



Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 27 July 2011 at 7.00 p.m.

A G E N D A

VENUE

Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair:	
Councillor Kosru Uddin Councillor Craig Aston Councillor Helal Uddin Councillor Shiria Khatun Councillor Marc Francis 1 Vacancy	Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Kabir Ahmed, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Anwar Khan, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Ann Jackson, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Alan Ingram, Democratic Services,
Tel: 020 7364 0842, E-mail: Alan.Ingram@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 27 July 2011

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 29th June 2011.

3 - 8

4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To note the procedure for hearing objections at meetings of the Development Committee. **9 - 10**

The deadline for registering to speak at this meeting is 4pm **Monday 25th July 2011.**

6.	DEFERRED ITEMS	11 - 12	
7.	PLANNING APPLICATIONS FOR DECISION	13 - 14	
7 .1	Ground floor, 248 Westferry Road, London, E14 3AG (PA/11/00546)	15 - 22	Millwall
7 .2	Christchurch Primary School, 47A Brick Lane, London, E1 6PU (PA/11/733 and PA/11/715)	23 - 42	Spitalfields & Banglatown
7 .3	Site at 58-64 Three Colts Lane and 191-205 (PA/11/00885)	43 - 72	
7 .4	Greenheath Business Centre, 31 Three Colts Lane, London (PA/11/00829)	73 - 98	Bethnal Green South
7 .5	Wood Wharf, Preston's Road E14 (PA/11/01000)	99 - 120	Millwall
8.	OTHER PLANNING MATTERS		
8 .1	58 - 64 Three Colt Lane (PA/10/01757)	121 - 146	Bethnal Green South
8 .2	Appeal Report	147 - 154	

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 29 JUNE 2011

COUNCIL CHAMBER TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG

Members Present:

Councillor Helal Abbas (Chair)

Councillor Kosru Uddin
Councillor Helal Uddin
Councillor Marc Francis

Councillor Peter Golds

Other Councillors Present:

Nil

Officers Present:

Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Pete Smith	– Development Control Manager, Development and Renewal
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Alan Ingram	– (Democratic Services)

COUNCILLOR HELAL ABBAS (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Shiria Khatun (Vice-Chair) and Councillor Craig Aston, for whom Councillor Peter Golds deputised.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
Marc Francis	7.1 & 7.2	Personal	Had received representations from interested parties.

Helal Uddin	8.1	Personal	Was a Ward Councillor for the area of the application.
Kosru Uddin	7.2	Personal	Had received representations from interested parties.
Peter Golds	7.1	Prejudicial	Had undertaken professional work in the past for the applicant in connection with Spitalfields Market.
Helal Abbas	7.2	Personal	Had received representations from interested parties.
	8.1	Personal	Was a resident of the Ward wherein the application was located.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 1st June 2011 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

NOTE: Mr Pete Smith, Development Control Manager, indicated that it was necessary to amend the agenda by withdrawal of item no. 7.2 – "Ground Floor, 248 Westferry Road, London, E14 3AG" as there had

been problems in giving the applicant and consultees adequate notice that the application was to be considered by the Committee. He responded to further questions from Members on the matter.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Central Area, Spitalfields Market E1 (PA/11/00602)

In view of his earlier declaration of a prejudicial interest, Councillor Peter Golds withdrew from the meeting prior to consideration of this item and took no part in the discussion, nor voted thereon.

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the circulated report and **Tabled** update concerning the application for planning permission at Central Area, Spitalfields Market, E1 (Ref. No. PA/11/00602).

The Chair then invited persons who had registered for speaking rights to address the meeting.

Mr Michael Myers indicated that was a resident of Spitalfields Market and was Chair of the Residents' Group. Residents were opposed to the application and had submitted a petition containing 21 signatures, whilst other emails stating objections had been sent. Other groups such as the Spitalfields Society and St George's Residents' Association had raised objections. Some 594 households also had expressed opposition. The objectors were aware of the issues at stake, however, Saturday operation of the market had been excluded in the original application so that people could have one day of quiet and this would be lost if the application were granted. He added that noise could be boisterous on occasion and the application should be rejected.

Mr Jonathan Shapiro stated that he represented both St George's Residents' Association, with 193 households, and the Spitalfields Society, with 97 households, all of which were affected by traffic and the outlying effects of the market. In 2004 Saturday trading had been rejected in order to maintain the amenity of Spitalfields residents and there had been no change in circumstances. Saturday trading was not wanted, especially as the applicants currently did not exercise adequate controls over market operations. Parking and congestion arising from the Sunday market blocked access to the underground ramps to buildings, including Allen & Overy and the Royal Bank

of Scotland, which put their infrastructure at risk and there were other transgressions of applicable codes. He asked for the application to be rejected.

In response to members' queries, Mr Shapiro added that other transgressions related to setting up of market stalls before 8.00 am and operations continuing after the 8.00 pm cut-off. The disabled toilet was also locked and difficult to access, while half the underground public toilets were blocked and had very poor ventilation.

Ms Elaine Sutherland-Carter, speaking in support of the application, stated that she had worked in the market for 13 years and had been involved in the Cityside Regeneration Programme for seven years. She knew how important it was to involve the community in such discussions and pointed out that Spitalfields market now worked with the BME community on events such as the Mela, Black History Month and Women's Month. It also generated revenue for local restaurants and small businesses. She was also pleased to express support from Ladies Who Learn and Urban Inclusion, which provided free skills and enabled people in the community to meet. Ms Sutherland-Carter added that she was a churchgoer on Sundays but felt that any increase in noise would be manageable. The additional operation of the market on Saturday would help put Spitalfields on the London map.

Mr Malcolm Ball, speaking for the applicant, expressed the view that the Officers' report was fair and balanced and took account of the objections raised. However, 135 letters had been received in support of the application. Wellington Markets and Ballymore had been operating the site for 18 months and had tried to contact all local stakeholders and residents to have regular meetings on the proposals. An independent noise survey had been conducted which indicated that the situation would be manageable but he would work with local people so no-one felt put out. 2012 would be a major event for the country and LBTH and would be enhanced by the positive effects of a Saturday opening.

At the request of the Chair, Mr Richard Murrell, Deputy Planning Team Leader, made a detailed presentation of the report and update. He outlined the history of the application and indicated that most objections arose from additional noise, although this was likely to be acceptable, given the character of the area. Other controls included a requirement for market trolleys to have rubber wheels. Additional problems arising from congestion would be controlled through the management plan. It was also considered that the latter issue had also been adequately addressed in terms of traffic and footfall. He referred to the update report that contained the comments of the Parking Section, who felt that further controls were unnecessary at this time, although there would be monitoring for a six-month period.

The Chair then invited questions from Members.

Questions were put relating to: the conditions on the original planning application in 2004; the impact of the proposals on street cleaning and any

additional costs; the impact of additional parking restrictions and the need for six months' monitoring; the likely additional footfall that would result.

Mr Murrell made detailed responses, stating that:

- The experience of Sunday market operations gave a fair idea of the likely noise levels and the original application had been subject to re-assessment, in this light, seven years on.
- Street cleansing had been discussed at length and the existing Veolia contract was considered adequate to deal with additional litter and extra sweeping.
- The Parking Section did not feel additional restrictions were necessary but a monitoring period was being paid for by the applicant.
- Footfall figures were extrapolated from data gathered from counts made on Sunday. The overall maximum of 25,000 in a day was an estimate from the market operator.

The Chair then indicated that the vote would be put and, on a vote of 3 for and 0 against, the Committee **RESOLVED**

- (1) That planning permission at Central Area, Spitalfields Market, E1 be **GRANTED** for the variation of condition 2 attached to planning permission reference PA/02/1211, to allow market use in trading hall area on Saturdays, as set out in the circulated report and **Tabled** update, namely,

“The stall market hereby approved, including the setting up and taking down of stalls, shall operate between 8.00 am and 8.00 pm Monday to Friday, 9.00 am and 6.00 pm Saturdays (with stalls open from 11.00 am), 8.00 am and 5.00 pm Sundays and Public Holidays.”

- (2) Such planning permission to be further subject to the additional conditions set out in the circulated report and to the prior completion of a legal agreement to secure the following planning obligations as set out in the circulated report and **Tabled** update as follows:
 - (a) A deed of variation to ensure obligations secured under Planning permission PA/02/1211 continue to apply to this permission.
 - (b) The monitoring of parking on Brushfield Street for six months after permission is granted and, if necessary, for the amendment of parking restrictions to extend restrictions on permit holder bays to include Saturday. Any necessary amendments to be carried out at Developer's expense.
 - (c) Any other obligation considered necessary by the Director of Development & Renewal.

7.2 Ground floor, 248 Westferry Road, London, E14 3AG (PA/11/00546)

Item withdrawn.

8. OTHER PLANNING MATTERS

8.1 Bromley Public Hall, Bow Road, London, E3 3AA (PA/11/00341)

At this point 7.50 pm, Councillor Peter Golds rejoined the meeting.

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the report concerning the application for planning permission at Bromley Public Hall, Bow Road, London, E3 3AA.

At the request of the Chair, Mr Richard Murrell, Development Team Leader, gave a detailed presentation of the circulated report.

On a vote of 3 for and 0 against, the Committee **RESOLVED**

That the application for planning permission at Bromley Public Hall, Bow Road, London, E3 3AA (Ref: PA/11/00341) be referred to the Government Office for London with the recommendation that the Council would be minded to grant Listed Building Consent, subject to the conditions set out in the circulated report.

8.2 Planning Appeals Report

At the request of the Chair, Mr Pete Smith, Development Control Manager, presented the report. The report provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions. Members expressed satisfaction with the format of the information provided.

On a unanimous vote, the Committee **RESOLVED**

That the details and outcomes of the appeals be noted as detailed in the report.

The meeting ended at 8.05 p.m.

Chair, Councillor Helal Abbas
Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Development	Date: 27 July 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:
Application, plans, adopted UDP. draft
LDF and London Plan

Tick if copy supplied for register

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

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Agenda Item 7

Committee: Development	Date: 27 July 2011	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley Service Head, Planning & Building Control		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2008 (Consolidated with alterations since 2004)
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 7.1

Committee: Development	Date: 14/06/2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Monju Ali		Ref No: PA/11/00546	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location:	Ground floor, 248 Westferry Road, London, E14 3AG
Existing Use:	Community Centre and Place of worship – Mosque (Use Class D1)
Proposal:	Application for the variation of condition 1 (hours of operation) – 08:00am to 22:45pm Mondays to Saturdays (inclusive) and not on Sundays or Bank Holidays, of planning permission T/96/00369, with proposed new hours of operation: 08:00am – 22:45pm Monday to Sunday; together with 04:00am – 08:00am (for a maximum of 10 worshippers) Monday to Sunday.
Drawing Nos:	OS site plan, Zavvia/248wr/101
Applicant:	Madina Jamme Masjid
Owners:	Mr S. U Choudhury
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, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- The proposed change of hours of operation is considered acceptable, in that it would not result in significant adverse impacts to the amenities of neighbouring properties. The proposal is therefore considered acceptable in terms of policy DEV2 of the Unitary Development Plan 1998, together with policy DEV1 of the Interim Planning Guidance 2007, which seek to ensure development would not have an unduly detrimental impact on neighbouring properties.
 - The proposed change of hours would not have an adverse impact on the safe and free-flow of traffic within the vicinity of the application site. The proposal is therefore in accordance with policy SP09 (3) of the adopted Core Strategy (2010), policies SCF11 and T16 of the UDP (1998), and policy SCF1 of the Interim Planning Guidance (2007), which seek to ensure community facilities would not result in an unacceptable impact on the highway network.

3. RECOMMENDATION

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

- 3.1 That the Committee resolve to **GRANT** planning permission subject to conditions.
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
- 3.3 **Conditions**
- 1) Hours of operation being (08:00am – 22:45pm Monday to Sunday; together with 04:00am – 08:00am (for a maximum of 10 worshippers) Monday to Sunday;
 - 2) No audible sound, including amplified sound or live music
 - 3) Maximum number of people on site at one time comprising of:
(04:00am – 08:00am 10 people) and
(08:00am – 22:45pm 60 people)
- 3.4 Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the variation of condition 1: (hours of operation)
- Existing - 08:00am to 22:45pm Monday to Saturday (inclusive) and not on Sundays or Bank Holidays, of planning permission T/96/00369 dated 5th September 1996.
 - Proposed - 08:00am to 22:45pm Monday to Sunday (including Bank Holidays); together with 04:00am to 08:00am (for a maximum of 10 worshippers) Monday to Sunday.
- 4.2 The change of hours of operation is sought to amend the existing planning permission to allow the mosque to open on Sundays and for early morning prayers commencing from 04:00am (sunrise).
- 4.3 The onsite capacity is not expected to exceed that of the existing facility, being an average of 35 people from 10:00am – 22:45pm; up to 10 people between 04:00am and 08:00am; and 30 children for educational sessions on Monday - Friday evenings between 17:00pm and 19:00pm. However, Fridays attract an increase in worshippers, as it is the Islamic holy day (Jum-ma), attracting up to approximately 60 worshippers between 12:45pm and 13:45pm.

Site and Surroundings

- 4.4 The site is situated on the southern side of Westferry Road, and lies within a predominantly residential area. The Islamic Cultural Centre has been in operation on site since 1996.
- 4.5 The site does not lie within a Conservation Area, however to the north and south of the site lies two listed buildings comprising of Forge Square and Burrells Wharf development both currently in residential use.
- 4.6 The application site directly outside of Westferry Road and has good public transport accessibility level (PTAL) of 3. There is a bus stop adjacent to the site, the bus routes servicing the site are 135, D7 and D3.
- 4.7 The existing Islamic Cultural Centre is located within a three storey building which has residential uses above. The second floor of the building is accessed internally from the ground floor, which is occupied by the mosque caretaker who uses this floor for permanent

residential use only.

- 4.8 The third floor of the building is accessed from a separate entrance from street level; the third floor level is also used as a separate residential unit.

Planning History

- 4.9 T/96/00369 – granted planning permission on the 5th September 1996 by the London Docklands and Development Corporation for the continuation of use of ground floor as an Islamic Centre. (**Officer comment:** *This is the consent which has been implemented on site*).
- 4.10 T/95/00165 – granted planning permission on the 6th September 1995 Granted by the London Docklands and Development Corporation for the use of ground floor as an Islamic Centre. (**Officer comment:** *A condition was included on this first permission which restricted the use of the centre for religious services. However, this consent was superseded by T/96/00369 which does not restrict the use*).

5. POLICY FRAMEWORK

- 5.1 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:

5.2 Adopted Core Strategy (2010)

Policies: SP09(3) Highways Safety and Capacity
 SP10(4) Amenity

5.3 Unitary Development Plan 1998 (as saved September 2007)

Policies: DEV2 Development requirements
 DEV 50 Noise
 T16 Highways
 SCF11 Community facility

5.4 Interim Planning Guidance for the purposes of Development Control

Policies: DEV1 Amenity
 DEV4 Safety and security
 DEV10 Disturbance from noise pollution
 SCF1 Community facility

- 5.5 **Community Plan** The following Community Plan objectives relate to the application:
 A better place for living well
 A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

London Borough of Tower Hamlets - Environmental Health Noise and vibration

- 6.2 Having regard to the proximity of the community centre to residential accommodation, Environmental Health would not support an extension of the opening hours to start from sunrise because this would cause sleep disturbance to nearby residents.
- 6.3 **Officer comment:** *(The above is noted; however the application site already has permission*

for the current D1 use from as early as 08:00am. The site is opposite a busy road with a bus stop also situated directly outside and a takeaway next door. The early morning prayer would only attract up to 10 worshippers, additionally the prayer would take approximately 20-30mins therefore worshippers would not be on site for the entire period 04:00am – 08:00am. The applicant has agreed to comply with a condition restricting the maximum number of worshippers to 10 people during the proposed early morning extension of hours (04:00am – 08:00am). It should also be noted, Environmental Health have confirmed there has been no recent record of noise nuisance associated with the premises).

- 6.4 In addition, we would advise that any amplified noise is not audible at 1 meter beyond the building at any time. No external amplification should be used to broadcast from the premise. Environmental Health would recommend that the condition 1, hours of operation remain unchanged.
- 6.5 **Officer comment:** (The above is noted; if planning permission is granted the existing condition No. 2 attached to planning ref. T/96/00369 would be retained, to ensure no audible noise shall be transmitted including amplified sound or live music).

London Borough of Tower Hamlets - Highways

- 6.6 Following a discussion with the Planning Case Officer, Highways have been informed that any future permission would be subject to a condition stipulating that no more than 10 worshippers could be in attendance during the additional times of worship for the early morning hours. This would alleviate the concerns originally expressed by highways.

7. LOCAL REPRESENTATION

- 7.1 A total of 194 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised on site via one site notice.

- 7.2 The total number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	28	Objecting:	28	Supporting:	36
No of petitions received:	0	objecting containing	0	signatories	
		1 supporting containing	233	signatories	

- 7.3 The following issues were raised in objection that are addressed in the next section of this report:

- Noise and disturbance (**Officer Comment:** refer to the amenity section 8.2)
- Lawful use of the premises (**Officer Comment:** The site has planning permission under T/96/0369 which granted lawful use of the application site as an Islamic Centre and allowed religious services).
- Intensity of use by extended hours (**Officer Comment:** The existing use is not being assessed as this is already established. The intensity of the extended hours is unlikely to have a detrimental impact upon the amenity of local residents as a condition would be applied to restrict the maximum number of people on site).
- Parking and Highways congestion (**Officer Comment:** The Councils highways officer has confirmed the proposal would not have a detrimental impact upon the local transport and highways network given the number of worshippers attending the centre).
- Undesirable precedent (**Officer Comment:** The existing use is not being assessed, in

addition there are no other immediate local Islamic Centre within the locality, the site serves the local needs within the community).

- Hours of operation too long (**Officer comment:** *The proposed extended hours would enable worshippers to make prayer in accordance with their faith. The extended hours would not have a detrimental impact as the maximum number of people on site would be restricted and furthermore the prayer would not take more than 30mins to complete).*
- Security and anti-social behaviour (**Officer comment:** *As a place of worship it is not expected there would be any security and anti-social behaviour concerns).*
- The proposal will negatively impact upon valuations of properties around the site (**Officer comment:** *The value of the property itself is not a planning matter).*
- The applicant is already in breach of its operating hours. (**Officer comment:** *This application seeks to allow extended hours from those original allowed by the 1996 permission).*
- The use of the property as a Mosque opposed to a community centre is unauthorised (**Officer comment:** *Refer section 4.9 and 4.10 of the report).*
- Use of part of the building as a fast food shop is unauthorised. (**Officer comment:** *This does not form part of the proposal being considered by members. This matter has been passed onto enforcement to investigate).*

7.4 The following issues were raised in support:

- As local residents we fully support the proposal and can confirm have never witnessed any noise or other disruptions emanating from the premises.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Residential Amenity

Impact on the amenity of the surrounding area.

2. Highways Impacts

Impact on the public highway and local road network.

Amenity

- 8.2 Policy SP10(4) of the adopted Core Strategy (2010) along with Saved Policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek to ensure that development where possible protects and enhances the amenity of existing and future residents.
- 8.3 Furthermore, policy SCF11 of the UDP (1998) refer to impacts of community facilities on residential amenity.
- 8.4 The application being considered solely proposes the variation of condition 1, controlling the hours of operation from 08:00am to 22:45pm Mondays to Saturdays, with the use unable to operate on Sundays or Bank Holidays. This restricts the use of the existing mosque.
- 8.5 The new hours of operation proposed are 04:00am – 22:45pm Monday to Sunday (including

Bank Holiday); with a maximum of 10 worshippers during 04:00am – 08:00am on the ground floor level only.

- 8.6 The permitted use for the site is as an Islamic Centre, which would remain unchanged. This arrangement is proposed to extended the use and ensure that in the early hours a maximum of 10 worshippers can visit the site for quiet prayer.
- 8.7 A number of objections have been received regarding noise and disturbance matters. The council has no record of recent noise complaints associated with the site. However, further conditions are recommended to ensure no audible noise, sound or music is transmitted beyond the site given the extended opening hours proposed.
- 8.8 It is considered the attendees to the Islamic Centre facility would use the same method of transport which is primarily walking given the catchment area of the mosque. Therefore it is unlikely noise associated with car parking in the early hours would result in an unduly detrimental loss of amenity for nearby residential occupiers.
- 8.9 Furthermore, Westferry Road is already a busy and vibrant road in nature, also with two night buses D7 and 135 serving the area.
- 8.10 Given the low number of attendees on the site during the extended hours and the existing nature of the site as a place of worship, it is not considered that there would be significant detrimental impacts on the amenity to the existing residents.
- 8.11 Given the measures being proposed to ensure the use would not result in an unduly detrimental loss of amenity for existing residential neighbours, it is therefore compliant with Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007), which seek to ensure that development proposals protect neighbouring residential amenity.

Transport & Highways

- 8.12 Council policies contain a number of safety and operation policies which seeks to protect the highway from development.
- 8.13 However, concerns regarding the limited availability of on-street parking and increased pressure associated with worshippers driving their vehicles to the site in the early hours have been raised by objectors.
- 8.14 The principle of the use on site is already agreed. The application solely relates to the uses operating earlier in the morning and on Sundays and Bank Holidays.
- 8.15 The Islamic centre is largely used by local residents within the immediate catchment area who reside within walking distance to the site. It is not expected there would be any significant increase in activity with the proposed extended hours given the number of attendees proposed. Therefore there would be no significant impact upon the local highway.
- 8.16 The application has been reviewed by Council Highways Officers who have confirmed that they do not consider that there would be any adverse impacts on the local highway.
- 8.17 Subject to appropriate conditions, the proposed variation of hours would not have an adverse impact on the safe and free-flow of traffic within the vicinity of the application site. The proposal is therefore in accordance with policy SP09 (3) of the adopted Core Strategy (2010), policies SCF11 and T16 of the UDP (1998), and policy SCF1 of the Interim Planning Guidance (2007), which seek to ensure community facilities would not result in an unacceptable impact on the highway network.

9.0 CONCLUSIONS

- 9.1 All other relevant policies and considerations have been taken into account. 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
- 
 0 30 m
 1:1,250

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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Agenda Item 7.2

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 and Conservation Area Consent
Case Officer: Beth Eite	Ref No: PA/11/733 and PA/11/715
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location:	Christchurch Primary School, 47A Brick Lane, London, E1 6PU
Existing Use:	Primary School
Proposal:	Demolition of the existing youth centre and build a new nursery and community building in its place. A new primary school boundary wall is established with some landscape works to the community gardens and school playgrounds
Drawing Nos:	A005, A010, A011, A012, A015, A020, A051, A052, A1001, A1100, A1101, A1200, A1205, A1301, A1302, A1310, A1311, A1312, A1313, A1320
Documents:	Design and access statement, School statement of need, Historic environment assessment, Conservation Management Plan, Mechanical, electrical and public health report stage D by Pinnacle ESP, Structural engineering report by Heyne Tillett Steel, Consultation report, Arboricultural Tree report ref PS525 PA and Noise impact assessment and information provided by LUCIE Zalberg on 31st May.
Applicant:	Trustees of Christ Church Spitalfield C of E Primary School
Ownership:	Applicant
Historic Building:	Grade II Listed
Conservation Area:	Fournier Street/Brick Lane

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, London Borough of Tower Hamlets Unitary Development Plan, the Council's interim planning guidance (2007), the associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- 2.1 The proposal seeks to add a nursery classroom and community rooms to the school to provide additional education and community space. It is considered that the proposal is acceptable in land use terms and would be in accordance with policies 3A.18 and 3A.24 of the London Plan 2008 (Consolidated with Alterations since 2004)

and SP07 of the adopted Core Strategy 2010 which seeks to improve and expand existing primary and secondary schools.

- 2.2 The removal of the existing youth centre and erection of the proposed building is considered to enhance the setting of the grade I listed church and the Brick Lane and Fournier Street conservation area. The design, appearance and position of the proposed development would be acceptable and would not harm the significance of the designated heritage assets in accordance with Planning Policy Statement 5, policies DEV1 of the Unitary development plan 1998 policies CON1 and CON2 of the Interim Planning Guidance 2007 and SP10 of the Core Strategy Development Plan Document 2025 Adopted 2010.
- 2.3 The proposal results in the loss of 75sqm of open space, this space is not publicly accessible and is currently in an unusable state. The landscaping and design of the building would make more efficient and effective use of site and would allow for increased public access and usability of the site. This would outweigh the loss of the open space and the scheme would be acceptable in light of the requirements of policies EDU7 or OS7 of the Unitary Development Plan 1998, SP04 of the Core Strategy, policy 3D.11 and 3D.12 of the London Plan 2008 (Consolidated with Alterations since 2004) and policy SCF2 of the Interim Planning Guidance 2007.
- 2.4 The proposed extension is considered to be a sufficient distance away from any neighbouring residential properties to mitigate any direct impacts in terms of a loss of privacy, light or outlook. The increase in pupil numbers are not considered to have any significant impact upon the surrounding residents due to the nature of this busy location in accordance with policies DEV2 of the Unitary Development Plan 1998 and DEV1 of the Interim Planning Guidance 2007.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission and conservation area consent
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions [and informatives] on the planning permission to secure the following matters:

3.3 Conditions for full planning application

1. Time Limit – three years
2. Development to be carried out in accordance with the approved plans
3. Materials to be submitted for approval
4. Details of boundary treatments to be submitted for approval.
5. Management strategy outlining how community use will be facilitated
6. Travel Plan to be submitted
7. No deliveries or servicing to occur outside the hours of (7.30am – 8pm Monday to Friday, 8am – 1pm Saturday only)
8. Prior to occupation the cycle stands shall be installed.
9. Archaeological watching brief on the development when all excavation of footings or other below ground works take place
10. No construction or storing of materials within the root protection area of the trees.
11. Construction management plan
12. Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only)
13. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.4 Informatives for full planning application

1. This planning application should be read in conjunction with conservation area consent PA/11/00733
2. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

3.5 Conditions for Conservation Area consent

1. Time limit
2. Development to be carried out in accordance with the approved drawings
3. Contract for replacement scheme in place before demolition of the buildings occurs.
4. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.6 Informatives for Conservation Area consent

1. This Conservation Area Consent should be read in conjunction with planning application PA/11/00715
2. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks conservation area consent for the demolition of the existing youth centre which is located in a closed off area of garden between Christ Church gardens and Christchurch primary school. It is currently vacant and not accessible by the public. A new community centre and nursery building is proposed on the site.
- 4.2 The existing youth centre is 290sqm in area. This figure is inclusive of the storage hut which was recently demolished under conservation area consent reference PA/10/2377. The main youth centre building is 23m in width and an average of 10m in depth. To the northern end of the building there is a longer arm which extends along the side of Christchurch for a distance of 19m. At its closest point, the youth centre is 1m from the access to the Crypt of the church. The youth centre is 12m from the southern boundary with Fashion Street. This building was granted planning permission in 1969 and has remained in place since this time.
- 4.3 The new building would be positioned 4m from the southern boundary and 8m from the church, giving a more generous area between the crypt and the corner of the building than currently exists (5m at the closest point). The building would be of a contemporary design, 27m in width and up to 5m in height (2.5m in height at the eaves) with an asymmetrical roof. Coloured rooflights would be inserted into the roof to allow light through to the nursery classroom and hall beneath.
- 4.4 The edge of the new building would form the boundary between the publicly accessible Christchurch Gardens and the school. However as part of the licence agreement between the Council, the Rector of Christchurch and the school the new building and some of the school grounds including the tennis court must be open for 3 hours a day during the week for community use and 6 hours at weekends.

Site and Surroundings

- 4.5 The application site relates to Christchurch Primary School located on the western side of Brick Lane. Christchurch Primary School fronts Brick Lane and is a grade II listed building. The current building was erected in 1873/4 with later extensions at the rear, although there had been a school within the church yard since 1782 (positioned at the western end of the site fronting the former Red Lion Street).
- 4.6 The school currently provides education for children aged 3-11, with 21 places at the nursery and 163 children at the school. This is currently a low capacity for the school, in addition many of the classrooms fall below the standard set out in Building Bulletin 99 which is a government document providing guidance on current educational accommodation standards.
- 4.7 Currently the school boundary extends 6m past the boundary line of no. 2 Fournier Street. The area beyond this, which contains the youth centre and is currently not accessible to the public, was leased from the diocese to the community group who ran the facility. In 2009 the community group no longer required this site and a new lease agreement was set up to give 970sqm to create a larger publicly accessible garden fronting Commercial Street and 730sqm to extend the school boundary to provide the new nursery / community centre.
- 4.8 The site on which the school, youth centre and gardens are located was initially the church yard for Christ Church. This Grade I listed building was designed by Nicholas Hawksmoor as one of the 'Fifty new churches Act 1711' which sought to provide adequate, Anglican places of worship for the new populous suburbs. Construction work began in 1714 and was completed in 1729. Christ Church is said to be the most monumental of the Hawksmoor churches.
- 4.9 The site is also located within the Brick Lane and Fournier Street Conservation area.

Planning History

- 4.10 The following planning decisions are relevant to the application:

PA/68/661	The erection of a single storey building in connection with the use of part of the site as an adventure playground. Approved 10/2/1969
PA/03/00789	Alterations and refurbishment to a Grade II listed building – Approved 21/08/03
PA/03/01259	Construction of a veranda to south side of nursery (rear of school) Approved 1/12/03
PA/07/01562	Erection of a new environmental centre in existing courtyard. Alterations to external façade including new doors and windows to front elevation. Approved 8/8/07
PA/07/02950	Erection of a wooden building for use as an office and storage area for school staff. Approved 3/1/09
PA/08/02529	Construction of a single storey shelter play structure within the school playground. Approved 20/1/09.

PA/10/2377	Demolition of temporary building. Approved 27/1/2011
PA/10/1683 and 1684	Remodelling, restoration and extension to existing primary school including the provision of 6 classrooms, a full size main hall, full service kitchen, group rooms, meeting rooms, staff rooms and storage. Approved 18/11/2010

5. POLICY FRAMEWORK

- 5.1 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:

Core Strategy Development Plan Document 2025 (adopted September 2010)

Policies	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP07	Improving education and skills
	SP10	Creating distinct and durable places
	SP12	Delivering placemaking

Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV14	Tree Preservation Orders
	DEV37	Alteration of listed building
	DEV51	Soil tests
	EDU7	Loss of school play space
	OS7	Loss of open space

Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV16	Walking and cycling routes and facilities
	DEV22	Contaminated Land
	SCF2	School recreation space
	CON1	Listed buildings
	CON2	Conservation areas

Spatial Development Strategy for Greater London (London Plan)

	3A.17	Addressing the needs of London’s diverse population
	3A.18	Protection and enhancement of social infrastructure and community facilities
	3A.24	Education facilities
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.22	Improving conditions for cycling
	3D.11	Open Space
	3D.12	Open space strategies
	4B.1	Design principles for a compact city
	4B.5	Creating an inclusive environment
	4B.8	Respect local context and communities

Government Planning Policy Guidance/Statements

PPS 1	Sustainable development and climate change
PPS 5	Planning and the historic environment

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

- A better place for living safely
- A better place for living well
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

Environmental Health (Noise & vibration)

6.3 The acoustic report and supplementary information provided by LUCIE Zalberg on 31st May confirm that there would not be any adverse noise impacts.

Highways

6.4 No information has been submitted detailing the trip generation associated with the existing and proposed nursery and community centres. Highways require this information in order to fully assess this application.

(Officer response: The application seeks to increase the capacity of the school back up to the level which it originally was i.e. a full one form entry. It is not considered that the trip generation associated with this and the community facility would be significant or detrimental to the free flow of traffic. However, as the school has no travel plan at present, one would be requested by condition as part of this application.)

6.5 Further information is also required detailing the existing and proposed number of parking spaces provided in the car park area accessed from Fournier Street.

(Officer response: This car park is used by the Church, not the school and is not included within the application boundary.)

6.6 It is not clear where the cycle parking facilities have been located or how many cycle parking spaces are to be provided.

(Officer response: 16 bicycle stands are proposed as part of the application in a store to the south of no. 2 Fournier Street.)

6.7 How will the proposed community centre be serviced?

(Officer response: The servicing would continue to occur from Fournier Street as per the existing arrangement.)

Transport for London

6.8 It is proposed to provide cycle parking for 16 bicycles, whilst this is welcomed bicycle parking should be provided at a rate of 1 per 10 staff or students and therefore 24 spaces should be provided.

(Officer response: This application seeks permission to increase the capacity of the school by 46 pupils and it is not considered reasonable to expect full provision for the school (which currently has no cycle parking) to be accommodated within this application.

Tree Officer

- 6.9 Providing the recommendations of the BS5837(2005) report are complied with, I have no objections to the works proceeding

English Heritage

- 6.10 This is an extremely sensitive site and the proposal has been subject to much discussion with the architects, representatives of the Diocesan Advisory Board and officers of the Borough. The form of the proposed structure has undergone substantial revisions throughout this process.
- 6.11 The existing 1970's flat roofed, single storey Youth Centre is a building of no architectural merit. Whilst it is surprisingly inconspicuous in views from Commercial Street towards Christ Church, it fails to respond in any positive way to the setting of the church. The northern 'wing' of the existing building encloses a long narrow space adjacent to the church. This space is dark and unattractive and the geometrical relationship between the north west corner of the Youth Club and the southern edge of the steps to the important south door of the church is spatially very uncomfortable.
- 6.12 English Heritage believes the proposed structure is more sympathetic to the setting of the church. The revised length of the northern flank is much shorter than is the case with the existing building and this would result in a less confined space adjacent to the church. The southern entrance steps would be given a more generous setting.
- 6.13 The proposed building, whilst incorporating a pitched roof, is kept low to the ground in order to limit its impact on views of the church and gardens, particularly in views looking east from Commercial Street. The glazed centre of the building is intended to allow views through it, along the axis of the former graveyard and the building is kept away from the southern boundary of the gardens to ensure views remain through to the rear of the site from Commercial Street. Earlier pre application proposals included metal railings designed to compliment the character of the gardens and we feel that the inclusion of the rural 'five bar gate' type motif and timber railings is inappropriate in this context. (**Officer response:** *It is considered that the details of the boundary treatments could be dealt with by condition*)
- 6.14 The form of the western side of the proposed structure was designed to negate the requirement for the existing security fence which crudely and intrusively separates Christ Church Gardens from the Community Gardens to the east. The removal of this fence would open up a wider area of improved open garden space for everyday public use. We are disappointed by the apparent lack of clarity with regard to the implementation of the carefully designed scheme by Latz and Partners for reconfiguring this enlarged open space. We feel that the proposed landscape would improve the setting of Christ Church.
- 6.15 We support the long term aim of opening up the gates at the rear (east end) of Christ Church, which form part of the listed building to facilitate public access to the school and to create a new and attractive route from Commercial Street to Fournier Street.
- 6.16 This proposal has aroused much passionate debate. There is a strong and arguably understandable desire to open up views of the south side of the church and reunite the subdivided spaces which formed parts of the original graveyard. However English Heritage feels that, compared with the present situation, the current proposal, particularly if coupled with the landscape scheme, has the potential to improve the setting of Christ Church and this part of the Brick Lane & Fournier Street

Conservation Area.

English Heritage (Archaeology)

- 6.17 The proposed development site is situated in an area where heritage assets of archaeological interest may be anticipated. Although the site retains a moderate potential for archaeological remains from the Roman period, the primary interest is in the extensive burial ground associated with Christchurch Spitalfields, which was in use from 1729 to 1859 and is anticipated to contain c. 67,000 burials. The burial ground is considered to be of high archaeological significance due to its size and the demographics of the population buried there.
- 6.18 The applicants have clearly put a great deal of thought into designing buildings that can be constructed with minimal ground disturbance which have a much reduced potential to impact upon human remains. This approach is sensitive to the buried historic environment, particularly in regards to the new nursery and community building, where the proposed raft foundation are intended to cause as little damage as possible.
- 6.19 Although much of the risk has been reduced, there is still the potential for the upper part of the burial sequence to be encountered at localised areas, such as the extension of the existing foundations for the new nursery building, the school extension and where services cannot follow existing routes. Landscaping arrangements may also have the potential to disturb archaeological deposits.
- 6.20 I do not consider that any further work need be undertaken prior to determination of this planning application but that the archaeological position should be reserved by attaching a condition to any consent granted under this application. This is in accordance with local policies and Policy HE 12.3 of PPS5.

7. LOCAL REPRESENTATION

- 7.1 A total of 137 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.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	556	Objecting: 315 Of which:	Supporting: 242 Of which:
		<ul style="list-style-type: none">• 252 from residents outside the Borough.• 48 from residents within the Borough.• 15 with no address	<ul style="list-style-type: none">• 57 from residents outside the Borough• 176 from residents within the Borough• 9 with no address.
No petitions received	0		

- 7.2 The following local groups/societies made representations:

- The Spitalfields Historic Buildings Trust
- The Friends of Christchurch Spitalfields
- The Spitalfields Society

- Ancient Monuments Society.
- The Georgian Group

The following issues in objection were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

- 7.3 The church was designed to be viewed from the south and from the west.
(Officer response: When the church was originally constructed there were buildings along Red Lion Street which ran in front of Christ church. These were demolished to make way for Commercial Street in 1845. Therefore at the time of construction and for 116 years after views towards the church from the south were restricted. This development would enhance the views of the church from the south and west from the current situation as the new building would be further away from the south side of the church than the current youth centre.)
- 7.4 When the temporary permission was granted for the building in 1969 the church was derelict and there were very serious reservations regarding the permission from Tower Hamlets, the Greater London Council, the Royal Fine Art Commission and the Diocese of London. The development should be viewed in the context of the upgraded church.
(Officer response: The decision notice for the 1969 youth centre did not relate to a temporary consent. There was no requirement to remove this structure after a certain time period. Whilst there were reservations regarding the installation of the youth centre, it was still approved and it is considered that the new building would be a significant improvement in design terms to the current structure.)
- 7.5 It is wrong to spend £1million on a facility where there is adequate space in the locality to provide the additional accommodation for the school and the community.
(Officer response: The new building would create enhanced facilities for the school and would facilitate better spaces for the community than can be provided within the existing school. It is not feasible to expect children to utilise space elsewhere in the area for their schooling as it would entail logistical problems in moving children and equipment. Encouraging investment in primary school schools is supported by Core Strategy policies.)
- 7.6 Extending the gardens will have a positive impact on the health and wellbeing of the wider community and should not be built over.
(Officer response: Whilst not included in the scope of this planning application, there are plans to extend the public gardens from its current size to beyond the fenced off area to the boundary with the new school building. This is a separate project being undertaken by the Council's parks department. There is a loss of 75sqm of open space but this is currently not publicly accessible open space.)
- 7.7 There is an abundance of community facilities in the local area, Spitalfields does not need another community centre.
(Officer response: It is accepted that there are a number of places where community groups can meet within the local area, however these do not provide the same quality of open space including the playground and tennis court that the school can provide. This scheme also provides additional facilities for the school in terms of an additional school hall and adequately sized nursery classroom.)
- 7.8 This proposal is contrary to the core principles of the Council's conservation strategy. The height, scale, massing, alignment and materials of the proposed development are alien to the Brick Lane and Fournier Street conservation area.

(Officer response: The core principles of the conservation strategy are to preserve or enhance the character and appearance of the conservation areas. It is considered that this scheme would enhance the locality by removing an unsightly building situated close to the grade I listed building and replacement with a high quality, contemporary building located further from the south side of the church.)

- 7.9 The school does not require the additional space as the previous application PA/10/1683 provided for the additional internal floor area for the school.

(Officer response: The extension provided under application PA/10/1683 did grant extra space for the school in that it allowed 6 of the classrooms and the hall to meet the requirements set out in Building Bulletin 99. If permission is not granted for the community and nursery classroom building, the school will again fall below the required standard as the nursery classroom will need to be placed inside the existing footprint of the building.)

- 7.10 The Ofsted report for the school does not identify that there is a need for additional space or facilities.

(Officer response: Whilst not directly a planning issue, Ofsted reports generally focus on the quality of teaching and the facilities available to pupils, rather than the standard of the buildings themselves. The school has been identified by the Local Education Authority as one that is significantly deficient in terms of its accommodation which was identified as a priority for the Primary Capital Programme.)

- 7.11 There are likely to be traffic problems arising from the entrance onto Fournier Street.

(Officer response: Servicing currently occurs from the Fournier Street access and it is not anticipated that this would increase significantly as part of this proposal. The total increase in pupil numbers is 46 (or 73 if taken together with application PA/10/11683). This is a busy location and any additional vehicular or pedestrian traffic would not be significant.)

- 7.12 It is possible that the school wish to take up all of the land to Commercial Street.

(Officer response: The application shows the boundary line of the school being moved westwards but not up to Commercial Street.)

- 7.13 There is no guarantee that the proposed building will remain as a facility for the community and will be absorbed into the school solely for their purposes.

(Officer response: This could be controlled by condition and is also included within the license agreement from the Rector of the church which grants the use of the land to the school but only on condition that it be open to the public for a certain amount of hours each day and at the weekends.)

- 7.14 The building should be sited along the southern boundary of the school, away from the church.

(Officer response: There are a number of windows along the southern boundary of the site which belong to properties on Fashion Street. Locating the building along this boundary would have significant impacts on the light possible into these windows. It would also require works to the existing playground of the school and reconfiguration of the tennis court and would likely lead to a reduction in the size of the ball court area. Finally, the new building proposes to utilise the foundations of the existing youth centre in order to reduce the level of disturbance to the burial ground beneath.)

- 7.15 The nursery is positioned quite far from the main school building which is regrettable.

(Officer response: The nursery is still within the grounds of the school and its location allows for a separate playground for the pupils. This situation is much preferable to utilising various community halls in the local area.)

- 7.16 The on-going operational costs of the development will be a burden to the school.
(Officer response: This is not considered to be a material planning consideration and is a matter for consideration by the Local Education Authority and the school.)
- 7.17 The materials that are proposed do not sit well with the Portland Stone of Christ Church.
(Officer response: The details of the materials are yet to be resolved and would be done so by condition. The brick work proposed for the elevation has taken its cue from the surrounding walls within the churchyard, rather than the stone of the church.)
- 7.18 The size and height of the building is too large and it will intrude on the views of the church from the south and restrict the use of the crypt and the church.
(Officer response: The views and access to the church would be improved in relation to the existing situation. The size and height of the building are as small as possible in order to provide sufficient floor area for the required accommodation.)
- 7.19 The walls that surround the rectory garden should be preserved.
(Officer response: There is no proposal to alter the rectory wall.)
- 7.20 The development will lead to a loss of light to the ground floor windows of no. 11-29 Fashion Street.
(Officer response: There are a number of windows which are located in the rear wall of 11-29 Fashion Street which are positioned on the boundary with the application site. These windows do not serve residential accommodation and as such limited weight can be given to the consideration of a loss of light to no. 11-29. However, the proposed building would be located 4.5m from these windows and would be 2.5m in height at its closest point so the loss of light would be minimal.)
- 7.22 There may be significant noise and disturbance to the properties along Fashion Street.
(Officer response: A noise report has been submitted as part of the application and has been reviewed by the environmental health team and found to be acceptable. The scheme would not therefore cause significant noise and disturbance.)
- 7.23 The development will block views towards Christ Church from Fashion Street.
(Officer response: At present the views from the properties on Fashion Street are limited to the storage hut (recently demolished) and youth centre and it is not considered that the replacement with the new building would be detrimental to the views from Fashion Street.)
- 7.24 The crypt could be used for a community centre which would be much cheaper than the current proposal.
(Officer response: The building provides for a community hall and also a nursery classroom which could not be accommodated within the crypt.)
- 7.25 The community can already use the existing school hall. The tennis courts can already be used by the community but it is not easy to book and the school make it difficult to use, only be available at restricted times.
(Officer response: The community facilities would be enhanced by this proposal which is encouraged under policy SP03 of the Core Strategy which seeks to maximise social and community facilities.)
- 7.26 The Conservation Management Plan is wholly inadequate to assess this application.
(Officer response: The conservation management plan is considered to be

acceptable to determine this application.)

- 7.27 The area between the garden railings and the barn doors will become a receptacle for rubbish

(Officer response: *This area is included within the site boundary of the school and it is expected that maintenance issues, including the clearing up of refuse, would be the responsibility of the school.)*

- 7.28 The space between the south side of the church and the building is too narrow and peters out into a dead end and creates an out-of site alleyway which will contribute to anti-social behaviour.

(Officer response: *The area between the new building and the church is significantly wider than the current space between the youth centre. There is no 'dead-end' as the pathway continues round to the Fournier Street access at the rear of the church.)*

- 7.29 The solid boundary wall to the west creates a barrier between east and west.

(Officer response: *There is a need for security to the school, hence the height of the boundary wall. The large glass doors do however allow views through from the gardens to the school site, therefore breaking down the barriers between the east facing school at present and the west facing Christchurch gardens.)*

- 7.30 Concerns over the disruption caused by the construction.

(Officer response: *Any impacts from the construction would be temporary in nature. Given the size of the proposal, the condition restricting the hours of construction and the construction management plan it is considered that the impacts upon amenity would not be significant)*

- 7.31 Opening up the area at the rear of the church may create a place where people can congregate which leads to anti social behaviour.

(Officer response: *The main entrance to the school is via Brick Lane, when the scheme to open up the western end of the park and community gardens is taken forward by the parks department the area around the church is also anticipated to be opened up to allow access both to the community building and between Fournier Street through to Christ Church gardens, thereby increasing permeability and reducing anti-social behaviour. The gates would still be locked at night when the majority of anti-social behaviour occurs.)*

- 7.32 There should be conditions governing the hours of deliveries and servicing.

(Officer response: *This would be the case.)*

- 7.33 The following matters were raised in support:

- The school is a focal point for the local community and is in need of extra space.
- The works involve the demolition of an unused eyesore and replacement with a building which will benefit the school, church and community.
- The new building is sympathetic to its surrounding.
- The new building will open the school up to Commercial Street, ending the barrier between West and East.
- The building will provide security and supervision to the park which suffers from anti-social behaviour at present.
- The works would lead to a significant improvement in the quality of the teaching environment
- The community centre will allow parents to learn English.
- The centre will allow access to extra curricular activities

- The proposal respects the heritage of the site.
- There is no evidence of any funding being available for any alternatives to this proposal.
- The building is excellently designed.
- The proposal would make deliveries easier to the site and would also improve safety.
- The school has worked hard to increase their role within the local community and this application will provide the facilities to take this work further.
- The architect has created a generous opening between the hall and the garden which will encourage a relationship between the school, garden and church.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of the Land Use.
2. Impact on the listed building and conservation area
3. Design and Layout of the Development.
4. Impact on the amenity of adjoining occupiers and the surrounding area
5. Highways
6. Trees

Principle of the land use

Expansion of the school

8.2 Currently the school is operating at a capacity lower than the standard one form entry and the number of children attending the school has fallen over time for a number of reasons, including the general lack of facilities and space within the school. This application, along with the application for the extension to the courtyard (approved in 2010) seeks to provide sufficient space for the school to operate as a full, one form entry school. The school currently provides community facilities in the way of a toy library, family learning room and use of the school hall.

8.3 In order to create a school which can provide for a full one form entry and maintain these community facilities additional floorspace is required. Policies 3A.18 and 3A.24 of the London Plan 2008 (Consolidated with Alterations since 2004) (London Plan) seek to provide appropriate and improved community and educational facilities, including schools, within easy reach by walking and public transport for the population that use them. Policy SP07 of the Core Strategy (CS) also seeks to deliver the policy requirements of the London Plan. These policies also seek to increase the provision, both to deal with increased population and to meet existing deficiencies in order to achieve the best schools and facilities to support education excellence.

Provision of community facilities

8.4 The provision of community facilities is encouraged within the Core Strategy. Policy SP03 seeks to create healthy and liveable neighbourhoods and this will be achieved in part by providing high-quality social and community facilities. Opportunities for community facilities should be maximised as part of new developments and they should be located in accessible locations for local people to use.

- 8.5 This development proposes to upgrade the facilities which are currently offered by the school, these include the provision of a toy library, a family learning centre (which provides advice for parents and language classes for those whom English is not their first language) and use of the hall for meetings / recreation. The improved hall within the school would also be open to members of the public, as would the tennis court.
- 8.6 A management regime would be requested by condition to ensure that the facilities proposed would be open and accessible to members of the local community and not just for use by the school.
- 8.7 The existing building on the site (approved in 1969) provided a facility aimed at young people, providing a recreational space for those aged 8 to 25. This use ceased approximately two years ago. This application seeks to provide additional space for the school and re-provide community facilities on the site.
- 8.8 Concern has been raised by a number of objectors regarding the lack of need for community facilities within Spitalfields. Whilst it is noted that there are a number of halls / meeting rooms in the area that are available to rent, they do not have the same association with the school. The parents of children who attend the family learning classes are likely to be less inclined to visit other places as there will not be the same link to the school. The quality of the community space provided needs to be a consideration, not just the quantity of spaces available.
- 8.9 There is an existing community facility on the site of the proposed building and the additional provision of social and community uses are encouraged through the Council's Core Strategy. It is therefore considered that the development accords with planning policy.
- 8.10 It is considered that the proposal would provide improved educational accommodation for the existing school in accordance with the aforementioned policies and is therefore acceptable in principle.

Loss of open space

- 8.11 The existing youth centre and storage hut have a combined floor area of 290sqm. The proposed building would have a floor area of 365sqm, therefore leading to a reduction of 75sqm of open space. Improving the quality of the teaching spaces and expanding existing educational facilities is encouraged within the London Plan, however additional internal floorspace for a school should not be at the expense of outdoor recreation space. This is outlined in policies EDU7 of the Unitary Development Plan (UDP) and SCF2 of the Interim Planning Guidance (IPG) which states that applications will not normally be granted for proposals which lead to a loss of play space or sports facilities.
- 8.12 Furthermore, policy OS7 within the UDP and SP04 of the Core Strategy states that planning permission would not normally be granted for any development which results in the loss of any public or private open space. Despite this policy requirement it is considered that in this instance the development would be acceptable. The area around the youth centre and storage hut is overgrown and unusable by the school or by the community, it is currently closed off from Christ Church Gardens by a boundary fence. The proposed development would bring this area back into active use creating a more usable internal and external area for the school and members of the community wishing to use this resource.
- 8.13 The London Plan (policy 3D.12) states that where appropriate public access to

privately owned spaces should be provided on sites which are no longer required for their original purpose. It is considered that this development would fall within this policy criteria as the new building would allow the use of the community gardens which is currently inaccessible to the public. This would increase the amenity value of the site for the local community in comparison to the existing situation.

- 8.14 It should also be noted that there would be no loss of public open space, under this proposal Christ church gardens would remain at 960sqm. There is a separate agreement between Christ Church and the Council's park department to open up the community gardens, up to the line of the new school building which would increase the public open space by an additional 970sqm. There is £50,000 of s106 funding from the Bishops Square development to undertake these works and there is the intention to open up the gardens and re-landscape following the determination of the planning application for the community centre.
- 8.15 Concern has been raised about the school increasing their boundary westward and taking over areas which should be opened up the public as garden space. Whilst the school boundary has been altered, this is not at the expense of the public open space as the whole site is owned by the Trustees of Christchurch. When the youth centre surrendered their lease of the central area of the site the church agreed to lease some of this area to the school for their new nursery and community building and to allow the area up to this building from the west to be added to Christ Church gardens for general recreational use by the public.
- 8.16 Taking all of the above into account it is considered that the principle of the use is acceptable and in accordance with planning policies.

Impact on the listed building and conservation area

- 8.17 The existing youth centre is considered to be an unsympathetic addition to the gardens and there is no objection to its removal. The new building is considered to enhance the setting of the Grade I listed Christ Church as it would provide a more generous space around the church and allow more views of the south elevation of the church.
- 8.18 A number of objectors have stated that there should be no building located within the grounds of Christ church and that it was intended to be viewed from the south and west. The site has been in flux since the erection of the church in 1729 and should be viewed in this context. Until 1845 there were buildings located along the front of the church yard blocking all views of the south side of the church from all but the rear of these properties. Following the demolition of these properties on Red Lion Street for the construction of Commercial Street, the site was opened up and views through to the south side of the church were possible.
- 8.19 Whilst it is acknowledged that the existing youth centre could have been designed as a more sympathetic building to its setting, the structure has remained in place for approximately 40 years and is now an established feature. To remove the building and not provide a replacement is unrealistic. It would be possible for the school (under the new license agreement) to utilise the existing building for their purposes without constructing the new building but it would mean the existing poor quality building would remain, being detrimental to the setting of the listed building and providing substandard accommodation for the school and community.
- 8.20 Important to note is also the history of the school, whilst not as significant a heritage asset as the Grade I listed church, it is nevertheless an integral part of the locality and

conservation area. The school has existed on this site since 1782 (constructed in its current location in 1873/4) and forms an important part of the community. Its continued survival and improvement is encouraged in accordance with conservation principles.

- 8.21 This development should be considered in light of the requirements in PPS 5 'Planning and the historic environment'. When considering developments attention should be paid to the nature, extent and level of significance of the heritage asset. The new building would be constructed close to a grade I listed church, falls within the curtilage of a grade II listed school and is located within a conservation area. As such it is considered that the building would be located within the setting of significant heritage assets.
- 8.22 The application is supported by the Council's conservation team and is broadly supported by English Heritage. Concern was raised regarding the 5-bar gate shown at the entrance to the community centre from Christ church gardens. A condition would be added to this permission to allow for further consideration of this boundary treatment.
- 8.23 There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Where there would be harm to or loss of significance the local authority should refuse consent unless it can be demonstrated that it is necessary in order to deliver substantial public benefits that outweigh that harm or loss.
- 8.24 In this case it is not considered that there would be any damage or loss of significance to any of the above mentioned designated heritage assets by the removal of the existing youth centre and replacement with a high quality building which would enhance the current situation.

Design and Layout of the Development.

- 8.25 Policy SP10 of the Core Strategy requires new developments to promote high quality design, be sustainable, accessible and attractive and well integrated into their surroundings.
- 8.26 The new building would be contemporary in its appearance and does not attempt to create a pastiche of the historic buildings on the site. It has been designed to at a lower level to ensure it does not compete with the significance of Christ Church. It is between 2.5m and 5m in height in comparison to the existing building which is 3m in height overall.
- 8.27 The building would be constructed on a timber frame with brick walls and metal sheeting on the roof. The exact materials are yet to be determined though a choice of aluminium, copper and zinc has been suggested by the applicant. The brick would match the boundary wall to the Rectory and would therefore be in keeping with the character and appearance of the locality.
- 8.28 The large glass doors to the front and rear elevation of the building give it a light-weight appearance and allow views through from both the school and the community gardens.
- 8.29 The building, whilst relatively large in footprint, is low in height and positioned further away from the church than the current building. It is considered that the design

principles that have been applied are appropriate and would provide a high quality building that is in accordance with the Councils policies on character and design.

Inclusive Access

- 8.30 Policy DEV1 of the UDP also identifies the need to provide adequate access for disabled people, with policy DEV3 of the IPG going further and stating that new buildings are required to incorporate inclusive design principles, ensuring they can be safely, comfortably and easily accessed by as many people as possible without undue effort, separation or special treatment. This application seeks to provide a fully accessible building that is all on one level which would be suitable for use by disabled pupils, teachers and members of the public.
- 8.31 Overall, it is considered that the design and layout of the proposal is acceptable and conforms to design policies DEV1 of the UDP, DEV2, DEV3, CON1 and CON2 of the IPG and policy SP10 of the Core Strategy.

Impact on the amenity of adjoining occupiers and the surrounding area

- 8.32 Policy DEV2 of the UDP and DEV1 of the IPG seek to ensure that all new developments protect the amenity of residential occupiers within the surrounding area. There should be no significant loss of daylight or sunlight, no significant loss of outlook or loss of privacy, nor should any development create unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution throughout the lifetime of the development.
- 8.33 The neighbouring properties which are closest to the proposed development are no. 2 Fournier Street to the north and 11-29 Fashion Street to the south. The proposed building would be 14m away from the boundary wall of 2 Fournier Street and the impact from this would not be significant, given the height of the building. A second building is proposed adjacent to the boundary with no. 2 Fournier Street which would be a store for bicycles, bins and maintenance equipment. This however, would be no higher than the boundary wall of this property and would therefore have no significant impact upon the amenities of the occupants of this property.
- 8.34 To the south of the site at no. 11-29 Fashion Street there are a number of windows which are positioned directly along the boundary with the application site. These do not serve residential properties and therefore the impact of the building needs to be considered in light of this. The proposed building would be located 4.5m from, and to the north of these windows and would be 2.5m in height at its closest point. Therefore the loss of light would not be significant.
- 8.35 In terms of outlook, at present the views from the properties on Fashion Street are limited to the storage hut (recently demolished) and the youth centre. It is not considered that the replacement with the new building would be detrimental to the views from Fashion Street properties
- 8.36 The noise report has provided information to demonstrate that there would be no significant noise and disturbance from the use of the building and conditions would restrict the hours of construction. The construction management plan also seeks to alleviate the impacts of the construction of the development on the occupants of the surrounding properties.
- 8.37 Overall, subject to conditions it is not considered that there would be any significant impact from the proposed works on the amenity of local residents or the surrounding

area.

Highways

- 8.38 The application seeks to provide sufficient space to allow the school to expand to a full capacity single form entry. This is how the school should be operating and would represent an increase of 73 pupils, this figure is a result of the combination of the proposed application and the approved application for the extension to the school.
- 8.39 The majority of pupils and parents walk to the school so there is considered to be an insignificant increase in the number of trips generated by the increase in capacity. Having said this, the school does not have a travel plan at present in order to co-ordinate sustainable methods of transport. As part of this application it is considered appropriate to request a travel plan by condition in order to ensure that sustainable transportation methods are continued to be encouraged by the school.
- 8.40 The servicing would take place from the same access on Fournier Street and it is not anticipated that there would be any significant increase in servicing requirements as part of this scheme.
- 8.41 The scheme proposes 16 cycle parking spaces in a store at the Fournier Street entrance. Whilst this does not provide sufficient space for 10 percent of the total pupils and staff, it provides for significantly more than 10 percent of the proposed increase in staff and pupils. This level of provision is considered to be acceptable and a condition requiring the cycle stands to be installed prior to occupation of the new building would be included.

Trees

- 8.42 There are a number of protected trees on the site. The closest tree to the proposed building is a London Plane tree. The arboricultural report that has been submitted with the application has assessed the quality of this tree as 'high' and therefore ensuring the protection of this tree is important to the character and appearance of the site.
- 8.43 The report recommends that protective fencing be erected around the trees on site to ensure that they are not damaged by the construction works. This also prevents the storage of materials within the root protection area of the trees.
- 8.44 The proposed community building would be located outside of the root protection area of the trees. In order to ensure there is no disturbance to the potential burial remains underneath the structure a method of construction is proposed which involves minimal disruption to the ground. This also assists in protection of any tree roots which are outside of the root protection area.

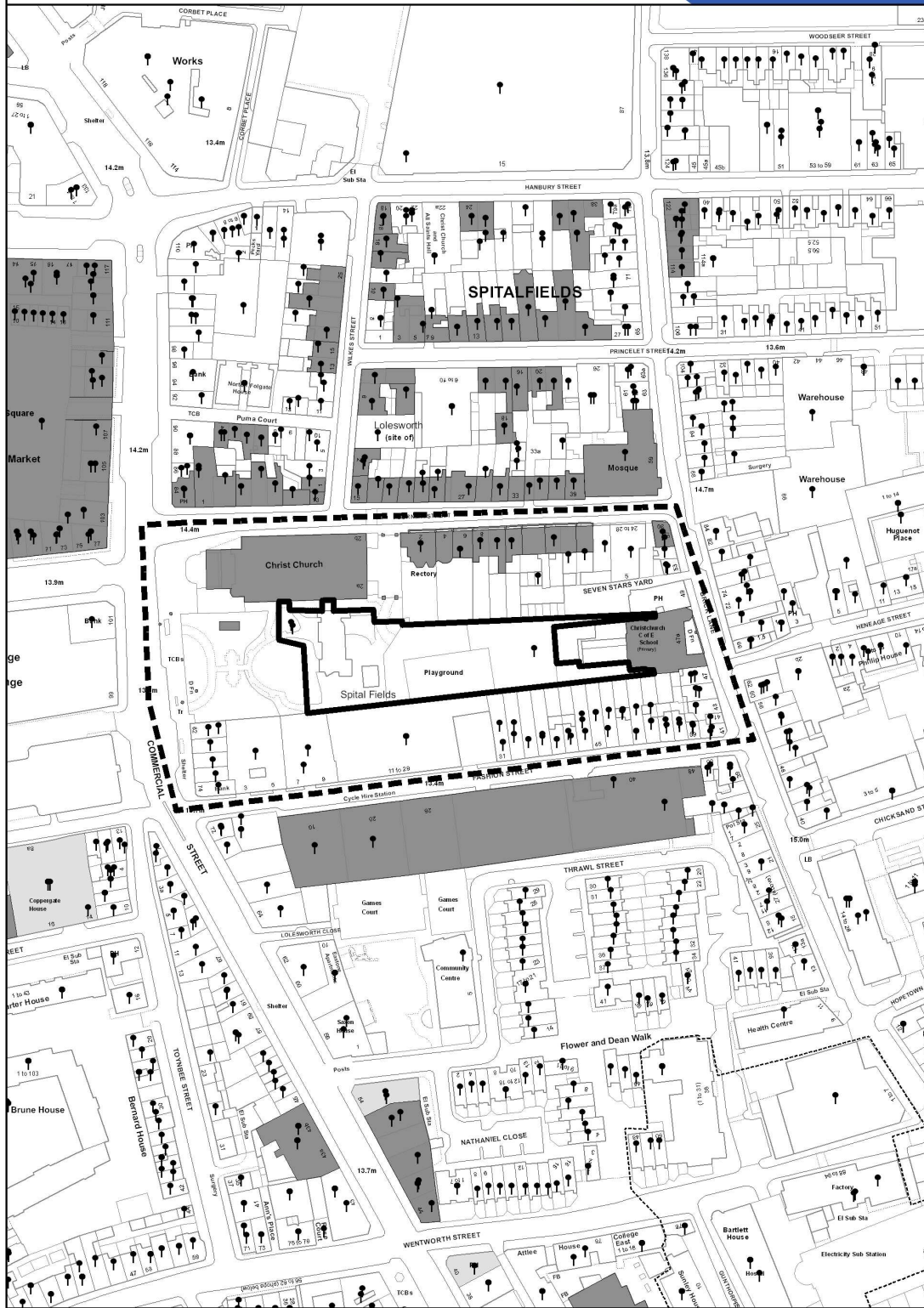
Other Planning Issues

- 8.45 English Heritage in conjunction with comments from the Council's conservation officer have directed that listed building consent is not required for this proposal as neither the building to be demolished nor the replacement building are attached to either of the listed buildings on site. This committee report therefore covers the conservation area consent application and the full planning application and the Listed Building Consent submitted has been returned to the applicant.

Conclusions

9.0 All other relevant policies and considerations have been taken into account. 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	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:2,001

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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Agenda Item 7.3

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 an 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 ion 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.

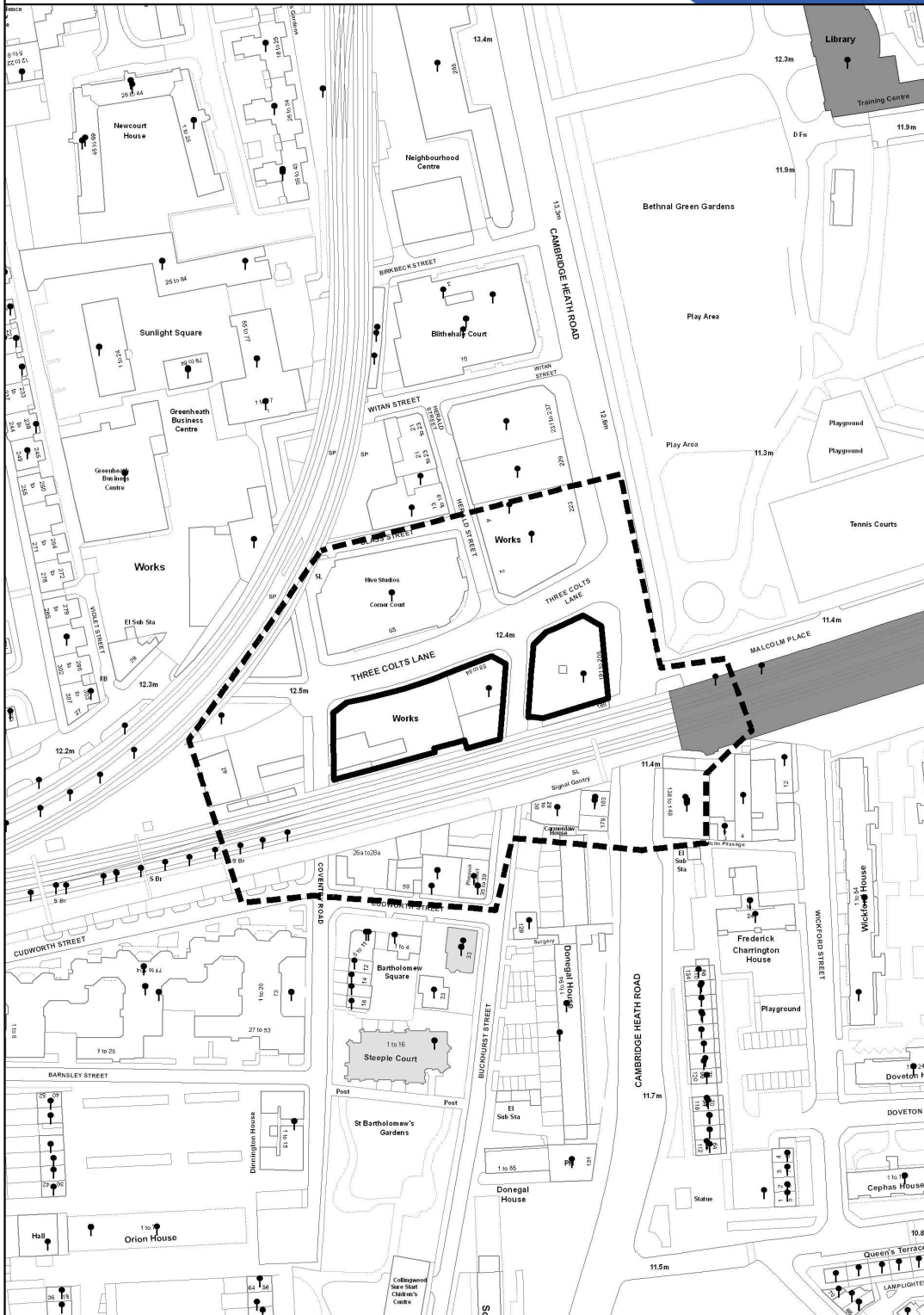
Crossrail

- 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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Agenda Item 7.4

Committee: Development	Date: 27th July 2011	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Beth Eite	Ref No: PA/11/00829
	Ward: Bethnal Green South

1. APPLICATION DETAILS

Location:	Greenheath Business Centre, 31 Three Colts Lane, London
Existing Use:	Car Park and workshops
Proposal:	Redevelopment to provide a building of seven storeys comprising 67 dwellings (26 x 1 bed, 22 x 2 bed and 19 x 3 bed) with associated landscaping, cycle storage and car parking.
Drawing Nos	1001/PL01, 1001/PL02 rev A, 1001/PL03 rev B, 1001/PL04 rev A, 1001/PL05 rev A, 1001/PL06 rev A, 1001/PL07 rev A, 1001/PL08 rev B, 1001/PL09, 1001/PL10 rev A, 1001/PL11, 1001/PL12 rev A, 1001/PL13 rev A, 1001/PL14 rev A, 1001/PL15 rev A, 1001/PL16 rev A, 1001/PL17 rev A, 1001/PL18 rev A, 1001/PL19 rev A, 1001/PL20, 1001/PL30, 1001/PL31, 1001/PL32 rev A, 1001/PL33 rev A, 1001/PL34 rev A, 1001/PL35 rev A, 1001/PL36 rev A, 1001/PL37 rev A, 1001/PL40 rev A, 1001/PL41 rev A, 1001/PL42 rev A, 1001/PL43 rev A, 1001/PL44, 1001/PL50 rev A, 1001/PL51, 1001/PL52, 1001/PL53, 998700-S-SI-100, 4793/T1, 4793/E1 rev 1, 998700-S-DP-100
Documents:	Design and access statement, Planning Impact Statement, Transport Statement by Transport Solutions Consultancy, Daylight/Sunlight report by GVA, Acoustic report by Max Fordham Issue 1, Energy Strategy Report by Max Fordham Issue 4, Sustainability and Energy Assessment by Max Fordham Issue 3, Pre-assessment report for Code for sustainable homes by Max Fordham Issue 2, Air Quality Assessment by WSP, Geo-environmental Investigation and Assessment by Capita Symonds
Applicant:	Peabody Trust
Ownership:	Workspace group, Network Rail, Mr Fikret Hussan and

Asim Isler

Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's interim planning guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- 2.1 The proposal is considered acceptable in land use terms as it would retain the employment use by reproviding it elsewhere on the site in accordance with policies EMP1 of the Unitary Development Plan 1998 and EE2 of the Interim Planning Guidance 2007 and would provide additional housing for the borough in accordance with PPS3: Housing, policy 3A.1 of the London Plan (consolidated with alterations since 2004) and policy SP02 of the Core Strategy 2010.
- 2.2 The building height, scale, bulk and design is acceptable and enhances 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.
- 2.3 The proposal provides an acceptable amount of affordable housing and mix of units, in light of viability of the scheme, guidance from PPS3, proposed rental levels and Council's research on affordability of local rents. The proposed affordable housing offer in this particular case, would generally satisfy local housing needs. As such, the proposal is in general accordance 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.

- 2.7 Contributions have been secured towards education improvements; public realm improvements; community facilities; health care and provision has been made for affordable housing 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.
- 2.8 The development, through a series of methods including a communal gas fired boiler and photovoltaic panels would result in a 36% reduction in carbon emissions and also seeks to secure the code for sustainable homes level 4 which is in accordance with policy SP11 of the Core Strategy which seeks to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.

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) £39,420 towards Leisure and/or Community Facilities.
- b) £39,880 towards public realm improvement works along Three Colts Lane; Buckhurst Street and Coventry Road.
- c) £133,470 towards the provision of education.
- d) £57,240 towards the provision of health and wellbeing centres within the Local Area Partnership 1 and 2.

Total £270,000

Non-financial contributions

- e) Minimum of 34% affordable housing, measured in habitable rooms (comprised of 11 Affordable Rented Units and 10 Intermediate Units) with restricted rent levels. An upward cascade review mechanism to allow for increased affordable housing to a maximum of 50% and the review of the rent levels, depending upon the potential housing grant secured.
 - f) Car free development.
 - g) Securing the new pedestrian street as a public right of way
 - h) Access to employment initiatives for construction
 - i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.
- 3.3 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

- 3.4 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1. Time Limit – three years
2. Development to be carried out in accordance with the approved plans
3. Samples of external materials to be submitted for approval
4. Contaminated land – details to be submitted for approval.
5. Hard and soft landscaping details including children's play facilities
6. Development to be carried out in accordance with the energy strategy produced by Max Fordham Issue 4 (20/6/2011)
7. Detail of measures to meet Code for Sustainable Homes Level 4.
8. Development to be carried out in accordance with the recommendations outlined in the acoustic report submitted by Max Fordham.
9. Development to be carried out in accordance with cycle parking shown in the design and access statement and drawing no. 101/PL52.
10. Development to be carried out in accordance with the refuse details shown on 1001/PL03 rev B and the management strategy outlined in the design and access statement.
11. Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only).
12. Scheme of highways works.
13. Removal of permitted development for the erection of fencing.
14. Development to comply with lifetime homes standards.
15. Details of 10% wheelchair housing to be submitted.
16. Construction management plan.
17. The development shall comply with the requirement of 'Secured by Design'.
18. Scheme for surface water drainage to be submitted for approval.
19. The car parking spaces shown on 1001 PL/03 revB to be used for disabled parking only.
20. Details of the green roof to be submitted and approved.
21. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.5 Informatives

1. This development is to be read in conjunction with the s106 agreement
2. Developer to enter into a s278 agreement for works to the public highway.
3. Developer to contact Council's Building Control service.
4. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

- 3.6 That, if the legal agreement referred to in paragraph 3.2 above has not been completed by the 1st of August 2011, the Corporate Director Development & Renewal is delegated the power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks permission to erect a seven storey building to provide 67 residential

units. The proposed mix of units would be 26 x 1 bed, 22 x 2 bed and 19 x 3 beds. Of these 11 units would be affordable rented units and 10 would be shared ownership units.

- 4.2 The building would be designed in a curve shape to reflect the line of the railway viaduct which borders the site to the south east. The building would be 76m long, however given the curve of the building it would not be possible to view the whole building at once.
- 4.3 The bottom two floors would be maisonettes, these would be recessed in comparison to the four floors above which would overhang by 1m. The maisonettes would be constructed from green glazed bricks with the upper floors proposed to be a dark blue brick, this gives distinction to the maisonettes and creates the impression of two storey dwelling houses within a larger building of flats.
- 4.4 The seventh floor would be set back from the front elevation by 2m and would also be set in from each side by approximately 4m. This would be constructed from grey cladding panels in order to reduce its visual impact.
- 4.5 A new pedestrian street would be constructed in front of the building which would connect Three Colts Lane and Witan Street.

Site and Surroundings

- 4.6 The application site is located to the west of Witan Street and north of Three Colts Lane. The railway viaduct carrying trains into and out of Liverpool Street is immediately to the south of the site and creates a curved shape to the site. To the north is Bethnal Green Road and to the east is Cambridge Heath Road, both major routes through the borough.
- 4.7 The site currently comprises a five storey building to its northern end which is an early an 20th century industrial building. A seven storey water tower is located at the north eastern corner of the building. The roof, which extends beyond the fourth floor has a jagged appearance and is set behind a parapet wall. To the south of this is car park with a number of single storey workshops which provide a range of B2 industrial uses. At the south west corner of the site there was a two storey public house. This was recently demolished.
- 4.8 There is a current planning application being considered for an extension to the business centre under planning reference PA/11/738. This seeks permission for an additional storey to the business centre and general refurbishment works in order to provide a better quality work space for small businesses.
- 4.9 The surrounding uses are a mix of residential (permanent and student accommodation) and industrial uses under the railway arches.
- 4.10 There are a number of recent developments in the locality which are changing the character of the area, these include a six storey building at 65 Three Colts Lane (immediately to the east of the site), an 11 storey building on Witan Street to provide student accommodation and a five storey building to the south of the railway line on Cudworth Street.

Planning History

- 4.11 The following planning decisions are relevant to the application:

PA/07/2054 Redevelopment of site to provide two buildings of 16 and 9 storeys comprising 253 bed spaces of student accommodation with business units at ground floor level and associated landscaping, cycle storage and car parking. Extension and refurbishment of existing business centre including two additional floors and an atrium. Refused 14/2/2008 and dismissed at appeal 5/12/2008.

4.12 The following application is also relevant to this application. It is currently awaiting completion of a legal agreement before permission can be issued:

PA/11/738 Single storey rooftop extension to existing 4 storey (plus basement) business centre. Existing loading bay reconfigured to provide new focal entrance from Witan street. Building refurbished internally and the existing light well extended down to ground floor to create a reception and natural light to all B1 units.

5. POLICY FRAMEWORK

5.1 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:

Core Strategy Development Plan Document 2025 (adopted September 2010)

Policies	SP02 – Urban living for everyone
	SP03 – Creating healthy and liveable neighbourhoods
	SP04 – Creating a green and blue grid
	SP05 – Dealing with waste
	SP10 – Creating distinct and durable places
	SP11 – Working towards a zero-carbon borough
	SP12 – Delivering placemaking

Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV50	Noise
	DEV51	Soil tests
	DEV56	Waste recycling
	EMP1	Encouraging new employment uses
	HSG7	Dwelling mix and type
	HGS16	Housing amenity space
	T16	Traffic priorities for new development.

Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV4	Safety and security

DEV5	Sustainable design
DEV6	Energy efficiency and renewable energy
DEV10	Disturbance from noise pollution
DEV11	Air pollution and air quality
DEV15	Waste and recyclables storage
DEV16	Walking and cycling routes and facilities
DEV19	Parking for motor vehicles
DEV22	Contaminated Land
HSG2	Housing Mix
HSG3	Affordable housing provision in individual private residential and mixed use schemes
HSG7	Housing amenity space
HGS10	Calculating the provision of affordable housing.

Spatial Development Strategy for Greater London (London Plan)

3A.1	Increasing London's supply of housing
3A.3	Maximising the potential of sites
3A.6	Quality of new housing provision
3A.8	Definition of affordable housing targets
3A.9	Affordable housing targets
3A.11	Affordable housing thresholds
3A.17	Addressing the needs of London's diverse population
3A.18	Protection and enhancement of social infrastructure and community facilities
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
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.11	Living roofs and walls
4B.1	Design principles for a compact city
4B.8	Respecting local context and communities

Government Planning Policy Guidance/Statements

PPS 1	Sustainable development and climate change
PPS 3	Housing (amended June 2011)

Community Plan

The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

Education

6.3 Nine additional primary school places would result from this development and as such a figure of £14,830 is required for each place. Total of £133,470.

(Officer response: Details of financial contributions that have been secured are discussed in the final section of the report.)

Environmental Health (Contaminated land)

6.4 Our records show that the site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. I understand ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks.

(Officer response: This can be dealt with via a condition.)

Highways

Parking:

6.5 The site has a PTAL rating of 6a and it has been confirmed within the submitted Transport Statement that the Applicant is willing to enter into a Section 106 car and permit free agreement whereby future occupants of the residential units are prevented from obtaining parking permits for the surrounding roads. Highways welcome this approach.

6.6 The development proposals include the provision of three disabled spaces for the three dedicated wheelchair units. This provision is considered acceptable and the spaces are considered to be suitably located within the site.

Cycle Parking:

6.7 It is stated within the submitted Transport Statement that a total of 108 cycle parking spaces are to be provided. This level of provision is welcomed.

Trip Generation:

6.8 Whilst some of the sites are not considered to be suitable for inclusion in the analysis, it is unlikely that a revision of the trip generation assessment excluding these sites will significantly alter the projected trip generation of the development proposals.

Refuse Arrangements:

- 6.9 Comments pertaining to the proposals for the storage and collection of waste should be sought from the Waste Management team, however Highways note that the proposed bin stores would appear to be located in excess of 10metres from the collection point which cannot be supported. How will the collections be managed?

(Officer response: Peabody will have an on-site caretaking staff who will ensure that all bins are moved (and returned) from bin stores to a location suitable for collection - this is a common approach taken on Peabody estates.)

Visibility Splays:

- 6.10 Visibility splays are required for the new site access and must be produced in accordance with the guidance set out in Manual for Streets.

(Officer response: This is detailed in the Transport Solutions Consultancy drawing SK-12.)

Public Realm.

- 6.11 A scheme for upgrading the public realm in the immediate area is being drawn up and the sites around the Three Colts Lane area are expected to contribute towards these improvement works. The figure allocated to this site is £278,600.

(Officer response: Details of financial contributions that have been secured are discussed in the final section of the report.)

Communities, Localities and Culture

- 6.12 Communities, Localities and Culture note that the increased permanent population generated by the development will increase demand on community, leisure facilities.
- 6.13 The Local Development Framework's (LDF) Planning for Population and Grown Capacity Assessment sets out Household Size Assumptions for new developments in Tower Hamlets From this information, a population output estimate can be derived. Based on this assessment, it is expected that the scheme would result in a population uplift of 135 people.
- 6.14 Financial contributions are requested in order to improve various facilities in line with the anticipated increase in usage associated with the uplift in people. These are as follows:
- Open space (£108,326)
 - Libraries / Idea Stores (£17,010)
 - Leisure and community facilities which includes sports facilities (£60,289)

(Officer response: Details of financial contributions that have been secured are discussed in the final section of the report.)

Thames Water

- 6.15 Thames water need to retain access to any public sewers crossing the site and approval must be sought from Thames Water for this development.

Crossrail

6.16 No comments

Primary Care Trust

6.17 Annual costs for this development are anticipated to be £83,201 and as such this figure is requested to be secured through a s106 agreement.

Daylight / Sunlight consultant

6.18 Whilst there are a number of “transgressions” of BRE guidelines, once the mitigating factors have been taken into account, the overall number where there will be a material reduction in amenity is relatively small.

London Fire Brigade

6.19 Access for a fire appliance may be problematic with regards to staircase / entrance B

(Officer response: There would be emergency access to the new pedestrian street, as the bollards would be retractable.)

Network Rail

6.20 No comments

7. LOCAL REPRESENTATION

7.1 A total of 362 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. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual 7
responses:

No. petitions 1 (4 signatures)
received

The following issues in objection were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

7.2 There will be a significant loss of light to the rear of the properties on Corefield Street and Sunlight Square.

(Officer response: A technical study assessing the loss of daylight and sunlight on the neighbouring properties has been submitted with the application. This has been reviewed and has found that there will be no significantly detrimental loss of daylight or sunlight to the occupants of the adjoining properties.)

7.3 The building is too tall and not in keeping with the height of the neighbouring buildings.

(Officer response: It is considered that the development is in keeping with the scale of development found in the local area. This will be discussed in more detail in the next section of the report.)

7.4 This is a dangerous place for families to dwell. *(Officer response: Family housing is in great need throughout the Borough and there are public realm works coming forward to the immediate vicinity which seek to improved the quality of the area. It is considered that this is an acceptable location for family housing.)*

7.5 Additional people will put a strain on resources.

(Officer response: Financial contributions would be secured in order to reduce the strain on resources created by additional people residing in the area.)

7.6 The application will lead to noise pollution.

(Officer response: It is not clear where the noise pollution is likely to arise from, however it is considered that there would be no significant noise disturbance created by this proposal.)

7.7 There will be a loss of privacy to Sunlight Square.

(Officer response: There are no habitable room windows within the development which face towards Sunlight Square until 6th floor level. At this level the position of the windows would be at over 19m to the closest part of the Sunlight Square buildings and the angle of this window would be oblique allowing no significant overlooking.)

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of the Land Use
2. Design and appearance
3. Impact upon the neighbouring occupants
4. Dwelling mix and affordable housing
5. Quality of accommodation provided
6. Highways
7. Energy and sustainability
8. Environmental Health
9. Planning obligations

Principle of the land use

8.2 The proposed residential building would result in the loss of a car park and some industrial workshop buildings. There is a concurrent application to refurbish and extend the existing business centre to the rear of the site which would create B1 space. It is considered that this extension would balance out the loss of the workshops currently on the site.

- 8.3 The loss of the car parking is considered acceptable in principle and in accordance with policy SP09 of the Core Strategy which seeks to promote car free developments and minimise on-site car parking provision. The reconfiguration of the entrance area of the business centre would allow for a suitable level of seven parking spaces for the business centre.
- 8.4 A previous application saw permission refused for a development providing student accommodation in 2007. This was refused and dismissed at appeal partly on design grounds and partly on the use of the land for student accommodation, as there was an over-concentration of student accommodation in the immediate locality. However, the principle of developing the site and losing the car parking and workshops was considered acceptable by the Planning Inspector.
- 8.5 Delivering housing is a key priority both nationally and locally and this is acknowledged within Planning Policy Statement 3 and also Strategic Objectives 7, 8 and 9 of the Core Strategy and policy SP02 of the Core Strategy. It is considered that this development would be an acceptable use of the land and would be in accordance with planning policy.

Design and Appearance

- 8.6 Policy SP10 of the Core Strategy seeks to ensure that buildings and neighbourhoods promote good design principles which are high quality, sustainable, accessible, attractive, durable and well integrated into their surroundings.

Height

- 8.7 The previously refused application included a 16 storey building which the inspector referred to as an 'alien intrusion' in the landscape. Since this time the scheme has been changed significantly in order to overcome the issue raised by the Inspector and planning officers. At seven storeys the building is more in keeping with the character and appearance of the local area and the scale of development.
- 8.8 The water tower of the business centre would remain the tallest element on the site. The top of this water tower is just visible over the buildings when viewed from parts of Weavers Fields. The proposed development would not interrupt this view. The top floor is set back and would be constructed from a lighter weight material than the dark brick. This would reduce its dominance and helps to create the appearance of a six storey building.
- 8.9 The height is considered to be in keeping with the pattern of development in the area, the neighbouring buildings along Corefield Street are five storeys and the Business Centre to the north is seeking to extend the height to five storeys. To the east of the site there are a number of buildings which are of a similar height or taller, including the 11 storey building at on Witan Street and the currently proposed six to seven storey building at 65 Three Colts Lane.

Design

- 8.10 The curved design is innovative and follows the line of the railway viaduct which cuts through the site. The building has a large footprint, but by introducing the curved shape it would not be possible to get a full view of the building from any one location. It would also provide

visual interest for passengers on the train as they travel past the site.

- 8.11 The building can essentially be seen in three parts. The first two storeys would be constructed from green glazed bricks and would be set back 1m from the main elevation of the building. This would give a human scale to the development as these would appear as two storey properties located beneath the main development. This two storey element would extend westwards from the main development towards Corefield Street by 9m and to the eastern end of the development the green glazed brick section would extend out from the building by 7m but only at single storey level. This gives the impression that the building is sitting on a plinth, with the green brick maisonettes being the base.
- 8.12 A new pedestrian street is also proposed as part of this development which would link Three Colts Lane and Witan Street, providing a cut through for those walking between Bethnal Green Station and the town centre. This new street would enhance the design and appearance of the scheme and would improve the quality of the public realm in the immediate area. This is considered to be a welcome addition to the area.
- 8.13 The dark blue engineering bricks and the lettering for 'Peabody Mansions' on the top of the development are considered to be in keeping with the industrial nature of the area and the style of the 'Allen and Hanbury's' building to the rear. In contrast with the front elevation of the site, the rear of the building would be constructed from white bricks. This would reduce the impact on the amenities of the Corefield Road residents by reflecting more light and creating a less dominant elevation from this perspective.
- 8.14 Overall it is considered that the building has been innovatively designed to be of a high quality and would respect its local context in terms of the bulk, scale and design. It would also contribute to local distinctiveness, particularly for passengers on the railway and pedestrians using the new street that would be created by the development.

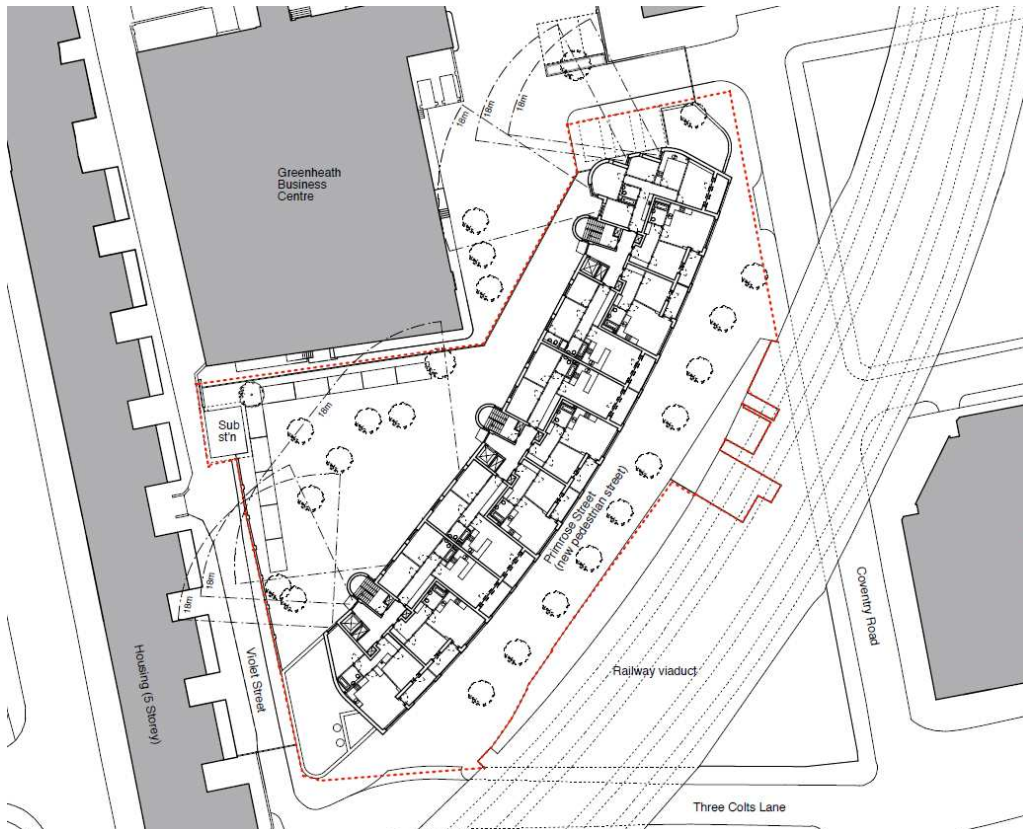
Impact upon the neighbouring occupants

- 8.15 Policies DEV2 of the UDP and DEV1 of the IPG seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon residents visual amenities and the sense of enclosure it can create.

Privacy

- 8.16 The properties which are considered to be most affected by the development would be those at the southern end of Corefield Street and the blocks to the north known at 1-17 Witan Street which is a four storey residential building.
- 8.17 There are no habitable room windows within the development which face towards Witan Street until 6th floor level. At this level the position of the windows would be at over 19m to the closest part of the Witan Street buildings and the angle of this window would be oblique allowing no significant overlooking. In policy terms 18m is generally considered an acceptable distance between facing habitable rooms to allow for sufficient privacy between properties.

- 8.18 To the southern end of the site the flank wall of building would be 7m at its closest point to the Corefield Street flats. The two buildings are separated by Violet Street and originally there was a two storey public house on this site which was the equivalent height to the proposed two storey section of the building. After the initial two storeys this distance between the Corefield Road properties and the flank wall of the building would be increased to 13m at second to fifth floor level. There would be no windows in this flank wall and therefore no overlooking would occur.
- 8.19 Due to the curve of the building there would be no point at which the development would have habitable room windows which face directly towards the rear of the Corefield Street properties. This is shown more clearly on the diagram below:



Daylight/sunlight

- 8.20 A technical study of the impacts upon daylight and sunlight has been submitted with the application which looks at the impact of the development on the surrounding properties. The impacts upon the Corefield Street properties, 79-84 Sunlight Square and 1-17 Witan Street were all tested.
- 8.21 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.22 In respect of 79-84 Sunlight Square and 1-17 Witan Street these properties would retain in excess of 25% annual probable sunlight hours with 5% in winter. As such these properties

are fully BRE compliant.

- 8.23 The Corefield Street properties face north east and therefore do not face within 90 degrees of due south. As such these properties do not receive direct sunlight and the BRE tests do not apply.

Daylight

- 8.24 Daylight is normally calculated by three methods - the VSC, NSL and ADF. However, for existing windows VSL and NSL are the key measures. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including NSL and ADF. NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. ADF calculation takes account of the size and reflectance of room surfaces, the size and transmittance of its window(s) and the level of VSC received by the windows.

Sunlight Square

- 8.25 In the case of 79-89 Sunlight Square all of the rooms have a VSC of below 27%. The proposed development would result in two of the rooms on the first floor having their daylight reduced by 20.25% and 21.25% respectively. In terms of the 20.25% failure, the reduction in NSL to this window would be 18.45% and therefore compliant with the BRE guidelines. For the window which would lose 21.25% of the VSC, it would also fail the NSL tests by a slight margin. Given that the BRE guidelines suggest that a loss of 20% would not be discernable to the occupants it is considered that the addition 1.25% would not cause significant harm and that the occupants of Sunlight Square would still received sufficient daylight.

Witan Street

- 8.26 In respect of 1-17 Witan Street all but one window on the first floor would continue to have more than 27% VSC. The window that would see the reduction in the VSC would have a reduction of 28.77% and a reduction of 24.67% in NSL. Regardless of the percentage failures this room would still be well lit in a urban context and retains a significantly higher proportion of daylight than the other surrounding residential uses including Sunlight Square. It is therefore considered that this reduction in daylight is acceptable and would not have a significant impact upon the amenities of the occupants of this unit.

Corefield Street

- 8.27 The report tested 142 windows on the rear elevation of the Corefield Road properties. The test showed that the development would result in a loss of more than 20% of the daylight to 48 of these windows. Out of the 48 that failed the VSC tests 33 showed a less than 20% reduction in NSL. This therefore means that 15 windows according to BRE guidelines would result in a significant reduction in daylight levels to the occupants of these properties.
- 8.28 There are however considered to be mitigating factors which result in the development being acceptable. Firstly nine of the windows serve bedrooms and kitchens which are deemed as less important in terms of their requirement for access to daylight. Secondly the design of the

Corefield Street properties means that the majority of rooms at the rear of these buildings already fails in terms of the daylight available and it is likely that the occupants of these properties already rely in artificial lighting for the majority of the day.

- 8.29 There are two particular design features within the Corefield Street flats which affect the availability of daylight. First, the property is designed with a number of consecutive projecting rear extensions which create recessed lightwells. The windows set within those lightwells suffer from the “tunnel effect”. The consultant who has reviewed the submitted study concluded that it not entirely appropriate to apply the BRE guidelines as strictly as if it were are conventional flush elevation. Secondly, a number of balconies have been added to the existing building which act as canopies over the windows below. This design feature is also a major obstruction to the availability of daylight.
- 8.30 As a result of the above features there are relatively low levels of daylight and sunlight available to the properties under the current situation. If the proposed development were to go ahead there would be five rooms which would fall significantly below the BRE recommendations. The location of these rooms would suggest that they are relatively well spread and therefore not concentrated to any one single flat. Whilst it is unfortunate that the occupants of each of these particular rooms will experience a noticeable loss of light when the particular design characteristics of the Corefield Street flats is taken into account, the number of “transgressions” in the context of the entire number of rooms / windows is not significant. Due to the existing low levels of light within these properties it would be difficult to achieve any significant development on this site if no failures under the BRE guidelines were to occur.
- 8.31 It should also be noted that the previous appeal on the site included a 16 storey building, whilst the appeal was dismissed it was not on the grounds of daylight and sunlight. The proposal was found to be acceptable in this regard.

Visual amenity / sense of enclosure

- 8.32 The building has been located at the south eastern edge of the site as close to the railway line as possible but still allowing for the new street. As a result there is considered to be an acceptable distance between the new building and the residential properties to the north and west.
- 8.33 To the west of the site the building would be 7m away from the rear of the Corefield Street properties up to first floor level, from second to sixth floor the building would step away to leave a 13m gap. Prior to its recent demolition there was a two storey public house at this corner of the site, the closer element of the proposal is considered to have a similar impact in terms of its impact on the visual amenity. At a distance of 13m away the additional four storeys is considered to be acceptable.
- 8.34 To the north, at its closest point the building would be 15m from 1-17 Witan Street. Due to the curved nature of the building this would not be a direct view onto the flank wall, rather it would be located at an angle to the right hand side of the windows.
- 8.35 The use of a light coloured brick would help to reduce the any impact from the development when viewed from Corefield Street. The removal of the car parking and workshops and replacement with an open landscaped area at the rear of the building is considered to

contribute towards an improvement in the views from the rear of Corefield Street and would also provide a buffer between these properties and the railway line which currently does not exist.

- 8.36 In conclusion, it is considered that there would be no significant detrimental impact upon the amenities of the surrounding occupants and the density and proximity of the building is appropriate for the character of an urban area such as this.

Dwelling mix and affordable housing

Affordable housing

- 8.37 The application proposes 67 residential units with the total number of habitable rooms being 215. Of these 11 flats would be affordable rented (1 x 1 bed, 4 x 2 bed and 6 x 3 bed) and 10 flats would be for shared ownership (5 x 1 bed, 4 x 2 bed and 1 x 3 bed). None of the affordable units offered are within the social rented category. By habitable room the scheme provides a total of 34% affordable accommodation comprising 21 % affordable rent and 13% intermediate. This represents a 63:37 ratio split between the affordable tenures. This is explained in the table below:

	Market Sale		Shared Ownership		Affordable Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
1 Bed	20	40	5	10	1	2	26	52
2 Bed	14	42	4	12	4	14	22	68
3 Bed	12	60	1	5	6	30	19	95
Totals	46	124	10	27	11	46	67	215

- 8.38 Under a new national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now include social rented, a new product called affordable rented and intermediate housing

- 8.39 **Social rented housing** is defined as:

Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.

- 8.40 **Affordable rented housing** is defined as:

Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.

- 8.41 **Intermediate affordable housing** is defined as:

Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include

affordable rented housing.

- 8.42 Policy SP02 requires developments to provide 35% affordable housing (subject to viability), and a split of 70:30 between the tenures. The Council has not had the opportunity to reconsider or vary this policy in light of the new definitions in PPS3 at this stage but the change in national policy is a material consideration. The indication from housing officers is that they generally favour retaining the current split of 70% social rent and 30% intermediate tenures. This is because the new affordable rent levels, if taken up to the maximum level of 80% of market rent have been shown to be unaffordable to local applicants.
- 8.43 Tower Hamlets has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses. Pod established that 80% of average market rent in the E2 area was £292 for one beds, £399 for two beds, £466 for three beds and £578 for four beds units. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties.
- 8.44 These adjusted percentage levels for the E2 area would be £190 for one beds, £220 for two beds, £233 for three beds and £289 for 4 bed units. The affordable rents proposed by Peabody, the Registered Provider who is also the developer of this scheme, are currently proposed to be set at £188 for a one bedroom home, £199.50 for a two bedroom home and £231 for a three bedroom home. This is below the affordable rent levels of 80% of the market rate, as set by national government policy within PPS3 and also falls within the level the Council's research has indicated is locally affordable.
- 8.45 A viability toolkit has been provided with the application which has been reviewed by an external consultant. Whilst the scheme provides slightly below the 35% required affordable housing level, the offer is supported by the viability toolkit and the affordable rent product is considered acceptable in this instance because it maximises the overall level of affordable housing that can be delivered on site and because the rent levels proposed are locally affordable. Within the affordable rented tenure six of the units would be family units and the three wheelchair units would also be provided within the affordable rented sector. In order to ensure that rent levels remain locally affordable a restriction would need to be placed in the s106 agreement setting a maximum percentage of market rent that can be charged for each size unit.
- 8.46 A clause within the s106 would seek to increase either the number of affordable units or lower the rent levels of the 11 units if the development receives a larger amount of grant funding or is more profitable than initially estimated. There would be the potential within the s106 agreement to increase the total number of affordable units up to a maximum of 50% if the funding allows for this.

Dwelling mix

- 8.47 In total 19 family sized units are provided, by habitable room this an equivalent of 44%. Policy SP02 requires only 30% of development to be 3 bedroom units or larger but within the affordable rented sector 45% should be for families. In this case 54% of the units within the affordable rented tenure would be family sized. It is considered that there is suitable mix of units within the scheme and it would provide for a wide range of occupants, therefore

promoting a mixed and balanced community.

- 8.48 The scheme includes separate kitchens and living rooms within all of the family units and 3 x 2 bed units. This is welcomed addition to the scheme as it is often a desirable feature for families residing in the borough to have separate kitchen and living areas.

Wheelchair housing

- 8.49 The application is proposing 3 units to be wheelchair accessible units however, the policy requires 10% of all new housing to be wheelchair housing. As such it is considered necessary to place a condition on the application requesting details of four additional wheelchair accessible homes in order to make the development policy compliant.

Quality of accommodation.

Internal space

- 8.50 The Council has a supplementary planning document which provides details on the minimum criteria for internal space for each property. The unit sizes stated in this document are generally less generous than that set out in the Mayor of London's housing design guide which is a more recently produced document. All of the proposed dwellings meet (and in a number of cases exceed) the requirements of the Mayor of London's design guide.
- 8.51 Within this document advice is also provided on the quality of the internal space. It advises that storage areas should be provided, separate kitchen and living areas are also encouraged as are dual aspect flats. Within this development 40 of the 67 units are dual aspect and the single aspect flats face south. Therefore each unit should have good access to natural light and outlook.
- 8.52 The flats would all meet the lifetime homes standards. The details have been reviewed by the Council's access officer and have been found to be acceptable. It is recommended that these standards are conditioned to ensure they are delivered in the scheme.

Outdoor space - private

- 8.53 Outdoor amenity space is provided in a number of forms within the development. An area of communal space is provided to the rear of the site, the new street to the front of the site is also expected to provide an area for door stop play. Each unit would also have an area of private space.
- 8.54 Private amenity space is expected to be provided at a rate of 6sqm for 1 bedroom flats and 10sqm for larger units. For ground floor units it is recommended that the amenity space provided should be 25sqm. This is set out in policy HSG7 of the IPG. The Mayor of London's housing design guide has the following criteria for private space: A minimum of 5 sq m of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq m should be provided for each additional occupant.
- 8.55 The ground floor units would have a rear yard which would measure 15sqm for the majority of the units, 44sqm and 26sqm for two of the units and 7sqm for flat G01. The 7sqm

proposed for flat G01 is relatively low, however there is a significant overprovision of internal floorspace which is considered to balance out the lack of external space. The 15sqm provided within the rear yard is also below the required 25sqm, however there is generally an over provision of the internal space for each flat and for the communal space is also significant larger than required by policy. On balance it is considered that the level of outdoor amenity space provided for the occupants of the ground floor flats would be acceptable.

- 8.56 For the upper floor units amenity space ranges from 6sqm to 12sqm. This is provided in the form of winter gardens facing the railway line. The use of winter gardens makes the space usable for more of the year and also blocks out some of the railway noise which may make an external space unusable. The flats on the sixth floor, due to its set back nature, have more access to external space. Two of the units on this floor have terraces of over 45sqm. These are considered to be of sufficient height above the railway to not be significantly impacted by rail noise.

Outdoor space – communal.

- 8.57 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 5sqm for every additional 5 units) should be provided. For a scheme of 67 units the minimum communal amenity space required would be 105sqm. At the rear of the site a total of 694sqm is provided and within the new street 715sqm is proposed. This is significantly above the minimum requirements in policy terms.
- 8.58 The new street would also be publicly accessible but the aim is to provide doorstep play within this area for younger children. This type of play space is welcomed within the Mayor of London's housing guide. Along this street trees are to be planted and benches and sculptural play areas are proposed. Within the s106 agreement a clause would be included which would maintain this street as a publicly assessable street which would not be able to be gated off.
- 8.59 The rear area would be a more private amenity space for the residents of the development, it would be predominantly hard landscaped but trees would be planted and some soft landscaping around the edges would be included.
- 8.60 Both of these area are considered to provide a good quality of open space for the occupants of the units. The daylight / sunlight report analysed the overshadowing that would occur to the spaces and found that only 0.2% of the new street and up to 3.4% of the rear amenity space would be in permanent shadow. The majority of the open space will therefore receive direct sunlight for at least some portion of the day.

Child play space

- 8.61 In addition to general amenity space, for development which create more than 10 child bed spaces, there should be childrens play space included. This has been discussed above in the form of the doorstep play within the new street. The larger units on the ground floor would also have their own back gardens which would allow play space for younger children.
- 8.62 In total it is expected that the child yield from this development would be approximately 20 children. Under policy HSG7 of the UDP a minimum of 3sqm is required for each child (60sqm in total), however under GLA standards approximately 200sqm should be provided.

- 8.63 The total communal amenity space provided for this development is 1409sqm. This is more than sufficient to meet the needs of child play space requirements and general communal amenity space.
- 8.64 Details of the proposed equipment, landscaping and surfacing for the amenity spaces would be requested by condition to ensure high quality spaces are achieved.

Highways

New Street

- 8.65 The new street which would link Three Colts Lane and Witan Street would be predominantly for pedestrian use and retractable bollards would be placed at both entrances to the streets. These would only be retracted in emergencies and when people are moving in and out of the properties.
- 8.66 The street would utilise the existing crossover into the business centre on Three Colts Lane and a new crossover would be created on Coventry Street. This crossover would involve the removal of four on-street parking bays. The highways team have raised no objection to these works or to the loss of the parking bays.
- 8.67 An existing B1 unit remains within the arches of the railway line towards the south of the site. Access needs to be maintained to this site, hence the location of the retractable bollards to the north of this site entrance. A swept path analysis has been provided which shows how a vehicle would have sufficient space to turn into the site from Three Colts Lane.

Parking

- 8.68 The site has a Public Transport Accessibility Level of 6a which is very good. The development would be a car free development and this would be secured via the s106 agreement whereby future occupants of the residential units are prevented from obtaining parking permits for the surrounding roads. This is in accordance with policy SP09 which seeks to encourage car free developments in areas of high public transport accessibility.
- 8.69 The development proposals include the provision of three disabled spaces for the three dedicated wheelchair units. These would be located at the northern end of the site and would be accessed via the vehicular entrance to the Business Centre. This provision is considered acceptable and the spaces are considered to be suitably located within the site.

Cycle parking

- 8.70 A total of 108 cycle parking spaces are proposed. This is well in excess of the policy requirement for 1 space per flats and the level is welcomed.
- 8.71 The cycle parking would be located in two separate areas, one storage area is located under the railway arches at the front of the development, providing 36 cycle spaces. An additional nine cycle enclosures are located at the rear of the development, surrounding the rear amenity space providing the remaining 72 spaces.

- 8.72 The stores would be constructed from a metal frame with timber sides and a sedum roof. They would be internally lit and would provide a suitable shelter for the bicycles.

Waste storage and collection

- 8.73 The waste and recycling containers are located within the three cores of the building. The size of the containers is considered to sufficient for the size of the development and they are considered to be located within a suitable location for the residents of the development.
- 8.74 Peabody, who would manage the site, would have a system in place whereby the refuse and recycling receptacles are moved to a collection point, either at the Witan Street or Three Colts Lane end of the site on collection day. This is considered to be an acceptable arrangement and would reduce the need for vehicles to use the pedestrian street.

Energy and Sustainability

- 8.75 The application proposes a number of energy saving measures including energy efficient lighting, the use of flow restrictors on hot water taps and the use of under floor heating. This would result in an 11% saving above building regulation requirements.
- 8.76 The applicant has investigated the potential to install a site wide CHP (including the business centre), as well as a dedicated residential only CHP engine and has discounted both due to the hours of operation used by the Business Centre. The Energy Team is satisfied that the reductions proposed without the CHP engine would be adequate.
- 8.77 A communal gas fired boiler system would provide hot water and a single air source heat pump would supplement it. It is estimated that 40% of the required heating load would be provided by the heat pump by operating only when the ambient air temperature is over 7°C.
- 8.78 The applicant has proposed 286 m² of photo voltaic panels located on the roof. A roof plan has been provided indicating the position of the panels and access. The total carbon emission savings for this development would be 36% on the baseline figures. This is considered acceptable and is in accordance with policy SP11 of the Core Strategy which seeks to reduce carbon dioxide emissions from developments.
- 8.79 The applicant has also confirmed that they are working towards securing code for sustainable homes level 4. It is recommended that a condition is included to secure this.

Environmental Health

Contaminated Land

- 8.80 The site has been subject to former industrial uses and as such there is the potential that the land may contain contaminants and remediation work may be required before development can commence on the site. A condition has been recommended by environmental health to deal with this issue.

Noise and vibration.

- 8.81 The site is located within close proximity to the railway line and as such has the potential to

suffer from noise and vibration from passing trains. A number of mitigation measures are required to ensure the dwellings do not suffer from an unacceptable level of noise pollution from the railway. These mitigation measures include triple glazing to the bedrooms on the first floor, winter gardens to the front of the building from first floor up and creation of an essentially sealed south façade with mechanical ventilation. This reduces the internal sound to a level in accordance with BS 8233-1999.

- 8.82 Vibration measurements from the trainline were also examined using the methodology set out in BS 6472-2008 and found that the results fell within the 'low probability of adverse comment' category and the impact therefore would be negligible for the occupants of the units. A condition will be included requiring the development to be carried out in accordance with the submitted acoustic report.

Planning Obligations

- 8.83 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.

- 8.84 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.

- 8.85 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.

- 8.86 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.

- 8.87 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 34% affordable with a reduced sum of £270,000, equivalent to £4,030 per residential unit. The amounts have been apportioned appropriately and heads of terms are as follows:

Leisure and community facilities

- 8.88 In light of the viability, a contribution of **£39,420** 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 improvements

- 8.89 A financial contribution of **£39,880** is sought to go towards public realm improvement works along 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
- This is a reduced sum, taking viability into consideration.

Education

- 8.90 The Council's Education department have requested contribution towards education within the Borough. Taking into viability and child yield into consideration, a contribution towards **£133,470** education school places is sought.

Health

- 8.91 Financial contribution of **£57,240** 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

- 8.92 A 34% provision of affordable housing should be secured. A clause would be included within the s106 agreement which would provide more affordable housing if more grant funding becomes available to the scheme or if a higher profit is secured for the scheme.

Car Free

- 8.93 The development would also be secured as car free, with the exception of the three disabled car parking spaces.

Other Planning Issues

- 8.94 None

9.0 Conclusions

All other relevant policies and considerations have been taken into account. 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	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:1,250

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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Agenda Item 7.5

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: Richard Murrell	Ref No: PA/11/01000
	Ward: Millwall

1. APPLICATION DETAILS

Location: Wood Wharf, Preston's Road E14
Existing Use: Historically mixture Light Industrial, Industrial and Warehousing. Site now cleared of buildings and vacant.

Proposal: Temporary change of use to Class D1 (non-residential institution) and D2 (assembly and leisure), up to 2400 sq.m. of Class A3 (restaurants and cafès) and A4 (drinking establishments) floorspace and sui generis (theatre, outdoor exhibition uses [falling outside Class D1]) and ancillary uses to comprise no more than 14,999 sq.m. of enclosed floorspace; erection of a temporary bridge; erection of temporary structures; works of hard and soft landscaping, parking and other works incidental to the application for a period of two years.

Drawing Nos: SK1000 A
SK1002 A
SK1003 A
SK1004B
SK1005A
SK1006A
SK1007A
SK1008A
SK1009A
SK1011A

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TOWN474.1(03)001 R01
TOWN474.1(03)002 R00
TOWN474.1(03)003 R01
TOWN474.1(03)004 R01
TOWN474.1(03)005 R01
TOWN474.1(03)006 R00

Documents: Design and Access Statement dated April 2011 Appendix C. Addendum dated 1st July 2011.

De Boer Events Solutions Double Decker Premium

Olympic and Non-Olympics Scenarios Maximum Potential Use of Site dated 1st July 2011.

Schedule to Accompany Parameter Plan dated 12th July 2011.

Wood Wharf – Temporary Use Management Plan dated 13th July 2011.

Transport Assessment prepared by Steer Davies Gleave dated July 2011 Issue 3.

Noise Assessment prepared by Sandy Brown dated 21st April 2011, Supplementary Acoustic Information dated 10th July 2011

Wood Wharf Flood Risk Assessment: Addendum 2 prepared by Arup dated 28th June 2011

Wood Wharf Ecological Survey Works prepared by WSP dated 26th April 2011

Applicant:	Canary Wharf Ltd
Ownership:	Various. Refer to Application Form.
Historic Building:	Dock Wall Grade I Listed
Conservation Area:	Adjacent to Coldharbour Conservation Area

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 (as saved September 2007), the Council's Interim Planning Guidance for the purposes of Development Control (2007), the adopted Core Strategy (2010), associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) and Government Planning Policy Guidance and has found that:
1. The use of vacant land on a short term basis to provide event, exhibition and corporate hospitality type uses is acceptable given the proximity of the site to Canary Wharf and good transport links. The use will support the role of Canary Wharf as a global centre for economic activity and will provide opportunities for employment and local community use. For a short-term period of 2 years, the temporary nature of the uses and associated development ensure that the proposal will not prejudice policy aims for the comprehensive mixed use redevelopment of the site. The proposal therefore accords with the requirements of Core Strategic Objective S015, which seeks to support Canary Wharf as a global economic centre and policy SP06 which seeks to maximise the delivery of investment and job creation in the Borough. The proposal also accords with the aims of London Plan policy 2A.2, 5C.1, and 5G.2 which set strategic priorities for development in East London and recognise that the north part of Isle of Dogs is an area of opportunity for intensification of uses.
 2. The proposed marquees, pontoon bridge and associated development achieve a very good standard of design in terms of site layout, scale and use of materials. The scheme would significantly improve the current appearance and condition of the site, and would

contribute to the creation of an attractive and vibrant waterside environment. The proposal will maintain pedestrian routes and linkages in the area and accords with the requirements of Core Strategy 2010 policy SP10, which seeks to ensure that buildings and neighbourhoods promote good design principles.

3. The proposed hours of operation and restrictions on noise levels are sufficient to ensure that the proposed development would not have any significant adverse impacts on the amenity of the occupiers of nearby buildings. The proposed development is therefore acceptable in terms of Core Strategy 2010 objective SO10, which seeks to deliver healthy and liveable neighbourhoods. Core Strategy Policy SP03(2a), which seeks to address the impact of noise and air pollution in the Borough by minimising and mitigating the impact of noise and Core Strategy policy SP10(4) which seeks to ensure development protects amenity, Unitary Development Plan 1998 policies DEV2, DEV50, Planning Standard Two (Noise), and Interim Planning Guidance policies DEV1, DEV10, which relate to the preservation of residential amenity and protection from excessive noise.
4. The site benefits from good transport links, which in combination with the proposed management arrangements is sufficient to ensure that the development would not have an adverse impact on the local highway network or transport infrastructure. The development is therefore acceptable in terms of policies SP08 and SP09 of the Core Strategy 2010 and policies T16 and T18 of the UDP 1998, which seek to ensure that the operational requirements of a use are taken into account.

3. RECOMMENDATION

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

3.2 Conditions

1. Two Year Temporary Permission. Use discontinued and structures removed at end of period.
2. Development in accordance with, and adherence to restrictions specified within, approved parameter plans and schedules.
3. No use of land to take place outside approved hours.
4. No construction or deliveries associated with construction, to take place outside of approved hours for amenity reasons. No construction deliveries at peak times of network congestion for highway safety reasons.
5. No Servicing to take place outside of approved hours for amenity reasons, or at peak times of network congestion for highway safety reasons.
6. Uses operated in accordance with restrictions given in approved Management Plan dated 13th July 2011.
7. All marquee structures on-site from range specified in Design and Access Statement dated April 2011 Appendix C or De Boer Events Solutions Double Decker Premium.
8. Use Operated in Accordance with measures specified in approved:-
Staff Transport Management Strategy,
Visitor Transport Management Strategy,

Delivery Servicing and Site Construction Strategy, as detailed in
Transport Assessment Issue 3 dated July 2011

9. Compliance with approved Drainage Strategy.
10. Plant Noise controlled in accordance with approved Acoustic Assessment.
11. Details of proposed landscaping on Plot F prior to first use
12. Temporary Bridge to be provided on any day when events take place, and to be retained for duration of events.
13. Pedestrian through-route shown on drawing SK1011A to be retained for duration of consent.
14. Full details of proposed marquee, pedestrian and bridge lighting prior to installation. No further lighting without permission.
15. Removal of Class 4 PD rights for other temporary events on site during duration of consent.
16. Any other condition considered necessary by the Director of Development and Renewal.

3.3 Informative

1. Advise Applicant that grant of Planning Permission does not affect LBTH consideration of individual licensing applications / obligations to prevent statutory noise nuisance
2. No Highway Obstructions during construction etc
3. Thames Water Advice regarding grease traps
4. Environment Agency Advice

3.4 S106 Obligations

1. Commitment to promote use of Skillsmatch for on-site employment
2. Commitment to promote use of East London Business Place and local suppliers.
3. Commitment to subscribe to London Eastside promotional services
4. Commitment to encourage and facilitate community and school use.
5. Commitment to encourage and facilitate community and public activities on the site.
6. Any other obligation considered necessary by the Director of Development and Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 A hybrid Planning Permission was granted in May 2009 (under reference PA/08/1215) for the

comprehensive redevelopment of the Wood Wharf site to provide new office, retail and residential uses.

- 4.2 The Wood Wharf Partnership (of which the Applicant for this scheme, Canary Wharf Group, is a part) are continuing to progress the plans to bring this development forward. However, in the interim, the site has the potential to be brought into more beneficial use than is currently the case.
- 4.3 The Applicant is therefore seeking permission to use parts of the Wood Wharf site to provide space to host events for a temporary period of two years. The Applicant has indicated that the range of uses is likely to include corporate hospitality, exhibitions, sporting, cultural and community events. The Applicant has indicated that during the Olympic and Paralympics Games period the site could be used for the screening of events and associated activities.
- 4.4 Permission would be granted for any use falling within Classes D1 or D2 of the Use Classes Order and for use as a theatre or for outdoor exhibitions. The permission would also allow some of the site to be used for uses falling with Classes A3 (Restaurants and Cafes) and A4 (Drinking Establishments).
- 4.5 The Application is a little unusual in that in that it seeks a relatively flexible permission. The Applicant would be able to use parts of the site and erect marquee type structures on the land, as and when required. At other times the site would not be used and the marquee structures would be removed. The application seeks a permission that would set a maximum amount of floorspace and would specify the type and size of marquee that could be installed. The Application would also agree maximum noise levels, hours of operation and a management plan for the operation of the site to control potential amenity impacts.
- 4.6 The application proposes to make use of approximately 3.04ha of land, which would be split into 6 plots (identified as A – F on the submitted plans). Permission is sought to use Plots A – D throughout the two year period. Plots E and F would only be used during the period around the Olympic and Para-Olympic Games (20th July 2012 to 14th September 2012).
- 4.7 The permission would enable the flexible use of these plots as and when the demand arose, with parameter plans setting an overall maximum area of use that cannot be exceeded.
- 4.8 Plots A – D would be allowed to operate 7 days a week between 08:00 and midnight. Plots E and F would be allowed to operate between 08:00 and 23:00.
- 4.9 Permission is also sought for the erection of marquee type structures on the plots. These structures would range in size between one and three storeys. To allow control over design and appearance the structures would all have to be selected from a range supplied by one specified manufacturer.
- 4.10 The parameter plans would specify the maximum height of any marquees that were to be erected and would also specify the maximum site coverage of any of the plots.
- 4.11 Included at Appendix One is a table showing the quantum of use and key restrictions that would apply to each plot on the site.
- 4.12 The Application also seeks permission for associated development to facilitate the use of the land for the above purposes. This comprises:-
 - Erection of a pontoon bridge over West India Dock to provide access to the site from Montgomery Street. This bridge would be provided on a temporary basis at times when events are being held.

- The application does not propose any general on-site private car-parking. Two disabled visitor wheelchair parking bays and two staff car-parking bays would be provided on each plot. A lay-by for coach drop-offs would be provided on the estate road. During non-Olympic periods a further 4 coach parking bays would be provide on plots E and F. A taxi rank would also be provided.
- Works of hard and soft landscaping.

4.13 The potential maximum overall capacity of the site would be approximately 14,000 people during non-Olympic periods and 14,999 people during Olympic periods. In addition to this the Applicant estimates that at times of full use approximately 1750 staff could be employed at the site in security, catering, cleaning, stewarding and administration roles.

Site and Surroundings

- 4.14 The Application site forms part of the area of land known as Wood Wharf. The application site occupies an area of 3.04ha. Wood Wharf is located to the east of the Canary Wharf complex. To the North the site is bounded by the Blackwall Basin and South Dock forms the Southern boundary.
- 4.15 Preston's Road provides vehicle and pedestrian access to the site. Pedestrian access to the site is also possible from a steep flight of stairs leading down from Cartier Circle and from a water-level walkway running around the base of 20 Churchill Place.
- 4.16 The application site is vacant and has been cleared of buildings. Other buildings on the Wood Wharf site remain in use as office accommodation and a sports centre.
- 4.17 The nearest residential properties to the site are located to the east of the site at Lovegrove Walk and Lancaster Drive. The properties at Lovegrove Walk almost abut the boundary of the proposed Plot F. There are also boat moorings and dwellings located over 100m to the north on the opposite side of Blackwall Basin. There are also properties over 100m away on the opposite side of South Dock.

Planning History

4.18 The following planning decisions are relevant to the application:

PA/08/1215 Hybrid application for comprehensive mixed-use redevelopment of Wood Wharf comprising:

1) Outline Application (all matters reserved, save for access & layout)

- Demolition of dwellings at Lovegrove Walk;
- Commercial floorspace (B1), up to 1668 residential units (C3), and hotel (C1) contained in fourteen buildings;
- Retail (A1), financial services (A2), restaurants & cafes (A3), drinking establishments (A4) and takeaway establishments (A5);
- Leisure & community uses (D1 & D2);
- Associated infrastructure, including the creation of structures in Blackwall Basin and South Dock;
- Principles of landscaping and public realm;
- Means of access;
- Bridge links;

- Car, motorcycle and bicycle parking spaces, servicing; and
- Electricity substation.

2) Full Application

- Creation of canal and other engineering infrastructure.

Approved. 18th May 2009.

- PA/09/00866 Details of scale, appearance and landscaping of building W01 pursuant to condition C1. (Approved 8th July 2009)
- PA/09/00868 Details of the scale and appearance of building envelopes W12A (parts thereof) and W22 (parts thereof) pursuant to conditions B1, F1, I1 and N1. (Approved 8th July 2009)
- PA/09/00867 Details of scale, appearance and landscaping of buildings W02 and W03 pursuant to conditions G1 and H1. (Approved 16th July 2009)
- PA/10/00050 Non material amendment to include additional scale parameter plans. Condition A8 of planning permission PA/08/1215 was subsequently amended. (Approved 20th January 2010)

5. POLICY FRAMEWORK

5.1 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:

5.2 Core Strategy 2010 (adopted September 2010)

Policies and Principles	S01	Delivering Tower Hamlets Regional Role
	S02	Maximising the benefits of the Olympic Legacy
	S03	Achieving wide sustainability
	SP01	Town Centre Hierarchy
	SP10	Healthy and Liveable Neighbourhoods
	SP03(2)	Addressing the Impact of Noise and Air Pollution
	S012	High Quality and Well Connected Natural Environment
	S013	Reduce risk and Impact of Flooding
	SP04	Delivering a Network of Open Spaces
	SO14	Plan and Manage Waste
	SP05	Implement Waste Hierarchy
	S015	Support thriving and accessible global economic centres
	SP06	Seek to Deliver Investment and Job Creation
S016	Support Business Growth	
S017	Improve education skills and training	
S020	Deliver safe and attractive streets	
S021	Creating safe attractive streets and places	
SP09	Implementing Street Hierarchy	
S022	Creating Distinct and Durable Places	
SP10	Implementing Distinct and Durable Places	
SP12	Delivering Place making	
SP13	Planning Obligations	

5.3 Unitary Development Plan 1998 (as saved September 2007)

DEV1	Design
DEV2	Environmental Requirements
DEV4	Planning Obligations
DEV12	Provision of landscaping
DEV37	Alterations of Listed Buildings
DEV46	Protection of Waterway Corridors
DEV47	Development affecting water areas
DEV48	Waterside Walkways
DEV50	Noise
DEV56	Waste recycling
S7	Special Uses
T16	Traffic priorities for new development
T18	Priority given to pedestrians
ART1	Promoting of Arts and Entertainment Uses
Planning Standard No. 2 Noise.	

5.4 Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV8	Sustainable Drainage
	DEV10	Disturbance from Noise
	DEV13	Landscaping
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV21	Development and Flood Risk
	EE2	Re-Development/Change Use Employment Sites
	RT5	Evening and Late night economy
	CON1	Listed Buildings
	CON2	Conservation Areas

5.5 Supplementary Planning Guidance

Wood Wharf Masterplan

5.6 Isle of Dogs Area Action Plan

IOD1	Spatial Strategy
IOD2	Transport and Movement
IOD5	Public Open Space
IOD6	Waterspace
IOD7	Flooding
IDO8	Infrastructure
IOD13	Employment uses in Northern Sub Area
IOD15	Retail and Leisure Uses in Northern Sub Area
IOD16	Design and Built Form in Northern Sub Area
IOD17	Site Allocations

5.7 Spatial Development Strategy for Greater London (London Plan)

1.1	London's Place as a World City
2A.1	Sustainability Criteria
2A.2	Spatial Strategy for Development
2A.5	Opportunity Areas
3B.1	Delivering London Economy
3B.9	Tourism Industry
3B.11	Improving employment opportunities for Londoners
3C.1	Integrating transport and development
3C.2	Matching Development to transport capacity
3C.3	Sustainable Transport in London
3C.23	Parking Strategy
3D.1	Supporting Town Centres
4A.3	Sustainable design and construction
4A.4	Energy Assessment
4A.11	Living Roofs and Walls
4A.14	Sustainable Drainage
4A.20	Reducing Noise
4B.1	Design principles for a compact city
4B.5	Creating inclusive public realm
4B.12	Heritage Conservation
4C.3	Value of Blue Ribbon Network
4C.11	Increasing access alongside Blue Ribbon Network
4C.14	Structures over Blue Ribbon Network
5C.1	Strategic Priorities for North East London

5.8 Government Planning Policy Guidance/Statements

PPS1	Sustainable development and climate change
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning and the historic environment
PPG24	Planning and Noise

5.9 Community Plan

The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Air Quality

6.3 No air quality impacts.

LBTH Environmental Health

- 6.4 Satisfied with the proposed Management Plan, which requires the developer to meet Noise Council's Code of Practice on Environmental Noise Control in terms of noise levels and frequency of events (which will apply across the whole site, not on a plot by plot basis).

LBTH Employment and Enterprise

- 6.5 Requested that initiatives be secured to promote local employment and training. It was specifically requested that a minimum of 20% local labour was used during construction phase, 20% procurement during construction phase and a fixed percentage of end user jobs to be secured for local residents.

Officer comment: Officers consider that given the limited duration of the permission and the temporary nature of the events and buildings for which permission is granted, it would not be reasonable to secure a fixed percentage of local labour and local companies. The Applicant has agreed to promote the involvement of the local community, promote the use local labour and businesses through the S106 Heads of Terms.

LBTH Highways

- 6.6 LBTH Highways have made detailed comments in relation to the methodology employed in the submitted Transport Assessment and the assumptions used in the trip generation data. Concerns have also been raised about granting permission for such wide/flexible land uses and the potential number of trips/associated trip profiles such uses could generate. Requests for additional information in relation to service arrangements.

Officer comment: Officers consider that it is reasonable to assume that a high proportion of the trips from the development will be linked to existing trips to Canary Wharf. It is possible that some events could attract visitors from further afield. However, by ensuring that no on-site parking is provided it is most likely that such visitors would still make use of the public transport system. In terms of servicing, it is noted that the service areas are accessed from a private estate road, over which the Applicant has control. This arrangement ensures that the proposal would not have any significant impacts on the public highway network. The Highways section have not raised any objection to the scheme on highway safety grounds, and in overall terms Officers are satisfied that the transport impacts are acceptable.

LBTH Waste Management

- 6.7 Proposal is a commercial enterprise and is serviced on private land. Main concern is that consideration should be taken to ensure that waste is managed effectively within site and that spill over into highway is mitigated.
- 6.8 *Officer comment: The management plan details arrangements for collection of waste from site by Canary Wharf contractors.*

British Waterways

- 6.9 Supportive of the active use of this part vacant site, which will facilitate animation of the adjacent waterspace.

Crime Prevention Design Advisor

- 6.10 Queried whether scheme had been discussed with police, requirements of dealing with additional visitor numbers during the Olympic Period.

6.11 *Officer comment: The Developer has registered the event with Culture Diary and London Events Cultural Calendar which are 2012 event calendars monitored by the Metropolitan Police.*

English Heritage

6.12 Observed that northern boundary of site is formed by part of Grade I Listed Blackwall Basin and that the Grade I Listed Dock walls form part of the eastern boundary. Stated that it is important that a full assessment is made with regard to the potential impact of the proposed temporary structures on the fabric of these walls.

6.13 *Officer comment: The Applicant has submitted additional material which demonstrates that the temporary bridge will not have any impact on the fabric of the dock walls.*

Environment Agency

6.14 The Environment Agency have no objection to the proposal subject to a condition requiring compliance with submitted Drainage Strategy.

Transport for London

6.15 No objections in terms of impact on transport infrastructures.

Thames Water

6.16 Recommend installation of properly maintained fat traps for all catering establishments.

6.17 *Officer comment: The Applicant would be advised of this by way of informative attached to the permission.*

7. LOCAL REPRESENTATION

7.1 A total of 480 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. The number of representations received in response to notification and publicity of the application were as follows:

No of individual responses: 3 Objecting: 1 Supporting: 2

7.2 The letter of objection raised the following issues:-

- Potential noise and disturbance, in particular from plots E and F during the Olympics.
- Excessive noise throughout day and between 23:00 and 00:00 will have negative impacts on residents to North of Blackwall Basin.
- Plots E and F should be restricted to 23.00 at latest, with more rigorous controls.
- Consultation by CWG did not make any mention of plots E and F.

7.3 The letters of support state:-

- Proposal will bring about much needed regeneration of a derelict area.
- To maximise the beneficial effects of the development residents of Lovegrove Walk and Lancaster Drive should be able to access the site and Canary Wharf.
- Support for proposal conditional on adequate controls to protect amenity being put in

place.

- 7.4 The Applicant has submitted a Statement of Community Involvement with the application which details their consultation with the local community prior to the submission of the application.

8 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main issues that Members need to consider are:-

- Land Use
- Design
- Amenity
- Highways
- Employment Opportunities and Community Benefits

Land Use

- 8.2 Planning Policy Statement 1 (Delivering Sustainable Development) and PPS4 (Planning for Sustainable Economic Growth) set out general planning policy for new uses. London Plan policy 5C.1 identifies the Isle of Dogs as an Opportunity Area for regeneration and recognises the importance of the Canary Wharf as a focus for commercial activity. London Plan policy 5G.2 recognises that the northern part of the Isle of Dogs as an opportunity area that is at the heart of London's World City offer.
- 8.3 The Core Strategy vision for Canary Wharf states that the area will retain and enhance its global role as a competitive financial district. A priority for the area is to enable mixed use redevelopment of Wood Wharf. The Core Strategy designates Canary Wharf as a Major Centre.
- 8.4 The Council has also produced the Wood Wharf Masterplan (December 2003) and the Isle Of Dogs Area Action Plan (2007) which further develop planning policy for the area.
- 8.5 Core Strategic Objective S015 seeks to support the thriving and accessible global economic centre at Canary Wharf as it provides benefit to regional and local economies. Policy SP06 seeks to maximise the delivery of investment and job creation in the Borough and recognises the roles that Canary Wharf has in delivery job growth across the region and sub-region.
- 8.6 UDP policy S7 details specific criteria for 'Special Uses' includes bars and restaurants. Policy ART1 seeks to promote Arts and Entertainment uses in suitable locations.
- 8.7 Historically the Wood Wharf site has been used for a variety of light industrial, general industrial and warehousing uses. The level of activity on the site has now declined significantly as the redevelopment scheme progresses. The area of Wood Wharf included within this application site is vacant, and has been cleared of all buildings.
- 8.8 The Application seeks permission for a temporary change of use of the land for a period of two years. Permission would be given to use the site for uses falling within D1 (Non-residential Institutions), D2 (Assembly and Leisure), as a theatre and for outdoor exhibitions. Permission would also be given for A3 (Café and Restaurant) and A4 (Drinking Establishments) uses on each plot.
- 8.9 The Applicant has stated the site would be used for a range of uses including exhibitions, corporate hospitality, sporting and cultural events. This would include the use of the space

to host events in celebration of the Olympic and Paralympics Games.

- 8.10 The provision of space for corporate hospitality, exhibition and events plays an important role in supporting the role of Canary Wharf as centre for economic activity. There is limited space within Canary Wharf to provide these types of uses.
- 8.11 The application site benefits from very good public transport links, and is adjacent to the Canary Wharf, a Major Centre where policy seeks to maximise economic activity. The Application proposal is considered to be a good short-term use of land pending its comprehensive redevelopment as it would support the function of Canary Wharf as a business centre.
- 8.12 The proposal therefore accords with the requirements of Core Strategic Objective S015 which seeks to support Canary Wharf as a global economic centre and policy SP06 which seeks to maximise the delivery of investment and job creation in the Borough.

Design

- 8.13 In broad terms, Core Strategy Policy SP10 and UDP 1998 policy DEV1 seek to promote the importance of good design. Planning policies place particular emphasis on the importance of ensuring development has proper regard to adjacent waterways.
- 8.14 The Application seeks permission for the erection of structures to facilitate the use of the site for events. These would comprise marquees, a pontoon bridge to allow convenient access to the site and associated roads, pathways and landscaping.
- 8.15 The permission would potentially allow these structures to be erected for the full duration of the two year consent. However, in practice the Applicant has stated that the structures are only likely to be erected on a short term basis as and when they are required.
- 8.16 The submitted Design and Access Statement specifies a range of marquees that could be constructed. They would all be provided by De Boer – a company who specialise in providing temporary marquee type structures. The marquees would predominately be cream white in colour.
- 8.17 The site is unusual in that it is large, cleared of previous buildings and (for the most part) relatively distant from sensitive residential land-uses. In this context there is room for a greater degree of flexibility in terms of site layout, scale and appearance of development than might usually be the case. The nature of the proposed temporary event uses is such that a degree of flexibility in terms of site design is necessary. The submitted information provides an acceptable degree of certainty about the scale and appearance of the structures that would be installed on the site. The parameter plans also clearly demarcate the areas in which the structures could be installed, and the extent of the plot coverage.
- 8.18 The approach to site layout includes the provision (at event times) of a 3m wide pedestrian promenade running around the dock edge. At all times a pedestrian link would be retained allowing an access route from Preston's Road to the Canary Wharf Estate.
- 8.19 The submission also provides details about the proposed lighting around the site and sets maximum lighting levels. Lighting would be provided on Primary and Secondary Pedestrian Access routes, the roadway and the temporary pontoon bridge. The luminaries would be selected and orientated to ensure that there is no unacceptable glare. Full details of the specification of this lighting and hours of operation would be secured by condition to ensure that the lighting does not have any adverse impacts on residential or visual amenity. A condition would also require the prior approval of the local authority of any additional event specific lighting.

- 8.20 The dock walls around the application site are Grade I Listed. The Applicant has confirmed that the proposed development would not have any impact on the historic fabric of the dock walls, with the pontoon bridge set approximately 50mm away from the wall itself.
- 8.21 The proposed marquees, pontoon bridge and associated development achieve a very good standard of design in terms of site layout, scale and use of materials. The scheme would incorporate a 3m set back from the dock edge to enliven the waterside environment and promote pedestrian access. The proposal will retain a permanent pedestrian access through the site from Preston's Road to the Canary Wharf Estate.
- 8.22 In overall terms the proposal will deliver a significant improvement in the current appearance and general condition of the site. The scheme would create a vibrant and attractive place which makes good use of the waterside location. The scheme will maintain pedestrian access through the site and accords with the requirements of Core Strategy 2010 policy SP10, which seeks to ensure that buildings and neighbourhoods promote good design principles.

Amenity

(Noise)

- 8.23 Core Strategy 2010 objective SO10 seeks to deliver healthy and liveable neighbourhoods. Core Strategy Policy SP03(2a) seeks to address the impact of noise and air pollution in the Borough by minimising and mitigating the impact of noise. Core Strategy policy SP10(4) seeks to ensure development protects amenity.
- 8.24 Unitary Development Plan 1998 policies DEV2, DEV50, Planning Standard Two (Noise), and Interim Planning Guidance policies DEV1, DEV10 are all also considered relevant in that they relate to the preservation of residential amenity and protection from excessive noise.
- 8.25 The Application has been accompanied by an Acoustic Assessment which considers the likely noise impacts from the development in three main areas:-
- a. Noise from any temporary plant
 - b. Noise during activities during events (internal and external)
 - c. Noise from increased traffic flow.
- 8.26 There are sensitive residential noise receptors that could be affected by the proposed development. These include the houseboats in Blackwall Basin, residential properties in Trafalgar Way, along Preston's Road/Lovegrove Walk and to the south at Marsh Wall. There are also existing office uses on the Wood Wharf site. The survey has provided the results of noise monitoring to establish the baseline conditions.
- 8.27 The acoustic assessment sets maximum noise output levels that must not be exceeded for plant running on each plot. The assessment notes that plant located on plots E and F may have to either be located away from residential properties, or placed within a solid plant enclosure to meet the recommended noise limits. A condition placed on any permission would require any plant installed on the site to achieve the noise limits set in the submitted study.
- 8.28 The noise from the events themselves would largely be controlled through the Wood Wharf Temporary Use Management Plan. This document puts in place a number of restrictions on the way in which events and activities are carried out. These include:-

8.29 Plots A – D

Hours of Operation: 08:00 to 00:00

No Live Music

No Amplified Music Outside.

Construction Hours. 0800 to 1800 Monday to Friday, No work on Sundays or Bank Holidays

8.30 Plots E and F (Only used during Olympic Period)

Hours of Operation: 08:00 to 23:00

No Live Music

No Amplified Music Outside

Construction Hours. 0800 to 1800 Monday Friday. No work on Sundays or Bank Holidays

- 8.31 These restrictions would still allow music to be played within the temporary marquee structures. Temporary buildings do not offer the same degree of acoustic insulation as permanent buildings and issues of music noise breakout could potentially have amenity impacts.
- 8.32 To control this potential impact, the Management Plan requires that the Applicant ensures that all events held on the site comply with the Noise Council's Code of Practice on Environmental Noise Control at Concerts.
- 8.33 The Code of Practice sets maximum noise levels when measured at the nearest noise sensitive façade. The code sets different noise levels, depending on the duration of the event. The Code allows up to 12 days of events where music noise levels exceed the background noise level by 15dB(A) and up to 30 days where noise levels are 5db(A) above background. After 23:00 the Code requires that music noise should not be audible within noise sensitive premises with windows open in a typical manner for ventilation.
- 8.34 Other activities associated with the use of the site could also cause amenity impacts. These could simply be the noise and activity caused by a very large number of people on the site, or from more specific noise sources, such as a PA system or an outdoor screen broadcasting Olympic events.
- 8.35 Officers consider that this site is located in close proximity to the Major Centre at Canary Wharf, and is in an opportunity area where higher levels of activity are encouraged. The noise and activity impact from plots A – D would be greatest, as these would benefit from the longest duration of consent and a midnight finishing time. However, these plots are also relatively remote from residential properties. There is some office accommodation nearby, but these are not considered to be so noise sensitive.
- 8.36 The location of these plots is such that the focus of activity would be towards Canary Wharf. Canary Wharf is a busy commercial centre and the proposed level of use would be compatible with this context. The use of these plots would terminate at midnight, which would give event visitors the opportunity to make their way home via public transport.
- 8.37 Plots E and F are more sensitive, as they are closer to residential properties. The length of time that these plots are in operation is limited to 8 weeks, and the hours of operation is more restrictive in that uses must not take place after 23:00. This limits the likely impact of general activity noise and disturbance.
- 8.38 A condition would also be imposed requiring details of a landscaping screen along the east boundary of Plot F. This screening would have to be installed before the first use of plot F commences and will need to be retained thereafter. This would further help to preserve the

amenity of residents of Lovegrove Walk. With these restrictions Officers consider that, in planning terms, the likely impact on residential amenity would be acceptable.

- 8.39 The Council would continue to be able to exercise control over specific events that come forward through the Licensing regime or through legislation to prevent statutory noise nuisance.
- 8.40 Vehicle Noise would be limited as the majority of visitors to the site are likely to make use of public transport. The application makes very limited (2 staff, 2 disabled car-parking spaces) provision for private vehicles. Vehicle noise would therefore be limited to coach parking (4 spaces on plot D or E during non-Olympic periods) or taxis. The proposed taxi rank would provide 6 spaces, which would limit activity from these vehicles.
- 8.41 Noise from construction, and associated construction deliveries, would be limited by a condition to ensure that these activities do not take place between 18:00 in the evening and 08:00 the next morning. General servicing impacts are less likely to be significant, and a condition would be imposed to prevent these activities taking place after 20:00 in the evening or before 10:00 the next morning (in amenity terms it would be acceptable to allow servicing from 08:00, however this would not be compatible with Highways requirements to prevent servicing during the morning peak periods.)
- 8.42 In overall terms the amenity impacts on nearby occupiers is considered to be acceptable.

Highways and Servicing

- 8.43 S020 seeks to deliver a safe, attractive, accessible and well designed network of streets and spaces. Saved policy T16 requires the local authority to have regard to the servicing requirements of new development. SO14 seeks to plan and manage the Borough's waste efficiently. Policy SP05 seeks to implement the Borough's Waste Hierarchy.
- 8.44 The Application has been accompanied by a Transport Assessment. The assessment estimates that a maximum of 14,000 people could attend events on the site (rising to 14,999 people during the Olympic Period when plots E and F are in operation). An approximate total of 1750 staff could be employed on site at any one time (this would include security, catering, cleaning, stewarding and administration).
- 8.45 The application does not propose any significant on-site private car-parking, with the exception of two disabled wheelchair parking bays that would be provided on each plot, and two staff parking spaces per plot. A coach parking lay-by would be provided on the estate road. During non-Olympic periods a further 4 coach parking bays would be provide on plots E and F.
- 8.46 A taxi rank, for up to 6 taxis is also proposed. During the non-olympic period the rank would be provided within plots D or E and during the Olympic period this would be relocated to the private estate road.
- 8.47 Ten Sheffield cycle parking stands would also be provided on each plot, giving a total of 120 stands.
- 8.48 The proposal seeks to promote the use of sustainable forms of transport and minimise opportunities for private vehicle use. The application proposes to install a pontoon bridge to provide convenient and step-free pedestrian access to the site from Montgomery Street. Pedestrian access would also be possible from the existing staircase leading down from Cartier Circle. More recently Canary Wharf Group have also opened up a water-level path running around the base of the 20 Churchill Place to the site.

- 8.49 The installation of the proposed pontoon bridge would be necessary to facilitate pedestrian access to the site for large numbers of pedestrians on event days (and to provide convenient step-free access). A condition would therefore be imposed on any permission requiring the bridge to be put in place on days events are being held. With this safeguard, the proposed pedestrian access routes would allow adequate access to the site from a major transport interchange, complying with policy objectives that seek to ensure development promotes sustainable modes of transport and that development can be accommodate within local transport infrastructure.
- 8.50 Officers consider that the majority of events are likely to be patronised by workers based at Canary Wharf, and this form of linked trip would result in a lesser impact on overall transport capacity. Transport for London have also confirmed they are satisfied there is sufficient capacity within the public transport system to accommodate additional visitors.
- 8.51 The submitted Transport Assessment also considers the likely construction and servicing requirements of the development. It is estimated that the construction of the marquees would generate approximately 8 lorry arrivals per day (rising to 12 during the Olympic period). During periods of operation the servicing demands for the site are likely to equate to the arrival of approximately 14 vehicles to the site per plot. This would give a maximum total of 42 trips a day (rising to 53 trips during the Olympic period).
- 8.52 As discussed above, servicing and construction delivery hours would have to be limited in order to protect residential amenity. To prevent congestion a further restriction would have to be applied to prevent servicing during the network peak periods 0700-1000 hours and 1600-1900 hours.
- 8.53 These vehicles would access the site via the existing turn off from Preston's Road. The use of this access for service traffic is considered to be acceptable.

Flood Risk

- 8.54 Core Strategy policy SP04 seeks to ensure development reduces the impact and risk of flooding. The Application has been accompanied by a Flood Risk Assessment. The statement notes that any additional surface water run-off will be drain into the docks to avoid any additional flow into the sewerage system. This accords with policy aims to promote sustainable drainage. The Flood Risk Assessment has been reviewed by the Environment Agency who have are satisfied with the proposals.

Employment Opportunities and Community Benefits

- 8.55 Core Strategy Policy SP13 states that the Council will negotiate planning obligations in relation to proposed development. The application provides details of the proposed measures that the Applicant will undertake to promote the value of the scheme to the local community. These benefits would be secured via S106 agreement to the following Heads of Terms:-
1. Commitment to promote use of Skillsmatch for on-site employment
 2. Commitment to promote use of East London Business Place And local suppliers.
 3. Commitment to subscribe to London Eastside promotional services

4. Commitment to encourage and facilitate community and school use.
5. Commitment to encourage and facilitate community and public activities on the site.

Ecology and Biodiversity

8.56 Core Strategy policy SP04 seeks to protect and promote biodiversity in the Borough. The submission has been accompanied by an Extended Phase 1 Habitat Survey prepared by WSP. The report concludes that a few parts of the site have limited ecological value, with other areas having negligible value. The report contains recommendations in terms of monitoring the site for any protected species during any proposed works. Compliance with these recommendations would be secured by condition.

Conclusions

8.57 All other relevant policies and considerations have been taken into account. 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.

APPENDIX 1

Table 1: Key restrictions that apply to each plot.

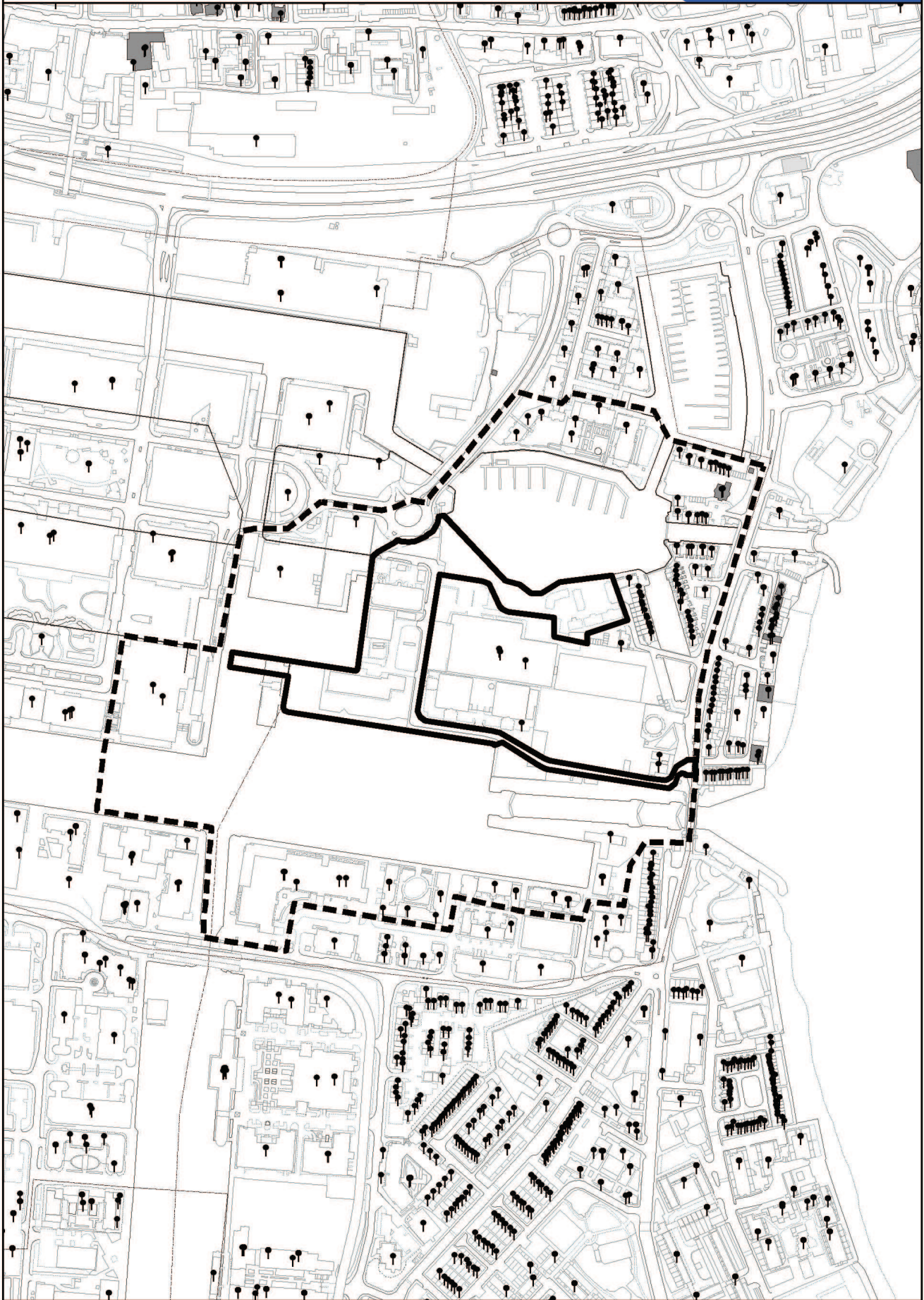
	Plots					
	A	B	C	D	E	F
Plot Size	3900m ²	3998m ²	3198m ²	5043m ²	3334m ²	5985m ²
Maximum Useable Enclosed Floorspace (GEA)	3000m ²	4000m ²	3000m ²	4000m ²	4500m ²	4200m ²
Maximum Height of Temporary Structure	12.95m	12.95m	12.95m	12.95m	12.95m	12.95m
Maximum Site Coverage with temporary structure (%)	52%	63%	56%	75%	44%	50%
Minimum Open Space	1900m ²	1498m ²	1398m ²	2043m ²	1334m ²	2985m ²
Duration of use	Life of consent	Life of consent	Life of consent	Life of consent	Only during Olympic period	Only during Olympic period
Uses	D1/D2/A3/A4/SG	D1/D2/A3/A4/SG	D1/D2/A3/A4/SG	D1/D2/A3/A4/SG	D1/D2/A3/A4/SG	D1/D2/A3/A4/SG
Indoor/ Outdoor	Both	Both	Both	Both	Both	Both
Hours	0800 - 0000	0800 - 0000	0800 - 0000	0800 - 0000	0800 - 2300	0800 - 2300
Max. Car/Coach Parking	Coach -0 Staff - 2 Disabled - 2	Coach -0 Staff - 2 Disabled - 2	Coach -0 Staff - 2 Disabled - 2	Coach -4* Staff - 2 Disabled - 2	Coach -0* Staff - 2 Disabled - 2	Coach -0 Staff - 2 Disabled - 2
Min. Cycle Parking Spaces	20	20	20	20	20	20


- Note – site to be used for no more than 14,999 sq.m of enclosed floorspace at any one time.
- Note – site to be used for no more than 2,400 sq m Class A3/A4 uses.
- Note – Olympic Period runs from 20th July to 14th September.
- SG- Sui generis ((theatre, outdoor exhibition uses (falling outside of Class D1))
- * A maximum of 4 coach parking spaces will be provided on site which will be located on either plot D and/or E.

Table 2: Maximum Potential Use of Sites.

	Non Olympics	Olympics
Total enclosed floorspace	14,000 sq.m	14,999sq.m
Maximum size of Class A3/A4 unit per plot	600 sq.m	600 sq.m
Total Class A3/A4 floorspace	2,400 sq.m	2,400 sq.m
Plots in Use	Plots A-D	Plots A-F
Operating	Up to 7 days a week	Up to 7 days a week
Operating Hours	0800 -0000	Plots A – D: 0800 -0000 Plots E & F: 0800 - 2300
Noise	No live music No amplified music outside Some external events	No live music No amplified music outside Some external events – including Olympic events on large screens


- Note – site to be used for no more than 14,999 sq.m of enclosed floorspace at any one time.
- Note – site to be used for no more than 2,400 sq m Class A3/A4 uses.
- Note – Olympic Period runs from 20th July to 14th September.
- SG- Sui generis ((theatre, outdoor exhibition uses (falling outside of Class D1))




 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings

0 30 m



1:6,000

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Agenda Item 8.1

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/10/01757
	Ward: Bethnal Green South

1. APPLICATION DETAILS

NOTE

The application is subject to an appeal under the Town and Country Planning Act 1990 against non-determination and the effect of this means that only the Planning Inspectorate has jurisdiction to determine the matter. The appeal is to proceed by a way of a Public Inquiry and is scheduled for 3 days, commencing on 6th September 2011.

This report requests the Development Committee to endorse the officer's recommendation to refuse the application.

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 part 6, part 7 storey building plus basement to provide 1690sq.m of commercial floor space (Use Classes A1-A4 & B1) and 142 dwellings; provision of 26 on-site parking spaces within the basement and creation of access onto Buckhurst Street.

Drawing Nos/Documents: Documents:

- Design and Access Statement dated July 2010 by GML Architects ref 3384/DS;
- Planning Impact Statement dated July 2010 by Grainger Planning Associates Ltd;
- Transport Statement dated July 2010 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 July 2010 ref: AC/12269357/R1 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 A by Fabrik UK;
- Daylight and Sunlight Report dated August 2010 ref: PAS/PK/152077/01 by GL Hearn Ltd;
- Sustainability Statement dated August ref 3218 by MTT Sustain;
- Phase 1 Geotechnical Assessment Report dated November 2007 ref: BOU513SE/01/V1 by BWB Consulting Ltd;
- Phase 2 Geo Environmental Assessment Report dated April 2008 ref: BOU513SE/02/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 version 2 dated February 2011 by BNP Paribas

Plan Nos:
3384/P1; 3384/P2; 3384/P3; 3384/P4; 3384/P5;
3384/P6; 3384/P7; 3384/P8; 3384/P9; 3384/P10;
3384/P11; 3384/P12; 3384/P13; 3384/P14;
3384/P15B; 3384/P16A; 3384/P17A; 3384/P18A;
3384/P19A; 3384/P20A; 3384/P21A; 3384/P24;
3384/P25; 3384/P26; 3384/P27; 3384/P28; 3384/P29;
3384/P30A; 3384/P31; 3384/P32A; 3384/P33A;
3384/P34A; 3384/P35A; 3384/P36; 3384/P37;
3384/P38; 3384/P39; 3384/P40; 3384/P41A;
3384/P42A; 3384/P43A; 3384/P44A; 3384/P50A;
3384/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 Officers have 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 proposal by virtue of

- a) an inappropriate tenure split within the affordable housing provision and
- b) an insufficient level of affordable housing,

fails to provide sufficient affordable housing and housing choice which reflects the Council's priorities for affordable housing contrary to aims of PPS3, Policy 3A.9 of London Plan (2008), Policies: HSG3 and HSG4 of Interim Planning Guidance 2007; and SP02 of Core Strategy 2010 which seek to deliver and achieve the borough's housing priorities and needs to create sustainable communities by providing balanced places that have a range of dwellings sizes,

types and tenures.

2. The proposal fails to provide the necessary planning obligations required towards social and physical infrastructure and services together with public realm improvements and therefore would fail to mitigate against the full impact arising from the development contrary to Policies DEV4 of the Unitary Development Plan 1998; DEV 1 and DEV2 of Interim Planning Guidance 2007; and policy SP13 of the Core Strategy 2010.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **endorse the reasons to refuse the planning permission**, had the Committee had jurisdiction to do so, for the reasons set out above.

4. BACKGROUND

- 4.1 On 10th August 2010, the Council received an application for demolition of existing buildings and erection of two blocks comprising a 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. The proposal was being considered and negotiations with the applicant were taking place to seek amendments to the scheme, however the applicant lodged an appeal against non-determination as the Council had not determined the application within the statutory 13 week period. The decision of this application (**'Appeal Scheme'**) now lies with the Planning Inspectorate. The appeal will be dealt by a way of Public Inquiry due to commence on 6th September 2011.
- 4.2 The same applicant has also submitted a revised proposal (Council's ref PA/11/885) on 12th April 2011 (**'Application Scheme'**). The Application Scheme is similar to the Appeal Scheme, however now omits the basement parking and proposes 141 units together with the amendments as sought initially for the Appeal Scheme. The Application Scheme seeks to address the issues raised in the Appeal Scheme with minor changes incorporated for a determination by the Council. The Application scheme is on the Agenda as a separate item for a decision.
- 4.3 Viability assessments accompanied both applications which concluded that neither development could deliver a policy compliant affordable housing provision, nor could either deliver a fully policy compliant tenure split and full planning contribution. Two options in relation to the Appeal Scheme were presented to the Council, and these will be discussed in more detail in the housing chapter of this report. The viability assessments have been independently assessed by an external consultant appointed by the Council.
- 4.4 Although one of the options in 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. This is discussed in detail report under 'Housing'.
- 4.5 Whilst 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 high proportion of family sized units within the Social Rent units, which is in need within the borough. Whilst the proposal is not quite policy compliant in terms of % proportion of affordable housing, the greater amount of social rented units addresses an identified need together with an appropriate level of s106 contributions 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 Application Scheme is for consideration and decision and forms a separate item on the Agenda.

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 consist of:
- 142 Residential units (45 x 1bed; 71 x 2 beds; 21 x 3 beds; and 5 x 4beds);
 - A combined total space of 1,762sq.m of commercial use (A1/A2/A3/A4 and B1);
 - 26 on site car parking spaces; and
 - Creation of access onto Buckhurst Street.

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 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 an 1624sqm of B1/B2/B3 (Landuse Class) floorspace and associated landscaping.
- This application was withdrawn.

- 5.9 PA/11/00885 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 141 dwellings; provision of 9 on-site parking spaces and access onto Buckhurst Street and Coventry Road.

The application is similar with the subject proposal however offers an appropriate balance of affordable housing; tenure split; dwelling mix and S106 contributions.

A separate Report as a separate item on the Agenda has been prepared with a recommendation for a decision.

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
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.17	Addressing the needs of London’s diverse population
3A.18	Protection and enhancement of social infrastructure and community facilities
3B.1	Developing London’s economy
3B.2	Office demand and supply
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	
4A.2	Tackling climate change

4A.3	Mitigating climate change
4A.4	Sustainable design and construction
4A.5	Energy assessment
4A.6	Provision of heating and cooling networks
4A.7	Decentralised energy: heating, cooling and power
4A.9	Renewable energy
4A.11	Adaptation to Climate Change
4A.12	Living Roofs and Walls
4A.16	Sustainable drainage
4A.18	Water supply and resources
4A.20	Water and sewerage infrastructure
4B.1	Reducing noise and enhancing soundscapes
4B.2	Design principles for a compact city
4B.3	Promoting world class architecture and design
4B.5	Enhancing the quality of the public realm
4B.6	Safety, security and fire prevention and protection
4B.8	Creating an inclusive environment
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 Routes
	U2	Consultation Within Areas at Risk of Flooding
	U3	Flood Defences

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

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 The proposed development is within LAP 2. The nearest current practice is Blitthale Medical Centre. The anticipated population growth in LAPs 1 & 2 is estimated rise from 71720 in 2010 to 75093 in 2015 an increase of over 4%. To accommodate the expected population growth in the area, a network service hub is planned at Dunbridge Street. The s106 contribution would go towards the long lease or fit out costs of this new development.

The amount sought is £187,278 and it is derived from an estimation of the additional new population arising as a result of the development and the capita amount that the PCT would have received if this population had been included in the NHS funding stream from the outset.

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 19 additional primary school places @ £14,830 which equates to £281,770. This funding will be pooled with other resources to support the LA's programme for the borough of providing additional place to meet need.

LBTH Waste Policy and Development

- 7.4 Initially, there were concerns to the proposed waste provision however the applicant has resolved the refuse storage and now meets the Council's minimum requirement.

LBTH Transport and Highways Team

- 7.5 Many of the issues were being resolved, however there are still concerns to:
- The manoeuvring vehicles within the proposed basement parking will be difficult, although acknowledged that this is unlikely to have an impact on the public highway. However, when on-site parking is proposed, the best possible design should be achieved which enables vehicles to easily access and egress all parking spaces (particularly disabled spaces) and manoeuvre around the parking area.

LBTH Environmental Health (Contaminated Land)

- 7.7 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.

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, (UDP).

- 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.
- 9.5 The proposal provides a replacement commercial space of 1672sq.m. This is likely to generate approximately 64 employees, using the English Partnerships Employment Density Guidelines.

Table 1: Proposed Commercial Uses

Level	Block A	No. of Full time employment*	Block B	No. of Full time employment*
Basement	544sq.m	6		
Ground	165sq.m	8	147sq.m	8
	252sq.m	13	256sq.m	13
			150sq.m	8
			158sq.m	8
Total	961sq.m	27	711sq.m	37
Total: Floorspace = 1672sq.m; Employees = 64				

* based on English Partnerships Employment Density Guideline

- 9.6 The scheme proposes a flexible use approach and includes A1/A2/A3; D2 and/or 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; or as a gym as it does not benefit from any natural light and ventilation. The proposed use is acceptable.
- 9.7 The supporting planning statement further states that the ground floor commercial units are proposed to be within A1/A2/A3 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 access provided to the basement area for servicing. Also, this provision would also re-provide employment uses within the site and 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 the units cannot be amalgamated.
- 9.8 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. Given that the proposal includes provision of employment use, 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

- 9.9 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.
- 9.10 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.
- 9.11 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 1791 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.
- 9.12 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.
- 9.13 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

- 9.14 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. 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 a 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 and Housing Mix

- 9.15 The application is accompanied by a Viability Assessment which sets out and concludes that the proposal cannot viably support 35% affordable housing with policy compliant tenure split and full provision of planning obligations. Initially the report identified that only 24% affordable housing could be provided for the scheme to be viable. It further carried out a sensitivity analysis and found that it could provide 35% affordable housing, however with lower proportion of Social Rented Units. This is due to social rented units attracting lower values and higher level of provision will have a negative impact upon viability. It concludes that 35% affordable housing (measure in habitable rooms) can be provided with 47% Social Rent and 53% Intermediate units. This represents 44 of 142 units being affordable, with only 16 of 44 units being Social Rented. The proposal would also provide reduced s106 financial contributions of £391,000.
- 9.16 The Council have appointed an external consultant District Valuer Services (DVS) to independently review the submitted Viability Assessment.

DVS have stated the values and inputs can be agreed and the scheme is viable when it delivers a non-policy compliant affordable housing provision (i.e. 24%) or 35% affordable housing with higher provision of Intermediate housing and a reduced S106 sum.

The proposal would result in the following dwelling mix.

Table 2

Unit Size	Total Units in the scheme	Affordable Housing						Market Housing		
		Social Rented			Intermediate			Private Sale		
		Units	%	Target %	Units	%	Target %	Units	%	Target %
1 bed	45			30	10	36	25	35	36	50
2 bed	71	1	6	25	15	54	50	55	56	30
3 bed	21	10			3			8		
4 bed	5	5	94	45		10	25		8	20
Total	142	16			28			98		

- 9.17 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”.
- 9.18 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.”
- 9.19 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 suitable for families (3bed plus), including 45 of new social rented homes to be for families.

- 9.20 Whilst the proposal will provide a high proportion of family units within the social rent sector, the total number of social rented units is insufficient and unbalanced compared with Intermediate provision. The proposal fails to recognise the housing needs of this borough and it would result in a development which fails to meet the aforementioned policies, and the aims of PPG3 which seek to deliver balanced communities by providing a mix and range of housing choices. In addition, the reduced amount of S106 financial contribution is insufficient to mitigate the impacts from the proposed development and it will add pressure to the existing infrastructure. Thus it is not considered that the benefits of the development outweigh the failure of the site to contribute sufficiently to affordable housing.
- 9.21 The construction of the basement parking also has implications on the viability of the scheme. The site is within PTAL 6b which is the highest public transport access level. Therefore it can be argued that a scheme with nil on-site parking spaces could be supported. Nonetheless, the applicant's viability assessment costs £300,000 for the construction of the proposed basement and estimates that revenue of £5,000 could be made on the sale of each parking space. Given that 10 spaces would be for disabled users, 16 could be marketed and therefore, the revenue from 16 spaces would generate £80,000. It would seem that there is no economic sense from constructing the basement parking, and is considered that it can only hinder the viability of the scheme thereby resulting in less amount of affordable units the scheme can deliver. This is clear from the Application Scheme, which provides a more appropriately balanced provision of affordable housing; tenure split; dwelling mix and appropriate S106 contributions to mitigate impact arising from the proposed development.

Wheelchair Housing and Lifetime Homes

- 9.22 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.

Floorspace Standards

- 9.23 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.
- 9.24 The proposed flats have total floor areas and individual room areas that comply with the minimum standards.

Amenity Space

- 9.25 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”.

- 9.26 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.
- 9.27 The redevelopment proposes to provide amenity space for all residents in the form of balconies and roof top communal amenity space. The communal roof top amenity space is located on both buildings on 6th and 7th floor levels, and all residents will be access to on-site amenity space.
- 9.28 The communal amenity space and Child Play space standards of the UDP and IPG are summarised in Tables 3 below.

Table 3 **Amenity Space standards (Communal and Child Play spaces)**

	No. Units	Proposed (sq.m)	UDP (SPG) Minimum Standard (sqm)*	IPG Minimum Standard (sqm) [†]
TOTAL	143	987	332	292

*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.

Child Play Space

	Proposed	UDP and IPG’s Minimum Standard (sqm)*
TOTAL	123	89

*Calculation based on 3sq.m per child yield

- 9.29 The proposal provides more than adequate amount of communal amenity space provision. 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.
- 9.30 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

- 9.31 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.
- 9.32 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.

- 9.33 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.
- 9.34 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

- 9.35 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

- 9.36 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.
- 9.37 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 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.
- 9.38 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. 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. There is no objection in principle to coloured claddings, however 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 could be conditioned if the scheme was acceptable.

Safety and Security

- 9.39 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

- 9.40 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.
- 9.41 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.
- 9.42 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.
- 9.43 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)
- 9.44 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.

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.

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.

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:

Kitchens = 2% *df* (*It can be argued that the this should only apply to family kitchens*)

Living Rooms = 1.5% *df*

Bedrooms = 1% *df*

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.

Whilst the results do show some windows in falling below the BRE standards for VSC and DD and British Standards for ADF, it is considered that the site location within an urban context. Whilst the proposal would evidently result in reduction of availability of daylight into some rooms of 41-65 Three Colts Lane, the given the urban context and the transient nature of the student accommodation, it is considered that a refusal on the grounds of a loss of daylight could not be substantiated in this instance.

Sunlight

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.

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.

Considering the context of the area, and the transient nature of the student housing, it is considered that the there is nothing particularly significant or material that would consider this as a reason for refusal alone, and that the impact of sunlight and daylight to the neighbouring properties is not considered to be significantly detrimental.

- 9.45 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 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

- 9.46 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

- 9.47 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.
- 9.48 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.
- 9.49 PPG 24 also advises that new dwellings falling within NEC D, planning permission should normally be refused.
- 9.50 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.

- 9.51 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

- 9.52 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

- 9.53 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.”

- 9.54 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.
- 9.55 The proposal includes a residential entrance to Block A in the southeast corner. This is not acceptable and the impact on the microclimate conditions to the residential users of Block A is not satisfactory. It is therefore considered that the proposed development would create an unacceptable microclimate conditions to the residential users which should be mitigated through design.

Transport & Highways

- 9.56 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.
- 9.57 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.

- 9.58 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.
- 9.59 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

- 9.60 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 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.
- 9.61 The proposal provides a total of 26 car parking spaces in the basement level of which 16 spaces are in the form of double tiered stacker parking system. 10 levelled spaces are allocated as disable parking spaces. The basement layout is tight and manoeuvrability within the basement level would be difficult, also taking into account of the location of structural columns. Whilst this may not have a direct impact on the highway, the layout of the basement parking is unsatisfactory.

Cycle Parking

- 9.62 The application proposes a total of 158 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 is 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

- 9.63 The two separate commercial use within Block A is to be serviced off Three Colts Lane by creating on-street loading bay. The works will be subject to s278 works and Highways have accepted that on-street layby could be accommodated in this particular location. The works can be secured through s278 works. 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.

- 9.64 The commercial units within Block B will all be serviced from the basement level. The proposal includes a service core from the basement to the street level for the individual commercial to access.
- 9.65 The location of refuse storage is appropriately located to allow refuse collection from the Highway.

Public Realm Improvements

- 9.66 The Council has programme of works to improve public realm mainly along Three Colts Lane. The works mainly consists 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 need to be secured towards contributing to the works programmed for the area.

Energy Efficiency and Sustainability

- 9.67 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.
- 9.68 Policy 4A.1 (Tackling Climate Change) of The London Plan 2008 outlines the energy hierarchy will be used to assess applications:
- Using less energy, in particular by adopting sustainable design and construction measures;
 - Supply energy efficiently, in particular by prioritising decentralised energy generation; and
 - Using renewable energy
- 9.69 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.
- 9.70 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.

- 9.71 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.
- 9.72 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.
- 9.73 It is considered that the proposed energy strategy is satisfactory and there is would be no objection.

Section 106 Agreement

- 9.74 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.
- 9.75 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.
- 9.76 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.

- 9.77 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 provide 35% affordable if the number of Social Rented Units are significantly reduced and a reduced sum of £391,000, equivalent to £2,753 per residential unit. The total amount would not provide sufficient contribution towards the heads of terms identified below; and although the viability of the proposal has been tested to justify the level of the financial contribution, officers consider that given the lack of affordable housing and the inappropriate mix, neither proposal provides sufficient other benefits to outweigh the shortfall in financial contributions.

Leisure and Community Facilities.

- 9.78 A contribution of **£135,773** is sought 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

- 9.79 A financial contribution of **£181,300** is sought to go towards public realm improvement works along 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

The funding from other development coming forward near Three Colts Lane will be pooled together to support the programme of works.

Education

- 9.80 The proposed dwelling mix has been assessed for the impact on the provision of primary school places. The mix is assessed as requiring a contribution towards the provision of 19 additional primary school places @ £14,830 = **£281,770**. This funding will be pooled with other resources to support the Council's programme for the borough of providing additional places to meet need.

Health

- 9.81 Financial contribution of **£187,278** has been identified which can contribute towards the development of health and wellbeing centres within the Local Area Partnership 1 and 2.

Affordable housing

- 9.82 A provision of affordable housing together with an appropriate balance of tenures should be secured.

Crossrail

Although the scheme is in the Rest of London Crossrail Charging Zone, the trigger for a

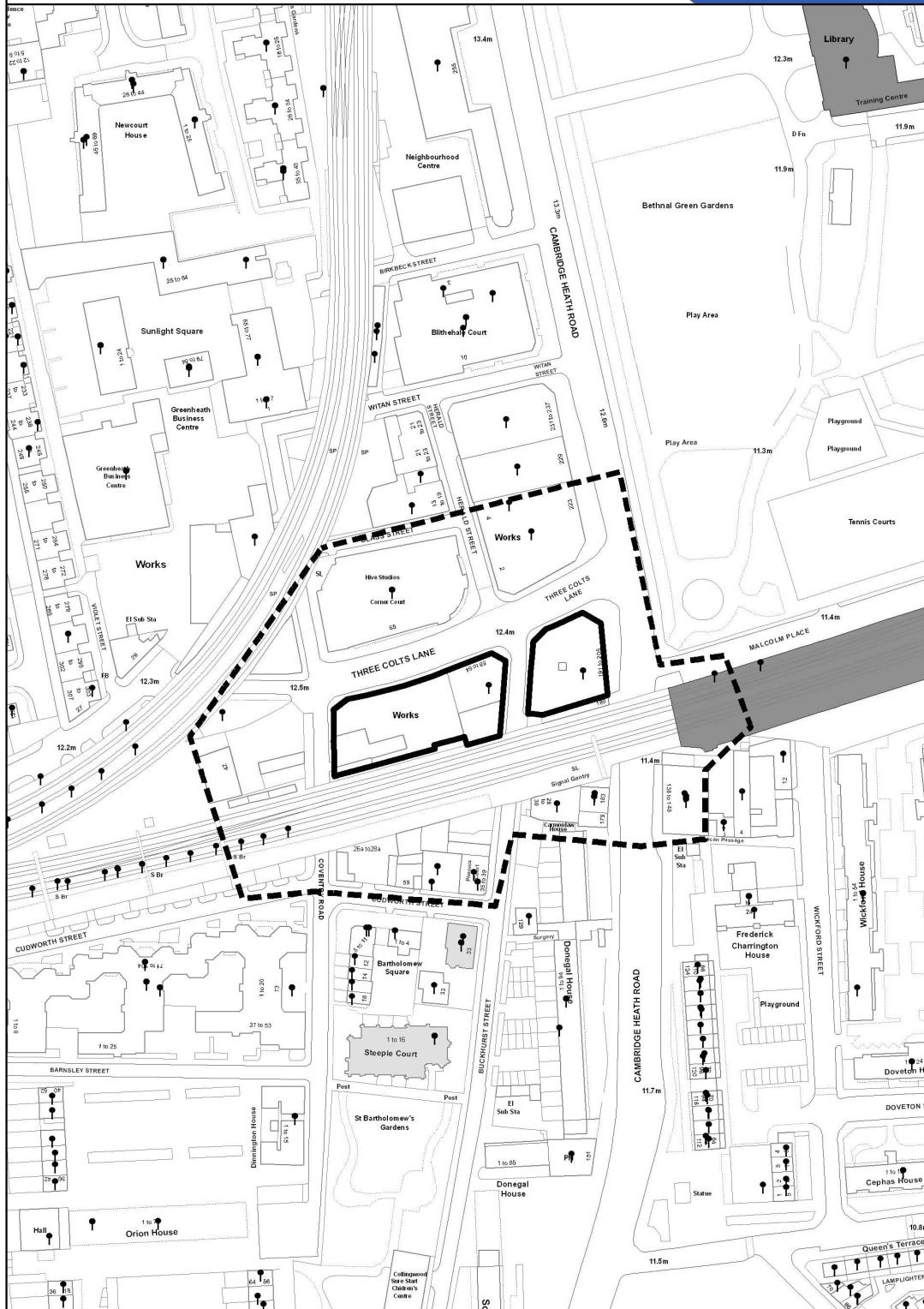
s.106 payment would be a 500sqm net increase in commercial floor space (B1 or A Class uses). Given that there is a reduction in the level of commercial floor space, it is not considered that a Crossrail contribution is triggered.






Conclusions

- 9.83 All other relevant policies and considerations have been taken into account. The proposed development is considered provide inadequate affordable housing provision, inappropriate tenure split failing to recognise the need of the borough, insufficient planning obligations to mitigate against the development. Planning permission is recommended to be **refused** and defended at an appeal 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.

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Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 30 m	

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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Agenda Item 8.2

Committee: Development	Date: 27 July 2011	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

Application No:	PA/10/01465
Site:	Carradale House, 88 St Leonards Road, London E14 0SN
Development:	Appeal against Condition 3 of listed building consent in relation to the materials of replacement windows to the block.
Decision:	GRANT subject to conditions (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

- 3.2 In September 2010, the Council granted listed building consent for internal and external alterations to Carradale House (which forms part of the Brownfield Estate. The condition in dispute related to materials to be used as part of the alterations and in particular, the condition referred explicitly to the use of replacement timber windows. The appellant considered that the specific requirement for timber replacement windows was unreasonable.
- 3.3 Whilst the Inspector explicitly highlighted the listing description which refers to timber windows, he noted that policies do not preclude the weighing of a less than substantial harm against the public benefits of the proposal. The agreed that the timber windows are a significant element of Carradale House and he concluded that the Council's intention to preclude consideration of any material other than timber to be inconsistent with the approach adopted in PPS5
- 3.4 The amended condition does allow the local planning authority to approve the details of the windows so that the installation of windows of materials or design that was harmful could be prevented.
- 3.5 The appeal was ALLOWED and the condition was varied by the Planning Inspector.

Application No:	ENF/06/10002
Site:	34 Cannon Street Road, London E1 0BH
Development:	Appeal against enforcement notice in respect of a rear extension, roof extension, upvc windows and doors, creation of an additional flat and formation of a roof terrace.
Council Decision:	ENFORCEMENT ACTION (delegated decision)
Appeal Method:	PUBLIC INQUIRY
Inspector's Decision	ALLOWED – ENFORCMENT NOTICE QUASHED

- 3.5 Planning permission for conversion of the property into 4 flats was granted on 16 March 2006 – but was in fact converted into 5 flats. The Council was of the view that the extensions failed to preserve or enhance the character and appearance of the conservation area, lead to amenity impacts for neighbours, the loss of amenity space and substandard accommodation.
- 3.6 The main issue in this case was whether the time when the notice was issued 15 October 2010 was too late to take enforcement action. The case also centred on whether the development had been substantially completed prior to the issuing of the enforcement notice.
- 3.7 During the Inquiry there were legal arguments as to the completion of development – especially whether the works undertaken were capable of providing viable facilities for living, rather than when works were completed. The Planning Inspector accepted that the appellant's evidence and that of the Council pulled in both directions and it was clear that Council officers were thwarted by lack of information being forthcoming from the Approved Inspector who dealt with on site building works. The Inspector was satisfied that the appellant had produced sufficient evidence in the form of diary notes and other related evidence to prove that the works were at a very advanced stage at the

end of September 2006. The Council produced other evidence (in relation to Council Tax records and the provision of an upgraded power supply (but the Inspector did not feel that this evidence was conclusive in itself.

- 3.8 On the balance of probability, the Inspector was satisfied that the conversion works had been substantially completed and the flats capable of occupation by the end of September 2006. The Inspector therefore determined that the works were immune from enforcement action. He ALLOWED the appeal and QUASHED the Enforcement Notice.
- 3.9 The outcome of this case is disappointing. Following the allocation of additional resources within the Planning Enforcement Team, officers have been prioritising historic planning enforcement cases – with a view to resolving outstanding breaches of planning control. Whilst it was recognised that the Enforcement Notice was always going to be issued close to the 4 year period (after which time the development would have been immune from enforcement action) officers considered that there was evidence to suggest that the development had not been substantially at the time of service. The evidence was finely balanced and it is unfortunate that evidence from the approved Inspector was not that forthcoming.
- 3.10 With additional resources in the Planning Enforcement Team, officers are more able to keep on top of alleged breaches of planning control, are able to satisfactorily prioritise cases and instigate enforcement action within the specified periods. The risk of development becoming immune from enforcement action in current circumstances is therefore much reduced.

Application No:	PA/10/00684
Site:	1 Sly Street London E1 2LS
Development:	Change of offices to live-work.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.11 The main issues in this case were the effects of the proposal on the provision of employment floorspace and the suitability of the residential accommodation proposed as part of the live work unit. .
- 3.12 The appeal premises is the ground floor and basement of a commercial property, located in the Myrdle Street Conservation Area. The commercial accommodation was occupied at the time of the Planning Inspectors site inspection and was therefore not vacant or surplus to requirements. The Planning Inspector was concerned about the reduction in commercial floorspace and he was concerned that the appellant did not elaborate on his assertion that employment numbers would not be reduced. The Planning Inspector was concerned about the potential loss of employment opportunities for future occupiers and he referred to the Council's evidence that live-work units in the Borough have not made a valuable contribution to employment floorspace
- 3.13 As regards the suitability of the proposed residential element, he was concerned with the lack of natural outlook and daylight within the basement, where the predominant residential element would have been situated. He was also concerned about the absence of any external amenity space.

3.14 The appeal was DISMISSED.

Application No:	PA/10/01197
Site:	Land at the rear of Chariot Close and Forum Close London E3 2FD
Development:	Display of 2 internally illuminated advertisements.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.15 These proposed advertisements were to be displayed within a strip of land which runs to the rear of an adjacent housing development and the A12. The issue in this case was the impact of the advertisement on the amenity of the area.

3.16 Whilst the Inspector accepted that the elevation onto the A12 is relatively plain, he felt that the site did not possess an overt commercial appearance such as that found on the other side of the A12. He also felt that the vegetation within the strip of land in question offers some softening of this long elevation

3.17 He concluded that the advertisements would be prominent within the street scene, being placed forward of the building, disrupting the continuous strip of vegetation. The appeal was DISMISSED.

Application No:	ENF/08/00141
Site:	The Canopy, 145 Three Colt Street, London E14 8AP
Development:	Appeal against enforcement notice in respect of the authorised use of the property for mixed use purposes (restaurant and shisha lounge) along with authorised structures within the rear garden (including timber decking, large umbrellas and a light box).
Decision:	INSTIGATE ENFORCEMENT ACTION (delegated powers)
Appeal Method:	PUBLIC INQUIRY
Inspector's Decision	DISMISSED and ENFORCEMENT NOTICE UPHeld (Costs application – particle costs awarded against the appellant for unreasonable behaviour)

3.18 On 30 June 2010 an enforcement notice was issued in respect of the unauthorised use of the appeal premises as a restaurant and shisha lounge with various unauthorised structures having been erected in the rear garden – including umbrellas and timber decking. The rear garden was being used as an external shisha smoking area and was causing nuisance to neighbouring residential occupiers.

3.19 The operator of the use appealed against the service of the enforcement notice on a number of grounds including the following:

- that as a matter of fact, the matters alleged in the notice had not taken place;
 - that what is alleged in the notice, does not amount to a breach of planning control;
 - that the Council was outside the period to instigate enforcement action;
 - that deemed planning permission should be granted;
 - that the requirements of the enforcement notice are excessive;
 - that the period for compliance specified in the notice is too short (in this case 1 month).
- 3.20 The Council successfully defended its position that the works had in fact taken place (it was clear from site inspections and photographs taken throughout the enforcement investigation). The Council also successfully defended its position that the works and the current use of the property as a mixed use (restaurant/shisha lounge) along with the operational works in the rear garden represented breaches of planning control. Furthermore, the Council satisfied the Planning Inspector that the enforcement notice was served in time – linked to the relevant date (30 June 2006).
- 3.21 As regards the planning merits of the unauthorised development, the Planning Inspector considered that the main issues to be the impact of the use and the external alterations on the character and appearance of the conservation area and whether the use impacted detrimentally on the amenities of neighbouring occupiers in terms of noise, disturbance, odour and smoke.
- 3.22 She felt that the umbrellas (due to their size, colour, shape and use of materials) as well as the timber decking and light box appeared out of character with the conservation area and the surrounding buildings. Furthermore, she found that as the properties in Milligan Street are situated in close proximity to the appeal premises, she found that the use of the covered garden area (smoking flavoured tobacco) linked to associated noise results in significant harm to the living conditions of neighbouring occupiers.
- 3.23 The appellant tried to argue lesser enforcement notice requirements, including removing umbrellas at the end of each day – but the Inspector considered that it was unlikely (in view of the scale, time taken and effort to remove the umbrellas) that it would be practicable to do on a regular basis. She also felt that regular removal would not overcome the negative impact on the character and appearance of the conservation area.
- 3.24 Finally, the Planning Inspector was not prepared to accept a longer period for the operator to comply with the requirements of the notice.
- 3.25 The appeal was DISMISSED and the enforcement notice UPHeld (albeit amended slightly).

Application for Costs

- 3.26 The Council applied for costs against the appellant on grounds of unreasonable behaviour. There had been a previous successful appeal on the site in respect of the previous extension of marquees and the Council argued that the present umbrellas represented a similar form of development which had been previously dismissed on appeal. The Council also argued that the appellant had not presented evidence in support of the stated grounds of

appeal.

- 3.27 Whilst the Inspector felt that the current umbrellas represent a different form of development to the previous marquee structure and did not award costs on that basis, she did consider that the appellant had acted unreasonably in failing to submit evidence that the use/structures had been in place for more than 4 years and for failing to submit evidence that the works had not been undertaken. The Inspector concluded that the appellant's failure to defend these grounds resulted in unnecessary expense. She therefore awarded a partial award of costs against the appellant.
- 3.28 This represents a very worthwhile appeal outcome. Not only was the Council's position supported by the Planning Inspector and as a consequence, the amenity and conservation area impacts resolved, but the appellant's unreasonable behaviour was recognised through a partial award of costs.

4. NEW APPEALS

- 4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

Application No: PA/11/00703
Site: Land to r/o Heckford House, Grundy Street E14
Development: Erection of a two storey building in rear amenity area and partial demolition existing building to provide space for cycle storage and landscaping.
Council Decision: Refuse (delegated decision)
Start Date: 6 July 2011
Appeal Method: WRITTEN REPRESENTATION

- 4.2 The Council refused planning permission on the grounds of loss of amenity space, poor design failing to preserve or enhance the setting of the Landsbury Conservation Area and loss of an existing family sized residential unit.

Application No: PA/11/00517
Site: 91 Hartford Street, London E11 4RL
Development: Erection of a roof extension with front and rear dormers.
Council Decision: Refuse (delegated decision)
Start Date: 6 July 2011
Appeal Method: WRITTEN REPRESENTATIONS

- 4.3 The planning application was refused on grounds of inappropriate design, scale, bulk and prominence of extension failing to respect the existing uniform roof line detrimental to the appearance of the existing terrace and the general streetscene.

Application No: PA/10/02229
Site: 254 Hackney Road, London E2 7SJ
Development: Erection of first floor front conservatory to public house and the installation of an awning to the Horatio Street frontage
Council Decision: Refuse (delegated decision)

Start Date 27 June 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.4 The planning permission was refused on grounds of inappropriate design, failing to preserve or enhance the character and appearance of the Hackney Road Conservation Area.

Application No: PA/10/02753
Site: 29 Norman Road, London E3 5EG
Development: Erection of a second floor mansard roof extension with pitched roof dormers
Council Decision: Refuse (delegated decision)
Start Date 20 June 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.5 The reason for refusal related to inappropriate height, design, relationship and massing, out of keeping with the uniform roof line and failing to preserve or enhance the character and appearance of the Medway Conservation Area.

Application No: PA/11/00282
Site: 218, Old Ford Road, London E2 9PT
Development: Erection of a second floor extension (including extension to existing roof space) and its use as a 2 bed flat
Council Decision: Refuse (delegated decision)
Start Date 21 June 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.6 This application was refused on grounds of inappropriate design (in terms of bulk and relationship with host building and the general street scene, failing to preserve or enhance the character and appearance of the Victoria Park Conservation Area and detrimental impact on neighbouring outlook.

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