LONDON BOROUGH OF NEWHAM
STRATEGIC DEVELOPMENT COMMITTEE

15th October 2019

Application Number: 19/01774/FUL

Validation Date: 29th July 2019

Location: The White Horse, 125 High Street South, East Ham, London, E6 6EJ

Ward: East Ham South

Applicants: Mr R Sanger

Agent: Agenda 21 Architects Studio Ltd

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

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

APPENDIX 1: PROPOSED PLANS AND IMAGES

APPENDIX 2: HABITAT REGULATION ASSESSMENT: EPPING FOREST SPECIAL AREA OF CONSERVATION (SAC)
### 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 Critical Drainage Area</td>
</tr>
<tr>
<td>Other</td>
<td>Key Movement Corridor Adjacent to Air Quality Management Area; Parks Deficiency: - Pocket Park - District Park; and, 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 830 hr/ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Density u/ha</td>
<td>263 u/ha</td>
</tr>
<tr>
<td>PTAL</td>
<td>4</td>
</tr>
<tr>
<td>London Plan Density Range</td>
<td>45–260 (u/ha) / 200–700 (hr/ha)</td>
</tr>
<tr>
<td>Dwelling Mix</td>
<td>Studio (no. / %) 0</td>
</tr>
<tr>
<td></td>
<td>1 bed (no. / %) 7 (22.58%)</td>
</tr>
<tr>
<td></td>
<td>2 bed (no. / %) 12 (38.71%)</td>
</tr>
<tr>
<td></td>
<td>3 bed (no. / %) 12 (38.71%)</td>
</tr>
<tr>
<td></td>
<td>4 bed (no. / %) 0</td>
</tr>
<tr>
<td>Affordable Housing / Tenure split</td>
<td>Overall % of Affordable Housing 0%</td>
</tr>
<tr>
<td></td>
<td>Social Rent (no. / %) 0/0%</td>
</tr>
<tr>
<td></td>
<td>Intermediate / Shared Ownership (no. / %) 0%/0%</td>
</tr>
<tr>
<td></td>
<td>Private (no. / %) 31 (100%)</td>
</tr>
<tr>
<td></td>
<td>Commuted Sum £1,013,984</td>
</tr>
<tr>
<td>Internal Space Standards</td>
<td>Comply with London Housing SPG? Yes</td>
</tr>
<tr>
<td>Amenity Space</td>
<td>Comply with London Housing SPG? Yes</td>
</tr>
<tr>
<td>Accessibility</td>
<td>Comply with Building Regulations Yes</td>
</tr>
</tbody>
</table>
### Non-residential Uses

<table>
<thead>
<tr>
<th>Existing Use(s)</th>
<th>Proposed Use(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Use / Operator</strong></td>
<td><strong>Proposed Use / Operator</strong></td>
</tr>
<tr>
<td>Public House /</td>
<td>A3/A4 / No known end user</td>
</tr>
<tr>
<td><strong>Existing Use Class(es) sqm</strong></td>
<td><strong>Proposed Use Class(es) sqm</strong></td>
</tr>
<tr>
<td>Previously A4 (drinking establishments)</td>
<td>Class A3 (food and drink) / Class A4 (drinking establishments) / 187.4 sqm</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing number of jobs</strong></td>
</tr>
<tr>
<td>0</td>
</tr>
</tbody>
</table>

### Transportation

<table>
<thead>
<tr>
<th>Car Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No. Existing Car Parking spaces</strong></td>
</tr>
<tr>
<td><strong>No. Proposed Car Parking Spaces</strong></td>
</tr>
<tr>
<td><strong>Proposed Parking Ratio</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No. Existing Cycle Parking spaces</strong></td>
</tr>
<tr>
<td><strong>No. Proposed Cycle Parking Spaces</strong></td>
</tr>
<tr>
<td><strong>Cycle Parking Ratio</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Transport</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PTAL Rating</strong></td>
</tr>
<tr>
<td><strong>Closest Rail Station / Distance (m)</strong></td>
</tr>
<tr>
<td><strong>Bus Routes</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residents Parking Zone?</strong></td>
</tr>
<tr>
<td><strong>RPZ Hours</strong></td>
</tr>
<tr>
<td><strong>Previous RPZ Consultation (if not in RPZ)</strong></td>
</tr>
</tbody>
</table>

### Public Consultation

<p>| Number of properties consulted | 129 |
| Expiry of consultation period | 28th August 2019 |
| Number of responses | 13 |
| Number in support | 6 |
| Number of objections | 7 |</p>
<table>
<thead>
<tr>
<th>Number of other representations (neither objecting or supporting)</th>
<th>0</th>
</tr>
</thead>
</table>
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 an 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.</td>
</tr>
<tr>
<td></td>
<td>We have looked at the content submitted on the outline planning portal and are fully supportive of this application.</td>
</tr>
<tr>
<td></td>
<td>The Visual Impact Assessment clearly illustrates the proposed extension for the current construction site.</td>
</tr>
<tr>
<td></td>
<td>The design looks very good with use of modern materials, and the apartments look spacious with ample outdoor space.</td>
</tr>
<tr>
<td></td>
<td>We note a community play area has been included, which is a bonus, even though the site is opposite Central Park.</td>
</tr>
<tr>
<td></td>
<td>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>
<tr>
<td>Stance:</td>
<td>Comments in support</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>
| 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>
<tr>
<td><strong>Details of representation:</strong></td>
<td></td>
</tr>
<tr>
<td>Comment Reasons:</td>
<td></td>
</tr>
<tr>
<td>- daylight/sunlight</td>
<td></td>
</tr>
<tr>
<td>- heritage</td>
<td></td>
</tr>
<tr>
<td>- loss of privacy</td>
<td></td>
</tr>
<tr>
<td>- noise and disturbance</td>
<td></td>
</tr>
<tr>
<td>- outlook</td>
<td></td>
</tr>
<tr>
<td>- parking</td>
<td></td>
</tr>
<tr>
<td>- traffic</td>
<td></td>
</tr>
<tr>
<td>- visual amenity/design</td>
<td></td>
</tr>
<tr>
<td>- Disturbance, dust and waste from construction</td>
<td></td>
</tr>
</tbody>
</table>

“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.”

<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>
<tr>
<td><strong>Details of representation:</strong></td>
<td></td>
</tr>
</tbody>
</table>

“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.

<table>
<thead>
<tr>
<th>Address</th>
<th>37 White Horse Road, East Ham, London, E6 6DR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received</td>
<td>20 August 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:**
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.

<table>
<thead>
<tr>
<th>Address</th>
<th>10 White Horse Road, East Ham, London, E6 6DP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date received</td>
<td>21 August 2019</td>
</tr>
<tr>
<td>Type</td>
<td>Letter</td>
</tr>
<tr>
<td>Stance</td>
<td>Objection comments</td>
</tr>
</tbody>
</table>

**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>
<tr>
<td>Details of representation:</td>
<td></td>
</tr>
<tr>
<td>&quot;Comment Reasons:</td>
<td></td>
</tr>
<tr>
<td>- daylight/sunlight</td>
<td></td>
</tr>
<tr>
<td>- loss of privacy</td>
<td></td>
</tr>
<tr>
<td>- noise and disturbance</td>
<td></td>
</tr>
<tr>
<td>- parking</td>
<td></td>
</tr>
<tr>
<td>- traffic</td>
<td></td>
</tr>
<tr>
<td>- visual amenity/design</td>
<td></td>
</tr>
</tbody>
</table>
| 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 in to 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 1825-2:2004 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.
The White Horse, 125 High Street South

**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>
</tr>
</thead>
<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>
</tbody>
</table>

Summary of consultation response:

“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.”

Officer comments on consultation response:
Officers note the recommended conditions and informatives made by Environmental Health – these will be applied if the application is minded for approval.

<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”

Officer comments on consultation response:
Officers note the recommended condition – this will be applied if the application is minded for approval.

<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.

Consultee: LBN Transportation
Date received: 23 September 2019

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 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
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
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 placemaking.

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 additionDraft 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:</td>
</tr>
</tbody>
</table>

| 100% Private Housing |

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 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
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 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 Daylight/Sunlight

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):

7.8.3 Policy 3.8 Housing Choice and adaptable dwellings’ requires that ninety percent of new housing meets Building Regulation requirement M4 (2) ‘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>Unit Configuration</th>
<th>Unit Sizes (sqm - GIA)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>One Bedroom Units:</strong></td>
<td></td>
</tr>
<tr>
<td>6 x 1 bed 2 person flats</td>
<td>6 units = 50 sqm</td>
</tr>
<tr>
<td>1 x 1 bed 2 person flats</td>
<td>1 unit = 73sqm (wheelchair accessible)</td>
</tr>
<tr>
<td><strong>Two Bedroom Units:</strong></td>
<td></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...
The White Horse, 125 High Street South

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);
• 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,
• Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017).

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.

London Borough of Newham
The White Horse, 125 High Street South

Proposed Ground Floor

Proposed 4th Floor

London Borough of Newham
The White Horse, 125 High Street South

Proposed 5th Floor

Proposed Elevations: Top = North, Bottom = South

London Borough of Newham
Proposed Elevations: Top = West, Bottom = East
**APPENDIX 2: HABITAT REGULATION ASSESSMENT: EPPING FOREST SPECIAL AREA OF CONSERVATION (SAC)**

<table>
<thead>
<tr>
<th>Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Screening Matrix and Appropriate Assessment (AA) Statement</strong></td>
</tr>
</tbody>
</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.