratford City.

As noted in paragraph 9.17 of the appended report, planning permission for multi-storey residential buildings has been granted at Stratford Plaza (maximum height of 92.8m AOD) and Broadway Chambers (122m AOD) and the existing residential development of Stratford Eye (70.5m) is located to the east. Officers are satisfied that the proposal is in accordance with the requirements of policy 3.4;

ii. Policies 3.5 and 7.6 - An assessment of the design of the building against the criteria set out in the English Heritage/ CABI 'Guidance on Tall Buildings' has been carried out, with the conclusion that the proposal results in a high quality building that will contribute to the improvement of the urban townscape in this area, is of high architectural quality and with a good standard of internal accommodation. Officers consider that the proposal is in accordance with policies 3.5 and 7.6 of the London Plan and the comments from the GLA (at paragraph 32 of the report appendix) support this, with the contention that the *"current proposal creates a distinctive and attractive building"*. The comments do go on to say, however, that its final appearance will be dependent on the quality of materials and detailing that are selected.

4.2.4 The applicants will be in attendance at the meeting on 17th December 2013 and will present samples of typical materials to be used in the construction of the development for Members inspection and reassurance that high quality materials are proposed. Samples of all materials to be used will need to be submitted for the approval of the Local Planning Authority pursuant to proposed condition 21. Condition 18 of the recommendation further requires that large scale details of the various components which make up the facade and which are the key to securing high quality development are submitted for the approval of the local planning authority prior to installation. The s106 agreement will contain an obligation for the developer to retain the project architect throughout the course of the construction to ensure that the design intent is delivered; failure to do this would result in a payment being made by the developer to the local planning authority to secure specialist architectural advice on the details of the development. If required this payment could be used to secure the services of the original architect.

4.2.5 Paragraph 33 of the GLA report comments that *"the design of the building is generally acceptable, given its height and prominence, but that further work is required to ensure that it would be of exceptional quality."*

LLDC Officers would point out that the requirement for the development to be of 'exceptional quality' is not supported by the criteria of policies 3.5 and 7.6. These policies both state that development should be of the highest quality and Officers consider that this is achieved in the development now proposed. A rigorous design process has been undertaken with critical review by the Stratford City Design Review Panel on three occasions. At each stage the architect has responded to the comments made by the Panel and the design of the building has evolved to that now presented. Following the final review the comments of the Panel were very supportive of the scheme, as set out in the appended report at paragraph 9.18 (v).

An account of the design review process including comments and responses is set out in the Addendum to the Design Statement prepared by the architect following the last Committee meeting and copies will be available for Members inspection at the meeting on 17th December.

Comments from the Chair of the Design Review Panel on the submission scheme have also been sought to assist Members in their decision making and these will be reported at the meeting.

- 4.2.6** In response to GLA comments on final appearance being dependent on the quality of materials and detailing, Officers consider that this, is secured through the use of the conditions and obligations as set out at 4.2,4.
- 4.2.7** Paragraph 33 of the GLA comments also goes on to consider the impact of the development at ground floor on the public realm to secure a coherent design approach to this edge of Great Eastern Road. The advice to consider use of a party wall against which development on the adjacent site (to the south-west) can be developed has been considered in the main report (see paragraph 9.18 (v)) and further consideration, in response to Members concern, is given below.
- 4.3** Impact on the public realm
- 4.3.1** The site is part of an area of Zone 1 of Stratford City known as Angel Lane. An informal masterplan has been prepared for this land, lying between Great Eastern Road and the Network Rail and London Underground railway lines, which has already been used in the consideration of the Unite student housing and commercial development scheme currently under construction at the junction of Angel Lane with Great Eastern Road to the north of the current application site. The masterplan describes a range of uses for sites stretching from the Town Centre link bridge at Meridian Square northward to Angel Lane. These include (from the Town Centre Link bridge northwards) commercial (office) development permitted by the Stratford City outline planning application; the current residential application site; an hotel (an application for which is yet to be submitted – the site currently has outline planning permission for residential development as part of the revised Cherry Park/Angel Lane outline planning permission); and the commercial/student housing development. All development is to be served by the new means of access first included in the application for the Unite scheme and modified in this proposal.
- 4.3.2** Active frontages along Great Eastern Road would be created by the ground floor uses of these developments and additionally it is proposed to upgrade the public realm along the street by rationalisation of surface treatments; provision of a two way off-carriageway cycle route; street furniture and soft landscaping with trees. The application includes elements of the proposed streetscape that will contribute to the improvement of the area as a whole. In addition discussions are underway between SCDL (joint applicant and owners of all the Angel Lane land) and the Council, Transport for London and LLDC as a separate matter regarding upgrades to the taxi-rank and coach parking facilities in the vicinity of the site.
- 4.3.3** The proposed building would have a staffed double height reception space at ground floor which will provide passive surveillance to the street. Bin stores and plant rooms are located at the rear of the building accessed from the rear service road which is adjacent to the railway line corridor. Swept path diagrams of the vehicle movements were included in the Transport Assessment submitted with the application and demonstrate that the development can be suitably and safely serviced via the rear of the building.
- 4.3.4** Officers consider that each of the proposed developments will contribute to the creation of an animated and managed streetscene. The location of ground floor plant and refuse stores is not considered to be detrimental to the visual amenity of the area, by virtue of their position relative to the public thoroughfare in front of the building.
- 4.3.5** The building does not include a blank facade on its south western elevation (as suggested by the GLA), for the reason stated in the main report. The space to be formed between the proposed building and the commercial development on land to the southwest will contain tree planting that will be part of the wind

mitigation measures for the development, as well as making a contribution to improving the appearance and ecology of the area.

4.4 Conclusion

4.4.1 Officers consider that the proposed development will make a valuable contribution to the improvement of the land between Meridian Square and Angel Lane as one component of the wider regeneration of this area. Development will enhance the townscape, both at street level and at high level in views obtained from outside the immediate area; the development will be attractive in appearance and would improve the pedestrian experience and connectivity between Stratford Regional Station and Theatre Square whilst providing good quality residential accommodation in a highly accessible location. The architectural design of the building is considered to be of high quality, well thought out and with the use of high quality materials and detailing will provide an attractive addition to the streetscape of Stratford at the interface of Stratford City with the existing Town Centre.

4.4.2 The recommendation to approve the development includes sufficient safeguards in conditions and planning obligations (set out in full in section 9 of the appended previous report) to ensure that a high quality development is delivered and will be a high quality development in this part of the regeneration of Stratford.

5. HUMAN RIGHTS & EQUALITIES IMPLICATIONS

5.1. Members should take account of the provisions of the Human Rights Act 1998 as they relate to the application and the conflicting interests of the Applicants and any third party opposing the application in reaching their decisions. The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account

In addition the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty inter alia when determining all planning applications. In particular Members must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and;
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers are satisfied that the application material and Officers' assessment has taken into account these issues.

6. RECOMMENDATION

6.1 The Committee is requested to:

- i. **GRANT PERMISSION** for the reasons given in this report and the original report, subject to the conditions and informatives set out below and subject to:
 - a) Referral to the Mayor of London
 - b) The completion of a S106 agreement to secure the measure set out in section 9 of the appended report;
- ii. Grant delegated authority to the Director of Planning Policy and Decisions to amend any conditions as necessary following receipt of the Mayor of London Stage 2 letter and any other consequential amendments to conditions;
- iii. Grant delegated authority to the Director of Planning Policy and Decisions to complete the s106 agreement in the terms as outlined in the report and as may be amended by the Mayor's Stage 2 letter and issue the decision notice.

Conditions/Reasons/Informatives:

1. The development to which this permission relates must be commenced not later than the expiration of THREE YEARS from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended).

2. Any application or submission for any approval pursuant to these conditions shall be made in writing to the Local Planning Authority.

Reason: To ensure that a proper record is kept.

3. Unless minor variations are otherwise approved in writing by the Local Planning Authority and to the extent that any such variations do not deviate from this permission, the development hereby approved is to be carried out strictly in accordance with the following drawings:

(to be inserted)

and the description of the development contained in the application and any other plans, drawings, documents, details, schemes or strategies which may have been approved by the Local Planning Authority pursuant to these conditions.

Reason: To ensure that the development is constructed in accordance with the approved plans and other details submitted

4. The Local Planning Authority shall be notified in writing, at least one week in advance, that development under this permission is to commence.

Reason: To assist in checking that conditions have been met.

5. Prior to the commencement of the development hereby approved a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. A preliminary risk assessment which has identified all previous uses; potential contamination associated with those uses; a conceptual model of the

site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollution linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure protection of controlled waters

6. No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure protection of controlled waters.

7. Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: Detailed information will be required for the foundation design and in particular piled foundations will require a piling risk assessment. This is required to demonstrate that any remediation measures undertaken are safeguarded and that deformation of the ground by piling does not result in an increase in the risk of near-surface pollutants migrating to underlying aquifers. The groundwater underlying this site is highly vulnerable to contamination. It is a principle aquifer within source protection zones 1 and 2 of a public water abstraction.

8. No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

9. 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. Prior to the commencement of the development, details of how surface water will be disposed of shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Thames Water. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

The surface water drainage system should include petrol/oil interceptors. The scheme shall subsequently be implemented and retained in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality.

10. No development shall be commenced until a Construction Method and Management Statement has been submitted to and approved by the Local Planning Authority. As a minimum the Construction Method and Management Statement shall include the following;
- (a) details of the location of any construction compounds, either on-site or on land elsewhere;
 - (b) details of on-site construction vehicle circulation, including location of site access, on-site vehicle routes, parking areas and frequency of movements;
 - (c) details of lighting during the construction of the development
 - (d) a dust management plan;
 - (e) wheel washing facilities, including wheel spinners with water jets;
 - (f) hours of operation of construction.
 - (g) the position and operation of cranes
 - (h) a Construction Logistics Plan

The development shall be undertaken in accordance with the approved details unless minor variations are otherwise agreed in writing by the Local Planning Authority.

Reason: To protect amenity through minimising disruption and disturbance

11. No demolition, construction or maintenance activities undertaken at the site which are audible from the boundary of any residential dwelling shall be undertaken outside the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday or any time on bank or public holidays without the prior written approval of the Local Planning Authority, unless works have been otherwise approved in advance under section 61 of the Control of Pollution Act 1974.

Reason: To protect amenity through minimising disruption and disturbance.

12. Deliveries by road of construction and demolition materials to and from the development hereby approved shall only take place between 08.00 -18.00 Monday to Friday and 08.00 - 13.00 on Saturday and at no other time except with the prior written approval of the Local Planning Authority to minor variations.

Reason: To protect amenity through minimising disruption and disturbance.

13. Noise from construction activities shall not exceed 65dB Laeq 1 hour & 70dB Laeq 1 minute at any educational premises measured at 1 metre from the façade of the educational building in question during term time, unless minor variations are otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent loss of amenity and ensure educational well being.

14. Noise from construction activities shall not exceed 75dB Laeq 10 hour between 8.00 and 18.00 Monday to Friday and shall not exceed 75dB Laeq 5 hour between 8.00 and 13.00 on Saturdays unless minor variations are otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent loss of amenity.

15. No plant shall be installed until proposals for noise assessment and noise mitigation measures for all permanent plant and processes within that part of the development have been submitted and approved in writing by the Local Planning Authority. Such measures shall be implemented in accordance with details approved pursuant to this condition.

Reason: To prevent loss of amenity.

16. No development or demolition shall take place other than in accordance with the Written Scheme of Investigation dated 23 July 2013. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: The development of this site could damage heritage assets of archaeological interest.

17. London Underground Infrastructure Protection Condition

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure.

18. Prior to commencement of the relevant parts of the construction of the facades of the building hereby permitted, detailed drawings and sections (annotated with

materials and finishes) at a scale to be agreed with the Local Planning Authority of:

- i) windows, doors and other openings;
- ii) balustrades at balcony and at roof level;
- iii) canopies above the ground floor entrance and any other wind mitigation measures;
- iii) external security surveillance equipment;
- iv) external lighting; and
- v) water run-off.

shall be submitted to and approved in writing by the Local Planning Authority. The construction of the building facades shall be implemented and shall be retained in accordance with the approved details unless other minor variations are agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the completed development.

- 19.** Prior to the installation of any windows in the building, details of the specification of the windows specified within the acoustic report prepared by RBA Acoustics (dated 5 June 2013) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the windows shall be retained and maintained as approved throughout the life of the development hereby permitted unless minor variations are agreed in writing by the Local Planning Authority.

Reason: To ensure an acceptable standard of residential accommodation is provided.

- 20.** Prior to the of construction of the relevant part of the development hereby permitted, details of the proposed sound insulation scheme to be implemented between the residential accommodation and the terraces/roof terraces shall be submitted to and approved by the Local Planning Authority. Details should include airborne and impact sound insulation. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours.

- 21.** Full details including samples of the materials to be used on all external surfaces (including glazing) shall be submitted to and approved by the Local Planning Authority in writing prior to their use on site. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first occupation of the building and shall thereafter be permanently maintained throughout the life of the development hereby permitted to the satisfaction of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority is satisfied as to the details of the development and to protect the visual amenities of the locality.

- 22.** Upon completion of the development and prior to its first occupation, evidence shall be submitted to, and approved by, the Local Planning Authority to demonstrate that the development hereby approved has attained, as a minimum, Level 4 of the Code for Sustainable Homes.

Reason: To ensure that the development meets the wider objectives of energy efficiency in new building design and construction.

- 23.** Prior to the commencement of the relevant part of the development, full details of the proposed hard and soft landscaping at ground level and within the streetscape of Great Eastern Road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of all trees, shrubs and other vegetation to be planted, including species, size and density of planting, together with full specification for the depth of the planting medium across these areas. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first occupation of the building and shall thereafter be permanently maintained throughout the life of the development hereby permitted to the satisfaction of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority is satisfied as to the details of the development and to protect the visual amenities of the locality

- 24.** Prior to commencement of the relevant part of the development (i.e. any hard or soft landscaping) full details for biodiversity enhancement measures (including the installation of bird and bat boxes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first occupation of the building and shall thereafter be permanently maintained throughout the life of the development hereby permitted to the satisfaction of the Local Planning Authority.

Reason: In the interest of sustainable design and construction and to enhance biodiversity within the development.

- 25.** The development hereby permitted shall be connected to the Cofely East London Energy District Energy Scheme (CELE) and the building shall not be occupied until it has been so connected.

Reason: To ensure a high standard of sustainable design and construction.

- 26.** Prior to the commencement of the relevant part of the development details of the method of provision for secure cycle storage for 206 cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be constructed in accordance with the approved details and maintained at all times thereafter throughout the life of the development hereby permitted to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate provision is made for sustainable forms of transport.

- 27.** Prior to first occupation of any residential unit hereby permitted arrangements shall be made to ensure the accommodation is “car-free” in accordance with a detailed scheme or agreement which has been submitted to and approved in writing by the Local Planning Authority and implemented on first occupation. The approved scheme/agreement shall ensure that all future residents of the development hereby approved cannot apply for or obtain an on-street parking permit to park a vehicle on the public highway, and such approved scheme shall be maintained at all times thereafter unless minor variations have been agreed in writing by the Local Planning Authority.

Reason: To prevent on-street parking within restricted parking areas and to encourage the use of public transport to access the development in view of the high level of accessibility to public transport.

28. Prior to their installation, details of the charging points for electric cars and for mobility scooters shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be provided in accordance with the approved details before residential occupation of the building and subsequently retained for that purpose.

Reason: To ensure that provision is made for the parking and charging of electrically powered cars and mobility scooters.

29. Before any part of the development is occupied as habitable dwellings full details of the waste management strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. Following approval the arrangements for the disposal of waste from the development shall be implemented in accordance with the approved details at all times unless other minor variations are agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate arrangements are made for the disposal of waste from the premises.

Informatives

Mayor of London's Community Infrastructure Levy (CIL) –

This application will attract a charge under the Mayor of London's CIL, which in the London Borough of Newham is a flat rate charge of £20 per square metre of internal floorspace.

For more information on the Mayor of London's CIL please see www.london.gov.uk/publication/mayoral-community-infrastructure-levy. To view the CIL regulations and for more information on CIL in general please see the Communities and Local Government CIL webpage on www.communities.gov.uk/planningandbuilding/planningsystem/communityinfrastructurelevy.

Be advised that if you wish to make a claim for relief this needs to be made before the development is commenced, please see the Claiming Exemption or Relief Form also on the Planning Portal.

You are also required to notify Newham Council prior to commencement of the development, please see the Commencement Notice Form also on the Planning Portal. There are penalty surcharges in the CIL regulations if no one assumes liability and a Commencement Notice is not submitted to Newham Council. It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a collecting or charging authority in response to a requirement under the Community Infrastructure Levy Regulations (2010) as amended (regulation 110, SI 2010/948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

London Underground Infrastructure Protection

The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.

Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)

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

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

Thames Water

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

Approval of any construction work will be subject to consultation and agreement with Thames Water Customer Led Team. TWUL would like to highlight the sensitive nature of the underlying Chalk aquifer. In this location there is limited natural protection in the form of approximately 25m of low permeability sands, silts and clays overlying Thanet Sands, overlying the Chalk. If works are likely to penetrate more than 15mbgl please consult Thames Waters' Groundwater Resources Team on 02035773603.

Sound Insulation.

The sound insulation between flats in this development must meet or exceed the standards set out in approved Document E of the Building Regulations. Reference should be had to the Council's Building Control Department or an approved building inspector

Housing Ventilation

The mechanical ventilation to the bathrooms should comply with Part F of the Building Regulations 2010. Where the kitchen areas form part of a living room they should be provided with mechanical extract ventilation (or other approved alternative to a window opening) to prevent transmission of water vapour and odours to the living areas.

Air pollution & noise from demolition or construction

Smoke

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

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

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

Dust

Particulate matter from demolition & construction movement, prior to occupation can also damage health & impact upon quality of life by leaving deposits on cars, windows & property. These impacts can be reduced through using measures such as:

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

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

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

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

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

In addition, the control of dust & emissions from construction & demolition, is seen as the most comprehensive dust management protocol. Contractors should be aware of its details regarding the efficient management of dust & particulate on site.

http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp

Noise

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

Complaints are often made in relation to noise at unsociable hours of the day. We recommend working hours of 0800–1800hrs Monday to Friday & 0800–1300hrs on Saturdays. Prior to occupation, no noisy movements should be carried out on Sundays & Bank/Public Holidays.

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

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

Detailed guidance on noise issues relating to construction sites can be found in BS 5228 *Noise control on construction & open sites*. In particular, Part 1, "Code of Practice

for basic information & procedures for noise control" will be useful because as well as giving general advice, it describes a method for predicting noise from construction sites.

Supersession

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

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

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

London City Airport

London City Airport recommend that the building and any associated craneage be fitted with aviation obstacle lighting due to its size and location. For information and guidance about obstacle lighting please see the document published by the Civil Aviation Authority (CAA), **CAP 168: Chapter 4**

List of Appendices

Appendix 1 – Original Report to Planning Decisions Committee on 26 November 2013 (this includes all the appendices attached to that report)

Appendix 2 – Update report to Planning Decisions Committee on 26 November 2013