

Stratford Centre and Morgan House, E15

London Borough of Newham

Planning application no. 14/02289/FUL

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

The refurbishment, conversion and extension of Morgan House and the erection of new 42, 25 and 3 storey buildings to provide 583 (C3) residential units, 4,539 sq.m. of retail/leisure floorspace (A1, A2, A3, A4 and/or D2), and 1,359 sq.m. of office floorspace (B1a); together with replacement market trader storage facilities, car and cycle parking, new and enhanced public realm, a new entrance ramp, modifications to the existing multi-storey car park and altered servicing, connectivity and storage arrangements.

The applicant

The applicant is **CEPF Chariot S.a.r.l.** and the architect is **Allford Hall Monaghan Morris**.

Strategic issues

At consultation stage, the proposed net loss of **office floorspace** and the **residential use** of Morgan House were accepted in strategic planning terms and the introduction of **additional retail** and **residential accommodation** was strongly supported. The scheme's overall **massing, height** and **architectural treatment** was also supported as were most aspects of its approach to **sustainable development** and **transport**.

However unresolved issues were identified in respect of **convergence**, how the proposals would provide or support **affordable shop units** and whether the maximum reasonable level of **affordable housing** would be provided. Additional unresolved matters related to compliance with the Mayor's **residential** and **transport standards, children's play space, inclusive design** and **energy**.

All these matters are now satisfactorily resolved as set out in this report.

The Council's decision

In this instance Newham Council has resolved to grant permission.

Recommendation

That Newham Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal.

Context

1 On the 3 October 2014 the Mayor of London received documents from Newham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses.

2 This was referred to the Mayor under Categories 1A (*Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats*), 1B (*Development outside Central London and with a total floorspace of more than 15,000 sq.m.*) and 1C (*Development which comprises or includes the erection of a building more than 30 metres high outside the City of London*), of the Schedule to the Order 2008.

3 On the 11 November 2014 the Chief of Staff and Deputy Mayor for Planning acting under delegated authority considered planning report D&P/3059c/01 and subsequently advised Newham Council that the application did not comply with the London Plan for the reasons set out in paragraph 81 of the above-mentioned report; but that the possible remedies set out in this paragraph could address these deficiencies. A copy of the above-mentioned report is attached.

4 Since then, the application has been revised in response to the Mayor's concerns as set out below. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

5 On the 19 May 2015 Newham Council decided that it was minded to grant planning permission subject to the satisfactory conclusion of S106 planning agreements to achieve the Council's agreed Heads of Terms and formally advised the Mayor of this decision on the 26 November 2015.

6 Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Newham Council under Article 6 to refuse the application, or issue a direction to Newham Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until the 9 December 2015 to notify the Council of his decision and to issue any direction.

7 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

8 The decision on this case and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

9 At consultation stage, Newham Council was advised that resolution of the following issues could lead to the application becoming compliant with the London Plan:

- **The 2012 Games and their legacy** - The applicant was asked at Stage 1 to put forward practical measures to ensure its proposals would help achieve convergence outcomes and it subsequently augmented its original submission and agreed a S106 agreement that would require it to work with Newham Council to maximise local employment and supply chain opportunities. This matter is now acceptable.

- **Retail** – The applicant was asked at Stage 1 to show how its proposals would provide or support affordable shop units suitable for small or independent retailers in line with London Plan policy 4.9 (Small shops). In response the applicant contends that the Stratford Centre provides a secondary retail offer when compared to Westfield Stratford City, that prime and tertiary rents within its scheme would be significantly lower (and hence more affordable) than at Westfield, that the physical dimensions and size of its retail units, (particularly at the ground floor level) are capable of being split to provide smaller, more affordable shop units, and that retailers would be offered rent free incentive periods upon signing a lease as well as flexible lease terms.

The applicant has also confirmed that around 30 market units would remain which would continue to provide an affordable retail offer for new and existing independent operators and that they would be provided with improved storage facilities. This response is considered acceptable and satisfactorily addresses relevant London Plan policy requirements.

- **Housing** – It was concluded at Stage 1 that the application had not demonstrated that the maximum reasonable level of affordable housing would be provided, that compliance with the Mayor's residential standards had also not been demonstrated and that the quantum of dedicated children's play space appeared insufficient. Newham Council subsequently undertook an independent assessment of the scheme's viability and have secured 81 on-site affordable housing units comprising 47 affordable rented units (within Morgan House) and 34 shared ownership units (in the new development).

The Council has also negotiated a review mechanism that requires that 60% of all revenue above an agreed average residential value to be paid to the Council for offsite affordable housing, subject to a maximum cap of £11,571,000. The applicant also prepared and submitted a detailed schedule showing how its proposals would comply with the Mayor's residential standards and has demonstrated that it would provide sufficient children's play space to meet the Mayor's play space standards. These matters are now satisfactorily addressed.

- **Inclusive design** – The applicant has confirmed the number and location of its adaptable units, provided typical floorplans of these units and clarified its approach to disabled parking, mobility scooter storage and inclusive access. The planning conditions Newham are proposing would ensure that these commitments and details would be achieved and these matters are therefore now satisfactorily addressed.
- **Energy** – A number of technical matters were raised at Stage 1 including confirmation whether the proposed dwellings would be provided with active cooling, how the cooling demand in the non-domestic units has been minimised in line with London Plan policy 5.9 (Overheating and cooling), confirmation that all apartments and non-domestic buildings would be connected to the site heat network, a drawing provided showing the route of the heat network, and clarification why substations and temporary plant rooms were indicated if an immediate connection was being arranged with Cofely. Further information on all these matters was provided by the applicant in a detailed submission and hence these matters are also now satisfactorily addressed.

Transport

10 TfL raised a number of concerns at Stage 1 about the application and its wider transport and public realm context, particularly in respect of the scope of works and funding of new accesses and improvements to Great Eastern Road, public realm, and existing and emerging proposals for the Stratford Gyatory.

11 The proposed S106 Heads of Terms identifies that junction options will be prepared for both existing one-way and proposed two-way configurations of Great Eastern Road for the junction configurations proposed for Service Route 1 (to the south) and Service Route 3 (to the north). There would also be a Section 278 agreement to remove existing and create new access junctions and a condition to secure alternative retail service arrangements during construction.

12 Conditions are also proposed for a Stratford Car Parking Management Strategy, a Car Parking Management Plan, Blue Badge and car club parking, EVCPs, cycle parking, staff cyclist facilities, drop off/pick up facilities for residents, a strategy for a cycle hire docking station, provision of Legible London wayfinding, a Delivery and Servicing Management Plan and a Construction Environmental Management Plan. The Travel Plan and the exemption of residents and staff from obtaining parking permits would be secured through the S106 agreement.

13 TfL is therefore satisfied that the application scheme is in general accordance with the transport policies of the London Plan.

Response to consultation

14 The Council advertised the proposal in the local press and by site notices twice, with more than fifty site notices and almost 3,000 letters being distributed on each occasion. The following table from Newham Council's Committee report sets out the number of responses received for and against the application.

	First round of consultation	Second round of consultation
Number of Letters Sent	2962	2968
Number of Responses Received	39	7
Number in Support	3	1
Number of Objections	36	5
Number of other Representations (neither objecting or supporting)	0	1

15 The report also confirms that the objections to the application related to the following matters:

- Loss of daylight/sunlight/overshadowing
- Design
- Outlook
- Highways
- Consultation
- Heritage
- Policy
- Wind
- Loss of office space
- Amount of family accommodation

- Height
- Use
- Noise and disturbance
- Antisocial behaviour

16 The statutory and additional consultees responded as follows:

- **British Transport Police** - No response received.
- **Civil Aviation Authority** - Had no objections but recommended conditions in respect of lighting and construction.
- **Crossrail** - No objection.
- **Docklands Light Railway** - No response received.
- **EDF Energy** - No response received.
- **English Heritage** - The two towers would be visible in a number of views within adjoining Conservation Areas and views towards the Grade II Listed St John church, arguably replacing the church as the dominant feature. The light coloured materials proposed for the tower would also further increase this impact and could cause harm to the character of the Conservation Area. However, whilst it is recognised that consented schemes such as Broadway Chambers have set a precedent for tall buildings in this location, the Council should nonetheless consider measures to mitigate this harm.
- **English Heritage (Greater London Archaeological Advisory Service)** - No objection subject to a conditions relating to archaeological Investigations and appropriate informatives.
- **Environment Agency** - No objection subject to conditions and informatives relating to surface water, drainage, contamination and piling.
- **HS1 Ltd** - No interest in the planning application confirmed.
- **LLDC** - Does not object in principle to the proposals but raised concerns that the proposal does not include the whole of the Stratford Centre or the Broadway and hence misses the opportunities that comprehensive development might offer, that a 42 storey building might exceed the building heights envisaged in Newham's Core Strategy and it's Stratford Metropolitan Masterplan, that public realm enhancements have not been optimised, and that aspects of the applicant's transport assessment are insufficient.
- **London Borough of Hackney** - No response received.
- **London Borough of Tower Hamlets** - No comments confirmed.
- **London Borough of Waltham Forest** - No response received.
- **London Buses Services Ltd** - No response received.
- **London City Airport** - No objection subject to conditions relating to crane height and landscaping.
- **London Fire And Emergency Planning Authority** - No objections.
- **London Underground Ltd** - No objection, but recommended condition to address details of foundations, basement and ground floor structures.
- **Metropolitan Police Service** - No objection but asked for conditions to address concerns in respect of landscaping, Secured by Design, Physical Separation between car parking/ Market Traders Storage at Morgan House, and anti-terrorist target mitigation.

- **National Grid (Transco)** - Identified that it has apparatus in the vicinity of the site which may be affected and the applicant has therefore been informed of its duties to liaise with National Grid.
- **National Planning Casework Unit** - No comments confirmed.
- **Network Rail** - No objection and recommended an informative that the developer contacts its Asset Protection Anglia team.
- **Police Licensing Unit** - No response received.
- **Stratford Community Forum** - No response received.
- **Stratford Renaissance Partnership** - No response received.
- **Stratford Town Centre Manager** - No response received.
- **Thames Water** - Identified an inability of the existing waste water infrastructure to accommodate the needs of this application and therefore recommended conditions and informatives relating to drainage, piling, water supply, backflow, and petrol and oil interceptors.

Legal considerations

17 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London.

Financial considerations

18 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

19 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

Conclusion

20 Further information has been exchanged with the applicant and the Council, and the issues raised at Stage 1 have been satisfactorily addressed.

21 Having regard to the details of the application, the matters set out in the Council report and the Council's draft decision notice and S106 there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

22 The Mayor is therefore recommended to allow Newham Council to determine the application itself, subject to any action the Secretary of State may take and does not wish to direct refusal or direct that he is to be the local planning authority.

for further information, contact the GLA Planning Unit (Development and Projects team):

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