LONDON BOROUGH OF NEWHAM

DEVELOPMENT CONTROL COMMITTEE

22nd April 2009

Application Number: 08/00894/FUL
Validation date: 1 May 2008
Location: Queen’s Market, Green Street, Upton Park
Ward: Boleyn ward
Applicants: St Modwen Properties Plc
Agent: Drivers Jonas LLP

Purpose of Report / Proposal

This report concerns an application for full planning permission (ref: 08/00894/FUL) proposing the demolition and replacement of the existing market with additional uses to create a mixed use development including; 164 market stalls, retail (comprising shop units and mezzanines), 2 substations at ground floor level, new customer and trader toilet facilities, waste collection area and composters, plant and pump/utility room, a market management suite, a security office, a Front Office, 340 residential units including affordable housing constructed in six blocks above the market, and 10 new affordable family residential units on Rochester Avenue (350 residential units in total). A new multi-functional space for market stalls, cultural exhibitions and performances along Green Street; and 308 car parking spaces (172 commercial and 136 residential bays).

Recommendations

The Development Control Committee is asked to:

1. agree the reasons for approval as outlined in this report;

2. to delegate authority to the Borough Planning Officer to finalise negotiation on Heads of Terms for an agreement under Section 106 of the Town and Country Planning Act.

3. refer the application to the Mayor of London (GLA) informing the Mayor that the Council are minded to approve the application; and

4. subject to direction from the GLA, to delegate authority to the Borough Planning Officer to grant full planning permission for this application subject to the completion of a S.106 legal agreement in accordance with the Heads of Terms
and subject to the inclusion of conditions.

5. The draft S106 Heads of Terms are detailed in Section 9 of this report.

6. The draft Conditions are included in Appendix 1 of this report.

Reasons for the Recommendations

It is considered that there a number of benefits arising from the proposal such as the improved environment, improved and accessible facilities, affordable housing provision, the use of renewables, and the number of new residential units provided. The proposal will also have a number of minor negative impacts such as health, education, wind, noise, air quality, transport and parking. However, all of these impacts can be mitigated against through either conditions or through a S106 legal obligation. There are however a few minor negative impacts that cannot be mitigated against such as the overall housing mix, the shortfall in both public and private open space and adverse impacts arising from loss of light to some neighbouring properties. However, given the location of the site within a town centre, and weighed against the considerable benefits of providing improved modern housing, an improved environment and facilities, re-providing an improved market and significant regeneration benefits, these shortcomings are considered acceptable.

The Council also considers that the grant of planning permission subject to the conditions attached will be fully compatible with the Council’s obligations under the relevant equalities legislation and will ensure that the benefits of the existing market for cultural diversity are not lost in the process of the much needed regeneration.

Given this, and as the proposals generally comply with adopted policies, on balance the proposals are considered acceptable, and it is therefore considered that that planning permission should be granted subject to conditions and a S106 legal agreement.

NAME OF LEAD OFFICER: Bernadette Marjoram
POSITION: Joint Executive Director Regeneration, Planning and Property

Originator of report: Sunil Sahadevan
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Human Rights Act

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.

Equalities

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 71 of the Race Relations Act.
For the purposes of this application the equalities issues have been fully assessed in section 8 - Assessment of this report.

Local Government (Access to Information) Act 1985
Background papers used in preparing this report:
- Local Government (Access to Information) Act 1985
- Background Papers Used in Preparing this Report
- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- London Plan
- UDP, SPGs
- Other relevant guidance

List of enclosures / Appendices:
- Appendix 1 The draft Conditions
- Appendix 2 Block Plan

Report

1. Synopsis

1.1 This is a full planning application submitted by St. Modwens for the redevelopment of Queen’s Market. The proposals involve the demolition and replacement of the existing market, with additional uses to create a mixed use development including:

- 164 market stalls (2,132 sq m);
- 6,374 sq m of retail comprising shop units and mezzanines;
- 2 substations at ground floor level (60 sq m)
- New customer and trader toilet facilities (126 sq m);
- Waste collection area and composters (89 sq m);
- Plant and pump/utility room (304 sq m);
- A market management suite (82 sq m);
- A security office (35 sq m);
- Front Office (1,994 sq m);
- 340 residential units including affordable housing constructed in six blocks above the market, serviced by:
  - A residential lobby/concierge (47 sq m);
  - Cycle storage facilities (252 sq m);
  - Refuse collection areas (220 sq m);
  - Utility/meter room/cleaners at 3rd floor levels (95 sq m);
- 10 new affordable family residential units on Rochester Avenue;
- A new vehicular ramp;
- A new multi-functional space for market stalls, cultural exhibitions and performances along Green Street; and
- 308 car parking spaces.

The application was accompanied by an Environmental Statement.

1.2 The main planning issues for consideration in relation to this application are; the design, re-provision of a new market, community use, housing mix, affordable housing, private and communal amenity space, children’s play space, residential amenity, air quality, noise, wind, equality issues, regeneration and parking and transport.

1.3 Overall, there is considered to be a number of positive impacts arising from the proposal such as the improved environment, improved and accessible facilities, affordable housing provision, the use of renewables, and the number of new residential units provided. The proposal will also have a number of minor negative impacts such as health, education, wind, noise, air quality, transport and parking. However, all of these impacts can be mitigated against through either conditions or through a S106 legal obligation. There are however a few minor negative impacts that cannot be mitigated against such as the overall housing mix, the shortfall in both public and private open space and adverse impacts arising from loss of light to some neighbouring properties. However, given the location of the site within a town centre and weighed against the positive impacts, these shortcomings are considered acceptable. Given this, on balance the proposals are considered acceptable, and it is therefore considered that that planning permission should be granted subject to conditions and a S106 legal agreement.

2. Site and the Surroundings

2.1 The site is located at the southern end of Green Street close to Upton Park tube station and is situated in a predominantly residential area. Residential properties surround the site to the west along Tolpuddle Avenue, to the south along Rochester Avenue, Crown Mews and Selsdon Road and to the east along Green Street. Queen’s Road and the railway line bound the site to the north. There are no statutory or local listed buildings contained on the site and it is not located in a designated Conservation Area.

2.2 The site is 2.75 hectares in size and comprises the existing Queen’s Market, retail units and the associated compound parking area on Rochester Avenue.

2.3 Queen’s Market is a large covered market which was built in the 1960s. The Market accommodates approximately 150 market stalls which currently comprise 132 let on an annual basis and 28 casual stalls. The stalls are arranged in the central area of the market hall and are surrounded by 49 shop units which are arranged around the perimeter of the market floor. 42 out of the 49 retail units are currently leased and occupied and 7 are either vacant, used for storage of cleaners equipment or an information office. There are also 18 kiosks located within the market. The kiosks are brick-built, small lock up units. Currently 8 of the kiosks were not leased or occupied. Car parking areas are situated on the roofs of both the main market premises and the
compound area. All of this parking space is for public parking, and there is no specific allocation for market traders.

2.4 The market forms part of the Green Street District Centre and has also developed a role as a specialist shopping destination specialising primarily in Southern Asian goods.

2.5 In addition to Queen’s Market the site contains:

- residential properties,
- the Hamara Ghar housing block and
- the Queen’s public house.

2.6 Six residential properties are located on the western edge of the market along Tolpuddle Avenue. The properties are owned by the Toynbee Housing Association.

2.7 The Hamara Ghar housing block and Queen’s public house lie on the eastern section of the site. The Hamara Ghar block provides accommodation for 66 residents. The building caters mainly for South Asian elders.

2.8 A vehicular ramp leading from Selsdon Road is contained within the boundaries of the site. The ramp provides access to the market, Hamara Ghar residents’ car parks and Green Street frontage (existing public house and paving to the east of Hamara Ghar).

2.9 The market compound area which includes public parking is located to the south, opposite the market and is included within the application site. The parking area is separated from the market by Rochester Avenue and forms a separate ‘Island site’.

2.10 Primary access to the site is from Green Street, however, there are secondary entrances on all sides. The site is easily accessed by public transport and has a Public Transport Accessibility Level (PTAL) ranging from 4-5. Upton Park tube station is located on the northern boundary of the site and provides access to the Hammersmith and City and District tube lines. Bus services on Green Street include 58, 104, 330 and 376.

2.11 Buildings on site range from 2 to 9 storeys. Low storey retail frontages (between 2-3 storeys) line Green Street. Queens Market is restricted to 3 storeys. Hamara Ghar dominates the site as the tallest building, stretching to 9 storeys. The proposals will retain Hamara Ghar in its current form.

2.12 The Council own the freehold for the site.

3. The Proposal

3.1 The proposals for the redevelopment of Queen’s Market involve the demolition and replacement of the existing market, with additional uses to create a mixed use development including:
- 164 market stalls (2,132 sq m);
- 6,374 sq m of retail comprising shop units and mezzanines;
- 2 substations at ground floor level (60 sq m);
- New customer and trader toilet facilities (126 sq m);
- Waste collection area and composters (89 sq m);
- Plant and pump/utility room (304 sq m);
- A market management suite (82 sq m);
- A security office (35 sq m);
- Front Office (1,994 sq m);
- 340 residential units including affordable housing constructed in six blocks above the market, serviced by:
  - A residential lobby/concierge (47 sq m);
  - Cycle storage facilities (252 sq m);
  - Refuse collection areas (220 sq m);
  - Utility/meter room/cleaners at 3rd floor levels (95 sq m);
- 10 new affordable family residential units on Rochester Avenue;
- A new vehicular ramp;
- A new multi-functional space for market stalls, cultural exhibitions and performances along Green Street; and
- 308 car parking spaces.

3.2 The application was accompanied by an Environmental Statement.

3.3 The proposal was amended on the 23rd December 2008. The amendments can be summarised as:

- Front office elevations – the design was amended. The changes involve replacing the previous aluminium louvers with glazed curtain walling, and incorporating a louvered canopy oversail to extend southerly along the Green Street frontage, and smaller oversails along sections of the eastern elevation.
- Landscaping layout – this was amended to increase the provision of play space, reduce cross-paths and provide a designated under 5’s play area..
- Internal space standards – the floor space in undersized residential units were increased.
- Car parking and wheelchair accessible units – further clarification has been provided on the units accessible by wheelchair, and revisions were made to the parking layout on the second floor of the decked parking area.
- An Equalities Impact Assessment was submitted.

The amendments comprised of revisions to corresponding original plans and an addendum to the original submitted Design and Access Statement.

3.4 The development includes the construction of a podium below which the new market hall and a level of car parking will be constructed. 340 residential units will be developed in 5 blocks above podium level. (See appendix 2 for the Block Plan).
Market

3.5 A new market will be developed on the ground floor of the development. The market will have a similar layout to the existing market as retail units will be arranged on the perimeter of the market floor. 34 new units and 6 refurbished retail units will face onto the market. Space for 122 market pitches will be provided in the market hall and it is anticipated that the pitches will accommodate 38 secure and 84 casual stalls.

3.6 A mezzanine floor will be developed above the ground floor of the market to accommodate additional retail space. As such, the market hall will be double height.

3.7 Primary access to the market via Green Street will be retained. New pedestrian routes through the market linking Queens Road and Rochester Avenue through the market will also be created.

3.8 Seven copper light scoops, ‘sun chimneys’ will be developed on the podium to provide light to the market. They will extend from the market hall to the centre of the communal garden. It is anticipated that the scoops will also aid ventilation.

3.9 It is proposed that the area between the market and Green Street can be developed for a temporary market. A canopy will be erected, underneath which there will be space for 40 temporary casual stalls. Retail units are currently located on the ground floor of Hamara Ghar and these will be retained and refurbished as part of the proposals.

3.10 Servicing areas have been incorporated into the proposals including a new service yard at the rear of the market. A new vehicular service yard accessed from Rochester Avenue and exited from Queens Road will provide access for service vehicles and refuse collection.

3.11 Other service areas will be provided throughout the market. A secondary service area, for smaller vans will be provided beneath and adjacent to the car park access ramp. 10 short length service bays for loading and unloading will be provided along Rochester Avenue. New service area facilities will include management offices, a lavatory, and ablution facilities and refuse collection areas. Storage areas have also been incorporated.

3.12 The applicant envisages that the proposed development will allow the permanent market to remain open for trade 6 days a week, as apposed to the current 4 days of the week.

Temporary Market

3.13 Construction of the scheme is proposed to be phased and a temporary market constructed to enable traders to continue to operate throughout the whole of the construction period.
3.14 The existing market compound area and the area in front of the market spreading along Green Street will accommodate a temporary market while construction takes place. The two temporary market areas will be linked via a pedestrian walkway between Hamara Ghar.

3.15 The traders selling fresh produce will operate from the existing market compound area in the area beneath the existing first level car park. This area which will be suitably refurbished to accommodate the temporary market. 40 parking spaces on top of the compound roof will continue to be available during this period.

3.16 Other traders will be located along the Green Street frontage, from the tube station to the ‘Focus Furniture’ unit. The existing double canopy above the market will be removed and hard landscaping laid. Temporary stores will be developed in some of the existing units located beneath Hamara Ghar to service the temporary market.

3.17 The existing market will be demolished and the new market hall, car park and podium will be the first elements of the scheme to be constructed. During the demolition of the market it is proposed that the market will be serviced mainly from Green Street and from the passageway under Hamara Ghar.

3.18 Once the market hall, podium and car park have been completed, surfaced traders can operate from the new building. All retail units will operate from the internal market side. Construction will continue above podium level.

3.19 The table below sets out the total number of stalls and parking spaces, currently, during the temporary market and for the proposed market;

<table>
<thead>
<tr>
<th></th>
<th>No. market stalls</th>
<th>No. car parking spaces</th>
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<tbody>
<tr>
<td><strong>Currently</strong></td>
<td>150 market stalls</td>
<td>150 car parking spaces in total</td>
</tr>
<tr>
<td></td>
<td>(132 permanent and 28 casual stalls)</td>
<td></td>
</tr>
<tr>
<td><strong>Temporary market</strong></td>
<td>116 stalls in total (83 stalls, plus 33 wholesale stalls)</td>
<td>44 temporary car parking spaces will be provided.</td>
</tr>
<tr>
<td><strong>Proposed market</strong></td>
<td>164 market stalls</td>
<td>172 car parking spaces (dedicated for market and other commercial uses)</td>
</tr>
</tbody>
</table>
Front Office

3.20 It is proposed that a Front Office Council facility will be delivered as part of the proposals. The Front Office facility will accommodate the relocated Green Street Library in addition to a local service centre. This facility will operate at first and second floor level, above the entrance to the market.

3.21 The Front Office will be accessed from Green Street and will be serviced via the parking level.

Residential

3.22 Residential accommodation will be developed at podium level above the market and car parking (from 3rd floor level). 340 new homes will be built above the new Queen’s Market and 10 further units on the existing compound site. Unit sizes will range from 1 and 2 bedroom apartments to 4 bed family homes.

3.23 The majority of the residential accommodation will be arranged in 5 blocks around a central landscaped garden. The residential blocks will range in height to respond to their immediate surroundings. A 4 storey block (Blocks 5 and 6- see appendix 2)) will be provided along Tolpuddle Avenue and a 9 storey block (Block 7) developed along the southern edge of the site. Two of the blocks back onto Queen’s Road and will be 15 storeys in height (Blocks 2 and 3). The largest residential block (Block 1) will be 31 storeys high and will be located on the corner of Green Street and Queens Road.

3.24 The landscaped garden (podium deck) will provide amenity space for the residents. Seating, planting and play areas will be included in this area. Apartments have a private balcony and those at higher levels of the tower have winter gardens.

3.25 The existing market compound area the ‘Island site’ will be demolished and 10, 4 bed family homes constructed. The houses will be 3 storeys in height and have private gardens.

Tower

3.26 The largest residential block will be 31 storeys high and will be located on the corner of Green Street and Queens Road, and is intended to be a landmark for the market. The base of the tower corresponds to the height of the market and parking level. The lower mid-section corresponds with the height of adjacent towers backing onto Queen’s Road. This section will have recessed balconies. In the upper section the apartments incorporate enclosed winter gardens to provide protection from noise and wind.

3.27 A four storey glazed ‘lantern’ will form the top of the tower and will be visually distinctive from the rest of the tower. The top of the lantern will include
recessed lighting. The lowest level of the lantern will be left open forming a separate section at the top of the tower.

**Affordable Housing**

3.28 The scheme includes the provision of 55 affordable units (16% of the total housing provision) comprising 33 for social rent and 22 intermediate (a 60:40 split). The affordable units will be a range of sizes and will include the provision of 10 x 4 bed houses (contained on the Island site).

3.29 It is proposed that 32 flatted dwellings (including 23 Social Rent and 9 intermediate) will be provided in Block 5/6 and 10 social rent family dwellings houses will be located on the Island site. 13 intermediate dwellings will be dispersed through Blocks 1, 3 and 6.

3.30 A Three Dragons Toolkit was submitted to the GLA to demonstrate that a higher level of affordable housing would not be viable through this development.

**Public Realm**

3.31 It is proposed that The Queen’s Pub on Green Street will be demolished and a new exhibition and performance space utilised as public realm will be provided along the Green Street frontage.

3.32 Areas of public realm will be improved along Rochester Avenue and Queens Road surrounding the edges of the market. Wider pavements, new street lighting and additional planning are also proposed.

3.33 The public realm will be improved around the Green Street junctions with Queens Road and Selsdon Road in an attempt to create a more pedestrian friendly development.

**Parking**

3.34 305 parking spaces and 350 cycle parking spaces will be provided in the scheme overall. Most of the vehicular parking spaces will be provided at second floor level, above the market. The remaining spaces not provided at this level include the 10 off-street parking spaces associated with the 10 x 4 bedroom units on the Island site.

3.35 Up to 136 parking spaces will be provided for residents. This equates to a parking provision of 0.39 per residential unit.

3.36 The deck level will also provide 172 public car parking spaces for the public which includes 10 spaces for those with mobility difficulties, accessed via a new ramp from Rochester Avenue. The car park above the market will be accessed from the remodelled and repositioned ramp at Selsdon Road/Rochester Avenue which will run flush to the Hamara Ghar building.
3.37 The dedicated parking area (18 spaces) for Blue Badge holders on Selsdon Road will be retained.

**Transport/Highways**

3.38 In order to make the area more pedestrian friendly public realm improvements will be made on Green Street junctions with Queens Road and Selsdon Road.

3.39 To ease conflicts around the new ramp it is proposed that:
- A give-way junction will be created at Selsdon Road South-Selsdon Road East junction is created; and
- Vehicles are required to exit the Queen’s Market car park to the left only.

3.40 It is proposed that traffic is restricted to a one way system on a stretch of Rochester Avenue between the junction of Selsdon Road and Tolpuddle Avenue.

3.41 A one way stretch will be retained on Queens Road between the junction of Tolpuddle Avenue and Green Street, and public realm will be improved in this area to encourage a single lane.

**Energy and Sustainability**

3.42 An Energy Strategy has been submitted with the application. The scheme proposes a package of measures including energy efficient design, incorporation of renewable energy and energy efficient technology within the development.

3.43 A Combined Heat Power (CHP) engine which is fuelled by natural gas is proposed and will utilise a district heating system to distribute hot water around the site. This will be connected to new-build residential units and retail uses. The CHP plant will be located on the ground floor next to Block 3. The CHP unit will also provide electricity which will be used preferentially on site. It has been calculated that the CHP unit will result in a 24% reduction in carbon dioxide emissions.

3.44 The scheme proposes to utilise photovoltaic panels for renewable energy generation to feed into the residential units. Mono pitched photovoltaic panels have been included at the top of the Queens Market tower and south facing roofs of the 10 houses that will be provided on the ‘Island site’. It has been calculated that the panels will result in a reduction of 2.45% carbon dioxide emissions. This will result in a total reduction of C02 emissions of 26.45%.

3.45 The applicants have indicated that residential units will achieve Level 3* for the Code for Sustainable Homes. In addition, a thermal modelling analysis within the scheme has been used to inform the development of a strategy which reduces overheating and heat loss from residential units.
3.46 It is intended that an energy efficient design will be maximised throughout the development through the use of thermally efficient materials, heating controls, low energy lighting, high levels of insulation and low rates of air permeability.

4. Relevant History

4.1 The site has been used as a market for approximately 100 years. The current layout was developed in the 1960s/1970s.

4.2 Over time, Queen’s Market has developed into a central element in the District Shopping Centre. Newham and Green Street in particular is an ethnically diverse area and Queens Market reflects this diversity. The Market has become an established sub-regional specialist shopping destination.

4.3 St. Claire Point was a high storey housing block which existed at the rear of this site, and was demolished in the late 1980’s. Hamara Ghar was developed in the late 1960’s.

4.4 In 2004 the Council elected the applicant as the development partner to redevelop the market. A development agreement was signed in 2006, which advised that “The Council wishes to procure the redevelopment and regeneration of Queens Market to provide a mixed-use scheme based on the reinstatement of the market into a clean and safe environment and the introduction of a major mixed-use development to include replacement retail facilities, library and local service centre, retail stores and landmark residential buildings, a pedestrian plaza and landscaping.”

5. Consultation

5.1 The Council undertook an extensive notification exercise on this planning application. 2,040 adjoining occupiers were consulted on the original scheme, and 2,434 were consulted when the scheme was amended. The consultation letters for the amended scheme were issued twice, as there was an error with the consultation period dates set out on the first attempt. In addition, the application was also advertised in the Newham Recorder, site notices were displayed around the site, and details were made available on the Council’s website.

The table below summarises the consultation process with adjoining occupiers and the number of responses received.
5.2 **Adjoining Occupiers**

<table>
<thead>
<tr>
<th></th>
<th>Original application</th>
<th>Amended Scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Letters Sent</td>
<td>2040</td>
<td>2434</td>
</tr>
<tr>
<td>Number of responses Received</td>
<td>2552</td>
<td>116</td>
</tr>
<tr>
<td>Number of Objections</td>
<td>2549</td>
<td>115</td>
</tr>
<tr>
<td>Number in Support</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

5.3 2,549 letters of objection and 3 letters of support were submitted through the initial consultation on the application. Following the amendments to the scheme, a further 115 letters of objection and 2 letters of support were received.

**Objections:**

**Market**

1. The redevelopment will mean that unique character of the existing market will be lost.
2. The proposal will disrupt existing shopping patterns and affect the vitality of Green Street.
3. The produce sold is fresh, healthy and affordable to local people.
4. The current market provides a wide range of ethnic products.
5. Market rents will increase.
6. The proposed new market will be smaller and therefore there will be less choice and produce will be more expensive.
7. The existing market should be cleaned up, and not redeveloped.
8. The applicants have no previous experience with running successful street markets.
9. New retail provision would affect market viability.

**Public House**

10. The existing pub is a community asset and meeting place with a friendly atmosphere.
11. The pub provides much needed toilet facilities that the public can use.
Design

12. The Tower is inappropriate, out of scale and will dominate the townscape.
13. This will be a high density development out of character with the surrounding area.
14. Proposed external materials used throughout the market will not improve on current.

Amenity

15. There will be increased noise and pollution.
16. There will be overlooking and overshadowing problems.
17. There will be inadequate open space provision for the number of units proposed.

Transport

18. Traffic generation and congestion will increase.
19. On-street parking demand will increase.
20. There will be additional strain on public transport.
21. The side roads should be made one way to deal with the increased traffic.

Housing

22. Not enough of the new flats will be affordable to local people.
23. The communal green space will not be accessible to family sized dwellings.

Sustainability

24. The development will impact adversely on climate change.
25. On site renewable energy generation will not be adequate.
26. The scheme should include better biodiversity measures and better drainage systems.

Regeneration

27. Jobs will be lost.
28. The proposals could affect the staging of the Olympics.
29. The development will not be viable in present economic climate

Procedural

30. The community should have been given a stronger role in formulating proposals for this site.
31. The consultation process has not been adequate
Other

32. Accessibility arrangements for library on 1st floor not acceptable.
33. The ramp will block the access to ‘focus furnishings’
34. There is already too much retail provision on Green Street.
35. A Community Cohesion Impact Assessment should be carried out.
36. There will be a strain on local water supplies.
37. TV signals will be affected.

Supporters:

1. The proposals will have regenerative benefits.

5.4 Statutory and Non Statutory Consultation

5.4.1 Environment Agency

No objection, but recommendation for the inclusion of a condition on any grant of approval relating to surface water drainage.

5.4.2 Transport for London (TfL)

The assumption in the Transport Assessment (TA) that the proposal will not attract significantly more trips than currently the case is considered reasonable. This is despite the proposals including more off-street parking than currently the case. The proposal is also unlikely to have any adverse impact on the Transport for London Road Network (TfLRN). TfL did stress they has some initial concerns that there should be a cumulative impact assessment before this view can be confirmed. However, in a subsequent email dated the 1st September 2008, this concern was not maintained following slight amendments to the TA in April 2008.

Car parking – The proposed level of residential car parking (0.39) is within the London Plan standards and is therefore considered acceptable. However, all residents are expected to enter into an agreement that restricts any permit awards within the Controlled Parking Zone (CPZ). The expected increase of 22 parking spaces for the market (from 150 to 172 spaces) is considered acceptable. However, it is urged that there is proper management in place to ensure that the impacts are limited and that these parking spaces are not available to residents out of hours.

Buses- The availability of good public buses at this location suggests that the proposal is unlikely to have a significant impact on bus capacity. However, there needs to be a commitment to upgrade bus stops within an acceptable walking distance of the site. A capped contribution of £20k per pair of bus stops (3 pairs in total) is requested through any s106 agreement.
Walking – Request made that footway network is improved through resurfacing. Proposals for better crossings in Selsdon Road and Queens Road should ideally be taken forward.

Cycling – Cycle routes should ideally be extended into the site. The amount of cycle parking (68 spaces) proposed is considered acceptable and complies with TfL Cycle Parking Guidance. There is also support for the fact that the spaces will be in covered compounds ensuring security.

Travel Plan – It is considered that the travel plan is largely well structured and well thought out. However, there should be individual travel plans for the residential and retail elements of the proposal given the scale of the development – unless there is a well defined management strategy in place. There is concern that the mode share for the private car is estimated to be higher than the baseline position. This is considered unacceptable, and there should be a shift away from the private car. There should also be better incentives such as car club discounts which should help to reduce car use.

Freight and Servicing – A Delivering and Servicing Plan needs to be submitted to approved.

TA – Comment is made on the market activity happening between set hours (which indicates that there are clear peak-hour activity), but there is no information as to how this will be controlled. Therefore further clarification is required.

5.4.3 Greater London Authority (GLA)

Stage 1 comments considered that the proposals complied with some of the London Plan (LP) policies but were contrary to others;

Housing – The 350 new housing units were welcome in this location, however the affordable housing offer needs to be considered against the Three Dragons toolkit.

Design – The design was considered to be generally acceptable quality, but more work was required to improve playspace provision.

Waste – The application does not include a waste management strategy.

Energy – The energy hierarchy set out in Policy 4.A1 of the LP is considered acceptable and the overall energy strategy is acceptable subject to a few issues that need to be clarified or addressed.

Transport – Generally acceptable.

Access- Generally acceptable, however further clarification is required concerning blue badge parking for different land uses.

Regeneration – The reprovision of the market is welcome.
The following changes to the scheme were suggested;

- Housing – the applicant should demonstrate that public housing grant is maximised.
- Design – the quality of the design of the tower should be further demonstrated.
- Playspace – the design of the on-site playspace should be improved.
- Waste – a waste strategy should be submitted.
- Further clarification should be provided on energy, transport and access.

In response, the applicants submitted a statement in July 2008 as an attempt to address all the issues raised by the GLA;

- Housing – Since the GLA report was drafted, a 3 Dragons Toolkit Assessment was submitted, which demonstrated that the proposed level of affordable housing is the maximum proportion that the scheme could deliver.
- Design -Further supporting commentary was provided justifying the overall design, in particular the landmark tower.
- Playspace – In response, the layout of the playspace areas have been amended (these amendments were included in the revisions submitted on the 23rd December 2008). The number of cross-paths in the communal open space at podium level has been reduced. This space is now consolidated into 4 distinct areas. It is estimated that there will a 120 child yield from the development, as such the area of rubber crumb safety play surface has been increased to provide 948m² of children and youth play spaces in addition to grassed areas.
- Waste - A management plan was submitted with the application. A fresh copy has been provided for the GLA.
- Further clarification was also set out on certain issues such as energy, transport and access raised by the GLA

A formal response to this statement is still awaited from the GLA.

5.4.4 Action and Rights

Objection made on several grounds;
- The Design and Access Statement is very brief and does little to explain the applicant’s policy and approach in relation to inclusion.
- Need clarification that buildings will be built to Lifetime Home Standards.
- Clarification also required on wheelchair accessible units.
- Lifts should also include firefighting/evacuation lifts.
- Needs to be a commitment to blue badge parking spaces, particularly as Upton Park Station which is currently not accessible.
- The level change at Upton Park Station and Queens Road should be addressed.
Existing public toilets are available 24/7. The new market toilets will only be available during market hours.

- A separate unisex toilet is needed in addition to the male and female toilets.
- Accessible baby facility needs to be provided.
- The adult change facility should be included as a condition of any consent.
- Pedestrianisation of Queens Road and Rochester Avenue should be considered.
- The scheme should allow access for high top buses.
- All balconies and integral garden areas should be accessible for wheelchair users.
- Details of accessibility of security doors should be submitted.
- A parking space for each wheelchair units should be allocated.
- S106 to include shopmobility scheme.
- S106 to include public realm accessibility improvements along Green Street.

The applicants responded with a statement dated 25th November 2008. It set out the following:

- All the units will be comply with Lifetime Home standards.
- 35 units (10% of total units) on the 2nd, 3rd and 4th floors may be designated as wheelchair accessible units.
- Lift provision will comply with Part M of the Building Regulations. At least 1 lift per building will double up as a fireman’s lift.
- It is not proposed that there will be any facilities for the provision of charging and storage facilities for mobility scooters and electric vehicles. However, the applicants will consider this post planning determination.
- The scheme will be amended to allow for unisex accessible toilets. This will include baby changing facilities. (The revisions received on the 23rd December 2008 has amended the scheme in this regard).
- There is no statutory requirement for the provision of changing places.
- Although the new toilets in the market place will only be available during market hours, there will be an increase in standard of provision.
- The level change at Upton Park Station falls outside the application site.
- The blue badge parking spaces (10.34%) will exceed the total number of wheelchair accessible units (10%). Spaces will be allocated along practical constraints of proximity and need.
- The 8 blue badge spaces along Selsdon Road will be retained.
- As the typical height between floors is 3.0m, this should allow access for any minibus (which is typically 2.6m).

5.4.5 **CABE**

The principle of redeveloping Queens Market to enhance the existing covered market and to accommodate new residential dwellings is supported. The variation in building heights, the landuse distribution and the variety in house types and sizes are considered sound. The overall massing and use
distribution is considered to work well on this site. Although it is considered that Block 1 appears bulky and overbearing. The main concern is that the architectural expression of the market lacks presence on the Green Street, and there is also concern about permeability. Although the north south pedestrian routes through the site are considered to improve permeability, there is concern that more movement is needed to activate the edges of the site. Particularly along Queens Road and Rochester Avenue. The main entrances are along the market side. The number of parking spaces is questioned. The legibility of the library entrance onto Green Street is questioned. Further consideration of making the scheme more sustainable is also encouraged.

The applicants responded with a statement on the 29th October 2008, making the following points;

- Permeability and activity – The proposals include double fronted retail units along the Queens Road and Rochester Avenue frontages. The quality of external materials will also enliven these environs.
- Main market entrance – The main entrance remains from Green Street, which will be emphasised by a high entrance canopy, with banners, lighting and quality materials.
- Block massing – A further design rationale was provided supporting the design concept.

This statement was referred to CABE, who did not offer any new comments.

5.4.6 English Heritage (Archaeology)

Comments received that it is unlikely that the proposals will affect archaeological remains. Therefore archaeology need no longer be a consideration in the determination of this application.

5.4.7 Newham PCT

Newham PCT have advised that they require £353,553 towards developing a local health facility and £990,278 towards its revenue costs. This is based on their HUDU model. There was no objection to the rest of the scheme.

5.4.8 Natural England

No objection to proposals however, the Council is reminded that if planning permission is granted appropriate measures to enhance the natural environment in accordance with the planning guidance relating to biodiversity, access to nature and climate change adaption should be secured.
5.5 Land Panel

5.5.1 The proposals were presented at the following Land Panel Meetings;

- 6th July 2007
- 23rd November 2007
- 4th April 2008
- 12th July 2008
- 8th August 2008

5.5.2 Members considered that children’s play areas should be optimised. Also considered that the sustainability qualities of the proposal should be enhanced. The sedum roof proposals were considered appropriate, but considered that design should allow for recycled rain water. The shutters at ground floor level for the Front Office was not supported.

5.6 Design Review Panel (DRP)

5.6.1 The proposals were presented to DRP on the 5th March 2008. The following comments were made;

- Were encouraged by the positive progress that has been made since the scheme was first reviewed in November 2007. Most significantly, the removal of the eastern residential blocks from the perimeter and the lowering of the two southern blocks has helped to break down the ‘citadel’ character of the earlier schemes.
- Were concerned about potential microclimate impacts that may arise from the high buildings.
- The increased permeability across the site with new entrances into the market was welcomed, as well as the introduction of shop units around the external perimeter facing Queens Road will help to activate frontages during the day.
- It was stressed that further consideration should be given to how such spaces around the market will feel at night, given that the residential accommodation is raised well above street level.
- The lighting funnels concept will provide the market hall with a sense of light and space, possibly becoming a memorable feature of this market.
- Welcomed the changes made to the residential tower fronting Green Street. By increasing its height and breaking down its massing the building, it now appears more elegant creating an appropriate form along Green Street. The crown of the tower needs to be further considered and articulated both in its materiality and its use.
- It was stressed that the landscaping of the podium space will require careful attention and DRP needs to be convinced that the current proposal will result in a comfortable and useable space. In particular, there needs to be more convincing that the large mature trees of the type shown on the model would be possible in podium conditions. It is suggested that additional landscaping options are explored.
5.7 Internal Consultation

5.7.1 Environmental Health

Raised concerns on two grounds;
i) Transport noise assessment – The figures and the methodology set out in the Environmental Statement was not agreed;
ii) air quality study – further details were required on how the proposal would impact on future residents, in particular how the Combined Heat and Power Plant (CHP) boiler will be used, including details of what the unit is and the in puts.

It was however recommended that if permission is granted that conditions relating to ventilation, noise during construction phases, composters, sound insulation, acoustic report, contamination, grease trap for commercial units, environmental code and impact piling are included.

On the first area of concern regarding transport noise, Environmental Health were concerned that as the Green Street frontage fell within Noise Category C, that there would be adverse impact on future residents. The applicants responded to advise that the residential element of the proposal is set further back from the Green Street frontage and actually fell within Noise Category B, and was therefore acceptable. Any noise impacts could be mitigated through the use of appropriate ventilation and glazing throughout the development. It was suggested that a condition requiring agreement on the specific ventilation and glazing could be included with any approval. Environmental Health considered this approach acceptable.

In terms of the second area of concern, air quality, the applicants stressed that the CHP details were not yet developed at this stage of the planning application process, but there was appreciation that the concern was mainly centred around the likely flue and how that would impact on residents in the upper floors of the development. It was stressed that at higher levels there would be less impact from traffic and wind dispersion was better therefore there was not expected to be any adverse impact arising. Environmental Health considered this, and did not raise any new objection. It was also accepted that the screening tool used to assess air quality was acceptable. A condition can be used with any grant of planning permission requiring the submission of CHP details, which would then have to be agreed with Environmental Health.

5.7.2 Conservation and Design

Generally supportive of proposals. However, minor concerns were raised that the temporary phase of the development could result in some dead frontages. The landscaping strategy should be reconsidered for the podium which creates too many paths. Questions were also raised about how the mature trees would grow the use of certain external materials and it was suggested that the Green Street frontage should be given more prominence given the number of people using it.
5.7.3 Forward Planning (Policy)

Original comments received;

- Considered that the 31 storey tower was in accordance with policy.
- The affordable housing level should accord with the London Plan, otherwise further evidence of liability will need to be provided.
- The provision of larger units is considered welcome. Whilst this doesn’t quite meet the 15% policy requirement, it is accepted that the tower element creates a larger number of smaller units.
- Ideally the internal space for some of the units needs to be increased.
- Open space for the communal open space should be 7,810m² rather than the 6315m² as proposed.
- The balconies should be increased in size (at least 8m²).
- Play areas should be improved in accordance with policy requirements, i.e.
  1) 0.1h of children’s play areas per 40 children bedspaces with a minimum size of 500m²
  2) 0.004h of open space per dwelling
- The proposal conforms to Policy SH4 which seeks to promote and encourage the development of Green Street.
- The ambition to achieve Level 3 Code for Sustainable Homes and BREEAM for retail is welcomed.

The amendments to the scheme were in part a response to these comments. The applicants reconfigured and increased the internal floor space provision of some of the residential units. The communal open space was also reconfigured in accordance with these comments. The balconies could not be increased in size, but the applicants pointed out that they could be used comfortably as amenity space.

The following comments were then received from Forward Planning (Policy);

- The inclusion of green roofs is welcome in terms of enhancing biodiversity, microclimate and sustainable water management on site.
- The on site renewable energy provision will result in 26.4% reduction in carbon emissions and will exceed the London Plan requirement of 20%.
- The proposals will contribute to meeting the London Plan housing targets for the Borough.
- There should be a better housing mix.
- Consideration has to be given to whether this site is suitable for the location of a tall building.
- Affordable housing should be in line with adopted policies unless financial viability dictate otherwise.
- The library facility is welcomed and is consistent with policy.
- The shortfall in open space may be off-set by a contribution for off-site provision.
- It is concluded that the regeneration of Queens Market is welcomed and will provide an opportunity to improve the locality.
5.7.4 Regeneration and Projects

The redevelopment is supported as it will contribute to the regeneration of Green Street District Centre and strengthens its position as a shopping destination. This is in accordance with the regeneration of other town centres in Newham which may attract people visiting the 2012 Olympics. The scheme is considered to represent a comprehensive development and design approach for the existing popular and vibrant market, and all of the proposed land uses are suitable for a town centre location. The existing market shops and stalls are considered incongruous in terms of legibility and connectivity through the market and surrounding areas, and will minimise crime and the fear of crime. The shops and stalls are considered an important source for small business opportunities and job opportunities, and the proposals will allow traders to trade in a more efficient environment and enable their businesses to develop in the long term or help continue an existing family business. The construction phase will also provide construction employment opportunities.

It was stated that the residential element of the scheme will address a local need for large families in currently overcrowded accommodation. The proposed new library is considered to provide training and employment opportunities together with the physical infrastructure. The social and economic infrastructure meets one of the Council’s strategic objectives for improving employment opportunities for local people to access jobs, and for relevant education and training opportunities to enable people to access new jobs created within development opportunity areas in the borough.

The current market is considered to have a very diverse customer base with people from different ethnic backgrounds, ages, gender, sexuality, disabled people and people of different faiths regularly visiting the market. The impact of the proposed development has been thoroughly assessed through an Equalities Impact Assessment and local consultation to mitigate negative impacts.

It was stressed that should the planning application be approved, then there was a need to secure local benefits such as local jobs and training opportunities, environmental improvements and CCTV surveillance.

In response, the applicants confirmed by email on the 3rd February 2009, that they would accept clauses in the S106 agreement relating to a commitment to advertise jobs locally; however it would not be possible to accept a clause requiring, for example, a percentage of the total on-site workforce to be employed from the local area as this could not be guaranteed or easily controlled. It was also pointed out that the scheme would also be making a range of environmental improvements that will significantly improve the quality of the local environment. It was also agreed that CCTV provision would be part of the scheme.
5.7.5 Education

The Council’s Education service identified that the development should be based on Department of Children’s Families and Schools (DCFS) figures, which suggests a 26 child yield between 0-4, 30 child yield between 5-10 and 16 child yield between 11-16. This is calculated to require a contribution of £607,000, to mitigate this impact.

5.7.6 Transportation

The Council’s Transportation Section made the following comments:

- The site has a PTAL value of between 4 and 5, depending on which side of the site is being considered. The value of 5 details that the site is considered to have very good accessibility to public transport services. Upton Park Station is served by the District and Hammersmith and City Lines, with between 18 and 23 trains per hour during weekdays and 15 to 19 at weekends. The site is also well served by London Buses services, including route numbers 5, 58, 104, 115, 147, 238, 330 and 376 which pass through and/or around the Upton Park area.

- There is currently provision for 150 public car parking spaces at the site, accessed via the ramp off Rochester Avenue. As detailed in the updated design, access and landscaping statement, the developer proposes for the provision of 313 car parking spaces in total, with the allocation of 135 (inclusive of 14 disabled spaces) to the new residential aspect of the development and 177 (including 20 disabled spaces) to the public parking aspect of the development. In terms of disabled parking provision for the development, this will provide 10.29% in the residents parking areas and 11.30% in the public areas, which in principle is welcomed as it exceeds the former requirement of the Borough in the now defunct T15 policy of the UDP which was for a minimum provision of 6%.

- For the residential aspect of the scheme, the provision is approximately 0.39 spaces per unit. Given the site’s very good PTAL value, this level of provision is considered to be appropriate.

- There is a general increase in the public parking provision, from the existing 150 spaces to 172 spaces, an increase of 22 spaces or 15%. This increase is justified in the Transport Assessment (TA) on the basis of current parking demand exceeding supply, particularly at weekends, and taking into account the provision and attraction of ‘Front Office’ facilities which are currently not provided at the site. Whilst an increase of parking, albeit relatively small, is contrary to current sustainability policies, this has to be balanced against the possible nuisance factor for local residents should overspill parking occur on local streets in the vicinity of the site. Travel Plan initiatives should look to monitor the level of parking required for appropriateness over time.
• Within the TA the increase in parking provision is concluded to be adequate for the existing levels of demand and the anticipated demands following redevelopment.

• The existing residential properties within the surrounding CPZ should be protected. Therefore no residents of this development shall be able to be allocated permits, which should be secured through a S106.

• The plan included in the design, access and landscaping statement shows the layout of the parking on the second floor of the development, including 169 market parking spaces (publicly accessible) and 120 residents bays. The remaining residents parking bays.

• Public cycle parking provision is inadequate.

• Motorcycle parking provision should be considered.

• A servicing management plan must be provided.

• Appropriate agreements must be entered into with the highway authority and public realm.

• Car parking controls provided by the CPZ and the finite limit of parking at the public car park should act as a cap on vehicle trips to the market and encourage a greater proportion of trips by sustainable modes.

• Additional trip generation will not detrimentally impact on existing roads and services.

• TfL are of the view that existing public transport services will be able to cope with additional demands. However, bus stop improvements should be secured through a S106 agreement.

• Travel plans should be submitted, agreed and adhered to.

• A parking management plan needs to be submitted and approved.

• There should be traffic management in place during the temporary and construction phases of the development.

• Signage should be improved around the site to assist cyclists.

• It is concluded that the redevelopment of the site will increase the transport impact in comparison to the existing arrangements, largely due to the additional residential development, and to a lesser degree the improved market and local community facilities. However, with the appropriate mitigation measures, including those detailed in the suggested Section 106 contributions, it is considered that the increased transport impact should be able to be adequately accommodated.

6. Planning Policies and Guidance

6.1 Section 70 of the Town And Country Planning Act 1990 (as amended) (TCPA) states;

(1) Where an application is made to a local planning authority for planning permission—
(a) subject to sections 91 and 92, they may grant planning permission, either
unconditionally or subject to such conditions as they think fit; or
(b) they may refuse planning permission.

(2) In dealing with such an application the authority shall have regard to the
provisions of the development plan, so far as material to the application, and
to any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states;
If regard is to be had to the development plan for the purpose of any
determination to be made under the planning Acts the determination must be
made in accordance with the plan unless material considerations indicate
otherwise.

Paragraph 30 of Planning Policy Statement 1 (2005) states;
The new system of regional spatial strategies and local development
documents should take a spatial planning approach. Spatial planning goes
beyond traditional land use planning to bring together and integrate policies for
the development and use of land with other policies and programmes which
influence the nature of places and how they can function.

That will include policies which can impact on land use, for example by
influencing the demands on or needs for development, but which are not
capable of being delivered solely or mainly through the granting or refusal of
planning permission and which may be implemented by other means. Where
other means of implementation are required these should be clearly identified
in the plan. Planning policies should not replicate, cut across, or detrimentally
affect matters within the scope of other legislative requirements, such as those
set out in Building Regulations for energy efficiency.

Legislation

Paragraph 30 of the General Principles, Part 2, of PPS1, states;

The Human Rights Act 1998 which incorporated provisions of the European
Convention on Human Rights (ECHR) into UK law. The general purpose of the
ECHR is to protect human rights and fundamental freedoms and to maintain
and promote the ideals and values of a democratic society. It sets out the
basic rights of every person together with the limitations placed on these rights
in order to protect the rights of others and of the wider
community. The specific Articles of the ECHR relevant to planning include
Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for
private and family life, home and correspondence), Article 14 (Prohibition of
discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of
possessions and protection of property).

6.2 The following sections summarise the national, regional and local polices that
are relevant to the consideration of the proposals. A list of the relevant
policies from the Consolidated London Plan and the UDP is also provided.
6.3 The legislation that relate to equalities are set out in the table below;

<table>
<thead>
<tr>
<th>Legislation</th>
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<tbody>
<tr>
<td>i) Framework for a Fairer future- The Equalities Bill (June 2008)</td>
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<tr>
<td>ii) Section 71, The Race Relations Act 1976 (as amended by Race Relations (Amendment Act) 2000)</td>
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<tr>
<td>iii) Disability Discrimination Act (2005)</td>
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<tr>
<td>v) Sex Discrimination Act 1975</td>
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<td>vi) The Gender Equality Duty 2007</td>
</tr>
<tr>
<td>vii) Special Educational Needs and Disability Act 2001</td>
</tr>
</tbody>
</table>

6.4 National Planning Policy and Guidance
PPS1: Delivering Sustainable Development (February 2005);
PPS1: Planning and Climate Change - Supplement to PPS 1 (December 2007);
PPS3: Housing (November 2006);
PPS6: Planning for Town Centres (March 2005);
PPS13: Transport (March 2001);
PPG17: Planning for Open Space, Sport and Recreation (July 2002);
PPG22: Renewable Energy (August 2004);
PPG24: Planning and Noise (September 1994); and
PPS 25: Development and Flood Risk (December 2006).

6.5 Regional Planning Policy and Guidance
The London Plan (consolidated with alterations since 2004) (February 2008);
Providing for Children and Young People’s play and Informal Recreation (March 2008);
Planning for Equality and Diversity in London (October 2007);
Sustainable Design and Construction SPG (May 2006);
Accessible London: Achieving an Inclusive Environment SPG (April 2004); and
Integrating renewable energy into new development: a toolkit for planners, developers and consultants.

6.6 Best Practice Guidance published by GLA
Safer Places: The Planning System and Crime Prevention (April 2004); and

6.7 Other GLA Policy
Mayor’s National Food Strategy
6.8 The London Plan – Consolidated with Alteration since 2004 (February 2008):

2A.1: Sustainability criteria
2A.2: The spatial strategy for development
2A.5: Opportunity Areas
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
3B.1: Developing London’s economy
3B.11: Improving employment opportunities for Londoners
3C.1: Integrating transport and development
3C.2: Matching development to transport capacity
3C.3: Sustainable transport in London
3C.9: Increasing the capacity, quality and integration of public transport to meet London’s needs.
3C.17: Tackling congestion and reducing traffic
3C.21: Improving conditions for walking
3C.22: Improving conditions for cycling
3C.23: Parking strategy
3D.1: Supporting town centres
3D.3: Maintaining and improving retail facilities
3D.8: Realising the value of open space and green infrastructure
3D.13: Children and young people’s play and informal recreation strategy
3D.14: Biodiversity and nature conservation
4A.3: Sustainable design and construction
4A.5: Provision of heating and cooling networks
4A.6: Decentralised Energy: heating, cooling and power
4A.7: Renewable energy
4A.11: Living Roofs and Walls
4A.12: Flooding
4A.14: Reducing noise
4A.16: 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.9: Tall buildings – location
4B.10: Large-scale buildings – design and impact
4B.15: Archaeology
4C.2: Context for sustainable growth
4C.4: Natural landscape
5C.1: The strategic priorities for North East London
5C.3: Opportunity Areas in North East London

6.9 **Local Planning Policy and Guidance**
Newham Unitary Development Plan (November 2002); and
Draft Core Strategy Preferred Options (February 2006).

6.10 **Supplementary Planning Guidance**
Residential Planning Guide (2001);
Disability Access (2001); and
Environmental Sustainability Checklist for Major Development (2004).

6.11 **Newham Unitary Development Plan (Adopted June 2001, Saved from 27 September 2007 in accordance with the direction from the Secretary of State):**

S2: Community Benefit/Planning Obligations
S3: Quality of Development
S4: Sustainable Development
S5: Priority Development Nodes
S6: Mixed Use Development
S9: Environmental Quality: Design
S12: Environmental Quality: Environmental Improvements
S14: Environmental Quality: Nature Conservation
S19: Housing: Extending the Range of Housing Choice
S20: Housing: Inclusion of Affordable Housing in New Housing Schemes
S21: Housing; Special Needs Housing
S22: Housing: Mix and Density
S23: Housing: Improvement of Public and Private Dwellings and Residential Environment
S24: Employment: Regeneration Objectives
S25: Employment: Major Industrial and Distributive Development
S28: Employment: Quality of Development
S30: Shopping and Town Centres
S31: Shopping and Town Centres
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
S40: Children’s Play Areas
S47: Community Services
UR1: Urban Regeneration
EQ9: Protection of Sites of Nature Conservation Importance
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
7. Analysis of Environmental Statement

7.1 The Environmental Impact Assessment (EIA) has been prepared to assess the significant environmental effects that are likely to arise from the proposed development. The Environmental Statement (ES) comprises of 2 Volumes. Volume 1 concerns ‘the proposed development’, ‘construction and phasing’, ‘EIA methodology’, ‘planning policy context’, ‘socio-economic assessment’, ‘transport and access’, ‘design and townscape assessment’, ‘ground conditions and hydrology’, ‘archaeology and cultural heritage’, ‘air quality’, ‘ecology’, ‘noise and vibration’ ‘wind’, ‘daylight, sunlight and overshadowing’, ‘water resources, flood risk and drainage’ and ‘cumulative impacts’. Volume 2 is the Technical Appendices. The ES is also accompanied by a Non Technical Summary.
7.2 The ES has been assessed by officers to ensure it meets the EIA Regulations 1999 and whether it contains sufficient information to determine whether or not planning permission should be granted or not, and the planning conditions/obligations that need to be attached to the permission.

7.3 The application is considered to meet the EIA Regulations and provide satisfactory levels of information in order for a proper assessment to have been undertaken of the development proposals. The details in the ES are considered to be sufficiently comprehensive to provide a robust EIA and allow for a comprehensive assessment of the environmental impacts of the proposed development.

7.5 The relevant chapters in the ES are summarised below. Issues arising from the ES relevant to the assessment of the application are included in section 8 of this report.

7.6 Demolition and Construction

The chapter describes how the proposed demolition and construction works of the proposed development will be sequenced and implemented and discusses the implementation of the Environmental Management Plan.

- The proposed development will comprise enabling works, demolition and construction. The process will begin with a series of enabling works that will create a temporary market at the front of Green Street and the current market compound area. Construction of a new ramp to access Hamara Ghar will also take place. Once market traders have been relocated to the temporary market the existing market structures (excluding the units under Hamara Ghar) will be demolished.
- A new market hall, car park and podium will be constructed first which is expected to take 3 years. This will be followed by construction above podium level (2 years). Construction of a new ramp (2 months), front office shell and core (7 months) will then take place. Redevelopment of the compound site and proposed residential block 5/6 will form the last phase of construction.
- An Environmental Management Plan will be prepared to ensure that potential impacts associated with demolition and construction are minimised.

7.7 Socio-economic assessment

- The impact of the proposed development in both its construction and operation has been assessed in terms of its impact upon the demographics, economy, housing, local services and crime.
- During construction, a number of jobs will be created which will have a moderate beneficial impact. Opportunities for crime are identified in the construction phase but can be minimised with implementation of appropriate safety measures.
- During construction, the existing market and six residential units will be demolished. Although the residents living in the homes will be re-housed by Toynbee Housing Association, this demolition will have a temporary
adverse impact. Nearly two thirds of the existing market traders will be able to trade throughout the construction period in the temporary market provided. Compensation will be paid to market traders who are unable to continue trading.

- The completed development will provide 350 new homes increasing the supply of flats, family sized units and affordable housing in the Borough. Existing residents will benefit from the improved environment of the surrounding area. Furthermore, the new development will provide open space and a Front Office facility including a new library, both of which will be a major benefit to the community.
- The local environment will be improved shopping environment.
- Local jobs will be secured and new jobs will be provided. It is estimated that there are currently 400-581 direct jobs created through the existing market. No details have been given on the expected increase number of jobs. It can be assumed that as the number of market pitches are being increased slightly, that the existing jobs will be safeguarded with potential for additional job creation. In terms of the construction process, it is estimated that 93 Full Time Equivalent jobs will be created for 4 years.
- Data indicates that education and health care services in the Borough are nearing capacity. The development may place additional pressure on these services. It is proposed that educational and health care services are monitored and a financial contribution made if necessary for this minor adverse impact.

7.8 Transportation and Access

- The assessment of the impacts considered both the construction period and the operational period of the development.
- These impacts have been appraised against the background of six distinct aspects; severance, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation, accidents and safety.
- During the construction phases associated with the proposed redevelopment scheme the assessment identified that the resultant impacts in terms of traffic and transportation would typically be negligible, other than the impact with respect to driver delay and fear and intimidation which could be adversely minor. This is caused by greater traffic volumes resulting greater fear and intimidation. However, it is considered that this will not be significant and will not vary that much from the current situation.
- The increase in HGV traffic may result in a minor adverse impact on accidents and safety for other road users, although this would be off-set by the reduced pedestrian activity around the site.
- During the operational period the assessment identified that the resultant impacts in terms of traffic and transportation would typically be negligible for all assessed areas.

7.9 Design and Townscape Development

- It considers that the development would generally have beneficial impacts to the townscape around the site, in terms of the street pattern, height and
size of the buildings, quality of finishes and materials, public spaces, vehicular and pedestrian routes and network.

- The proposals are considered to also define the site’s position within Green Street District Centre as a gateway, and as an improved and better defined Townscape, will include public realm enhancements and provide a new communal garden/park at 3rd floor level.
- The 15 storey towers and 31 storey tower along Queens Road will be a local landmark.
- Overall, the proposals are considered to have beneficial impacts on the townscape.

7.10 Ground Conditions and Hydrology

- The Desk study Report found that the site’s historic use means largely very few potentially environmentally harmful substances.
- The previous petrol filling activity could have caused problems, and therefore it is recommended that intrusive ground investigations should be undertaken.
- It is concludes that with an appropriate remediation strategy and subsequent responsible construction methods the impacts would be at worst of minor adverse significance.

7.11 Archaeology and Cultural Heritage

- The site has very limited potential for significant archaeological remains of any period and there are no listed or locally listed buildings in the local vicinity. It is therefore expected that there will be no adverse impact.

7.12 Air quality

- The air quality assessment considers the likely impacts in terms of demolition, construction, the completed development and impacts arising from predicted traffic flow.
- Measures would be used restrict dust during construction, however it is accepted that it would be difficult to completely eliminate the impact of dust, therefore there would be a minor adverse impact at worst.
- The air quality levels would potentially be affected by increased vehicle movement, and heating and cooling ventilation systems. Analysis of the predicted increase air pollutant concentrations indicate there would be negligible impacts not considered a risk to human health.

7.13 Ecology

- A habitat survey, a detailed desk based study and consultation with various ecological organisations were undertaken to establish the impacts.
- The site is predominantly covered by hardstanding materials, and “soft” areas are limited to grassed private residential yards, limited shrubbery
and trees incorporated into pavement landscaping. The area is therefore deemed to be of low ecological value.

- Existing trees and shrubbery which surround the site will be retained and standard tree protection measures will be implemented to ensure that the trees and nesting birds will not be impacted upon during works.

- The development will include the provision of a landscaped podium area planted with native shrubs and trees, and green roofs will be added to three of the lower buildings, which will significantly increase the “soft” aspect of the scheme and provide ecological improvements.

- It is considered that there will be overall positive ecological impacts.

**7.14 Noise and Vibration**

- Demolition and construction activities will give rise to noise and vibration impacts which may affect existing neighbouring buildings.

- Noise impacts during the demolition phase are expected to be above recommended daytime noise limits; however, it is considered that this situation is not unusual for built-up urban areas and appropriate noise controls would be implemented in order to minimise the impacts.

- Construction traffic noise is unlikely to have a significant impact on surrounding sensitive receptors.

- Vibration impacts will be greatest during the construction phase. However, provided the appropriate piling techniques are employed, expected vibration levels are not likely to exceed acceptable limits.

- In order to sufficiently minimise expected impacts a site specific environmental management plan with mitigation measures will be implemented.

- Future residential occupants may be impacted by traffic noise, railway line noise, noise from the market and plant noise. However, it is considered that all of these expected impacts will be negligible to minor adverse (at worst) as the building will be designed with appropriate structure-borne sound insulation.

**7.15 Wind**

- The impact of the proposed development on wind microclimate was assessed in relation to the comfort and safety of pedestrians within and around the site.

- The assessment found that the most of the areas assessed around the completed development would present conditions suitable for pedestrian
usage. The only locations where conditions are expected to be windier
than desired are the eastern entrance to the covered market, and the
northern area of the elevated podium. However with suitable mitigation at
the detailed design stage, such as vertical screening and landscaping, the
impact in these areas would be significantly reduced.

7.16 Daylight, Sunlight and Overshadowing

- The proposals were assessed against the main Building Research
  Establishment (BRE) guidance.

- Under the proposals some of the surrounding properties will experience
  reductions in daylight and sunlight. Although, this considered acceptable for a
  high density town centre location.

- Moderate reductions of daylight are likely to occur to the properties on
  Rochester Avenue nearest the proposed site. However, these properties
  benefit from bay windows which will assist in reducing this impact. Moderate
  reductions are also likely to occur to the north facing windows of the Hamara
  Ghar flats, but as these windows within the recess are likely to serve
  secondary bedrooms or circulations space the sensitivity of this impact is
  reduced.

- All windows facing within 90 degrees of due south and all surrounding rear
  gardens are likely to continue to be able to enjoy good levels of sunlight in
  accordance with the BRE standards.

- It is considered that the proposed development itself will enjoy good levels of
daylight, as the majority of new residential accommodation starts at third floor
level. In addition to the good levels of daylight, the proposed amenity area at
third floor level will be able to enjoy good levels of sunlight throughout the
year.

7.17 Water Resources, Flood Risk and Drainage

- A Flood Risk Assessment was undertaken for the site, and other water related
  impacts such as changes to ground water flows and surface water quality,
  were investigated.

- The Environment Agency’s Indicative Flood Map shows the Site to be located
  within Flood Zone 1. This is defined in PPS 25 Table D1 as having a low
  probability of river or tidal flooding; therefore no restrictions should be placed
  on the types of permitted development.

- The site is positively drained, to a combined foul and surface water
  Thames Water sewer system. Flooding from overland sources is unlikely. The
  risk of groundwater sourced flooding is negligible.

- The existing site is drained directly to the sewer system. The proposed
development includes a mixture of intensive and extensive green roofs,
covering approximately 30% of the site surface area. Potentially, intensive and extensive green roofs could reduce site runoff by approximately 25%.

- It concludes that the risk of flooding is acceptable and surface water discharge will be less than the existing scenario.

7.18 Cumulative Impacts

- The cumulative impacts of individual environmental effects, such as noise, dust and traffic; and the combined environmental effects of consented and foreseeable schemes within reasonable distance were considered.

- The cumulative impacts during construction are expected to be of minor and temporary significance, which can be minimised and mitigated through the implementation of an Environmental Management Plan (EMP).

- The cumulative effects of the Development and consented schemes are of generally negligible impact due to the distance between these schemes (> 1km) and the site. However socio-economic impacts may result in increased pressure on local services surrounding Queens Market, however considering the scale of the proposed schemes and the distance between them, these impacts are unlikely to be significantly greater than those exerted by the Queens Market development itself.

7.19 Summary

- An EMP would be prepared in consultation with the Council. It is expected that this would address and help to minimise many of the potential effects relating to demolition and construction, such as noise, vibration, dust and traffic.

- Mainly negligible to minor adverse impacts have been predicted during the demolition and construction activities for traffic, noise vibration, air quality, impacts caused by relocation of existing residents and potential contamination of local aquifers.

- Moderate adverse impacts have been predicted for townscape effects of the loss of the market space and market entrance, and noise related to traffic. However, these effects would be temporary and would be minimised through measures in the EMP, where possible.

- Nearly all environmental effects of the completed development, after mitigation measures have been used, have been identified as negligible to minor beneficial. Exceptions are impacts on health care and education, road networks and public transport facilities, the loss of the Queens Pub, potential exposure to contaminated ground are also expected to have a minor adverse impact. The use of green roof in the scheme is expected to have a moderate beneficial impact. Major beneficial impact is anticipated with the provision of playspace. The negligible to minor adverse impacts identified both during construction and when the development is complete are secured through either conditions or the S106 legal agreement.
8.0 Assessment

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

- Principle
- Design
- Housing Density
- Housing Mix
- Affordable Housing
- Private and Communal Amenity Space
- Children’s Play Space
- Residential Amenity
- Air Quality
- Noise
- Wind
- Market
- Community and Leisure
- Accessibility
- Equalities Impact Assessment
- Community Cohesion Impact Assessment
- Ecology
- Climate Change Mitigation
- Education
- Health
- Flood Risk and Hydrology
- Archaeology and Cultural Heritage
- Regeneration
- Length of planning permission
- Waste management
- Parking and Transport
- Other issues

8.2 Principle

The principle of redeveloping the site with a residential-led mixed use development is determined by the national policies and policies adopted in the London Plan (2008) (LP) and Unitary Development Plan (2001) (UDP).

8.2 The main thrust of national policy is set out under Planning Policy Statement 1 (PPS1), which sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. The key tenets of PPS1 promotes “the more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings”. Another tenet states that “High quality and inclusive design should be the aim of all those involved in the development process. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation”
8.3 PPS1 is also concerned with promoting sustainable development, which encourages social progress which recognises the needs of everyone, effective protection of the environment, prudent use of natural resources; and the maintenance of high and stable levels of economic growth and employment.

Planning Policy Statement 6 (PPS6), states that “Street and covered markets (including farmers’ markets) can make a valuable contribution to local choice and diversity in shopping as well as the vitality of town centres and to the rural economy. As an integral part of the vision for their town centers, local authorities should seek to retain and enhance existing markets and, where appropriate, re-introduce or create new ones. Local authorities should ensure that their markets remain attractive and competitive by investing in their improvement.” In addition PPS6 highlights that housing will be an important element in most mixed-use, multi storey developments.

8.4 PPS6 further advocates well designed mixed-use development and states that:
“a diversity of uses in centers makes an important contribution to their vitality and viability. Different but complementary uses, during the day and the evening, can reinforce each other, making town centers more attractive to local residents, shoppers and visitors.”

8.5 The proposed mix of uses is therefore considered to respond to national planning policies.

8.6 In terms of regional policy and the L.P. Policy 2A.2 The Spatial Strategy for Development sets out the overarching spatial strategy for development and identifies the North East as a priority for regeneration. Within Areas of Regeneration the mayor promotes an integration of spatial policies. Other strategic spatial policies relating to the redevelopment of Queen’s Market include the Mayors promotion of mixed use development and intense developments, diversifying and enhancing town centres and improving access, services and sustainability contributing to quality of life. Newham is located within an area of strategic regeneration as identified on map 2A.2. Regeneration is a key part of the Mayor’s policy to tackle social exclusion. In these areas Boroughs are encouraged to develop policies which integrate “regeneration, development and transport proposals with improvements in learning and skills, health, safety, access, employment, environment and housing”.

8.7 Policy 5C.1 sets out a number of strategic policies for the North East London area. The strategic policies which are of relevance to Queen’s Market include: enhancing the attractiveness of town centres and managing their restructuring where necessary, ensuring that the substantial expansion of population expected in North East London is accommodated in sustainable communities, taking into account their needs for social and community infrastructure and capacity building, access to employment and services, exemplary approaches to waste, energy and water use, management and provision; and ensuring improvements to the open space.
8.8 Policy 2A.8 Town Centres requires Boroughs to maintain a network of centres. Upton Park is identified as a District Centre in Newham. Policy 3D.3 Maintaining and improving retail facilities requires Boroughs to retain specialist retail facilities. The policy states that Boroughs should “work with retailers and others to prevent the loss of retail facilities, including street and farmer’s markets, that provide essential convenience and specialist shopping and to encourage mixed use development.”

8.9 The proposals are therefore considered to be supported by regional policies.

8.10 In terms of local policies, the regeneration is a major theme of the UDP. The Council’s strategic objectives relating to regeneration include, developing a strong and diversified economy through encouraging business, creating a high quality environment for business and residents through improvements to the physical and social environment, to improve access to jobs and create and promote a positive image for the Borough.

8.11 Queen’s Market is included as part of the Green Street District Centre allocation in the shopping hierarchy. According to Policy SH1 the Council will support the shopping hierarchy improving town centres and broadening their facilities, subject to other shopping policies. Furthermore Policy S31 identifies Green Street as one of a number of shopping centres that the Council will seek to regenerate. The supporting text discusses Queens Market. It States: “The Council recognises the dual function of Green Street as a sub-regional specialist Asian shopping centre and a district shopping centre for the central area of Newham. Green Street contains one of the Borough’s main markets, Queen’s Market. In addition to its shopping function, Green Street offers considerable potential for leisure and community uses serving the needs of local people.”

8.12 The chapter also discusses the importance of Street Markets within the Borough, and states: “The Council recognises the contribution to retailing provision that the existing street markets provide in Stratford, East Ham, Green Street and Canning Town. These markets, in general, complement the other shopping facilities provided in the area and can, indeed, attract new customers in their own right. Queens Market in Green Street is a particularly strong attraction in the area.”

8.13 It is considered that the proposed development responds to the Council’s planning policy objective to regenerate the town centres in its Borough, maintain growth, development and enhance existing centres by focussing suitable development within them and encouraging a wide range of services in an accessible, high quality environment. Green Street District Centre is a town centre as defined by the UDP, and land uses that are appropriate for town centre locations include retail, residential, community and leisure facilities. Local policies also promote the retention of the market. The proposed development is consistent with this policy guidance.
8.14 The proposed development also responds to the site being part of a Potential Intensification Area in the Local Development Framework (LDF) Draft Core Strategy Preferred Options. High density development of town centre uses in this location is supported by emerging policy guidance.

8.15 In conclusion, the proposed development that includes residential, retail, library, Front Office and market is supported by current and emerging site specific local policy guidance.

8.16 The key issues associated with the proposed land uses are assessed below.

8.17 **Design**

8.18 As part of design considerations, the following 4 themes will be considered; scale and massing, layout, external appearance and landscaping.

8.19 **Scale and Massing**

8.20 London Plan Policy 4B.1 seeks to ensure that new developments (1) respect local context, character and communities, (2) are practical and legible, (3) are attractive to look at and, where appropriate, inspire, delight and excite.

8.21 London Plan Policy 4B.9 lends support to tall buildings where they (1) create attractive landmarks enhancing London’s character, (2) act as a catalyst for regeneration and (3) are acceptable in terms of design and impact on their surroundings.

8.22 London Plan Policy 4B.10 requires large scale buildings to be of the highest quality and design and in particular (1) be suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets, public and private open spaces, the waterways or other townscape elements, (2) be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline, consolidating clusters within that skyline or providing key foci within views, (3) illustrate exemplary standards of sustainable construction and resource management and potential for renewable energy generating and recycling, (4) be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing and (5) pay particular attention, in residential environments, to privacy, amenity and overshadowing.

8.23 UDP Policy EQ19 requires all new developments to adopt (1) scale and bulk in relation to the plot size and surrounding and (2) aesthetic quality in terms of the intrinsic design of the proposal and its relationship to its surroundings.

8.24 The CABE/English Heritage Guidance on tall buildings identifies the (1) relationship to context, (2) effect on the historic environment (3) effect on world heritage sites, (4) relationship to transport infrastructure, (5) architectural quality of the building, (6) sustainable design and construction, (7) credibility of design, (8) contribution to public space and facilities, (9) effect on the local environment, (10) contribution made to permeability and (11) provision of a well designed environment as the criteria against which development should be assessed.
8.25 The proposed massing is an attempt to respond to site context and solar orientation. The massing to the south west was lowered to allow more natural light into the central courtyard and through rooflights to the market below. It is also an attempt to respond to the lower scale of the Victorian and Edwardian houses to the South West. This allows greater scope for increased massing along the north edge of the site, stepping up to end in a tower on the corner of Green Street and Queens Road. The landmark tower is intended to signpost the market and also respond to the multi-storey post-war housing blocks to the east of the site.

8.26 The proposal is for a 31 storey landmark tower (Block 1) and the smaller 15 storey blocks (Block 2 & 3) along this northern edge. Following on from comments made at Design Review Panel (DRP), the proposals were amended to create greater separation between each of these towers into separated free-standing elements, which does now help break up the massing. The height of the Blocks (5, 6 and 7) to the south and west has been further reduced to improve daylight and amenity to residential occupiers in the west to the site, whilst the tower is increased in height to give it more prominence.

8.27 The layouts were also improved to ensure that all apartments are either south-facing or enjoy double aspect orientation so that all living rooms receive direct sunlight. All apartments have balconies that benefit from this aspect. (Blocks 5 & 6), are restricted to 4-storeys along Tolpuddle Avenue (and step up a floor further back) in an attempt to maintain the required daylight and amenity to the existing houses opposite and to respond to their lower scale. The last residential block (Block 7) is a 9-storey block along the southern edge of the site and the 4-bed family houses on the 'Island' site south of the main site maintain a lower scale at 3 storeys high.

8.28 It is considered that the proposed landmark tower achieves a strong, clear geometric form, with a clear distinction between a 3-storey base, a lower and higher mid-section and a 4-storey glazed ‘lantern’ at the top. Each of these sections responds directly to both the internal spatial quality of the tower and to its surrounding context. The base responds to the height of the market and parking level, and allows the tower to be integrated into the horizontal form of the hall. The double volume height of the base not only provides an attractive entrance to the development but also integrates well with the public realm. The recessed balconies on the lower mid-section are considered acceptable and will provide all apartments with views of the communal garden and/or Green Street. The height of this section corresponds directly to the height of Blocks 2 & 3. The recesses assist in articulating the tower facade while maintaining its form. The design of the upper mid-section in which the balconies are enclosed into winter gardens, is also considered acceptable and will provide apartments with a degree of increased protection from noise and wind at higher levels.

8.29 CABE were supportive of a landmark tower in this location, as well as the lower heights of Blocks 2 and 3, which they considered were elegant in
appearance. The GLA were less supportive of the landmark tower, and considered it “boxy”. However, this view was not shared by DRP as they were encouraged by the positive progress achieved by the scheme since they first reviewed it in November 2007. It was considered that the main criticism that the scheme created a citadel effect had been addressed by punching through open green spaces between the blocks. By increasing the height and breaking down the massing the design of the landmark tower now appears more elegant and will create an appropriate form along Green Street.

8.30 It is therefore considered that the proposed development responds directly in scale, massing and design to its wider context and will make positive visual enhancements on the present situation.

8.31 **Layout**

8.32 The proposed new market hall is located in a similar position to the existing one, and the hall is contained on two sides by 41 new modernised shops, opening onto the covered hall. New ‘light scoops’ provide natural light to the centre of the market hall. A new Front Office building is proposed over the Green Street entrance to the Market, providing local council and library services (2000 m² in overall area). The entrance to the Front Office services centre will face onto Green Street and the casual stalls of the market forecourt.

8.33 Supporting the new market is a new service area to the west of the market, incorporating management offices, lavatory and ablution facilities and refuse collection areas. A single-direction service lane from Rochester Avenue to Queens Road provides access for refuse removal, as well as vehicle access to the market side lanes.

8.34 The principle entrance foyer to the residential accommodation is on the corner of Green Street and Queens Road, with lifts taking visitors up to garden level. Each residential block has an individual core connecting their block with the garden level, parking level and down to street level.

8.35 The proposals also include a number of enhancements and improvements to the public realm including pedestrianising Queens Road and Rochester Avenue, wider pavements, new plantings, street furniture and lighting.

8.36 The secure covered parking level above the market is accessed via ramp from Rochester Avenue. The individual apartment lift cores provide residents with access to the parking level as well as the local refuse collection rooms and bike stores at this level. Two market lifts and stairs provide shoppers with direct access down to the market from the parking level, while five perimeter stairs also provide protected fire escape.

8.37 There was an objection received from the occupier of “Focus Furniture” that the layout, namely the ramp, would impede the unit’s current servicing arrangement. The applicants responded that the lease for the rear of the unit has now expired, and therefore the applicants control the future occupancy of
this unit and are confident that effective revised arrangements will be formulated. It is the rear of the unit which is affected by the ramp. The applicants have indicated that in any new lease agreement with the occupier, the new servicing arrangements which take account of the new ramp will be negotiated.

8.38 In terms of the residential provision, it is noted that the applicant has addressed previous officer concerns about single aspect north facing units, and as such all predominantly north facing units now have a dual aspect. Furthermore, the internal floor spaces of undersized units have been increased to comply with emerging LDF policies and are now considered acceptable.

8.39 A communal landscaped garden above the parking provides residents with external amenity space. Walkways connect the main entrance of the apartments to the individual block entrances.

8.40 The layout was criticised by CABE who had some concerns about the lack of market presence along Green Street, the overall permeability of the scheme and the impact on the character along Queens Road and Rochester Avenue. However, in terms of prominence officers recognise that demolition of The Queen’s Public House will give greater prominence to the market than currently the case. The market will also be allowed to extend along Green Street with casual stalls, which again is an improvement on the current situation, thus drawing people into the covered market. The entrance to the market will also be further emphasised by a high entrance canopy, which will be visible from oblique angles. These improvements were supported by DRP. In terms of permeability, the scheme has been improved since it was first presented at DRP and prior to submission by the following measures. New access routes now penetrate through the market linking Rochester Avenue with Queens Road. The environment in both these roads will also be improved through the inclusion of double fronted retail units which will have a street side as well as market side presence. Considerable public realm improvements will also be achieved in these areas to enhance the character. DRP were also encouraged by these improvements.

8.45 CABE were however enthusiastic about the layout in terms of distribution of cores, streets and courtyard entrances and typical floor plans. It was also noted that most of the flats benefit from double or corner aspect. Given this, it is considered that the layout has been appropriately designed and will enhance the overall benefits arising from the proposals.

8.46 External Appearance

8.47 The precise nature of palette of external materials will still need to be agreed, however the applicants have indicated a range of surfaces, including; glazed curtain walling, glazed canopy and pre-cast concrete for the Front Office, curtain walling, smoked yellow brick, concrete cladding, aluminium louvered panels and textured glass for the main residential blocks, and slate roof, white render, yellow facebrick and timber cladding for the Island site.
8.48 The exact external materials will be crucial in terms of the overall visual appeal of the completed scheme, and can be reserved by condition on any grant of planning permission.

8.49 **Landscaping**

8.50 Every apartment is provided with at least one private balcony (at higher levels of the tower, these are winter gardens to provide a degree of wind protection and acoustic control) while family units all have private gardens. All residents also have access to a communal garden space at 3rd floor level. Seven copper-clad light ‘scoops’ protrude into the garden from the market below, along the central axis of the garden, reaching a height of approximately 5m. The spaces between the residential buildings will have a number of semi-mature Holm Oak trees which will also be visible at street level, contributing to the visual amenity of the streets below. Seating is incorporated into the perimeter of edges of the grassed areas, while there are a number of play areas for children. In addition, each building block is fronted by private gardens, which further help in maintaining the privacy to all residential units.

8.51 The proposed landscaping is considered acceptable. The 3rd floor garden courtyard strikes a balance between hard and soft landscaping to provide residents with a pleasant external environment and amenity space. The landscape has been devised in such a way that it provides an overlooked safe and relaxed space for all residents and has been supported by CABE in their comments on this application. The light scoops will add interest to the landscaping as a series of free-standing sculptural elements within the garden. DRP welcomed this feature and considered that the funnels would provide the market hall with a sense of light and space, and becoming a memorable feature for the market. The trees should help mitigating wind funneling effects at garden level; however question marks remain over whether they will establish themselves given the shallow pits they will be grown in. A detailed landscaping plan can be required through conditions to ensure that planting of mature trees is realistic and deliverable.

8.52 In terms of design, the overall proposals are consequently considered to be acceptable with regard to Policies 3A.6, 3A.7, 3C.1, 4B.1, 4B.2, 4B.3, 4B.5, 4B.9 and 4B.10 of the London Plan, Policies EQ18, EQ19, EQ20 and EQ28 of the Unitary Development Plan.

8.53 **Housing Density**

8.54 The application site measures 1.7 hectares, therefore the proposed density is 206 units per hectare and 588 habitable rooms per hectare.

8.55 London Plan Policy 3A.3 seeks to maximise development potential based on an assessment of site location, public transport accessibility and local context. Policy 3A.3 requires Borough’s LDFs to adopt the residential density ranges set out in Table 3A.2.
8.56 The site currently occupies an ‘urban’ setting as defined in the London Plan, being located within a district centre and having a PTAL (Public Transport Accessibility Level) of 4 to 5. On this basis, Table 3A.2 recommends that the site is redeveloped at a density of 70 – 260 units per hectare or 200-700 habitable rooms per hectare. The density falls within these guidelines.

8.57 Housing Mix

London Plan Policy 3A.5 requires new development to offer a range of housing sizes and types and the corresponding Housing SPG consolidates this policy objective by seeking a London-wide housing mix, as follows:

<table>
<thead>
<tr>
<th>Overall housing mix</th>
<th>1 bedroom household 32%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2/3 bedroom household 38%</td>
</tr>
<tr>
<td></td>
<td>4 bedroom or larger household 30%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Social housing mix</th>
<th>1 bedroom household 19%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2/3 bedroom household 39%</td>
</tr>
<tr>
<td></td>
<td>4 bedroom or larger household 42%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Market housing mix</th>
<th>1 bedroom household 25%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2/3 bedroom household 75%</td>
</tr>
<tr>
<td></td>
<td>4 bedroom or larger (note paragraphs below)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Intermediate housing mix</th>
<th>1 bedroom household 66%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2/3 bedroom household (note paragraphs below)</td>
</tr>
<tr>
<td></td>
<td>4 bedroom or larger household 34%</td>
</tr>
</tbody>
</table>

8.58 The Housing SPG identifies that this table sets a useful back ground which should be considered in the preparation of more detailed local housing requirement studies. The SPG advises that it is not appropriate to apply the above proportions crudely at local authority level or site level as a housing mix requirement, particularly in relation to market housing.

8.59 UDP Policy H15 states that the Council will permit developments which provide a mix of dwellings appropriate to a specific site, as determined by negotiation with a developer, having regard to the characteristics of the site, its relationship to the surrounding area, the nature of the development proposed and marketing considerations. The UDP states that it is desirable that larger residential developments consist of a mix of family and non-family housing in order to encourage stable and balanced communities.

8.60 The size of the site, and the fact it is located next to an Underground station with very good bus services, and also being located within a district centre supports the case for redevelopment to provide a mix of housing types, including a proportion of family housing, to achieve a balanced community.
8.61 The table below sets out the proposed dwelling mix:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Market</th>
<th>Intermediate</th>
<th>Social</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-bed</td>
<td>82 (28%)</td>
<td>10 (45%)</td>
<td>6 (18.%)</td>
<td>98 (28%)</td>
</tr>
<tr>
<td>2-bed</td>
<td>193 (65%)</td>
<td>10 (45%)</td>
<td>11 (33%)</td>
<td>214 (61%)</td>
</tr>
<tr>
<td>3-bed</td>
<td>20 (7%)</td>
<td>2 (9%)</td>
<td>6 (18%)</td>
<td>28 (8%)</td>
</tr>
<tr>
<td>4-bed</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>10 (30%)</td>
<td>10 (3%)</td>
</tr>
<tr>
<td>Total</td>
<td>295 (84%)</td>
<td>22 (6%)</td>
<td>33 (9%)</td>
<td>350</td>
</tr>
</tbody>
</table>

8.62 In terms of the overall mix, the table identifies that 89% of the development is occupied by one and two bedroom units. The proportion of 3 and 4 bed units is restricted to the remaining 11% of the total number of units.

8.63 The mix of units within the affordable housing (social rent and intermediate) offer is considered acceptable and provides a suitable quantum (16 units) of 3 and 4 bed family units within these tenures.

8.64 However, there remains some concern as to whether the dwelling mix truly delivers the policy based aspirations for family housing and whether the proposal would deliver a balanced and sustainable community. Notwithstanding this, it is recognised that as a district centre location within close proximity to an underground station and other public transport provision, the site lends itself towards smaller units. The design is led by the high rise characteristics which is considered appropriate for its location, and therefore does not lend itself for larger sized family units. Notwithstanding this, 10 four bedroom family sized units that will be provided on the Island site is considered to be a positive outcome in this regard.

8.65 The applicant also argues that the mix reflects their commercial judgement of the mix sought by the market and that the effect of an alternative mix would be to reduce revenues which would adversely impact on viability and the scope of the s.106 offer. The applicant has submitted a GLA toolkit and financial appraisal to demonstrate the financial viability, which has been accepted.

8.66 Officers consider that the economic viability of the development is a factor which must be taken into consideration, and the market mix must be balanced against the other planning benefits of the proposal, as outlined in this report. Given this, on balance, it is considered that the dwelling mix does not warrant a refusal of planning and can be accepted with regard to Policy H15 of the UDP and 3A.5 of the London Plan.

8.67 Affordable Housing

8.68 London Plan Policy 3A.9 seeks 50% affordable housing based on a split between 70% social rented and 30% intermediate provision. In negotiating affordable housing Policy 3A.9 requires Boroughs to seek the maximum reasonable amount of affordable housing having regard to the need to encourage rather than restrain residential development and the individual circumstances of the site.
8.69 Out of the total of 350 dwellings proposed through this development, 55 units (16% by number) will be affordable. Of these 55 No. dwellings, 33 No. (60%) will be for social rent and 22 No. (40%). It is accepted that the 16% is below the London Plan requirements of 50%, but the 60/40 split between social rent and intermediate is consistent with the Council’s aspirations to deliver mixed and balanced communities and meet local needs.

8.70 The property types proposed as affordable housing will be as follows:

<table>
<thead>
<tr>
<th>Dwelling size</th>
<th>Social rent</th>
<th>Intermediate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>6</td>
<td>10</td>
<td>16</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>11</td>
<td>10</td>
<td>21</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>6</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>4 Bedroom</td>
<td>10</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td>TOTAL</td>
<td>33</td>
<td>22</td>
<td>55</td>
</tr>
</tbody>
</table>

8.71 It is proposed that all of the affordable dwellings will achieve the Lifetime Homes standard and 10% of the social rent dwellings will be designed for wheelchair users. The affordable housing provision, as a percentage of the whole scheme, is 18% by both habitable rooms and floor area. In terms of the location of the affordable housing, Block 5/6 has been designed to accommodate the larger family dwellings. They will also benefit from a street frontage with direct access onto Tolpuddle Avenue. As such, the entire 32 units in this Block will be affordable. 23 No. of the dwellings in the Block will be for social rent with the remainder being intermediate. The balance of the social rent provision will be met by the 10 No. 4 Bedroom houses to be constructed on Rochester Avenue on the Island site. The remaining intermediate dwellings (13 No.) will then be dispersed across the scheme in Blocks 1, 3 and 6.

8.72 In recognition that the affordable housing proposal is below the London Plan policy requirements, the applicants submitted an Affordable Housing – Development Control Toolkit (GLA Three Dragons) to validate the level of provision based on the financial viability of the scheme. The Toolkit outlined the requirement for grant funding to facilitate the affordable housing proposal. The Toolkit was accepted by the GLA, and an open book appraisal undertaken by the Council’s valuers confirmed that the amount of affordable housing offered through the proposal was consistent with the overall viability.

8.73 Whilst the total amount of affordable housing remains below the 50% level suggested in the London Plan. Government guidance and the London Plan identify that the economic viability of a development should be taken into consideration when assessing affordable housing provision. The applicant has submitted a GLA toolkit and financial appraisal in support of the affordable housing offer which demonstrates that the development cannot deliver a higher percentage of affordable housing without the scheme being rendered unviable or being unable to deliver other planning benefits. It is recognised that the increased development costs such as re-providing and improving the current market will be financially constraining. However there is acceptance that this does bring with it many planning benefits (as discussed in Section 8.155), and
therefore this has to be balanced against the schemes ability to also deliver the affordable housing.

8.74 The tenure split and mix of units within the affordable housing offer is considered acceptable and would result in a suitable range of housing, including an appropriate quantum of family housing.

8.75 Given this, it is considered that the proposed affordable housing can be accepted subject to suitable clauses in the S106.

8.76 Private, Communal Amenity Space and Open Space

8.77 London Plan Policy 4B.1 requires new development to promote high quality inclusive design. UDP Policy H17 requires a satisfactory level of private amenity space as integral to the development. The Residential Planning Guidelines Supplementary Planning Guidance (SPG) recommends that for one bedroom flats 100m² of communal garden is required for up to 4 dwellings and 15m² for each additional 1-bed dwelling and for 2, 3 and 4 bedroom flats 25m² of communal garden per dwelling is required. The SPG acknowledges that balconies can be included within this requirement. On this basis, the SPG recommends that a total of 1.3ha of private and semi-private/communal amenity space is required for the proposed dwelling mix.

8.78 The amenity space provision from private balconies, winter gardens and private gardens totals 2,867m². The total communal amenity space provision is 5265m², which provides a total amenity space provision of 6135m². Therefore there will be a shortfall of 0.755ha.

8.79 Although the application is deficient in amenity space provision, it is considered that given its town centre location and higher proportion of 1 and 2 bed units, the overall provision is acceptable on balance. An off-site contribution was considered, however the viability of the scheme is so marginal that this was not something the applicants could offer. Consideration has also been given to the proximity of Priory Park which is 5 minutes away, and also the communal open space at podium level, which as been designed to a high specification and will be a very useable, accessible and overlooked space. The fact that all of the residential units, including flats, have access to private amenity space is also considered acceptable. Although, there is a deficiency in the overall amenity space provision, the quality of the scheme delivers a hierarchy of private amenity space in the form of private balconies and communal open space which is considered acceptable in the context of the overall development. There was a slight concern raised by Forward Planning that some of the balconies should be increased in size, however on balance it is considered that the balconies are of sufficient size to afford occupants useable private amenity space.

8.80 Policy OS8 requires any proposals with more than 100 residential units to deliver public open space within the development. The scheme provides instead private communal open space at podium level, which is accessible to all the residential units in the flatted scheme, including family sized 3 bedroom flats. The applicants were unable to offer an off-site contribution given the marginal viability of the scheme. With this in mind, the fact that Priory Park is less than 5 minutes away
from the site, coupled with the quality of the private and communal amenity space provision and the improvements to public realm, the lack of public open space in this instance is considered acceptable on balance.

8.81 Children’s Play Space

8.82 Policy OS12 of the UDP requires new housing developments to make appropriate provision for children’s play space. London Plan Policy 3D.13 requires boroughs to ensure that housing developments make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future need. The London Plan ‘Providing for Children and Young People’s Play and Informal Recreation’ SPG sets out the policy framework for the provision of appropriate play space. The SPG recommends that new development provides 10m² of play space per child based on an assessment of age and the availability of existing facilities.

8.83 Using the methodology within the GLA supplementary planning guidance ‘Providing for Children and Young People’s Play and Informal Recreation’ it is anticipated that there will be approximately 120 children within the development. As such the development should seek to provide 1,200m² of playspace.

8.84 The proposals will provide 5,265m² of private communal open space within the courtyard and therefore offers ample space for different age groups and different activities in an area identified in the UDP as deficient in children’s playspace. The GLA expressed concerns that the original proposals did not indicate where playspace for the under-5’s would be located. In addition, there was concern that the proposed landscaping was fragmented which suits permeability and passive recreation but not active recreation.

8.85 In direct response to these comments, the applicants amended the scheme and reduced the number of cross-paths in an attempt to consolidate the central landscaped elements into four distinct areas. The area of rubber crumb safety play surface has also been increased, to provide 948m² of children and youth play spaces in addition to grassed areas. In addition, a dedicated play area for under 5’s was identified in the Addendum to the Design, Access and Landscaping Statement submitted in December 2008.

8.86 Overall, the playspace provision is now considered appropriate. All units that are located on the courtyard have private gardens, which is welcomed. However a planning condition should be part of any planning consent to control the boundary between these spaces and the communal spaces to prevent blank fencing between them, which could encourage anti-social behaviour. Therefore the children’s play space provision is considered to be acceptable with regard to Policy OS12 of the Unitary Development Plan, Policy 3D.13 of the London Plan and the London Plan ‘Providing for Children and Young People’s Play and Informal Recreation’ SPG.

8.87 Residential Amenity

8.88 London Plan policy 4B.9 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.
UDP Policy H17 requires new development to ensure a satisfactory level of amenity, outlook and natural lighting is maintained to existing occupiers. UDP Policy EQ19 identifies the need for new developments to have regard to their surrounding in terms of scale and bulk and refers to the Residential Planning Guidelines SPG as providing supplementary detail on design standards to be incorporated within new development. The SPG adopts the Building Research Establishment (BRE) criteria for assessing the sunlight an daylight impact of new development on existing buildings.

8.89 Adjoining residents have raised concerns regarding impacts on residential amenity, with particular regard to overlooking, sunlight, daylight, and outlook. The extent of the impacts on residential amenity requires assessment. Each of these areas will be considered separately;

8.90 **Overlooking**

8.91 The applicants submitted an overlooking statement on the 16th February 2008. The statement looked at both the impact of proposal on overlooking and loss of privacy with existing neighbouring properties as well as within the proposed development itself.

8.92 In terms of existing properties, it is stressed that there are no habitable rooms in close proximity to Hamara Ghar, which is the closest building. This is set back from the nearest proposed residential block by 43.3m. The nearest proposed building is the Front Office, which does not have any windows along this façade and therefore does not have any views out, thereby maintaining the privacy of the habitable rooms along the east elevation of Hamara Ghar. The only other existing neighbouring property where there could be a potential loss of privacy is the existing terrace along western side of Tolpuddle Avenue. Here the minimum distance from the existing habitable rooms to the proposed Blocks 5/6 is 18.5m. This is less than the 21m set out in the Council’s Residential Supplementary Planning Guidance (SPG), however the separation distance is no worse than currently the case with the existing terrace that will be demolished as part of the proposals.

8.93 In terms of overlooking between the proposed blocks themselves, the separation distances between Blocks 1, 2 and 3 is 14.2m each. However, the applicants consider that the elevational treatment, such as using glass-reinforced concrete panels/screens and metal louvred panels, tempers any overlooking problems. With Block 7 and the proposed properties for the Island site, as most of the habitable rooms in the latter are orientated to the south there are no significant overlooking issues. Even with the limited amount of north facing habitable rooms the separation distance is 24m on an incline and therefore this accords with adopted standards set out in the SPG.

8.94 It is considered that the assumptions set out the statement are accurate and reasonable. The scheme has been designed to limit any overlooking impacts with existing neighbouring properties, but also to limit any overlooking impacts within the scheme itself.
8.91 Sunlight/daylight

This element of the proposal was considered by specialist consultants, and it is considered that the proposals would result in some of the surrounding properties experiencing slight reductions in daylight and sunlight. There would be moderate reductions of daylight to some properties on Rochester Avenue. Of the properties sampled, it was found that under baseline conditions there were 45 windows which met the recommended BRE 27% vertical sky component (VSC). When considered against the completed development, only 13 of these 45 windows sampled now met the 27% standard. 32 windows therefore fell below this standard. However, the consultants considered that in the case of 30 of these windows this reduction would only be a minor adverse impact, and the other 2 windows there would be a moderate adverse impact. In particular, moderate reduction of daylighting is likely to occur to the north facing windows of the Hamara Ghar flats, but as these windows are recessed and serve secondary bedrooms or circulations space and therefore the sensitivity of this impact is reduced. Overall, the impact of the proposal on neighbouring properties is considered acceptable for a high density town centre location and meet adopted policy standards. When considered in relation to these issues, on balance, it is considered that the nature of the impact on adjoining residents would not be of a magnitude as to warrant a refusal of planning permission.

8.92 It is considered that the proposed development itself will enjoy good levels of daylight, as the majority of new residential accommodation starts at third floor level. In addition to the good levels of daylight, the proposed podium amenity area at third floor level will be able to enjoy good levels of sunlight throughout the year.

8.93 Outlook

8.94 The scale of the proposed blocks does mean that the outlook enjoyed by existing surrounding properties will to some degree be affected. However, given the quality of the design, particularly in terms of massing and external appearance, it is considered that the alteration in outlook will not be detrimental in nature. Officers spent considerable time with the applicants in securing improvements in the overall design with outlook and external appearance in mind.

8.95 On balance, the application is considered to be acceptable in terms of its impact on overlooking, sunlight and daylight and outlook for adjoining occupiers and those of the development itself with regard to Policies 4B.1 and 4B.10 of the London Plan and Policies EQ19 and H17 of the Unitary Development Plan.

8.94 Air Quality

8.95 Air quality was considered by Environmental Health, who were generally satisfied that the proposal would not impact upon existing residents or future residents both during the construction phase as well as with the completed
development. However, concerns were raised about the proposed CHP plant which could give rise to problems of air quality for future residents on the upper floors of the development. The applicants responded by stating at higher levels there would be less impact from traffic and wind dispersion was better and therefore there was not expected to be any adverse air quality impacts arising. This managed to overcome the concern, however it would still be prudent to include a condition with any grant of planning permission requiring the submission of CHP details including external flue details, which would then have to be agreed with Environmental Health.

8.96 **Noise**

8.97 The impacts arising from noise both during construction and when the development is completed were considered. The main sources of noise being traffic and trains. There was some initial concern that the residential use would be inappropriate given Green Street falls within Noise Category C, where PPG24 states that planning permission should not normally be granted. The noise categories are set out in the table below:

<table>
<thead>
<tr>
<th>NEC</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.</td>
</tr>
<tr>
<td>B</td>
<td>Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.</td>
</tr>
<tr>
<td>C</td>
<td>Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.</td>
</tr>
<tr>
<td>D</td>
<td>Planning permission should normally be refused.</td>
</tr>
</tbody>
</table>

8.98 The applicants responded that the residential element of the proposal is set further back from the Green Street frontage and actually fell within Noise Category B, and was therefore acceptable. This is accepted as consideration was also given to the fact that any remaining concerns over the development responding to existing environment in terms of noise could be dealt with through appropriate ventilation and glazing throughout the development. An appropriate condition requiring agreement on the specific ventilation and glazing could be included with any approval. Given this, it is considered that through appropriate mitigation the development can respond adequately to the noisy environment.

8.99 In terms of any noise the development would generate itself, Environmental Health did not have any particular concerns over this. Even though the current
market does open very early in the morning, this has not generated any complaints about deliveries or servicing. There was also no objections received during the consultation period in this regard. Even so, it is proposed that through a servicing and delivery management plan and strategy, which can be secured through a condition on any approval, that the Council can ensure that noise impacts of the market at very early hours of the day are adequately mitigated against.

8.100 Wind

8.101 The very large scale of the towers proposed meant that wind and microclimate would need to be carefully considered. An assessment had to be made on whether the impact of the proposed development would affect the comfort and safety of pedestrians within and around the site.

8.102 The assessment was considered by specialist consultants commissioned by the Council. It was found that most of the areas assessed around the completed development would present conditions suitable for pedestrian usage. The only locations where conditions are expected to be windier than desired are the eastern entrance to the covered market, and the northern area of the elevated podium. However with suitable mitigation at the detailed design stage, such as vertical screening and landscaping, the impact in these areas would be significantly reduced. It was also recommended that this condition include a review of the effectiveness of the mitigation to ensure that the wind environment is acceptable.

8.103 Market

8.104 The quality of the existing market facilities is considered poor, which was something many objectors made reference to. The premises suffers from a leaking roof and weak primary entrance. Until recently there were no management systems in place to ensure efficient and regular litter collections or cleaning of the market floor and surrounding streets. There is substandard natural ventilation and natural lighting. Whilst there is general acceptance that the market is a vibrant and thriving use which brings huge community and cultural benefits, there is also an acceptance that the facilities need to be improved.

8.105 The proposals will result in both social and physical improvements to the current market provision. It will create an improved purpose built facility, with better permeability and linkages, allow for more market stalls, improved toilets. It will also introduce light funnels to improve the daylighting qualities, particularly deep within its main frontage off Green Street. The double fronted shop units that will flank the main market will also enliven the public realm abutting the market either side.

8.106 The proposals will open the current market 6 days a week, which will increase the opening times from the current 4 days (Tuesday, Thursday, Friday and Saturday), and will increase the overall number of stalls from the current 150 stalls to 164 stalls. It is also proposed that through the Market Management Strategy (MMS) that the management of the market facility will be improved, particularly by ensuring better arrangements for cleaning and refuse collection
are in place. The MMS will also seek to ensure a rent freeze for the first 5 years will be able to maintain the current market offer; thereby facilitating and maintaining the vibrancy and cultural diversity and the availability of affordable, fresh healthy food locally (see sections 8.123-8.124 below). This was something the London Development Agency (LDA) were very supportive of through their comments on the Stage 1 GLA report. LDA considered that maintaining rent levels should allow existing businesses to trade without proving unviable or requiring substantial costs to be passed onto the consumer. It was pointed out that London’s Food Strategy states that wide inequalities exist in terms of the proportion of family spending on food, where food spending for high income households accounts for 6% of total spending compared with 26% for low income households. Similarly, there was a huge concern from a number of objectors that the positive aspects of the current market would be lost through the proposals. The MSS which can be secured through a planning condition can help to not only maintain the positives of the current market but also to improve on them.

8.107 Community and Leisure

The proposal will deliver 1,994m² of community and leisure provision through the Front Office. It is considered that the redeveloped library will improve upon the services offered by the existing Green Street library facility and also offer opportunities for enhanced library and skills training facilities. Adopted policies encourage the provision of community uses within accessible town centre locations, and is considered acceptable. There were a number of objections to the loss of the existing Public House on grounds that this provides an important community use. There is however no existing policies protecting the loss of this pub, and therefore maintaining another, albeit different, community use on this site is considered appropriate. Particularly so, given that the provision has been through quite a lot of detailed design improvements with officers, and is now considered to be a well designed facility, with a street frontage and associated public realm improvements adding to a quality community offer.

8.108 The applicants have indicated that the Front Office is likely to require plant associated with the air-conditioning for this use. This is likely to be positioned on the roof, and could potentially raise some minor design and amenity issues, particularly for residents in Hamara Ghar if it is not suitably screened/positioned. A condition on any approval can require that these details need to be approved before any plant is installed.

8.109 Accessibility

8.110 Action and Rights had a number of initial concerns with the scheme, which the applicants responded to through amendments or further clarification. It was reaffirmed that at the residential units will be built to meet Lifetime home standards. Clarification was also provided that 35 units (10% of total units) on the 2nd, 3rd and 4th floors will be designated as wheelchair accessible units. In addition 10.34% of the overall provision will be blue badge parking spaces. Both provisions satisfy the 10% requirement.

8.111 Another concern expressed was that the lifts should also include firefighting/evacuation lifts. However this exceeds Part M requirements which
currently require at least 1 lift per building that can double up as a fireman’s lift. The proposal satisfies this requirement.

8.112 A further concern was that the existing public toilets are available 24/7, and that the new market toilets will only be available during market opening hours. This is accepted by the applicants, but it is pointed out that there will be general improvement in standards despite the toilets only being available during market hours. In response to other criticisms, the scheme was amended to allow for unisex accessible toilets and baby changing facilities. The applicants also agreed to a S106 clause to provide a shopmobility scheme.

8.113 Action and Rights did not offer any further comments following the amendments to the scheme. Officers consider that as the scheme will comply with Part M of the Building Regulations 2006 that the proposals will be inclusive and accessible in accordance with adopted policies.

8.114 Equalities Impact Assessment

8.115 In exercising its functions the Council should have due regard to its equality obligations including its obligations under s71 Race Relations Act 1976 (as amended) when carrying out its functions to have due regard to:-

- The need to eliminate unlawful discrimination,
- The need to promote equality of opportunity, and
- The need to promote good race relations between persons of different racial groups.

8.116 The decision of the Court of Appeal in R (Baker) v Secretary of State for Communities and Local Government [2008] EWCA Civ 141 confirms the relevance of the s.71 duty in the planning decision making context.

8.117 Accordingly, the Council as local planning authority should make its decision in determining this planning application having due regard to any implications which the proposal may have on the elimination of unlawful discrimination, the promotion of equality of opportunities and the promotion of good race relations between persons of different racial groups. Any implications which the proposal may have on such issues are material planning considerations which ought to be taken into account in the planning decision.

8.118 This planning application is accompanied by an equality impact assessment (EQIA) which had been undertaken to identify any potential impacts of the proposed development on key equality groups.

8.119 Friends of Queens Market issued judicial review proceedings alleging irregularities in the EQIA assessment based on alleged inadequacies of consultation and also based on the assessment undertaken. This challenge was refused permission by Sullivan J on grounds of prematurity.
8.120 The EQIA has been revised to take account of representations made in an extended consultation process which included an additional consultation event and a written consultation process.

8.121 The revised EQIA considered the impact of each development component of the proposal on the following key groups: age, disability, ethnicity, faith/religion, gender, sexual orientation and income groups. The key areas considered were housing, affordable housing, housing mix, access and movement, parking provision, business and economic, crime, health, community facilities, children’s playspace and open space. The EQIA found that the proposals were unlikely to discriminate in these areas.

8.122 However, certain issues were identified as requiring careful treatment. It was recognised that the current market operates as a source of cheap healthy produce serving a diverse range of ethnic groups who desire access to healthy and culturally appropriate food at good value. There is a concern that the transformation of the market may be at the expense of this role of the market as a key source of good quality healthy food for people on low incomes.

8.123 Officers consider that this concern has been carefully addressed in the formulation of the proposals. The Council have secured a series of measures to ensure that existing traders will have the opportunity to continue to trade at the new market and, the applicants have agreed that there will be a rent freeze for a 5 year period from the opening of the new market to offer significant protection to existing traders which will help maintain the current market offer. Furthermore, no rent will be payable during the period of operation of the temporary market. This commitment is being secured through planning conditions to secure a Market Management Strategy (MMS) (condition M1) to be submitted and implemented. The MMS will also enable diversity to be maintained through the temporary phase of the market.

8.124 Officers consider that this commitment is significant and strikes an appropriate balance between the achieving of much needed regeneration of the market and protecting its diverse offer which serves a wide range of ethnic groups. Existing traders are being offered a significant protection package which aimed to allow for preserving the advantages of the existing market. Whilst it is acknowledged that the 5 year commitment is not open ended, officers consider that this commitment confers a significant protection to existing traders to allow them to thrive in the new market. It is acknowledged that the rent freeze commitment does not cover service charges however such costs will only be levied to recoup expenses and appropriate management charges. Condition M1 ensures that service charges will only be levied in accordance with appropriate RICS code practice. Officers consider that the 5 year rent commitments strikes the right balance between facilitating the much needed regeneration of the market and protecting the existing balance of the market. This approach is considered to be compatible with the Council’s equality obligations.

8.125 A further area of concern which has been expressed is that the design of the market should enable persons of different racial groups to mix and achieve the same beneficial cultural diversity as the current market enjoys. Officers consider
that this can readily be achieved in the new market. A condition (condition M2) will be imposed to require the final design of the market to be approved. This will allow the Council to ensure that the solution arrived at has sufficient regard to the need to promote the mixing of persons of different racial groups and to provide a thriving diverse environment.

8.126 It is acknowledged that the position in respect of the temporary market will be more challenging but this will be controlled so far as possible through the imposition of condition M3 which requires approval of the details of the temporary market. It is presently anticipated that all current stall holders who wish to trade in the temporary market will be given the opportunity to do so. This is because some stall holders have already indicated a desire to take a sabbatical during the construction period. However, it is still recommended that the Council should maintain control over any difficult choices which might need to have control over any difficult choices which might need to be made, in the event that this anticipated scenario does not come about, to ensure that the market remains diverse and responsive to the community needs as far as practicable during the construction period. Accordingly condition M3 requires submission details of the composition of the temporary market to be submitted for approval to the Council. Although there will be constraints, the control of the temporary market through this condition will enable the Council to ensure that equality issues are properly taken into account during this period and that as high quality a market as possible is maintained during the construction period. There is also a general condition C5 by which the construction access will be controlled. The MMS controlled under condition M1 will provide that no rent (net of service charge) is payable during the temporary market.

8.127 Officers consider that the imposition of these planning conditions will secure that the redevelopment of the market will take place in a way which is compatible with the Council’s obligations under the relevant equalities legislation and which will strike the most appropriate balance between protecting the benefits of the existing market and facilitating much needed regeneration in the public interest.

8.128 Members should be aware that the Council as landowner has given detailed consideration to the equality implications of the proposed redevelopment (see the decision of the Head of Property services). However, as local planning authority, it is necessary to consider the implications of the proposal from an equalities perspective at the point of determining the planning application.

8.129 Officers consider that the imposition of appropriate conditions will ensure that the proposal will be fully compatible with the Council’s obligations under the relevant equalities legislation and will ensure that the benefits of the existing market for cultural diversity are not lost in the process of the much needed regeneration.

8.130 Community Cohesion

8.131 During the consultation process, an objection was made on grounds that a Community Cohesion Impact assessment (CCIA) should be undertaken in
respect of the proposals. A CCIA is intended to allow an assessment of whether proposals will have a positive impact on neighbourhood cohesion.

8.132 As has been discussed an EQIA has been carried out, which is unusual for planning applications. The EQIA recognised (amongst other things) that the detailed design of the market is important to ensuring that the benefits in the market in terms of providing opportunities for mixing of people from different races and backgrounds are delivered as part of the regeneration. The assessment noted amongst other things that the applicants are committed to a collaborative process to achieve this. As has been discussed planning conditions are proposed to ensure that there will be an acceptable final design, such as the eventual layout of the market stalls.

8.133 Officers consider that community cohesion issues are very closely related to the equality considerations which have already been discussed in detail above and in the EQIA.

8.134 Officers therefore consider that the proposal is compatible with the Council's aspirations for promotion of community cohesion.

8.135 There is no legal requirement for a separate community cohesion assessment to be carried out and the range of issues which any such assessment might address have already been addressed in the application through the EQIA and are reflected in the safeguarding measures which are proposed to be secured through planning conditions in the recommendation which this report makes.

8.136 Ecology

8.137 The ecology assessment consisted of a detailed desk top study, which concluded that as the site is predominantly covered by hardstanding with only limited “soft” areas, the site has very limited current ecological value.

8.138 The proposal to develop a landscaped podium area planted with native shrubs and trees, and green roofs will significantly increase the “soft” aspect of the site and provide ecological improvements on the current situation.

8.139 A condition can be included with any grant of permission to ensure suitable protection of existing trees and shrubbery surround the site, to ensure that the trees and nesting birds will not be impacted upon during works. In addition, a condition requiring that suitable bird and bat boxes are incorporated in the completed development can be included with any approval.

8.140 The proposals were considered by both the Environment Agency and Natural England who raised no objections. Given this it is considered that there will be overall positive ecological impacts secured through the redevelopment and by the use of conditions on any approval.
8.141 Climate Change

8.142 The energy strategy has followed the GLA energy hierarchy set out in Policy 4.A1 of the London Plan and is considered acceptable. It is noted that the development has been modelled using building regulations compliance software, with the modelled baseline emissions totalling 1,473 tonnes carbon dioxide per annum. A range of passive design and energy efficiency measures are proposed which will reduce carbon dioxide emissions by approximately 15% beyond the requirement of Part L of Building Regulations 2006 across the whole development.

8.143 In respect of energy renewable measures a communal heating network is proposed covering all new-build development on the site. The heating network will be served from a single energy plant room, which will house a 160kWe combined heat and power (CHP) plant. The CHP plant and district-heating network will reduce carbon dioxide emissions by 24%. The London Plan requirement is 20% reduction. Notwithstanding this, the GLA have recommended that investigations are undertaken into whether this plant can be linked into neighbouring identified sites. The applicants have considered these comments and have advised that there is potential to link the plant with the Hamara Ghar. This could potentially provide an additional heat load but details regarding the current heating system will firstly need to be established. A study of the energy demand at Hamara Ghar would have to then be undertaken to establish heat loads to enable the accurate sizing of the CHP plant, and additional space requirements may have to be considered in the plant room. A condition can be used securing this study and implementation of a wider networked scheme.

8.144 In addition, a total of 270m² of photovoltaic panels is proposed that will reduce carbon dioxide emissions by a further 2.4%. The choice of this renewable energy technology is welcomed, as it considered complementary to the CHP strategy for the site. The GLA suggested that the applicants should explore the potential for further provision. The applicants gave consideration to the matter, but concluded that their preference was that the lower blocks should be covered with green sedum roofs for a number of reasons, particularly to reduce the effects of urban heat, to provide rainwater attenuation and for ecological purposes and there was no further scope to add additional PV’s to the building. The current coverage has been maximised on the top of the landmark tower, allowing for space to accommodate the cleaning equipment and to access the panels for cleaning and maintenance. In addition, south facing roofs on the island site have been maximised for coverage of photovoltaics. A study was undertaken on the roof of the Front Office to establish the extent of the overshadowing. Given the height of the adjacent Hamara Ghar building and its overshadowing effect rendering roof top solar technologies unviable in this location.

8.145 Land Panel made comments they were keen on recycled rainwater being incorporated into the scheme. The applicants did consider this element, but owing to financial constraints and legal complexities in terms of communal
tanks serving private properties, this idea was not embraced. The applicants did however point out that through measures designed to reduce consumption of mains-fed potable water, the scheme does achieve Code for Sustainable Homes *3, which is considered an acceptable level. This is achieved in the main through measures such as dual flushable toilets and flow restrictions on taps. There are currently no policy requirements that schemes should incorporate rain water recycling and therefore on this basis this element of the proposal is acceptable.

8.146 Given that the proposal at 26.4% exceeds London Plan targets (20%) as proposed, and if the CHP network is linked up to Hamara Ghar will exceed it even further, the proposals in this regard in terms of addressing the energy requirements of the development and mitigating against climate change are considered acceptable.

8.147 Education

8.148 The development will introduce 350 residential units and is likely to generate a population with a total child yield of 66 children. This can be broken down as 26 children between 0-4, 30 children between 5-10, and 16 children between 11-16. Thus the scheme will have an impact on the Council’s education service. In this respect, the Council’s Education service has identified that the development should, based on DCFS figures, make a contribution of £607,000, to mitigate this impact. The Environmental Statement also identified that there would be a local impact on education provision and a contribution should be made to mitigate against that impact. The applicants through the financial appraisal demonstrated that the scheme is very marginal, and cannot afford to meet the full contribution as requested by the Council’s Education service. They have instead agreed to contribute £50k. Whilst this is less than the amount requested by the Council’s education services, it is recognised that the ES sets out that there will only be a minor adverse impact and therefore the applicants are of the opinion that a reduced offer should mitigate against this impact rather than the full amount requested. The reduced contribution is considered acceptable in this in context.

8.149 Health

8.150 The development will introduce 350 residential units and is likely to generate a new population of 582 persons which will impact on existing health care services, such as doctors, dentists, local hospitals etc. In this respect, Newham PCT have advised that they require £353,553 towards developing a local health facility and £990,278 towards its revenue costs. The Environmental Statement also identified that there would be a local impact on health provision and a contribution should be made to mitigate against that impact. The applicants through the financial appraisal demonstrated that the scheme is very marginal, and cannot afford to meet the full contribution as requested by Newham PCT. They have instead agreed to contribute £50k. Whilst this is less than the amount requested by the Newham PCT, it is recognised that the ES sets out that there will only be a minor adverse impact and therefore the applicants are of the opinion that a reduced offer should mitigate against this impact rather than the full amount requested. The reduced contribution is considered acceptable in this in context.
8.151 Flood Risk and Hydrology

8.152 The site is located within Flood Risk Zone 1, and as such there is a very low probability of river or tidal flooding. The site is also considered currently to not have any drainage problems, which indicates that the risk of groundwater sourced flooding is negligible. The Environment Agency had no objections to the proposals provided a standard condition relating to surface water drainage is imposed on any grant of planning permission.

8.153 Archaeology and Cultural Heritage

8.154 The Environmental Statement considered that the site had very limited potential for significant archaeological remains of any period and there are no listed or locally listed buildings in the local vicinity. The proposals were considered by English Heritage who concurred with these findings and considered that the proposals were unlikely to affect archaeological remains or affect the setting of character of any listed or locally listed buildings.

8.155 Regeneration

It is considered that the redevelopment will generally contribute to the regeneration of Green Street District Centre and strengthens its position as a shopping destination. The current market is in need of environmental improvements. The proposal re-provides the popular and vibrant market in an upgraded environment together with substantial new quality housing, and improved community and retail facilities. The proposal will maximize the development potential of the site close to a major public transport interchange. Thereby securing existing jobs and improving job opportunities, and small business opportunities for the future. The proposals will also provide job opportunities during the construction phase. The applicants have estimated that there are currently 400-581 direct jobs created through the existing market, and that these will all be secured through the proposal. No details have been given on any expected increase number of jobs relating to the market. It can be assumed that as the number of market pitches are being increased slightly, that the existing jobs will be safeguarded with potential for additional job creation. In terms of the construction process, it is estimated that 93 Full Time Equivalent jobs will be created for 4 years. This is not insignificant.

8.156 The proposed new library is considered to contribute towards improving training and employment opportunities in a local area recognised as having a lower skill base compared to the rest of the borough. The social and economic infrastructure meets one of the Council’s strategic objectives for improving employment opportunities for local people to get into jobs, and for relevant education and training opportunities to enable people to access new jobs created, which can in part be secured through the S106. In their comments on the Stage 1 of the GLA report, the London Development Agency were very complimentary of the scheme in terms of its regeneration impacts.
8.157 Length of planning permission

8.158 The applicants have made strong representations that a longer time period to implement any consent should be considered than the standard 3 years. This is owing to the protracted administrative and legal procedures that would need to be pursued for compulsory purchase and Stopping Up Orders (Highways) following any grant of planning permission. A case for delaying the implementation of the scheme given the current economic downturn was cited as another reason. This view was echoed by a number of objectors during consultation on the proposals, who considered that the proposals would not be viable in the current economic climate. As such, the applicants requested that a period of 7 years should be allowed. Officers considered that this period of time was too excessive given that they still retain the right to renew their consent and there is unlikely to be any significant shift in planning polices. Notwithstanding this, and given the accepted complications and timelines that will be needed to be overcome to implement the scheme, a period of 5 years is considered reasonable, which has now been accepted by the applicants.

8.159 Waste Management Strategy

8.160 The applicants submitted a Waste Management Strategy (WMS) with their proposals. The WMS sets out how much of the waste from the demolition process will be reused in the construction of the new development. As much of the unused material will either be reused off-site or recycled. The WMS also sets out how during the completed phase of the development, strategies will be in place to generated waste from each of the separate uses such as; residential, retail, market, office and library will be sorted, stored recycled and recovered.

8.161 The WMS is considered to be very comprehensive and the GLA have not raised any specific objection in this regard. The WMS was also considered by Forward Planning who similarly raised no objection. A condition can be included with any consent requiring that the development shall only be implemented and operate in accordance with the submitted WMS. Given this, the submitted details are considered acceptable.

8.162 Parking and Transport

8.163 Parking and transport impacts related to the proposals were considered by both Transport for London (TfL) as well as the Council’s Transportation Section. Both considered that the site benefits from very good public transport accessibility. Given this, the total amount of residential car parking offered at a ratio of 0.39 is considered acceptable, and is unlikely to impact on increased parking neighbouring streets. This is particularly given that there is a CPZ on operation, and it can be secured through the S106 that parking permits will not be made allocated to future occupiers of the development.

8.164 Even though the amount of public car parking spaces will be increased slightly (22 spaces or by 15%), it is accepted that the increase is justified given the TA has identified that current demand exceeds supply, particularly at weekends. Whilst an increase of parking, albeit relatively small, is contrary to current
sustainability policies, this has to be balanced against the possible nuisance factor for local residents should overspill parking occur on local streets in the vicinity of the site. Travel Plan initiatives should look to monitor the level of parking required for appropriateness over time.

8.165 It was noted that further details were required to show how the public and private car parking spaces will be managed. A suitable condition on any approval can require this information to be submitted and to ensure that the spaces are properly managed and maintained.

8.166 The plan included in the design, access and landscaping statement shows the layout of the parking on the second floor of the development, including 169 market parking spaces (publicly accessible) and 120 residents bays. The remaining residents parking bays. Transportation also raised concerns that not enough cycle parking facilities for the public was included with the scheme, and similarly motorcycle parking was omitted altogether. Conditions requiring the applicant to address both these issues can be included with any grant of permission.

8.167 In terms of trip generation, both TfL and Transportation considered that the car parking controls provided by the CPZ and the finite limit of parking at the public car park should act as a cap on vehicle trips to the market and encourage a greater proportion of trips by sustainable modes. The additional trip generation from the residential and Front Office/library was not considered significant, and would not detrimentally impact on existing road capacities or flows.

8.168 Transportation however did raise concerns that there should be traffic management strategies in place during both the construction phase and the temporary phase of the development. This is to ensure that traffic flows and access arrangements are not detrimentally affected. A condition requiring the submission of a traffic management strategy can be included with any grant of permission.

8.169 Another area of concern was the servicing arrangements. However, a condition requiring a servicing and delivery management plan can be included with any grant of permission. This will require that adequate management strategies are in place for deliveries and servicing of the retail units and the market and to provide projected movements and the swept path diagrams. The strategy could also look into the issue of staggering the service arrangements for the different units and market stalls, to avoid concentrated activities and thereby safeguarding local amenity and traffic conditions.

8.170 Transportation and TfL considered that the proposal would not have any negative impacts on existing public transport capacities. This was an area of concern raised by a number of objectors. It is considered that Upton Park Station and existing bus routes will be able to cope with the additional demands arising from the proposal. However, it is considered that funding for bus stop improvements (totalling £60k) should be secured. The applicants have agreed to a suitable commitment in the s106.
8.171 A further clause in the s106 can require that signage around the site for cyclists are improved to encourage this as a more sustainable form of travel. This is a requirement considered appropriate by Transportation.

8.172 Given this, it is considered that the redevelopment of the site will increase the transport impact in comparison to the existing arrangements, largely due to the additional residential development, and to a lesser degree the improved market and local community facilities. However, with the appropriate mitigation measures, including those detailed in the suggested Section 106 contributions and the conditions listed in Appendix 1, it is considered that the increased transport impact should be suitably mitigated.

8.173 Other issues

8.174 This section covers any other issues raised through the consultation process.

8.175 There were objections that the proposal would affect the staging of the Olympics. Given that the proposal will have regenerative qualities, will improve the physical fabric of Green Street and environmental quality, it is considered that there will be positive impacts that will support the staging of the games.

8.176 Another objection was that the loss of the public house would mean that members of the public would lose the availability of its toilets. This is not a planning consideration, however the proposals will provide new public toilet facilities, albeit only available during market opening hours.

8.177 A comment was also received that there is currently a water pressure problem in the locality and the proposal to load additional units onto the site will exacerbate that problem. Again this is not a planning consideration. The developers will need to agree separately with the water authorities’ water supply arrangements for the site.

9.0 SECTION 106

9.1 Subject to resolution of the S106 Heads of Terms, the application is considered to provide adequate S106 contributions that would reasonably mitigate the impacts of the development on physical and social infrastructure, in accordance with Policy S2 Unitary Development Plan, Policies 6A.4 and 6A.5 of the London Plan and the LTGDC Planning Obligations Community Benefit Strategy.

9.2 The applicants submitted a financial appraisal which demonstrated that the development is very marginal. This appraisal has been considered acceptable, and does demonstrate that the overall cost of re-providing an improved market is very cost prohibitive. Given this, it is acknowledged that the overall level of commitments under the S106 will be tempered by the demonstrated development viability. Notwithstanding this, the applicants have agreed to the following;
9.3 S106 Heads of Terms:

1. The provision of 16% (based on units) of affordable housing on a 60:40 split between social rent and equity share.

2. A contribution towards meeting increased demand for education. The applicants have agreed a contribution of £50k.

3. A commitment to local labour.

4. A commitment to local goods and services.

5. A contribution towards environmental monitoring, £12,360.

6. A contribution towards meeting increased demand for health care. The applicants have agreed to a contribution of £50k.

7. A commitment to highway improvement works.

8. A contribution towards providing 2 car club spaces as part of the Travel Plan strategy for the site, the applicants will allocate up to two spaces within the residential parking area and underwrite any initial costs to set-up a car club contract.

9. A commitment to public realm improvement works, including improving walking and cycling paths. The applicants have agreed fund a series of public realm works along the roads forming the perimeter of the site (Green Street/Selsdon Road/ Rochester Avenue/ Tolpuddle Avenue / Queens Road). The adequacy of the zebra crossings will be reviewed should it need to be upgraded with improved crossings, the costs of this will be met, and would also introduce appropriate tactile paving at any new crossing points introduced between the site and the surrounding neighbourhood. With regards cycling, the applicants would fund the necessary improvements to the signage and road markings to extend the advisory route from Queens Road west of Western Avenue through to the site.

10. A commitment of £150k towards the provision of public art within the scheme.

11. A commitment to undertake a study of how the development will impact on TV and satellite signals in the local area. Any recommendations or mitigation that are identified will be met.

12. A contribution to introduce a scheme where future occupiers are prohibited from obtaining parking permits within the Controlled Parking Zone. This will cost £2,500 for the Council to administer.

13. A commitment to introducing and maintaining a shopmobility scheme.
14. Contribution towards Bus infrastructure and service enhancements – TfL has advised that a contribution of £60k (3 pairs of bus stops) toward improvement of bus service infrastructure in the vicinity of the site is appropriate.

15. A commitment to improve the signage around Upton Park Station.

16. The provision of child play space within the development.

17. The provision of communal open space within the development.

18. A commitment to renewable energy and sustainability.

19. A commitment towards paying the Council’s monitoring fee.

10.0 CONCLUSION AND REASON FOR APPROVAL

10.1 It is considered that this mixed use scheme responds appropriately to the relevant national, regional and local planning policies; both existing and emerging. The use of the site for the purposes of market, retail, residential and community uses are supported. Particularly so, given its district centre location and designation next to a significant public transport hub and against a key policy cornerstone to regenerate the town centres by focussing suitable development within them and encouraging a wide range of services in an accessible, high quality environment.

10.2 The applicants have made significant strides in improving the overall design quality of scheme since officers were first engaged over four years ago. Strong criticisms over the original massing, height, materials layout and landscaping have all been taken on board. This has led to significant marked improvements to the design, which was improved again following submission through the amendments to the application. It is considered that the massing now responds more appropriately to the surrounding context and the landmark tower has been improved and now reads as an elegant and striking feature that will signpost the whole development and will make positive visual enhancements on the present situation. The proposals will give greater prominence to the market than currently the case. The scheme has also been improved by new access routes which now penetrate through the market significantly improving permeability and connectivity.

10.3 The application proposal will deliver 350 new residential units in a town centre location. The applicant has worked closely with officers to ensure that the proposed new housing responds to the identified need and demand for housing in Newham. The standard of design of each unit is considered acceptable and all units will have their own private amenity space. All flatted residents will also have access to a well designed and laid out communal open space at podium level. This space will also feature iconic light ‘scoops’ and will have a considered landscaping plan involving semi-mature trees which will be being visible at street level extending their amenity value beyond their immediate environment. This podium will provide residents with a pleasant amenity space that will be safe,
overlooked and very useable. The trees will also have the advantage of mitigating wind funneling effects from the surrounding heavily massed and scaled blocks.

10.4 The residential density is higher than the context of the immediate surrounding urban fabric, nevertheless it is consistent with GLA policies in terms of its proximity to Upton Park Station and its status as a town centre location.

10.5 There is some initial concern that the residential dwelling mix could have been improved, which is loaded towards 1 and 2 bed units. However, given that as a town centre the site lends itself towards smaller units rather than family sized units this shortcoming is considered acceptable on balance. Particularly as a not insignificant number of family sized units will also be delivered.

10.6 Whilst the total amount of affordable housing offer remains below the London Plan objectives, the applicant has satisfied viability tests which demonstrate that the development cannot deliver a higher percentage of affordable housing. This is particularly so given additional costs of re-providing an improved market. In this context the affordable housing offer is considered acceptable.

10.7 Although the application is deficient in amenity space provision and public open space provision, consideration has been given to its town centre location and higher proportion of 1 and 2 bed units. Viability constraints rendered the scheme so marginal that an off-site contribution could not be considered as an alternative. The scheme provides instead a well designed private communal open space at podium level, which is accessible to all the residential units in the flatted scheme, including family sized 3 bedroom flats. With this in mind, and the fact that Priory Park is within very close proximity coupled with the improvements to public realm, the amenity space and public open space deficiency in this instance is considered acceptable on balance.

10.8 In terms of residential amenity the scheme is has been designed to limit any overlooking impacts with existing neighbouring properties, but also to limit any overlooking impacts within the scheme itself. The proposal is also considered acceptable in terms of its impact on outlook. However, it is considered that the proposals will result in some moderate adverse reduction of sunlight and daylight to a small number of surrounding windows. This has to be balanced against the fact that the site is within a high density town centre location, and in this context it is deemed that the nature of the impact on adjoining residents would not be of such a magnitude as to warrant a refusal of planning permission.

10.9 The proposals are not considered to raise any air quality issues, subject to a condition requiring the submission of CHP details including external flue details.

10.10 In terms of noise, there was some initial concern that the existing noisy environment along Green Street was not suitable for residential use. However, the applicants were able to demonstrate that as the residential interface was set further back in a more appropriate location and that with appropriate glazing that the proposals would comply with planning guidance. In terms of any noise the development would generate itself; the only likely detrimental noise source would
be the operation of the early morning market, which can be mitigated through an appropriate condition.

10.11 In terms of wind, it was found that the most of the areas assessed around the completed development would present acceptable conditions. The two areas where the conditions are expected to be windier than desired can be dealt with through a condition requiring appropriate mitigation through additional vertical screening and landscaping.

10.12 The scheme will be compliant with Part M of the Building Regulations, meet Lifetime Homes standards and be fully accessible. The applicants have also agreed to a S106 clause which will introduce a shopmibility scheme for the market, which is an improvement on the current use.

10.13 The proposals are also considered acceptable in terms of EQIA and in terms of community cohesion. Specific steps to ensure that the diversity of the market is maintained both in the temporary and permanent phases of the market have been secured through the imposition of planning conditions.

10.14 In terms of ecology, it is considered that the proposal will not have any adverse impacts, and with appropriate conditions, biodiversity and the natural environment can be protected and enhanced.

10.15 The proposals are considered to have minor adverse impacts in terms of both health and education provision, which can be mitigated against through contributions secured through the S106 agreement which the applicants have agreed in principle.

10.16 The site is not considered to be at risk from flooding, provided an appropriate condition relating to surface water drainage is included with any consent.

10.17 The proposals are also considered unlikely to affect archaeological remains or any listed buildings.

10.18 In terms of waste management, the submitted WMS is considered to be very comprehensive and a condition can be included with any consent requiring that the development shall only be implemented and operate in accordance with this document.

10.19 Given that the proposal exceeds London Plan targets as proposed, and if the CHP network is linked up to Hamara Ghar will exceed it even further, the proposals is considered acceptable in terms of its impact on climate change and renewables.

10.20 The proposal is considered acceptable in regard of trip generation, increase in on-street car parking demand and impact on existing public transport capacity. Through the use of appropriate conditions and S106 clauses, there will be no discernable negative impacts. Other conditions can ensure that any negative impacts arising from the servicing arrangements and traffic management during the construction phase can be mitigated against.
10.21 In terms of regeneration, the proposals will have very positive impacts. It will re-provide a popular and vibrant market in an upgraded environment together with substantial new quality housing, and improved community and retail facilities. The proposals will maximize the development potential of the site close to a major public transport interchange. Thereby securing existing jobs and improving job opportunities, and small business opportunities for the future.

10.21 The quality of the existing market facilities is considered poor, which was something many objectors made reference to. The current premises suffer from a leaking roof and weak primary entrance. Until recently there were no management systems in place to ensure efficient and regular litter collections or cleaning of the market floor and surrounding streets. There is also substandard natural ventilation and natural lighting. Whilst there is general acceptance that the market is a vibrant and thriving use which brings huge community and cultural benefits, there is also an acceptance that the facilities need to be improved.

10.22 The proposals will increase the market opening hours, increase the overall number of stalls and through the Market Management Strategy (MMS) better arrangements for cleaning and refuse collection. The MMS will also seek to ensure a rent freeze for the first 5 years will be able to maintain the current market offer; thereby facilitating and maintaining the vibrancy and cultural diversity and the availability of affordable, fresh healthy food locally.

10.23 The existing Queen’s market facility is an important anchor to the designated Green Street District Centre. The proposed development will protect the role of Queen’s Market and make a major contribution towards improving the vitality and viability of Green Street District Centre.

10.24 The proposal will also deliver a new Front Office, which will be an important community resource and will provide a significant contribution to the vitality and viability of Green Street.

10.25 Overall, there will be a number of benefits, neutral impacts, minor adverse impacts that can be mitigated against, and minor adverse impacts that cannot be mitigated against. The positive impacts are the improved environment, improved and accessible facilities, affordable housing provision, the use of renewables, and the number of new residential units provided. The neutral impacts are flood risk, waste management and impact on archeology, ecology and cultural heritage. The negative impacts which can be mitigated against include health, education, wind, noise, air quality, transport and parking. The negative impacts that cannot be mitigated are the overall housing mix, the shortfall in both public and private open space and adverse impacts arising from some minor loss of light to some neighbouring properties. However, given the location of the site within a town centre, on balance these shortcomings are considered acceptable. Given this, on balance the proposals are considered acceptable.

10.26 The applicant has worked very closely with Council officers and other stakeholders over the past four years to reach a design solution for the site that will improve the overall environment, protect the market’s existing strong character and realize the sites full potential. The applicant, as well as the Council
through this application, has consulted the general public and key interest groups on a number of occasions. It is widely accepted that regeneration measures are needed to ensure the future of the market. The scheme is considered a positive responsive to the consultation process.

10.27 In summary, the proposed development is generally consistent with the development plan and national planning policy guidance and it is therefore considered that planning permission should be granted subject to conditions and a S106 legal agreement.
APPENDIX 1: CONDITIONS

The Conditions listed below;

A: Time Limits and Approved Drawings

A1 The development to which this permission relates must be commenced not later than the expiration of FIVE YEARS from the date of this permission.

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

A2 This planning permission applies only to the following drawings and to no other, unless agreed in writing by the Local Planning Authority:

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

B: Materials, Public Realm, landscaping and Lighting

B1 Works to the development hereby approved shall not commence until full details, including samples, specifications and annotated plans where appropriate, of the materials to be used on all external surfaces (which for the avoidance of doubt shall also include hard landscaping) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details, to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance, in accordance with Policies EQ18, EQ19, H17, and EQ28 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4B.1, 4B.2, 4B.3, 4B.9 and 4B.10 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

B2 Prior to the commencement of works details of all proposed permanent boundary walls, fences and gates, for the development shall be submitted to and approved by the Local Planning Authority for approval. The submitted details shall include design, height and materials. The boundary treatment as approved by the Local Planning Authority shall be erected prior to the occupation of the hereby permitted dwellings and retained permanently.

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

B3 Details of the residential boundary treatment used in relation to the units around the podium amenity space shall be submitted to and approved by the Local Planning Authority before these units are occupied. The development shall be completed in accordance with any approval.

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

B4 All existing trees and shrubs to be retained are to be protected during construction in accordance with the Arboricultural Impact Assessment dated
August 2008 and in accordance with the standards set out in BS 5837:2005 ‘Trees in relation to construction - Recommendations’. No construction shall begin until these protection measures have been put in place, inspected and approved in writing by the Local Planning Authority. The scheme as approved shall be in operation at all times during construction until the development is complete.

Reason: The existing trees represent an important visual amenity that the Local Planning Authority considers should be maintained, with regard to Policy EQ14, EQ15 and EQ21 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy 4B.1 and 3D.15 of the London Plan consolidated with alterations since 2004 (February 2008).

B5 Notwithstanding the plans hereby approved, this consent shall not be implemented until details of hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The scheme shall include details of:

a) trees and planting;
b) surface treatment;
c) public art;
d) signage and information boards;
e) maintenance
f) how mature trees can be established on the podium amenity area.

The hard and soft landscaping shall be implemented in accordance with the approved details and thereafter permanently maintained, to the satisfaction of the Local Planning Authority.

The soft landscaping scheme shall be implemented in the first planning season following first occupation. Any plants or trees required as part of the implementation of the condition that die or are removed, damaged or diseased within a period of FIVE years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent for a variation.

Any trees, shrubs or grassed areas become diseased, damaged or die within the first five years from the date of planting within any part of the development shall be replaced within the next planting season, to the satisfaction of the Local Planning Authority.
Reason: In the interest of design quality, residential amenity, walking, cycling, accessibility, public safety and biodiversity, in accordance with Policies EQ2, EQ3, EQ9, EQ10, EQ11, EQ12, EQ15, EQ18, EQ19, EQ21, EQ25, EQ26, T19, T22, T24, H14 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.18, 3C.21, 3C.22, 3D.14, 4B.1, 4B.2, 4B.3, 4C.11 and 4C.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

B6 The Landscaping scheme for this development shall be accompanied with adequate information to demonstrate:

1. the use of suitable native and locally appropriate species which where practical shall be locally sourced;

2. that all landscaping that is intended to be accessible shall be fully accessible and useable by disabled people, including wheelchair users, people with sight impairment and people with prams or pushchairs

The landscaping shall be implemented in accordance with the approved details and thereafter permanently maintained, to the satisfaction of the Local Planning Authority.

The soft landscaping scheme shall be implemented in the first planning season following first occupation. Any plants or trees required as part of the implementation of the condition that die or are removed, damaged or diseased within a period of FIVE years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent for a variation.

Any trees, shrubs or grassed areas become diseased, damaged or die within the first five years from the date of planting within any part of the development shall be replaced within the next planting season, to the satisfaction of the Local Planning Authority.

Reason: In the interest of design quality, residential amenity, walking, cycling, accessibility, public safety and biodiversity, in accordance with Policies EQ2, EQ3, EQ9, EQ10, EQ11, EQ12, EQ15, EQ18, EQ19, EQ21, EQ25, EQ26, T19, T22, T24, H14 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.18, 3C.21, 3C.22, 3D.14, 4B.1, 4B.2, 4B.3, 4C.11 and 4C.15 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).
Prior to the commencement of this development full details of all proposed external lighting shall be submitted to and approved by the Local Planning Authority. Details shall include final appearance and technical details and specifications, intensity, orientation and screening of lamps, siting, and the means of construction and layout of cabling. The approved scheme is to be completed prior to occupation of the development and shall be maintained thereafter.

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

C. Construction

C1 No demolition, construction or building works shall be carried out except between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday or at any time on bank or public holidays without the prior written approval of the Local Planning Authority, unless the works have been approved in advance under section 61 of the Control of Pollution Act 1974.

Deliveries of construction and demolition materials to and from the Site by road shall take place between 08:00 - 18:00 Monday to Friday & 08:00 - 13:00 on Saturday and at no other time except with the prior written approval of the Local Planning Authority.


C2 No impact piling shall take place without the prior written approval of the Local Planning Authority and shall only take place in accordance with the terms of any such approval.


C3 At no time during construction or occupation shall any waste be burnt on site unless otherwise approved in writing by the Local Planning Authority.

C4 Any craneage that will be higher than the development hereby consented shall not be used without prior consultation with London City Airport and agreement of the Local Planning Authority. Any use of craneage must be considered against British Standard Code of Practice for safe use of cranes, British Standard Institute 7121:Part : 1989 (as amended).

Reason: In the interests of airport safeguarding and Policy T30 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State).

C5 Prior to the commencement of works on the development hereby permitted a Method Statement setting out how amenity and access will be maintained around the site during the construction phase shall be submitted to and approved by the Local Planning Authority. The development shall only be constructed in accordance with the approved Method Statement.

Reason: To ensure that development does not give rise to any loss of amenity and accesses are maintained in accordance with Policies EQ18, EQ19, EQ20, H17 and EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.6, 4B.1, 4B.2 and 4B.3 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

C6 Prior to the commencement of works on the development hereby permitted, an Environmental Code shall be submitted to and approved by the Local Planning Authority, in respect of such matters as are likely to cause nuisance to adjoining occupiers during construction. Details should include noise, dust, smoke, road cleaning and any other matters relevant to this particular site. The approved environmental code shall be adhered to for the duration of the construction works.

Reasons: To ensure that the construction does not prejudice the ability of neighbouring occupiers reasonable enjoyment of their properties and with regard to policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.14 of the adopted London Plan Feb 2008, Consolidated with Alterations Since Feb 2004).
D. Access

D1 All residential units within the development shall be constructed in accordance with Lifetime Homes standards, as defined in the Joseph Roundtree Foundation publication "Achieving Part M and Lifetime Homes standards" and the joint collaboration of JRF, Major of London, GML Architects and Habinteg HA in the publication 'Lifetime Homes' and as referred to in the GLA Accessible London SPG.

The development shall be implemented in accordance with the Lifetime Homes standards prior to the first occupation of the relevant Phase and retained permanently, to the satisfaction of the Local Planning Authority.

Reason: To ensure that accessible housing is providing, in accordance with Policies EQ18, EQ19, EQ25, H14 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

D2 Unless otherwise agreed in writing by the Local Planning Authority, no fewer than 10% of the total number of residential units within the development shall be constructed to be easily adapted for residents who are wheelchair users in accordance with the publication “Wheelchair Housing Guide Second Edition” by Stephen Thorpe and Habinteg HA.

Reason: To ensure that accessible housing is providing, in accordance with Policies EQ18, EQ19, EQ25, H14 and H17 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

E. Parking and Transportation

E1 The cycle parking facilities identified on the plans hereby approved shall be provided prior to the occupation of the development and shall thereafter be permanently maintained for users of the development, to the satisfaction of the Local Planning Authority.

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

E2 Prior to the commencement of the development the applicant must enter into a S.278 Agreement with the Local Highway Authority to include the following:
a) the removal of redundant cross-overs and reinstate as public footpath.
b) the reinstatement of public footpath fronting the site;
c) the creation of vehicular accesses to the site.

The use hereby approved shall not commence until the above works have been completed to the satisfaction of the Local Highway Authority with the written approval of the Local Highway Authority’s Engineer, and all costs in relation to this S.278 Agreement shall be met exclusively by the applicant.

Reason: In the interest of highway safety, in accordance with Policies T1, T3, T4 and T10 14 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy 3C.1 and 3C.2 of the London Plan (Consolidated with alterations since 2004 (February 2008).

E3 Before the occupation of any part of this development a servicing and delivery management plan and strategy shall be submitted to and approved by the Local Planning Authority. The development shall only operate in accordance with the approved plan.

Reason: To ensure that the development will have adequate management strategies in place for deliveries and servicing of the retail units and the market and to provide projected movements and the swept path diagrams, in accordance with Policy T1 (Environmental Impact of Traffic Generated by New Development) of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.1 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

E4 Before the occupation of any part of this development a Parking Management Strategy shall be submitted to and approved by the Local Planning Authority. The development shall only operate in accordance with the approved strategy.

Reason: To ensure that there is adequate management of the parking associated with the market, and that this does not conflict with the residential parking allocation, in accordance with Policy T1 (Environmental Impact of Traffic Generated by New Development) of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.1 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

E5 Before the occupation of any part of this development a residential travel plan shall be submitted to and approved by the Local Planning Authority. The development shall only operate in accordance with the approved plan.
Reason: To ensure sustainable modes of travel are maintained and promoted through this development and in accordance with Policy T5 (Preferred Modes of Transport) of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.9 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

E6 Before the occupation of any part of the development a retail and market travel plan should be submitted to and approved by the Local Planning Authority. The development shall only operate in accordance with the approved plan.

Reason: To ensure sustainable modes of travel are maintained and promoted through this development and in accordance with Policy T5 (Preferred Modes of Transport) of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.9 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

E7 Before the occupation of any part of the development details of cycle parking facilities for members of the public shall be submitted to and approved by the Local Planning Authority. The development shall be completed and continue to operate in accordance with any approval.

Reason: To ensure sustainable modes of travel are maintained and promoted through this development and in accordance with Policy T5 (Preferred Modes of Transport) of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.9 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

E8 Before the occupation of any part of the development details of the provision of motorcycle parking facilities, must be submitted to and approved by the Local Planning Authority. The development shall be completed and continue to operate in accordance with the approved details.

Reason: To ensure adequate provision for motorcyclists as required by Policy T26 (Motorcycling) of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State).

E9 Prior to the commencement of this development a traffic management strategy must be submitted to and approved by the Local Planning Authority setting out details of how traffic around the site will be managed and controlled during the temporary and construction phases of the proposal. This permission shall only be implemented in accordance with any approval given.
Reason: In the interest of managing the impacts of traffic, maximising safety, and access and minimising congestion, with regard to Policy T1 (Environmental Impacts of Traffic Generated by New Development) of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.1 and 3C.2 of the London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

E10 The car parking accommodation shown on the approved drawings, shall include a minimum of 10% spaces designed for use by Orange or Blue Badge holders. These spaces are to be marked out on site with appropriate signage, prior to occupation of the development to the satisfaction of the Local Planning Authority and shall be permanently maintained thereafter.

Reasons: To ensure adequate access for all users of the building, in particular Orange or Blue Badge holders and with regard to Policy T1 (Environmental Impacts of Traffic Generated by New Development) of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 3C.1 and 3C.2 of the London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

F. Waste

F1 The permission hereby granted shall be implemented and continue to operate in accordance with the Waste Management Strategy submitted on the 1st May 2008 to the satisfaction of the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that waste management issues are fully addressed, in accordance with Policies EQ18, EQ19, H17, EQ45, EQ54 and EQ61 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.21, 4A.22 and 4A.28 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

F2 Prior to the commencement of works on the development hereby permitted, full details of the grease trap or grease digester system to be installed for the commercial kitchen shall be submitted to and approved by the Local Planning Authority. Details should include plan and sectional drawings with measured drain sizes and invert levels, full manufacturers specifications etc. The approved scheme is to be completed prior to occupation of any part of the development and shall be permanently maintained thereafter.

Reasons: To ensure a satisfactory standard of accommodation and in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.3 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).
G. Air Quality and Ventilation

G1 The composter units within the development (Block 5), is a potential source of nuisance due to the odour of the decaying foodstuffs placed in the units. Detailed ventilation plans for this area and how the potential for odour nuisance is to be mitigated shall be submitted to and approved by the Local Planning Authority prior to any of the residential units in Block 5 being implemented. The development shall be completed and operated in accordance with the approved details.

Reason: To ensure a satisfactory standard of accommodation and in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.6 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

G2 Prior to the occupation of any of this development full details of the CHP plant including the type and nature of the unit, its specifications (including the inputs for the boiler and flue height) shall be submitted to and approved by the Local Planning Authority. The development shall only be completed in accordance with the approved details.

Reason: To ensure a satisfactory standard of accommodation and in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.6, 4A.3, 4A.12, 4A.14 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

G3 Prior to the commencement of works on the development hereby permitted, full details of any mechanical ventilation or other plant [associated with the commercial operation of the building] shall be submitted to and approved by the Local Planning Authority. Details should include full specifications of all filtration, deodorising systems, noise output and termination points. Particular consideration should be given to the potential high level discharge of kitchen extract air. The approved scheme shall be completed prior to occupation of any part of the development and shall be permanently maintained thereafter. Reference shall be had to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA(www.defra.gov.uk/environment/noise/research/kitchenexhaust/index.htm)

Reason: To ensure a satisfactory standard of accommodation and in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.6 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).
G4  Prior to the commencement of works on the development hereby permitted, details of the means of ventilation to WCs, internal bathrooms, kitchens and open-plan kitchen/living rooms shall be submitted to and approved by the Local Planning Authority. Details should include the termination positions of any ducting. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason: To ensure a satisfactory standard of accommodation and in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.6 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

H. Noise

H1  Prior to the commencement of works on the development hereby permitted, details of the proposed sound insulation scheme to be implemented the residential accommodation and any non-residential uses shall be submitted to and approved by the Local Planning Authority. Details should include airborne and impact sound. 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 and saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.14 of the London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

H2  Prior to the commencement of works on the development hereby permitted, an acoustic report shall be submitted to and approved by the Local Planning Authority. Plant operation and activity on site shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst affected property. Where it is considered impractical to meet this noise standard the report should detail mitigation measures taken to reduce noise to a minimum. The approved scheme shall be implemented prior to occupation of any part of the development and shall be permanently maintained thereafter. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to policy EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.14 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

H3  Prior to the commencement of works on the development hereby permitted, full details of the specific glazing and its acoustic qualities shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be
completed prior to occupation of any part of the development and shall be permanently maintained thereafter.

Reason: There is concern that road traffic noise will impact on residential amenity and appropriate sound insulation provided through glazing will mitigate against this impact, and thereby comply with Policy EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policy 4A.6 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

I. Contaminated Land

I1 a). Prior to the commencement of works on the development, an investigation into ground conditions shall be undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report 11. The report of the investigation and proposals for any remediation required shall be submitted to and approved in writing by the Local Planning Authority.

b). All works approved shall be undertaken to the satisfaction of the Local Planning Authority.

c). As soon as reasonably practicable, and before the occupation of any remediated area of the site, a validation report shall be submitted and approved by the Local Planning Authority in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy.

Please see the informative(s) below for further advice and information.

Reasons: To safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to policy EQ49 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

J. Water and Drainage

J1 Development shall not begin until a surface water drainage scheme for the site, in line with the principles set in the Flood Risk Assessment by Waterman Civils dated 8th August 2008, and incorporating 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.

Reason: To prevent the increased risk of flooding, and with regard to policy EQ63 (Surface Water Disposal) of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007.
by direction from the Secretary of State) and Policy 4A.12: Flooding of the
adopted London Plan Feb 2008, Consolidated with Alterations Since Feb
2004).

K. Sustainability and Ecology

K1 Details of photovoltaics, including size, location and specification, used in this
development shall be submitted to and approved by the Local Planning
Authority before any works to implement this permission is begun. The
photovoltaics shall be maintained and continue to be operated in accordance
with any approval.

Reason: To secure the sustainable energy commitments made through this
development and in compliance with Policies 4B.6 and 4A.7 of the adopted
London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

K2 Works to the development hereby approved shall not commence until details of
proposed green roofs, including details of location, design, dimensions, materials
and a maintenance scheme, shall be submitted to and approved in writing by the
Local Planning Authority. The green roofs shall be provided in accordance with
the approved details. The green roofs shall be maintained as such and shall not
be used for any other purpose.

Reason: To promote biodiversity and safeguard the appearance of the building,
in accordance with Policies EQ18 and EQ19 of the London Borough of Newham
Unitary Development Plan (adopted June 2001, saved from 27th September 2007
by direction from the Secretary of State) and Policies 3D.14, 4A.11, 4B.1 and

K3 Before any of the development is occupied details shall be submitted to and
approved by the Local Planning Authority setting out how the CHP plant can
be utilised in a wider networked scheme involving other neighbouring sites.
The CHP plant shall only be operated in accordance with the approved details.

Reason: To secure the sustainable energy commitments made through this
development and in compliance with Policies 4B.6 and 4A.7 of the adopted
London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

K4 Before any part of the development is occupied, details of locations within the
development where bird and bat boxes will are to be located shall be submitted
to and approved by the Local Planning Authority. The development shall only be
completed in accordance with the approved details.

Reason: To ensure that the proposal provides suitable habitats to safeguard and
promote nature conservation in accordance with Policy S14 (Environmental
Quality: Nature Conservation) of the London Borough of Newham Unitary
Development Plan (adopted June 2001 and saved from 27th September 2007 by
direction from the Secretary of State) and Policy 3D.14 (Biodiversity and nature
conservation) of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

L. Wind

L1 Prior to the commencement of works on the development hereby permitted a suitable wind mitigation strategy for the front entrance to Block 1 and the podium amenity area shall be submitted to and approved by the Local Planning Authority. The development shall only operate in accordance with the approved strategy. A further study shall then be undertaken 1 year after the mitigation has been implemented to ascertain its effectiveness. The study shall also recommend alternative mitigation strategies in the event that the initial strategy is found to be inadequate. The development shall operate at all times in accordance with the approved strategies.

Reason: The submitted Environmental Statement concluded that suitable wind mitigation strategies would be required in these two locations, to minimise amenity impacts and maximise design qualities, in accordance with Policy EQ20 (Design Considerations – Residential Areas) of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policy 4B.1of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004). The strategies could include additional landscaping and vertical screening.

M. Market

M1 Before any works to implement this permission is begun a Market Management Strategy (MMS) shall be submitted to and approved by the Local Planning Authority, to ensure that diversity of trading is maintained.

The MMS shall also explain what consultation has taken place with market traders and appropriate trading bodies.

The MMS shall provide that the rent for the market pitches (net of service charge) shall remain at the level it is when the existing market closes and be maintained at this level for a period of 5 years from the date of the opening of the new market. The MMS shall also confirm that no rent (net of service charge) shall be charged during the operation of the temporary market. The MMS shall also give details of any service and management charges to be incurred. The service and management charges shall be open and transparent, offer good value and be compliant with the RICS Code of Practice on service charges in commercial property. The MMS shall also include arrangements for refuse and cleansing.

The operation of the market shall only be in accordance with the approved MMS unless otherwise agreed in writing by the Local Planning Authority. The approved MMS can be updated throughout the lifetime of the market with the Local Planning Authority approval in writing.
Reason; To ensure a diversity of offer and to meet the principles of Section 71 of the Race Relations Act 1976 and to ensure that the market is an attractive environment and managed effectively in accordance with Policies EQ19 and EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.1, 4A.3 and 4A.14 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

**M2** Prior to commencement of works in relation to the construction of the permanent market a detailed layout of the market must be submitted to and approved by the Local Planning Authority. The layout of the market shall only be in accordance with the approved layout, unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure a diversity of offer and to meet the principles of Section 71 of the Race Relations Act 1976, and to ensure that the market is designed to an acceptable standard with regard to Policies EQ18, EQ19 and EQ20 and of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 4B.1, 4B.2 and 4B.3 of the London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

**M3** Before any works to implement this permission are begun details of the composition (including proposed arrangements for the distribution of stalls and details of the extent to which traders who have requested a stall in the temporary market have been accommodated and what proposed criteria will be used in the allocation of stalls in the temporary market and what consultation has taken place with the traders in respect of the proposed composition of the temporary market), layout, access arrangements and appearance of the temporary market shall be submitted to and approved by the Local Planning Authority. The development shall only be completed in accordance with any approval.

Reason; To ensure a diversity of offer and to meet the principles of Section 71 of the Race Relations Act 1976 and to ensure that the temporary market is a safe and attractive environment, managed effectively and access is maintained in accordance with Policies EQ19 and EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 4B.1, 4A.3 and 4A.14 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

**N. Front Office**

**N1** Before first occupation of the Front Office details of any external plant or equipment associated with the use shall be submitted to and approved by the Local Planning Authority. The development shall only be completed in accordance with the approved details.

Reason: To ensure a satisfactory standard of external appearance and to ensure that any plant or equipment installed does not give rise to any loss of amenity, in
accordance with Policies EQ18, EQ19, EQ20, H17 and EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.6, 4B.1, 4B.2 and 4B.3 of the adopted London Plan (Feb 2008, Consolidated with Alterations Since Feb 2004).

O. CCTV

O1 Works to the development hereby approved shall not commence until a security management scheme, including details of CCTV, concierge services, door entry systems and car park security, has been submitted to and approved in writing by the Local Planning Authority. The security management scheme shall be implemented in accordance with the approved details and prior to the occupation of the relevant Phase of development and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to provide a safe and secure development, in accordance with Policies EQ18, EQ19, H17 and EQ26 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4B.1, 4B.2, 4B.3 and 4B.6 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

Reason for Approval

The Council has decided to grant permission having regard to the provisions of the Council's Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and the London Plan (Feb 2008, Consolidated with Alterations Since 2004) and all other material considerations including the results of consultation as outlined in the officer's report.

It is considered that there a number of impacts arising from the proposal such as the improved environment, improved and accessible facilities, affordable housing provision, the use of renewables, and the number of new residential units provided. The proposal will also have a number of minor negative impacts such as health, education, wind, noise, air quality, transport and parking. However, all of these impacts can be mitigated against through either conditions or through a S106 legal obligation. There are however a few minor negative impacts that cannot be mitigated against such as the overall housing mix, the shortfall in both public and private open space and adverse impacts arising from loss of light to some neighbouring properties. However, given the location of the site within a town centre, and weighed against the considerable positive impacts of providing improved modern housing, an improved environment and facilities, re-providing an improved market and significant regeneration benefits, these shortcomings are considered acceptable.

The Council also considers that the grant of planning permission subject to the conditions attached will be fully compatible with the Council's obligations under the relevant equalities legislation and will ensure that the benefits of the existing market for cultural diversity are not lost in the process of the much needed regeneration.
Given this, and as the proposals generally comply with adopted policies, on balance the proposals are considered acceptable, and it is therefore considered that that planning permission should be granted subject to conditions and a S106 legal agreement.

In assessing the application, the Council has considered the following policies:-

**UDP**

S2: Community Benefit/Planning Obligations  
S3: Quality of Development  
S4: Sustainable Development  
S5: Priority Development Nodes  
S6: Mixed Use Development  
S9: Environmental Quality: Design  
S12: Environmental Quality: Environmental Improvements  
S14: Environmental Quality: Nature Conservation  
S19: Housing: Extending the Range of Housing Choice  
S20: Housing: Inclusion of Affordable Housing in New Housing Schemes  
S21: Housing: Special Needs Housing  
S22: Housing: Mix and Density  
S23: Housing: Improvement of Public and Private Dwellings and Residential Environment  
S24: Employment: Regeneration Objectives  
S25: Employment: Major Industrial and Distributive Development  
S28: Employment: Quality of Development  
S30: Shopping and Town Centres  
S31: Shopping and Town Centres  
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  
S40: Children’s Play Areas  
S47: Community Services  
UR1: Urban Regeneration  
EQ9: Protection of Sites of Nature Conservation Importance  
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  
EQ43: Archaeology  
EQ44: Vacant Land: Environmental Improvements  
EQ45: Pollution  
EQ46: Air Quality Management  
EQ47: Noise
EQ48: Noise - Sensitive Development
EQ49: Contaminated Land: Assessment, Remediation and Monitoring
EQ63: Surface Water Disposal
EQ64: Tidal Defences
H13: Promoting Quality in Housing
H14: Promoting Choice in Housing
H15: Housing Mix
H17: Housing Design and Layout
EMP1: Employment Growth
EMP3: Quality of Employment Development
T2: New Development: Public Transport Accessibility and Highway Capacity
T5: Preferred Modes of Transport
T19: Improvement of Conditions for Pedestrians
T24: Access by Cycle and Cycle Parking
T26: Motorcycle Parking
OS8: Green Space in New Housing Development
OS12: Children’s Play Facilities in New Developments
SH4 Green Street District Centre
SH8 Primary Shopping Frontages
SH13 Retail Impact Study
SH15 Shop Front Design
SH16 Street Markets
SH17 Street Markets
SH18 Street Markets
SH19 Street Markets
TM1 Tourism Attractions: Improvements of Development Focal Points for Tourism

London Plan

2A.1: Sustainability criteria
2A.2: The spatial strategy for development
2A.5: Opportunity Areas
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
3B.1: Developing London’s economy
3B.11: Improving employment opportunities for Londoners
3C.1: Integrating transport and development
3C.2: Matching development to transport capacity
3C.3: Sustainable transport in London
3C.9: Increasing the capacity, quality and integration of public transport to
meet London’s needs.
3C.17: Tackling congestion and reducing traffic
3C.21: Improving conditions for walking
3C.22: Improving conditions for cycling
3C.23: Parking strategy
3D.1: Supporting town centres
3D.3: Maintaining and improving retail facilities
3D.8: Realising the value of open space and green infrastructure
3D.13: Children and young people’s play and informal recreation strategy
3D.14: Biodiversity and nature conservation
4A.3: Sustainable design and construction
4A.5: Provision of heating and cooling networks
4A.6: Decentralised Energy: heating, cooling and power
4A.7: Renewable energy
4A.11: Living Roofs and Walls
4A.12: Flooding
4A.14: Reducing noise
4A.16: 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.9: Tall buildings – location
4B.10: Large-scale buildings – design and impact
4B.15: Archaeology
4C.2: Context for sustainable growth
4C.4: Natural landscape
5C.1: The strategic priorities for North East London
5C.3: Opportunity Areas in North East London

These policies are set out in full in the Council's Unitary Development Plan and the London Plan, copies of which may be inspected at the Development Control Section, Town Hall Annexe, 1st Floor, 330-354 Barking Road, East Ham, London E6 2RT

**Informatives**

1 **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.

2  **Stacking Informative**

The relative internal arrangement of the flats is not ideal. We would usually recommend that ‘like for like’ rooms are positioned adjacent to and above one another so as reduce the potential for later noise problems.

3  **Explosive Ordnance**

The property lies within an area of the borough that has been identified as being at potential risk from buried explosive ordnance due to wartime bombing. It is recommended that professional advice is obtained and a risk assessment undertaken to identify and analyse any threat posed by ordnance before works commence.

4  **Land Contamination.**

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

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

- BS 10175: Investigation of potentially contaminated sites – Code of Practice
- Building Regulations 2000 APPROVED DOCUMENT C Site preparation and resistance to contaminants and moisture: C1 Site preparation and resistance to contaminants.

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

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

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

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

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

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

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

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

5 Chimney Height

Your attention is drawn to the need for compliance with the requirements of the Clean Air Act 1993 with reference to chimney heights, see “Chimney Heights Memorandum, 3rd edition, 1981, and Her Majesty’s Inspectorate of Pollution Technical Guidance Note D1 June 1993” in respect of any boiler with a gross heat input of greater than 366.4 kW or burns pulverised fuel or burns at a rate of greater than 45.6 Kg/hr any other solid matter.

Reason:- to prevent loss of amenity to occupants of this and other premises due to odour, other effluvia and/or harmful gases.
6 Air pollution and noise from demolition or construction sites.

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

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

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

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

Using water sprays or sprinklers to suppress dust during dust generating activities such as filling skips, breakout of concrete and managing stock piles
Washing the wheels of vehicles leaving the site if they are carrying mud or debris.
Erecting solid barriers to the site boundary.
Ensuring that lorries leaving the site carrying debris or waste are properly covered.
Cleaning the road and footpath near the site entrance as required.
Where disk cutters are to be used they should have a dust bag, have water suppression or the working area should be wet prior to use of the machinery.

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

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

Detailed guidance on dust issues relating to construction sites can be found in the Building Research Establishment documents ‘Control of dust from construction and demolition activities’ and ‘Improving air quality in urban environments: Guidance for the construction industry’.
In addition, the GLA Best Practice Guide for dust, currently in draft format, is seen as the most comprehensive dust management protocol. Contractors should be aware of its details regarding the efficient management of dust and particulate on site. 
[http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp](http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp)

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

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

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

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

Detailed guidance on noise issues relating to construction sites can be found in BS 5228 *Noise control on construction and open sites*. In particular, Part 1, "Code of Practice for basic information and procedures for noise control" will be useful because as well as giving general advice, it describes a method for predicting noise from construction sites.
General.
Developers should be aware that there are likely to be other Acts or legislation that are not covered in this document and that acts and regulations identified within the document may have been superseded.

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

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

IT02 Ventilation to Habitable Room
Your attention is drawn to the possibility of a lack of natural ventilation to the some of the habitable rooms. Your attention is drawn to the requirements of the Building Regulations Approved Document F1 ‘Ventilation of habitable rooms through other rooms & spaces’.

IT03 Natural Lighting to Habitable Room
Your attention is drawn to the possibility of a lack of natural lighting to some of the habitable rooms, which could constitute a potential hazard as detailed by the Housing Act 2004. Measures should be put in place to ensure sufficient natural lighting during daylight hours.

IT04 Residential Room Sizes
Your attention is drawn to minimum room sizes under Newham’s Private Sector Housing Standard:
Minimum for Single Bedroom is 6.5M²
Minimum for Double Bedroom is 10.2M²

Falls between levels
Your attention is drawn to the hazard of falls between levels, as detailed by the Housing Act 2004, due to the high rise nature of the development and extensive use of balconies and roof gardens.

Safety catches on windows should be considered, as it will reduce the likelihood of children being able to open a window unsupervised. Catches which restrict the distance a window can be opened to 100mm should be fitted to windows above ground floor level to reduce the possibility of an accident involving a child. The design of the windows should facilitate safe cleaning of the outer surface. It should be such
that there is no reason to climb on a chair or stepladder to clean it. Where there is a high level opening light above the main opening light, the high level light should be easily cleanable on both sides without opening the main light.

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

**Falls on the Level**
Your attention is drawn to the hazard of falls on the level, as detailed by the Housing Act 2004. Especially in regards to the 3rd floor roof garden area. There should be effective drainage of surface water on the outdoor paths and yards to reduce the chances of slips, trips and falls because of ponding of water, and in adverse weather, patches of ice.

**Entry by Intruders**
Your attention is drawn to the hazard of Entry by Intruders, as detailed by the Housing Act 2004, especially on the ground floor of blocks 5 and 6 and also the 3rd floor roof gardens. Regard should be had so that possible areas of concealment for burglars and intruders are reduced to a minimum. This includes providing both public and private space that the residents feel is theirs (defensible space), ensuring pedestrian routes are well lighted and defined. However a balance must be struck to prevent creating fortress-like dwellings which may have a negative effect on the health of occupiers. I would suggest that the applicant contact the Metropolitan Police Community Safety Unit for comment on these plans.

**Kitchen/food premises**
The kitchen and other food areas of the premises need to comply in full with:

a) EU 852/2004 as enforced by the Food Hygiene (England) Regulations 2006  
b) EU 178/2002 as enforced by the General Food Regulations 2004  
c) The Food Premises Registration Regulations 1991, (under these regulations there is a requirement to register with the Environmental Health Service at least 28 days prior to opening. This form is accessible from Newham’s website).

All structural finishes and equipment must comply with the catering Guide(industry) to Good Hygiene Practice ; Chadwick House Group ltd)

**Particular Requirements of the Hygiene Legislation Include:**

a) Sufficient internal and external hygiene refuse storage capacity. The external store should be capable of accommodating standard Council wheeled bins of a total capacity appropriate to the scale of the business. External bins should not be placed in a position where they are likely to cause an obstruction  
b) Provision of double sink and wash-hand basin in main food preparation area
c) Hot water supply to all wash-hand basins and sinks should preferably be from a gas fired balanced flue instant water heater.
d) Sufficient refrigeration and freezer capacity.
e) Sufficient hot food storage / display/capacity (if applicable).
f) Kitchen layout to facilitate separation of raw and cooked food handling and preparation.
g) Adequate artificial lighting levels throughout, achieved by means of fluorescent tube lights, (minimum wattage 40 watts) fitted with diffusers.
h) Sufficient general ventilation to all rooms
i) Extraction ventilation to food preparation areas/rooms must be capable of maintaining at least 20 air changes per hour.
j) Creation of a lobby between the WC and the food rooms
k) All structural finishes, work surfaces and equipment to be of durable, smooth and impervious materials.

Further details in respect of food requirements are available from The London Borough of Newham, Housing and Public Protection, Food Safety Unit, tel.: 020 8430 2000 Ext. 25283, food@newham.gov.uk or www.newham.gov.uk

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