Strategic Development Committee

Date       Tuesday 15th October 2019
Time       6.30 p.m.
Venue      The Will Thorne Council Chamber, Old Town Stratford, E15

Contact:  Shirley Fortune, Principal Committees and Partnerships Officer
Tel: 020 3373 1255; e-mail: shirley.fortune@newham.gov.uk

MEMBERSHIP

Councillors (9):

Daniel Blaney (Chair)  East Ham North;
Carleene Lee-Phakoe (Vice-Chair)  Plaistow South;
James Beckles  Custom House;
Mumtaz Khan  Green Street West;
Genevieve Kitchen  Boleyn;
Mas Patel  Forest Gate South;
Rachel Tripp  Forest Gate North;
Harvinder Singh Virdee  Boleyn;
John Whitworth  West Ham;

Substitutes

Joshua Garfield  Stratford and New Town;
Alan Griffiths  Canning Town South;
Nilufa Jahan  Green Street East;
Shaban Mohammed  Canning Town North;
Mushtaq Mughal  Green Street West;

(Quorum: 3)

Officers usually in attendance:

Amanda Reid – Director of Planning and Development (Chief Planning Officer)
James Bolt – Senior Development Manager
James Coulstock – Development Manager
Amanda-Jayne Campbell – Legal Advisor
Narinder Ubhi – Transport Advisor

Rokhsana Fiaz OBE
Mayor of Newham

Althea Loderick
Chief Executive
Agenda

1. Apologies for Absence

2. Information for Visitors (Pages 1 - 2)

3. Minutes (Pages 3 - 38)

Minutes of the meeting held on 16 July and 11 September 2019 for confirmation.

4. Declarations of Interest

In accordance with the Members’ Code of Conduct, Members are asked to note the guidance on declaring interests, which is attached to this agenda. In addition to considering the guidance, Members are asked to check the standing list of declarations of registered interests set out on the guidance document and confirm that these declarations of personal interests are correct and to state if there are any other interests they wish to declare.

Members will also be asked whether or not, in light of the agenda, the interests declared are prejudicial interests.

5. Determining Planning Applications

Members are asked to note the following advice from the Head of Legal Services:

"When determining planning applications, by law, Members must have regard to the provisions of the development plan and to any other material considerations and must determine the application in accordance with the plan, unless material considerations indicate otherwise.

Reports submitted to Members of the Committee contain full details of the relevant issues for Members to consider when deciding whether or not to grant planning permission.

Applications for 'deemed' planning consent must be dealt with fairly by reference to the same criteria as the Committee would adopt for an application by a private developer.

Members should take account of the provisions of the
Human Rights Act 1998 as they relate to each application and the conflicting interests of the applicant and any third party opposing the application in reaching the decision.

The provisions of the Act have been taken into account in the processing of all applications and preparation of reports."

6. Announcements from the Chair

7. Royal Docks Service Station, North Woolwich Road, Silvertown E16 2AB (Pages 39 - 106)

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission relating to the following proposal.

Application under Section 73 to vary Condition 2 (approved plans) attached to planning permission 17/00363/FUL dated 12th October 2017 which granted full planning permission for: Redevelopment of former Royal Docks Service Station to provide a new residential development comprising of 295 residential units set across four buildings ranging in height from 5 storeys to 13 storeys with single basement level, landscaping, amenity space, and ancillary associated development.

Proposed amendments comprise:

- Removal of oversail to Block A
- Adjustments to buildings massing including height and footprint
- Internal reconfiguration including removal of duplex units in Block B
- Amendment to basement layout including reduction in car parking spaces from 121 to 106
- Reduction in number of units from 295 to 294
- Alterations to housing mix and affordable housing
- Relocation of substation
- Alterations to external elevations

This application site affects the settings of Listed Buildings - Grade II* Former St Mark’s Church and the Grade II War Memorial at the Former St Mark’s Church.

Recommendation – APPROVAL


8. North Woolwich Road, Silvertown London E16 2AB Royal Docks
Redevelopment of the vacant wharf for use as a road-river hub for construction demolition and excavation waste storage and transfer, comprising the construction of stock bays, for storage of construction, demolition and excavation waste, incorporating a sustainable drainage system, widening of the wharf landing area, storage and fabrication for civil engineering projects and erection of weighbridge, office facilities and associated infrastructure.

Recommendation – APPROVAL


9. 104-106 Broadway, Stratford, London E15 1NG (Pages 183 - 252)

Demolition of the existing building and the erection of part 4, 6 and 7 storey building for retail/commercial use at ground floor (A1/A2/A3/B1(a) and apart-hotel use on the upper floors.

This application is affecting the setting of Stratford St. Johns Conservation Area and is affecting the setting of Grade II listed building, Church of St John The Evangelist and Grade II listed street furniture, the Railings of Church of St John The Evangelist).

Recommendation – APPROVAL


10. The White Horse 125 High Street South, London, E6 6EJ (Pages 253 - 316)

Part-three, four and six storey building with A3/A4 public house & restaurant on ground floor and thirty-one self-contained flats on upper floors (This application is affecting the setting of a Grade II Listed Building, Central Park War Memorial, East Ham).

Recommendation – REFUSAL


11. TFL Highway Compound, 14 Armada Way, Beckton E6 7AB (Pages 317 - 364)
Section 73 application to vary Condition 3 (Permission Expiry) and Condition 4 (Alternatives sites scheme) to allow the highways depot to continue to operate and provide highways maintenance and repair for Newham and London attached to planning permission 15/03067/FUL dated 29th March 2016 which granted permission for:

"Time limited planning permission until the 31st December 2020 for the construction of a TfL highways compound including the erection of a salt store, stores, offices and parking for cars and operational vehicles, the storage of engineering and construction materials and street lighting equipment. (This proposal does not accord with the development plan)"

Recommendation – APPROVAL


12. **Cyprus 2B, London, E6 (Pages 365 - 382)**  
   **Beckton**

Section 73 application to remove Condition 6 (permitted development rights), attached to planning permission 82/24240/1 dated 11/10/1982 which granted full planning permission for:

"Erection of 118 dwellings."

Recommendation – REFUSAL


13. **Site 2G And B Compressor Hire Ltd, Thames Wharf, Dock Rd, Silvertown, London E16 1AF (Pages 383 - 410)**  
   **Canning Town South**

Section 73 application to vary Condition 1 (Time Limited Consent) - to extend the use until 31st July 2024 attached to planning consent 17/02618/FUL dated 11/10/2017 which granted permission for:

Planning permission for time limited consent for the continued use of the site for waste recycling and material transfer and processing.

Recommendation – APPROVAL

<table>
<thead>
<tr>
<th>14.</th>
<th><strong>Site 4 Docklands Waste Recycling Ltd, Thames Wharf, Dock Rd, Silvertown, London E16 1AF (Pages 411 - 442)</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>Canning Town South</strong></td>
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<tr>
<td><strong>Section 73 application to vary Condition 1 (Time Limited Consent) - to extend the use until 31st July 2024 and removal of condition 4 (Installation of PVC curtain and high level dust suppression system) attached to planning consent 17/02617/FUL dated 11.10.2017 which granted permission for:</strong></td>
<td></td>
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<tr>
<td>&quot;Planning permission for time limited consent for the continued use of the site for waste recycling and material transfer and processing”.</td>
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<tr>
<td><strong>Recommendation – APPROVAL</strong></td>
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<table>
<thead>
<tr>
<th>15.</th>
<th><strong>Date of Next Meeting</strong></th>
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<tr>
<td><strong>30 October 2019</strong></td>
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HOW DECISIONS ARE TAKEN AT THE MEETING

In very straightforward cases where the recommendation is to approve, the Committee sometimes makes a decision based solely on the officer's report without an officer presentation or extensive debate. However, more complex matters under consideration are dealt with as follows:

- The Chair takes the item in the order listed on the agenda and announces its name and the nature of the proposal.
- Presentation from the applicant (if any) - 5 minutes
- The Committee may put questions to those who have spoken.
- Objectors- 5 minutes
- The Committee may put questions to those who have spoken.
- The planning officer (where necessary) briefly introduces the item and confirms the recommendation
- The Committee may put questions to the officer.
- The Committee then debates the matter seeking to avoid repetition of issues already raised and does not hear any additional representations or comments, but may seek clarification from officers.

When the Chair considers that there has been sufficient debate, he/she will call for a decision. A vote may be taken on the recommendation in the report or on a motion moved by a Member of the Committee, altering the recommendation.

Where Members of the Strategic Development Committee are minded not to follow Officers recommendations to approve or refuse planning permission the matter will be automatically deferred and the matter brought back to Members with a new report.

(This is an extract from the procedures adopted by the Committee on 3rd July 2002 and amended on 27th May 2010. A copy of the complete note is also available from the clerk).
### Use Classes

<table>
<thead>
<tr>
<th>A1</th>
<th>Shops, Retail Warehouses, Hairdressers, Travel and Ticket Agencies, Post Offices, Pet Shops, Sandwich Bars, Internet Cafes, Showrooms, Domestic Hire Shops, Dry Cleaners, Funeral Directors</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2</td>
<td>Banks, Building Societies, Estate and Employment Agencies, Professional and Financial Services</td>
</tr>
<tr>
<td>A3</td>
<td>Establishments where the primary purpose is for the sale of food and drink for consumption on the premises (restaurant/snack bar/cafė)</td>
</tr>
<tr>
<td>A4</td>
<td>Public Houses, Wines Bars other Drinking Establishments (but not night clubs)</td>
</tr>
<tr>
<td>A5</td>
<td>Establishments where the primary purpose is sale of hot food for consumption off the premises</td>
</tr>
<tr>
<td>B1</td>
<td>A) Offices other than in A2;                                                                                              B) Research &amp; Development;                                                                                      C) Light Industry – use for any industrial process which can be carried out within a residential area without causing detriment to amenity</td>
</tr>
<tr>
<td>B2</td>
<td>Use for any industrial process, other than that falling within B1</td>
</tr>
<tr>
<td>B8</td>
<td>Storage or Distribution, including open air storage</td>
</tr>
<tr>
<td>C1</td>
<td>Hotels, boarding and guest houses where no significant element of care is provided</td>
</tr>
<tr>
<td>C2</td>
<td>Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres</td>
</tr>
<tr>
<td>C2a</td>
<td>Secure residential accommodation – prisons, young offenders institutions, detention centres, secure training centres, custody centres, short term holding centres, secure hospitals, secure local authority accommodation, military barrack.</td>
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<tr>
<td>C3</td>
<td>A) House occupied by a single person, couple, or family (including an employer and domestic employees, a carer and the person receiving care);                                                                 B) House occupied by up to six people living together as a single household and receiving care (supported housing scheme);                                                                 C) House occupied by up to six people living together as a single household which do not fall within the definition of C4 (e.g. a small religious community or a person/family with a lodger)</td>
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<tr>
<td>C4</td>
<td>Houses occupied by between three and six unrelated individuals as their only or main residence, where basic amenities are shared (e.g. student lets)</td>
</tr>
<tr>
<td>D1</td>
<td>Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries, museums, libraries, places of worship, public halls, exhibition halls, church halls, law courts and non residential education and training centres</td>
</tr>
<tr>
<td>D2</td>
<td>Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or sports arenas (except for motor sports or where firearms are used)</td>
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</tr>
<tr>
<td>Sui Generis</td>
<td>There are many uses that are not specifically categorised by the four main use classes. These uses are classified sui generis and include, theatres, nightclubs, retail warehouse clubs, amusement arcades, launderettes, casinos, petrol filling stations and motor car show rooms. Betting Offices and payday loan shops. Large HMOs.</td>
</tr>
</tbody>
</table>
Section 85 of the Local Government Act 1972 provides that a Member (Councillor) of an authority must attend a meeting of the authority as a whole (i.e. Council) or a Committee, Sub-Committee or a Joint Committee at least once every six months. Attendance at a meeting of a Committee or Sub-Committee of Council listed below would count in lieu of a meeting of Council provided that the Councillor was an appointed member of that Committee or Sub-Committee

Standards Advisory Committee  
Local or Strategic Development Committee  
Licensing Committee  
Overview and Scrutiny Committee or a Scrutiny Commission  
Investment and Accounts Committee  
Chief Officers Appointment Committee  
Audit Board

Members of the Executive (the Mayor and Cabinet Members) also need to attend a meeting of the Executive i.e. Cabinet at least once every six months.

If you have any queries with regard to this guidance you should contact:

**Daniel Fenwick** (Monitoring Officer) – 01708 432 484  
E-mail: daniel.fenwick@onesource.co.uk
Members' Declarations of Interest

Matters for Consideration
Revised Guidance – February 2016

The following is offered as a guide to Members. Further details are set out in the Members’ Code of Conduct, attached as Part 5.1 of the Council’s Constitution.

1. Disclosable Pecuniary Interests

Disclosable Pecuniary Interests (DPI) are covered in detail in the Localism Act 2011 and a list of DPIs is set out at the end of this document. Breaches of the law relating to these may be a criminal offence.

1.1 If you have a DPI in any item on the agenda, you must declare it and not speak or vote on that item. You are required by the Constitution to leave the room (including any public seating area). If you do so without a prior Dispensation (see below) you may be committing a criminal offence, as well as a Breach of the Code of Conduct. The Council's Constitution requires any Member declaring a DPI to leave the meeting during consideration of the matter.

1.2 Members will be asked at the start of the meeting if they have any declarations of interest. The Council's Code of Conduct requires you to make a verbal declaration of the fact and nature of any DPI. You are also required to declare any DPIs before the consideration of the matter, or as soon as the interest becomes apparent, if you were not aware of it at the start of the meeting.

2. Non-Disclosable Pecuniary Interest or Non-Pecuniary Interest

2.1 The Council's Code of Conduct requires you to make a verbal declaration of the existence and nature of any "Non-Disclosable Pecuniary Interest or Non-Pecuniary Interest". Any Member who does not declare these interests in any matter when they apply may be in breach of the Code of Conduct.

2.2 You may have a "Non-Disclosable Pecuniary Interest or Non-Pecuniary Interest" in an item of business where:

2.2.1 A decision in relation to that business might reasonably be regarded as affecting your well-being or financial standing, or a member of your family, or a person with whom you have a close association with to a greater extent than it would affect the majority of the Council taxpayers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or

2.2.2 It relates to interests which would be a DPI, but in relation to a member of your family or a person with whom you have a close association and that interest is not a DPI. If the matter concerns your spouse, your civil partner or someone you live with in a similar capacity, it is covered by the provisions relating to DPIs.

2.2.3 It could also cover membership of organisations which you have listed on your Register of Interests (including appointments to outside bodies), where there is no well-being or financial benefit accruing to you but where your membership might be said to be relevant to your view of the public interest.

2.3 A person with whom you have a close association is someone who is more than an acquaintance, and is someone you are in contact with over a period of time, whether regularly or not. It is someone that a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter which affects
them and so covers friends, colleagues, business associates, or someone you know through social contact.

2.4 Family should be given a wide meaning. In relation to the family of both you and your partner, it would include the parents, parents-in-law, children and step children, brothers and sisters, grandparents, grandchildren, uncles and aunts, nephews or nieces, together with the partners of any of these persons.

2.5 You should make a verbal declaration of any such interest in a matter to be considered at the meeting at the start of the meeting, or before the consideration of the item of business, or as soon as the interest becomes apparent if you are not aware at the start of the meeting of the interest.

3. **Register of Members interests**

Members are required to complete the Register of Interests and to keep this register up to date by informing the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of their DPIs.

4. **Dispensations**

In certain circumstances the Monitoring Officer is able to grant a dispensation to you which will enable you either to participate in the discussion on a matter, to vote on the matter, or both. Dispensations can only be granted in limited circumstances. If you believe that you are able to claim a dispensation you must seek advice as soon as possible from the Monitoring Officer, who will consider your request.

The Monitoring Officer, under Section 33(2) of the Localism Act, has granted the following general dispensations to all Members until the Annual Council meeting in 2018, on the grounds that the dispensation is in the interests of the inhabitants of Newham and/or it is appropriate to grant the dispensation to maintain a similar position as applied under the previous code of conduct. This means Members do not need to leave the meeting if their Disclosable Pecuniary Interest arises and is:

- An interest common to the majority of inhabitants in their ward.
- An interest so remote that it is not likely to prejudice their judgement of the public interest.
- Council housing unless related to their own particular tenancy.
- School meals and/or transport unless relating to their own child’s school.
- Statutory sick pay for members.
- Members allowances.
- Setting Council Tax or precept.
- Agreeing any Local Council Tax Benefit Scheme.
- Interests arising from membership of an outside body to which the authority has appointed or proposes to appoint them.
- The Local Government Pension Scheme unless relating specifically to their own circumstances.

5. **Bias and Predetermination**

If in relation to any decision, your outside connections may make it appear to a reasonable person that there is a real danger of bias, or predetermination you should seek advice as to whether it is appropriate for you to participate in any discussion about the matter and in the decision, regardless of whether or not you consider that you should declare an interest as defined above.

For further advice about these matters please contact Daniel Fenwick 0170 843 2714
E-mail: daniel.fenwick@onesource.co.uk
INFORMATION FOR VISITORS

Filming of Proceedings

Visitors are advised that the Council, Councillors and members of the public may film the meeting and use social media, this is permitted as long as it does not disrupt the meeting. Please therefore be mindful that you could be being filmed for social media or recorded, by entering the meeting you are giving your consent to be filmed. It is requested that any filming by the public and press is focussed on those participating in the meeting.

Fire Evacuation Procedure

A fire alarm test is not expected during this meeting; however if the fire alarm sounds (continuous ringing), staff will direct you to the nearest exit. Please leave in a calm and orderly manner.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

General Information

Visitors are advised that this is a meeting held in public and not a public meeting.

Please could individuals refrain from shouting out comments. Those who have registered to speak will get their opportunity to speak at the appropriate time.

Visitors and Councillors are requested to turn off mobile phones or set them to silent during the meeting.
The meeting commenced at 6.07 p.m. and closed at 9.38 p.m.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gen Kitchen and James Beckles (substituted by Joshua Garfield).

Apologies for lateness were received from Councillors Carleen Lee-Phakoe and Mas Patel.

2. INFORMATION FOR VISITORS

The Chair referred visitors to the Information for Visitors, on page 1 of the published Agenda.

3. MINUTES

The minutes of the meeting held on 18 June 2019, was confirmed as a correct record.

4. DECLARATIONS OF INTEREST
Councillors Daniel Blaney and Rachel Tripp declared an interest for Item 7, Chobham Farm South Chobham Farm Development Site, Leyton Road, Stratford, London E15 1AA, by virtue of being the Council’s representative and substitute Member, respectively, on the London Legacy Development Corporation (LLDC), Planning Decision Committee.

Both members left the room during the discussion of the application.

5. DETERMINING PLANNING APPLICATIONS

The Committee noted the advice from the Head of Legal Services, with regard to determining planning applications.

6. ANNOUNCEMENTS BY THE CHAIR

Order of Business

The Newham Recorder, in publicising the MSG Sphere application, incorrectly stated the start time as 19:00. The Committee agreed to vary the order of business as set out on the agenda, to deal with Item 7 at 19:00.

The order of business was as follows:

Items 9, 10, 12, 8, 11 and 7

Officer Update Report (attached as Appendix 1)

- Item 7 - Chobham Farm South Chobham Farm Development Site, Leyton Road, Stratford, London E15 1AA
- Item 8 - 1 Claps Gate Lane, Beckton, London, E6 6JF
- Item 9 - Standard Industrial Estate, Units 6 To 6A Factory Road, North Woolwich, London E16 2EJ
- Item 12 Little Ilford School, Rectory Road, Manor Park, E12 6JB

Requests to address the Committee

- Item 7 - Chobham Farm South Chobham Farm Development Site, Leyton Road, Stratford, London E15 1AA

Applicants Team

- Jayne McGiven, Madison Square Garden Company
- Andy Young, The Madison Square Garden Company
- Garry Reeves, Populous Architects
- Chris Goddard, DP9 Planning Consultants
- Chris Gascoigne, DP9 Planning Consultants
- Michael Rivers, Momentum Transport Consultants

Objectors

- Stop MSG Sphere team
Supporters
- Julia Bollam - Director of Apprenticeships, Partnerships and Innovation, Newham College
- Dean Curtis (Deputy Vice Chancellor at the University of East London)
- Lloyd Johnson - Chairman Newham Chamber of Commerce

- Item 8 - 1 Claps Gate Lane, Beckton, London, E6 6JF
  - Oliver Barrett - Regional Head of Property

- Item 11 - Ibis Styles London ExCel Custom House Hotel, 272 - 283 Victoria Dock Road, Canning Town, E16 3BY
  - Charles Dunn – on behalf of the Applicant

7. STANDARD INDUSTRIAL ESTATE, UNITS 6 TO 6A FACTORY ROAD, NORTH WOOLWICH, LONDON E16 2EJ

Change of use of areas A & B (as delineated in image 2 of the DAS ref: CD/J428W2/DASrev b) to recycling facility to be used in conjunction with the wider scrap metal merchants yard. Erection of boundary fencing, gates and signage.

The Committee had no questions of the Presenting Officer, and the application was agreed without debate, noting the Officer Update Report, concerning typographical errors in the report.

Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report; and

2. granted planning permission based on the Conditions listed in Appendix 1 of the report and the Officer Update Report.

8. ROYAL VICTORIA DOCK, WESTERN GATEWAY, CANNING TOWN, LONDON E16 1XL

Temporary planning permission for the change of use of the existing dock to lido along with children's paddling pool along with the erection of the following temporary support structures:

- A pontoon structure adjacent to the existing beach with children's pool. The structure will contain an area of dock water on all sides to form a lido
- A temporary prefabricated toilet block connected to mains water and drainage
- Canvas stretch tent
- Beach kiosk serving light snacks and drinks
- Changing rooms situated on the pontoon
The application affected the setting of Grade II listed structures.

The Committee, noting the resident objection outlined on page 219 of the published agenda, questioned whether the location was suitable for the activity.

The Presenting Officer advised that the location, adjacent to the beach, was appropriate, as it would be used by very young children. He added that all issues raised by the objector were considered in the assessment. In terms of noise and disturbance, the majority of the activities would be held when residents were at work.

The Presenting Officer acknowledged that the events held last year raised concerns relating to noise and disturbance, which the applicant had taken on board, by reducing the hours of operation and detailed in the Management Plan.

There being no there questions, the Chair move to the vote.

Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report; and

2. granted planning permission based on the Conditions listed in Appendix 1 of the report.

9. LITTLE ILFORD SCHOOL, RECTORY ROAD, MANOR PARK, LONDON E12 6JB

Proposed synthetic outdoor floodlit sports facilities including cricket practice bays, long/triple jump, football pitch & jogging track.

The application affected the setting of a Grade I Listed Building - Church of St Mary The Virgin Church Road Little Ilford.

In exercise of delegated authority, the Committee considered a report of the Council’s Head of Planning and Development, which outlined the application for the above site.

The Presenting Officer gave a detailed presentation of the application before the Committee summarising the assessment contained in the Committee report and the Officer Update report, concerning a replacement Conditions.

The Presenting Officer confirmed that the application proposed an additional cycle parking spaces, and a Condition for a Transport Management Plan, to assist in achieving greater use of sustainable transport modes and relieve congestion in the area, with less reliance on the private car.
There being no further discussion, the Chair moved the recommendation to approve.

**Decision**

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report; and

2. granted planning permission based on the Conditions listed in Appendix 1 of the report and the Officer Update Report.

**10. 1 CLAPS GATE LANE, BECKTON, LONDON, E6 6JF**

Construction of Lidl food store with green roof, associated car parking, cycle stands and advertisement signage.

The application was a Departure from the Development Plan.

Oliver Barrett, Regional Head of Property for Lidl, addressed the meeting. Mr Barrett highlighted the amendments made to the application, since presented at the meeting held on 18 June 2019, when the Committee voted to refuse the application due to concerns around sustainable transport movements.

Mr Barrett advised that the revised application included an increased number of cycle spaces, including 6 cargo spaces, with a mechanism in the travel plan that cycle parking be reviewed in 5 years with a view to increasing on-site cycle parking provision to 66 spaces at the applicant’s cost, where demand is proven.

Mr Barrett spoke about the significant employment benefits, career opportunities and financial contributions.

Mr Barrett, recalling that Members previously questioned whether non-English speakers could be considered for employment, confirmed that English speaking was not a prerequisite to employment.

Mr Barrett repeated a statement made at the special Strategic Development Committee on 5 July 2019, stating he was surprised at the Committee’s indication to refuse on 18 June 2019. As a result, the applicant sought legal advice from Counsel, who concluded that the applicant would have an excellent prospect of success at appeal, with costs being awarded from the local authority. He added, that should the application be refused, the Applicant would pursue the appeal, as they considered there were no sound reason for refusal.

Councillor Garfield welcomed the amendments to the application and commented that the application had come a long way since the June meeting.
In exercise of delegated authority, the Committee considered a report of the Council’s Head of Planning and Development, which outlined the application for the above site.

The Presenting Officer gave a detailed presentation of the application before the Committee summarising the assessment contained in the Committee report and the Officer Update report, concerning:

- a letter of support for the application
- typographical errors in the report
- replacement conditions

The Presenting Officer advised of a Condition relating to the management of the green roof, to ensure a satisfactory standard of external appearance and in the interests of neighbouring amenity.

The Presenting Officer confirmed that the sequential site assessment applied, was compatible with the current policy and the emerging London Plan.

There being no further discussion, the Chair moved the recommendation to approve.

Decision

The Strategic Development Committee RESOLVED to AGREE

1. the reasons for approval as set out in the report; and

2. delegated authority to the Council’s Head of Planning and Development to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) by 16 January 2020 (6 months from the date of the Committee) based on the Heads of Terms identified at Appendix 2 of the report and the Conditions listed in Appendix 1 of the report and the Officer Update Report. If the legal agreement is not completed by such date, the Council’s Head of Planning and Development is delegated authority to refuse planning permission or extend this timeframe to grant approval.

11. IBIS STYLES LONDON EXCEL CUSTOM HOUSE HOTEL, 272 - 283 VICTORIA DOCK ROAD, CANNING TOWN, LONDON, E16 3BY

Alterations and extension to existing hotel adding new 6-storey northern wing comprising 60no new serviced apartments, amended parking/service yard layout and minor ‘tidying’ to front elevation.

Charles Dunn, on behalf of the applicant, addressed the Committee in support of the applicant. Speaking from a prepared statement, he acknowledged that the application in its current form should be refused, and requested that the application be deferred, to allow the applicant to overcome Officer concerns.
His comments included:

- Disappointment at Officer refusal to work with the Applicant
- Site continues to operate as a hotel
- Application in line with policy, if a little premature, hence request for deferment

In response to a question as to whether the applicant took advantage of any pre-application discussions with Officers, the Development Manager explained that full and extensive discussions had taken place with the Applicant on the re-submitted application, however assessment of the application produced 6 reasons for refusal, as outlined in the Committee report.

The Director of Planning and Development (Chief Planning Officer), responding to a question as to any detriment of deferring the application, advised that the Council had an excellent record in processing applications within the prescribed time limits. She considered that any delay would be unacceptable to Committee in its duty to the Council.

In exercise of delegated authority, the Committee considered a report of the Council’s Head of Planning and Development, which outlined the application for the above site.

The Presenting Officer gave a detailed presentation of the application before the Committee summarising the assessment contained in the Committee report.

There being no further questions to the Presenting Officer, the Chair moved the recommendation to refuse.

**Decision**

The Strategic Development Committee RESOLVED to REFUSE planning permission for the reasons set out below.

**Reasons**

1. The proposed development has failed to address the principles of masterplanning with particular attention to the successful integration of the scheme with the wider public area and the transition between, and neighbourliness of different uses both within the site and in relation to adjacent areas. This would likely fail to build and reinforce communities and places that work and to ensure that growth contributes to achieving convergence and personal and community resilience. This is contrary to:

   - the National Planning Policy Framework (MHCLG, February 2019);
   - Policies S1, S4 and SP3 of the Newham Local Plan (December
2. The proposed height, scale and massing would appear overbearing, bulky and incongruous and so would negatively impact the character, appearance and townscape of the surrounding area. The proposal is therefore contrary to:

- the National Planning Policy Framework (MHCLG, February 2019);
- Policies 7.1, 7.4, 7.5 and 7.6 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);
- Policies, D1, D2, and D7 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018); and,
- Policies S1, S4, SP1, SP3, SP4, SP6, SP7 and SP8 of the Newham Local Plan (December 2018)

3. The proposed exterior design of the building by reason of its discordant and poor quality appearance would fail to sufficiently enhance the character and appearance of the area. The proposed development would therefore be contrary to:

- The National Planning Policy Framework (MHCLG, February 2019)
- Policies 7.1, 7.4, 7.5, 7.6, and 7.8 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016)
- Policies GG1, D1, D7, and HC1 of the Draft London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation December 2017 with minor suggested changes July 2018); and
- Policies S1, S4, SP1, SP3, SP5, SP6, SP7 and SP8 of the Newham Local Plan (December 2018)

4. The proposed development would unacceptably reduce the level of daylight and sunlight to neighbouring residential properties. This would be detrimental to the living conditions of existing residents and would represent an unneighbourly form of development. The proposal is therefore contrary to:

- the National Planning Policy Framework (MHCLG, February 2019)
- Policies 7.1, 7.4, 7.6 and 7.15 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016)
- Policies S1, SP1, SP2, SP3 and SP8 of the Newham Local Plan (December 2018)
5. The location of the short and long stay cycle parking spaces within the rear yard of the building would create a convoluted route for patrons and staff and as a result the proposed development would fail to encourage sustainable modes of transport by virtue of its poorly accessible location away from main entrances. The proposal is therefore contrary to:

- the National Planning Policy Framework (MHCLG, February 2019)
- Policies S1, S4, INF2 and SP8 of the Newham Local Plan (December 2018)

6. The proposed development has failed to demonstrate that it will achieve a BREEAM rating of ‘Excellent’ as required by Policy SC1. The development’s failure to achieve sufficient Building Performance Standards would conflict with the clear objectives of the Development Plan Framework seeking to respond to climate change within developments. The proposal is therefore contrary to:

- the National Planning Policy Framework (MHCLG, February 2019)
- Policies 5.2 and 5.3 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016)
- Policies SC1 and SC2 of the Newham Local Plan (December 2018)

12. CHOBHAM FARM SOUTH CHOBHAM FARM DEVELOPMENT SITE, LEYTON ROAD, STRATFORD, LONDON E15 1AA

Councillors Blaney, Mas Patel and Tripp, withdrew from the meeting during discussion of this application.

The Vice-Chair, Councillor Carleen Lee-Phakoe took this Chair for this item.

The report to set out the Officer consultation response on behalf of the Strategic Development Committee, regarding the following applications for planning permission and associated advertisement consent to the London Legacy Development Corporation (LLDC) relating to the following proposals:

“Development of a multi-use entertainment and leisure building with an illuminated external display (96.5 metres AOD) and external podium and terraces with landscaping (sui generis use including: entertainment, assembly and leisure venue; music venue/nightclub; restaurant / members’
lounge/nightclub; bars, restaurants, cafés and retail; storage, vehicle parking, servicing and loading; external podium and terraces for entertainment, assembly and leisure use, café, bar and retail facilities; together with all supporting and complementary uses) and the construction of new pedestrian and vehicular bridges, highway and access works, servicing, open space, hard and soft landscaping, demolition of existing structures, associated infrastructure, plant, utilities and other works incidental to such development.

The application was accompanied by an Environmental Statement (ES) submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It was also accompanied by an application for advertisement consent (planning reference: 19/00098/ADV)." and;

Application for advertisement consent comprising the illuminated display of Sphere building and LED displays located on the podium, lift cores and bridge links”.

The proposal was accompanied by a detailed application seeking full planning permission.

As proposed by the Vice-Chair, and agreed by the Committee, the Applicant and their supporters were allocated 30 minutes to make their representation; the objectors were allocated the same amount of time.

The Committee heard from Julia Bollam - Director of Apprenticeships, Partnerships and Innovation, Newham College, Dean Curtis (Deputy Vice Chancellor at the University of East London) and Lloyd Johnson - Chairman Newham Chamber of Commerce; all in support of the application.

Their comments included:

- Newham College for Further Education (NCFE)
- Over 30 years, delivered education circa 12,000 students; 70% Newham residents. Operating from 2 sites within the borough and a number of satellites venues. Mission to help local people towards local jobs
- Worked with Workplace jointly when Westfield was developed to provide local residents access to jobs
- The application would provide more than 3000 jobs, in a range of disciplines plus 4000 construction
- The applicant engaged extensively with NCFE
- NCFE hosted the MSG tour bus and heard about career opportunities in music, fashion and life skills
- If approved, NCFE would benefit from significant direct and indirect employment, ensuring opportunities for local people

University of East London (UEL)
- Application a major boost to creative industry in East London, providing
a fantastic opportunity for the local population, not just for creative industries, but for the spin offs

- Application identifies opportunities to aspire of the community; the development would a major attraction
- No hesitation giving full support to the application, as it considers it a fantastic opportunity for the university and the local area

Newham Chamber of Commerce (NCC)

- NCC represents 300 business in the borough
- Application offers significant construction jobs and added value to the area, in terms of local business growth up to £50m.
- MSG financial offer to link Stratford station, show commitment
- NCC highly recommend the proposal

The application team, led by Jayne McGiven, of the Madison Square Garden Company gave a detailed presentation, which included:

- Public consultation and community engagement. Engaged on a daily basis, over 3000 people in person, and events in the four LLDC boroughs. Listened and addressed the areas of concern, and continue to do so
- MSG is committed to becoming a key long term partner in Newham and wider East London; contributing to community wealth building
- Last 12 months met with the Council, schools and community groups, including the College and UEL
- Vacant landlocked site, last used a temporary coach park during the Olympic games, will create a ground breaking global icon
- Stratford chosen to show confidence in its young creative population
- Visuals descriptions of the sphere. Limitless possibilities; number of difference uses
- Proposal to build 4 new bridges; full access to all
- High quality design, with open spaces/multi-functional, open to community
- Public realm - large scale trees, quality space size
- Land use in accordance with Local Plan
- Social economic benefits - 35 % to jobs to local resident - range of jobs
- Transport strategy – encouraging E-travel. Expecting visitors to use Stratford station; very few people to travel via Maryland. Assessment used TFL modelling/ tested capacity
- Will produce a detailed management plan
- Providing 100 cycle spaces and MSG shuttle to connect to the station
- Crowd management safety plans, tested against event
- Illuminance, controlled to ensure conditions. When illuminated 50% of content will be dedicated to creative uses without any advertising
- Detailed and extensive s106 contributions

Jayne McGiven concluded that they understood the wishes of the current Administration’s Community Wealth building aspirations, and keeping ‘people in the heart of everything we do’. She added that their door is open.
In the subsequent discussion and in response to a number of questions, the following points were raised:

- £25m proposed to refit Stratford station was modelled on ‘worst case’. Ongoing consultation with TFL to understand the requirements of their programme of works; figure of £25m, not final
- Consultation included a truck exhibition held over 8 days, in the 4 LLDC boroughs; units in Westfield for 7 days. Heard the views of members of the community. Overall people welcomed the new jobs and looked forward to other opportunities. Main concerns related to light pollution, noise and assurance of jobs
- No noise would leak out; Marshalls would be employed to direct visitors
- Luminance level will be controlled, dimmed or turned off. No nuisance to people who live in residential area
- The Senior Development Manager referred the Committee to the Officer Update Report, which outlined the full list of Head of Terms
- Shape of building considered a ‘lovely bit of architecture’; more than just building and the future of entertainment. Many new buildings cited next to heritage assets
- Majority of visitors would be ‘first time visitors’; unlikely to choose Windmill Lane/Maryland route, unlike football supporters. Applicant would not be promoting Maryland station on tickets and publicity. The Applicant noted the concerns and agreed to provide more information at future meetings
- Emerging Stratford Waterfront application, taken into account in all modelling
- Evacuation process included as part of the management plan

The Vice Chair invited members to view the model of the application.

The Committee heard from a number of objectors, including the Stop MSG Group whose concerns included:

- Newham response does not go far enough
- Application unnecessary, as it would be surrounded by housing and residents
- Impact outweighs benefits
- Advertising on Sphere likened to Las Vegas
- Unable to mitigate disturbance caused during event days; 25,000 people, plus evening events, with clubs open to 3am
- Cumulative effect reason for refusal
- Light pollution/Solar glare – effect on mental health and wellbeing
- Stratford at breaking point – homes needed
- Likely to produce more antisocial behaviour
- Financial contribution insufficient to upgrade Stratford Station
- Job offer; in reality would be low skilled; no shortage of construction jobs in the borough
- Mitigation measures insufficient to protect residents
• Consultation inadequate; not all local residents shop at Westfield’s
• Noise massive impact on quality of life
• LED lights would be seen from thousands of bedrooms facing the sphere
• Blogs promoting the sound system ‘most powerful bass’
• Residents outside of Stratford would be effected, but not consulted

In response to a number of questions to the objectors, the Committee were advised that:

• The only mitigation acceptable to prevent impact would be a refusal, and possibly no advertising
• LBN response to LLDC not strong enough
• Application proposed to make money for the owners via commercialism and advertising on to the light displays
• Newham residents still paying for London venues
• Scientific evidence suggested light effected physical and mental health
• Advertising has suggestive effects used to influence children

The Director of Planning and Development (Chief Planning Officer) explained that the representation made by the London Borough of Newham to the LLCD, would be given in the context of local planning provision.

The Vice-Chair invited the objectors to view the model of the application, with the applicant.

The Vice-Chair thanked the objectors for their representation.

In exercise of delegated authority, the Committee considered a report of the Council’s Head of Planning and Development, which outlined the application for the above site.

The Presenting Officer gave a detailed presentation of the application before the Committee summarising the assessment contained in the Committee report and the Officer Update report, concerning list of the Head of Terms.

The Director of Planning and Development (Chief Planning Officer) explained the authority’s role as a consultee, to agree the Council response to the application, explaining that the LLDC would continue its assessment; residents and interested parties would be invited to response to any amendments made.

The Committee commented that they did not consider it possible to mitigate the effects on residents.

There being no further discussion, the Vice-Chair moved to the vote.

Decision
The Strategic Development Committee RESOLVED to AGREE the consultation response to the London Legacy Development Corporation as drafted within Section 5 of the report.

13. SUSPENSION OF RULE 9 PART 4.1 OF THE COUNCIL’S CONSTITUTION

During consideration of item 13, Chobham Farm South Chobham Farm Development Site, Leyton Road, Stratford, London E15 1AA, a motion being put and duly seconded, the Committee agreed to suspend Rule 9 of Part 4.1 of the Council’s Constitution in order to extend the meeting beyond 9.30pm to 10.00pm to consider and dispose of the remaining business on the agenda.

14. DATE OF NEXT MEETING

10 September 2019
The meeting commenced at 5.08 p.m. and closed at 9.20 p.m.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gen Kitchen and Harvinder Singh Virdee.

Apologies for lateness were received from Councillor Mumtaz Khan.

2. INFORMATION FOR VISITORS

The Chair referred visitors to the Information for Visitors, on page 1 of the published Agenda.

3. MINUTES

The minutes of the meetings held on 5 July 2019, was confirmed as a correct record, subject to Councillor Mas Patel’s name being added to the attendance.
The Minutes of the meeting held of 16 July 2019, were deferred to the next meeting as the printing on pages 15 to 18, and were not fully legible.

The Committee instructed the Clerk to republish the minutes.

4. DECLARATIONS OF INTEREST

Councillors James Beckles declared an interest by virtue of being the Council’s nominated representative on the London City Airport Consultative Committee on the following items:

- Item 8 - Royal Dock Service Station North Woolwich Road, E16 2AB
- Item 10 - 1 Bradfield Road Silvertown, London E16 2AX
- Item 11 - ExCel 1 Western Gateway, Canning Town London E16 1XL
- Item 20 - Hotel 2 Festoon Way, Canning Town London E16 1RH
- Item 21 - Former Beckton Gasworks and Adjoining Land Armada Way, Beckton, London, E6 7FB

Councillors Daniel Blaney, James Beckles and Rachel Tripp declared an interest for Item 9 - Stratford Centre and Morgan House, The Mall, Stratford, E15 by virtue of being the Council’s nominated representatives on the Local Legacy Development Corporation’s Planning Decisions Committee.

Councillors James Beckles declared an interest by virtue of being the Council’s nominated representative on the London City Airport Consultative Committee on the following items:

- Item 8 - Royal Dock Service Station North Woolwich Road, E16 2AB
- Item 10 - 1 Bradfield Road Silvertown, London E16 2AX
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- Item 21 - Former Beckton Gasworks and Adjoining Land Armada Way, Beckton, London, E6 7FB

Councillors Daniel Blaney, James Beckles and Rachel Tripp declared an interest for Item 9 - Stratford Centre and Morgan House, The Mall, Stratford, E15 by virtue of being the Council’s nominated representatives on the Local Legacy Development Corporation’s Planning Decisions Committee.

Councillor Carleen Lee-Phakoe also stated that Items 12 and 13 - Newham Sixth Form College Prince Regent Lane, E13 8SG, were located in her ward; Plaistow South. She stated that she had an open mind when considering these applications

5. DETERMINING PLANNING APPLICATIONS

The Committee noted the advice from the Head of Legal Services, with regard to determining planning applications.
6. ANNOUNCEMENTS FROM THE CHAIR

Officer Update Report (attached as Appendix 1)

- Item 7 - Land Comprising Former HSS Site and 300 Manor Road, E16
- Item 8 - Royal Dock Service Station North Woolwich Road, E16 2AB
- Item 9 - Stratford Centre and Morgan House, The Mall, Stratford, E15
- Item 11 - ExCel 1 Western Gateway, Canning Town London E16 1XL
- Item 16 - Part Former Showcase Cinema Car Park, Jenkins Lane
- Item 17 - Baptist Tabernacle, West Ham Lane, Stratford, E15 4PT
- Item 18 - 72 - 76 High Street North, East Ham, London E6 2JA
- Item 21 - Former Beckton Gasworks and Adjoining Land Armada Way, Beckton, London, E6 7FB

Requests to address the Committee

- Item 7 - Land Comprising Former HSS Site and 300 Manor Road, E16
  - Duncan Cumberland - English Cities Fund
  - Susan Barclay and James Chagula (CAH TELCO Housing Group) in support
  - Jo Phillips - objecting

- Item 8 - Royal Dock Service Station North Woolwich Road, E16 2AB
  - Paul Galgey – Agent, Planning Potential

- Item 9 - Stratford Centre and Morgan House, The Mall, Stratford, E15
  Applicants Team
  - Hanne Puttonen (Frogmore)
  - Rachel Crick (Avison Young)
  - Marc Williams (AHMM)
  - David Lewis (Motion)

- Item 10 - 1 Bradfield Road Silvertown, London E16 2AX
  Applicant’s Team
  - Chris Gascoigne - DP9 (Agent)
  - Ewout Vandeweghe – Stockwool (Architect)
  - Lawrence Quail – Aitch Group (Applicant) / Luke Cadman – Aitch Group (Applicant)
  - Anthony O’Shea (Objecting)

- Item 11 - ExCel 1 Western Gateway, Canning Town London E16 1XL
  Applicants’ Team
  - Damian Norman
  - Sam Mallison
  - Alex Rogerson
  - Tom Edwards
  - Brain Cole
- Michael Lally
- Jessica Borrell

- Item 12 - Newham Sixth Form College Prince Regent Lane, E13 8SG
  - Louise Morton (agent) and Mandeep Gill (Principal)
- Item 13 - Newham Sixth Form College Prince Regent Lane, E13 8SG
  - Louise Morton (agent) and Mandeep Gill (Principal)
- Item 16 - Part Former Showcase Cinema Car Park, Jenkins Lane

Applicants’ team
- Alun Evans (Agent – ROK Planning)
- Jamie Dempster (Agent – ROK Planning)
- Anthony Fusi (Architect – 360 Architecture)

- Item 18 - 72 - 76 High Street North, East Ham, London E6 2JA
  - Michael Woods

7. LAND COMPRISING FORMER HSS SITE AND 300 MANOR ROAD,
   CANNING TOWN, LONDON, E16 4PA

Redevelopment of land bounded by Manor Road, (i) outline planning permission for up to 449 dwellings (Class C3), up to 1,845m2 of commercial (Class B1) and retail (Class A1/A2/A3/A4) floorspace; car parking, open space and associated infrastructure works; (ii) full planning permission for Phase 1 for 355 dwellings (Class C3), 555m2 of commercial (Class B1) and retail (Class A1/A2/A3/A4) floorspace; car parking, open space and associated infrastructure works.

The application was accompanied by an Environmental Statement for the purposes of Environmental Impact Assessment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

This was a Major Planning Application.

The application affected the settings of Listed Buildings.

The Applicants’ team, led by Duncan Cumberland of English Cities Fund, gave a presentation which outlined the planning aspects and benefits of the scheme. The presentation included:

- Other significant regeneration schemes in Newham and London
- Long term investment in Newham
- Pre-application discussions with Officers and presentations to Newham’s Design Review Panel (DRP) over 2 years
- Amendments to the scheme following DPR recommendations
- New homes, public space and affordable housing mix
- Highways upgrade for pedestrians; cycle friendly environment. New connections by removing physical barriers
Susan Barclay and James Chagula, led a deputation from Carista Anchor House (CAH) and TELCO Housing Group. They addressed the Committee in support of the application, explaining the work of CAH, a homelessness charity based in Canning Town, which provides residential and life-skills support for single homeless adults, requesting that at least 10 of the units be made available to the charity at social rent.

Mr Chagula told the Committee of his experience being homeless in the borough; sleeping rough in the Stratford Shopping Mall, and the plight of homelessness in London, due to escalating rents and social problems.

The Committee also heard from local resident Jo Phillips, objecting to the application. Ms Phillips spoke of the continued gentrification of the Canning Town; deprived for many years, its poor air quality and now only affordable to the wealthy, who would only live there on work days and do not form part of the community.

She spoke of historic problems with tower blocks and unsafe cladding.

She also supported the representation from CAH and TELCO for 10 units to be allocated to the charity.

In exercise of delegated authority, the Committee considered a report of the Council’s Director of Planning and Development, which outlined the application for the above site.

The Presenting Officer gave a detailed presentation of the application before the Committee summarising the assessment contained in the Committee report and the Officer Update report, concerning typographic errors.

In the subsequent discussion and in response to a number of questions, the following points were raised:

- Ongoing discussions with Newham’s Legal and Housing service on nomination rights are welcomed for the affordable housing offer
- Landscaping purposely overlooked to encourage passive surveillance, as discussed with DRP; similar to that at the Rathbone development; Maintenance to be linked into service charge; full time gardener to be employed on site
- Height of building discussed with Officers and DRP, felt appropriate on this site; officers were mindful of the height restrictions set by London City Airport
- Applicant aware of national issues concerning unused retail space. Discussions held with local ward councillors and were optimistic. A number of sponsored events were held during the summer, which would continue. They were now considering offering smaller scale work spaces/start-up businesses. Lessons learnt from earlier schemes and the applicant will work with LBN Officers to agree a commercial retail strategy
- Affordable housing; in the first Phase, all shared amenities
• Community engagement - consultation included over 2,000 letters circulated

If mindful to approved the application, the Committee asked the notification of the 'car–free’ development, be fully advertised to all prospective residents.

Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report;

2. to refer the application to the Mayor of London (the GLA) as a Stage 2 referral;

3. subject to the Mayor of London (or delegated authorised officer) advising that he is content to allow the Council to determine the application itself and does not wish to direct refusal, or to issue a direction under Article 7 that he is to act as the Local Planning Authority for the purpose of determining the application; delegate authority to the Council’s Director of Planning and Development, Chief Planning Officer to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended), based on the Heads of Terms identified at Appendix 2 of the report and the Conditions listed in Appendix 1 of the report; and

4. that, if by 11 March 2020 the legal agreement has not been completed, the Director of Planning and Development, Chief Planning Officer is delegated authority to refuse planning permission or extend this timeframe to grant approval.

Councillors Mumtaz Khan, by virtue of arriving during the discussion of this item, was unable to participate in the discussion or vote on the application.

8. ROYAL DOCK SERVICE STATION, NORTH WOOLWICH ROAD, SILVERTOWN LONDON E16 2AB

Application under Section 73 to vary Condition 2 (approved plans) attached to planning permission 17/00363/FUL dated 12th October 2017 which granted full planning permission for: Redevelopment of former Royal Docks Service Station to provide a new residential development comprising of 295 residential units set across four buildings ranging in height from 5 storeys to 13 storeys with single basement level, landscaping, amenity space, and ancillary associated development.

Proposed amendments comprise;

• Removal of oversail to Block A
• Adjustments to buildings massing including height and footprint
• Internal reconfiguration including removal of duplex units in Block B
- Amendment to basement layout including reduction in car parking spaces from 121 to 106
- Reduction in number of units from 295 to 294
- Alterations to housing mix and affordable housing
- Relocation of substation
- Alterations to external elevations

The application site affected the settings of Listed Buildings - Grade II* Former St Mark’s Church and the Grade II War Memorial at the Former St Mark’s Church.

In exercise of delegated authority, the Committee considered a report of the Council’s Director of Planning and Development, which outlined the application for the above site.

The Presenting Officer gave a detailed presentation of the application before the Committee summarising the assessment contained in the Committee report and the Officer Update report, concerning clarification of paragraph 7.4.7.

Paul Galgey, the Agent for the application, responding to a question from the Chair on the applicant’s response to social housing, outlined on page 302 of the published agenda, advised of their financial viability appraisal and the four additional affordable homes offered. He added that the viability assessment had been scrutinised by a third party.

The Committee discussed the distribution of affordable housing offer and their preference for London affordable rents.

The Director of Planning and Development – Chief Planning Officer, in explaining the Officer recommendation for approval, stated that the application was assessed against policy, the viability assessment, independently scrutinised, and the overall affordable housing offered. She acknowledged the Committee’ concerns and said that it was officers’ belief that the applicant could viably afford social rent units but with a lower overall percentage of affordable housing.

The applicant advised the Committee that they were willing to consider an offer of London Affordable Rent.

Neil Deely Chair of the Design Review Panel (DRP) commented on the application. He explained that DRP had seen the applicant 4 or 5 times and that the design team had responded positively to all comments.

He believed it a good scheme; as good as it could be, but would struggle to call it exemplary. He added that it was of sufficient quality to give support to additional height.

In light of the potential offer at London Affordable Rent, the Chair, suggested that the application be deferred to allow Officers the opportunity to re-assess
the proposal.

There being a vote

In favour of deferral 5
Against deferral 1
Abstentions 1

Decision

The Strategic Development Committee RESOLVED to DEFER the application to allow officers the opportunity to assess the overall package in terms of the revised London Affordable Rent offer.

9. STRATFORD CENTRE AND MORGAN HOUSE, THE MALL, STRATFORD, LONDON, E15

Demolition of existing structures including Morgan House and construction of a mixed-use development comprising ground plus 42 and 21 storey PRS residential buildings (423 residential units in total) including private and communal amenity areas, ground plus 17 storey hotel block, ground plus 10 storey office block, retail floorspace (Use classes A1, A2, A3, A4), provision of a new public square including landscaping and public realm improvements, car and cycle parking, basement, service yard, replacement market trader storage facilities, alterations to the existing Stratford Centre including modifications to the existing multi-storey car park, demolition of existing entrance and exit ramps and installation of a new entrance and exit ramp, alterations to servicing and storage facilities with associated highway works, access and connectivity improvements and other associated works.

The application affects the settings of Listed Buildings.

The application affects the settings of Conservation Areas.

The application was accompanied by an Environmental Statement for the purposes of Environmental Impact Assessment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

The applicant's team, led by, Hanne Puttonen, addressed the Committee. Their presentation included:

- The issue of homelessness taken very seriously and had been working in partnership with Mayor Fiaz on a homelessness task force
- Good footfall at Stratford Mall
- Activate new public space
- Pop up restaurants
- Secure storage for market traders
- Public consultation - event in Stratford Centre with 60 attendees, 17,000 flyers circulated and Social media presence
• Worked with market traders, offering local services for local start-up business
• Increase in affordable housing

The Committee heard from a local resident viewed the model with the Applicant.

In exercise of delegated authority, the Committee considered a report of the Council’s Director of Planning and Development, which outlined the application for the above site.

The Presenting Officer gave a detailed presentation of the application before the Committee summarising the assessment contained in the Committee report and the Officer Update report, concerning:

• Corrections to the report
• Typographical errors
• Clarification – Market Trader Facilities
• Additional condition

In the subsequent discussion and in response to a number of questions, the following points were raised:

• Clarified the entrances and service yards
• Noted the Council responsibility for the market traders and the rents
• Previous Metropolitan masterplan for Stratford was not adopted by the authority
• Officers described the current policy in relation to tall buildings, with the preference for heights being Stratford and Canning Town area
• Application meets requirement for under 12 playspace; the green spaces, between the building could be use as outside place space for families
• Questioned the lack of 4 bed family housing
• More pedestrian movements. TfL consultation on impacts to Stratford station and the recent gyratory system
• Good quality cycle provision
• Social rent unit allocated in single tower to allow better Registered Social Landlord governance
• Ongoing dialogue with resident traders
• Air quality emission adheres to the required levels. Energy linked in the Olympic park network, green roofs and Carbon offset payment
• Section 106 contribution to education
• Corrections to the report
• Typographical errors
• Clarification – Market Trader Facilities
• Additional condition

In the subsequent discussion and in response to a number of questions, the following points were raised:
• Clarified the entrances and service yards
• Noted the Council responsibility for the market traders and the rents
• Previous Metropolitan masterplan for Stratford was not adopted by the authority
• Officers described the current policy in relation to tall buildings, with the preference for heights being Stratford and Canning Town area
• Application meets requirement for under 12 playspace; the green spaces, between the building could be use as outside place space for families
• Questioned the lack of 4 bed family housing
• More pedestrian movements. TfL consultation on impacts to Stratford station and the recent gyratory system
• Good quality cycle provision
• Social rent unit allocated in single tower to allow better Registered Social Landlord governance
• Ongoing dialogue with resident traders
• Air quality emission adheres to the required levels. Energy linked in the Olympic park network, green roofs and Carbon offset payment
• Section 106 contribution to education

There being no further discussion, the chair move to the vote

In favour of the recommendation 4
Against the recommendation 1
Abstentions 2

Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report;

2. to refer the application to the Mayor of London (the GLA) as a Stage 2 referral; and

3. subject to the Mayor of London (or delegated authorised officer) advising that he is content to allow the Council to determine the application itself and does not wish to direct refusal, or to issue a direction under Article 7 that he is to act as the Local Planning Authority for the purpose of determining the application; delegate authority to the Council’s Director of Planning and Development, Chief Planning Officer grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended), based on the Heads of Terms identified at Appendix 2 of the report and the Conditions listed in Appendix 1 of the report; and

4. that, if by 11 March 2020 the legal agreement has not been
completed, the Council’s Director of Planning and Development, Chief Planning Officer is delegated authority to refuse planning permission or extend this timeframe to grant approval.

10. 1 BRADFIEL ROAD, SILVERTOWN, LONDON E16 2AX

Redevelopment of the site to provide a single building of 12 storeys in height comprising 55 residential units, with associated cycle parking, plant and refuse areas, resident amenity areas and associated development.

In exercise of delegated authority, the Committee considered a report of the Council’s Director of Planning and Development, which outlined the application for the above site.

The applicant’s team, led by Chris Gascoigne - DP9, addressed the Committee outlining the planning aspects and benefits of the scheme.

Anthony O’Shea, local resident, addressed the meeting, objecting to the application. His objections included:

- Daylight/sunlight implications on the houses opposite; contrary to the guidelines
- Lack and poor positioning of Site Notices
- Disruption to the existing flora and fauna
- Construction management plan, not provided
- Concerns relating to hours of operation and heavy vehicles, and access, as residents had been forced to walk in the road during previous developments
- Current state of the road – pot holes

The Presenting Officer gave a detailed presentation of the application before the Committee summarising the assessment contained in the Committee report.

The Presenting Officer advised that the Construction Management Plan would be enforced by conditions. This would include full details of operating hours; which usually state no construction on Sundays.

The Director of Planning and Development (Chief Planning Officer) confirmed that enforcement action would be taken against any breach of condition, and stated that she would encourage residents to advise her team, if they were aware of any breach.

The Director of Planning and Development (Chief Planning Officer), expressed her disappointment that the resident had had a previous bad experience. She added the issues of flora and fauna were addressed in the Officer report, and that she made a note to ensure that site notices were more visible and appropriated fixed in future.

With regard the sunlight/daylight guidelines, the Director of Planning and
Development (Chief Planning Officer), confirmed that all applications were assessed against Council’s polices.

The Committee heard for Neil Deely on the view of the Design Review Panel. He reported that there had been at least 3 sessions, where a public realm and strategic positioning were discussed. Following a number of conversations, DRP were confident about the shape and positioning of the building. He added it was important that the high quality building was viewable in all directions, and as always, there were mindful of the quality of details. DRP were still awaiting the landscaping details.

The Committee’s Transport Advisor advised of the parking stress survey, parking provision and assessable and walking routes.

Officers referred the Committee to page 547 of the published agenda, which outlined the assessment of the improved offer of affordable and social housing.

The Committee also noted that no playspace was proposed on the site, as it was considered to too close to the highway. Officers had suggested an offsite contribution; location not yet finalised.

There being no further discussion, the Chair moved to the vote.

Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report;

2. refer the application to the Mayor of London (the GLA) as a Stage 2 referral; and

3. subject to the Mayor of London (or delegated authorised officer) advising that he is content to allow the Council to determine the application itself and does not wish to direct refusal, or to issue a direction under Article 7 of the Mayor of London Order 2008, that he is to act as the Local Planning Authority for the purpose of determining the application; delegate authority to the Council’s Director of Planning and Development, Chief Planning Officer, to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended), based on the Heads of Terms identified at Appendix 2 of this report and the Conditions listed in Appendix 1 of the report; and that, if by 11th March 2020 the legal agreement has not been completed, the Council’s Director of Planning and Development, Chief Planning Officer, is delegated authority to refuse planning permission or extend this timeframe to grant approval.
Temporary use of land and buildings at The ExCeL to allow a Motor Racing Track, Motor Car Racing and activities (SuiGeneris). (The application affected the setting of Grade II Listed Buildings).

The Applicant’s team, led by Sam Mallison, gave a presentation to the Committee, outlining the planning aspects and benefit of the application. The presentation included:

- E-racing growing brand and fan base
- Looking forward to hosting the event and becoming an addition to British Summer of Sport – references to London 2012 Olympic Games
- Similar events held in New York, Hong Kong and Mexico
- Contribution to local employment and economy
- Promoting public transport and electronic parking

In exercise of delegated authority, the Committee considered a report of the Council’s Director of Planning and Development, which outlined the application for the above site.

The Presenting Officer gave a detailed presentation of the application before the Committee summarising the assessment contained in the Committee report and the Officer update Report relating to replacement Conditions.

In the subsequent discussion and in response to a number of questions, the following points were raised:

- Confirmation of the programme timetable including construction and dismantled
- Requesting hosting rights for up 10 years in partnership with Excel
- Lessons learned from use at Battersea Park and other cities; London Excel only appropriate site
- E-racing hopes to act as a model for platform for change in promoting more sustainable mode of transport

Councillor Tripp stated that she did not share the applicant's passion and interpretation of environment travel relating to the promotion of electric car and electronic parking points, which still contributed to carbon footprint.

The being no further discussion, the Chair moved the recommendation to approve. There being a vote:

| In favour of the recommendation to approval | 5 |
| Against the recommendation to approves | 0 |
| Abstentions | 2 |

**Decision**

The Strategic Development Committee RESOLVED to AGREE:
1. the reasons for approval as set out in the report; and
2. Granted planning permission based on the Conditions listed in Appendix 1of the report.

12. NEWHAM SIXTH FORM COLLEGE, PRINCE REGENT LANE, PLAISTOW, LONDON E13 8SG

Section 73 application to vary Condition 1 (to extend the temporary time limit to not later than 19th November 2024) attached to planning consent 14/01687/VAR dated 27.10.2014 which granted permission for:

The erection of a single storey ‘temporary’ building containing 6 classrooms, 1 staffroom and 2 meeting rooms.

Given the similar nature of the application, listed on Item 13, the Committee considered it appropriate that these be considered in one presentation from the Presenting Officer and Applicant.

Louise Morton, Agent and Mandeep Gill, Principal, addressed the Committee, outlining the planning aspects and benefits of the application. Their presentation included:

- Previous applications and temporary building
- Excellent exam results
- Increased student intake and college progress
- Increase required to reflect demand
- Response to neighbour objections

In exercise of delegated authority, the Committee considered a report of the Council’s Director of Planning and Development, which outlined the application for the above site.

The Presenting Officer gave a detailed presentation of the application before the Committee summarising the assessment contained in the Committee report.

In the subsequent discussion and in response to a number of questions, the following points were raised:

- Mr Gill agreed to address the objections relating the maintenance of the cycle rack
- Impact on learning in current environment, although, temporary was good quality and well maintained
- Confidence that the wooden clad temporary building accorded with recent fire regulations and would re-check to confirm it was ‘fit for purpose’
- The college was not experiencing financial difficulties and hoped to submit an applicant for a permanent building in the next few years
It was agreed that an informative would be added to ensure the temporary building complied with legislation to safeguard risk of fire.

There being no further discussion, the Chair move to the vote.

**Decision**

The Strategic Development RESOLVED to AGREE:

1. the reasons for approval as set out in the report; and
2. granted planning permission based on the Conditions listed in Appendix 1 for the report.

13. NEWHAM SIXTH FORM COLLEGE, PRINCE REGENT LANE,
PLAISTOW, LONDON E13 8SG

Section 73 application to vary Condition 3 (Time Limited Consent) - to extend the time period to 19th November 2024 attached to planning permission 14/02236/FUL dated 21st November 2014 which granted permission for:

*Erection of 2 storey building (Use Class D1) accommodating classrooms for a temporary period of 5 years.*

The application was presented and considered along with Item 12.

It was agreed that an informative would be added to ensure the temporary building complied with legislation to safeguard risk of fire.

**Decision**

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report; and
2. granted planning permission based on the Conditions listed in Appendix 1 of the report.

14. AREAS 7 AND 1C, BARKING ROAD, CANNING TOWN, LONDON,
E16

Application for approval of reserved matters in relation to layout and appearance pursuant to condition B1 for Block D2 of Phase 3 / Development Parcel 3 / Plot D2 of the Area 7 & 1c (Hallsville Quarter) development pursuant to Planning Permission 17/04045/VAR dated 14 June 2019.

The application was accompanied by Statement of Conformity to the previously approved Environmental Statement for the purposes of Environmental Impact Assessment.

The application affected the setting of a Grade II Listed Building, Royal Oak Public House.
The Committee, having read the report, had no questions of the Presenting Officer, and the application was agreed without debate.

Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval of the reserved matter of layout and appearance as set out in the report; and

2. delegated authority to the Council’s Director of Planning and Development to grant approval of the reserved matters in relation to layout and appearance pursuant to Condition B1 of Planning Permission 17/04045/VAR, dated 14 June 2019 in respect of Block D2 of Phase 3 / Development Parcel 3 / Plot D2 of the Area 7 & 1c (Hallsville Quarter), based on the Condition listed in Appendix 1 of the report.

15. AREAS 7 AND 1C, BARKING ROAD, CANNING TOWN, LONDON, E16

Application for approval of reserved matters in relation to layout and appearance pursuant to Condition B1 for Block D1 of Phase 3 / Development Parcel 3 / Plot D1 of the Area 7 & 1c (Hallsville Quarter) development pursuant to Planning Permission 17/04045/VAR dated 14 June 2019.

The application was accompanied by Statement of Conformity to the previously approved Environmental Statement for the purposes of Environmental Impact Assessment.

The application affected the setting of a Grade II Listed Building, Royal Oak Public House.

The Committee, having read the report, had no questions of the Presenting Officer, and the application was agreed without debate.

Decision

The Strategic Development Committee RESOLVE to AGREE:

1. the reasons for approval of the reserved matter of layout and appearance as set out in the report; and

2. delegated authority to the Council’s Director of Planning and Development to grant approval of the reserved matters in relation to layout and appearance pursuant to Condition B1 of Planning Permission 17/04045/VAR, dated 14 June 2019 in respect of Block D1 of Phase 3 / Development Parcel 3 / Plot D1 of the Area 7 & 1c (Hallsville Quarter), based on the Condition listed in Appendix 1 of the report.
16. PART FORMER SHOWCASE CINEMA CAR PARK, JENKINS LANE, EAST HAM, LONDON, IG11 7NZ

Redevelopment of the site for new build self-storage accommodation comprising 9657 sqm and associated landscaping, car parking, new access and cycle parking.

The application is a departure from the Development Plan.

The Committee heard from the Applicants’ team, led by Alun Evans, highlighting the planning aspects and benefits of the scheme. They advised of the history the site and the organisation, highlighting their pride in their customer experience, sustainability, environmental record and biodiversity aspiration of the site.

In exercise of delegated authority, the Committee considered a report of the Council’s Director of Planning and Development, which outlined the application for the above site.

The Presenting Officer gave a detailed presentation of the application before the Committee summarising the assessment contained in the Committee report and the Officer Update report, concerning consultee comments received from the London Borough of Barking and Dagenham.

Councillor Khan expressed concern that consultation process was undertaken during the school summer holidays; possibility prejudicing representations from local residents. The Presenting Officer, referred the Committee to the summary of the relevant planning application history, outlined on page 793 of the published agenda, which explained that following Officer recommendation, the applicant withdrew the original application in May 2019, which would have led to an earlier consultation.

The Committee noted that the application was sited in an industrial area, with the closest residential area appropriately 15 minutes walking distance away.

There being no further discussion, the Chair moved the recommendation to approve.

Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report;

2. to refer the application to the Mayor of London (the GLA) as a Stage 2 referral;

3. subject to the Mayor of London (or delegated authorised officer) advising that he is content to allow the Council to determine the
application itself and does not wish to direct refusal, or to issue a
direction under Article 7 that he is to act as the Local Planning Authority
for the purpose of determining the application; delegate authority to the
Council’s Director of Planning and Development, Chief Planning Officer,
to grant planning permission subject to the completion of a legal
agreement under s106 of the Town and Country Planning Act 1990 (as
amended), based on the Heads of Terms identified at Appendix 2 of the
report and the Conditions listed in Appendix 1 of the report; and

4. that, if by 11th March 2020, the legal agreement has not been
completed, the Council’s Director of Planning and Development, Chief
Planning Officer, is delegated authority to refuse planning permission or
extend this timeframe to grant approval.

17. BAPTIST TABERNACLE, WEST HAM LANE, STRATFORD,
LONDON, E15 4PT.

Section 73 Application to vary condition 2 to improve unit 16 with an additional
single bedroom, resulting in the 1b/2p flat becoming a 2b/3p flat and changes
to north, south, east and west external elevations and to vary condition 27
(Hours of operation for the D1 use) from the hours of 09:00 and 21:30 on
Monday to Saturday and between 06:00 and 21:00 on Sunday and Bank
Holidays(with the exception of the 4 days as set out in the Community Use
Management Strategy) to the hours of 09:00 and 22:00 on Monday to
Saturday and between 06:00 and 22:00 on Sunday and Bank Holidays (with
the exception of the 4 days as set out in the Community Use Management
Strategy) attached to planning permission 18/00307/FUL dated 10/12/2018
which granted full planning permission for Demolition of existing building;
erection of a part 1, part 3, part 5/6 storey building comprising replacement
church and community use (Class D1) over ground and basement levels
together with 17 self-contained flats (comprising 9 x 1, 4 x 2 and 4 x 3 bed),
together with associated cycle parking and landscaping.

The Committee, having read the report, noted the Officer Update Report
relating to a consultee comment received on 10 September 2019 from the
London Fire Brigade.

There were had no questions of the Presenting Officer, and the application
was agreed without debate.

Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report; and
2. delegated authority to the Council’s Director of Planning and
Development, Chief Planning Officer to grant planning permission
subject to the completion of a legal agreement under s106 of the
Town and Country Planning Act 1990 (as amended) by 11 March
2020 based on the Heads of Terms identified at Appendix 2 of the
18. **72 - 76 HIGH STREET NORTH, EAST HAM, LONDON E6 2JA**

Erection of part one, part two, part three storey extension to roof of existing building to provide retail (Class A1) and cafe (Class A3) floor space at ground floor and hotel (Class C1) on the upper floors with associated alterations to existing elevations and associated landscaping works.

The Committee noted the Officer Update Report relating to typographical errors within the Officer recommendation.

In response to a question, the Presenting Officer referred the Committee to Condition 13, outlined on page 938 of the published agenda, relating to details of type, secure and covered cycle parking facilities, being submitted prior to occupation of the development.

**Decision**

The Strategic Development Committee RESOLVED to AGREE:

1. the grant of planning permission subject the Conditions listed in Appendix 1 of the report; and
2. the reasons for approval as set out in the report; and delegated authority to the Council’s Director of Planning and Development, Chief Planning Officer to issue planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) by (11th March 2019 - 6 months from the date of the committee) based on the Heads of Terms identified at Appendix 2 of the report and the Conditions listed in Appendix 1 of the report. If the legal agreement is not completed by such date then the Council’s Director of Planning and Development, Chief Planning Officer is delegated authority to refuse planning permission or extend this timeframe to grant approval.

19. **AVENUE RESOURCE CENTRE, 103 FIRST AVENUE, PLAISTOW, LONDON E13 8AP**

Removal of single storey office and storage buildings and erection of part two and single storey building for outpatient services and office accommodation for Trust support staff. Installation of car park control barriers, hard and soft landscaping.

The Committee, having read the report, had no questions of the Presenting Officer, and the application was agreed without debate.
Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report; and
2. granted planning permission based on the Conditions listed in Appendix 1 of the report.

20. HOTEL 2 FESTOON WAY, CANNING TOWN LONDON E16 1RH

The proposed works relates to the replacement of the external cladding systems on the two end stair cores on the North and South Elevations only.

The Committee, having read the report, had no questions of the Presenting Officer, and the application was agreed without debate.

Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in this report; and
2. granted planning permission based on the Conditions listed in Appendix 1 of the report.

21. FORMER BECKTON GASWORKS AND ADJOINING LAND ARMADA WAY, BECKTON, LONDON, E6 7FB.

Infilling of gasholder bases 7 and 8.

The Committee noted the Officer Update Report relating to Deletion and replacement of Condition 1, relating to the Time.

The Agent for the Applicant, responding to a question, advised the work was necessary due to safety and preparing the site for disposal. He added that this was normal practice.

Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report; and
2. granted planning permission based on the Conditions listed in Appendix 1 of the report. Infilling of gasholder bases 7 and 8.

The Committee noted the Officer Update Report relating to Deletion and replacement of Condition 1, relating to the Time.

The Agent for the Applicant, responding to a question, advised the work was necessary due to safety and preparing the site for disposal. He added that
this was normal practice.

Decision

The Strategic Development Committee RESOLVED to AGREE:

1. the reasons for approval as set out in the report; and
2. granted planning permission based on the Conditions listed in Appendix 1 of the report.

22. VOTE OF THANKS - SANTOKH KAULDER

The Director of Planning and Development (Chief Planning Officer) advised that Santokh Kaulder, former Planning Officer, has successfully been appointed Regeneration Manager for the authority.

The Chair and members gave a vote of thanks to Santokh for his dedication to the planning service and wished him well in his new role.

23. DATE OF NEXT MEETING

15 October 2019.
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LONDON BOROUGH OF NEWHAM

STRATEGIC DEVELOPMENT COMMITTEE

15th October 2019

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>19/01752/VAR</th>
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</thead>
<tbody>
<tr>
<td>Validation Date:</td>
<td>21st June 2019</td>
</tr>
<tr>
<td>Location:</td>
<td>Royal Dock Service Station North Woolwich Road Silvertown London E16 2AB</td>
</tr>
<tr>
<td>Ward:</td>
<td>Royal Docks</td>
</tr>
<tr>
<td>Applicants:</td>
<td>Royal Docks Partnership Limited</td>
</tr>
<tr>
<td>Agent:</td>
<td>Planning Potential Ltd.</td>
</tr>
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**Purpose of Report / Proposal**

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission relating to the following proposal.

Application under Section 73 to vary Condition 2 (approved plans) attached to planning permission 17/00363/FUL dated 12th October 2017 which granted full planning permission for: Redevelopment of former Royal Docks Service Station to provide a new residential development comprising of 295 residential units set across four buildings ranging in height from 5 storeys to 13 storeys with single basement level, landscaping, amenity space, and ancillary associated development. Proposed amendments comprise;

- Removal of oversail to Block A
- Adjustments to buildings massing including height and footprint
- Internal reconfiguration including removal of duplex units in Block B
- Amendment to basement layout including reduction in car parking spaces from 121 to 106
- Reduction in number of units from 295 to 294
- Alterations to housing mix and affordable housing
- Relocation of substation
- Alterations to external elevations

This application site affects the settings of Listed Buildings - Grade II* Former St Mark's Church and the Grade II War Memorial at the Former St Mark's Church.
Recommendations

The Strategic Development Committee is asked to resolve to:

1. Agree the reasons for approval as set out in this report; and

2. Delegate authority to the Director of Planning and Development, Chief Planning Officer to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) by 15\textsuperscript{th} April 2020 based on the Heads of Terms identified at Appendix 2 of this report and the Conditions listed in Appendix 1 of this report and summarised below. If the legal agreement is not completed by such date then the Director of Planning and Development, Chief Planning Officer is delegated authority to refuse planning permission or extend this timeframe to grant approval.

Conditions – Summary

A summary of the proposed condition is set out below. Please refer to Appendix 1 for the proposed conditions in full.

1. Time
2. Approved Documents
3. Details/ Sample of Materials
4. Details/ Balconies of Communal Entrances
5. Designing Out Crime
6. Car Parking Management Plan
7. Servicing and Delivery Plan
8. CCTV and Lighting for Cycle Storage
9. Noise Report
10. Waste Management Strategy
11. Car Parking Provision
12. Ofcom Site Frequencies
13. Rainwater Pipes, Flues and Grills
14. Control of Dust and Emissions
15. Accessible and Adaptable Dwellings
16. Wheelchair adaptable Dwellings
17. Piling
18. Construction Logistics Plan
19. Crane Construction Methodology
20. Docklands Light Railway Radio Impact Survey
21. Written Scheme of Investigation
22. Foundation Design
23. Surface Water Drainage Strategy
24. Ground Conditions
25. Air Pollution
**S106 – Heads of Terms**

The extant planning permission 17/00363/FUL was approved on 12th October 2017 following completion of a Section 106 Agreement dated 12th October 2017 ("Principle Agreement"). No substantive changes are proposed to the Principle Agreement attached to 17/00363/FUL. In this case, a modification under section 106A of the Town and Country Planning Act 1990 ("the Act") is required to associate this planning permission pursuant to s73 of the Act (if granted) to the Principle Agreement.

This is because where an application under Section 73 of the Act is granted the effect is the grant of a new planning permission. The Principle Agreement is to be varied by a Deed of Variation to be agreed between the Council and the Applicant on the terms set out below:

The Applicant commits to cover the Council’s reasonable legal fees for the drafting of a Deed of Variation to the Principle Agreement whether or not the matter proceeds to completion; and

Provide affordable housing in accordance with the accommodation schedule set out at Appendix 4.

A Deed of Variation to the Principle Agreement attached to planning permission 17/00363/FUL dated 12th October 2017, is completed to ensure that the obligations contained within the extant planning permission are also carried forward to planning permission 19/01752/VAR (if granted), to ensure that the variations, as approved, including those to affordable housing tenure are reflected within the Principle Agreement.

**NAME OF LEAD OFFICER:** Amanda Reid  
**POSITION:** Director of Planning and Development, Chief Planning Officer

Originator of report: Adam Silverwood  
Tel no: 020 3373 4703  
E-mail address: adam.silverwood@newham.gov.uk

**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 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.
Environmental Impact Assessment

For the purposes of this application, this proposal has been screened and assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and considered not to warrant the need for Environmental Impact Assessment.

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
- National Planning Policy Framework
- London Plan
- Local Plan
- Other relevant guidance

Background
An application for planning permission for the development of this site was presented to Strategic Development Committee on the 11th September 2019. The application was presented with a recommendation for approval however members resolved to defer the application in order to secure a revision to the tenure of affordable housing.

Officers received a revised affordable housing offer on 12th September, reflecting the offer discussed at committee, which altered the rental tenure from ‘affordable rent’ to ‘London Affordable Rent’. This has been confirmed by the applicant with a revised accommodation schedule and covering letter, which is included within the appendix of this report.

The current application to be considered by the Strategic Development Committee in October has sought to overcome previous concerns raised by the Septembers Strategic Development Committee. These matters are discussed in further detail within section 7.4 of this report.
Contents

1.0 SITE & SURROUNDINGS
2.0 PROPOSAL
3.0 RELEVANT HISTORY
4.0 CONSULTATION
5.0 PLANNING POLICIES AND GUIDANCE
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)
7.0 ASSESSMENT
8.0 APPENDIX 1: CONDITIONS AND INFORMATIVES
9.0 APPENDIX 2: HEADS OF TERMS
10.0 APPENDIX 3: PROPOSED PLANS AND IMAGES
11.0 APPENDIX 4: APPLICANT RESPONSE TO LBN
# Planning Application Fact Sheet

## The Site

<table>
<thead>
<tr>
<th>Address</th>
<th>Royal Dock Service Station, North Woolwich Road, Silvertown, London, E16 2AB</th>
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<tbody>
<tr>
<td>Applicant</td>
<td>Royal Docks Partnership Limited (Joint Venture between Redrow Homes Limited and Peabody)</td>
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<td>Ward</td>
<td>Royal Docks</td>
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<td>Local Plan allocation</td>
<td>S23 – Connaught Riverside</td>
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<td>Conservation Area</td>
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<td>Listed Building</td>
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<td>Setting of Listed Building</td>
<td>Former St Mark’s Church – Grade II* Listed Building. War Memorial – Grade II</td>
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<td>Building of Local Interest</td>
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<td>Tree Preservation Order</td>
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<td>Flood Risk Zone</td>
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<td>Other</td>
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## Housing

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<td>Dwelling Mix</td>
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<td></td>
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<td>Affordable Housing / Tenure split</td>
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<td>Accessibility</td>
<td>Comply with Lifetime Homes?</td>
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## Transportation

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<tr>
<td>-----------------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>Cycle Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. Existing Cycle Parking spaces</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>No. Proposed Cycle Parking Spaces</td>
<td>467</td>
<td></td>
</tr>
<tr>
<td>Cycle Parking Ratio</td>
<td>1.59</td>
<td></td>
</tr>
<tr>
<td>Public Transport</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PTAL Rating</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Closest Rail Station / Distance (m)</td>
<td>400m</td>
<td></td>
</tr>
<tr>
<td>Bus Routes</td>
<td>474</td>
<td></td>
</tr>
<tr>
<td>Parking Controls</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residents Parking Zone?</td>
<td>Yes – Royal Docks East</td>
<td></td>
</tr>
<tr>
<td>RPZ Hours</td>
<td>Monday-Sunday 8am-6.30pm</td>
<td></td>
</tr>
<tr>
<td>Other on-street controls</td>
<td>Double yellow lines</td>
<td></td>
</tr>
<tr>
<td>Parking Stress</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area/streets of parking stress survey</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Dates/times of parking stress survey</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Summary of results of survey</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Refuse/Recycling Collection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Summary of proposed refuse/recycling strategy</td>
<td>Basement storage with collection from Thames Road.</td>
<td></td>
</tr>
</tbody>
</table>

**Sustainability / Energy**

<table>
<thead>
<tr>
<th>BREEAM Rating</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renewable Energy Source / %</td>
<td>35 PV Panels – 35.2%</td>
</tr>
</tbody>
</table>

**Public Consultation**

| Number of properties consulted | 502 |
| Expiry of consultation period | 24th July 2019 |
| Number of responses | 0 |
| Number in support | 0 |
| Number of objections | 0 |
| Number of other representations (neither objecting or supporting) | 0 |
1.0 SITE & SURROUNDINGS

1.1 The site is 0.58ha in size and was formerly an Esso petrol service station. It is bound by North Woolwich Road to the north and Thames Road to the west and south with the roundabout junction with Connaught Bridge located immediately at the northwest corner of the site.

1.2 The Woolwich Arsenal branch of the elevated DLR over sails North Woolwich Road and the roundabout as it continues northwards. To the east the site adjoins Ibis Budget hotel which is four storeys high and has an access from North Woolwich Road. To the west across Thames Road the site is adjacent to Barrier Park East development ranging in height up to 14 storeys.

1.3 Vehicular access to the site is currently achieved from North Woolwich Road to the north via an existing access junction to the road which is shared with the adjoining hotel. The site achieves a PTAL Rating of 2 (Poor), and is accessed from either the Pontoon Dock DLR station to the west, and the London City Airport DLR station to the east.

1.4 The site falls within the setting of the nearby Former St Marks Church (occupied by the Brick Lane Music Hall), which is a Grade II* Listed Building and the Grade II War Memorial at the Former St Mark’s Church.

1.5 The site is within an Archaeological Priority Area.
2.0 PROPOSAL

2.1 Planning permission was granted on 12th October 2017 for the redevelopment of the former Royal Dock Service Station to provide a new residential development comprising of 295 residential units set across four buildings ranging in height from 5 storeys to 13 storeys with single basement level, landscaping, amenity space, and ancillary associated development.

2.2 Condition 2 of this permission requires the development to be carried out in accordance with the approved plans. This application seeks a minor material amendment to the approved scheme through the variation of Condition 2.

2.3 The proposed amendments comprise the following:
- Removal of oversail to Block A
- Adjustments to buildings massing including height and footprint
- Internal reconfiguration including removal of duplex units in Block B
- Amendment to basement layout including a reduction of car parking spaces from 121 to 106.
- Reduction of the number of units from 295 to 294
- Alterations to housing mix and affordable housing
- Relocation of substation
- Alterations to external elevations

2.4 Prior to this submission, application 18/02905/VAR was refused at Strategic Development Committee on the 15th January 2019 based upon four reasons for refusal. The proposed 18/02905/VAR application sought to: remove the oversail to Block A, adjust the buildings massing including height and footprint, internally reconfigure and make amendments to basement layout, alter the housing mix, relocate the substation and alter the external elevations.

2.5 The reasons for refusal were that the amendments failed to deliver the expected value of tall buildings through poor design and materiality that fails to integrate and positively respond to the streetscape as well as failing to provide proper access zones for disabled car parking that does not properly minimise the distance between the parking bays and each block entrance. Further to this, the proposal incorporated an increase in studio units from 19 within the extant scheme to 32, as well as failing to demonstrate that 31.5% affordable housing by unit was the maximum that could be achieved on site. This application seeks to overcome these four reasons for refusal.

2.6 The proposed amendments are requested following the sale of the land from Galliard Homes Limited and Esso UK Limited to Royal Docks Partnership Limited (Joint Venture between Redrow Homes Limited and Peabody). The new landowner states that they have discovered several deliverability issues associated with the extant scheme, and that this application has been submitted as a way of overcoming those issues. As part of accommodating this change there is a reduction of units from 295 to 294.
3.0 RELEVANT HISTORY

3.1 Planning Application History

3.2 A summary of the relevant planning application history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/02905/VAR</td>
<td>Application under Section 73 to vary approved plans attached to planning permission 17/00363/FUL dated 12th October 2017 for redevelopment of former Royal Docks Service Station to provide a new residential development comprising of 295 residential units set across four buildings ranging in height from 5 storeys to 13 storeys with single basement level, landscaping, amenity space, and ancillary associated development. Proposed amendments comprise;</td>
<td>Application refused on 17th January 2019</td>
</tr>
<tr>
<td></td>
<td>- Removal of oversail to Block A</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Adjustments to buildings massing including height and footprint</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Internal reconfiguration including amendment to basement layout</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Alterations to housing mix</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Relocation of substation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Alterations to external elevations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>This application site affects the settings of Listed Buildings -Grade II* Former St Mark's Church and the Grade II War Memorial at the Former St Mark's Church.</td>
<td></td>
</tr>
<tr>
<td>17/00363/FUL</td>
<td>Redevelopment of former Royal Docks Service Station to provide a new residential development comprising of 295 residential units set across four buildings ranging in height from 5 storeys to 13 storeys with single basement level, landscaping, amenity space, and ancillary associated development.</td>
<td>Application approved on 12th October 2017</td>
</tr>
<tr>
<td>16/02001/FUL</td>
<td>Redevelopment of the Royal Docks Service Station with a</td>
<td></td>
</tr>
<tr>
<td>Ref No.</td>
<td>Description</td>
<td>Status</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>16/00028/SCR</td>
<td>Environmental Screening Request: The proposed development comprises the redevelopment of the existing site to provide a residential scheme, comprising of 4 blocks, arranged around the perimeter of the site and enclosing a courtyard amenity space, the height of the blocks range from 5 storey's (in the southern portion of the site) to 10 storey's across the remainder of the perimeter of the site, up to 270 residential units and associated access, car parking (at basement level) and landscaping.</td>
<td>Environmental Impact Assessment not deemed necessary.</td>
</tr>
<tr>
<td>15/02272/PRED</td>
<td>Proposed demolition of a single storey retail shop building, carwash, 2 metal framed forecourt canopies.</td>
<td>Permitted Development</td>
</tr>
</tbody>
</table>

3.3 Planning Enforcement History

3.4 A search revealed there is no enforcement history relevant to the application site.

3.5 Planning Appeal History

3.6 A summary of the relevant planning appeal history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/02001/FUL</td>
<td>Redevelopment of the Royal Docks Service Station with a residential development comprising of 307 residential units set across four buildings ranging in height from 5 storeys to 13 storeys with single</td>
<td>Appeal withdrawn by applicant</td>
</tr>
<tr>
<td>basement level, landscaping, amenity space, stopping up part of the public highway in North Woolwich Road and ancillary associated development. This development affects the setting of a Listed Building.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4.0 CONSULTATION

4.1 Application Publicity

4.2 Three site Notices erected on Silvertown Way on 15th July 2019, expiring on 5th August 2019.


4.4 The application was advertised as a major application / affecting the setting of a listed building.

4.5 A total of 502 consultation letters were sent to neighbouring properties regarding this application on 28th June 2019. The public consultation period expired on 24th July 2019.

4.6 Adjoining Properties

<table>
<thead>
<tr>
<th>Number of Letters Sent</th>
<th>502</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Responses Received</td>
<td>0</td>
</tr>
<tr>
<td>Number in Support</td>
<td>0</td>
</tr>
<tr>
<td>Number of Objections</td>
<td>0</td>
</tr>
<tr>
<td>Number of other Representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>

4.7 No responses were received from adjoining occupiers.

4.8 A summary of the responses received along with the Officer comments are set out below.

4.9 Statutory and Non Statutory Consultation

4.10 The following consultations have been undertaken:

- Internal
- Building Control Service
- LBN Investment
- LBN Waste Management
- LBN HMO Licensing Officer
- LBN Housing
- Lead Local Flood Authority
- LBN Environmental Health - Pollution General
- LBN Transportation
- LBN Urban Design & Conservation
- LBN Education
4.11 External Consultation

4.12 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Designing Out Crime Officer, Metropolitan Police Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received</td>
<td>19th July 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**

‘Crime prevention and community safety are material considerations. If the L.B. Newham, are to consider granting consent for the variation, I would ask that the recommendations detailed below be attached. This is to mitigate the impact and deliver a safer development in line with national, regional and local planning policies. I would also like to draw your attention to Section 17 CDA 1988 and the NPPF, (See appendix) in supporting my recommendations.

I would recommend that the borough attach a condition that requires this project to achieve secured by design certification on completion of construction.'
**Reason: In the interest of creating safer and sustainable communities.**
In conclusion we would like to draw your attention to Sec 17 of the Crime and Disorder Act 1998 which states “It shall be the duty of each Authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all it reasonably can to prevent Crime and Disorder in it’s area”

‘The Department for Communities and Local Government (DCLG) Circular 01/2006 - Guidance on Changes to the Development Control System emphasises that ‘Planning Policy Statement 1 (PPS1) makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Design and Access Statements for outline and detailed applications should demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places- the Planning System and Crime Prevention (ODPM/Home Office, 2004).’

**Officer comments on consultation response:**
Designing out Crime comments are noted, a condition is recommended.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>The Environment Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>18th July 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**
Thank you for consulting us on the above application. Following a review of the changes to the approved plans, we have no comments to make on the variation of this condition.

**Officer comments on consultation response:**
Noted, no condition is recommended.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>London City Airport</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>15th July 2019</td>
</tr>
</tbody>
</table>

Thank you for consulting London City Airport. This proposal has been assessed from and aerodrome safeguarding perspective. Accordingly, it was found not to conflict with London City Airport’s current safeguarding criteria.

**Officer comments on consultation response:**
Noted – No Condition Recommended

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Transport for London</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>19th July 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**
I can confirm TFL has no objection to Newham approving the variation proposed.
<table>
<thead>
<tr>
<th>Officer comments on consultation response:</th>
<th>Comments are noted.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consultee:</strong></td>
<td>Greater London Authority</td>
</tr>
<tr>
<td><strong>Date received:</strong></td>
<td>12th July 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td>I have assessed the details of the application and, given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues.</td>
</tr>
<tr>
<td><strong>Officer comments on consultation response:</strong></td>
<td>Noted – No Conditions Requested.</td>
</tr>
</tbody>
</table>

| **Consultee:** | Port of London Authority |
| **Date received:** | 5th July 2019 |
| **Summary of consultation response:** | I have now had the opportunity to review the submitted documents and can confirm that the PLA has no objections to the proposed amendments to the permitted development. |
| **Officer comments on consultation response:** | Comments are noted. |

| **Consultee:** | Historic England and Greater London Archaeological Advice Service |
| **Date received:** | 17th July 2019 |
| **Summary of consultation response:** | It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request. |
| **Officer comments on consultation response:** | Comments are noted. |

| **Consultee:** | Crossrail |
| **Date received:** | 28th June 2019 |
| **Summary of consultation response:** | The implications of the Crossrail proposals for the application have been considered and I write to inform you that Crossrail Limited do not wish to make any comments on this application as submitted. |
| **Officer comments on consultation response:** | Comments are noted. |

4.13 Internal Consultation

London Borough of Newham
4.14 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>LBN Airport Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>1st July 2019</td>
</tr>
<tr>
<td>Summary of consultation response:</td>
<td>18/02905/VAR - North Woolwich Road Service Station</td>
</tr>
</tbody>
</table>

**Planning Informatives**

1. **All Noise-Sensitive developments Within Designated Full Use London City Airport Noise Contours**

The development hereby permitted is located within the designated full use noise contours for operations at London City Airport, under planning permission 13/01228/FUL. These contours are forecast noise levels for the Airport when eventually operating at permitted capacity. Specifically, the permitted development falls within the 57 dB contour. For the comfort of any future residential occupiers of this development, it is recommended that the following sound insulation advice is considered in the detailed design of the development. For other noise-sensitive developments such as schools and hospitals it is recommended that building specific guidance (such as BB93 and/or HTM08-01) should be followed taking into account the above contours.

Noise-sensitive developments are defined in the S106 Agreement attached to planning permission 13/01228/FUL.

Noise mitigation measures should comply with recommended internal noise levels specified in BS8233:2014. The noise mitigation measures need to include appropriate ventilation, in line with Building Regulations Approved Document F requirements, that does not compromise the façade insulation or the resulting internal noise level. If applicable, any room should be assessed with relevant ventilation (e.g. trickle ventilators) open during assessment.

For residential developments within the Airport’s 57 dB contour it is recommended that either additional acoustic mechanical ventilation is provided or an assessment is made to ensure summer overheating risks are controlled to an acceptable level. The mechanical ventilation should ideally meet specifications set out in clause 6, Schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance (except when operating in purge mode) and airflow rates. Alternative mechanical ventilation units that provide similar noise and ventilation standards could be considered.

For external amenity areas, including gardens and balconies, it would be beneficial if the design incorporates measures to mitigate forecast noise
levels in at least part of the available area. Guidance set out in BS8233:2014 should be followed.

Full use contours can be found on the Council’s website at:

https://www.newham.gov.uk/Pages/Services/Local-plan.aspx#Airportsafeguarding

2. Major Developments within Designated Full Use London City Airport Noise Contours - Summer Overheating

Dynamic thermal modelling should be undertaken to avoid overheating and to demonstrate compliance with the CIBSE TM59/TM52/CIBSE 2015 Guide ‘A’ guidance standards.

For residential developments within the Airport’s 63 dB contour it is recommended that the above modelling should assume that windows to habitable rooms will be closed due to external noise levels.

The above should be taken into consideration alongside other relevant conditions and/or informatives placed on this permission.

Officer comments on consultation response:
Comments are noted. Informatives are suggested.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>LBN Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received</td>
<td>23rd July 2019</td>
</tr>
</tbody>
</table>

Summary of consultation response:
Following the previous refusal of planning permission and the subsequent pre-application discussions, the proposed changes are now less extensive with regards to the relationship of ground floor accommodation with the street and the materials and detailing. The design quality of the consented scheme is largely maintained. The change to from duplex accommodation to single level accommodation within the northern block, while having some benefits in terms of provision of accessible homes, reduces the number of front doors to the street and places bedrooms on the street frontage at lower level – which is not ideal. However, this is mitigated to some extent by the raised terraces, while the communal entrances to the north create an acceptable level of active frontage. Duplex accommodation to the three other street frontages is maintained providing multiple front doors and kitchens/living rooms on facing the street providing passive surveillance.

For these reasons, my previous objection to the proposals have been overcome and the design of the proposed development is supported.

Officer comments on consultation response:
Comments are noted.
**Consultee:** LBN Transport  
**Date received:** 18th July 2019

**Summary of consultation response:**
A Technical note references the transportation changes has been produced by the applicant’s Transportation consultants Cole Easdon, and this document has detailed the relatively minor transportation changes associated with this application compared to the original consent 17/00363. Transportation observations/comments are as follows:

- Overall the application is now presented as including 294 units (a reduction of 1 unit) and 106 car parking spaces (a reduction from 121). Of the 121 car parking spaces 30 are blue badge and the appropriate provision of active and passive electric vehicle charging points are proposed (20% and 20% of the total – 42 parking spaces in total).

- As a consequence of revising the basement car park layout to provide an improved arrangement that addresses the earlier issues, the car parking provision has reduced from 0.41 spaces per unit to 0.36 spaces per unit. In balance this is not considered to be problematical, with the associated high quality London Plan cycle parking, travel plan and other sustainable transport measures associated with the development such as car club provision, it is considered that this provision should meet the parking demands that will materialise. In addition to this, the site will be permit free via the S106.

- Notwithstanding the above, the applicant has submitted a parking stress survey for the 200m walk distance from the site, to detail existing on street parking conditions. This recorded a Parking Stress of 65% and likely availability of 18 spaces in the 51 spaces accessible within the 200m walk distance from the site. Therefore there is some spare capacity on street in the locality should there be any demands unable to be met by the on site parking, however it is expected that there should not be any parking stress issues arising from this development.

- As with the original application the proposed access arrangements for vehicles and cycles utilise a traffic light system to manage car and cycle movements into and out of the basement via the ramp and ensure no vehicle conflicts or vehicles reversing back onto or waiting on the highway. The actual numbers of movements are expected to be relatively low with 43 movements in the busiest (PM) peak (less than one movement per minute).

- 467 cycle parking spaces are located within the basement (an increase from 466). 443 of the cycle parking spaces are in secure stores for residents and 24 are for visitors and larger cycles.

- The revised basement layout provides a satisfactory layout with respect to the location and distribution of blue badge parking bays relative to the lifts and cores, and it is also noted that Sheffield Stands proposed for the open car parking area are located in positions that should not be problematical.
The basement layout is now considered acceptable. Overall, the proposed changes are acceptable to Transportation.

**Officer comments on consultation response:**
Comments are noted.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>LBN Local Lead Flood Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>23rd July 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**
The variation of plans include change footprint of buildings which may have changed the parameters of the outline drainage strategy previously submitted -outline drainage strategy within Flood Risk Assessment (Issue 3) dated August 2018- affecting its calculations and provisions; accordingly a reviewed/updated detailed drainage strategy is required. None is provided under this application.

**Advised planning condition:**
H21 Surface Water Drainage Detail

a) No part of the development hereby permitted shall be commenced until a fully detailed surface water management scheme for the development, consistent with the outline drainage strategy within Flood Risk Assessment (Issue 3) dated August 2018, has been submitted to and approved in writing by the Local Planning Authority.

b) Post development peak runoff shall be restricted to a maximum of 5 l/s and to the calculated corresponding greenfield rate for all storm events up to the 1 in 100 year with an additional 40% allowance for future climate change.

c) A completed ‘The London Sustainable Drainage Proforma’ (Link: Newham LLFA drainage pro-forma) shall be completed and submitted for approval before beginning of development.

d) Detail of drainage scheme ownership, management and maintenance Arrangements shall be submitted to Planning Authority for approval before site occupation.

e) The development shall only be implemented in accordance with the approved detail.

f) A verification report stating what works were undertaken and that the drainage scheme was completed in accordance with the approved surface water management scheme shall be submitted and approved by the Local Planning Authority in writing before site occupation.

Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change

**Officer comments on consultation response:**
Comments are noted, as is the recommendation of a condition.
5.0 PLANNING POLICIES AND GUIDANCE

5.1 The Local Development Plan comprises:

- the London Plan (the spatial development strategy for London consolidated with alterations since 2011 and published March 2016);


- the London Borough of Newham Local Plan (2018)


- the Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted 27th February 2012);

5.2 Material weight has been given to the National Planning Policy Framework (Feb 2019) and the National Planning Practice Guidance.

5.3 The following policies are relevant to the assessment of this application:

5.4 National Planning Policy Framework (February 2019):

2 Achieving sustainable development
3 Plan-making
4 Decision-making
5 Delivering a sufficient supply of new homes
6 Building a strong, competitive economy
8 Promoting healthy and safe communities
9 Promoting sustainable transport
11 Making effective use of land
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment


1.1 Delivering the strategic vision and objections for London
3.1 Ensuring Equal Life Chances for All
3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments
3.6 Children and Young People’s Play and Informal Recreation Facilities
3.8 Housing Choice
3.9 Mixed and Balanced Communities
3.10 Definition of Affordable Housing  
3.11 Affordable Housing Targets  
3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes  
3.13 Affordable Housing Thresholds  
3.16 Protection and Enhancement of Social Infrastructure  
5.1 Climate Change Mitigation  
5.2 Minimising Carbon Dioxide Emissions  
5.3 Sustainable design and Construction  
5.7 Renewable Energy  
5.11 Green Roofs and Development Site Environ  
5.12 Flood Risk Management  
5.13 Sustainable Drainage  
5.14 Water Quality and Wastewater Infrastructure  
5.16 Water Self-Sufficiency  
5.17 Waste Capacity  
5.18 Construction, Excavation and Demolition Waste  
5.21 Contaminated Land  
6.3 Assessing Effects of Development on Transport Capacity  
6.4 Enhancing London’s Transport Connectivity  
6.9 Cycling  
6.10 Walking  
6.11 Smoothing Traffic Flow and Tackling Congestion  
6.12 Road Network Capacity  
6.13 Parking  
7.1 Lifetime Neighbourhoods  
7.2 An Inclusive Environment  
7.3 Secured by Design  
7.4 Local Character  
7.5 Public Realm  
7.6 Architecture  
7.7 Location and Design of Tall and Large Buildings  
7.13 Safety, Security and Resilience to Emergency  
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes  
7.18 Protecting Local Open Space and Addressing Local Deficiency  
7.19 Biodiversity and Access to Nature  
8.2 Planning obligations  
8.3 Community infrastructure levy  

5.6 The London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation December 2017) with minor suggested changes July 2018  

GG1 Building strong and inclusive communities  
GG2 Making the best use of land  
GG3 Creating a healthy city  
GG4 Delivering the homes Londoners need  
GG5 Growing a good economy  
SP5 Heritage and other Successful Place-making Assets
GG6 Increasing efficiency and resilience
SD10 Strategic and local regeneration
D3 Inclusive design
D4 Housing quality and standards
D5 Accessible housing
D6 Optimising housing density
D7 Public realm
D8 Tall buildings
D10 Safety, security and resilience to emergency
D11 Fire safety
D12 Agent of change
D13 Noise
H1 Increasing housing supply
H5 Delivering affordable housing
H6 Threshold approach to applications
H7 Affordable housing tenure
H8 Monitoring of affordable housing
H12 Housing size mix
S1 Developing London’s social infrastructure
E11 Skills and opportunities for all
HC1 Heritage conservation and growth
G1 Green infrastructure
G5 Urban greening
G6 Biodiversity and access to nature
SI1 Improving air quality
SI2 Minimising greenhouse gas emissions
SI3 Energy infrastructure
SI5 Water infrastructure
SI12 Flood risk management
T1 Strategic approach to transport
T2 Healthy streets
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T7 Freight and servicing
T9 Funding transport infrastructure through planning

5.7 The London Borough of Newham Local Plan (2018)

S1 Spatial Strategy and Strategic Framework
S3 Royal Docks
SP1 Borough-wide Place-making
SP2 Healthy Neighbourhoods
SP3 Quality Urban Design within Places
SP4 Tall Buildings
SP5 Heritage and other Successful Place-making Assets
SP6 Successful Town and Local Centres
SP8 Ensuring Neighbourly Development
SP7 Quality Movement Corridors and Linear Gateways
SP9 Cumulative Impact
J3 Skills and Access to Employment
H1 Building Sustainable Mixed Communities
H2 Affordable Housing
SC1 Environmental Resilience
SC2 Energy & Zero Carbon
SC3 Flood Risk & Drainage
SC4 Biodiversity
INF1 Strategic Transport
INF2 Sustainable Transport
INF3 Waste and Recycling

5.8 Additional Guidance

Housing SPG, Mayor of London (March 2016);
Sustainable Design and Construction SPG (April 2014);
Use of Planning Obligations in the funding of Crossrail, and the Mayoral
Community Infrastructure Levy SPG (April 2013);
Shaping Neighbourhoods: Play and Informal Recreation SPG (September
2012);
Planning for Equality and Diversity in London SPG (October 2007); and
Accessible London: achieving an inclusive environment (October 2014).

5.9 London Plan Review

Through the course of this application, the Mayor of London’s London Plan:
The Spatial Development Strategy for Greater London (Draft for public
consultation December 2017) was published for public consultation. Having
regard to NPPF paragraph 216 the emerging document is now a material
consideration and limited weight has been given to the emerging document in
decision-making, unless other material considerations indicate that it would
not be reasonable to do so.
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)

6.1 From 1<sup>st</sup> of April 2019 Mayoral CIL2 (Permissions granted on or after 1 April 2019).

6.2 The Mayor has adopted a new Charging Schedule MCIL2, which came into effect 1st of April 2019. Like MCIL1, MCIL2 will be charged on all development except for education and health.

6.3 The Mayoral rate for Newham has increased within Band 3 to £25 per sqm from £20 per sqm.

6.4 The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) and the Section 106 Crossrail Funding from Planning Obligations Supplementary Planning Guidance (adopted 2016) is superseded by the revised MCIL Charging Schedule.

6.5 The Newham Community Infrastructure Levy is chargeable in line with the Newham CIL Charging Schedule, which came into effect on 1st January 2014.

6.6 The Newham Community Infrastructure Levy was adopted by full Council on 30th September 2013, which came into effect on 1st January 2014. The Newham CIL Charging Schedule per gross internal sq. m is as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Charging Zone1 – Post codes E15 (exclusive of the LLDC area), E16 and E3 (part)</th>
<th>Charging Zone 2 – Post codes E6, E7, E12, E13 and IG11 (part)</th>
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<tbody>
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<td>£0</td>
</tr>
<tr>
<td>Student Accommodation</td>
<td>£130</td>
<td>£130</td>
</tr>
</tbody>
</table>

6.7 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Newham has published a list of infrastructure projects or types of infrastructure that it intends to be funded in whole or in part by the Newham CIL. This allows the continued use of planning obligations (S.106 agreements) for other projects or types of infrastructure. Individual developments will not be charged for the same items through S106 and CIL. The Newham Regulation 123 list can be viewed on the Council’s website.
7.0 ASSESSMENT

7.1 The key issues relevant to this application are:
- Principle of Development (7.2);
- Heritage Impact and Design (7.3);
- Affordable Housing (7.4);
- Housing Mix (7.5);
- Quality of Accommodation (7.6);
- Impact Upon Amenity (7.7)
- Transport and Travel (7.8);
- Flood Risk Management (7.9);
- Reasons for Approval (7.10)

7.2 Principle of Development
7.2.1 Chapter 5 of The NPPF sets out the Government’s objective of ‘significantly boosting the supply of new homes’. This is supported by London Plan Policy 3.3 (Increasing Housing Supply), Policy H1 (Increasing Housing Supply) in the Draft London Plan and Policies S1 (Spatial Strategy and Strategic Framework) and H1 (Building Sustainable Mixed Use Communities) in Newham’s Local Plan, which seek to prioritise the provision of new homes.

7.2.2 London Plan Policy 3.3 (Increasing Housing Supply) (Table 3.1) sets out how Councils should increase their housing stock and sets a minimum 10 year (2015 - 2025) housing supply target for Newham at 19,945 (or 1,994 units per annum). Draft London Plan Policy H1 (Increasing Housing Supply) sets a significantly higher 10 year target of 38,500 (2019/20-2028/29) (or 3,850 per annum).

7.2.3 Policy S1 (Spatial Strategy and Strategic Framework)) and Policy H1 (Building Sustainable Mixed Communities) in Newham’s Local Plan reiterate the priority of providing new homes and set a target of 43,000 new homes over a fifteen year period (2018-2033) (or 2,867 units per annum).

7.2.4 The proposed development would provide 294 homes, one less than the extant scheme, whilst bringing a vacant and derelict site back into beneficial use; making a positive contribution to housing target delivery within an existing residential environment.

7.2.5 In assessing the now extant scheme, it was noted that whilst not located within an identified Strategic Site, the site was located in an area that is undergoing significant regeneration, with large scale residential led development being brought forward on surrounding land parcels. The proposed development was considered to contribute positively to the regeneration of the area.

7.2.6 The Local Plan has since incorporated the application site within a new Strategic Site called Connaught Riverside (S23). This site allocation seeks
residential development focused at the southern section of the site; attributing greater weight to the support for the provision of 294 new residential units.

7.2.7 The principle of development is consistent with the objectives of the aforementioned policies and is considered to be acceptable.

7.3 Heritage Impact and Design

Heritage Impact

7.3.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council as respects listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.3.2 Detailed government policy on planning and the historic environment is provided in Chapter 16 of the NPPF. NPPF Paragraph 189 requires applicants to describe the significance of heritage assets affected by a proposal. NPPF Paragraph 190 states that ‘local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal’.

7.3.3 London Plan Policy 7.8 (Heritage Assets and Archaeology) and Policies D1 (London’s Form and Characteristics) and HC1 (Heritage Conservation and Growth) in the Draft London Plan seek to protect the character, appearance and setting of heritage assets and the historic environment whilst Policies SP1 (Borough-wide Place-making) and Policy SP5 (Heritage Assets and other Successful Place-making Assets) in Newham’s Local Plan seek to ensure that development responds appropriately to the borough’s heritage assets.

7.3.4 The application site is located within the setting of the Grade II* Listed Former St Mark’s Church and the Grade II Listed War Memorial. When assessing the now extant scheme, Officers considered that the proposals had evolved positively through the design review process and represent a high quality development. Officers agreed that the proposals made a positive contribution to the setting of the listed building and monument through its sensitive design and choice of high quality materials. The proposals represented an increase in height but the harm to the character and setting of the listed buildings was considered to be less than substantial. Officers concluded that the public benefits such as contributions towards affordable housing and rejuvenating a currently vacant site as well as making the optimum viable use of the site would outweigh the less than substantial harm to the Grade II* Listed Former St Mark’s Church and the Grade II Listed War Memorial.
7.3.5 The current proposals, which comprise amendments to the external facades of the approved building and minor adjustments to height are not in themselves considered to cause any harm to the listed buildings and remain consistent with the approved Historic Environment Assessment.

7.3.6 Historic England was consulted on the application and did not wish to offer any comments.

7.3.7 Officers have given considerable importance and weight to the desirability to preserve the setting, character and appearance of heritage assets in accordance with Section 66(1) Act 1990 (as amended). In accordance with the Council’s statutory duties and relevant policies of the development plan, the Council has had special regard to the desirability of preserving and enhancing the setting of the Grade II* Listed Former St Mark’s Church and the Grade II Listed War Memorial. Officers conclude that the proposed changes will not harm the setting of these heritage assets and agree with the conclusions in the applicant’s submission.

**Design**

7.3.8 Quality of design lies at the heart of the planning system and is stressed at Chapter 12 of the NPPF (Achieving well-designed places). It states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF requires that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Further it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.3.9 Chapter 12 of the NPPF states that Local Planning Authorities should have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. It is advised that Local Planning Authorities have regard to the outcome of these processes and recommendations made by the design review panels in assessing applications.

7.3.10 London Plan Policy 7.1 (Lifetime Neighbourhoods) provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people’s access to social and community infrastructure. London Plan Policy 7.3 (Designing Out Crime) states that development should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. London Plan
Policy 7.4 (Local Character) seeks high quality urban design having regard to local character, pattern and grain of existing spaces and streets. Policy 7.6 (Architecture) seeks high quality architectural design, enhanced public realm, materials to complement the local character, quality adaptable space and to optimise the potential of the site. Policy 7.7 (Location and Design of Tall and Large Buildings) refers specifically to tall buildings and requires that they relate well to the form, proportion, composition, scale and character of surroundings buildings, urban grain and public realm, particularly at street level, incorporate the highest standard of architecture and materials and have ground floor activities that provide a positive relationship to the surrounding streets.

7.3.11 The Draft London Plan, through Chapter 3 (Design) continues the support for high quality architecture and public realm, which responds to local context by delivering buildings that are positioned and of a scale, appearance and shape that response to the identify and character of the locality.

7.3.12 These aspirations are also reiterated in Policies SP1 (Borough-wide Place-making), SP2 (Healthy Neighbourhoods), SP3 (Quality Urban Design within Places) in Newham’s Local Plan which seek to secure a high quality of urban design in new buildings and spaces and expect development proposals to reduce crime, insecurity and stress. Policy SP4 (Tall Buildings) seeks to control the location and form of new tall buildings in the borough on a strategic basis to ensure they contribute to best effect in signifying regeneration and creating successful places.

7.3.13 The extant scheme went through numerous design iterations prior to determination and evolved positively in line with comments made by the Design Review Panel (DRP) and the Council’s Urban Design Manager. Initial concerns regarding the scale and density of the development in this out of centre location were eventually overcome and justified by the quality of the architecture and street frontages.

**Height and Massing**

7.3.14 The extant scheme is classified as a tall building in the context of Policy SP4. The approved development, with a maximum height of 13 storeys, was considered to be generally of a similar height as buildings located to the west of the development along North Woolwich Road, however was considered to be tall in the context of any development located to the east of the site. The tallest element of the proposed building is subservient to the adjacent buildings to the west which was considered to be a positive approach, compared to previous iterations of the scheme.

7.3.15 It was noted that the scale and massing had largely been dictated by the site context and the London City Airport safeguarding height restrictions, and also the orientation of the buildings given the potential to cause overshadowing impacts.

7.3.16 Notwithstanding the building heights of similar development proposals in this area, the scheme exceeded the relevant height guidance stipulated within Policy SP4. This policy nominates a building height of greater than 5 storeys.
as inappropriate, unless in the circumstances where there is good public transport accessibility, the building contributes to legibility, place-making, and sustainable communities, and the building is sensitively scaled according to the local and historic context. There is also the expectation that the building will meet exemplary design and management standards. An exemplar design quality and finish was therefore considered crucial to ensure that the increased development height would be acceptable at the scale proposed.

7.3.17 The S73 application proposes the removal of the north west corner of Block A which over sails the public highway from the second to the twelfth floor. The removal of this oversail affects the massing of Block A but is not considered to detract from the overall appearance of the scheme. This amendment has however, necessitated an internal reconfiguration of the units which is considered in more detail within other sections of this report.

7.3.18 In addition to the removal of the oversail the following amendments to scale and massing are also proposed;

- Block A adjusted 450mm into courtyard and within recessed bays and reduced in height by 750mm;
- Block B extended 240mm into courtyard with adjustments to recessed bays and reduced in height by 450mm;
- Block C extended 225mm into courtyard with adjustments to recessed bays and reduced in height by 550mm;
- Block D repositioned 67mm to west and 60mm to south, extended to east by 973mm and increased in height by 700mm

7.3.19 These are considered to be minor adjustments which would not detract from the scheme quality. Block D is the shortest of the four blocks and therefore would maintain a degree of subservience despite its increase in height.

7.3.20 The newly allocated Connaught Riverside (S23) Strategic Site, which the application site forms a part of, sets out indicative building heights of 6 to 8 storeys, with up to 15 storeys in key locations. Whilst overall the proposals range in height from 5 to 13 storeys, the majority of the buildings are 9 storeys and above; exceeding the indicative building heights of 6 to 8 storeys. The proposal are therefore not entirely consistent with the site allocation in this regard but on balance is considered to be acceptable.

Appearance and Materials

7.3.21 The quality of materials on a building of this scale is fundamental to achieving a high quality appearance and finish in the context of Policies 7.7 of the London Plan and SP4 of the Local Plan.

7.3.22 The extant scheme went through several iterations and following comments made by the DRP, significant improvements were made to the architecture. The application included an indicative brick type to provide assurances about
materiality and a benchmark for quality. This was the TBS Mystique which is a high quality brick with a varied buff/stony colour and rough texture. Two mortar types were proposed, picking up on the variegated tone of the brick, to subtly change the appearance of the brick and differentiate between the brick frame and recessed panels.

7.3.23 Under the previously refused application ‘18/02905/VAR’, it was proposed to change the brick to Ibstock Ivanoe Cream which has a sand-creased texture but very little variation in colour. It was not considered to be a brick of the same quality, with the variation in colour necessary to the support the original concept of changing mortar to pick up on the varied tones. The design of the consented development was further undermined by the amendment of the boundary fence detail at plinth level from an elegant bronze coloured PPC aluminium finish to a standard gate and railing.

7.3.24 Thus, the detailed design and materiality proposed development as part of the S73 application did not suitably integrate and contribute to its location and failed to deliver the added value expected of all tall buildings.

7.3.25 The material palette, including brick type, under this application has reverted to that consistent with the extant planning permission, this will be secured by condition and is therefore supported.

Layout
7.3.26 Also of great importance when considering buildings of this scale is layout and the relationship of the development with the street at ground floor level.

7.3.27 The extant scheme comprises four separate buildings arranged around a central courtyard area and addressing each of the property boundaries and street frontages. This arrangement allows each of the dwellings at ground floor level to address the relevant street frontages with regular access points. The provision of a basement car park enabled the landscaping and property frontages to address the public realm rather than car parking. The grain of the development was considered to be compatible with recently consented and constructed developments in the area.

7.3.28 The inclusion of duplexes to the ground and first floor level in the extant scheme provided active frontages, footfall around the site, convenience and a strong sense of address and was considered to be a significant attribute. Under the previously refused ‘18/02905/VAR’, the duplex units were removed from Blocks A and B which significantly reduced the extent of active frontage and footfall around the site and would have resulted in more units having ground floor bedrooms at street level; compromising privacy and reducing the extent of passive surveillance.

7.3.29 Within this current application, the duplex units have been removed from Block B only. This again reduces the extent of active frontage, although the applicant has reconfigured unit ‘B-01-GF-01’ to have a north facing living room. The reasoned justification for the retention of the majority of these north facing bed-rooms arrangement is that wholesale north facing living rooms would
mean the most active rooms would lack direct access to sunlight. As a further part of the changes to Block B, the single story units within Block B are now wheelchair adaptable.

7.3.30 While this is still regrettable, it is considered on balance acceptable when considering the consequences of the wider configuration of units due to the removal of the oversail. The inclusion of the duplex units as wheelchair adaptable is logical, and is a reasonable concession that adds value to an otherwise undesirable element of the proposal and is therefore, on balance supported.

7.3.31 The previously refused amendments also comprised the relocation of the substation from Block A to Block D, which increased the extent of inactive frontage to Block D and reduced the prominence and legibility of this core entrance in the street scene. The quality and sense of openness to core entrances in Block A had also been eroded as part of the extant proposals.

7.3.32 Within this application the substation is again moved to Block D, however the entrance to the core for Block D now sits as a buffer between this and units D-0-GF-07. A vehicular access forms a barrier between the substation and unit C-02-GF-03. This satisfactorily insulates these dwellings from potential noise or other disturbance that would potentially impact these dwellings.

7.3.33 Further to this, the wall has been brought in line with the residences in Block D, helping to enmesh into the outward facing facades of Block D and subsequently assist a more congruous design. The entrance hall to Block D has received additional facade treatment in order to retain its prominence through the use of a large glazing screen and a double height canopy that indicates the entranceway. Subsequently, these revisions overcome both the concerns regarding the potential impact upon amenity and the implications for high quality design that were incurred as part of the previously refused application and are therefore supported.

7.3.34 Thus, the alterations to the layout while still partly resulting in a scheme that erodes some of the original qualities of the extant scheme are considered on balance acceptable. Reasonable mitigation has been applied in order to make the proposals now acceptable, or to provide additional benefits.

Landscaping

7.3.35 The landscaping plan submitted with the extant scheme nominated public realm improvements surrounding the development addressing each of the road frontages, and those proposals were considered to be acceptable. In addition, formal landscaping and play-spaces were provided within the courtyard of the scheme in order to provide the necessary amenity spaces for residents of the proposed dwellings in accordance with the London Plan requirements. The landscaping scheme was reviewed by the Council’s Urban Design Manager and considered to be acceptable.

7.3.36 This S73 application does not propose any amendments to the landscaping and it therefore remains to be considered acceptable in this regard.
Summary

7.3.37 In relation to the extant scheme, Officers concluded that the architecture and overall design of the building had the potential to be successful and related successfully to the emerging vernacular in the vicinity of the site of robust brick buildings, however further specific details in relation to the materials and appearance was necessary in order to ensure that an exemplar design quality was achieved, to justify the increased building heights proposed. The previous application 18/02905/VAR was refused partially because it undermined these ambitions through the use of inferior materials.

7.3.38 The proposed amendments under this application revert back to the proposed design quality of the original, with regard to the materials proposed. There is an erosion of passive surveillance from the street scene from Block B through the inclusion of ground floor single storey units with south facing living rooms, that while an improvement on the previously refused scheme (18/02905/VAR) does not fully revert to the higher quality of the extant scheme. The inclusion of duplexes to Block A provides reasonably passive surveillance through the incorporation of multiple front door, kitchens and living rooms that provide passive surveillance. This is considered to be on balance acceptable when considering the reasoning and mitigation employed by the applicant and in this regard is consistent with the aforementioned policies and is supported.

7.4 Affordable Housing

7.4.1 At a national level the National Planning Policy Framework (NPPF) Chapter 5 states that local planning authorities should through their evidence base objectively assess the needs of the housing market to ensure that affordable housing is delivered. It states that planning policies should specify the type of affordable housing required, and expect it to be met on-site unless a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

7.4.2 The London Plan requires Boroughs to seek affordable housing provision in accordance with Policy 3.9 (Mixed and Balanced Communities) which encourages mixed and balanced communities whilst Policy 3.11 (Affordable Housing Targets) identifies that there is a strategic priority for affordable family housing. Whilst acknowledging that boroughs should set their own affordable housing targets, Policy 3.11 does stipulate that 60% of the affordable housing provided should be for social/affordable rent with the other 40% for intermediate rent or sale.

7.4.3 Policy 3.12 of the London Plan (Negotiating affordable housing on individual private residential and mixed use schemes) states that:

A) The maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to:
(a) Current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8, 3.10 and 3.11 and having particular regard to the guidance provided by the Mayor through the London Housing Strategy, supplementary guidance and the London Plan Annual Monitoring Report;

(b) Affordable housing targets adopted in line with Policy 3.11;

(c) The need to encourage rather than restrain residential development (Policy 3.3);

(d) The need to promote mixed and balanced communities (Policy 3.9);

(e) The size and type of affordable housing needed in particular locations;

(f) The specific circumstances of individual sites;

(g) Resources available to fund affordable housing, to maximise affordable housing delivery output and the investment criteria set by the Mayor;

(h) The priority to be accorded to provision of affordable family housing in policies 3.8 and 3.11.

B) Negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation (‘contingent obligations’) and other scheme requirements.

C) Affordable housing should normally be provided on-site. In exceptional cases where it can be demonstrated robustly that this is not appropriate a contribution should only be accepted where this would have demonstrable benefits in furthering the affordable housing and other policies in this Plan and should be ring-fenced and, if appropriate, pooled to secure additional affordable housing either on identified sites elsewhere or as part of an agreed programme for provision of affordable housing.

7.4.4 Policy GG4 (Delivering the Homes Londoners Need) and Policy H6 (Threshold Approach to Applications) in the Draft London Plan maintain the importance of providing affordable housing and set a strategic target of 50% of all new homes to be affordable with an individual site threshold level of affordable housing set at 35%. This Policy also highlights the role played by viability in delivering affordable housing. Policy H7 (Affordable Housing Tenure) applies greater flexibility in terms of the split but still requires 30% social/affordable rent and 30% intermediate products.

7.4.5 Policy H2 (Affordable Housing) in Newham’s Local Plan reinforces the London Plan’s policy aspirations and requires that all new developments of 10 or more units provide 35-50% affordable housing on-site, subject to viability.
7.4.6 The extant scheme provides 90 affordable units which equates to 30.5% on a unit basis and 35.7% on a habitable room basis. The tenure split was 39 units for affordable rent and 51 intermediate units (shared ownership), which equated to a broadly 50:50 split when calculated on a habitable room basis and a 57:43 split in favour of the intermediate product when calculated on a unit basis.

7.4.7 In assessing the extant application, the Council commissioned an independent assessment of the viability by BNP Paribas. It concluded that the Applicant’s affordable housing offer was broadly reasonable. Both parties’ consultants agreed that the affordable housing values were for affordable rent £180 psf of gross internal area and shared ownership £385 psf of gross internal area. Thus, the Council insisted that the units are transferred to an RP in accordance with the agreed values. For the avoidance of doubt the transfer price was agreed at £6,961,180 for the affordable rented units and £14,492,940 for the shared ownership.

7.4.8 The previously refused application 18/02905/VAR proposed three additional affordable rent units, one of which would be family sized, which equated to an increase from 30.5% to 31.5% affordable housing on a unit basis and from 35.7% to 37.1% on a habitable room basis. This would have resulted in the tenure split being marginally improved to 55:45 in favour of the intermediate product when calculated on a unit basis.

7.4.9 The previously refused application 18/02905/VAR was also accompanied by a Financial Viability Assessment and was the subject of an independent assessment carried out by BNP Paribas. Whilst the applicant concluded that the scheme providing 31.5% affordable housing was unviable against the viability benchmark, BNP Paribas advised that the scheme generated a surplus of £1,998,159 against the viability benchmark. BNP Paribas also undertook an analysis of the proposed development based upon the previous viability benchmark that assumed open storage. This scheme generated a surplus of £345,405 that could be used to provide additional on-site affordable housing. The scheme therefore failed to provide the maximum reasonable amount of affordable housing taking into account viability.

7.4.10 Further, BNP Paribas had advised that, taking into account the size of the proposed development, a full itemised cost plan should have been submitted for both the consented and the proposed development. The cost plans were requested from the applicant but, despite having implemented the extant consent and currently being on site, the plans were not forthcoming. In the absence of these cost plans, the applicant had further failed to adequately demonstrate that the shortfall in affordable housing is fully justified in the context of viability.

Original Affordable Housing Offer

7.4.11 The current S73 application originally proposed four additional affordable housing units (3 x affordable rent units and 1 x shared ownership unit), with the total being 52 shared ownership units and 42 affordable rent units, which
equated to an increase from 30.5% to 32% affordable housing on a unit basis and from 35.7% to 37.1% on a habitable room basis over the extant scheme. This results in a tenure split reflecting that of the previously refused scheme of 55:45 in favour of the intermediate product when calculated on a unit basis. This is an improvement over the extant scheme which was approved with a ratio of 57:43 in favour of shared ownership.

7.4.12 The applicant had concluded within their submitted viability report, that the scheme was less viable than the extant scheme when providing an affordable housing quota of 31.9%. This was confirmed through the BNP Paribas assessment, which concluded that the scheme generated a residual land value of -£17,738,668. Officers were therefore satisfied that the scheme provided the maximum amount of affordable housing.

7.4.13 Officers wrote to the applicants on 7th August 2019, stating that genuinely affordable social rent units would be preferable to the proposed quantum of affordable rent, as was made clear during pre-application discussions on the 10th April 2019.

7.4.14 The described affordable housing offer was presented to Strategic Development Committee on the 11th September, where the Committee resolved to defer the determination of the application to allow for a revised tenure for London Affordable rent to be submitted by the applicant.

*Updated Affordable Housing Offer*

7.4.15 Following the Committee meeting the revised offer to swap ‘affordable rent’ for London Affordable rent’ was made by the applicants.

7.4.16 The ratio and amount remain the same as previously presented at 45% (London) affordable and 55% intermediate, which remains an improvement in tenure mix over the extant scheme.

7.4.17 BNP Paribas were consulted regarding the London Affordable rental tenure, who advised that the proposed 52 shared ownership and 42 London affordable rent generates a residual land value of -£4,896,994. This proposal is less viable than the extant scheme and generates a deficit of £633,885 against the viability benchmark of -£ 4,263,109. Officers remain satisfied that the proposed revision provide the maximum amount of affordable housing possible, and is compliant with national and regional policy.

7.4.18 On balance the proposed offer is policy compliant and reflects the revised offer discussed by Committee Members on the 11th September. The proposed offer will make a meaningful contribution, over that of the previously deferred offer, towards affordable homes within the borough through the provision of a more affordable rental tenure, and is therefore supported.

7.5 Housing Mix

7.5.1 The NPPF speaks of the importance of ensuring that the size and type of new housing meets local need.
7.5.2 London Plan Policy 3.8 (Housing Choice) states that residential development should offer genuine housing choice, in particular with regards to the range of housing size and type. This ambition to deliver an appropriate mix of housing is supported by Policy H12 (Housing Size Mix) in the Draft London Plan.

7.5.3 Policy S1 (Spatial Strategy and Strategic Framework) in Newham’s Local Plan sets out the ambition to prioritise quality new family housing over smaller residential units to rebalance the borough’s housing stock and reduce population churn. Policy H1 (Building Sustainable Mixed Communities) in Newham’s Local Plan highlights the importance of stabilising the community in Newham so that people stay in the borough, bring up families and have a stake in the borough’s future. This policy requires 39% of new homes to be 3 bedroom for families but also recognises that when considering housing mix, regard should be had to scheme viability.

7.5.4 The amendments to the housing mix are shown in the table below;

<table>
<thead>
<tr>
<th></th>
<th>Extant</th>
<th>18/02905/VAR</th>
<th>19/01752/VAR</th>
<th>Increase/Reduction</th>
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<tr>
<td>Studios</td>
<td>19 (6.5%)</td>
<td>32 (10.8%)</td>
<td>16 (5.4%)</td>
<td>Minus 3 (1.1%)</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>148 (50.2%)</td>
<td>127 (43.1%)</td>
<td>148 (50.3%)</td>
<td>No Change (0%)</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>51 (17.2%)</td>
<td>60 (20.3%)</td>
<td>54 (18.4%)</td>
<td>Additional 3 (1.2%)</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>77 (26.1%)</td>
<td>76 (25.8%)</td>
<td>76 (25.9%)</td>
<td>Minus 1 (0.2%)</td>
</tr>
</tbody>
</table>

7.5.5 Previous application, 18/02905/VAR, was refused due to an increase in studio units from 6.5% to 10.8% compared to the extant scheme due to studio units not being considered acceptable as they do not provide any flexibility for a change in personal circumstances and do not enable individuals to bring up families. Thus many people would choose not to stay for extended periods of time. These units often experience much higher turnover than larger residential units and this churn of residents has a detrimental impact on the quality of residential areas and is in direct contradiction of the objectives of Policy H1 to build sustainable mixed communities.

7.5.6 In comparison with the extant permission across all the buildings, Block A gains sixteen one bed flats whilst losing eleven two bed flats and four studios that results in a total gain of one dwelling. Block B loses three one beds and eight three beds whilst gaining thirteen two beds that results in a total increase in three dwellings. Block C loses thirteen one bed dwellings and gains 1 one two bed and six three bed units and loses six units in total. Block D results in the least change and only gains one additional three bed dwelling. It is evident that much of the alterations and reconfigurations are occurring within Blocks A, B and C whereas Block D remains mostly unchanged.

7.5.7 The proposed amendments under this application reduce the total number of studio units from 19 (6.5% of the total mix) within the extant permission down
to 16 (5.4%), which is welcomed. Regrettably 1 x three bed unit has been omitted from this application when compared with the extant consent, though it is noted that the overall percentage remains at 26%.

7.5.8 On balance the amendments are considered acceptable. Whilst noting the overall loss of one 1 x 3 bedroom unit when compared to the extant scheme, it should also be highlighted that the affordable rent housing would benefit from an increase in 1 x 3 bedroom units when compared with the extant scheme. The amendments overall are considered to be reasonable measures to account for the loss of the oversail that on balance retain the overall quality of the original application.

7.6 Quality of accommodation

7.6.1 Minimum internal space standards are stipulated in the Technical Housing Standards – Nationally Described Space Standards which was published by the Department for Communities and Local Government (DCLG) in March 2015 and London Plan Policy 3.5 (Quality and Design of Housing Developments).

7.6.2 Part 2 of the GLA’s Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document supports Policy 3.5 within the London Plan but provides more specific advice on matters such as internal space standards and layouts, the need for sufficient privacy, sunlight and daylight, dual aspects and noise. It also provides advice on entrances and approaches, design of open space and approaches to dwellings. This guidance has subsequently been consolidated into Policy D4 (Housing Quality and Standards) of the Draft London Plan.

7.6.3 With specific regard to inclusivity and accessibility, London Plan Policy 3.8 (Housing Choice) requires 10% of units to be designed to Part M4(3) Wheelchair user dwellings standard of the building regulations and the remaining 90% are required to be built to Part M4(2) Accessible adaptable dwellings standards of the building regulations. This is repeated in Policy D5 (Accessible Housing) of the Draft London Plan and supported by Policy H1 (Building Sustainable Mixed Communities) in Newham’s Local Plan.

7.6.4 All units continue to meet the minimum internal space standards and provide private amenity space in the form of balconies and terraces. Compared to the extant scheme the proposed S73 offers 160 dual aspect units (54%), this is seven more than the extant scheme which reached 51.9%. All of the 76 family units are dual aspect as was in the extant permission. The application has been accompanied by a BRE Daylight and Sunlight Assessment which demonstrates that the new units will continue to receive adequate levels of natural light. Overall this is an improvement over the extant scheme in this regard and is supported.
7.6.5 The provision of additional ground floor bedrooms as a result of the removal of duplex units would compromise the privacy of some future occupants, but given the presence of other ground floor bedrooms in the extant scheme is not considered to warrant a refusal of the application on these grounds.

7.6.6 The 10% wheelchair user dwellings would be relocated to the lower floors which is considered to be acceptable whilst the remaining 90% of units would be accessible and adaptable in accordance with Part M4(2) of the Building Regulations.

7.7 Impact upon amenity
7.7.1 Chapter 12 of the NPPF details that new development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.7.2 London Plan Policies 7.1 (Lifetime Neighbourhoods) and 7.6 (Architecture) state that development should not cause unacceptable harm to neighbouring residential buildings in relation to loss of privacy and overlooking. Policies SP1, SP2, SP3 and H1 in Newham’s Local Plan seek a high standard of design and quality in the buildings and spaces created. Meanwhile Policy SP8 in the Local Plan seeks to ensure neighbourly development and places particular emphasis on adequate access to daylight and sunlight.

7.7.3 The proposals, given the separation from surrounding residential properties as well as the modest adjustment to heights of the blocks, would not materially affect the amenities of neighbouring occupiers and are therefore consistent with the objectives of the aforementioned policies. It is also noted that no objections have been received from neighbouring occupiers.

7.8 Transport and Travel
7.8.1 The NPPF Chapter 9 emphasises the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, and consider the needs of people with disabilities and reduced mobility.

7.8.2 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. London Plan Policy 6.1 (Strategic Approach) seeks to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. London Plan Policy 6.3 (Assessing Effects of Development on Transport Capacity) also requires transport demand generated by new development to be within the relative capacity of the existing highway network. These aspirations are reiterated in Policies T1 (Strategic Approach to Transport), T2 (Healthy Streets), T3 (Transport capacity, connectivity and safeguarding) and T4 (Assessing and Mitigating Transport Impacts) in the Draft London Plan.
7.8.3 With specific regard to accessibility, London Plan Policy 6.13 (Parking) stipulates the requirement for providing car parking for disabled people, whilst Policy 3.5 (Quality and Design of Housing Developments) refers to the importance of taking account of the needs of disabled people when designing new development. This is supported in the GLA’s Accessible London and Housing SPGs. Policy T6.1 (Residential Parking) in the Draft London Plan goes further and for a development of this size requires at least one designated disabled persons parking bay per dwelling for 3% of dwellings to be available at the outset. It also requires proposals to demonstrate how the remaining bays to a total of one per dwelling for 10% of dwellings can be requested and provided when required as designated disabled parking in the future. The policy stipulates that all disabled persons parking bays associated with residential development must be for residents use only ((M4(2) or M4(3) dwellings), must not be allocated to specific dwellings and must be located to minimise the distance between disabled persons parking bays and the relevant block entrance or lift core.

7.8.4 Policy INF2 (Sustainable Transport) in Newham’s Local Plan, seeks to secure a more sustainable pattern of movement in Newham, maximising the efficiency and accessibility of the Borough’s transport network on foot, cycle and public transport in order to reduce congestion. Meanwhile Policy SP8 (Ensuring Neighbourly Development) seeks to ensure a high standard of access, egress and circulation for all, including through the provision for waste, recycling and bicycle storage facilities; the siting of parking provision and design legibility.

7.8.5 The extant scheme was accompanied by a Transport Assessment which demonstrated that the site is conveniently located close to an array of local amenities and offers good accessibility by public transport, being situated in close proximity to Pontoon Dock DLR Station, and with bus services accessible within 250 metres. The site also offers good walking and cycling accessibility. The vehicle trip generation assessment carried out as part of the Transport Assessment demonstrated that the residential development will facilitate a significant reduction in vehicle trips compared to the former Petrol Filling Station use.

7.8.6 The current S73 application has been accompanied by a Transport Technical Note which states that the analysis and conclusions in the original Transport Assessment remain valid and unaffected by the current proposals.

7.8.7 The proposals reduce the number of units by one, and thus do not affect the trip generation. The overall car parking provision has been reduced from 121 to 106 spaces which is a minor alteration and is considered to be a positive step towards encouraging sustainable modes of transportation. Furthermore, cycle parking provision has been increased by one unit total over the previously refused 18/02905/VAR.

7.8.8 The previously refused application 18/02905/VAR also comprised alterations to the layout of the basement car park which had implications for the position
of the disabled parking spaces and associated accesses to the building cores. These amendments were necessitated by the reorganisation of internal columns as well as to take account of a water main diversion and the provision of perimeter basement walls.

7.8.9 TfL, as supported by LBN’s Transport Planners, had raised concerns about this amendment. It was noted that while the same number of blue badge parking spaces were provided, the arrangement of the spaces and access zone around them differed significantly from the consented scheme.

7.8.10 Within the currently submitted application, the Blue Badge Parking Bays have been apportioned around the basement, while there is still cluster underneath the Block B core. This is considered to be on balance acceptable as Block B contains the majority of the wheelchair adaptable units. The pepper-potting of the remaining Blue Badge Parking bays sufficiently reduces the distance of travel for wheelchair users within the other blocks.

7.8.11 The reasons for refusal regarding the provision of Blue Badge Spaces and the rationalisations of movement within the basement are considered to have been successfully overcome and as such this application is supported with regard to transportation.

7.9 Flood Risk Management
7.9.1 Objective 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It continues by stating that when determining planning applications, local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

7.9.2 London Plan Policy 5.12 (Flood Risk Management) states that development proposals must comply with flood risk assessment and management requirements set out in national policy. The development must also have regard to measures proposed in Thames Estuary 2100 and Catchment Flood Management Plans. Developments which are required to pass exception testing will need to address flood resilient design and emergency planning. Policy 5.13 (Sustainable Drainage) seeks that development utilise Sustainable Urban Drainage. The above polices are reinforced in the Draft London Plan at Chapter 9.

7.9.3 Policy SC3 (Flood Risk and Drainage) in Newham’s Local Plan states that developments must be shown to be flood resistant. It also states that
developments should aim to reduce surface run-off to greenfield rates through the maximisation of the use of SUDS, to provide sustainable design for new major development.

7.9.4 The site is located within Flood Zone 2 and 3 and is also partially within a Critical Drainage Area. The extant scheme was accompanied by a Flood Risk Assessment which satisfactorily demonstrated the development would not be at an unacceptable risk of flooding and would not increase flood risk elsewhere.

7.9.5 The current application has been accompanied by an updated Flood Risk Assessment. As in the case of the extant scheme, a sustainable drainage scheme will be secured by condition.

7.10 Reasons for Approval

7.10.1 Officers have considered the application with regard to the national planning policy framework (NPPF) and the Development Plan which consists of London Plan (consolidated with alterations since 2011, published March 2016), the London Plan (draft for public consultation December 2017) together with the London Borough of Newham Local Plan (November 2018). Officers have had regard to other material considerations including representations received from statutory and non-statutory consultees.

7.10.2 The proposed application is considered to have successfully overcome the reasons for refusal as stated within application 18/02905/VAR.

7.10.3 The proposal now better represents the value expected of tall buildings, the design and materiality now relate better to the streetscape than what was previously proposed under 18/02905/VAR, the inclusion of bedrooms facing the street are still not considered ideal, however are considered on balance acceptable when considering the inclusion of outdoor amenity space. The proposals are considered to be acceptable in design terms and overcome the reasons for refusing application 18/02905/VAR.

7.10.4 The financial viability assessment submitted with the application satisfactorily demonstrate that 31.9% affordable housing is the maximum achievable on this site.

7.10.5 The reduction of studio units and the changes to mix of tenures of affordable housing to incorporate an additional three bed affordable units is considered to have successfully overcome the third reason for refusal. The overall housing mix is now considered contributory to the need to support stable cohesive communities and provide places where people wish to stay and provides on balance better mixed and balanced communities and overcomes the reasons for refusing application 18/02905/VAR.

7.10.6 The proposed design of the basement is now considered acceptable with regard to the placement of the Blue Badge spaces. It is now considered that adequate accessibility of the Blue Badge spaces is better achievable from all
blocks which has overcome the reasons for refusing application 18/02905/VAR.

7.10.7 Subject to the conditions and the completions of a deed of variation to the S106 Agreement, the application is acceptable and supported by officers.

7.10.8 Where an application under S73 is granted, the effect is the issue of a fresh grant of planning permission. The same conditions are applied to 17/00363/FUL dated 12th October 2017 are attached, this is with the exception of condition 2 as sought by this application. A number of other conditions have been amended to reflect that details have since been submitted and approved since the extant consent was granted. An additional condition relating to requirement to achieve Secured by Design accreditation has also been imposed.
8.0 APPENDIX 1: CONDITIONS AND INFORMATIVES

Conditions

1. Time

The development to which this permission relates must be commenced no later than 12th October 2020.

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

2. Approved documents

All works are to be completed in accordance with the following document and drawings:

1288 PL-099_Rev E - Basement Plan, Prepared by Buj Architects 13/19
1288 PL-100_Rec C – Ground Floor Plan, Prepared by Buj Architects 03/19
1288 PL-101_RevC - First Floor Plan, Prepared by Buj Architects 03/19
1288 PL-102_Rev B – Second Floor Plan, Prepared by Buj Architects 03/19
1288 PL-103_Rev B – Third Floor Plan, Prepared by Buj Architects 03/19
1288 PL-104_Rev B – Fourth Floor Plan, Prepared by Buj Architects 03/19
1288 PL-105_Rev-B – Fifth Floor Plan, Prepared by Buj Architects 03/19
1288 PL-106_Rev-B – Sixth Floor Plan, Prepared by Buj Architects 03/19
1288 PL-109_Rev_B – Ninth Floor Plan, Prepared by Buj Architects
1288 PL-110_Rev_B – Tenth Floor Plans, Prepared by Buj Architects 03/19
1288 PL-111_Rev_B - Eleventh Floor Plan, Prepared by Buj Architects
1288 PL-112_RevB – Twelfth Floor Plan, Prepared by Buj Architects
1288 PL-113_Rev_C – Roof Plan - Prepared by Buj Architects 03/19
1288 PL-200_Rev_C – North Elevation – Prepared by Buj Architects 01/17
1288 PL-201_Rev_B – West Elevation, Prepared by Buj Architects 01/17
1288 PL-202_Rev_C – South Elevation, Prepared by Buj Architects 01/17
1288 PL-203_Rev-B – East Elevation, Prepared by Buj Architects 01/17
1288 PL-204_RevB – Courtyard North Elevation Block B South Elevation, Prepared by Buj Architects
1288 PL-205_Rev_B – Courtyard West Elevation Block A East Elevation, Prepared by Buj Architects 01/17

Prior to above ground works conditions:

3. Details/ Sample of Materials

No above ground façade works shall be commenced unless and until details and samples of all external surfaces have been submitted to and approved in writing by the Local Planning Authority. This shall include a physical mock up of a typical window bay showing full details of brickwork bond, mortar, window and reveal details which shall be erected on site and be approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory standard of external appearance of the development. The development shall only be constructed and retained in accordance with the approved details.

4. **Details of Balconies and Communal Entrances**

No above ground works shall be commenced on the relevant phase of the development unless and until details and specification of balconies, communal entrances, vehicular entrance, duplex entrances and typical bay at a scale of 1:20 for the development have been submitted to and approved in writing by the Local Planning Authority.

The development shall only be constructed in accordance with the approved details.

Reason: To ensure a satisfactory standard of external appearance of the development.

5. **Designing out Crime**

a) Prior to the commencement of above ground works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full ‘Secured by Design’ Accreditation. The development shall only be carried out in accordance with the approved details.

b) Prior to the first occupation of each building or part of a building or use, ‘Secured by Design’ certification shall be obtained for such building or part of such building or use.

Reason: In the interest of creating safer, sustainable communities.

*Prior to first occupation/use conditions*

6. **Car Parking Management Plan**

No residential unit hereby permitted shall be first occupied unless and until a Car Parking Management Plan (CPMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted CPMP must include details on how car parking spaces will be allocated; and, The approved CPMP shall be fully implemented and retained for the life of the development and reviewed annually.

Reason: To ensure that all aspects of parking provision are appropriately managed and controlled and to minimise potential impacts on the road network.
7. **Servicing and Delivery Plan**

No residential unit hereby permitted shall be first occupied unless and until a Servicing and Delivery Plan has been submitted to and approved in writing by the Local Planning Authority for approval; and, The approved Servicing and Delivery Plan shall be fully implemented and retained for the life of the development.

Reason: To proactively manage deliveries and servicing to reduce the number of trips (especially around peak hours) identify where safe loading/unloading can take place and ensure safe and efficient servicing and delivery with this scheme.

8. **CCTV and Lighting for Cycle Storage**

No residential within the development hereby permitted shall be first occupied unless and until details of the proposed cycle parking for the development, including CCTV and lighting for the cycle storage area, have been submitted to and approved in writing by the Local Planning Authority.

Upon completion of the development a minimum of 466 cycle spaces shall be provided, and those cycle spaces shall be retained and usable for the lifetime of the development.

Reason: To ensure reasonable provision of cycle spaces is made within the site for the parking of bicycles and to encourage sustainable modes of transport.

9. **Noise Report**

No residential unit hereby permitted shall be first occupied unless and until a noise report demonstrating how the future occupiers are to be protected from external noise has been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Noise mitigation measures should produce internal noise levels specified in BS8233 (Good). Any mechanical ventilation system shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates. Alternative schemes that meet the above noise and ventilation standards can be considered. The approved scheme is to be completed prior to first occupation of the development and shall be permanently maintained thereafter.

Reason: To protect the amenity of future occupants and/or neighbours.
10. **Waste Management Strategy**

No residential unit shall be first occupied unless and until a waste management strategy has been submitted to and approved in writing by the Local Planning Authority. The approved waste management strategy shall be implemented prior to first occupation and shall be retained thereafter.

**Reason:** To ensure a satisfactory waste disposal strategy is implemented.

11. **Car Parking Provision**

No residential unit shall be first occupied unless and until 20% of car parking provision accommodates electric vehicle charging infrastructure, with a further 20% allocated for passive provision. The electric vehicle charging infrastructure shall be retained for the lifetime of the development.

**Reason:** To provide charging facilities for electric vehicles and to encourage the uptake of electric vehicles.

**Compliance Conditions**

12. **Ofcom Site Frequencies**

Site operatives must have technically or geographically assigned frequencies by Ofcom and ensure these do not conflict with the frequencies operated by DLR for the running of the railway.

**Reason:** To ensure the development does not interfere with the safe operation of the railway.

13. **Rainwater Pipes, Flues and Grills**

No rainwater pipes, flues or grills, other than those shown on the approved plans shall be visible on any publicly visible elevation.

**Reason:** To ensure a satisfactory standard of external appearance of the development.

14. **Control of Dust and Emissions**

All construction works shall be carried out in compliance with London Plan SPG ‘The Control of Dust and Emissions During Construction and Demolition’. Published by GLA (July 2014).

**Reason:** To safeguard the public from dust and emissions during construction.

15. **Accessible and Adaptable Dwellings**

90% of the residential units hereby approved shall conform to the requirements of Category M4(2) ['Accessible and Adaptable Dwellings'] of Schedule 1 to the Building Regulations 2010 (HM Government 2015).
Reason: To ensure the accessibility of the residential dwellings hereby approved.

16. **Wheelchair adaptable Dwellings**

10% of the residential units hereby approved shall conform to the requirements of Category M4 (3) [“Wheelchair User Dwellings”] of Schedule 1 to the Building Regulations 2010 (HM Government 2015).

Reason: To ensure the accessibility of the residential dwellings hereby approved.

17. **Piling**

The development hereby approved shall be carried out in accordance with the details of piling approved on the 8th May 2018 under application reference 18/00090/AOD or any subsequent alternative approval of details as approved in writing by the Local Planning Authority.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

18. **Construction Logistics Plan**

The development hereby approved shall be carried out in accordance with the construction logistics plan approved on the 18th September 2018 under application reference 18/01968/AOD or any subsequent alternative approval of details as approved in writing by the Local Planning Authority.

Reason: To safeguard against adverse impacts on the free flow of traffic on local roads and the amenities of the area.

19. **Crane Construction Methodology**

The development hereby approved shall be carried out in accordance with the details of crane construction methodology approved on the 12th September 2018 under application reference 18/02092/AOD or any subsequent alternative approval of details as approved in writing by the Local Planning Authority.

Reason: The site is in close proximity to Docklands Light Railway and to safeguard train infrastructure safety.

20. **Docklands Light Railway Radio Impact Survey**

A) The development hereby approved shall be carried out in accordance with the radio impact survey approved on the 12th July 2018 under application
reference 18/00090/AOD or any subsequent alternative approval of details as approved in writing by the Local Planning Authority.

B) Upon implementation of the development and at interim stages after implementation until completion of the superstructures, a radio impact survey shall be undertaken and submitted to the Local Planning Authority for approval in writing in consultation with Docklands Light Railway, to assess the impact of the development on the DLRL radio signal.

C) Upon completion of the superstructures within the development the applicant shall submit a Completed Development Radio Impact Survey to the Local Planning Authority for approval in writing in consultation with Docklands Light Railway, to assess the impact of the development on the DLRL radio signal. Should the development be found to have impact on the radio signal, no development shall take place until a scheme of mitigation has been agreed in writing with Docklands Light Railway and implemented.

Reason: The site is in close proximity to Docklands Light Railway and to safeguard train infrastructure safety.

21. Written Scheme of Investigation

The development hereby approved shall be carried out in accordance with the Written Schemes of Investigation approved on the 8th May 2018 under application reference 18/00090/AOD and on the 11th September 2018 under application reference 18/02479/AOD or any subsequent alternative approval of details as approved in writing by the Local Planning Authority.

Reason: In the interests of preserving archaeological assets.

22. Foundation Design

The development hereby approved shall be carried out in accordance with the details of foundation design approved on the 2nd October 2018 under application reference 18/02478/AOD or any subsequent alternative approval of details as approved in writing by the Local Planning Authority.

Reason: In the interests of preserving archaeological assets.

23. Surface Water Drainage Strategy

a) The development hereby approved shall be carried out in accordance with the surface water drainage strategy approved on the 20th April 2018 under application reference 18/00726/AOD or any subsequent alternative approval of details as approved in writing by the Local Planning Authority.

b) The approved Surface Water Drainage Scheme shall be implemented as so approved and in accordance with the outline principles and standards in the Flood Risk Assessment Report (January 2017) submitted by the Applicant and shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of the development; and,
c) A verification report stating what works have been undertaken and confirming that the Surface Water Drainage Scheme has been completed shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the Development.

Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change.

24. **Ground Conditions.**

A) The development hereby approved shall be carried out in accordance with the details of remediation for ground contamination approved on the 22\textsuperscript{nd} May 2018 under application reference 18/00421/AOD or any subsequent alternative approval of details as 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 to and approved in writing by the Local Planning Authority. The submission shall state what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy.

Reason: 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.

25. **Air Pollution**

The development hereby approved shall be carried out and permanently maintained thereafter in accordance with the details mitigation for air pollution approved on the 20\textsuperscript{th} April 2018 under application reference 18/00726/AOD or any subsequent alternative approval of details as approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupants and/or neighbours and in the interest of the declared Air Quality Management Area.
Informatives

In forwarding the decision for this application, the applicant is advised of the following:

1. In dealing with this application, Newham Council has implemented the requirements of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner. As with all applicants, the Council has made available detailed advice in the form of our statutory policies, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2. This development will attract a charge under the Mayor of London's CIL, which in the London Borough of Newham is a flat rate charge of £20 per gross internal square metre of additional floor space (Zone 3 borough). For more information on the Mayor of London's CIL please see www.london.gov.uk/publication/mayoralcommunity-infrastructure-levy. To view the CIL regulations and for more information on CIL in general please see the Communities and Local Government CIL webpage on www.communities.gov.uk/planningandbuilding/planningsystem/communityinfrastructurelevy.

If no one has yet assumed liability for this site please fill out an Assumption of Liability Form found on the Planning Portal website at http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil. If no liability to pay the CIL is assumed, the liability defaults to the landowner. The Council will issue a separate Liability Notice confirming the levy which must be paid.

Be advised that if you wish to make a claim for relief, this needs to be made before the development is commenced, please see the Claiming Exemption or Relief Form also on the Planning Portal. Failure to request exemptions or reliefs prior to the commencement of development forfeits this provision. You are also required to notify the Council prior to commencement of the development, please see the Commencement Notice Form also on the Planning Portal. Failure to notify the Council of the commencement of this development could incur a 20% surcharge of the liable amount or £2500.00, whichever is the lower amount.

There are penalties in the Community Infrastructure Levy Regulations 2010 (as amended) if no one assumes liability and a Commencement Notice is not submitted to the Council. It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a collecting or charging authority in response to a requirement under the
Community Infrastructure Levy Regulations (2010) as amended (regulation 110, SI 2010/948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

All notices related to CIL or any enquiries in this regard should be sent to CIL@newham.gov.uk or for the attention of Principal Investment Officer, Planning Policy, Geospatial and Investment Team, Newham Dockside, 1000 Dockside Road, London E16 2QU.

3. The Applicant should be advised that if the flats are to be rented out they will need to contact the Property Licensing team 020 3373 1950 or propertylicensing@newham.gov.uk in this regard.

4. All Noise-Sensitive developments Within Designated Full Use London City Airport Noise Contours

The development hereby permitted is located within the designated full use noise contours for operations at London City Airport, under planning permission 13/01228/FUL. These contours are forecast noise levels for the Airport when eventually operating at permitted capacity. Specifically, the permitted development falls within the 57 dB contour. For the comfort of any future residential occupiers of this development, it is recommended that the following sound insulation advice is considered in the detailed design of the development. For other noise-sensitive developments such as schools and hospitals it is recommended that building specific guidance (such as BB93 and/or HTM08-01) should be followed taking into account the above contours.

Noise-sensitive developments are defined in the S106 Agreement attached to planning permission 13/01228/FUL.

Noise mitigation measures should comply with recommended internal noise levels specified in BS8233:2014. The noise mitigation measures need to include appropriate ventilation, in line with Building Regulations Approved Document F requirements, that does not compromise the façade insulation or the resulting internal noise level. If applicable, any room should be assessed with relevant ventilation (e.g. trickle ventilators) open during assessment.

For residential developments within the Airport’s 57 dB contour it is recommended that either additional acoustic mechanical ventilation is provided or an assessment is made to ensure summer overheating risks are controlled to an acceptable level. The mechanical ventilation should ideally meet specifications set out in clause 6, Schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance (except when operating in purge mode) and airflow rates. Alternative mechanical ventilation units that provide similar noise and ventilation standards could be considered.

For external amenity areas, including gardens and balconies, it would be beneficial if the design incorporates measures to mitigate forecast noise levels in at least part of the available area. Guidance set out in BS8233:2014 should be followed.
Full use contours can be found on the Council’s website at:

https://www.newham.gov.uk/Pages/Services/Local-plan.aspx#Airportsafeguarding

5. Major Developments within Designated Full Use London City Airport Noise Contours - Summer Overheating

Dynamic thermal modelling should be undertaken to avoid overheating and to demonstrate compliance with the CIBSE TM59/TM52/CIBSE 2015 Guide ‘A’ guidance standards.

For residential developments within the Airport’s 63 dB contour it is recommended that the above modelling should assume that windows to habitable rooms will be closed due to external noise levels.

The above should be taken into consideration alongside other relevant conditions and/or informatives placed on this permission.
9.0 APPENDIX 2: HEADS OF TERMS

The extant planning permission 17/00363/FUL was approved on 12th October 2017 following completion of a Section 106 Agreement dated 12th October 2017 ("Principle Agreement"). No substantive changes are proposed to the Principle Agreement attached to 17/00363/FUL. In this case, a modification under section 106A of the Town and Country Planning Act 1990 ("the Act") is required to associate this planning permission pursuant to s73 of the Act (if granted) to the Principle Agreement.

This is because where an application under Section 73 of the Act is granted the effect is the grant of a new planning permission. The Principle Agreement is to be varied by a Deed of Variation to be agreed between the Council and the Applicant on the terms set out below:

The Applicant commits to cover the Council’s reasonable legal fees for the drafting of a Deed of Variation to the Principle Agreement whether or not the matter proceeds to completion; and

Provide affordable housing in accordance with the accommodation schedule set out at Appendix 4.

A Deed of Variation to the Principle Agreement attached to planning permission 17/00363/FUL dated 12th October 2017, is completed to ensure that the obligations contained within the extant planning permission are also carried forward to planning permission 19/01752/VAR (if granted), to ensure that the variations, as approved, including those to affordable housing tenure are reflected within the Principle Agreement.
**APPENDIX 3: PROPOSED PLANS AND IMAGES**

1288 PL-099_Rev E - Basement Plan, Prepared by Buj Architects 13/19

1288 PL-100_Rec C – Ground Floor Plan, Prepared by Buj Architects 03/19
1288 PL-101_RevC - First Floor Plan, Prepared by Buj Architects 03/19

1288 PL-102_Rev B – Second Floor Plan, Prepared by Buj Architects 03/19
1288 PL-201_Rev_B – West Elevation, Prepared by Buj Architects 01/17

1288 PL-202_Rev_C – South Elevation, Prepared by Buj Architects 01/17
1288 PL-205_Rev_B – Courtyard West Elevation Block A East Elevation, Prepared by Buj Architects 01/17
### Appendix 4: Accommodation Schedule (received 12\textsuperscript{th} September)

#### TOTAL Residential Units

<table>
<thead>
<tr>
<th>Residential</th>
<th>Unit No.</th>
<th>Studio</th>
<th>1 Bed</th>
<th>2 Bed</th>
<th>3 Bed</th>
<th>Number of Habitable Rooms</th>
<th>Net Internal Area</th>
<th>Gross Internal Area</th>
<th>Tenure</th>
<th>Aspect</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL BLOCK A</td>
<td>131</td>
<td>9</td>
<td>79</td>
<td>14</td>
<td>0</td>
<td>12</td>
<td>9</td>
<td>8</td>
<td>325</td>
<td>7,979</td>
</tr>
<tr>
<td>TOTAL BLOCK B</td>
<td>53</td>
<td>1</td>
<td>19</td>
<td>7</td>
<td>16</td>
<td>2</td>
<td>7</td>
<td>1</td>
<td>148</td>
<td>3,859</td>
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<tr>
<td>TOTAL BLOCK C</td>
<td>95</td>
<td>6</td>
<td>50</td>
<td>12</td>
<td>5</td>
<td>1</td>
<td>21</td>
<td>0</td>
<td>245</td>
<td>6,077</td>
</tr>
<tr>
<td>TOTAL BLOCK D</td>
<td>15</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>7</td>
<td>1</td>
<td>75</td>
<td>1,606</td>
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<tr>
<td>TOTAL</td>
<td>294</td>
<td>16</td>
<td>148</td>
<td>33</td>
<td>21</td>
<td>22</td>
<td>44</td>
<td>10</td>
<td>730</td>
<td>19,563</td>
</tr>
</tbody>
</table>

Mix: 100% | 5% | 50% | 18% | 26% | Net To Gross: 1

#### TOTAL Private Units

<table>
<thead>
<tr>
<th>Residential</th>
<th>Unit No.</th>
<th>Studio</th>
<th>1 Bed</th>
<th>2 Bed</th>
<th>3 Bed</th>
<th>Number of Habitable Rooms</th>
<th>Net Internal Area</th>
<th>Gross Internal Area</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>131</td>
<td>9</td>
<td>79</td>
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<td>0</td>
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<td>9</td>
<td>8</td>
<td>325</td>
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<tr>
<td>C</td>
<td>69</td>
<td>6</td>
<td>36</td>
<td>9</td>
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<td>290</td>
<td>16</td>
<td>115</td>
<td>23</td>
<td>4</td>
<td>12</td>
<td>23</td>
<td>8</td>
<td>498</td>
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</tbody>
</table>

Mix: 100% | 8% | 58% | 12% | 2% | 6% | 12% | 4% |

#### TOTAL Shared Ownership

<table>
<thead>
<tr>
<th>Residential</th>
<th>Unit No.</th>
<th>Studio</th>
<th>1 Bed</th>
<th>2 Bed</th>
<th>3 Bed</th>
<th>Number of Habitable Rooms</th>
<th>Net Internal Area</th>
<th>Gross Internal Area</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>26</td>
<td>0</td>
<td>8</td>
<td>2</td>
<td>15</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>71</td>
</tr>
<tr>
<td>C</td>
<td>26</td>
<td>0</td>
<td>14</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>0</td>
<td>72</td>
</tr>
<tr>
<td>TOTAL</td>
<td>52</td>
<td>0</td>
<td>22</td>
<td>5</td>
<td>16</td>
<td>1</td>
<td>7</td>
<td>1</td>
<td>143</td>
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</table>

Mix: 100% | 0% | 42% | 10% | 21% | 31% | 2% | 19% | 2% |

#### TOTAL London Affordable Rent

<table>
<thead>
<tr>
<th>Residential</th>
<th>Unit No.</th>
<th>Studio</th>
<th>1 Bed</th>
<th>2 Bed</th>
<th>3 Bed</th>
<th>Number of Habitable Rooms</th>
<th>Net Internal Area</th>
<th>Gross Internal Area</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>27</td>
<td>1</td>
<td>11</td>
<td>5</td>
<td>1</td>
<td>2</td>
<td>7</td>
<td>0</td>
<td>77</td>
</tr>
<tr>
<td>D</td>
<td>15</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>7</td>
<td>1</td>
<td>75</td>
</tr>
<tr>
<td>TOTAL</td>
<td>42</td>
<td>1</td>
<td>11</td>
<td>6</td>
<td>1</td>
<td>9</td>
<td>14</td>
<td>1</td>
<td>182</td>
</tr>
</tbody>
</table>

Mix: 100% | 2% | 26% | 12% | 2% | 21% | 33% | 2% |
LONDON BOROUGH OF NEWHAM
STRATEGIC DEVELOPMENT COMMITTEE
15th October 2019

Application Number: 18/03543/FUL
Validation Date: 5th March 2019
Location: Plaistow Wharf, North Woolwich Road, Silvertown, London, E16 2AB
Ward: Royal Docks
Applicants: Keltbray
Agent: Matthews and Son

Purpose of Report / Proposal

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission relating to the following proposal.

Redevelopment of the vacant wharf for use as a road-river hub for construction demolition and excavation waste storage and transfer, comprising the construction of stock bays, for storage of construction, demolition and excavation waste, incorporating a sustainable drainage system, widening of the wharf landing area, storage and fabrication for civil engineering projects and erection of weighbridge, office facilities and associated infrastructure.

Recommendations

The Strategic Development Committee is asked to resolve to:

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

2. delegate authority to the Director of Planning and Development to further consider the consultation response from the Environment Agency on the technical details related to flood defences and use delegated powers to approve the application and where appropriate to add additional conditions;
3. refer this application to the Mayor of London (the GLA) as a Stage 2 referral; and;

4. delegate authority to the Director of Planning and Development to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) by (11th March 2020) based on the Heads of Terms identified at Appendix 2 of this report and the Conditions listed in Appendix 1 of this report and summarised below. If the legal agreement is not completed by such date then the Director of Planning and Development is delegated authority to refuse planning permission or extend this timeframe to grant approval.

**Conditions – Summary**

A summary of the proposed condition is set out below. Please refer to Appendix 1 for the proposed conditions in full.

**Conditions**

1. Time limit
2. Approved plans and documents

**Compliance Conditions**

3. Site Working Plan
4. Hours of operation
5. Noise
6. Wheel Wash Operation
7. Consolidated Surfacing

**S106 –Heads of Terms**

The Section 106 Legal Agreement Heads of Terms agreed between the Council and the Applicant are set out below:

1. Payment of the Council’s reasonable professional and legal costs;

2. Safeguarding of Footpath


**NAME OF LEAD OFFICER:** Amanda Reid  
**POSITION:** Director of Planning and Development, Chief Planning Officer

Originator of report: Mr Sean Scott  
Tel no: 020 3373 8375  
E-mail address: sean.scott@newham.gov.uk
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 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

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
- National Planning Policy Framework
- London Plan
- Local Plan
- Other relevant guidance
# PLANNING APPLICATION FACT SHEET

## The Site

<table>
<thead>
<tr>
<th>Address</th>
<th>Plaistow Wharf, North Woolwich Road, Silvertown, London, E16 2AB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Keltbray</td>
</tr>
<tr>
<td>Ward</td>
<td>Royal Docks</td>
</tr>
<tr>
<td>Local Plan allocation</td>
<td>N/A</td>
</tr>
<tr>
<td>Conservation Area</td>
<td>N/A</td>
</tr>
<tr>
<td>Listed Building</td>
<td>N/A</td>
</tr>
<tr>
<td>Setting of Listed Building</td>
<td>N/A</td>
</tr>
<tr>
<td>Building of Local Interest</td>
<td>N/A</td>
</tr>
<tr>
<td>Tree Preservation Order</td>
<td>N/A</td>
</tr>
<tr>
<td>Flood Risk Zone</td>
<td>3</td>
</tr>
</tbody>
</table>
| Other | Strategic Site, Central Thameside West (site ref S07)  
Archeological priority Area – Tier 3  
Adjoining a Site of Nature Conservation Interest (SINC)  
Safeguarded Wharf  
Water Quality Stress Zone (River Thames)  
Flood Zone 3  
Park Deficiency Area:  
- Pocket Parks  
- Local Parks  
- District Parks  
- Metropolitan Parks  
Access to Nature Deficiency  
London City Airport Noise Contours: 57 dB  
Controlled Parking Zones  
Flood Defence Safeguarding |

## Non-residential Uses

<table>
<thead>
<tr>
<th>Existing Use(s)</th>
<th>Existing Use / Operator</th>
<th>Vacant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing Use Class sqm</td>
<td>Vacant</td>
</tr>
<tr>
<td>Proposed Use(s)</td>
<td>Proposed Use / Operator</td>
<td>CDE waste storage and transfer site/ Keltbray</td>
</tr>
<tr>
<td></td>
<td>Proposed Use Class</td>
<td>Sui Generis – 1.93 ha</td>
</tr>
<tr>
<td>Employment</td>
<td>Existing number of jobs</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Proposed number of jobs</td>
<td>15</td>
</tr>
</tbody>
</table>

## Transportation

<p>| Car Parking | No. Existing Car Parking spaces | 0 |</p>
<table>
<thead>
<tr>
<th></th>
<th>No. Proposed Car Parking Spaces</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cycle Parking</strong></td>
<td>No. Existing Cycle Parking spaces</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>No. Proposed Cycle Parking Spaces</td>
<td>6</td>
</tr>
<tr>
<td><strong>Public Transport</strong></td>
<td>PTAL Rating</td>
<td>2 (Poor)</td>
</tr>
<tr>
<td></td>
<td>Closest Rail Station / Distance (m)</td>
<td>West Silvertown/ 265m</td>
</tr>
<tr>
<td></td>
<td>Bus Routes</td>
<td>474</td>
</tr>
<tr>
<td><strong>Parking Controls</strong></td>
<td>Residents Parking Zone?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>RPZ Hours</td>
<td>Monday to Sunday 8am - 6.30pm</td>
</tr>
</tbody>
</table>

**Public Consultation**

| Number of properties consulted | 152 |
| Expiry of consultation period  | 10th April 2019 |
| Number of responses            | 2   |
| Number in support              | 0   |
| Number of objections           | 2   |
| Number of other representations (neither objecting or supporting) | 0 |
1.0 SITE & SURROUNDINGS

1.1 The site is located in the south of the Royal Docks and has a site area of 1.93 hectares (ha). There are two pre-fabricated cabins in the northern part of the site, otherwise the remainder of the site is vacant. The site is generally flat, stepping up towards the River Thames. The site is accessed from the north by North Woolwich Road and an access road shared with the neighbouring Brett Aggregates site.

1.2 The site is allocated by the Local Plan as a Strategic Site, Central Thameside West (site ref S07). The allocation specifies:

‘Employment and wharf development comprising the reactivated Peruvian Wharf and consolidation of other Thameside West Wharves on this and land to the east at Royal Primrose Wharf. Employment development will be consistent with the Strategic Industrial Location (SIL) designation, maximising opportunities for modern industrial uses and support the wharf use including providing access, together with improved access to adjoining SIL uses from North Woolwich Road, preferably in the form of a central spine road with connections east, west and to the wharves.’

1.3 The site forms part (roughly one half) of Peruvian Wharf, which is designated as a Safeguarded Wharf and Strategic Industrial Location (Thameside East (ref 45)). In addition the site is located within an Employment Hub (ref E02). The focus of the employment hub is stated within the Local Plan as:

‘B Class Uses (SIL), particularly high technology manufacturing, wharf related uses, cultural and creative, construction and green industries.’

1.4 Other designations include:

- Archaeological priority Area – Tier 3
- The development adjoins a Site of Nature Conservation Interest (SINC)
- Safeguarded Wharf
- Water Quality Stress Zone (River Thames)
- Flood Zone 3
- Park Deficiency Area:
  - Pocket Parks
  - Local Parks
  - District Parks
  - Metropolitan Parks
- Access to Nature Deficiency
- London City Airport Noise Contours: 57 dB
- Controlled Parking Zones
- Flood Defence Safeguarding

1.5 There are two sites to the north of the site that are still within the Peruvian Wharf area, one being a vacant plot of land, formally used for industrial
purposes and the other being the Tate and Lyle Golden Syrup Factory. To the south of the site is the River Thames which is approximately 400 metres in width at this point with views across to Greenwich. To the west is the Brett Aggregates aggregate processing site and to the east is the former John Knight animal by-products processing site.

1.6 Despite much of the surrounding land being vacant, the area is predominantly industrial in character. However, it is noted that there is emerging residential development in the area in particular along North Woolwich Road and at Royal Wharf and Deanston Wharf.

1.7 As set out in the Relevant History section of this report permission was granted in 2008 under planning ref. 07/01816/LTGDC for an aggregates processing facility operated by Brett Aggregates. To clarify the Brett Aggregates site comprises Peruvian Wharf in the west and Plaistow Wharf in the east. Brett has consolidated some of its operations into the Peruvian part of the site and will now no longer pursue the development of Plaistow Wharf for the storage of cementitious materials, the dry sand mortar and the bagging plants.
2.0 PROPOSAL

2.1 The proposal is to relocate existing CDE waste operations at Thames Wharf to Plaistow Wharf. Thames Wharf lies approximately 800 metres to the north-west of the application site. The reason for the relocation of this operation is due to the construction phases of the approved Silvertown Tunnel.

2.1 The proposal is for:

Redevelopment of the vacant wharf for use as a road-river hub for construction demolition and excavation waste storage and transfer, comprising the construction of stock bays, for storage of construction, demolition and excavation waste, incorporating a sustainable drainage system, widening of the wharf landing area, storage and fabrication for civil engineering projects and erection of weighbridge, office facilities and associated infrastructure.

2.2 The site will handle Construction, Demolition & Excavation (CDE) waste which will be imported by road. The CDE waste will be screened on arrival at the site and once certified the material will be stored on the site ready to be placed onto a barge and transferred to a site in Kent using the River Thames. The CDE waste will be transferred onto the barges using mobile plant with loading shovels and grabbers. Barges will collect this material 2-5 times a week. In instances where the CDE waste does not meet quality protocols on arrival at the site it would be refused and directed to Mohawk Wharf, some 600m to the east of the site.

2.3 The proposed redevelopment of Plaistow Wharf would comprise:
- construction of 8 [bays A-F, Quarantine bay, open storage] stock bays, for storage of CDE waste incorporating a sustainable drainage system;
- widening of the wharf landing/platform area;
- plant and equipment storage and fabrication for civil engineering projects;
- erection of weighbridge;
- office and welfare facilities;
- Associated infrastructure comprising a wheel washing area and a skip, Control of Substances Harmful to Health (COSHH), fuel area;
- Concrete hardstanding; and,
- Parking and bicycle parking
3.0 RELEVANT HISTORY

3.1 Planning Application History

3.2 A summary of the relevant planning application history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/03183/FUL</td>
<td>Construction of a permanent access road connecting Peruvian Wharf with North Woolwich Road and associated operational development works.</td>
<td>Withdrawn on 26 February 2018</td>
</tr>
</tbody>
</table>
| 16/02947/FUL  | Comprehensive redevelopment of the site to provide a residential-led, mixed-use development of 3no. blocks ranging from 5 to 20 storeys in height, comprising:  
- 946 residential units (Use Class C3);  
- retail, financial and professional services, and food and drink uses (Use Class A1, A2 and A3) up to 527sqm (GIA) of flexible floorspace; and  
- commercial and community uses (Use Class B1, D1) up to 1,841sqm (GIA) of flexible floorspace.  
The proposals also include the installation of new, and modifications to existing roads, an energy centre, car and cycle parking facilities, landscaping and public realm works.  
A major application, accompanied by an Environmental Statement for the purposes of Environmental Impact Assessment. A Departure from the Development Plan. | Withdrawn on 26 February 2018|
| 16/00286/NON MAT | Non material amendment to planning permission 14/00395/FUL dated 28 March 2014 - Minor alterations to the route of the proposed road.                                                                              | Approved by the London Thames Gateway Development Corporation on 29 March 2016|
| 07/01816/LTG DC | Tranship and distribute aggregates using sea-going vessels, utilising rear of the wharf for aggregate storage, loading and onward distribution and for cementitious | Approved by the London Thames Gateway |
| Powders import, storage and export. Construction and operation of a ready-mixed concrete batching plant and a dry silo mortar plant using aggregates and cementitious powders landed and handled. The bagging of aggregates. | Development Corporation on 3 December 2008 |
4.0 CONSULTATION

4.1 Application Publicity

4.2 In total three site notices erected, two on North Woolwich Road and one on Knights Road on 19 March 2019, expiring on 9 April 2019.

4.3 A press Notice was advertised in the Newham Recorder on 20 March 2019, expiring on 10 April 2019.

4.4 The application was advertised as a major application.

4.5 A total of 152 consultation letters were sent to neighbouring properties regarding this application on 11 March 2019. The public consultation period expired on 1 April 2019.

4.6 Adjoining Properties

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Letters Sent</td>
<td>152</td>
</tr>
<tr>
<td>Number of Responses Received</td>
<td>2</td>
</tr>
<tr>
<td>Number in Support</td>
<td>0</td>
</tr>
<tr>
<td>Number of Objections</td>
<td>2</td>
</tr>
<tr>
<td>Number of other Representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>

4.7 A total of 2 responses were received from adjoining occupiers, comprising 0 in support and 2 objecting to the application.

4.8 In summary the objections to the application relate to the following issues:

- Daylight/sunlight
- Heritage
- Loss of privacy
- Noise and disturbance
- Air quality/air pollution
- Outlook
- Parking
- Public safety
- Traffic and road safety
- The proposed use
- Visual amenity/design
- Economic impacts – negative impact on tourism
- Harmful impact on the open, rural and undeveloped character of West Silvertown.
4.9 A summary of the responses received along with the Officer comments are set out below.

<table>
<thead>
<tr>
<th>Address:</th>
<th>15 Badminton Mews, Silvertown, London E16 1TH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>14th March 2019</td>
</tr>
<tr>
<td>Type:</td>
<td>Online comment</td>
</tr>
<tr>
<td>Stance:</td>
<td>Objection comments</td>
</tr>
</tbody>
</table>

**Details of representation:**
Objects to the application due to:
- daylight/sunlight
- heritage
- loss of privacy
- noise and disturbance
- outlook
- parking
- public safety
- traffic
- use
- visual amenity/design

“I write to object on the grounds that it would harm road safety, create noise, create air pollution, damage tourism and is not the most suitable location for the area it will serve.

The dust and the smell from Thames Wharf during warm weather is already unbearable at times, a move closer to residential property will only make this problem worse.

The waste transfer site already works late into the night on many occasions as well as weekends and the noise nuisance would become even more of a social nuisance.

The refuse vehicles would conflict with the large volume of other traffic along the road, in particular causing danger to pedestrian and cyclists as this is already a "hot-spot" for danger.

The area is attempting to redefine itself to tourists along the Victoria Dock area, and to new residents in all the new residential properties that are being built. The waste transfer site would go against all the new redevelopment and only serve to be a detriment to the area.”

**Officer comments on representation:**
Officers note that the application would be located in a Strategic Industrial Location and on a Safeguarded Wharf. As set out in Section 7, the principle of the proposed use is supported. It is not noted that tourism is a particular plan objective in this part of the Royal Docks.
Officers noted that the site vacant at the time of the officer site visit. Noise and disturbance is a key consideration it is considered at section 7 and will be controlled by way of planning Condition at Appendix 1.

Issues relating to parking congestion are noted and assessed in section 7 of this report.

<table>
<thead>
<tr>
<th>Address:</th>
<th>Flat 4, West Lodge, Britannia Gate Silvertown, London E16 1SA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>15 March 2019</td>
</tr>
<tr>
<td>Type:</td>
<td>Online comment</td>
</tr>
<tr>
<td>Stance:</td>
<td>Objection comments</td>
</tr>
</tbody>
</table>

**Details of representation:**
Objects to the application due to:

- noise and disturbance
- public safety
- traffic

“We wish to make you aware of a number of strong objections that we have with regard to the proposed relocation of waste transfer use from Thames Wharf to Plaistow Wharf, application number reference above. As an immediate neighbour to the site of proposed development, we are of the view that the proposed development will have a serious impact on our standard of living. Our specific objections are as follows:

The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with the property. The propose use of site introduces a diverse element that by reason of the use is likely to result in noise, disturbance (e.g. air pollutions) and nuisance to the detriment of neighbour’s residential amenity.

This site proposal would lead to potential safety hazards; create conflicts between pedestrians, cyclists and vehicular movements thereby creating a safety hazard which discourage people to cycle and to live in this residential area. As a resident in Silvertown, we have the right to enjoy a quiet and safe residential environment.

The proposal represents an inappropriate form of development within West Silvertown and in the absence of any special circumstances would by its inappropriateness have a harmful impact on the open, rural and undeveloped character of West Silvertown. This area is attempting to redefine itself to tourist along the Victoria Dock area and to new residents in all the new residential properties that are being built. The waste transfer site goes against all the new developments and only serves to be a detriment to the area.
We would be grateful if the council would take our objections into consideration when deciding this application. We would welcome the opportunity to meet with a representative of the planning department to illustrate our objections at first hand.”

Officer comments on representation:
Officers note that the application would be located in a Strategic Industrial Location and on a Safeguarded Wharf. As set out in Section 7, the principle of the proposed uses are supported. It is not noted that tourism is a particular plan objective in this part of the Royal Docks.

It is assessed that the area is urban in character. The land itself is a brownfield site which has been used for various wharf/industrial purposes for over a century.

In summary noise and disturbance is addressed via condition which will restrict the operating hours and the type of operations so that residential amenity will be respected at weekends, early morning and at night. However, officers are also mindful that this is a wharf on the Tidal Thames and there are circumstances where the wharf may need to be used outside of these hours.

LBN Transport has assessed the impact on safety using the existing access. Contributions have been sought for improvements to pedestrian and cycle infrastructure. As a result of other schemes in the vicinity of the site a masterplanned approach will need to be undertaken if other scheme as approved. And the applicant acknowledges this in the accompanying Masterplanning Statement.

Section 7 of this report addresses these concerns.

4.10 Statutory and Non Statutory Consultation

4.11 The following consultations have been undertaken:

LBN CIL (Community Infrastructure Levy)
LBN Environmental Health - Pollution General
LBN Highways Team
LBN Investment
LBN Landscape Architects
LBN Regeneration
LBN Transportation
LBN Urban Design & Conservation
LBN Waste Management
Lead Local Flood Authority
Crossrail Ltd
Historic England - GLAAS
Environment Agency
Designing Out Crime Officer, Metropolitan Police Service

London Borough of Newham
4.12 External Consultation

4.13 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Crossrail</th>
<th>Date received:</th>
<th>12 March 2019</th>
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<td><strong>Summary of consultation response:</strong></td>
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<td>'The implications of the Crossrail proposals for the application have been considered and I write to inform you that Crossrail Limited do not wish to make any comments on this application as submitted.'</td>
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<tr>
<td><strong>Officer comments on consultation response:</strong></td>
<td>Noted.</td>
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<tr>
<th>Consultee:</th>
<th>Natural England</th>
<th>Date received:</th>
<th>21st March 2019</th>
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<td><strong>Summary of consultation response:</strong></td>
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<tr>
<td>'Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.'</td>
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We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice

Officer comments on consultation response:
Noted.

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<tr>
<th>Consultee:</th>
<th>Historic England - GLAAS</th>
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<tr>
<td>Date received:</td>
<td>25 March 2019</td>
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Summary of consultation response:
NPPF section 16 and the London Plan (2011 Policy 7.8) make the conservation of archaeological interest a material planning consideration. NPPF paragraph 189 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest.

If you grant planning consent, paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public.

The planning application lies in an area of archaeological interest.

The site has been subject to an archaeological foreshore survey recently and fieldwork close by strongly suggests that deeply buried remains would not be harmed by the scope of works proposed. Post-mediaeval deposits connected with the pre-industrial use of the site have been encountered during archaeological monitoring at the Tarmac site next door and the proposed drainage works may reveal more. The site appears to have been in use during the eighteenth century, indicated by these results and a waterside gibbet shown on contemporary mapping.

I therefore recommend an archaeological watching brief on the drainage scheme, secure by condition.

I have looked at this proposal and at the Greater London Historic Environment Record. I advise that the development could cause harm to archaeological remains. However the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition. I therefore recommend the following condition on any consent:

Condition
No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and
research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Informative
The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England’s Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme. If the applicant does not agree to this pre-commencement condition please let us know their reasons and any alternatives suggested. Without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 199.

The archaeological work should include:

Watching Brief
A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.

You can find more information on archaeology and planning in Greater London on our website.

This response only relates to archaeology. You should also consult Historic England’s Development Management on statutory matters.

Officer comments on consultation response:
There is no significant excavation on site and therefore there is no requirement for WSI.

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<tr>
<th>Consultee:</th>
<th>Designing Out Crime Officer, Metropolitan Police Service</th>
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<tr>
<td>Date received:</td>
<td>25 March 2019</td>
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<tr>
<td>Summary of consultation response:</td>
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</table>
Thank you for allowing our office to comment on the above. Having reviewed the information available on the planning portal we were unable to find reference to site security and crime preventions measures within the DAS and require further information.

**Without further information on the proposed security and crime prevention measures for this site we are currently unable to support this application.**

Please see Appendix 2 for further explanation.

**Appendix 1: Local Policy**

**The National Planning Policy Framework (NPPF)**

**Section 8** - "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion”.

**Section 12** - "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience"

**Newham Local Plan 2018**

**Core Policy SP3 Quality Urban Design within Places**

2a - Any new development, town centers, public spaces, transport hubs and streets should incorporate the principles of and achieve Secured By Design (SBD) accreditation; and  
b - Designs should be accompanied by sufficient technical and financial detail to demonstrate that a satisfactory design quality will be realised and sustained, including provision for continuity of the project architect to completion stage, and details of proposed public realm and open space management and maintenance.

**Section 17 of the Crime and Disorder Act 1988**

“It shall be the duty of each Authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all it reasonably can to prevent Crime and Disorder in its area”, as clarified by PINS953.

19.3 - Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all they can to reasonably prevent crime and disorder in their area. Reducing crime is therefore not solely the responsibility of the Police.  
19.6 - The design and layout of the physical environment is key to creating safe environments and reducing crime and disorder. ‘Designing out crime’ and designing in community safety should be core principles in planning any new development, town Centre’s, public spaces, transport hubs and streets
19.14 - The Council will ensure that community safety measures are implemented in the Borough by ensuring that planning applications for new developments demonstrate how a development will incorporate the principles and practices of 'Secured by Design' and 'Designing out Crime'. Such measures could be highlighted through a supporting planning statement or design and access statement. These considerations will be particularly important in new schemes

Inforamptive:
We would advise all applicants to seek crime prevention advice prior to submitting a planning application. The services of MPS Designing Out Crime Officers (DOCO) are available free of charge and can be contacted via Docomailbox.NE@met.police.uk or during office hours via Telephone: 0208 217 3813.

Appendix 2: Site Specific Comments

The Design and Access Statement (DAS) should include how crime prevention measure have been incorporated. See Appendix 1.

Crime types that we have identified as being a risk within this site, which must be considered and mitigated against are:

1. Trespass
2. Criminal Damage
3. Theft
4. Burglary
5. Arson

The following is taken from the submitted DAS for this application:

2.6 - The Design and Access Statement (DAS) considers the design, access, landscape/biodiversity, heritage, lighting and community involvement issues. Noise, traffic, air quality and flood risk assessment are separately assessed in standalone documents and referred to in the Planning Statement

We noted the following additional references within the documents:

Cycle storage:
We noted ‘A secure cycle parking area will be provided within this area’. However within the drawings submitted we could only find an area marked as ‘Open bike rack’. In our opinion an open bike rack is not adequate in offering a secure cycle parking solution. We would like to see further information on what measures are in place to reduce the risk of the theft of cycles with this area.

Office space:
We note the use of ‘Modular buildings’, however no reference is made to the proposed security measures within the offices or within the construction process, or reference to how secure access will be provided to prevent
Boundary, Fencing & Access control:

We found mention of previous a planning application in 2010 which lists reasons for acoustics within the boundary treatment. We could not find mention of a security assessment of the current/proposed site boundary treatment or how measures will be put in place to ensure the security of the site. We also were unable to find mention of how secure vehicle and pedestrian access will be controlled and managed.

2.4 - The north eastern boundary fence is formed of 3m high concrete panels and the south eastern boundary includes concrete panels which change to steel palisade fencing close to the river. Presently herras type fencing marks the boundary between the new aggregate handling wharf and the proposed development site on the north western boundary. Condition 9 of planning permission 07/01816 required details of the boundary fencing and its acoustic properties to be submitted prior to commencement. The details approved on 24th August 2010 were for a 2.4m high galvanised steel palisade fence constructed from vertical steel angled bars set at approx. 150mm centres. The details concluded that the noise assessment did not take account any screening effect of boundary fencing and had concluded that noise sensitive receivers would not be impacted and therefore fencing with acoustic properties was not appropriate.

If you wish to discuss this matter further or require any additional information please do not hesitate to make contact with either myself or the North East DOCO office.

Officer comments on consultation response:

See further consultee representation below

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<tr>
<th>Consultee:</th>
<th>Designing Out Crime Officer, Metropolitan Police Service</th>
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<tr>
<td>Date received:</td>
<td>08 April 2019</td>
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Summary of consultation response:

Thanks for sending over the addition information provided by the developer, regarding the proposed security of the site. Although the development site seems quite isolated at the moment, the future development within the neighbouring area will change this dynamic. We would like to ensure the site has an adequate physical security in place, as just relying on CCTV will not prevent it from being exploited by opportunist criminal activities, or slow down entry by criminals targeting the site.

The information within the document offers a generic insight to the general security intentions, however we are not satisfied the physical security of the boundary meets our normal minimum requirements of a secure boundary.

We would like to see further clarification/ and/or details on the following:

1. We are not sure if the site has 24/7 security staff or if it is proposing to
have 24/7 monitored CCTV off site. Having a dedicated 24/7 security comes at a high cost and cannot be guaranteed to remain for the lifetime of the development/site – It often withdrawn when site costs are reviewed. Having a secure boundary is essential for providing sustainable security measure.

2. We could not find details on the type, height or materials to be used for the proposed vehicle & pedestrian gates (what security measure will be incorporated within the design). It appears from the document the vehicle gates will be open during operation hours - how will vehicles and visitors be monitored or restricted when entering & leaving.

3. The boundary fencing is a mix of brick and palisade which will have additional scaffolding dust sheets added – we have concerns that the varied heights and mixed materials being used can created climbing opportunities. Some styles of palisade fencing can be easily manipulated to gain entry it is not clear if a risk assessment had been done for the existing palisade. The area’s most at risk will be boundaries with public access along roads/footpaths.

I am not sure if it is in your power to add a condition regarding the developments security measures for, the boundary and site entrance, but the following could be an option if you want to progress with approval and leave the finer details to us to formulate with the developer then send to you for approval/release the condition:

1. Details of the measures to be incorporated into the development demonstrating how the local ‘Commercial - Secured by Design’ security standards, have been included in the final build specifications, shall be submitted to and approved in writing by the Local Planning Authority. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Office, the development shall be carried out in accordance with the agreed details.

Informative:
The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs) and notify this office of any changes to the planning application or approved scheme relevant to security or design layout. The services of MPS DOCOs are available free of charge and can be contacted via Docomailbox.NE@met.police.uk or during office hours via Telephone: 0208 217 3813

**Officer comments on consultation response:**
Second Representation. See further consultee representation below

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<tr>
<th><strong>Consultee:</strong></th>
<th>Designing Out Crime Officer, Metropolitan Police Service</th>
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<tr>
<td><strong>Date received:</strong></td>
<td>9 May 2019</td>
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<tr>
<td><strong>Summary of consultation response:</strong></td>
<td>‘Sorry for the delay in our response - I have received an update from the</td>
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</table>
Marine Police Unit, MO7. They have no additional comments to this proposal and the impact it may have on the area/waterway.

In response to the Agents comments:

Normally we would look to find a security needs assessment for commercial developments, which identifies any areas of risk to the site and details the appropriate mitigation measures to reduce the likelihood of the site becoming a target for criminals. The assessment usually cover any areas that we would automatically identify as vulnerable and shows precise details how the risk will be reduced. Once confident appropriate measures have been considered we normally have no additional comments to make.

Our intention is not to add a condition if you do not feel it necessary, however if required we are happy to assist you when doubt over appropriate measure are unclear. If you believe the agent has now covered enough security detail to satisfy the highlighted concerns we have, in order to protect the site and its functions, then we leave the decision with you, to grant the relevant permissions.

If you feel it appropriate please could pass the following general police advice onto the Agent, in response to their additional comments. It may encourage them to review and enhance the security measures proposed, which in our opinion would be proportionate to the crime risk. I have also attached a few Home office document that they may find helpful if reviewing or installing security measures onto the site, as it is not clear what level of security experience or knowledge the Agent has.

1. Appropriate entry signage promoting the CCTV coverage can reduce the risk of trespass, this should be enhanced with lighting and a monitored security alarms on buildings/storage huts containing items of value.

2. We do not recommend that a site solely rely on exiting neighbouring choices of boundary treatments, as this does not always offer adequate protection. As previously stated areas most at risk are boundaries with public access along roads and footpaths, so the risk to this site is less than its neighbours who’s site bound the public domain. As previously stated some older types of Palisade style fencing is easily manipulated. We find that criminals involved in residential and commercial burglaries are not put off going through a neighbouring property to reach their desired target. Where boundary treatments do not offer adequate protection additional secure measures should be incorporated.

3. If the proposal is to add a palisade type vehicle gate, this must be enhanced a with a mesh backing to avoid foot holds for climbing and easy manipulation of the gates construction, especially around the locking /sliding bolts which are usually used to keep double leaf gate together and fixed in place when close. The hinges should be fitted with anti-tamper fixings and be anti-lift to avoid the gates being taken off/ lifted to gain entry.

London Borough of Newham

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4. Using a padlock and chain to secure your gates is probably the most common way to lock an outdoor gate however it’s also one of the least secure. Padlocks can easily be cut or pried off, as can the chain or hasp that is holding them, therefore we would advise using locking products that are security tested to a minimum of a ‘Sold secure – Gold standard’.

Officer comments on consultation response:
Third representation – Officers have not recommended a condition in this instance due to its non-street facing location this is not considered to be reasonable.

Consultee: Canal & River Trust
Date received: 27 March 2019
Summary of consultation response:
The following response was received.

“Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is that the Trust has no comment to make on the proposal”.

Officer comments on consultation response:
Representation noted.

Consultee: Highways England
Date received: 29 March 2019
Summary of consultation response:
The following responses were received:

Email response:

“Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN). In the case of this proposed development, Highways England is interested in the potential impact that the development might have on the A13 in particular.

After looking through the documents provided, it is evident that this development will not result in any increase in vehicular movements. Therefore, Highways England have no objection to this application as it will not have a material impact on the SRN.”

Letter:

“Highways England Ref: #84145”
Referring to the notification of a planning application dated 12 March 2019 referenced above, in the vicinity of the A13 that forms part of the Strategic Road Network, notice is hereby given that Highways England’s formal recommendation is that we:

a) offer no objection*;
   *This is on the basis that the proposals will generate minimal additional traffic on the SRN in Peak Hours. We therefore consider that the development will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 109), in this location.

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

Highways England Planning Response (HEPR 03-19) March 2019

c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);

d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).

Highways Act Section 175B is not relevant to this application.1

HIGHWAYS ENGLAND (“we”) have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This represents Highways England’s formal recommendation and is copied to the Department for Transport as per the terms of our Licence. Should the Local Planning Authority disagree with this recommendation they must consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via transportplanning@dtf.gsi.gov.uk"

**Officer comments on consultation response:**
Representation noted.

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**Consultee:** Environment Agency  
**Date received:** 2 April 2019  
**Summary of consultation response:** Thank you for consulting us on the above application. In the absence of an...
acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused for the following reasons:

Reasons
The FRA as submitted does not adequately assess the flood risks posed by the development with regards to flood defences, and does not, therefore, comply with the requirements National Planning Policy Framework (NPPF) paragraph 163, or Policy S3 Flood Risk, or your local plan. In particular, the FRA fails to:

- Provide drawings of the proposed wharf structure, or any details on the current structure and condition of the river wall (flood defence).
- Demonstrate that the proposed design provides sufficient horizontal and vertical access to carry out inspections and maintenance work, or any essential future raising of the flood defences in line with the TE2100 plan. This is in with Policy 9.12.3 of the London Plan.

Overcoming our objection
To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection.

Advice to Local Planning Authority
If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify the Environment Agency to explain why, as we will need to make further important representations with regards to waste and contaminated land. Once again, thank you for contacting us. Our comments are based on our available records and the information as submitted to us. Please provide us with a copy of the decision notice for our records.

Officer comments on consultation response:
Officers note there is no objection in principle. The recommendation to the Committee seeks delegated approval to further consider the representation from the EA.

Consultee: Port of London Authority
Date received: 3 April 2019

Summary of consultation response:
Thank you for your letter dated 11 March 2019 concerning the above planning application.

As you will be aware, the PLA is the owner of the safeguarded Peruvian Wharf which encompasses the application site. Application 18/03543/FUL by Keltbray Ltd proposes to maximise the use of the downstream part of Peruvian Wharf (known as Plaistow Wharf) for waterborne cargo handling through the relocation of its existing operations at Thames Wharf 800m south to Plaistow Wharf. This is necessitated by the Silvertown Tunnel.
The PLA is fully supportive of Keltbray’s application which would reactivate the downstream part of the safeguarded wharf for the purpose for which it is safeguarded and result in waterborne cargo handling taking place on this part of the wharf for the first time in over twenty years.

Brett Aggregates Limited occupy the upstream part of the wharf and will commence waterborne cargo handling operations later this year.

Policy Background

The extant and draft London Plan both seek to increase the use of the Blue Ribbon Network to transport freight. Safeguarded wharves are protected for waterborne cargo handling uses only. Keltbray’s proposal fully accords with London Plan safeguarded wharves policy with between 150,000tpa to 200,000tpa of waste being proposed to be exported by river. Material would be transported in barges with a capacity of either 1,000t or 2,000t, resulting in barge movements from the wharf between two and five times per week.

The proposed development fully accords with the Safeguarded Wharves Review (2018) which identifies that Keltbray’s current operations will need to relocate as a result of the Silvertown Tunnel Scheme and identifies the potential for wharf consolidation to occur within Newham.

The proposed development also fully accords with the adopted Newham Local Plan (2018) which, as part of the Royal Docks Spatial Strategy, Policy INF1, Policy J2 and Site Allocations S07 and S08 designates the land as Strategic Industrial Land and seeks the reactivation, relocation and / or consolidation of Thames, Peruvian, Manhattan, and Sunshine Wharves on Peruvian and Royal Primrose Wharves with no net loss of functionality or wharf capacity.

The relocation of Keltbray’s operations from Thames Wharf to Plaistow Wharf would, in conjunction with the safeguarding and reactivation of Royal Primrose Wharf, result in the long standing strategic policy objective which is now adopted within Local Policy of wharf consolidation to be fully realised.

Environment

The application states that the development will have SUDS and the drainage plan indicates a sealed sump and interceptor. A River Works Licence will be required for any works over Mean High Water.

It is noted that lighting will be directed downward and this is welcome as inappropriately angled lighting and light spill can affect flying mammals and river ecology. It is recommended that a condition on any grant of planning permission requires full details of all external lighting to be submitted and approved.

If any wastes are likely to generate litter there should be measures in place to prevent any litter entering the river. It is recommended that a condition on
any grant of planning permission requires the submission and approval of a litter management plan.

Planning Conditions

It is imperative that any planning consent reflects the site’s strategic allocation and policy support as a Wharf and does not seek to unnecessarily constrain the wharf, either in terms of hours of operation or duration of consent. In particular hours of operation for the wharf need to be 24 hours a day, 7 days a week due to the tidal nature of the River Thames and a full planning consent is required to reflect the strategic nature of this site and its site allocations.

Finally it is recommended that a condition on any grant of planning permission requires the submission and approval of riparian life saving equipment.

Officer comments on consultation response:

Officers recognises the requirement for 24 hour access to the wharf. Officers requested a Site Working Plan which addresses the concerns over waste and light spillage. This is subject to a condition at Appendix 1.

Consultee: Greater London Authority Stage 1 Response
Date received: 1 July 2019

Summary of consultation response:

Strategic issues summary
Principle of development: The introduction of waste processing uses would sustainably intensify this unused SIL site in an Opportunity Area and positively contribute to construction, demolition and excavation waste processing capacity, which is strongly supported. The intensification of waterborne freight handling use on this safeguarded wharf is also strongly supported (paragraphs 16-21).

Urban design: The proposal is appropriately designed for the context of surrounding industrial uses and the Council should confirm if the noise impacts are acceptable (paragraphs 22-24).

Environment: The energy proposals should be reviewed and further information on the level of carbon savings is required. The Flood Risk Assessment should be revised to provide for future defence maintenance and raising in line with the Thames Estuary 2100 plan and the proposal does not meet non-residential water consumption targets (paragraphs 25-28).

Transport: A Road Safety Assessment is required. The application should contribute towards works and/or funding to mitigate the impact of its transport movements on the local highway network. An explanation for the level of car parking must be provided or the applicant should reduce the number of spaces. Electric vehicle charging points and information on the number of cycle parking spaces must be provided. A Travel Plan should be secured, monitored, reviewed, and enforced through the S106 agreement. A
Delivery and Servicing Management Plan and a Construction Management Plan should be secured by condition (paragraphs 29-33).

**Recommendation**
That Newham Council be advised that while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan and the draft London Plan, for the reasons set out in paragraph 37 of this report; but that the possible remedies set out that paragraph could address these deficiencies.

**Officer comments on consultation response:**
The applicant has been working with LBN and the GLA to address these concerns – any concerns not satisfactory can be addressed at Stage 2 of the GLA’s Review or via a condition.
- Energy matters will be addressed at Stage 2.
- A Road Safety Assessment has been submitted.

4.14 **Internal Consultation**

4.15 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

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<tr>
<th>Consultee:</th>
<th>LBN Urban Design &amp; Conservation</th>
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<td><strong>Date received:</strong></td>
<td><strong>16 May 2019</strong></td>
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**Summary of consultation response:**
“As discussed, there is very little in the way of detail in the application. Presumably they are going to need to put in fences road surfaces and other hard standing area. We should also seek elements of planting to soften the appearance of the site and for biodiversity etc. I think we need a landscaping plan which should reference the GLA Royal Docks materials palette (attached) in terms of surfaces, fencing, lighting etc. The detail could be conditioned but there needs to be a site-wide strategy included in the application.

The modular office building is functional in appearance but due to its location this doesn’t necessarily present a significant issue. Its appearance could be improved and related back to other industrial buildings in the vicinity by incorporating profiled metal cladding.”

**Officer comments on consultation response:**
Due to the location and the site having no street facing frontage officers consider that no further conditions or details are required. However, officers note that for any further works such as fencing which do not fall within the scope of this application a separate planning application may be required.

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<th>Consultee:</th>
<th>LBN Environmental Health</th>
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<td><strong>Date received:</strong></td>
<td><strong>7 May 2019</strong></td>
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Officer comments on consultation response:
Suggested conditions to be imposed if approved:

1. **Enclosure of on-site activates (subject to approval with no time limited consent)**

   Prior to commencement of the development hereby permitted, a full site enclosure plan shall be submitted to and approved by the Local Planning Authority. The plan shall include a building that encloses all onsite activities with a minimum specification of a roof and 4 sides with the smallest practicable entry/egress points. Each entry/egress must maintain a fast acting door or fixed water suppression with the function of preventing elevated dust from escaping the site boundary.

2. **Airborne asbestos fibre reassurance sampling (subject to time limited approval without enclosure of onsite activists)**

   Prior to commencement of the development hereby permitted, an airborne asbestos fibre site monitoring strategy for the operational phase of the development shall be submitted to and approved by the Local Planning Authority. The strategy shall include a proposed sampling location, sampling frequency, sampling rate, minimum sample volume, graticule areas to be examined versus the limit of quantification.

   For the duration of the permitted development the operator shall maintain records of all agreed monitoring including records of the taking and analysis of samples, airborne concentration results, calibrations, examinations, tests and surveys and any assessment or evaluation made on the basis of such data. On the request of the local planning authority, this information shall be made available within a reasonable time.

   The air quality sampling laboratory shall be accredited for asbestos sampling by a UKAS or equivalent accreditation body.

3. **Wheel washing facilities**

   Prior to commencement of the development hereby permitted, details of a drive through wheel washing facility shall be submitted to and approved by the Local Planning Authority. The approved scheme shall precede a hard-standing connection to the public highway and is to be maintained for the duration of the activity for all vehicle exits from the site. Private motor cars shall be excluded from this provision.

4. **Consolidated Surfacing**
All areas designed to accommodate vehicle movement shall have a consolidated surface capable of being cleaned, and these surfaces shall be kept clean and in good repair.

5. Site specific reverse alarms

All vehicles used on or otherwise serving the site where the use of a reverse alarm is required must be fitted with a white noise reverse alarm or an equivalent system.

6. Road sweeping

For the duration of the development hereby permitted, a water-assisted dust sweeper must be deployed on the access road during each day of onsite activates. Additional road sweeping must be provided where material is visibly tracked out of the site or spillages occur on adjoining roads.

7. Hours of operation

There shall be no works carried out on the site except between the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1800 on Saturdays without the prior written approval of the Local Planning Authority. Dock load out and loading at high tide and associated enclosed storage of materials shall be excluded from this provision.

8. H08A Air Quality Condition (Subject to approval with no time limited consent. AQ report to scope in cumulative impact of Plaistow Wharf, Peruvian Wharf and service road on masterplan area).

Before commencement of the development, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail:

- the area within the boundary of the site, which may exceed relevant national air quality objectives.
- specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives.
- identify areas of potential exposure.
- detail how the development will reduce its impact on local air pollution.
Regard shall be had to the guidance from the London Councils "Air quality assessment for planning applications – Technical Guidance Note” in the compilation of the report available at www.londoncouncils.gov.uk/node/25533

Reasons: To protect the amenity of future occupants and/or neighbours and in the interest of the declared Air Quality Management Area and in accordance with London Borough of Newham Local Plan Core Strategy Policy SP2 and Detailed Sites and Policies DPD SP8 and SP9

9. H11 Acoustic report (Subject to approval with no time limited consent. Noise report to scope in cumulative impact of Plaistow Wharf, Peruvian Wharf and service road on masterplan area).

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 effected property. Where it is considered impractical to meet this noise standard the report should detail mitigation measures taken to reduce noise to a minimum.

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

Reasons: To protect the amenity of future occupants and/or neighbours and in accordance with London Borough of Newham Local Plan Core Strategy Policy SP2 and Detailed Sites and Policies DPD SP8

10. Air Quality, Site specific non-road mobile vehicles (NRMM)
During onsite construction works, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to meet Stage IIIA of EU Directive 97/68/E and be NRMM registered. Such vehicles must be run on ultra low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel'). "Ultra low sulphur diesel" means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied no later than 1 year after succession.

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

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

Reasons: To protect the amenity of future occupants and/or neighbours in accordance with policy 5.2-5.7 of the London Plan 2016 and EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

Recommended informative(s) to pass on to the applicant:

1. Environmental Permitting (England and Wales) Regulations 2016 (As Amended)

The proposed activities associated with the application will be subject to the requirements of the Environmental Permitting Regulations. The Regulations require the operator (i.e. the person/company who wishes to carry out the prescribed activity) to apply to the relevant regulating authority for an operating permit.

For the purpose of the regulations, the Environment Agency regulates air emissions from waste operations that are not controlled by emission limits. Carrying out a prescribed activity without an operating permit is an offence under the above regulations. The applicant is advised to contact the Pollution Control Unit on 020 8430 2000 for information and advice. See also www.defra.gov.uk and www.environment-agency.gov.uk.

Other comments to Planning Officer:

1. Permitted wastes under Environmental Permit

The applicant has applied to the Environment Agency for an inert/non-hazardous and hazardous waste installation permit.

The hazardous wastes are classified as metal waste contaminated with hazardous substances, soil (including excavated soil from contaminated sites) stones and dredging spoil, soil and stones containing hazardous
substances, other construction and demolition waste (including mixed wastes) containing hazardous substances.

Wastes containing asbestos are not permitted. Loads are rejected if asbestos at a visible size to the human eye. There is no in-situ asbestos fibre sampling.

2. Site Enclosure and asbestos sampling

The London Borough of Newham is currently engaged in a process of declaring the whole borough (including the application site) as an Air Quality Management Area (AQMA). This declaration would likely occur before completion of the proposal. This will require additional air quality controls on the development.

The site is located adjacent to a masterplan neighbourhood which would increase the risk of exposure to elevated dust from the development.

The operator has applied for an environmental permit that permits the acceptance of hazardous wastes including contaminated soils. Open air dust management techniques can not eliminate the risk of dust exposure on neighbouring sites.

Wastes containing asbestos are not permitted on site and periodic off site soil sampling for asbestos fibres are undertaken. Asbestos loads are only rejected in-situ if at a visible size and no asbestos fibre sampling is undertaken once in-situ. Considering the nature of the operation and the handling of contaminated demolition soils, there may be undetected asbestos fibres within loads that are unintentionally accepted.

If a time limited consent is granted without an enclosure, airborne asbestos fibre sampling on the site boundary is recommended to assess the risk of any long-term exposure on the masterplan area.

3. Cumulative Impact on masterplan area

The application does not address the cumulative environmental impact of the combined wharfs on the masterplan area to the east of the site. If the application is granted without a time limited consent, I recommend a further noise; air quality and transport assessment is submitted to determine any adverse effects on the masterplan area.

4. Air Quality
I recommend Section 6 of the Air Quality report (operational dust mitigation measures) is revised to specify detailed dust management techniques to be maintained at the operational phase of the proposed development.

There are certain operational activities that are typically not covered by an environmental permit condition i.e. a requirement to cover of all operational vehicles entering and leaving site to prevent escape of materials during transport. It is recommended further dust controls are agreed in more detail within the application.

**Officer comments on consultation response:**
See representation and officer comments below.

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<tr>
<th>Consultee:</th>
<th>LBN Environmental Health</th>
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<td>Date received:</td>
<td>29 May 2019</td>
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**Summary of consultation response:**

1) I agree with the proposed asbestos monitoring plan. If the application is granted I recommend a condition is included to ensure the plan is implemented for the duration of the activity, as specified in our previous comments.

2) Re enclosure; I draw your attention to the London Environment Strategy (adopted May 2018). Proposal 4.2.3.e (Page 96) specifies;

   “Some waste and industrial activities have the potential to cause local dust and particulate pollution by the nature of the work that they undertake. The potential for these sites to cause pollution can be greatly reduced by moving dusty activities indoors. Working indoors can also have other benefits, such as reducing the amount of water used for dust suppression.”

I also draw your attention to policy SI8 para. ‘D’ of The Draft London Plan that specifies;

“Developments proposals for new waste sites or to increase the capacity of existing sites should be evaluated against the following criteria:… where a site is likely to produce significant air quality, dust or noise impacts, it should be fully enclosed”.

The SLR Air Quality assessment (422.08488.00001) specifies that “The effects of the proposed development on air quality are ‘not significant’. However, the report does not scope in the environmental impact of the proposal on the neighbouring masterplan neighbourhood to the east.
I recommend either:
   A) A full enclosure plan is submitted
   B) The developer submit a further air quality assessment that
demonstrates the air quality impact of the development on the
masterplan area will not be significant.

If you need any further assistance let me know.

**Officer comments on consultation response:**
The applicant has submitted a further air quality assessment. See next set
Environmental Health Representation below.

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<td><strong>Date received:</strong></td>
<td>14 June 2019</td>
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**Summary of consultation response:**
The AQA has scoped in the masterplan area and states that the effects of
the proposed development on air quality are ‘not significant’.

The London Plan and Environment strategy only specify covering for
significant air quality impacts and so enclosure is not justified in this case.

The EA has granted the applicant an environmental permit and this would
require the operator to work with the EA to maintain a dust management
plan as part of their environmental management system.

There are areas of dust control that may not be enforced under the permit
however. This includes stockpile heights, hardstanding surfaces for all
areas of vehicle movement, a wheel wash and road sweeping on the
access road. It is recommended appropriate planning controls are in place
where not covered in the permit.

**Officer comments on consultation response:**
See next representation and officer response.

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<th>Consultee</th>
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<td><strong>Date received:</strong></td>
<td>27 September 2019</td>
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**Summary of consultation response:**
“I agree with the proposed conditions and the site working plan which covers
my previous comments.”

**Officer comments on consultation response:**
The above comments were made following the submission of a Site Working
Plan with captures a number of key matters raised by Environmental Health.
The Site working Plan is subject to a condition set out at Appendix 1.
Otherwise any pertinent matters not covered by the Site Working Plan are
subject to separate conditions at set out at Appendix 1.
**Consultee:** Lead Local Flood Authority (LLFA)

**Date received:** 27 March 2019

**Summary of consultation response:**

‘LLFA’s response:’ objection: reviewed submitted and related documents the LLFA is not clear on the following:

- What aspect of the site is being developed: the FRA and appendices provide maps of potential drainage schemes for both Plaistow Wharf and adjacent Peruvian Wharf with provision of geo-cellular attenuation or similar.
- The FRA dismisses the requirement of SUDS whilst the application forms states that SUDS are to be implemented.
- A proposed drainage layout map was submitted relevant to the Plaistow wharf red line only is however inconsistent with what found in the FRA appendices. (different outfall, no SUDS only interceptors)

LLFA notes that the geotechnical investigation identifies ruderal drainage on site mostly in disrepair plus a number of concrete foundations that could constitute obstacles for what at this stage is a speculative proposal.

At full application a clear drainage scheme proposal is required, this should explicitly address requirements which, because the nature of proposed site operations, must include water quality of the discharge to the river, besides on site flood risk in form of an acceptable degree of attenuation. What submitted at this stage is unsatisfactory and does not allow LLFA’s determination.

Below is suggested condition - as back up - pending a clear proposal allowing an assessment:

**H21 Surface Water Drainage Detail**

a) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

b) Detail of the proposed drainage scheme should include:

   (i) Provision of water quality measures in regard to surface water river discharge.

c) Detail of ownership, management and maintenance arrangements shall be submitted to Planning Authority for approval before site occupation.

   d) The Drainage Scheme shall subsequently be implemented in
accordance with the approved details before the development is completed.

e) A verification report stating what works were undertaken and completed in accordance with the approved Drainage Scheme shall be submitted and approved by the Local Planning Authority in writing before occupation of the development.

Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change. With regard to policy SC3 of Newham Local Plan 2018; Policy 5.3, 5.12, 5.13, 5.14 of the London Plan (July 2011) and Supplementary Planning Guidance (SPG) on Sustainable Design and Construction; Policy 103 and 109 of NPPF; London Borough of Newham Surface Water Management Plan (SWMP) and Local Flood Risk Management Strategy (LFRMS)."

Officer comments on consultation response:
See next representation and officer response.

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<th>Consultee:</th>
<th>Lead Local Flood Authority (LLFA)</th>
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<td>Date received:</td>
<td>23 April 2019</td>
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Summary of consultation response:
“Noted response by applicant, I accept that ‘an assessment of the hydrological and hydro geological context of the development’ as part of suggested condition would not be necessary – that is part of a general standard condition applied to scheme that are not sufficiently defined. However proposal needs to be clear and interposed comments responding to LLFA comments – where applicable - need to be put together in a proper statement to make the proposal intelligible – it is not in the submitted documents therefore conditioned on the basis of an approved scheme.

the LLFA is responsible for flood risk and sustainable drainage regardless of the EA’s permit – the requirement is for a SUDS scheme and this need to be approved by the LLFA – not by the EA So applicant will need to indulge LLFA’s requirement and provide a clear SUDS scheme, which entails attenuation and water quality requirement as discharging to the river. It seems that reply entails that proposal has no obligation to attenuated post development discharge since this is to river, this is incorrect. Whilst the LLFA would not insist on strict requirements of minimum requirements (3 greenfield) as per Local Plan; attenuation is required.

Approval of ownership, management and maintenance is totally relevant and material planning consideration - in fact approval of all SUDS scheme requires those provisions, therefore existence of standard planning conditions which applies to all major development proposals.

This is under concerns of the LLFA’s role as statutory consultee according to FWMA 2010, London Plan, Local Plan and Newham Local Flood Risk management Strategy.
Therefore my objection still applies until concerns adequately addressed.”

**Officer comments on consultation response:**

Officers note the above comments – further information was sought from the applicant to address these concerns and they are assessed further by the LLFA below.

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<th>Consultee:</th>
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<td>Date received:</td>
<td>1 July 2019</td>
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**Summary of consultation response:**

“LLFA Response;

Viewed additional evidences – yet to be uploaded on Public Access under above planning reference, my response is that the report as referenced in the suggested planning condition below, would sufficiently address LLFA’s concerns and warrant progressing application to AOD applying the same condition.

H21c) Surface Water Drainage Detail

a) No part of the development hereby permitted shall be commenced until a fully detailed surface water management scheme for the development, consistent with Drainage Strategy & SUDS Report (Ref. KEL Project: Plaistow Wharf SUDS - 14/05/2019), has been submitted to and approved in writing by the Local Planning Authority.

b) Detail of the proposed drainage scheme should include:

(i) Provision of water quality measures in regard to surface water river discharge.

(c) Detail of ownership, management and maintenance arrangements shall be submitted to Planning Authority for approval before site occupation.

d) The Drainage Scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

e) A verification report stating what works were undertaken and completed in accordance with the approved Drainage Scheme shall be submitted and approved by the Local Planning Authority in writing before occupation of the development.

Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change”

**Officer comments on consultation response:**

As officers are satisfied with the submitted details it is not considered that the suggested condition will be reasonable or necessary.
**Consultee:** LBN Waste management  
**Date received:** 14 April 2019

**Summary of consultation response:**
‘I have gone through all the relevant document and proposal for waste storage, collection and transport at this site and they are satisfactory. However the applicant should be required to have a clean-up contingency plan in place should the need for road transportation of the waste arise. It is common to have debris or detritus on the public highway especially around the entrance and exit of the site(s) when such works are going on.’

**Officer comments on consultation response:**
A Site Working Plan has been submitted with the application which addresses the query regarding litter/waste spills.

---

**Consultee:** Transportation Team  
**Date received:** 8 April 2019

**Summary of consultation response:**
“Relocation of waste transfer use from Thames Wharf to Plaistow Wharf and redevelopment of vacant wharf, comprising the construction of stock bays for storage construction, demolition of excavation waste, incorporating a sustainable drainage system, widening of the wharf landing area, storage and fabrication for civil engineering projects and erection of weighbridge, office facilities and associated infrastructure.

Further to our meeting this morning the proposed development in principal of its use is acceptable along with the general principles of attached Transport Statement prepared Cannon Consulting Engineers (CCE) on behalf of Keltbray Ltd.

However, I feel the submitted application in this case is premature as there is no account of Masterplanning of surrounding sites which need to be taken into account, especially in line with LBN Local Plan.

Once this information is submitted Transportation and Highways will be able to make more comprehensive comments on then submitted application.”

**Officer comments on consultation response:**
Officers requested that Transport is assessed in more detail within the Masterplanning Statement – An Addendum has been provided and further LBN Transport comments have been made below.

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**Consultee:** LBN Transport  
**Date received:** 12 August 2019

**Summary of consultation response:**
“The proposal is for the relocation of waste transfer use from Thames Wharf to Plaistow Wharf and redevelopment of the vacant wharf, comprising the construction of stock bays, for storage of construction, demolition and excavation waste, incorporating a sustainable drainage system, widening of...
the wharf landing area, storage and fabrication for civil engineering projects and erection of weighbridge, office facilities and associated infrastructure.

Applicant has submitted a Transport Statement (TS) prepared by Cannon Consulting Engineers (CCE) appointed by Keltbray Ltd in respect of a planning application for the proposed relocation of their existing operations as a Wharf for storage and shipping of waste streams from construction excavation and demolition waste, and storage of other construction materials at Thames Wharf, Dock Road, Silvertown, London E16 1AF to Plaistow Wharf, North Woolwich Road, E16 2AB.

Development Site and Accessibility
Plaistow Wharf is located adjacent to the River Thames, is accessed from Dock Road, and connects to the wider Highway Network either at the Lower Lee Crossing Roundabout or to the south via Dock Road and North Woolwich Road. West Silvertown DLR station is the closest station, approximately 600m walk from the site entrance.

Previous consented arrangements
In 2017 Keltbray Ltd, obtained time limited consent, which expires on 31st July 2019 for the continued use of land and wharf as road-river hub for aggregate, construction, demolition and excavation waste storage and civil engineering applications (Planning Application 17/01822/FUL). This application was supported by a TS prepared by CCE dated April 2017, which discussed the operational requirements, associated trip generations and local highway impacts.

It should also be noted that Many planning approvals in the Royal Docks area are time limited to this date, due to the safeguarding of the Silvertown Tunnel Scheme which in May 2018 the Secretary of State approved the Development Consent Order (DCO). As such Keltbray Ltd are looking to transfer their operations to Plaistow Wharf in response.

In 2008, Brett Aggregates Limited (BAL) secured planning permission (Planning Application 07/01816/FUL) for the redevelopment of Peruvian and Plaistow Wharf combined, for a cementitious storage facility, bagging plant and dry morter plans on Plaistow Wharf, and aggregate handling activities and a concrete batching plant on Peruvian Wharf.

The site handles materials brought to the site by road and then transfers them to river/water transport. Some of the materials passing through Thames Wharf have been treated/sorted at Mohawk Wharf, located approximately 1 km to the south.

It is understood that all infrastructure requirements for the site operation are in place and that conditions attached to the 2010 consent with respect to highway access and impact mitigation arrangements were fulfilled, so there are no new infrastructure requirements for the Wharf site.

A separate planning application (14/00395/FUL) for a new access road
linking Peruvian Wharf to North Woolwich Road, as detailed on Waterman Drawing No.0011 Rev A01 and Drawing No.0012 Rev A01 was consented in March 2014. The access road is now constructed.

Current Application
Vehicle movements associated with deliveries at Thames Wharf operate between 07:00-19:00 Monday to Friday and 07:00-13:00 Saturday, submitted application proposes to maintain these operating times when operations transfer to Plaistow Wharf.

The proposed transfer of existing operations from Thames to Plaistow Wharf, will not result in a change in vehicle movements on the wider highway network (A1020) compared with the extant permission of Thames Wharf, but rather it is likely to result in minor changes in vehicle distributions between the A1020 North Woolwich Road, and the immediate highway network of Dock Road and North Woolwich Road. Specifically, due to the fact that Plaistow Wharf, is located strategically closer to Mohawk Wharf, and with circa 80,000 tonnes per annum (tpa) of waste material being imported from Mohawk Wharf to Plaistow Wharf this will reduce vehicle movements in the proximity of Dock Road (previously associated with the vehicle movements from Mohawk Wharf to Thames Wharf).

Keltbray Ltd obtained consent (Planning Application 17/01822/FUL) to continue operations for the importation of between 150,000 to 200,000tpa of waste per annum by road for export by boat, with the material shipped for final end of waste use destinations or for further sorting, recycling and recovery, up to 31st July 2019.

Presently the operations at Thames Wharf are subject to conditions and permits set by the Environment Agency (EA). The EA permit needed for the transfer of waste at Thames Wharf, caps the annual tonnage at 150,000tpa. Keltbray Ltd propose to transfer this current level of output (150,000tpa) to Plaistow Wharf and as with their extant permission at Thames Wharf, Keltbray Ltd would like the flexibility for growth in this volume to 200,000tpa.

Trip Generation
Relating the above figures in terms of vehicle movements noting that BAL, will now operate entirely from Peruvian Wharf, allowing Keltbray to utilise Plaistow Wharf for their operations, alongside Tate and Lyle who will use a proportion of the site for storage. The transfer of waste importation operations from Thames Wharf to Plaistow Wharf are existing / consented, they are also separate to the 300 daily HGV movement cap attributed to BAL within Planning Condition 36 (Planning Application 07/01816). The cap was set to safeguard traffic conditions in the local area and to minimise the environmental impact of traffic generated by the BAL development operations. Keltbray Ltd operations are existing and the transfer to Plaistow Relocation of Thames Wharf will not result in a material change in environmental or local traffic conditions and are wholly separate to BAL operations and Planning Condition 36.
Master Planning
Transportation earlier this year questioned the wider planning consideration especially from point of view of road hierarchy and road networks providing accessibility to Plaistow wharf including development of adjoining sites S07 and S08.

Keltbray submitted Master Planning Statement – Addendum in respect of this concern and acknowledged that the proposed development at Plaistow Wharf will accommodate the transfer of an existing operation within the borough to the site identified in the Local Plan for its managed SIL release and in particular; in the event that the access road alignment is altered, as a consequence of development proposals for S07, Keltbray will cooperate with the parties in using the realigned access road.

Conclusion
Transportation are satisfied that transferring operations to Plaistow Wharf will not result in a material impact on the wider network, may potentially result in some highway benefits on Dock Road, due to Plaistow Wharf being located closer to Mohawk Wharf, where waste material is cleaned, prior to being exported.

Furthermore, A review of the existing traffic generation transferring from Thames Wharf demonstrates that Keltbray Ltd operations account for a very small proportion of the total traffic generation on the A1020 Silvertown Way.

The Masterplanning Statement – Addendum assures that the re-alignment of road work to accommodate desired proposals for Strategic Site S07 will be welcomed.

Subject to the above Transportation do not object to submitted proposals.”

Officer comments on consultation response:
The letter of support is noted – see below for additional comments following discussions with LBN Transport and the case officer.

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<th>Consultee:</th>
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<td>Date received:</td>
<td>16 August 2019</td>
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Summary of consultation response:

Transport responded with recommended conditions as follows:

“Conditions:

Car Parking Layout - Condition: No development shall take place until details of the layout and number of car parking spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until <number> car parking spaces have been installed in accordance with the approved details. Such spaces shall be
Plaistow Wharf, Silvertown

London Borough of Newham

retained thereafter for this use only.

Reason: To ensure the development makes adequate provision for car parking and manoeuvring of vehicles likely to be associated with its use.

Blue Badge - Condition: The car parking accommodation of the approved development shall include XXX suitable for use by a person with disabilities (in accordance with the specifications within BS8300: Design of buildings and their approaches to meet the needs of disabled people: Code of Practice)

Reason: To ensure adequate access for all users of the building, in particular Blue Badge holders.

Cycle Parking - Condition: No development shall take place until details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of <number> cycle parking spaces have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport.

CLP - Construction Management Plan
No works shall commence unless and until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management Plan shall include:

- a survey of the existing conditions of adjacent public highways;
- an assessment of the cumulative impacts of demolition and construction traffic;
- details of the likely volume of demolition and construction trips and any mitigation measures;
- site access and exit arrangements including wheel washing facilities and swept paths where required;
- vehicular routes, booking systems and an assessment for the scope of consolidating loads to reduce generated road trips;
- proposed temporary access and parking suspensions and any temporary access and parking solutions required;
- Site compound arrangements including arrival of vehicles, parking, loading, storage and waste arrangements;
- methods for of protection of adjacent highway infrastructure; and,
- an assessment of all matters as are likely to cause nuisance to adjoining occupiers (including but not limited to; noise, dust, smoke, road cleaning, odour control) accompanied by mitigation measures
addressing all matters relevant to this particular site. Works shall be carried out in accordance with the approved Demolition and Construction Management Plan. Reason: To ensure that works do not prejudice the ability of neighbouring occupier’s reasonable enjoyment of their properties and to ensure that works shall not represent any unacceptable level of vehicle movements such that the safety of pedestrians or other road users shall be unduly prejudiced. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to decision to grant planning permission.

Travel Plan - Condition: Prior to the use hereby approved, a Travel Plan shall be submitted to, and be approved in writing by, the Local Planning Authority. The travel plan shall include the appointment of a Travel Plan coordinator with responsibility for implementing the Travel Plan, shall set targets on the use of sustainable travel and reducing the reliance on private cars, provide appropriate management Strategy and measures to support these targets, and shall include monitoring and review arrangements. The approved Travel Plan shall then be adhered to at all times to the satisfaction of the LPA, and results of monitoring and review reported to the LPA in accordance with the agreed travel plan. The approved Travel Plan shall then be adhered to at all times to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable modes of transport.

Section 106 Hots
- Travel Plan Monitoring and support - £10K;
- Contribution towards improvements to Pedestrian and cycle environment including new connections - £15K;"

**Officer comments on consultation response:**
Officers do not consider that the recommended conditions would be reasonable in this instance due to the type of use proposed in particular, the construction stage is likely to be short and no more of an impact than the operation. Furthermore the parking layout is provided within the application. The S106 head of terms are not considered to be reasonable as the site does not directly impact the public highway, it will use a private access road.
5.0 PLANNING POLICIES AND GUIDANCE

5.1 The Local Development Plan comprises:

- the London Plan (the spatial development strategy for London consolidated with alterations since 2011 and published March 2016) referred to hereafter as the London Plan;

- The Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes) is under Examination – referred to hereafter as the Draft London Plan;

- the London Borough of Newham Local Plan (2018) – referred to hereafter as the LP;;

- the London Borough of Newham Local Plan: Policies Map 2018; and

- the Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted 27th February 2012)

5.2 Material weight has been given to the National Planning Policy Framework (MHCLG, February 2019).

5.3 The following policies are relevant to the assessment of this application:


1.1 Delivering the strategic vision and objectives for London

2.17 Strategic industrial locations

3.1 Ensuring equal life chances for all
3.2 Improving health and addressing health inequalities
4.1 Developing London’s economy
4.4 Managing industrial land and premises
4.12 Improving opportunities for all

5.1 Climate change mitigation
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.4A Electricity and gas supply
5.5 Decentralised energy networks
5.6 Decentralised energy in development proposals
5.7 Renewable energy
5.10 Urban greening
5.11 Green roofs and development site environs
5.12 Flood risk management
5.13 Sustainable drainage
5.14 Water quality and wastewater infrastructure
5.15 Water use and supplies
5.16 Waste net self-sufficiency
5.17 Waste capacity
5.19 Hazardous waste
5.20 Aggregates
5.21 Contaminated land

6.1 Strategic approach
6.2 Providing public transport capacity and safeguarding land for transport
6.3 Assessing effects of development on transport capacity
6.5 Funding Crossrail and other strategically important transport infrastructure
6.9 Cycling
6.10 Walking
6.12 Road network capacity
6.13 Parking
6.14 Freight

7.1 Lifetime neighbourhoods
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.5 Public realm
7.6 Architecture
7.13 Safety, security and resilience to emergency
7.14 Improving air quality
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
7.19 Biodiversity and access to nature
7.20 Geological conservation
7.24 Blue ribbon network
7.26 Increasing the use of the blue ribbon network for freight transport
7.28 Restoration of the blue ribbon network
7.29 The river Thames
7.30 London’s canals and other rivers and waterspaces

5.5 The London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018)

GG1 Building strong and inclusive communities
GG2 Making the best use of land
GG3 Creating a healthy city
GG5 Growing a good economy
GG6 Increasing efficiency and resilience

SD1 Opportunity Areas
SD10 Strategic and local regeneration

D1 London’s form and characteristics
D2 Delivering good design
D3 Inclusive design
D7 Public realm
D10 Safety, security and resilience to emergency
D11 Fire safety
D12 Agent of change
D13 Noise

E4 Land for industry, logistics and services to support London’s economic function
E5 Strategic Industrial Locations (SIL)
E11 Skills and opportunities for all

G5 Urban greening
G6 Biodiversity and access to nature
G9 Geodiversity

SI1 Improving air quality
SI2 Minimising greenhouse gas emissions
SI3 Energy infrastructure
SI5 Water infrastructure
SI7 Reducing waste and supporting the circular economy
SI8 Waste capacity and net waste self-sufficiency
SI10 Aggregates
SI12 Flood risk management
SI13 Sustainable drainage
SI14 Waterways – strategic role
SI15 Water transport
SI17 Protecting London’s waterways

T1 Strategic approach to transport
T2 Healthy streets
T3 Transport capacity, connectivity and safeguarding
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.5 Non-residential disabled persons parking
T7 Freight and servicing
T9 Funding transport infrastructure through planning

5.6 Newham Local Plan (2018)

S1 Spatial Strategy and Strategic Framework
S3 Royal Docks

SP1 Borough-wide Place-making
SP2 Healthy Neighbourhoods
SP3  Quality Urban Design within Places
SP5  Heritage and other Successful Place-making Assets
SP7  Quality Movement Corridors and Linear Gateways
SP8  Ensuring Neighbourly Development

J1  Business and Jobs Growth
J3  Skills and Access to Employment

SC1  Environmental Resilience
SC2  Energy & Zero Carbon
SC3  Flood Risk & Drainage
SC4  Biodiversity
SC5  Air Quality

INF1  Strategic Transport
INF2  Sustainable Transport
INF3  Waste and Recycling
INF4  Utilities Infrastructure
INF6  Green Infrastructure & the Blue Ribbon Network
INF7  Open Space and Outdoor Recreation
INF9  Infrastructure Delivery

5.7  London Plan and Local Plan Review

5.7.1 The Mayor of London’s Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes) is under Examination. Having regard to NPPF paragraph 48 the emerging document is a material consideration and appropriate weight will be given to its policies and suggested changes in decision-making, unless other material considerations indicate that it would not be reasonable to do so.
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)

6.1 From 1st of April 2019 Mayoral CIL2 (Permissions granted on or after 1 April 2019).

6.2 The Mayor has adopted a new Charging Schedule MCIL2, which came into effect 1st of April 2019. Like MCIL1, MCIL2 will be charged on all development except for education and health.

6.3 The Mayoral rate for Newham has increased within Band 3 to £25 per sqm from £20 per sqm.

6.4 The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) and the Section 106 Crossrail Funding from Planning Obligations Supplementary Planning Guidance (adopted 2016) is superseded by the revised MCIL Charging Schedule.

6.5 The Newham Community Infrastructure Levy is chargeable in line with the Newham CIL Charging Schedule, which came into effect on 1st January 2014.

6.6 The Newham Community Infrastructure Levy was adopted by full Council on 30th September 2013, which came into effect on 1st January 2014. The Newham CIL Charging Schedule per gross internal sq. m is as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Charging Zone1 – Post codes E15 (exclusive of the LLDC area), E16 and E3 (part)</th>
<th>Charging Zone 2 – Post codes E6, E7, E12, E13 and IG11 (part)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>£80</td>
<td>£40</td>
</tr>
<tr>
<td>Retail</td>
<td>£30</td>
<td>£30</td>
</tr>
<tr>
<td>Office</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Hotel</td>
<td>£120</td>
<td>£120</td>
</tr>
<tr>
<td>Industrial</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Student Accommodation</td>
<td>£130</td>
<td>£130</td>
</tr>
</tbody>
</table>

6.7 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Newham has published a list of infrastructure projects or types of infrastructure that it intends to be funded in whole or in part by the Newham CIL. This allows the continued use of planning obligations (S.106 agreements) for other projects or types of infrastructure. Individual developments will not be charged for the same items through S106 and CIL. The Newham Regulation 123 list can be viewed on the Council’s website.
7.0 ASSESSMENT

7.1 The key issues relevant to this application are:

- Principle of Development (7.2);
- Impact upon amenity (7.3);
- Design (7.4);
- Transport and Travel (7.5);
- Access (7.6);
- Energy / Sustainability (7.7);
- Flood Risk Management (7.8);
- Reasons for Approval (7.9)

7.2 Principle of Development

7.2.1 Paragraph 82 of the NPPF indicates that planning policies and decisions should ‘recognise and address the specific locational requirements of different sectors’.

7.2.2 In relation to the principle of development London Plan (March 2016) Policy 2.17 (Strategic Industrial Locations) is relevant as it seeks to protect Strategic Industrial Locations (SIL), it describes them ‘as London’s main reservoirs of industrial and related capacity’. Specifically the site is a Preferred Industrial Location (PIL), such sites are regarded as the most suitable for ‘general industrial, light industrial, storage and distribution, waste management, recycling, some transport related functions, utilities, wholesale markets and other industrial related activities’. Furthermore, Policy 7.26 (Increasing the use of the Blue Ribbon Network for Freight Transport) seeks to ‘protect existing facilities for waterborne freight traffic, in particular safeguarded wharves should only be used for waterborne freight handling use’ and this is especially the case on wharves that are not currently handling freight by water.

7.2.3 For the avoidance of doubt, the London Plan refers to the London Freight Plan (2007), prepared by Transport for London which gives a definition of freight as ‘the physical carriage of goods by any mode. This includes the provision of services and utilities and the movement of waste’.

7.2.4 The Draft London Plan Policy E5 (Strategic Industrial Locations) supports the proactive management of SIL’s.

7.2.5 The site is located in the south of Strategic Site S07 – Central Thameside West as allocated by Policy S3 (Royal Docks) of the LP and detailed within Appendix 1 of the LP - Strategic Site Allocations and also the London Borough of Newham Local Plan: Policies Map 2018. The aspirations of the strategic site allocation are as follows:

7.2.6 ‘Employment and wharf development comprising the reactivated Peruvian Wharf and consolidation of other Thameside West Wharves on this and land to the east at Royal Primrose Wharf. Employment development will be
consistent with the Strategic Industrial Location (SIL) designation, maximising opportunities for modern industrial uses and support the wharf use including providing access, together with improved access to adjoining SIL uses from North Woolwich Road, preferably in the form of a central spine road with connections east, west and to the wharves.’

7.2.7 The site is located in Plaistow Wharf, which is part of a larger Safeguarded Wharf referred to as Peruvian Wharf. As per the London Plan Glossary definition Safeguarded Wharves are sites that have been safeguarded for cargo handling uses such as intraport or transhipment movements and freight-related purposes. Furthermore the site is classified as a Strategic Industrial Location (SIL) as per the London Borough of Newham Local Plan (2008) (LP) and the London Borough of Newham Local Plan: Policies Map 2018.

7.2.8 LP Policy S3 2(e) identifies Peruvian Wharf as one of four safeguarded wharves in the Royal Docks to be consolidated. Policy S3 2(e) states:

‘Consolidation of four safeguarded wharves in the Royal Docks (Thames, Peruvian Manhattan, and Sunshine) at Central Thameside West on Peruvian and Royal Primrose Wharves will achieve no net loss of functionality or wharf capacity with additional development conforming with the associated SIL designation and complementing the wharves, including through maintaining access to them.’

7.2.9 The proposal would be classed as a Sui Generis use. However, this is regarded to be complementary with SIL aspirations which support waste management industries, surrounding industrial uses, and the extant planning permission (ref. 07/01816/LTGDC) for an aggregates facility under Use Class B2 (General Industry) (see below for full description).

7.2.10 In principle the proposed use in this location is considered to be compatible with aspirations for SIL and Safeguarded Wharves. The existing CDE waste operations are located approximately 800 metres to the north-west at Thames Wharf and are due to relocate to Peruvian Wharf, consolidating the use while also ensuring no loss of functionality.

7.2.11 Planning permission (ref. 07/01816/LTGDC) was granted in 2008 by the London Thames Gateway Development Corporation for and for an aggregate facility. The planning permission is for:

‘Tranship and distribute aggregates using sea-going vessels, utilising rear of the wharf for aggregate storage, loading and onward distribution and for cementitious powders import, storage and export. Construction and operation of a ready-mixed concrete batching plant and a dry silo mortar plant using aggregates and cementitious powders landed and handled. The bagging of aggregates.’

7.2.12 The above permission covered the application site and an adjoining site to the west, now known as the Brett Aggregates site. It is noted that the application site is the result of the site for the 07/01816/LTGDC permission being split in
two, one eastern portion being the application site which relates to this application and the western portion being the Brett Aggregates site. Brett Aggregates have implemented their permission on one half of the site as set out above and it is in the final stages of completion. The application site has remained vacant, hence the reason for this application.

7.2.13 In summary there is a historic acceptance of industrial uses in this location, supported by planning permission 07/01816/LTGDC which relates to this site.

7.2.14 It is also acknowledged that this facility is being re-located from another nearby location in the Royal Docks Area.

7.2.15 Overall in principle of the development is considered to be acceptable due to the compatibility of the uses with the Strategic Site Allocation, its designation as SIL and its designation as a Safeguarded Wharf. The proposed CDE waste storage and transfer facility is compatible with the relevant allocations, designations and Policy aspirations.

7.3 Employment

7.3.1 LP Policy S1 gives support to the carefully Managed Release of employment land in combination with co-location, intensification and sensitive infill. In addition LP Policy J2 indicates that Thames Wharf will be released from its SIL designation, subject to managed release criteria. Part of this criteria is to ensure that a relocation strategy is in place for existing businesses.

7.3.2 LP Policy J3 requires all major development to help ensure that Newham residents have access to work and share in the increasing wealth associated with the expanding local and London-wide economy. To this end, the proposal is expected to demonstrate a commitment to improvements to education, skills and training provision and removal of barriers to work for Newham residents. It is also expected that local labour is promoted, both through the construction and operational phase of the development.

7.3.3 The requirements of Policy J3 are that all major developments should help to ensure that more Newham residents access work through seeking to secure that they occupy 35% of all construction phase jobs and 50% of all post construction (end user) phase jobs. All major developments must also demonstrate an understanding of and commitment to the desirability of supplying the construction and operational needs from within Newham.

7.3.4 Keltbray will effectively transfer its business operations from Thames Wharf to Plaistow Wharf. In addition the proposal would generate a small uplift in the number of operational phase jobs from 11 employees at Thames Wharf to 15 employees at Plaistow Wharf, as proposed.

7.3.5 LP Policy J3 requires that local labour is promoted through the construction phase of the development. However, in this particular case the level of construction work and the number of construction jobs that would be created...
is minimal and it is not considered to be reasonable to apply such an obligation.

7.3.6 Overall officers are satisfied that the transfer of the business operation to its proposed location at Plaistow Wharf would protect existing employment.

7.4 Impact upon amenity

7.4.1 The core principles within the NPPF seek that new development contribute to conserving and enhancing the natural environment and reducing pollution. It is noted that planning plays a key role in seeking the reduction in greenhouse gasses and encourages development in locations which has reduced carbon emissions. Paragraph 170 reinforces the need for new and existing development to, wherever possible, help improve local environment conditions like such as air and water quality.

7.4.2 Policy 7.6 of the London Plan outlines that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. London Plan Policy 7.14 (Improving Air Quality) states that development proposals should be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality (such as areas designated as Air Quality Management Areas (AQMAs)). London Plan Policy 7.15 (‘Reducing and Managing Noise’) requires new development to manage noise by avoiding significant adverse noise impacts on the health and quality of life as a result of new development.

7.4.3 The Draft London Plan broadly reflects the extant London Plan policies within policies SI1 (Improving Air Quality) and SI2 (Minimising greenhouse gas emissions). In regards to air quality Policy SI1 states that development proposals should not lead to further deterioration, exceed limits, reverse the benefits of improvement activities or create unacceptably high levels of exposure to poor air quality. In addition Draft London Plan Policy D12 (Agent of Change) strengthens the approach to the ‘agent of change’ principal and seeks to ‘take account of existing noise and other nuisance including dust, odour, light and vibrations’ generating uses in a sensitive manner when new development is proposed nearby’. In regards to noise Policy D13 (Noise) supports Policy D12 and requires that new development avoids ‘significant adverse noise impacts on health and quality of life’ and requires the mitigation and minimisation of existing and potential adverse impacts.

7.4.4 Local Plan policies SP1 (Borough-wide Place-making), SP2 (Healthy Neighbourhoods), SP3 (Quality Urban Design within Places) and SP8 (Ensuring Neighbourly Development) seek to deliver high quality development which respects, takes advantage of and enhances the positive elements and distinctive features of the borough whilst delivering development which creates healthier neighbourhoods and minimises the potential for ‘bad neighbour’ uses. Policy SP2 specifically supports the need to improve Newham’s air quality, reduce exposure to airborne pollutants and seeks to ensure new developments deliver sustainable development. Policy SP8 reinforces the
need to achieve good neighbourliness and considers factors such as environmental impacts and residential amenity. In particular it seeks to avoid unacceptable exposure to light, odour, dust, noise, disturbance, vibration, radiation and other amenity or health impacting pollutants.

7.4.5 LP Policy INF3 states that all waste facilities should be fully enclosed or provide an equivalent level of environmental protection with respect to air emissions. In addition the supporting statement to INF3 seeks to minimise or mitigate the impacts of waste management, processing and transport on the environment and the borough’s residents and give preference to proposals that promote an efficient use of space, enable and make provision for access by river and rail freight, and avoid harmful impacts on amenity and air quality.

7.4.6 Furthermore, LP Policy SC5 of the Local Plan states that all development should be at least air quality neutral as a minimum, supporting a net decrease in specified pollutants and making design, access, energy, and management decisions that minimise air pollution generation and exposure at demolition, construction, and operation stage.

Air Quality and Dust Amelioration:

7.4.7 The proposal is accompanied by an Air Quality Assessment (AQA) together with addendums, prepared by SLR. In summary the AQA assesses:

- impacts associated with the construction phase in relation dust and particulates graded as PM$_{10}$;
- potential impacts from vehicle emissions;
- potential impacts associated with dust emissions possible during the handling and storage of inert wastes;
- mitigation measures.

7.4.8 The findings of the AQA indicate that in the absence of mitigation the dust impacts during the construction phase are assessed as being low risk.

7.4.9 The AQA has been reviewed by LBN Environmental Health (EH). There was initial concern about the impact of dust on future occupiers of nearby sites (including strategic sites) that might come forward for residential development in the future. As a result of EH’s concerns the applicant has scoped in the potential for residential within the vicinity of the site. EH considers that the proposal is acceptable, in particular it is noted the following application documents will respond to the following matters:

- Asbestos: provision of an Asbestos Monitoring Plan
- Mitigation to reduce the impacts of dust have been set out within the accompanying Site Working Plan:
  - Wheel washing facilities;
  - Consolidated surfacing where vehicle movements will occur;
  - Road sweeping; and,
Non Road Mobile Machinery to adhere to EU Air Quality requirements as per Stage IIIA of EU Directive 97/68/E and be NRMM registered.

7.4.10 Officers are conscious that aside from planning control and environmental health control the AQA states that:

‘The operation requires an Environmental Permit under the Environmental Permitting (England and Wales Regulations 2016 (as amended) and as such is regulated by the Environment Agency. The Permit and associated documentation stipulate operational measures and controls to ensure that fugitive dust emissions are minimised. Keltbray are in the process of applying for the Environmental Permit for the Plaistow Wharf site’.

7.4.11 The EA is responsible for granting the applicant an environmental permit. This would require the operator to work with the EA to maintain a dust management plan as part of their environmental management system.

7.4.12 Officers are in a position to support the application in regards to the Site Working Plan, AQA and Asbestos Monitoring Plan. It is therefore considered that the proposal would not have an undue harmful impact in terms of its impact on air quality and dust.

### Noise:

7.4.13 As identified earlier in this report the proposal site is located in a SIL and it carries a Safeguarded Wharf designation. It is noted that the adjacent the nearest neighbouring uses are industrial in nature and where vacant the majority of uses appear to be allocated for industrial/commercial uses. The nearest residential premises have been identified approximately 300 metres to the north-east and approximately 450 m to the south-west, within the London Borough of Greenwich.

7.4.14 The proposal is accompanied by a Noise Impact Assessment, prepared by W. A. Hines & Partners. In summary the findings of the report indicate that the proposed operations would not influence the prevailing environments at the nearest properties and it is expected that the operations would be within acceptable noise limits.

7.4.15 The Noise Assessment has been reviewed by EH and it is noted that masterplanning should cover a broader scope, in particular future residential development in the Strategic Site and adjoining strategic sites. EH therefore require a further noise assessment to be undertaken to be secured by condition, if the application is approved.

7.4.16 Furthermore, as per the consultation response from EH, the following mitigation to reduce the impacts of dust and noise would be secured by condition if the application is approved:

- Hours of Operation to be restricted
7.4.17 Restrictions to the hours of operation have been carefully considered in light of
the existing site designations and the nearest existing and future residential
uses and it is proposed to restrict works to 0700 and 1800 on Mondays to
Fridays and between 0800 and 1800 on Saturdays, with no works on
Sundays. While EH recommended a start time of 08:00 officers were of the
view that in this location a start time of 0700 Monday to Friday would be
reasonable. Officers are also mindful that the operation of the wharf is
restricted by the tidal Thames and high site changes throughout the year. It is
therefore the case that the proposed use would need to have the ability to
dock, load out and load at high tide. This is reflected in the recommended
conditions at Appendix 1. If the proposal is minded for approval the
appropriate condition has been recommended at Appendix 1.

7.4.18 The application would be located at least 300 metres from future residential
develop to the north of the site, in addition the application sits behind other 24
hour industrial uses. In terms of noise pollution, it is considered the proposal
would be an appropriately located industrial use in terms of its compatibility
with adjoining uses and its location of the River Thames. The findings of the
submitted Noise Assessment indicate that there would not be an undue
harmful impact upon the amenity of adjoining residents. Therefore, the
proposal would be acceptable in terms of its impact on noise.

7.4.19 Overall the impact of the development on air quality and noise and disturbance
is not considered to have an undue harmful impact. Officers have assessed
that the application is unlikely to harm residential amenity in terms of
daylight/sunlight, privacy and outlook due to the proximity of the site to the
nearest residential premises.

7.5 Design

7.5.1 The NPPF at paragraph 127 seeks to ensure developments will function well
and add to the overall quality of the area, and are visually attractive as a result
of, amongst other considerations, effective landscaping.

7.5.2 Policy 7.2 of the London Plan requires all new development to achieve the
highest standards of accessible and inclusive design and will support the
principles of inclusive design which seek to ensure that developments can be
used by all, regardless of disability, age, gender, ethnicity or economic
circumstances. Policy 7.6 seeks to ensure that architecture should make a
positive contribution to a coherent public realm, streetscape and wider
cityscape. It should incorporate the highest quality materials and design
appropriate to its context. It also advises that buildings and structures should
be of the highest architectural quality and comprise details and materials that
complement, not necessarily replicate, the local architectural character.

7.5.3 The broad objectives of the London Plan’s design polices are reflected in
policies D1, D2 and D3 of the Draft London Plan.
7.5.4 Through Local Plan Policy SP1 it is expected that developments high quality development, which respects, takes advantage of, and enhances the positive elements and distinctive features of the Borough, contributing to a well-connected and integrated series of successful and distinctive places, that together help to transform the borough and its attractiveness as somewhere to live, work and stay. Policy SP3 emphasises the need for development to ensure high quality urban design in new buildings and spaces, contributing to safe, sociable and inclusive mixed and balanced communities. Through Policy SP7 North Woolwich Road is allocated as a key movement corridor and linear gateway, and it seeks strategically to ensure development reinforces their role through improvements via quality urban development and architectural design and public realm interventions. Proposals will be supported that introduce active frontages to their edges, adhere to the general principles of good urban design as noted within the above polices, SP1, SP3 and SP5, enclose the street and reduce noise and air pollution without creating a tunnel effect, significantly raise and easily maintain the quality of the public realm and facilitate the smooth and efficient but safe movement of traffic in the context of an overall shift to sustainable transport in line with INF2.

7.5.5 The application site is located to the south of Tate and Lyle’s Golden Syrup factory and the proposed Gazely Development site (currently under consideration by the LPA) to the north. The site is therefore setback at least 200 metres from North Woolwich Road. The South of the site is bound by the River Thames and it is noted that the wharf edge is approximately 3.5 metres higher than the remainder of the site. It is therefore considered that the site is generally obscured when viewed from public areas outside of the site.

7.5.6 LBN Urban Design & Conservation has reviewed the submitted details and consider that there is a general absence of detail for fences, road surfaces and other hard standing areas. It is also suggested that a site-wide landscaping plan should be provided. Furthermore, the modular office building is regarded as being functional in appearance and due to its context this is not considered present a significant issue. It is suggested that the appearance of the building could be improved to relate to other buildings in the vicinity of the site.

7.5.7 In considering this scheme officers are cognisant that the site does not have any clear street frontages. Due to the type of heavy industry proposed it is not considered that members of the public would be compelled to enter the site access road. However, as set out in the Transport section of this report consideration has been given to public realm.

7.5.8 The proposed office accommodation would be housed within a two storey Portakabin measuring 12.3m (width), 20m length, 6.5m (height). Another welfare facility for staff will be located on the site and will measure 3.4m (width) by 9.6m (length) and 2.6m (height). A wheel washing facility, weighbridge and storage bay enclosures will also be located on site.

7.5.9 Due to its location the site is considered to be generally obscured by surrounding sites and developments. Overall, it is not considered that the
The proposal would have an undue harmful impact on the character of appearance of the area.

7.6 Transport and Travel

7.6.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

7.6.2 Policy 6.1 of the London Plan seeks to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.

7.6.3 Draft London Plan Policy SI16 part (h) requires that development proposals should improve and expand the Thames Path and the towpaths and provide better linkages to the transport network. Collaboration is therefore required with a range of relevant partners including local authorities, landowners, the EA, PLA and Natural England. This Policy is explicitly states that these paths will be public and not private spaces. Policy T3 gives further support to safeguarding the Walk London Network, protecting access to and improving the Thames Path and, where relevant, improving its alignment with the Thames.

7.6.4 Policy INF2 of the Newham Local Plan aims to secure a more sustainable pattern of movement in Newham, maximising the efficiency and accessibility of the Borough’s transport network on foot, cycle and public transport in order to reduce congestion, enable development, improve the health, fitness and well-being of residents and make necessary car journeys easier. INF2 also seeks to enable development through riverside pathways. Furthermore, the accompanying text to Policy S3 acknowledges that in the Royal Docks at a local level, finer grain connections for walking and cycling are still poor for local residents both within the Docks and from the surrounding area, and need to be improved, addressing key dock and rail corridor barriers, as well as the quality and comfort of the pedestrian and cycling experience, riverside and dockside access.

7.6.5 In terms of the levels of parking the application includes the following provision:

- A total of 6 cycle spaces are proposed. This is based on the London plan minimum requirement for B1 offices taking into account the office and
welfare facility floor area of 450m². The London Plan policy requirement (Table 6.3) is for 1 space per 90 m² for inner and central London. Therefore a minimum of 5 spaces would be required. In this case the Applicant has provided 6 spaces.

- A total of 10 parking would be provided on site, of this 3 spaces would be for blue badge parking and 2 spaces would be for electric vehicle charging points which equates to 20% provision. Passive provision is not discussed within the submission, however, this can be secured by way of condition as set out at Appendix 1. It is noted that based on the entire site area that up to 19 car parking spaces could be provided in line with the London Plan requirements.

7.6.6 The application seeks to increase the level of CDE waste it handles from 150,000 tonnes (at its Thames Wharf facility) to 200,000 tonnes (at Plaistow Wharf) per annum. However, it is noted that the increase in capacity is subject to obtaining a permit from the Environment Agency.

7.6.7 In assessing this application Officers acknowledge that the existing Keltbray operations will be re-locating from its nearby Thames Wharf site. LBN Transport has advised that the re-location to Plaistow Wharf will not result in a change in vehicle movements on the wider highway network, in particular the A1020. In fact it is assessed that the site will be closer to Mohawk Wharf which sends 80,000 tonnes of waste per annum to the existing site. Therefore it is assessed that the Plaistow Wharf site will reduce vehicle movements in the vicinity of Dock Road.

7.6.8 At present the barges that serve the Thames Wharf site can be loaded with 1,000 tonnes of material per movement. The Plaistow Wharf site can accommodate larger barges with a capacity for 2,000 tonnes of material per movement.

7.6.9 In relation to vehicular movements officer’s note the following details in relation to Keltbray’s Thames Wharf Permission, its proposed Plaistow Wharf operations and the existing Brett Aggregates permission:

<table>
<thead>
<tr>
<th>Scheme</th>
<th>Currently permitted</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brett Aggregates Permission</td>
<td>300 per day (150 in 150 out).</td>
<td>300 per day (150 in 150 out).</td>
</tr>
<tr>
<td>Thames Wharf Vehicular Movements</td>
<td>182 (two way daily HGV movements) / Approx 50,000 (two way HGV movements per annum)</td>
<td>N/A</td>
</tr>
<tr>
<td>Keltbray's Proposal for Plaistow Wharf</td>
<td>N/A</td>
<td>81 (two way daily HGV movements) /11,111 (two way HGV movements per annum)</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>482 two way movements per day</strong></td>
<td><strong>381 two way movements per day</strong></td>
</tr>
</tbody>
</table>

7.6.10 The accompanying Planning Statement and Transport Statement indicate that the proposal would result in 11,111 two way HGV movements per annum. As the aggregates component of the Keltbray’s operations at Thames Wharf is
not proposed at Plaistow Wharf there would be a reduction of HGV movements from 182 to 81 per day. Therefore as a result of this permission there would be fewer vehicular movements in the locality.

7.6.11 A planning application is currently under consideration (ref.19/01776/FUL) on land to the north of Plaistow Wharf for a storage and distribution warehouse known as G-Park. This application proposes changes to the current access road to Plaistow Wharf with a new road to the west. The accompanying Masterplanning Statement acknowledges the G-Park proposal and indicates a willingness to cooperate.

7.6.12 LBN Transport conclude that the proposal would not negatively impact the wider road network. In addition the positive messages in the Masterplanning Statement to work with G-Park in regards to re-aligning the access road are noted. Therefore, LBN Transport have no objections to the proposal.

7.6.13 LBN Transport has recommended conditions as set out in Appendix 1 to be applied if the application is minded for approval. These conditions relate to car parking layout, blue badge parking, cycle parking, construction management plan (CMP) and a travel plan. Officer’s note that the parking layout has been provided together with blue badge parking and cycle parking. Furthermore a Travel Plan has been included with the application. Construction of the development is not considered to take place over a long period of time and considering the resulting proposed use it is not considered reasonable to enforce a CLP in this instance.

7.6.14 Furthermore, the GLA has provided a consultation response in regards to transport as part of its Stage 1 Review.

7.6.15 In summary the following key points were raised by the GLA:

- Support for the use of the River Thames for the bulk transportation of waste;
- A Road Safety Assessment has been recommended;
- Travel Plan to be provide secured, monitored, reviewed, and enforced;
- The draft London Plan has aspirations for car free development, other than blue badge parking. An explanation of the car parking levels is required.

7.6.16 In response to the GLA’s comments the Applicant submitted a Road Safety Assessment (RSA). LBN Transport reviewed the (RSA) and it is included within the approved documents. A Travel Plan has been provided with the application, due to the low employment yield on the site it is not considered reasonable to monitor, review and enforce the travel plan. Officers consider the proposed levels of parking to be acceptable and they are considered to accord with the adopted London Plan policy requirements. Due to the low PTAL ratings and the requirement for 24 hour wharf access officers are not concern by this relatively low level of parking. The necessary blue badge parking spaces are identified within the planning application documents and
drawings. Electric vehicle charging points have not been secured by condition due to the low levels of parking proposed.

Riverside walkway

7.6.17 Officers are aware that the Brett planning permission (ref. 07/01816/LTGDC, dated 3 December 2008) approved by the London Thames Gateway Development Corporation (LTGDC) is accompanied by a Section 106 Agreement.

7.6.18 The Silvertown area has seen a number of large scale residential-led developments come forward in the past decade and it is envisaged that in the future it may be necessary to link the site to a riverside walk in the interest of public health and sustainable transport connectivity. Therefore, officers take the view that it is necessary to safeguard the riverside walk. As shown on the accompanying Proposed Site Layout Plan Keltbray commit to including the existing legal obligation for a riverside walk as per the aforementioned Brett Planning Permission. This will be secured as a Head of Term within a s106 legal agreement.

7.6.19 With respect to transport and travel it is not considered that the proposal would have an adverse negative impact on the highway network or highway safety and it is considered to promote more sustainable transport options. Support for this application is on the provision that the recommended transport conditions at Appendix 1 are applied if the application is minded for approval.

7.7 Flood Risk & Sustainable drainage:

7.7.1 The NPPF states that inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk of flooding, but where development is necessary, making it safe without increasing flood risk elsewhere. Objective 103 continues by stating that when determining planning applications, local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

7.7.2 Policy 5.12 of the London Plan states that development proposals must comply with flood risk assessment and management requirements set out in national policy. The development must also have regard to measures proposed in Thames Estuary 2100 and Catchment Flood Management Plans. Developments which are required to pass exception testing will need to address flood resilient design and emergency planning. Policy 5.13 seeks that
development utilise Sustainable Urban Drainage. The above polices are reinforced in the Draft London Plan at Chapter 9.

7.7.3 Policy SC3 of the Local Plan states the Strategic Flood Risk Assessment will inform spatial planning and development management decisions and flood risk will be reduced by a number of measures (listed within the policy document). The objective being that development must be shown to be flood resistant and regeneration should improve the resilience of those parts of the borough at risk of flooding. It additionally states that developments should aim to reduce surface run-off to greenfield rates through the maximisation of the use of SuDS (Sustainable urban Drainage Systems), to provide sustainable design for new major developments and those within a Critical Drainage Area (CDA).

7.7.4 Officers note that the proposal is located within Flood Zone 3 (Defended by flood defences).

7.7.5 The Lead Local Flood Authority was consulted in regards to the proposal and following extensive negotiation with the applicant has removed its initial objection. However, this is subject to attaching a condition to any permission requiring the detail of a surface water drainage strategy to be approved. Officers are of the view that the applicant has taken the appropriate steps to ensure that a SUD’s scheme will be in place within the development. In this regard it is considered that the proposed scheme will be acceptable in regards to SUD’s

7.7.6 The GLA’s initial consultation response highlighted that the proposal does not provide for future defence maintenance and raising in line with the TE2100 plan over the lifetime of the development. As such it is not considered to comply with the requirements of London Plan Policy 5.12 or Draft London Plan Policy SI.12. Since then the applicant and the GLA have been in discussions and a ‘FRA Surface Water Addendum’ has been provided. The GLA provided the following response:

- “Flood risk – the PLA as landowner has confirmed that the development is water compatible and they will provide for future defence raising through the development’s lifetime.
- Sustainable drainage – the proposed treatment of water for silt and oil removal prior to direct discharge to the river is considered appropriate given the proposed use of the site.
- Water efficiency – the Applicant has confirmed that there will be no wash down facilities on site and that the only water use will be in the office building, which will be provided with low flow fittings.”

7.7.7 The Environment Agency (EA) has responded to the consultation. While there is no objection in principle the EA does require further information.

7.7.8 In its consultation response the EA has confirmed that:
“before planning permission is granted, to determine if the flood defence in its current condition will be able to withstand both the proposed activities of an active wharf, and future raisings in line with Thames Estuary 2100”.

7.7.9 The applicant has provided further information to the EA and is working positively to address this issue.

7.7.10 As such officers request that expect this matter can be resolved through delegated powers.

7.8 Energy & sustainability

7.8.1 The NPPF strongly emphasises a presumption in favour of sustainable development, stating that there are three dimensions to sustainable development: economic, social and environmental.

7.8.2 Policy 5.2 of the London Plan (Minimising carbon dioxide emissions) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

(ii) Be lean: use less energy
(iii) Be clean: supply energy efficiently
(iv) Be green: use renewable energy

7.8.3 Policy 5.2 states that the Mayor will work with boroughs and developers to ensure that major developments meet targets for carbon dioxide emissions reduction in buildings. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations 2010 leading to zero carbon non-domestic buildings from 2019.

7.8.4 London Plan Policy 5.3 (Sustainable Design and Construction) requires development proposals to demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process. Major development proposals should meet the minimum standards outlined in the Mayor’s supplementary planning guidance and this should be clearly demonstrated within a design and access statement.

7.8.5 Policy 5.7 of the London Plan (Renewable energy) seeks an increase in the proportion of energy generated from renewable sources, and states that major development proposals should provide a reduction in expected carbon dioxide emission through the use of on-site renewable energy generation, where feasible.

7.8.6 Policy 5.9 of the London Plan (Overheating and cooling) requires major development proposals to reduce potential overheating and reliance of air conditioning systems and demonstrate this in accordance with the following cooling hierarchy: 1) minimise internal heat generation through energy efficient design; 2) reduce the amount of heat entering a building in summer through
orientation, shading, albedo, fenestration, insulation and green roofs and walls; 3) manage the heat within the building through exposed internal thermal mass and high ceilings; 4) passive ventilation; 5) mechanical ventilation; and 6) active cooling systems (ensuring they are the lowest carbon options. The policy also requires major development proposals to demonstrate how the design, materials, construction and operation of the development would minimise overheating and also meet its cooling needs.

7.8.7 Consideration is also given to Policy S12 (Minimising Greenhouse Gas Emissions) and Policy S13 (Energy Infrastructure) within the Draft London Plan (December 2017). These policies support that major developments should be net zero-carbon and encourage early engagement with energy companies to establish future energy requirements. Policies SC2 of the Newham Local Plan (Environmental Resilience) sets out mitigation and adaptation measures that development should employ to respond to changing climate. Meanwhile Policy SC2 (Energy and Zero Carbon) echoes the London Plan requiring all development to minimise and reduce carbon emissions by following the lean, clean and green energy hierarchy with all major development to meet the zero carbon target.

7.8.8 The applicant has sought to address the GLA comments at Stage 1 as summarised below:

- An Energy Statement has been prepared for the office building.

7.8.9 The GLA has re-reviewed information on water efficiency and energy. It is of the view that these details are still not satisfactory. In ensuring that the application can meet the necessary policy requirements the application will be referred back to GLA under their Stage 2 assessment. In the event that the details remain to be unsatisfactory conditions could be applied to address these matters post application under an approval of details application.

7.8.10 Officers are of the view that the energy requirements of the portacabin accommodation will be minimal and it is not considered to be reasonable to apply onerous requirements on the developer in this instance.

7.9 Reasons for Approval

7.9.1 The application site is located within a Safeguarded Wharf and within Central Thameside West (Strategic Site S07). The site is also designated as SIL and regarded as a preferred industrial location and therefore the proposed CDE storage and transfer waste operation is considered to be compatible with these allocations and designations. Therefore, the proposal accords with the development plan aspirations for the re-activation of the wharf.

7.9.2 Due to its location the proposal is considered to have an acceptable impact upon the character and appearance of the area.

7.9.3 The impacts on the amenities of residents have been considered. In particular the impact of the development on air quality and noise have been of
Plaistow Wharf, Silvertown

paramount concern. It is considered that the applicant has demonstrated that the effects on residents will not be unduly harmful. Further conditions have been recommended where more information or further mitigation is required.

7.9.4 Transport impacts have been assessed and it is considered that the scheme embraces sustainable transport and that it would have an acceptable impact in terms of the impact on the highway network and to ensure highway safety.
8.0 APPENDIX 1: CONDITIONS AND INFORMATIVES

Conditions

1. **Time limit**

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

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

2. **Approved plans and documents**

   The development hereby approved shall be carried out in accordance with the following approved plans and documents:

   **Plans**
   - Existing Site Plan - February 2019 - 12025-EX.SITE PLAN-001
   - Location Plan Application Area - February 2019 - 12025-LOC.PLAN-001
   - Operations and SIL Designation Plan - November 2018 - 12420/01
   - Proposed Drainage Layout Plan - February 2019 - 12025-PRDRL-A_B_C-003
   - Proposed Site Layout Plan - February 2019 - 12025-PRSL-002 Rev A
   - Section Lines Plan superimposed on Survey - January 2018
   - Site Cross Section Elevations - May 2019 - 12420/02
   - Site Cross Section Elevations - May 2019 - 12420/03
   - Site Plan Aerial View Existing - 12420/01 A

   **Documents**
   - Air Quality Assessment - SLR - October 2018
   - Air Quality Assessment Addendum Technical Note - SLR - June 2019
   - Boundary Asbestos Monitoring Plan - Keltbray - May 2019
   - Cumulative Impact Assessment - Matthews & Son - February 2019
   - Design & Access Statement - Matthews & Son - February 2019
   - DAS Appendices
     - Photographs 1 – 6 – Plaistow Wharf Internal Site Views
     - Photograph 7 – Thames Wharf waste stockpile
     - Photograph 8 – Loaded barge navigating Thames
     - Weighbridge specification
     - Wheel wash specification
     - Office accommodation example floor plan
     - Office accommodation example elevation
     - SPEL Stormceptor Interceptor specification
     - Travel Plan – Cannon Consulting Engineers - February 2019
   - District Heating Network Assessment – Matthews & Son – July 2019
   - Drainage Strategy and SuDS Report - Keltbray - May 2019
Energy Statement for the Office Building – Keltbray Environmental
Flood Risk Assessment - Ambiental - October 2018
Flood Risk Assessment Appendices
  - Appendix 1.0 – Site Plans
  - Appendix 11.0 – EA Data
  - Appendix 111.0 Supplemental Information
FRA Surface Water Addendum – Matthews & Son – July 2019
Masterplanning Statement - Matthews & Son - April 2019
Masterplanning Statement Addendum – Matthews & Son – June 2019
Noise Impact Assessment - W. A. Hines & Partners -July 2018
Parking and Service Details Including Waste Management Strategy - Matthews & Son - February 2019
Planning Statement - Matthews & Son - March 2019
River Wall Survey Report - Becket Rankin - July 2017
River Wall Survey Plan - Becket Rankin - March 2019
Road Safety Assessment – Cannon Consulting Engineers – July 2019
Security and Crime Prevention Measures – Matthews & Son - March 2019
Site Investigation Report and Environmental and Geotechnical Assessment - Waterman Environmental – Report EN1575 - undated
Site Working Plan Plaistow Wharf, Keltbray, May 2019
Strategic Sites Local Plan Excerpt
Sustainability Statement including Energy Assessment - Matthews & Son - February 2019
Transport Statement - Cannon Consulting Engineers - September 2018
Validation Sampling Protocol - Waterman Environmental -undated

No other drawings or documents apply.

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to satisfactorily protect the residential amenities of nearby occupiers.

Compliance Conditions

3. Site Working Plan

The operations associated with the use of land and wharf for the sorting, separating, recycling and transfer of construction, demolition and excavation waste hereby permitted, shall be undertaken at all times in accordance with the ' Site Working Plan' - Prepared by Keltbray Environmental – Dated May 2019.

In addition to the above, a copy of the 'Site Working Plan' - Prepared by Keltbray Environmental - Dated May 2019 shall be displayed within the main office and training shall be provided to all on-site staff.
Reason: To safeguard the amenity of neighbouring premises through the delivery of best practice infrastructure to prevent unneighbourly effects upon nearby residential occupiers and the wider environment.

4. Hours of operation

There shall be no works carried out on the site except between the hours of 0700 and 1800 on Mondays to Fridays and between 0800 and 1800 on Saturdays without the prior written approval of the Local Planning Authority. Dock load out and loading at high tide and associated enclosed storage of materials shall be excluded from this provision.

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

5. Noise

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 residential property.

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

6. Wheel Wash Operation

No vehicles shall leave the site if the wheel wash is non-operational.

Reason: To protect the amenity of future occupants and/or neighbours and in the interest of the declared Air Quality Management Area.

7. Consolidated Surfacing

All consolidated surface areas designed to accommodate vehicle movement as shown on drawing Proposed Site Layout Plan - February 2019 - 12025-PRSL-002 – Rev A shall be installed prior to the operation of the development and retained thereafter.

Reason: To protect the amenity of future occupants and/or neighbours and in the interest of the declared Air Quality Management Area.
9.0 APPENDIX 2: HEADS OF TERMS

S106 – Heads of Terms

The recommended Section 106 Legal Agreement Heads of Terms between the Council and the Applicant are set out below:

1. Payment of the Council’s reasonable professional and legal costs, whether or not the agreement completes;

2. Safeguarding of riverside walk as shown at Appendix 3;

10.0 APPENDIX 3: PROPOSED PLANS AND IMAGES

Location Plan

Layout: Orange line shows the Riverside Walk. Greyed area shows the location of concrete hardstanding.

London Borough of Newham
Plaistow Wharf, Silvertown

First Floor

Second Floor

Office Layout
Office Accommodation

Proposed and Existing Site Sections

London Borough of Newham
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Agenda Item 9
<table>
<thead>
<tr>
<th><strong>Application Number:</strong></th>
<th>19/01932/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Validation Date:</strong></td>
<td>6th August 2019</td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>104-106 Broadway Stratford London E15 1NG</td>
</tr>
<tr>
<td><strong>Ward:</strong></td>
<td>Stratford And New Town</td>
</tr>
<tr>
<td><strong>Applicants:</strong></td>
<td>Silver Mascot Ltd</td>
</tr>
<tr>
<td><strong>Agent:</strong></td>
<td>CMA Planning</td>
</tr>
</tbody>
</table>

**Purpose of Report / Proposal**

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission relating to the following proposal.

Demolition of the existing building and the erection of part 4, 6 and 7 storey building for retail/commercial use at ground floor (A1/A2/A3/B1(a) and apart-hotel use on the upper floors (This application is affecting the setting of Stratford St. Johns Conservation Area and is affecting the setting of Grade II listed building, Church of St John The Evangelist and Grade II listed street furniture, the Railings of Church of St John The Evangelist)

**Recommendations**

The Strategic Development Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and

2. delegate authority to the Director of Planning and Development to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) by 15 April 2020 based on the Heads of Terms identified at Appendix 2 of this report and the Conditions listed in Appendix 1 of this report and summarised below. If the
legal agreement is not completed by such date then the Director of Planning and Development is delegated authority to refuse planning permission or extend this timeframe to grant approval.

**Conditions – Summary**

A summary of the proposed condition is set out below. Please refer to Appendix 1 for the proposed conditions in full.

1. Time
2. Approved Documents
3. Construction Logistics Plan
4. Environmental Code
5. Archaeology
6. Materials and Façade Mock-Up
7. Transport Noise
8. Details of Ventilation and Plant
9. Waste Water
10. Sound Insulation
11. Cycle Parking
12. BREEAM
13. Renewable Energy
15. Grease Traps

**S106 –Heads of Terms**

The Section 106 Legal Agreement Heads of Terms agreed between the Council and the Applicant are set out below:

1. Administrative
2. Local Labour via Workplace (construction)
3. Local Labour via Workplace (end use)
4. Zero Carbon
5. Permit Free Development

---

**NAME OF LEAD OFFICER:** Amanda Reid  
**POSITION:** Director of Planning and Development, Chief Planning Officer

Originator of report: Lindsey Blecher  
Tel no: 020 337 37542  
E-mail address: lindsey.blecher@newham.gov.uk

**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 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

Environmental Impact Assessment

For the purposes of this application, this proposal has been screened and assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and considered not to warrant the need for Environmental Impact Assessment.

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
- National Planning Policy Framework
- London Plan
- Local Plan
- Other relevant guidance
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2.0 PROPOSAL
3.0 RELEVANT HISTORY
4.0 CONSULTATION
5.0 PLANNING POLICIES AND GUIDANCE
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)
7.0 ASSESSMENT
1.0 APPENDIX 1: CONDITIONS AND INFORMATIVES
2.0 APPENDIX 2: HEADS OF TERMS
3.0 APPENDIX 3: PROPOSED PLANS AND IMAGES
## PLANNING APPLICATION FACT SHEET

### The Site

<table>
<thead>
<tr>
<th><strong>Address</strong></th>
<th>104-106 Broadway, Stratford, London E15 1NG</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant</strong></td>
<td>Silver Mascot Ltd</td>
</tr>
<tr>
<td><strong>Ward</strong></td>
<td>Stratford and New Town</td>
</tr>
<tr>
<td><strong>Local Plan allocation</strong></td>
<td>Stratford Central Strategic Site S05, Stratford Metropolitan Centre, Stratford Metropolitan Employment Hub, London To Colchester Roman Road and Stratford Archaeological Priority Area, LBN Local Parks Open Spaces Deficiency, LBN Access To Nature Deficiency, Air Quality Management Area (30m buffer), Tall Buildings Area</td>
</tr>
<tr>
<td><strong>Conservation Area</strong></td>
<td>Stratford St Johns Conservation Area</td>
</tr>
<tr>
<td><strong>Listed Building</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Setting of Listed Building</strong></td>
<td>Affecting the setting of Grade II listed building, Church of St John The Evangelist, and Grade II listed street furniture, the Railings of Church of St John The Evangelist</td>
</tr>
<tr>
<td><strong>Building of Local Interest</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Tree Preservation Order</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Flood Risk Zone</strong></td>
<td>Flood Zone 1</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>Epping Forest Special Area of Conservation (SAC) Zone of Influence (3-6.2km Zone)</td>
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</tbody>
</table>

### Non-residential Uses

<table>
<thead>
<tr>
<th><strong>Existing Use(s)</strong></th>
<th><strong>Existing Use / Operator</strong></th>
<th>A1, B1(a)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Use Class(es) sqm</strong></td>
<td>483 sqm, 380 sqm</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Use(s)</strong></td>
<td><strong>Proposed Use / Operator</strong></td>
<td>B1(a), C1</td>
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<tr>
<td><strong>Proposed Use Class(es) sqm</strong></td>
<td>344 sqm B1(a), 1864 sqm (C1)</td>
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<tr>
<td><strong>Employment</strong></td>
<td><strong>Existing number of jobs</strong></td>
<td>Not Specified</td>
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<tr>
<td><strong>Proposed number of jobs</strong></td>
<td>28-32 (Planning Statement)</td>
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### Transportation

<table>
<thead>
<tr>
<th><strong>Car Parking</strong></th>
<th><strong>No. Existing Car Parking spaces</strong></th>
<th>6</th>
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</thead>
<tbody>
<tr>
<td><strong>No. Proposed Car Parking Spaces</strong></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Cycle Parking</strong></td>
<td><strong>No. Existing Cycle Parking spaces</strong></td>
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<tr>
<td><strong>No. Proposed Cycle Parking Spaces</strong></td>
<td>11</td>
<td></td>
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### Public Transport

<table>
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<tr>
<th>Public Transport</th>
<th>PTAL Rating</th>
<th>6b (Excellent)</th>
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<tbody>
<tr>
<td>Closest Rail Station / Distance (m)</td>
<td>Maryland Station (420m), Stratford Station (500m)</td>
<td></td>
</tr>
<tr>
<td>Bus Routes</td>
<td>14 bus services available within 1-8 minute walk</td>
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</tr>
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### Parking Controls

<table>
<thead>
<tr>
<th>Parking Controls</th>
<th>Residents Parking Zone?</th>
<th>Stratford Central RPZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>RPZ Hours</td>
<td>0800 – 1830 Monday to Saturday</td>
<td></td>
</tr>
</tbody>
</table>

### Refuse/Recycling Collection

<table>
<thead>
<tr>
<th>Refuse/Recycling Collection</th>
<th>Summary of proposed refuse/recycling strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal waste store at ground floor, adjacent to the rear entrance to the site.</td>
<td></td>
</tr>
<tr>
<td>Refuse will be collected from Grove Crescent Road, with site management ensuring bins are in correct location for collection.</td>
<td></td>
</tr>
</tbody>
</table>

### Sustainability / Energy

<table>
<thead>
<tr>
<th>Sustainability / Energy</th>
<th>BREEAM Rating</th>
<th>Excellent</th>
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</thead>
<tbody>
<tr>
<td>Renewable Energy Source / %</td>
<td>Photovoltaic (PV) panels and air source heat pumps (ASHP). Combined 23.5% reduction over Target Emission Rate. Supplemented by s106 carbon off-set contribution.</td>
<td></td>
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</tbody>
</table>

### Public Consultation

<table>
<thead>
<tr>
<th>Public Consultation</th>
<th></th>
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<tbody>
<tr>
<td>Number of properties consulted</td>
<td>349</td>
</tr>
<tr>
<td>Expiry of consultation period</td>
<td>6th September 2019</td>
</tr>
<tr>
<td>Number of responses</td>
<td>5</td>
</tr>
<tr>
<td>Number in support</td>
<td>0</td>
</tr>
<tr>
<td>Number of objections</td>
<td>5</td>
</tr>
<tr>
<td>Number of other representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>
1.0 SITE & SURROUNDINGS

1.1 The application site is located at the north-eastern end of Broadway, at the corner of Salway Place, and measures approximately 30m deep by 15m wide.

1.2 The site includes a 3-storey commercial building constructed in the 1950’s, with an area of hardstanding at the rear used as car parking. The building was previously in use by Maplin’s electronic store, however, the submitted Planning Statement notes that the ground floor retail unit is currently vacant, whilst the two upper floors are currently occupied by Law Lane Solicitors.

1.3 The streetscape of the Broadway is extremely varied, and includes a mix of buildings from many eras with different heights, massings, and façade treatments.

1.4 Immediately to the south-west is the 6-storey Stratford Centre (78-102 Broadway). To the north-east is Salway Place, followed by the 5-storey Q Building (108-110 The Grove Stratford), which includes a bar/restaurant at ground floor and 27 residential flats above. To the north is an 8-storey residential building, The Richard Robert Residence.
2.0 PROPOSAL

2.1 The application seeks full planning permission for:

Demolition of the existing building and the erection of part 4, 6 and 7 storey building for retail/commercial use at ground floor (A1/A2/A3/B1(a) and apart-hotel use on the upper floors (This application is affecting the setting of Stratford St. Johns Conservation Area and is affecting the setting of Grade II listed building, Church of St John The Evangelist and Grade II listed street furniture, the Railings of Church of St John The Evangelist).
3.0 RELEVANT HISTORY

3.1 Planning Application History

3.2 A summary of the relevant planning application history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/00633/FUL</td>
<td>Demolition of existing commercial building and the construction of a new part 4, part 6, part 7 storey 59 No. bed hotel. Approved 14/09/2007</td>
<td>Application approved on 14/09/2007, Not implemented</td>
</tr>
<tr>
<td>07/00729/CON</td>
<td>Conservation area consent for the demolition of the existing three storey commercial building on 104-106 Broadway</td>
<td>Application approved on 14/09/2007, Not implemented</td>
</tr>
<tr>
<td>10/01860/EXTANT</td>
<td>Extension of time limit of planning permission 07/00633/FUL to 16/11/2013</td>
<td>Application approved on 16/11/2010, Not implemented</td>
</tr>
<tr>
<td>10/01817/EXTCON</td>
<td>Extension of time limit to conservation area consent 07/00729 to 22/10/2013</td>
<td>Application approved on 22/10/2010, Not implemented</td>
</tr>
</tbody>
</table>

3.3 Planning Enforcement History

3.4 A review of council records revealed there is no enforcement history relevant to the application site.

3.5 Planning Appeal History

3.6 A review of council records revealed there is no appeal history relevant to the application site.
4.0 CONSULTATION

4.1 Application Publicity

4.2 Site Notice(s) erected on Broadway on 16 August 2019, expiring on 6 September 2019.


4.4 The application was advertised as a major application, and affecting the setting of a listed building.

4.5 A total of 349 consultation letters were sent to neighbouring properties regarding this application on 6 August 2019. The public consultation period expired on 6 September 2019.

4.6 Adjoining Properties

<table>
<thead>
<tr>
<th>Number of Letters Sent</th>
<th>349</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Responses Received</td>
<td>5</td>
</tr>
<tr>
<td>Number in Support</td>
<td>0</td>
</tr>
<tr>
<td>Number of Objections</td>
<td>5</td>
</tr>
<tr>
<td>Number of other Representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>

4.7 A total of 5 responses were received from adjoining occupiers, comprising 0 in support and 5 objecting to the application.

4.8 In summary the objections to the application relate to the following issues:
- Loss of daylight/sunlight
- Loss of privacy
- Noise and disturbance
- Outlook
- Heritage
- Public safety
- Visual amenity and design

4.9 A summary of the responses received along with the Officer comments are set out below.

<table>
<thead>
<tr>
<th>Address:</th>
<th>Flat 20, The Q Building, 108-110 The Grove Stratford, London E15 1NR</th>
</tr>
</thead>
</table>

London Borough of Newham
**Date received:** 21 Aug 2019  
**Type:** Online  
**Stance:** Objection comments

### Details of representation:

**Reasons:**
- daylight/sunlight
- loss of privacy
- noise and disturbance
- other
- outlook
- traffic
- use

**Comments:**

“I own a flat in the Q Building next to the proposed development and I am concerned that the proposed development is much higher than the original building. It will overlook the majority of the flats in our building and we have very large windows. It will also make our building very dark.

The noise and disruption such a large scale building would cause will also be very inconvenient. I notice the start times for building is at 8am which is still very early for 6 days a week and with flats in such close proximity to the building site.

There are also a number of social issues around the area and having short term apart-hotel lets will add to the issues as these people will not have a vested interest in keeping the area clean and tidy. We have homeless people constantly breaking into our building, sleeping in the hallways and using our building as a toilet. These issues need to be addressed before we allow more short-term residents into the area.

I hope you can consider these comments carefully”

### Officer comments on representation:

Impacts to neighbouring amenity are assessed at Section 7.6 of this report.

A condition has been added requiring a finalised Construction Logistics Plan and an Environmental Code prior to commencement.
**Details of representation:**

 Reasons:

- daylight/sunlight
- heritage
- loss of privacy
- noise and disturbance
- outlook
- parking
- public safety
- traffic
- use
- visual amenity/design

Comments:

"I work locally to the proposed apart-hotel and I strongly object to this application.

Having friends that live locally to this site, I am very concerned about how this will impact their everyday lives, from noise to excessive light to loss of privacy.

Noise: Having friends with babies and toddlers, not only will the building work affect their daily routine, but as mothers would unable to maintain the routine their children are used to, this will not only affect the children but also the mental state of the mothers who are already struggling with the pressures of a new baby. The noise of the machines whilst this building is being erected is just too close to local residents and no one was aware of the consultation, proving the notice of it was absolutely ineffective. If the apart-hotel is built, the noise pertaining from the building itself would be a nuisance and would disturb local residents day and night. The noise the delivery trucks would bring with them throughout the day and night would also become a nuisance.

Excessive light: the light radiating from the hotel during the night would be at such close proximity to the residents, it would affect them directly."
Litter: an apart-hotel would bring with it that many more visitors and that much more litter to the surrounding area and would ruin the vision of what the area currently represents, which is localism, local people coming together, heritage. People loitering outside hotel would result in significant littering outside the hotel premises which would have to be regularly cleaned up by Newham Council street cleaners, adding more pressure on them.

Loss of privacy: the proposed height of the building would affect every surrounding building as it would block natural light entering them, putting them in the shadow of the new proposed building. At this height, visitors to the apart-hotel would be able to directly see into the local residents’ apartments, affecting their privacy at the utmost highest level. They would not be able to enjoy the view out of their windows as they currently do as they would be faced by building, unable to see beyond it.

Parking: Though the planning application is for an apart-hotel, this would bring issues in parking as their customers would look for somewhere to be able to park. This would cause the customers to park illegally as all local parking is residential or requires a permit. No proper thought has gone into how this would affect the local residents.

Loss of heritage: Height and width provided in the drawings would see this building be taller than the rest in the area, affecting the original look of the city centre. It would not be in line with any other buildings surrounding it and would stick out like a sore thumb. As the application clearly states, “This application is affecting the setting of Stratford St. Johns Conservation Area and is affecting the setting of Grade II listed building, Church of St John The Evangelist and Grade II listed street furniture, the Railings of Church of St John The Evangelist”. we already have too many hotels in and around Stratford, another one is not needed as it would only negatively affect the local residents and the local area and community.

Height: A development of this magnitude will involve protracted months of noise, dust, disruption, parking problems due to numerous contractors, scaffolding, rubbish skips which are as likely to be outside residential premises as the hotel itself.

If someone has decided it’s unnecessary to consult with the owners of a shared physical boundary, as they have not been informed about this proposal to begin with, then what prospect is there they will not perpetrate in other areas concerning this application?

Perhaps Planning should accept that they don’t have the resources, the will, nor the wherewithal, to enforce their own procedures in a way that the
people they affect would find meaningful.

As for that one comment made during their "consultation" stating the shop was empty, if remembered correctly, it was never empty as it was Maplin before it went into administration, and then a furniture shop.

I strongly object to this proposal as this would adversely affect not only local residents and their daily lives but it would ruin the skyline we currently enjoy as the height on this proposed building would not conform to the remaining buildings.”

Officer comments on representation:

Impacts to neighbouring amenity are assessed at Section 7.6 of this report.

Design and heritage are discussed at Section 7.5 of this report.

A condition has been added requiring a finalised Construction Logistics Plan and an Environmental Code prior to commencement.

<table>
<thead>
<tr>
<th>Address:</th>
<th>30 The Richard Robert Residence, 7 Salway Place, Stratford, London E15 1NB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>28 Aug 2019</td>
</tr>
<tr>
<td>Type:</td>
<td>Online comment</td>
</tr>
<tr>
<td>Stance:</td>
<td>Objection comments</td>
</tr>
</tbody>
</table>

Details of representation:

Reasons:
- loss of privacy
- noise and disturbance
- public safety

Comments:

“As a concerned local I object to the construction of this building.”

Officer comments on representation:

Impacts to neighbouring amenity are assessed at Section 7.6 of this report.

A condition has been added requiring a finalised Construction Logistics Plan and an Environmental Code prior to commencement.
Address: 3 Imperial Mews, East Ham, London E6 3DD
Date received: 29 Aug 2019
Type: Online comment
Stance: Objection comments

Details of representation:

Reasons:
- access (disability)
- heritage
- noise and disturbance
- outlook
- parking
- public safety
- traffic
- visual amenity/design

Comments:

“As a member of the local community I object to the proposed build.

The closing down of Salway Place E15 itself would be a very difficult thing for myself as I am restricted in the distance I can travel by foot. I normally park at Stratford Picture house and for ease of access to Broadway, I walk through Salway Place. If this were to close due to the building works, this would mean I would have to walk all the way around onto Great Eastern Road, onto The Grove and then access Broadway.

Also, the proposed build would not blend into the remaining buildings and background and would make it seem out of place. The amount of anti-social behaviour this would attract is also a grave concern not only for myself, but for the local residents.

It would bring about unwanted noise and litter and that is just during the demolition/build of the hotel.

As a 68-year-old member of the local community, it would be a shame to see this building demolished as it is part of the Broadway's heritage. Myself and my children bought electronics from the shop Maplin, before it became a furniture store and completely demolishing the building would not, I think, be in the best interest of the local community and feel that Stratford has to offer.
I absolutely object to this application and hope the Council sees sense as to
how adversely this will affect the lives of not only the visitors but of those
that live in the heart of this community and their families.”

Officer comments on representation:

Impacts to neighbouring amenity are assessed at Section 7.6 of this report.

The Outline Construction Logistics Plan states that pedestrian access
through Salway Place will be maintained.

A condition has been added requiring a finalised Construction Logistics Plan
and an Environmental Code prior to commencement.

Address: 34 The Richard Robert Residence, 7 Salway Place,
Stratford, London E15 1NB
Date received: 30 Aug 2019
Type: Online comment
Stance: Objection comments

Details of representation:

Reasons:
- access (disability)
- daylight/sunlight
- loss of privacy
- noise and disturbance
- parking
- public safety

Comments:

“I live at 34 Richard Roberts Residence, behind the proposed site for which
the application has been made and I strongly object to this application.

I am very concerned about how this will impact everyday lives of myself and
that of my neighbours, from noise, no direct sunlight to loss of privacy.

Accessibility: As I am in a wheelchair, having access to Salway Place is a
necessity in being able to go to office, to access local shops and services
easily. Having this closed off for building works would be very detrimental to
my ability of getting around and would severely affect my daily life and
routine. This would make it ten times as difficult for me to be mobile.
Noise: Having neighbours with young families, the building work will affect their right "to respect for one's private and family life, which is a direct breach of Article 8 of the European convention on Human Rights. The noise of the machines whilst this building is being erected is just too close to local residents leaving next to no space between our building and that of the proposed apart-hotel. None of the residents were aware of the consultation, proving the notice of it was absolutely ineffective. If the apart-hotel is built, the noise pertaining from the building itself caused by anti-social behaviour that would be attracted to such a building, would be a nuisance and would disturb local residents day and night. The delivery trucks would be on site at whatever time it would suit them to deliver goods to the site, be that day or night, bring with them noise which would become a nuisance.

Excessive light: the light radiating from the hotel during the night would be at such close proximity to the residents, it would affect them directly.

No natural light: The proposed height of the building would completely block off the direct and natural sunlight we currently enjoy. A resident is, by law, allowed to have access to direct natural light. This right would be breached should the proposal be approved.

Litter: The number of customers the proposed building would bring would also increase litter in and around the area. This would directly impact Council's employees who have the task of keeping our area tidy, and would place more pressure on the council, and ultimately all local residents should the rate of council tax be increased.

Loss of privacy: At the proposed height of the building, visitors to the site would be able to directly see into my apartments and my flat terrace would not be a private place affecting my family privacy at the utmost highest level. My family would not be able to enjoy the view out of our balcony as currently we do as we would be faced by building, unable to see beyond it.

Parking: This would bring issues in parking as customers would look for somewhere to be able to park. No proper thought has gone into how this would affect the local residents

Loss of heritage: The height of the proposed building would see it be taller than the rest in the area. It would not be in line with any other buildings surrounding it. It would also affect the local church, as stated in the application itself.

Neighbours to the site: No consultation with the owners of a shared physical
boundary has been arranged, as they have not been informed about this proposal to begin with. The proximity at which this site would be to Richard Robert Residence is too close and cannot be accepted as suitable. According to Caneparo Associates and their Outline Construction Logistics Plan, 3.4 clearly states Salway Place will be partially closed, causing access issues for local residents; 3.10 states “there is no on-site parking for staff and operatives will be expected to unload any materials or equipment before finding a pay and display or private off-street parking”, again causing issues of noise and disruption even before work is to commence at the stated time of 8am; 3.13 states work will be carried out on weekdays between 08:00-18:00 which would disrupt local residents and the crucial picking up and dropping off of the children to school; and finally 3.14 which states there may be a requirement for vehicles to arrive and depart outside of usual traffic hours, which defeats the point made by them in 3.13

I strongly object to this proposal and ask the Council to reject this application absolutely,
Hope you can keep me informed of the next steps happening on this issue.”

Officer comments on representation:

Impacts to neighbouring amenity are assessed at Section 7.6 of this report.

Design and heritage are discussed at Section 7.5 of this report.

Consultation letters were sent to 349 neighbouring residents on 6 August 2019. A site notice was erected on Broadway on 16 August, and a press notice was advertised in the Newham Recorder on 14 August 2019.

The Outline Construction Logistics Plan states that pedestrian access through Salway Place will be maintained.

A condition has been added requiring a finalised Construction Logistics Plan and an Environmental Code prior to commencement.

4.10 Statutory and Non Statutory Consultation

4.11 The following consultations have been undertaken:

Cllr Joshua Garfield
Cllr Nareser Osei
Cllr Terrence Paul
Designing Out Crime Officer, Metropolitan Police Service

London Borough of Newham
4.12 External Consultation

4.13 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Natural England</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>27 August 2019</td>
</tr>
<tr>
<td>Consultation response:</td>
<td></td>
</tr>
<tr>
<td>No comments</td>
<td></td>
</tr>
<tr>
<td>Officer comments on consultation response:</td>
<td></td>
</tr>
<tr>
<td>Noted</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Transport for London</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>27 August 2019</td>
</tr>
<tr>
<td>Consultation response:</td>
<td></td>
</tr>
<tr>
<td>1. The site of the development is located less than 100m from The Grove (A118) which forms part of the Strategic Road Network (SRN). TfL have a duty under the Traffic Management Act (2004) to ensure that any development does not have an adverse impact on the SRN.</td>
<td></td>
</tr>
<tr>
<td>2. Travel Plan</td>
<td></td>
</tr>
<tr>
<td>TfL supports the adoption of a car-free scheme and the applicant’s objectives to further increase sustainable and active modes of travel</td>
<td></td>
</tr>
</tbody>
</table>
in line with the Mayor’s strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041. TfL considers the approach to trip generation and modal split acceptable and in line with London Plan Policy 6.3.

3. Cycle parking
Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards (LCDS.) The LCDs can be found in TfL’s online Streets Toolkit at: https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit#on-this-page-2.

As according to the provisions of the LCDS, Cycle parking should be:

- Fit-for-purpose – meeting identified current and future demand, with an appropriate balance of short stay and longer-stay provision, and accommodating all types of cycle.
- Secure – stands in secure private or indoor spaces, or in visible, well-lit places that have high levels of natural surveillance.
- Well-located – convenient, accessible, as close as possible to the destination, and preferably sheltered.

Accessing the cycle parking area should involve passing through no more than two sets of doors, with a recommended minimum external door width of 2 metres. At present, residential cycle storage facilities do not appear to be easily accessible with access to the commercial cycle storage facilities via the rear-access involving passing through more than 2 sets of doors. TfL request the applicant revises plans so as to ensure that no more than 2 sets of doors must be passed through to access this cycle storage without compromising the security of the facilities.

The associated Travel Statement states that short-stay cycle parking for the retail element of the Site will be accommodated by local town centre on-street cycle parking provisions, such as those provided on Salway Place. TfL hold the view that the applicant must provide short stay provision in addition to nearby on-street provision at a rate of 1 space per 20sqm as per the Minimum cycle parking standards for A1 use outlined within draft London Plan Policy T5.

At present, there is no indication within application drawings where lockers, shower facilities and toilets for the retail/ commercial uses will be located for staff. These supporting facilities should be provided in order to comply with Draft London plan Policy 10.5.7.

Basement-level cycle parking for the C1 use is accessible via two lifts. To accommodate all types of cycle, lifts should have minimum dimensions of 1.2 by 2.3 metres, with a minimum door opening of 1000mm, and any door to a cycle parking area should be automated – push button or pressure pad operated. TfL require clarification of
the lift dimensions to ensure these access arrangements are in line with LCDS requirements.

In the event of lift facilities being out of order, cycle parking facilities must still be accessible. Therefore, TfL request that the step incline on staircase access is suitable for potential use by people using the basement cycle storage facilities.

4. CLP

Provided LB Newham are satisfied with the partial highway closure to Salway Place (LBN highway), TfL have no objections to the contents of the Construction Logistics Plan.

5. DSP

TfL require clarity regarding the number and types of vehicles that will be servicing from the front and rear of the site. It is hoped that most will be done via the rear access due to it being closer to the rear entrance of the site, however at present it is not clear.

TfL requests additional information is provided as outlined above prior to being supportive of the application.

Officer comments on consultation response:

Matters relating to transport are discussed at Section 7.7 of this report.

A condition has been added requiring full details of proposed cycle parking provisions prior to above-ground works.

Existing short-stay cycle parking in vicinity of the site confirmed as adequate by LBN Transportation Officers.

Consultee: Historic England, GLAAS

Date received: 27 August 2019

Summary of consultation response:

"Thank you for your consultation received on 08 August 2019. The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter.

NPPF section 16 and the London Plan (2011 Policy 7.8) make the conservation of archaeological interest a material planning consideration. NPPF paragraph 189 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest."
The planning application lies in an area of archaeological interest. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include: If you grant planning consent, paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public.

Roman pottery is recorded as being found in the close vicinity of the site, which lies near the junction of the Roman roads to both Colchester and Great Dunmow from London. The site also lies in the historic core of the post-Roman settlement of Stratford.

I have looked at this proposal and at the Greater London Historic Environment Record. I advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. I therefore recommend attaching a condition as follows:

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of...
resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Informative:
Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England’s Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

This pre-commencement condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI before works begin on site provides clarity on what investigations are required, and their timing in relation to the development programme. If the applicant does not agree to this precommencement condition please let us know their reasons and any alternatives suggested. Without this pre-commencement condition being imposed the application should be refused as it would not comply with NPPF paragraph 199. I envisage that the archaeological fieldwork would comprise the following:

**Desk Based Assessment**
Desk-based assessment produces a report to inform planning decisions. It uses existing information to identify the likely effects of the development on the significance of heritage assets, including considering the potential for new discoveries and effects on the setting of nearby assets. An assessment may lead on to further evaluation and/or mitigation measures.

**Evaluation**
An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

You can find more information on archaeology and planning in Greater London on our website

This response only relates to archaeology. You should also consult Historic England’s Development Management on statutory matters.”

**Officer comments on consultation response:**
Noted.

The recommended conditions and informatives have been included at Appendix 1.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Thames Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>28 August 2019</td>
</tr>
</tbody>
</table>

Consultation response:

"Waste Comments

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "No properties shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development or 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liases with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. "No properties shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and
infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Water Comments
There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

Wastewater: "We expect surface water to be attenuated to Greenfield run-off
rat rates following London Policy 5.13 and achieve 5l/s/ha. We require the
drainage strategy to specify the point(s) of connection and peak discharge
rat rates into the public sewer system for foul and surface water. We require
demonstration of how the surface water disposal hierarchy has been
implemented for the site and why connection to the combined sewer is the
preferred option.”

**Officer comments on consultation response:**

Noted.

The recommended conditions and in formatives have been included at
Appendix 1.

### 4.14 Internal Consultation

### 4.15 A summary of the consultation responses received along with the Officer

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>LBN Transport</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>23 September 2019, 4 October 2019</td>
</tr>
<tr>
<td>Consultation response:</td>
<td>23.09.2019</td>
</tr>
</tbody>
</table>

“This application is for demolition of the existing building and provision of an
8 floor building comprising a 62 room apart hotel, and provision of 342 sqm
of commercial floor space at ground floor, comprising two units. A previous
application of similar nature (but smaller scale) was approved by
07/00633/FUL which was for a 59 bedroom hotel. This was never built out
and has expired. There have been pre application proposals of a very
similar nature as well.

The existing arrangement at the site is a former electrical retail unit at
ground floor, and office uses on the upper floors, within a 3 storey building.

The site is located to the west side of The Broadway, immediately south of
the junction with Salway Place. It has a PTAL value of 6B which is
considered ‘excellent’ access to public transport services. 14 bus services
are accessible within 1 to 8 minutes’ walk of the site, Stratford station is 9
minutes away and Maryland station 4 minutes away. It is located with the
Stratford Central RPZ, which has operating hours of 0800 – 1830 Monday to
Saturday.
The site is also adjacent to the recently completed works on the Stratford Gyratory removal scheme.

A Transport Statement accompanies the application, along with an outline Construction Logistics Plan and travel plan. The main transport observations and comments are as follows;

Access Arrangements
The site is very well located with what is considered ‘excellent’ access to public transport services. There will be foot and cycle access off of the Grove and from Salway Place, and vehicle access via Great Eastern Street to Salway Road/Salway Place.

Transportation impacts
There will be an uplift in person trips from the site compared to existing. The Transport Statement details that the net increase of trips in the AM peak (0800 – 0900) will be 31 outbound and 1 inbound, and 14 inbound with 5 inbound in the PM peak hour (1700 – 1800). Given the excellent accessibility, this is of no consequence in highway and public transport network and capacity terms. The predominant modes of transport to and from the development will be public transport and walking.

Car and cycle parking
The development is proposed as a car free development, and this will be appropriate given the excellent public transport accessibility and close location to shops and services in Stratford Town Centre. There are 12 No. blue badge bays located in Salway Road a short walk from the development site providing opportunity for blue badge holders staying or visiting to park.

The draft London Plan requires 1 space per 20 bedrooms for long stay cycle parking and 1 space per 50 bedrooms for short stay visitors for the hotel, and for the A1/A2/A3/B1 use there is a threshold of requirement from 100sqm area up and the requirement varies across the different use classes. The applicant is proposing 8 spaces to be located in the basement for the aparthotel component of the development, and 3 for the retail commercial use, to be located in a separate cycle store on the ground floor. Being internally located security should not be an issue, however full details of the proposed arrangements for the cycle parking will be required to confirm the system intending to be used, and a dimensioned drawing should be provided to confirm the spacing and manoeuvring space around the cycle parking meets the manufacturer’s installation specifications. This information can be covered by condition for approval prior to commencement of the works.
For the aparthotel cycle parking in the basement, it is understood that the applicant has confirmed that the internal dimensions of the lifts will be sufficient for comfortably accommodating cycles and riders with minimum internal dimensions of 1.2 by 2.3 metres, and a minimum door opening width of 1000mm.

With the recent gyratory removal scheme, there is now additional cycle parking within the public realm, as well as the 6 Sheffield Stands in Salway Place.

Subject to satisfactory review of the proposed cycle parking arrangements, Transportation are comfortable with the proposed cycle parking proposals as they exceed London Plan standards and there is cycle parking available in the public realm.

Delivery and servicing arrangements/refuse and recycling collections
The TS comments that servicing activity will be undertaken with similar arrangements to the existing site. Deliveries will be able to be transferred through Salway Place to the site, or from on-street loading bays present on The Grove. Vehicles up to and including a 7.5T box van will be utilised for servicing activity. For the aparthotel it is anticipated that generally deliveries will be made by small to medium sized light goods vans and that these will require limited waiting times to allow for loading and unloading only. The TS details that the aparthotel will generate 2 to 3 servicing trips per day, to include daily laundry visits plus catering and other consumables. The TS also predicts up to 4 servicing trips a day to the commercial/retail component of the development. Therefore, there will likely be up to 6/7 servicing visits a day. Compared to the existing arrangement at the site this is an uplift of 5/6 visits a day, and this is not considered problematical.

For refuse and recycling collections, again it is expected that the arrangements will be as existing, and the bin stores are located to the rear of the development to enable collection from Salway Place. This is acceptable to Transportation however colleagues in the Waste team will need to confirm their satisfaction with the proposed arrangements.

Construction Phase
An outline Construction Logistics Plan has been submitted with the application. This document provides a commentary on the proposed working arrangements to demolish the existing building and construct the new development. It confirms details such as the programme for the works (21 month construction period) , and It is intended that the construction site will be serviced from Salway Place, whilst utilising a partial road closure and
maintaining the pedestrian/footway route. This CLP comments that there will be 2 phases of work and that all traffic movements associated with the construction works will take place off peak, and be overseen by traffic marshalls. All materials will be able to be stored within the site, and the appropriate measures will be used to deal with any dirt or dust nuisance on the Highway.

The Council’s Network Management Team have had this outline CLP forwarded to them for comment and they may add to the comments given above. In any instance, the applicant must acknowledge and understand that full Highways approval is required and needs to be obtained from the Network Management Team prior to the commencement of any construction works at the site, and also that there is another site close by that will need to use the same access arrangements from Salway Place which may prevent access for a period of time. Should this application be granted consent the applicant will need to engage with The Network Management Team once a contractor is appointed, to discuss the detailed proposals for accessing and servicing the construction of the development as part of the process of obtaining the necessary highways approvals and consents.

Conclusion
This application is for demolition of the existing building and provision of an 8 floor building comprising a 62 room apart hotel, and provision of 342 sqm of commercial floor space at ground floor, comprising two units. From the Transportation perspective, the site has excellent access to public transport services, and the additional person and servicing trips will not create any adverse impacts. The proposed arrangements for delivery and servicing trips are acceptable and the cycle parking proposed again acceptable subject to review of the detailed proposals (covered by condition). Should the consent be granted approval, the applicant must engage with the Council’s Network Management Team prior to the commencement of any construction works at the site, to agree an acceptable method of working for the build out and to obtain the necessary highways approvals and consents. The applicant must note that another development site close by will need to utilise the same access arrangements and therefore it is highly likely that only one of the development sites will be able to be built out at any one time.

Subject to satisfactory review of the proposed cycle parking arrangements, Transportation does not object to the application.”

04.10.2019

Requested s106 head of term for permit free development, including £2000 administration fee.
**Officer comments on consultation response:**

Matters related to Transport are discussed at Section 7.5 of this report.

The recommended conditions have been combined and included at Appendix 1.

The recommended head-of-term has been included at Appendix 2.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>LBN Economic Regeneration</th>
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</thead>
<tbody>
<tr>
<td><strong>Date received:</strong></td>
<td>30 September 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td></td>
</tr>
<tr>
<td>No objection subject to heads of terms for:</td>
<td></td>
</tr>
<tr>
<td>Local Labour (End Use Phase), including contribution of £221,410</td>
<td></td>
</tr>
<tr>
<td>Local Labour (Construction Phase), including contribution of £75,912</td>
<td></td>
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</tbody>
</table>

**Officer comments on consultation response:**

Employment is discussed at Section 7.7 of this report.

Recommended Heads of Terms included at Appendix 2

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>LBN Design Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date received:</strong></td>
<td>24 September 2019</td>
</tr>
<tr>
<td><strong>Consultation response:</strong></td>
<td></td>
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</tbody>
</table>
| "There have been several pre-application meetings regarding the redevelopment of this site, as well as a design review panel meeting. The applicant has responded positively to our comments and the design has improved as a result. I have no objection to the design of the proposed building which will enhance the character and appearance of the St John’s Conservation Area. If you are minded to recommend approval I would suggest the following condition:  

1. Sample of materials to be submitted to and approved by the LPA. This should include a full scale mock-up panel of a 1st floor, Broadway elevation window bay.” |
Office comments on consultation response:

Design and heritage are discussed at Section 7.5 of this report.

Recommended condition added at Appendix 1.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>LBN Environmental Health</th>
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<tbody>
<tr>
<td>Date received:</td>
<td>4 September 2019</td>
</tr>
</tbody>
</table>

Consultation response:

No objections in principle, but conditions are recommended to control likely loss of amenity.

Suggested conditions:

- Grease Trap (A3 and Food Factories)
- Details of ventilation/plant/etc.
- Sound Insulation
- Transportation Noise
- Acoustic report
- Environmental Code - Detailed

Suggested informatives:

- Lifting Operations and Lifting Equipment Regulations
- Sound Insulation.
- Food Law Requirements
- Air Quality Management Area
- Air pollution and noise from demolition or construction sites.

Officer comments on consultation response:

Impacts to neighbouring amenity discussed at Section 7.6 of this report.

Recommended conditions included at Appendix 1

4.16 Design Review Panel

4.17 The application was presented to the Council’s Design Review Panel (DRP) on 8 May 2019. The report from the DRP is set out below.
Proposal: Demolition of existing building and erection of a new part 4, 6 and 7 storey building providing apart-hotel rooms and new commercial space.

Panel Members:
Toby Johnson (Chair)
Andrew Matthews
Carla Smyth

Summary:

We welcomed the opportunity to review these proposals and thanked the applicant for a clear presentation. The redevelopment of this site will have a key role in drawing life into the Cultural Quarter from the Broadway and vice versa, and we are supportive of proposals to intensify the use of site and maximise active frontages along the Broadway and Salway Place.

We acknowledged that the proposed building heights and massing reflect an earlier consented development on the site, but felt the building appeared slightly too tall for its plot and in the context of the adjacent buildings on the Broadway. There is a fine grain and a human scale about this part of the Broadway, reflecting the historic burgage plots, that has been lost in the newer parts of the town centre and care is needed in terms of how these sites are developed to ensure this historic grain remains evident and that a human scale is retained. The tallest part of the building would ideally be reduced by one storey, but a wider analysis of the site, context and the history of the street may help provide a justification for the heights proposed. A tripartite approach to the elevation and the establishment of a clear base, middle and top could also help reduce the apparent scale of the building and establish a more successful relationship with its immediate neighbours.

The significance of the site linking two important parts of the old town centre demands a special architectural response and while the emerging architectural language has the potential to be successful, presently the building looks rather generic and more richness and detail should be introduced.

We made the following detailed points for consideration and action by the design team:

Layout

We are supportive of the proposals to intensify the use of the site and the inclusion of commercial floor space at ground floor level to create active frontages to the Broadway and Salway Place. We enjoyed the tightness of the alley and think that the building proximities will create quite an exciting urban intensity.
The commercial units look very shallow and it is important the spaces are usable and attractive to tenants so that they contribute to the vitality of the town centre and active frontages. Ways of increasing the depths should be explored, such as omitting the poorly appointed ground floor bedrooms to gain commercial space. Capacity for extraction ducts going up to roof level should also be accommodated.

Scale and Massing

The overall heights and the stepped and staggered massing reflect that of the previously consented scheme but we felt that six storeys on the Broadway frontage would feel more comfortable due the width of the plot and the relationship with adjacent buildings. The amount of accommodation is bulking the scheme out and the proposition could be significantly improved if there is the flexibility to refine the massing. In any event a wider street elevation would be helpful to see the proposal in the context of the rest of the Broadway

Appearance

Our reservations about the scale of the building may, to some extent, also be a product of the architecture, which is quite tough and monumental for this relatively small building plot. Establishing a finer grain and a clearer tripartite articulation of base, middle and top may help overcome some of our concerns about scale.

The simple, gridded architecture is a reasonable starting point but this feels rather generic and more richness, detail and craft should also be introduced within the modules of the grid. The detail of the angled windows to Salway Place will be very important and should be carefully considered and quite simple.

The gable end at the corner of the Broadway and Salway Place has an important townscape role in terms of successfully turning the corner and emphasising the route through to the Cultural Quarter. This should be clearly articulated from the rear section of the building and the change in plane hinted at in the elevation needs to be real and meaningful in three dimensions. The relationship between the main gable element and the appendage to the rear at 4th floor level and above is not yet successfully resolved. The rear end gable is also an element of townscape importance. These components require particular attention and should be refined and developed to create a more distinctive and memorable architecture.
5.0 PLANNING POLICIES AND GUIDANCE

5.1 The Local Development Plan comprises:

- the London Plan (the spatial development strategy for London consolidated with alterations since 2011 and published March 2016);


- the London Borough of Newham Local Plan (2018)


- the Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted 27th February 2012);

5.2 Material weight has been given to the National Planning Policy Framework (Feb 2019) and the National Planning Practice Guidance.

5.3 The following policies are relevant to the assessment of this application:


2.15 Town centres
3.1 Ensuring equal life chances for all
3.2 Improving health and addressing health inequalities
4.1 Developing London’s economy
4.2 Offices
4.3 Mixed use development and offices
4.5 London’s visitor infrastructure
4.7 Retail and town centre development
4.8 Supporting a successful and diverse retail sector and related facilities and services
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.5 Decentralised energy networks
5.6 Decentralised energy in development proposals
5.7 Renewable energy
5.9 Overheating and cooling
5.10 Urban greening
5.11 Green roofs and development site environs
5.12 Flood risk management
5.13 Sustainable drainage
5.14 Water quality and wastewater infrastructure
5.15 Water use and supplies
5.17 Waste capacity
6.9 Cycling
6.10 Walking
6.13 Parking
7.1 Lifetime neighbourhoods
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.5 Public realm
7.6 Architecture
7.7 Location and design of tall buildings
7.8 Heritage assets and archaeology
7.9 Heritage-led regeneration
7.14 Improving air quality
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
7.19 Biodiversity and access to nature

5.5 The London Plan: The Spatial Development Strategy for Greater London
(Draft for Consultation December 2017 with minor suggested changes July 2018)

Policy GG1 Building strong and inclusive communities
Policy GG2 Making the best use of land
Policy GG3 Creating a healthy city
Policy GG5 Growing a good economy
Policy GG6 Increasing efficiency and resilience
Policy SD6 Town centres
Policy D1 London’s form and characteristics
Policy D2 Delivering good design
Policy D3 Inclusive design
Policy D7 Public realm
Policy D8 Tall buildings
Policy D9 Basement development
Policy D10 Safety, security and resilience to emergency
Policy D11 Fire safety
Policy E7 Intensification, co-location and substitution of land for industry, logistics and services to support London’s economic function
Policy E8 Sector growth opportunities and clusters
Policy E9 Retail, markets and hot food takeaways
Policy E10 Visitor infrastructure
Policy E11 Skills and opportunities for all
Policy HC1 Heritage conservation and growth
Policy G5 Urban greening
Policy G6 Biodiversity and access to nature
Policy SI1 Improving air quality
Policy SI2 Minimising greenhouse gas emissions
Policy SI7 Reducing waste and supporting the circular economy
Policy SI8 Waste capacity and net waste self-sufficiency
Policy T2 Healthy Streets
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T6.2 Office parking
Policy T6.4 Hotel and leisure uses parking
Policy T6.5 Non-residential disabled persons parking

5.6 Newham Local Plan (2018)

S1 Spatial Strategy and Strategic Framework
S2 Stratford and West Ham
SP1 Borough-wide Place-making
SP2 Healthy Neighbourhoods
SP3 Quality Urban Design within Places
SP4 Tall Buildings
SP5 Heritage & other Successful Place-making Assets
SP6 Successful Town and Local Centres
SP7 Quality Movement Corridors & Linear Gateways
SP8 Ensuring Neighbourly Development
SP9 Cumulative Impact
J1 Business and Jobs Growth
J2 Providing for Efficient Use of Employment Land
J3 Skills and Access to Employment
SC1 Environmental Resilience
SC2 Energy & Zero Carbon
SC3 Flood Risk & Drainage
SC4 Biodiversity
SC5 Air Quality
INF2 Sustainable Transport
INF3 Waste and Recycling
INF9 Infrastructure Delivery

5.7 Additional Guidance

Accessible London: Achieving an Inclusive Environment (October 2014)
Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011)
Sustainable Design and Construction SPG (April 2014);
Planning for Equality and Diversity in London SPG (October 2007)

5.8 London Plan Review

The Mayor of London’s London Plan: The Spatial Development Strategy for
Greater London (Draft for public consultation December 2017) was published
for public consultation. Having regard to NPPF paragraph 216 the emerging
document is now a material consideration and limited weight has been given
to the emerging document in decision-making, unless other material
considerations indicate that it would not be reasonable to do so.

London Borough of Newham
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)

6.1 From 1st of April 2019 Mayoral CIL2 (Permissions granted on or after 1 April 2019).

6.2 The Mayor has adopted a new Charging Schedule MCIL2, which came into effect 1st of April 2019. Like MCIL1, MCIL2 will be charged on all development except for education and health.

6.3 The Mayoral rate for Newham has increased within Band 3 to £25 per sqm from £20 per sqm.

6.4 The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) and the Section 106 Crossrail Funding from Planning Obligations Supplementary Planning Guidance (adopted 2016) is superseded by the revised MCIL Charging Schedule.

6.5 The Newham Community Infrastructure Levy is chargeable in line with the Newham CIL Charging Schedule, which came into effect on 1st January 2014.

6.6 The Newham Community Infrastructure Levy was adopted by full Council on 30th September 2013, which came into effect on 1st January 2014. The Newham CIL Charging Schedule per gross internal sq. m is as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Charging Zone1 – Post codes E15 (exclusive of the LLDC area), E16 and E3 (part)</th>
<th>Charging Zone 2 – Post codes E6, E7, E12, E13 and IG11 (part)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>£80</td>
<td>£40</td>
</tr>
<tr>
<td>Retail</td>
<td>£30</td>
<td>£30</td>
</tr>
<tr>
<td>Office</td>
<td>£0</td>
<td>£0</td>
</tr>
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<tr>
<td>Industrial</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Student Accommodation</td>
<td>£130</td>
<td>£130</td>
</tr>
</tbody>
</table>

6.7 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Newham has published a list of infrastructure projects or types of infrastructure that it intends to be funded in whole or in part by the Newham CIL. This allows the continued use of planning obligations (S.106 agreements) for other projects or types of infrastructure. Individual developments will not be charged for the same items through S106 and CIL. The Newham Regulation 123 list can be viewed on the Council’s website.
7.0 ASSESSMENT

7.1 The key issues relevant to this application are:

- Principle of Development (7.2);
- Employment (7.3);
- Tall Buildings (7.4);
- Design and Heritage (7.5);
- Impact upon Amenity (7.6);
- Transport and Travel (7.7);
- Access (7.8);
- Energy / Sustainability (7.9);
- Biodiversity / Ecology (7.10);
- Conclusions (7.11);
- Reasons for Approval (7.12)

7.2 Principle of Development

7.2.1 The National Planning Policy Framework (NPPF) at Chapter 6 states that “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.” Chapter 7 states that Planning policies and decisions should “support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.”

7.2.2 The London Plan at Policy 2.15 states that development proposals should accommodate economic growth “through intensification and selective expansion in appropriate locations”, and should “support and enhance the competitiveness, quality and diversity of town centre retail, leisure, employment, arts and cultural, other consumer services and public services.” Policy 4.7 states that “retail, commercial, culture and leisure development should be focused on sites within town centres”.

7.2.3 The Draft London Plan, at Policy SD6 states that town centres should be enhanced as “…hubs for a diverse range of uses including employment, business space, shopping, culture, leisure, night-time economy, tourism, civic, community, social, infrastructure and residential development”. Meanwhile, Policy GG2 identifies the importance of making efficient use of land, stating that those involved in planning and development must “Proactively explore the potential to intensify the use of land including public land, to support additional homes and workspaces, promoting higher density development, particularly on

London Borough of Newham
sites that are well-connected by public transport, walking and cycling, applying a design-led approach.”

7.2.4 The site is located within the Stratford Metropolitan Centre. The Local Plan at Policy S2 states that Stratford will “provide major employment and business opportunities derived from its international, regional and local connectivity, quality of environment and strategic retail growth (including a significant amount of higher order comparison goods), tourism and visitor economy including food, drink, arts and cultural, quality leisure and evening and night-time activity, and significant healthcare and education facilities (including higher and further education), together with the extensive service sector supporting these.”

7.2.5 The site is also located within the Stratford Central (S05) strategic site which is allocated for: “Renewal and reconfiguration of the existing retail offer, with scope for expansion of mainly comparison floorspace (in accordance with the requirements of Policy INF5) together with other town centre and residential uses and environmental quality, character and permeability improvements.

New Apart-Hotel Use

7.2.6 London Plan Policy 4.5 sets an objective of 40,000 net additional hotel bedrooms by 2036.

7.2.7 Draft London Plan Policy SD6 also states that “Tourist infrastructure, attractions and hotels in town centre locations, especially in outer London, should be enhanced and promoted.” Policy E10 states that The role of apart-hotels and short-term lettings should be supported whilst ensuring that they do not compromise housing provision.

7.2.8 The Local Plan at Policy SP6 supports provision of visitor and cultural attractions and facilities within town centres. This is reinforced by Policy S2 states that Stratford will “provide major employment and business opportunities.

7.2.9 The proposed scheme includes a 62 room apart-hotel across levels 1-6. This new use will provide 13 single rooms and 49 double rooms, adding to a total of 111 bed-spaces. Officers consider that the proposed apart-hotel use accords with the policy objectives, seeking to deliver a sufficient supply of hotel bedrooms in London. The use is also considered consistent with spatial policies which seek a wide mixture of commercial uses within town centre
areas. Further, the provision of a new apart-hotel use within Stratford accords with Local Plan objectives for both Stratford Metropolitan Centre and the Stratford Central Strategic Site, particularly noting the support for tourism and the visitor economy in this area.

**New Commercial Uses**

7.2.10 The Local Plan at Policy SP6 emphasises the importance of “maintaining a robust retail core whilst ensuring a variety of unit sizes”.

7.2.11 The Local Plan at Policy J2 states that proposals should “achieve more efficient use of employment land to support economic growth sectors and wider growth needs”.

7.2.12 The proposals include the provision of two commercial units located on the ground floor and basement of the building. Unit 1 fronts Salway Place and includes 175sqm of floor space within use classes A1/A2/A3/B1(a). Unit 2 fronts Broadway and includes 169sqm of floor space within use class A1.

7.2.13 Officers consider that the proposed mixed-use development accords with identified policy objectives for the efficient use of employment land. Further, the proposed units include a range of use classes which are appropriate for town centre locations, whilst preserving the flexibility to decrease the chances of prolonged vacancy. The proposed use classes also accord with the identified priorities for the Stratford Central (S05) strategic site.

**Loss of Office Space**

7.2.14 The proposed development will include the loss of 483 sqm of A1 floor-space and 380 sqm of B1(a) floor-space.

7.2.15 The proposed scheme provides 344 sqm of floor space within use classes A1/A2/A3/B1(a). However, it is not certain that this floor-space will include B1(a) use.

7.2.16 The London Plan, Draft London Plan, and Local Plan direct new office uses towards Stratford. However, the loss of the above-mentioned floor space is considered acceptable on the basis that redevelopment provides for more efficient use of the site.
7.3 Employment

7.3.1 Local Plan Policy J3 requires all major development to help ensure that Newham residents have access to work and share in the increasing wealth associated with the expanding local and London-wide economy. To this end, proposals are expected to demonstrate a commitment to improved education, skills and training provision and removal of barriers to work for Newham residents. Policy J3 includes a target for Newham residents to occupy 35% of construction phase jobs and 50% of all end-use jobs, typically through a tariff-based contribution and an Employment Strategy, cognisant of proposed construction methods and sectoral specialisms and subject to viability.

7.3.2 The submitted Planning Statement specifies that “the proposed commercial units are likely to provide between 16 and 20 Full Time Equivalent (FTE) jobs and the proposed hotel is likely to generate 12 jobs, giving a total of between 28 and 32 FTE jobs.” The Planning Statement also notes the importance of promoting local employment through engagement with Workplace, and states that the applicant is willing to provide “a reasonable financial contribution towards training”.

7.3.3 The Council’s Economic Regeneration officers were consulted on the application and recommended s106 obligations relating to promoting local labour via Workplace, and local goods and services. Financial contributions were recommended based on employment levels at construction and end-use phase.

7.3.4 Officers have secured the recommended provisions for local skills and training, and Local Labour via Workplace within the heads of terms at Appendix 2.

7.4 Tall Buildings

7.4.1 Policy 7.7 of the London Plan requires formal applications for tall buildings to include urban design analysis, whilst Policy D8 of the Draft London Plan seeks to ensure that tall buildings are appropriately located and designed to a high standard.

7.4.2 Policy SP4 of the Local Plan notes that increased densities in the right locations will generally be encouraged, but also requires tall buildings, through
their location, height, and form, to promote regeneration and creation of successful places.

7.4.3 The proposed building is part 4, 6 and 7 storeys in height and is therefore required to satisfy the above-mentioned tall-building policies.

7.4.4 The Stratford Central Strategic Site is identified in the Local Plan as suitable for “Indicative building heights of 20 plus storeys: stepping down to low (4-5 storey) and mid rise (6 to 8) at the site margins, with particular sensitivity to the St Johns and University Conservation areas and Listed Buildings along the High Street/Broadway.”

7.4.5 The proposed building is located approximately 55 metres from the Church of St John the Evangelist, and approximately 15 metres from the railings of the Church of St John the Evangelist, and is also within the St John’s conservation area. The application was therefore advertised as affecting the setting of a Grade II listed building and Grade II listed street furniture.

7.4.6 The proposal first presented in pre-application meetings under 18/03048/PREAPP was for a building of 9 storeys. However, this was reduced to seven storeys in response to the LBN Design Managers comments, and prior to presentation to the DRP.

7.4.7 The DRP reviewed the proposed seven storey building and stated that “the tallest part of the building would ideally be reduced by one storey, but a wider analysis of the site, context and the history of the street may help provide a justification for the heights proposed.”

7.4.8 The submitted Design and Access Statement and Planning Statement provide a detailed justification for the proposed scale of the development, including an appraisal of the surround building heights.

7.4.9 The immediate context includes 5 storey buildings to the north-east and south west, and an eight-storey building to the north-west. Officers consider that the proposed scale is appropriate, noting the surrounding built form, Strategic Site allocation, excellent transport connectivity, and the high quality design of the building.

7.5 Design and Heritage

7.5.1 Chapter 12 of the NPPF states that design quality should be considered throughout the evolution and assessment of individual proposals.
7.5.2 Policy 7.1 of the London Plan states that the design of new developments should help reinforce the character and accessibility of the area. Policy 7.4 additionally requires development to have regard to the form, function, and structure of an area, and the scale, mass, and orientation of surrounding buildings. Policy 7.6 encourages the use of high-quality materials and design appropriate to the local context. The above policies are maintained within Draft London Plan Policies D1, D2 and D3.

7.5.3 Policies SP1 and SP3 of the Local Plan state that high-quality development will be expected, which respects the positive elements and distinctive features of the Borough. Policy SP4 seeks to control the location and form of new tall buildings.

7.5.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council as respects listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.5.5 In accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990, in the assessment of the proposal the Council has paid special attention to the desirability of preserving or enhancing the character or appearance of that area.

7.5.6 The proposed building is part 4, part 6 and part 7-storeys in height. Two commercial units are provided at ground-floor and basement level. One unit fronts Broadway and the other fronts Salway Place, resulting in 100% active frontages. Entrance to the apart-hotel is from Broadway.

7.5.7 The proportions of the proposed shopfronts and hotel entrance have been designed to directly correspond with the adjacent buildings to ensure consistency across the wider street frontage.

7.5.8 An early iteration of the scheme was presented to the Design Review Panel on 8 May 2019. The full DRP comments are included at Section 4.17 of this report. The DRP encouraged reduction of the maximum building height from seven to six storeys to better reflect the history and character of the area.

7.5.9 The DRP also made the following recommendations:
establishment of a clear base, middle and top;
more architectural richness and detail was necessary.
extend ways of increasing the depths of commercial units, such as
omitting the poorly appointed ground floor bedrooms
the detail of the angled windows to Salway Place will be very important
and should be carefully considered and quite simple.
The gable end at the corner of the Broadway and Salway Place should
be clearly articulated from the rear section of the building and the
change in plane hinted at in the elevation needs to be real and
meaningful in three dimensions.

7.5.10 In response to the DRP comments, the proposal was revised as follows:
removal of ground floor bed spaces
basement and ground floor commercial areas increased in size
more efficient layout of the core and circulation
reconfiguration of floor plans and reduction of rooms with windows on to
light well
creation of a distinct top, middle and base to the Broadway elevation
additional architectural detail added to façades

7.5.11 The Council’s Design Manager was consulted on the submitted application
and commented that “The applicant has responded positively to our [the
Design Manager and DRP’s] comments and the design has improved as a
result. I have no objection to the design of the proposed building which will
enhance the character and appearance of the St John’s Conservation Area.

7.5.12 Officers consider that the form of the proposed building has improved
successfully through the reapplication process. The building now includes a
well-defined base, middle and top which, and creates positive impact on the
street scape. The use of high-quality durable materials is supported, and the
increased activation at ground floor on both the Broadway and Salway Place
elevations is welcomed.

7.5.13 It is considered that the development is not harmful to the setting of Stratford
St. Johns Conservation Area and the setting of Grade II listed building, Church
of St John The Evangelist and Grade II listed street furniture, the Railings of
Church of St John The Evangelist.
7.5.14 In order to secure the indicated design quality, officers have included a condition requiring submission of material samples, and a mock-up of the Broadway elevation. These details will be required prior to commencement of the above ground work.

7.5.15 The applicant has submitted a Daylight and Sunlight assessment prepared by XC02, relating to the internal conditions of the proposed development, which demonstrates adequate daylight and sunlight levels for the proposed use.

7.5.16 Officers consider that the scheme accords with policy objectives for built heritage and high quality design in the borough.

7.6 Impact upon amenity

7.6.1 Policy 7.6 of the London Plan requires that proposed buildings do not cause unacceptable harm to the amenity of surrounding properties. This requirement is maintained in policies D1 and D2 of the Draft London Plan.

7.6.2 Policy SP8 of the Local Plan states that all proposals are expected to achieve neighbourliness throughout the lifecycle of the development.

7.6.3 The application site is located within a high density area of the borough, presenting a risk of undue impacts to neighbouring amenity.

7.6.4 The Council has received five objections to the scheme, which include noise and disturbance at both construction and end use stage, loss of light, loss of privacy, light pollution, loss of access through Salway Place, and social issues arising from the proposed short-term letting. These potential impacts are discussed below.

Noise and Disturbance (Construction)

7.6.5 Several of the complaints received centred on potential noise and disturbance at construction phase.

7.6.6 The applicant submitted an Outline Construction Logistics Plan prepared by Caneparo Associates. The report identifies a range of strategies to reduce noise and vibration arising from construction works. All plant will be fitted with exhaust mufflers and noise suppression kits, and hand operated tools and equipment will be effectively silenced. Contact details for the Project Manager will be displayed at the Site and published on any temporary licenses granted by the Council (such as for hoarding or scaffolds).
7.6.7 LBN Environmental Health officers have reviewed the application and consider that a detailed Environmental Code is necessary to protect the amenity of neighbouring residents during the works. Officers have accordingly included a condition requiring submission of an Environmental Code prior to commencement of the development.

7.6.8 Subject to the conditions at Appendix 1, officers consider that noise and disturbance arising from demolition and construction works will be reduced to an acceptable level.

Noise and Disturbance (End Use)

7.6.9 Officers note that the scheme has been designed to provide acceptable internal noise levels within the development, and that the proposed mitigation measures will help to mitigate any impacts from the site to neighbouring amenity.

7.6.10 The applicant submitted an Acoustic Design Statement prepared by Airo, which identifies the existing noise levels at the site. The report concludes that the site is classified as low risk during the day and medium risk at night in respect of noise. A ProPG Stage 2 assessment found that internal noise levels could be achieved to accord with BS8233, by relying on high specification double glazing within the worst-affected elevations.

7.6.11 The Council’s Environmental Health officers recommended conditions to safeguard against undue noise levels associated with the proposed development, including details of ventilation and plant noise, and details of the proposed sound insulation scheme.

7.6.12 Officers have included the recommended conditions at Appendix 1. It is considered that the recommended conditions will be sufficient to ensure acceptable noise levels within the proposed building, as well as mitigating any noise impacts to neighbouring properties.

Loss of Privacy

7.6.13 A resident of the Q Building, located directly across Salway Place objected to the potential loss of privacy, stating that the building would “overlook the majority of the flats in our building and we have very large windows.”

7.6.14 Officers note that the building has been carefully designed to minimise the privacy impacts associated with the close-relationship with adjoining buildings. The elevation fronting Salway Place includes off-set windows, significantly
reducing the risk of overlooking whilst preserving a high-quality environment within the apart-hotel rooms.

7.6.15 Officers have also considered potential overlooking of residential units within the Richard Robert Residence. The potential for overlooking toward these units has been significantly reduced through careful design of the scheme. The north-western elevation of the building does not include any windows from ground to third floor. The only windows substantially facing this building are located within are in the upper floors, and are significantly set-back.

7.6.16 Officers have considered the potential for loss of privacy at neighbouring properties and consider that the proposed building reduces over-looking to an acceptable level.

Light Pollution

7.6.17 The objection comments received raised concerns in relation to light pollution arising from the site at end-user phase. The applicant has submitted an external lighting plan specifying wall-mounted, low-lux down-lighting around the building perimeter, bulkhead lights above the entrance to each unit and the apart-hotel entrance, and wall mounted down-lighting above the refuse door. Emergency low level downlights are proposed at roof level, however these are for maintenance purposes only.

7.6.18 Officers note that the proposed lighting scheme has been carefully designed to minimise light-pollution from the site, and consider that the lighting scheme will not cause undue impacts to neighbouring amenity.

Daylight and Sunlight

7.6.19 Objections have been received in relation to the loss of natural light at neighbouring properties, including the Q Building, located directly across Salway Place.

7.6.20 The Applicant has submitted a daylight and sunlight assessments prepared by XC02. The assessments has been undertaken in accordance with the BRE “Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice” (2011).

7.6.21 The applicant has relied on the “mirror image” approach, set out in the BRE guide as follows: “to ensure that new development matches the height and proportions of existing buildings, the VSC and APSH targets for these
windows could be set to those for a ‘mirror image’ building using the same height and size, an equal distance away on the other side of the boundary”.

7.6.22 Daylight impacts have been assessed for 70 windows within neighbouring properties, with findings summarised as follows:

- 8 out of 70 windows passed the 25-degree line test;
- 8 of the remaining 62 windows achieved VSCs greater than 27%;
- 15 windows achieved relative VSCs over 0.8 of their former values;
- 1 window achieved a relative VSC over 0.7 of its former value;
- 35 windows attained relative VSCs over 0.8 of their mirror image;
- The remaining 3 windows did not pass the criteria due to site and design constraints.

7.6.23 Sunlight impacts were assessed for 40 windows (those facing within 90 degrees of due south), with findings summarised as follows:

- 2 of the 45 windows passed the 25-degree line test.
- 7 of the remaining 43 windows satisfied the BRE with APSH results greater than 25% and WPSH greater than 5%, or of at least 0.8 of their former existing value with the proposed scheme in place;
- 3 windows achieved an APSH and WPSH of at least 0.6 of their former existing value;
- 6 windows achieved less than 4% reduction in annual sunlight. The remaining 27 windows are located on the flank wall of the Q Building do not meet BRE guidelines.

7.6.24 Officers note that the proposed development will result in derogations from the BRE guidelines. The worst affected residential properties are likely to be those within the Q Building, where the 27 windows fronting Salway Place will received considerably reduced daylight and sunlight relative to the current site configuration.

7.6.25 The applicant states that these impacts are concomitant with the density, and character of the area, and have noted that the BRE guidelines should not be applied rigidly.

7.6.26 The DRP considered the proximity of the proposed development to neighbouring buildings and were supportive of the tight urban grain which
would be created, noting in particular that the narrowness of Salway Place contributed to character of the area.

7.6.27 The identified daylight and sunlight impacts are considered to be consistent with the high density nature of the area. The scale and massing of the building is also considered to make efficient use of the site. Officers also note the employment benefits, design improvements and increased activation created by the scheme. Further, the scale of the building is within the parameters set in the Local Plan for the Stratford Central Strategic Site.

7.6.28 Officers have weighed the findings of the daylight and sunlight assessment against the benefits of the development as a whole. On balance, the benefits of the development, including high quality design, increased employment, and local regeneration, are considered to outweigh the identified daylight and sunlight impacts in this instance.

Summary
7.6.29 In summary, officers have given detailed consideration to the potential impacts to neighbouring amenity at both the construction and end use phases, and noted the concerns raised within the five objection comments. Subject to the conditions listed at Appendix 1, Officers consider that the scheme will not cause unacceptable impacts to neighbouring amenity.

7.7 Transport and Travel
7.7.1 The applicant has submitted a Transport Statement prepared by Caneparo Associates, accompanied by a Delivery and Service Plan, Outline Construction Logistics Plan, and Draft Employee Travel Plan.

7.7.2 The included trip generation assessment forecasts an increase of 32 trips during the AM peak and increase of 19 trips during the PM peak, which are not anticipated to have a material impact on the local public transport network.

7.7.3 LBN Transport Officers were consulted on the scheme and confirmed that the number of additional trips generated were considered to be acceptable, noting the site’s excellent public transport connectivity (PTAL 6B).

Car Free Development
7.7.4 The proposed development is car free, with a net loss of six car parking spaces at the site.
7.7.5 Transport Officers have confirmed the acceptability of a car free development in this location, noting the excellent public transport accessibility and close location to shops and services in Stratford Town Centre. Transport Officers have recommended inclusion of a s106 head of term preventing the issue of business parking permits and requiring a monitoring fee of £2,000. Officers have accordingly included the s106 head of term at Appendix 2.

7.7.6 Transport officers noted that twelve blue-badge parking spaces are located in Salway Road, a short walk from the development, and consider that these are sufficient to meet any increase in demand arising from the proposed development.

Cycle Parking
7.7.7 Eight cycle parking spaces are provide at basement level for users of the aparthotel, with a further 3 spaces in a separate store within Unit 1 (A1/ A2/ A3/ B1(a)). LBN Transport Officers confirmed that this was sufficient to meet Draft London Plan standards for long-stay spaces.

7.7.8 TFL officers were consulted on the application and noted that the lifts were too small to comfortably accommodate cycles. The applicant accordingly increased the lift dimensions to exceed the minimum internal dimensions of 1.2 by 2.3 metres, and a minimum door opening width of 1000mm.

7.7.9 TFL officers also requested inclusion of short-stay cycle parking in line with Draft London Plan requirements. However, LBN Transport Officers considered that existing cycle parking provisions in the vicinity of the site would remain sufficient for short-stay use, noting that the gyratory removal scheme has resulted in additional cycle parking within the nearby public realm.

7.7.10 LBN Transport officers requested further details of access arrangements and a dimensioned drawing to confirm the spacing and manoeuvring space around the cycle parking. Officers have accordingly added a condition requiring submission of cycle parking these details prior to above-ground works.

Delivery and Servicing
7.7.11 The submitted Delivery and Servicing Plan specifies that deliveries will occur from Salway Place or existing on-street loading bays on The Grove. Refuse and recycling collections will be from Salway Place, with site management responsible from taking the bins form the bin-store to the collection location.
The development is expected to generate 6-7 servicing trips per day across all uses.

7.7.12 LBN Transport officers have reviewed the Delivery and Servicing arrangements, and have noted that the predicted uplift in visits would not significantly impacts the road network.

Construction Phase
7.7.13 LBN Transport officers have noted that the site location presents significant logistical challenges during the demolition and construction phase, noting the confined site area, and limitations on vehicle access.

7.7.14 The submitted Outline Construction Logistics Plan sets out that the construction site will be serviced from Salway Place, and will require a partial road closure, maintaining the pedestrian route.

7.7.15 LBN Transport officers have emphasised the importance of engagement with Council’s Network Management Team prior to the commencement of Construction works, once a lead contractor is appointed. Transport Officers have stated that a nearby development site will need to utilise the same access routes, and that it is highly likely that only one of the development sites will be able to be built out at any one time.

7.7.16 Officers have included a condition requiring a finalised construction logistics plan prior to commencement of the development. This will require the applicant to engage with the Network Management team in order to resolve both the construction logistics and timing of the development.

Summary
7.7.17 Subject to the recommended conditions at Appendix 1, officers consider that the scheme will not create any undue impacts on the surrounding road network.

7.8 Accessibility
7.8.1 London Plan Policy 4.5 and Draft London Plan Policy E10 support hotel developments providing 10 per cent of new bedrooms to be wheelchair-accessible.

7.8.2 The submitted Planning Statement commits to providing 5 accessible bedrooms, out of a total of 62 bedrooms. This equates to a rate of 8%, falling marginally short of the above policy targets.
7.8.3 The proposed number of accessible units is marginally beneath policy requirements, however officers do not consider this to warrant refusal of the application.

7.9 **Energy/sustainability**

7.9.1 Policy SL2 of the Draft London Plan sets a Zero-Carbon target for all major development, along with a hierarchy of carbon reduction measures to meet these targets. Policy SC2 of the Local Plan requires all new major development to be built in line with the London Plan Zero-Carbon target.

7.9.2 The applicant has submitted an Energy Statement prepared by environmental consultants, XCO2. The report proposes energy-saving measures including improved fabric thermal performance, air tightness improvements, and reducing the need for artificial lighting. Additionally, renewable energy will be generated at the site through the use of photovoltaic panels and air-source heat pumps.

7.9.3 In total, the proposed scheme will achieve a saving of 40% of regulated CO2 emissions, relative to the target emission rate under Part L of the Building Regulations 2013.

7.9.4 To secure the targeted energy savings, Officers have included a condition requiring the proposed 2.85 kWp (15 sqm) photovoltaic array to be installed and operational before first use of the development.

7.9.5 In addition to Zero-Carbon targets, The Local Plan at Policy SC1, Table 11 states that all major applications that are not solely residential new build must achieve a BREEAM rating of Excellent. The submitted Planning Statement specifies that the building will meet this requirement, and Officers have accordingly secured a BREEAM excellent rating through planning condition.

7.10 **Biodiversity**

7.10.1 Draft London Plan policy G5 and Local Plan Policy SC4 require developments to deliver a net gain in biodiversity value.

7.10.2 The proposed development includes sedum roofs, with the upper most sedum roof including co-located Photovoltaic Panels.

7.10.3 Noting the current absence of vegetation at the site, Officers consider that the proposed green roof will be sufficient to deliver a net gain in biodiversity.
7.11 Conclusions

7.11.1 Officers have considered the scheme in detail and are satisfied that the proposed mixed-use scheme accords with policy objectives for efficient use of land, the Strategic Site allocation, and relevant spatial policies. The development will contribute 62 new apart-hotel rooms to the borough, whilst the proposed commercial units will help to activate the ground-floor.

7.11.2 Redevelopment of the site will generate approximately 28-32 new full-time-equivalent jobs, and the applicant has committed to supporting local employment and supply chains via Workplace.

7.11.3 The design of the scheme has improved through the pre-application process, and has responded positively to recommendations from the DRP.

7.11.4 The scheme results in reduced daylight and sunlight to surrounding properties, particularly residential units within the Q Building, directly across Salway Place. Officers have noted comments from the Design Manager and DRP supporting the contribution to a tight urban grain, and have concluded that the loss of amenity is acceptable on balance.

7.11.5 Officers are also satisfied that the proposal complies with policy objectives regarding tall buildings, transport, energy and sustainability, and biodiversity. Officers have recommended conditions, and s106 heads of terms, where necessary to make the scheme acceptable in planning terms.

7.12 Reasons for Approval

7.12.1 In deciding to grant planning permission, the Council found the proposal to be acceptable following careful consideration of the relevant provisions of the National Planning Policy Framework, the Development Plan and all other relevant material considerations. The Council is satisfied that any potential material harm in terms of the impact of the proposal on the surrounding area would reasonably be mitigated through compliance with the listed conditions and associated legal agreement.
1.0 APPENDIX 1: CONDITIONS AND INFORMATIVES

Conditions

1. Time

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

Reason: to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved documents

All works are to be undertaken in accordance with the following drawings and documents:

Drawings
- 3465_PL(20)001; Location Plan; 21.06.2019
- 3465_PL(20)02; Existing site and demolition plan; 21.06.2019
- 3465_PL(20)03; Site plan with ground floor plan; 21.06.2019
- 3465_PL(20)101_A; Basement floor plan; 25.09.2019
- 3465_PL(20)102_A; Ground floor plan; 25.09.2019
- 3465_PL(20)103_A; First floor plan; 25.09.2019
- 3465_PL(20)104_A; Second - Third floor plan; 25.09.2019
- 3465_PL(20)105_A; Fourth - Fifth floor plan; 25.09.2019
- 3465_PL(20)106_A; Sixth floor plan; 25.09.2019
- 3465_PL(20)107_A; Roof plan; 25.09.2019
- 3465_PL(20)108; Lighting strategy approach; 21.06.2019
- 3465_PL(20)200; South east / North elevation; 21.06.2019
- 3465_PL(20)201; North west / South west elevation; 21.06.2019
- 3465_PL(20)202; South - east elevation; 21.06.2019
- 3465_PL(20)203; North elevation; 21.06.2019
- 3465_PL(20)204; North-west elevation; 21.06.2019
- 3465_PL(20)205; South-east elevation; 21.06.2019
- 3465_PL(20)300; Section AA; 21.06.2019
- 3465_PL(20)301; Section BB; 21.06.2019
- 3465_PL(20)302; Section CC; 21.06.2019
- 3465_PL(20)303; Section DD; 21.06.2019
- 3465_PL(20)304; Section EE; 21.06.2019
- 3465_PL(20)305; Detail section A; 21.06.2019
- 3465_PL(20)306; Detail section B; 21.06.2019
- 3465_PL(20)307; Detail section C; 21.06.2019
- 3465_PL(20)308; Detail section D; 21.06.2019
- 3465_PL(20)400; Existing survey - basement; 21.06.2019
- 3465_PL(20)401; Existing survey - ground floor; 21.06.2019
- 3465_PL(20)402; Existing survey - first floor; 21.06.2019
- 3465_PL(20)403; Existing survey - side elevation; 21.06.2019
Documents

- Planning Statement; July 2019
- Design and Access Statement; June 2019
- Proposed Scheme Daylight, Sunlight & Overshadowing; June 2019
- Daylight, Sunlight & Overshadowing; June 2019
- Acoustic Design Statement; 19 June 2019
- Sustainability Statement; June 2019
- Energy Statement; 7 June 2019
- Transport Statement; June 2019
- Delivery and Servicing Plan; June 2019
- Draft Employee Travel Plan; June 2019
- Outline Construction Logistics Plan; June 2019
- Statement of Community Involvement; June 2019
- SuDS Strategy; 20.06.2019

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to satisfactorily protect the residential amenities of nearby occupiers.

Prior to commencement conditions:

3. Construction Logistics Plan

Notwithstanding the submitted Outline Construction Logistics Plan, the development hereby permitted shall not commence unless and until a finalised Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted Construction Logistics Plan shall include:

- an assessment of the cumulative impacts of construction traffic;
- details of the likely volume of construction trips and any mitigation measures
- site access arrangements
- booking systems
- construction phasing
- vehicular routes, including routes to site for construction traffic and deliveries
- road cleaning and wheel washing facilities
- scope for load consolidation to reduce generated road trips;
- full breakdown of the timing and details of construction works and their impacts on the public highway and private roads and upon transport infrastructure and operations
- proposed temporary parking suspensions and any temporary parking solutions
- protection of vulnerable road users such as cyclists and pedestrians on the public highway and private roads including FORS accreditation.

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

Reason: To safeguard against adverse impacts on the free flow of traffic on local roads and the amenities of the area and safety of road users.

It is necessary for this condition to prevent the commencement of development until the requirements of the condition have been met because the timing of compliance is fundamental to the decision to grant planning permission.

4. Environmental Code

The development hereby permitted shall not commence unless an Environmental Code has been submitted to and approved in writing by the local planning authority, in respect of such matters as are likely to cause nuisance to adjoining occupiers. Details should include any demolition, ground works, (including decontamination), construction and access to the site, hours of operation, noise, dust, smoke, road cleaning, odour control, wheel washing and any other matters relevant to this particular site. The 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 occupier’s reasonable enjoyment of their properties.

It is necessary for this condition to prevent the commencement of development until the requirements of the condition have been met because the timing of compliance is fundamental to the decision to grant planning permission.

5. Archaeology

The development hereby permitted shall not commence unless a stage 1 written scheme of investigation (WSI) has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: to safeguard any heritage assets of archaeological interest at the site.

It is necessary for this condition to prevent the commencement of development until the requirements of the condition have been met because the timing of compliance is fundamental to the decision to grant planning permission.

Prior to above ground works conditions:

6. Materials and Façade Mock-Up

No above ground works shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

This should include a full scale mock-up panel of a 1st floor, Broadway elevation window bay, to be inspected on site.

Development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development will respect the character and visual amenities of the local area.

7. Transport Noise

Prior to the commencement of above ground works on the development hereby permitted, a sound insulation scheme, based on the results and recommendations within the AIRO Acoustic Design Statement, reference REG/7241, dated 19th June 2019, shall be submitted to and approved by the Local Planning Authority. These measures are to include the specifications of the external facades, including all glazing and ventilation. Submissions shall include the noise mitigations’ manufacturers’ acoustic test data showing the required level of mitigation can be achieved for both LAeq and LAmx parameters.

Noise mitigation measures should produce internal noise levels specified in BS8233. The mechanical ventilation system shall meet or exceed the specifications set out in Clause 6, Schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates. Alternative schemes that meet the above noise and ventilation standards can
be considered. The approved scheme is to be completed prior to the occupation of the development and shall be permanently maintained thereafter. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed.

Reasons: To protect the amenity of future occupants.

8. Details of Ventilation and Plant

A) Prior to the commencement of above ground works on the development hereby permitted full details of the routing of mechanical ventilation and the passive provision of associated ducting for all commercial units shall be provided to and approved by the Local Planning Authority. The approved scheme shall be installed and commissioned prior to occupation of the development and shall be permanently maintained in proper working order thereafter.

B) Prior to the occupation of any unit within the development for Class A3 (food and drink) purposes full details of any mechanical ventilation or other plant associated with each such unit shall be submitted to and approved by the Local Planning Authority. Such details to include full specifications of all filtration, deodorising systems, noise output and termination points. Particular attention shall be given to the potential high-level discharge of kitchen extract air and the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential. The approved ventilation equipment and other plant shall be installed and commissioned prior to occupation of the development and shall be permanently maintained in proper working order thereafter. Reference shall be had to now withdrawn Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf).

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

Prior to first occupation/use conditions:

9. Waste Water

The development shall be occupied until confirmation has been provided that either:

1. Wastewater capacity exists off site to serve the development; or,
2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan; or,
3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development.

10. Sound Insulation
Prior to the occupation of the development hereby permitted a scheme of sound insulation shall be designed and installed between residential and non-residential uses such that the sound insulation provided shall meet the following standards.

- International Organization for Standardization Noise Rating curves (NR)
- NR 25 in bedrooms (2300 to 0700)
- NR 30 in all habitable rooms (0700 to 2300)

If there is a distinguishable tone the NR curves should be reduced to NR 20 and NR 25 respectively. Noise Rating curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz.

The development shall only be completed in accordance with the approved details.

Reasons: To protect the amenity of future occupants.

11. Cycle Parking

The development hereby permitted shall not be first occupied unless and until details of the proposed cycle parking have been submitted to and approved in writing by the Local Planning Authority. This should include:

- access arrangements
- detailed specifications of cycle stands
- detailed layout of cycle stores, showing separation distances

The development shall only be completed in accordance with the approved details.

Reason: To ensure high-quality provision of cycle spaces is made within the site and to encourage sustainable modes of transport.

12. BREEAM

The development hereby approved shall not be occupied until certification has been submitted to and approved in writing by the Local Planning Authority which confirms that the development achieves a minimum BREEAM assessment rating of ‘Excellent’.

Reason: To ensure that the development achieves a high level of sustainability.

13. Renewable Energy

The development hereby approved shall not be occupied until confirmation of installation of photovoltaic panels and air-source heat pumps has been submitted to and approved in writing by the Local Planning Authority. The photovoltaic panels and air-source heat pumps must be capable of delivering the carbon-dioxide savings specified in the approved Energy Statement.

Reason: To ensure that the development achieves a high level of sustainability.
**Monitoring:**


Prior to the installation of any mechanical plant 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 development shall only be completed in accordance with the approved details.

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

15. Grease Traps

Prior to their installation, full details of any grease trap(s) or grease digester system(s) to be installed for any 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 development shall only be completed in accordance with the approved details.

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

**Informatives**

1. Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)

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

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

2. Food Law Requirements

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. 37709, 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.

3. Air Quality Management Area

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

4. 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

5. 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 make 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.

6. General
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
2.0 APPENDIX 2: HEADS OF TERMS

1. Administrative

Payment of the Council’s reasonable professional and legal costs, whether or not the agreement completes.

Payment of the Council’s reasonable fees in monitoring and implementing the S106 payable on completion of the legal agreement.

Indexing – All contributions payments to be index linked from the date of the decision to grant planning permission to the date on which payment is made, using BCIS index.

2. Local Labour – Construction

Local Labour, local goods and services. Financial contribution of £75,912, payable on implementation of the development.

3. Local Labour – End Use

Local Labour, local goods and services. Financial contribution of £50,608, payable on implementation of the development.

4. Energy – Carbon Offsetting

Carbon Offsetting payable at a rate of £60 per tonne for 30 years – worked out at £34,740. Payable on implementation of the development.

5. Permit Free Development

Permit Free Agreement for the restriction on applications for car parking permits (with respect to surrounding RPZ’s) associated with the commercial uses (business permits) and administration of monitoring fee payable at £2,000 payable on completion of the Legal Agreement.
3.0 APPENDIX 3: PROPOSED PLANS AND IMAGES

Site Location

Proposed Ground Floor

London Borough of Newham
Proposed First Floor

Proposed Broadway Elevation

London Borough of Newham
CGI of Proposed Scheme
### Purpose of Report / Proposal

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission relating to the following proposal.

Part-three, four and six storey building with A3/A4 public house & restaurant on ground floor and thirty-one self-contained flats on upper floors (This application is affecting the setting of a Grade II Listed Building, Central Park War Memorial, East Ham)

### Recommendations

The Strategic Development Committee is asked to resolve to:

1. refuse planning permission for the reasons set out below.

#### Reasons for Refusal:

1. By reason of its scale, massing, form and design the development would be harmful to the character of the locality and detrimental to the visual amenity of the surrounding townscape, failing to deliver the added value expected of all tall buildings and therefore failing to integrate and positively contribute to its location. The proposed scale, massing, and form will appear overbearing,
bulky and incongruous and this negatively impacts the character and appearance of the surrounding area. The proposal is therefore contrary to:

- The National Planning Policy Framework (MHCLG, February 2019);
- Policies 3.5, 7.1, 7.4, 7.5 and 7.6 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);
- Policies, D1, D2, D7 and D8 of the Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes);
- Policies S1, S2, SP1, SP3, SP4, SP6, SP7 and Policy SP8 of the London Borough of Newham Local Plan (2018);

2. The proposal would result in an unacceptable loss of privacy to neighbouring properties, namely the occupiers of numbers 2, 4 and 6 Flanders Road and number 1, 3 and 5 White Horse Road, due to the proximity of the proposed buildings and proliferation of new windows and balconies. The development will appear highly intrusive and dominant within the outlook of existing residents, and will have an unacceptable impact in terms of actual and perceived loss of privacy. The proposal is therefore contrary to:

- The National Planning Policy Framework (MHCLG, February 2019);
- Policies 7.1, 7.4, 7.6 and 7.15 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);
- Policies D1 and D8 of the Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes);
- Policies SP2, SP3, SP8 of the London Borough of Newham Local Plan (2018); and,

3. The proposed density exceeds the upper ranges of the density matrix as set out in the London Plan at 263 u/ha and 830 hr/ha based on a site area of 0.118 ha. The height, scale and massing and tenure mix of the proposal has resulted in an excessive density which goes far beyond optimising the use of the site which is not supported and is contrary to polices:

- the National Planning Policy Framework (MHCLG, February 2019);
- Policy 3.4 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);
- Policies D4, D6 and D12 of the Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes); and,
- Policies S1, S6, SP1, SP3, SP4 and H1 of the Newham Local Plan (2018).

**NAME OF LEAD OFFICER:** Amanda Reid  
**POSITION:** Director of Planning and Development, Chief Planning Officer

Originator of report: Mr Sean Scott  
Tel no: 020 3373 8375  
E-mail address: sean.scott@newham.gov.uk

**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 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

**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
- National Planning Policy Framework
- London Plan
- Local Plan
- Other relevant guidance
Contents

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2.0 PROPOSAL
3.0 RELEVANT HISTORY
4.0 CONSULTATION
5.0 PLANNING POLICIES AND GUIDANCE
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)
7.0 ASSESSMENT
APPENDIX 1: PROPOSED PLANS AND IMAGES
APPENDIX 2: HABITAT REGULATION ASSESSMENT: EPPING FOREST SPECIAL AREA OF CONSERVATION (SAC)
## PLANNING APPLICATION FACT SHEET

### The Site

<table>
<thead>
<tr>
<th>Address</th>
<th>The White Horse, 125 High Street South, East Ham, London, E6 6EJ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Metroman Ltd</td>
</tr>
<tr>
<td>Ward</td>
<td>East Ham South</td>
</tr>
<tr>
<td>Local Plan allocation</td>
<td>Not allocated</td>
</tr>
<tr>
<td>Conservation Area</td>
<td>N/A</td>
</tr>
<tr>
<td>Listed Building</td>
<td>N/A</td>
</tr>
<tr>
<td>Setting of Listed Building</td>
<td>Grade II Listed Building: Central Park War Memorial, East Ham</td>
</tr>
<tr>
<td>Building of Local Interest</td>
<td>N/A</td>
</tr>
<tr>
<td>Tree Preservation Order</td>
<td>N/A</td>
</tr>
<tr>
<td>Flood Risk Zone</td>
<td>Flood Zone 2</td>
</tr>
<tr>
<td>Critical Drainage Area</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Key Movement Corridor</td>
</tr>
<tr>
<td></td>
<td>Adjacent to Air Quality Management Area;</td>
</tr>
<tr>
<td></td>
<td>Parks Deficiency:</td>
</tr>
<tr>
<td></td>
<td>- Pocket Park</td>
</tr>
<tr>
<td></td>
<td>- District Park; and,</td>
</tr>
<tr>
<td></td>
<td>Epping Forest Special Area of Conservation (SAC) Zone of Influence (3-6.2km Zone)</td>
</tr>
</tbody>
</table>

### Housing

<table>
<thead>
<tr>
<th>Density</th>
<th>Proposed Density hr/ha</th>
<th>830 hr/ha</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Proposed Density u/ph</td>
<td>263 u/ha</td>
</tr>
<tr>
<td></td>
<td>PTAL</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>London Plan Density Range</td>
<td>45–260 (u/ha) / 200–700 (hr/ha)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dwelling Mix</th>
<th>Studio (no. / %)</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed (no. / %)</td>
<td>7 (22.58%)</td>
<td></td>
</tr>
<tr>
<td>2 bed (no. / %)</td>
<td>12 (38.71%)</td>
<td></td>
</tr>
<tr>
<td>3 bed (no. / %)</td>
<td>12 (38.71%)</td>
<td></td>
</tr>
<tr>
<td>4 bed (no. / %)</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Affordable Housing / Tenure split</th>
<th>Overall % of Affordable Housing</th>
<th>0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Rent (no. / %)</td>
<td>0/0%</td>
<td></td>
</tr>
<tr>
<td>Intermediate / Shared Ownership (no. / %)</td>
<td>0%/0%</td>
<td></td>
</tr>
<tr>
<td>Private (no. / %)</td>
<td>31 (100%)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commuted Sum</th>
<th>£1,013,984</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Internal Space Standards</th>
<th>Comply with London Housing SPG?</th>
<th>Yes</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Amenity Space</th>
<th>Comply with London Housing SPG?</th>
<th>Yes</th>
</tr>
</thead>
</table>

| Accessibility | Comply with Building Regulations | Yes |

London Borough of Newham
Non-residential Uses

<table>
<thead>
<tr>
<th>Existing Use(s)</th>
<th>Existing Use / Operator</th>
<th>Public House /</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing Use Class(es) sqm</td>
<td>Previously A4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(drinking establishments)</td>
</tr>
<tr>
<td>Proposed Use(s)</td>
<td>Proposed Use / Operator</td>
<td>A3/A4 / No known end user</td>
</tr>
<tr>
<td>Proposed Use Class(es) sqm</td>
<td>Class A3 (food and drink) / Class A4 (drinking establishments) / 187.4 sqm</td>
<td></td>
</tr>
</tbody>
</table>

Employment

| Existing number of jobs | 0 |
| Proposed number of jobs | 35 (Approx) |

Transportation

<table>
<thead>
<tr>
<th>Car Parking</th>
<th>No. Existing Car Parking spaces</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. Proposed Car Parking Spaces</td>
<td>3 Blue badge bays</td>
</tr>
<tr>
<td></td>
<td>Proposed Parking Ratio</td>
<td>9.67%</td>
</tr>
<tr>
<td>Cycle Parking</td>
<td>No. Existing Cycle Parking spaces</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>No. Proposed Cycle Parking Spaces</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>Cycle Parking Ratio</td>
<td>1.9 spaces per dwelling</td>
</tr>
<tr>
<td>Public Transport</td>
<td>PTAL Rating</td>
<td>4 (Good)</td>
</tr>
<tr>
<td></td>
<td>Closest Rail Station / Distance (m)</td>
<td>1 mile (East Ham)</td>
</tr>
<tr>
<td></td>
<td>Bus Routes</td>
<td>101, 147, 238, 300, 5, 325, 58, 115, 376, 104, 474</td>
</tr>
<tr>
<td>Parking Controls</td>
<td>Residents Parking Zone?</td>
<td>Market Street</td>
</tr>
<tr>
<td></td>
<td>RPZ Hours</td>
<td>Monday to Saturday, 8am - 6.30pm</td>
</tr>
<tr>
<td></td>
<td>Previous RPZ Consultation (if not in RPZ)</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Public Consultation

| Number of properties consulted | 129 |
| Expiry of consultation period  | 28th August 2019 |
| Number of responses            | 13 |
| Number in support              | 6 |
| Number of objections           | 7 |
| Number of other representations (neither objecting or supporting) | 0 |
1.0 SITE & SURROUNDINGS

1.1 The application site is located on the east side of High Street South, on the corners of White Horse Road and Flanders Road.

1.2 The site is currently being built out as per the planning permission (ref. 15/01256/FUL) granted on 10 February 2017 for:

“Proposed demolition of existing Public House and erection of part-three, part-four and part-five storey building, comprising of a A3/A4 Commercial unit, car parking facilities and 23 no. self-contained dwellings above. This is an application for a major development.”

1.3 Originally the site comprised a two storey building that was in use as the White Horse public house. This building was approximately 496 sq. m in area was regarded as being in a poor state of upkeep prior to the redevelopment of the site.

1.4 The application site is not located within a strategic site allocation. However, the following Policy designations apply:

- Flood Zone 2;
- Critical Drainage Area;
- Adjacent to Air Quality Management Area;
- Parks Deficiency:
  - Pocket Park
  - District Park; and,
- Key Movement Corridor.

1.5 The area is characterised by two storey terraced residential properties along Flanders Road and White Horse Road, two and three storey mixed use properties along High Street South, and East Ham Central Park lies directly opposite the site.

1.6 The site fronts White Horse Road, High Street South and Flanders Road whereby pedestrian access to the site can be achieved.

1.7 The site achieves a PTAL rating of 4 (Good), and public transport to the site can be achieved via High Street South adjacent to the site. The site is not directly serviced by any Underground or DLR services. The site is located in a controlled parking zone.

1.8 The existing property is not listed and the site is not located within a conservation area. This application is considered to affect the setting of a Grade II Listed Building, Central Park War Memorial, north-west of the site.
2.0 PROPOSAL

2.1 The proposed development will provide for:

- Part-three, four and six storey building;
- 31x self-contained residential units, including 12 no. (38.7%) x 3 bedroom family units;
- Approximately 379 sq m Use Class A3 (food and drink) / A4 (drinking establishments);
- 3 x Blue Badge Parking Bays;
- 59 residential cycle parking spaces;
- Communal amenity space; and,
- No Affordable housing proposed to be provided on-site, however offsite provision to be secured through monetary contributions.

Understanding the application

2.2 Planning permission was approved on 10 February 2017 for:

*Proposed demolition of existing Public House and erection of part-three, part-four and part-five storey building, comprising of a A3/A4 Commercial unit, car parking facilities and 23 no. self-contained dwellings above. This is an application for a major development.*

2.3 The applicant has commenced the development of the above 2017 Permission and the structure of the building is largely in situ.

2.4 Since then the applicant has considered that there is potential to further develop the site, by adding 1 to 2 additional storeys within the development creating an additional 8 flats. This will rely on the same footprint as per the 2017 Permission. In addition there will be a reduction in parking level to 3 blue badge bays and the provision of communal amenity space. The computer generated images below show the 2017 Permission (left) in comparison to the current proposal (right), the subject on this consideration.
3.0 RELEVANT HISTORY

3.1 Planning Application History

3.2 A summary of the relevant planning application history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>15/01256/FUL</td>
<td>Proposed demolition of existing Public House and erection of part-three, part-four and part-five storey building, comprising of a A3/A4 Commercial unit, car parking facilities and 23 no. self-contained dwellings above. This is an application for a major development.</td>
<td>Approved 10 February 2017</td>
</tr>
<tr>
<td>13/01153/FUL</td>
<td>Redevelopment of existing site comprising demolition of public house and erection of a three storey part four-storey building with commercial units (Class A4 to Classes A1/A2/A3/B1) and car parking facilities at ground floor level and 9 No. Self-contained Dwellings above comprising 3 x 4 bed, 4 x 2 bed and 2 x 3 bed units.</td>
<td>Refused 19 December 2013</td>
</tr>
</tbody>
</table>

3.3 Planning Enforcement History

3.4 A summary of the relevant planning enforcement history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/00607/ENFC</td>
<td>Breach of condition 21 (hours of construction) relating to planning consent 15/01256/FUL</td>
<td>Case Closed</td>
</tr>
<tr>
<td>13/00163/ENFCEN</td>
<td>Compliance with enforcement notice 12/01656/ENFC. Date for compliance is 12.12.2012</td>
<td>Case Closed</td>
</tr>
<tr>
<td>12/01656/ENFC</td>
<td>Without planning permission the material change of use of a public house to a mixed use development comprising a public house and a market stall</td>
<td>Case Closed</td>
</tr>
</tbody>
</table>
4.0 CONSULTATION

4.1 Application Publicity

4.2 Site Notices were erected on High Street South, one on Flanders Road, and one on White Horse Road. The site notices expired on 30 August 2019.


4.4 The application was advertised as a major application affecting the setting of a listed building.

4.5 A total of 129 consultation letters were sent to neighbouring properties regarding this application on 1st August 2019. The public consultation period expired on 28th August 2019.

4.6 Adjoining Properties

<table>
<thead>
<tr>
<th>Number of Letters Sent</th>
<th>129</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Responses Received</td>
<td>13</td>
</tr>
<tr>
<td>Number in Support</td>
<td>6</td>
</tr>
<tr>
<td>Number of Objections</td>
<td>7</td>
</tr>
<tr>
<td>Number of other Representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>

4.7 A total of 13 responses were received from adjoining occupiers, comprising 6 in support and 7 objecting to the application.

4.8 In summary the support for the application highlights the following positive impacts:
- Good design
- Suitable height
- Communal play/amenity area
- Delivery of homes

4.9 In summary the objections to the application relate to the following issues:
- Daylight/sunlight
- Heritage
- Loss of privacy
- Noise and disturbance
- Outlook
- Parking
- Traffic
4.10 A summary of the responses received along with the Officer comments are set out below.

<table>
<thead>
<tr>
<th>Address</th>
<th>106 High Street South, East Ham, London, E6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received</td>
<td>6 August 2019</td>
</tr>
<tr>
<td>Type</td>
<td>Letter</td>
</tr>
<tr>
<td>Stance</td>
<td>Comments in support</td>
</tr>
<tr>
<td>Details of representation</td>
<td>We are writing to support the planning application number 19/01774/FUL. We have looked at the content submitted on the outline planning portal and are fully supportive of this application. The Visual Impact Assessment clearly illustrates the proposed extension for the current construction site. The design looks very good with use of modern materials, and the apartments look spacious with ample outdoor space. We note a community play area has been included, which is a bonus, even though the site is opposite Central Park. Please do not hesitate to contact us should you need any further information or feedback regarding this letter.</td>
</tr>
<tr>
<td>Officer comments on representation</td>
<td>Officers note the letter of support.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>118 High Street South, East Ham, London, E6 3RL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received</td>
<td>8 August 2019</td>
</tr>
<tr>
<td>Type</td>
<td>Letter</td>
</tr>
<tr>
<td>Stance</td>
<td>Comments in support</td>
</tr>
<tr>
<td>Details of representation</td>
<td>“I am writing to support the application. The construction of this site has been going on for some time now, it would be nice to see it completed.”</td>
</tr>
<tr>
<td>Officer comments on representation</td>
<td>Officers note the letter of support.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>112 High Street South, East Ham, London, E6 3RL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received</td>
<td>8 August 2019</td>
</tr>
<tr>
<td>Type</td>
<td>Letter</td>
</tr>
</tbody>
</table>
Stance: Comments in support

Details of representation:
“We operate multiple businesses in the nearby vicinity of the application site. We are writing to support this application as it will bring more business to the area.

We think this development will improve the area, and make Newham a nicer place.

There is a huge shortage of homes in Newham.

Looking though the DAS is appears that there is only 1 extra floor being applied for, and the rest of the project has already been approved.

I trust you will take on board our comments when making your decision.”

Officer comments on representation:
Officers note the letter of support.

| Address: | 318 Barking Road, East Ham, London, E6 3BA |
| Date received: | 8 August 2019 |
| Type: | Letter |
| Stance: | Comments in support |

Details of representation:
“Homeview Estates operate and Estate Agency on Barking Road, beside the High Street South Junction. We have been operating in the East Ham Area for over 15 years specialising in both sales and lettings.

There is currently very high demand for residential dwellings in East Ham. Our records show that there are just not enough new purpose built apartments to meet public demand.

Taking the above factors into consideration, we write to support the approval of this planning application. This planning request hits all the right buttons, it will help deliver the supply of new build energy efficient luxury apartments designed at a high specification.

Please do not hesitate to contact us should you require any further assistance regarding this supporting letter.”

Officer comments on representation:
Officers note the letter of support.

<p>| Address: | 9 White Horse Road, East Ham, London, E6 6DR |</p>
<table>
<thead>
<tr>
<th>Date received:</th>
<th>13 August 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type:</td>
<td>Online comment</td>
</tr>
<tr>
<td>Stance:</td>
<td>Objection comments</td>
</tr>
</tbody>
</table>

### Details of representation:

**Comment Reasons:**
- daylight/sunlight
- heritage
- loss of privacy
- noise and disturbance
- outlook
- parking
- traffic
- visual amenity/design
- Disturbance, dust and waste from construction

“We object to further development to the site as we strongly feel, it will create a lot of problems:
more flats, more residents with limited parking spaces.
Higher building will increase our loss of privacy.
Increase traffic, noise and pollution.
At the consultation held at Central Park Estate agents, a lot of residents attended and objected to the development than it was mentioned on the report supplied by the developer.

We hope you take our views in consideration when taking your decision.”

### Officer comments on representation:

Officers have assessed the key material matters at Section 7 of this report. Officers considered the impact of traffic, noise and disturbance and construction waste and dust and are not of the view that the development would cause undue harmful impacts. It is noted that there could be temporary impacts during construction which could be controlled/mitigated by way of condition if the application is minded for approval.

<table>
<thead>
<tr>
<th>Address:</th>
<th>117 Haldane Road, East Ham, London, E6 3HS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>14 August 2019</td>
</tr>
<tr>
<td>Type:</td>
<td>Letter</td>
</tr>
<tr>
<td>Stance:</td>
<td>Comments in support</td>
</tr>
</tbody>
</table>

### Details of representation:

“Further to your notice on the lamppost near the central park in East Ham. I have no objections to the site whatsoever.
I am a resident that lives near the construction site listed above. I walk past this site everyday.
It is a great change from the grotty old White Horse Pub. I am happy that this new build development has removed the old pub because there has
been a lot of anti social behaviour from visitors. Since the closure of the old run down pub, the area has become a lot more peaceful. The site is currently of good height, and a small upper extension should not affect the surrounding setting of surrounding buildings. Please could you accept my letter of support for this application.

I trust this concludes this matter.”

**Officer comments on representation:**
Officers note the letter of support.

### Address:
37 White Horse Road, East Ham, London, E6 6DR

### Date received:
20 August 2019

### Type:
Online comment

### Stance:
Objection comments

### Details of representation:
Comment Reasons:
- daylight/sunlight
- heritage
- loss of privacy
- noise and disturbance
- parking

“Comment: We are objecting to the increase in height of the new proposal, which will be out of keeping with the residential profile of any building in the immediate area and therefore will have a negative impact on the environment. We are also concerned about the impact the increased number of residents proposed for the block will have on surrounding amenities. More residents in the street object to this proposal than appear in the numbers in the consultation, which took place at the Estate Agents on High Street North earlier this summer.”

**Officer comments on representation:**
Officers have assessed the key material matters at Section 7 of this report. Officers considered noise and disturbance and are not of the view that the development would cause undue harmful impacts. It is noted that there could be temporary impacts during construction which could be controlled/mitigated by way of condition if the application is minded for approval.

### Address:
10 White Horse Road, East Ham, London, E6 6DP

### Date received:
21 August 2019

### Type:
Letter

### Stance:
Objection comments

### Details of representation:
“This is a largely Residential area. The Building under construction is close to Central Park and the war memorial and is not in keeping with other properties in the area.

At the current height the building has already cast a shadow on the nearby roads and properties, therefore to add an additional eight flats will add to this darkness and overshadow the war memorial. In addition it will also infringe the privacy of residents’ homes/gardens it overlooks.

There will be an increase in noise/traffic, especially on White Horse Road, which already accommodates the High Street South residential/business properties ‘eg’ deliveries, parking “etc”.

Considering the proposal is to include a public house and restaurant, adding to the current structure is likely to create additional parking and disturbance to residents and around the cenotaph.”

**Officer comments on representation:**
Officers have assessed the key material matters at Section 7 of this report. Officers considered noise and disturbance are not of the view that the development would cause undue harmful impacts. It is noted that there could be temporary impacts during construction which could be controlled/mitigated by way of condition if the application is minded for approval.

---

**Address:** 11 Rancliffe Road, East Ham, E6 3HN  
**Date received:** 22 August 2019  
**Type:** Email  
**Stance:** Objection comments

**Details of representation:**
“I am a resident at 11 Rancliffe Road, East Ham E6 3HN and strongly object for this application to go ahead. I have four children between the ages of 5 - 15. I want to make a few points on how the above application will impact our lives.

1) At this present moment it is extremely difficult to find a parking space outside of my own house. Vehicles are able to park free for two hours. Due to the cafes on High St. South, there are many vans and cars PARKED ON BOTH SIDES OF THE ROAD early morning and afternoon/early evening. Most days when i come back from work I have to park my car around the corner in Ascot Road or further down and then bring it round late at night nearer to my house. . To have another restaurant and 30 flats will be absolutely detrimental.
2) There is already a great flow of traffic through my road. This application if it was to go ahead will cause further traffic, noise and pollution. My youngest son is asthmatic.

3) I suggest that Rancliffe road be made permit holders only. Even at the weekends after I have come back from shopping etc. it is very difficult to find parking closer to home to unload the shopping.

4) There have been a lot of break-ins recently and accidents where my vehicles have been a target three times and have had the side mirrors broken and the side of my car scraped. This area will attract lots of other people and will become congested and lack privacy. The quality of living in this area will decrease dramatically.

5) I moved into this area because of the serene surroundings and peacefulness. This six storey building will be an eyesore and will bring the area and property prices down.

I strongly object to this proposal. Please take the points into consideration and feel for us residents who will be living with this monstrosity.”

Officer comments on representation:
Officers have assessed the key material matters at Section 7 of this report. Officers considered the impact of traffic, noise and disturbance and construction and are not of the view that the development would cause undue harmful impacts. It is noted that there could be temporary impacts during construction which could be controlled/mitigated by way of condition if the application is minded for approval.

Address: Cllr representing East Ham South Ward
Date received: 30 September 2019
Type: Email
Stance: Objection comments (names have been omitted)
Details of representation:
I write to you on behalf of the residents on White Horse Rd in my ward. The residents are opposing a development which has applied for a second planning application to have extra eight flats. The developers have already been granted planning permission for 23 flats and over five stories high.(please note these numbers have been given to me by the residents). Please see the trail of emails below. I have sent an email through case work raising concerns and objections to the second planning application for this development. A reply has not yet received for the case work I have sent.
The residents are concerned about a drop in session which was arranged for the residents of White Horse Road. This was arranged at a local estate agent company and the timing was from 1pm to 6pm. Majority residents work during these times and an alternative time was not given to the residents who were at work. This was not held at a council premises and it was held at a local Estate Agent. None of the ward Cllrs were invited to the meeting either. I have copied my ward colleagues in to this email.

The residents' complaint is about: loss of light, change of street scene, parking problems, overcrowding on their street, not doing a proper consultation with the residents, having given planning permission for a large development for 23 flats a second planning permission is to be granted, sheer number of people coming in & out of these flats, loss of privacy, overlooking, noise pollution, traffic problems and congestion.

Furthermore, the residents are complaining about the destruction it has caused to the neighbourhood since the construction began and the construction is running behind schedule.

I request you to have a look at this issue as a matter of urgency.

I look forward to hearing from you.

Officer comments on representation:
Officers have assessed the key material matters at Section 7 of this report. Officers considered the impact of traffic, noise and disturbance and construction and are not of the view that the development would cause undue harmful impacts and this report is recommending refusal.

<table>
<thead>
<tr>
<th>Address:</th>
<th>24 Flanders Road, East Ham, London E6 6DU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>23 August 2019</td>
</tr>
<tr>
<td>Type:</td>
<td>Online comment</td>
</tr>
<tr>
<td>Stance:</td>
<td>Comments in support</td>
</tr>
</tbody>
</table>

Details of representation:
“Comment Reasons:
- daylight/sunlight
- loss of privacy
- noise and disturbance
- parking
- traffic
- visual amenity/design
Comment:I am writing to support the extension. I live very very close to the building. I attended the Public Consultation meeting and saw the proposals.
And to be honest, I didn't even notice much change in the plans. The extra floor will be on upper levels, so it will not be see into the back gardens because it is already stepped back.

I have seen 2 objections on here, but most of the people I met at the consultation were very supportive.

As for parking, and congestion, I understand that the scheme has almost 60 spaces for bicycles and disabled parking provisions. This project will increase the value of my property and all the house prices in the area. This will also bring nicer people in to the area, and make the area look tidier.

The only bad thing is I don't like the colour of the bricks. It should be red stocks bricks to match southchurch court building on Flanders Road.

I support this application providing it is completed quickly, and construction noise is not too ongoing.”

Officer comments on representation:
Officers note the letter of support and the comments in regards to materials which are taken into consideration at Section7.

<table>
<thead>
<tr>
<th>Address:</th>
<th>3 White Horse Road, East Ham, London, E6 6DR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>27 August 2019</td>
</tr>
<tr>
<td>Type:</td>
<td>Email</td>
</tr>
<tr>
<td>Stance:</td>
<td>Objection comments</td>
</tr>
</tbody>
</table>
| Details of representation: | I am writing to you regarding the above application. My family, residing at 3 White Horse Road, E6 6DR, totally object to the proposal. The reasons for our objection are as follows: 1. The current development is already an ugly monstrous high rise building that is not in keeping with the area. There are no high rise flats in the vicinity. The building can be seen from the far end of White Horse Road and is a sight for sore eyes already. The addition of another level to make it a six storey building will just add to the ugliness of the development and will forever obstruct the direct sun and privacy of our back gardens. In addition, I would also like to point out that the fourth level on Flanders Road, currently under planning consultation, has already been added. How is that even possible? 2. The developers invited the residents to a public exhibition of the proposal on 21st May 2019, and called it Phase 2. Their architect assured us that this is a normal business practice to alter current plans and put in further building application. If this goes ahead, when is it going to stop? Will there
be a phase 3, 4 ... when is it going to end? The developers, when pushed for the real reason to add 8 additional units and why now, could not deny that it was down to pure greed, i.e. an opportunity to make even more money. The technical phrase they kept repeating was “for commercial reasons”.

3. At the same meeting, we raised the concern about how overcrowded our streets are already and expecting an additional 31 families in this small area would create a lack of vehicle parking spaces amongst other things, to which we were told that the council would not issue Resident Parking Permits to the new residents. When challenged that surely this would be discriminatory and would definitely lower the value of the flats, they were just very evasive in their answers and pushed back that it was the council’s problem. We could tell that they definitely made this up!

4. We were told at the start of the project that all will be completed by early this summer. That was 2 years of noise, dirt, dust and workers watching over that we had to put up with, plus a huge crane swinging over our roof and garden, causing much anxiety, especially that our neighbour at no.1 had her wall, chimney & roof damaged. Now, the developers are so confident that the proposal will be approved that they proudly announced that they will be around for another 2 years. That's another 2 years of disruption and misery if this proposal does go ahead.

5. Our oldest child, who has just sat for his GCSEs, was very unhappy and frustrated that his revision and preparation for these exams were constantly interrupted with banging, drilling and shouting, in an otherwise quiet neighbourhood. His first reaction when he learnt that they would be around for another 2 years, was that he got really crossed that his A levels will also be disrupted!

6. Finally, as already pointed out in the proposal, this application is affecting the setting of a Grade II Listed Building, Central Park War Memorial. As mentioned before, the high rise building will only cause a distraction and a lack of privacy to those coming to pay their respect at the Memorial.

We hope you would seriously give consideration to our objection to this proposal and reject the developers' application. We appreciate that there is a lack of housing in the borough and the Mayor of Newham has made it her mission to build more housing, but in this case, this is not the solution.

**Officer comments on representation:**
Officers have assessed the key material matters at Appendix 7 of this report.
“I am the resident on Whit Horse Rd. This correspondence is regarding a proposal from "Agenda 21 Architects Studio/Developers" to add another 8 flats to the building located at the top of White Horse Rd/Flanders Rd which is currently partly completed and at this stage already has some 23 flats and is five story's high.

> It would appear the developers/architect's now wish to maximize their profits significantly with the addition of 8 more flat's that encroach even more on what little privacy my neighbors and I have remaining.

> I would like to inform you as one of my local councilors that I strongly object to the developers/architects plans for the increase in the number of flats, as this will have a extremely negative impact on the "Privacy" afforded to all houses on White Horse and Flanders Roads, as they will have a clear view into our gardens. We will no longer have any semblance of privacy in our own gardens.

> Additionally it will also have an extremely negative impact on the value of each of the properties as a result of being overlooked and other factors such as increased pressure on the small amount of parking available on White Horse Rd.

> Not to mention that due to this development encroaching on our privacy, there is likely to be a negative impact on the possibility of being able to sell the property at a later date because of this fact and I am not sure at this early stage whom would be legally liable for such a loss, Council or Developers.

> This would also have a negative impact on the value of my and my neighbours property re-sale value, which has not been looked at.

> As a councilor in my ward of Central Park South with a housing brief, I would like you to take this up with the relevant department within the council and relay my objections.”

**Officer comments on representation:**
Officers have assessed the key material matters at Appendix 7 of this report.

4.11 **Statutory and Non Statutory Consultation**

4.12 The following consultations have been undertaken:

- LBN Transportation
- LBN Urban Design & Conservation
- LBN Regeneration
- LBN Highways Team
4.13 **External Consultation**

4.14 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Thames Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>2nd August 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**

**Waste Comments**

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. [https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes](https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes).

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. “The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide ‘working near our assets’ to ensure your workings are in line with the necessary processes you need to follow if you’re considering working above or near our pipes or other structures. [https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes](https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes). Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water would advise that with regard to WASTE WATER
NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services

As per Building regulations part H paragraph 2.21, Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-1:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal. Thames Water further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Please refer to our website for further information: www.thameswater.co.uk/advice

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments
On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
Officer comments on consultation response:
These advisory notes can be added as informatives to the decision notice, if minded to grant approval.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Historic England - GLAAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>7th August 2019</td>
</tr>
</tbody>
</table>

Summary of consultation response:
“Thank you for your consultation dated 01 August 2019.
The Greater London Archaeological Advisory Service (GLAAS) gives advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS Charter.

NPPF section 16 and the Draft London Plan (2017 Policy HC1) make the conservation of archaeological interest a material planning consideration.

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The site was investigated archaeologically under a previous scheme and no significant remains were revealed.

No further assessment or conditions are therefore necessary.

This response relates solely to archaeological considerations. If necessary, Historic England’s Development Advice Team should be consulted separately regarding statutory matters.”

Officer comments on consultation response:
Officers note these comments.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Metropolitan Police Service</th>
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<tbody>
<tr>
<td>Date received:</td>
<td>21 August 2019</td>
</tr>
</tbody>
</table>

Summary of consultation response:
“Thank you for allowing us the opportunity to review the above planning application and have the following comments to add:

We have held a meeting with the Developers for this project to advise of details required to ensure that the project will meet Secured by Design (SBD) Accreditation. We are currently awaiting the latest set of minutes from a meeting held on 07/03/19 to ensure that this information will be integrated into the design and the products used will be suitable for the
location to ensure that the project will stay on course for accreditation. We have received information for some of the windows and doors that are suitable for the build, but are awaiting further details of the main communal entrance doorsets, bin stores and gating (plus other aspects of SBD) to ensure that these will still be SBD Compliant.

It is noted that the proposal increases the overall number of units in the development by 8. However, the layout of additional properties are above ground or of a similar nature to the nearby units so the requirements for them (e.g. access control, security standards for doors and windows) do not unduly affect or change advice previously given for the site. For this reason we have no objection to the extra units, as long as SBD advice is adhered to as per Condition 29 and previous and current meeting minutes.

The only query with the new submitted plans is that of the internal cycle storage. From the landscaping plans the fencing is shown as being 2.4 metres in height, but it is unclear if this will be full height or have a climbable gap above it. Details for the cycle storage in more detail (including locking mechanisms, where push to exit buttons are sited and protected, and details of the cycle stands) would be recommended to ensure that this will be robust enough to protect against cycle theft and the space being misused for ASB, drug dealing or rough sleeping.

**Officer comments on consultation response:**
Officers note the representation and will be able to apply an appropriate condition if the application is minded for approval.

4.15 Internal Consultation

4.16 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Environmental Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>11 September 2019</td>
</tr>
<tr>
<td><strong>Summary of consultation response:</strong></td>
<td></td>
</tr>
</tbody>
</table>
| "Please see below for Environmental Health’s comments on the application for planning permission as requested."

Response:

"No objections in principle, but conditions are recommended to control likely loss of amenity."

A number of suggested conditions have been included to be attached if the
proposed development is approved:

“Other comments to Planning Officer:

Note amended Conditions H11 and H14.

The applicant has sought to remove the need for conditions on this application by providing approved documents from their previous application, 15/01256/FUL. Where I feel they are sufficient I have either provided altered conditions to take the reports into account, or not added a condition, as the applicant will have to comply with the document if and when this application is approved. Where I feel the previously approved document needs updating to take the new design of the development into consideration, I have added the condition again, requiring the applicant to provide an updated report.”

<table>
<thead>
<tr>
<th>Officer comments on consultation response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officers note the recommended conditions and informatives made by Environmental Health – these will be applied if the application is minded for approval.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Lead Local Flood Authority (LLFA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>16 August 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**

“In consideration of condition 16 under 15/01256/FUL having been approved LLFA has no objection, but advises that a verification report requiring to demonstrate that the drainage scheme was completed according to approved detail should be apply as pre-occupation condition:

'A verification report stating what works were undertaken and completed in accordance with the approved Drainage Scheme shall be submitted and approved by the Local Planning Authority in writing before occupation of the development.'

Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change”

<table>
<thead>
<tr>
<th>Officer comments on consultation response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officers note the recommended condition – this will be applied if the application is minded for approval.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>LBN Urban Design &amp; Conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>23 September 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**

“The immediate context of the site is predominantly 2-3 storey buildings with
pitched roofs. The consented scheme at 5 storeys, although larger than the surrounding buildings creates a gentle and reasonably successful transition in scale. The current proposal at six storeys appears overly dominant of the surrounding townscape, particularly in views along White Horse Road and Flanders Road.

For this reason, the scheme is not supported”

**Officer comments on consultation response:**
Officers note the comments made which are taken into account as part of the officer assessment at Section 7 of this report.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>LBN Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>23 September 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**
“Application 19/01774/FUL - The White Horse 125 High Street South East Ham London E6 6EJ
Part-three, four and six Storey building with A3/A4 public house & restaurant on ground floor and thirty-one self-contained flats on upper floors (This application is affecting the setting of a Grade II Listed Building, Central Park War Memorial, East Ham) |

proposals pursuant to proposals to increase the number of flats from 23 to 31 at the White Horse, 125 High Street South, East Ham, London in relation to a Planning permission granted in 2017 for a mixed use development that includes a ground floor pub and 23 flats which are currently under construction.

Proposed development has a PTAL of 4, a site considered to have good access to public transport and is located within one of Borough’s Resident Parking Zone (RPZ). Hence as with existing approved development, this proposal for additional residential units should continue and extend the “car free” development via S106 agreement. Subject to S106 agreement to include the additional units would be acceptable along with encouragement and free 3 year memberships to local car club provision.

Secure cycle parking is proposed in accordance with the London Plan as follows:
- 1 space per one bed flat 7 Spaces
- 2 spaces per two or more bed flats 48 spaces

However, more comprehensive details needs to be submitted to the Local Planning Authority for approval, therefore appropriate condition.

Subject to above transportation have no objections to proposal.”
Officer comments on consultation response:
Officers note the recommended condition and s106 head of term – these will be applied/included if the application is minded for approval.
5.0 PLANNING POLICIES AND GUIDANCE

5.1 The Local Development Plan comprises:

- the London Plan (the spatial development strategy for London consolidated with alterations since 2011 and published March 2016);

- The Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes) is under Examination – referred to hereafter as the Draft London Plan;

- the London Borough of Newham Local Plan (2018)

- the London Borough of Newham Local Plan: Policies Map 2018

- the Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted 27th February 2012);

5.2 Material weight has been given to the National Planning Policy Framework (MHCLG, February 2019).

5.3 The following policies are relevant to the assessment of this application:


1.1 Delivering the strategic vision and objectives for London
2.9 Inner London
2.13 Opportunity areas and intensification areas
3.1 Ensuring equal life chances for all
3.2 Improving health and addressing health inequalities
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.6 Children and young people play and informal recreation facilities
3.7 Large residential housing developments
3.8 Housing choice
3.9 Mixed and balanced communities
3.10 Definition of affordable Housing
3.11 Affordable housing targets
3.12 Negotiating affordable housing on individual private residential and mixed use schemes
4.1 Developing London’s economy
4.12 Improving opportunities for all
5.1 Climate change mitigation
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.7 Renewable energy
5.9 Overheating & cooling
5.10 Urban greening
5.11 Green roofs and development site environs
5.12 Flood risk management
5.13 Sustainable drainage
5.14 Water quality and wastewater infrastructure
5.16 Water self-sufficiency
5.17 Waste capacity
5.18 Construction, excavation and demolition waste
6.3 Assessing effects of development on transport capacity
6.4 Enhancing London’s transport connectivity
6.9 Cycling
6.10 Walking
6.11 Smoothing traffic flow and tackling congestion
6.12 Road network capacity
6.13 Parking
7.1 Lifetime neighbourhoods
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.5 Public realm
7.6 Architecture
7.7 Location and design of tall and large Buildings
7.8 Heritage assets and archaeology
7.13 Safety, security and resilience to emergency
7.14 Improving air quality
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

5.5 The Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes)

GG4 Delivering the homes Londoners need
GG5 Growing a good economy
D1 London’s form and characteristics
D2 Delivering good design
D3 Inclusive design
D6 Optimising housing density
D7 Public realm
D8 Tall buildings
D10 Safety, security and resilience to emergency
D11 Fire safety
D12 Agent of change
D13 Noise
H1 Increasing housing supply
H5 Delivering affordable housing
H6 Threshold approach to applications

London Borough of Newham

Page 284
H7 Affordable housing tenure
H12 Housing size mix
HC1 Heritage conservation and growth
SI5 Water infrastructure
SI3 Energy infrastructure
SI1 Improving air quality
SI8 Waste capacity and net waste self-sufficiency
SI13 Sustainable drainage
T1 Strategic approach to transport
T2 Healthy streets
T3 Transport capacity, connectivity and safeguarding
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.1 Residential parking

5.6 Newham Local Plan (2018)

S1 Spatial Strategy and Strategic Framework
S6 Urban Newham
SP1 Borough-wide Place-making
SP2 Healthy Neighbourhoods
SP3 Quality Urban Design within Places
SP4 Tall Buildings
SP5 Heritage and other Successful Place-making Assets
SP6 Successful Town and Local Centres
SP7 Quality Movement Corridors and Linear Gateways
SP8 Ensuring Neighbourly Development
J1 Business and Jobs Growth
J3 Skills and Access to Employment
H1 Building Sustainable Mixed Communities
H2 Affordable Housing
H3 Specialist Accommodation Needs
SC1 Environmental Resilience
SC2 Energy & Zero Carbon
SC3 Flood Risk & Drainage
SC4 Biodiversity
SC5 Air Quality
INF2 Sustainable Transport
INF3 Waste and Recycling
INF4 Utilities Infrastructure
INF5 Town Centre Hierarchy and Network
INF7 Open Space and Outdoor Recreation
INF8 Community Facilities
INF9 Infrastructure Delivery

5.7 Additional Guidance

Supplementary Planning Guidance:
- Affordable Housing and Viability (Mayor of London, August 2017);
- Accessible London: Achieving an Inclusive Environment (Mayor of London, October 2014);
- Housing Supplementary Planning Guidance (Mayor of London, March 2016, updated August 2017);
- Shaping Neighbourhoods: Play and Informal Recreation SPG (Mayor of London, September 2012);
- The Control of Dust and Emissions During Construction and Demolition (Mayor of London, July 2014);
- Sustainable Design and Construction (Mayor of London, April 2014)

Guidance:
- National Planning Practice Guidance;
- Historic England Good Practice Advice Note (No. 3); and,
- Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011 (the BRE guidelines).

5.8 London Plan Review

The Mayor of London’s Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes) is under Examination. Having regard to NPPF paragraph 48 the emerging document is a material consideration and appropriate weight will be given to its policies and suggested changes in decision-making, unless other material considerations indicate that it would not be reasonable to do so.
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)

6.1 From 1st of April 2019 Mayoral CIL2 (Permissions granted on or after 1 April 2019).

6.2 The Mayor has adopted a new Charging Schedule MCIL2, which came into effect 1st of April 2019. Like MCIL1, MCIL2 will be charged on all development except for education and health.

6.3 The Mayoral rate for Newham has increased within Band 3 to £25 per sqm from £20 per sqm.

6.4 The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) and the Section 106 Crossrail Funding from Planning Obligations Supplementary Planning Guidance (adopted 2016) is superseded by the revised MCIL Charging Schedule.

6.5 The Newham Community Infrastructure Levy is chargeable in line with the Newham CIL Charging Schedule, which came into effect on 1st January 2014.

6.6 The Newham Community Infrastructure Levy was adopted by full Council on 30th September 2013, which came into effect on 1st January 2014. The Newham CIL Charging Schedule per gross internal sq. m is as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Charging Zone1 – Post codes E15 (exclusive of the LLDC area), E16 and E3 (part)</th>
<th>Charging Zone 2 – Post codes E6, E7, E12, E13 and IG11 (part)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>£80</td>
<td>£40</td>
</tr>
<tr>
<td>Retail</td>
<td>£30</td>
<td>£30</td>
</tr>
<tr>
<td>Office</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Hotel</td>
<td>£120</td>
<td>£120</td>
</tr>
<tr>
<td>Industrial</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Student Accommodation</td>
<td>£130</td>
<td>£130</td>
</tr>
</tbody>
</table>

6.7 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Newham has published a list of infrastructure projects or types of infrastructure that it intends to be funded in whole or in part by the Newham CIL. This allows the continued use of planning obligations (S.106 agreements) for other projects or types of infrastructure. Individual developments will not be charged for the same items through S106 and CIL. The Newham Regulation 123 list can be viewed on the Council’s website.
7.0 ASSESSMENT

7.1 The key issues relevant to this application are:

- Principle of Development (7.2);
- Housing mix and Affordability (7.3);
- Density (7.4);
- Design (7.5);
- Heritage (7.6);
- Impact upon Amenity (7.7);
- Quality of Accommodation (7.8);
- Transport and Travel (7.9);
- Energy / Sustainability (7.10);
- Flood Risk Management (7.11);
- Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC) (7.12); and,
- Reasons for Refusal (7.13).

7.2 Principle of Development

Provision of New Homes

7.2.1 The National Planning Policy Framework (MHCLG, February 2019) (NPPF) seeks to promote delivery of a wide choice of high quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership, and which create sustainable, inclusive and mixed communities.

7.2.2 The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016) (LP) Policy 3.3 which outlines that there is a pressing need for more homes in London to meet need, allocating a strategic target of 19,945 homes in Newham between 2015 and 2025. Policies 3.5 and 3.8 also require that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment and incorporate as a minimum the space standards outlined within table 3.3 and the more detailed requirements as outlined within the London Housing Supplementary Planning Guidance (SPG). Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2018) (Draft London Plan) aims to deliver ‘good growth’, while significantly increasing housing delivery within its boundaries, with a renewed focus on delivery of affordable housing.

7.2.3 The London Borough of Newham Local Plan (2018), hereafter referred to as the ‘Local Plan’ (LP), seeks to support the delivery of new homes, alongside jobs and necessary infrastructure, ensuring development delivers good growth.
of high design quality, optimised density, inclusivity, family provision, and affordability amongst other considerations. The overarching aim of Policy S1 is to build communities that work, with planned growth contributing to the achievement of convergence, through inter alia, the delivery of mixed and balanced communities, with the majority of development occurring within the Arc of Opportunity. Policy S1 requires potential to be realised and the best use of land to be made to enable, amongst other things, the delivery of at least 43,000 homes and 36,000-60,000 jobs between 2018 and 2033.

7.2.4 The aims of Policy S1 are reflected by Local Plan Policy H1 which seeks to deliver new homes to meet need across the plan period, in quality neighbourhoods, that provide a balance of housing types and sizes. In particular there is a requirement for the provision of 39% family housing of three or more bedrooms, subject to further tests including viability and availability of subsidy and tenures (as detailed through Policy H2), delivered together with supporting infrastructure and community facilities. This policy reinforces the need for a high standard of design quality including appropriate densities and units provided in accordance with London Plan space standards.

7.2.5 Policy H2 requires all new developments with capacity for 10 or more units to provide between 35%-50% of the number of proposed units to be affordable housing, comprising 60% social housing and 40% intermediate housing. Policy H2 seeks to ensure that affordability is not delivered at the expense of quality, housing mix, or through size minimisation and requires applicants to submit detailed viability appraisal with Benchmark Land Value that relies on an Existing Use Value plus approach, if the proposal is delivering below 50% of the total units as affordable housing and/ or that do not meet the required tenure split.

7.2.6 The applicant has started construction pursuant to planning permission (ref. 15/01256/FUL) granted on 10 February 2017 which comprises 23 residential units, hereafter referred to as the ‘2017 Permission’. The 2017 Permission was considered to be acceptable in principle as the proposed scheme would bring a vacant site back into use. This new proposal includes 31 residential units and in terms of the land use it is considered to be acceptable in principle.

7.2.7 Notwithstanding the above, as part of the delivery of mixed and balanced communities housing provision should come forward in accordance with need, with varying types, tenures and sizes. The acceptability of the housing offer in relation to family and affordable housing is further analysed in Section 7 of this report. There are fundamental issues with this proposal which are considered in this report that override the need for new homes.

Commercial/Community Use

7.2.8 London Plan Policy 2.15 seeks to direct retail and commercial uses to identified town and local centres and discourages these uses outside the identified town centre network. LP Policies 4.2 and 4.7 seek to enhance the vitality and viability of town centres. These principles are carried forward in the
Draft London Plan Policy SD6 which promotes and seeks to enhance the vitality and viability of London’s varied town centres. Policy HC7 of the Draft London Plan states that Boroughs should protect public houses where they have a heritage, economic, social or cultural value to local communities, and where they contribute to wider policy objectives for town centres, night-time economy areas and Creative Enterprise Zones. Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future. Policy HC1 of the Draft London Plan outlines that where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities for them to contribute to regeneration and place-making.

7.2.9 Draft London Plan Policy E9 Retail Markets and Hot Food Takewaways supports a successful, competitive and diverse retail sector, which promotes sustainable access to goods and services. This is notion is echoed by draft Policy SD6 Town Centres. In addition Draft London Plan Policy H7 relates to protecting public houses where they have a heritage, economic, social or cultural value to local communities, or where they contribute to wider policy objectives for town centres, night-time economy areas, Cultural Quarters and Creative Enterprise Zones.

7.2.10 Policy SP6 of the Local Plan envisages Town and Local Centres to be vibrant, vital and valued as components of local neighbourhoods. In terms of retail Policy SP6 seeks to maintain a robust retail core whilst ensuring a variety of unit sizes, and in larger centres, markets to provide choice and meet local needs. The Local Plan sets out Newham’s aspirations for a clearly defined network and hierarchy of centres which will be achieved by the consolidation of commercial uses within town and local centre boundaries as set out by policies SP6, SP7 and INF5.

7.2.11 The Local Plan sets out that public houses should be assessed as community facilities in line with Policy INF8 which state that such facilities should be retained or re-provided where a local need exists. Policy INF8 further requires community facilities to be coordinated to ensure that the delivery and retention of community facilities is carefully managed in order to align provision of infrastructure, services and facilities needed to maintain and improve quality of life with the needs of new and existing communities in the borough. Policy INF8 seeks to ensure that community facilities are located in places that will be accessible by a range of means of transport including walking and cycling and as such Town and Local Centre sites will be prioritised. This is echoed by Local Plan policies SP6, J1 and INF5 which aim to create vibrant and successful Town Centres. Policy INF8 supports the co-location of facilities and services alongside other policy compliant uses such as housing.

7.2.12 Policy INF8 of the Local Plan requires proposals for new community uses to demonstrate that they are meeting an identified local need. Evidence should therefore be provided to show that at least 67% of users will be Newham residents, and that existing facilities cannot meet the identified need.
7.2.13 Policy INF8 of the Local Plan requires that facilities address the street and their neighbourhood in their design, so that they are legible and welcoming in the urban grain and provide a high degree of passive surveillance. This is also in line with Policies SP3 and SP7 in their aim to provide active and well designed frontages.

7.2.14 Finally Policy INF8 of the Local Plan seeks to ensure all new community facilities are inclusive and open and available to all members of the local community. This must be demonstrated through design and management measures that details how outside of the principal use(s) and any sacred area(s), the facility would operate as a multifunctional space with fair and affordable access to all members of the community.

7.2.15 To summarise the key ‘in principle’ matters in relation to community facilities which are required by the Local Plan should demonstrated within an ‘exceptions test’ as set out below;

1. The proposal must **deal with the whole site** and avoid piecemeal development;

2. **Location** – Town Centre first or if evidence, a Community Facility Opportunity Area (CFOA);

3. Identified **local need** – to demonstrate it is for the benefit of Newham residents;

4. **Outwardly looking** – active and well designed frontage which interacts positively with the street scene;

5. **Inclusive** – accessible, welcoming, inclusive and open and available to all members of the local community.

7.2.16 The public house which originally existed on site has been demolished in accordance with the 2017 Permission which is currently under construction.

7.2.17 The site is not located within a town or local centre as indicated by the Local Plan Policies Map (2018). Officers are mindful that the LP identifies public houses (within lawful D2, A4 and certain sui-generis uses) as community facilities. The proposed commercial development is located outside of identified town and local centre locations, and would therefore be ordinarily considered to be contrary to London Plan policies 2.15, 4.2 and 4.7, Draft London Plan Policy E9, and Local Plan policies.

7.2.18 The current proposal will include 379 sq m (187.4 sq m will form the net usable trading area) of Use Class A3 (food and drink) / A4 (drinking establishments) floor space at ground floor level. It is acknowledged that since the consideration of the previous application the National Planning Policy Framework (NPPF) and Local Plan have been revised. The Draft London Plan has also been published and holds material weight. In order to demonstrate
the acceptability of community facilities a proposal should apply the ‘exceptions test’, as set out by Policy INF8 as identified above. However, this has not been provided and officers are cognisant that with respect to the provision of an A3/A4 use, the historic use of the site as a public house is material to consideration of the acceptability of re-provision of such use, as is the planning history of the site where re-provision of an A4 use has previously been accepted. Therefore it is considered that a public house/restaurant use be retained as per the aspirations of INF8.

7.2.19 In summary the proposed residential and commercial/community uses proposed are deemed to be acceptable in principle. A full assessment of these principle considerations has been prepared below.

7.3 Housing mix and Affordability

7.3.1 The NPPF seeks “to deliver a wide choice of high quality homes”. It recognises “Government attaches great importance to the design of the built environment” and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. Furthermore Policy 3.8 of the London Plan requires that new residential developments comprise a mix of unit sizes to address the housing needs of the local area.

7.3.2 London Plan policies 3.11 and 3.12 and draft London Plan Policy H5 and Policy H6 seek to maximise the delivery of affordable housing, setting a strategic target of 50% across London. The Mayor’s Affordable Housing and Viability SPG seeks to increase the provision of affordable housing in London and embed affordable housing into land prices.

7.3.3 As set out in this report, it is recognised through both the London Plan (Policy 3.3) and Local Plan (Policy S1) that there is a pressing need in London to deliver housing. Policies H1 and H2 of the Local Plan set the Council’s expectations regarding balancing, size, tenures, and affordability of housing proposals.

7.3.4 In order to achieve the mix and balanced communities through Local Plan Policy H1, the Council seeks that 39% of the number of new homes to be 3 bedroom for families. It is recognised that site specific “mix and tenure considerations” (viability, availability of subsidy, existing mix in the area, site conditions and context, and availability of infrastructure) need to be taken into consideration in decision making.

7.3.5 In terms of housing affordability, Local Plan Policy H2 seeks to ensure that the 50% of the number of all new homes built over the plan period are affordable units. In doing this, it sets the requirement that, subject to the mix and tenure considerations in H1 (and set out above), between 35-50% of the number of proposed units shall be provided as affordable housing comprising a tenure mix of 60% social housing and 40% intermediate homes.
7.3.6 The planning application proposes a total of 31 dwellings comprised of the mix and tenures set out in Table 1 below:

<table>
<thead>
<tr>
<th>Affordable Housing</th>
<th>Social Rent</th>
<th>Shared Ownership</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>Two bedroom</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>Three bedroom</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>Total</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tenure Split</th>
<th>0% Social Rent</th>
<th>0% Intermediate</th>
</tr>
</thead>
<tbody>
<tr>
<td>0% Affordable Housing by unit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Private Housing</th>
<th>Private for sale</th>
<th>Housing Mix</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom</td>
<td>7 (22.6%)</td>
<td>One bedroom</td>
</tr>
<tr>
<td>Two bedroom</td>
<td>12 (38.70%)</td>
<td>Two bedroom</td>
</tr>
<tr>
<td>Three bedroom</td>
<td>12 (38.70%)</td>
<td>Three bedroom</td>
</tr>
<tr>
<td>Total</td>
<td>31 (100%)</td>
<td>Total: 31 (100%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Housing Mix (All Tenures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom</td>
</tr>
<tr>
<td>Two bedroom</td>
</tr>
<tr>
<td>Three bedroom</td>
</tr>
<tr>
<td>Total: 31 (100%)</td>
</tr>
</tbody>
</table>

7.3.7 At 38.70% the proposed level of three bedroom family units is generally in line with policy expectations which are set at 39%.

7.3.8 As illustrated by Table 1, the proposed development would not provide any affordable housing. Before taking account of the development’s financial viability, the proposed offer fall wholly short of the quantum sought by Policy H2 and described above. The applicant has sought to mitigate this shortfall via a commuted sum payment to the Council of £829,228 (already paid to the Council under the 2017 Permission) as well as a further £184,756 (for this new proposal). Therefore, the proposed scheme would generate a total payment of £1,013,984 in lieu of affordable housing.

7.3.9 The application proposes less than the 50% affordable units required by LP policies H1 and H2. Consequently the applicant has provided a detailed viability appraisal for the purposes of a planning assessment.

7.3.10 The applicant’s viability appraisal has been scrutinised on the Council’s behalf by BNP Paribas (“BNPP”). Ultimately, BNPP has concluded that based on the proposed development of 100% affordable housing that the development would generate a surplus of £184,756 in addition to the £829,228 already paid to the Council. In addition to this BNPP recommend the Council include a review mechanism to be secured by Section 106 Agreement. This is because the applicant reserves the right to undertake value engineering exercises and construction methodologies to reduce their costs.
7.3.11 In recognition that financial viability can only be agreed as a reflection of a snapshot in time, and is thereafter subject to changes in the market, cost variation and ‘real growth’ in values achieved at the proposed development a (late stage) review mechanism is proposed to be secured by legal agreement. As set out above the principle of securing this obligation is supported by BNPP.

7.3.12 This review would take place at 75% based upon Formula 3 of the GLA’s ‘Homes for Londoners’ as amended by a 80/20 profit split on any surplus in favour of the Council. Officers have justified amending the split to 80/20 from 60/40 in order to prioritise the delivery of affordable housing. There will also be an early stage review if substantial implementation has not been progressed within two years.

7.3.13 Officers are disappointed that the scheme is not able to provide on site provision of affordable housing. However, on balance the scheme is considered to provide a good level of family housing and the commuted sum payment will make a notable contribution to off-site provision of affordable housing elsewhere in the Borough.

7.3.14 On the basis of the above, it can be concluded that subject to an obligation for a review mechanism, the commuted sum in lieu of affordable housing is considered to be acceptable. The proposed development would make a contribution towards to family homes within the borough and will help to finance affordable housing off-site, and is therefore not identified as a reason for refusal.

7.4 Density

7.4.1 London Plan Policy 3.4 seeks to optimise housing output for different types of locations within the relevant density range as indicated within Table 3.2. This policy also acknowledges that the density matrix should not be applied mechanistically, and that other factors such as context, layout, residential quality and impact to amenity need to be taken into account in concluding whether the density is appropriate. The site can be characterised as ‘urban’ for the purposes of calculating density and benefits from a PTAL rating of 4 and it is expected that this will rise to 5 due to future transport improvements in the area. The London Plan requirement for the site would be a density range between 45–260 units per hectare (u/ha) or 200–700 habitable rooms per hectare (hr/ha).

7.4.2 Draft London Plan Policy D6 seeks a more design-led approach to density, based on an assessment against the housing standards within Policy D4 and the long-term management proposals for higher density developments. Draft London Plan Policy H12 seeks to ensure schemes deliver an appropriate mix of units to the nature and location of the site.

7.4.3 The proposal would contain 31 units including 98 habitable rooms. The proposed density exceeds the upper end of the density matrix as set out in the London Plan at 263 u/ha and 830 hr/ha, based on a site area of 0.118 ha. The
density of the site exceeds the recommended density levels as required by the London Plan.

7.4.4 The proposed density exceeds the upper ranges of the density matrix as set out in the London Plan. This is a result of the height, scale, massing and tenure mix of the proposal has which has resulted in an excessive density which is not supported. The resulting development is therefore considered inappropriate to this constrained site when considered against its local context and neighbouring character.

7.5 Design

7.5.1 Chapter 12 of the NPPF outlines that planning decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short term, but over the lifetime of the development. It additionally recognises that considerations regarding the appearance and the architecture of individual buildings should go beyond aesthetic considerations, and consider the connections between people and places and the integration of new development into the natural, built and historic environment. In addition to the above, Chapter 16 of the NPPF focuses on the topic of conserving and enhancing the historic environment.

7.5.2 London Plan Policy 3.5 stipulates that housing developments should be of the highest quality design, enhancing the quality of local places, responding to physical context, local character and density. Policy 7.1 states that the design of new developments and the spaces they create should help reinforce the character of the neighbourhood. Policy 7.2 of the London Plan details that the Mayor will require all new development in London to achieve the highest standards of accessible and inclusive design and will support the principles of inclusive design which seek to ensure that developments can be used by all, regardless of disability, age, gender, ethnicity or economic circumstances. Policy 7.4 additionally requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It is also require that in areas of poor or ill-defined character, new development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 seeks the highest quality materials and design appropriate to its context. It also advises that buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character. London plan policy 7.8 denotes that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

7.5.3 Policy D1 of the Draft London Plan states that development design should respond to local context by delivering buildings and spaces that are positioned and of a scale, appearance and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan, through appropriate construction methods and the use of attractive, robust materials which weather and mature
well. This is also reiterated in Policy D2 of the Draft London Plan which seeks good design. Policy D3 of the Draft London Plan seeks to deliver an inclusive environment and meet the needs of all Londoners. Development proposals are required to achieve the highest standards of accessible and inclusive design.

7.5.4 Local Plan Policy SP1 states that high quality development will be expected, which respects, takes advantage of, and enhances the positive elements and distinctive features of the borough, contributing to a well-connected and integrated series of successful and distinctive places, that together help to transform the borough and its attractiveness as somewhere to live, work and stay. Policy SP3 further states that the borough aims to secure a high quality of urban design in new buildings and spaces, contributing to safe, sociable and inclusive mixed and balanced communities. Policy SP4 (Tall Buildings) highlights the position that on non-strategic sites new tall buildings will generally be inappropriate and opportunities to increase densities without tall buildings should be explored, with sensitively scaled tall buildings the exception rather than the norm and only where there is good public transport access of at least a PTAL score of 4 and the opportunity to create generous public realm.

7.5.5 The LBN Strategic Design and Conservation Manager has provided the following comments in relation to the design of the proposal:

“The immediate context of the site is predominantly 2-3 storey buildings with pitched roofs. The consented scheme at 5 storeys, although larger than the surrounding buildings creates a gentle and reasonably successful transition in scale. The current proposal at six storeys appears overly dominant of the surrounding townscape, particularly in views along White Horse Road and Flanders Road.”

7.5.6 The 2017 Permission allowed for a sensitive increase in height from the terraced housing to the east. The new proposal would mean that the step from these terraces would be stark in contrast creating an incongruous feature in the streetscene. Furthermore when taking into account the expected views from Flanders Road, White Horse Road and Gresham Road to the east Officers are of the view that the proposal would be highly visible above the ridgeline. Therefore due to the scale, massing and form of the development it is considered that there would be significant negative impact on local character, particularly in the way that the proposal would contrast with the prevailing context which comprises 2-3 storey buildings with pitched roofs.

7.5.7 In September 2017 approval of details were granted (ref. 17/02523/AOD) for material samples of all external surfaces in relation to the 2017 Approval. However, as the height of the building has increased it is now regarded as a tall building within the LP. As a result it is expected that the quality and suitability of materials would improve to better reflect the character of the area. Of particular note is the increased expanse of the “Equitone Tectiva Fibre Cement Cladding - Colour Calico / Linen” which is of a white/grey shade and appears stark in relation to the prevailing context.
7.5.8 As per LP Policy SP4 tall buildings are not considered to be acceptable in non-strategic sites such as this. Where not in an identified location for tall buildings LP Policy SP4 requires an element of added value and states that “all buildings will generally be inappropriate and opportunities to increase densities without tall buildings should be explored, with sensitively scaled tall buildings the exception rather than the norm and only where there is good public transport access of at least a PTAL score of 4 and the opportunity to create generous public realm”. While the proposal site has a PTAL level of 4 if clearly does not provide generous public realm – indeed existing telecommunications infrastructure in the public realm adjacent to the site creates visual clutter, pinch points and obstructions to pedestrians. In this case, a tall building of the scale proposed is not justified, taking into account the tests of SP4 and officers are not of the view that the building is sensitively scaled to the prevailing local context.

7.5.9 Therefore due to its inappropriate scale, massing, form and design the proposal is considered to be harmful the character of the area and detrimental to visual amenity.

7.6 Heritage

7.6.1 The application site has been advertised as affecting the setting of a Grade II Listed Building, Central Park War Memorial, East Ham approximately 65 metres north-west of the application site.

7.6.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respect to listed buildings in exercising its planning functions. In considering whether to grant planning permission for a development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.6.3 Chapter 16 of the NPPF focuses on the topic of conserving and enhancing the historic environment. Paragraph 193 states the following:

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be’.

7.6.4 It is necessary to assess the potential harm of the proposal. In regards to harm paragraph 134 of the NPPF states:

7.6.5 ‘As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.’

7.6.6 London Plan (the spatial development strategy for London consolidated with alterations since 2011 and published March 2016) Policy 7.8, The London Plan: The Spatial Development Strategy for Greater London (Draft for
Consultation December 2017 with minor suggested changes July 2018) Policy HC1 and London Borough of Newham Local Plan (2018) Policy SP5 are relevant to this application. Collectively these policies seek to reinforce a notion to sustain and enhance the significance of heritage assets. In particular Local Plan Policy SP5 requires that heritage assets ‘which contribute to local character and successful places will be recognised by protection, conservation, and enhancement of the assets and their settings’.

7.6.7 Historic England Good Practice Advice Note (No. 3) is a relevant consideration in relation to the information provided on good practice to assist local authorities.

7.6.8 Historic England were consulted in regards to the proposal and no comments were received in relation to the proposal.

7.6.9 The application is accompanied by a Heritage/Character/Place-making Asset Statement, prepared by Paul Dickinson and Associates. Which finds that the proposal would have less than substantial harm in relation to the Grade II Listed Asset. It notes the separation and screening of the site from the application site and the benefits of the scheme in outweighing any harm. In particular it highlights the redevelopment of a vacant site, the delivery of housing namely family housing and re-provision of a pub.

7.6.10 Officers have considered the tests to be applied (set out in 1 paragraph 193 to 197 of the NPPF) is 1) to determine whether there is substantial harm (and as such if it is necessary to achieve substantial public benefits that outweigh that harm or loss) or 2) whether there is less than substantial harm (this harm should be weighed against the public benefits of the proposal. The proposal site is considered to be well separated from the Grade II Listed asset by High Street South. In addition the Grade II Listed Asset is also well screened by trees between the two sites. The additional scale and height of this development is not considered to have a significant detrimental impact to the Grade II Listed Asset. Therefore it is considered that there would be less than substantial harm. Officers are therefore of the view that the proposal does deliver some public benefits through the redevelopment of a previously derelict site and delivery of much needed housing, in particular family housing and an off-site commuted sum payment for affordable housing.

7.6.11 In conclusion the tests set out in the NPPF have been considered. However due to the separation of the Listed Asset and the site harm is not identified. It is therefore considered that the proposal would preserve the Grade II Listed asset in its setting. Therefore, the proposal is considered to be in accordance with the above identified national, regional and local policies and legislation.

7.6.12 In conclusion it is considered that the proposal is in conformity with the tests set out in the NPPF and it is noted that it would preserve the Grade II Listed Asset in its setting. Therefore, the proposal is considered to be in accordance with the above identified national, regional and local policies and legislation.
7.6.13 In conclusion whilst there is a degree of harm, this is less than substantial and outweighed by the public benefits of the scheme.

7.7 Impact upon amenity

7.7.1 NPPF objective 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.

7.7.2 Policy 5.3 of the London Plan requires development proposals to demonstrate that sustainable design standards are integral to the proposal and should minimise carbon dioxide emissions across the site. Lon Plan Policy 7.1 requires, amongst other things, that the design of new buildings and the space they create should help reinforce or enhance the character, legibility, permeability and accessibility of the development. Policy 7.4 states that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 of the London Plan outlines that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Policy 7.14 seeks to protect people in areas of poor air quality (such as AQMAs). Policy 7.15 seeks to avoid significant adverse noise impacts on health and quality of life as a result of new development.

7.7.3 Policy D1 of the Draft London Plan states that development design should deliver appropriate outlook, privacy and amenity. Policy D13 of the Draft London Plan seeks to reduce, manage and mitigate noise to improve health and quality of life.

7.7.4 Local Plan Policies SP2 and SP3 seek to resist ‘bad neighbour’ uses that may have impacts beyond site boundaries and would involve an unacceptable level of noise, disturbance and other impacts that would impact environmental quality. Furthermore, the policy aims to address the environmental impact of noise on the urban environment and improve air quality levels, reducing exposure to airborne pollutants and securing the implementation of the Air Quality Action Plan. This is supported by Policy SP8 which speaks to ensuring neighbourly development, giving consideration to the agent of change concept. In addition Policy SC5 notes that proposals should not conflict with air quality objectives and requiring all developments to be air quality neutral.

7.7.5 In relation to standards for privacy, daylight and sunlight the London Plan Housing SPG states that “An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the
need to optimise housing capacity; and scope for the character and form of an area to change over time.

7.7.6 The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.

Daylight/Sunlight

7.7.7 The application has been accompanied by a Daylight and Sunlight Report prepared by Schroeders Begg (UK) LLP. The impact of the development on the daylight and sunlight of neighbouring properties has also been assessed using the standard assessment procedure of the BRE Guide ‘Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice’ Edition 2011 (The BRE Guide).

7.7.8 Overall, in regards to daylight/sunlight the findings of the report indicate that the proposed development would have minor effects on the surrounding residential properties.

7.7.9 In particular the assessment shows that reductions to neighbouring habitable rooms have been analysed and all meet the ‘vertical sky component’ (VSC) criteria and it is considered that high levels of internal daylight distribution will be maintained to in regards to the proposal.

7.7.10 Sunlight to all neighbouring habitable rooms has been assessed. The report finds that there would be no adverse shadowing from the proposed development to “any neighbouring rear gardens / amenity spaces applicable”. As such the proposal is found to accord with the BRE Guide target criteria and therefore it is considered that there is no material effect.

7.7.11 Therefore, the report indicates that the proposed development “does not have any materially adverse effect on neighbouring residential daylighting or sunlight, including to amenity areas”.

7.7.12 Officers have reviewed the findings and note that the report does indicate that there would be some minor reductions to the VSC and daylight distribution of rooms that this would sit within the target value criteria as set out within the BRE Guide.

7.7.13 Overall, based on the findings of the accompanying report officers are of the view that the proposal would have an acceptable impact on the daylight and sunlight of neighbouring properties.

Privacy and Outlook
7.7.14 The privacy and outlook of adjoining occupiers has been considered. The impact will be most perceptible to residential properties to the east of the site along Flanders Road and White Horse Road.

7.7.15 The 2017 Permission was designed so that the fifth storey would be located centrally within the main block with the building set back from the eastern edge of the building. The South Eastern wing comprised of three floors. The North Eastern Wing comprised 3/4 floors.

7.7.16 An assessment of the impact of the proposal on neighbouring amenity is set out below:

Central/Main part of building:

- The fifth floor element now fills the entire envelope of the building most notably the east of the development. The new proposal omits the eastern balconies which covered the entirety of units facing east towards neighbouring gardens. As a result future residents of the fourth floor flat would be able to view substantial portions of the private amenity spaces of numbers 2, 4 and 6 Flanders Road and numbers 1, 3 and 5 White Horse Road from the primary rooms they will serve. The increased vantage point is considered to be harmful to the privacy of these properties and increases the threat of overlooking for these neighbouring occupiers.
- A sixth floor has also been added. Similarly to the fifth floor it would entirely fill the envelope most notably to the east. Officers consider that the privacy of the private amenity spaces of numbers 2, 4 and 6 Flanders Road and numbers 1, 3 and 5 White Horse Road will be harmed as described in the fifth floor assessment as set out above.

South Eastern Wing:

- A fourth floor has been added. It is noted that the windows would face to the north and south similarly to the existing terrace to the east. No windows have been included to the east. It is considered that the windows introduced to the north will specifically allow the overlooking of the entirety of the gardens of 1 White Horse Road.

North Eastern Wing:

- The north eastern wing would have a marginal increase in width. The new proposal will fill in a gap/spare land to the east. Refer to computer generated images shown at Appendix 3.
- A fourth floor has been added with windows facing south and north. It is considered that the kitchen, living room window to the south will give will allow future occupiers to view the entirety of the garden of number 2 Flanders Road. This is increase in height is considered to increase the threat of overlooking to this property in particular.
Overall the impact of extension to the fifth floor and addition of a sixth floor within this scheme means that residents to the east would be affected by the proposal. This is due to the provision additional vantage points within the proposed fifth and sixth floor apartments. Officers consider that this will affect residents of properties in Flanders Road and White Horse Road as the proposal will increase instances of overlooking and exacerbate the threat of overlooking. The proposal is considered to be particularly harmful as it will allow for views of substantial portions of neighbouring private amenity spaces.

7.7.17 The proposal is not considered to respect the privacy of adjacent neighbouring properties and would therefore be harmful to residential amenity.

7.8 Quality of accommodation

7.8.1 Baseline standards are those endorsed by the Mayor as addressing issues of particular strategic concern. They set the baseline for quality and design that new homes should meet. Developments which depart significantly, either in terms of failure to meet with a number of baseline standards or the extent of failure to meet particular baseline standards, are unlikely to be acceptable.

7.8.2 London Plan Policy 3.5 states that new housing must be both high quality and achieve the space standards which are detailed in Table 3.3 of the Mayor’s Housing SPG (shown below):

![Table](image)

7.8.3 Policy 3.8 Housing Choice and adaptable dwellings’ requires that ninety percent of new housing meets Building Regulation requirement M4 (2) ‘and ten per cent of new housing meets Building Regulation requirement M4 (3) ‘wheelchair user dwellings’. The Council may impose a condition in respect of the quantum of housing that must meet Category M4(2) and M4(3) of the
Building Regulations, however the applicant is required to conform to building regulation requirements and ensure the development is deliverable.

7.8.4 Policy D4 of the Draft London Plan seeks minimum standards in relation to private internal space and private outdoor space. Draft London Plan Policy D5 seeks to ensure that at least 10 per cent of new build dwellings meet Building Regulation requirement M4(3) ‘wheelchair user dwellings’ and that all other new build dwellings meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’.

7.8.5 Local Plan Policy H1 states that 90% of new build homes should meet requirement M4[2] of Building Regulations Approved Document M (for ‘accessible and adaptable dwellings’); 10% of new build homes should meet requirement M4[3] (for ‘wheelchair user dwellings’) and Provision of wheelchair user dwellings (Part M4[3]) should be directed towards local need in terms of size, tenure, and demand for wheelchair user adapted homes, determined through early engagement with relevant LBN service areas.

7.8.6 The space standards outlined in the London Plan are expressed as minimums and should be exceeded where possible. They should be a basis to promote innovative thinking about designing space and how it is to be used within the home. Additionally, the Mayor’s Housing SPG stipulates developments should avoid single aspect dwellings that are north facing.

7.8.7 At a national level, the Technical housing standards – nationally described space standard – deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

7.8.8 The proposed residential units have been designed to comply with Part M4 of the 2015 Building Regulations in accordance with the requirements of London Plan Policy 3.8 and LBN Policy SC5.

7.8.9 Ninety percent of all residential units will be designed to the Approved Document M Optional Requirement M4(2) as ‘accessible and adaptable units’ and the remaining ten per cent of the units will be designed to be wheelchair accessible or easily adaptable units conforming to the Approved Document M Optional Requirements M4(3) ‘wheelchair user dwellings’.

7.8.10 There are no single aspect dwellings within the proposed development.

7.8.11 Table 2 shows the configuration of the flats and floor spaces proposed:

<table>
<thead>
<tr>
<th>Table 2: Residential Space Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit Configuration</td>
</tr>
<tr>
<td>One Bedroom Units:</td>
</tr>
<tr>
<td>6 x 1 bed 2 person flats</td>
</tr>
<tr>
<td>1 x 1 bed 2 person flats</td>
</tr>
<tr>
<td>Two Bedroom Units:</td>
</tr>
</tbody>
</table>
7.8.12 As the above table demonstrates all units will also comply with the requirements of the nationally described space standard as required by Standard 24 of the Mayor’s Housing SPG and dwellings have been designed to accommodate the furniture, access and activity space required for the level of occupancy proposed in accordance with Standard 25.

7.8.13 No more than eight units per core are proposed throughout the development in accordance with Housing SPG Standard 12. Natural lighting should be designed into internal access corridors to dwellings in compliance with Housing SPG Standard 14 and it is noted that most of these spaces will benefit from natural light.

7.8.14 The proposed units benefit from private balconies which meet or exceed the Housing SPG for private open space. In addition, the scheme provides 84.1 sqm of communal space at ground floor level, it is noted that this would be in place of parking provided in the 2017 permission.

7.8.15 Officers consider the scheme would deliver a good quality of accommodation for future occupiers of the development.

7.9 Transport and Travel

7.9.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

7.9.2 Policy 6.1 (Strategic Approach) of the London Plan seeks to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 (Assessing Effects of Development on Transport Capacity) states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network. This is also echoed by Policy INF2 of the Local Plan which indicates maintaining careful management of the supply of routes, capacity and parking for motor traffic in order to reduce or minimise congestion and the dominance of motor-vehicular traffic in the public realm and to make space for other modes. Development proposals will not be
supported where they would have an unacceptable adverse impact on the capacity or environment of the highway network. London Plan Policy 6.13 (Parking) seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well considered travel plans aim to reduce reliance on private means of transport.

7.9.3 The London Plan through Policy 6.9 and Local Plan INF2 and SP8 supported by emerging Policy T5 within the Draft London Plan seek to encourage sustainable modes of transport including through provision of cycle storage facilities to promote bicycle take up reducing reliance on private motor vehicles.

7.9.4 The site has a PTAL value of 4, which indicates ‘good’ access to public transport. With the exception of Blue Badge Parking provision officers are supportive of this development being car free.

7.9.5 In total 3 blue badge parking bays would be provided, two of which will be location on site with another located on land opposite White Horse Road. The provision of blue badge bays would be just under the 10% London Plan requirement. It is noted that this would constitute a reduction from 8 car parking spaces in the 2017 permission (2 of which were blue badge). However, in this well connected location the provision of 3 blue badge parking spaces is deemed to be acceptable for a development of this scale.

7.9.6 Secure cycle parking is proposed in accordance with the London Plan as follows:

- 1 space per one bed flat 7 Spaces
- 2 spaces per two or more bed flats 48 spaces

7.9.7 LBN transport had reviewed the application and has no objection to the proposal in regards to Transport. Transport do consider that more comprehensive details need to be submitted in relation to cycle parking. However, this could be secured by the appropriate condition.

7.9.8 Therefore the proposal is considered to be acceptable in relation to transport.

7.10 Energy / sustainability

7.10.1 The NPPF strongly emphasises a presumption in favour of sustainable development, stating that there are three dimensions to sustainable development: economic, social and environmental.

7.10.2 Policy 5.2 of the London Plan (Minimising carbon dioxide emissions) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
• Be green: use renewable energy

Policy 5.2 states that the Mayor will work with boroughs and developers to ensure that major developments meet targets for carbon dioxide emissions reduction in buildings. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations 2010 leading to zero carbon residential buildings from 2016 and zero carbon non-domestic buildings from 2019. London Plan Policy 5.3 (Sustainable Design and Construction) requires development proposals to demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process. Major development proposals should meet the minimum standards outlined in the Mayor’s supplementary planning guidance and this should be clearly demonstrated within a design and access statement. Policy 5.7 of the London Plan (Renewable energy) seeks an increase in the proportion of energy generated from renewable sources, and states that major development proposals should provide a reduction in expected carbon dioxide emission through the use of on-site renewable energy generation, where feasible. Policy 5.9 of the London Plan (Overheating and cooling) requires major development proposals to reduce potential overheating and reliance of air conditioning systems and demonstrate this in accordance with the following cooling hierarchy: 1) minimise internal heat generation through energy efficient design; 2) reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls; 3) manage the heat within the building through exposed internal thermal mass and high ceilings; 4) passive ventilation; 5) mechanical ventilation; and 6) active cooling systems (ensuring they are the lowest carbon options. The policy also requires major development proposals to demonstrate how the design, materials, construction and operation of the development would minimise overheating and also meet its cooling needs.

7.10.3 Consideration is also given to Policy S12 (Minimising Greenhouse Gas Emissions) and Policy S13 (Energy Infrastructure) within the Draft London Plan (December 2017). These policies support that major developments should be net zero-carbon and encourage early engagement with energy companies to establish future energy requirements.

7.10.4 Policies SC1 of the Newham Local Plan (Climate Change) sets out mitigation and adaptation measures that development should employ to respond to changing climate. Meanwhile Policy SC2 (Energy and Zero Carbon) echoes the London Plan requiring all development to minimise and reduce carbon emissions by following the lean, clean and green energy hierarchy with all major development to meet the zero carbon target. Policy SC1 required that all major developments, that are not solely residential new build shall achieve a ‘BREEAM UK New Construction’ rating of Excellent.

7.10.5 The Mayor’s Housing SPG 2016, states developments should meet the minimum targets for carbon dioxide emissions reduction of 35% against the Building Regulations 2013 for non residential development and be zero

7.10.6 An Energy and Sustainability Statement, prepared by Etude accompanies the application. Following the energy hierarchy, passive design measures, energy efficiency and the provision of photovoltaic panels, have shown an improvement of 19% over the Building Regulations Part L 2013 target emissions rate.

7.10.7 The remaining 81% of required savings will be off-set through a payment-in-lieu contribution. The Council considers £60 per tonne, for a period of 30 years, to be an appropriate rate for a carbon off-set payment. This rate is consistent with the Mayor of London’s Housing SPG and does not engender viability testing. On this basis, the carbon off-set payment is worked out at £50,400. The contribution can be secured through inclusion within a s106 agreement.

7.10.8 Officers note that the requirement to maximise onsite savings from renewable energy, and consider that the applicant has maximised the extent active area of the photovoltaic array.

7.10.9 Officers consider that the scheme sufficiently address policy objectives for Zero Carbon development.

7.11 Flood Risk Management

7.11.1 Objective 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It continues by stating that when determining planning applications, local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

7.11.2 London Plan Policy 5.12 states that development proposals must comply with flood risk assessment and management requirements set out in national policy. The development must also have regard to measures proposed in Thames Estuary 2100 and Catchment Flood Management Plans. Developments which are required to pass exception testing will need to address flood resilient design and emergency planning. Policy 5.13 seeks that development utilise Sustainable Urban Drainage. The above polices are reinforced in the Draft London Plan at Chapter 9.
7.11.3 Local Plan Policy SC3 states that developments must be shown to be flood resistant. The aim of the Flood Risk Assessment is to outline the potential for the site to be impacted by flooding, the potential impacts of the development on flooding both onsite and in the vicinity, and the proposed measures which can be incorporated into the development to mitigate the identified risks. Local Plan Policy SC5 states that developments should aim to reduce surface run-off to greenfield rates through the maximisation of the use of SUDS, to provide sustainable design for new major development.

7.11.4 The site is identified as being within a Critical Drainage Area and falling within Flood Zone 2 which covers a small portion of the site in the south-west. It is noted that at the time that the 2017 Permission was being considered the site would have only been regarded as falling within Flood Zone 1 (low risk of flooding).

7.11.5 The application is supported by a Flood Risk Assessment, prepared by Cole Easdon Consultants Ltd. The conclusion of the report acknowledges that the proposal has been partially built out in accordance with the 2017 Permission. It is therefore the case that mitigation measures can be applied and these are proposed as follows:

- Demountable flood barriers at all ground floor entrances.
- An immersible pump will be provided within an under floor sump in the basement. This will allow floodwaters to be removed from the basement if flood barriers are breached.
- The proposed development will be linked to the EA’s Flood Warnings Direct Service.
- Flood warnings can be provided directly to the premises by phone, text or email. It is suggested that a warning is issued by telephone landline and mobile phone to all site users. Flood barriers will be mounted following a flood warning.

7.11.6 The Lead Local Flood Authority has been consulted in relation to the proposal and raises no objection to the proposal. However a condition is recommended in regards to a verification report for the approved drainage scheme. A condition can be applied if the application is minded for approval.

7.11.7 Provided that the aforementioned condition can be applied officers are satisfied that the proposal is acceptable in regards to flood risk.

7.12 Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC)

7.12.1 Officers have considered the development type and proximity to Epping Forest Special Area of Conservation (SAC) and noting that the application is for new residential development within the 6.2KM Zone of Influence (ZoI) for the Epping Forest Special Area of Conservation have undertaken a Habitat Regulation Assessment. This assessment is detailed at Appendix 4 and has been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the emerging strategic
approach relating to the Epping Forest Special Area of Conservation (SAC) Interim Mitigation Strategy Dated 06 March 2019.

7.12.2 The Habitat Regulation Assessment recognises that the proposed development either when considered alone, or in combination with other residential developments is likely to have a significant effect on the sensitive interest features of Epping Forest Special Area of Conservation (SAC) through increased recreational pressure.

7.12.3 In accordance with the Epping Forest Special Area of Conservation (SAC) Interim Mitigation Strategy Dated 06 March 2019 prepared by Natural England no mitigation is required.

7.13 Reasons for Refusal

1. By reason of its scale, massing, form and design the development would be harmful to the character of the locality and detrimental to the visual amenity of the surrounding townscape, failing to deliver the added value expected of all tall buildings and therefore failing to integrate and positively contribute to its location. The proposed scale, massing, and form will appear overbearing, bulky and incongruous and this negatively impacts the character and appearance of the surrounding area. The proposal is therefore contrary to:

   • The National Planning Policy Framework (MHCLG, February 2019);
   • Policies 3.5, 7.1, 7.4, 7.5 and 7.6 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);
   • Policies, D1, D2, D7 and D8 of the Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes);
   • Policies S1, S2, SP1, SP3, SP4, SP6, SP7 and Policy SP8 of the London Borough of Newham Local Plan (2018);
   • Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017).

2. The proposal would result in an unacceptable loss of privacy to neighbouring properties, namely the occupiers of numbers 2, 4 and 6 Flanders Road and number 1, 3 and 5 White Horse Road, due to the proximity of the proposed buildings and proliferation of new windows and balconies. The development will appear highly intrusive and dominant within the outlook of existing residents, and will have an unacceptable impact in terms of actual and perceived loss of privacy. The proposal is therefore contrary to:

   • The National Planning Policy Framework (MHCLG, February 2019);
3. The proposed density exceeds the upper ranges of the density matrix as set out in the London Plan at 263 u/ha and 830 hr/ha based on a site area of 0.118 ha. The height, scale and massing and tenure mix of the proposal has resulted in an excessive density which goes far beyond optimising the use of the site which is not supported and is contrary to polices:

- The National Planning Policy Framework (MHCLG, February 2019);
- Policy 3.4 of The London Plan - The Spatial Development Strategy for London (GLA, consolidated with alterations since 2011 and published March 2016);
- Policies D4, D6 and D12 of the Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes); and,
- Policies S1, S6, SP1, SP3, SP4 and H1 of the Newham Local Plan (2018).
APPENDIX 1: PROPOSED PLANS AND IMAGES

Location Plan

Left: 2017 Permission, Right: As proposed.
Proposed Elevations: Top = West, Bottom = East
## Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC)

<table>
<thead>
<tr>
<th>Screening Matrix and Appropriate Assessment (AA) Statement</th>
</tr>
</thead>
</table>

### Stage 1: Screening Assessment

( Screening under Regulation 63(1)(a) of the Habitats Regulations )

Officers have considered the development type and proximity to Epping Forest Special Area of Conservation (SAC) and confirm that the application is for new residential development within the 6.2KM Zone of Influence (ZoI) for the Epping Forest Special Area of Conservation.

It is considered that, without mitigation, all new residential development within regular walking/driving distance of Epping Forest Special Area of Conservation would constitute a likely significant effect through increased recreational pressure, when considered either ‘alone’ or ‘in combination’ with other such development. The unique attraction of the Forest presents a strong draw as a place to undertake recreational activities on a regular basis; such activities (e.g. walking, dog walking, etc.) can lead to negative impacts on the sensitive interest features of the SAC (both habitats and species) through, for example, trampling of vegetation, compaction of soil, damage to tree roots and eutrophication of soil etc.

Visitor surveys have been undertaken to understand the distances within which residents from such development will travel to visit the SAC; this distance is referred to as a Zone of Influence (ZoI). Following the recent CJEU ‘People Over Wind’ (or Sweetman II) ruling, avoidance and mitigation measures can no longer be taken into account as part of a planning application at this stage of the Habitat Regulation Assessment process. Therefore, all relevant development within scope of the Epping Forest Mitigation Strategy must progress to Habitat Regulation Assessment Stage 2: Appropriate Assessment, even where mitigation is proposed.

### Stage 2: Appropriate Assessment

( Screening under Regulation 63(1)(a) of the Habitats Regulations )

Epping Forest (the Forest) was a former royal forest and whilst it is London’s largest open space, it also provides significant open space opportunities for residents from within and beyond Epping Forest District. It covers some 2400 hectares framed by Walthamstow to the south, the Lee Valley to the west, the M11 to the east and the M25 to the north. The Forest comprises wood-pasture with habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains, wet and dry heathland and scattered wetland.

It is considered that, any additional homes built within the ZoI, when taken in combination with other plans and projects, have the potential to increase pressure on the Epping Forest Special Area of Conservation, and have a Likely Significant Effect on its health as a Special Area of Conservation. It is
acknowledged by Natural England that there is no way of preventing more people who come to live in the ZOl as a result of new residential development from visiting the Forest in order to avoid placing further pressures on it and as such there is a need to undertake measures to mitigate these Likely Significant Effects and for new developments to make a contribution towards their implementation.

The Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation (SAMMS) produced by Natural England, (dated 5th October 2018) sets out a number of costed schemes and people resources needed to mitigate the harm of increased recreational pressure on Epping Forest Special Area of Conservation as a result of new residential development. These schemes include:

- Traffic control and car impact reduction measures
- Physical management of paths and tracks
- New, extended & re-aligned paths & circular walks
- New signage at transport nodes
- Visitor engagement campaigns, Bicycle hire scheme and Cycle Maps

Natural England agree that the above strategic mitigation measures (to be delivered by the City of London Conservators) are ecologically sound and will ensure that development, considered in-combination, does not have an adverse affect on the integrity of the Epping Forest Special Area of Conservation. The London Borough of Newham ‘Interim Habitats Funding Statement’ (April 2019), sets out the Local Authority’s approach to deliver the required financial contribution to fund strategic ‘off site’ mitigation measures delivered by the City of London Conservators. As such, the applicant does not need to provide their own evidence base on these aspects save for payment of the required financial contribution (if applicable) as set out within the Officer report.

Stage 3: Summary of Appropriate Assessment
(Screening under Regulation 63(1)(a) of the Habitats Regulations)

Having considered the proposed avoidance and mitigation measures above, the London Borough of Newham conclude that with mitigation the project will not have an adverse effect on the integrity of the Epping Forest Special Area of Conservation included within the Epping Forest Mitigation Strategy.

Having made this appropriate assessment of the implications of the plan or project for the site in view of that site’s conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

In addition this appropriate assessment has taken into account the Epping Forest Special Area of Conservation (SAC) Interim Mitigation Strategy Dated 06 March 2019 prepared by Natural England.
LONDON BOROUGH OF NEWHAM  
STRATEGIC DEVELOPMENT COMMITTEE  
15 October 2019

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>19/02217/VAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Validation Date:</td>
<td>7th August 2019</td>
</tr>
<tr>
<td>Location:</td>
<td>TfL Highway Compound  14 Armada Way Beckton London E6 7AB</td>
</tr>
<tr>
<td>Ward:</td>
<td>Beckton</td>
</tr>
<tr>
<td>Applicants:</td>
<td>Mr Ian Clark</td>
</tr>
<tr>
<td>Agent:</td>
<td>TfL - Consents Team</td>
</tr>
</tbody>
</table>

**Purpose of Report / Proposal**

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission to vary conditions relating to the following proposal.

Section 73 application to vary Condition 3 (Permission Expiry) and Condition 4 (Alternatives sites scheme) to allow the highways depot to continue to operate and provide highways maintenance and repair for Newham and London attached to planning permission  15/03067/FUL dated 29th March 2016 which granted permission for:

"Time limited planning permission until the 31st December 2020 for the construction of a TfL highways compound including the erection of a salt store, stores, offices and parking for cars and operational vehicles, the storage of engineering and construction materials and street lighting equipment. (This proposal does not accord with the development plan)"

**Recommendations**

The Strategic Development Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and
2. delegate authority to the Director of Planning and Development (Chief Planner) to have regard to and consider the results of the ongoing consultation with the Secretary of State and Department of Transport which is due to end on 21\textsuperscript{st} October 2019, and report back to committee should objections be raised, and if not;

3. grant planning permission based on the Conditions listed in Appendix 1 and summarised below.

**Conditions – Summary**

A summary of the proposed condition is set out below. Please refer to Appendix 1 for the proposed conditions in full.

1. Permission Expiry
2. Approved Drawings and Documents
3. Code of Construction Practice
4. Surface Water Drainage Tank Details
5. Unexploded Ordnance Strategy
6. Land Remediation
7. Surface Water Drainage Details
8. Dust Management Strategy
9. Sustainability Features
10. Perimeter Fencing
11. Vehicle Washing Station
12. BREEAM Certification
13. Crane and Scaffolding Heights
14. Alternatives Site Scheme

**NAME OF LEAD OFFICER:** Amanda Reid  
**POSITION:** Director of Planning and Development, Chief Planning Officer

Originator of report: Rajvinder Kaur  
E-mail address: Rajvinder.Kaur@newham.gov.uk

**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 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.
Environmental Impact Assessment

For the purposes of this application, this proposal has been screened and assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and considered not to warrant the need for Environmental Impact Assessment.

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
- National Planning Policy Framework
- London Plan
- Local Plan
- Other relevant guidance
Contents

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1.0 SITE & SURROUNDINGS
2.0 PROPOSAL
3.0 RELEVANT HISTORY
4.0 CONSULTATION
5.0 PLANNING POLICIES AND GUIDANCE
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)
7.0 ASSESSMENT
8.0 APPENDIX 1: CONDITIONS AND INFORMATIVES
9.0 APPENDIX 2: HEADS OF TERMS
10.0 APPENDIX 3: PROPOSED PLANS AND IMAGES
11.0 APPENDIX 4: HABITAT REGULATION ASSESSMENT: EPPING FOREST SPECIAL AREA OF CONSERVATION (SAC)
# PLANNING APPLICATION FACT SHEET

## The Site

<table>
<thead>
<tr>
<th>Address</th>
<th>TFL Highway Compound, 14 Armada Way, Beckton, E6 7AB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Transport for London (TfL)</td>
</tr>
<tr>
<td>Ward</td>
<td>Beckton</td>
</tr>
<tr>
<td>Local Plan allocation</td>
<td>S19 Albert Basin, Strategic Industrial Location (SIL)</td>
</tr>
<tr>
<td>Conservation Area</td>
<td>n/a</td>
</tr>
<tr>
<td>Listed Building</td>
<td>n/a</td>
</tr>
<tr>
<td>Setting of Listed Building</td>
<td>n/a</td>
</tr>
<tr>
<td>Building of Local Interest</td>
<td>n/a</td>
</tr>
<tr>
<td>Tree Preservation Order</td>
<td>n/a</td>
</tr>
<tr>
<td>Flood Risk Zone</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td>Thames Gateway Bridge Safeguarding Area Beckton Archaeological Priority Area</td>
</tr>
</tbody>
</table>

## Housing

<table>
<thead>
<tr>
<th>Density</th>
<th>Proposed Density hr/ha</th>
<th>n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Proposed Density u/ph</td>
<td>n/a</td>
</tr>
<tr>
<td>PTAL</td>
<td>London Plan Density Range</td>
<td>n/a</td>
</tr>
<tr>
<td>Dwelling Mix</td>
<td>Studio (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>1 bed (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>2 bed (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>3 bed (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>4 bed (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td>Affordable Housing / Tenure split</td>
<td>Overall % of Affordable Housing</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Social Rent (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Intermediate / Shared Ownership (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Private (no. / %)</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Commuted Sum</td>
<td>n/a</td>
</tr>
<tr>
<td>Internal Space Standards</td>
<td>Comply with London Housing SPG?</td>
<td>n/a</td>
</tr>
<tr>
<td>Amenity Space</td>
<td>Comply with London Housing SPG?</td>
<td>n/a</td>
</tr>
<tr>
<td>Accessibility</td>
<td>Comply with Lifetime Homes?</td>
<td>n/a</td>
</tr>
</tbody>
</table>

## Non-residential Uses

<table>
<thead>
<tr>
<th>Existing Use(s)</th>
<th>Existing Use / Operator</th>
<th>Transport Maintenance Compound / Transport for London</th>
</tr>
</thead>
</table>

London Borough of Newham
<table>
<thead>
<tr>
<th>Proposed Use(s)</th>
<th>Proposed Use / Operator</th>
<th>Transport Maintenance Compound / Transport for London</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Use Class(es) sqm</td>
<td>Sui Generis (7,800sqm)</td>
<td></td>
</tr>
<tr>
<td>Proposed Use Class(es) sqm</td>
<td>Sui Generis (7,800sqm)</td>
<td></td>
</tr>
</tbody>
</table>

**Employment**

<table>
<thead>
<tr>
<th>Existing number of jobs</th>
<th>Proposed number of jobs</th>
</tr>
</thead>
<tbody>
<tr>
<td>114 Office Staff</td>
<td>114 Office Staff</td>
</tr>
<tr>
<td>50 Operations Staff</td>
<td>50 Operations Staff</td>
</tr>
<tr>
<td>(Time Limited)</td>
<td>(Time Limited)</td>
</tr>
</tbody>
</table>

**Transportation**

<table>
<thead>
<tr>
<th>Car Parking</th>
<th>No. Existing Car Parking spaces</th>
<th>73 (including 3 spaces for disabled users) comprising:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>- 25 operational spaces to accommodate HGV’s and vans.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 51 staff spaces serving the block.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 6 motor cycle parking spaces.</td>
</tr>
<tr>
<td></td>
<td>No. Proposed Car Parking Spaces</td>
<td>73 (including 3 spaces for disabled users) comprising:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 25 operational spaces to accommodate HGV’s and vans.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 51 staff spaces serving the block.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 motor cycle parking spaces.</td>
</tr>
<tr>
<td></td>
<td>Proposed Parking Ratio</td>
<td>0.3</td>
</tr>
</tbody>
</table>

| Cycle Parking | No. Existing Cycle Parking spaces | 24 |
|              | No. Proposed Cycle Parking Spaces | 24 |
|              | Cycle Parking Ratio              | 0.1 |

<table>
<thead>
<tr>
<th>Public Transport</th>
<th>PTAL Rating</th>
<th>2/3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closest Rail Station / Distance (m)</td>
<td>Gallions Reach DLR (350 metres)</td>
<td></td>
</tr>
<tr>
<td>Bus Routes</td>
<td>101, 262, 366, N551</td>
<td></td>
</tr>
</tbody>
</table>

<p>| Parking Controls | Residents Parking Zone? | Beckton RPZ |</p>
<table>
<thead>
<tr>
<th><strong>Refuse/Recycling Collection</strong></th>
<th><strong>Summary of proposed refuse/recycling strategy</strong></th>
<th>On site storage of waste and adjacent surface car park – as existing.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parking Stress</strong></td>
<td><strong>Area/streets of parking stress survey</strong></td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td><strong>Dates/times of parking stress survey</strong></td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td><strong>Summary of results of survey</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td><strong>No. of Pupils</strong></td>
<td>Existing n/a</td>
</tr>
<tr>
<td></td>
<td><strong>No. of Forms of Entry</strong></td>
<td>Existing n/a</td>
</tr>
<tr>
<td></td>
<td><strong>No. of Staff</strong></td>
<td>Existing n/a</td>
</tr>
<tr>
<td></td>
<td><strong>No. of Classrooms</strong></td>
<td>Existing n/a</td>
</tr>
<tr>
<td></td>
<td><strong>Out door space (m²)</strong></td>
<td>Existing n/a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Proposed n/a</td>
</tr>
<tr>
<td><strong>Sustainability / Energy</strong></td>
<td><strong>BREEAM Rating</strong></td>
<td>Excellent – modular Officer accommodation</td>
</tr>
<tr>
<td></td>
<td><strong>Renewable Energy Source / %</strong></td>
<td>35% CO2 emissions reduction from regulated energy uses compared to Building Regulations Part L 2013. Air source heat pumps (ASHP), roof mounted photovoltaic panels - As existing.</td>
</tr>
</tbody>
</table>
### Public Consultation

<table>
<thead>
<tr>
<th>Description</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of properties consulted</td>
<td>760</td>
</tr>
<tr>
<td>Expiry of consultation period</td>
<td>4th September 2019</td>
</tr>
<tr>
<td>Number of responses</td>
<td>0</td>
</tr>
<tr>
<td>Number in support</td>
<td>0</td>
</tr>
<tr>
<td>Number of objections</td>
<td>0</td>
</tr>
<tr>
<td>Number of other representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>
1.0 SITE & SURROUNDINGS

1.1 The application site is irregular shaped and approximately 0.78 hectares in area. The site is on the west side of Armada Way in Beckton. The site previously comprised vacant scrubland and may have previously been used as a yard that served Beckton Gas Works. It is currently in use as a TfL Highways Compound for operational works and storage of road salt and equipment. The site also contains a two storey modular building and associated parking for staff and operational vehicles. Access to the site is via Armada Way. The site does not contain any buildings subject to a statutory listing and the site does not fall within a conservation area.

1.2 The surrounding area is predominantly undeveloped land. The parcel is situated to the north of BDM Kesslers Logistics building at 16 Armada Way. A vacant parcel lies to the north of the site and to the east on the opposite side of Armada Way. The Gallions Reach DLR station is located to the southwest of the site and a DLR service depot is located further the northeast of site.

1.3 Within the Local Plan (2018) the site is located within Strategic Site S01 (Beckton Riverside). The site also falls within the Thames Gateway Bridge Safeguarding Area. The site is also located within the Beckton Archaeological Priority Area, HSE Outer Hazard Consultation Zone and within Flood Risk Zone 3.

1.4 The site is currently occupied by the TfL Highways Compound. The depot location supports the maintenance of the Transport for London and Newham’s Road Network, the maintenance of traffic signals across London, bus infrastructure as well as supporting the cycle route network.

1.5 The compound serves the requirement of the London Highways Alliance Contract (‘The LoHac’). The London Highways Alliance is a joint initiative between Transport for London (TfL) and London’s boroughs to collaborate on highway management and road maintenance.

1.6 The LoHAC is a contractual arrangement that provides essential highway maintenance services, including gritting and emergency response. The proposal will allow for contract delivery for a designated service area within the London LoHAC Central Area (a service area within the TfL Road Network covering an area of 1,160 km²). The depot replaced an existing highways compound in Newham located at Crescent Wharf in Royals Docks area.

1.7 In terms of operation, it operates 24 hours a day 365 days per year in order to provide the essential highway maintenance services, including gritting and emergency response services, although most transportation movements generated by non-operational staff will be at peak times. The depot employs the staff relocated from the Crescent Wharf location.
2.0 PROPOSAL

2.1 On the 29th March 2016 planning permission was granted (Planning reference: 15/03067/FUL) for the TfL Highway Compound site to provide “Temporary planning permission including the erection of a salt store, stores, offices and parking for cars and operational vehicles, the storage of engineering and construction materials and street lighting equipment”.

2.2 This application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeks to vary Condition 3 (Permission Expiry) and 4 (Alternatives Site Scheme) attached to planning permission 15/03067/FUL dated 29th March 2016.

2.3 Condition 3 attached to planning permission 15/03067/FUL states;

“The development hereby permitted is restricted to a time-limited period expiring on 31st December 2020. After this date, the use shall cease, the modular buildings stationed on the land any associated equipment and materials shall be removed, and the land shall be reinstated to a condition prior to the grant of time-limited planning permission.

Reason: To safeguard the land and ensure the delivery of strategic planning objectives and in accordance with the provisions of section 72(2) of the Town and Country Planning Act 1990 (as amended).”

2.4 Condition 4 attached to planning permission 15/03067/FUL states;

“Prior to 31st December 2019 (one calendar year before the expiry of the time-limited planning permission hereby approved) the application shall submit details of an alternatives sites scheme in writing to the Local Planning Authority. The scheme shall propose alternatives sites for the highway maintenance depot here by approved and provide logistical details of relocation of the depot to prescribed timescales.

Reason: To safeguard the land and ensure the delivery of strategic planning objectives.”

2.5 This application proposes to vary the wording of condition 3 to continue operation on the site for an additional 5 years, as set out below;

“The development hereby permitted is restricted to a time-limited period expiring on 31st December 2025. After this date, the use shall cease, the modular buildings stationed on the land any associated equipment and materials shall be removed, and the land shall be reinstated to a condition prior to the grant of time-limited planning permission.
Reason: To safeguard the land and ensure the delivery of strategic planning objectives and in accordance with the provisions of section 72(2) of the Town and Country Planning Act 1990 (as amended).”

2.6 This application proposes to vary the wording of condition 4 to continue operation on the site for an additional 5 years, as set out below;

“The development hereby permitted is restricted to a time-limited period expiring on 31st December 2025. After this date, the use shall cease, the modular buildings stationed on the land any associated equipment and materials shall be removed, and the land shall be reinstated to a condition prior to the grant of time-limited planning permission.

Reason: To safeguard the land and ensure the delivery of strategic planning objectives and in accordance with the provisions of section 72(2) of the Town and Country Planning Act 1990 (as amended).”
3.0 RELEVANT HISTORY

3.1 Planning Application History

3.2 Prior to the below application there is no relevant planning history relevant to the application site in the Council’s record. The previous report confirmed that Officers were in broad agreement with the applicant’s assessment that the site was historically used in conjunction with the Beckton Gas Works. A summary of the relevant planning application history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>15/03067/VAR</td>
<td>Temporary planning permission until the 31st December 2020 for the construction of a TfL highways compound including the erection of a salt store, stores, offices and parking for cars and operational vehicles, the storage of engineering and construction materials and street lighting equipment. THIS PROPOSAL DOES NOT ACCORD WITH THE DEVELOPMENT PLAN</td>
<td>Application approved 4th April 2016.</td>
</tr>
</tbody>
</table>

3.3 Planning Enforcement History

3.4 A summary of the relevant planning enforcement history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>15/01101/ENFC</td>
<td>Change of use to a depot.</td>
<td>Case closed – No breach of planning control. Only site works being undertaken.</td>
</tr>
</tbody>
</table>

3.5 Planning Appeal History

3.6 A search revealed there is no appeal history relevant to the application site.
4.0 CONSULTATION

4.1 Application Publicity

4.2 A Site Notice was erected on Armada Way on 9th August 2019, expiring on 30th August 2019.


4.4 The application was advertised as a major application and a departure from the development plan.

4.5 A total of 760 consultation letters were sent to neighbouring properties regarding this application on 8th August 2019. The public consultation period expired on 4th September 2019.

4.6 Adjoining Properties

<table>
<thead>
<tr>
<th>Number of Letters Sent</th>
<th>760</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Responses Received</td>
<td>0</td>
</tr>
<tr>
<td>Number in Support</td>
<td>0</td>
</tr>
<tr>
<td>Number of Objections</td>
<td>0</td>
</tr>
<tr>
<td>Number of other Representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>

4.7 No representations were received from neighbours.

4.8 Statutory and Non Statutory Consultation

4.9 The following consultations have been undertaken:

- LBN Environmental Health - Pollution General
- LBN Transportation
- LBN Strategic Design
- LBN Highways Team
- LBN Waste Management
- London City Airport
- Environment Agency
- Greater London Authority
- Historic England - GLAAS
- Natural England
- Transport for London
- LBN Landscape Architects
4.10 **External Consultation**

4.11 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Date received:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural England</td>
<td>16th August 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**

Natural England currently has no comment to make on the variation of conditions 3 and 4. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural and Rural Communities Act 2006, natural England should be consulted again.

**Officer comments on consultation response:**

Noted. The application proposes no changes to the site or its operation.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Date received:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic England GLAAS</td>
<td>28th August 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**

On the basis of the information provided, we do not consider that it is necessary for this application to be notified under the GLAAS Charter.

**Officer comments on consultation response:**

Noted.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Date received:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport for London (TfL)</td>
<td>29th August 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**

Note that the use proposed of safeguarded land for a Thames river crossing is only temporary and the length of time sought is compatible with any need for future delivery of a river crossing. As such TfL would not object to a grant of planning permission.

**Officer comments on consultation response:**

Noted.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Date received:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater London Authority (GLA)</td>
<td>12th August 2019</td>
</tr>
</tbody>
</table>

**Summary of consultation response:**

Have assessed the details of the application and, given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues. Therefore, under article 5(2) of the above Order the Mayor of London does not need to be consulted further on this
4.12 Internal Consultation

4.13 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Date received</th>
<th>Summary of consultation response</th>
<th>Officer comments on consultation response</th>
</tr>
</thead>
<tbody>
<tr>
<td>LBN Transportation</td>
<td>27th September 2019</td>
<td>Have considered the submitted information with the original application 15/03067/FUL in regards to Transportation which is still valid for this application. As per my previous comments and the fact this application is for temporary permission there are no concerns in regards to Transportation. Recommend that the Council’s Highway should be consulted in view of any highway changes in the area.</td>
<td></td>
</tr>
<tr>
<td>LBN Highways</td>
<td>27th September 2019</td>
<td>Highways have no objections to the variation.</td>
<td>Noted.</td>
</tr>
<tr>
<td>LBN Strategic Design</td>
<td>30th September 2019</td>
<td>At design surgery Officer confirmed no objection given temporary nature of proposal.</td>
<td>Noted.</td>
</tr>
<tr>
<td>LBN Environmental Health</td>
<td>30th September 2019</td>
<td>No objections but conditions are recommended given that it appears the previous were not discharged.</td>
<td>Noted. Conditions will be attached should permission be recommended for</td>
</tr>
</tbody>
</table>
approval.
5.0 PLANNING POLICIES AND GUIDANCE

5.1 The Local Development Plan comprises:

- the London Plan (the spatial development strategy for London consolidated with alterations since 2011 and published March 2016);


- the London Borough of Newham Local Plan (2018)


- the Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted 27th February 2012);

5.2 Material weight has been given to the National Planning Policy Framework (Feb 2019) and the National Planning Practice Guidance.

5.3 The following policies are relevant to the assessment of this application:

5.4 National Planning Policy Framework (February 2019):


Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.17 Strategic Industrial Locations
Policy 4.1 Developing London’s Economy
Policy 4.4 Managing Industrial Land and Premises
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.21 Contaminated Land
Policy 6.1 Strategic Approach
Policy 6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
Policy 6.3 Assessing effects of development transport capacity
Policy 6.4 Enhancing London’s Transport Connectivity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Lifetime Neighbourhoods
Policy 7.2 An Inclusive Environment
Policy 7.3 Designing Out Crime
Policy 7.4  Local Character
Policy 7.5  Public Realm
Policy 7.6  Architecture
Policy 7.8  Heritage Assets and Archaeology
Policy 7.15  Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
Policy 7.19  Biodiversity and access to nature


Policy GG1  Building strong and inclusive communities
Policy GG2  Making the best use of land
Policy GG3  Creating a healthy city
Policy D1  London’s form and characteristics
Policy D2  Delivering good design
Policy D10  Safety, security and resilience to emergency
Policy D12  Agent of change
Policy D13  Noise
Policy E1  Offices
Policy E4  Land for industry, logistics and services to support London’s economic function
Policy E5  Strategic Industrial Locations (SIL)
Policy G6  Biodiversity and access to nature
Policy SI  Improving air quality
Policy SI3  Energy Infrastructure
Policy SI12  Flood risk management
Policy SI13  Sustainable drainage
Policy T1  Strategic approach to transport
Policy T3  Transport capacity, connectivity and safeguarding
Policy T4  Assessing and mitigating transport impacts
Policy T5  Cycling
Policy T6  Car parking
Policy T6.2  Office parking

5.7 The London Borough of Newham Local Plan (2018)

Policy S1  Spatial Strategy and Strategic Framework
Policy S3  Royal Docks
Policy S5  Beckton
Policy SP1  Borough-wide Place-making
Policy SP2  Healthy Neighbourhoods
Policy SP3  Quality Urban Design within Places
Policy SP5  Heritage and other Successful Place-making Assets
Policy SP8  Ensuring Neighbourly Development
Policy J1  Business and Jobs Growth
Policy J2  Providing for Efficient Use of Employment Land
Policy SC1  Environmental Resilience
Policy SC2  Energy and Zero Carbon
Policy SC3  Flood Risk and Drainage
Policy SC4  Biodiversity
Policy SC5  Air Quality
Policy INF1  Strategic Transport
Policy INF2  Sustainable Transport
Policy INF6  Green Infrastructure and the Blue Ribbon Network
Policy INF9  Infrastructure Delivery

5.8 Additional Guidance

The London Borough of Newham ‘Interim Habitats Funding Statement’ (April 2019)

5.9 London Plan Review

Through the course of this application, the Mayor of London’s London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation December 2017) was published for public consultation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and limited weight has been given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)

6.1 From 1st of April 2019 Mayoral CIL2 (Permissions granted on or after 1 April 2019).

6.2 The Mayor has adopted a new Charging Schedule MCIL2, which came into effect 1st of April 2019. Like MCIL1, MCIL2 will be charged on all development except for education and health.

6.3 The Mayoral rate for Newham has increased within Band 3 to £25 per sqm from £20 per sqm.

6.4 The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) and the Section 106 Crossrail Funding from Planning Obligations Supplementary Planning Guidance (adopted 2016) is superseded by the revised MCIL Charging Schedule.

6.5 The Newham Community Infrastructure Levy is chargeable in line with the Newham CIL Charging Schedule, which came into effect on 1st January 2014.

6.6 The Newham Community Infrastructure Levy was adopted by full Council on 30th September 2013, which came into effect on 1st January 2014. The Newham CIL Charging Schedule per gross internal sq. m is as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Charging Zone1 – Post codes E15 (exclusive of the LLDC area), E16 and E3 (part)</th>
<th>Charging Zone 2 – Post codes E6, E7, E12, E13 and IG11 (part)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>£80</td>
<td>£40</td>
</tr>
<tr>
<td>Retail</td>
<td>£30</td>
<td>£30</td>
</tr>
<tr>
<td>Office</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Hotel</td>
<td>£120</td>
<td>£120</td>
</tr>
<tr>
<td>Industrial</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Student Accommodation</td>
<td>£130</td>
<td>£130</td>
</tr>
</tbody>
</table>

6.7 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Newham has published a list of infrastructure projects or types of infrastructure that it intends to be funded in whole or in part by the Newham CIL. This allows the continued use of planning obligations (S.106 agreements) for other projects or types of infrastructure. Individual developments will not be charged for the same items through S106 and CIL. The Newham Regulation 123 list can be viewed on the Council’s website.
7.0 **ASSESSMENT**

7.1 The key issues relevant to this application are:
- Principle of Development (7.2);
- Design (7.3);
- Impact upon Amenity (7.4);
- Transport and Travel (7.5);
- Flood Risk Management (7.6);
- Major Hazard Installation (7.7);
- Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC) (7.8);
- Reasons for Approval (7.9)

7.2 **Principle of Development**

*Safeguarded Area*

7.2.1 The National Planning Policy Framework (NPPF) paragraph 104 indicates that Boroughs within their planning policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.

7.2.2 London Plan Policy 6.2 of the adopted plan indicates that release of safeguarded transport land should only occur in consultation with the relevant transport organisations. The Mayor’s Supplementary Planning Guidance (SPG) Land for Industry and Transportation states that in implementing London Plan policies the Mayor will and boroughs, TfL and other partners should retain safeguarded alignments for proposed river crossings and consult with TfL to determine the latest status of any such crossings. It further states that in taking planning decision development proposals that do not provide adequate safeguarding for the schemes outlined in Table 6.1 should be refused.

7.2.3 Local Plan Policy INF1 Strategic Transport indicates that land has been safeguarded by the Secretary of State for the construction of a river crossing on the site at Gallions Reach, the Thames Gateway Bridge. This safeguarding has not been revised since the previous permission was granted.

7.2.4 Table 6.1 to the London Plan Policy 6.1 (strategic approach) sets out an indicative list of transport schemes and denotes funded and unfunded schemes, with an indicative timeline for anticipated completion. At the time of the previous decision the Thames Gateway Bridge was not programmed on this list of planned transport scheme under the 2015 London Plan. The list does include reference to a new vehicle ferry between Gallions Reach and Thameside in advance of a potential fixed line, with an anticipated completion of this item post 2022.
7.2.5 Since the previous decision the London Plan (2015) was superseded by the current London Plan (2016) and a Draft London Plan has been published for consultation following examinations. It is now a material consideration and gains more weight as it moves through the process to adoption.

7.2.6 Officers note that at the time of the previous decision, the Mayor was planning a new crossing over the river Thames connecting Beckton with Thamesmead. The Mayor had consulted on the new river crossing and the consultation concluded 12th February 2016. As noted within INF1 of the Local Plan the crossing is proposed to be for road traffic, local public transport, pedestrians and cyclists and would support the new jobs and homes planned in East London. The current adopted London Plan (2016) notes that a new and enhanced road vehicle river crossing(s) in east London (package of measures) is anticipated. It details the programme of works under development to improve cross - Thames Road links in east London including Silvertown tunnel with a timescale of anticipated completion 2017 – post 21/22. This aligns with the previous officer report that noted that the indicative timeline for the award of contract to construct the bridge, based on the consultation documentation, would not occur until 2021.

7.2.7 The Draft London Policy T1 carries forward the thrust of London Plan policy 6.2 in that development plans and development proposals should support proposed transport schemes set out in Table 10.1 (the revised version of Table 6.1). Draft London Plan Policy T3 notes under part C that development proposals that do not provide adequate protection for the schemes outlined in Table 10.1 (indicative list of transport schemes) or which otherwise seek to remove vital transport functions or prevent necessary expansion of these, without suitable alternative provision being made to the satisfaction of transport authorities and service providers, should be refused. The indicative list of transport schemes have been updated with new timescales and anticipate that a river crossing at Gallions Reach and/or Belvedere (subject to further assessment) is 2030 – 2041.

7.2.8 Having regard to the adopted London Plan and the indicative timescales provided within the Draft London Plan, Officers envisage that construction of the bridge will commence prior to 2030. The Council has consulted with the Mayor of London and he has not objected to the proposal, and does not consider the proposal is referable pursuant to the criteria set out in the Town and Country Planning (Mayor of London) Order 2008 for applications of Potential Strategic Importance (PSI). The Council has consulted with the Secretary of State and Department for Transport and await their response. Should the Secretary of State or Department of Transport raise concerns the application will be reported back to committee.

7.2.9 The development proposal therefore does not accord with the provisions of the development plan in force in the area as the development will occur on land safeguarded from development by the Secretary of State and because the proposal has the potential to prejudice the delivery of a road bridge ink from
7.2.10 However, material considerations indicate that the proposal is acceptable in planning terms as the applicant seeks only the extension to the time limited planning permission for the development which would expire 31st December 2025, prior to the draft indicative timetable for delivery of any Thames River Crossing on or in the vicinity of the site that is the subject of consultation. On balance and in consideration of the trajectory of development for which the land is safeguarded, and in light of the lack of objection from consultees, the current development proposal is acceptable, subject to a condition requiring the cessation of the use and the restoration of the land prior to the development occurring within three months of the expiry of the permission. A condition also requiring proactive engagement from the applicant around proposed alternatives sites one calendar year prior to expiry of the time-limited permission is also included at Appendix 1 which the applicant is extending in line with the temporary permission.

Local Plan – Strategic Site Allocation

7.2.11 The Royal Albert Basin is a mixed use business and residential area comprising the sites at the eastern end of the Royal Docks. Many of the sites are already developed but there are a number of development sites which are in differing stages of development. Great Eastern Quays, Gallions 3A and Gallions Quarter all benefit from the grant of planning permission for mixed or residential uses, or are in a variety of stages of construction. Armada 2 is a vacant sites and Gallions 3B has received a resolution from committee to grant.

7.2.12 Policy S1 of the Local Plan notes that Strategic Sites in particular should be masterplanned and the Council will resist the development of any sites in a piecemeal way, particularly where this would prejudice the realisation of the overall vision for the area or where timing of delivery would be unsupported by infrastructure.

7.2.13 At the time of the previous permission the site sat partly within Strategic Site S19 and between adjacent plots of Strategic Industrial Location (SIL), itself being outside of the SIL designation and was found to be overall inconsistent with the aspirations of the strategic site due to its location and noted that it was employment led and generally consistent with a use that may be located within SIL.

7.2.14 Since then the Core Strategy (2012) was superseded and the Local Plan (2018) was adopted. The site now forms part of the wider Beckton Riverside Strategic Site (S01) where the allocation identifies the area for mixed-use delivering new neighbourhoods centred on a Major town centre and new station and wider transport hub, new and expanded Strategic Infrastructure and other SIL uses. It further indicates that SIL uses would be protected for further development but could be managed, intensified (as per Policy J2) or re-located to accommodate other mixed uses on sites that could also provide
adequate buffering of the remaining SIL. The quantum and functionality of other SIL south of the river crossing safeguarding will be protected, but could be relocated to better effect, securing improved land use transitions and integration given potential compatibility with the DLR depot, neighbouring SIL and bridge footprints. The allocation shows the application site within the SIL under the current adopted Local Plan.

7.2.15 Given the above Officers consider that whilst the proposal now falls within SIL and is broadly consistent in terms of its use to the Strategic Site, it has not demonstrated the principles of masterplanning as expected of sites that fall within the designated strategic sites.

7.2.16 However given the time-limited nature of the proposal and the general trajectory of consented development that would accord with the delivery of strategic designation material considerations indicate the subject development may be approved conditional to the time limit noted above and the conditions noted in Appendix 1 that would mitigate any impacts of the development on a temporary basis.

Employment Hub

7.2.17 Local Plan Policy J1 (Business and Jobs Growth) allocated Employment Hubs within the locality. The application site is located within Employment Hub 1 (E1 Beckton) which allocates suitable uses as B Class Uses (SIL) especially distribution and logistics, plus engineering (transport depot) and utilities and waste/green industries, Retail and associated supply chain as compatible. Whilst it is acknowledged the proposed use of the site is Sui Generis, the proposal is still considered to be broadly in line with policy aims to make efficient use of underutilised land and transport connections on a temporary basis. This was established by the previous planning permission for temporary use. It is further noted that the proposal previously relocated an existing highway maintenance depot from the Crescent Wharf location within Newham and the proposal will not generate new employment in the locality. On balance, the time limited proposal is considered broadly compatible with the Local Plan aim of the promotion of the Employment Hub as a high quality business environment.

Principle of provision of highway depot

7.2.18 The NPPF states that Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development. London Plan Policy 6.4 seeks to ensure effective transport projects to support the sustainable development of the London city region. In terms of the principle of development, this has been established under the temporary planning permission 15/03067/FUL dated 16th March 2016. This application seeks to extend the time limited permission. The applicant has previously provided information that the proposal results in savings in vehicle miles covered to service the LOHAC contract (see reference in Site and Surroundings section above). Its location will also optimise TfL’s and its contractor’s ability to
respond to emergencies, particularly during the winter months. The provision of the depot is considered broadly in line with the NPPF and London Plan policy objectives to ensure transport infrastructure necessary to support sustainable development in London, including the winter servicing of the road network. The provision of the depot is considered acceptable in principle.

7.2.19 Under Section 72 of the Town and Country Planning Act 1990 the Local Planning Authority may grant planning permission for a specified period. Officers consider that a temporary planning permission is appropriate to enable the use of buildings and land for a temporary period prior to any longer term regeneration plans coming forward (a ‘meanwhile use’). Further whilst the National Planning Policy Guidance at Paragraph:014, (Reference ID: 21a-014020140306) dated 6th March 2014, states that it will rarely be justifiable to grant a secondary temporary permission, Officers are of the view that in this instance a secondary temporary planning permission would be acceptable as a ‘meanwhile’ use. As noted above the land is subject of a safeguard for a potential bridge link with an anticipated timescale of 2031-2040. Notwithstanding this the site would otherwise remain vacant until the works for such a crossing are consented and implemented. As such, this extension of the existing temporary planning permission and associated alternative sites condition would continue to constitute a ‘meanwhile’ use and benefit the area by increasing activity of an otherwise vacant site and provide a hub for the operational vehicles required to maintain the highways of the Borough and wider area. It would further optimise TfL and its contractor’s ability to respond to emergencies, particularly during the winter months.

7.2.20 The applicant has already delivered the operational compound as such the principle of development has already been established on site. In extending the time-limited permission the site will continue to provide highways maintenance and operational support as noted above as a meanwhile use, prior to any longer term vision of the wider Beckton Riverside regeneration and bridge link coming forward. Officers are therefore supportive of the extension of time in this instance.

7.2.21 During the assessment of this application Offices have noted that the site is currently in operation in breach of its planning conditions as part of its current permission (see relevant history- 15/03067/FUL). LBN Officers have written to the applicant in relation to this breach.

7.2.22 Notwithstanding the above all matters are considered below.

7.3 Design

7.3.1 The NPPF, London Plan Policies 3.5, 7.4, 7.5 and 7.6 and Local Plan Policies S1, SP3 and SP5 expect all development proposals to be designed to a high quality of urban design and promote attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.
7.3.2 The design of the office accommodation was previously found to be utilitarian but considered acceptable given the time-limited nature of the permission and the comparatively isolated location of the development site. The design and siting of the modular building stationed on the land is considered to not impact the amenity of any adjoining occupier. The proposed storage buildings, salt store and fencing are considered acceptable in design terms in so far as they are temporarily located on the site.

7.3.3 This application does not propose any changes to the previously consented buildings. The proposal is therefore considered acceptable in this regard. Conditions previously attached in relation to wheel washing and fencing will be carried through to this permission should permission be recommended for approval.

7.4 Impact upon amenity

7.4.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.

7.4.2 Policy 7.6 of the London Plan outlines that building and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

7.4.3 Policy D1 of the Draft London Plan states that development design should deliver appropriate outlook, privacy and amenity. Policy D13 of the Draft London Plan seeks to reduce, manage and mitigate noise to improve health and quality of life. The Draft London Plan is at the examination in public stage and whilst material and relevant, Officers apportion lesser weight to these requirements than those within adopted polices outlined above which are accorded full weight.

7.4.4 Policy SP8 of the Local Plan states that all development is expected to achieve neighbourliness. The objective of the policy is to ensure the environmental, social, and design impacts of all development are neighbourly. This can be achieved through ensuring developments in relation to privacy, noise, overshadowing, access to daylight amongst other concerns.

7.4.5 During consultation 750 properties were consulted and no representations were received. Further since the operation commenced on site no nuisance complaints have been received.

7.4.6 The proposal has previously been found to be acceptable with conditions in terms of amenity. The site conditions have not altered since the previous grant of temporary permission. The closest residential properties remain those located south of the site on Gallions Quarter Phase 1 site which is currently not complete and is located approximately 120 metres to the south of the site on the opposite side of the BDM Kessler building.
7.4.7 The previous application noted that all operational vehicles used in conjunction with the depot would meet Euro VI standard for exhaust emissions covering oxides of nitrogen (NOX), hydrocarbons (HC), carbon monoxide (CO) and particulate matter (PM) emissions. Further impacts of dust are to be mitigated by the imposition of planning conditions for monitoring.

7.4.8 In terms of odour the salt handling operations are odourless. In terms of noise all plant machinery was fitted with efficient silencers which will be maintained in accordance with manufacturer’s specifications. The site is comparatively isolated and not in the immediate vicinity of residential properties. The noise and odour impacts of the development are considered to be acceptable given the location of the site and the time limited nature of the application. Whilst the development proposal gave rise to additional comings and goings from the site at the time of implementation of the original permission, these were largely displaced from another site in the locality and considered in keeping with the Strategic Industrial Location the site is within.

7.4.9 Having regard to the above Officers consider that the proposal is acceptable on a time limited basis. Conditions attached to the original grant of planning permission will be attached should permission be given.

7.5 Transport and Travel

7.5.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

7.5.2 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.

7.5.3 Policy INF2 of the Newham Local Plan aims to secure a more sustainable pattern of movement in Newham, maximising the efficiency and accessibility of the Borough’s transport network on foot, cycle and public transport in order to reduce congestion, enable development, improve the health, fitness and well-being of residents and make necessary car journeys easier.

7.5.4 The applicant previously submitted a Transport statement in support of the use which was relocated from Crescent Wharf within the Borough. Officers previously found the cumulative residual impacts of the development to be
considered less than severe and in conformity to the NPPF and considered to be acceptable based on the time limited nature of the proposal.

7.5.5 The application seeks an extension to the existing time limit for the use on the site that is currently in situ. The application proposed no changes to the operation on site nor to the number of vehicular movements.

7.5.6 During consultation LBN Transportation, LBN Highways and TfL were consulted and raised no objections to the current application. Taking the above into consideration Officers find the extension to the temporary planning permission acceptable in this regard. Any transport related conditions imposed on the original permission will be attached should permission be recommended for approval.

7.6 **Flood Risk Management**

7.6.1 The NPPF states that inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk of flooding, but where development is necessary, making it safe without increasing flood risk elsewhere. Objective 103 continues by stating that when determining planning applications, local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

7.6.2 Policy 5.12 of the London Plan states that development proposals must comply with flood risk assessment and management requirements set out in national policy. The development must also have regard to measures proposed in Thames Estuary 2100 and Catchment Flood Management Plans. Developments which are required to pass exception testing will need to address flood resilient design and emergency planning.

7.6.3 Policy SC3 of the Local Plan states the Strategic Flood Risk Assessment will inform spatial planning and development management decisions and flood risk will be reduced by a number of measures (listed within the policy document). The objective being that development must be shown to be flood resistant and regeneration should improve the resilience of those parts of the borough at risk of flooding. It additionally states that developments should aim to reduce surface run-off to greenfield rates through the maximisation of the use of SuDS (Sustainable urban Drainage Systems), to provide sustainable design for new major developments and those within a Critical Drainage Area (CDA).
7.6.4 A flood Risk assessment was previously submitted with the scheme. The site is in existence and operating. No changes have been proposed to the site as a result of this application. Should permission be granted the conditions previously imposed in relation to underground tanks will be attached to the decision notice. Having regard to the above Officers consider the proposal acceptable in respect of flood risk.

7.7 Energy/ Sustainability

7.7.1 The NPPF, London Plan Policies 5.1, 5.2, 5.3, 5.7, 5.8 and 5.11, Polices SC1 and SC2 of the Local Plan detail the aim of mitigating and adapting to climate change by transforming the Borough into a more sustainable place. It must be noted that it outlines how all major applications that are not solely residential new build will be required to be assessed against the Building Research Environmental Assessment Method (BREEAM) and will be expected to achieve a rating of ‘Excellent’ as a minimum.

7.7.2 The applicant has previously submitted information detailing how the development proposed to meet the relevant policy guidelines at the time through the provision of mechanical ventilation, air source heat pumps and photovoltaic panels.

7.7.3 The submitted information details that the building was to provide a ‘Very Good’ rating in line with previous policy however as noted above the application seeks a variation to retain use on the site for a further five years. Policy SC1 notes that development will achieve at least the standards noted above or equivalent within updated/replacement schemes.

7.7.4 To ensure this requirement is met, Officers have recommended a condition requiring the submission of a final BREEAM Certificate prior to the occupation of the development to ensure that the relevant target of ‘Excellent’ (as a minimum) is met.

7.7.5 Given the above the development proposal, on balance, is considered to be acceptable with respect to energy and sustainability.

7.8 Major Hazard Installation

7.8.1 The National Planning Practice Guidance requires that Local Planning Authorities (LPAs) consult the Health and Safety Executive (HSE) on applications in consultation zones around the location of hazardous installations, including for proposals for office or industrial development. LPAs must also consult the HSE on applications which are likely to result in an increase in the number of people working in or visiting a subject area.

7.8.2 London Plan Policy 5.22 indicates that when assessing developments near hazardous installations, site specific circumstances and proposed mitigation measures should be taken into account when applying the HSE’s Planning Advice Developments near Hazardous Installations (PADHI) methodology.
Local Plan Policy SP9 indicates that within the Health and Safety Executive Consultation Zones, proposals are required to account for the cumulative risk of developments and ensure that risk from potential hazards to residents/users is not increased, in accordance with Local Plan Policy SP2.

7.8.3 The application site falls within an Outer HSE Consultation Zone given the proximity of the proposed development to gas holders in Beckton. The site has been operational since the grant of the previous permission. The proposal has therefore been considered using HSE’s Planning Advice Web Application, based on the details inputted by the Council. Officers previously found that the HSE does not advise, on safety grounds, against the granting of planning permission. The location of the development in relation to a major hazard site is therefore considered acceptable.

7.9 Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC)

7.9.1 Officers have considered the development type and proximity to Epping Forest Special Area of Conservation (SAC) and conclude that the application is outside the scope of the Epping Forest Mitigation Strategy and outside of the Epping Forest Special Area of Conservation. The application will generate no likely significant effect to Epping Forest Special Area of Conservation in terms of increased recreational pressure.

7.10 Reasons for Approval

7.10.1 A temporary highways depot in this location will result in a savings in the vehicle miles covered in the provision of highway maintenance services in London. The re-location of the depot from the Crescent Wharf location in Newham will optimise TfL’s and its contractor’s ability to respond to emergencies, particularly during the winter months.

7.10.2 While the site is located in a safeguarded area, the time-limited proposal is not envisaged to prejudice the delivery of the Thames Gateway Bridge given the trajectory of the proposed bridge development.

7.10.3 The cumulative residual transportation impacts of the development are considered to be less than severe and the access to the site is judged to be acceptable. The sustainability features of the modular office block may be secured by the imposition of planning conditions. The application has been circulated to the Environment Agency, and no objection to the proposal on Flood Risk grounds or sustainable drainage has been raised. With regard to the impacts to amenity, a condition around dust monitoring is included for Committee’s consideration. No undue impacts in respect of noise, odour or additional comings and goings to the site are anticipated. The location of the development in relation to a Major Hazard Site (Beckton Gas Works) is considered acceptable based on the consultation response from the Health and Safety Executive. The risks of land contamination and any unexploded...
The site does not support any protected or otherwise notable species.

7.10.4 In recommending Strategic Development Committee grant the extension to the time-limited planning permission in this instance, Officers consider the proposal to be acceptable following careful consideration of the relevant provisions of the National Planning Policy Framework, National Planning Practice Guidance, the Development Plan and all other relevant material considerations. The Council is satisfied that any potential material harm in terms of the proposals impact on the surrounding area would reasonably be mitigated through compliance with the suggested conditions.
7 APPENDIX 1: CONDITIONS AND INFORMATIVES

Conditions

1. **Time Limited Permission**

The development hereby permitted is restricted to a time-limited period expiring on 31st December 2025. After this date, the use shall cease, the modular buildings stationed on the land any associated equipment and materials shall be removed, and the land shall be reinstated to a condition prior to the grant of time-limited planning permission.

Reason: To safeguard the land and ensure the delivery of strategic planning objectives and in accordance with the provisions of section 72(2) of the Town and Country Planning Act 1990 (as amended).

2. **Approved documents**

The development hereby approved shall be in accordance with the drawing number(s) below, prepared by Transport for London dated August 2015:

- Drawing C11808-100-01 Site Application Plan
- Drawing C11808-100-02 Existing Site layout
- Drawing C11808-100-03 Existing Services
- Drawing C11808-100-04 Spot Levels Plan
- Drawing C11808-100-05 Future Site Layout
- Drawing C11808-100-06 Main Office Building Layout Plan
- Drawing C11808-100-07 Main Office Building Elevations
- Drawing C11808-100-08 Loose Aggregate Bays
- Drawing C11808-100-09 Salt Shed Elevation
- Drawing C11808-100-10 Swept Path Analysis 1
- Drawing C11808-100-11 Swept Path Analysis 2
- Drawing C11808-100-12 Swept Path Analysis 3
- Drawing C11808-100-13 Swept Path Analysis 4
- Drawing C11808-100-14 Access onto Compound
- Drawing C11808-100-15 Drainage Layout
- Drawing C11808-100-16 Cycle Shelter

And approved documents:

- Design and Access Statement - Prepared by Transport for London (October 2015)
- Phase 1 Geo- Environmental Desk Study Report - Prepared by Aecom (October 2015)
- Planning Statement - Prepared by Transport for London (October 2015)
- Flood Risk Assessment - Prepared by Aecom (November 2015)
- Preliminary Ecological Appraisal - Prepared by Aecom (August 2015 [revised October 2015])
- Transport Statement - Prepared by Aecom (September 2015)
• Energy and Sustainability Statement - Prepared by Aecom (October 2015)
• Explosive Ordnance Desktop Threat Assessment - Prepared by Danasafe (October 2015)
• Elliott Eco-features Office Technical data (Undated)
• Arc Lighting Specifications (Undated)

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

Reasons: In the interests of proper planning and to ensure that the development is undertaken in accordance with the approved drawing(s) and documents.

3. Code of Construction Practice

a) Within 3 months of the date of this decision hereby permitted a Code of Construction Practice to control the adverse impact of the development on the amenity of the public and nearby occupiers has been submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice shall include details of:

i. methods of demolition;
ii. parking of vehicles of site personnel and visitors;
iii. dust management controls, which shall include wheel washing;
iv. smoke control measures;
v. odour management controls;
vi. measures to ensure public access to the highways and footways adjoining the site at all times during construction;
vii. cleaning of the highways and footways adjoining the site;
viii. predicted noise and vibration levels for construction using methodologies agreed with the Local Planning Authority;
ix. a scheme for monitoring noise and if appropriate, vibration levels using methodologies agreed with the Local Planning Authority;
xi. measures of minimising the impact of noise and, if appropriate, vibration arising from construction activities; and
xii. a scheme for security fencing / hoardings, depicting a readily visible 24-hour contact number for queries or emergencies.

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

Reason: To protect the amenity of the locality. Reason for pre-commencement: To secure the details of the mitigation before construction begins. This requirement is fundamental to the development permitted and it would have been otherwise necessary to refuse planning permission.

4. Underground Surface Water Storage Tank
a) Within 3 months of the date of this decision details of the underground surface water storage tank to be located beneath the car park shall be submitted in writing to and approved by the Local Planning Authority.

b) The tank shall be constructed in accordance with details approved prior to the use of the site as a highways maintenance depot and maintained thereafter.

Reason: to mitigate the surface water drainage risk at the development site and to secure the details of the development before construction begins. This requirement is fundamental to the development permitted and it would have been otherwise necessary to refuse planning permission.

5. Unexploded Ordnance Strategy

Within 3 months of the date of this decision an unexploded ordnance strategy, incorporating the recommendations contained in the approved document Explosive Ordnance Desktop Threat Assessment (prepared by Dynasafe - October 2015) is submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved strategy and the strategy shall be maintained for as long as the development endures.

Reason: in the interest of safety and to ensure a full safety assessment of the site before works occur. This requirement is fundamental to the development permitted and it would have been otherwise necessary to refuse planning permission.

6. Land Remediation

a) Within 3 months of the date of this decision 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.

Reason: 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. Reason for pre-commencement of Part A: to ensure a full assessment of the land before works occur. This requirement is fundamental to the development permitted and it would have been otherwise necessary to refuse planning permission.
7. **Surface Water Drainage Scheme**

a) Within 3 months of the date of this decision a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority.

b) Detail of the proposed drainage scheme shall include completing and submitting 'Newham Surface Water Drainage Pro-forma for new developments'.

c) The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years plus Climate Change event return period critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

d) Proposed 'brownfield' redevelopments classed as major development are required to reduce post development runoff rates for events up to and including the 1 in 100 year return period, with an allowance for climate change, to not more than three times the calculated greenfield rate for the site (calculated in accordance with IoH124) or to 50% of the existing site runoff rate where a pumped discharge would be required to meet the above standard.

e) The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

f) Detail of how the drainage scheme will be maintained post development shall be submitted for approval.

Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change and to ensure flood surface water drainage issues are addresses prior to the commencement of the development.

8. **Dust Management Strategy**

a) Within 3 months of the date of this decision hereby approved, the operator of the highway maintenance depot shall submit details of a dust management strategy in writing to and for approval by the Local Planning Authority. The strategy shall detail dust monitoring measures and mechanical sweeping frequencies.

b) The strategy shall be implemented as approved prior to the operation of the site as a highway maintenance depot, and maintained for the duration of the time-limited planning permission.

Reason: To protect the amenity of the locality.

9. **Sustainability Enhancements**
a) Within 3 months of the date of this decision hereby approved, the operator of the highway maintenance depot shall submit site-specific details of the sustainability features for the proposed modular office accommodation (including Air Source Heat Pumps [ASHPs], and roof-mounted photovoltaic panels) in writing to and for approval by the Local Planning Authority.

b) The details shall be implemented as approved prior to the use of the modular office for purposes ancillary to the use of the site as a highways depot, and shall be maintained for the duration of the permission.

Reason: In the interest of energy efficiency and sustainability.

10. **Fencing Details**

a) Within 3 months of the date of this decision hereby approved, the operator of the highway maintenance depot shall submit details of the perimeter fencing surrounding the site. The details shall include the type and height of fencing.

b) The fencing shall be erected in accordance with approved details prior to the use of the site as a highway maintenance depot.

Reason: To protect the amenity of the locality and ensure an appropriate boundary treatment.

11. **Vehicle Washing Station**

a) Within 3 months of the date of this decision hereby approved, the operator of the highway maintenance depot shall submit details of the proposed vehicle washing station in writing to and for approval by the Local Planning Authority. The details shall demonstrate compliance with Environmental Agency standards for wastewater collection and recycling.

b) The strategy shall be implemented as approved and be maintained for the duration of the permission.

Reason: To protect the water environment.

12. **BREEAM**

Within 3 months of the date of this decision, the developer shall provide a copy of the final Building Research Establishment (BRE) certificate (confirming that the development design for the modular building has achieved a minimum BREEAM rating of Excellent) in writing to the Local Planning Authority.

Reason: In the interest of energy efficiency and sustainability.

13. **Alternatives Sites Scheme**

Prior to 31st December 2025 (one calendar year before the expiry of the time-limited planning permission hereby approved) the applicant shall submit details of an alternatives sites scheme in writing to the Local Planning Authority. The scheme shall propose alternatives sites for the highway maintenance depot here...
by approved and provide logistical details of relocation of the depot to prescribed timescales.

Reason: To safeguard the land and ensure the delivery of strategic planning objectives.

14. Cranes / Scaffolding

No cranes or scaffolding above the higher elevation than that of the planned development shall be erected on the Site unless construction methodology and details of the use of cranes in relation to location, maximum operating height of crane and start/finish dates during the development has been submitted to, for approval in writing by, the Local Planning Authority in consultation with London City Airport.

Reason: in the interest of airport safety.
Informatives

1. In dealing with this application, Newham Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the relevant constituent parts of the Local Plan and London Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2. 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, Housing & Public Protection, Third Floor, West Wing, Newham Dockside, Dockside Road, London E16 2QU Tel 020 3373 0643. The Unit has produced a leaflet 'The development of contaminated sites' which can be downloaded free from www.newham.gov.uk. 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.

London Borough of Newham
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.

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

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

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

4. 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)

5. 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.

6. 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 020 3373 0643 or pollution.inquiry@Newham.gov.uk.

7. For the purposes of this decision notice, works have the meaning of material operations as defined in S56(4) of the Town and Country Planning Act 1990 as amended.

8. Contact the Case Officer for a copy of the pro forma document 'Newham Surface Water Drainage Pro-forma for new developments'
9. APPENDIX 2: PROPOSED PLANS AND IMAGES

Site Location Plan
Existing / Proposed Elevations

View from Armada Way looking north west
View from Armada Way looking south west
LONDON BOROUGH OF NEWHAM
STRATEGIC DEVELOPMENT COMMITTEE

Application Number: 19/02524/VAR
Validation Date: 12th September 2019
Ward: Beckton
Applicants: Bibi
Agent: L’autre Monde

Purpose of Report / Proposal

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission relating to the following proposal.

Section 73 application to remove Condition 6 (permitted development rights), attached to planning permission 82/24240/1 dated 11/10/1982 which granted full planning permission for:

"Erection of 118 dwellings."

Recommendations

The Strategic Development Committee is asked to resolve to refuse planning permission for the reasons set out below.

1. The removal of condition 6 would make permissible forms of development which would have a harmful impact on the high quality and broadly uniform character of the estate. As such, the proposal is contrary to the following policies:

   • The National Planning Policy Framework (MHCLG, February 2019)
2. The removal of condition 6 would make permissible forms of development which would have a harmful impact on the residential amenities of neighbouring occupiers. As such, the proposal is contrary to the following policies:

- The National Planning Policy Framework (MHCLG, February 2019)
- Policies S6, SP1, SP2, SP3, SP8 and H1 of the Newham Local Plan (December 2018)
- Housing Supplementary Planning Guidance (GLA, March 2016)

NAME OF LEAD OFFICER: Amanda Reid
POSITION: Director of Planning and Development, Chief Planning Officer

Originator of report: Harriet Beattie
Tel no: 020 337 30529
E-mail address: harriet.beattie@newham.gov.uk

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 149 of the Equality Act 2010.
Contents

PLANNING APPLICATION FACT SHEET
1.0 SITE & SURROUNDINGS
2.0 PROPOSAL
3.0 RELEVANT HISTORY
4.0 CONSULTATION
5.0 PLANNING POLICIES AND GUIDANCE
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)
7.0 ASSESSMENT
# PLANNING APPLICATION FACT SHEET

## The Site

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
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<tbody>
<tr>
<td>Applicant</td>
<td>Bibi</td>
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<tr>
<td>Ward</td>
<td>Beckton</td>
</tr>
<tr>
<td>Local Plan allocation</td>
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</tr>
<tr>
<td>Conservation Area</td>
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<tr>
<td>Listed Building</td>
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</tr>
<tr>
<td>Setting of Listed Building</td>
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<tr>
<td>Building of Local Interest</td>
<td>N/A</td>
</tr>
<tr>
<td>Other</td>
<td>Epping Forest Special Area of Conservation (SAC) Zone of Influence (3-6.2km Zone)</td>
</tr>
</tbody>
</table>
1.0 SITE & SURROUNDINGS

1.1 The application site is a housing estate consisting of a 118 houses built in the 1980s. This residential development was one of a series of large housing estates within the Becton area, each with its own unified architectural theme.

1.2 The character of this estate consists of two storey terraced dwellinghouses with dual pitched roofs. The buildings exhibit a largely uniform character with few additions or alterations having taken place since the development was constructed.

1.3 In order to preserve the visual unity of each of these estates the Council imposed a condition on the original planning permissions removing the permitted development rights which would usually be afforded to individual dwelling houses. This means that any new building development or extensions to existing dwellings automatically require planning permission from the Council and the development is subsequently assessed against the original established character of the area and relevant planning policy.

1.4 It should be noted that although one residential occupier, No. 23 Tansy Close, has made this application to vary this condition, by reason of the extent of the original permission the removal of this condition will affect all 118 properties on this estate.

2.0 PROPOSAL

<table>
<thead>
<tr>
<th>Detailed proposal:</th>
</tr>
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<tbody>
<tr>
<td><strong>Proposed Amendment:</strong></td>
</tr>
<tr>
<td>Condition 6 to be removed from the permission. This condition restricts permitted development rights.</td>
</tr>
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</table>
In response to the provisions of Section 73 Town and Country Planning Act 1990, the application is to be assessed to consider the question of the conditions subject to which planning permission should be granted. S.73 States:

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Specifically, s.73 does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun. Further to this, s.73 does not permit a change to a condition subject to which a previous planning permission was granted by extending the time within which the development must be started or an application of reserved matters to be received.

The National Planning Practice Guidance directs the Local Planning Authority to consider the application against the development plan and material considerations, under section 38(6) of the Planning and Compulsory Purchase Act 2004 (determination shall be made in accordance with the plan unless material consideration indicates otherwise), and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

3.0 RELEVANT HISTORY

3.1 Planning Application History

3.2 A summary of the relevant planning application history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>82/24240/1</td>
<td>Erection of 118 dwellings.</td>
<td>Approved</td>
</tr>
</tbody>
</table>

3.3 Planning Enforcement History

3.4 A search revealed there is no enforcement history relevant to the application site.

3.5 Planning Appeal History

London Borough of Newham
3.6 A search revealed there is no appeal history relevant to the application site.
4.0 CONSULTATION

Application Publicity

4.1 Site Notices erected on Tansy Road on 20th September 2019, expiring on 11th October 2019.

4.2 A total of 39 letters of support were submitted with the application from properties at Tansy Close, Alison Close, Heather Close and Pennyroyal Avenue.

4.3 In summary the statements of support to the application relate to the following issues:

- Condition deprives properties of freedom and flexibility afforded by permitted development rights
- Adverse effect on value of properties
- The removal of permitted development rights in an unintentional consequence of the planning condition.
- Does not feel that this condition would be used if application had been made today.
- Note that developments in locality do not have similar conditions removing permitted development rights.

4.4 The Officer provides the following response to these letters of support:

- The reason given for the implementation of this condition was to protect local amenity. Although the restriction prohibits extensions and alterations under permitted development, this does not prohibit these being applied for under full planning permission. Over recent years a number of extensions and alterations have been approved under planning.
- Impact on the value of a property is not a material planning consideration.
- The removal of permitted development rights is explicitly reference in this condition and is not considered to be unintentional.
- Similar conditions are still used for the same purposes on other development sites constructed at the same time, including the following residential schemes:

- Cyprus 2C (N/84/82)
- Former Nursery Site, Newham Way, Beckton (N/93/42) -
- Site 3G, Tollgate Road, London, E6 (N/92/101)
- North Beckton 1, Tollgate Road, E.6 (N/84/73) –
- 1000 Newham Way and adjoining lands, North Beckton (N/85/68 and N/89/121)
- Site 3A, North Beckton, Tollgate Road, E6 (N/86/129)
5.0 PLANNING POLICIES AND GUIDANCE

5.1 The Local Development Plan comprises:

- the London Plan (the spatial development strategy for London consolidated with alterations since 2011 and published March 2016);


- the London Borough of Newham Local Plan (2018)


- the Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted 27th February 2012);

5.2 Material weight has been given to the National Planning Policy Framework (Feb 2019) and the National Planning Practice Guidance.

5.3 The following policies are relevant to the assessment of this application:

National Planning Policy Framework (February 2019):


Policy 7.4 - Local Character
Policy 7.5 - Public Realm
Policy 7.6 - Architecture


Policy D1 - London’s form and characteristics
Policy D2 - Delivering good design

The London Borough of Newham Local Plan (2018)

Policy S6 - Urban Newham
Policy SP1 - Borough-wide Place-making
Policy SP2 - Healthy Neighbourhoods
Policy SP3 - Quality Urban Design within Places
Policy SP8 - Ensuring Neighbourly Development
Policy SC4 - Biodiversity
Policy H1 - Building Sustainable Mixed Communities

Additional Guidance

London Borough of Newham
5.4 London Plan Review

Through the course of this application, the Mayor of London’s London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation December 2017) was published for public consultation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and limited weight has been given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)

6.1 From 1st of April 2019 Mayoral CIL2 (Permissions granted on or after 1 April 2019).

6.2 The Mayor has adopted a new Charging Schedule MCIL2, which came into effect 1st of April 2019. Like MCIL1, MCIL2 will be charged on all development except for education and health.

6.3 The Mayoral rate for Newham has increased within Band 3 to £25 per sqm from £20 per sqm.

6.4 The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) and the Section 106 Crossrail Funding from Planning Obligations Supplementary Planning Guidance (adopted 2016) is superseded by the revised MCIL Charging Schedule.

6.5 The Newham Community Infrastructure Levy is chargeable in line with the Newham CIL Charging Schedule, which came into effect on 1st January 2014.

6.6 The Newham Community Infrastructure Levy was adopted by full Council on 30th September 2013, which came into effect on 1st January 2014. The Newham CIL Charging Schedule per gross internal sq. m is as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Charging Zone 1 – Post codes E15 (exclusive of the LLDC area), E16 and E3 (part)</th>
<th>Charging Zone 2 – Post codes E6, E7, E12, E13 and IG11 (part)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>£80</td>
<td>£40</td>
</tr>
<tr>
<td>Retail</td>
<td>£30</td>
<td>£30</td>
</tr>
<tr>
<td>Office</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Hotel</td>
<td>£120</td>
<td>£120</td>
</tr>
<tr>
<td>Industrial</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Student Accommodation</td>
<td>£130</td>
<td>£130</td>
</tr>
</tbody>
</table>

6.7 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Newham has published a list of infrastructure projects or types of infrastructure that it intends to be funded in whole or in part by the Newham CIL. This allows the continued use of planning obligations (S.106 agreements) for other projects or types of infrastructure. Individual developments will not be charged for the same items through S106 and CIL. The Newham Regulation 123 list can be viewed on the Council’s website.
7.0 ASSESSMENT

7.1 The key issues relevant to this application are
- Design (7.2);
- Impact upon Amenity (7.3);
- Reasons for Refusal (7.4)

7.2 Design

7.2.1 Chapter 12 of the NPPF outlines that planning decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short term, but over the lifetime of the development. It additionally recognises that considerations regarding the appearance and the architecture of individual buildings should go beyond aesthetic considerations, and consider the connections between people and places and the integration of new development into the natural, built and historic environment.

7.2.2 London Plan Policy 7.1 states that the design of new developments and the spaces they create should help reinforce the character of the neighbourhood. Policy 7.4 additionally requires development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. In areas of poor or ill-defined character, new development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 seeks the highest quality materials and design appropriate to its context. It also advises that buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character. This is bolstered by the Draft London Plan which speaks about high quality design through Chapter 3. In particular, Policy D1 states that development design should respond to local context by delivering buildings and spaces that are positioned and of a scale, appearance and shape that responds successfully to the identity and character of the locality, including to existing and emerging street hierarchy, building types, forms and proportions.

7.2.3 Policies S6, SP1, SP2, SP3 & SP5 of the London Borough of Newham Local Plan (2018) all echo the same principles in requiring a high quality of design and a development which responds well to local character and the established pattern of development yet does not detrimentally effect neighbouring amenity. Policy SP8 of the Local Plan supported by the above policies outlined above, seeks to ensure the environmental, social, and design impacts of all development are neighbourly.

7.2.4 It should be noted that removing condition 6 would allow a range of works, developments and extensions to take place without requiring formal planning permission. This ranges from rear, side and roof extensions to the installation of satellites on front elevations.
7.2.5 The original permission gave the reason for restricting permitted development rights as the potential adverse impacts on the amenities of the area.

7.2.6 In one regard this is considered to relate to the character of the estate. The houses constructed under the scheme encompassing Tansy Close, the property belonging to the applicant, and the surrounding properties built under permission 82/24240/1 were designed with particular architectural characteristics, specific layouts and space sufficient to accommodate moderate sized families and on the premise they would not need further extension alteration in the future.

7.2.7 It is acknowledged that extensions to existing houses can provide for an improved standard of accommodation for occupants in terms of the provision of further living space and storage areas. However such development is expected to be of a high quality and appropriate in the context of its surroundings preserving the particular architectural features and detailing within the existing dwelling and surrounding properties. As such developments should be limited in scope. By introducing permitted development rights, the Local Planning Authority’s ability to ensure the extensions are modest, of high design quality and that they do not have unneighbourly impacts is relinquished. Although applications for 6-8 metres extensions under prior approval require a public consultation, under this provision the Local Planning Authority is only enabled to make a planning assessment if a response is received from neighbouring properties.

7.2.8 It should be noted that the retention of condition 6 does not preclude the application for and approval of extensions and works to these properties under planning applications.

7.2.9 Due to the tight urban grain of the estate and the uniform character of the properties, the Local Planning Authority finds that the removal of condition 6 would result in development which would have a harmful impact on the character and appearance of the estate. As such, refusal is recommended on this ground.

7.3 Impacts to neighbouring amenity

7.3.1 The NPPF details that new development should seek to enhance and improve the economic, social and environmental conditions of the area. This is further supported by the London Plan Policy 7.4 and Policy SP2 of the Local Plan (2018), which seek to specifically ensure that new development promotes healthy lifestyles and create healthier neighbourhoods which people are comfortable within. This is supported by Draft London Plan Policy D1.

7.3.2 Policies 7.1 and 7.6 of the London Plan additionally state that development should not cause unacceptable harm to neighbouring residential buildings in relation to loss of privacy and overlooking whilst Policy SP3 of the Local Plan (2018) requires development to create sociable and inclusive places that people feel proud of. Policy SP8 of the Local Plan (2018) supported by the
policies outlined above seeks to ensure the environmental, social and design impacts of all development are neighbourly.

7.3.3 It is noted that releasing permitted development rights would result in various forms of development, including extensions of up to 6-8 metres in depth without the automatic requirement for planning officer appraisal including assessment of the proposal on neighbouring amenities.

7.3.4 The density of the development and small plot sizes at this particular site results in a built vernacular which is more susceptible to impact from neighbouring development.

7.3.5 It should be noted that the rear garden areas of these properties are modest when compared to other properties within the borough, with some rear gardens having a depth of less than 6.5 metres. Not only is it of key importance to ensure that an adequate quantum of private amenity space is retained, but also that the quality of gardens adjoining residential development is not compromised by unneighbourly development. Extensions permissible under permitted development will have a detrimental impact on the quality of garden spaces by reason of this estate’s small plot sizes and garden areas and its open character.

7.3.6 The works that could be carried out with the removal of condition 6 would have multiple impact on residential amenities including loss of light, overshadowing, loss of outlook and overbearing impact. As such, in favour of protecting residential amenity, the Local Planning Authority recommends refusal of this application on this ground.

7.4 Reasons for Refusal

7.4.1 The application is recommended for refusal on the following grounds:

1. The removal of condition 6 would make permissible forms of development which would have a harmful impact on the architectural quality and uniform character of the estate, undermining the visual amenity of the streetscene. As such, the proposal is contrary to the following policies:

   - The National Planning Policy Framework (MHCLG, February 2019)
   - Policies S6, SP1, SP2, SP3 and H1 of the Newham Local Plan (December 2018)
   - Housing Supplementary Planning Guidance (GLA, March 2016)
2. The removal of condition 6 would make permissible forms of development which would have a harmful impact on the residential amenities of neighbouring occupiers. As such, the proposal is contrary to the following policies:

- The National Planning Policy Framework (MHCLG, February 2019)
- Policies S6, SP1, SP2, SP3, SP8 and H1 of the Newham Local Plan (December 2018)
- Housing Supplementary Planning Guidance (GLA, March 2016)
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## Purpose of Report / Proposal

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission relating to the following proposal.

Section 73 application to vary Condition 1 (Time Limited Consent) - to extend the use until 31st July 2024 attached to planning consent 17/02618/FUL dated 11/10/2017 which granted permission for:

Planning permission for time limited consent for the continued use of the site for waste recycling and material transfer and processing.

## Recommendations

The Strategic Development Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and
2. grant planning permission based on the Conditions listed in Appendix 1 and summarised below.
Conditions – Summary

A summary of the proposed condition is set out below. Please refer to Appendix 1 for the proposed conditions in full.

1. Time limited consent until 31st July 2024
2. Work to be completed in accordance with approved plans/documents
3. All operations to be in accordance with the approved Dust & Particulate Emission Management Plan and Working Plan
4. Operational development works shall be maintained throughout lifetime of development
5. Deposition, sorting and bulking of waste and recyclable material shall occur within the waste processing building
6. Height restrictions on storage of skips, cages, containers and equipment

NAME OF LEAD OFFICER: Amanda Reid
POSITION: Director of Planning and Development, Chief Planning Officer

Originator of report: Miss Sarah Odu
Tel no: 020 337 37480
E-mail address: sarah.odu@newham.gov.uk

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 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

Environmental Impact Assessment

For the purposes of this application, this proposal has been screened and assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and considered not to warrant the need for Environmental Impact Assessment.

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
Contents

PLANNING APPLICATION FACT SHEET
1.0 SITE & SURROUNDINGS
2.0 PROPOSAL
3.0 RELEVANT HISTORY
4.0 CONSULTATION
5.0 PLANNING POLICIES AND GUIDANCE
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)
7.0 ASSESSMENT
8.0 APPENDIX 1: CONDITIONS AND INFORMATIVES
9.0 APPENDIX 2: PROPOSED PLANS AND IMAGES
## PLANNING APPLICATION FACT SHEET

### The Site

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Site 2 G And B Compressor Hire Ltd Thames Wharf Dock Road Silvertown London E16 1AF</td>
</tr>
<tr>
<td>Applicant</td>
<td>G &amp; B Compressor Hire Limited</td>
</tr>
<tr>
<td>Ward</td>
<td>Canning Town South</td>
</tr>
<tr>
<td>Local Plan allocation</td>
<td>Strategic Site S08: Thames Wharf Silvertown Crossing Safeguarding SIL Release</td>
</tr>
<tr>
<td>Conservation Area</td>
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</tr>
<tr>
<td>Listed Building</td>
<td>N/a</td>
</tr>
<tr>
<td>Setting of Listed Building</td>
<td>N/a</td>
</tr>
<tr>
<td>Building of Local Interest</td>
<td>N/a</td>
</tr>
<tr>
<td>Tree Preservation Order</td>
<td>N/a</td>
</tr>
<tr>
<td>Flood Risk Zone</td>
<td>Flood Zone 2 and 3</td>
</tr>
<tr>
<td>Other</td>
<td>N/a</td>
</tr>
</tbody>
</table>

### Non-residential Uses

<table>
<thead>
<tr>
<th>Existing Use(s)</th>
<th>Existing Use / Operator</th>
<th>Proposed Use(s)</th>
<th>Proposed Use / Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Waste recycling and transfer business/ G &amp; B Compressor Hire Limited</td>
<td>Waste recycling and transfer business/ G &amp; B Compressor Hire Limited</td>
<td></td>
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<tr>
<td>Existing Use Class(es) sqm</td>
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<td>Proposed Use Class(es) sqm</td>
<td>3800sqm</td>
</tr>
<tr>
<td>Employment</td>
<td>Existing number of jobs 20</td>
<td>Proposed number of jobs 20</td>
<td></td>
</tr>
</tbody>
</table>

### Public Consultation

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of properties consulted</td>
<td>152</td>
</tr>
<tr>
<td>Expiry of consultation period</td>
<td>5th August 2019</td>
</tr>
<tr>
<td>Number of responses</td>
<td>0</td>
</tr>
<tr>
<td>Number in support</td>
<td>0</td>
</tr>
<tr>
<td>Number of objections</td>
<td>0</td>
</tr>
<tr>
<td>Number of other representations</td>
<td>0</td>
</tr>
<tr>
<td>(neither objecting or supporting)</td>
<td></td>
</tr>
</tbody>
</table>
1.0 SITE & SURROUNDINGS

1.1 The site is located within the Thames Wharf strategic industrial location (SIL) according to the Local Plan Policies Map. Thames Wharf is named as 1 of 4 safeguarded wharfs to be consolidated in order to facilitate a transition from industrial to mixed use areas within Thames Wharf and Lyle Park West.

1.2 The land is currently used for the purposes of waste recycling and material transfer and processing. The site has a total area of approximately 0.38ha. The site forms part of the Silvertown Crossing Safeguarding Area.

1.3 On 4th January 2007 planning permission was granted at the site under reference 06/01657/LTGDC (to the wider site known as ‘Site North of Thames Wharf’) to provide accommodation for 4 No. waste recycling and transfer businesses, including construction of buildings for materials processing and other related works. On 23rd June 2014 an application under reference 14/00551/VAR for the variation of ‘condition 2’ (time limits) attached to planning permission 06/01657/LTGDC was approved granting an extension of the time limited consent until 31st July 2017.

1.4 Following the expiry of planning permission ref: 14/00551/VAR on 31st July 2017, the applicant sought planning permission relating solely to the activities at site 2 G and B Compressor Hire Ltd. On 11th October 2017 planning permission was granted under ref: 17/02618/FUL for the continued use of the site for waste recycling and material transfer and processing. The permission was time limited for a period of 2 years to coincide with the delivery of the Silvertown Crossing.

1.5 Vehicular access to the site is from Dock Road. The surrounding area is primarily industrial in nature, with surrounding uses including but not limited to waste recycling and transfer facilities, concrete batching plants, safeguard wharf facility and office and business units.
2.0 PROPOSAL

2.1 This application seeks to vary condition 1 attached to planning permission ref: 17/02618/FUL for the continued use of the land for the purpose of waste recycling and material transfer and processing until 31st July 2024.

2.0 In terms of the existing use of the site, the company’s primary activities include the sorting and recovery of inert, non-hazardous and non-putrescible construction, demolition and commercial and industrial waste for onward distribution to specialist recycling facilities and disposal sites.

2.1 The Council expects all sites of this nature to work towards the delivery of industry best available techniques (BATs) to ensure the environmental impacts arising from the use are kept to a minimum. To ensure BATs were complied with a number of conditions were attached to application ref: 17/02618/FUL, it is confirmed within the planning statement that all conditions attached to the previous consent have been complied with.

2.2 Planning practice guidance advises that it is rarely permissible to grant a second temporary consent at an application site unless there are special circumstances. In this instance the site has been granted several time limited consents which the Council considers to be appropriate noting that the site is located within an area designated for SIL release and falls within the Silvertown crossing safeguarding zone and thus will need to cease operations once the Silvertown crossing works commence. Officers therefore consider the issuing of another temporary consent appropriate in this instance.
3.0 RELEVANT HISTORY

3.1 Planning Application History

3.2 A summary of the relevant planning application history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>17/02618/FUL</td>
<td>Planning permission for time limited consent for the continued use of the site for waste recycling and material transfer and processing.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>14/00551/VAR</td>
<td>Variation of Condition No. 2 attached to planning permission 06/01657/LTGDC (temporary change of use and development to provide accommodation for 4 No. waste recycling and transfer businesses, including construction of buildings for materials processing, fleet vehicle and equipment maintenance, offices and staff welfare, provision of external storage areas for materials and equipment, and other related works) to replace existing planning permission expiry date of 31 July 2014 to expiry date of 31 July 2017. After this date, the uses shall cease, all associated buildings and structures shall be removed from the site and the land reinstated in accordance with a restoration scheme to be submitted to and approved in writing by the local planning authority.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>06/01657/LTGDC</td>
<td>Temporary change of use and development to provide accommodation for 4 No. waste recycling and transfer businesses, including construction of buildings for materials processing, fleet</td>
<td></td>
</tr>
</tbody>
</table>

Application approved
vehicle and equipment maintenance, offices and staff welfare, provision of external storage areas for materials and equipment, and other related works.

3.3 Planning Enforcement History

3.4 A summary of the relevant planning enforcement history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/01513/ENFC</td>
<td>Failure to discharge planning conditions attached to 06/01657/LTGDC as varied by 14/00551/VAR</td>
<td>Pending consideration</td>
</tr>
</tbody>
</table>

3.5 Planning Appeal History

3.6 A search revealed there is no appeal history relevant to the application site.
4.0 CONSULTATION

4.1 Application Publicity

4.2 Site Notice erected on Dock Road on 26th July 2019, expiring on 16th August 2019.


4.4 The application was advertised as a major application.

4.5 A total of 152 consultation letters were sent to neighbouring properties regarding this application on 15th July 2019. The public consultation period expired on 5th August 2019.

4.6 Adjoining Properties

<table>
<thead>
<tr>
<th>Number of Letters Sent</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Responses Received</td>
<td>0</td>
</tr>
<tr>
<td>Number in Support</td>
<td>0</td>
</tr>
<tr>
<td>Number of Objections</td>
<td>0</td>
</tr>
<tr>
<td>Number of other Representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>

4.7 A total of 0 responses were received from adjoining occupiers, comprising 0 in support and 0 objecting to the application.

4.8 Statutory and Non Statutory Consultation

4.9 The following consultations have been undertaken:

LBN Environmental Health - Pollution General
LBN Transportation
LBN Regeneration
LBN Landscape Architects
Highways Team
LBN CIL (Community Infrastructure Levy) Officer
Building Control Service
LBN Waste Management
Lead Local Flood Authority
Crossrail Ltd
DLR Planning Consultation
Greater London Authority
4.10 **External Consultation**

4.11 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Date received</th>
<th>Summary of consultation response</th>
<th>Officer comments on consultation response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport for London</td>
<td>13th August 2019</td>
<td>No objection</td>
<td>N/a</td>
</tr>
<tr>
<td>Network Rail</td>
<td>31st July 2019</td>
<td>No comment</td>
<td>N/a</td>
</tr>
<tr>
<td>Port of London Authority</td>
<td>17th July 2019</td>
<td>No objection</td>
<td>N/a</td>
</tr>
<tr>
<td>Historic England’s Greater</td>
<td>22nd July 2019</td>
<td>No comment</td>
<td>N/a</td>
</tr>
</tbody>
</table>
4.12 Internal Consultation

4.13 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Metropolitan Police</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>17th July 2019</td>
</tr>
<tr>
<td>Summary of consultation response:</td>
<td>No comment</td>
</tr>
<tr>
<td>Officer comments on consultation response:</td>
<td>N/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Local Lead Flood Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received:</td>
<td>25th July 2019</td>
</tr>
<tr>
<td>Summary of consultation response:</td>
<td>No objection</td>
</tr>
<tr>
<td>Officer comments on consultation response:</td>
<td>N/a</td>
</tr>
</tbody>
</table>
5.0 PLANNING POLICIES AND GUIDANCE

5.1 The Local Development Plan comprises:

- the London Plan (the spatial development strategy for London consolidated with alterations since 2011 and published March 2016);


- the London Borough of Newham Local Plan (2018)


- the Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted 27th February 2012);

5.2 Material weight has been given to the National Planning Policy Framework (Feb 2019) and the National Planning Practice Guidance.

5.3 The following policies are relevant to the assessment of this application:

5.4 National Planning Policy Framework (February 2019)


- 2.17 Strategic Industrial Locations
- 4.1 Developing London’s Economy
- 4.4 Managing Industrial Land and Premises
- 5.3 Sustainable Design and Construction
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.20 Aggregates
- 5.21 Contaminated Land
- 4.12 Improving Opportunities for All
- 6.3 Assessing Effects on Development on Transport Capacity
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.2 An Inclusive Environment
- 7.4 Local Character
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.26 Increasing the use of the Blue Ribbon Network for freight Transport
5.6 The London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation December 2017) with minor suggested changes (July 2019)

D1   London’s form and characteristics
D2   Delivering good design
D3   Inclusive design
D13  Noise
E4   Land for industry, logistics and services to support London’s economic function
E5   Strategic Industrial Locations (SIL)
E6   Locally Significant Industrial Sites
E7   Intensification, co-location and substitution of land for industry, logistics and services to support London’s economic function
E11  Skills and opportunities for all
G6   Biodiversity and access to nature
S11  Improving air quality
S12  Minimising greenhouse gas emissions
S13  Energy infrastructure
S112  Flood risk management
S113  Sustainable drainage
T4   Assessing and mitigating transport impacts
T6   Car parking

5.7 London Plan Review

The Mayor of London’s Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes) is under Examination. Having regard to NPPF paragraph 48 the emerging document is a material consideration and appropriate weight will be given to its policies and suggested changes in decision-making, unless other material considerations indicate that it would not be reasonable to do so.

5.8 The London Borough of Newham Local Plan (2018)

S1   Spatial Strategy and Strategic Framework
S5   Beckton
SP1  Borough-wide Place-making
SP2  Healthy Neighbourhoods
SP3  Quality Urban Design within Places
SP8  Ensuring Neighbourly Development
J1   Business and Jobs Growth
J2   Providing for Efficient Use of Employment Land
J3   Skills and Access to Employment
SC1  Environmental Resilience
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SC2</td>
<td>Energy &amp; Zero Carbon</td>
</tr>
<tr>
<td>SC3</td>
<td>Flood Risk &amp; Drainage</td>
</tr>
<tr>
<td>SC4</td>
<td>Biodiversity</td>
</tr>
<tr>
<td>SC5</td>
<td>Air Quality</td>
</tr>
<tr>
<td>INF2</td>
<td>Sustainable Transport</td>
</tr>
<tr>
<td>INF3</td>
<td>Waste and Recycling</td>
</tr>
</tbody>
</table>
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)

6.1 From 1st of April 2019 Mayoral CIL2 (Permissions granted on or after 1 April 2019).

6.2 The Mayor has adopted a new Charging Schedule MCIL2, which came into effect 1st of April 2019. Like MCIL1, MCIL2 will be charged on all development except for education and health.

6.3 The Mayoral rate for Newham has increased within Band 3 to £25 per sqm from £20 per sqm.

6.4 The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) and the Section 106 Crossrail Funding from Planning Obligations Supplementary Planning Guidance (adopted 2016) is superseded by the revised MCIL Charging Schedule.

6.5 The Newham Community Infrastructure Levy is chargeable in line with the Newham CIL Charging Schedule, which came into effect on 1st January 2014.

6.6 The Newham Community Infrastructure Levy was adopted by full Council on 30th September 2013, which came into effect on 1st January 2014. The Newham CIL Charging Schedule per gross internal sq. m is as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Charging Zone1 – Post codes E15 (exclusive of the LLDC area), E16 and E3 (part)</th>
<th>Charging Zone 2 – Post codes E6, E7, E12, E13 and IG11 (part)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>£80</td>
<td>£40</td>
</tr>
<tr>
<td>Retail</td>
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</tr>
<tr>
<td>Office</td>
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<td>£0</td>
</tr>
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<tr>
<td>Industrial</td>
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</tr>
<tr>
<td>Student Accommodation</td>
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</tbody>
</table>

6.7 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Newham has published a list of infrastructure projects or types of infrastructure that it intends to be funded in whole or in part by the Newham CIL. This allows the continued use of planning obligations (S.106 agreements) for other projects or types of infrastructure. Individual developments will not be charged for the same items through S106 and CIL. The Newham Regulation 123 list can be viewed on the Council’s website.
7.0 ASSESSMENT

7.1 The key issues relevant to this application are:
- Principle of Development (7.2);
- Impact upon Amenity (Noise) (7.3);
- Air Quality and Dust Amelioration (7.4);
- Sustainable Transport (7.5);
- Flood Risk and Sustainable Drainage (7.6);
- Reasons for Approval (7.7)

7.2 Principle of Development

7.2.1 The NPPF outlines the need to support sustainable economic development to deliver business and industrial units that the country needs. It speaks of the importance of building a strong, responsive and competitive economy as part of one of the key objectives in achieving sustainable development.

7.2.2 Policy 4.1 in conjunction with Policy 4.4 of the London Plan seeks to promote and enable the continued development of a strong and sustainable economy through the delivery of employment opportunities and through the management of sufficient industrial land and premises to meet future needs. This is bolstered by Policy 2.17 which seeks to ensure that strategic industrial locations are promoted, managed and protected as London’s main reservoirs of industrial capacity.

7.2.3 During the consideration of the application, Officers have given due regard to the emerging Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes). Policies E4, E5 and E7 of the emerging London Plan reiterate the broad aims of the aforementioned adopted policies. Emerging Policy E7 speaks of the need for development proposals to encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land through more efficient use of land through higher plot ratios having regard to operational requirements (including servicing) and mitigating impacts on the transport network where necessary.

7.2.4 Policy J1 and J2 of the Newham Local Plan (2018) seeks to achieve more efficient use of employment land to support economic growth sectors and encourage employment opportunities through retention of the most suitable locations for industrial type uses. Policy J2 defines strategic industrial locations (SIL) within the borough and subdivides those locations into Industrial Business Parks and Preferred Industrial Locations.

7.2.5 Policy J2 further states that designated SILs are suitable in principle for Use Classes B1(b) B1(c) B2, B8, light industrial, appropriate sui generis employment uses, with other supporting facilities including B1a uses, where
ancillary in scale and function. Policy S3 seeks the rationalisation of employment land within the Royal Docks to achieve considerably higher value employment uses and jobs density than currently exists, including a phased release of Strategic Industrial Locations (SIL) over the plan period in line with Policy J2.

7.2.6 The application site falls within the wider strategic site S08 (Thames Wharf) as outlined within Local Plan Policy S4. The land is currently designated SIL, but has been identified for release by Local Plan Policy J2 during the plan period to allow for the realisation of a mixed use site comprising employment, residential and leisure/tourism uses. The land is also subject to designation for the Silvertown Crossing safeguarding area. Further, Thames Wharf benefits from additional safeguarding as it is a protected wharf, in line with Policies J2, INF1, S3 and S4, this wharf will be consolidated along with 3 others into Peruvian and Royal Primrose Wharves through the managed intensification criteria; there will be no net loss in capacity or functionality of the wharves.

7.2.7 The application proposes a variation to condition 1 of planning permission ref: 17/02618/FUL in order to extend the time limited consent until July 2024. In principle the use of the site for waste recycling and material transfer and processing is supported noting the sites SIL allocation. Officers acknowledge that Thames Wharf is allocated for SIL release as such the proposed use does not align with the boroughs long term aspirations for the area however, it is considered that the proposal is acceptable as a meanwhile use noting its contribution to employment levels and borough productivity.

7.2.8 Whilst the application proposal clearly fails to align with the longer term aspirations for the area, its time limited nature would align with existing planning policy and neighbouring industrial uses. When considered together with the jobs retained, the current policy designation as a Strategic Industrial Location and its safeguarding for the Silvertown Crossing, it is considered that this application for time limited consent is acceptable in principle and would not prejudice the Council’s longer term regeneration aims of the Royal Docks.

7.2.9 Further, officers also note that whilst not a material planning consideration, the sites current lease agreement with the GLA provides for an early vacation of site should Silvertown crossing work commence at any time sooner than the proposed application extension date. The proposed extended time limit is therefore not considered to prejudice the long term aspirations for the area with respect to the boroughs strategic objectives and the Silvertown crossing. The principle of the development is therefore supported.

7.3 Impact upon amenity (Noise)

7.3.1 The NPPF through Chapter 15 speaks of the need of conserving and enhancing the natural environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise
pollution or land instability. Paragraph 180 outlines that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of the new development and that decisions support the mitigation and reduction of other adverse effects through the use of conditions. The NPPF does however concede that new development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

7.3.2 London Plan Policy 5.3 outlines as good practice that new development should demonstrate that sustainable design standards are integral to the proposal including its construction and operation and ensure that they are considered at the beginning of the design process and seek to minimise potential impacts associated with noise pollution. Policy 7.15 requires new development to manage noise by avoiding significant adverse noise impacts on the health and quality of life as a result of new development. The Policy further states that development proposals should ‘mitigate and minimise the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of businesses’. This is further reiterated in Policy D13 of the draft London Plan.

7.3.3 The overarching vision of the Newham Local Plan (2018) is to deliver high quality development which promotes the borough as a place to live, work and stay. Policy SP2 speaks of the need to improve employment levels and reduce poverty whilst attending to the environmental impacts of economic development including but not limited to noise. Taken in context this policy recognises that in addition to requiring developments to be of the highest quality, retrospective mitigation measures to reduce noise are also particularly important. Policy SP3 seeks to avoid the introduction of bad neighbour uses, these being defined as those activities that generate negative impacts that affect adjoining properties.

7.3.4 The site is located within a predominantly industrial location, with surrounding uses including but not limited to waste recycling and transfer facilities, concrete batching plants, a safeguarded wharf facility and office and business units. The nearest residential properties to the site include Western Beach Apartments and the Hoola tower blocks which are approximately 430m and 200m away respectively.

7.3.5 In terms of noise pollution, it is considered that the application would result in the provision of an appropriately sized and located industrial use when viewed in the context of the surrounding operators. The proposal would extend the time limit for a previously approved use at the site. Planning permission ref: 17/02618/FUL included operational works to reduce the impact of the operation on neighbouring amenity; these operational works were also conditioned requiring constant compliance. The submitted planning statement advises that the conditions attached to the consent have been
complied with in full; officers visited the site on 18th October 2019 and confirm that the conditions have been adhered to, these included the installation of PVC strip curtain and containing the operations relating to the deposition, sorting and bulking of waste and recyclable material within the approved building.

7.3.6 It is considered that the noise mitigation measures applied are sufficient to mitigate the likely loss of amenity noting the separation distance between the site and residential properties, it should also be noted that officers have received no complaints relating to site activities during the course of the application or between the previously consented scheme and the submission of the present application. The proposal is therefore considered acceptable with respect to its impacts on the neighbouring amenity subject to continual adherence to the previously attached conditions which will be also attached to the present proposal ref: 19/01962/VAR.

7.4 Air Quality and Dust Amelioration

7.4.1 The core principles within the NPPF seek that new development contribute to conserving and enhancing the natural environment and reducing pollution. It is noted that planning plays a key role in seeking the reduction in greenhouse gasses and encourages development in locations which has reduced carbon emissions. Paragraph 170 specifically speaks to the need for new and existing development to wherever possible help improve local environment conditions like such as air and water quality.

7.4.2 Policy 7.14 of the London Plan states that development proposals should be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality (such as areas designated as Air Quality Management Areas (AQMAs)). Policy 7.15 of the London Plan requires new development to manage noise by avoiding significant adverse noise impacts on the health and quality of life as a result of new development. These objectives are broadly reiterated within Policies SI1 and SI2 of the draft London Plan.

7.4.3 The Newham Local Plan through policies SP1, SP2 and SP3 seeks to deliver high quality development which respects, takes advantage of and enhances the positive elements and distinctive features of the borough whilst delivering development which creates healthier neighbourhoods and minimises the potential for ‘bad neighbour’ uses. Policy SP2 (Healthy Neighbourhood) specifically supports the need to improve Newham’s air quality, reduce exposure to airborne pollutants and seeks to ensure new developments deliver sustainable development. Further, Policy SP8 of the Local Plan proposals that demonstrate the need to avoid unacceptable exposure to dust, vibration and other amenity or health impacting pollutants in accordance with adopted policy SP2.

7.4.4 In terms of the existing use of the site, the company is permitted to accept, treat and transfer 52,000 tonnes of waste per annum, consisting of non-hazardous household, commercial and industrial waste in line with their EA Permit. The waste is processed on site and segregated into recyclable
components applying the Waste Hierarchy. Different material types are sent to appropriately permitted facilities for onward treatment or recovery with any residual wastes being disposed of to suitably permitted landfill / recycling sites.

7.4.5 The previously approved consent under ref: 17/02618/FUL included operational works to the site in order to achieve industry best available techniques (BAT). The works included the provision of a waste processing building with the installation of 400 x 4mm PVC strip curtain with 100% overlap in clamp brackets. The curtain comprises 2 No. side sections and 1 No. centre fringe to facilitate access to and egress from the building. The proposal also included a dust suppression system to the entrance of the waste processing building. These measures ensure adequate suppression of dust and airborne particulate, they also ensure the minimisation of dust escaping from the building in accordance with industry best available techniques.

7.4.6 Further to the above, the applicant has submitted a dust particulate emission management plan which was approved and conditioned for compliance under the previously consented scheme. The document provides a comprehensive management plans outlining working practice and techniques used to effectively manage dust and airborne particulate through appropriate dust suppression methods.

7.4.7 The documents include a number of suitable dust mitigation measures and good working practice guidelines to ensure dust generation is minimal from the site. These are including, but not limited to, the following dust amelioration measures:

- All operational areas of the site, both internal and external, are covered by well constructed concrete and/or hardstanding. Build-up of mud will be monitored and any occurrence will be recorded in the site diary and the mud immediately cleared. The hardstanding will be maintained to a good standard to avoid excessive rattle noise.
- The Site surface is cleaned regularly which reduces maintenance and repair costs. The site manager conducts daily inspections of the Site surface and will schedule repairs as and when necessary.
- All waste operations will take place in the main waste storage and processing building.
- Once a load has been accepted for deposit and is found to comply with the conditions of the waste management licence, the driver will be directed to deposit the waste in the waste reception area. The driver will deposit the waste in the allocated reception area within the main waste storage and processing building. The driver will then stow away any sheets or nets, clean any debris from the rear of the vehicle and wash of any heavy deposits of mud from the vehicle wheels. The vehicle will then leave site by the exit gate.
- All vehicles and containers parked or stored externally will be empty or will be enclosed/sheeted. All loaded vehicles will be sheeted to avoid litter nuisance. Site safety rules also state that all loads must be sheeted before leaving site.
- Water suppression with mist sprays have been implemented within inside the Waste Reception Building. The proposed plans also demonstrate the installation of a dust suppression system to the site entrance.
- Once every month the transfer area will be cleared of all waste and the empty area will be litter picked and power washed.

7.4.8 Officers note that the sites operations were conditioned to work in accordance with the dust particulate emission management plan which officers observed on the site visit of 18 October 2019. In addition to this, a further condition was attached relating to the stacking of skips, and containment of relevant site operations within the waste processing building. Given the sites continued operation for a further 5 years officers consider it necessary to attach conditions to this effect to this consent in order to safeguard the amenity and ensure the site operates to industry best available techniques.

7.4.9 With respect to providing an air quality neutral operation at the site in accordance with the London Plan, officers note that the site is regulated by the Environment Agency and benefits from a permit under ref: EAWML80780. As such in accordance with the Air Quality Neutral Guidance document, it is not appropriate for the Local Authority to enforce additional emissions legislations were the development is already controlled by the Environmental Permitting Regulations (EPR) as is the case in this instance. Officers are therefore satisfied that the appropriate regulatory authority in this instance is the EA and as such will not be requiring the applicant to produce documentation demonstrating an air quality neutral assessment.

7.4.10 Notwithstanding the above, officers consider the site to be operating to industry best available techniques which significantly reduces the sites impact to air quality and dust emissions; officers therefore consider the proposal acceptable in this regard with the continued compliance with the management plan and other mitigation measures which will be attached as conditions to this permission.

7.5 Sustainable Transport

7.5.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

7.5.2 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Policy 6.9 outlines that development should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards. Policy 6.13 of the London Plan seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport...
use and through the use of well considered travel plans aim to reduce reliance on private means of transport. The objectives as outlined within these policies are largely reiterated within policies T4, T5 and T6 of the Draft London Plan.

7.5.3 Policies SP2, SP8 and INF2 of the Councils Local Plan 2018 seek to secure a more sustainable pattern of movement in Newham, maximising the efficiency and accessibility of the Borough’s transport network on foot, cycle and public transport in order to reduce congestion.

7.5.4 Information submitted alongside application 17/02618/FUL provided the estimated number of vehicle movements per day within the site at 50 x two-way vehicle movements per day. The agent has confirmed that vehicle movements remain the same, as such, the application would not result in an increase in vehicular movements in comparison with the previously consented use, and is not considered to result in a detrimental impact on the capacity of the road network.

7.5.5 Furthermore, it is noted that the area is designated as a preferred industrial location, and the surrounding uses are industrial in nature. As such HGV movements make up the dominant traffic use of Dock Road. Overall, it is considered that the approval of the application would not have a significant impact on the capacity of the local highway network.

7.6 Flood Risk and Sustainable Drainage

7.6.1 The NPPF has a presumption in favour of sustainable development, as such all development consists of interdependent elements consisting of economic, social and environmental objectives. As such the NPPF recognises the importance of transitioning to a low carbon society taking full account of flood risk and coastal change. Chapter 14 of the NPPF advises that new development should increase the use and supply of renewable and low carbon energy and provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily.

7.6.2 Chapter 5 of the London Plan discusses the need for London to respond to climate change and the manner in which this will be undertaken. Policy 5.2 specifically discusses minimising carbon dioxide emissions by using less energy, being more efficient with energy that is used and using more renewable energy sources. This is further reiterated within Chapter 9 of the draft London Plan which discusses the importance of promoting green infrastructure and protecting the natural environment and Local Plan Policies SC1, SC2, SC3 and INF6 which primarily seeks to prioritise environmental resilience.

7.6.3 The application site is identified as within Flood Zones 2 and 3 indicating high probability of flooding. It is not considered that the proposal will result in any additional risk of flooding on site, given that the proposal would grant consent to an operating use. Officers note that a flood risk assessment was not
submitted with the present application however, the site operations will remain as per application ref: 17/02618/FUL as such the FRA submitted previously is still relevant; given that the flood risk was considered acceptable under the previous consent by the Environment Agency officers therefore consider it acceptable noting that no changes to the site operations are proposed.

7.6.4 The application is not proposing any changes to the existing surfacing, meaning that surface water runoff rates will not increase as a result of the application. The previously submitted working plan states that surface water runoff will pass through a silt trap and petrol interceptor prior to the point of discharge to the Royal Albert and Victoria Docks Cut. The drainage system is monitored regularly and cleaned when necessary. Officers note that the local lead flood authority (LLFA) have been consulted on the application and have no objection.

7.6.5 Overall, it is considered that the proposed development maintains the existing status quo and through existing on-site provisions adequately addresses the risk of surface water flooding. The proposal is therefore acceptable in this regard.

7.7 Reasons for Approval

7.7.1 The Council seeks to ensure that all new developments within the Royal Docks area bring forward development of the highest quality which actively deliver reductions to airborne pollution. The application seeks planning permission to extend consent for an industrial operation at this site as previously approved by 17/02618/FUL subject to the continued compliance with the operational improvements and Dust & Particulate Emission Management Plan and Working Plan. The time limited nature of the consent would ensure that the development would not prejudice delivery of the potential Silvertown River Crossing or the Council’s longer term regeneration aims for the Royal Docks. The proposal is therefore considered acceptable.

8.0 APPENDIX 1: CONDITIONS AND INFORMATIVES

Conditions

Red strikethrough = deleted Green = New Black = Retained from previous consent ref: 17/02618/FUL

1. Time

The development hereby approved shall expire on 31st July 2024. On or before this date, the uses shall cease and all associated structures, equipment, vehicles and materials associated with the use shall be permanently removed from the site.

Reason: To ensure that the use of the land does not prejudice the wider spatial strategy for the area. The proposed development is only acceptable on
2. Approved Plans and Documents

The development hereby approved shall only be carried out in accordance with the approved plans and documents listed below:

- Drawing No. 3025 / P / 04 - 'Plot Layout Plan: Site 2' - Dated Sept 2006
- Drawing No. B89671/2 - 'Proposed Plans 3 Scarab Close, Canning Town E16 1DF' - Revision A - Dated July 2017

No other drawings or documents apply.

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s) to ensure that the development satisfactorily protects the residential amenities of nearby occupiers.

3. The operations associated with the use of land for waste recycling and material transfer and processing hereby permitted, shall be undertaken at all times in accordance with the requirements of the G&B Compressor Hire Limited 'Dust & Particulate Emission Management Plan' - Version Number 1 - Dated: March 2017 and 'Working Plan' - Prepared by Ove Arup & Partners Ltd - Dated: June 2007

In addition to the above, copies of the G&B Compressor Hire Limited 'Dust & Particulate Emission Management Plan' - Version Number 1 - Dated: March 2017 and 'Working Plan' - Prepared by Ove Arup & Partners Ltd - Dated: June 2007 shall be displayed within the site office and training shall be provided to all on-site staff.

Reasons: To safeguard the amenity of neighbouring premises through the delivery of best practice infrastructure to prevent and minimise air pollution affecting the wider environment

4. **Installation of The PVC strip curtain** as installed and as shown on Drawing No. B89671/2 - 'Proposed Plans, 3 Scarab Close, Canning Town E16 1DF' - Revision A - Dated July 2017 and:

- **Installation of The 'sprinkler - dust suppression at front'** as installed and shown on Drawing No. B89671/2 - 'Proposed Plans, 3 Scarab Close, Canning Town E16 1DF' - Revision A - Dated July 2017
- Shall be completed within three months of the date of this permission and retained fully for the duration of the use.

Reasons: To safeguard the amenity of neighbouring premises and to prevent and minimise air pollution affecting the wider environment
5. All deposition, sorting and bulking of waste and recyclable material shall occur within the approved waste processing building as shown on Drawing No. 3025 / P / 04 - ‘Plot Layout Plan: Site 2’ - Dated Sept 2006

   *Reasons: In order to minimise the risk of odour and dust from exiting the building and crossing the site boundary and to reduce noise and disturbance in the interest of neighbouring amenity.*

6. All storage of skips, cages, containers and equipment shall be statically stockpiled and shall not exceed a height greater than 4 metres when measured from adjacent ground level.

   *Reason: To minimise the visual impact of the development and in the interests of visual amenity*

**Informatives**

1. In dealing with this application, Newham Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the Core Strategy/ Unitary Development Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2. The proposed activities associated with the application will be subject to the requirements of the Environmental Permitting (England and Wales) Regulations 2016. The Regulations require the operator (i.e. the person/company who wishes to carry out the prescribed activity) to apply to the relevant regulating authority for an operating permit.

3. For the purpose of the regulations, the Local Authority or the Environment Agency regulates such installations. Carrying out a prescribed activity without an operating permit is an offence under the above regulations. The applicant is advised to contact the Pollution Control Unit on 020 8430 2000 for information and advice. See also www.defra.gov.uk and www.environment-agency.gov.uk
9.0 APPENDIX 2: PROPOSED PLANS AND IMAGES
Site 4 Docklands Waste Recycling Ltd, Thames Wharf, Dock Rd, Silvertown, London E16 1AF

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LONDON BOROUGH OF NEWHAM

STRATEGIC DEVELOPMENT COMMITTEE

15th October 2019

Application Number: 19/01962/VAR
Validation Date: 12th July 2019
Location: Site 4 Docklands Waste Recycling Ltd Thames Wharf Dock Road Silvertown London
Ward: Canning Town South
Applicants: Ms Jennifer Watts
Agent: Watts Legal

Purpose of Report / Proposal

The purpose of this report is to set out the Officer recommendations to Strategic Development Committee regarding an application for planning permission relating to the following proposal.

Section 73 application to vary Condition 1 (Time Limited Consent) - to extend the use until 31st July 2024 and removal of condition 4 (Installation of PVC curtain and high level dust suppression system) attached to planning consent 17/02617/FUL dated 11.10.2017 which granted permission for:

"Planning permission for time limited consent for the continued use of the site for waste recycling and material transfer and processing".

Recommendations

The Strategic Development Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and

2. grant planning permission based on the Conditions listed in Appendix 1 and summarised below.
## Conditions – Summary

A summary of the proposed condition is set out below. Please refer to Appendix 1 for the proposed conditions in full.

1. Time limited consent until 31\textsuperscript{st} July 2024
2. Work to be completed in accordance with approved plans/documents
3. All operations to be in accordance with the approved working plan and dust and odour management plan
4. The operational development works shall be completed within three months
5. Deposition, sorting and bulking of waste and recyclable material shall occur within the waste processing building
6. Height restrictions on storage of skips, cages, containers and equipment

### NAME OF LEAD OFFICER:

Amanda Reid  
POSITION: Director of Planning and Development, Chief Planning Officer  

Originator of report: Miss Sarah Odu  
Tel no: 020 337 37480  
E-mail address: sarah.odu@newham.gov.uk

### 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 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

### Environmental Impact Assessment

For the purposes of this application, this proposal has been screened and assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and considered not to warrant the need for Environmental Impact Assessment.

### 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
- National Planning Policy Framework
- London Plan
- Local Plan
- Other relevant guidance
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2.0 PROPOSAL
3.0 RELEVANT HISTORY
4.0 CONSULTATION
5.0 PLANNING POLICIES AND GUIDANCE
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)
7.0 ASSESSMENT
8.0 APPENDIX 1: CONDITIONS AND INFORMATIVES
9.0 APPENDIX 2: HEADS OF TERMS
10.0 APPENDIX 3: PROPOSED PLANS AND IMAGES
## PLANNING APPLICATION FACT SHEET

### The Site

<table>
<thead>
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<th>Address</th>
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### Non-residential Uses

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### Public Consultation

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<tr>
<td>Number of other representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>
1.0 SITE & SURROUNDINGS

1.1 The land is currently used for the purposes of waste recycling and material transfer and processing. The site has a total area of approximately 0.45ha. The site forms part of the Silvertown Crossing Safeguarding Area.

1.2 On 4th January 2007 planning permission was granted at the site under reference 06/01657/LTGDC (to the wider site known as ‘Site North of Thames Wharf’) to provide accommodation for 4 No. waste recycling and transfer businesses, including construction of buildings for materials processing and other related works. On 23rd June 2014 an application under reference 14/00551/VAR for the variation of ‘condition 2’ (time limits) attached to planning permission 06/01657/LTGDC was approved granting an extension of the time limited consent until 31st July 2017.

1.3 Following, the expiry of application ref: 14/00551/VAR on 31st July 2017, the applicant sought planning permission relating solely to the activities at site 4 relating to Docklands Waste Recycling Ltd. On 11th October 2017 planning permission was granted under ref: 17/02617/FUL for the continued use of the site for waste recycling and material transfer and processing. The permission was time limited for a period of 2 years to coincide with the delivery of the Silvertown Crossing.

1.4 Vehicular access to the site is from Dock Road. The surrounding area is primarily industrial in nature, with surrounding uses including but not limited to waste recycling and transfer facilities, concrete batching plants, safeguard wharf facility and office and business units. The nearest residential properties to the site are the Hoola tower blocks.
2.0 PROPOSAL

2.1 This application seeks to vary condition 1 attached to planning permission ref: 17/02617/FUL for the continued use of the land for the purpose of waste recycling and material transfer and processing until 31st July 2024 and the removal of condition 4 which relates to the installation of a PVC curtain and high level dust suppression system.

2.2 In terms of the existing use of the site, the company has downscaled its operation from the site since the previous consented use. The applicant has been granted a waste exemption by the Environment Agency which confirms their operations are very limited at the site and such are not significant enough to warrant a permit.

2.3 Planning practice guidance advises that it is rarely permissible to grant a second temporary consent at an application site unless there are special circumstances. In this instance the site has been granted several time limited consents which the Council considers to be appropriate noting that the site is located within an area designated for SIL release and falls within the Silvertown crossing safeguarding zone and thus will need to cease operations once the Silvertown crossing works commence. Officers therefore consider the issuing of another temporary consent appropriate in this instance.
### 3.0 RELEVANT HISTORY

#### 3.1 Planning Application History

#### 3.2 A summary of the relevant planning application history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>06/01657/LTGDC</td>
<td>Temporary change of use and development to provide accommodation for 4 No. waste recycling and transfer businesses, including construction of buildings for materials processing, fleet vehicle and equipment maintenance, offices and staff welfare, provision of external storage areas for materials and equipment, and other related works.</td>
<td>Decision Issued 04.01.07</td>
</tr>
<tr>
<td>06/01790/FUL</td>
<td>Temporary use of land for skip storage and distribution, equipment storage and ancillary uses for a temporary period expiring 31 August 2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/00116/LTGDC</td>
<td>Approval of details pursuant to Condition 18 (acoustic report) (part) attached to planning permission reference 06/01657/LTGDC granted 04/01/2007.</td>
<td>Application Approved dated</td>
</tr>
<tr>
<td>07/00117/LTGDC</td>
<td>Approval of details pursuant to Condition 19 attached to planning permission reference 06/01657/LTGDC granted 04/01/2007, for temporary extended working hours for demolition / construction / building works.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/00118/LTGDC</td>
<td>Application for partial discharge of Condition 15 (Site 1 Ground Contamination Quantitative Risk Assessment) attached to planning permission reference 06/01657/LTGDC granted 04/01/2007.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>07/00115/LTGDC</td>
<td>Approval of details pursuant to Condition 22 (Code of Construction Application)</td>
<td>Application Approved</td>
</tr>
<tr>
<td>Application No.</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>07/00119/LTGDC</td>
<td>Application to discharge Condition 4 (Archaeology) attached to planning permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td></td>
</tr>
<tr>
<td>07/00385/LTGDC</td>
<td>Application for partial discharge of Condition 24 (Details of Site 1 Buildings) attached to planning permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td></td>
</tr>
<tr>
<td>07/00384/LTGDC</td>
<td>Application for partial discharge of Condition 27 (Assessment of Impact on Cycle Route on Dock Road) attached to planning permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td></td>
</tr>
<tr>
<td>07/00386/LTGDC</td>
<td>Application for partial discharge of Condition 15 (Sites 2, 3 and 4 Ground Contamination Quantitative Risk Assessment) attached to planning permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td></td>
</tr>
<tr>
<td>07/00561/AOD</td>
<td>Approval of details of Condition 16 (Site 1 - Foul and surface water drainage details) attached to Planning Permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td></td>
</tr>
<tr>
<td>07/00563/LTGDC</td>
<td>Approval of details of Conditions 7 (Landscaping) and 11 (ecological management plan) attached to Planning Permission reference 06/01657/LTGDC granted 04/01/2007.</td>
<td></td>
</tr>
<tr>
<td>07/01225/AOD</td>
<td>Application for discharge of Condition 23 (Partial approval only) (Provision of Air Quality Monitoring System) attached to planning permission reference 06/01657/LTGDC granted on 04.01.07.</td>
<td></td>
</tr>
<tr>
<td>07/01226/AOD</td>
<td>Application for discharge of Condition 6 (Wind turbine feasibility study) attached to planning</td>
<td></td>
</tr>
<tr>
<td>Application Reference</td>
<td>Application Details</td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>07/01396/LTGDC</td>
<td>Variation of condition 17 (operational hours) attached to planning permission 06/01657/LTGDC granted on 04/01/2007.</td>
<td></td>
</tr>
<tr>
<td>07/01395/LTGDC</td>
<td>Application for partial discharge of Condition 24 (design, form and materials of buildings sites 2, 3 and 4) attached to planning permission 06/01657/LTGDC granted on 04/01/2007.</td>
<td></td>
</tr>
<tr>
<td>07/01498/AOD</td>
<td>Approval of details pursuant to Condition 15 (contaminated land verification report) (part - Site 1 only) attached to planning permission reference 06/01657/LTGDC granted on 04/01/2007.</td>
<td></td>
</tr>
<tr>
<td>07/01855/LTGAOD</td>
<td>Approval of details pursuant to Condition 25 (river transport) attached to planning permission 06/01657/LTGDC granted on 04/01/2007.</td>
<td></td>
</tr>
<tr>
<td>07/02062/LTGAOD</td>
<td>Approval of details pursuant to condition 15 (c) (sites 2,3 and 4 verification report) attached to planning permission 06/01657/LTGDC granted on 04/01/2007.</td>
<td></td>
</tr>
<tr>
<td>14/00551/VAR</td>
<td>Variation of Condition No. 2 attached to planning permission 06/01657/LTGDC (temporary change of use and development to provide accommodation for 4 No. waste recycling and transfer businesses, including construction of buildings for materials processing, fleet vehicle and equipment maintenance, offices and staff welfare, provision of external storage areas for materials and equipment, and other related works) to replace existing planning permission expiry date of 31 July 2014 to expiry date of 31 July 2017. After this date, the uses shall cease, all associated buildings and...</td>
<td></td>
</tr>
</tbody>
</table>
structures shall be removed from the site and the land reinstated in accordance with a restoration scheme to be submitted to and approved in writing by the local planning authority.

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/02088/AOD</td>
<td>Approval of details pursuant to Condition 31 (foul and surface water disposal scheme) and Condition 32 (condition survey and detailed method statement for remedial works to the flood defence) attached to planning permission 14/00551/VAR dated 23rd June 2014.</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>14/02701/AOD</td>
<td>Approval of details pursuant to Condition 28 (Travel plan) attached to planning permission 14/00551/VAR dated 23rd June 2014.</td>
<td>Application Approved</td>
</tr>
<tr>
<td>14/02988/AOD</td>
<td>Approval of details pursuant to Condition 29 (Full details of an enclosure plan) attached to planning permission 14/00551/VAR dated 23rd June 2014.</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>15/01084/AOD</td>
<td>Approval of details pursuant to condition 29 (enclosure plan) of planning approval 14/00551/VAR dated 23.06.2014 (Unit 3)</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>17/02617/FUL</td>
<td>Planning permission for time limited consent for the continued use of the site for waste recycling and material transfer and processing.</td>
<td>Application Approved</td>
</tr>
</tbody>
</table>

3.3 Planning Enforcement History

3.4 A summary of the relevant planning enforcement history is set out in the table below:

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Related to Site North of Thames Wharf</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14/02088/ENFC</td>
<td>Breach of Condition 29 of the planning permission reference 14/00551/VAR</td>
<td>Case Closed</td>
</tr>
<tr>
<td>Site 4 Docklands Waste Recycling Ltd Thames Wharf Dock Road Silvertown London E16 1AF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09/00141/ENFB</td>
<td>Extension to shed built without planning permission and breach of conditions.</td>
<td>Case Closed</td>
</tr>
<tr>
<td>11/00702/ENFA</td>
<td>Untidy appearance of waste</td>
<td>Case Closed</td>
</tr>
<tr>
<td>transfer station</td>
<td>Failure to discharge planning conditions attached to 06/01657/LTGDC as varied by 14/00551/VAR</td>
<td>Case Closed</td>
</tr>
<tr>
<td>------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td>--------------</td>
</tr>
</tbody>
</table>

3.5 **Planning Appeal History**

3.6 A search revealed there is no appeal history relevant to the application site.
4.0 CONSULTATION

4.1 Application Publicity

4.2 Site Notice erected on Dock Road on 26th July 2019, expiring on 16th August 2019.


4.4 The application was advertised as a major application.

4.5 A total of 152 consultation letters were sent to neighbouring properties regarding this application on. The public consultation period expired on 14th August 2019.

4.6 Adjoining Properties

<table>
<thead>
<tr>
<th>Number of Letters Sent</th>
<th>152</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Responses Received</td>
<td>0</td>
</tr>
<tr>
<td>Number in Support</td>
<td>0</td>
</tr>
<tr>
<td>Number of Objections</td>
<td>0</td>
</tr>
<tr>
<td>Number of other Representations (neither objecting or supporting)</td>
<td>0</td>
</tr>
</tbody>
</table>

4.7 A total of 0 responses were received from adjoining occupiers, comprising 0 in support and 0 objecting to the application.

4.8 Statutory and Non Statutory Consultation

4.9 The following consultations have been undertaken:

LBN Environmental Health - Pollution General
LBN Transportation
Highways Team
LBN Landscape Architects
LBN CIL (Community Infrastructure Levy) Officer
LBN Regeneration
Building Control Service
LBN Waste Management
Lead Local Flood Authority
Crossrail Ltd
Custom House Community Association
DLR Planning Consultation
4.10 **External Consultation**

4.11 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Date received</th>
<th>Summary of consultation response</th>
<th>Officer comments on consultation response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crossrail</td>
<td>18&lt;sup&gt;th&lt;/sup&gt; July 2019</td>
<td>No comment</td>
<td>N/a</td>
</tr>
<tr>
<td>Metropolitan Police</td>
<td>18&lt;sup&gt;th&lt;/sup&gt; July 2019</td>
<td>No further comments to make on the application other than those made for ref: 17/02617/FUL.</td>
<td>N/a</td>
</tr>
<tr>
<td>Port London Authority</td>
<td>19&lt;sup&gt;th&lt;/sup&gt; July 2019</td>
<td>No objection</td>
<td>N/a</td>
</tr>
<tr>
<td>Natural England</td>
<td>31&lt;sup&gt;st&lt;/sup&gt; July 2019</td>
<td>No comment</td>
<td></td>
</tr>
</tbody>
</table>
4.12 Internal Consultation

4.13 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Local Lead Flood Authority</th>
<th>Date received:</th>
<th>25th July 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary of consultation response:</td>
<td>No comment</td>
<td>Officer comments on consultation response:</td>
<td>N/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultee:</th>
<th>Environmental Health</th>
<th>Date received:</th>
<th>1st October 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary of consultation response:</td>
<td></td>
<td>Officer comments on consultation response:</td>
<td></td>
</tr>
<tr>
<td>No objection</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Officer comments on consultation response:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N/a</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5.0 PLANNING POLICIES AND GUIDANCE

5.1 The Local Development Plan comprises:

- The London Plan (the spatial development strategy for London consolidated with alterations since 2011 and published March 2016);


- the London Borough of Newham Local Plan (2018)


- the Joint Waste Development Plan for the East London Waste Authority Boroughs (adopted 27th February 2012);

5.2 Material weight has been given to the National Planning Policy Framework (Feb 2019) and the National Planning Practice Guidance.

5.3 The following policies are relevant to the assessment of this application:

5.4 National Planning Policy Framework (February 2019)


2.17 Strategic Industrial Locations
4.1 Developing London’s Economy
4.4 Managing Industrial Land and Premises
5.3 Sustainable Design and Construction
5.12 Flood Risk Management
5.13 Sustainable Drainage
5.14 Water Quality and Wastewater Infrastructure
5.20 Aggregates
5.21 Contaminated Land
4.12 Improving Opportunities for All
6.3 Assessing Effects on Development on Transport Capacity
6.12 Road Network Capacity
6.13 Parking
7.2 An Inclusive Environment
7.4 Local Character
7.6 Architecture
7.14 Improving Air Quality
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
7.26 Increasing the use of the Blue Ribbon Network for freight Transport
7.30 London’s Canals and other rivers and water spaces

5.6 The London Plan: The Spatial Development Strategy for Greater London (Draft for public consultation December 2017) with minor suggested changes (July 2019)

D1 London’s form and characteristics
D2 Delivering good design
D3 Inclusive design
D13 Noise
E4 Land for industry, logistics and services to support London’s economic function
E5 Strategic Industrial Locations (SIL)
E6 Locally Significant Industrial Sites
E7 Intensification, co-location and substitution of land for industry, logistics and services to support London’s economic function
E11 Skills and opportunities for all
G6 Biodiversity and access to nature
SI1 Improving air quality
SI2 Minimising greenhouse gas emissions
SI3 Energy infrastructure
SI12 Flood risk management
SI13 Sustainable drainage
T4 Assessing and mitigating transport impacts
T6 Car parking

5.7 London Plan Review

The Mayor of London’s Draft London Plan: The Spatial Development Strategy for Greater London (Consolidated changes version July 2019 incorporating Minor Suggested Changes – published in August 2018 and inclusive of Further Suggested Changes and Post Session Changes) is under Examination. Having regard to NPPF paragraph 48 the emerging document is a material consideration and appropriate weight will be given to its policies and suggested changes in decision-making, unless other material considerations indicate that it would not be reasonable to do so.

5.8 The London Borough of Newham Local Plan (2018)

S1 Spatial Strategy and Strategic Framework
S5 Beckton
SP1 Borough-wide Place-making
SP2 Healthy Neighbourhoods
SP3 Quality Urban Design within Places
SP8 Ensuring Neighbourly Development
J1 Business and Jobs Growth
J2 Providing for Efficient Use of Employment Land
J3 Skills and Access to Employment
SC1 Environmental Resilience
SC2  Energy & Zero Carbon
SC3  Flood Risk & Drainage
SC4  Biodiversity
SC5  Air Quality
INF2  Sustainable Transport
INF3  Waste and Recycling
6.0 THE COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS 2010 (AS AMENDED)

6.1 From 1st of April 2019 Mayoral CIL2 (Permissions granted on or after 1 April 2019).

6.2 The Mayor has adopted a new Charging Schedule MCIL2, which came into effect 1st of April 2019. Like MCIL1, MCIL2 will be charged on all development except for education and health.

6.3 The Mayoral rate for Newham has increased within Band 3 to £25 per sqm from £20 per sqm.

6.4 The Mayoral CIL Charging Schedule (MCIL1) (adopted 2012) and the Section 106 Crossrail Funding from Planning Obligations Supplementary Planning Guidance (adopted 2016) is superseded by the revised MCIL Charging Schedule.

6.5 The Newham Community Infrastructure Levy is chargeable in line with the Newham CIL Charging Schedule, which came into effect on 1st January 2014.

6.6 The Newham Community Infrastructure Levy was adopted by full Council on 30th September 2013, which came into effect on 1st January 2014. The Newham CIL Charging Schedule per gross internal sq. m is as follows:

<table>
<thead>
<tr>
<th>Use Class</th>
<th>Charging Zone1 – Post codes E15 (exclusive of the LLDC area), E16 and E3 (part)</th>
<th>Charging Zone 2 – Post codes E6, E7, E12, E13 and IG11 (part)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>£80</td>
<td>£40</td>
</tr>
<tr>
<td>Retail</td>
<td>£30</td>
<td>£30</td>
</tr>
<tr>
<td>Office</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Hotel</td>
<td>£120</td>
<td>£120</td>
</tr>
<tr>
<td>Industrial</td>
<td>£0</td>
<td>£0</td>
</tr>
<tr>
<td>Student Accommodation</td>
<td>£130</td>
<td>£130</td>
</tr>
</tbody>
</table>

6.7 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Newham has published a list of infrastructure projects or types of infrastructure that it intends to be funded in whole or in part by the Newham CIL. This allows the continued use of planning obligations (S.106 agreements) for other projects or types of infrastructure. Individual developments will not be charged for the same items through S106 and CIL. The Newham Regulation 123 list can be viewed on the Council’s website.
7.0 ASSESSMENT

7.1 The key issues relevant to this application are:

- Principle of Development (7.2);
- Impact upon Amenity (7.3);
- Air Quality and Dust Amelioration (7.4);
- Sustainable Transport (7.5);
- Flood Risk and Sustainable Drainage (7.6);
- Reasons for Approval (7.7)

7.2 Principle of Development

7.2.1 The NPPF outlines the need to support sustainable economic development to deliver business and industrial units that the country needs. It speaks of the importance of building a strong, responsive and competitive economy as part of one of the key objectives in achieving sustainable development.

7.2.2 The NPPF outlines the need to support sustainable economic development to deliver business and industrial units that the country needs. It speaks of the importance of building a strong, responsive and competitive economy as part of one of the key objectives in achieving sustainable development.

7.2.3 Policy 4.1 in conjunction with Policy 4.4 of the London Plan seeks to promote and enable the continued development of a strong and sustainable economy through the delivery of employment opportunities and through the management of sufficient industrial land and premises to meet future needs. This is bolstered by Policy 2.17 which seeks to ensure that strategic industrial locations are promoted, managed and protected as London’s main reservoirs of industrial capacity.

7.2.4 During the consideration of the application, Officers have given due regard to the emerging Draft London Plan: The Spatial Development Strategy for Greater London (Draft for Consultation December 2017 with minor suggested changes July 2019). Policies E4, E5 and E7 of the emerging London Plan reiterate the broad aims of the aforementioned adopted policies. Emerging Policy E7 speaks of the need for development proposals to encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land through more efficient use of land through higher plot ratios having regard to operational requirements (including servicing) and mitigating impacts on the transport network where necessary.

7.2.5 Policy J1 and J2 of the Newham Local Plan (2018) seeks to achieve more efficient use of employment land to support economic growth sectors and encourage employment opportunities through retention of the most suitable locations for industrial type uses. Policy J2 defines strategic industrial locations (SIL) within the borough and subdivides those locations into Industrial Business Parks and Preferred Industrial Locations.
7.2.6 Policy J2 further states that designated SILs are suitable in principle for Use Classes B1(b) B1(c) B2, B8, light industrial, appropriate sui generis employment uses, with other supporting facilities including B1a uses, where ancillary in scale and function. Policy S3 seeks the rationalisation of employment land within the Royal Docks to achieve considerably higher value employment uses and jobs density than currently exists, including a phased release of Strategic Industrial Locations (SIL) over the plan period in line with Policy J2.

7.2.7 The application site falls within the wider strategic site S08 (Thames Wharf) as outlined within Local Plan Policy S4. The land is currently designated SIL but has been identified for release by Local Plan Policy J2 during the plan period to allow for the realisation of a mixed-use site comprising employment, residential and leisure/tourism uses. The land is also subject to designation for the Silvertown Crossing safeguarding area. Further, Thames Wharf benefits from additional safeguarding as it is a protected wharf, in line with Policies J2, INF1, S3 and S4, this wharf will be consolidated along with 3 others into Peruvian and Royal Primrose Wharves through the managed intensification criteria; there will be no net loss in capacity or functionality of the wharves.

7.2.8 The application proposes a variation to condition 1 of planning permission ref: 17/02617/FUL in order to extend the time limited consent until July 2024. In principle the use of the site for waste recycling and material transfer and processing is supported noting the sites SIL allocation. Officers acknowledge that Thames Wharf is allocated for SIL release as such the proposed use does not align with the boroughs long term aspirations for the area however, it is considered that the proposal is acceptable as a meanwhile use noting its contribution to employment levels and borough productivity.

7.2.9 Whilst the application proposal clearly fails to align with the longer-term aspirations for the area, its time limited nature would align with existing planning policy and neighbouring industrial uses. When considered together with the jobs retained, the current policy designation as a Strategic Industrial Location and its safeguarding for the Silvertown Crossing, it is considered that this application for time limited consent is acceptable in principle and would not prejudice the Council’s longer term regeneration aims of the Royal Docks.

7.2.10 Further, officers also note that whilst not a material planning consideration, the sites current lease agreement with the GLA provides for an early vacation of site should Silvertown crossing work commence at any time sooner than the proposed application extension date. Further, the GLA has been consulted with respect to the planning application and they have confirmed that they have no objections to the proposed extended time limit. The proposed extended time limit is therefore not considered to prejudice the long-term aspirations for the area with respect to the borough’s strategic objectives and the Silvertown crossing. The principle of the development is therefore supported.

7.3 Impact upon amenity
7.3.1 The NPPF through Chapter 15 speaks of the need of conserving and enhancing the natural environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 180 outlines that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of the new development and that decisions support the mitigation and reduction of other adverse effects through the use of conditions. The NPPF does however concede that new development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

7.3.2 London Plan Policy 5.3 outlines as good practice that new development should demonstrate that sustainable design standards are integral to the proposal including its construction and operation and ensure that they are considered at the beginning of the design process and seek to minimise potential impacts associated with noise pollution. Policy 7.15 requires new development to manage noise by avoiding significant adverse noise impacts on the health and quality of life as a result of new development. The Policy further states that development proposals should ‘mitigate and minimise the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of businesses’. This is further reiterated in Policy D13 of the draft London Plan.

7.3.3 The overarching vision of the Newham Local Plan (2018) is to deliver high quality development which promotes the borough as a place to live, work and stay. Policy SP2 speaks of the need to improve employment levels and reduce poverty whilst attending to the environmental impacts of economic development including but not limited to noise. Taken in context this policy recognises that in addition to requiring developments to be of the highest quality, retrospective mitigation measures to reduce noise are also particularly important. Policy SP3 seeks to avoid the introduction of bad neighbour uses, these being defined as those activities that generate negative impacts that affect adjoining properties.

7.3.4 The site is located within a predominantly industrial location, with surrounding uses including but not limited to waste recycling and transfer facilities, concrete batching plants, a safeguarded wharf facility and office and business units. The nearest residential properties to the site include Western Beach Apartments and the Hoola tower blocks which are approximately 272m and 257m away respectively.

7.3.5 In terms of noise pollution, it is considered that the application would result in the provision of an appropriately sized and located industrial use when viewed in the context of the surrounding operators. The proposal would grant consent for an existing operation, which is of a reduced impact to neighbouring amenity than the previously consented use. The Dust and Odour Management Plan
contains details of a reporting and complaints response procedure, should complaints be received to the site. This procedure is outlined further within the Working Plan document, including the investigation and recording procedure for odour and noise complaints.

7.3.6 The Working Plan states that there will be physical monitoring of noise by the yard staff. Should noise become excessive, its source shall be identified and will either be corrected or controlled. Olfactory monitoring will also be undertaken at least once per day.

7.3.7 Noting the sites significant reduction in activities from 93,000 per annum to approximately 120 tonnes per day which equates to less than half the previous tonnage over a year; the Council is satisfied that the sites operation will not result in undue harm to the neighbouring amenity subject to strict adherence to the working plan and dust management plan. It should also be noted that the Councils Environmental Health department has been consulted on the application and has no objection to the proposal with respect to the continued use of the site and the removal of condition 4 which relates to the installation of a PVC curtain and an internal high level dust suppression system. The proposal is therefore considered acceptable in this regard.

7.3.8 Notwithstanding the above, should the operations of the site increase to a level which warrants the reinstatement of an EA waste permit to the site, this would be considered a material change in circumstances sufficient to warrant an application to the Council noting that condition 4 sought to safeguard the neighbouring amenity and a significant waste operation at the site without those controls outlined within the condition would be considered unacceptable as it fails to demonstrate best available techniques and safeguard the amenity of the site.

7.4 Air Quality and Dust Amelioration

7.4.1 The core principles within the NPPF seek that new development contribute to conserving and enhancing the natural environment and reducing pollution. It is noted that planning plays a key role in seeking the reduction in greenhouse gasses and encourages development in locations which has reduced carbon emissions. Paragraph 170 specifically speaks to the need for new and existing development to wherever possible help improve local environment conditions like such as air and water quality.

7.4.2 Policy 7.14 of the London Plan states that development proposals should be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality (such as areas designated as Air Quality Management Areas (AQMAs). Policy 7.15 of the London Plan requires new development to manage noise by avoiding significant adverse noise impacts on the health and quality of life as a result of new development. These objectives are broadly reiterated within Policies SI1 and SI2 of the draft London Plan.
7.4.3 The Newham Local Plan through policies SP1, SP2 and SP3 seeks to deliver high quality development which respects, takes advantage of and enhances the positive elements and distinctive features of the borough whilst delivering development which creates healthier neighbourhoods and minimises the potential for ‘bad neighbour’ uses. Policy SP2 (Healthy Neighbourhood) specifically supports the need to improve Newham’s air quality, reduce exposure to airborne pollutants and seeks to ensure new developments deliver sustainable development. Further, Policy SP8 of the Local Plan proposals that demonstrate the need to avoid unacceptable exposure to dust, vibration and other amenity or health impacting pollutants in accordance with adopted policy SP2.

7.4.4 The officer’s report for application ref: 17/02617/FUL outlined that the applicant had significantly reduced its operation and was in the process of surrendering its environmental permit and applying for a waste exemption from the Environment Agency. The sites previous permit was for 93,000 tonnes per annum which warranted the need for conditions relating to dust suppression. The site has since significantly downscalled its operation and as such is seeking the removal of planning condition 4 attached to ref: 17/02617/FUL which relates to the installation of a PVC strip curtain and a high level dust suppression system. The planning agent has confirmed that currently the site manages 120 tonnes at any one time, which is a fraction of the sites previous operations.

7.4.5 Further to the above, officers have consulted the Environment Agency and no objections were raised with regard to the site usage. Further, officers visited the site on 18th October 2019 and note it was well maintained as can be seen from the site photo at appendix 2. Noting the significant downscale in the sites operations officers are supportive of the removal of condition 4 attached to ref: 17/02617/FUL. The proposal is therefore acceptable in this regard subject to continued adherence to the working plan and dust management plan.

7.5 Sustainable Transport

7.5.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

7.5.2 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Policy 6.9 outlines that development should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards. Policy 6.13 of the London Plan seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel plans aim to reduce reliance on
private means of transport. The objectives as outlined within these policies are largely reiterated within policies T4, T5 and T6 of the Draft London Plan.

7.5.3 Policies SP2, SP8 and INF2 of the Councils Local Plan 2018 seek to secure a more sustainable pattern of movement in Newham, maximising the efficiency and accessibility of the Borough’s transport network on foot, cycle and public transport in order to reduce congestion.

7.5.4 Noting the site’s downscaled operation there has been a reduction in vehicular movements since application ref: 17/02617/FUL the existing vehicle movements from the site are estimated at less than 50 x 2 way movements per day. Noting the reduction it is not considered the application would have a detrimental impact on the capacity of the road network.

7.5.5 Furthermore, it is noted that the area is designated as a preferred industrial location, and the surrounding uses are industrial in nature. As such HGV movements make up the dominant traffic use of Dock Road. Overall, it is considered that the approval of the application would not have a significant impact on the capacity of the local highway network. The proposal is therefore acceptable in this regard.

7.6 Flood Risk and Sustainable Drainage

7.6.1 The NPPF has a presumption in favour of sustainable development, as such all development consists of interdependent elements consisting of economic, social and environmental objectives. As such the NPPF recognises the importance of transitioning to a low carbon society taking full account of flood risk and coastal change. Chapter 14 of the NPPF advises that new development should increase the use and supply of renewable and low carbon energy and provide a positive strategy for energy from these sources that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily.

7.6.2 Chapter 5 of the London Plan discusses the need for London to respond to climate change and the manner in which this will be undertaken. Policy 5.2 specifically discusses minimising carbon dioxide emissions by using less energy, being more efficient with energy that is used and using more renewable energy sources. This is further reiterated within Chapter 9 of the draft London Plan which discusses the importance of promoting green infrastructure and protecting the natural environment and Local Plan Policies SC1, SC2, SC3 and INF6 which primarily seeks to prioritise environmental resilience.

7.6.3 The application site is identified as within Flood Zones 2 and 3 indicating high probability of flooding. Officer’s note that the Environment Agency have objected to the proposal in relation to the flood risk on the basis that a flood risk assessment was not provided. The site is proposing no changes to its operation that would affect the flood risk to the site, officer’s note that a FRA was submitted under ref: 14/00551/VAR which would still be relevant to the
site noting there are no changes. Further, it should be noted that the EA raised no objections with respect to flood risk at the site under the previous application (ref: 17/02617/FUL) the use of which this application seeks to continue, as such officers consider the proposal to be acceptable and to have demonstrated through previous applications that appropriate measures are in place with respect to flood risk at the site.

7.6.4 With respect to sustainable drainage at the site he application is not proposing any changes to the existing surfacing, meaning that surface water runoff rates will not increase as a result of the application. The dust and odour emission management plan submitted under ref: 17/0617/FUL states that runoff water passes through a silt trap and a full retention interceptor before connecting to the sewer. Clean surface water runoff from areas with no waste storage also pass through a three-stage interceptor before discharge into the Royal Albert and Victoria Docks Cut.

7.6.5 Further the working plan goes on to state that the silt trap is checked regularly and is emptied as required. Both oil interceptors are checked on a six month basis and emptied either at this point or as required. Officers note that the local lead flood authority (LLFA) have been consulted on the application and have no objection.

7.6.6 Overall, it is considered the development proposed maintains the existing status quo and through existing on-site provisions adequately addressed the risk of surface water flooding.

7.7 Reasons for Approval/Refusal

7.7.1 Insert The Council seeks to ensure that all new developments within the Royal Docks area bring forward development of the highest quality which actively deliver reductions to airborne pollution. The application seeks planning permission to extend consent for an industrial operation at this site as previously approved by 17/02617/FUL subject to the continued compliance with the operational improvements and Dust Management Plan and Working Plan. The time limited nature of the consent would ensure that the development would not prejudice delivery of the potential Silvertown River Crossing or the Council’s longer term regeneration aims for the Royal Docks. The proposal is therefore considered acceptable.

8.0 APPENDIX 1: CONDITIONS AND INFORMATIVES

Conditions
Red strikethrough = deleted Green = New Black = Retained from previous consent
ref: 17/02617/FUL

1. Time

London Borough of Newham
The development hereby approved shall expire on 31st July 2024. On or before this date, the uses shall cease and all associated structures, equipment, vehicles and materials associated with the use shall be permanently removed from the site.

Reason: To ensure that the use of the land does not prejudice the wider spatial strategy for the area. The proposed development is only acceptable on a time limited basis and in accordance with the provisions of section 72(2) of the Town and Country Planning Act 1990.

2. The development hereby approved shall only be carried out in accordance with the approved plans and documents listed below:

Drawing No. D9149/2 – ‘Proposed Plans Thames Wharf Dock Road Silvertown E16 1AF’ – Dated July 2017

No other drawings or documents apply.

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s) to ensure that the development satisfactorily protects the residential amenities of nearby occupiers.

3. The operations associated with the use of land for waste recycling and material transfer and processing hereby permitted, shall be undertaken at all times in accordance with the requirements of the Docklands Waste Recycling Limited ‘Working Plan’ – Version 1.3 - Dated: June 2015 and ‘Dust and Odour Management Plan’ – Prepared by Environmental Visage Ltd. – Issue: 2 - Dated: June 2015.

In addition to the above, copies of the Docklands Waste Recycling Limited ‘Working Plan’ – Version 1.3 - Dated: June 2015 and ‘Dust and Odour Management Plan’ – Prepared by Environmental Visage Ltd. – Issue: 2 - Dated: June 2015 shall be displayed within the office and training shall be provided to all on-site staff.

Reasons: To safeguard the amenity of neighbouring premises through the delivery of best practice infrastructure to prevent and minimise air pollution effecting the wider environment

4. The operational development hereby approved consisting of:

- Installation of PVC strip curtain as shown on Drawing No. D9149/2 – ‘Proposed Plans Thames Wharf Dock Road Silvertown E16 1AF’ – Dated July 2017
Installation of internal high level dust suppression as shown on Drawing No. D9149/2—‘Proposed Plans Thames Wharf Dock Road Silvertown E16 1AF’—Dated July 2017 shall be completed within three months of the date of this permission and retained fully for the duration of the use.

Reasons: To safeguard the amenity of neighbouring premises and to prevent and minimise air pollution affecting the wider environment

5. All deposition, sorting and bulking of waste and recyclable material shall occur within the approved waste processing building as shown on Drawing No. 3025 P 06 – ‘Plot Layout Plan: Site 4’ – Dated Sept 2006

Reasons: In order to minimise the risk of odour and dust from exiting the building and crossing the site boundary and to reduce noise and disturbance in the interest of neighbouring amenity.

6. All storage of skips, cages, containers and equipment shall be statically stockpiled and shall not exceed a height greater than 4 metres when measured from adjacent ground level.

Reason: To minimise the visual impact of the development and in the interests of visual amenity

Informatives

1. In dealing with this application, Newham Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the Core Strategy/ Unitary Development Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2. The proposed activities associated with the application will be subject to the requirements of the Environmental Permitting (England and Wales) Regulations 2016.

For the purpose of the regulations, the Local Authority or the Environment Agency regulates such installations. Carrying out a prescribed activity without an operating permit is an offence under the above regulations. The applicant is advised to contact the Pollution Control Unit on 020 8430 2000 for information and advice. See also www.defra.gov.uk and www.environment-agency.gov.uk
9.0 APPENDIX 2: PROPOSED PLANS AND IMAGES