

Committee: Development	Date: 27 th July 2011	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Jane Jin	Ref No: PA/11/00885
	Ward: Bethnal Green South

1. APPLICATION DETAILS

Location: Site at 58-64 Three Colts Lane and 191-205
Cambridge Heath Road, London

Existing Use:

Proposal: Demolition of existing buildings and erection of two blocks comprising a part 6, part 7 storey buildings plus basement for plant; to provide 1,762 sq.m of commercial floor space (Use Classes A1-A4 & B1) and 141 dwellings; provision of 9 on site parking spaces to side of service road and creation of access onto Buckhurst Street and Coventry Road.

Drawing Nos/Documents: Documents:

- Design and Access Statement dated April 2011 by GML Architects ref 3599/DS;
- Planning Impact Statement dated April 2011 by Grainger Planning Associates Ltd;
- Transport Statement dated April 2011 by Entran Ltd;
- Television & Radio Reception Assessment dated April 2010 ref: v.03 by WSP;
- Wind Assessment dated April 2010 ref: 12269359-001 by WSP;
- Noise Report dated March 2011 by WSP;
- Air Quality Assessment dated July 2010 ref: 12269357-001 v.02 by WSP;
- Vibration Assessment dated July 2010 ref: AC/12269357/R2 by WSP;
- Landscape Statement dated April 2011 ref: D1855 Rev B by Fabrik UK;
- Daylight and Sunlight Report dated August 2010 ref: PAS/PK/152077/01 by GL Hearn Ltd;
- Phase 1 Geotechnical Assessment Report dated November 2007 ref: BOU513SE/01/V1 by BWB Consulting Ltd;
- Phase 2 Geo Environmental Assessment Report dated February 2011 ref: NTE1227/01/V1 by BWB Consulting Ltd;
- Letter of Reliance dated 5th July 2010 by BWB;
- Statement of Community Involvement dated June 2010; by Quatro Consults;
- Assessment of Economic Viability dated April 2011

by BNP Paribas
- Schedule of accommodation
ref:3599/Accommodation_02
Plan Nos:
3599/P1; 3599/P2; 3599/P3; 3599/P4; 3599/P5;
3599/P6; 3599/P7; 3599/P8; 3599/P9; 3599/P10;
3599/P11; 3599/P12; 3599/P13A; 3599/P14A;
3599/P15B; 3599/P16B; 3599/P17B; 3599/P18B;
3599/P19B; 3599/P20A; 3599/P21A; 3599/P22A;
3599/P23A; 3599/P24A; 3599/P25A; 3599/P26A;
3599/P27B; 3599/P28B; 3599/P29A; 3599/P30A;
3599/P31B; 3599/P32A; 3599/P33A; 3599/P34A;
3599/P35A; 3599/P36; 3599/P37; 3599/P38;
3599/P39; 3599/P40A; 3599/P41A; 3599/P42;
3599/P43; 3599/P44; 3599/P45A; 3599/P50; 3599/P51
Applicant: Evenleigh Ltd
Ownership: Roy Sandler; Lauren Sandler; Joanna Sandler; and
Timothy Sandler
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets Interim Planning Guidance (IPG 2007); the adopted Core Strategy (2010), as well as the London Plan (2008) and the relevant Government Planning Policy Guidance and has found that:

1. The scheme will provide a residential led mix-use redevelopment with appropriate replacement of employment uses. The scheme would therefore provide opportunities for growth and change in accordance with the objectives set for Bethnal Green Area (LAP 2) as identified in the Core Strategy 2010.

2. The building height, scale, bulk and design (including access) is acceptable and enhance the character and appearance of the existing streetscene, in accordance with Policies: DEV 1 and DEV2 of the Council's Development Plan 1998; DEV1, DEV2 and DEV3 of Interim Planning Guidance 2007; and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality of design and suitably located.

3. The proposal provides an acceptable amount of affordable housing and mix of units, in light of the viability of the scheme. As such, the proposal is in line with policies 3A.5, 3A.8, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), saved policy HSG7 of the Council's Unitary Development Plan 1998, policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2010 which seek to ensure that new developments offer a range of housing choices.

4. The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2010 which seek to provide an acceptable standard of accommodation.

5. The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policies HSG7 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2010, which seek to improve amenity and liveability for residents.

6. It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of the Interim Planning Guidance (2007) and policy SP10 of the of the Core Strategy Development Plan Document 2010 which seek to protect residential amenity.

7. Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy SP08 and SP09 of the Core Strategy Development Plan Document 2010 which seek to ensure developments minimise parking and promote sustainable transport options.

8. Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; health care provision and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy; Government Circular 05/05; saved policy DEV4 of the Council's Unitary Development Plan 1998; policy IMP1 of the Council's Interim Planning Guidance (October 2007); and policy SP02 of the Core Strategy Development Plan Document 2010, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

3.2 The prior completion of a legal agreement to secure the following planning obligations:

Financial contributions

- a) £252,110 towards Education
- b) £124,000 towards Health Contribution;
- c) £85,890 towards Community Facilities
- d) £124,000 towards Public Realm Improvements in the locality of Three Colts Lane, Buckhurst Street and Coventry Road

Total: £586,000

Non-financial contributions

- e) 32% affordable housing, measured in habitable rooms (social rented units set at target rents);
- f) Commitment to implement a Green Travel Plan;
- g) Car-free agreement;
- h) Construction Plan;
- i) Access to employment provisions;
- j) Submission of and compliance with Construction Logistics Plan;
- k) Submission of and compliance with a Service Management Plan;
- l) Compliance with Considerate Contractor Protocol; and

Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Full Planning Permission Conditions

- 1) *Time Limit (3 years)*
- 2) *Building constructed in accordance with approved plans*
- 3) *External materials*
- 4) *External plant equipment and any enclosures*
- 5) *Hard and soft landscaping including; external lighting and security measures and details of child play space provisions*
- 6) *Demolition and Construction Management Plan*
- 7) *Land Contamination and Verification Report for Land Contamination*
- 8) *20% Electric Charging Point Details*
- 9) *163 cycle parking space provision*
- 10) *Restriction to Delivery and servicing hours (between 10:00-16:00 and 19:00 to 20:00)*
- 11) *Scheme of highway works*
- 12) *Servicing and delivery plan for each individual units*
- 13) *Parking spaces – 9 in total with 2 disabled parking space*
- 14) *Servicing road have unrestricted access during servicing hours, i.e. doors to remain open*
- 15) *Details of the folding servicing doors – mechanical/and remote controlled.*
- 16) *Submission of BREEAM assessment; and Code for Residential units.*
- 17) *Full particulars of energy efficiency technologies required*
- 18) *Commercial use control (Use class B1 for Core B; and flexible A1/A2/A3 for Core A)*
- 19) *No amalgamation of commercial units*
- 20) *Access to all levels*
- 21) *Life time homes*
- 22) *Hours of construction*
- 23) *Hours of Operation for A3/A4/A5 uses*
- 24) *Any other conditions(s) considered necessary by the Corporate Director Development & Renewal*

Full Planning Permission Informatives

- 1) Associated S106
- 2) Contact LBTH Building Control
- 3) Separate licence required for any over-sailing structures on the Highway.
- 4) Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 5) S.278 Agreement

That, if within 1 month of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. BACKGROUND

- 4.1 On 10th August 2010, the Council received an application (ref: PA/10/1757) for demolition of existing buildings and erection of two blocks comprising part 6, part 7 storey buildings plus basement; to provide 1690sq.m of commercial floorspace (Use Classes A1-A4 & B1) and 142 dwellings; provision of 26 parking spaces in basement and access onto Buckhurst Street. Whilst the application was being considered and negotiations with the applicant were taking place to seek amendments to the scheme, the applicant lodged an appeal against non-determination as the Council had not determined the application within the statutory 13

week period. Whilst the ability to decide this application ('**appeal scheme**') lies solely with the Planning Inspectorate, a separate report appears on this agenda seeks the Committee's endorsement to appear at the forthcoming public inquiry on the basis that the application would have been refused, had to Council the power to determine.

- 4.2 The same applicant has also submitted a revised proposal on 12th April 2011, which is the subject of this report ('**application scheme**'). The application scheme is similar to the appeal scheme submitted in 2010. However, it now omits the basement parking and proposes 141 units together with the amendments, as sought initially for the appeal scheme. The current application seeks to address the issues raised in the appeal scheme with minor changes incorporated for a determination by the Council.
- 4.3 Both applications were accompanied by viability assessment which concluded that neither the appeal scheme nor the Application Scheme could not deliver a fully policy compliant affordable housing provision, nor could it deliver a policy compliant tenure split and full planning contribution.
- 4.4 Although the appeal scheme proposes 35% affordable housing measured by habitable rooms or **44 units**, it can only provide 16 units in Social Rent (equates to 47%) and 28 Intermediate units (53%). In addition, the S106 offer is reduced to a total sum of £391,000. The proportion of Social Rent to Intermediate is not considered to be satisfactorily balanced. The proposed tenure split together with the inadequate s106 contributions will be defended as part of the appeal process, assuming that the Development Committee endorses officers' view.
- 4.4 The application scheme proposes 32% affordable housing measured by habitable rooms or **41 units**, the number of Social Rented units is greater with 20 units (equates to 56%) being offered and 21 units (44%) as Intermediate. The application scheme provides higher proportion of family sized units within the Social Rent tenure, which is in needed in the Borough. Whilst the proposal falls short of being wholly policy compliant, the greater amount of social rented units addresses the identified need and appropriate level of s106 contributions (£586,000) which can mitigate any additional impact as a result of this proposal. The Application Scheme is considered to provide an appropriate balance between delivering affordable housing, tenure split, dwelling mix and s106 contribution, having considered the viability of the scheme. The details of affordable housing can be found later in the report.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 The proposal seeks planning permission for the demolition of existing buildings and erection of two buildings of part 6 and part 7 storeys in height. The proposal comprises:
- 141 Residential units (43 x 1bed; 70 x 2 beds; 23 x 3 beds; and 5 x 4beds);
 - A combined total space of 1,762sq.m of commercial use (A1/A2/A3/A4 and B1);
 - 9 on site car parking spaces; and
 - Creation of access onto Buckhurst Street and Coventry Road.

Site and Surroundings

- 5.2 The application site comprise of two parcels of land:
- 58-64 Three Colts Lane; and
 - 191-205 Cambridge Heath Road

- 5.3 58-64 Three Colts Lane is bounded by railway viaduct to the south, Coventry Road to the west, Buckhurst Street to the east and Three Colts Lane to the north. The surrounding uses are mixed, with B1/B8 uses opposite Coventry Road; student housing opposite side of Three Colts Lane; and residential uses to the southern side of the railway viaduct. The site is currently occupied by a two 2 storey building and is currently used as a furniture warehouse with sales and display.
- 5.4 191-205 Cambridge Heath Road is bounded by Cambridge Heath Road to the east; Three Colts Lane to the north; Coventry Road to the west and railway viaduct to the south. The surrounding uses are also mixed, with small works shops under the railway arches, Bethnal Green Gardens opposite the site on the other side of Cambridge Heath Road; and commercial premises on the northern side opposite side on Three Colts Lane.
- 5.5 Whilst the application site does not fall within a Conservation Area, the nearby Bethnal Green Gardens is within the Bethnal Green Gardens Conservation Area.

Relevant Planning History

- 5.6 The following planning history is relevant to the application:
- 5.7 PA/03/01698 Demolition of existing building and construction of new 11, 12 and 13 storey buildings comprising of 34 live/work units, 122 self-contained residential units together with 1156sqm of commercial space.
- This application was withdrawn.
- 5.8 PA/07/01023 Demolition of all existing buildings on the site and erection of two new buildings: Block A being 17 storeys, Block B between 9 and 12 storeys. The use of the new buildings as 455 student accommodation bedrooms (15,762sqm), 343sqm of A1 (Landuse Class) floorspace, 195sqm of A3 (Landuse Class) floorspace and 1624sqm of B1/B2/B3 (Landuse Class) floorspace and associated landscaping.
- This application was withdrawn.
- 5.9 PA/10/1757 Demolition of existing buildings and erection of two part 6, part 7 storey buildings plus basement to provide 1690sq.m of commercial floorspace (Use Classes A1-A4 & B1) and 142 dwellings; provision of 26 parking spaces in basement and access onto Buckhurst Street, together with public realm improvements.
- Whilst this application is similar to the current proposal, this application is now the subject of an appeal against non-determination. The appeal is to proceed by a way of a Public Inquiry and is scheduled for three days commencing on 6th September 2011.
- For the purpose of Members' endorsement, a separate Committee Report on this proposal has been prepared with a recommendation that the application would have been refused, if the Council had power to determine. This report appears elsewhere on this agenda.

6. POLICY FRAMEWORK

- 6.1 For details of the status of relevant policies see the front sheet for "Planning Applications for

Determination” agenda items. The following policies are relevant to the application:

6.2 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing (as recently amended)
PPG4	Industrial, Commercial Development and Small Firms
PPS9	Biodiversity and Conservation
PPG10	Planning and Waste Management
PPG13	Transport
PPG17	Sports and Recreation
PPS22	Renewable Energy
PPG24	Noise

6.3 Spatial Development Strategy for Greater London (London Plan) Consolidated with alterations since 2004.

2A.1	Optimising of sites
3A.1	Increasing London’s supply of housing
3A.2	Borough’s Housing Targets
3A.3	Maximising the potential sites
3A.5	Housing Choice
3A.6	Quality of new housing provision
3A.9	Affordable housing targets
3A.10	Negotiating affordable housing in individual private residential and mixed use schemes
3A.11	Affordable housing thresholds
3A.18	Protection and enhancement of social infrastructure and community facilities
3B.1	Developing London’s economy
3B.3	Mixed use development
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable transport in London
3D.12	Open Space Strategy
3D.13	Children and young people’s play and informal recreation strategies
4A.1	Tackling climate change
4A.2	Mitigating climate change
4A.3	Sustainable design and construction
4A.4	Energy assessment
4A.5	Provision of heating and cooling networks
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.9	Adaptation to Climate Change
4A.11	Living Roofs and Walls
4A.12	Sustainable drainage
4A.16	Water supply and resources
4A.18	Water and sewerage infrastructure
4A.20	Reducing noise and enhancing soundscapes
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Safety, security and fire prevention and protection
4B.6	Creating an inclusive environment
4B.8	

4B.9 Respect local context and communities

6.4 Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV8	Protection of local views
	DEV12	Provision of Landscaping in Development
	DEV50	Noise
	DEV51	Contaminated Land
	HSG7	Dwelling mix & type
	HSG13	Impact of Traffic
	HSG16	Housing amenity space
	EMP1	Promoting Employment Growth
	EMP7	Work Environment
	T16	Traffic Priorities for new development
	T18	Pedestrian Safety and Convenience
	T21	Existing Pedestrians Route

6.5 Interim Planning Guidance for the purposes of Development Control

Policies:	IMP1	Planning obligations
	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Sustainable Drainage
	DEV10	Disturbance from Noise Pollution
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and tree preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	EE2	Redevelopment /Change of Use of Employment Sites
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable housing provisions in individual private residential and Mixed –use schemes
	HSG4	Varying the Ratio of social rented to intermediate housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and adaptable homes

6.6 Adopted Core Strategy Development Plan Document (September 2010)

	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods

SP04	Creating a green and blue grid
SP06	Delivering successful employment hubs
SP08	Making connected places
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking
SP13	Planning Obligation
LAP2	Bethnal Green

6.7 Supplementary Planning Guidance/Documents

SPG	Designing Out Crime
SPG	Residential Standards
SPD	Planning Obligations (draft for consultation)

6.8 Community Plan The following Community Plan objectives relate to the application:

A Great place to live;
A Health Community;
A Prosperous Community; and
Safe and Supportive Community

7. CONSULTATION RESPONSE

The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

7.1 The following were consulted regarding the application:

NHS Tower Hamlets

7.2 No comments have been received at the time of writing. This information will be updated through an addendum report.

LBTH Education Development Team

7.3 The proposed dwelling mix has been assessed for the impact on the provision of school places. The mix is assessed as requiring a contribution towards the provision of 17 additional primary school places @ £14,830 which equates to £252,110. Contributions are pooled to assist funding the Local Authority's wide programme.

LBTH Waste Policy and Development

7.4 The dimensions of the bin storage area on the plan do not seem adequate enough to accommodate the anticipated 20,000 litres of refuse and 9060 litres of recycling waste that may be generated from the proposal. This amount of waste equates to 23 x 1280litre containers with dimensions of 1.27 metres wide x 1.43 high. There is no clarity either about where the commercial waste will be stored.

[Officer's comment: The proposal has been amended to cater for the amount as suggested by the Waste Officer]

LBTH Transport and Highways Team

7.5 Parking:

The site has a PTAL rating of 6b which demonstrates that an excellent level of public transport service. The site is suitable for a permit free agreement whereby future occupants of the residential units are to be prevented from obtaining parking permits.

A total of 9 car parking spaces are proposed at ground level. It is not clear how the spaces are to be allocated between the land uses. Highways are of the opinion that no general use parking should be provided on the site, particularly given the high PTAL rating and the location of the site.

In accordance with the guidance set out in the London Plan, a minimum of 20% of all on-site car parking spaces should be equipped with electric vehicle charging points. This can be secured by condition if necessary.

Section 4.10 of the submitted Transport Statement indicates that 2.4 metre by 25 metre visibility splays have been achieved although these have not been shown on plan. Scaled drawings are required demonstrating the visibility splays.

[Officer's Comment: Visibility splays have been provided on plan]

Cycle Parking:

A total of 163 cycle spaces are to be provided for the residential units (equivalent to 143 for residents and 20 for visitors to the residential units). This provision is in line with the minimum standards as set out in Planning Standard 3 of the IPG and is therefore welcomed.

However, information detailing the type of the cycle parking stand to be installed has not been provided and Highways request that such information is submitted so that it can be determined at a pre-decision stage whether the cycle parking can be achieved on-site. In the past, cycle parking has been conditioned and this has led to problems when the Applicant realises that they cannot provide the level of cycle parking required.

[Officer's Comment: This information has now been provided and the proposed cycle storage spaces are sufficient to cater for 163 cycles]

Trip Generation:

The Trip Generation section of the submitted Transport Statement demonstrates that the proposed development will result in an increase in the number of person trips over the existing use.

Servicing Arrangements:

It is stated within Section 2.3.1 of the submitted Delivery and Servicing Plan that retail deliveries will be restricted to the hours between 0930-1600hours and 1800-0730hours. Whilst a restriction in the hours of servicing is welcomed, it is felt that the proposed hours should be amended so that servicing can only occur between the hours of 1000-1600 and 1900-0730 in order to avoid the highway peaks.

[Officer's Comment: This will be conditioned]

The submitted documents detail that all delivery and service activities for Block B will be facilitated from the service area to the rear of the block at ground floor level.

Block A is to be serviced from Buckhurst Street and whilst in principle this was acceptable, it

may not actually be possible to implement this bay.

Through the wider design aspirations for Three Colts Lane it will be possible to provide a build out from the existing kerbline to provide a loading bay. The Applicant should again be reminded that all Highway works are to be done under S278 Agreement at the Applicant's expense and as such will be designed and implemented by LBTH.

[Officer's Comment: The loading bay is now proposed off Three Colts Lane in accordance with the Council's specification of works and the applicant has agreed for the works to be done under S278 Agreement.]

Once the occupiers of the individual units are known and prior to occupation, unit-specific Delivery & Servicing Plans should be submitted to demonstrate that they are in line with the over-arching document that has been submitted in support of this application.

[Officer's Comment: This will be conditioned]

Other Comments:

The Ground Floor plan shows the extent of the proposed non-residential units and how the space has been split up into the separate units. If the case officer is minded to recommend approval, would it be possible to attach a condition to any future Planning Permission which prevents a non-residential unit from exceeding the floor area shown on the submitted Ground Floor plan, or a particular floor area. Such a condition would help prevent an operator opening a convenience food retail shop on the site and would eliminate the problems of servicing commonly associated with such operators.

[Officer's Comment: A condition will be imposed for no amalgamation of units]

The Applicant has previously been advised that all Highway works will be designed and implemented by the Council's Highway Design team at the applicant's expense (S278/S106). The Applicant had previously been advised to remove any proposals for works to the public highway from their drawings as the extent of the works and materials used will be designed and implemented by the Council in connection with the wider Three Colts Lane Public Realm improvement works. It is therefore disappointing to see proposals included on the plans submitted in support of the application which have not been discussed with those responsible for the Three Colts Lane improvement works scheme. It should also be noted that the proposed zebra crossings have not been discussed or agreed with the Highway Department. Whilst it may be possible to provide a zebra crossing on Cambridge Heath Road (subject to detail design and consultation processes), it is unlikely that the zebra crossing proposed for Three Colts Lane will be implemented (due to wider Three Colts Lane improvement works scheme) and should therefore be removed from the plans.

[Officer's Comment: Zebra crossing has now been removed from the plans and financial contributions towards highway works are included in the s106]

The extent of public highway offered for adoption will also be dependent on the issue surrounding overhanging/projecting structures (including the building itself basements and balconies) as Highways have previously advised that they would not wish to adopt land over/into which parts of the building project.

The above comment aside, there are still sections of the proposed building which will oversail the line of the existing footway. Highways have previously advised that such features are not supported and that the relevant licences and technical approvals will not be issued. The projecting features still form part of the development proposals and a justification

for the projecting structures has been provided within Section 4.5 of the submitted Transport Statement. However Highways position on this matter has not changed and the Applicant is therefore requested to remove any parts of the building which overhang the public highway from the development proposals.

[Officer's Comment: The applicant has been informed and will need to apply for a separate licence under a separate legislation and therefore is not a matter to which significant weight is attached.]

There are sets of doors which are shown on the submitted Ground Floor plan opening outwards. If the areas they open out onto are to be dedicated as public highway, then it must be noted that such arrangements are forbidden by Section 153 of the Highways Act, 1980, where possible they should either open inward or be embedded within the building. The Applicant should amend the doors as they represent a danger to pedestrians walking along the pavement and consequently has implications for Highway safety.

[Officer's Comment: All the doors swing out within the site's boundary and does not swing out to any dedicated public highway]

LBTH Environmental Health (Contaminated Land)

- 7.6 The submitted contamination reports identify that there are elevated levels in metallic and hydrocarbon contamination. A remediation strategy and verification report will be required to be submitted which should be conditioned.

[Officer's Comment: A condition will be added]

8. LOCAL REPRESENTATION

- 8.1 A total of 313 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. No comments have been received.

9. MATERIAL PLANNING CONSIDERATIONS

- 9.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use & Employment
2. Housing
3. Design
4. Amenity
5. Transport
6. Sustainability
7. Section 106 Agreement

Land Use and Employment

- 9.2 The application site does not fall within any designation within the adopted Unitary Development Plan, 1998.
- 9.3 Within the adopted Core Strategy 2010 (CS) the site is identified within LAP 2 (Bethnal Green) which recognises opportunities for growth and change to be delivered by a number of industrial areas being redeveloped for residential, infill development in existing built areas and housing estate renewals.

- 9.4 The proposal would result in the demolition of existing 3750sq.m. of light industrial/warehouse (within Use Classes B1, B2 and B8) on site and erection of a residential-led mixed-use redevelopment with commercial on the ground floor and at a basement level. The applicant has confirmed that the existing number of employees is approximately 62. The proposal includes commercial floor space in the following order:

Table 1: Commercial Uses

Level	Block A	No. of Full time employment*	Block B (inc. Mezzanine Level)	No. of Full time employment*
Basement	544sq.m	6		
Ground	226sq.m	11	179sq.m	9
	224sq.m	11	274sq.m	14
			338sq.m	18
Total	994sq.m	28	791sq.m	41
Total: Floorspace = 1785sq.m; Employees = 69				

* based on English Partnerships Employment Density Guideline

- 9.5 The scheme proposes a flexible use approach and includes A1/A2/A3/A4 and B1 Use Class. The supporting Planning Statement indicates that the proposed 554sq.m located within the basement level of Block A could be used as an ancillary storage to commercial space on the ground floor level. The proposal provides appropriate access to all levels.
- 9.6 The supporting planning statement further states that the ground floor commercial units are proposed to be within A1/A2/A3/A4 and/or B1 use. However, it explains that the commercial units located within Block B are anticipated for B1 use, and the commercial units within Block A '... may take the format of a convenience food store (Use Class A1)'. The B1 use within Block B is suitable due to the proposed individual access to the servicing area to the rear, and the mezzanine level layout. Also, this provision would also re-provide employment uses within the site and is therefore welcomed. However, the acceptability of the proposed A1 use class within the format of a convenience food store can only be acceptable if servicing levels are known. Therefore, as the proposal is for flexible use classes, a condition will be added to ensure that appropriate servicing level can be achieved prior to occupation of that unit.
- 9.7 Policy EMP1 encourages employment growth through the re-use of vacant and derelict building by redevelopment and upgrading of sites already in employment uses. Policy EE2 of the IPG considers redevelopment and change of use of employment sites. Whilst the site is not entirely vacant, the site is under used. Although no marketing evidence has been produced for the loss of the employment floorspace, given that the proposal includes re-provision of employment use at higher employment densities (i.e. 69 jobs as opposed to the current 62) and employment opportunities will be re-provided on-site, the principle of redevelopment is in-line with the Core Strategy objectives. Therefore, there is no objection in relation to the proposed land use.

Housing

Density

- 9.8 Policy SP02 of Core Strategy seeks to ensure that new housing assists in the creation of sustainable places, by: optimising the use of the land; corresponding density levels of housing to public transport accessibility levels; and that higher densities are promoted in and around town centres.
- 9.9 Policy HSG1 of the IPG specifies that the highest development densities, consistent with

other Plan policies, will be sought throughout the Borough. The supporting text states that when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.

- 9.9 The site has a public transport accessibility level (PTAL) 6b which represents an excellent access to public transport and is within close proximity to Bethnal Green town centre. The proposed residential density would be 1,475 habitable rooms per hectare which is significantly higher than the suggested density range. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.
- 9.10 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure.
- 9.11 It is considered that a higher density range would be acceptable in this location, given the excellent PTAL rating and its location very close to the Bethnal Green Town Centre. However, the proposal requires detailed assessment on other issues and consideration of any significant impact which may arise as a result of high density. As discussed later in the report, there are no significant material issues as mentioned above which would deem the proposed density unacceptable.

Affordable Housing

- 9.12 Policy CP22 of the Interim Planning Guidance seeks an affordable housing provision on sites capable of providing 10 or more units in accordance with the Plan's strategic target of 35%. Policy 3A.9 of the London Plan states that boroughs should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable as well as the borough's own affordable housing targets.
- 9.13 Policy SP02 of the CS states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target until 2025, with requirement of 35% - 50% of affordable housing provision on site providing 10 new residential units or more (subject to viability). The supporting text indicates that in case where affordable housing requirements need to be varied, a detailed and robust financial statement must be provided which demonstrates conclusively why planning policies cannot be met. It further goes on and state that there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failures of a site to contribute towards affordable housing provision.

Viability

- 9.14 The application is accompanied by a Viability Assessment which sets out and concludes that the proposal cannot viably support 35% affordable housing, even if zero financial

planning obligations are provided. However, the report concludes that whilst it can not deliver 35%, a reduced provision of affordable housing can be provided with varying tenure splits and lower s106 contributions.

- 9.15 The Council appointed an external consultant District Valuer Services (DVS) to independently review the submitted Viability Assessment who has confirmed that the inputs and values are reasonable and that the proposal cannot deliver 35% affordable housing with policy compliant tenure split together with the full s106 financial contributions. The proposal to provide 32% affordable housing would be an acceptable viable option.
- 9.16 Whilst a number of scenarios were presented to the Council, officers consider that the preferred option would be to maximise family sized affordable housing within the social rented tenure whilst retaining a reasonable level of financial contribution to support infrastructure requirements. This option (as per the DVS advice) secures 32% affordable housing which would be provided with a tenure split of 56:44 in favour of social rented (proposed at target rents) and with a total sum of £586,000 in financial contributions. This represents a total of 41 of the 141 residential units being affordable, 20 of which would be in the social rented tenure. Of the 20 social rented units 14 would be family sized comprising 12 x 3 bed and 2 x 4bed.
- 9.17 As there would be no Homes and Communities Agency grant funding available for the affordable housing, these units (including intermediate units) will be delivered without recourse to any public subsidy. The applicant has also stated that all of the social rented units will be set at target rents therefore ensuring that low income families are able to afford to occupy them.

Location of Affordable Housing

- 9.18 The proposal provides two separate buildings with four residential cores, Core A, B1, B2, and B3. Core A is the building which fronts Cambridge Heath Road, Cores B1, B2, and B3 fronts Three Colts Lane. The Social Rented provision of Affordable Housing is proposed to be located within Core B3, on 1st to 4th Floors, whilst the Intermediate units are proposed to be located on the 5th and 6th Floors of Core B3, and Floors 3 to 5 of Core B2. The unit sizes and numbers can be seen from Table 2 below.

		Affordable Housing						Market Housing		
		Social Rented			Intermediate			Private Sale		
Unit Size	Total Units in the scheme	Units	%	Target %	Units	%	Target %	Units	%	Target %
1 bed	43	2	10	30	10	47	25	31	31	50
2 bed	70	4	20	25	8	38	50	58	58	30
3 bed	23	12			2			9		
4 bed	5	2	70	45	1	13	25	2	11	20
Total	141	20			21			100		

Table 2

Housing Mix

- 9.19 Paragraph 20 of Planning Policy Statement 3 states that “key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of

different households such as families with children, single person households and older people”.

- 9.20 Pursuant to policy 3A.5 of the London Plan, the development should “...offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation.”
- 9.21 Pursuant to Policy HSG7 of the UDP 1998, new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Policy SP02 of the CS seeks to create mixed use communities. A mix of tenures and unit sizes assists in achieving these aims. It requires an overall target of 30% of all new housing to be suitable for families (3bed plus), including 45% of new social rented homes to be for families.
- 9.22 The proposal provides family housing accommodation and the total amount of family units equate to 20%. However, the scheme would provide a higher proportion of family sized units (70%) within the Social Rented sector. The proposed amount of family sized dwelling is considered to be a well balanced proposal in the context of the site location and due to lack of private ground level amenity space provision.

Social Rented/Intermediate Shared Ownership and Housing Mix

- 9.23 The following Table 3 summaries the affordable housing social rented/intermediate split proposed against the London Plan and IPG.

Social Rent/Intermediate Split

Tenure	The Proposal	IPG 2007	London Plan 2008	CS 2010	Draft London
Social Rent	56%	80%	70%	70%	60%
Intermediate	44%	20%	30%	30%	40%
Total	100%	100%	100%	100%	100%

Table 3

- 9.24 As it can be seen from the table above, there has been a change in the policy position in relation to tenure split over time.
- 9.25 The applicant agreed to review their original offer (24% affordable housing by habitable room) and came back with a revised proposal that proposes 32% affordable housing with a 56:44 split between the Social Rented and Intermediate housing. The actual number of Social Rented units does not decrease, but the percentage split changes, reflects the decrease in private and increase in intermediate. This option also reduces the overall S106 contribution. However on balance it is considered that the delivery of affordable housing carries more weight. Nonetheless, the proposed 32% affordable with 56:44 split provides good balance in providing affordable housing and appropriate amount of s106 contributions to mitigate against the impact of the development. Given the above, subject to re-assurance that noise attenuation measures have been incorporated into the 4 bed social units, the Councils housing officers are of the view that the proposed affordable housing provision is acceptable.

Wheelchair Housing and Lifetime Homes

- 9.26 Policy HSG9: Accessible and Adaptable Homes of the IPG and Policy SP02 require housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or 'easily adaptable' standards. A total of 16 units (11%) are provided, in compliance with this policy. The wheelchair units are also vary in size and there are two family sized accommodation which have been designed to a wheelchair accessible or 'easily adaptable' standards. All units have been designed to be capable of use as lifetime homes. Appropriate conditions will be added to ensure that this is delivered.

Floorspace Standards

- 9.27 Saved policy HSG13 'Conversions and Internal Space Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance 'Residential Space' (adopted 1998) set the minimum space standards for residential developments.
- 9.28 The proposed flats have total floor areas and individual room areas that comply with the minimum standards.

Amenity Space

- 9.29 Pursuant to PPS3, paragraph 16 states that, the matters to consider, when assessing design quality in housing developments, include the extent to which the proposed development *"provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies"*. Further still, paragraph 17 of PPS3 states that *"where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space"*.
- 9.30 Saved policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision of amenity space. The Residential Space SPG 1998 sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that, variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site.
- 9.31 The redevelopment proposes to provide amenity space or all residents in the form of balconies and roof top communal amenity space. The communal roof top amenity space is located on both buildings and to all cores, are on 6th and 7th floor levels, and therefore all residents will be access to on-site amenity space. However, given that each roof top amenity spaces are only accessible to those units within that particular Core, amenity space standards are assessed individually.
- 9.32 The communal amenity space and Child Play space standards of the UDP and IPG are summarised in Tables 4 and 5 below.

Table 4 - Amenity Space standards (Communal and Child Play spaces)

Cores	No. Units	Proposed (sq.m)	UDP (SPG) Minimum Standard (sqm)*	IPG Minimum Standard (sqm)[†]
A	56	294	106	96
B1	39	278	89	79
B2	13	106	63	53
B3	33	309	83	73
TOTAL	141	987	341	301

*Calculation based on 50sqm, plus an additional 5sqm per 5 units

[†]Calculation based on 50sq.m for the first 10 units, plus a further 5sq.m for every 5 additional units thereafter.

Table 5 - Child Play Space for Cores B1, B2 and B3

Cores	Proposed	UDP and IPG's Minimum Standard (sqm)*
A	70	10
B1		
B2		
B3	53	79
TOTAL	123	89

*Calculation based on 3sq.m per child yield

- 9.33 As it can be seen from the tables above, the proposal provides more than adequate amount of communal amenity space provision. Whilst the child play space requirements within Cores B numerically fall below the minimum standards, there is ample space within the communal space which can make up the difference for the child play space. Nonetheless, the amount of combined on-site usable space and the site being within close proximity to public open space (Bethnal Green Gardens and Weavers Field) is considered that the proposed levels of communal and child play spaces are acceptable. In addition, there are living rooms, and two private roof top garden terraces which will provide natural surveillance to these play areas. An appropriate condition will be required to ensure that the details of child play space are adequate and suitable.
- 9.34 Provision of private amenity spaces is expected for all residential development. Policy HSG7 of IPG sets out the minimum according to the dwelling sizes. All proposed residential units provide private amenity space in the form of balconies, in the exception of two units on 6th Floors of Block B, which provide roof top garden terrace. Majority of the balconies have access off living areas which is acceptable.

Design

- 9.35 PPS1 promotes high quality and inclusive design, creating well-mixed and integrated developments, avoiding segregation, with well planned public spaces. The PPS recognises that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development.
- 9.36 Policy 4B.1 of the London Plan 'Design Principles for a Compact City' requires schemes, inter alia, to create/enhance the public realm, respect local context/character and be attractive to look at.
- 9.37 Good design is central to all the objectives of the London Plan. Chapter 4B of the London

Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.

- 9.38 Policies DEV1 and DEV2 of the UDP and policy SP10 of the CS 2010 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV3 of the IPG seeks to ensure inclusive design principles are incorporated into new development.

Massing and scale

- 9.39 The proposed massing is well distributed across the site and is in keeping with the recent developments within the area, immediately opposite and along Cambridge Heath Road. In addition, the application site is bounded by railway infrastructure and there is no real sense of an established streetscape to this end of Three Colts Lane for the proposed development to respond to. In this regard, the height, massing and scale are considered to be appropriate response to its immediate and wider context.

Streetscene

- 9.40 Currently, the existing two storey buildings on the application site lack in street presence and so do other existing industrial/commercial buildings along Three Colts Lane. Therefore, it is important for any new development to provide interaction and street presence along Three Colts Lane, Coventry Road, Buckhurst Street and equally along Cambridge Heath Road. This would also ensure that the vision as set out in the Core Strategy for LAP1 & 2 is also met. This is primarily in connection with improving connectivity between green spaces by improving environment which connects the green spaces; and to improve the built environment in Bethnal Green.
- 9.41 Both of the proposed blocks A and B have commercial uses on the ground floor with residential above. Initially, the residential entrances were recessed and generally located where it was not highly visible. Concerns by Design Officer and Crime Prevention Officer were raised with this regard. The design and positioning of the residential entrances have now been amended to be more prominent in terms of the location and presence along the streetscene. This is considered to improve the appearance and character of the existing streetscene along the roads the application site fronts. The Design Officer is satisfied with the proposed changes to the residential entrances.
- 9.42 An in and out service area is proposed through the rear of proposed Block B which enable on-site servicing and provision of car parking spaces. The proposed ground floor elevation along Buckhurst Street and Coventry Road, where entry and exit is proposed, provide folding doors to ensure security and suitable frontage to the streetscene. The proposal initially had no gates or doors to secure the servicing area, however now incorporates a suitable doors. The details are required and as part of the proposed conditioned, it will need to be submitted and approved. The proposal is considered to contribute to enhancing the streetscene, in accordance with Policies DEV1 of UDP, DEV2 of IPG and SP10 of Core Strategy.
- 9.43 The accompanied Design and Access Statement (DAS) states that the proposed external materials comprise of screen printed fire-cement rainscreen cladding. The rainscreen cladding is proposed to be screen printed to create a texture using green/blue and white coloured cladding. The texture is to be created through strips on each cladding panels. The Design and Access Statement indicates that the proposed buildings will be predominately green in colour, with subtle texture created by the stripes on each panel.

- 9.44 It is considered that more details on the cladding material are required to better understand the proposal in the context of the surrounding, in particular long views along Coventry Road from the southern side of the railway viaduct. Whilst there is no objection in principle to coloured claddings, there is a need for further consideration to the overall colour scheme and how they relate to the various streets the proposed building fronts. Therefore, the colour scheme and material panel will need to be agreed, and therefore as per usual practice the details of materials are proposed to be conditioned.

Safety and Security

- 9.45 In accordance with DEV1 of the UDP (1998) and DEV4 of the IPG (2007), all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments. The Crime Prevention Officer from Metropolitan Police had concerns in relation to the recessed residential entrances which can encourage anti social behaviour and poor natural surveillance. In addition, further objection is also raised in relation to the servicing area which does not have any security measure. These issues have now been resolved through amendments as discussed above.

Amenity

Daylight and Sunlight

- 9.46 DEV2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 9.47 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms. This policy is supported by policy SP10 of the Core Strategy 2010.
- 9.48 Policy 4B.10 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.
- 9.49 The application is accompanied by a Sunlight and Daylight Assessment. The assessment analysed the effect of the proposed development on the daylight and sunlight amenity to the following properties.
- 179 Cambridge Heath Road
 - 59a-63 Cudworth Street
 - 41-65 Three Colts Lane (student accommodation)
- 9.50 The only affected property out of those tested, is 41-65 Three Colts Lane which is a student accommodation located opposite side of the Three Colts Lane. An assessment of Vertical Sky Component and Daylight Distribution, and where room sizes were known the Average Daylight Factors were also analysed to the windows of neighbouring properties.
- 9.51 **Vertical Sky Component (VSC) and Daylight Distribution (DD)**

VSC measures the Daylight striking the face of the window and Daylight Distribution measures amount of direct sky visibility penetrating into the room. The BRE target value for VSC is that the window should not receive less than 27% as a result of the proposed development and less than 0.8 times the former value.

9.52 DD is the amount of direct sky visibility penetrating into the room. The BRE target value for DD is that the amount of sky seen in the area of a working plane (i.e. within the room) should not be less than 0.8 times area before.

9.53 **Average Daylight Factor (ADF)**

ADF works out a mathematical value of the likely average internal lighting conditions in a room. ADF can be more accurate measurement of average daylight in a room when dimension of a room is known. The British Standard sets out the minimum criteria of ADF and it recommends that if a predominately daylight appearance is required the following minimum standards should be achieved:

9.54 Kitchens = 2% *df* (*It can be argued that the this should only apply to family kitchens*)
Living Rooms = 1.5% *df*
Bedrooms = 1% *df*

9.55 The assessment finds that in assessing VSC together with the Daylight Distribution of the windows at 41-65 Three Colts Lane, 23 out of 87 windows located on the first, second and third floors to the building would fall below the BRE target values for VSC and Daylight Distribution combined. However, in testing the minimum ADF values in accordance with the British Standards for these rooms, only 3 windows would fall below the 1% *df* required for bedrooms. These windows fall between 0.03 and 0.09 below the minimum standards, and therefore it is considered to be minimal change and unlikely to be highly noticeable.

9.56 Whilst the results do show some windows in falling below the BRE standards VSC and DD and British Standards for ADF, it is considered that the particular circumstances of the location and the assessment should be made in the context of the site. Whilst the proposal would evidently result in reduction of availability of daylight into rooms of 41-65 Three Colts Lane, the benefits the proposal bringing forward affordable housing and general increase in housing stock within the borough outweighs the impact on what is largely a transient student community.

Sunlight

9.57 BRE criteria for Sunlight requires for any window facing 90degrees due south should be capable of receiving at least one quarter (25%) of Annual Probable Sunlight Hours, include at least 5% of Annual Probable Sunlight Hours (APSH) during the winters months between 21st September and 21st March. It should be noted the during the Winter months, it is very difficult to achieving 5% of APSH in urban areas.

9.58 In assessing the Sunlight impact as a result of the proposed development, again 41-65 Three Colts Lane is the only property affected. It assessment shows that every window would achieve 25% of APSH, in the exception of 1 window. This window however meets the VSC, DD and ADF criteria in Daylight. 22 windows out of 87 will not meet 5% APSH during the winter months, however as explained earlier, this target is nearly impossible to achieve in urban areas.

9.59 Considering the context of the area, and the benefits of the scheme, it is considered that on balance, the impact of sunlight and daylight to the neighbouring properties do not outweigh

the benefits of the scheme.

- 9.60 Turning to the proposed development, and whether the proposed units provide satisfactory daylight for the future occupiers. The assessment carried out finds that some of the living rooms and bedrooms would fall below the minimum British Standards for ADF. It should be noted that all the affordable housing units do achieve the minimum standards. It is considered that given the urban context the application site is in, and majority of the units capable of achieving the minimum standards of ADF the proposal would still provide satisfactory means of accommodation for future occupiers.

Air Quality

- 9.61 The submitted Air Quality Assessment demonstrate that:
- there would be negligible impact during the construction phase subject to suitable mitigation measures;
 - The impact from the proposed two 30kW gas fired CHP plant is considered that the emissions to air on local air quality will be negligible due to its size.
 - The impact of the proposed redevelopment is considered negligible for NO₂ and PM₁₀.

Therefore, it is considered that the proposed redevelopment will not have significant impact to the local air quality.

Noise and Vibration

- 9.62 The submitted Noise Assessment demonstrate that the noise level measured for the purpose of assessing the site in accordance with Planning Policy Guidance 24 (PPG 24), indicate that the locations nearest to the railway and Cambridge Heath Road falls within Noise Exposure Category (NEC) C and the eastern façade of Block A which falls within NEC D.
- 9.63 PPG24 recommends NECs for new dwellings near existing sources of noise and indicates that Planning advice for new dwellings falling within NEC C that it should not normally be granted a planning permission. However where it is considered that permission should be given, conditions should be imposed to ensure a commensurate level of protection against noise.
- 9.64 PPG 24 also advises that new dwellings falling within NEC D, planning permission should normally be refused.
- 9.65 The supporting information states that the objective is to provide an internal environment that achieves the World Health Organisation (WHO) guidelines whilst ensuring that appropriate rates of ventilation can be achieved without the need to open windows although the proposed design means that the facility to do so will remain as an option for residents.

To this respect, the proposal will provide the following noise attenuation measures.

- A double glazed aluminium framed window to the façade which incorporates a 10/12/6.4 double glazed unit consisting of a 10mm thick pane of glass and a 6.4mm laminated pane of glass separated by a 12mm air gap. A further internal single pane unit of secondary glazing separated from the external window by a 150mm acoustically lined air gap is proposed.
- Background ventilation is proposed to be by way of a passive acoustic ventilator

positioned above the window, but behind the rain-screen cladding and connected to a flat duct that runs above a 25mm plasterboard ceiling, the flat duct will be connected to a central fan unit and secondary attenuation, with air delivered via a supply grille in the ceiling.

The Council's Environmental Health Officer is satisfied with the mitigation measures. A condition will be proposed to secure the details and to ensure appropriate noise level.

- 9.66 Whilst the some of the areas would fall within NEC C and D the proposed mitigation measures are sufficient to ensure satisfactory level of residential amenity, in terms of noise.

Loss of Outlook and Overlooking

- 9.67 In terms of loss of outlook, this impact cannot be readily assessed in terms of a percentage or measurable loss of quality of outlook. Rather, it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective. Nevertheless, in the opinion of officers, given the separation distances and roads separating the proposed development and the existing residential developments along Three Colts Lane; Buckhurst Street; Coventry Road; and Cambridge Heath Road and similarities in the heights of the buildings on Three Colts Lane, it is considered that the development would not create an unacceptable sense of enclosure or loss of outlook to habitable rooms near the site.

Micro-Climate

- 9.68 Planning guidance contained within the London Plan 2008 places great importance on the creation and maintenance of a high quality environment for London. Policy 4B.10 (Large-scale buildings – design and impact) of the London Plan 2008, requires that *“All large-scale buildings including tall buildings, should be of the highest quality design and in particular: ... be sensitive to their impacts on micro- climates in terms of wind, sun, reflection and over-shadowing”*. Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) of the IPG also identifies microclimate as an important issue stating that:

“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”

- 9.69 Within the submitted Wind Assessment, the applicant has assessed the likely impact of the proposed development on the wind climate. The report demonstrates that the wind environment with regards to pedestrian comfort would be improve in some areas around the site like Three Colts Lane and near by Corfield Street as a result of the development. However, that the southeast corner of the building towards Cambridge Heath Road, some deterioration would be observed. Therefore, a mitigation measure will be required to address the pedestrian comfort level which includes landscaping. It is also suggested by the assessment that location of entrances should be planned away from the south eastern corner of the building as avoid uncomfortable wind environments.
- 9.70 The proposal has been amended to move the residential entrance to building Core A away from the southeast corner of the building and relocated fronting Three Colts Lane. This improves the environmental conditions for the residential users significantly. The issue of planting/landscaping to reduce the impact will have to take place outside the red line boundary however Highway Officers have confirmed that the works can be done through S278 and/or S106 contributions, subject to sub-ground survey.

- 9.71 It is therefore considered that the proposed development would create acceptable microclimate conditions surrounding the development and the impact on the pedestrian amenity and to the residential users would be mitigated.

Transport & Highways

- 9.72 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. Both PPS1 'Delivering Sustainable Development' and PPS3 'Housing' seek to create sustainable developments.
- 9.73 Pursuant to regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria', state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 'Integrating Transport and Development' also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should "...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced". Policy 3C.19 'Local Transport and Public Realm Enhancements' indicates that boroughs (as well as TFL) should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area.
- 9.74 In respect of local policy, the Core Strategy 2010, Policies SP08 and SP09 of the Core Strategy DPD (2009) broadly seek to deliver an accessible, efficient and sustainable transport network. UDP 1998 Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 9.75 Having regard for the IPG, DEV17 'Transport Assessment' (TA) states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 'Travel Plans' requires a travel plan for all major development. DEV19 'Parking for Motor Vehicles' sets maximum parking levels pursuant to Planning Standard 3.

Parking

- 9.76 The site has a Public Transport Access Level (PTAL) of 6b which is the highest level demonstrating an excellent level of public transport service. The site is suitable for a permit free agreement, whereby future occupants of the residential units are to be prevented from obtaining on street car parking permits. The applicant has indicated in their TA that they are willing to enter into such agreement and will be secured through s106 agreement.
- 9.77 The proposal provides a total of 9 car parking spaces on the ground floor level, located within the proposed servicing road. Two of the 9 spaces are allocated as disable parking spaces.
- 9.78 The proposed location and access space surrounding the two disabled parking spaces has been amended and now meets the minimum requirements for disabled users.

Cycle Parking

- 9.79 The application proposes a total of 163 cycle parking spaces at ground floor level in four separate storage spaces corresponding to the cores of the building. The proposed level of cycle parking spaces is in line with Planning Standard 3: Parking and policy DEV16 of the IPG, which seek to secure 1 space per unit, and 1 space per 10 units for visitors. The applicant has provided the details of the cycle parking which in some instances are doubled tier parking and this demonstrates that the storage space can cater for the number of proposed cycle parking spaces to be provided on site.

Servicing and Refuse Collection

- 9.80 The two separate commercial uses within Block A are to be serviced off Three Colts Lane by creating on-street loading bays. The works will be subject to s278 works and Highways have accepted that on-street laybys could be accommodated in this particular location. The works will be secured through s278 works together with the overall public realm improvement works along Three Colts Lane. The layby will not be designed to cater for articulated lorries, and therefore, amalgamation of the two commercial units into one larger food retail use will be restricted by a condition.
- 9.81 The commercial units within Block B will all be serviced from the proposed servicing road to the rear of the building. The height of the servicing road would also allow for refuse vehicles to enter and exit to collect refuse generated from residential units. Alternatively due to the proximity of refuse storage bins to Buckhurst Street and Coventry Road, the collection can also take place on the highway.

Public Realm Improvements

- 9.82 The Council has a programme of works to improve the public realm mainly along Three Colts Lane. The works mainly consist of upgrading/new street furniture, road build outs, footway works, carriage way works, street trees along Three Colts Lane, Buckhurst Street and Coventry Road. S106 monies will be secured towards contributing to the works programmed for the area. The proposal also contributes to the overall public realm by setting the building back at the ground floor level from the site's boundary which would improve the streetscape along Three Colts Lane.

Energy Efficiency and Sustainability

- 9.83 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. IPG and the policies of the UDP also seek to reduce the impact of development on the environment, promoting sustainable development objectives.
- 9.84 Policy 4A.1 (Tackling Climate Change) of The London Plan 2008 outlines the energy hierarchy which will be used to assess applications:
- Using less energy, in particular by adopting sustainable design and construction measures;
 - Supplying energy efficiently, in particular by prioritising decentralised energy generation; and
 - Using renewable energy
- 9.85 Policy 4A.3 (Sustainable Design and Construction) states that boroughs should ensure

future developments meet the highest standards of sustainable design and construction, seeking measures that will among other matters will:

- Reduce the carbon dioxide and other omissions that contribute to climate change;
- Minimise energy use by including passive solar design, natural ventilation and vegetation on buildings;
- Supply energy efficiently and incorporate decentralised energy systems and renewable energy; and
- Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP and CCHP schemes and other treatment options.

9.86 Policies 4A.4 (Energy Assessment), 4A.5 (Provision of heating and cooling networks) and 4A.6 (Decentralised Energy: Heating, Cooling and Power) of the London Plan 2008 further the requirements for sustainable design and construction, setting out the requirement for an Energy Strategy with principles of using less energy, supplying energy efficiently and using renewable energy; providing for the maximising of opportunities for decentralised energy networks; and requiring applications to demonstrate that the heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Policy 4A.7 (Renewable Energy) of the London Plan goes further on this theme, setting a target for carbon dioxide emissions as a result of onsite renewable energy generation at 20%. Policy 4A.9 promotes effective adaptation to climate change.

9.87 The applicant has broadly followed the energy hierarchy as set out in Policy 4A.1 of the London Plan 2008. The proposal aim to reduce total site carbon emissions by 33.2%. The proposal includes a combined heat and power (CHP) through the use of 2x30kWt units. This would provide primary heat and power to the development however two separate systems are proposed. Details of existing services should be provided to establish feasibility of a single energy centre connecting the two CHP's across Buckhurst Street. In addition, the size and location of the energy centres within each building should be provided together with the demand profile modelling to show the CHP have been sized to the appropriate thermal and electrical requirements of the development. This can be readily conditioned to explore if a single energy centre can be provided.

9.88 The proposal indicates that maximisation of the CHP system will deliver space heating and hot water and meeting 20% of the building energy through renewable technologies is not feasible. Therefore the proposal includes the installation of Air Source Heat Pumps (ASHP) to reduce carbon emissions, however further information is required to support that the ASHPs will not conflict with the loads required for optimal performance of the CHP systems.

9.89 It is considered that the proposed energy strategy is satisfactory, subject to a condition requiring a final energy strategy to be submitted and approved.

Section 106 Agreement

9.90 Regulation 122 of the Community Infrastructure Levy Regulations 2010, brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- (a) The obligation is necessary to make the development acceptable in planning terms;
- (b) The obligation is directly related to the development; and
- (c) The obligation is fairly and reasonably related in scale and kind to the development.

9.91 Circular 05/2005 explains (paragraph B3) that planning obligations (s106 agreements or unilateral undertakings) are “*intended to make acceptable development which would otherwise be unacceptable in planning terms.*” Obligations may be used to prescribe the nature of the development, or to secure a contribution from a developer to compensate for loss or damage caused by a development or to mitigate a development’s impact. The outcome of these uses of planning obligations should be that the proposed is made to accord with published local, regional, or national planning policies.

A planning obligation must be:

- (i) Relevant to planning;
- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development
- (iv) Fairly and reasonably related in scale and kind to the proposed development and
- (v) Reasonable in all other respects.

9.92 The Council’s Saved Policy DEV4 of the adopted UDP; Policy IMP1 of the Tower Hamlets Core Strategy and Development Control Plan September 2007; and Policy SP13 of the adopted Core Strategy say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

9.93 The applicant has submitted a viability toolkit as part of the application submission and the Council appointed DVS consultants who have independently reviewed the toolkit. The submitted toolkit identifies that the proposal can only provide 32% affordable with a reduced sum of £586,000 (compared to the £929,667 originally sought), equivalent to £4,097 per residential unit. The financial contribution is considered to be an acceptable offer in light of the professional viability assessment advice and the current economic climate and will still meet the test of the CIL regulations and the Circular. The amounts have been apportioned appropriately and heads of terms are as follows:

Leisure and Community Facilities.

9.94 A contribution of **£85,890** will be secured towards Leisure and/or Community Facilities. The proposed development will increase demand on leisure and community facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth.

Highways and Public Realm Improvement works along Three Colts Lane

9.95 A financial contribution of **£124,000** is sought to go towards public realm improvement works in the locality of Three Colts Lane; Buckhurst Street and Coventry Road. This includes:

- Footway works along Three Colts Lane;
- Carriageway works;
- Entry treatments;
- Drainage works; and
- Street furniture, lighting and trees

Education

9.96 The Council’s Education department have requested a contribution of £252,110 towards education within the Borough. The full contribution towards **£252,110** education school

places is sought.

Health

- 9.97 Financial contribution of **£124,000** has been identified having considered viability which can contribute towards the development of health and wellbeing centres within the Local Area Partnership 1 and 2.

Affordable housing

- 9.98 Through analysis of the toolkit and as more fully explained at part 8 of this Report, a 32% provision of affordable housing should be secured in the s106 Agreement. This should include a requirement for the Social Rented units to be kept at target rents as the Developer has indicated.

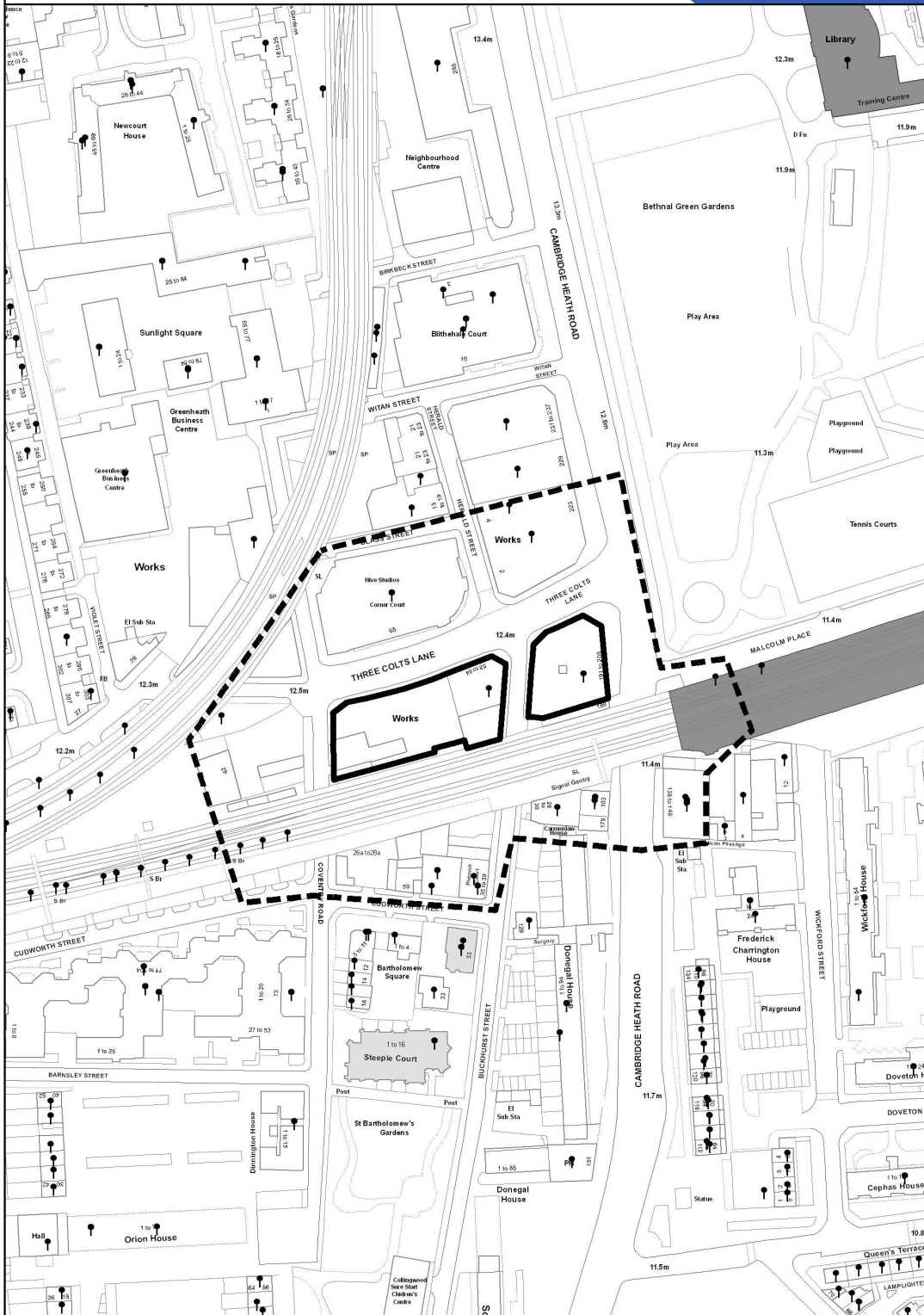
Crossrail



- 9.99 Although the scheme is in the Rest of London Crossrail Charging Zone, the trigger for a s.106 payment would only be invoked if there is a 500sqm net increase in commercial floor space (B1 or A Class uses). Given that there is a reduction in the level of commercial floor space, it is considered that a crossrail contribution does not arise.


Conclusions

- 9.100 All other relevant policies and considerations have been taken into account. The proposed development is considered to provide positive regenerative benefits to the local area; with delivery of housing (affordable housing) and contributions towards improvements to services and infrastructure. The proposal meets the objectives as set out in the Council's Core Strategy which identifies that opportunities for growth and change to be delivered by a number of industrial areas being redeveloped for residential, infill development in existing built areas and housing estate renewals within Bethnal Green Area (LAP 1 & 2). Planning Permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



-  Planning Application Site Boundary
-  Consultation Area

-  Locally Listed Buildings
-  Statutory Listed Buildings

 Land Parcel Address



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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