

DEVELOPMENT COMMITTEE

Thursday, 13 June 2019 at 6.30 p.m.
Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

This meeting is open to the public to attend

Members:

Chair: Councillor Abdul Mukit MBE

Vice Chair :

Councillor John Pierce, Councillor Mufeedah Bustin, Councillor Dipa Das and Councillor
Leema Qureshi, Dan Tomlinson

Substitutes:

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 11 June 2019**

Please contact the Officer below to register. The speaking procedures are attached

The deadline for submitting material for the update report is **Noon Wednesday, 12 June
2019**

Contact for further enquiries:

Antonella Burgio, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 4881

E-mail: antonella.burgio@towerhamlets.gov.uk

Web: <http://www.towerhamlets.gov.uk/committee>

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agenda:



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

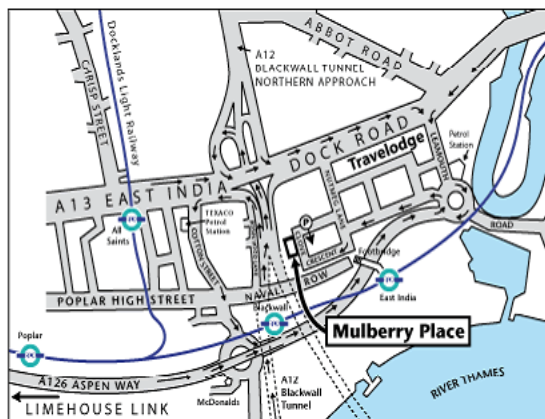
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Mobile telephones

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Access information for the Town Hall, Mulberry Place.



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Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

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Meeting access/special requirements.

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Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

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QR code for smart phone users

APOLOGIES FOR ABSENCE

1. TO APPOINT A VICE-CHAIR FOR THE DURATION OF THE MUNICIPAL YEAR

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)

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 Monitoring Officer.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 9 - 12)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 17 April 2019.

4. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 13 - 14)

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 Place 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 Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

	PAGE NUMBER	WARD(S) AFFECTED
5. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS	15 - 26	
6. DEFERRED ITEMS	27 - 28	
6 .1 Regents Wharf, Wharf Place, London E2 (PA/18/01676)	29 - 66	St Peter's
7. PLANNING APPLICATIONS FOR DECISION	67 - 72	
7 .1 Reardon & Lowder Houses, Reardon Street & Wapping Lane, London, E1W (PA/18/03541)	73 - 112	St Katharine's & Wapping
7 .2 1 - 7 Mears Close, London, E1 1AS (PA/18/01538)	113 - 144	Whitechapel

7 .3	Walker House, 6-8 Boundary Street, London E2 (PA/17/03009)	145 - 172	Weavers
7 .4	Children's House Nursery School, 92 Bruce Road, London, E3 3HL (PA/19/00462)	173 - 182	Bromley North

Next Meeting of the Development Committee

Thursday, 11 July 2019 at 6.30 p.m. to be held in the Council Chamber, 1st Floor,
Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain Corporate Director of Law Probitiy and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.33 P.M. ON WEDNESDAY, 17 APRIL 2019

COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor John Pierce
Councillor Mufeedah Bustin
Councillor Gabriela Salva Macallan

Officers Present:

Solomon Agutu	– (Interim Team Leader Planning, Legal Services, Governance)
Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Jane Jin	– (Team Leader, Planning Services, Place)
Victoria Coelho	– (Planning Case Officer)
Antonella Burgio	– (Democratic Services)

Apologies:

Councillor Sabina Akhtar
Councillor Helal Uddin

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 1 April 2019 be agreed as a correct record and signed by the Chair subject to the following correction; that it be recorded at minute 4.2, that “Concerning consultation with community groups that had previously used the premises, the Committee heard that the Pollyanna Theatre and other community groups that use the premises had been consulted on the design”.

3. **RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

The Committee **RESOLVED** that:

1. The procedure for hearing objections and meeting guidance be noted.
2. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
3. 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, Place be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. **PLANNING APPLICATIONS FOR DECISION**

4.1 **Sites adjoining Birchdown, Denbury and Huntshaw House, Devons Road, London, E3 (PA/18/02822)**

An update report was tabled.

The Area Planning Manager (East) introduced the report which concerned an application for residential development across 3 small sites on the Devons Estate to provide a total of 18 dwellings across these sites. He advised that, since there had been no registrations to speak in objection to the application and since the application was recommended for approval, the matter would be considered on the basis of the written report and officer presentation.

The Planning Case Officer then presented the report informing the Committee of the relevant planning considerations related to the application. These were, land use, design, loss of parking, scale and amenity including privacy, enclosure, sunlight/daylight and comunal/play space. Members were advised that the sites had no special features, characteristics or designation to which the Committee must have regard. Planning consultation was carried out as required and 4 letters of objection and 2 petitions had been received; a late representation was received after the agenda had been published.

Then, responding to Members' questions the following additional information was provided:

- Parking that had been lost due to the development of the sites would be absorbed in the existing estate provision. However disabled parking had been factored.
- Play space would be provided across the sites in the following ways: enhancement of existing amenity space at site 1, provision of

designated self-contained amenity space at site 2 and there would be provision at site 3 via private balconies and a roof terrace.

- Use and management of the roof terrace at site 3 would be overseen/controlled by the Registered Provider (Poplar HARCA). However Members could mandate additional conditions if necessary.
- No open space would be lost on the Devons Estate since the existing spaces were all hard surface spaces.
- Ground floor kitchens at Chagford House would experience loss of light arising from development of site 3. However since these kitchens were under 13sqm they did not qualify for daylight/sunlight testing under BRE guidelines.
- The rationale for submitting a combined application across the 3 sites was that the total number of the dwellings that would be provided would enable a proportion of the dwellings proposed to be designated as affordable housing.
- The sites to be developed were owned by Poplar HARCA.

Members then debated the application.

Some Members remained concerned around whether there would be adequate communal/play space across the developments and around the daylight/sunlight impacts on some of the existing properties that were near to site 3.

However a Member expressed support for the application offering the rationale that the complexity of the proposal was mitigated by the need for affordable housing in the borough.

The Chair then proposed that Members vote on the officer recommendation and on a vote of 2 in favour and 2 abstentions, the Committee

RESOLVED

That the application at 3 sites adjoining Birchdown, Denbury and Huntshaw House, Devons Road, London, E3 be **GRANTED** for construction of 18 dwellings over 3 sites within the Devons Estates as detailed below, subject to conditions and informatives:

Site 1: Redevelopment of surface car park to the rear of Birchdown House, Rainhill Way by a 3 storey building to provide 8No. flats.

Site 2: Demolitions and development of car parking garages and surface car park adjacent to Denbury House, Devons Road by erection of 3 x 3 storey houses.

Site 3: Demolition and redevelopment of car parking garages and electricity substation adjacent to Huntshaw House by erection of a 4 storey building to provide 7No. flats.

5. OTHER PLANNING MATTERS

Nil items.

The meeting ended at 6.56 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee_under Council Constitution, Part.5.5](http://www.towerhamlets.gov.uk/committee_under_Council_Constitution,Part.5.5) Planning Code of Conduct and Procedural Rules.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications for decision shall be as follows:

Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.


Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none">• Development Committee Procedural Rules - Part 5.5 of the Council's Constitution (Rules of Procedure).• Terms of Reference for the Strategic Development Committee - Part 3.3.8 of the Council's Constitution (Responsibility for Functions).• Terms of Reference for the Development Committee - Part 3.3.7 of the Council's Constitution (Responsibility for Functions).	 <p>Council's Constitution</p>

Non-Executive Report of the: Development Committee Thursday 13 th June 2019	 TOWER HAMLETS
Report of: Matthew Mannion, Head of Democratic Services	Classification: [Unrestricted]
Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings	

Originating Officer(s)	Antonella Burgio, Democratic Services Officer
Wards affected	[All wards]

Summary

This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Development Committee for the Municipal Year 2019/20 for the information of members of the Committee.

Recommendations:

The Committee is recommended to:

To note the Development Committee's Draft Revised Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable to noting reports.

3. DETAILS OF REPORT

- 3.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively. This year, a review of the Constitution is being undertaken, therefore the draft revised Terms of Reference are presented for noting. It is proposed that, later in the year, these will be placed before Council for approval. The revisions are summarised below:

- Minor changes to formatting and numbering to improve legibility;
- Confirmation that applications for listed building consent (including those where the Council is the owner) will only be referred to committee if the relevant number of objections is received, the size criteria are met and/or there is an unresolved objection from Historic England or one of the historic amenity societies (e.g. Victorian Society).
- Clarification that representations received on *minor material amendment* applications will only be counted for referral purposes if they raise new planning issues not already considered when the original permission was granted;
- Clarification that applications for hazardous substance consent will only be referred if the relevant number of objections has been received and/or there is an unresolved objection from one of the statutory consultation bodies;
- New criteria for buildings on Metropolitan Open Land over 100 sqm in floorspace. (Buildings over 1000 sqm would be referred to SDC).
- Reference to the new protocol for pre-application presentations;
- Confirmation that “observations” includes referrals from Urban Development Corporations and applications recovered by the Mayor of London or appeals to the Secretary of State;
- Provision for applications to be referred to Strategic Development Committee if both chairs agree this is appropriate;

3.2 The Committee’s meetings for the year are set out in Appendix 3 to this report as agreed at the Council meeting on 15 May 2019.

3.4 In accordance with the programme, meetings are scheduled to take place at 6.30pm.

4. EQUALITIES IMPLICATIONS

4.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

5.2 No implications arising from this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no specific comments arising from the recommendations in the report. The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Full Council on 15 May 2019.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 15 May 2019.

Linked Reports, Appendices and Background Documents

Linked Reports

None.

Appendices

- Appendix 1 - Development Committee Draft Terms of Reference and Quorum
- Appendix 2 - Development Committee Membership 2019/2020
- Appendix 3 - Development Committee Meeting Dates 2019/2020

**Local Government Act, 1972 Section 100D (As amended)
List of "Background Papers" used in the preparation of this report**

None.

Officer contact details for documents:

- [N/A]

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1. Development Committee

<p>Summary Description: To determine applications for planning permission and listed building consent which have triggered over 20 representations (for or against) and/or that meet certain criteria with regards to size amongst other issues. Note that certain applications exceed the remit of the Development Committee and these are considered by the Strategic Development Committee.</p>	
<p>Membership: 7 Councillors (each political group may appoint up to 3 substitutes).</p>	
Functions	Delegation of Functions
<p>1. Applications for planning permission</p> <p>A. To consider and determine recommendations from the Corporate Director, Development and Renewal to GRANT planning permission for applications made under the Town and Country Planning Act 1990 (as amended); that meet any one of the following criteria:</p> <p>(i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential units or live-work units.</p> <p>(ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres.</p> <p>(iii) Retail development with a gross floor space exceeding 5,000 square metres.</p> <p>(iv) Proposals involving buildings on Metropolitan Open Land with a gross floor space exceeding 100 square metres.</p> <p>(v) If in response to the publicity of an application the Council receives in writing, by email or other electronic form 20 or more individual representations; or a petition (received from residents of the borough whose names appear in the Register of Electors, business addresses in the borough or local Councillors) raising material planning objections to the development, and the Corporate Director, Place considers that these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Place.</p> <p>B. To consider and determine recommendations from the Corporate Director, Place to REFUSE planning permission for</p>	<p>The Corporate Director, Place (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <p>(i) these are expressly delegated to her/him; or</p> <p>(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p>

<p>applications made under the Town and Country Planning Act 1990 (as amended), where in response to the publicity of an application the Council has received in writing, by email or other electronic form, more 20 or more individual representations supporting the development or a petition in the form detailed in part 1.A. (v) supporting the proposed development. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Place.</p> <p>C. To consider and determine recommendations from the Corporate Director of Place to GRANT permission for applications seeking minor material amendments to a planning permission previously determined by the Development Committee, where as a result of publicity any of the criteria in 1.A.(v) apply and the representations received relate directly to matters arising from the proposed amendments and not the original permission.</p>	
<p>2. Applications for listed building consent</p> <p>To consider and determine recommendations from the Corporate Director, Place to GRANT listed building consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 where any of the criteria in 1.A.(i)-(v) apply; and/or an objection has been received from either the Historic Buildings and Monuments Commission for England (known as Historic England) and/or one of the statutory amenity societies and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.</p>	<p>As above including to refuse listed building consent.</p>
<p>3. Applications for hazardous substance consent</p> <p>To consider and determine recommendations from the Corporate Director, Place to GRANT hazardous substance consent for applications made under the Planning (Hazardous Substances) Regulations 2015 where the criteria in 1.A(v) apply and/or an objection has been received from any of the consultation bodies listed in the Regulations and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.</p>	<p>As above including to refuse hazardous substance consent.</p>
<p>4. Observations to other planning authorities</p> <p>To respond to requests for observations on planning applications referred to the Council by other local authorities, Development Corporations the Mayor of London, Government Departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted</p>	<p>As above</p>

development plan or would raise especially significant borough-wide issues.	
<p>5. General</p> <p>A. To consider any application or other planning matter referred to the Committee by the Corporate Director, Place including pre-application presentations (subject to the agreed protocol) where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).</p> <p>B. To consider any matter which would otherwise be referred to the Strategic Development Committee but which the Corporate Director, Place, following consultation with the Chairs of both Committees, considers should more appropriately be considered by the Development Committee.</p>	None
Note - It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria	
Quorum: 3 Members of the Committee	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part C Section 35 (Planning Code of Conduct) 	

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Approved at Annual Council 15 May 2019.

DEVELOPMENT COMMITTEE (Seven members of the Council)		
<i>Labour Group (6)</i>	<i>Conservative Group (0)</i>	<i>Ungrouped (1)</i>
<p><i>Members: -</i> M. Abdul Mukit Dan Tomlinson Dipa Das John Pierce Leema Qureshi Mufeedah Bustin</p> <p><i>Substitutes:-</i> Sabina Akhtar Kevin Brady Rajib Ahmed</p>	N/A	<p>Vacancy</p> <p><i>(Substitutes not applicable)</i></p>

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SCHEDULE OF DATES 2019/20

Approved at Annual Council 15 May 2019

	MEETING DAY/TIME/	MAY 19	JUN 19	JUL 19	AUG 19	SEP 19	OCT 19	NOV 19	DEC 19	JAN 20	FEB 20	MAR 20	APR 20	MAY 20	JUN 20	
Development Committee (monthly)	6.30 pm Thursday		13	11	8	19	10**	14	12	9	13	12	16**	6 (Weds)		

KEY TO SYMBOLS

** - Clashes with, or is the day before or day after a religious holiday

Meetings are scheduled to take place at 6.30pm.

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Deferred Items

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. The following information and advice applies to them.

2. DEFERRED ITEMS

2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
24.01.2019	PA/18/01676	Regents Wharf, Wharf Place, London E2	Application to remove an existing roof structure and construct a mansard style roof extension.	Further information on daylight/sunlight impacts and parking/traffic
13.02.2019	PA/18/01538	1 - 7 Mears Close, London, E1 1AS	Application to create an additional upper storey to an existing terrace of properties	Further information on daylight/sunlight impacts and density

3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.

- PA/18/01676 Regents Wharf application at Wharf Place, London E2

3.2 The following deferred applications are reported on the "Planning Applications for Decision" part of the agenda:

- PA/18/01538 application at 1 - 7 Mears Close, London, E1 1AS
Under Rule 13.2 of the Council's Planning Code of Conduct, "...If an application has previously been deferred then the same Councillors (as originally considered the application) will be asked to reconsider the application when it is returned to Committee." The membership changes made at Annual Council on 15 May 2019 mean that the minimum required Members to complete the determination will not be met and therefore it is necessary to hear the application afresh.

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

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

3.3 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.



DEVELOPMENT COMMITTEE

13th June 2019

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/18/01676
Site	Regents Wharf, Wharf Place, London
Ward	St Peters
Proposal	The removal of the existing roof structure and construction of a mansard style roof extension to provide 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat with associated cycle parking and refuse storage facilities.
Recommendation	Grant planning permission with conditions
Applicant	Albany Homes
Architect	Square Feet Architects
Case Officer	John Miller
Key dates	- Application registered as valid on 13/07/2018 - Public consultation finished on 07/08/2018 - First planning committee on 24/01/2019

1. APPLICATION DETAILS

Location: Regents Wharf, Wharf Place, London

Proposal: The removal of the existing roof structure and construction of a mansard style roof extension to provide 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat with associated cycle parking and refuse storage facilities.

2. **BACKGROUND**

- 2.1 This application for planning permission was considered by the Development Committee on 24th January 2019. A copy of the original report is appended.
- 2.2 The application was deferred so that committee members could better understand the proposed impacts to the daylight/sunlight conditions of the host and adjacent properties as a result of the proposal, and also to better understand the highways implications specifically with regards to the basement cycle /car parking. The

Committee also requested more information on whether the applicant could enter into an agreement to finish the build in a timely manner.

- 2.3 This report has been prepared to discuss the implications of the reasons for refusal and to discuss any further information provided by the applicant following the committee.

3. CONSIDERATION OF THE COMMITTEE'S REASONS FOR DEFERAL

- 3.1. The following section of the report looks at each of the concerns raised by committee members in more detail.

Daylight and Sunlight

- 3.2. Following the committee meeting on 24th January 2019 the applicant submitted a daylight/sunlight report taking the surrounding developments into account. A number of residential properties surround the site which can be impacted by the development; these have been tested as part of the application. The Council also had the report independently reviewed (by Anstey Horne) following the submission. In summary with regards to daylight/sunlight the impacts are on balance acceptable.

- 3.3. The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site.

- Existing Regents Wharf flats
- London Wharf
- 110-112 Pritchard Road
- 129 Pritchard's Road and Debdale House

- 3.4. The Council's independent review confirmed that the methodology used was in line with best practice and that all the relevant properties and windows had been taken into consideration. The windows at 129 Pritchard's Road and Debdale House did not require further testing as the angle of obstruction was less than 25 degrees.

Daylight

- 3.5. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment. This test measures whether buildings maintain most of the daylight they currently receive.

- 3.6. In summary, the BRE report states that: *"If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:*

- *the VSC [vertical sky component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value; [or]*
- *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."*

Existing Regents Wharf flats

- 3.7. Of the 30 windows studied which are located at the ground, first and second floors at the junction of the L-shape of the building (see appendix 1 & 2), all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond their existing values. While it is noted that existing values across the ground and first floors are less than the recommended 27% guideline (see figure 1), the reduction to the values of these windows are unlikely to be perceptible by the occupants. It is also noted that a number of rooms are serviced by multiple windows which would increase access to daylight. This has been confirmed by the Councils independent review.

Floor Ref.	Room Ref.	Property Type	Room Use.	Window Ref.	VSC	Pr/Ex	Meets BRE Criteria	Window Orientation	Annual	Pr/Ex	Meets BRE Criteria	Winter	Pr/Ex	Meets BRE Criteria
Regents Wharf														
Ground	R1	Residential	Unknown-Resi	W1	Existing 10.33	1.00	YES	17°N						
				W2	Proposed 10.42				*North*		*North*			
				W3	Existing 11.13	0.97	YES	17°N						
	R2	Residential	Unknown-Resi	W4	Proposed 10.86				*North*		*North*			
				W5	Existing 10.92	0.89	YES	17°N						
				W6	Proposed 9.81				*North*		*North*			
	R3	Residential	Unknown-Resi	W7	Existing 9.45	0.97	YES	30°N						
				W8	Proposed 9.26				*North*		*North*			
				W9	Existing 11.54	0.98	YES	30°N						
	R4	Residential	Unknown-Resi	W10	Proposed 11.36				*North*		*North*			
				W11	Existing 9.22	0.98	YES	30°N						
				W12	Proposed 9.11				*North*		*North*			
First	R1	Residential	Unknown-Resi	W13	Existing 17.52	0.97	YES	120°	15	0.93	YES	0	0.00	YES
				W14	Proposed 17.07				14			0		
				W15	Existing 10.48	0.94	YES	120°	20	1.00	YES	1	1.00	YES
	R2	Residential	Unknown-Resi	W16	Proposed 9.95				20			1		
				W17	Existing 12.94	0.93	YES	120°	23	0.91	YES	2	1.00	YES
				W18	Proposed 12.06				21			2		
	R3	Residential	Unknown-Resi	W19	Existing 10.45	0.92	YES	120°	22	0.95	YES	2	1.00	YES
				W20	Proposed 9.63				21			2		
				W21	Existing 10.79	0.89	YES	220°	9	0.77	YES	0	0.00	YES
	Second	R1	Residential	Unknown-Resi	W22	Proposed 9.71				7			0	
					W23	Existing 12.07	0.95	YES	17°N					
					W24	Proposed 11.48				*North*		*North*		
R2		Residential	Unknown-Resi	W25	Existing 14.26	0.86	YES	17°N						
				W26	Proposed 12.39				*North*		*North*			
				W27	Existing 15.31	0.81	YES	17°N						
R3		Residential	Unknown-Resi	W28	Proposed 12.52				*North*		*North*			
				W29	Existing 11.01	0.94	YES	30°N						
				W30	Proposed 10.39				*North*		*North*			
R4		Residential	Unknown-Resi	W31	Existing 13.08	0.96	YES	30°N						
				W32	Proposed 12.58				*North*		*North*			
				W33	Existing 10.37	0.99	YES	30°N						
Third	R1	Residential	Unknown-Resi	W34	Proposed 10.32				*North*		*North*			
				W35	Existing 21.71	0.94	YES	120°	23	0.95	YES	0	0.00	YES
				W36	Proposed 20.61				22			0		
	R2	Residential	Unknown-Resi	W37	Existing 26.50	0.91	YES	120°	42	0.90	YES	2	1.00	YES
				W38	Proposed 24.32				38			2		
				W39	Existing 26.26	0.91	YES	120°	45	0.86	YES	3	0.66	NO
	R3	Residential	Unknown-Resi	W40	Proposed 24.03				39			2		
				W41	Existing 25.43	0.90	YES	120°	48	0.91	YES	4	0.50	NO
				W42	Proposed 23.00				44			2		
	Fourth	R1	Residential	Unknown-Resi	W43	Existing 28.73	0.88	YES	17°N					
					W44	Proposed 25.50				*North*		*North*		
					W45	Existing 30.80	0.88	YES	17°N					
R2		Residential	Unknown-Resi	W46	Proposed 27.13				*North*		*North*			
				W47	Existing 32.18	0.86	YES	17°N						
				W48	Proposed 27.97				*North*		*North*			
R3		Residential	Unknown-Resi	W49	Existing 19.72	1.11	YES	30°N						
				W50	Proposed 21.90				*North*		*North*			
				W51	Existing 23.45	0.97	YES	30°N						
R4		Residential	Unknown-Resi	W52	Proposed 22.89				*North*		*North*			
				W53	Existing 19.86	1.05	YES	30°N						
				W54	Proposed 20.93				*North*		*North*			
R5	Residential	Unknown-Resi	W55	Existing 28.72	0.90	YES	120°	44	0.84	YES	2	0.00	NO	
			W56	Proposed 25.91				37			0			
			W57	Existing 33.04	0.92	YES	120°	58	0.91	YES	13	0.61	YES	
R6	Residential	Unknown-Resi	W58	Proposed 30.60				53			8			
			W59	Existing 32.83	0.92	YES	120°	59	0.94	YES	15	0.80	YES	
			W60	Proposed 30.41				56			12			

Figure 1: Daylight/Sunlight for existing properties in Regents Wharf

London Wharf

- 3.8. Of the 4 windows studied which are located on the western elevation at the second and third floors, all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond their existing values.

110-112 Pritchard Road

- 3.9. Of the 5 windows studied which are located on the eastern elevation at first floor level, all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond their existing values.

Overall

- 3.10. Overall the development shows full compliance with the guidelines in terms of daylight. The impacts to the daylight conditions of the studied properties would therefore be negligible. These findings have been also confirmed by the Councils independent review and that all windows that require testing have been tested.

Sunlight

- 3.11. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.

Existing Regents Wharf flats

- 3.12. Of the 12 windows studied all would meet the BRE guidelines for summer sunlight hours, however 3 would fail with regards to winter sunlight (see figure1 above). The existing winter sunlight levels are low already and it is felt that the small losses are unlikely to be perceptible by the occupants. Taking the winter sunlight numbers in isolation there is a minor adverse impact. However, once one understands the context, the low existing winter levels and the adherent summer sunlight levels, the overall impact would be negligible. These findings have also been confirmed by the Councils independent review.

London Wharf

- 3.13. Of the 2 windows assessed, which are located on the second and first floors all pass the tests set out in the BRE guidance. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels.

110-112 Pritchard Road

- 3.14. The window assessed, located on the first floor passes the tests set out in the BRE guidance. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels.

Overall

- 3.15. Overall the development shows almost full compliance with the guidelines in terms of sunlight with the exception of winter hours to three of the windows tested. Considering the existing values and wider context the impacts to the sunlight conditions of the studied properties would therefore be negligible. These findings have also been confirmed by the Councils independent review.

Highways matters

- 3.16. Members were minded to defer the application due to the need for further clarification surrounding the impact on the existing car parking arrangements as a result of the proposed basement cycle store.
- 3.17. Initially as per the London Plan Guidelines an 8 additional cycle parking spaces were to be provided adjacent to the existing spaces. This arrangement was found to be suitable however given the objections from residents surrounding the capacity of the existing cycle parking an opportunity to provide an upgraded space for existing residents was identified at basement level.
- 3.18. As previously proposed the basement cycle storage would provide 28 spaces, however it was identified that this would impede a car parking space. This has been redesigned so that the car parking space is not impacted and as a result the number of cycles in the basement has been reduced to 20.
- 3.19. To account for the reduction at basement level an additional 8 spaces are proposed at ground floor level where the existing cycle store is located which will be accessible to all residents in a secure area. As per the original report officers find this arrangement to be a significant upgrade over the existing situation and raise no objections. This will be secured to be implemented via condition.

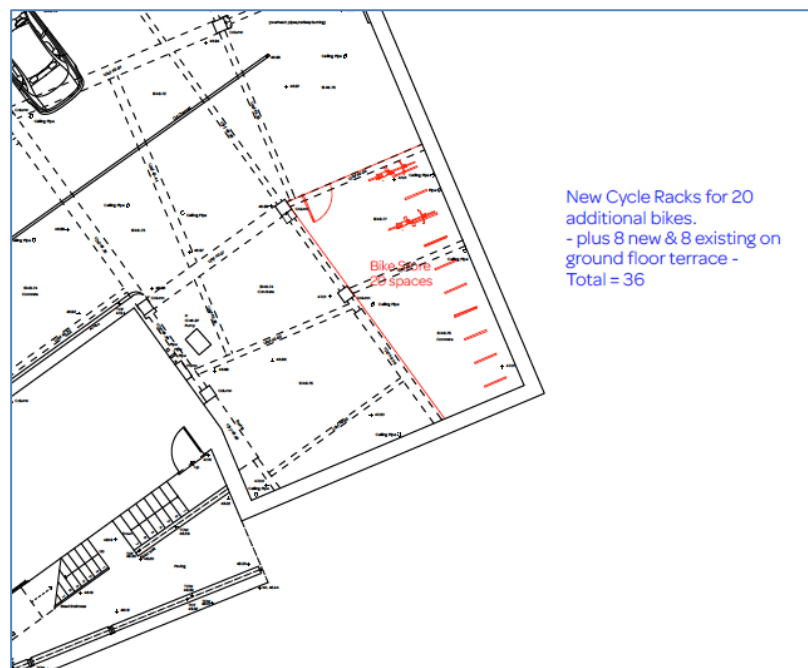


Figure 2 - Proposed basement cycle parking.

Other matters

- 3.20. At the committee, issues were raised by residents with regards to ongoing and delayed construction of implementing previous planning permissions. Members commented on whether a condition could be secured for the applicant to construct the development in a timely manner.
- 3.21. In response to this it would be unlawful for the Council as a planning authority to grant permission and consent subject to conditions that require the development to be completed within an allocated timeframe. Such a condition would not meet the tests for planning conditions as set out in the NPPF.
- 3.22. A standard condition requires that the developer commence works within three years of the permission will be secured; however, the owner could decide to delay the implementation of the works, if it wished to do so. There is also no compulsion on an applicant to carry out the development or works that benefit from the permission.

4.0 IMPLICATIONS OF THE DECISION

- 4.1. The officer recommendation has been to grant planning permission but it is the Committee's prerogative to disagree with that recommendation if there are clear planning reasons for doing so. In coming to an alternative view the Committee has to take into account the provisions of the development plan, any other relevant policies and relevant material considerations.
- 4.2. If planning permission is refused, the applicant could pursue through an Appeal to the Secretary of State. An appeal would be determined by an independent Inspector appointed by the Secretary of State. Whilst officers have recommended approval, any appeal would be vigorously defended on behalf of the Council.

Financial implications - award of costs

- 4.3. The applicant could submit an appeal to the Secretary of State. Appeals are determined by independent Planning Inspectors appointed by the Secretary of State. Appellants may also submit an application for an award of costs against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”

- 4.4. Whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour” as set out above.
- 4.5. Whatever the outcome, officers would seek to defend any subsequent appeal.

5.0 RECOMMENDATION

- 5.1 Officers recommendation remains to **GRANT PLANNING PERMISSION**, subject to conditions as listed within the original committee report.

6.0 DOCUMENTS AND DRAWINGS (amended)

6.1 Drawings

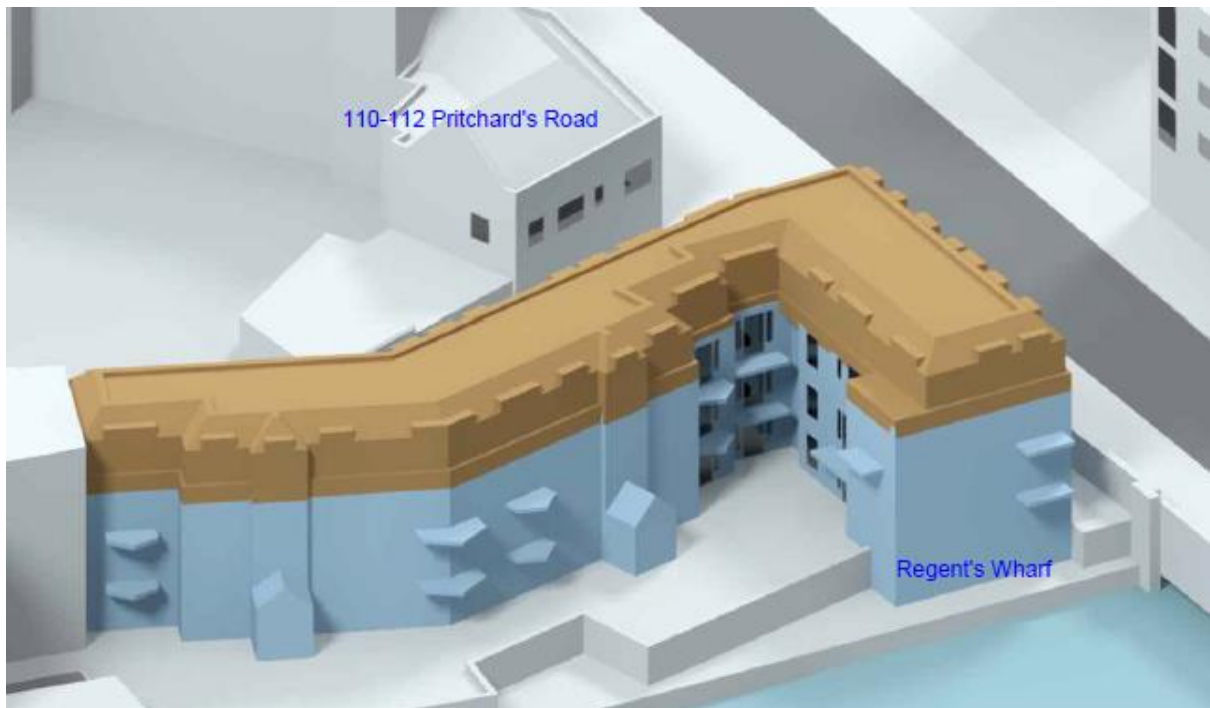
- 1431_L_110 REV. A - Proposed Basement Plan
- 1431_L_111 REV. C - Proposed Ground Floor Plan

6.2 Documents

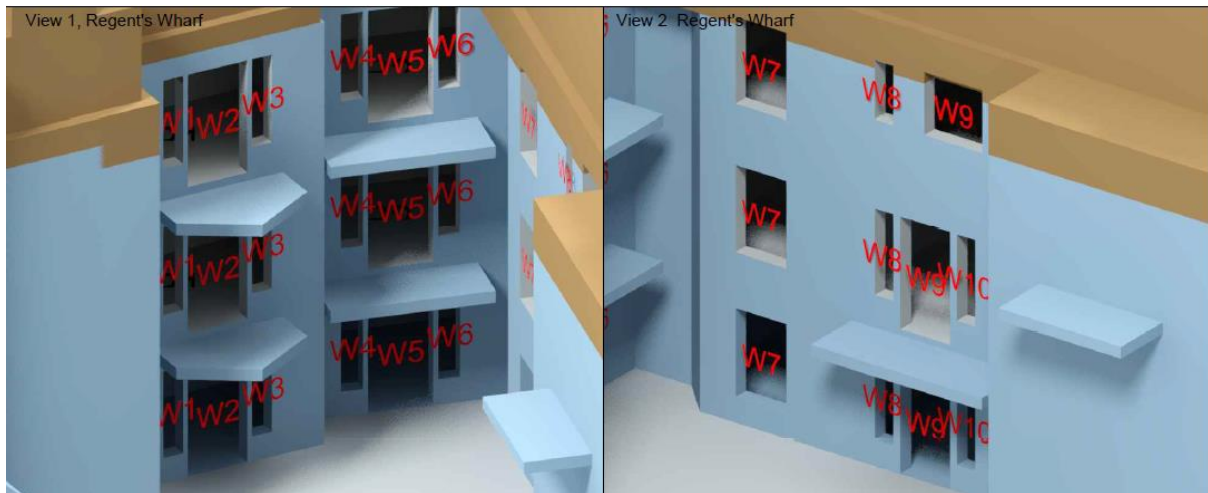
- Daylight and Sunlight to Neighbouring Buildings dated April 2019 dated BVP
- Review Report on a Daylight & Sunlight Assessment dated May 2019 prepared by Anstey Horne

7.0 APPENDICIES

- 7.1 Model of tested windows for Regents Wharf & Pritchard's Road



7.2 Windows tested Regents Wharf



Committee: Development	Date: 24 January 2019	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: John Miller	Ref No: PA/18/01676 - Full Planning Permission
	Ward: St Peters

1. APPLICATION DETAILS

Location:	Regents Wharf, Wharf Place, London
Existing Use:	Residential (Use class C3)
Proposal:	The removal of the existing roof structure and construction of a mansard style roof extension to provide 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat with associated cycle parking and refuse storage facilities.
Drawings:	See Appendix 2
Documents:	See Appendix 2
Applicant:	Albany Homes
Ownership:	Albany Homes (notice served to residents on 10/11/2017)
Historic Building:	None
Conservation Area:	Regents Canal

2. EXECUTIVE SUMMARY

- 2.1. Officers have considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework.

- 2.2. The proposal is a residential development for the removal of the existing roof and construction of six residential flats. The development would provide six new residential units comprising four x one bed flats and two x two bed flats. This summary has regard to the key issues arising from the scheme; a full account of all relevant issues is set out within the main body of the report.
- 2.3. From a land use perspective, the proposed use is considered to be appropriate within the context. The existing building is residential in nature and the addition of the flats on top is in keeping with the locality.
- 2.4. The report outlines that overall, on planning balance, the proposed residential units are acceptable, and whilst the proposal falls short on private amenity space the units are considered to contribute positively to the Councils overall housing targets
- 2.5. The standard of residential accommodation provided by the proposed development has been assessed and is considered to be acceptable. The units are policy compliant in terms of size, each with access to 420sqm of communal amenity space fronting the canal which is currently used by existing occupiers.
- 2.6. Further to this, officers consider that the design of the roof extension is acceptable. The height and mass of the proposal is considered to be in keeping with the scale of surrounding existing development.
- 2.7. The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver high quality homes in a sustainable location that exceed minimum London Plan SPG space requirements.
- 2.8. There would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality accommodation provided, along with provision cycle and refuse storage create an acceptable living environment for the future occupiers of the site.
- 2.9. Consideration has been given to the impact of the proposal upon the visual amenities of neighbouring occupiers. It has been concluded that the proposal would not result in an unacceptable impact upon the outlook or privacy of neighbours.
- 2.10. Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.11. Officers have fully considered the concerns raised by residents and consultees and also acknowledge the improvements that the applicant has made to the scheme during the planning application process.
- 2.12. This report acknowledges the elements of the scheme that fall short of fully meeting planning policy requirements, for example, the private amenity space for each residential unit and providing a mix of dwelling types. These elements of the scheme have been discussed and considered in full.

- 2.13. On this basis, it is concluded that the benefits of the scheme outweigh the other issues set out within this report. Therefore, giving full consideration to the development plan and other material considerations, officer recommend that planning permission is granted, subject to the conditions and planning obligations proposed in this report.

3. RECOMMENDATION

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

Compliance conditions

1. Permission valid for 3 years
2. Development in accordance with approved plans
3. Hours of construction

Prior to commencement of development conditions

4. Construction Environmental Management Plan (including noise reports)

Prior to completion of superstructure works conditions

5. Materials (samples and details)
6. Landscaping details including external lighting
7. Architectural Drawings
8. Waste Management Strategy
9. Car Free development
10. S278 Agreement
11. Cycle Parking
12. Waste Details
13. Biodiversity enhancements including green roof

Ongoing Conditions

14. Further Bat Surveys (depending on commencement of development)

Informatives

- Canal and River Trust – construction and encroachment

PROPOSAL AND SITE DESCRIPTION

4. The proposal

- 4.1. The applicant is seeking planning permission for the removal of the existing roof and the construction of a new roof extension providing 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat with associated cycle parking and refuse storage facilities.



Figure 1.1: CGI of proposed development – view along Regents Canal looking south west



Figure 1.2: CGI of proposed development – Ariel view looking south west

5.0 Site and Surroundings

- 5.1 The application site is approximately 0.12ha and is bound by The Regents Canal to the north, Wharf Place to the south-east and Pritchard's Road to the west.

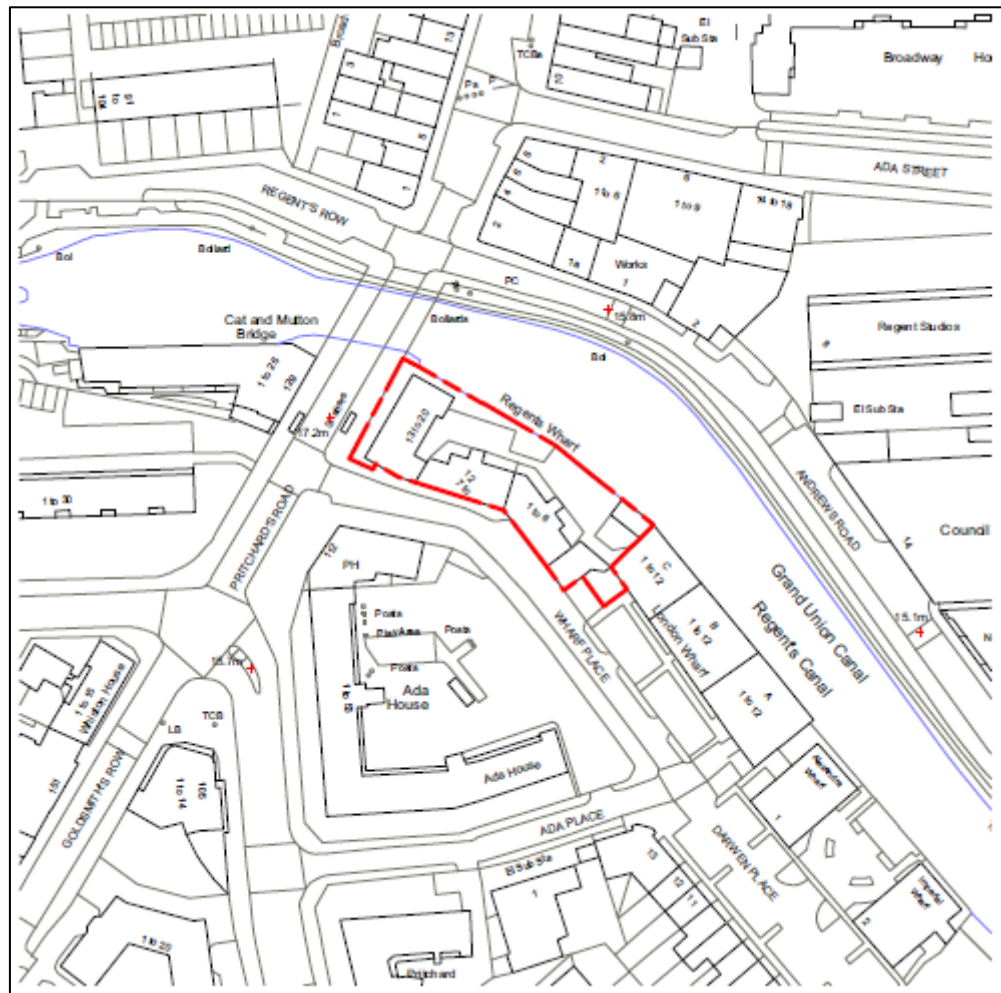


Figure 1.3: Site location plan

- 4.1. The application site comprises of 28 flats and associated cycle parking, waste storage, 20 car parking spaces and communal area fronting the canal totalling 420sqm. The site is known as Regents Wharf on Wharf Place.
- 4.2. The site is bound by Regents Canal to the north, London Wharf to the east, a four storey residential development, Ada House to the south, a five storey residential development, and Debdale House to the west, a six storey residential development.
- 4.3. The buildings that immediately surround the site are primarily residential in nature. London Wharf, Ada House and Debdale House range between four and six storeys in height.



Figure 1.4 : Aerial View of the site

- 4.4. In terms of policy designations, part of the application site is located within the Regents Canal Conservation Area (the part of the site fronting the canal). There are no listed buildings in the immediate vicinity.
- 4.5. The site is located in close proximity to the Hoxton overground station, in addition to local bus routes. It has a Public Transport Accessibility of 4
- 4.6. The site does not fall with any site allocations as outlined in the Local Plan but is located to the north of the 'Marian Place Gas Works and The Oval' site allocation as per the Managing Development Document (2013).
- 4.7. Relevant photographs of the application site and neighbouring development are included below.



Figure 1.5 : Existing site looking south



Figure 1.6: Existing site looking south west



Figure 1.7: Existing site looking north east



Figure 1.8: Existing site looking south east from Cat and Mutton Bridge

6.0 Relevant Planning History

- 6.1 Officers note the objections with regards to misleading information in the Design & Access statement regarding the relevant planning history. For the avoidance of doubt all relevant planning history relating to the application site itself is listed below:
- 6.2 PA/01/01427: Partial demolition of existing two storey residential unit, down to courtyard level, and construction of a three storey building on NE corner of courtyard, incorporating existing basement residential floorspace and creating one maisonette and two flats. (Revised scheme of reduced scale and amended design to replace proposal advertised in December 2001)
Withdrawn
- 6.3 PA/04/00160: Partial demolition of existing two-storey residential unit, down to courtyard level, and construction of a three-storey building on NE corner of courtyard. Proposal incorporates existing basement space into a replacement maisonette and adds three new flats. *Refused.*
Appealed - Dismissed
- 6.4 PA/05/02129: Construction of new 3 storey building to form 3 flats over existing entrance and bin store. *Refused.*
Appealed - Dismissed
- 6.5 PA/06/01087: Construction of new 3 storey building to form 3 flats over existing entrance and bin store (revised scheme). *Refused.*
Appealed - Allowed
- 6.6 PA/07/00411: Construction of 3 storey building to provide 3 x 1-bed flats, provision of bin store enclosure and upgrading of entrance (addition to side).
Permitted 18/06/2007
- 6.7 PA/09/02273: Erection of two new dwellings in disused car-park area. *Refused*
Appealed Dismissed
- 6.8 PA/11/00834: Erection of a new dwelling within part of the basement parking area.
Permitted 07/02/2012
- 6.9 PA/12/00514: Erection of one 1 bed dwelling within the area of the lower car park level.
Refused 14/08/2012
- 6.10 PA/13/01945: Erection of one 1 bed dwelling within the area of the lower car park level.
Refused 17/10/2013
- 6.11 PA/15/02977: Erection of one new residential flat within rear car parking space. [AMENDED PROPOSAL]
Permitted 26/01/2016

- 6.12 PA/16/02761: Erection of no 1 porters lodge in a dis-used space.
Refused 29/11/2016
- 6.13 PA/17/00632: Erection of no 1 porters lodge in a dis-used space.
Withdrawn
- 6.14 PA/17/01725: The change of use of the existing vacant space at lower ground floor into a one bedroom residential unit and planted courtyard.
Permitted 16/11/2017
- 6.15 PA/17/02982: Single Storey mansard style roof extension to Regents Wharf to provide 5no. new residential (C3) units.
Withdrawn
- 6.16 PA/18/00776: Non-Material amendment to planning permission PA/17/01725 and dated 16/11/2017 to carry out alterations to the internal layout of the consented one bedroom residential unit at lower ground floor to accommodate existing electrical cupboard.
Permitted 25/04/2018

Pre-application

- 6.17 Officers engaged with the applicant at pre-application stage under pre-application reference PF/17/00115. The proposal under consideration was largely similar to the proposal as per pre- application stage. Pre-application discussions identified several key issues to be addressed. These included:
- Detailed design
 - Biodiversity

7 POLICY FRAMEWORK

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

Government Planning Policy Guidance/Statements

National Planning Policy Framework (March 2018) (NPPF)
National Planning Guidance Framework (March 2018) (NPPG)

Spatial Development Strategy for Greater London - London Plan 2016 (MALP)

Policies

- 2.1 London
2.13 Opportunity Areas
3.1 Ensuring equal life chances for all

- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.16 Protection and enhancement of social infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.11 Green roofs and development site environs
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 6.4 Enhancing London's transport connectivity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

Tower Hamlets Core Strategy (adopted September 2010)

- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP05 Dealing with waste
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP13 Planning Obligations

Managing Development Document (adopted April 2013)

- DM0 Delivering Sustainable Development
- DM3 Delivering homes
- DM4 Housing standards and amenity space
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM14 Managing Waste
- DM20 Supporting a Sustainable transport network
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity

Emerging Planning Policy

- 7.3 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is now closed. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.
- 7.4 The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and has closed. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has recently undergone its Examination in Public, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

Supplementary Planning Documents

Planning Obligations SPD (September 2016)

CIL Charging Schedule (April 2015)

Sustainable Design and Construction SPG (April 2014)

Shaping Neighbourhoods: Character and Context (June 2014)

Housing Supplementary Planning Guidance (March 2016)

Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (March 2016)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

SPG: Planning for Equality and Diversity in London (October 2007)

SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

8 CONSULTATION RESPONSE

- 8.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 8.2 The following were consulted regarding the application:

Internal Responses

LBTH Refuse

- 8.3 Initial comments were that the applicant is required to provide further information on the volume of waste by litres, size and type of containers to be used. The information provided of existing 5 x 770 litre wheelie bins does not address the breakdown of waste streams and the proposed units.
- 8.4 All bins must meet the British Standard EN 840 Bin Store. The applicant is required to show details of the bin store.
- 8.5 Officers note the objections with regards to the waste storage however following the above the applicant submitted revised documents detailing the breakdown of waste arrangements in line with the council's requirements. Waste officer comments were then updated stating that the proposed capacity breakdown was acceptable and that the bin store/ waste arrangements would be acceptable subject to a condition.
- Conditions
- 8.6 Planning conditions requiring a waste management plan are proposed.

LBTH Highways

- 8.7 Transport and Highways will require a S106 (or similar mechanism as agreed by the case officer) 'car and permit' free agreement to be secured for this development as it is located in a good PTAL area (PTAL 4).
- 8.8 Based on the London Plan, the applicant is required to provide at least eight cycle spaces for this development. The proposed cycle spaces do not comply with the cycle parking standard outlined within appendix 2 of the MDD.
- 8.9 Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development. The applicant is required to consult Wajid Majid to discuss the highway's improvement work required for this development and agree a S278 agreement.
- 8.10 Due to the location of the proposed development, Transport and Highways require the applicant to submit a Construction Management Plan (CMP) to the local planning authority and receive written approval for the CMP prior to commencement. This must be secure through a planning condition.

Officer comment: further discussion regarding the cycle parking is discussed in the main body of the report. Officers consider there to be sufficient space within the area proposed to accommodate the level of cycle parking and this can be controlled by condition. conditions are also recommended in relation to the construction management plan, car free development and s278.

LBTH Biodiversity

8.11 Comments identified that the existing building has Moderate potential for bat roosts, but emergence and re-entry surveys show that there are currently no bats roosting at the site. Current best practice guidelines state that the results of such surveys are valid for one year. Hence, if work has not commenced by June 2019, a precautionary bat survey should be undertaken before work commences. This should be secured through a condition.

- Conditions

Planning conditions requesting a precautionary bat survey if demolition has not commenced by the end of June 2019, and Biodiversity mitigation and enhancements are proposed

External responses

London Borough of Hackney

8.12 No Objections

Canal and River Trust

8.10 The Trust has reviewed the application and has no comments to make. Informatives are recommended in relation to Canal and River Trust Code of Practice for works and consent for works encroaching on to the towpath.

9 LOCAL REPRESENTATION

9.1 A total of 58 neighbouring properties were notified. Site notices have also been erected in close proximity to the site. The application was also advertised in the local press.

9.2 25 letters of objection have been received in relation to the proposed scheme as outlined and categorised below.

Design

- The development does not respect the local context and street pattern
- The scale and proportions of the buildings does not sit well in the surrounding area
- Overdevelopment and overcrowding

Amenity

- Construction would harm amenity of residents
- Additional storey would block of light to surrounding residents and canal
- No provided amenity space
- Unacceptable overlooking into adjacent properties

Highways & Waste

- Proposed cycle storage is already in site from a previous application
- Cycle and waste storage is already at capacity

Other

- Application documents fail to fully identify site history
- Misleading information contained within documents
- The site has been used as an ongoing construction site and is a nuisance to residents
- Devalue properties
- Structural problems/issues

10 MATERIAL PLANNING CONSIDERATIONS

- 10.1 The main planning issues raised by the application that the committee must consider are:
- Land Use
 - Design
 - Housing
 - Neighbouring Amenity
 - Highways and Transportation
 - Biodiversity
 - Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Land use

10.2 The main issues to consider in relation to land use are listed below:

- The acceptability of the proposed land use: Residential (C3)

Proposed residential use (C3)

10.3 The proposal seeks the construction of 4 x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat atop the existing residential block. As the existing use on site is residential the proposed flats raise no objections in terms of land use.

10.4 The proposed residential use is supported by officers as a contribution to the borough's housing targets which responds to an identified need.

10.5 This is considered in more detail in the housing section of this report.

Design

10.6 In this section of the report, officers will consider the acceptability of the design of the proposed building, having regard to:

- Height, scale and massing
- Quality of architecture and detailed design

10.7 Firstly, consideration is given to the relevant policy context. Chapter 7 'Requiring good design' of the NPPF (2018) states that the Government attaches great importance to the design of the built environment, outlining good design as a key aspect of sustainable development and indivisible from good planning.

10.8 In relation to the conservation and enhancement of the historic environment, Chapter 12 of the NPPF (2018) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.9 Furthermore, London Plan Policy 7.4 'Local Character' seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets in scale, proportion and mass. London Plan Policy 7.6 'Architecture' seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

- 10.10 Core Strategy Policy SP10 'Creating distinct and durable places' seeks to protect and enhance the Borough's conservation areas and their settings. It also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. More specifically, it seeks to ensure that new development respects its local context and townscape, including the character, bulk and scale of the surrounding area.
- 10.11 Policy DM24 'Place-sensitive design' of the Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design, ensuring that design is sensitive to and enhances the local character and setting of the development.

Height, scale and massing

- 10.12 The proposed development marks a slight increase in building scale when compared to the existing structure; however it is noted the surrounding and adjacent developments are of a similar scale. Officers have given careful consideration to the acceptability of this in the context of the character and appearance of the surrounding area and the conservation area setting. Consideration has also been given to the amenity impacts of this which are discussed later in the report.
- 10.13 Objections have been received in relation to the scale of the proposed extension, which consider that the proposed height is not in keeping with the existing and adjacent plots, and would lead to overcrowding in an already dense urban environment. These concerns have been considered below.
- 10.14 The prevailing height in the surrounding area is mid-rise. For example, the neighbouring buildings adjacent to the application site range between 3 and 6 storeys in height.



Figure 1.9 Proposed site looking north east

- 10.15 The proposed building would be increased to 4 storeys in response to the variations in surrounding height. The extension would mark an increase in approximately 0.6m from the existing building and would be slightly taller than the adjacent building to the east. When measured from the Wharf Place elevation (south west), the building would increase from a maximum of 13.4m to a maximum of 14m.
- 10.16 An objection has been received on this increase in scale however given the surrounding developments varying height, and the overall minor increase in height, officers are satisfied that the proposed height range marks an appropriate response to the surrounding building heights.
- 10.17 The applicant has provided CGIs from the canal side that provides an insight into the impact of the proposed building from direct and longer views. Whilst the footprint is largely similar the drawings and documents demonstrate the high design quality of the scheme and this is considered to offset any potential harm resulting from its visibility.
- 10.18 The overall slight increase in height and change in massing is not considered to adversely impact upon the setting of the conservation area with buildings in the vicinity being of a similar scale. Furthermore the adjacent building at the London Wharf (which fully falls within the conservation area) has a traditional mansard roof and it is considered that the proposed development would be in keeping with the neighbouring development.
- 10.19 For the reasons outlined above, the proposed development is considered to be acceptable with regards to height, scale and massing and appropriate within the context of the conservation area.

Detailed design and materiality

- 10.20 Officers consider that the existing building reflects the past character of the area and in recognition of the surrounding context the applicant has adopted a contemporary architectural style for the roof extension which raises no objections.
- 10.21 Officers have given regard to the detailed design of the proposed extension and consider it to be well-proportioned with appropriate massing. It is simple in its design, appearing as a single uniform extension largely constructed in zinc cladding. The extension is arranged in a mansard style development sitting atop the floors below. The proportions together with the proposed fenestration pattern results in a strong sense of horizontal and vertical articulation which largely follows the rhythm below whilst also giving a clear distinction between old and new.
- 10.22 The proposed detailing is considered to successfully break down the scale and massing of the proposed extension resulting in a contemporary approach to a roof extension. The proposed materials are also considered to result in a high quality aesthetic. It is proposed that further details of the external materials are secured by way of condition.

Housing

- 10.23 The proposed development comprises 6 new residential units.
- 10.24 This is supported in line with the London Plan (2016) and the Core Strategy (2010) which seek to increase London's and Tower Hamlet's supply of housing.
- 10.25 In addition to housing numbers, planning policy requires new housing development to provide housing choice. This includes a mix of sizes and tenures.
- 10.26 Housing planning policy also seeks a high standard of residential accommodation for its occupiers. The standard of proposed residential accommodation is assessed later in this report.

Housing mix

- 10.27 As stated above, planning policy requires a mix of housing that responds to the identified housing need within Tower Hamlets and, as a result, contributes to the creation of mixed and balanced communities.
- 10.28 On this basis, the priorities of the Mayor and aspirations of policy DM3 of the Managing Development Document (2013) are to provide a balance of housing types, including more family homes within the borough. Policy DM3 recommends a distribution of 50% 1 bed, 30% 2 bed and 20% 3 to 4 bed units within market sector only developments. Policy SP02 requires proposals to provide 30% of new units as family sized units (3bed plus).
- 10.29 The development proposes 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat, which provides an overall uplift in high quality housing.
- 10.30 Regard has been given to the lack of a family sized unit however due to the relatively small nature of the scheme, the location of the flats at fourth floor level and lack of private amenity space, the proposed units in this instance would not be suitable for families. Therefore, in this particular instance officers feel that the proposed mix which includes different sizes of 2 bed units is on balance acceptable.

- Summary

- 10.31 In summary, the proposed development slightly falls short of the Council's policy targets with regards to the proposed unit type mix, however due to the overall size of the scheme is considered acceptable.
- 10.32 Due to the size of the scheme there is no proposed affordable housing and this is considered acceptable.

Standard of residential accommodation

- 10.33 In addition to the requirements set out within Policy 3.5 'Quality and design of housing developments' of the London Plan (2016), Policy SP02 'Urban living for everyone' of the Core Strategy (2010) and Policy DM4 'Housing standards and amenity space' of the Managing Development Document (2013), the Mayor's Housing SPG (2016) sets out a series of design standards. Officers will consider

the quality of residential accommodation proposed in regard to the following aspects:

- Space standards

- 10.34 Local and regional planning policy, in addition to the guidance set out in the London housing SPG, sets minimum space standards for new residential units. All residential units are also required to have a minimum floor to ceiling height of 2.3m. This is achieved throughout the development.
- 10.35 The proposed houses would come in two layouts and the minimum space standards (GIA) are set out in the table below:

Flat No	GIA standard (sqm)	GIA proposed (sqm)
1B/2P	50	54
1B/2P	50	52
1B/2P	50	50
1B/2P	50	51
2B/3P	61	63
2B/4P	70	71

- 10.36 Officers are satisfied that all of the proposed residential units are compliant with the space standards.
- 10.37 Looking at the rest of the development each of the dwellings provides adequate integrated storage space and room layouts and sizes are generally acceptable.
- 10.38 The development is therefore considered to be acceptable in this regard.

- Aspect, daylight and sunlight, noise and vibration, outlook and privacy

- 10.39 The London Housing SPG also seeks the minimisation of single aspect dwellings. It further states that single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.
- 10.40 Officers are satisfied that all of the dwellings benefit from a double-triple aspect setting.
- 10.41 From an outlook perspective, officers have given careful consideration to the quality of the units so that they do not negatively impact upon neighbouring amenity, which will be discussed later in the report.
- 10.42 Each of the units main aspect would, look north onto the canal and south towards Ada house, the same outlook as the flats below.

- 10.43 It is noted that the houses would sit between 12m and 32m from neighbouring/opposite properties. The principle elevation facing the Canal stands a minimum of 32m away from the front of the block opposite. Ada house to the south stands 12m from the site.
- 10.44 This relationship is considered to reflect the street and built form pattern in the surrounding area, where buildings occupy 'blocks', separated by narrow to medium local streets and the canal. Officers therefore do not consider this is to be an uncommon or unexpected circumstance in a dense urban environment such as the one that exists throughout the borough, especially in the circumstance of a roof extension.
- 10.45 Taking all of the above considerations into account, officers do not raise objections in this regard.
- Private and communal amenity space
- 10.46 In terms of private open space, the London Housing SPG requires a minimum of 5sqm of private outdoor space to be provided for 1-2 person dwellings. An extra 1sqm should be provided for each additional occupant.
- 10.47 Therefore the 1B2P dwellings would require a minimum of 5sqm, the 2B3P dwelling would require a minimum of 6m 2B4Pdwelling should provide a minimum of 7sqm.
- 10.48 Taking this into account, it is noted that only the 2B4P flat provides private amenity space in the form of a 7sqm balcony. The rest of the flats would be serviced by roughly 420sqm of communal amenity space found at the ground floor facing the canal which is used by existing units.
- 10.49 The communal space which currently services the existing units is considered to be acceptable in terms of quantum to service the proposed uplift in flats. Objections have been raised with regards to the loss off green space to the communal area; however, this has been identified to be as a result of the cumulative development on the application site. As the size of the space will not be amended as a result of the development officers raise no objection in this regard.
- 10.50 Given that a number of the flats within the complex do not benefit from private amenity space and that the communal space would more than make up for the lack of private amenity space, on balance officers consider the lack of provision for five of the flats acceptable.
- 10.51 Objection has been raised over the provision of private amenity space, however from the above it can be seen that on balance the standard of accommodation for the proposed flats is acceptable.
- Summary
- 10.52 The proposed standard of residential accommodation has been carefully considered in respect to the development plan and best practise guidance. Five of the flats do not provide private amenity space; however, on balance officers consider the proposal to be acceptable in this regard.

Impact on amenity

- 10.53 This part of the report will assess whether the proposed development would give rise to an unacceptable impact upon the amenities of neighbouring development and its occupiers. In line with Policy DM 24 'Amenity' of the Managing Development Document (2013), officers will have specific regard to the daylight and sunlight impacts of the proposal, in addition to any resultant impact upon outlook and privacy levels.
- Daylight and sunlight
- 10.54 Given that the footprint of the building is largely the same as existing structure it is not considered that the additional 0.6m height from the roof extension would cause any material harm to neighbouring daylight/sunlight beyond that which already exists.
- 10.55 Given the nature of the development officers did not consider a daylight/sunlight assessment to be necessary as part of the application.
- Outlook, overlooking and privacy
- 10.56 As previously set out, the proposed building sits in proximity to similar scale neighbouring buildings but has the advantage of the canal providing a buffer to buildings to the north. As the application site comprises a three storey residential block, the slight increase in scale as a result of the roof extension would not adversely affect the outlook of neighbouring properties.
- 10.57 An objection has been received regarding direct overlooking to the existing flats and the proposed flats. The closest physical relationship would exist between the existing building and Ada house to the south and the adjacent block to the west (in the London borough of Hackney).
- 10.58 Whilst distances involved are below the 18m guideline as outlined in the Local plan, officers note that the existing building is residential in nature and given the very minor increase in scale and that the windows have been designed to follow the fenestration pattern of the floors below the development would not introduce overlooking beyond that which currently exists. Officers therefore consider the scheme acceptable in this regard.
- Noise and disturbance
- 10.59 The proposal seeks the introduction of residential development on the site. It is not considered that the proposed residential land use would give rise to an unacceptable noise impact. Both the scale and nature of the use is akin to existing neighbouring development and is therefore considered to be compatible.
- 10.60 Objection has been received regarding the noise of construction works and ongoing works as a result of the redevelopment of the site. In order to satisfy the policy and the ongoing objections a condition requiring a construction environmental management plan will be secured in which the developer would have to comply with the current best practice standards (British Standards). To further protect the amenity whilst the site is under construction Acoustic Reports

to demonstrate compliance will be required. The council will also condition the construction hours of the development.

- Summary

- 10.61 Officers have given the amenity impacts associated with the proposed development careful consideration. For the reasons outlined above, the development is considered to be acceptable in this regard.

Highways and Transportation

- Car parking (and blue badge parking)

- 10.62 This part of the report will assess whether the proposed development would give rise to an unacceptable impact upon the local highway and transportation network. In line with Policy DM 20 'Supporting a sustainable transport network', Policy DM 22 'Parking' and Policy DM 14 'Managing Waste' of the Managing Development Document (2013), officers will have specific regard to the highways impacts of the proposal.

- 10.63 The proposed land use does not attract a requirement to provide general car parking. A car-free development is in line with local policy and therefore supported. A planning condition to secure the car-free nature of the proposed flats is recommended.

- 10.64 Existing parking opportunities within the development will be retained.

- Cycle parking

- 10.65 Each of the 1 bed flats houses is required to provide 1 dedicated cycle parking spaces, and the 2 bed flats should provide 2 dedicated cycle parking spaces for a total of 8 spaces

- 10.66 Initially as per the London Plan Guidelines an 8 additional cycle parking spaces were to be provided adjacent to the existing spaces. This arrangement was found to be suitable however given the objections from residents surrounding the capacity of the existing cycle parking an opportunity to provide an upgraded space for existing residents was identified.

- 10.67 An additional 28 spaces are now proposed in the basement lifting the total for the complex to 36 spaces. Officers find this arrangement to be a significant upgrade over the existing and raise no objections. Further details will be secured via condition.

- Delivery, servicing and waste collection

- 10.68 The Design & Access Statement submitted by the applicant outlines that the existing waste collection activity occurs from the existing bin store at ground floor level fronting Wharf Place from 6 Chamberlin bins. This has been confirmed by officers as part of a site visit undertaken on Friday 11/01/2019 with 4 bins being used for general waste and 2 for recycling.

- 10.69 Objections have been received from residents that the stores are already beyond maximum capacity and that an increase in flats would cause further strain on the arrangement.
- 10.70 Highways and waste officers requested further clarification on the existing arrangement and as a result updated documents were received detailing the existing and proposed arrangement/capacity. The plans have been correctly updated to show the 6 bins and the council's waste officer is satisfied that the capacity arrangements are suitable. Officers are satisfied that 6 bins would provide the necessary capacity as outlined in the Local Plan.
- 10.71 Overall providing 6 bins would lead to a capacity of 7680L where the total required for the entire development would be 5100L. As a result the proposed waste arrangement is policy compliant for the existing and proposed residential units combined.
- 10.72 Officers are satisfied that the scheme is capable of delivering an acceptable waste strategy.
- Construction
- 10.73 Should the proposed development be approved, the impact on the road network from demolition and construction traffic would be controlled by way of condition requiring the submission and approval of Construction management plans.

Biodiversity

- 10.74 Core Strategy Policy SP04 'Creating a green and blue grid' promotes and supports new development that incorporates measures to green the built environment, including green roofs and green terraces. The policy also seeks to ensure that development protects and enhances areas of biodiversity value.
- 10.75 Policy DM11 'Living buildings and biodiversity' of the Managing Development Document requires developments to provide elements of 'living buildings' which can be provided as living roofs, walls, terraces or other building greening techniques. The policy requires existing elements of biodiversity value to be retained or replaced by developments.
- Existing biodiversity value
- 10.76 The Council's biodiversity officer has given consideration to the Preliminary Roost Assessment (PRA) submitted by the applicant. The report has recorded the existing biodiversity value as well as a moderate potential for bats roosting at the existing site.
- 10.77 The submitted survey states that bats are not roosting at the existing site. Current best practice guidelines state that the results of such surveys are valid for one year. Hence, if work has not commenced by June 2019, a precautionary bat survey must be undertaken before work commences. This will be secured via condition.
- 10.78 Officers are otherwise satisfied that the proposal would not give rise to significant impact upon biodiversity.

- Enhancements

10.79 The councils Biodiversity Officer has stated that the proposed green roof will be sufficient to ensure net gains for biodiversity.

10.80 Subject to the conditions, the proposed development is considered to be acceptable in this regard.

Financial Considerations

Localism Act (amendment to S70(2) of the TCPA 1990)

10.81 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

10.82 Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context “grants” might include New Homes Bonus.

10.83 These are material planning considerations when determining planning applications or planning appeals.

10.84 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved.

Human Rights Considerations

10.85 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members.

10.86 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 10.87 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 10.88 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.
- 10.89 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.90 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.91 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 10.92 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

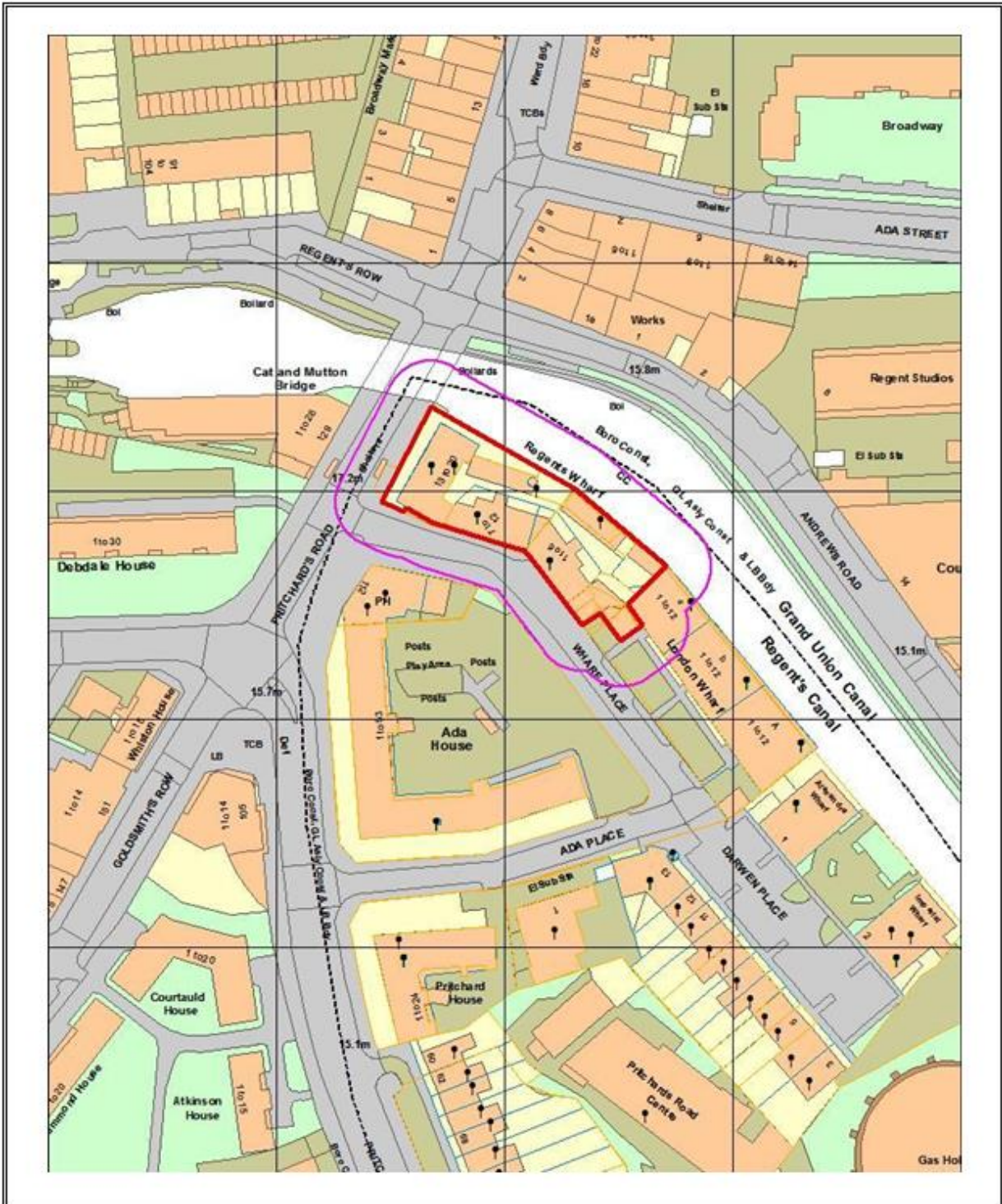
- 10.93 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.94 It is considered that the proposed development would not conflict with any of the above considerations. It is also considered that the proposal would foster good relations and advancing equality with regards to sex, race, religion and belief.
- 10.95 In light of the above, officers are satisfied that the proposed development would not adversely impact equality or social cohesion.


Conclusion

- 10.96 All relevant policies and material considerations have been considered. It is concluded that planning permission should be **GRANTED** for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

APPENDIX 1: Site map (showing consultation area)



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<ul style="list-style-type: none"> Planning Application Site Boundary Other Planning Applications Consultation Area Land Parcel Address Point Locally Listed Buildings Statutory Listed Buildings 	<p>Planning Applications Site Map PA/18/01676</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p> <p>Scale : 50m grid squares</p>	 <p>TOWER HAMLETS</p> <p>London Borough of Tower Hamlets</p> <p>Date: 15 January 2019</p>
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APPENDIX 2

List of documents and plans for approval

EXISTING DRAWINGS

EXISTING SITE AND LOCATION PLAN	1431_L_001 REV A
EXISTING BASEMENT PLAN	1431_L_010
EXISTING GROUND FLOOR PLAN	1431_L_011 REV. C
EXISTING FIRST FLOOR PLAN	1431_L_012
EXISTING SECOND FLOOR PLAN	1431_L_013
EXISTING THIRD FLOOR PLAN	1431_L_014
EXISTING ROOF PLAN	1431_L_015
EXISTING ELEVATIONS (1)	1431_L_020
EXISTING ELEVATIONS (2)	1431_L_021
EXISTING SECTIONS	1431_L_025

PROPOSED DRAWINGS

PROPOSED BASEMENT PLAN	1431_L_110
PROPOSED GROUND FLOOR PLAN	1431_L_111 REV. C
PROPOSED FIRST FLOOR PLAN	1431_L_112
PROPOSED SECOND FLOOR PLAN	1431_L_113
PROPOSED THIRD FLOOR PLAN	1431_L_114 REV C
PROPOSED ROOF PLAN	1431_L_115 REV B
PROPOSED ELEVATIONS 1	1431_L_120 REV B
PROPSOED ELEVATIONS 2	1431_L_121 REV B
PROPOSED SECTIONS	1431_L_125 REV A
CYCLE STORAGE DETAIL	1431_L_151 REV A

DOCUMENTS

Design & Access Statement prepared by Square Feet Architects

**Preliminary Roost Assessment, November 2017 prepared by Greengage
Bat Survey Report, June 2018 prepared by Greengage**

REFUSE STORAGE ANALYSIS prepared by Square Feet Architects



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Advice on Applications for Decision

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 can be made 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.

2.3 ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

- 3.1 This is general advice to the Committee which will be supplemented by specific advice at the meeting as appropriate. The Committee is required to determine planning applications in accordance with the Development Plan and other material planning considerations. Virtually all planning decisions involve some kind of balancing exercise and the law sets out how this balancing exercise is to be undertaken. After conducting the balancing exercise, the Committee is able to make a decision within the spectrum allowed by the law. The decision as to whether to grant or refuse planning permission is governed by section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990). This section requires the Committee to have regard to:

- the provisions of the Development Plan, so far as material to the application;
- any local finance considerations, so far as material to the application; and
- to any other material considerations.

- 3.2 What does it mean that Members must have regard to the Development Plan? Section 38(6) of the Planning and Compulsory Purchase Act 2004 explains that having regard to the Development Plan means deciding in accordance with the Development Plan, unless material considerations indicate otherwise. If the Development Plan is up to date and contains material policies (policies relevant to the application) and there are no other material considerations, the application should be determined in accordance with the Development Plan.

The Local Development Plan and Other Material Considerations

- 3.3 The relevant Development Plan policies against which the Committee is required to consider each planning application are to be found in:
 - The London Plan 2016;

- The Tower Hamlets Core Strategy Development Plan Document 2025 adopted in 2010; and
 - The Managing Development Document adopted in 2013.
- 3.4 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are material to each planning application, and to other material considerations. National Policy as set out in the National Planning Policy Framework 2019 (**NPPF**) and the Government's online Planning Practice Guidance (PPG) are both material considerations.
- 3.5 One such consideration is emerging planning policy such as the Council's Local Plan¹ and the Mayor of London's New London Plan². The degree of weight which may be attached to emerging policies (unless material considerations indicate otherwise) depends on the stage of preparation of the emerging Development Plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the framework. As emerging planning policy progresses through formal stages prior to adoption, it accrues weight for the purposes of determining planning applications (NPPF, paragraph 48).
- 3.6 Having reached an advanced stage in the preparation process, the Local Plan now carries more weight as a material consideration in the determination of planning applications. However, the policies will not carry full weight until the Local Plan has been formally adopted. The New London Plan is at a less advanced stage of the adoption process.
- 3.7 The purpose of a Planning Officer's report is not to decide the issue for the Committee, but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members may wish to take. Part of a Planning Officer's expert function in reporting to the Committee is to make an assessment of how much information to include in the report. Applicants and objectors may also want to direct Members to other provisions of the Development Plan (or other material considerations) which they believe to be material to the application.
- 3.8 The purpose of Planning Officer's report is to summarise and analyse those representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations.
- 3.9 Ultimately it is for Members to decide whether the application is in accordance with the Development Plan and if there are any other material considerations which need to be considered.

Local Finance Considerations

- 3.10 Section 70(2) of the TCPA 1990 provides that a local planning authority shall have regard to a local finance consideration as far as it is material in dealing with the application. Section 70(4) of the TCPA 1990 defines a local finance consideration and both New Homes Bonus payments (**NHB**) and Community Infrastructure Levy (**CIL**) fall within this definition.

¹The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits' was submitted to the Secretary of state for Housing, Communities and Local Government to undergo an examination in public on 28 February 2018. As part of the examination process, the planning inspector held a series of hearing sessions from 6 September to 11 October 2018 to discuss the soundness of the Local Plan. The planning inspector has put forward a series of modifications as part of the examination process in order to make it sound and legally compliant. These modifications are out to consultation for a 6 week period from 25 March 2019.

² The draft New London Plan was published for public consultation in December 2017, The examination in public commenced on 15 January 2019 and is scheduled until mid to late May 2019.

- 3.11 Although NHB and CIL both qualify as *“local finance considerations*, the key question is whether they are "material" to the specific planning application under consideration.
- 3.12 The prevailing view is that in some cases CIL and NHB can lawfully be taken into account as a material consideration where there is a direct connection between the intended use of the CIL or NHB and the proposed development. However to be a ‘material consideration’, it must relate to the planning merits of the development in question.
- 3.13 Accordingly, NHB or CIL money will be 'material' to the planning application, when reinvested in the local areas in which the developments generating the money are to be located, or when used for specific projects or infrastructure items which are likely to affect the operation or impact on the development. Specific legal advice will be given during the consideration of each application as required.

Listed Buildings and Conservation Areas

- 3.14 Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.15 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, 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.
- 3.16 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in 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.

Trees and Natural Environment

- 3.17 Under Section 197 of the TCPA 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- 3.18 Under Section 40 of the Natural Environment and Rural Communities Act 2006 (Duty to conserve biodiversity), the local authority *“must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*.

Crime and Disorder

- 3.19 Under Section 17 of the Crime and Disorder Act (1998) (Duty to consider crime and disorder implications), the local authority has a *“dutyto exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)...”*

Transport Strategy

- 3.20 Section 144 of the Greater London Authority Act 1999, requires local planning authorities to have regard to the London Mayor’s Transport strategy.

Equalities and Human Rights

- 3.21 Section 149 of the Equality Act 2010 (Public Sector Equality Duty) (**Equality Act**) provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.22 The protected characteristics set out in Section 4 of the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Equality Act.
- 3.23 The Human Rights Act 1998, sets out the basic rights of every person together with the limitations placed on these rights in the public interest. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

Environmental Impact Assessment

- 3.24 The process of Environmental Impact Assessment is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations). Subject to certain transitional arrangements set out in regulation 76 of the 2017 Regulations, the 2017 regulations revoke the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (2011 Regulations).
- 3.25 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The 2017 Regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.
- 3.26 The Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

Third Party Representations

- 3.27 Under section 71(2)(a) of the TCPA 1990 and article 33(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Committee is required, to

take into account any representations made within specified time limits. The Planning Officer report directs Members to those representations and provides a summary. In some cases, those who have made representations will have the opportunity to address the Committee at the meeting.

Daylight, Sunlight and Overshadowing

- 3.28 Amenity impacts resulting from loss of daylight and sunlight or an increase in overshadowing are a common material planning consideration. Guidance on assessment of daylight and sunlight is provided by the 'Site Layout Planning for Daylight and Sunlight' 2011 by BRE (the BRE Guide). The BRE Guide is purely advisory and an appropriate degree of flexibility needs to be applied when using the BRE Guide. The BRE Guide does not form part of the Development Plan and compliance is not a statutory requirement.
- 3.29 There are two methods of assessment of impact on daylighting: the vertical sky component (VSC) and no sky line (NSL). The BRE Guide specifies that both the amount of daylight (VSC) and its distribution (NSL) are important. According to the BRE Guide, reductions in daylighting would be noticeable to occupiers when, as a result of development:
- a) The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value; or
 - b) The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.
- 3.30 The BRE Guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% of probably sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%.
- 3.31 For overshadowing, the BRE Guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 3.32 Specific legal advice will be given in relation to each application as required.

General comments

- 3.33 Members are reminded that other areas of legislation cover aspects of building and construction and therefore do not need to be considered as part of determining a planning application. Specific legal advice will be given should any of that legislation be raised in discussion.
- 3.34 The Committee has several choices when considering each planning application:
- To grant planning permission unconditionally;
 - To grant planning permission with conditions;
 - To refuse planning permission; or
 - To defer the decision for more information (including a site visit).

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 the Agenda Item: Recommendations and Procedure for Hearing Objections and Meeting Guidance.

5. RECOMMENDATION

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



DEVELOPMENT COMMITTEE

13th June 2019

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/18/03541
Site	Reardon & Lowder Houses, Reardon Street & Wapping Lane, London, E1W
Ward	St Katharine's and Wapping
Proposal	Demolition of existing lock-up garages, construction of new part-four part-six storey residential building containing 18 self-contained dwellings, with associated covered parking, hard & soft landscaping, and enhancements to existing estate garden.
Summary Recommendation	Grant planning permission with conditions and planning obligations
Applicant	London Borough of Tower Hamlets
Architect	Rivington Street Studio
Case Officer	Katie Cooke
Key dates	<ul style="list-style-type: none">- Application registered as valid on 17.12.18- Additional information received on 14.01.19- Public consultation finished on 05.02.19

EXECUTIVE SUMMARY

The report considers an application for a residential development comprising 18 one, two and three bedroom flats. The height of the building would range from four to six storeys

Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.

The report explains that the proposals would be acceptable in terms of height, scale, design and appearance. The scheme would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.

The development would result in the provision of 100% affordable rented housing. This is much needed housing and is strongly supported in the consideration of this application. Whilst both London Plan and local policies seek a mix of housing tenures, all 17 units within this scheme will be for affordable rent in direct response to the very high local need in Tower Hamlets and form part of the Council's programme to deliver 1,000 new affordable homes for local people between 2014 and 2018. With the high priority for affordable housing in mind the additional provision is welcomed and the fact that a mix of tenures is not

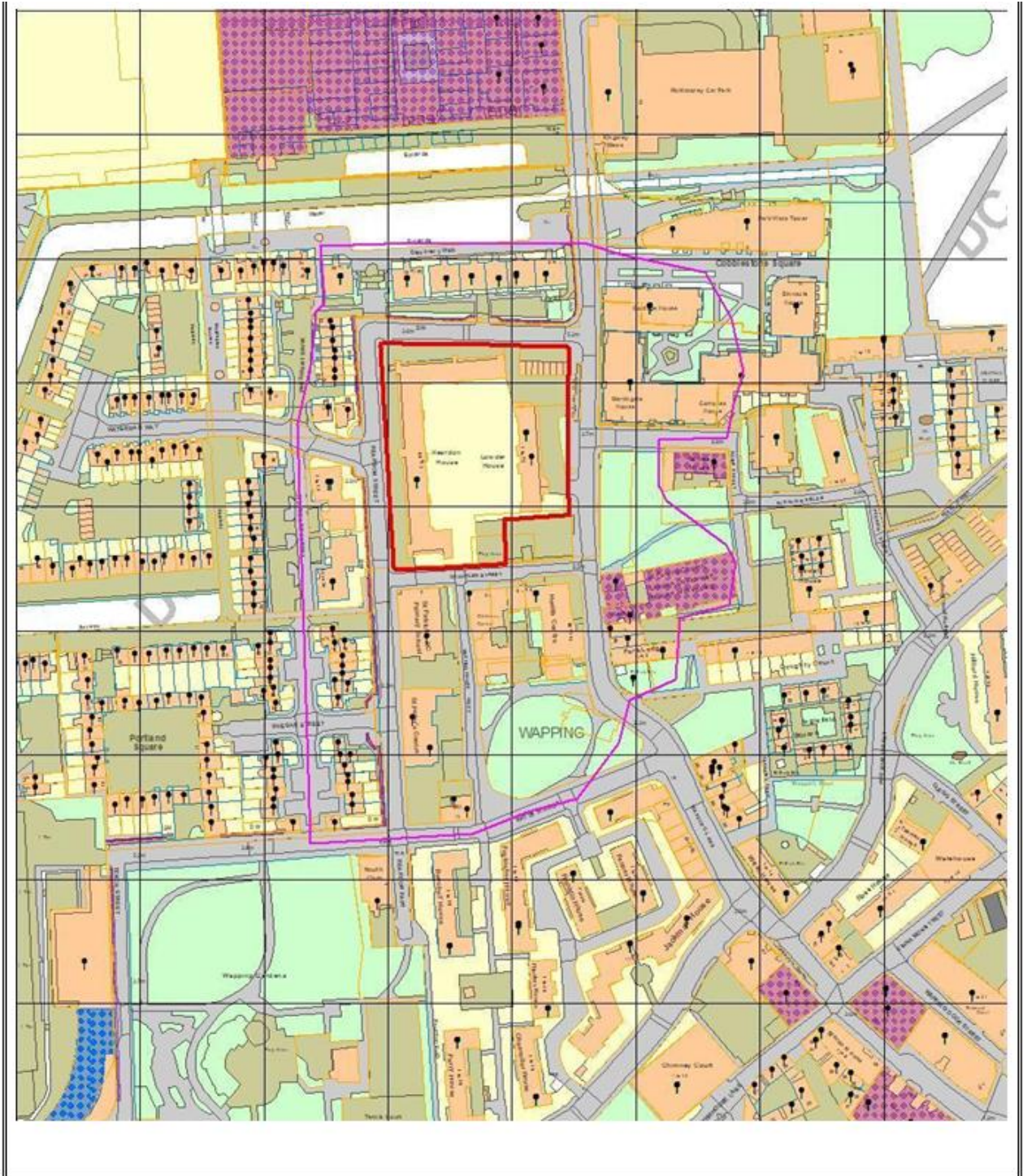
provided is considered acceptable in this instance.

The residential quality of the scheme would be high. Six of the units would be of a size suitable for families (33%). All of the proposed units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All of the dwellings would meet Part M Building Control regulations and over 10% (2 units) would be provided as wheelchair accessible.








The amenity impact of the development would be acceptable. Officers consider that the design of the development, massing of the site would minimise any adverse amenity implications, in terms of light, privacy, noise and traffic impacts.

The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.

The scheme would meet the full obligation of financial contributions. However, given the Council is unable to enter into an s106 agreement with itself, the financial and non-financial contributions are to be secured by the imposition of conditions.



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<ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<p style="text-align: center;">Planning Applications Site Map PA/18/03541</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p> <p style="text-align: center;">Scale : 50m grid squares</p>	 <p style="text-align: center;">TOWER HAMLETS London Borough of Tower Hamlets</p> <p style="text-align: right;">Date: 19 March 2019</p>
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1. SITE AND SURROUNDINGS

- 1.1 The application site is located on the north east corner of a square bounded to the north and west by Reardon Street, to the east by Wapping Lane and to the south by Chandler Street, a cobbled road. Reardon House is a large U-shaped 5 storey block of flats, located on three sides of the square, (north and west sides of Reardon Street and part of Chandler Street). Lowder House is a 5 storey block of flats on Wapping Lane. To the middle of the square is communal amenity space and play space for the two blocks. The corners of the site on Wapping Lane on either side of Lowder House are used for car parking.
- 1.2 To the southeast of the site is Raines Mansions a publically accessible open space that is bounded on its south side by St Peter Clergy House (Grade II listed) and St Peter's Church (Grade I listed) and Raines House on its north east edge (Grade II*).
- 1.3 Raines Mansions open space is very much visually linked to the residential square serving Reardon House and Lowder House by the shared presence of mature trees of high visual amenity within the residential square.
- 1.4 The site is not located within a Conservation Area.
- 1.5 Opposite the site is the completed strategic scale residential development known as 21 Wapping Street that rises to six/seven storeys.



Figure 1: Contextual site plan

- 1.6 The site itself is occupied by a line of lock-up garage/ storage units stacked in two tiers. The top tier is accessed via a forecourt opening onto Reardon Street. The bottom tier is accessed via the forecourt to Lowder House.
- 1.7 The applicant has stated that the majority of the lock-ups are currently in use. However their utility for garaging is limited as the units are too narrow to easily accommodate modern cars. Discussions with leaseholders suggest they are used for a mixture of garaging and storage



Figure 2: The garages to be demolished.

- 1.8 The site lies within Flood Zone 3 (high risk of flooding), however, benefits from flood defences.
- 1.9 The site is located in an area with good public transport accessibility, with a PTAL rating of 4. The nearest rail station is Wapping, 300m away, with metropolitan rail services. Shadwell LUL station is 700m away. Bus routes 100 and D3 pass the sites along Wapping Lane. Road access is very good, with the trunk route of A13 passing close by and good access to Blackwall and Rotherhithe tunnels.

2. PROPOSAL

- 2.1 Full planning permission is sought for the demolition of existing lock-up garages, construction of new part-four, part-six storey residential building containing 18 self-contained dwellings, with associated covered parking, hard & soft landscaping, and enhancements to existing estate garden.
- 2.2 All of the proposed dwellings would be within the affordable rented tenure.
- 2.3 The main entrance to the building is in the form of a glazed pavilion which is accessed from Reardon Street, with a sheltering canopy and small forecourt area.
- 2.4 Within the pavilion, an outer lobby provides secure, sheltered, stepped access to the shared courtyard garden between the blocks. An inner lobby provides access to the building interior.
- 2.5 The building is arranged around a single circulation core with daylight stair and lift access, and a maximum of four flats per floor.
- 2.6 The two wheelchair-accessible flats are located at street level (L01), and provided with lift access to covered accessible parking bays.
- 2.7 The building's lowest storey is designed for cycle & refuse storage, plant and car parking. Access is reached via lift and stair from the core, with a vehicle entrance connecting to the

forecourt of Lowder House adjacent, with a short ramp due to a 2m drop in level across the site.

- 2.8 The proposed amenity provision will comprise private balconies and communal landscaped areas.
- 2.9 The scheme will be based on a simple palette of high quality materials comprising a dark red brick. Window frames, balconies, railings and flashings are kept low key in anthracite powdercoat. Boundary treatments are proposed to be in the same facing brick as the facades, to ensure conformity of the design.
- 2.10 The proposed development would be car-free bar blue badge holders and those residents that benefit from the Council's permit transfer scheme.

3. RELEVANT PLANNING HISTORY

- 3.1 **PA/73/00696** - Redevelopment of site for offices, housing and open spaces. Planning permission was granted in 30th June 1977.

4. PUBLICITY AND ENGAGEMENT

Applicants Consultation

- 4.1 As part of the Design and Access statement, the applicant confirmed that they presented the development proposals to neighbours and interested parties at a series of community consultation events, held near the application site during January, June and October 2018.
- 4.2 The neighbours were generally supportive of the principle of redevelopment. Their concerns primarily revolved around:
- Potential impact on view and daylighting to surrounding properties
 - Loss of parking/ storage arising from demolition of existing garages
 - Potential impact on local infrastructure and services of any new development

Statutory Consultees

- 4.3 A total of 423 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.
- 4.4 As part of the original submission, the following documents had been omitted, Flood Risk Assessment, Foul Sewage Report, Utilities Report and Surface Water Drainage Strategy. As such, further letters were sent to neighbouring properties on 15 January 2019 to notify residents of this additional material once it was submitted on 14 January 2019..
- 4.5 The number of representations received in response to notification and publicity of the application is as follows:
- 4.6 No of individual responses: Objecting: 34 Supporting: 2
- No of petitions received: 1 (with 6 signatures)
- 4.7 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:
- 4.8 The letters of support referred to the following positives of the scheme:
- The need for social housing

- The location has never been used by children or been of social amenity, beauty or nature reserve
- New homes are a benefit and the area can accommodate such heights
- A well-lit, developed site will be brighter and safer than its existing derelict appearance.

4.9 Design:

- Materiality much improved however footprint stands significantly further forward
- Building still stands 2 floors higher than the adjacent block and appears out of place
- Needs to be reduced in height
- The additional 2 storeys are wholly unnecessary and will create a dreadful look
- Access from the garden space needs to be reconsidered.
- Loss of the walk through by side of Reardon House in between the garages towards the D3 bus stop
- Not in keeping with surrounding area
- Potential loss of trees

(Officer comment: The Council's design officer has reviewed this application and has been involved since the 1st pre-application meeting and raises no objection)

4.10 Amenity:

- Block has been designed without a full BRE compliant daylight and sunlight report *(officer comment: A daylight/sunlight was submitted as part of the planning application and was independently reviewed by BRE. This is addressed in the daylight/sunlight section of the report.)*
- Increase in traffic, parking and pollution *(Officer comment: Council's Highways and Environmental Health Departments have been consulted and raised no objection)*
- Loss of daylight and sunlight. *(Officer comment: A daylight/sunlight was submitted as part of the planning application and was independently reviewed by BRE. This is addressed in the daylight/sunlight section of the report. Furthermore a site visit was undertaken by BRE experts and they confirmed it was not necessary to enter into any of the surrounding properties as they were able to make their assessment with the submitted information, the results of their site visit and any other material they used to make their judgement.)*
- As part of the objections relating to daylight/sunlight, GVA Schatunowski Brooks were instructed by EQRA to undertake an independent review of the daylight sunlight report dated 14 December 2018 (v2). The report concluded the following:
 1. It does not fully consider all of the potentially affected existing neighbouring properties/ dwellings;

(Officer comment: These comments were shared with the applicant and Hawkins Environmental and they subsequently updated their assessment and analysed the additional windows at Discovery Walk, Lowder House and Reardon House assessed for “completeness”. It is important to note, that whilst remodelling was undertaken for these properties, the results did not changed the conclusion of the report since its first submission.)

2. It does not contain/report No-Sky Line assessments of existing neighbouring dwellings;

(Officer comment: The daylight/sunlight report has since been updated by Hawkins Environmental to include this)

3. The technical analyses do not appear to have taken account of relevant self-limiting, features on the facades of the properties assessed; and

(Officer comment: Whilst the Hawkins Environmental daylight/sunlight report has been updated during the time the planning application assessment, The GVA Schatunowski Brooks notes that the original analysis did not take into account self-limiting features, such as balconies. However, Section 4.3 of the Hawkins Environmental Report (v3) discussed self-limiting features, specifically the balconies to Martingale House. These results were then discussed in Sections 5.11 to 5.13 of the GVA Schatunowski Brooks acknowledging that impacts identified by Hawkins Environmental were acceptable given the self-limiting features; therefore, it seems that there was an error in GVA Schatunowski Brooks review.)

4. There are no amenity assessments undertaken within the proposed accommodation.

(Officer comment: The assessment of daylight within the proposed development was assessed; however, it was included in a separate report. The 2 documents have since been merged into the final document labelled ‘Daylight, Sunlight & Overshadowing Assessment’ by Hawkins Environmental, ref: H2515, V6, dated 23 April 2019)

- The Daylight/Sunlight report should have considered the flats to the west of 1-12 Discovery Walk. *(Officer comment: BRE had reviewed the originally submitted Daylight Sunlight report by Hawkins Environmental in addition to the GVA Schatunowski Brooks report and confirmed that the loss of daylight and sunlight to 1-12 Discovery Walk would be negligible, however the windows within the brick piers to the west of 1-12 should have also been included. These were subsequently included in the revised assessment and no additional impacts were found as such BRE considered the impacts to be negligible. As a result, it was not considered that any further properties in Discovery Walk needed to be included.*
- Right to light being infringed *(Officer comment: this is a legal issue, not a planning matter)*
- Overlooking, encroaching on privacy *(Officer comment: this is dealt with in the amenity section of the report)*
- Added pressure on NHS and health services *(Officer comment: Whilst this proposal is exempt from CIL contributions, the council pools it’s CIL contributions and through it’s Capital Delivery programme identifies and directs fund to identified health infrastructure.*

- Proposed landscape benefits are minimal (*Officer comment: The proposals seek to bring a locked up green space back to life with secure security measures.*)
- Loss of quiet space namely gardens at the rear of Reardon House (*officer comment: Having reviewed the proposals, the opening up of the amenity space is considered to be acceptable given the benefits of the scheme. The council's noise officer has reviewed this application and has raised no objections in relation to this point*)
- No impact assessment of the noise of development. (*Officer comment: The Council's noise officer has reviewed the application and raised no concerns subject to conditions*)

4.11 Infrastructure related:

- Inconvenience caused due to building works in terms of noise and dust (*officer comment: A CEMP condition will be added to the planning consent*)
- Increasing pressure on the sewerage system and smelling streets (*Officer comment: As part of the planning submission the Council's Environmental Health Department and Thames Water were consulted and neither raised any objections.*)
- *Additional strain on sewage and domestic pipework in Lowder House. Lowder House is in need of structural repairs which should be addressed before any new builds. (Officer comment: this is a management issue)*
- Concerns whether fraud is happening – adding more flats to get rent and council employees keeping money (*Officer comment: this is not a planning issue*)

4.12 Other

- Concerns over added crime and bad behaviour from council residents (*Officer comment: this is a management issue*)
- Don't want to see their garages removed. (*Officer comment: this is considered in section 7.2 (Land use) of the report*)
- Depreciation of property value (*Officer comment: this is not a planning issue*)
- Not given correct information in consultation even in 2018 regarding open space.
- Impact on the existing residents health (*Officer comment: Other than environmental impacts and the impact on health infrastructure, there is no evidence that such a proposal of this nature*)
- Preferred to see the other site fronting Chandler Street brought forward for development instead. (*Officer comment: this is not a planning issue*)
- Loss of garages will increase vandalism in cars (*Officer comment: the Crime Prevention Officer has been consulted and this issue has not been raised.y*)
- Will residents of Lowder House be assured that parking spaces for Lowder House Forecourt will be allocated in the first instance to Authorised Parking Space Charge Payers (*Officer comment: This is a management issue, however the 8 spaces which are to be lost, will be re-provided to the users of those garages*)

- Officers gave assurance that no traffic would cross Lowder House forecourt (*Officer comment: transport/highways issues are reviewed in paragraph 7.113f the report below*)
- What thought has been given to the already inadequate road infrastructure having regard to the ingress and egress (*Officer comment: transport/highways issues are reviewed in paragraph 7.113 (Transport)of the report below*)

5. CONSULTATION RESPONSES

5.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

5.2 The following were consulted regarding the application:

Internal Consultees

Air Quality

5.3 No objection subject to a condition controlling dust of emissions during construction, a construction environmental management plan condition and a condition requiring details of boilers being attached to the planning decision.

Contaminated Land

5.4 No objections. A condition is recommended for a land contamination scheme to be submitted in order to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

Noise

5.5 No objections subject a condition being attached requiring the proposals to be in compliance with the NIA

Highways

5.6 No objections. In accordance with DM22.2 of the Managing Development Document (MDD) this development will be conditioned to prohibit all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH. However the existing 8 existing garages which are let to existing residents of Reardon House and Lowder House, will be allocated the 8 proposed spaces.

5.7 They also requested that a condition be added requiring the applicant to provide a cycle management plan.

5.8 The applicant is required to enter into a s278 agreement with the highway authority and agree schedule of highways works.

Design and Conservation

5.9 No objections (due to pre-application advice history)

Occupational Therapist

5.10 No objections were raised.

Surface Water Run-Off

5.11 A detailed surface water drainage scheme which should complement the pro forma already provided to the applicant is required.

Housing Strategy

- 5.12 The unit tenure and mix falls short of the Council's target however due to the scale of the development and as this development is providing much needed affordable rented housing, on balance the proposal is deemed acceptable. The rental levels should not exceed: London Affordable Rents (exclusive of service charges) and Tower Hamlets Living Rents (inclusive of service charges).

Waste

- 5.13 No objections

Energy Efficiency

- 5.14 No objections subject to condition and financial contribution.

Biodiversity

- 5.15 No objection subject to a timing of vegetation clearance condition, in addition, to a biodiversity mitigation and enhancement condition being attached to the planning consent.

Arboriculture

- 5.16 No objections, however happy with proposed methodology for new tree planting, however a minimum of 3 replacement trees need to be provided and seen from the public realm. This can be conditioned as part of the landscape methodology of the landscape condition.

External Consultees

Crime Prevention Officer

- 5.17 No objections. A range of detailed measures were recommended to provide greater security to the development as part of the initial comments. The architects and crime officer since met and discussed these and drawings have been amended to reflect these design comments.

- 5.18 A general condition and informative are recommended relating to the Secure by Design award scheme.

London Fire & Emergency Planning Authority

- 5.19 Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they do appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

Thames Water Utilities Ltd.

- 5.20 Thames Water would advise that with regard to water network and water treatment infrastructure capacity, they would not have any objection to the above planning application.

- 5.21 Thames Water have recommended a piling method statement to be submitted to and approved in writing by the local planning authority to ensure potential to impact on local underground sewerage utility infrastructure is suitably addressed. A condition relating to surface water drainage is also recommended.

- 5.22 Informatives relating to a Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site are recommended.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Core Strategy 2010 (SP)
- Tower Hamlets Managing Development Document 2013 (DM)

6.3 The key development plan policies relevant to the proposal are:

Land Use - LP2.9, LP 3.3, DM22, SP02, S07, S08
(residential)

Housing - LP3.3 -3.13, SP02, DM3, DM4
(affordable housing, unit mix, density, play space, housing quality)

Design - LP7.1-7.8, LP7.18, SP09, SP10, SP12, DM10, DM23, DM24,
DM26, DM27
(layout, massing, building heights, materials, public realm, heritage)

Amenity - LP7.6, LP7.15, SP03, SP10, DM25
(privacy, outlook, daylight and sunlight, construction impacts)

Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, LP6.14, SP05, SP09,
DM14, DM20, DM21, DM22
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

Environment - LP3.2, LP5.1 - 5.15, LP5.21, LP7.14, LP7.19, LP7.21, SP03,
SP04, SP11, DM9, DM11, DM13, DM29, DM30
(biodiversity, energy efficiency, air quality, drainage, contaminated land)

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Housing SPG (updated 2017)
- LP Affordable Housing and Viability SPG (2017)
- LP Land for Industry and Transport SPG (2012)
- LP Draft New London Plan (2018)
- LBTH Employment Land Review (2016)
- LBTH Planning Obligations SPD (2016)
- LBTH Draft Local Plan (2019)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Housing
- iii. Design & Heritage
- iv. Neighbour Amenity
- v. Transport
- vi. Environment
- vii. Infrastructure
- viii. Local Finance Considerations
- ix. Equalities and Human Rights

Land Use

7.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles:

- an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure;
- a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and
- an environmental role – protecting and enhancing the natural, built and historic environment.

7.3 These economic, social and environmental goals should be sought jointly and simultaneously.

7.4 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.

Loss of garages

7.5 An overall net reduction in parking will occur as a result of the proposed development. The 10 covered bays will replace a current set of 16 garages and 5 outdoor parking bays. It is noted that, due to the very limited width of the garages, the majority are used for storage rather than parking. The applicant has confirmed that 8 of the garages are let to existing residents of Reardon House and Lowder House; as such the 8 proposed spaces will be offered to them for storage.

7.6 There is no policy requirement to replace the existing garages or parking spaces. DM22 requires developments in areas of good public transport accessibility to be permit-free. Good is defined as PTAL 4 or above (part 2, para 22.3). The site has a PTAL of 4 and, as such, the proposal for the scheme to be 'car permit free' is therefore supported.

Principle of residential use

- 7.7 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (MALP 2016) seeks to alleviate the current and projected housing shortage within London through provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is addressed by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 7.8 The principle of the delivery of new housing is supported by SP02. In particular SP02 supports the delivery of housing including infill development (part 1c).
- 7.9 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing use is supported in policy terms.

Housing

Affordable Housing

- 7.10 As mentioned in the Land Use section of this report, delivering new housing, especially affordable housing is a key priority both locally and nationally.
- 7.11 In line with section 5 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 7.12 In terms of planning policy, the relevant policy is SP02(3) of the Council's Core Strategy. This policy sets an overall strategic target for affordable housing of 50% until 2025. This will be achieved by:
- a) Requiring 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability)
 - b) Securing additional affordable homes from a range of public sector initiatives directly with housing associations as identified in the housing strategy
 - c) Bringing long-term vacant properties back into use.
- 7.13 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 7.14 Policy DM3 of the Managing Development Document states that there should not be an over-concentration of one type/tenure of housing in any one place. Although the development would be completely affordable rented tenure it is considered that this would not result in an over-concentration of this tenure in this area due to a number of large new developments around the site containing high numbers of private and intermediate tenure dwellings. The number of affordable rented units proposed is relatively minor in comparison ensuring a mixed and balanced community is maintained in the area.
- 7.15 All of the 18 proposed units would be affordable rented units. This is in direct response to the very high local need in Tower Hamlets and form part of the Council's programme to deliver

new affordable homes for local people. With the extremely high priority for affordable housing in mind the significant additional provision is welcomed and the fact that a mix of tenures is not provided is considered acceptable in this instance.

- 7.16 The scheme would use the latest rent levels being split 50/50 between London Affordable Rent and Tower Hamlets Living Rent.

Residential density

- 7.17 Policies LP3.4 and SP02 require development to 'optimise' housing output taking account of public transport accessibility, local context and character and design principles and for proposals which compromise this policy to be resisted. The London Plan provides a 'Sustainable residential quality density matrix' for differing locations based on character and PTAL. The site has an 'Urban' character and has a PTAL of 4. For such sites, the matrix provides an indicative density of 200-700 habitable rooms per hectare (hrph) (45 to 260 units per hectare).

- 7.18 The proposed density would be 961 hrph. Whilst the proposed density is above the indicative figures in the London Plan matrix, Policy 3.4 makes clear that this should not be applied mechanistically and that the indicative density ranges should be considered a starting point and not an absolute rule when determining the optimum housing potential. Schemes which exceed the ranges in the matrix must be of a high design quality and tested against a range of considerations (local context and character, public transport connectivity, design quality, contribution to place making, potential to define own setting, residential mix, design/management of facilities and location).

- 7.19 Officers consider that the proposals would be acceptable when considered against these considerations, as demonstrated above and below, and that they would not represent an overdevelopment of the site.

Dwelling mix

- 7.20 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.

- 7.21 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.

- 7.22 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

- 7.23 The proposed dwelling mix for the revised scheme is set out in the table below:

Unit size	Total units	affordable housing						market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0	0%	0	0	0%	0	0	0%
1 bed	7	7	39	30%	0	0	25%	0	0	50.00%
2 bed	5	5	28	25%	0	0	50%	0	0	30.00%
3 bed	6	6	33	30%	0	0	25%	0	0	20%
4 bed	0	0	0	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
Total	18	18	100%	100%	0	100%	100%	0	100%	100%

Table 1 – Unit Mix

7.24 The proposed scheme is providing 100% affordable housing. The proposed mix reflects the Borough's need to achieve 45% family sized units. The development is proposing a unit mix of 39% one beds, 28% two beds, 33% three beds and 0% four beds this equates to 33% family sized units. This scheme falls short of the LBTH requirement of 45% family rented units by habitable room. The unit tenure and mix falls short of the Council's target however due to the scale of the development and as this development is providing much needed affordable rented housing, on balance the proposal is deemed acceptable.

Standard of residential accommodation

7.25 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime."

7.26 All of the proposed units would meet or exceed the internal floorspace standards. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements.

7.27 All two and three bedroom units in the development will be double or triple aspect. Due to site constraints the one bedroom units are single aspect, facing east and west. There are no north-facing single aspect units in the scheme.

Daylight/Sunlight

7.28 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

Daylight

7.29 As part of the planning application process, the BRE review (which was carried out on behalf of the Council) noted Hawkins Environmental's finding that 52 of the 59 proposed rooms analysed would equal or exceed the recommended BRE guidelines, however 7 rooms (along the

Wapping Lane frontage) would fall short of BRE daylight factor recommendations by varying margins.

- 7.30 Of the 7 rooms, one was a kitchen/dining room on L01, the adjoining living room met the recommendation. Another was a living/kitchen/dining room on L04 for which the average daylight factor would meet the living room recommendation of 1.5% but not the kitchen recommendation of 2%.
- 7.31 The remaining 5 rooms were all living/ kitchen/ dining rooms in two flat types on levels L02-L04. The windows for these rooms opened onto recessed balconies. BRE had highlighted that this arrangement particularly restricted the amount of daylight reaching the room behind.
- 7.32 As such, the design of these flats was amended by moving the balconies in front of the bedrooms rather than the living rooms.
- 7.33 Room sizes and widths remain as previous and policy compliant. Façade rhythm changed slightly with balconies moving one bay to the left; however the aesthetic overall would remain unchanged. The Council's design officer raised no issues with this design change.
- 7.34 With this change made, in terms of daylight to the proposed development the ADF was re-tested for the 59 rooms that were eligible for testing. Of these 51 (86%) would satisfy the BRE guidelines completely.
- 7.35 8 rooms fall short to some degree, however one is a living/kitchen/diner which does meet the living room standard, and another is a kitchen/diner in a flat for which the adjacent living room would meet the guidelines. One of the eight is a bedroom. There are still five living rooms below the 1.5% standard, but not by large amounts. The lowest living room average daylight factor is now 1.0%. This could be improved further by having light coloured room surfaces.
- 7.36 Overall this represents an improvement on the layouts submitted originally.
- 7.37 Table 6.1 of the Hawkins report states that 16 of 18 units are facing within 90 degrees of due south and the remaining 2 units on levels L05+L06 would have their living room windows facing slightly north of due east and would most likely meet the sunlight recommendation.

Sunlight

- 7.38 The sunlighting within the proposed development has been considered as part of Hawkins assessment.
- 7.39 All flats comply and are in line with BRE guidance for sunlight.
- 7.40 No sunlight analysis has been carried out for the proposed open spaces forming part of the new development.
- 7.41 The BRE Guidance suggests that if at least 50% of the gardens or outdoor amenity space receives at least two hours of direct sunlight on the 21st March, then the proposed amenity spaces are considered well sunlit. It is possible to see without detailed analysis that this would be achievable at this site based on the evidence already provided. Appendix 5 of the Hawkins report, demonstrates that the primary outdoor amenity spaces on the eastern façade, as will the balconies on both the eastern and western facades, receive several hours of direct sunlight either side of midday on the 21st March. As a consequence, it is possible to conclude that the future residents are likely to benefit from good levels of direct sunlight to gardens and outdoor amenity space. BRE have also advised that gardens on level 1 and terrace on level 5 would be expected to receive adequate sunlight.

Conclusion

- 7.42 The proposed development therefore is considered to achieve appropriate levels of daylight and sunlight.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 7.43 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 7.44 Two wheelchair accessible homes are proposed at street level (L01) which amounts to more than 10% of the total units, meeting the policy target.
- 7.45 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Two disabled accessible parking space would be provided on site and are in accordance with Part M of building regulations.

Private and communal amenity space

- 7.46 The on-site communal space (child play space is covered in the following section) provided by the scheme would be shared with existing Reardon and Lowder Houses and the new residents of the proposed scheme. This is to ensure the proposed development is not providing amenity spaces at the expense of spaces currently available to other sites.
- 7.47 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 7.48 For major residential developments Policy DM4 stipulates 50sqm of communal amenity space for the first 10 units plus 1sqm for every additional unit should be provided. As such, a total of 58sqm of communal amenity space is required for the proposed development and when you include existing Reardon and Lowder Houses (50+80 =130sqm) the total amenity space required is 188sqm, which is far under the 2,300sqm on site at present, comfortably exceeding the policy requirement.
- 7.49 All of the proposed units would have a private balcony or terrace that is at least 1500mm wide and would meet or exceed the London Plan requirements.
- 7.50 Overall, the proposed provision of private and communal amenity space would meet the policy requirements and make a significant contribution to the creation of a sustainable, family friendly environment.



Figure 3: Landscaping - Communal and Child Play Space

Child play space

- 7.51 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Applying the GLA child yield and the guidance set out in the Mayor of London’s SPG ‘Shaping Neighbourhoods: Play and Informal Recreation’ which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 7.52 The proposed scheme, in combination with the existing Reardon and Lowder House is anticipated to accommodate an extra 19 children using the GLA child yield calculator. The following table shows a breakdown of the child play space calculations.

	Existing GLA Yield	Existing Reardon and Lowder House	Proposed GLA Child Yield	Requirement for the proposed 19 children within the scheme.	Total area
0-4 year olds	30	296sqm	7	75sqm	371 sqm
5-11 year olds	22	225sqm	6	60sqm	285 sqm
12-18 year olds	18	178sqm	6	56sqm	234 sqm
Total	70	699sqm	19	192sqm	890 sqm

Table 2– Child play space

- 7.53 The existing child play space provision on site is 210 sqm. The proposals require an additional 192sqm to be provided in line with the GLA policy.

- 7.54 The aggregate play area requirement = $192 + 210 = 402$ sqm. The proposals are providing 410sqm of children's play area, an uplift of 8sqm.
- 7.55 As part of the consultation process, discussions were had between the applicant, the Council's policy officer and case officer regarding the design of the play space and the location of and quantum of the designated areas. They have since been amended to expand the existing children's play space to cater for children's play requirement for all age ranges, removing requirement for play space in courtyard garden and off-site. Also the range of facilities has been expanded, with more items suitable for all age ranges including 11-18 years old.

Design & Heritage

- 7.56 Development Plan policies call for high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.

Form, height and massing

- 7.57 During the pre-application process and the applicants own consultation exercises, the proposed massing has been a key topic of discussion with various iterations and amendments being made to height and footprint.
- 7.58 The building is formed of two interlocking blocks, which are carefully modulated to react to the building's context. The taller element has been pulled back to reduce its prominence when viewed from Reardon Street and Wapping Lane.
- 7.59 The main building form is set at four storeys above street level, to be in keeping with the eaves of Lowder House and Reardon House to each side (they are at slightly different heights). The form then increases by a further two stories, giving a stronger sense of height and establishing a relationship with the lift tower of Lowder House.
- 7.60 Officers consider that the proposed scheme delivers scale and massing which optimises the development potential whilst complementing the existing urban context.
- 7.61 The design mitigates potential detrimental impacts on existing residents of Lowder House and Reardon House resulting from the development. Street frontage reflects on existing character in the area but also provides safe and secure amenity for residents.



Figure 4: View of the site from Wapping Lane.

Elevational treatment/materials

- 7.62 In terms of materials, it is a simple pallet. The proposed building would be predominantly constructed of a dark red brick to be in keeping with the neighbouring Reardon and Lowder Houses. The bonds to the brickwork will be different between the taller element and shorter element, creating a visual interest to the building.
- 7.63 Window frames, balconies, railings and flashings are kept low key in anthracite powder coat. Boundary treatments are in the same facing brick as the facades, to integrate the whole site into the composition.



Figure 5: Wapping Lane elevation showing the materials proposed

7.64 Officer's consider the applied architectural design to be an interesting reflection on the industrial heritage of the area. Quality masonry, characteristic of surrounding historic urban fabric, has been applied to deliver visual consistency. In order to ensure that good design is translated into the good building great attention needs to be paid to detail. A condition shall be attached to the permission requiring details and samples of the proposed materials and finishes.

Secure by Design

7.65 As part of the planning application process, the applicant carried out their own consultation with the Metropolitan Police to ensure a secure scheme is bought forward.

7.66 The scheme design changes in light of the secure by design consultation with the police, include (but not limited to) the following:

- Separate pedestrian exit door added next to car park vehicle exit door;
- Doors to refuse and cycle stores changed from 1.5 leaf to single wide leaf;
- Vent panel from outdoors to cycle store blanked off internally;
- Main entrance lobby reconfigured to provide "airlock" with two lines of access control;
- Post boxes relocated from through-wall to inside lobby;
- Defensive planting alongside front entrance ramp beefed up;
- Planted strip to Wapping Lane frontage given lockable maintenance access gate, and reconfigured to eliminate proximity to Flat 01 kitchen window;
- Boundary treatments to Reardon Street and Wapping Lane increased to minimum 1.5m high non-climbable;
- External pedestrian stair connecting Wapping Lane to Lowder House forecourt removed; and
- Southern boundary treatment to shared courtyard garden specified 1.8m high non-climbable

Landscaping

7.67 At present the site itself comprises garages with virtually no landscaping.

7.68 The immediate area in between Lowder House and Reardon House currently comprises a large central courtyard garden, which is well maintained.



Figure 6: Existing courtyard garden space

- 7.69 The proposed wider landscaping surrounding the site includes the following:
- New pedestrian path with permeable paving and low-level lighting
 - Central area with bench seating, surrounded by turfed raised earth berms to provide visual and acoustic shielding
 - Fringe of mown lawn given over to meadow flower planting, to attract pollinators, invertebrates and birds
 - Enhancement of existing shrub border, to help prevent activity immediately by residential windows
- 7.70 In addition, biodiverse green roofs will be provided at the top of the two roof levels of the building, both for biodiversity value and to improve its aspect when viewed from high-floor units within the building. Within these spaces indigenous species which attract pollinators and birds will be used as well as nesting boxes and invertebrate habitats.
- 7.71 At present the courtyard garden area is gated with restricted access. The applicant has confirmed that access to the garden is available only for maintenance staff, with existing residents unable to occupy and enjoy the space.
- 7.72 Objections have been raised regarding possible security issues by opening this space up again (as it is considered that this was previously closed off due to anti-social behavioural (ASB) issues). Historically the garden was open to the street, with no access control or supervision measures, making it a space where ASB was possibly more inviting. Consequently, it was fully closed off and locked, as now.
- 7.73 The proposed development seeks to improve this issue and open up this green space with limited daytime only access for existing and proposed residents to enjoy. It is proposed to provide new boundary fencing and fob-controlled gated access to the garden. This will link to the fobs already used by residents of Lowder House and Reardon House, as well as the proposed new building.
- 7.74 In addition, the applicant has met with the Metropolitan Police and worked together to design a scheme that will ensure that scope for ASB is minimised through the following:
- Non-climbable 1.8m high boundary treatment – to deter unauthorised entry
 - Recording fob access and CCTV at points of entry – this method is used widely at entrances to new developments, and will give Police power to identify who is in the garden at any point
 - Daytime-only fob access – gates will remain locked outside specified hours
 - Manually lockable gates – DOCO's are keen on padlock reinforcement to fob system and a caretaker check at locking-up time to ensure everyone leaves the garden
 - Dusk until dawn lighting – currently proposed along new pathway
 - Planting featuring shrubs maximum 1.2m high and trees with minimum canopy 2.1m high – to preserve clear sightlines throughout the garden area
 - Defensive planting border – the architects have shown a wide planted border to the whole perimeter of the garden, to prevent activity and associated noise disturbance immediately outside flat windows
 - Children's play concentrated in segregated area – this will minimise any noise disturbance, as the courtyard garden will be suitable for quiet recreation and children will be attracted to their dedicated area and facilities
- 7.75 The Metropolitan Police requested that a condition be attached to a planning permission stating that the development shall achieve a Certificate of Compliance to a Secured by Design scheme.

- 7.76 The typography surrounding the site is of various levels, the proposals seek to add more hard landscaping elements to emphasise these spaces through the following:
- On Reardon Street, a low boundary wall with openings delineates the new shared ramped and stepped access to the building entrance from the pavement.
 - On Wapping Lane, the same wall acts as a ha-ha topped with planting beds, providing a defined edge to the public realm. The step up is below pedestrian eye level but enough to provide a defensible-space barrier, which provides a comfortable relationship with the private terraces adjacent and ground floor living spaces beyond.
 - On the short southern boundary the wall is a full storey in height, accommodating the vehicle entrance to the basement car park and providing a new external stair to the Lowder House forecourt, which is intended to boost footfall, activity and natural surveillance in this area.
- 7.77 The raised street edge will be planted with indigenous flowering plants and shrubs to provide an attractive green fringe to the development, reinforce visual separation between public and private areas, and improve biodiversity.
- 7.78 As part of the landscape improvement works the existing children's play area facing and accessed from Chandler Street will be enlarged, with new play equipment and surfacing.
- 7.79 Children's play space for the proposed development will be shared with Reardon House and Lowder House. Informal children's play will be accommodated within the existing children's play area facing Chandler Street, which will be expanded to meet the aggregate play space requirement.
- 7.80 Play space and amenity space is examined in further detail within the Housing section of this report.
- 7.81 With regards to trees, the application seeks the removal of 1 cherry tree (T1) cherry, located on the lower level adjacent to the garages and pavement. It is important to note that this tree is not protected and can be removed at any time.



Figure 7 : Cherry tree

- 7.82 The arboricultural report submitted as part of this application states that although this will result in both a loss of visual amenity and canopy cover, the loss is relatively low and there is scope within the surrounding area to accommodate new planting in compensation. The Council's tree officer raised no issues with this removal provided that a minimum of 3 trees are replanted which are visible from the public realm.
- 7.83 The proposed landscaping is considered to be well thought out and would be of a high quality. A condition will be attached to the decision requiring further details of the landscaping to be submitted (including details of the proposed trees).
- 7.84 The garage site is currently lacking any plant life. The proposals will provide biodiverse roofs and areas of planting of indigenous species at ground level, and new meadow planting and shrubs in the existing gated courtyard garden – all measures which will boost the site's biodiversity value, in accordance with Policies SP04 and DM11.
- 7.85 Discussions on Biodiversity are found under 'environmental consideration' below within this report.

Neighbour Amenity

- 7.86 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.
- 7.87 In line with the principles of the National Planning Policy Framework, the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

Overlooking and privacy

7.88 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.

7.89 The plan below shows the separation distances exceeding the 18m policy.

7.90 Separation distances are shown in the following plan.

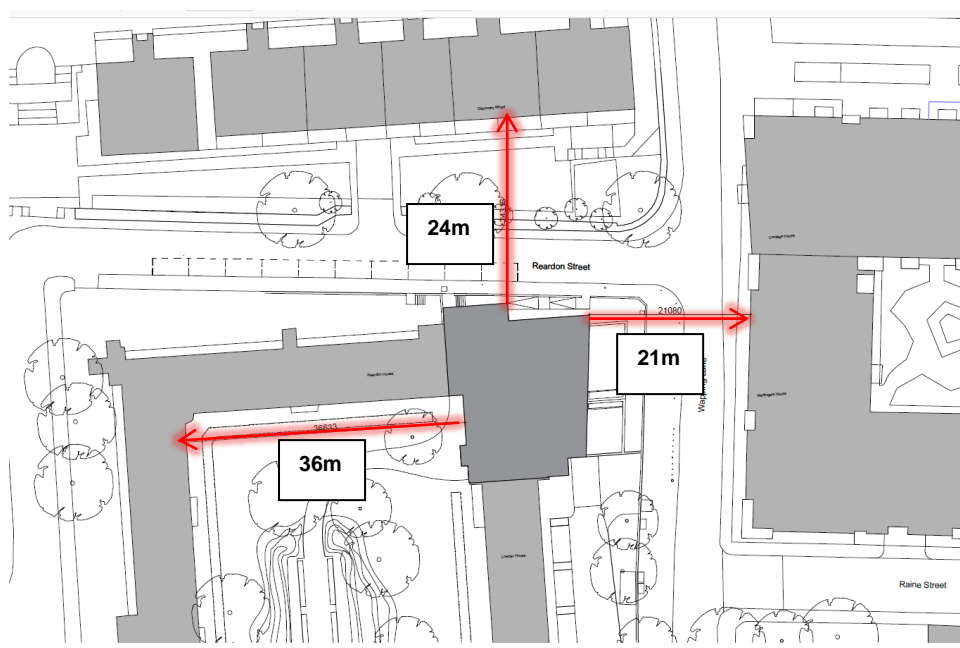


Figure 8 - Ground floor plan showing separation distances.

7.91 As such, officers are satisfied the proposal would not give rise to any unduly detrimental impacts on privacy to neighbouring properties.

Outlook and sense of enclosure

7.92 The proposed massing, which steps down to 4 storeys, is not considered to result in an overbearing appearance or sense of enclosure within the context of the site.

Daylight, Sunlight and Overshadowing

7.93 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when,

as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.

7.94 A number of local residents have objected to the proposals on the grounds of loss of daylight and/or sunlight. There is no industry-standard categorisation for impacts that exceed BRE guidelines. However, for both VSC and ASPH, the Council consistently uses the following categories:

- Negligible: reduction less than 20% or retained VSC over 27%
- Minor adverse: reduction of 20% - 29.9%
- Moderate adverse: reduction of 30% - 39.9%
- Major adverse: reduction greater than 40%

Daylight – Vertical Sky Component

7.95 The table below assesses the impact of the proposed development on the neighbouring properties in line with BRE's advice.

Property	Daylight Impact	Further detail
1-12 Discovery Walk	Negligible	Results show a small reduction in daylight to some of the assessed windows, however all 34 windows which were tested would experience proposed levels of daylight which would be greater than 0.8 times the existing (i.e. a reduction less than 20%).
Lowder House	Negligible	Results show a small reduction in daylight to some of the assessed windows, however all 5 windows which were tested would experience proposed levels of daylight which would be greater than 0.8 times the existing (i.e. a reduction less than 20%).
Martingale House	Minor Adverse	Four of the 52 windows tested fall below VSC guidelines but are located to rear of recessed balconies; likely to meet guidelines if calculations repeated without them. BRE confirmed that the impact would be minor adverse (rather than negligible as set out in the Hawkins assessment). Notwithstanding this, these windows would still receive ample sunlight.
Reardon House	Minor Adverse	The loss of daylight to 4 of the 10 tested windows on the south façade of Reardon House would be outside the guidelines. These are in a column closest to the new development. BRE confirmed that the impact would be minor adverse (rather than negligible as set out in the Hawkins assessment). Notwithstanding this, these windows would still receive ample sunlight.

Daylight – No-Sky Line

7.96 Appendix F of the BRE Guide states: "In assessing the loss of light to an existing building, the VSC is generally recommended as the appropriate parameter to use". The NSL test can also

be used as a supplementary test, but only (as the BRE Guidance indicates) “*where room layouts are known*”; however, results should always be approached with extreme caution.

- 7.97 VSC is a metric that determines the amount of light falling on a particular point. In order to assess VSC accurately, the only knowledge one requires of the potentially affected building is the position of the window. The calculations for VSC do not take into account window size, room dimensions or the properties of the window itself. However, for NSL, significantly more information is required to accurately calculate the NSL, including room sizes and more accurate window dimensions. Consequently, unlike the calculation of VSC, survey information of the affected buildings is required to accurately calculate NSL. Since survey information of the affected rooms are rarely available when conducting daylight assessments, the NSL is rarely calculated.
- 7.98 Hawkins since updated the original Daylight/Sunlight report and included a NSL assessment in response to one of the objection representations.
- 7.99 NSL calculations have only been provided for Martingale House as floor plans were not available for most of the affected dwellings, with the exception of Martingale House.
- 7.100 The results show that for all the 11 rooms tested, whilst there is a reduction in the amount of working plane which received direct light from the sky, the proposed area of the working plane that receives direct light from the sky would be greater than 0.8 times the existing area with the exception of only 1 room which fails this.
- 7.101 This window was also identified as a window which falls below the VSC guidelines. It is likely a result of self-limiting features, i.e. the presence of the balcony above the window. This justification is also backed up by BRE. Hawkins identify this impact to be negligible, however BRE classify it as a moderate impact given that the ratio difference between the existing and proposed NSL is 0.34.

Sunlight

- 7.102 Hawkins analysed the Annual Probable Sunlight Hours (APSH) for the proposal in line with the BRE sunlight criteria. As such 1-12 Discovery Walk and Reardon House were assessed.
- 7.103 With regard to Lowder House, loss of sunlight is not considered to be an issue as the windows in question face north of due east. Also, in relation to Martingale House, loss of sunlight would not be an issue as the windows in question face slightly north of due west.
- 7.104 Whilst some windows at Discovery Walk and Reardon House would experience a reduction in the amount of sunlight they receive, the reduction is considered to be small that it would be negligible.

Overshadowing

- 7.105 For a garden or outdoor amenity space to be considered well sunlit, at least 50% of the garden or amenity space must receive at least two hours of direct sunlight on the 21st March. If this cannot be achieved, providing that the area overshadowed with the proposed development in place would be greater than 0/8 times the existing level of shadowing, it is considered that no effect on overshadowing would occur.
- 7.106 The applicants’ report sets out the findings of an assessment of overshadowing for the existing layout. The shadow diagrams show that the proposed development does not cause any additional overshadowing to occur to any outdoor amenity space as it lies in the north east

corner. As such, all of these spaces would meet BRE guidelines for 50% of the area to receive at least 2 hours of sunlight on 21st March.

Conclusion:

7.107 The Mayor of London's Housing SPG makes clear that standards should be applied flexibly, providing that proposals still achieve satisfactory levels of residential amenity and avoid unacceptable harm. The proposals would have minor and localised impacts on daylight and sunlight enjoyed by the occupiers of a number of nearby homes and users of the amenity spaces, when assessed against the BRE guidelines. However, officers consider that these impacts would be acceptable when weighed against the benefits that the scheme would deliver and that residents and users would be left with an acceptable level of daylight and sunlight and that their overall level residential amenity would be acceptable.

Noise and Vibration

7.108 Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.

7.109 An environmental noise survey was submitted as part of the application documents showing the assessment of daytime and night-time levels likely to be experienced by the proposed development.

7.110 Measured noise levels allowed a robust glazing specification to be proposed which would provide internal noise levels for all residential environments of the development commensurate to the design range of BS8233.

7.111 The Council's noise officer has reviewed the application and has no objections, subject to the proposals being in accordance with the noise impact assessment.

Construction Impacts

7.112 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Environmental Management Plan

Transport

7.113 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

7.114 The site benefits from very good access to public transport, being located approximately 300 metres walk from Wapping rail station. Shadwell underground station is 700m away. Bus routes 100 and D3 pass the site along Wapping Road. As such the proposed development site has a Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest.

7.115 Overall, the proposal's likely highways and transport impact are considered to be minor and acceptable to the Council's Transportation & Highways section. The relevant issues are discussed below.

Cycle Parking

- 7.116 The proposal meets the cycle parking standards as set out in the London Plan (2016). These standards require 36 cycle parking spaces to be provided. The development provides 36 covered secure cycle parking spaces with 2 visitor spaces provided at the entrance lobby.
- 7.117 The Council's Highway's officer has requested a cycle management plan condition be attached to the permission requiring the applicant to provide further details of this parking.

Car Parking

- 7.118 Policy DM22 sets out the Council's parking standards in new developments.
- 7.119 As mentioned previously in the report, 8 of the garages on site are let to existing residents of Reardon and Lowder House, the proposed 8 spaces located in the basement will be offered to them.
- 7.120 Notwithstanding this, owing to the good transport links the development would be subject to a 'car free' planning condition restricting future occupiers of the new development from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.
- 7.121 Two on site accessible car parking spaces at basement level would be provided for each wheelchair accessible flat.
- 7.122 A S278 will also be required for the removal of the vehicle crossover on Reardon Street and reinstating of the footway.

Servicing and Refuse Storage

- 7.123 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated is in accordance with current waste policy.
- 7.124 Bins will be located in the basement adjacent to the car park. On refuse collection day the bins will be moved along the Lowder House access to the existing bin store building serving Lowder House. Refuse collection will therefore be made at the same time and in the same location as Lowder House.

Energy & Environmental Sustainability

- 7.125 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 7.126 The climate change policies as set out in Chapter 5 of the London Plan MALP (2016), Policies SP11 and DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 7.127 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
 - Supply Energy Efficiently (Be Clean)

- Use Renewable Energy (Be Green)

7.128 The Managing Development Document Policy DM29 requires major residential developments to achieve zero carbon (with at least 45% reduction achieved through on-site measures). The remaining regulated carbon emissions (to 100%) are to be offset through a cash in lieu contribution.

7.129 The applicant has submitted an SAP Assessment Report (19/12/18) which sets out the applicant has sought deliver carbon savings through energy efficiency measures and the integration of renewable energy technologies (15kWp PV array). The space heating and hot water requirements are proposed to be met through high efficiency gas boilers.

7.130 The current proposals seek to minimise CO2 emissions at each stage of the energy hierarchy as follows:

- Be Lean – 19% reduction
- Be Clean – 0% reduction
- Be Green – 26.4% reduction

7.131 The combination of measures is anticipated to reduce CO2 emissions by 54.53% against building regulation part L baseline. In order to be supported the remaining tonnes of CO2, up to the zero carbon target, should be offset through a carbon offsetting contribution. This equates to the need to offset 11.6 tonnes CO2 as identified in para 3.5 of the submitted SAP Assessment Report.

7.132 The on-site CO2 savings should be secured via Condition with a post construction verification report submitted to the council to demonstrate delivery of the anticipated CO2 savings.

7.133 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. The submitted energy assessment identifies the shortfall to meeting zero carbon for the residential elements is 11.2 tonnes CO2. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. Therefore for the proposed scheme the energy strategy identifies a carbon offsetting contribution of £20,880 would be made.

7.134 The current proposals have sought to implement energy efficiency measure and renewable energy technologies to deliver a 45% reduction in on-site CO2 emissions compared to the Building regulation baseline. It is considered that the shortfall in CO2 emission reductions to meet the zero carbon homes requirement should be offset through a cash in lieu payment of £20,880.

7.135 Should the scheme be recommended for approval it is recommended that the proposals are secured through appropriate Conditions to deliver:

- Delivery of anticipated 45.53% reduction in onsite CO2 emissions
- S106 contribution of £20,880
- Post construction verification report submitted to LBTH to verify delivery of CO2 emission reductions as identified in the SAP Assessment Report

Biodiversity

7.136 Policy DM11 of the Managing Development Document seeks to inter-alia ensure existing elements of biodiversity value are protected or replaced within the development and additional habitat provision made to increase biodiversity value.

- 7.137 The Preliminary Ecological Assessment submitted as part of the application, confirmed that there is negligible potential for roosting bats in the existing buildings and there are no features of particular biodiversity value in the existing landscaping. There is, however, the potential for nesting birds in the existing shrubs. Any clearance of shrubs should be undertaken outside the nesting season, or a survey for nesting birds should be undertaken immediately before clearance. This will be secured by condition.
- 7.138 The application includes biodiverse green roofs which, if well-designed, will be a significant enhancement that will contribute to targets in the Local Biodiversity Action Plan (LBAP). The ground-level landscaping also includes features which might enhance biodiversity and contribute to LBAP targets, including areas of wildflower meadow, new hedges, and planting native wildflowers and shrubs. How valuable for biodiversity these features will be depends upon the detail.
- 7.139 The Preliminary Ecological Assessment recommends a range of bird, bat and insect boxes, including 2 bat boxes, 3 sparrow terraces, a black redstart box associated with the green roof, and 2 insect boxes.
- 7.140 All of these would be appropriate, and would contribute to LBAP targets. The proposed green roofs and landscaping will lead to net gains in biodiversity. The biodiversity mitigation and enhancements will be secured by a condition

Land Contamination

- 7.141 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

Flood Risk & Drainage

- 7.142 The flood risk setting for the whole site is determined as Flood Zone 3; and is an area which benefits from flood defences.
- 7.143 The submitted FRA can be summarised as follows:
- The Environment Agency Risk of Flooding from Rivers and the Sea (RoFRaS) database indicates a 'Very Low' risk of flooding. The overall Tidal Flood Risk is considered to be 'Very Low.'
 - The site benefits from flood defences (a solid sea wall) along the River Thames.
 - The site has not been impacted by flooding from any source.
 - The potential risk from Surface Water (Pluvial) Flooding is considered 'Negligible.'
 - The potential risk from Groundwater Flooding is considered 'No Risk'.
 - The proposed Ground Floor Finished Floor Level (FFL) of 5.50mAOD is considered acceptable in flood risk terms.
 - It is considered unlikely that the proposed development would pose a flood risk on-site, or to land or property external to the site.

- 7.144 Both Thames Water and the Environment Agency raise no objections to the proposals.

Infrastructure Impact

- 7.145 In terms of Tower Hamlets CIL and London CIL liability there would be no payment due because all of the units would be affordable rented and therefore qualify for CIL relief.
- 7.146 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services

and infrastructure. The scheme would meet the full obligation of financial contributions. However, given the Council is unable to enter into an s106 agreement with itself, the financial and non-financial contributions are to be secured by the imposition of conditions.

Local Finance Considerations

7.147 Assuming that the Council delivers its annual housing target of 3,931 units, the Council would be liable for a New Homes Bonus payment of approximately £24m over 4 years. Due to the introduction of a new threshold approach by the Government it is not possible to provide an exact amount of New Homes Bonus the proposed development would deliver; officers estimate that the proposal could deliver up to £141,735 over 4 years.

Human Rights & Equalities

7.148 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

7.149 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

7.150 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

7.151 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

7.152 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

7.153 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

8. RECOMMENDATION

8.1 That subject to any direction by the Mayor of London, **planning permission is GRANTED** subject to the conditions:

Conditions

1. Three year time limit
2. Compliance with approved plans and documents
3. Development is personal to, and shall be implemented by, LBTH
4. Wheelchair adaptable and wheelchair accessible dwellings
5. Provision of approved cycle storage
6. Compliance with Energy Statement
7. Post construction verification report
8. Compliance with Noise Impact Assessment
9. Hours of construction
10. Communal amenity/child play space to be completed prior to occupation
11. Delivery and Service Management Plan
12. Scheme of Highway Improvement Works
13. Details of all Secure by Design measures
14. Details of hard and soft landscaping, including boundary treatment and lighting
15. Details of play equipment
16. Details of noise and vibration mitigation measures

Pre-Commencement Conditions

17. Scheme for the provision of financial contributions (see financial contributions section below)
18. Strategy for using local employment and local procurement (see non-financial contributions section below)
19. Details of biodiversity mitigation measures
20. Details of green roof
21. All vegetation clearance to be undertaken between September and February no nesting or nest-building birds are present
22. Contamination
23. Details of control of dust and emission during construction phase
24. Construction Environmental Management Plan
25. Details of boiler emissions
26. Piling Method Statement
27. Scheme for the Provision of Affordable Housing
28. Samples and details of all facing materials
29. Details of boundary treatments
30. Surface Water Drainage Scheme
31. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)
32. Cycle Management Plan
33. Scheme of Highways Improvement (see non-financial contributions section below)
34. Residential Management Plan

Condition 17

Securing contributions as follows:

Financial contributions:

- a) A contribution of **£6,216** towards employment, skills, training for construction job opportunities
 - b) A contribution of **£20,880** towards Carbon Off-Setting.
- Total £27,096**

Condition 18

Non-financial contributions:

- a) Affordable housing 100% by habitable room (18 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
- c) Scheme of highway improvement works
- d) Car and permit free
- e) Any other contributions considered necessary by the Corporate Director of Place

Informatives:

1. Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate.
2. Building Control
3. S.278
4. Fire & Emergency
5. Footway and Carriageway
6. Hours of work for demolition/construction activities
7. CIL
8. Designing out Crime

Appendix 1

Drawings

813.P.01.02-A, 813.P.01.03_F, 813.P.01.04_F
813.P.05.01_C
813.P.10.101_A
813.P.12.100_J, 813.P.12.101_K, 813.P.12.102_I, 813.P.12.103_B, 813.P.12.104_B,
813.P.12.105_D, 813.P.12.106_H, 813.P.12.107_A
813.P.13.102_B, 813.P.13.104_A,
813.P.14.101_K, 813.P.14.102_L, 813.P.14.101_H, 813.P.14.103_F
813.70.100_G, 813.70.102_B, 813.70.104_B, 813.70.103, 813.SK.03

- Design and Access Statement, by Rivington Street Studio, ref: 813.P.101.04_A, dated December 2018
- Air quality assessment by MLM , ref: C01 S2, dated 11 December 2018
- Daylight, Sunlight & Overshadowing Assessment by Hawkins Environmental, ref: H2515, V6, dated 23 April 2019
- Transport assessment and Travel Plan statement, by Cottee Transport Planning , ref: 1859/FPEC, dated December 2018,
- Energy assessment by Scott White Hookins , ref: B02575, rev 1, dated 19 December 2018
- Foul sewage and utilities assessment by Scott White Hookins , ref: B02575, dated January 2019
- Land contamination assessment by AGB Environmental , ref: P3007.2.0. dated 3 November 2017
- Noise impact assessment by KP Acoustics, ref: 18392>NIA.01, dated 12 December 2018
- SuDS report by Scott White Hookins , ref: B02575, rev 02,dated January 2019
- Sustainability assessment by Scott White Hookins , ref: B02575, rev 1, dated 19 December 2018
- Flood risk assessment by AGB Environmental , ref: P3007.3.0, dated 14 January 2019
- Planning statement by Rivington Street Studio , ref: 813.P.101.07, dated 10 December 2018
- Outline Landscape management plan by Rivington Street Studio , ref: 813.P101.06, dated 10 December 2018
- Ecological impact assessment by AGB Environmental, ref: P3007.4.0, dated 26.02.19
- Arboricultural impact assessment by AGB Environmental, ref: P3007.1.1, dated 13.02.19

Appendix 2 - Selection of plans and images



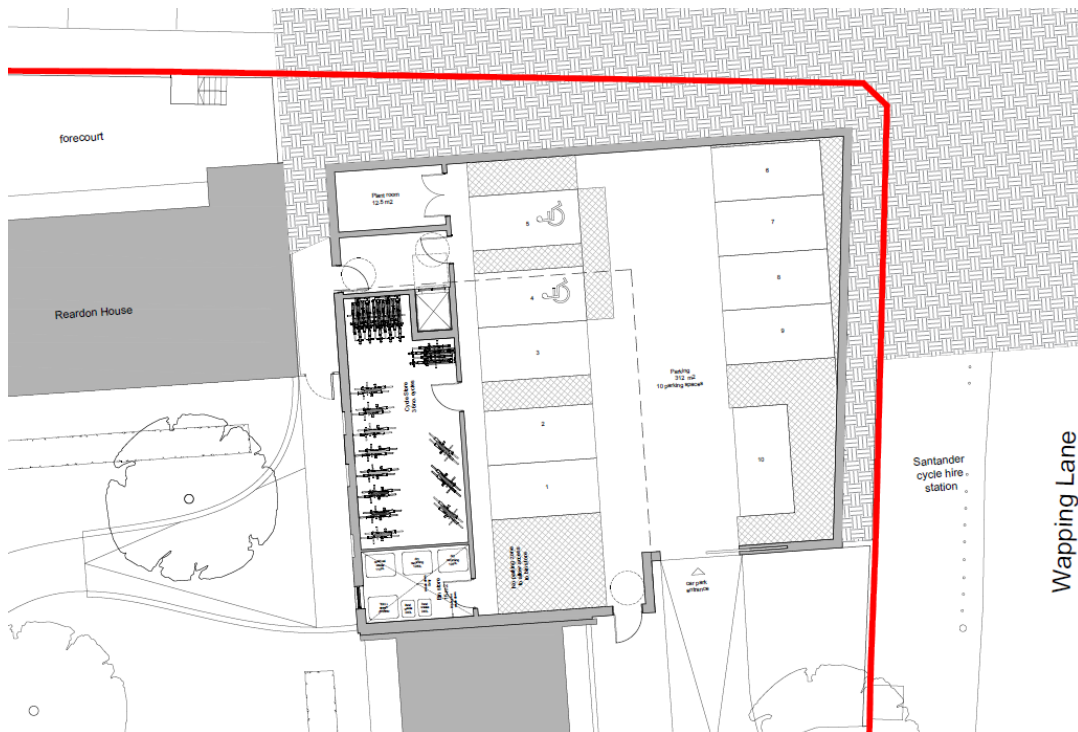
Existing site – photo from Wapping Lane



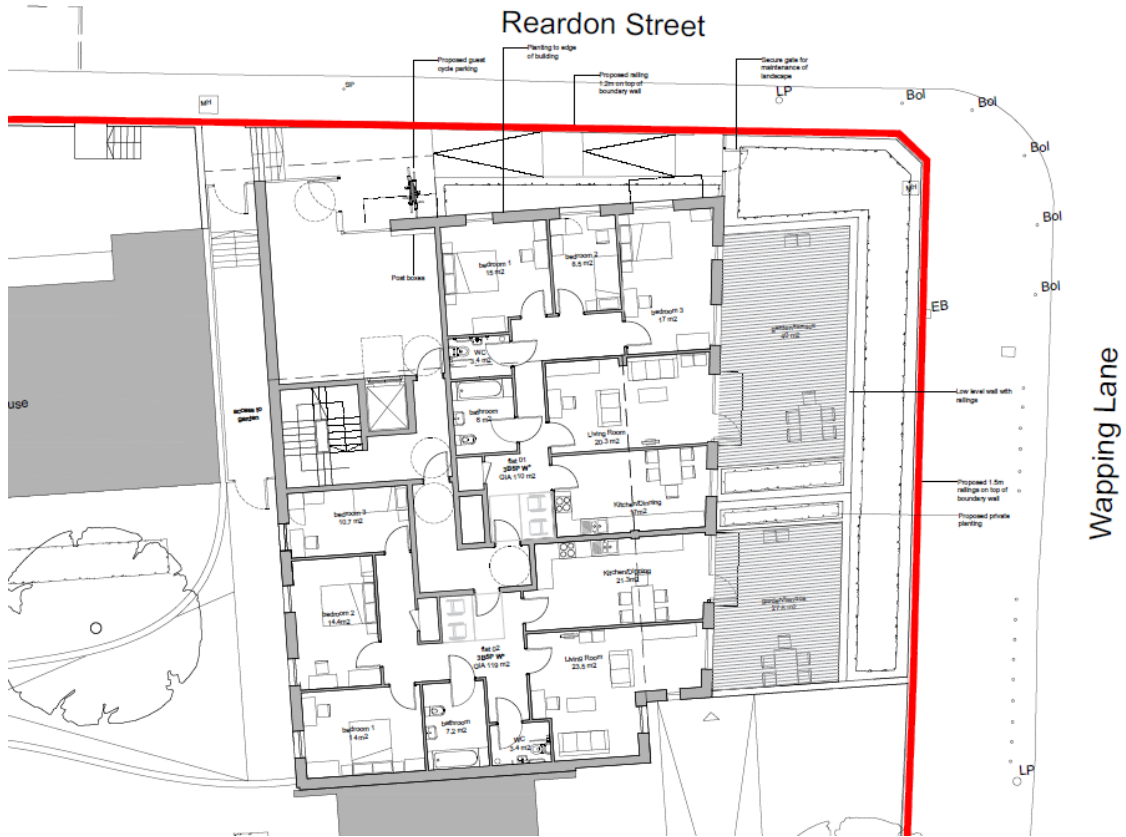
South east view from Wapping Lane



South east view from Wapping Lane



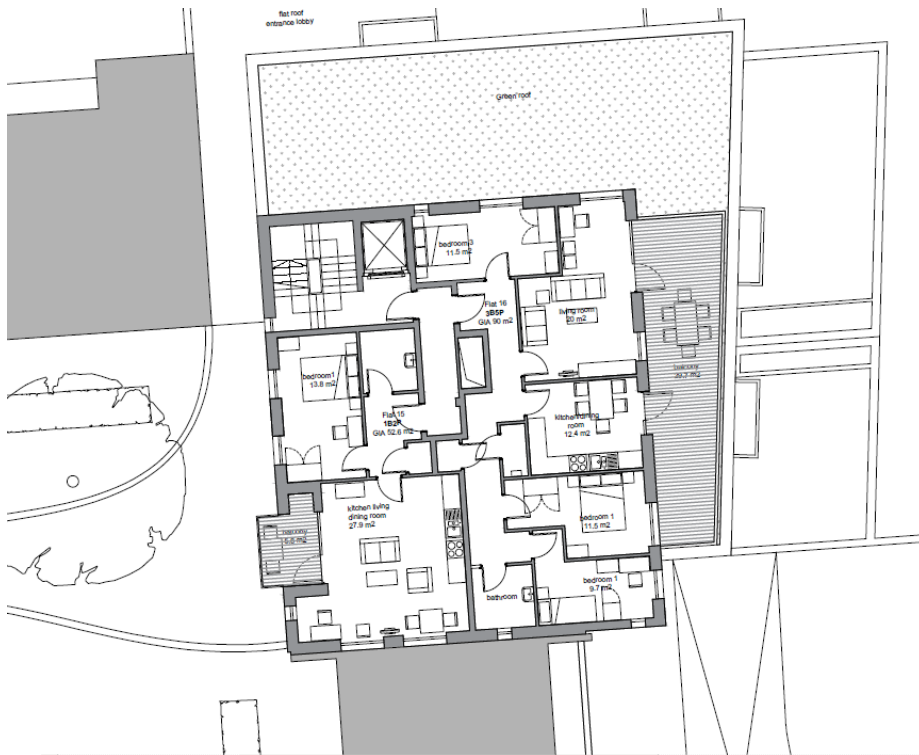
Proposed ground floor plan



Proposed L1 floor plan



Proposed typical floor plan for L02-04



Proposed floor plan for L05



Proposed floor plan for L06



DEVELOPMENT COMMITTEE

13th June 2019

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/18/01538
Site	1 - 7 Mears Close, London, E1 1AS
Ward	Whitechapel
Proposal	Roof extension to the existing terrace (nos. 1-7) comprising the addition of one storey to increase residential floorspace including a new 2 bedroom unit, roof terraces, and associated privacy screens and skylights. The roof terraces are to be accessed via a protruding stairwell at the rear.
Summary Recommendation	Grant planning permission with conditions
Applicant	Mears Close Collective
Architect/agent	Spaced Out Ltd.
Case Officer	Adam Garcia
Key dates	Application validated 29/06/2018 Public consultation finished on 27/07/2018

EXECUTIVE SUMMARY

The report considers an application for a vertical roof extension to an existing contemporary mews development to provide one additional bedroom to five existing homes and create a new two bedroom unit within an architecturally unified structure.

Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.

The report set out that the scheme would provide additional residential accommodation within an imaginative and well considered design that is consistent with the architectural ambition and high design standards achieved with the original mews development consented in 2004. The quality of new residential accommodation would be consistent with amenity standards set out in the London Plan

The development would not be readily visible from the surrounding streets or from any public views within the Mydle Street Conservation Area. Notwithstanding its limited visibility, officers consider the design complements well with the original architectural features of the mews and as such would contribute positively to local design distinctiveness and more generally to the character of the Myrdle Street Conservation Area in which the application site is partially located.

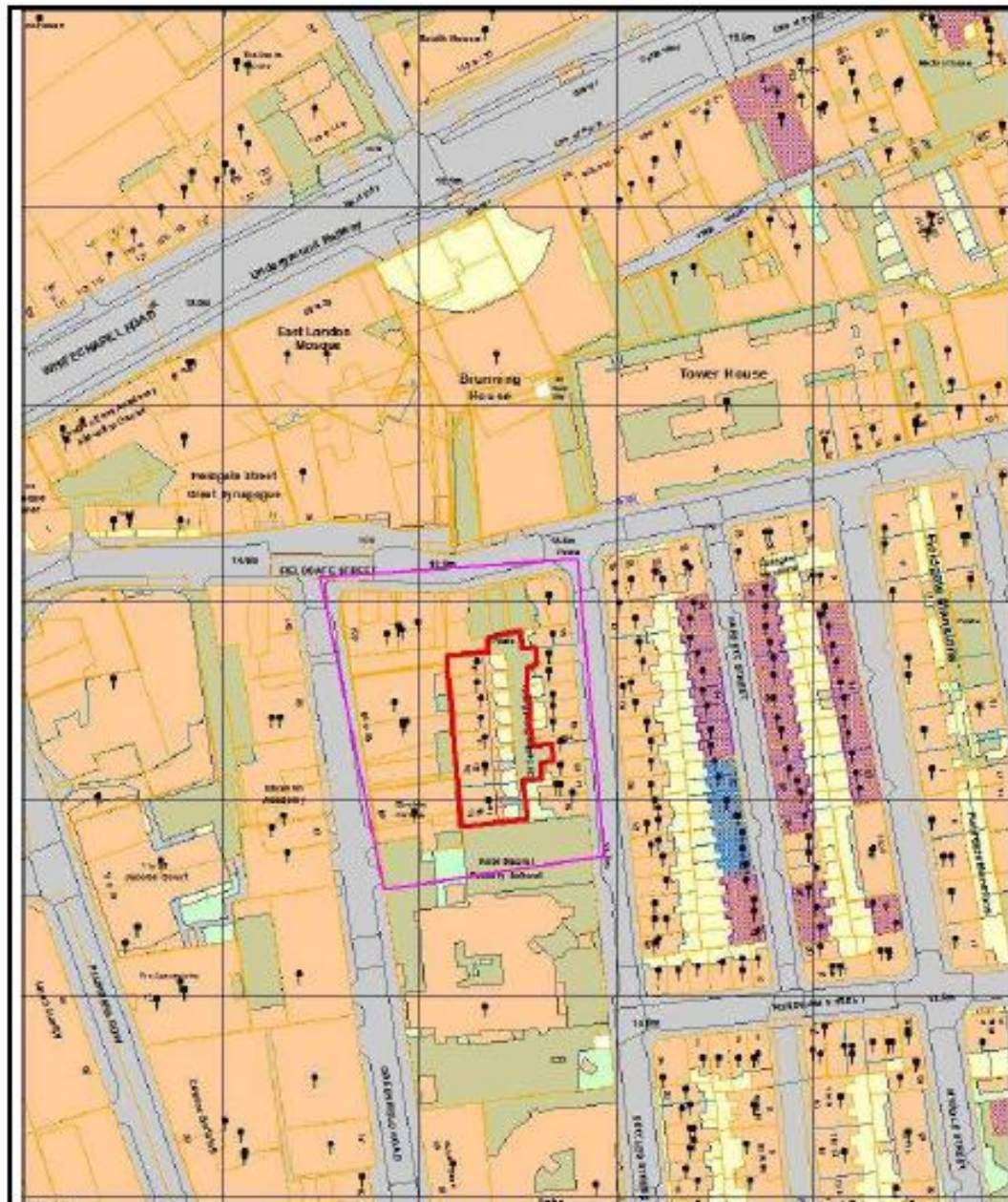
Officers are of the opinion, the scale and height of the proposed development is not at odds or intrusive in relation to immediately surrounding buildings or the area more widely, although it is acknowledged by officers the scheme would impose a degree of unwelcome enclosure in respect to some residential dwellings and the associate amenity rooftop terrace at No 86-88 Greenfield Road. ,

The proposal would be acceptable with regard to transportation, servicing and waste.

The application was first considered by the Development Committee on 13th February 2019. The application was recommended for approval, however, members resolved to defer the application for a site visit following discussion of potential vista impacts of the development on the Myrdle Street Conservation Area, concerns about the daylight assessment and the application of BRE Guidance, the height of the development in relation to the height of other buildings which surround it, the impact of the development on the sense of enclosure and density.

Given the changes to the membership of the Development Committee that considered the application in February, the Committee needs to fully consider afresh all aspects of the application scheme and not restrict itself to the reasons why the previous Committee deferred the application.

SITE PLAN



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- ↑ Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

Planning Applications Site Map PA/18/01538

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



London
Borough of
Tower Hamlets

Scale : 50m grid squares

Date: 05 June 2019

1. SITE AND SURROUNDINGS

- 1.1 The site application site is bound by Fieldgate Street to the north, Settles Street to the east, Kobi Nazrul Primary School to the south and Greenfield Road to the west. The site consists of 5 houses and 6 apartments which gained planning permission in 2004 (application ref: PA/03/01236). Prior to this the site was used as a covered car park and workshop which were demolished to allow for the redevelopment of the site.
- 1.2 Approximately 150m north of the site is Whitechapel Road where there are taller buildings which occupy the streetscape. The site also lies within the Myrdle Street Conservation Area which is located west of the Royal London Hospital extending southwards from Whitechapel Road. This is characterised by a Georgian street scene and early 19th century terraces.
- 1.3 Neither the application site buildings nor any of the immediate neighbouring buildings are either statutory or locally listed.
- 1.4 The site is a contemporary design mews development, a number of residential properties surrounding it. To the west, on Greenfield Road, there are some properties with residential use on the upper floors. To the east there are residential terraced properties on Settles Street, the rear elevations which face into Mears Close. The building to the north, currently under construction at 42 Fieldgate Street (application ref: PA/13/03036) is for a 4 storey residential scheme which has its rear elevation face into Mears Close.

2. PROPOSAL

- 2.1 The application proposes to construct a unified roof extension across the length of the existing terraced properties which would include the addition of a new two bedroom roof top flat. The one storey extension would include associated individual roof terraces and associated privacy screens and skylights.
- 2.2 The five townhouses of no. 3-7 Mears Close would each benefit from an additional bedroom under the proposal with the new 2 bedroom rooftop apartment created above the existing unit at 1-2 Mears Close.

3. RELEVANT PLANNING HISTORY

Application site

- 3.1 PA/03/01236: Demolition of existing covered car park and workshop, and redevelopment to provide x 5 two-bedroom houses and x 6 one-bedroom flats on three floors together with landscaping of site. Approved: 10/09/2004
- 3.2 PA/17/01511: Erection of a roof extension to provide an additional storey to existing terraced house including screened roof terrace. This application is aligned with 4 other related townhouses at 3,5,6 & 7 Mears Close. Withdrawn by Applicant: 02/08/2017

42 Fieldgate Street

- 3.3 PA/13/03036: Redevelopment and change of use of existing car park by erection of residential building to provide 7 new flats comprising 1 x 3 bed, 3 x 2 bed, 3 x 1 bed. Permitted: 14/04/2014

80-82 Greenfield Road

- 3.4 PA/17/00840: Demolition of building on site and erection of a 5 storey building comprising of educational use (D1) on the basement, ground and first floors together with residential use on the second, third and fourth floors, comprising of 4 one bed, 3 two bed and 2 three bed apartments. Withdrawn by applicant: 03/11/2017
- 3.5 PA/18/00079: Demolition of building on site and erection of a 5 storey building comprising of educational use (D1) on the basement, ground and first floors together with residential use on the second, third and fourth floors, comprising of 4 one bed, 3 two bed and 2 three bed apartments. Not yet determined.

4. PUBLICITY AND ENGAGEMENT

- 4.1 A total of 73 planning notification letters were sent to nearby properties as detailed on the attached site plan on 29/06/2018. A site notice was erected on Fieldgate Street on 06/07/2018 and a press notice was advertised on 05/07/2018
- 4.2 The number of representations received in response to notification and publicity of the application is as follows:
- 23 Letters of representation
 - 22 letters of objection
 - 1 petition (6 signatures) of objection
- 4.3 The comments raised in objection to the proposal can be summarised as follows:
- Impact on daylight and sunlight to neighbouring habitable rooms, including from windows serving basement flats, and to live/work studio spaces to the rear of the application site
 - Overlooking and consequent impact on privacy
 - Increased noise and refuse from the development
 - Excess density
 - Bulk and mass of the development including proposed rear wall having an overbearing presence and creating an unacceptable sense of enclosure

- Impact on the character of the conservation area
- Concerns over future use as AirBNB and noise from socialising on the terraces
- Comments seeking restrictions on the use of the external terraces
- Scheme would prejudice redevelopment of 100 Greenfield Road and No 42 Settles Street and concerns expressed about inadequate fire protection and restricting access to maintain windows to these two properties
- Applicant's daylight/ sunlight report not capturing all neighbouring windows and section and elevation drawings not drawn accurately and omitting windows

5. CONSULTATION RESPONSES

5.1 LBTH Transportation and Highways - A car parking permit free agreement should be secured against the newly created Penthouse and any other new units. Cycle storage for the Penthouse should be provided within the site.

5.2 LBTH Waste Policy and Development

Waste Store Facility: The applicant should consider liaising with the other properties and developing a suitable waste storage facility for all properties in Mears Close.

Bins: The applicant needs to provide information on the volume of waste by litres, size and type of containers to be used. All bins must meet the British Standard EN 840

Waste Collection Service: The current waste storage arrangements appear to be bins stored openly along the wall of the gated entrance into Mears Close. Taking into consideration the new units in Mears Close the waste capacity will increase and the current arrangements may not be suitable for this development. The applicant must ensure that there is a maximum 10m trolleying distance from the bin store to waste collection vehicle.

Residents: The carrying distance for all residents must be a maximum of 30 meters.

Internal Storage: All new units should be provided with internal waste storage preferably within the kitchen units: Refuse - 40 litres Recycling - 40 litres Food Waste - 10 litres.

5.3 LBTH Design and Conservation - The assessment made by Conservation & Urban Design Team are set out in the main body of the report.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Core Strategy 2010 (SP)
- Tower Hamlets Managing Development Document 2013 (DM)

6.3 The key development plan policies relevant to the proposal are:

Housing - LP3.3, LP3.4, LP3.5, SP02
(housing supply, housing potential, housing quality and design)

Design LP7.1-7.6, SP09, SP10, DM23, DM24, DM27
(layout, massing, materials, public realm, heritage)

Amenity - LP7.6, SP03, SP10, DM25
(privacy, outlook, daylight and sunlight)

Transport and Waste - LP5.17, LP6.9, LP6.10, LP6.13, SP05, DM14, DM22, DM23
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

Environment - LP3.2, LP5.1, LP5.2, LP5.3, LP5.10, LP5.11, LP5.13, LP5.17, LP7.14, SP11, DM9, DM11, DM13, DM29,
(biodiversity, energy efficiency, air quality, drainage)

- Other policy and guidance documents relevant to the proposal are National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Housing SPG (updated 2017)
- BRE Site Layout Planning for Daylight and Sunlight (2011)
- Myrdle Street Conservation Area Character Appraisal and Management Guidelines (2007)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use & Density
- ii. Design & Heritage
- iii. Quality of Residential Accommodation
- iv. Neighbouring Amenity
- v. Transport and Servicing

vi. Equalities and Human Rights

Land Use and Density

- 7.2 The proposed extension would be associated with existing residential development (C3 use) and as such there are no direct land use implications arising from the proposal to enlarge the individual homes on site or to creating an additional new residential unit.
- 7.3 The proposal would take the residential density on the development site as a whole to 132 units per hectare and 494 habitable rooms per hectare. Both these figures are well within the London Plan density matrix for a site with an excellent Public Transport Accessibility Rating (PTAL Rating of 6a and a site located in an urban context, notwithstanding the London plan emphasis the densit matix shall not be applied mechanistically.

Design and Heritage

- 7.4 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 state that *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”* and *“the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*
- 7.5 The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. The emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation or enhancement of heritage assets should be given great weight in the consideration/determination of the application.
- 7.6 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to ‘Heritage, Design and Appearance’ are Chapter 12 ‘Achieving Well-designed Places’ and Chapter 16 ‘Conserving and Enhancing the Historic Environment.’
- 7.7 Chapter 12 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual and visually attractive buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 7.8 Paragraph 192 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and

- opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.

- 7.9 Paragraph 189 of the NPPF provides that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 190 provides that local authorities should assess the significance of any assets that may be affected. Paragraph 192 describes what should be taken into account in determining applications.
- 7.10 With respect to this planning application, the relevant designated heritage asset is the Myrdle Street Conservation Area. The subject site is not listed however in part, forms part of the Conservation Area. The part of the development which forms part of the Conservation Area is 5-7 Settles Street.

Bulk and massing

- 7.11 The application site lies only partly within the Myrdle Street Conservation Area and thus it is necessary to understand how it would impact the Conservation Area. The Myrdle Street Conservation Area is characterised by high density development (in historic terms) and a variety of types and sizes of property ranging from terraced houses and mansion blocks, dating from 18th Century onwards. The front elevation of Mears Close looks out to the rear elevations of the terraced properties on Settles Street. These properties are adjacent to the eastern part of the site, and within the Conservation Area. The properties on Settles Street are amongst the largest of their type within the Conservation Area, they are 5 storeys in height plus a basement level.
- 7.12 To the north of the site is 42 Fieldgate Street. Since the construction of Mears Close this site has been vacant and thus views from Fieldgate Street through to the properties have been open. However, this site has a consent (application ref: PA/13/03036) for a 4 storey building which is currently under construction and close to completion. This will mean the aforementioned view through to Mears Close will be closed. 42 Fieldgate Street lies within the Myrdle Street Conservation Area.
- 7.13 On the western boundary of the application site is 80-100 Greenfield Road, a row of 2, 3 and 4 storey buildings. 86-88 Greenfield Road is a building partly in residential use including some live/work studios however it does not benefit from express planning consent for residential use. These properties do not lie within the Myrdle Street Conservation Area. No 100 Greenfield Road is a mixed use development with a A3 restaurant occupying the ground floor and what is understood to be small offices (B1 Use) and a D1 (Islamic teaching college) on the upper floors .
- 7.14 On the southern boundary of the site is Kobi Nazrul School. The part of the school to which the southern boundary of the site abuts is the playground. The school is not within the Myrdle Street Conservation Area.
- 7.15 Due to the height of the existing terraced properties on Settles Street and proposed height of 42 Fieldgate Street, which is under construction, the proposed roof extension would not be visible from public views within the Conservation Area. Views from Greenfield Road, which is not within the Conservation Area, would be limited and not considered to present any discernible impact to the surrounding urban form. The overall proposed height of the development would be 3 storeys with a protruding stairwell to the rear. Overall, it is considered that the development would sit comfortably within the prevailing pattern of built form in the locality, notwithstanding the very localised increased sense of enclosure the scheme would bring to the rear

of 86-88 Greenfield Road and the rooftop amenity terrace that serves some of the properties at this street address.

- 7.16 The development would be unified in its design and subservient with regards to bulk and scale when having regard to the surrounding built context and as such the proposed massing would have no adverse impact upon the visual character or significance of the Myrdle Street Conservation Area.

Design and materials

- 7.17 The existing development is a contemporary mews, which albeit it is not readily visible from the surrounding streets, is considered by the Borough Conservation and Design Team to positively enhance the architectural interest and thus character of the Conservation Area. The proposed extension would be set back from the front of the row and includes a protruding stairwell at the rear. This proposed design is considered to be sensitive in its approach and would not be readily discernible when stood within the mews internal courtyard.
- 7.18 The proposed extension would respect the existing building whilst enhancing the overall architectural appearance of the development. The existing development is defined by stark angles and large expanses of panelling and glazing. The proposed extension would be set back, thereby respecting these design features, whilst introducing visually interesting angular protruding stairwells that would reflect and build upon the general design ethos of the existing development to maintain and provide a unified design approach between existing and proposed.
- 7.19 The proposed roof terraces are set towards the rear of the development and screened in order to prevent overlooking to properties located on Settles Street, which are set significantly away. As set out within the application drawings, most of the windows in the rear of Settles Street are over 18 metres away from the usable area of the roof terrace. The windows in the rear outriggers are some 14 metres away from this useable area. In between both the proposed roof terraces and the additional storey are sedum trays and solar panels which both promote sustainability and subservient design approach to set the edges of the proposal back from the original roof form.
- 7.20 The proposed materials follow those used throughout the existing building. The proposed rear façade will use a translucent glazing system in order to allow daylight penetration to the properties whilst not causing overlooking to properties on Greenfield Road.
- 7.21 It is considered that the proposed development is of an original architectural style which reinforces its own distinct character whilst promoting the local distinctiveness of the surrounding area. The height, bulk, scale and massing of the development is considered to be appropriate to its local setting, and the design and materials used for buildings are high quality which would help to positively enhance local character. The development would preserve, and indeed enhance, the character and appearance of the Myrdle Street Conservation Area pursuant of the Planning (Listed Building and Conservation Areas) Act 1990 and the requirements of Policy DM27 of the adopted Local Plan.
- 7.22 A planning condition requiring all external materials to be approved would be attached to any planning consent, In addition a compliance planning condition would be imposed requiring the whole of the development to be externally complete and finished externally in accordance with the agreed facing materials prior to the occupation of any of the new residential floorspace. This latter condition shall ensure

the proposed scheme maintains the existing unified consistency of design within the mews which is integral to maintaining the architectural integrity of the development and indeed of the development enhancing the character of the conservation area. The applicant has set out in writing the proposed compliance condition is appropriate in this instance.

Quality of Residential Accommodation

Internal space

- 7.23 The Mayor of London's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring they are "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 7.24 Both the additional bedrooms to 3-7 Mears Close and the proposed 2 bedroom penthouse apartment to 1-2 Mears Close comply with nationally described internal space standards in regards to minimum gross floor areas and floor to ceiling heights (minimum 2.5m height).

External Space

- 7.25 Policy DM4 of the Managing Development Document (2013) sets out that a minimum of 5sqm private open space is required to be provided for 1-2 person dwellings with an extra 1sqm needed for each additional occupant. Balconies should have a minimum width/depth of 1.5m. The proposal provides a policy compliant amount of private open space in the form of roof terraces to the new unit and the existing enlarged units.

Neighbouring Amenity

- 7.26 The Council's Core Strategy policy SP10 (4) states that the Council will ensure development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution. Policy DM25 (1A & 1E) of the Council's Managing Development Document (2013) seeks to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development during the life and construction of the development.

Impact on Outlook, Privacy and Sense of Enclosure

Settles Street Properties

- 7.27 With regard to the properties on Settles Street, the rear of these properties is at minimum set 10 metres away from the existing front facades of the application site. The proposed additional storey is set 2 metres away from the existing front façade of the development and the terrace handrail a further 2 metres. Due to the separation distance, which is some 14 metres between the useable terrace area and the closest windows on the rear elevation of the Settles Street terraces the proposal is not considered to introduce a detrimental impact with respect to privacy and overlooking.

The development would rise at its maximum an additional 5 metres in height with the protruding stairwells. However this height is set towards the rear (western edge) of the proposed development and as such would minimise/ limit any increased sense of enclosure to residents living in Settles Street.

- 7.28 The aforementioned described separation distance, combined with the design of the extension including a privacy screen is considered to adequately mitigate potential negative impacts arising from the proposed development ensuring that there would not be any significant adverse impacts on outlook, privacy and sense of enclosure.

86-88 Greenfield Road

- 7.29 To the rear of the proposed development is No 86-88 Greenfield Road. The upper floors of No 86-88 Greenfield Road are occupied as residential dwellings and artists live/work studios, albeit they do not benefit from express planning consent for residential use. There is an approximate 7 metre separation distance from rear windows and doors of these individual properties to the rear of the application site. There are no proposed windows facing into this rear yard space and thus, in privacy terms, the proposal does not raise adverse impacts. With regard to outlook and sense of enclosure, the proposal would incur an impact to these properties as the extension would increase the maximum height of the development by approximately 5 metres. However, this height is not representative of the overall height and bulk of the extension as the stairwells would be angular in form and would have spaces open to the sky set between them as such this design feature would help break up the bulk and mass of the proposed vertical extension and reduce the experienced sense of enclosure from the dwellings and the rooftop terrace space that serves them.

42 Fieldgate Street and 100 Greenfield Street

- 7.30 No 42 Fieldgate Street is a construction site in relation to a planning consent that is nearing completion in respect of providing 7 new homes.
- 7.31 There are four habitable room windows to the rear (south elevation) that align with the existing northern flank elevation of Mears Close. Two of these windows on the 3rd and 4th storey of the development serve two dining/living rooms and these windows would be set approximately 5 metres away from the flank elevation of the proposed development and as such would experience a loss of outlook and some greater sense of enclosure; notably the window serving the 3rd storey dining/living room. The impact upon the outlook to the 4th storey would be altogether less as the proposed flank elevation to the vertical extension that would be set directly in front of the aforementioned window would be minimal.
- 7.32 Two windows serving two bedrooms on the 3rd and 4th storey would be set approximately 8 metres from the flank elevation but the impact in terms of outlook and increased sense of enclosure to these room is considered limited given the proposed vertical extension would not impede directly in front of the 4th storey window and only very marginally to the 3rd storey window, and significantly both these windows are angled away from the extended flank elevation and towards the open courtyard of Mears Close.
- 7.33 With respect to the aforementioned 3rd storey dining/living room officers consider the impact in terms of increased sense enclosure is considered acceptable as (a) this room benefits from dual aspect with the other window serving the room is unaffected and (b) the affected window still would receive a reasonable level of skyline outlook

as evidenced by the 25 degree line from the centre point of the window at not being impeded by the proposed flank elevation as one faces directly out from the window.

- 7.34 With respect to one consented east facing habitable room window in the No 42 Fieldgate development (on the 2nd storey) located immediately alongside the eastern front elevation of Mears Close officers consider the impacts in terms of outlook and sense of enclosure is acceptable, as do officers with respect to four east facing windows set above and to the rear of this 2nd storey window that serve non-residential room spaces within 100 Greenfield Street.
- 7.35 In conclusion, having regard to the heights of the proposed extension and its proximity to neighbouring buildings, overall it is not considered that the development would give rise to privacy issues or cause an undue sense of enclosure or an unacceptable loss of outlook.

Daylight, Sunlight & Overshadowing

- 7.36 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'.
- 7.37 A daylight and sunlight study was submitted with the original planning application and additional studies and updated appendices have been prepared by the applicant since February 2019 and these have been reviewed by Anstey Horne an independent daylight and sunlight consultant appointed by the Council.

Daylight and Sunlight Assessment to the Rear Windows of Settles Street

- 7.38 The ground floor window to 49 Settles Street was identified as being the 'worst case example' as the window is the most enclosed and restricted of all the west facing properties to the existing Settle Street residences.
- 7.39 The Appendix A of the BRE guidelines explain how to use the skylight indicator to find the vertical sky component (VSC) (in %) on the outside of the window wall, the guidelines describe the method as follows;

"The skylight indicator is semi-circular. The centre of the arc corresponds to the reference point at which the calculation is carried out. Radial distances from this point correspond to the ratio of the distance of the obstruction on plan divided by its height above the reference point. The skylight indicator is used with its straight base parallel to the window wall."

"The skylight indicator has 80 crosses marked on it. Each of these corresponds to 0.5% VSC. If a cross lies nearer to the centre of the indicator than any obstruction in the direction, then it is unobstructed and counts towards the total VSC. If it lies beyond the obstruction, then it will be obstructed and does not count. The VSC at the reference point (in %) is found by counting up the number of unobstructed crosses and dividing by two. If a cross lies on the edge of a plotted obstruction, half a cross (0.25%) can be counted."

- 7.40 The skylight indicator demonstrates that the existing condition VSC result is 9.5% and will reduce to 8.5% in the proposed condition. This indicates a ratio of 0.89 which is in excess of the BRE recommendation of 0.8, therefore the resident will not experience a noticeable alteration to the daylight on the upper ground floor window.

Review of Appendix B – Daylight and Sunlight Assessment to the Rear Windows of Settles Street Basement

- 7.41 Appendix B of the Report includes section drawings to compare the relationship between the basement windows to the rear of 45, 47, 49 and 51 Settles Street and the proposed rooftop extension in the existing and proposed conditions.
- 7.42 Whilst there are basement windows to 39, 41 and 43 Settles Street these were not included within the scope of the assessment, this is due to there being an existing fence at ground floor level which borders the perimeter of the basement courtyards.
- 7.43 Proposed Section BB and CC demonstrate that the angled design of the rooftop extension will not extend above the line of the existing obstruction. Therefore, as the rooftop design is set back and angled from the Settles Street properties, the daylight and sunlight conditions to the basement windows will remain the same as the existing and this view made by officers is shared by the Council's appointed daylight consultants.

Review of Appendix C – Daylight and Sunlight Assessment to the Rear of 86-88 Greenfield Road

- 7.44 Appendix C of the Report assesses the impact of the proposed rooftop extension to the rear windows and amenity spaces of 86-88 Greenfield Street.
- 7.45 The two methods that have been used are the VSC test and the overshadowing assessment. The BRE guidelines states that;

“If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected.”

- 7.46 The section drawings demonstrate that the rear windows to 86-88 Greenfield Road will satisfy the 25° line test. Therefore, further technical assessment was not required for these properties.
- 7.47 An overshadowing assessment has been completed for the terrace amenity spaces. The submitted assessment shows that 50% of the overall terrace amenity space would maintain at least 2 hours of direct sunlight on 21st March, which is consistent with the BRE guidance for amenity space. Albeit officers acknowledge that the southern section of the rooftop terrace would fall short of maintaining 50% direct sunlight for 2 hours for 21st March, although this southern second would maintain almost complete unimpeded direct sunlight for at least 2 hours at the summer equinox (21st June).
- 7.48 The Kobi Nazrul Playground is located to the south of the site and maintaining good levels of sunlight throughout the school day to this amenity space is recognised as important. The applicant has submitted overshadowing analysis for the school playground area and it demonstrate the development would have virtually no overshadowing impact upon it.
- 7.49 With respect to a private residential balcony on the south elevation of No 42 Fieldgate development the overshadowing analysis shows this balcony would maintain at least 2 hours of direct sunlight for the whole of the balcony on 21st March.

Review of Appendix C – Daylight and Sunlight Assessment to the Rear Windows of 42 Fieldgate Street Former Car Park – Rev A

- 7.50 Appendix D of the Report assesses the impact of the proposed rooftop extension to the rear (south) facing windows of 42 Fieldgate Street.

- 7.51 The VSC test has been used to assess the impact in terms of daylight to these habitable windows to this property. The drawings submitted demonstrate that the south facing room windows including those serving living/dining room set 5 metres away from the development would pass the 25° line test. Therefore, in accordance with the BRE guidelines, further assessment is not required as the daylight is unlikely to be adversely affected. The Council's daylight/sunlight consultants raise no concerns with the methodology taken or the studies provided.

Conclusions on Daylight, Sunlight and Overshadowing

- 7.52 The submitted daylight/sunlight studies has explained that the methodology and approach to the assessment has been based on the BRE guidelines and informs how these matters are dealt with in Policy DM25 (Amenity) in the Local Plan. These are the relevant guidelines which are used when carrying out daylight and sunlight assessments.
- 7.53 The windows to 49 Settles Street were identified as being the 'worst case example' as the windows are the most enclosed and restricted of all the west facing properties to the existing Settle Street residences. The report demonstrates by using the skylight indicator that in the existing VSC result is 9.5% and will reduce to 8.5% in the proposed condition. This indicates a ratio of 0.89 which is in excess of the BRE recommendation of 0.8, therefore the resident will not experience a noticeable alteration to the daylight to the upper ground floor window. Officers are of the opinion that the node points have been labelled incorrectly based upon the key, however we do not consider this would materially alter the indicated VSC results.
- 7.54 When the basement windows to the Settles Street properties are studied in the report, the Proposed Section BB and CC drawings demonstrate that the angled design of the rooftop extension will not extend above the line of the existing obstruction. Therefore, the daylight and sunlight conditions to the basement windows will remain the same.
- 7.55 The section drawings appended to the report at Appendix C demonstrate that the rear windows to 86-88 Greenfield Road will satisfy the 25° line test. Therefore, further technical assessment was not required for these properties and the daylight is unlikely to be adversely affected.
- 7.56 The shadow diagrams demonstrate that in excess of 50% of the amenity area will receive two hours of sunlight on the 21st March in the proposed condition. This is in accordance with the BRE guidelines.
- 7.57 To conclude, overall the impact to the surrounding properties will be negligible and in accordance with the BRE guidelines.

Transport and Servicing

- 7.58 According to paragraphs 108 and 110 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 7.59 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both corridor and local level are fully assessed. Development should not adversely affect safety on the transport network.

- 7.60 The site benefits from excellent public transport accessibility (PTAL 6a), therefore the proposed scheme is acceptable as a car-and-permit free agreement development, to prevent future occupants from parking on the existing road network – this would be secured by s106 agreement and condition. As such, the impact on the existing road network is considered to be minimal. This is in accordance with policies SP09 and DM22.

Cycle Parking

- 7.61 Additional cycle parking is to be provided at ground floor level for the newly created penthouse in the form of two spaces. The minimum London Plan and Council policy requirements have been met. Subject to approval, a condition will be attached requiring further details of the proposed cycle stores.

Waste

- 7.62 LP Policy 5.17 requires all new developments to include suitable waste and recycling storage facilities. Policies SP05 and DM14 seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 7.63 Refuse and recycling for the new penthouse unit will be incorporated with existing arrangements. The current storage is adjacent to the gated entrance from Settles Street. The additional space proposes a minor uplift in storage and will not result in any additional need for waste collection.

Human Rights & Equalities

- 7.64 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.65 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

- 8.1 That **conditional planning permission is GRANTED** subject to relevant planning conditions.

8.2 Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Retention of privacy screens
4. Prior to occupation of the consented residential floorspace the development shall be completed in full with respect to the approved external facing materials.
5. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice;
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;
 - d. Ground-borne vibration limits; and

- e. Noise pollution limits.

Pre-commencement

The inclusion of the following pre-commencement conditions has been agreed in principle with the applicants, subject to detailed wording

- 6. Samples and details of all facing materials including construction methodology
- 7. Section 106 – Car-free agreement
- 8. Details of sedum and biodiverse roofs
- 9. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL):
 - a. Site manager's contact details and complain procedure;
 - b. Dust and dirt control measures
 - c. Measures to maintain the site in tidy condition, disposal of waste
 - d. Recycling/disposition of waste from demolition and excavation
 - e. Safe ingress and egress for construction vehicles;
 - f. Numbers and timings of vehicle movements and access routes;
 - g. Parking of vehicles for site operatives and visitors;
 - h. Travel Plan for construction workers;
 - i. Location and size of site offices, welfare and toilet facilities;
 - j. Erection and maintenance of security hoardings;
 - k. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and
 - l. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress.

8.3 Informatives

- 1. Permission subject to legal agreement pertaining car free agreement.
- 2. Development is CIL liable.

APPENDIX 1

Drawings and supporting documents

- 04.68.001 – Location Plan
- 04.68.100 – Existing Site Plan
- 04.68.120 – Existing Section EE
- 04.68.121 – Existing Section FF
- 04.68.122 – Existing Section GG
- 04.68.150 – Existing Axonometric – North-West
- 04.68.151 – Existing Axonometric – South-East
- 04.68.152 – Existing Axonometric – South-West
- 04.68.200 C – Proposed Site Plan
- 04.68.201 B – Proposed Second Floor Plan – No. 3-7 Mears Close
- 04.68.202 B – Proposed Roof Plan
- 04.68.203 C – Proposed Second Floor Plan – Penthouse Apartment
- 04.68.204 B – Proposed Roof Plan – Penthouse Apartment
- 04.68.205 – Proposed Waste Storage
- 04.68.210 C – Existing and Proposed Elevations – Front
- 04.68.211 B – Existing and Proposed Elevations – Rear
- 04.68.212 C – Existing and Proposed Elevations – Side
- 04.68.220 C – Proposed Section EE
- 04.68.221 B – Proposed Section FF
- 04.68.222 B – Proposed Section GG
- 04.68.223 B – Proposed Section HH
- 04.68.224 B – Proposed Section JJ
- 04.68.230 B – Proposed Study of Overlooking to Neighbours on Settles Street
- 04.68.231 B – Proposed Rear Elevation Details
- 04.68.250 B – Proposed Axonometrics – Relocated Roof Items
- 04.68.251 C – Proposed Axonometrics – North-West
- 04.68.252 C – Proposed Axonometrics – South-East
- 04.68.253 C – Proposed Study of Overlooking to Neighbours on Settles Street
- 04.68.254 B – Proposed Axonometrics – Penthouse Roof Terrace
- 04.68.260 – Sun and Daylight Study Plan
- 04.68.261 – Sun and Daylight Study Plan to Approved Window
- 04.68.262 – Sun and Daylight Section and Elevation
- 04.68.SDA – Sun and Daylight Assessment
- 04.68.SDA.GR A – Sun and Daylight Assessment to Residents on 86-88 Greenfield Road
- 04.68.DAAS – Design and Access Statement
- 04.68.SDA - Response to Daylight and Sunlight Queries *Appendix A*
- *Daylight and Sunlight Assessment to the Rear Windows of Settles Street - Rev B, Appendix E Daylight and Sunlight Assessment to the Playground of Kobi Nazrul Primary School and Sun and 04.68.SDA.FR rev C (Daylight Assessment to the Rear Windows of 42 Fieldgate Street Former Car Park PA/13/03036/A1)*

Appendix 2: RELEVANT PLANS

Figure 1: 04.68.151 - Existing Axonometric - South-East

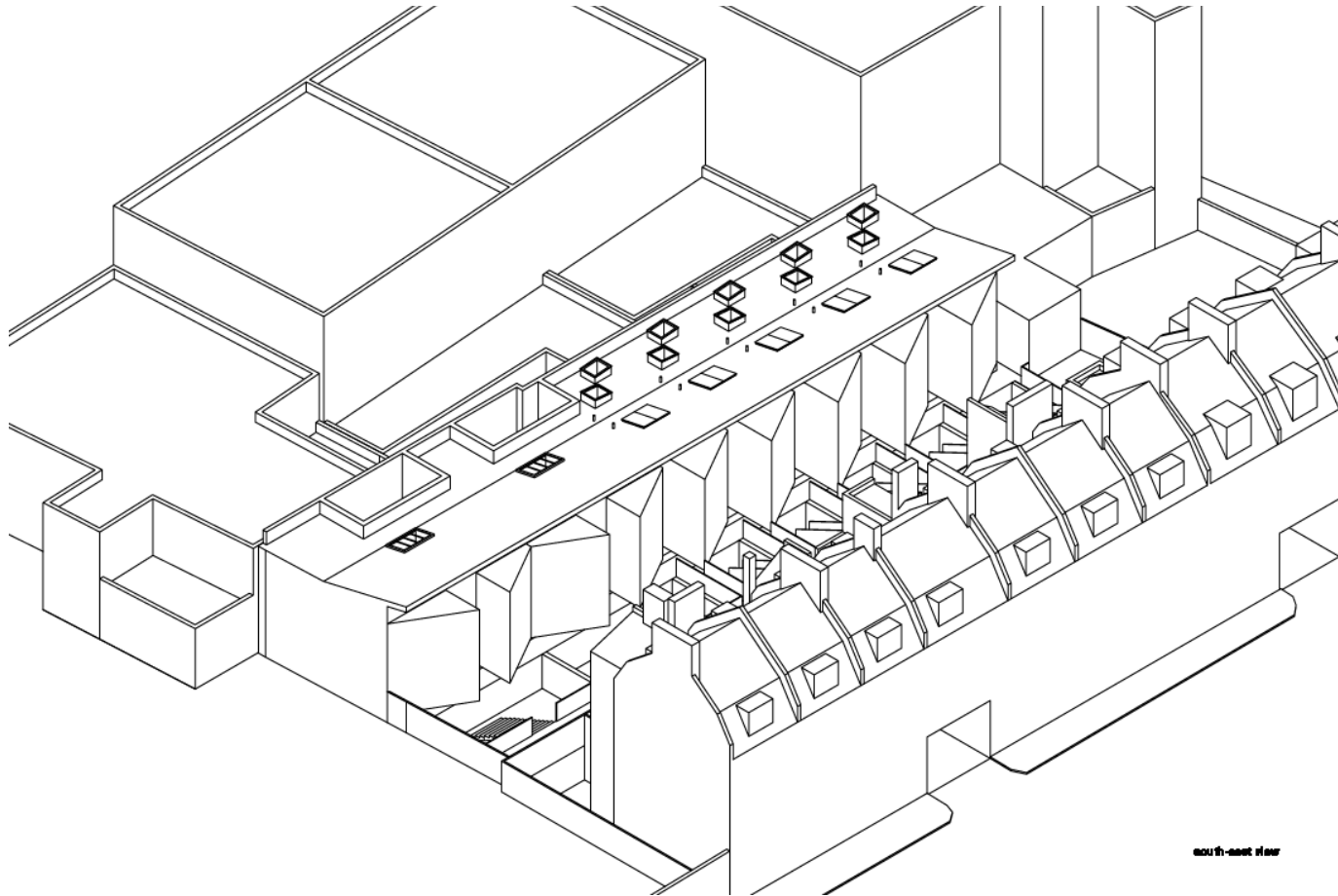


Figure 2: 04.68.252 - Proposed Axonometric - South-East

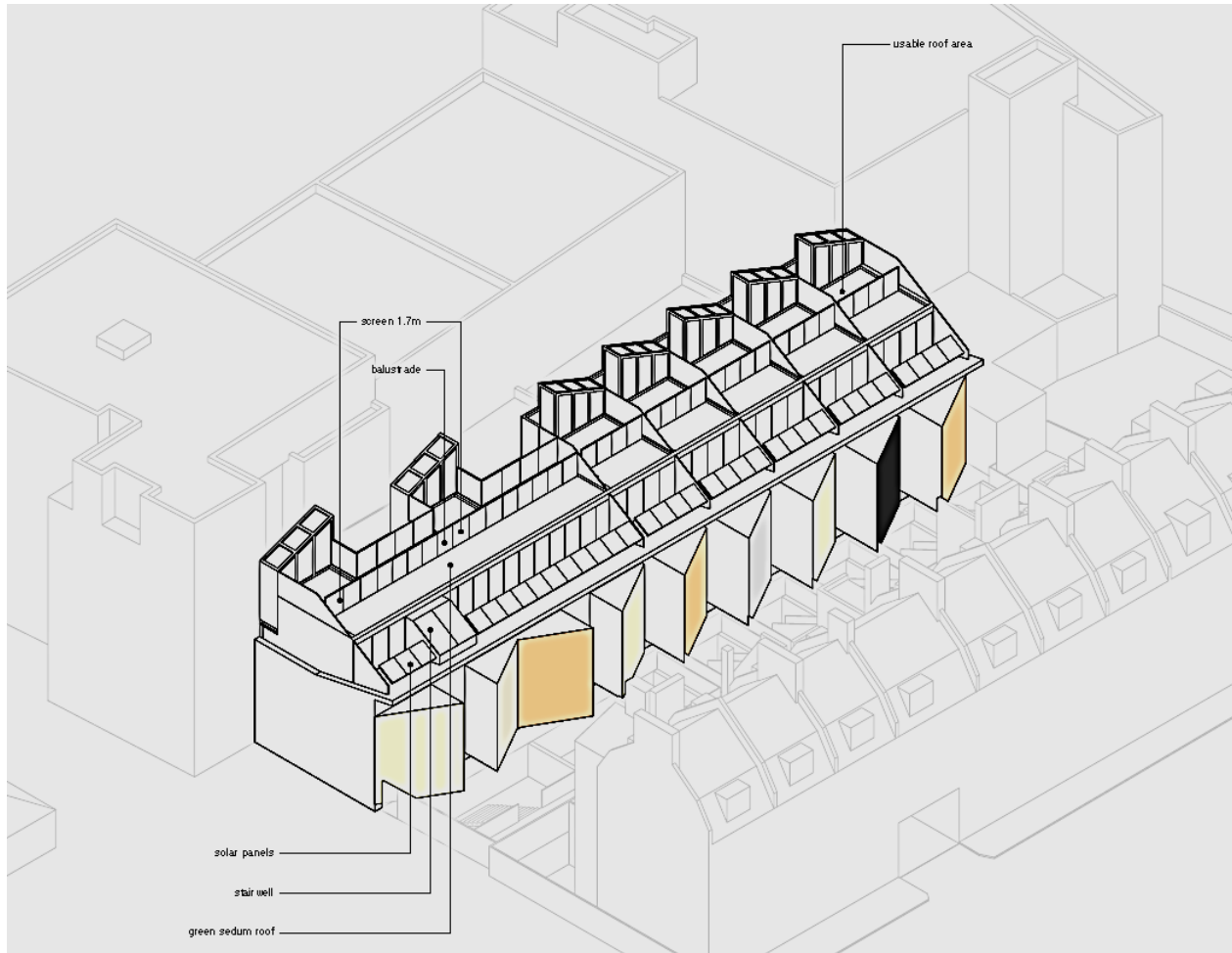


Figure 3: 04.68.230 - Proposed Study of Overlooking to Neighbours on Settles Street

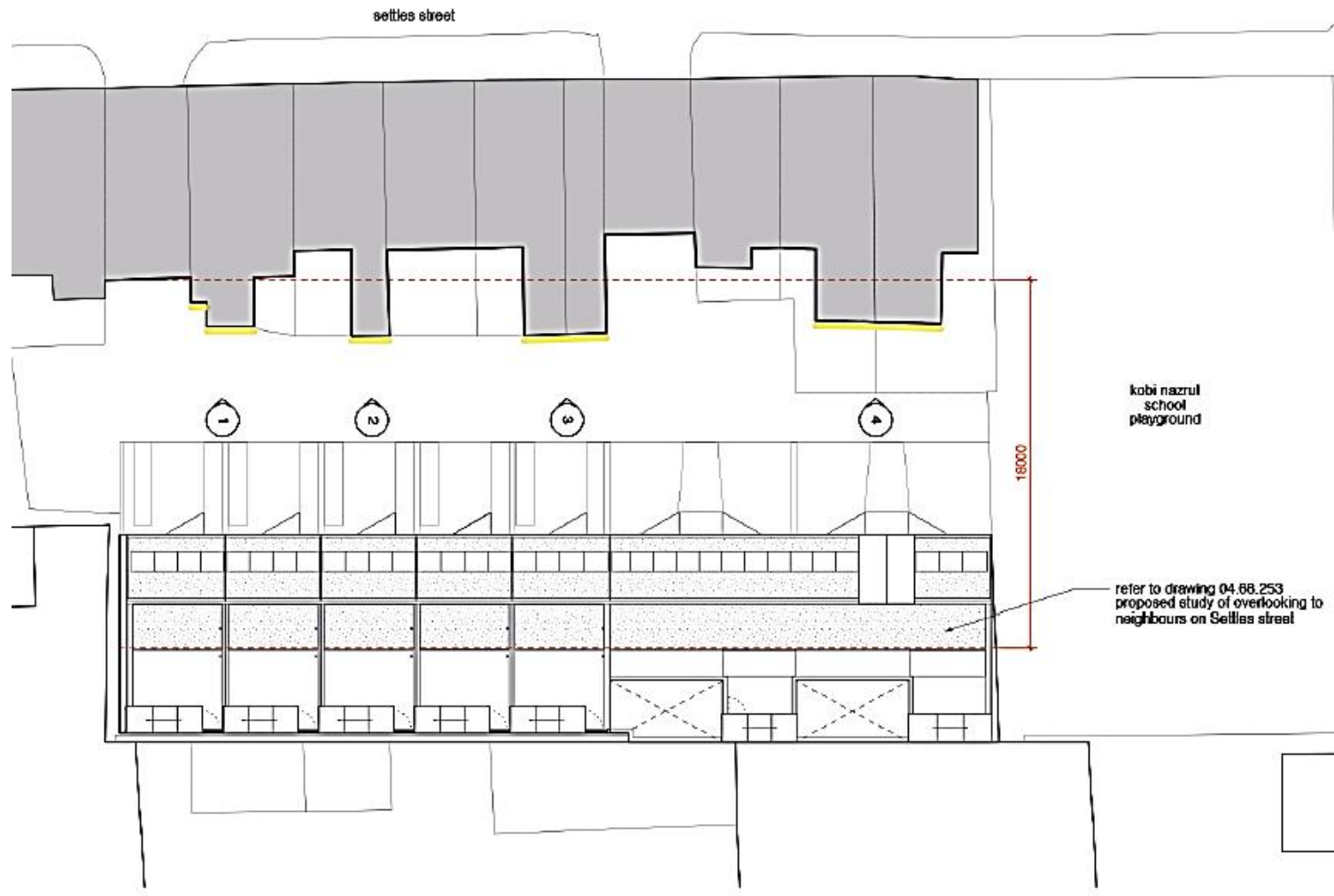


Figure 4: 04.68.220 - Proposed Section EE

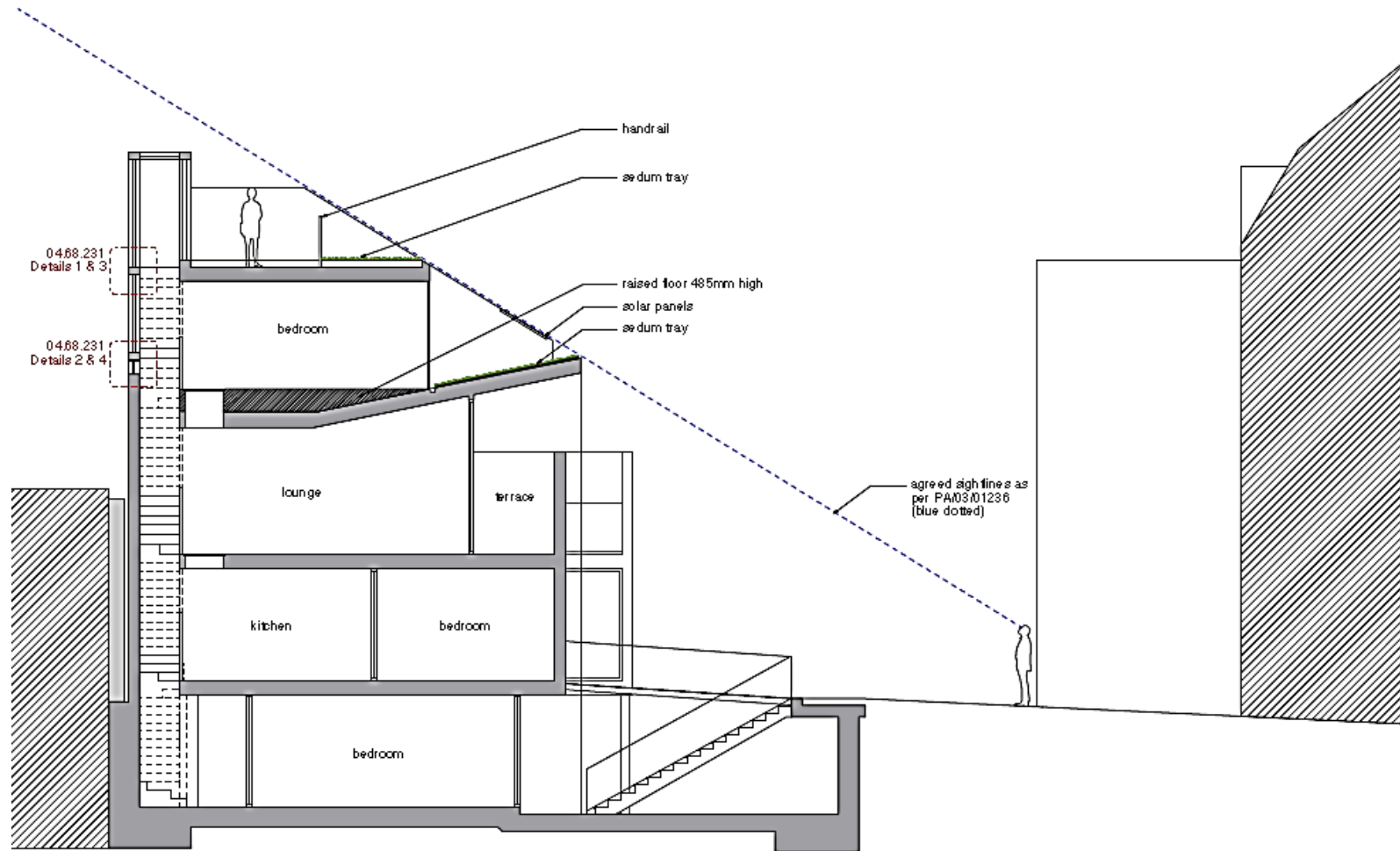


Figure 5: Rear of 86-88 Greenfield Road



Figure 6: Section through Rear Elevation of 86-88 Greenfield Road - W2-3

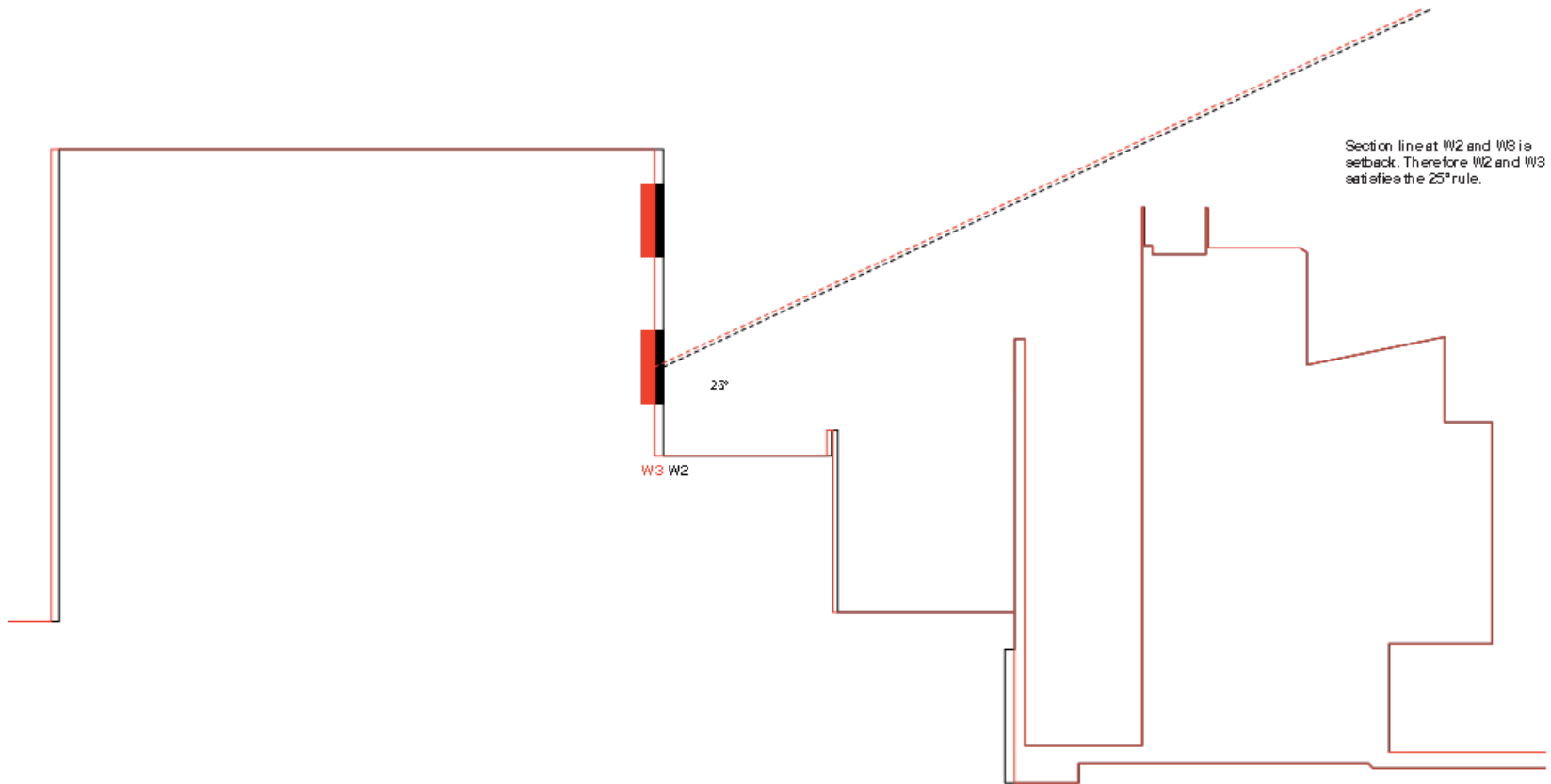


Figure 7: Section through Rear Elevation of 86-88 Greenfield Road - W4-7

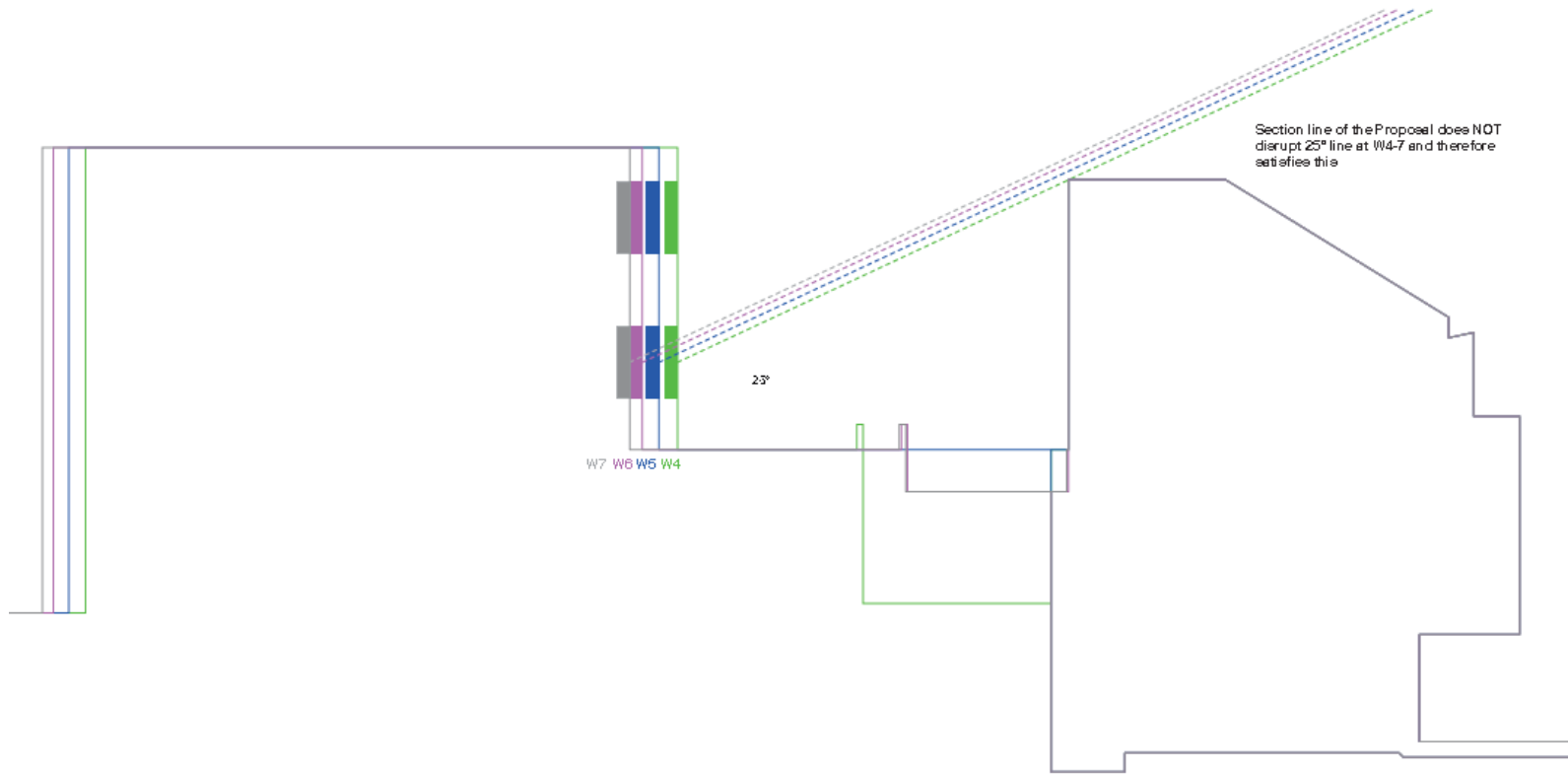


Figure 8 – Section of Proposed development with No 42 Fieldgate Street set behind it

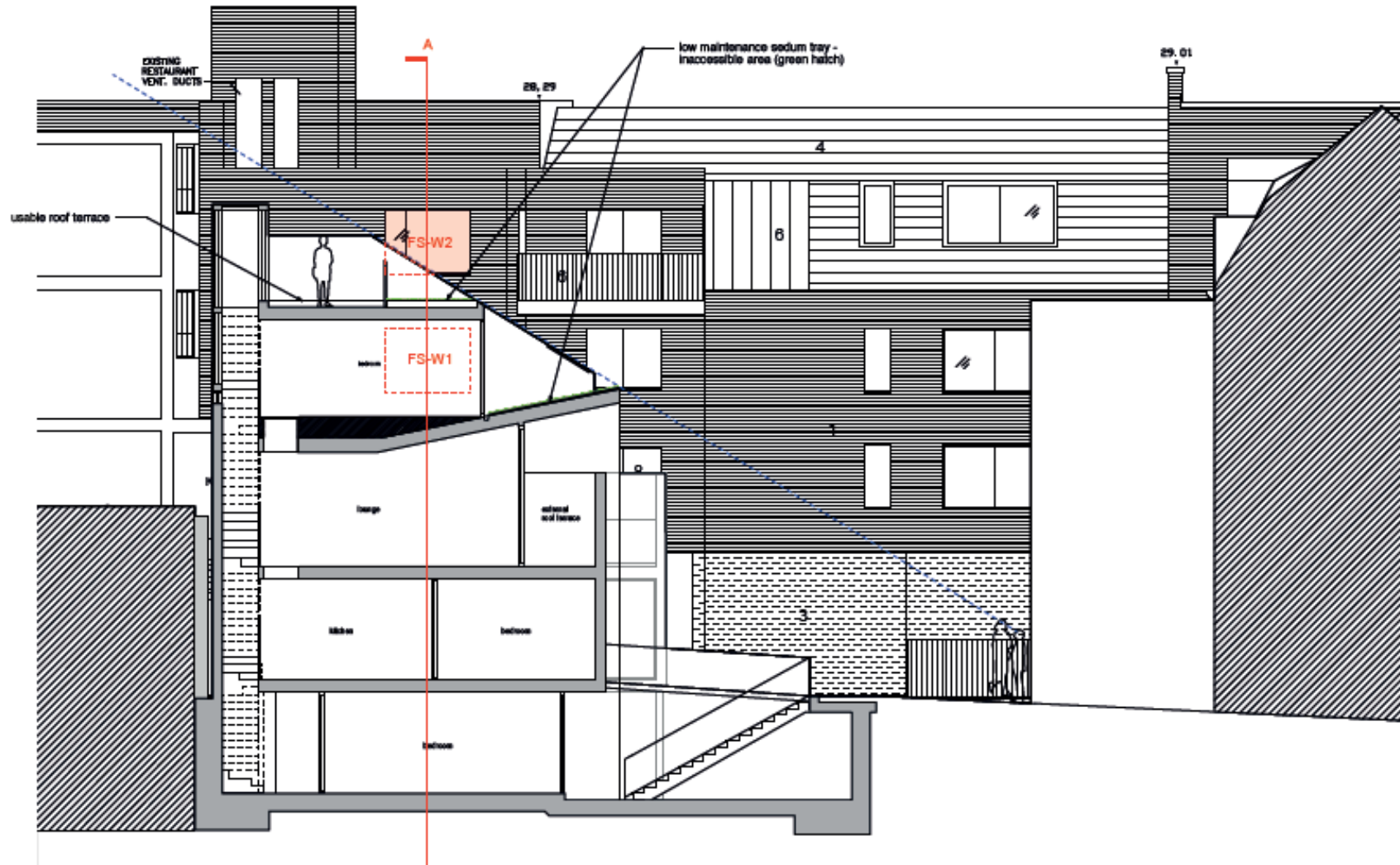
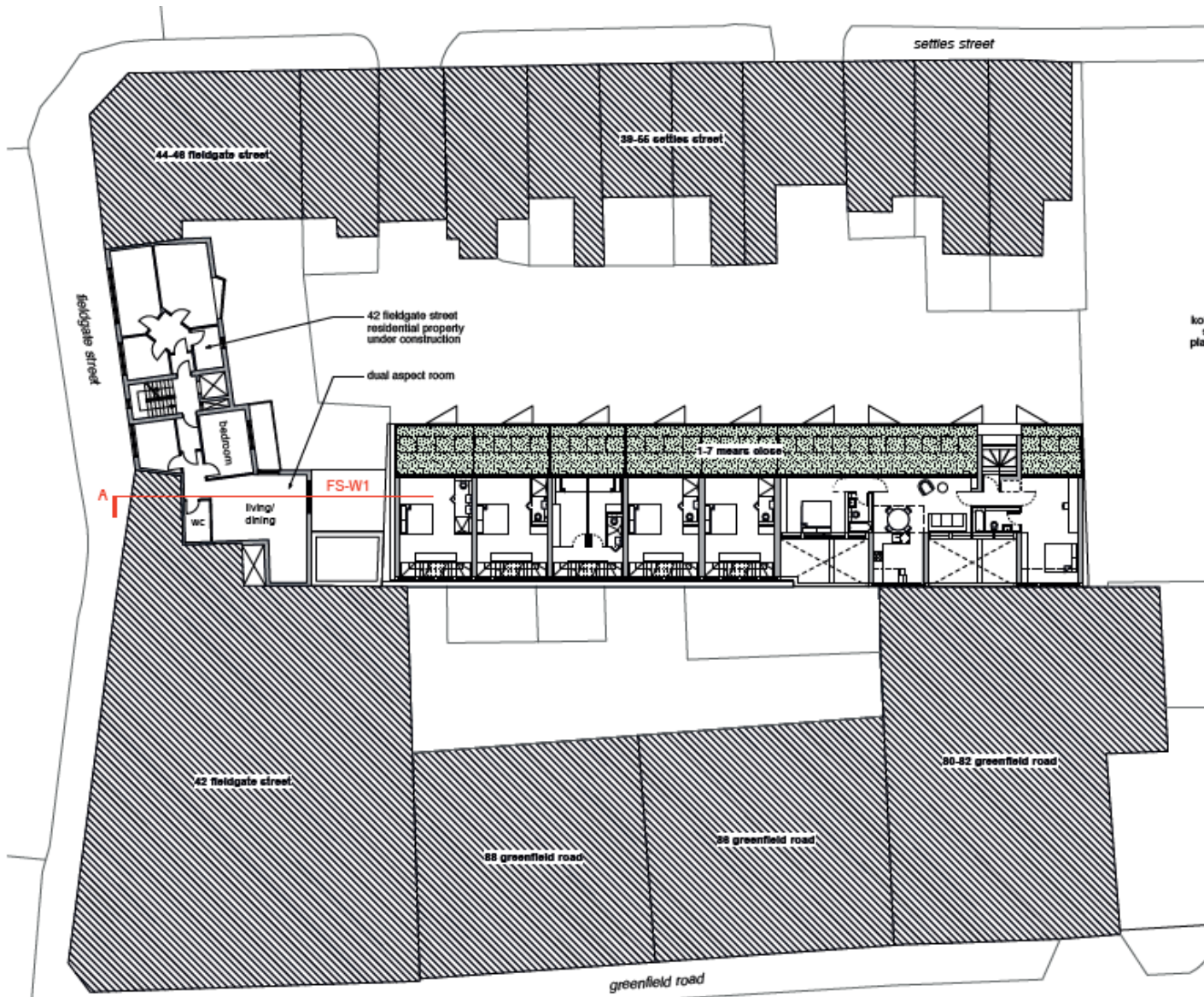
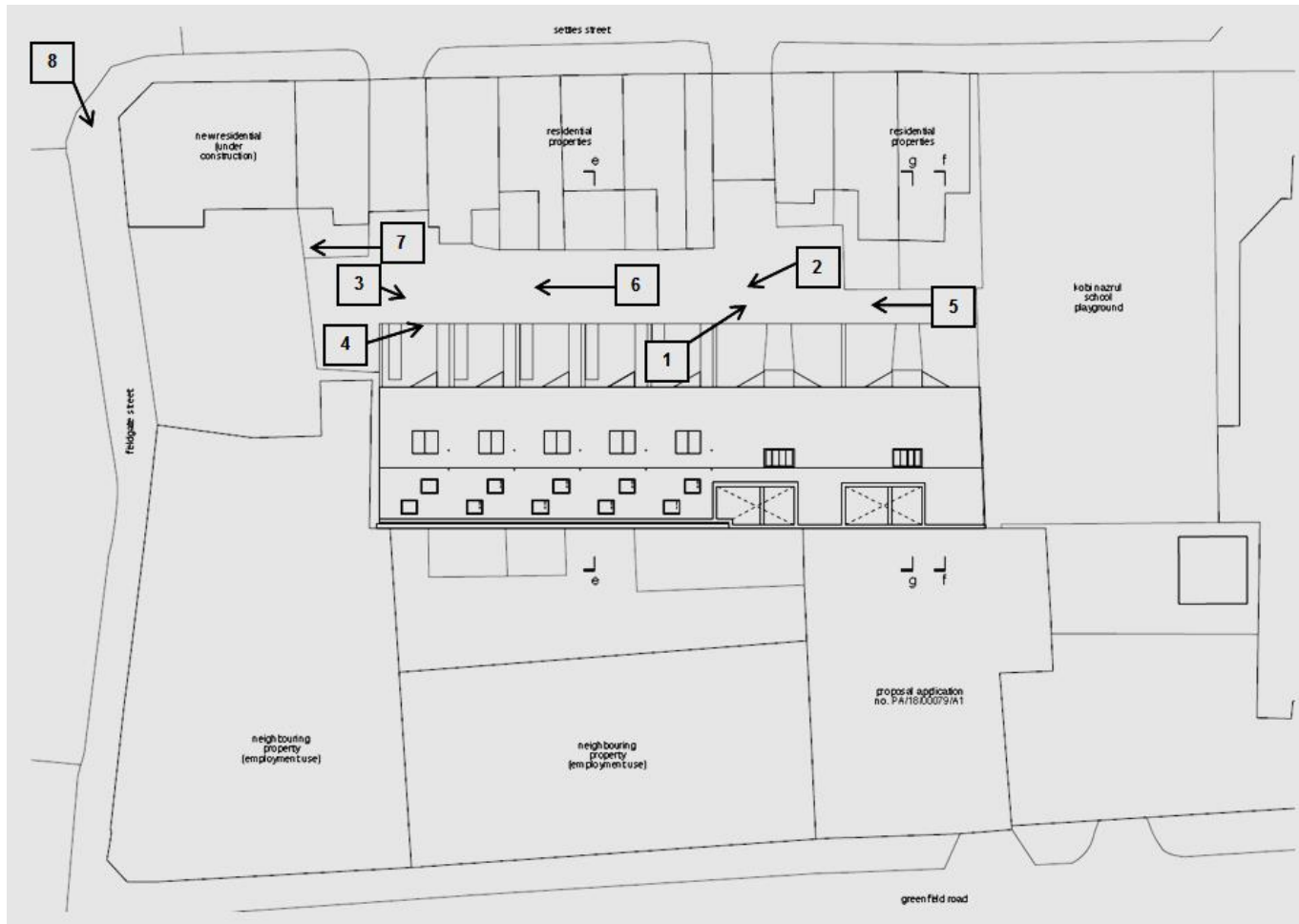


Figure 9 – Block Plan to neighbouring development including showing relation to 3rd Storey floor plan to No 42 Fieldgate Street



Appendix 3: PHOTO ORIENTATION MAP



View 1



View 2



View 3



View 4



View 5



View 6



View 7



View 8





DEVELOPMENT COMMITTEE

13 June 2019

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/17/03009
Site	Walker House, 6-8 Boundary Street
Ward	Weavers
Proposal	Change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3). Construction of a two-storey building to the rear to provide approx. 400sq.m of office space (use class B1a).
Recommendation	Grant planning permission with conditions
Applicant	Metro Associates
Architect	GML Architects LTD
Case Officer	John Miller
Key dates	- Application registered as valid on 19/01/2018 - Initial public consultation finished on 09/02/2018 - Amended plans received 01/05/2019 - Revised public consultation finished on 04/06/2019

EXECUTIVE SUMMARY

The proposed redevelopment of this site represents a good example of a mixed use development (residential and office) and is considered appropriate in this location as it falls within the City Fringe Opportunity Area. The development would provide additional office accommodation and the residential units would have an appropriate standard of accommodation as required by planning policy.

Height, massing and design has been proposed to minimise the impact on the surrounding streetscene and would still appropriately respond to local context, safeguarding the character and appearance of nearby heritage assets. There would be a degree of impact (less than substantial) to the Conservation Area however; officers consider that given the proposals would be of high architectural quality and that public benefits that would result from the scheme (including additional office space, housing, and improvements to the existing building for the benefit of visitors and residents) would outweigh this limited harm.

The report explains that part of the reasoning behind the acceptability of the proposal is derived from its location and relationship with Walker House, which does not form part of the historic Grade II Listed Boundary Estate mansion blocks and nor does the rear open space / car parking area forms part of the historic court yard spaces serving the Boundary Estate. The proposal will preserve the character and setting of surrounding heritage assets, including listed buildings and Conservation Areas.

The proposed residential dwellings would be acceptable in terms of standard of accommodation and would have an acceptable amenity impact to neighbouring residential and commercial properties.

The impacts on the amenity of neighbouring occupiers would be minimal and would be acceptable for an urban location.

Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.

The scheme would be liable to both the Mayor of London's and the Borough's community infrastructure levy.

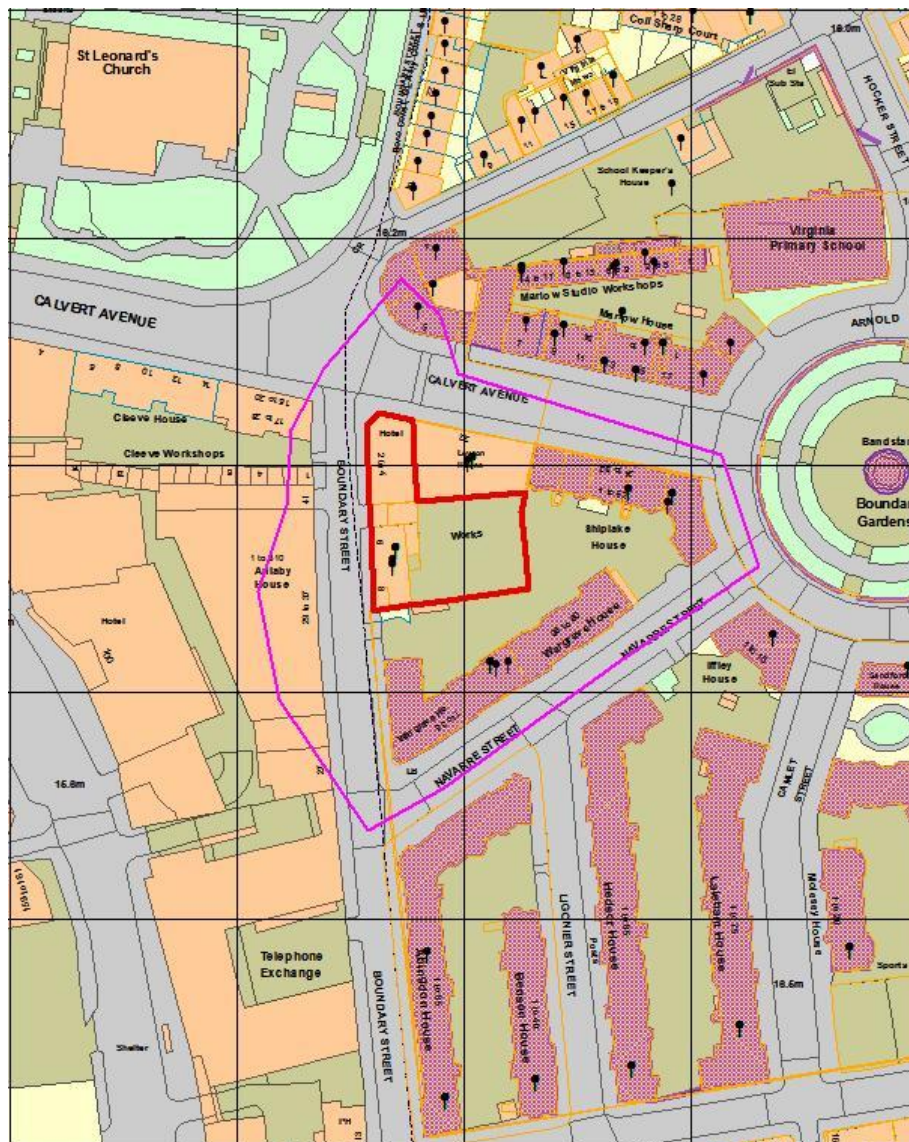


Figure 1: Site boundary (red) including consultation (pink)

1. SITE AND SURROUNDINGS

- 1.1 The application red line boundary includes Walker House building fronting Boundary Street, on the corner of Calvert Avenue, and the car park at the rear of this building (approximately 25m x 25m). Walker House is a five-storey building with commercial uses on the lower floor levels and flats on the upper three floors. The first floor of Walker House, subject of this application, is vacant office space. The car park, also subject of this application, provides 20 car parking spaces. It is understood that seven of the spaces are allocated for commercial uses in the adjoining Leyton House. The remaining car spaces are used by occupants of Walker House, but not controlled by planning condition. The car park is located at lower ground level accessed down from a ramp and is also surrounded by a large brick wall.
- 1.2 Immediately at the north of the car park is Leyton House, with commercial at lower levels and residential above. The urban block that Walker and Leyton Houses form part of is roughly triangular. These blocks are part of the wider pattern of development that surrounds Arnold Circus, the heart of the Boundary Estate Conservation Area. Walker and Leyton House are the more recent developments, with the rest of the urban block formed by the original Boundary Estate blocks, which are Grade II Listed.
- 1.3 The application site and streets around Arnold Circus fall within the Boundary Estate Conservation Area. The original Boundary Estate blocks are Grade II Listed, including those in this urban block, Shiplake House to the east, and Wargrave House, on the south side. The boundary with the London Borough Hackney runs down the centre of Boundary Street.

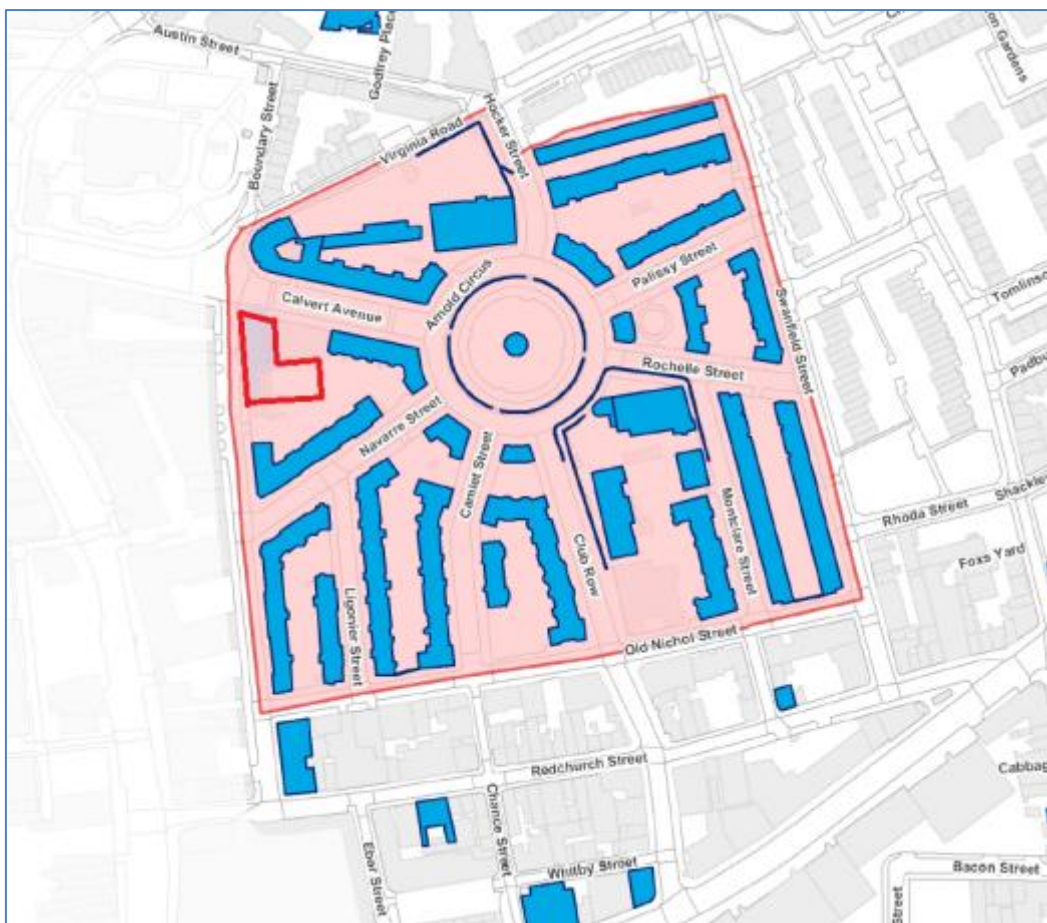


Figure 2: Boundary Estate Conservation Area

- 1.4 The application site has a Public Transport Accessibility level of 6b (the highest - excellent) with Shoreditch Overground station to the south (approximately 320m away) and Old Street Underground to west (approximately 800m away) as well as various local bus routes in close proximity. The application site is in the office to residential permitted development exclusion zone, where the rights to make the aforementioned general permitted development change in use does not apply.

2. PROPOSAL

- 2.1 The proposed development and the evolution of the design are described in detail within the applicant's Design and Access Statement. In brief, the application is in two broadly distinct parts:
- a) Change of use of first floor office space (use class B1a), approximately 380sq.m to 4 residential flats (use class C3). The proposal would provide 1 x 1-bed, 2 x 2-beds, and 1 x 3-bed. The proposal includes provision of 2 x balconies at rear.
 - b) Construction of a new two-storey office building in the rear car park. The building would be on stilts with the lower level of approximately 97sq.m of space and the remainder the car parking spaces. The upper level would provide approximately 310sq.m of office floorspace. The access to the office building would be through the existing gate and undercroft into the rear of Walker House.
- 2.2 The scheme would be 'car free' for incoming residents with existing residents still benefiting from the remaining informal spaces. The existing number of car parking spaces from within the site would be reduced from 20 to 13. A total of 20 cycle parking spaces would be provided to serve all the uses.
- 2.3 The architecture of the scheme would be contemporary in character, with rich detailing and a material palette centred on the use of robust materials such as copper cladding, and glazing as illustrated in the applicants' document package and re-produced below. Further selected plans and images of the proposed development are set out in Appendix 2.
- 2.4 Amended plans have been received over the course of the application and these largely relate to:
- Incorporation of gutters into the design
 - Amended skylight
 - Revised main entrance to Walker House

3. RELEVANT PLANNING HISTORY

Application Site

- 3.1 PA/17/01567: Installation of revised entry-way including new door and panelling. Approved 07/05/2019
- 3.2 PA/16/02194: Change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3). Construction of a three-storey building to the rear to provide 700sq.m of office space (use class B1a). Application withdrawn by applicant, following advice from officers that

the proposal would not be supported, 27th January 2017 due to scale, footprint and massing concerns.

- 3.3 PA/09/00540: Lawful development certificate for use of ground floor as single dwellinghouse. Refused: 24th June 2009.
- 3.4 PA/08/02655: Retention of use of basement as a gymnasium (use class D2) and extract fans on exterior of building. Approved: 24th March 2009.
- 3.5 PA/07/01868: Division of ground floor studio space (use class B1) to provide a self-contained 1-bedroom flat (use class C3) and studio space (use class B1). Refused: 18th July 2007: Reason: failed to provide justification for loss of employment.

Leyton House, 22 Calvert Avenue

- 3.6 PA/18/02176: Change of use from Use Class D1 to flexible Use Class D1 / B1 and / or A1. Approved 13/07/2018
- 3.7 PA/08/01592: Change of use of ground and lower ground floor from office (use class B1) to Arts and Cultural Exchange Centre and Gallery (use class D1). Approved: 19th September 2008.
- 3.8 PA/98/01173: Alterations and partial reconstruction of Leyton House and addition of four floors in similar style, to retain business space on ground and lower ground floors with new loading bay at lower level and provide 3 live/work units on first floor and 13 flats above. Servicing and parking in rear yard to be shared between commercial occupiers of Leyton House development and both residential and commercial occupiers of Walker House. Approved 11th June 2014.

Club Row Building, Rochelle Centre, Club Row, Arnold Circus, London E2

- 3.9 PA/12/02317 and PA/12/02318: Planning permission and Listed building consent for change of use from D1 (Non-residential institution) to mixed A1 (Shop), B1 (Business) and D1 (Non-residential institution), external and internal extensions and alterations. Refused by Tower Hamlets Development Committee April 2013. Appeal Allowed by the Planning Inspectorate January 2014.

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper.
- 4.2 As amended plans were received in July 2018 and May 2019 and three rounds of consultation were undertaken to give neighbours the opportunity to consider the various amendments.
- 4.3 In total there were 33 unique letters of objection.
- 4.4 In the first round of consultation which took place in January 2018, 29 letters of objection and 1 petition with 29 signatures was received.
- 4.5 In the second round of consultation which took place in September 2018 11 letters of objection (including previous objectors) was received.
- 4.6 In the third round of consultation which took place in May 2019, 11 letters of objection (including previous objectors), and a petition with 21 Signatures was reviewed

4.7 The issues raised in the petitions are as follows:

- We, the undersigned, are writing to object to the Planning Application above mainly to build a two storey office in the car-park of Walker and Leyton Houses.
- Heritage - out of character, proposed materials not appropriate, proposed building intrusive and visible to residents, visible from Arnold Circus, a Grade II listed historic park, the centre piece of the whole estate
- Loss of light / noise / density – those affected will lose light and suffer a negative impact in terms of energy efficiency, balconies proposed will add to acoustic canyon effect of noise and disturbance, proposal will increase density to already built up area
- Biodiversity / Pollution – object to removing any ivy covered walls, will affect community gardens in Wargrave and Shiplake houses

4.8 The issues raised in the objection letters are as follows:

- Design of building incompatible with townscape, character and appearance
- Disagree with the submitted Heritage Assessment that the proposal is a well-designed and proportioned building
- Proposal is excessively large for a small space surrounded by residential
- Impact of light reflectance from roof of development, light pollution from development
- Submission refers to wider community benefit and viability of Walker House. Viability of Walker House not in doubt, building is in a good state of repair, residential and commercial units all occupied, residents' sinking fund significant, car park is regularly used. Shoreditch already one of busiest areas of London, additional employees doesn't seem relevant
- Loss of daylight to Calvert 22 space, basement and gallery space depends on natural light a very significant extent and loss of daylight to residential properties
- Development would displace space for servicing space for vehicles for Calvert 22 space. Gallery utilises rear car park for deliveries of exhibits including large artworks; may force deliveries onto surrounding streets; receive up to 20 deliveries over 12 months; vehicles range from a transit van to heavy goods vehicle
- Secure access is currently in place for Walker House car park with keypad locked gates. This will be compromised during and after the proposed build
- Proposal will involve reduction of car parking spaces by 38% and no parking for proposed office. Agreed planning permission for Leyton House secured 19 car parking spaces, but proposal retains 13 spaces
- Secure by design concerns with proposal including a partly covered parking space out of sight from the street and neighbouring properties
- Do not believe volumes of waste are adequately dealt with
- Potential for the car park to be used as landscaped open space. This potential would be lost with the proposal to build

- The proposed office development is not needed nor wanted
- Have structural concerns about the proposal
- Revised scheme is the same as before so concerns raised previously are still valid

5. CONSULTEES

LBTH Refuse

- 5.1 The applicant will need to ensure that any obstruction and overuse of bins will be managed by a managing agent. The same applies to the trolleying distance. The applicant will need to ensure that all bins are presented to within the 10 meter trolleying distance and adhere

Officer comment: the applicant has confirmed that they are willing to secure a DSP via condition.

LBTH Highways

- 5.2 Should planning permission be granted it is requested that an informative is included that loading / unloading can only take place outside of the site where it is safe and lawful to do so. Any non-lawful servicing will be subject to enforcement action by the parking control team. In terms of existing deliveries, the proposed layout shows manoeuvring will be more difficult than the current situation but that loading can still occur. Vehicles which currently service from the rear will be able to do so and large vehicles which currently reverse on site or wait on street will continue to do so. The 1998 planning consent was approved with a loading bay and car parking spaces and it is understood that previous application incorporated car parking into the s106 legal agreement. This will need to be looked into should the application be recommended for approval.

Officer comment: Officers note that the existing legal agreement from 1998 permission secured a number of car spaces for the business premises at 22 Calvert Avenue. It is understood that no additional legal agreement exists for the remaining spaces.

LBTH Biodiversity officer

- 5.3 The site has little existing biodiversity value, and the buildings are not suitable for bats. There will, therefore, be no significant adverse impacts on biodiversity.

LBTH Tree officer

- 5.4 Mature tree to the south of the site, agreed pruning methods and agreed pruning points, and supervised excavation agreed in revised arboricultural report. Details acceptable

External responses

Historic England

- 5.5 No consultation required for this application.

Historic England Archaeology (HEA)

- 5.6 Proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions necessary.

Crime Prevention Officer

- 5.7 Clarity need in terms of access between commercial and residential premises as well as perimeter treatments. This can be resolved by way of condition requiring secure by design accreditation

CADAP

- 5.8 Upon request of members the application was taken to the Conservation and Design Advisory Panel and this took place in
- 5.9 Members questioned whether the principal of the proposal to infill the site was suitable. They raised issues with regards to the sustainability (ie overheating) and the use of the materials. Comments with regards to the practicality of the proposals including noise, ventilation, gutters, the skylight, how it would be built and generally in relation to residential layouts were also noted. It was recommended that landscaping should be provided. No assessment of the Conservation Area has been undertaken to date.

Officer comment: Following the CADAP meeting the applicant sent updates on the scheme and responded to comments made. Officers feel these have been adequately addressed in the response and through the updates which saw clarification on the sustainability, ventilation ect, and revised/new drawings were submitted for the skylight & gutters. In terms of the comment regarding the principle of development and assessment of the Conservation Area the application package includes a detailed heritage impact assessment which addresses these issues. Officers also find the standard of accommodation of the new residential units to be satisfactory. Officers analysis of the amended submission (including a response to the CADAP comments is provided in the 'Material Planning Considerations' section of the report).

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise. Further guidance is provided within Agenda item 5.
- 6.2 In this case the Development Plan comprises:
- The London Plan 2016 (LP)
 - Tower Hamlets Core Strategy 2010 (SP)
 - Tower Hamlets Managing Development Document 2013 (DM)
- 6.3 The key development plan policies relevant to the proposal are:

Land Use - LP4.1, LP4.5, LP4.7, SP01, SP02; SP06, DM15
(city fringe areas, office)

Housing LP3.3 -3.13, SP02, DM3, DM4
(unit mix, housing quality)

Design - LP7.1-7.8, SP09, SP10, SP12, DM23, DM24, DM27
(layout, massing, materials, public realm, heritage)

Amenity - LP7.6, LP7.15, SP03, SP10, DM25
(privacy, outlook, daylight and sunlight, construction impacts)

Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, SP05, SP09, DM14, DM20, DM21, DM22

(sustainable transport, highway safety, car and cycle parking, waste, servicing)

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Land for Industry and Transport SPG (2012)
- LP Draft New London Plan (2019)
- LBTH Employment Land Review (2016)
- LBTH Draft Local Plan (2019)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design & Heritage
- iii. Neighbour Amenity
- iv. Transport & Waste
- v. Environment
- vi. Local Finance Considerations
- vii. Equalities and Human Rights

Land Use

7.2 The application concerns two elements that are related, these are the change of use of vacant office space within the Walker House building and the construction of a new two-storey building to the rear. The vacant office space would be converted into new residential accommodation. The new building to the rear of the Walker House building in the existing car park would provide new office space.

7.3 While the Boundary estate is characterised by significant historical housing blocks, the area also contains a mix of commercial uses. The street facing ground floor frontages of this urban block on Calvert Avenue and Boundary Street includes a range of uses including a gym, art gallery, café and laundrette. Immediately opposite Walker House (LB Hackney) the ground floor is office accommodation. This is part of a wider context with the main commercial activity of Shoreditch High Street to the west, and Shoreditch High Street and Redchurch Street to the south, both nearby.

7.4 In respect of policy designations that apply to this site in terms of land use, the Boundary estate forms part of the City Fringe Opportunity Area. This policy designation has three categories and the application site is within the Inner Core Growth Area. This is an area where demand for employment space is identified as being the highest. The GLA planning framework for the area states that the inner core growth area '*is where development proposals for employment floorspace will be encouraged and supported, in order to support the process of the core expanding and prevent supply diminishing*'. (para 3.9).

7.5 The provision of employment space is an objective of the Council's policies. Large floorplate office developments are to be directed to the Preferred Office Locations (POL) in Aldgate and

Canary Wharf, while other office accommodation including office accommodation that meets the needs of Small and Medium Enterprises (SME) is encouraged more widely in the Borough.

- 7.6 Core Strategy (2010) policy SO15 seeks *'to support thriving and accessible global economic centres of Canary Wharf and the City Fringe which benefit the regional and local economies'*, and SO16 *'to support the growth of existing and future businesses in accessible and appropriate locations'*. Managing Development Document (2013) DM15 states that the upgrading and redevelopment of employment sites outside the POLs will be supported. Development should not result in the loss of active and viable employment uses unless it can be shown through marketing that the site is unsuitable.
- 7.7 The provision of office accommodation in the Boundary Estate Conservation Area was addressed by the Planning Inspector for an appeal decided in 2014, in respect of the Rochelle Centre, Club Row. (see RELEVANT PLANNING HISTORY above) In that decision the Inspector commented, *'The appeal site is situated on the edge of the Central Activities Zone, promoting a vibrant mix of uses. It is well located to accommodate the small scale B1 and D1 uses intended. The uses would complement the businesses already present on the site, as well as reflect the cultural based activities in Shoreditch generally'*. These comments are in accordance with the applicable planning policy and the location of the Boundary estate and surrounding area.
- 7.8 In addition to the provision of office accommodation the development proposes 4 residential units. As much of the building is already in residential use this use is consistent with the character of the area and the existing use of the building. Moreover the provision of new housing is also an objective of the Council's policies. Core Strategy (2010) policy SO7 sets out the objective to *'deliver housing growth to meet general and specialised housing demand in line with London Plan targets'*. The delivery of new housing is a key objective at local and London-wide levels
- 7.9 In this context in terms of principles of land use the proposed provision of office accommodation and new housing on this site is in line with the local plan objectives and the City Fringe OAPF. The proposal is acceptable in land use terms and would support the achievement of these objectives.

Design & Heritage

- 7.10 Development Plan policies call for high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.

Scale, height, mass

- 7.11 The proposed new office building would be constructed on stilts from within the basement carpark and would be two storeys in height, leaving space beneath for car parking and services. Overall the building would be 9.2m high at its maximum (from basement level) which is considerably lower than the surrounding area which largely consists of medium rise buildings between 4-7 storeys.
- 7.12 Officers note the improvements the applicant has made and the revised scheme addresses the main issues raised previously through the pre-application process as well as clarifying comments made by CADAP. Whilst visible from upper floors of adjacent buildings, the proposal has been reduced in height and would largely be hidden from view from the public realm. The building has been pulled back slightly from the existing boundary walls, restricting views of the bulk of the development. The reduction in mass has also improved the relationship between the new build and Walker House.

- 7.13 Considering the prevailing heights in the area the proposal is considered acceptable with regards to scale, mass and height.

Appearance & Materials

- 7.14 The external material has been changed following engagement with officers through the pre application submission process. The main material for the building is a pre-oxidised copper cladding. This is a visually distinctive material with a modern look, and overall a high quality material. The material would be appropriate for a new building, making a clear distinction between old and new with colour tones that would relate well to the palette of brickwork that predominates in the Boundary Estate.
- 7.15 The proposed building is two-storeys in height from the level of the surface car park. This means that the building has an eaves height approximately 1.5m above the height of the surrounding wall. The building then slopes up away from the boundary. The east elevation of the building would be set away from the boundary by approximately 3m, from the north elevation with Leyton House by approximately 4.5m, and from the southern boundary approximately 1m. In this respect the proposed building would be a new feature in the immediately surrounding communal space on the opposite side of the boundary wall. However, for the reasons discussed above, including the boundary treatment and the location at the rear of these buildings the proposal would not be a prominent or significant feature in the surrounding area.
- 7.16 Officers also note the improvements made to the main residential entrance which have been approved under PA/17/01567 are also incorporated into this application. This saw the reduction of available space from within the internal porch and an improved lighting scheme in response to the anti-social behaviour activity in the area.
- 7.17 Following comments provided by CADAP additional details outlining where gutters would be located and a revised skylight were submitted. These details are considered acceptable in terms of appearance and materials.
- 7.18 It is acknowledged that from a 'birds-eye' plan perspective, and a view from upper floors of surrounding buildings, the proposal fills in a large part of the existing car park. This is a notable change from upper floor views. However, these are not the key views in respect of the impact of the proposal on the general character and appearance of the Conservation Area and surrounding area (discussed below).

Secure by Design

- 7.19 Policy 7.3 of the London Plan and policy DM23 of the Managing Development Document (2013) seek to ensure that developments are safe and secure.
- 7.20 The proposed development has been assessed by the Crime Prevention Officer who has not raised objection to the proposal, however wanted further clarification on the development. A Condition would therefore be attached to any approval, to ensure that the development will seek to achieve the Secure by Design Accreditation.
- 7.21 Subject to conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the Managing Development Document (2013).

Design Conclusions

- 7.22 In conclusion, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with local and regional policies.

Heritage

- 7.23 Development Plan policies call for development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Archaeology

- 7.24 Whilst the site does not fall in a designated Archaeological Priority Area, Historic England Archaeology (GLAAS) advises that the site lies in an area of general archaeological interest. Remains connected with Roman activity and the post-mediaeval development of London may be affected by the limited fresh intrusive works for extensions and the lift pit.
- 7.25 Following amendments to the Written Scheme of Investigation (WSI) GLAAS are satisfied that the proposal could be dealt with by an appropriately worded compliance condition.

Surrounding Conservation Areas and Listed Buildings

- 7.26 As set out below, the Conservation Area is arranged around the central Arnold Circus. The Boundary Estate Conservation Area Appraisal states:

The character of the Boundary Estate Conservation Area is defined by the semi-formal late 19th-century housing estate, which is made up of twenty (Grade-II listed) purpose-built housing blocks. The majority of the blocks are five stories high, each individually designed to reflect its position within the estate and its relationship to its surroundings. The raised central garden known as Boundary Gardens, is the centre point of the estate, with the housing blocks arranged on seven unequally placed streets radiating from this focal point.

Calvert Street, the original main road leading from Shoreditch High Street was widened and extended to provide a grander entrance to the estate. The tree-lined Calvert Avenue was remodelled with shops facing onto the road and workshops to the rear. Today, these are still in existence, many with their original shop fronts.

- 7.27 The application site consists of Walker House, a building that has historically been extended and altered. The building has an immediate relationship with Leyton House that was extended substantially subject to a planning permission in 1998. As stated previously the rear of the buildings is the lower ground level car park, which is bound by a brick wall. The car park level is lower than the surrounding public realm and is approximately 4m below the height of the surrounding wall
- 7.28 The planning application drawings are submitted with an accompanying Heritage Impact Assessment. A fundamental consideration in the assessment of an application in this area is that it does preserve or enhances the integrity, character and understanding of this Conservation Area, and this very historically significant Estate. Whilst included within the Conservation Area, Walker House was not built as part of the LCC's ground breaking Boundary Estate. The building site is at the rear of the property, situated below existing ground level and was evidently built on in the past and importantly did not form part of the historic yard spaces between the Boundary Estate blocks, which are a key part of the areas character and an important component of the Conservation Area.
- 7.29 Extensions of any significance or main alterations would not be entertained in the immediate setting or surrounding communal area to an original Grade II Boundary Estate building. However, assessment of this site shows that this is a part of the Estate different from the other Estate buildings. The Council's specialist heritage officer has considered the principle and specific proposals of a new building on the rear car park to be acceptable.

- 7.30 In considering the development from the surrounding streets and within the communal area in the centre of this urban block, the visual impact of the proposal is very limited given the location of the proposal to the rear, given the existing car park is set at lower ground level and given the existing wall that surrounds the car park does much to help screen the proposal. Set in this context, while the top of the proposal would become a new feature in the surrounding area officers are of the opinion the proposal has a more than satisfactory relationship with the surrounding public realm and would preserve the character of the Conservation Area, enhancing the appearance of this screened away section of the Conservation Area.
- 7.31 Residents have specifically noted that the proposal would be visible from Arnold Circus; however, visibility does not immediately suggest that harm would be caused and in this instance given the low scale of development proposed and the screening afforded to this part of the site the proposal would not be detrimental to the character and appearance of the surrounding Conservation Area.
- 7.32 Whilst the proposal would result in the development of a new, modern building within the Conservation Area the redevelopment of site, in particular the limited visibility from the street, the quality of the design and materials as outlined above, is considered to preserve the character and appearance of the Boundary Estate Conservation Area. Overall, it is considered that the proposal would sit comfortably in this context and would not cause any adverse harm to the setting of statutory and locally listed buildings and the setting of the Conservation Area.

Neighbour Amenity

- 7.33 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions

Privacy, Outlook, Overlooking

- 7.34 Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the proposed new buildings and existing facing buildings on neighbouring sites. As a result of the redesign the proposed office development is at lower ground and ground floor level. Walker House and neighbouring Leyton House have residential properties at first floor and above with the proposed building generally being at a lower level than the residential flats. Furthermore, there are no windows facing north. As such officers consider that the development would not adversely impact neighbours outlook or sense of enclosure, nor raise challenging issues in terms, daylight, sunlight (discussed below), and privacy to these residential properties.
- 7.35 The development is set away from Shiplake and Wargrave Houses to the south, behind the existing wall and should not have any significant impact on residential amenity to the occupants of these buildings due to the barrier created by the existing wall and the height at which the building is proposed.

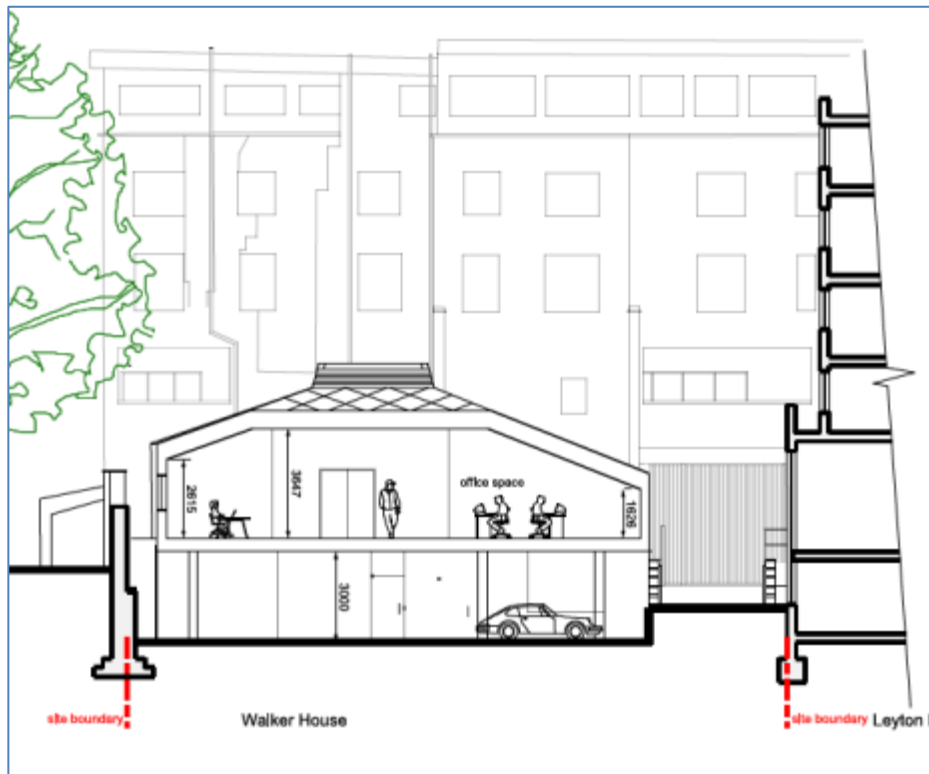


Figure 3: Section of proposal with lower ground and ground of Leyton House (22 Calvert) on right.

- 7.36 The non-residential use that has an immediate relationship with the proposal is the rear frontage of the 22 Calvert Avenue. This is currently occupied by the Calvert Foundation, a not-for profit organisation concerned with culture and creative arts activities. The premises occupy the ground and lower ground, this includes art gallery space, café and bookshop, meeting space for hire, and associated offices. While it is clearly the case that from a 'birds-eye view' the proposal is a notable change to the setting of the car park, the relationship with residential properties is reasonable. The proposal is set back from the adjoining 22 Calvert Foundation offices by approximately 4.5m and maintains a reasonable level of daylight, sunlight and outlook to these dual aspect premises
- 7.37 In terms of the proposed residential units as there are existing units above, the proposal would not introduce any new overlooking concerns beyond that which currently exists as the proposed balconies would be inset within the building.
- 7.38 Given the use, location, separation distance of surrounding facing residential properties and the tight urban grain in this part of the Borough, it is considered that the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of privacy, loss of outlook and sense of enclosure.
- 7.39 Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved, a level of outlook is maintained and there will be no sense of enclosure to surrounding residential properties.

Daylight & Sunlight

- 7.40 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.41 A number of residential properties surround the site which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.
- 7.42 For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive
- 7.43 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 reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The 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.
- 7.44 The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site:
- Leyton House
 - Shiplake House
 - Wargrave House

Leyton House

- 7.45 Of the 46 windows tested, 44 would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond the existing values. Of the 2 windows that do not meet the BRE daylight levels in terms of the 20% of their former value these windows are located at lower ground floor level serving the gallery space and face a loss of 23% and 25% of their former value which is marginally below the standard of 20%. The windows would receive VSC's of 22.01 & 22.24 respectively and would therefore maintain good access to daylight.

Shiplake House

- 7.46 Of the 14 windows tested all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond the existing values. The impacts are therefore negligible.

Wargrave House

- 7.47 Of the 58 windows tested all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond the existing values. The impacts are therefore negligible.

Walker House

- 7.48 In terms of Walker house_the proposed development involves blocking up two ground floor windows of Walker House facing onto the car park. These are two small windows with security bars over them. The lawful use for this unit is as a workspace studio (B1), with primary outlook onto Boundary Street. The planning history shows an application has been refused planning permission and a lawful development certificate for use of this space as residential. With the primary outlook and daylight from windows onto Boundary Street, blocking up these windows will not have a significant impact on the amenity of the building.

Sunlight

- 7.49 The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.

Leyton House

- 7.50 Of the 46 windows tested, 38 would pass the tests set out in the BRE. All the windows that fail belong to the lower ground floor non-residential institution and would fail in terms of winter hours but pass in terms of summer hours. Given the location, use of the building and the number of windows studied this reduction in sunlight levels to the building is acceptable.

Shiplake House

- 7.51 Of the 14 windows assessed all pass the tests set out in the BRE guidance. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels. The impact on sunlight levels is therefore negligible.

Wargrave House

- 7.52 No sunlight analysis is required as these windows face north. Overall, there is no impact in daylight and sunlight terms to the properties in Wargrave House as a result of the proposed development.

Conclusion

- 7.53 The proposed development shows almost full compliance with the required daylight and sunlight standards. Overall considering the size of the scheme, the highly urban context (located within a carpark) and the number of windows tested these reductions in daylight are on balance acceptable.

Overshadowing

- 7.54 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March".
- 7.55 There are no existing amenity spaces or park areas within close proximity to the development.

Noise & Vibration

- 7.56 Objections have been received due to the balconies proposed potentially adding to the acoustic canyon effect within the courtyard area. It should be noted that two balconies are proposed facing in to the courtyard area which would not be a discordant feature in a residential area such as this. Many properties have windows facing into the courtyard area currently which are openable. There are also amenity terraces which are located facing the courtyard in properties such as Leyton House which is adjacent to the application site in question.
- 7.57 Given there are existing residential properties with external amenity spaces in the area and also that there is a policy requirement for residential private amenity space; it is not

considered that two residential amenity spaces (for private use of occupants of the flats) would cause an unacceptable impact on amenity.

- 7.58 Officers have also considered the effect on noise from the office building. Given that typical offices hours are proposed and that there are existing businesses form within Calvert Avenue, no objection is raised.

Construction Impacts

- 7.59 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.

Housing

Housing Mix

- 7.60 Considering the size of the development the proposed housing Mix is acceptable.

Standard of proposed accommodation

- 7.61 The proposed development includes change of use of the first floor of Walker House from vacant B1 office space to provide 4 new flats. The accommodation would be a mix of 1 x 1-bedroom flat, 2 x 2-bedroom flats and 1 x 3 –bedroom flat.
- 7.62 Officers are satisfied that all of the proposed residential units are compliant with the relevant space standards. Each of the dwellings provides adequate integrated storage space and room layouts and sizes are generally acceptable. The units would be primarily served by existing large windows to the west. In addition 3 of the 4 flats would be dual aspect including windows to the east. Two of the four flats, including the 3-bedroom unit, would have private amenity in the form of an inset terrace. The submitted amendments have had no effect on the residential units
- 7.63 The second floor and above of Walker House is in residential use and this would be a continuation of that arrangement. This reflects the predominant character of the estate and surrounding area with residential on upper floors. The existing building is well suited to residential accommodation and the proposed units should have good levels of daylight, sunlight, outlook and privacy.
- 7.64 In summary, the quality of residential accommodation assessed against policy and with due regard to site constraints is satisfactory.

Transport

- 7.65 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

Car parking and access

- 7.66 Walker House and Leyton House benefit from an off-street car park within their demise located to the rear of the buildings. In respect of the wider Boundary Estate this is not a common feature. The main characteristic of the rear of properties in the Estate is open

communal space. However, this site does not include original Boundary Estate buildings and it is understood the current location of the car park was historically the site of a warehouse building, possibly destroyed in bomb damage.

- 7.67 The car park has 20 spaces. It is accessed through a controlled access gate (approx. 4m in height) from Boundary Street, and down a ramp to the lower ground level of the car park. The proposal is for a development that sits over the existing car park, and it is to change the number of car parking spaces reducing them from 20 spaces to 13 spaces.
- 7.68 Relevant planning history in respect of this car park is the 1998 approval for extensions and alterations to Leyton House, which included details on the use of the car park to serve Walker and Leyton Houses. The layout of the car park is secured by condition 8 and the accompanying S106 agreement pursuant to this permission. If permission were to be granted a condition requiring the applicant to vary the existing s106 would be secured
- 7.69 The condition and S106 identify 6 of the 20 spaces and state that they shall be used exclusively for commercial uses in Walker and Leyton Houses. The proposal subject of this report maintains an allocation of 6 spaces for commercial uses. In effect, as the allocated 6 spaces for commercial use remains, the reduction in car parking spaces (6 spaces) will be for unallocated general use car parking.
- 7.70 The objective of adopted planning policy is to reduce the use of car journeys in areas that are well connected to public transport. As set out in the site and surroundings section above, this is a highly connected location with the highest public transport accessibility level (PTAL) of 6b. This is a reflection of the short walking distance to Underground and Overground stations and a wide range of bus routes.
- 7.71 It is understood that for existing residents a loss of car parking would be undesirable. However, in a highly connected location as this there would need to be clearly identifiable severe transport impacts from the proposed reduction of 6 spaces for this to be a significant concern in respect of the planning application. This is not considered to be the case in respect of car parking.

Refuse

- 7.72 The existing refuse store to the rear of the building will be replaced with a new store providing office storage and residential storage. The proposal provides sufficient bin space based on standards including 3 x refuse bins, 2 x recycling bins and 1 x compostable bin for the residential element and 2 x commercial refuse bins for the office elements.
- 7.73 The waste officer has noted that the distance to the street is more than 10 metre pulling distance and therefore the applicant will need to manage the waste accordingly including presenting bins to street on refuse collection days. The applicant has agreed to this proposal and the details of this arrangement will be required through the delivery and service management plan which will be required by condition.

Servicing and deliveries

- 7.74 The rear car park is also used for servicing for commercial businesses and an objection to the application has been received by the 22 Calvert Foundation. This relates to servicing of the Foundation premises, primarily in respect of deliveries of art works. The Foundation have advised they receive up to 20 deliveries in a 12 month period, vehicles used range from transit vans to Heavy Goods Vehicles, The Foundation state they also receive deliveries from the street but on-street parking and stepped access mean this is not ideal.
- 7.75 It is considered that servicing for this business must be maintained; however, it is noted the number of deliveries is on average less than 2 deliveries a month.

- 7.76 Notwithstanding this, the design of the proposal is such to accommodate continued servicing from the rear of a transit van type vehicle. The proposed office accommodation provides a clear height of approximately 3m, which is a comfortable distance for a transit van, that measures approximately under 2m in height. Large vehicles could not be accommodated in the proposed arrangement for the rear car park. However, it is not considered likely that such vehicles would be easily accommodated under the current arrangement, with ramped access, and on street servicing would be necessary. Given the relatively modest number of deliveries over the year this should be accommodated in a manner that would not harm the safety or capacity of the highway.

Trip generation

- 7.77 In respect of the impact of the proposed development, the submitted application includes a Trip generation assessment for the proposed net increase of office floorspace (44sq.m) and the new proposed 4 residential units. The trip generation shows 90% (59no.) of additional journeys by public transport, cycling or walking. There are projected numbers of 10% (7no.) journeys by car. However, this is only a projected number in a location where there will not be allocated spaces for these uses, and in a highly accessible location, this should not have a significant affect. Overall, the trip generation is commensurate with a highly accessible inner London location as this and should be comfortably accommodated by the existing public transport infrastructure.

Cycle parking

- 7.78 The Design and Access Statement notes that there are currently 8 cycle parking spaces located within the existing car park which are provided by way of 4 Sheffield stands. The proposal will re-provide these 8 cycle parking spaces in addition to 12 new cycle parking spaces consisting of 5 cycle parking spaces for the new office and 7 cycle parking spaces for the new residential units. This is compliant with the current London Plan (2016) standards.
- 7.79 The cycle parking spaces will be located in two stores at basement level to the west and south east of the existing basement level. Details of the access arrangements and layout of cycle parking stands will be secured by way of condition.

Conclusion

- 7.80 Following advice of the Council's legal officer, if planning permission is to be granted this should be done subject to a 'Grampian' condition. This condition is to ensure commencement of a development does not take place until a deed of variation has been completed in respect of permission PA/98/01173 and the proposed amended arrangement of the existing car park. Other conditions required are a car-free agreement to prevent the proposed new residential flats requesting on-street permits, details of cycle parking and a Construction Management Plan, to manage the construction impacts during the build. Subject to these conditions the proposal is acceptable in terms of transport and highways considerations.

Environment

Air Quality

- 7.81 An Air Quality Assessment has been submitted by the applicant and this assesses the impacts of the development on the local area as a result of changes in traffic, any emissions from plant on site and the dust emissions during the construction phase of the project. The impact on the local area as a result of the proposed development is considered to be insignificant. With regards to the impacts of construction on air quality, dust and other pollutant emissions from the construction and demolition phases of the construction of the proposed development will

see the site designated a “Low Risk Site” and residual effects are not be considered significant. Appendix 5 includes site specific mitigation for a low risk site and the implementation of these measures can be ensured through the condition requiring a Construction Management Plan.

Waste

- 7.82 Development Plan policies require adequate refuse and recycling storage.
- 7.83 All commercial waste and recycling is to be stored within a storage area on the ground floor with direct access from the north-west corner of building to Greenfield Road.. Objections have been received that this would not be adequate however the store has been sized appropriately, taking account of Council guidance.

Landscaping & Biodiversity

- 7.84 The existing site has limited ecological value and the site is not suitable for bats. There will be no significant impacts on biodiversity as a result of the proposal.
- 7.85 The biodiversity officer has noted the only feature of any value for biodiversity is the ivy on the south wall due to the fact it is likely to support nesting birds and its loss would result in a very minor adverse impact on biodiversity. The ivy should be cleared outside of nesting season or a survey for nesting birds undertaken before clearance and this will be controlled by way of condition.
- 7.86 In terms of biodiversity enhancements, the applicant has investigated the option of introducing additional biodiversity enhancements to mitigate any losses and meet the requirements of the Local Biodiversity Action Plan (LBAP). The applicant has confirmed that bird and bee nesting boxes can be incorporated into the scheme which will be along the boundary walls. The provision of these nests (and other mitigation and enhancement as is feasible) as well as the retention of as much of the ivy as is feasible will be controlled by condition.

Land Contamination

- 7.87 Subject to standard conditions, the proposals are acceptable from a land contamination perspective and that any contamination that is identified can be satisfactorily dealt with.

Energy

- 7.88 The proposal is a minor application and an Energy Statement has been submitted which shows how the development will be designed to maximise energy efficiency and reduce carbon emissions in line with Building Regulations and London Plan principles.
- 7.89 Such measures include solar control double glazing, mechanical ventilation with heat recovery, high efficiency air source heat pumps and gas boilers. A 9.5% reduction in carbon dioxide over current Building Regulations can be achieved. In addition, there are no existing or potential district heating networks in the vicinity of the development. These measures are welcomed and appropriate approach for the scheme.

Human Rights & Equalities

- 7.90 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.

7.91 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

8.2 Financial obligations:

8.3 With regards to the Community Infrastructure Levy considerations, Members are reminded that the London mayoral MCIL2 became operational from 1 April 2019 and would be payable on the scheme if approved.

8.4 Planning Conditions

Compliance conditions

1. Three year time limit
2. Compliance with approved plans and documents
3. Tree Protection Measures
4. Provision of approved refuse storage
5. Hours of construction

Pre-Commencement Conditions

6. Details of noise and vibration mitigation measures
7. Details of biodiversity mitigation measures
8. Timing of vegetation clearance (breeding birds)
9. Land Contamination
10. Construction Management Plan
11. Samples and details of all facing materials
12. Method statement for the protection of the boundary wall beside the tow path
13. Proposed amendments to car park approval

Prior to occupation conditions

14. Details of cycle parking
15. Works completed to the new residential entrance to Walker House
16. Delivery and Service Management Plan
17. Details of all Secure by Design measures and Secure by Design accreditation
18. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)

Appendix 1

List of plans for approval

Schedule of Drawings

- 4588/PA001
- 4588/PA002,
- 4588/PA010 A
- 4588/PA011
- 4588/PA012
- 4588/PA013
- 4588/PA020
- 4588/PA021
- 4588/PA030 C
- 4588/PA031 A
- 4588/PA032 A
- 4588/PA033
- 4588/PA040 A
- 4588/PA041
- 4588/PA045 A
- 4588/PA050 A
- 4588/PA051
- 4588/PA052
- 4588/PA060 A
- 4588/PA070
- 4588/PA080
- 4588/PA090

Schedule of Documents

- Heritage Impact Assessment dated October 2017 prepared by Bob Kindred Heritage Consultants
- Daylight and Sunlight to Neighbours dated October 2017 prepared by Brooke Vincent and Partners
- Design and Access Statement dated November 2017 prepared by GML Architects
- Arboricultural Impact Assessment dated 30th May 2018 prepared by Hallwood Associates
- Archaeological Desk based Assessment dated September 2016 prepared by Allen Archaeology
- Air Quality Assessment dated 12th October 2016 prepared by Hawkins Environmental
- Transport Statement dated September 2017 prepared by Entran Ltd
- Energy Statement dated October 2017 prepared by Chris Evans Consulting
- Preliminary Ecological Assessment dated October 2016 prepared by The Ecology Partnership

Appendix 2

Selection of plans and images



01 Aerial View from North
002



02 Aerial View from South
002



Rear of Walker House from car park



View from Boundary Street, Walker House Left, Wargrave House right, car park boundary wall beyond.



View from junction of Navarre Street, application site in background within courtyard



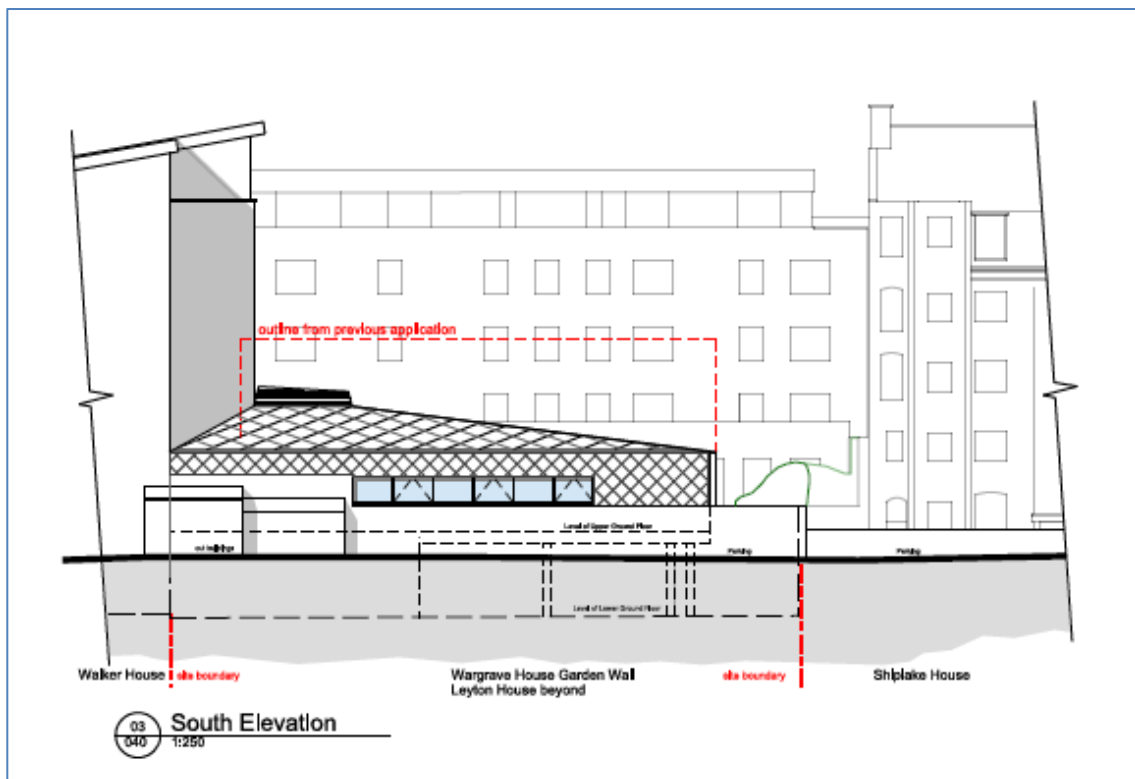
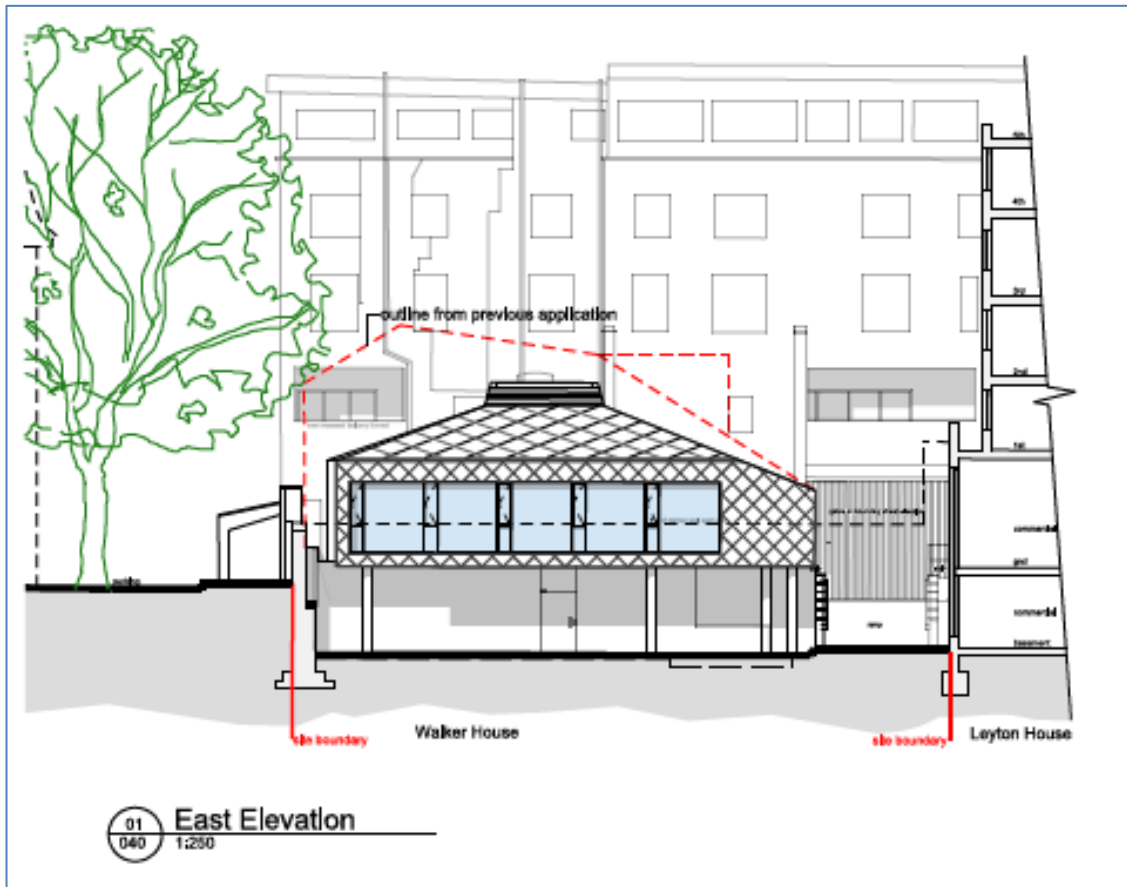
22 Calvert Avenue premises and access ramp

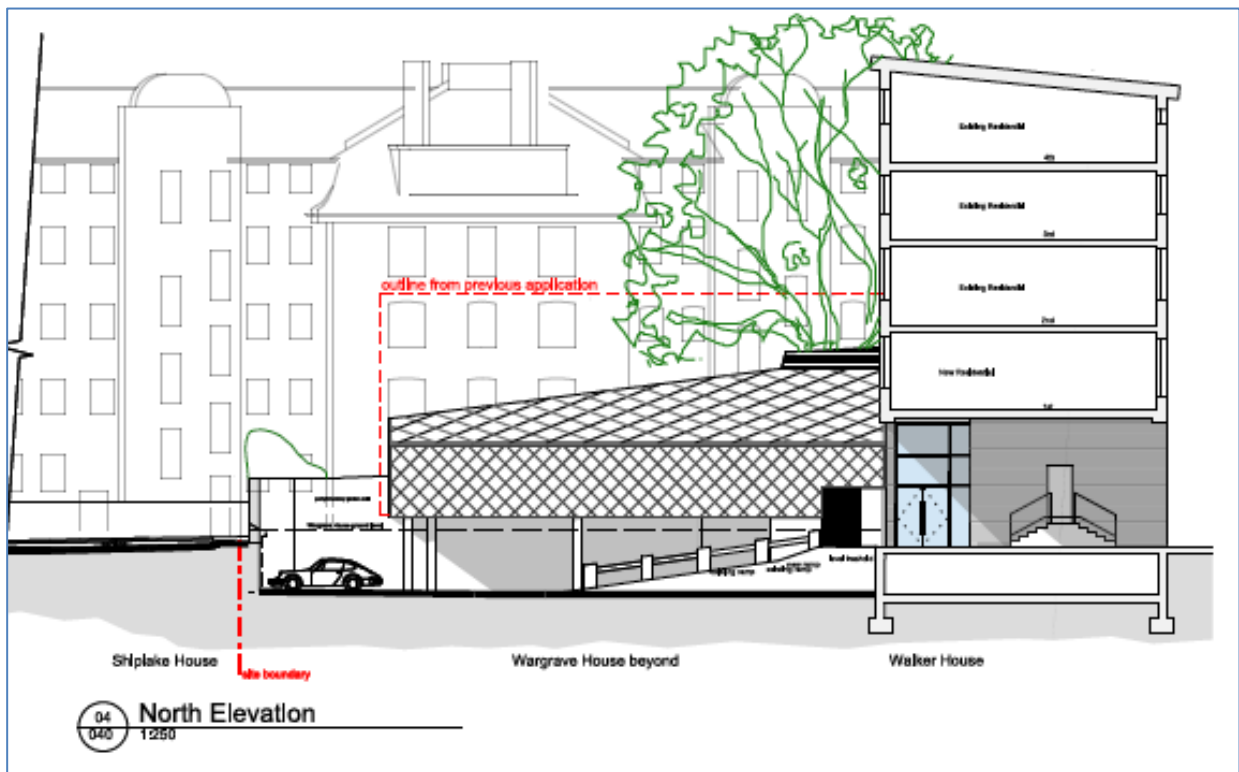
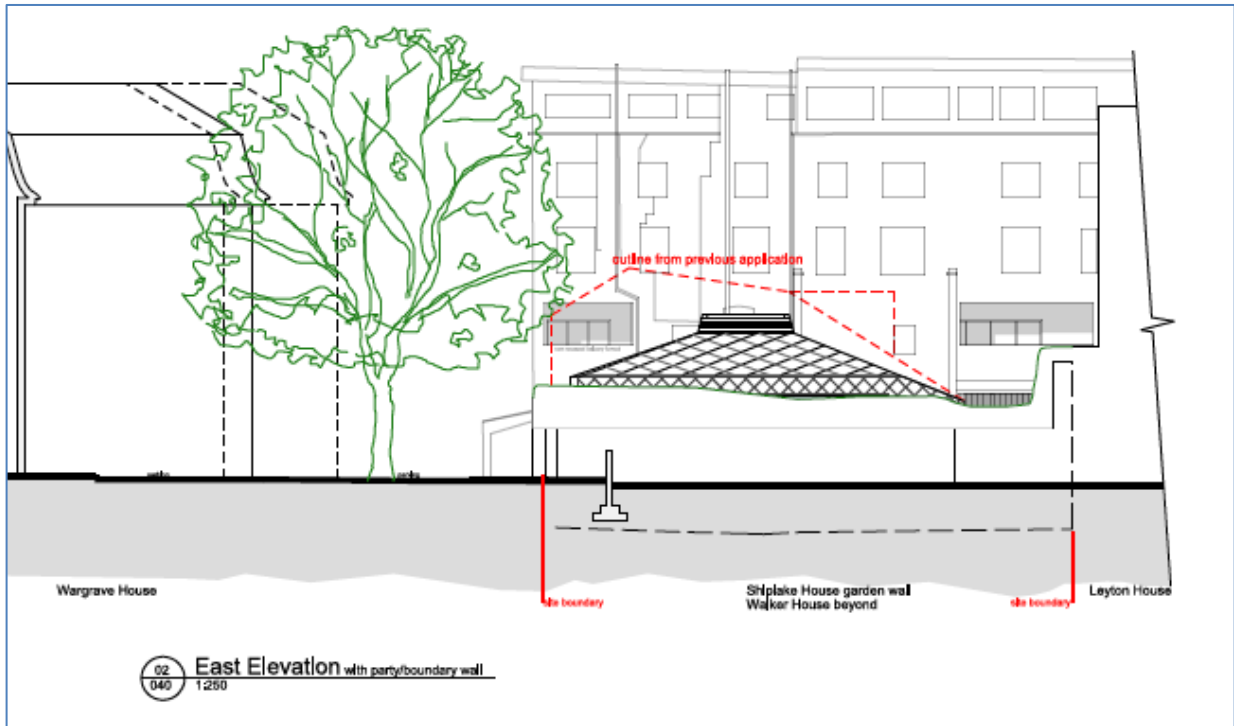


Vehicle Access via Boundary Street



Boundary wall and Wargrave house from within the carpark







DEVELOPMENT COMMITTEE

13th June 2019

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/19/00462
Site	Children's House Nursery School, 92 Bruce Road, London, E3 3HL
Ward	Bromley North
Proposal	Replacement of timber windows and doors at second floor level. All details, materials and finished to match existing.

Summary Recommendation Grant listed building consent subject to conditions

Applicant London Borough of Tower Hamlets

Architect/agent Savills UK

Case Officer Aleksandra Milentijevic

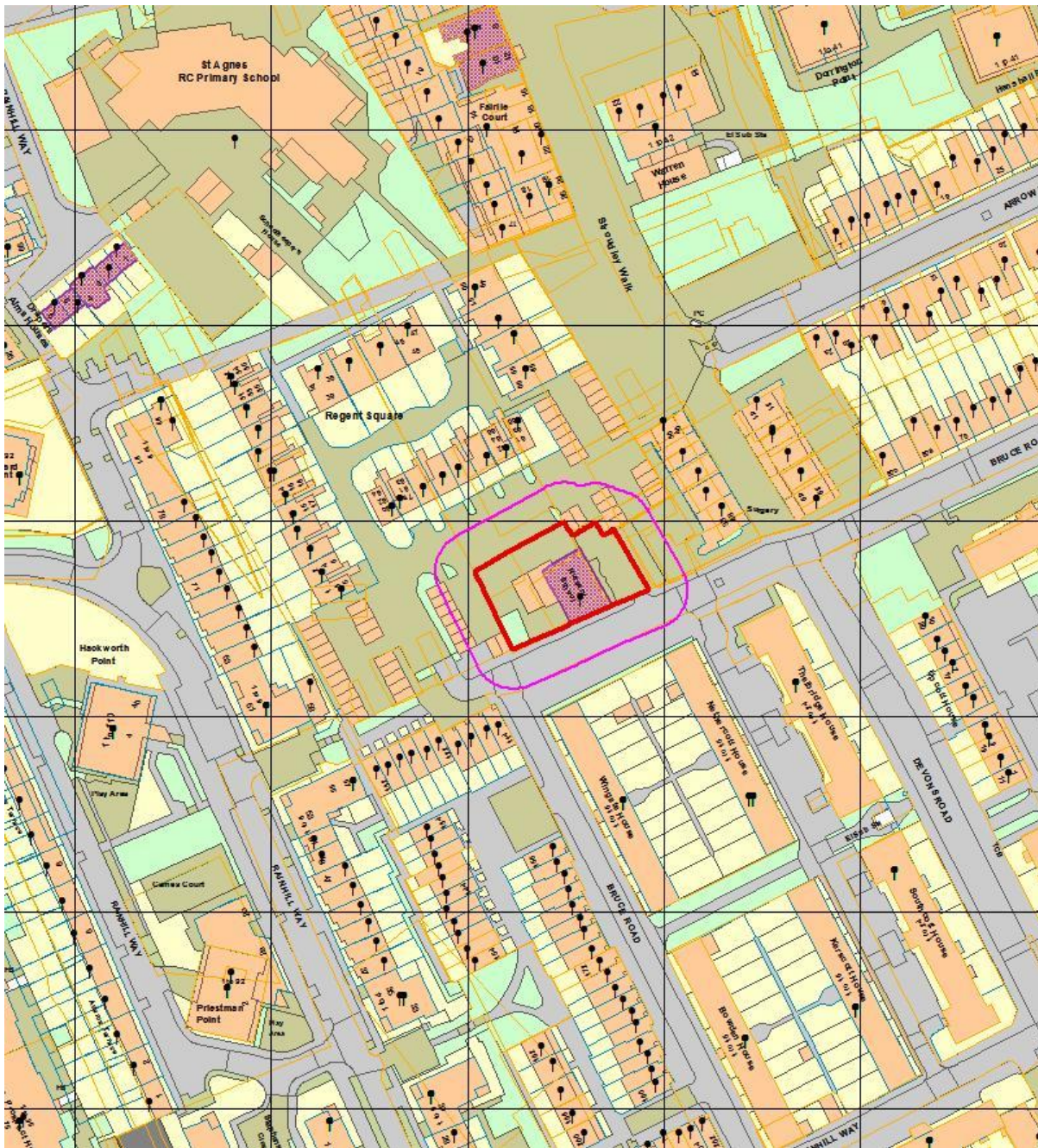
Key dates

- Application registered as valid on 05/03/2019
- Public consultation finished on 04/04/2019
- Additional information received on 12/04/2019

EXECUTIVE SUMMARY

The proposal seeks a listed building consent for the replacement of existing timber single-glazed windows and doors on the second floor level of the grade II listed Children's House Nursery School. The proposal has been assessed against national, regional and local planning policies. It is considered that it would result in the less than substantial harm. The public benefits would outweigh the identified harm caused to the statutory listed building. As such, the approval of the listed building consent is recommended to the Committee Members.

SITE PLAN



Legend:

Site boundary: red line

Consultation boundary: pink line

Statutory listed buildings: shaded in pink

1. SITE AND SURROUNDINGS

- 1.1 The application site, Children's House Nursery School, is a grade II listed building situated on the northern side of Bruce Road. The application building is part two part three storeys in height with single storey extensions on the western side of the building which do not form part of the building's statutory listing.
- 1.2 The site is surrounded by low rise post-war housing estates which range from three to four storeys in height. The predominantly residential surrounding area includes several commercial uses forming part the Stroudley Walk neighbourhood centre to the north-east of the application site.
- 1.3 The application site does not fall within a conservation area. The closest conservation areas, Fairfield Road and Tomlins Grove, are situated further to the north and north-west of the site respectively.

2. PROPOSAL

- 2.1 The proposal seeks to replace the existing windows and doors at the second floor level of the nursery. This involves windows and doors in the classroom along the western elevation overlooking and offering access to the adjacent roof terrace (Elevations A and B). The proposal involves the replacement of a window on the south-eastern elevation. The relevant openings are marked in red on the figure below.

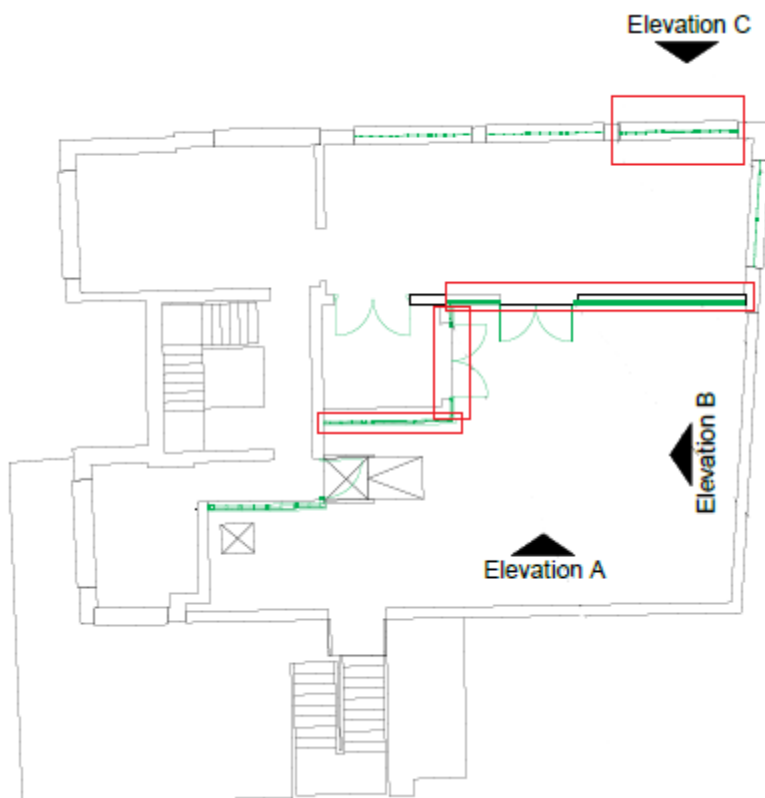


Figure 1. Second floor plan level.

- 2.2 The existing timber windows and doors are to be replaced with the same materials and details on a like-for-like basis.

3. RELEVANT PLANNING HISTORY

3.1 The application site was subject to the following planning applications:

PA/01/00455 – Planning permission granted on 09/01/2002
Remodelling and extension of school including addition of lift and repositioning of external fire escape stair.

PA/01/00456 – Listed building consent granted on 09/01/2002
Works in connection with remodelling and extension of school including addition of a lift and repositioning of external fire escape stair.

PA/16/03536 – Planning permission withdrawn by applicant on 04/07/2017
Replace existing second floor windows with like for like replacements.

PA/16/03537 – Listed building consent withdrawn by applicant on 04/07/2017
Replace existing second floor windows with like for like replacements.

PA/18/00117 – Planning permission granted on 13/03/2018
Internal and external alterations to a Grade II listed building to accommodate the reconfiguration of toilet facilities to meet the Nursery's safeguarding needs and better meet Part M requirements. Erection of single storey side extension.

PA/18/00118 – Listed building consent granted on 13/03/2018
Internal and external alterations to a Grade II listed building to accommodate the reconfiguration of toilet facilities to meet the Nursery's safeguarding needs and better meet Part M requirements. Erection of single storey side extension.

4. PUBLICITY AND ENGAGEMENT

4.1 A site notice was put up in front of the main entrance to the school on Bruce Road on 11th March 2019. The application was advertised in the local press on 14th March 2019.

4.2 No representations were received.

5. CONSULTATION RESPONSES

5.1 Specialist heritage advice was sought from the borough conservation officer. The existing windows should be repaired unless it can be demonstrated that there is a need for replacement.

5.2 Further to the receipt of the additional information, the borough conservation officer had no objections to the replacement of windows. A condition was suggested to ensure that the proposed materials and details are of the same quality as the existing.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Core Strategy 2010 (SP)
- Tower Hamlets Managing Development Document 2013 (DM)

6.3 The key development plan policies relevant to the proposal are:

Heritage 7.8, SP10, DM27
(designated and non-designated heritage assets)

6.4 Other policy and guidance documents relevant to the proposal are [add/amend or delete]:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Draft New London Plan (2018)
- LBTH Draft Local Plan (2019)
- Historic England's Conservation Principles, Policies and Guidance for the sustainable management of the historic environment (2008)
- Historic England's Managing Significance in Decision-Taking in the Historic Environment

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Impact on the significance of a grade II listed building.

Heritage

Significance

7.2 The historic value of the building's significance lies in its historical association with the two of the area's most prominent social reformers, Muriel and Doris Lester, who were interested in child welfare in the early 19th century. The nursery was designed by architect Charles Cowsey Voysey who was the son of the renowned architect C.F.A. Voysey.

7.3 The Children's House Nursery derives further historical and communal value from its educational use as it provides an understanding of the evolution of the education provision in London over an extended period of time, and it represents a building where generations of local people were educated.

7.4 The aesthetic value of the building's architectural significance is in its visual appearance and representation of a good example of the Regency style which stands out among a number of post-war housing estates with its regular proportions and fenestration, and moulded decoration used in the exterior of the building. The building retains many of its original features both to the interior and exterior demonstrating its evidential value with the surviving historic fabric.

Impact

- 7.5 According to the drawings from 1924, it appears that the Education Supply Association was responsible for supplying the original sliding and folding doors that would have once been located where the replacement windows and doors currently are. Therefore, it seems that the existing timber doors and windows are not original. Whilst the date of the replacement windows and doors is not known, their significance is not high as the remaining original historic fabric that exists within the listed building.
- 7.6 The existing single-glazed windows and doors appear to have deteriorated over time showing signs of wood rot and seem to be beyond reasonable repair. Furthermore, given that the existing windows and doors do not contain the original historic fabric, it is considered that their replacement would result in the less than substantial harm.
- 7.7 The proposed replacement of windows and doors would be on a like-for-like basis, made of the same materials and details as the existing ones. The proposed windows and doors would improve the efficiency of the building and secure the continued viable use of the second floor classroom and access to the second floor roof terrace. As such, it is considered that the public benefits would outweigh the less than substantial harm caused to the grade II listed building.
- 7.8 Historic timber windows and doors used to be made of slow-grown softwood of high quality which is very different from most of the fast-grown softwood available today. Should the Committee be minded to grant listed building consent, a compliance condition is recommended to ensure the quality of the replacement windows and doors to match the existing, as well as a condition for making good to the retained historic fabric surrounding the openings.

Human Rights & Equalities

- 7.9 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.10 The identified public benefit includes the continued viable use of an educational building.
- 7.11 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

- 8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the following conditions:

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Materials and details to match existing
4. Making good to the retained fabric.

APPENDIX 1

Drawings/ Submission documents

Second Floor Plan



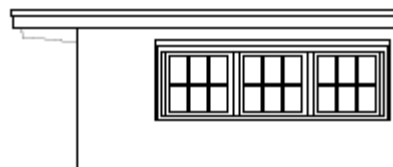
Elevation A (existing and proposed)



Elevation B (existing and proposed)



Elevation C (existing and proposed)



APPENDIX 2

Existing photos





