

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 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

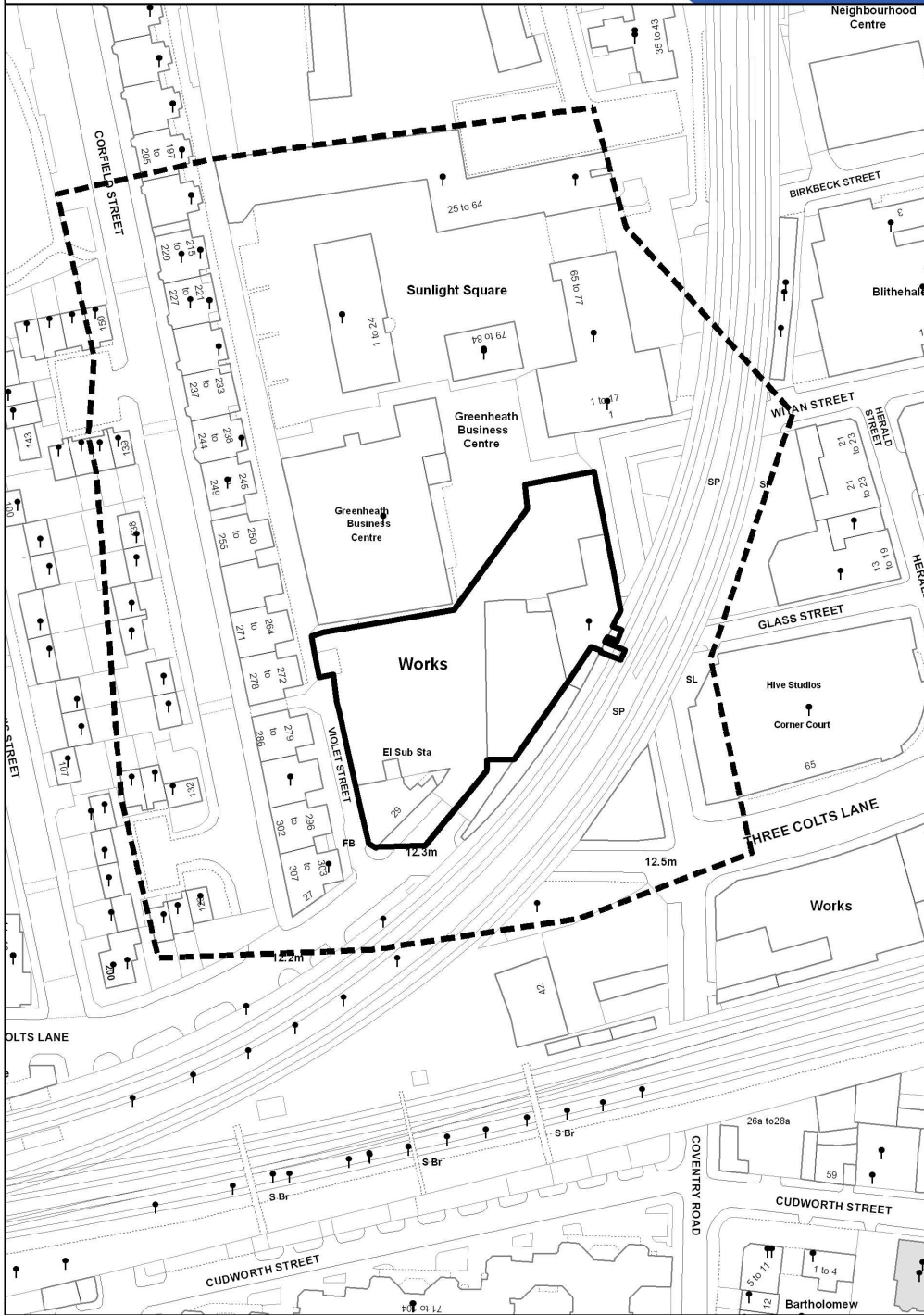
- 8.94 None

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.