

Meeting of the

# DEVELOPMENT COMMITTEE

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Wednesday, 6 June 2012 at 7.00 p.m.

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## A G E N D A

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### VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

| Members:  | Deputies (if any):  |
|---|---|
| Chair: Councillor Helal Abbas<br>Vice-Chair:  |   |
| Councillor Kosru Uddin<br>Councillor Craig Aston<br>Councillor Md. Maium Miah<br>Councillor Anwar Khan<br>Councillor Shiria Khatun<br>1 Vacancy | Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston)<br>Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston)<br>Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston)<br>Councillor Helal Uddin, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun)<br>Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun)<br>Councillor Bill Turner, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun) |

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

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Zoe Folley, Democratic Services,  
Tel: 020 7364 4877, E-mail: [zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)

# LONDON BOROUGH OF TOWER HAMLETS

## DEVELOPMENT COMMITTEE

Wednesday, 6 June 2012

7.00 p.m.

### 1. ELECTION OF VICE-CHAIR 2012/13

At the Annual Meeting of the Council held on 16<sup>th</sup> May 2012, Councillor Helal Abbas was appointed Chair of the Development Committee for the Municipal Year 2012/2013.

However, it is necessary to elect a Vice-Chair of the Development Committee for the Municipal Year 2012/2013.

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 3. DECLARATIONS OF INTEREST

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

### 4. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 10<sup>th</sup> May 2012.

| PAGE<br>NUMBER | WARD(S)<br>AFFECTED |
|----------------|---------------------|
|----------------|---------------------|

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### 5. RECOMMENDATIONS

To RESOLVE that:

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

## **6. PROCEDURE FOR HEARING OBJECTIONS**

To note the procedure for hearing objections at meetings of the Development Committee.

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The deadline for registering to speak at the meeting is 4pm Thursday 31<sup>st</sup> May 2012.

## **7. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS (DC001/012/13)**

**19 - 28**

**All Wards**

## **8. DEFERRED ITEMS**

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### **8.1 4 Wilkes Street, London E1 1QF (PA/11/02495)**

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**Spitalfields  
&  
Banglatown**

## **9. PLANNING APPLICATIONS FOR DECISION**

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### **9.1 Victoria Park, near St Marks Gate Entrance, Cadogan Terrace, London (PA/12/00799)**

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**Bow East**

### **9.2 Ability Place, 37 Millharbour, London (PA/12/00023)**

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**Millwall**

## **10. OTHER PLANNING MATTERS**

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### **10.1 100 Minories, London EC3N 1JY (PA/12/00844)**

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### **10.2 Appeal Report**

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# Agenda Item 3

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

### Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 10 MAY 2012**

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

**Members Present:**

Councillor Helal Abbas (Chair)

Councillor Shiria Khatun (Vice-Chair) (Items 7.2-8.2)

Councillor Craig Aston (Items 7.6 & 8.2)

Councillor Kosru Uddin

Councillor Md. Maium Miah

Councillor Helal Uddin

Councillor Marc Francis (Item 7.1 only)

Councillor Peter Golds

**Other Councillors Present:**

Councillor Dr. Emma Jones

**Officers Present:**

|                 |  |
|-----------------|--|
| Jerry Bell      | – (Applications Manager, Development and Renewal)            |
| Richard Murrell | – (Deputy Team Leader, Development and Renewal)              |
| Fleur Brunton   | – (Senior Lawyer - Planning Chief Executive's)               |
| Benson Olaseni  | – (Deputy Team Leader, Development and Renewal)              |
| Mandip Dhillon  | – (Planning Officer, Development and Renewal)                |
| Duncan Brown    | – (Planning Officer, Development and Renewal)                |
| Adam Williams   | – (Planning Officer, Development and Renewal)                |
| Zoe Folley      | – (Committee Officer, Democratic Services Chief Executive's) |
|                 | –  |

**1. APOLOGIES FOR ABSENCE**

Apologies for lateness were submitted on behalf of Councillor Shiria Khatun. It was also reported that Councillor Peter Golds would be substituting for Councillor Craig Aston (except for items 7.6 and 8.2 for which Councillor Aston would be sitting on the Committee).

**2. DECLARATIONS OF INTEREST**

| <b>Councillor</b>   | <b>Item(s)</b> | <b>Type of interest</b> | <b>Reason</b>  |
|---|----------------|-------------------------|--|
| Marc Francis<br>(Left meeting after item 7.1)   | 7.1 & 7.5      | Personal                | Had received representations concerning the applications.                          |
| Md. Maium Miah  | 7.6            | Personal                | Had attended a consultation event at the site.                                     |
| Peter Golds   | 7.1& 7.2       | Personal                | Had received emails concerning the applications but had not read them.             |
|   | 7.6            | Personal<br>Prejudicial | Former resident of Wood Wharf, the application site.                               |
| Helal Uddin   | 7.5            | Personal<br>Prejudicial | Close working relationship with Poplar HARCA                                       |
| Kosru Uddin   | 7.2            | Personal                | Lived in ward concerned. Had received representations concerning the applications. |
|   | 7.5            | Personal<br>Prejudicial | Member of Poplar HARCA Board.  |
| Helal Abbas   | 7.3`           | Personal                | Ward Member  |
| Shiria Khatun<br>(declared following arrival at the meeting at the start of item 7.2) | 7.5            | Personal<br>Prejudicial | Member of Poplar HARCA Board.  |

**3. UNRESTRICTED MINUTES**



The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 5<sup>th</sup> April 2012 be agreed as a correct record and signed by the Chair.

#### **4. RECOMMENDATIONS**

The Committee **RESOLVED** that:

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

#### **5. PROCEDURE FOR HEARING OBJECTIONS**

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

#### **6. DEFERRED ITEMS**

Nil items.

#### **7. PLANNING APPLICATIONS FOR DECISION**

##### **7.1 136-140 Wapping High Street, London, E1W 3PA (PA/12/00051 & PA/12/00052)**

Update Report Tabled.

Councillor Shiria Khatun did not vote on this application as she had arrived at the meeting after commencement of consideration of the matter.

Jerry Bell, (Applications Team Leader) introduced the application regarding 136-140 Wapping High Street, London, E1W 3PA.

Shona Conacher spoke in objection to the scheme. She stated that she was speaking on behalf of the residents of Gun Wharf. Whilst supportive of development of the site in principle, she was opposed to this particular scheme. Specifically, the height and size of the scheme. She considered that the current building parameters should be retained to protect amenity. She

referred to the previous application and the Council's concerns and recommendations around the size and bulk of the proposal as set out in a letter. The letter had suggested that the previous development needed to be reduced in height by a floor. However the developers had ignored these in preparing the application scheme. English Heritage had stated that this represented a key opportunity to enhance the area. However this failed to do this. There were day light and sunlight issues and the daylight report contained inaccuracies and had been described by a QC as full of errors. The scheme would degrade privacy due to its prominence, cause a loss of light and overlooking to habitable rooms.

Tony Roome spoke in objection. He referred to the Council's recommendations regarding the previous scheme. Despite this, the development still retained features that were inappropriate for the location. The irregular roof line was out of keeping with the area given Gun Wharf was a listed building. The Officers report stated that it would lead to overdevelopment if expanded by 3 stories. How would this be addressed?

He also expressed concern at the impact on Wapping High Street from the car free agreement. There would also be a significant increase in deliveries. However the application failed to take the full impact of this into account only focusing on the commercial units. Especially, the obstruction to the bus stop and the traffic flow. The affordable housing element was inadequate. The tool kit showed that 50% was possible. In reply to Members, Mr Roome considered that his key concern was the additional 3 floors. This would place significant pressure on the area given the impact from deliveries and the car free agreement.

Councillor Emma Jones spoke in objection. She expressed concern at the impact on infrastructure and the adequacy of the contributions to accommodate this. She disputed that the design issues had been addressed in accordance with English Heritages recommendations. Furthermore, TFL had expressed concerns around the adequacy of the crane design which she explained. Residents of the area already had to rely on water pumps for showers as recognised by the water company. The development would exacerbate this. How would this be addressed? In reply to questions about recent changes to public transport nodes, she stated that the scheme would hamper the traffic flow given the narrow width of the road along the site and the proximity of the bus stop.

Paula Carney (Applicant's Agent) spoke in support of the application. She stated that it replaced a disused building with a high quality scheme. The applicant had worked hard with Officers and residents to mitigate the impact on the neighbours. After speaking to them, they had made changes to the size and design. The separation distances complied with policy. The impact from servicing from the residential units had been taken into account. The scheme was considered acceptable by Officers. The developers were looking for an occupier for the commercial unit. In response to Members, she confirmed that the problem with the previous scheme was that it was too large and modern for the area. The focus of the conservation area was on the traditional warehouses and the vertical and horizontal aspects. The

developers had accepted this and as a result had altered the plans including the use of more traditional materials and changes to the roof line, balconies and vertical and horizontal aspects so that it was more in keeping with the area. She also confirmed that the materials still included copper.

Richard Murrell (Planning Officer) presented the detailed report assisted by a power point presentation. He addressed the main planning issues. The change to residential use complied with policy given the oversupply of office space in the area. The affordable housing offer exceeded policy. He detailed the changes to the design and bulk of the building including the introduction of the cut backs to the roof tops to overcome the previous issues. Officers had carefully considered the amenity impact including the impact on Gun Wharf. On balance it was considered that the impact was acceptable in terms loss of light overlooking and privacy. The separation distances exceeded the policy requirements. LBTH Highways had no major objections given the lack of major impact on traffic flow and buses and the servicing requirements for the residential element would be low.

The Committee then raised a number of questions and comments regarding the following issues:

- The ability of future occupiers of the scheme to bring their existing parking permits with them under the Council's Permit Transfer Scheme. The impact of this on parking.
- The use of copper in the design and the compatibility of it with the traditional buildings. It was feared that this might compromise the character of this important area and be out of keeping.
- The impact of the set backs to the roof storeys on the area.
- The Council's response to the initial application. Whether Officers were now satisfied with the scheme in light of the previous officer comments about the necessary reduction in height.
- Whether the objectors from the previous scheme had made any further representations to this application.
- The acceptability of the PTAL rating and the density range that exceeded guidance.
- Further information about the contents of English Heritage's letter.

Officers responded to each point raised as set out below:

- Officers were satisfied with the design especially the set backs to the roof storey which would lessen visibility. The current application had to be considered on its merits.
- Officers were satisfied that the massing was acceptable and would sit comfortably in the location given the bulk was pulled back from the street frontages.
- The design with the cut backs would sit well with the surrounding buildings of similar height and design and would complement rather than detract from the area.
- The copper cladding finish would be of high quality in keeping with the historic character of the area. It was required that the details of the

materials would be submitted for approval to ensure they were appropriate.

- The scheme was car free subject to the Council's Permit Transfer Scheme and the blue badge parking scheme. However, the former only applied to the residents of family sized social housing units. As such only a very small number of occupants would be entitled to permits.
- In considering density, it was necessary to take into account the overall impact of the scheme. Officers considered that the density range proposed was acceptable.
- Further information on the response from English Heritage was given and the letter from English Heritage was circulated at the request of a member.

On a vote of 4 in favour and 2 against the Committee **RESOLVED**

1. That planning permission (PA/12/00051) be **GRANTED** at 136-140 Wapping High Street, London, E1W 3PA subject to:

The prior completion of a **legal agreement** to secure the planning obligations set out in the report:

2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.
4. That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
5. That conservation area consent (PA/12/00052) be **GRANTED** at 136-140 Wapping High Street, London, E1W 3PA subject to the conditions set out in the report.

**Note:** Councillor Marc Francis left the meeting following the consideration of this item.

## **7.2 Site at land adjacent to railway viaduct, Gill Street, E14 (PA/10/01826)**

Update Report Tabled.

Jerry Bell, (Applications Team Leader) introduced the application regarding Site at land adjacent to railway viaduct, Gill Street, E14.

Margret Bradley spoke in objection. She was opposed to the locating of a place of worship in a residential area. She disputed the accuracy of the projected visitor numbers. They were too low and would far outnumber this. There were already major plans for a large hotel in the area. There would be

dust and dirt from the construction and residents had already had to suffer two years of this. The portacabin was donated to the community over 20 years ago and they had happily used it. The previous scheme for a two storey mosque was more favourable as it left the portacabin in place.

She expressed serious concern that the applicant hadn't spoken to residents about the application prior to the application being submitted to the committee again.

In reply to Members, she reported that she didn't initiate contact with the applicant about the application and she expected them to contact residents. The mosque was currently facing away from residential properties in a less noise sensitive area. The application and lack of consultation had caused much ill feeling amongst residents. There were worries over its availability to the community.

Robert Leech also spoke in objection. He stated that he was a resident of the estate. He feared that it would cause overcrowding on the estate by bringing people into the area. It would result in additional noise, pollution, vehicles, litter, congregations around the children's play area that was already run down. It would be dangerous for children at the nearby school. The portacabin was a valuable community facility open to everyone. He feared that in future it might not be available to non Muslim groups. He asked about the measures to prevent the applicant from keeping the current mosque as well as this new one which could mean many more extra worshippers than predicted.

In reply to Members, he felt that the scheme would place additional pressures on Council services to maintain the area. There was a real risk of conflict between religious and non religious celebrations. In terms of notification, he merely received a letter from planning in October 2010 and only received an e-mail less than a week ago that it was going to the Committee. There was nothing in the East End Life newspaper.

Mr Aun Qurashi (Applicant) spoke in support of the application. He outlined the planning history of the scheme. Since the last meeting in January 2011, where the application was deferred, the applicant had formulated a management plan addressing the outstanding issues. At which time, the developer also arranged a meeting with residents that was then rescheduled at their request to June 2011 to allow them to see the management plan. At that meeting, residents questioned the enforceability of the plan and how this would be done. They also requested that two groups be given preferential treatment in using the community facility. The applicant agreed to this. Following this meeting, the lines of communications with residents were kept open for a period of time, but nothing more from them was forthcoming. The applicant had also consulted with a number of key residents groups. The views of residents would be incorporated into the detailed management plan. Therefore they had undertaken extensive consultation.

In reply to Members questions regarding whether the consumption of alcohol and food would be permitted, he assured members that the applicant was bound by equalities legislation and would permit that the community hall could

be used by all groups and all for lawful activities. All current activities and events hosted in the existing facilities would be permitted in the new community facility. Whilst the applicant would endeavour to facilitate community cohesion, they hadn't considered actively promoting this. According to the travel survey, conducted during the busiest times, it was evident that most worshippers would walk to the facility. Few would arrive in car and there was sufficient parking in the area to accommodate this.

Benson Olaseni (Planning Officer) presented the detailed report assisted by a power point presentation. He described the site location, the planning history including the reason why the Committee deferred the application in January 2011. He also described the consultation undertaken. Both for the original consultation and that for this application that had generated one objection. He addressed the key planning matters. He confirmed the results of the travel survey undertaken by the applicant predicting few car trips to the facility. There were conditions requiring the submission of a highways plan and to protect residential amenity.

In terms of land use, one of the key concerns was the loss of the portacabin as a community facility. However it was reported that the proposed community space complied with policy and exceeded the size of the portacabin. Mr Olaseni described the key objectives of the management plan regarding how it would be made available to the community.

In response, Members expressed some concern over the loss of the portacabin as a community facility. To this end, a Member queried the need for a specific condition ensuring that all community activities permitted at the existing facility be permitted in the new facility (including the consumption of alcohol, dancing, bringing food and drink onto the premises).

In reply, Officers explained the difficulties in placing very specific conditions in the management plan. In any event, the term lawful activity as stated in the management plan covered a wide range of activities, (including those mentioned by the Councillor). Members were reminded that in making a decision on the application it was necessary to have due regard to the duties set out in the Equalities Act 2010 further details of which were set out in agenda item 7. It was also required that full details of the Management Plan be submitted to ensure inclusive use.

Councillor Md Maium Miah proposed an amendment to condition 14 of the application seconded by Councillor Kosru Uddin that the closing hours during the Ramadan period be extended from 23:30 to 00:30. On a vote of 5 in favour, 0 against, and 1 abstention, this was Agreed.

On a vote of 5 in favour and 1 against the Committee **RESOLVED**

1. That planning permission (PA/10/01826) be **GRANTED** at Site at land adjacent to railway viaduct, Gill Street, E14.
2. That the Corporate Director Development and Renewal is delegated power to impose conditions and informatives on the planning

permission to secure the matters set out in the report subject to the amendment agreed by the Committee to condition 14 that the closing hours during the Ramadan period be extended from 23:30 to 00:30.

Councillor Golds requested that his vote against the application be recorded. His reasons being that he did not believe that the proposal adequately addressed the issues around community cohesion.

### **7.3 4 Wilkes Street, London E1 1QF (PA/11/02495)**

Update Report Tabled.

Jerry Bell, (Applications Team Leader) introduced the application regarding 4 Wilkes Street, London E1 1QF.

David Gadd spoke in objection. He stated that he lived near the proposed terrace and that it would directly affect the nearby properties amenity. It gave priority to the office workers at the expense of residents. There was no policy support for roof terraces for office workers. There was already large ground floor gardens. Therefore the roof terrace was not needed. It was also feared that it could be turned into a bar area. Boards had been displayed on the premises advertising the space as such. The applicant proposed screening, but his neighbours feared this would impact on their light. If granted, there would be difficulties in controlling use of the terrace for such activities as barbeques. In response to Members, he clarified that hoarding had been put up suggesting it could be a roof top bar. Therefore he expressed unease about the true purpose of the application.

Jason Zeloof (Applicant) spoke in support. He disputed that the roof terrace was a new development. In relation to the fire door, he considered that it was an unauthorised development. The applicant had consulted residents and had as a result made changes to the design and size. There was screening to protect overlooking and conditions protecting amenity. No amplified music would be permitted on the terrace. Office uses tended to be quiet. The sunlight report was considered acceptable as stated in the report. It would regenerate a disused building, create employment and provide a high quality amenity space for staff. In response to Members, he envisaged that the terrace would act as a break out area for employees - for eating lunches and smoking etc. This was better than people standing on the street to smoke that would cause more pollution at street level. It was planned that the building would be multiple occupancy and each would have their own amenity area. The office space was currently empty but there was a lot of demand for office space in the area. He was satisfied that the proposed conditions could be enforced by the Council and they would be included in any lease granted. It was noted that they could use the existing building for offices without planning permission being required.

Richard Murrell (Planning Officer) presented the detailed report assisted by a power point presentation. He described the site location and details of the scheme. Overall it was considered that the proposal would fit in with the area and the surrounding mansard roofs. Officers had carried out an in depth

assessment of the impact on amenity and light levels. It was considered that the impact from use of the terrace to the neighbouring properties was acceptable. There was also measures to prevent overlooking.

A key issue was the impact on the adjacent fire door of 6 Wilkes Street. Officers had carefully considered this and had visited the property. Whilst the impact on light through the door was significant, (as the door was its primary source of light), the use of the room (as a type of dressing room) had to be considered,) the house had a number of other sources of light, and as a result it would receive adequate light. Therefore, on balance officers felt this did not warrant refusal.

Members then raised a series of questions and concerns regarding:

- The loss of light to 6-10 Princelet Street and the garden of 6 Wilkes Street. Members requested further details of this.
- The reasons why the 2007 application had been withdrawn.

Mr Murrell reported that the impact on 6-10 Princelet Street had been carefully considered. The analysis showed that the impact complied with policy with minimal loss of light (A maximum of 8%). The gardens of 6 Wilkes Street were already relatively enclosed due to the high walls. Therefore light levels were already restricted. The addition of the mansard roof in this context would not have a major additional impact. The 2007 scheme generated a number of objections. It lacked appropriate screening and was much larger than the application scheme. As a result, the applicant decided to withdraw it. Officers were satisfied that the application overcame these issues.

On a vote of 2 in favour 0 against and 4 abstentions the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission at 4 Wilkes Street, London E1 1QF (PA/11/02495) be **NOT ACCEPTED**.

The Committee indicated that they were minded to refuse the planning permission because of Members' concerns over

- Loss of light to the surrounding neighbours (In particularly 6-10 Princelet Street and the garden of 6 Wilkes Street).
- The cumulative impact on residents in terms of overlooking and the lack of environmental benefits.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

## **CHANGE IN ORDER OF BUSINESS**



The Chair moved and it was unanimously agreed that Agenda item 8.1 (Legacy Community Scheme Outline Planning Application (PA/11/03186)) be the next item of business.

## 8. OTHER PLANNING MATTERS

### 8.1 Legacy Community Scheme Outline Planning Application (PA/11/03186)

Jerry Bell (Applications Team Leader) introduced the proposal regarding the Legacy Community Scheme Outline Planning Application.

Duncan Brown (Planning Officer) presented the detailed report and the power point presentation. The Committee were asked to endorse the recommendations to the ODA Planning decision team as set out in the report.

He explained the scheme specifically the plans for the Tower Hamlets area(Planning Delivery Zone 4). He described the affordable housing offer that would help address housing need in the Borough. Officers were proposing that the housing mix be revised to provide additional 1 and 2 bedroom affordable units (in addition the 3 bedroom units), as set out in the report. He also outlined the education, the transport and highways provision, for Tower Hamlets alongside the other key issues in the report.

On a unanimous vote the Committee **RESOLVED**

1. That the officers views on the outline planning application be **AGREED** based on the recommendations set out in the report.
2. That the ODA Planning Decisions Team should also consider the views, issues and further recommendations of the London Borough of Tower Hamlets as set out in the report.
2. That the Corporate Director of Development and Renewal be given delegated powers to make further observations and/or recommendations to the ODA.

### 7.4 254 Hackney Road, London, E2 7SJ (PA/12/00072)

Update report tabled.

Jerry Bell, (Applications Team Leader) introduced the application regarding 254 Hackney Road, London, E2 7SJ (PA/12/00072)

Gary Hedgecock (Applicant) spoke in support of the application as the landlord of the premises. He outlined the major concerns and considered that the applicant had taken steps to address these and would continue to work with planning to do so. Hackney Road carried around 2000 vehicles at peak hours per day. The noise levels from the proposal could be restricted to less than rush hour levels. The licensing regime would also regulate activity and

could place additional conditions on the application to allay the concerns. The premises had an excellent track record with licensing. He referred to a similar scheme that worked well. In summary, the applicant would work with planning and licensing to overcome the concerns.

Adam Williams (Planning Officer) presented the detailed report supported by a power point presentation. He explained in detail the scheme. He explained the site history and the previous reasons for refusal. It was considered that the scheme failed to overcome these issues. He explained the main issues for consideration. The proposed glazed screen would be clearly visible from the highway. Therefore failed to protect the Conservation Area. There were also concerns around the use of the first floor flat for outdoor seating adding to the visual impact. Planning Services had limited powers to enforce this. The consultation had generated 3 objections. The terrace was located in close proximity to neighbours and was considered that its use would have an undue impact on amenity.

On a unanimous vote the Committee **RESOLVED**

That planning permission (PA/12/00072) be **REFUSED** at 254 Hackney Road, London, E2 7SJ for the reasons cited in paragraphs 2.2 and 2.3 of the report.

**7.5 Brownfield Estate, Infill Sites 1 and 2 located on Brownfield Street and Infill Site 3 located at the junction of Lodore Street and Adderley Street (PA/11/02257)**

Update Report Tabled.

Councillors Shiria Khatun, Kosru Uddin and Helal Uddin left the meeting for the consideration of this item in accordance with their declarations of interest.

**Extension to time**

At this stage of the meeting (9:55 p.m.) the Chair Councillor Helal Abbas proposed and it was

**RESOLVED** that, in accordance with Procedural Rule 9.1, the meeting be extended for one hour to enable consideration of the remaining business on the agenda.

Jerry Bell (Applications Team Leader) introduced the proposal.

Mandip Dhillon (Planning Officer) presented the detailed report assisted by a power point presentation. She explained the 3 main elements of the scheme and the key issues for consideration. She addressed the concerns over the loss of car parking. However it was considered that there was sufficient parking in the area to accommodate the scheme given the car free plans and the results of the parking survey. In terms of the housing mix, it was proposed that 100% be affordable units. All of which complied with POD levels.

She also explained the s106 agreement. The scheme lacked the ability to provide full mitigation due to the 100% affordable housing offer as shown by the viability assessment. However on balance this was considered acceptable. At the request of Members, Officers outlined the S106 allocation process.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission (PA/11/02257) be **GRANTED** at Brownfield Estate, Infill Sites 1 and 2 located on Brownfield Street and Infill Site 3 located at the junction of Lodore Street and Adderley Street subject to:

The prior completion of a **legal agreement** to secure the planning obligations set out in the report.

2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report:
4. That, if six weeks from the date of the committee meeting, the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

#### **7.6 Wood Wharf, Preston's Road E14 (PA/12/00430)**

Update report tabled.

Councillor Peter Golds left the meeting for the remaining items of business.

Councillor Craig Aston subsequently replaced Councillor Golds for the consideration and voting on the remaining items.(Items 7.6 and 8.2)

Jerry Bell (Applications Team Leader) introduced the proposal regarding Wood Wharf, Preston's Road E14. The scheme sought to extend the hours of operation for plots A-D up to 00.00 during the Olympic period only.

The application was previously agreed by the Committee in August 2011. The proposed extension related to one part of the site situated furthest away from noise sensitive areas for the Olympic period only. Environmental Health had no objections and no representations had been received from residents. Furthermore there were conditions to safeguard amenity including noise levels at night. Therefore, Officers considered that the scheme was acceptable.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission (PA/12/00430) be **GRANTED** at Wood Wharf, Preston's Road E14 subject to the prior completion of a legal agreement to secure the obligations at paragraph 3.4 and the conditions and informatives set out in the report.
2. That the Corporate Director of Development & Renewal is delegated power to negotiate the legal agreement indicated above.

(The agenda order subsequently reverted to the order on the agenda)

## **8. OTHER PLANNING MATTERS**

### **8.2 Planning Appeals Report**

Jerry Bell, (Applications Team Leader) introduced the report which provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions.

#### **RESOLVED**

That that details and outcomes of the appeals as set out in the report be noted.

On a unanimous vote the Committee **RESOLVED**

That the details and outcomes as set out in the report be noted.

The meeting ended at 10.10 p.m.

Chair, Councillor Helal Abbas  
Development Committee

# Agenda Item 6

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

# Agenda Item 7

| <b>Committee</b>   | <b>Date</b>               | <b>Classification</b>  | <b>Report No.</b> | <b>Agenda Item No.</b> |
|--|---------------------------|--|-------------------|------------------------|
| Development Committee  | 6 <sup>th</sup> June 2012 | Unrestricted   | (DC001/012/13)    | 7.                     |
| <b>Report of:</b><br>Assistant Chief Executive<br><b>Originating Officer(s) :</b><br>Zoe Folley, Democratic Services |                           | <b>Title :</b><br>Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings<br><br><b>Ward(s) affected:</b> N/A |                   |                        |

## 1. Summary

- 1.1 This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Development Committee for the Municipal Year 2012/13 for the information of members of the Committee.

## 2. Recommendation

- 2.1 That the Development Committee agrees to note its Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

## 3. Background

- 3.1 At the Annual General Meeting of the full Council held on 16th May 2012, the Authority approved the proportionality, establishment of the Committees and Panels of the Council and appointment of Members thereto.
- 3.2 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.
- 3.3 The Committee's meetings for the remainder of the year, as agreed at the Annual General Meeting of the Council on 16th May 2012, are as set out in Appendix 3 to this report.
- 3.4 In accordance with the programme of meetings for principal meetings, meetings are scheduled to take place at 7.00pm with the exception of one meeting which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

## 4. Comments of the Chief Financial Officer

- 4.1 There are no specific comments arising from the recommendations in the report.

**5. Concurrent report of the Assistant Chief Executive (Legal)**

5.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 16th May 2012.

**6. One Tower Hamlets Considerations**

6.1 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.

**7. Sustainable Action for a Greener Environment**

7.1 There are no specific SAGE implications arising from the recommendations in the report.

**8. Risk Management Implications**

8.1 The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

**9. Crime and Disorder Reduction Implications**

9.1 There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

**10. Appendices**

Appendix 1 Development Committee Terms of Reference and Quorum

Appendix 2 Development Committee Membership 2012/2013

Appendix 3 Development Committee Meeting Dates 2012/2013

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**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)  
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

If not supplied  
Name and telephone  
number of holder

None

Zoe Folley  
Democratic Services  
020 7364 0842



## APPENDIX 1

### EXTRACT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

#### 3.3.4 Development Committee

| <p><b>Membership:</b> Seven Members of the Council.<br/>Up to three substitutes may be appointed for each Member</p>   |   |
|--|---|
| Functions  | Delegation of Function  |
| <p><b>1. Planning Applications</b></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 to grant listed building consent or conservation area consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 and to grant hazardous substances consent for applications made under the Planning (Hazardous Substances) Act 1990, including similar applications delegated to the Council to determine by other bodies (such as the Olympic Delivery Authority under the London Olympic Games and Paralympic Games Act 2006) that meet any one of the following criteria:</p> <p style="margin-left: 40px;">i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential or live-work units.</p> <p style="margin-left: 40px;">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 style="margin-left: 40px;">iii) Retail development with a gross floor space exceeding 5,000 square metres.</p> <p style="margin-left: 40px;">iv) If in response to the publicity of an application the Council receives (in writing or by email) either more than 20 individual representations or a petition (received from residents of the borough whose names appear in the Register of Electors or by a Councillor and containing signatures from at least 20 persons with residential or business addresses in the borough) raising material planning objections to</p> | <p>The Corporate Director, Development and Renewal (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 style="margin-left: 20px;">(i) these are expressly delegated to her/him<br/>or</p> <p style="margin-left: 20px;">(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p> |

the development, and the Corporate Director, Development and Renewal considers that these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.

- b) To consider and determine recommendations from the Corporate Director to refuse planning permission for applications made under the Acts referred to in (a) above, where in response to the publicity of an application the Council has received (in writing or by email) more than 20 individual representations supporting the development or a petition in the form detailed in (a) (iv) supporting the development.
- c) To consider and determine recommendations from the Corporate Director, Development and Renewal for listed building or conservation area consent applications made by or on sites/buildings owned by the Council.

(Representations either individual letters or petitions received after the close of the consultation period will be counted at the discretion of the Corporate Director, Development and Renewal)

## 2. Observations

- d) To respond to requests for observations on planning applications referred to the Council by other local authorities Government departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted development plan or raise especially significant borough-wide issues

## 3. General

- e) To consider any application or other planning matter referred to the Committee by the Corporate Director Development and Renewal where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).

*It shall be for the Corporate Director Development &*

|   |  |
|---|--|
| <i>Renewal to determine whether a matter meets any of the above criteria.</i> |  |
|---|--|

|               |
|---------------|
| <b>Quorum</b> |
|---------------|

|                                |
|--------------------------------|
| Three Members of the Committee |
|--------------------------------|

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**DEVELOPMENT COMMITTEE**  
(Seven members of the Council)

| <b><i>Labour Group (4)</i></b>  | <b><i>Conservative Group (1)</i></b>  | <b><i>Respect Group (1)</i></b> | <b><i>Others (1)</i></b>     |
|---|---|---------------------------------|------------------------------|
| <p>Cllr Helal Abbas (Chair)<br/>Cllr Anwar Khan<br/>Cllr Kosru Uddin<br/>Cllr Shiria Khatun</p> <p>Deputies:-<br/>Cllr Bill Turner<br/>Cllr Helal Uddin<br/>Cllr Denise Jones</p> | <p>Cllr Craig Aston</p> <p>Deputies:-<br/>Cllr Dr Emma Jones<br/>Cllr Tim Archer<br/>Cllr Peter Golds</p> | <p>(1 vacancy)</p>              | <p>Cllr Maium Miah (Ind)</p> |

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## **APPENDIX 3**

### **SCHEDULE OF DATES 2012/13**

#### **DEVELOPMENT COMMITTEE**

6<sup>th</sup> June 2012  
10<sup>th</sup> July 2012 **(Tues)**  
15<sup>th</sup> August 2012 **(5.30pm)**  
12<sup>th</sup> September 2012  
10<sup>th</sup> October 2012  
14<sup>th</sup> November 2012  
12<sup>th</sup> December 2012  
16<sup>th</sup> January 2013  
13<sup>th</sup> February 2013  
13<sup>th</sup> March 2013  
11<sup>th</sup> April 2013 **(Thurs)**  
15<sup>th</sup> May 2013

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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# Agenda Item 8

|   |   |  |                             |
|---|---|--|-----------------------------|
| <b>Committee:</b><br>Development                                | <b>Date:</b><br>6 <sup>th</sup> June 2012 | <b>Classification:</b><br>Unrestricted             | <b>Agenda Item No:</b><br>8 |
| <b>Report of:</b><br>Corporate Director Development and Renewal |   | <b>Title:</b> Deferred Items                       |                             |
| <b>Originating Officer:</b><br>Owen Whalley                     |   | <b>Ref No:</b> See reports attached for each item  |                             |
|   |   | <b>Ward(s):</b> See reports attached for each item |                             |

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. 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  |
|---------------------------|------------------|--------------------------------|--|--|
| 10 <sup>th</sup> May 2012 | PA/11/02495      | 4 Wilkes Street, London E1 1QF | Erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening. | Loss of light to the surrounding neighbours (in particular 6-10 Princelet Street and the garden of 6 Wilkes Street).<br><br>The cumulative impact on residents in terms of overlooking and the lack of environmental benefits. |

## 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.
- 4 Wilkes Street, London E1 1QF PA/11/02495
- 3.2 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.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

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

Tick if copy supplied for register:

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

**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.

# Agenda Item 8.1

|   |                              |  |                               |
|---|------------------------------|--|-------------------------------|
| <b>Committee:</b><br>Development  | <b>Date:</b><br>06 June 2012 | <b>Classification:</b><br>Unrestricted   | <b>Agenda Item No:</b><br>8.1 |
| <b>Report of:</b><br>Corporate Director of Development and Renewal<br><b>Case Officer:</b> Kamlesh Harris |                              | <b>Title:</b> Planning Application for Decision<br><b>Ref No:</b> PA/11/02495<br><b>Ward(s):</b> Spitalfields and Banglatown |                               |

## 1. APPLICATION DETAILS

|                              |   |
|------------------------------|---|
| <b>Location:</b>             | 4 Wilkes Street, London E1 1QF  |
| <b>Existing Use:</b>         | Retail at ground floor and light industrial at upper levels.  |
| <b>Proposal:</b>             | Erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening.                          |
| <b>Drawing Nos:</b>          | OS Site map no. P1000 Drawing no's: P100, P101, P102, P300, P304, P305, P307, P346, P348, P500, D40, D41, E11, E13, E42, S41, S42, S43, S45 and S47 |
| <b>Supporting Documents:</b> | Design, Access and Impact Statement, by Brown and Pletts LLP and dated September 2011   |
| <b>Applicant:</b>            | Ofer Zeloof   |
| <b>Owner:</b>                | Applicant   |
| <b>Historic Building:</b>    | Adjoins 6 Wilkes Street. Grade II Listed.<br>Adjoins 2 Wilkes Street. Grade II Listed.  |

**Conservation Area:** Fournier Street/Brick Lane

## 2. RECOMMENDATION

- 2.1 That the Committee notes the details of this report and officers' advice regarding the appropriate form of the new motion (at paragraph 3.4) when resolving to refuse the planning application.

## 3. BACKGROUND

- 3.1 At its meeting of 10 May 2012, the Council's Development Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening.
- 3.2 Members were minded to refuse planning permission for the following reasons:
- Loss of light to the surrounding neighbours (in particular 6-10 Princelet Street and the garden of 6 Wilkes Street).
  - The cumulative impact on residents in terms of overlooking and the lack of environmental benefits.
- 3.3 Officers have interpreted Members' reasons/concerns and have drafted reasons for refusal to cover the points and issues highlighted. The two reasons for refusal are suggested as follows:-

- 3.4 1. The development by reason of its proximity to neighbouring properties, in particular 6-10 Princelet Street and the garden of 6 Wilkes Street, would result in a loss of light and outlook to the occupiers of the these properties. The proposal would therefore be contrary to the aims of saved policies DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of surrounding existing and future residents.
- 3.5 2. The proposal by virtue of its elevated position and the provision of a roof terrace would result in an increase in the perception of overlooking to neighbouring residential properties. The provision of a roof terrace serving an office development would cause harm to the amenities of neighbouring occupiers without delivering any significant benefits for the users of the office building or other surrounding residents. The proposal is therefore contrary to the objectives of saved policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the Adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies require development proposals to protect the amenity of surrounding existing and future residents.

#### **4. OFFICER COMMENTARY**

- 4.1 The Applicant has submitted additional information in response to the concerns raised by Members at the previous Committee Meeting. This information is attached to this report at Appendix 1. The information specifically responds to the concerns members raised about potential loss of light, overlooking and the environmental benefits of the scheme.

#### **5. IMPLICATIONS OF THE DECISION**

- 5.1 Should Members decide to re-affirm their previous resolution and refuse planning permission, either as previously confirmed or as amended (following consideration of this report) there are a number of possibilities opened to the Applicant. These would include (though not limited to):-
- Resubmit an amended scheme to attempt to overcome the reasons for refusal.
  - Lodge an appeal against the refusal of the scheme. The Council would defend any appeal against a refusal.
- 5.2 Officers consider that it is likely to be difficult to substantiate the proposed reasons for refusal and provide evidence to support these reasons.

#### **6. CONCLUSION**

- 6.1 All other relevant policies and considerations have been taken into account. It is recommended that Members consider the draft reasons for refusal alongside the previous report presented to the 10 May 2012 Development Committee (see Appendix 1), Section 4 of this report (Officer Commentary) and determine the planning application as they see fit.

#### **7. APPENDICIES**

- 7.1 Appendix One – Supplementary Information Submitted by Applicant dated 23<sup>rd</sup> May 2012
- 7.2 Appendix Two - Report to Development Committee
- 7.3 Appendix Three – Addendum Report to Members on 10 May 2012.

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# PA/11/02495 Supplementary information

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*23 May 2012*

## Contents

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- 1.0 Purpose of this document
- 2.0 Daylighting analysis, 6 Wilkes Street garden
- 3.0 Impact analysis, 6-10 Princelet Street
- 4.0 Overlooking analysis
- 5.0 Environmental improvement analysis

## 1.0 Purpose of this document

---

This document has been prepared to provide further information on points raised by Members at Tower Hamlets' Development Committee on 10 May 2012. It is intended to clarify aspects of the proposals for 4 Wilkes Street in relation to the points raised.

## 2.0 Daylighting analysis, 6 Wilkes Street garden

### 2.1 Introduction

This report section has been prepared to analyse the impact of the proposed 4 Wilkes Street roof extension and terrace screening on the garden of 6 Wilkes Street. 6 Wilkes Street's garden is located 9.7m below the top of the existing perimeter parapet wall to the flat roof of 4 Wilkes Street. This document illustrates that the proposals will not be visible from the garden of 6 Wilkes Street as they will be hidden by the existing 4 Wilkes Street parapet wall. Therefore the proposals will have no impact on daylight or sunlight to the garden.

### 2.2 Cross section analysis

Diagram A shows a cross section cut through the garden to 6 Wilkes Street and the proposed 4 Wilkes Street roof extension. This diagram illustrates that the 4 Wilkes Street terrace screening will not be visible from the garden of 6 Wilkes Street and will therefore have no impact on daylight or sunlight reaching the garden.

The proposed 4 Wilkes Street roof extension itself (separate to the terrace screening) is, at its eastern boundary, exactly in line with the rear eastern boundary wall of 6 Wilkes Street, so will similarly have no impact on light from the south reaching the garden to 6 Wilkes Street.

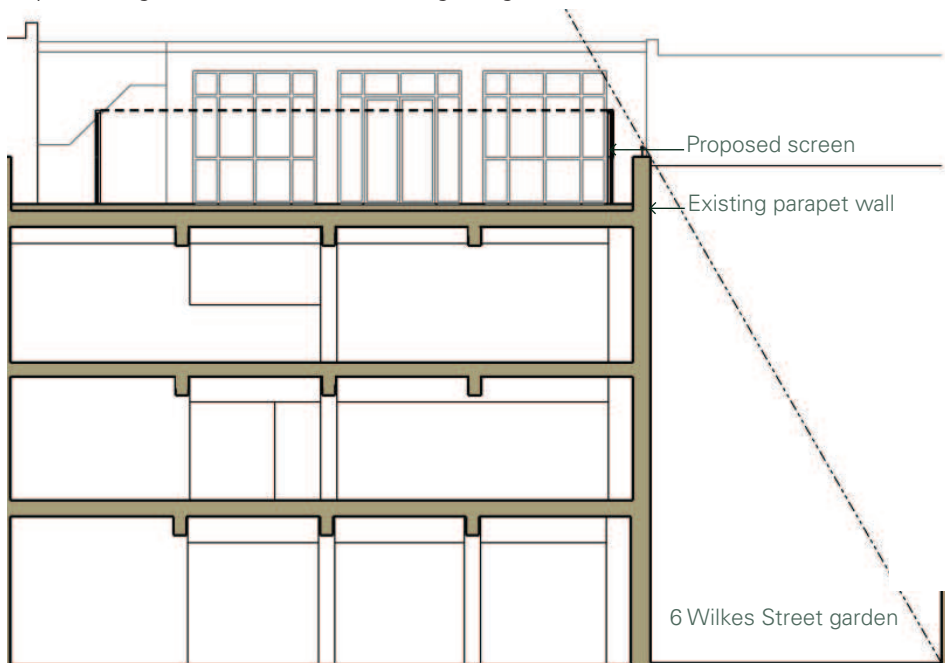


Diagram A



*Key plan. 6 Wilkes Street garden is shaded in green and the proposed roof extension in orange. The sectional cut for diagram A is shown in red.*



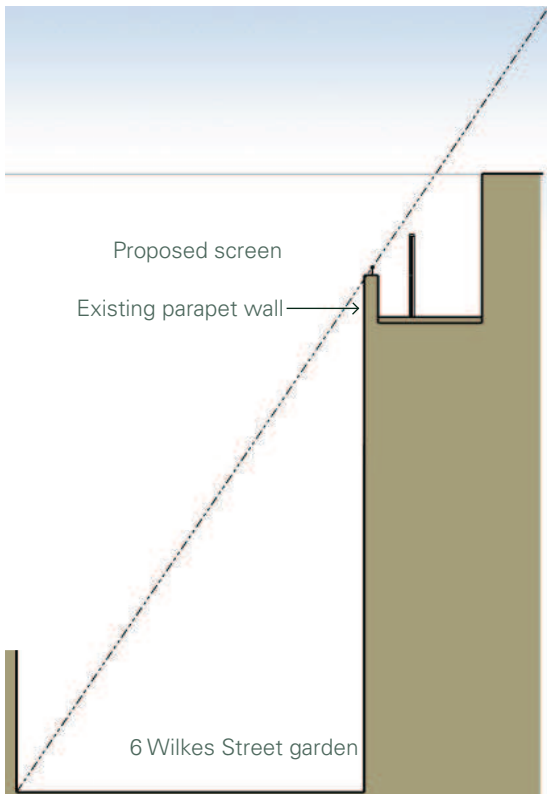


Diagram B



Key plan. 6 Wilkes Street garden is shaded in green and the proposed roof extension in orange. The sectional cut for diagram B is shown in red.

Diagram B shows a second cross section cut through the garden to 6 Wilkes Street and the proposed 4 Wilkes Street roof extension, at the point where it might be expected that the proposals would have most impact on the garden. This diagram illustrates that neither the proposed roof extension nor the terrace screening will be visible from the garden of 6 Wilkes Street and will therefore have no impact on daylight or sunlight reaching the garden.

### 2.3 Conclusion

---

No part of the 4 Wilkes Street proposals will be visible from the garden to 6 Wilkes Street. Therefore the proposals will have *no impact whatsoever* on daylight or sunlight to the garden to 6 Wilkes Street.

## 3.0 Impact analysis, 6-10 Princelet Street

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### 3.1 Introduction

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This report section has been prepared to further analyse the impact of the proposed 4 Wilkes Street roof extension and terrace screening on existing windows at 6-10 Princelet Street through the use of photographs of that adjoining property.

### 3.2 Site photographs

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*Obscure glazing facing towards the application site prevents views to and from 4 Wilkes Street*

*Figure 1: The west elevation of 6-10 Princelet Street*

The photograph at Figure 1 shows the west elevation of 6-10 Princelet Street which faces towards the application site. The individual glazed panels are obscure-glazed, other than the very top section of each window. There are therefore no views facing towards the application site. This is because the windows have been obscure glazed and this obscure glazing prevents views out of the flats within towards 4 Wilkes Street. This accordingly means that the 4 Wilkes Street proposals will not even be visible from within 6-10 Princelet Street.

It is worth noting that, in terms of the reciprocal view from 4 Wilkes Street towards 6-10 Princelet Street, the proposed screening to the roof terrace would completely conceal this elevation from view from the 4 Wilkes Street roof terrace. Accordingly there will be no overlooking from 4 Wilkes Street into 6-10 Princelet Street.

The Design & Access Statement for the 4 Wilkes Street application has already demonstrated (in the analysis at pages numbered 20, 25 and 26) that the 4 Wilkes Street proposals will not adversely affect

the daylight and/or sunlight reaching 6-10 Princelet Street, and for the avoidance of doubt illustrates that the proposals are in line with the best practice guidance published by the Building Research Establishment in this regard.

We would further note that the daylight/sunlight analysis in the Design & Access Statement did not take into account the fact that, as detailed above, the 6-10 Princelet Street windows facing 4 Wilkes Street are mostly obscure glazed. As these windows are obscure glazed, this further strengthens the position that the 4 Wilkes Street proposals will not adversely affect the daylight or sunlight into 6-10 Princelet Street.

Notwithstanding the above, the upper floor flats in 6-10 Princelet Street in fact have other windows which provide both light to and outlook from these flats, which provide additional mitigation for any windows on the west elevation being obscure glazed. The photographs on the following page (figures 2 and 3) illustrate that the top floor flat facing onto the application site is, elsewhere, provided with generous amounts of glass bringing light into the flat.





Figure 2: 6-10 Princelet Street viewed from the east

- Rooflights
- The application site
- Dormer window to 6-10 Princelet Street flats
- Large glazed terrace to 6-10 Princelet Street flats
- Terraces to 6-10 Princelet Street flats
- The application site



Figure 3: 6-10 Princelet Street viewed from the north

## 4.0 Overlooking analysis

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A permanent timber screen is proposed to the east of the application site, set back from the edge of the existing flat roof terrace. At 1.8m in height, this screen will completely prevent any overlooking to the north, east or south of the application site.

To the west of the application site (facing the public highway that is Wilkes Street), Officers have concluded in their Committee Report and presentation that 'the level of overlooking would not significantly exceed that which would already be possible from the upper floors of the property'. In fact, the application proposes just three small dormer windows facing in a westerly direction. The application site is located directly opposite Puma Court, which means that there are no properties to overlook for this part of the site. Puma Court offers only long views towards Spitalfields Market.

The proposals replicate the existing condition along the entire length of the street, where small windows face each other across the width of Wilkes Street at all levels. The application site already has windows facing in a westerly direction, similar to all neighbouring properties in all directions.

## 5.0 Environmental improvement analysis

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The proposed development presents an opportunity for the following environmental benefits:

- The building is currently in light industrial use and lawful and legitimate use of the building within this use class would have the potential to cause considerable nuisance to neighbouring properties. The proposed roof extension is an integral part of the building's change of use to an office. This proposed change of use away from light industrial will bring considerable environmental benefits to neighbouring residential properties.
- Insulation levels will be improved at upper floor levels as a result of the proposals. This will greatly improve the building's environmental credentials and will reduce its use of energy.
- The proposed roof extension will be very well insulated and its fabric will be built to current environmental standards. This will enhance the environmental performance of the building as a whole.
- The building will be refurbished in its entirety as a result of the proposals. The appearance of the west elevation of the building will be considerably improved as a result of sensitive repairs and maintenance works and will therefore improve the appearance of the Wilkes Street streetscape as a whole.

|  |                             |   |                        |
|--|-----------------------------|---|------------------------|
| <b>Committee:</b><br>Development                                   | <b>Date:</b><br>10 May 2012 | <b>Classification:</b><br>Unrestricted          | <b>Agenda Item No:</b> |
| <b>Report of:</b><br>Corporate Director of Development and Renewal |                             | <b>Title:</b> Planning Application for Decision |                        |
| <b>Case Officer:</b> Kamlesh Harris                                |                             | <b>Ref No:</b> PA/11/02495                      |                        |
|  |                             | <b>Ward(s):</b> Spitalfields and Banglatown     |                        |

## 1. APPLICATION DETAILS

|                              |   |
|------------------------------|---|
| <b>Location:</b>             | 4 Wilkes Street, London E1 1QF  |
| <b>Existing Use:</b>         | Retail at ground floor and light industrial at upper levels.  |
| <b>Proposal:</b>             | Erection of roof extension to provide additional office space.<br>Formation of roof terrace with associated timber screening.                       |
| <b>Drawing Nos:</b>          | OS Site map no. P1000 Drawing no's: P100, P101, P102, P300, P304, P305, P307, P346, P348, P500, D40, D41, E11, E13, E42, S41, S42, S43, S45 and S47 |
| <b>Supporting Documents:</b> | Design, Access and Impact Statement, by Brown and Pletts LLP and dated September 2011   |
| <b>Applicant:</b>            | Jason Zeloof  |
| <b>Owner:</b>                | Applicant   |
| <b>Historic Building:</b>    | Adjoins 6 Wilkes Street. Grade II Listed.<br>Adjoins 2 Wilkes Street. Grade II Listed.  |

**Conservation Area:** Fournier Street/Brick Lane

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Managing Development DPD (Proposed submission version 2012), the London Plan 2011 and National Planning Policy and has found that:

- The proposal would increase the amount of commercial floorspace in the Borough, and would provide good quality office accommodation in a sustainable location. The proposal therefore accords with Policy SP06 of the Council's Adopted Core Strategy (2010), policy DM15 of the Managing Development DPD 2012 and policy EMP1 of the Unitary Development Plan (1998). These policies support the provision of a range and mix of employment uses and encourage employment growth through the upgrading of sites already in employment use. The proposal is therefore considered acceptable in principle in land use terms.
- The design and scale of the proposed roof extension would be acceptable and in keeping with the scale of roof additions in the surrounding area. The set back proposed at rear and traditional mansard design on the front elevation would appropriately maintain the appearance of the building. The proposal would preserve the character and appearance of the Fournier Street/Brick Lane Conservation Area, and pays special regard to the desirability of preserving the setting of the adjoining Listed Buildings. The proposal is therefore in accordance with policies 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011, policies SP10 and SP12 of the Adopted Core

Strategy 2010, saved policies DEV1, DEV9, DEV27 and DEV30 of the Unitary Development Plan 1998, policies DM24 and DM27 of the Managing Development DPD 2012 and policies DEV1 and CON2 of the Interim Planning Guidance 2007. These policies seek to ensure developments are of appropriate mass and scale to integrate with the surrounding area and do not result in an adverse impact on the character, fabric or identity of the heritage assets or their settings.

- The proposed office at roof storey and ancillary terrace would not have an adverse impact upon the amenity of neighbouring residential properties in terms of loss of privacy, unreasonable level of overlooking, unacceptable loss of outlook, significant material deterioration of sun lighting and day lighting and unacceptable levels of noise. The proposal therefore accords with the aims of saved policies DEV2 and DEV50 of the Tower Hamlets Unitary Development Plan 1998, policies SP02 and SP10 of the Adopted Core Strategy 2010, policy DM27 of the Managing Development DPD 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of surrounding existing and future residents and building occupants as well as the amenity of the surrounding public realm.

### **3. RECOMMENDATION**

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

3.2 That the Corporate director of Development and Renewal is delegated power to impose conditions [and informative] on the planning permission to secure the following:

#### **Conditions on Planning Permission**

- 1) 3 year Time Period
- 2) Development to be carried out in accordance with the approved plans
- 3) External materials to be submitted and typical details of mansard, windows and privacy screening at scale 1.20.
- 4) Privacy screening to be kept in perpetuity
- 5) Hours of use of terrace
- 6) No amplified music on terrace.
- 7) Cycle Parking to be proposed prior to occupation.
- 8) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

#### **Informative on Planning Permission**

3.3 None.

### **4. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

4.1 The applicant proposes the erection of a mansard roof extension. The extension would provide an additional 87 square metres of office floorspace. The scheme proposes using the remaining area of the existing flat roof as a terrace (to be used in association with the office). The terrace would be surrounded by a timber screen to prevent overlooking into neighbouring properties. The screen would be 1.8 metres high. The terrace has an area of approximately 40 square metres.

#### **Site and Surroundings**

4.2 The application site is located on the eastern side of Wilkes Street. The site is occupied by a three-storey building of industrial appearance that was probably built in the 1960s or 1970s. The ground floor of the building is in retail use. The upper floors are currently vacant. Historically these floors would have been used for light industrial purposes (Use Class B1),



and this remains the lawful use. The building has a flat roof. This flat roof has previously been in unauthorised use as a terrace.

4.3 The site is located in-between two Listed Grade II Listed Georgian townhouses (Numbers 2 and 6 Wilkes Street). These properties are 3 storey in height, with a mansard roof. To the South of the site are residential properties, which front Fournier Street. To the East (rear) are properties fronting Princelet Street.

4.4 The site is located in the Fournier Street/Brick Lane Conservation Area.

### **Planning History**

4.5 PA/85/00263 - planning permission was **refused** on 18 December 1985 for the erection of extensions at roof level and at rear.

4.6 On the 27 August 2002 an Enforcement Notice was served for a breach of planning control, namely, without planning permission as there was:

- i) a change of use of the first and second floors of the Land from light industrial to residential use
- ii) the unauthorised creation of an opening in the roof parapet wall at the rear of the building for the purpose of creating access to the decked platform
- iii) the unauthorised construction of decking on the second floor and the insertion of steel joists into the side walls at the rear of the building to support the decking platform
- iv) the unauthorised construction of a roof garden which includes the laying of grass, siting of garden furniture and potted plants.

The enforcement notice set out the required steps to be carried out to address the unauthorised works, these were as follows:

- i) apply for planning permission for the unauthorised work
- ii) remove the roof garden and restore that part of the Land to its original condition prior to the roof garden being created.
- iii) The roof access filled in and made good with materials to match the existing wall.
- iv) Remove the decking area construction, the steel joists used to support the construction and any other materials used to construct the decking area and restore it to its original condition before the decking area was created.

The Enforcement Notice has now been fully complied with and the case has been closed.

4.7 PA/11/00346 - Erection of roof extension to provide office space together with associated roof terrace. This application was subsequently **withdrawn** on 31 March 2011.

4.8 PA/11/00996 - Erection of roof extension to provide office space including the retention of roof terrace together with timber screening to perimeter of retained roof terrace. This application was subsequently **withdrawn** on 30 June 2011

4.9 PA/11/02810 - Planning permission was **granted** on 28/10/2011 for the retention of three steel joists to the east elevation at second floor level.

## **5. POLICY FRAMEWORK**

5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

5.2 **The London Plan Spatial Development Strategy for Greater London (July 2011)**

|      |  |
|------|--|
| 3.9  | Mixed and balanced communities                   |
| 6.9  | Cycling  |
| 6.13 | Parking  |
| 7.1  | Building London's neighbourhoods and communities |
| 7.2  | An inclusive environment                         |
| 7.4  | Local character                                  |
| 7.6  | Architecture                                     |
| 7.8  | Heritage Assets                                  |

**5.3 Adopted Core Strategy 2025 Development Plan Document (September 2010)**

|         |   |
|---------|---|
| SP06    | Delivering successful employment hubs           |
| SP09    | Creating Attractive and Safe Streets and Spaces |
| SP10    | Creating Distinct and Durable Places            |
| SP12    | Delivering Placemaking                          |
| LAP 1&2 | Spitalfields                                    |

**5.4 Unitary Development Plan 1998 (as saved September 2007)**

|       |   |
|-------|---|
| DEV1  | Design Requirements                       |
| DEV2  | Environmental Requirements                |
| DEV9  | Control of Minor works within the borough |
| DEV27 | Conservation Areas                        |
| DEV30 | Conservation Areas                        |
| DEV50 | Noise and Disturbance                     |
| EMP1  | Promoting Employment Growth               |
| HSG15 | Development affecting residential amenity |
| T16   | Transport and Development                 |

**5.5 Managing Development DPD (Proposed Submission Version January 2012)**

|      |                                   |
|------|-----------------------------------|
| DM15 | Local job creation and investment |
| DM24 | Place Sensitive Design            |
| DM25 | Amenity                           |
| DM27 | Heritage and Historic Environment |

**5.6 Interim Planning Guidance for the purposes of Development Control (October 2007)**

|       |                                  |
|-------|----------------------------------|
| DEV1  | Amenity                          |
| DEV2  | Character and Design             |
| DEV10 | Disturbance from Noise Pollution |
| CON2  | Conservation Areas               |

**5.7 Supplementary Documents**

Fournier Street/Brick Lane Conservation Area Appraisal Document

**5.8 Government Planning Policy Guidance/Statements**

NPPF 2012 National Planning Policy Framework

**5.9 Community Plan – One Tower Hamlets**

The following Community Plan objectives relate to the application:

- A Great Place To Be
- Healthy Communities
- Prosperous Communities
- Safe and Supportive Communities

**6. CONSULTATION RESPONSE**

- 6.1 The Trustees of the Spitalfields Trust – has objected to the proposal on the following grounds:
- a) Design quality of the mansard extension;
  - b) Principle of roof terraces in Spitalfields.

## 7. LOCAL REPRESENTATION

- 7.1 A total of 56 neighbouring properties within the surrounding area were notified about the application and invited to comment. The application was also been publicised on site on 05 October 2011 and in the local paper on 17 November 2011. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

|                    |    |            |    |             |   |
|--------------------|----|------------|----|-------------|---|
| No of responses:   | 17 | Objecting: | 17 | Supporting: | 0 |
| Petitions Against: | 1  | containing | 20 | signatures  |   |

- 7.2 The following planning issues were raised in representations:

### Representation Comments

- 7.3 Amenity concerns:

- Overlooking from office terrace
- Daylight and sunlight impacts
- Noise from office terrace
- Sense of enclosure

Design concerns:

- Architecture of mansard extension
- Principle of roof terrace

*(Officer's Comments: Amenity related matters are discussed in detail in sections 8.6 – 8.15 of this report. The design concerns would be discussed further under sections 8.16 – 8.36).*

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land use
2. Design / Impact on Character and Appearance of Conservation Area and Setting of Listed Buildings.
3. Impact on the amenity of adjoining occupiers and the surrounding area

### **Land Use**

- 8.2 The lawful use of the upper floors of the building is light industrial (Use Class B1). The proposal is to use these floors as an office (Use Class B1). Planning permission is not required to change from a light industrial use to an office use, because both uses fall within the same use class.
- 8.3 The proposed roof extension would add an additional 87 square metres of office floorspace to the building.
- 8.4 The provision of a small amount of additional floorspace accords with the aims of SP06 of the Council's Adopted Core Strategy (2010), policy DM15 of the Managing Development DPD 2012 and policy EMP1 of the Unitary Development Plan (1998), which seek to promote employment uses in the Borough.

- 8.5 The amount of additional floorspace is small and would preserve the character and appearance of the Fournier Street/Brick Lane Conservation Area.

**Design and Layout of the Development**  
Mass and Scale / Appearance and Materials

- 8.6 Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011, policies SP02, SP10 and SP12 of the Adopted Core Strategy, saved policies DEV1, DEV27 and DEV30 of the UDP, policies DM24 and DM27 of the Managing Development DPD 2012 and policies DEV2 and CON2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the surrounding buildings and roof lines.
- 8.7 The application proposal includes a mansard style roof extension to the existing three storey building. The proposed mansard would be of a traditional construction, with a slight roof pitch. The proposed mansard would match the ridge height of the mansard roof on the adjoining property (2 Wilkes Street), and would be very slightly higher than the height of the roof ridge on 6 Wilkes Street.
- 8.8 Along the North boundary the proposed mansard would match the depth of the mansard roof on 6 Wilkes Street. The mansard steps in from the South boundary by approximately 3 metres.
- 8.9 The proposed mansard would be finished with roof tiles on the front elevation and painted timber cladding at rear. Roof tiles should be in Welsh Slates. The dormers cheek and roof would be in lead.
- 8.10 The application also proposes to create a terrace area on the remaining area of flat roof behind the mansard roof. The terrace would have an area of approximately 40sqm. The terrace would be surrounded by a 1.8 metre high privacy screen. This screen would be constructed from timber louvers. The screening would be set back by approximately 0.6 metres from the North and East roof parapet. A larger set back would be provided on the South boundary, where the screening is 2.2 metres from the edge of the roof.



*Proposed Front Elevation:*

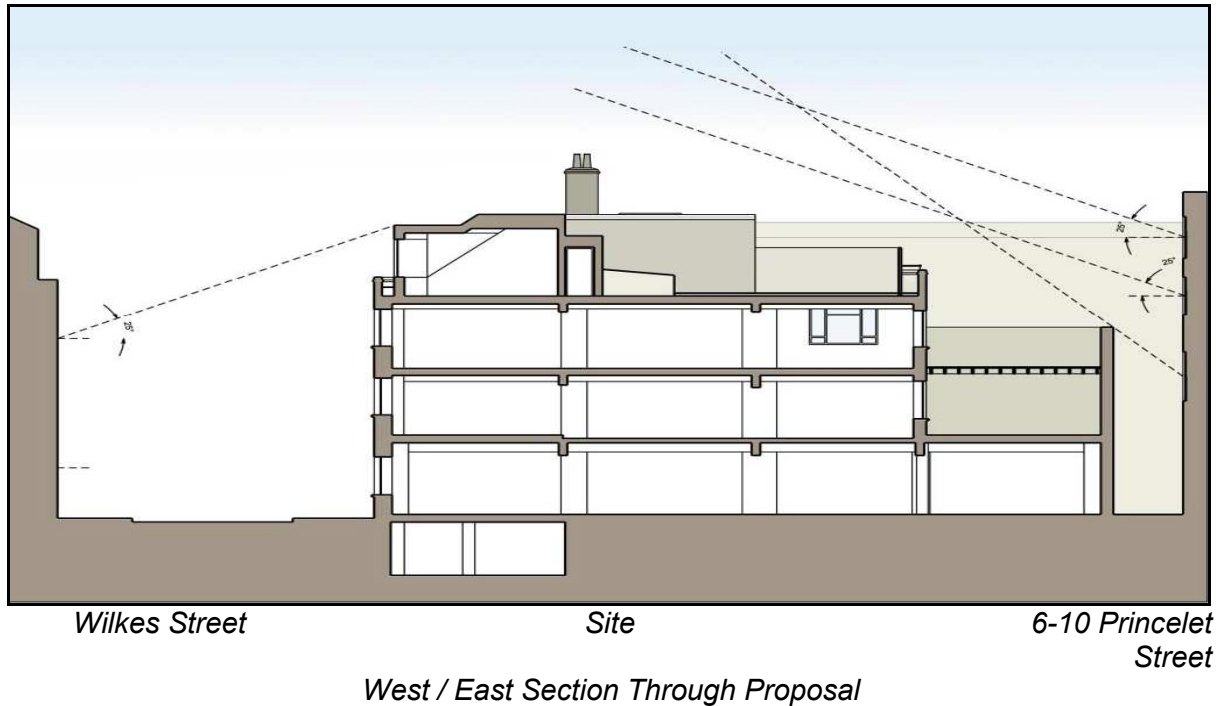
- 8.11 When viewed from Wilkes Street or in longer views down Puma Court it is apparent that the two properties on either side of number 4 Wilkes Street have an additional fourth storey in the form of mansard roofs. The creation of an additional mansard-type storey is therefore considered in keeping with the character and appearance of the terrace and surrounding

area. Although the host building is of a more modern construction than its neighbours, a traditional mansard form is still seen as an acceptable form of addition - as the mansard form is frequently used on buildings from many different eras.

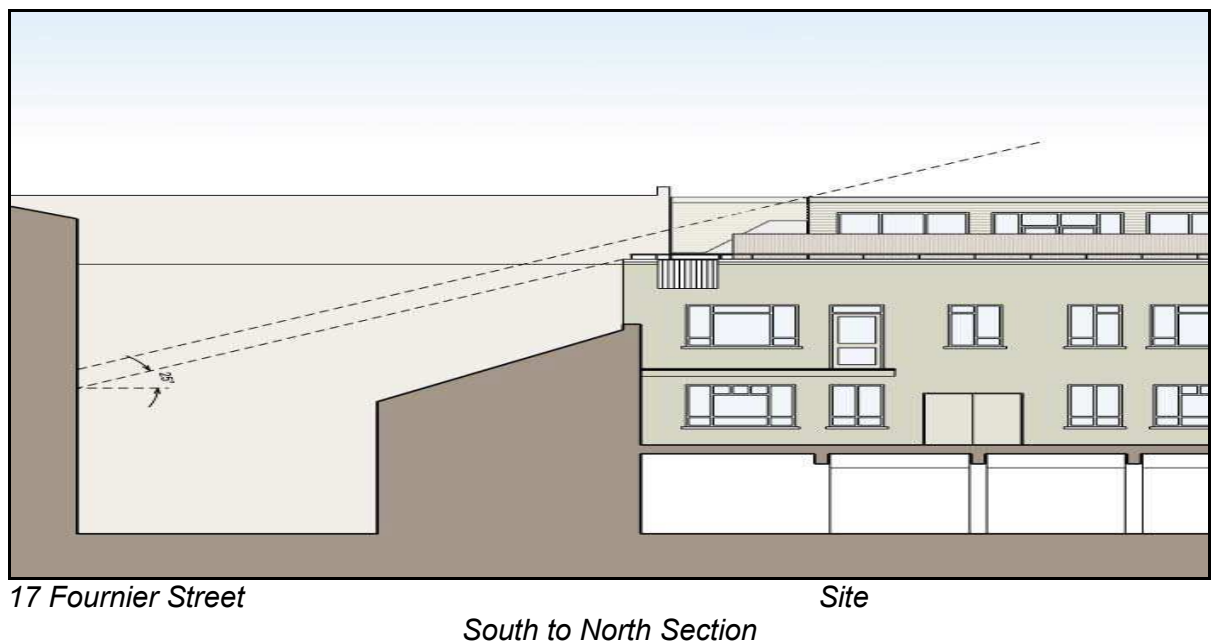
- 8.12 The roof addition, the terrace and the terrace screening can also be seen from residential properties behind the application site (including those which front Fournier Street and Princelet Street). Officers consider that the visual impact of the terrace screening is limited as it has been set back from the edge of the roof, and the mansard itself is a common structure in the roofscape in this area.
- 8.13 The proposal has limited impact on the streetscene, and as such would have limited impact on the setting of the adjoining Listed Buildings. In overall terms the proposed additions are considered to relate well to the host building and are acceptable in terms of design. The proposal pays special regard to the desirability of preserving the setting of the adjoining Listed Buildings, and would preserve the character and appearance of the Fournier Street / Brick Lane Conservation Area.
- 8.14 A condition would be imposed on any permission to secure the submission of samples of proposed external materials to ensure that they were of an appropriate quality for the Conservation Area location.
- 8.15 The proposal is therefore acceptable in term of policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, saved policies DEV1, DEV9, DEV27 and DEV30 of the UDP, policies DM24 and DM27 of the Managing Development DPD and policies DEV1 and CON2 of the IPG.

#### **Impact on the amenity of adjoining occupiers and the surrounding area**

- 8.16 Part 4 a and b of strategic policy SP10 of the Adopted Core Strategy, saved policy DEV2 of the Unitary Development Plan, policy DM25 of the Managing Development DPD and policy DEV1 of the Interim Planning Guidance seek to protect the amenity of surrounding existing and future residents and building occupants as well as the amenity of the surrounding public realm. Saved policy DEV50 of the Unitary Development Plan seeks to ensure development does not result in an unduly detrimental increase in noise levels for nearby residents. Policy 7.6 of the London Plan 2011 endorses the above and states that buildings and structures should not cause unacceptable harm to the amenity of surrounding buildings in particular residential buildings.
- 8.17 The surrounding area includes a number of residential dwellings. Accordingly, consideration must be given to the impacts of the proposal on these neighbours and their properties. The properties likely to be impacted include habitable room windows facing the site in on properties which front Fournier Street and Princelet Street. The proposal will also have an impact on properties adjacent to the development and opposite the site
- 8.18 Loss of Daylight / Sunlight  
It is noted that local residents have raised concerns about the impact of the proposed development in general but in particular raised objections on the introduction of the terrace at rear. The concerns and objections also consist of deterioration of existing levels of daylight and sunlight, sense of enclosure, excessive noise, loss of outlook and overlooking.
- 8.19 Appendix 2 of the Design, Access and Impact Statement submitted with the application includes a Daylight analysis.
- 8.20 The diagram below shows the impact of the proposal on 6 – 10 Princelet Street (located to the east of 4 Wilkes Street, or on the right-hand side the diagram below). The diagram also shows the impact on the property on the opposite side of Wilkes Street to the West.



8.21 The scheme would have very little impact on 6 – 10 Princelet Street in terms of loss of daylight. The scheme would result in a slight decrease in VSC (Vertical Sky Component) levels on the property to the West. However, the resultant VSC level would be 0.88 times its former value, which is within the limits set by the BRE.



8.22 The above diagram shows the north/south section, south being on the left of the diagram. Fournier Street lies south of the application site. The analysis shows that the daylight impact on 17 and 19 Fournier is acceptable and will meet BRE Guidelines. The set back from the shared boundary, and limited depth of the extension ensures that there is no significant impact on 2 Wilkes Street.

8.23 The scheme would be built along the shared boundary with 6 Wilkes Street. The mansard roof on this property has a fire door in the flank elevation which currently leads out directly onto the flat roof of the application site. The fire door has a glazed window which is the sole

source of light to a room in 6 Wilkes Street. From a site visit it appears to be used as a dressing room of some form. The room also links the top floor bedroom to a bathroom, avoiding the need to use the stairwell.

- 8.24 This space will completely lose the natural light it currently receives from the glazed fire door. It has no other access to direct light (with the exception of any that may filter up from stairwell). The impact of the proposal on this room is therefore severe.
- 8.25 However, it is noted that it is an unusual and undesirable arrangement to have a window on a shared boundary as this has the effect of blighting the developing opportunity of the neighbouring site. This factor has been given some weight in the assessment of this matter.
- 8.26 Officers consider that the key issue is whether the loss of light to 6 Wilkes Street has a sufficiently detrimental impact on the amenities of the occupiers of the properties to warrant the refusal of the scheme. In making this assessment, Officers consider that the building at 6 Wilkes Street needs to be considered as a whole. The building is in use as a single dwelling. Therefore, the occupiers of the property have access to a large number of rooms, including those that do benefit from light from the front and rear. The rooms which are day lit include the principle habitable rooms such as the bedroom and living spaces.
- 8.27 This issue must be taken on balance, and in overall terms Officers do not consider that the loss of light to this room has a significant enough impact on the amenities enjoyed by Occupiers to warrant refusal.

#### Impact on Residential Properties – Sunlight

- 8.28 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months. The property at number 6-10 Princelet Street was tested and it is accepted that some sunlight would be lost as a result of the proposal.
- 8.29 With any new build or extension a level of reduction in daylight levels can be expected. Consideration needs to be given to the existing situation, the location of the site and the scale of the proposed development. When the combination of all three is taken into account, it is not considered that the level of failure against the existing situation would merit refusal of the scheme.
- 8.30 Concerns have been raised about potential loss of light to the garden areas of 6 Wilkes Street. However, this garden area is already largely enclosed by surrounding buildings, and the scheme is unlikely to have significant additional impact.

#### Overlooking, outlook and sense of enclosure

- 8.31 Residents currently have open views across the site and any development would result in a change in outlook for them. At just one storey, the simple form of the building prevents it from appearing unduly bulky in relation to its immediate surroundings. The set back at rear seeks to further minimise the overall bulk and visual impact of the roof extension and terrace. Therefore, it is not considered that this development would result in an unacceptable sense of enclosure or loss of outlook to neighbouring residents.

Saved policy DEV2 of the Unitary Development Plan requires that new developments are designed to ensure that there is sufficient privacy for neighbouring residents. The policy states that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people. The separation distances to neighbouring properties (especially Fournier Street and Princelet Street is less than this. However, the proposed privacy screens ensure that it is not possible to see from the proposed mansard roof or the terrace into surrounding habitable room windows.

- 8.33 Overlooking would be possible to the West across Wilkes Street. However, the level of

overlooking would not significantly exceed that which would already be possible from the upper floors of the property.

#### Noise and disturbance

- 8.34 Residents have opposed the introduction of the terrace at rear because of the noise that could be generated as a result of its use by office personnel.
- 8.35 The use of the building itself as an office does not require planning permission. The small increase in internal floorspace afforded by the mansard is unlikely to significantly increase potential amenity impacts from activity / noise and disturbance.
- 8.36 The use of the terrace could potentially have more significant impacts. In particular amenity impacts from noise and activity from people using the terrace. A condition is recommended restricting the use of the outdoor terrace area to between 9.00am and 6.00pm. This condition would ensure that potential impacts are minimised during sensitive hours of the evening. During the daytime Officers consider that a degree of activity is to be expected in an urban area.

#### **Highways**

- 8.37 The use of the site as an Office could lead to additional vehicle and servicing demands. However, the use of majority of the building does not in itself require permission. The small increase in floor area that is subject to this application would not have any significant highway impacts.

#### Cycle Parking and Facilities

- 8.38 Policy 6.9 of the London Plan, policy SP09 of the Adopted Core Strategy, policy DM22 of the Managing Development DPD and policy DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.39 The proposed development provides cycle storage for the new office space to be created. The proposed cycle storage is located in a secure, sheltered area on the ground floor level of the development. Concerns have been raised about the proposed stands to be provided which are hooks or wall attachments rather than the standard/preferred Sheffield stand design.
- 8.40 A condition of consent is recommended to ensure that Sheffield stands are provided and the cycle storage is retained within the development for the lifetime of the use.
- 8.41 Given that the proposal provides adequate cycle storage provision, it is considered that the development would be acceptable in terms of policy 6.9 of the London Plan, policy SP09 of the Adopted Core Strategy, policy DM22 of the Managing Development DPD and policy DEV16 of the IPG. These policies seek to ensure developments are supported by existing transport infrastructure.

#### **Local Finance Considerations**

- 8.42 The floor area of the extension is below the threshold at which the Community Infrastructure Levy is set. There are no local financial matters to be considered.

#### **CONCLUSION**

- 8.43 All other relevant policies and considerations have been taken into account. Planning Permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



# Planning Application Site Map



|                                    |                            |                     |
|------------------------------------|----------------------------|---------------------|
| Planning Application Site Boundary | Locally Listed Buildings   | Land Parcel Address |
| Consultation Area                  | Statutory Listed Buildings |                     |

0 30 m  
1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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## LONDON BOROUGH OF TOWER HAMLETS

### DEVELOPMENT COMMITTEE

10th May 2012 at 7.00pm

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#### UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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|                            |   |
|----------------------------|---|
| <b>Agenda Item number:</b> | 7.3   |
| <b>Reference number:</b>   | PA/11/02495   |
| <b>Location:</b>           | 4 Wilkes Street, London E1  |
| <b>Proposal:</b>           | Erection of roof extension to provide additional office space.<br>Formation of roof terrace with associated timber screening. |

#### 1. NAME OF OWNER

- 1.1 Part of section 1 of the officer's report sets out the site owner's details.
- 1.2 The detail in the officer's report is incorrect and should read as follows:
- 1.3 Owner: Mr Ofer Zeloof

#### 2. ISSUE OF LIGHT TO 6 WILKES STREET

- 2.1 Sections 8.23 to 8.27 deal with the issue of light to 6 Wilkes Street. There is a shared fire exit between the two properties and a glazed door on 6 Wilkes Street currently leads onto the roof of 4 Wilkes Street. This glazed door has been providing light to a non-habitable room in 6 Wilkes Street. It is noted that this door was changed from a solid door to a glazed one in 1995 following refurbishment works to the property.
- 2.2 Paragraph 8.25 is extended to read as follows:
- 2.3 Furthermore, the applicant has stated that there is no legal right to light enjoyed by the window in the flank wall at 6 Wilkes Street and a right to light notice was registered on the 6th of June 2011. A right to light will arise if a neighbouring building's windows enjoy light over adjoining land for a period of 20 years and more. A right to light notice prevents the acquisition of the 20 year period and must be challenged by the property asserting the right to light within a year of it being registered. A right to light protected in law is essentially a private matter; however, the impact of the development on the light to the adjoining property is considered to be a material consideration and this factor has been given some weight in the assessment of this proposal.

#### 3. RECOMMENDATION

- 3.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of the main report.

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# Agenda Item 9

|   |   |  |                               |
|---|---|--|-------------------------------|
| <b>Committee:</b><br>Development                                | <b>Date:</b><br>6 <sup>th</sup> June 2012 | <b>Classification:</b><br>Unrestricted             | <b>Agenda Item No:</b><br>9.1 |
| <b>Report of:</b><br>Corporate Director Development and Renewal |   | <b>Title:</b> Planning Applications for Decision   |                               |
| <b>Originating Officer:</b><br>Owen Whalley                     |   | <b>Ref No:</b> See reports attached for each item  |                               |
|   |   | <b>Ward(s):</b> See reports attached for each item |                               |

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Managing Development DPD – Submission Version 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the National Planning Policy Statement.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application, local finance considerations, so far as material to the application, and any other material

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

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

Tick if copy supplied for register:

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

considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 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 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.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, 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 Act.
- 3.11 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

**4. PUBLIC SPEAKING**

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

**5. RECOMMENDATION**

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

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# Agenda Item 9.1

|  |   |   |                               |
|--|---|---|-------------------------------|
| <b>Committee:</b><br>Development<br>Committee  | <b>Date:</b><br>6 <sup>th</sup> June 2012 | <b>Classification:</b><br>Unrestricted  | <b>Agenda Item No:</b><br>9.1 |
| <b>Report of:</b><br>Corporate Director Development & Renewal<br><br><b>Case Officer:</b> Mandip Dhillon |   | <b>Title:</b> Planning Application for Decision<br><br><b>Ref No:</b> PA/12/00799<br><br><b>Ward(s):</b> Bow East |                               |

## 1. APPLICATION DETAILS

**Location:** Victoria Park, near St Marks Gate Entrance, Cadogan Terrace, London  
**Existing Use:** Park  
**Proposal:** Installation of temporary (July 2012 to September 2012) cycle parking facility, associated marquees/gazebos and lighting, in support of the London Olympic and Paralympic Games.

**Drawing Nos:** Drawing Numbers and Documents:  
TCP-DWG-APP-GA-DET-001;  
TCP-DWG-APP-LOC-CON-002;  
TCP-DWG-APP-LOC-CON-001;  
TCP-DWG-APP-GA-DET-001;  
Letter from AECOM dated 11<sup>th</sup> May 2012 (outlining site restoration methodology) and  
Planning Statement

**Applicant:** Olympic Delivery Authority

**Owner:** London Borough of Tower Hamlets

**Historic Building:** Victoria Park is a Listed Park and Garden.  
There are some listed structures within Victoria Park (Grade II listed) however these are not within the vicinity of the application site.

**Conservation Area:** Victoria Park Conservation Area

**Other Designations:** Victoria Park is designated area of Metropolitan Open Land and a Site of Nature Conservation Importance.

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012); Interim Planning Guidance (October 2007), as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:

1. The proposal is only considered to be acceptable because it is a proposal for the temporary installation of cycle parking with the site conditions being reinstated on removal. The temporary facility is considered to be acceptable under exceptional circumstances, as it facilitates the 2012 London Olympic Games, which meets the aims and objectives of Policy 2.4 of the London Plan 2011 and SO2 of the Core

Strategy adopted 2010.

2. Due to the temporary nature of the structures located within the Park, the proposal would not have a long term impact on the character of the Victoria Park Conservation Area, the Listed Park and Garden or this designated Metropolitan Open Land in accordance with policies 7.8, 7.17 and 7.19 of the London Plan (2011); Policy SP04 and SP10 of the Core Strategy (2010), saved policies DEV43 and DEV57 of the Unitary Development Plan 1998, policies OSN1, OSN2 and CON3 of the Interim Planning Guidance 2007 and Policy DM27 of the Managing Development DPD (Submission Version 2012).

### **3. RECOMMENDATION**

3.1 That the committee resolves to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor of London**

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

#### **Conditions:**

- 1) Temporary consent from July 2012 to September 2012 after which the development shall be deconstructed and removed
- 2) Site to be reinstated upon deconstruction in accordance with details hereby submitted and approved
- 3) Scheme to be built in accordance with the approved plans
- 4) Hours of operation
- 5) Hours of illumination
- 6) Implementation of the Marketing of the facility in accordance with the details submitted and hereby approved
- 7) No loading/unloading on the public highway during construction or operation
- 8) 24 hour security patrols
- 9) No bicycle access along Southern Drive
- 10) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

#### **3.3 Informatives**

- 1) With regard to condition 2 and the Site Restoration, the LBTH Parks department request the implementation of the Yorkshire Green proposal outlined in the letter dated 11<sup>th</sup> May 2012 from AECOM (approved document).
- 2) The applicants are advised to liaise with TfL and inform them of any Barclays Cycle Hire bikes left at the site, to allow TfL to remove them.
- 3) Any facilities for the storage of oil, fuel or chemicals must be provided in accordance with the relevant regulations. Please refer to our Pollution Prevention Guidance for more information.
- 4) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

### **4. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

4.1 This application proposes the erection of a temporary cycle parking transport hub facility in Victoria Park. The proposed cycle facility will provide approximately 4,000 temporary cycle parking spaces throughout the Olympic and Paralympic period. The cycle facility measures approximately 0.6hectares and is located 60 metres to the west of the park entrance on St

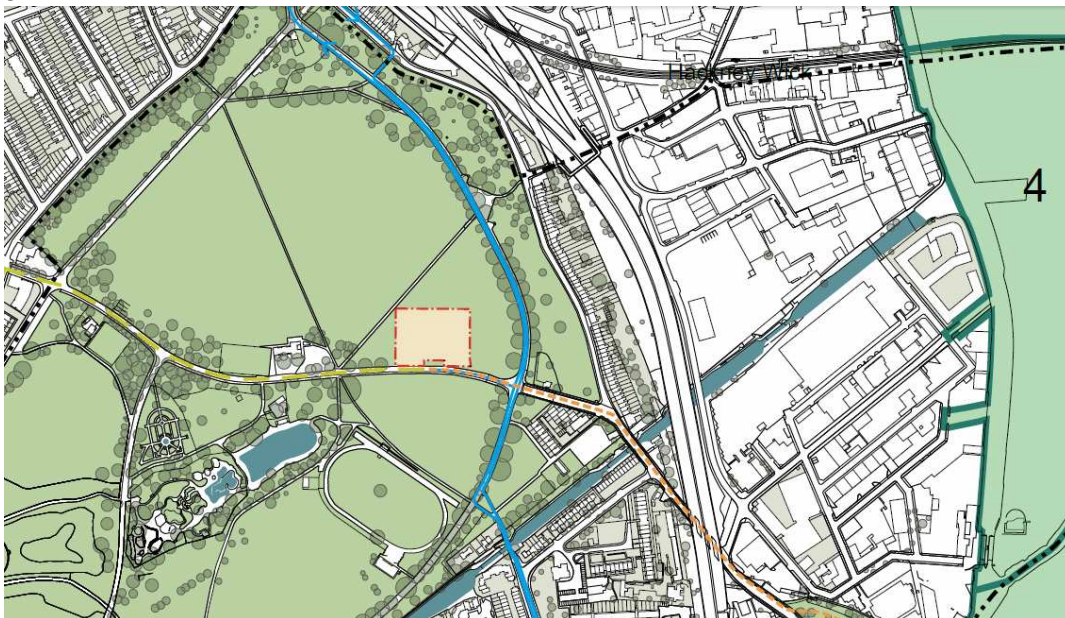
Marks Gate.

- 4.2 The overall cycle facility will be enclosed by Heras fencing around the perimeter to ensure the security of the bikes. The proposal also includes the erection of supporting temporary structures located along the frontage and entrance into the cycle facility, along its southern boundary. The temporary buildings will comprise portacabins and gazebos and provide facilities for users of the cycle facility including WC blocks, Maintenance units and offices for staff. Temporary tents/gazebos are also proposed at the entrance point providing a check point for users of the facility to ensure security.
- 4.3 The site area of the cycle parking facility and associated structures is approximately 0.6 hectares, representing less than 1% of the total area of Victoria Park (being approx 86 hectares).

### Site and Surroundings

- 4.4 The subject site is within the north eastern part of Victoria Park, close to the borough boundary with LB Hackney. Victoria Park measures approximately 86 ha in area. This site as a whole is designated as Metropolitan Open Land, a site of Nature Conservation Importance and a Listed Park and Garden.
- 4.5 There are no Listed buildings or structure on the subject site, although the Park itself is a Listed Park and Garden and contains some listed structures, although these are not within the immediate vicinity of the application site. The site is located within the Victoria Park Conservation Area.
- 4.6 Site Location Plan

Figure 1



### Relevant Planning History

- 4.7 PA/12/1007 – A planning application for Temporary use of southern part of Victoria Park adjacent to Hertford Union Canal for live music performances, live broadcasting of the Olympic Games on large screens, interactive sports zones, cultural and artistic performances and exhibitions, including the erection of temporary structures, pedestrian and vehicular access areas and operation compounds. Setting up, staging events and the removal of all structures and equipment after the events. The proposal is for a temporary period between

18 July 2012 and 17 August 2012 and is currently pending determination.

## 5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to this application:

### **Spatial Development Strategy for Greater London (London Plan) (2011)**

|                  |      |  |
|------------------|------|--|
| <b>Policies:</b> | 2.4  | The 2012 Games and their Legacy                |
|                  | 5.12 | Flood Risk Management                          |
|                  | 6.4  | Enhancing London’s Transport Connectivity      |
|                  | 6.9  | Cycling  |
|                  | 6.11 | Smoothing Traffic Flow and tackling congestion |
|                  | 7.3  | Designing out Crime                            |
|                  | 7.8  | Heritage Assets                                |
|                  | 7.9  | Heritage-led Regeneration                      |
|                  | 7.17 | Metropolitan Open Land                         |
|                  | 7.19 | Biodiversity and Access to Nature              |
|                  | 7.21 | Trees and Woodland                             |

### **Unitary Development Plan 1998 (as saved September 2007)**

|                  |       |   |
|------------------|-------|---|
| <b>Policies:</b> | DEV1  | Design Requirements                             |
|                  | DEV2  | Environmental Requirements                      |
|                  | DEV12 | Provision Of Landscaping in Development         |
|                  | DEV15 | Retention/Replacement of Mature Trees           |
|                  | DEV43 | Protection of Archaeological Heritage           |
|                  | DEV44 | Preservation of Archaeological Remains          |
|                  | DEV57 | Development Affecting Nature Conservation Areas |
|                  | T16   | Traffic Priorities for New Development          |
|                  | U2    | Development in Areas at Risk from Flooding      |
|                  | U3    | Flood Protection Measures                       |

### **Core Strategy Development Plan Document (Adopted September 2010)**

|                  |      |                                      |
|------------------|------|--------------------------------------|
| <b>Policies:</b> | S02  | Maximising the Olympic Legacy        |
|                  | SP02 | Urban living for everyone            |
|                  | SP04 | Creating a green and blue grid       |
|                  | SP08 | Making connected places              |
|                  | SP10 | Creating distinct and durable places |
|                  | SP12 | Delivering Placemaking – LAP 5&6 Bow |

### **Interim Planning Guidance for the purposes of Development Control**

|                  |       |   |
|------------------|-------|---|
| <b>Policies:</b> | DEV1  | Amenity                                   |
|                  | DEV2  | Character and Design                      |
|                  | DEV4  | Safety and Security                       |
|                  | DEV12 | Management of Demolition and Construction |
|                  | DEV13 | Landscaping and Tree Preservation         |
|                  | DEV16 | Walking and Cycling Routes and Facilities |
|                  | DEV17 | Transport Assessments                     |
|                  | DEV21 | Flood Risk Management                     |
|                  | DEV22 | Contaminated Land                         |
|                  | OSN1  | Metropolitan Open Land                    |
|                  | OSN2  | Open Space                                |

CON3 Protection of World Heritage Sites, London Squares, Historic Parks and Gardens

**Managing Development, Development Plan Document (DPD)  
Submission Version May 2012**

Policies: DM10 Delivering Open Space  
DM11 Living Buildings and Biodiversity  
DM20 Supporting a Sustainable Transport Network  
DM22 Parking  
DM24 Place-Sensitive Design  
DM25 Amenity  
DM27 Heritage and the Historic Environment

**Supplementary Planning Guidance/Documents**

**London Borough of Tower Hamlets**

Victoria Park Conservation Area Character Appraisal November 2009

**English Heritage**

Temporary Structures in Historic Palaces

**The National Planning Policy Framework (2012)**

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

**6. CONSULTATION RESPONSE**

- 6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:
- 6.2 The following were consulted regarding the application:

**LBTH Biodiversity**

- 6.3 Victoria Park is considered to be of limited nature conservation value, consisting of amenity grassland with no trees or shrubs. There is a potential impact on biodiversity from the temporary installation from the lighting which could impact on feeding or roosting bats. Impact of light spillage onto the treeline to the east of the development site should be avoided. Further details of light levels have been requested.

*(Officer Comment: The Planning Statement has identified the potential impact of the lighting on the bats to the east of the site. To address this, all lighting towers are proposed to be fitted white light and cowls fixtures to direct light onto the application site only, preventing spill into these areas of sensitive receptors. It is also proposed to restrict the hours of operation for the operation of the lighting towers to be switched off by 1am during the Olympic period and midnight during the Paralympics. The lighting towers will not be operational outside of the event dates.)*

**LBTH Ecology Officer**

- 6.4 No comments received to date.

### **LBTH Parks and Open Spaces**

- 6.5 Parks have requested that the park restoration works to the park are secured by condition.

*(Officer comment: A condition will be imposed on the planning consent.)*

### **LBTH Aboricultural Officer**

- 6.6 No objections subject to the park restoration works being secured by condition.

*(Officer comment: A condition will be imposed on the planning consent.)*

### **Environmental Health**

- 6.7 Contaminated Land

No comments received to date.

### **LBTH Highways and Strategic Transport**

- 6.8 No objection in principle.

The facility will serve Olympic spectators, Olympic workforce and Live Nation spectators. The methodology to assess the capacity is considered to be acceptable by the LBTH Highways team.

The design of the temporary cycle stands is acceptable. Consideration should be given to conditioning a proportion of larger spaces for trikes and recumbent cycles.

*(Officer comment: Provision of 126 larger spaces to facilitate trikes and recumbent cycles is proposed around the perimeter of the site. Implementation of the proposals in accordance with the approved plans is able to ensure delivery of these spaces.)*

Further details have been requested of the signage or directional information provided to guide cyclists around the perimeter route, rather than the North South route of the park.

*(Officer Comment: Further information has been requested and will be provided to Members within an update report.)*

An informative is requested to ensure any Barclays Cycle Hire bikes left at the site to be collected promptly, through effective communications with TfL.

*(Officer Comment: An informative will be imposed on the planning consent.)*

### **LBTH Olympic Team**

- 6.9 No objections.

### **CLC**

- 6.10 No comments received to date.

### **ODA**

- 6.11 No comments received to date.

### **English Heritage**

6.12 No objections.

**English Heritage Archaeology**

6.13 No comments received to date.

**L B Hackney**

6.14 No comments received.

**Greater London Authority – Mayor of London**

6.15 No comments received to date, however, Officers held pre-application discussions with the GLA and it was not considered that the proposal was referable under the Mayors Order.

*(Officer comment: An update report will be presented to Members advising of any further comments received.)*

**Environment Agency**

6.16 No objection subject to the imposition of an informative regarding storage of chemical.

*(Officer comment: An informative will be imposed on the planning consent.)*

**Transport for London**

6.17 No objections raised.

6.18 A full copy of all comments received will be available to view by Members prior to the committee meeting.

**7. LOCAL REPRESENTATION**

7.1 A total of 253 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The press advert placed in East End Life is due to expire on 4<sup>th</sup> June 2012.

An update report will minute any further representations received at the planning committee meeting.

The number of representations received to date from neighbours and local groups in response to notification and publicity of the application are as follows:

|                             |   |            |   |             |   |
|-----------------------------|---|------------|---|-------------|---|
| No of individual responses: | 1 | Objecting: | 0 | Supporting: | 1 |
| No of petitions received:   | 0 |            |   |             |   |

7.2 The following issues were raised in representations received:

- The Council should consider retention of a permanent cycle parking facility within Victoria Park to facilitate cyclists.

*(Officer comment: There are existing cycle stands in and around Victoria Park. There are no proposals to permanently retain the cycle facility within Victoria Park.)*

7.3 A full copy of all comments received will be available to view by Members prior to the

committee meeting.

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Design
3. Amenity
4. Transport
5. Other

### **Land Use**

8.2 The existing site comprises a park, which is designated as Metropolitan Open Land and a Listed Park and Garden. Policies 7.8, 7.17 and 7.19 of the London Plan (2011) seek to protect Metropolitan Open Land and Heritage Assets. Local Planning policies SP04 and SP10 of the Core Strategy (2010), saved policies DEV43 and DEV57 of the Unitary Development Plan 1998, policies OSN1, OSN2 and CON3 of the Interim Planning Guidance 2007 and DM24 and DM27 of the Managing Development DPD (Submission Version 2012) seek to protect and safeguard all existing open space, Listed Parks and Gardens and Sites of Nature Conservation Importance, such that there is no net loss.

8.3 The scheme does not propose a permanent change in land use of the site, but a temporary installation to provide a cycle parking facility for during the London Olympic and Paralympic Games for July to September 2012. The cycle parking facility will facilitate 4000 cyclists using either the Olympic Park site or visiting the Live Nation event. The facility will also be available to employees.

8.4 Policy 2.4 of London Plan 2011 requires the borough to encourage the promotion of the Olympic Park and venues as an international visitor destination. Strategic Objective SO2 of the Core Strategy 2010 seeks to ensure that Tower Hamlets supports the activities and sporting events and opportunities associated with the London Olympic Games. The provision of this temporary cycle parking facility seeks to promote and support the sporting activities for the duration of the Olympic and Paralympics Games.

8.5 As the proposal will not result in the permanent loss of Metropolitan Open Land, and the site will be restored to its former condition, in this case it is considered acceptable in land use terms.

### **Design**

8.6 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space, and to optimise the potential of the site.

8.7 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy Policy SP10 and Policy DM23 and DM24 of the Managing Development DPD (Submission Version 2012) seek 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.



- 8.8 As the proposal is temporary, no permanent adverse impacts are envisaged to the Victoria Park Conservation Area or this Listed Park and Garden.

#### Heritage

- 8.9 Policy 7.8 of the London Plan (2011) considered alongside Policies SP10 of the Council's Core Strategy (2010), Policies OSN1 and CON3 of the Interim Planning Guidance 2007 and DM27 of the Managing Development DPD (Submission Version 2012) seek to protect and enhance heritage assets and ensure development affecting heritage assets and their setting will conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 8.10 The site of the temporary cycle park lies within the Island Garden Conservation Area, an area of designated Metropolitan Open Land and Listed Park and Garden. English Heritage and the Council's Design and Conservation officer have considered the proposal, and raised no objection on the grounds of historic importance.
- 8.11 Whilst the design, scale and treatment of the cycle parking facility and the associated structures would not normally be suitable within Victoria Park, due to the temporary nature of the proposal, on balance the development is considered to be acceptable

#### Design Conclusions

- 8.12 In terms of scale and massing, the proposed development is considered acceptable on the basis that it is temporary, for the period of the 2012 Olympics only. A condition will be attached if planning permission is granted to ensure that the park is made good after the facilities are removed.

#### **Amenity**

##### Temporary Loss of Open Space

- 8.13 The proposed structure will be on site for the duration of the 2012 Olympics.
- 8.14 During this time it will have a detrimental impact upon the enjoyment of the Victoria Park, due to its location.
- 8.15 However, the structure is temporary and will take up less than 1% of the area of the park, allowing for a temporary parking facility to accommodate visitors and tourists to the Olympic Park venues. Accordingly, on balance the proposal is considered to be acceptable given the short-term consent period and benefits to London as a tourist destination.

##### Light and Noise Impacts

- 8.16 Saved policy DEV2 of the UDP (1998), policy DM25 of the Managing Development DPD (Submission Version 2012) and policy DEV1 of the Interim Planning Guidance (2007) seek to preserve residents' amenity in particular and the surrounding area in general.
- 8.17 It is anticipated that the lighting towers will illuminate the cycle parking facility during the operation hours only and only for the period of the Olympics and Paralympics. The lighting towers will produce limited noise, equivalent to that of a normal conversation, and will not therefore be audible at nearby sensitive receptors.
- 8.18 The hours of operation for the lighting towers will be restricted to the following hours by condition:

- 27<sup>th</sup> July 2012- 12<sup>th</sup> August 2012  
07.30am – 01.00am
- 29<sup>th</sup> August 2012- 9<sup>th</sup> September 2012  
08.00am – 00.00 (Midnight)

### Daylight and Sunlight

- 8.19 Policy DEV2 of the UDP seeks to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment. This is further carried through to policy DM25 of the Managing Development DPD (Submission Version 2012).
- 8.20 Given the location of the temporary parking facility which is some distance from residential properties, the proposal would not result in an unduly detrimental impact upon the enjoyment of daylight and sunlight for residential occupants, or Victoria Park.

### Conclusion

- 8.21 On balance, it is considered that as the proposal is temporary in nature, it will not result in an unduly detrimental loss of amenity for residents or visitors to the Borough.

### **Transport**

- 8.22 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the Managing Development DPD (Submission Version 2012) together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seek to prioritise and encourage improvements to the pedestrian environment.
- 8.23 The proposal does not lie within the public highway, nor will it have an impact upon the local highway network.
- 8.24 The proposal seeks to promote sustainable methods of travel to and from the London Olympic and Paralympic Games at a time when London will experience considerable demands on transport and accessibility. The encouragement of visitors to use bicycles during the Games will assist in alleviating pressure on public transport and London's roads.
- 8.25 The proposal has also sought to ensure directional information for users of the facility, both on site at Victoria Park and on the Transport for London website to ensure visitors access the site via the correct routes and minimise disruption to the pedestrian routes within the park.
- 8.26 As the proposal will not have a detrimental impact upon the local highway network, it is considered that the scheme is acceptable in highway terms.

### **Other Planning Issues**

#### Flood Risk

- 8.27 The application site lies within Flood Risk Zone 2. The application is temporary and does not comprise a vulnerable type of development. Accordingly, the application does not raise flood risk issues.

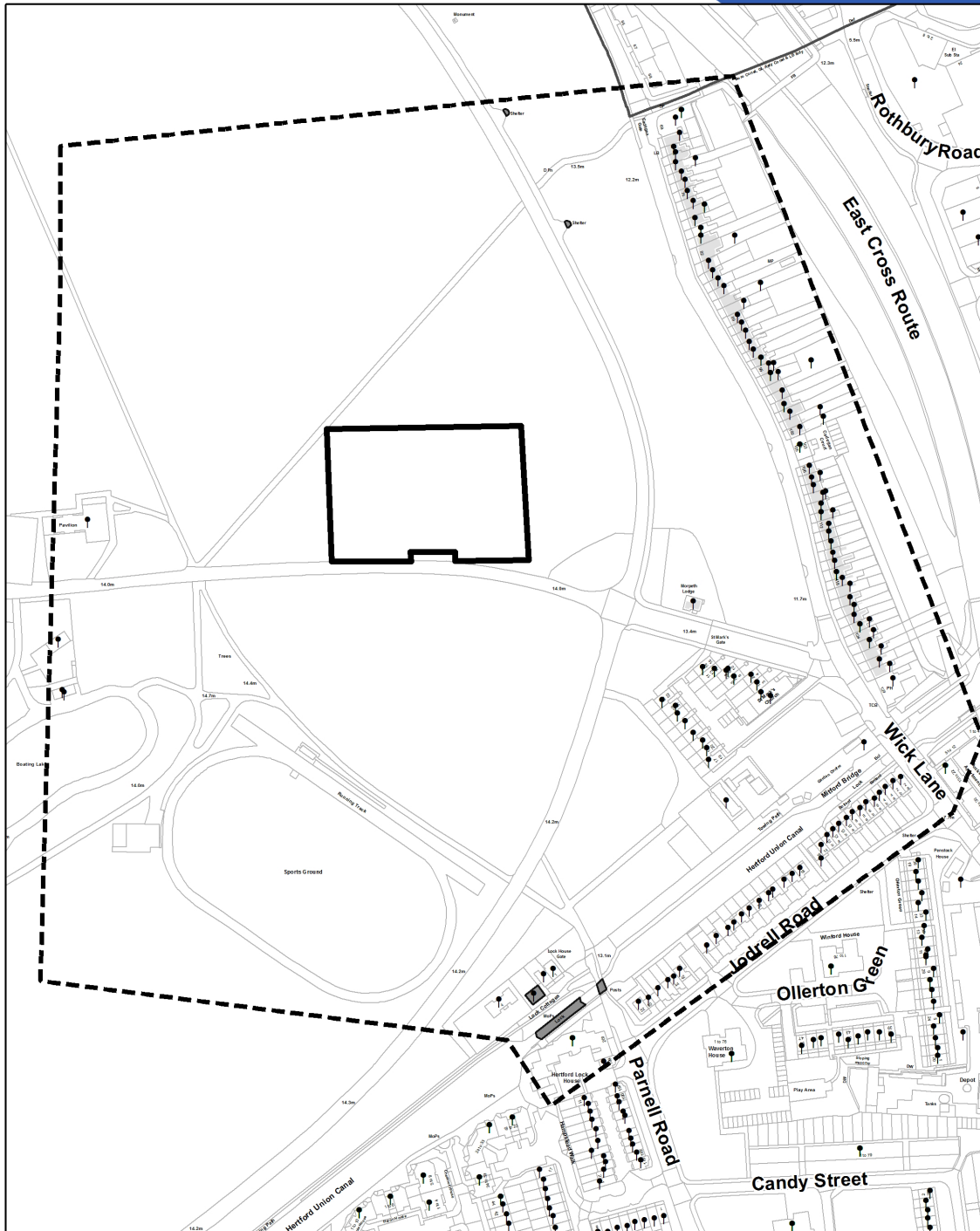
### Biodiversity


- 8.28 The application site lies within a Site of Nature Conservation Importance. The Councils Biodiversity Officer has advised that the site itself is of limited nature conservation value. The application proposes the implementation of illumination which has been designed with directional cowls to ensure light spills only into the application site and does not impact upon any bats, found to the east of the site. Accordingly, the application is not considered to raise any biodiversity issues.


### **Conclusions**


- 9.0 All other relevant policies and considerations have been taken into account. Planning permission should be approved for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.


# Planning Application Site Map





 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings

0 30 m  




1:2,750

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

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# Agenda Item 9.2

|  |   |   |                                   |
|--|---|---|-----------------------------------|
| <b>Committee:</b><br>Development Committee               | <b>Date:</b><br>6 <sup>th</sup> June 2012 | <b>Classification:</b><br>Unrestricted  | <b>Agenda Item Number:</b><br>9.2 |
| <b>Report of:</b><br>Director of Development and Renewal |   | <b>Title:</b> Town Planning Application |                                   |
| <b>Case Officer:</b> Nasser Farooq                       |   | <b>Ref:</b> PA/12/00023                 |                                   |
|  |   | <b>Ward:</b> Millwall                   |                                   |

## 1 Application Details

### Location

Ability Place, 37 Millharbour, London

### **Existing Use:**

Residential Development

### **Proposal:**

Two storey extension at 13th floor level to provide seven duplex apartments (1 x 1 bed, 4 x 2 bed and 2 x 3 bed) and replacement private amenity space at roof level (16th floor).

### **Drawing no's**

PL 001, PL 002, PL 003, PL100, PL101, PL102, PL103, PL104, PL200A, PL201 A, PL202, PL203, PL204, P-4011-202 D,

### **Documents**

Design and Access Statement prepared by BUJ architects  
Impact Statement dated January 2012 prepared by BUJ architects.

Construction Management Plan March 2012

### **Applicant:**

### **Ownership:**

As above

### **Historic Building:**

N/A

### **Conservation Area:**

N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Managing Development DPD (submission version 2012), Interim Planning Guidance (October 2007), the London Plan 2011 and Government Planning Policy Guidance and has found that:
- 2.2 The proposal is considered acceptable in land use terms as it would provide additional housing for the borough in accordance with policy 3.3 of the London Plan and policy SP02 of the Core Strategy 2010.

- 2.3 On balance, the building height, scale, bulk and design is acceptable, in accordance with Policies: DEV1 and DEV2 of the Council's Unitary Development Plan 1998; DM26 of the Development Management DPD (submission version 2012), and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality design and suitably located.
- 2.4 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, DM4 of the Development Management DPD (submission version 2012), policy SP02 of the Core Strategy 2010 and policy 3.5 of the London Plan 2011 which seek to provide an acceptable standard of accommodation.
- 2.5 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policy DM4 of the Development Management DPD (submission version 2012), and policy SP02 of the Core Strategy 2010, which seek to improve amenity and liveability for residents.
- 2.6 On balance, it is not considered that the proposal would give rise to any unacceptable impact in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Development Management DPD (submission version 2012), and policy SP10 of the of the Core Strategy 2010 which seek to protect residential amenity.
- 2.7 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Development Management DPD (submission version 2012), and policy SP08 and SP09 of the Core Strategy 2010 which seek to ensure developments minimise parking and promote sustainable transport options.

### 3. RECOMMENDATION

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

#### **Conditions**

- 1. Time Limit for outline permission.
- 2. Development in accordance with plans
- 3. Materials to match existing
- 4. Landscape Management Plan
- 5. Provision of 7 additional cycle spaces
- 6. Code for sustainable homes level 4.
- 7. Car free agreement
- 8. Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only).
- 9. Construction Management Plan
- 10. Development to comply with lifetime homes standards.
- 11. Details of 10% wheelchair housing to be submitted.

12. Construction management plan.
13. The development shall comply with the requirement of 'Secured by Design'.
14. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

### 3.3 **Informatives**

- 3.4 1. It is likely that the Council will seek affordable housing in any future planning applications that provide additional housing units in accordance with emerging Development Management Policies.
- 3.5 2. You are advised to protect the amenity of existing residents during the construction of the development
- 3.6 3. Flood evacuation plan (as per Environmental Agency's consultation response)
- 3.7 4. Informative regarding Thames water (see consultation responses)
- 3.8 5. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

## 4. **PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 Two storey extension at 13th floor level to provide seven duplex apartments (1 x 1 bed, 4 x 2 bed and 2 x 3 bed) and replacement private amenity space at roof level (16th floor).

### **Site and Surroundings**

- 4.2 The application site is known as Ability Place and is located within the Millennium Quarter, south of Canary Wharf and within the Isle of Dogs.
- 4.3 The site consists of 514 residential units, of which 151 are affordable residential units. In addition retail, commercial and office units are located at ground floor level.
- 4.4 The surrounding area consists of a number of new developments including Pan Peninsula and Lanterns Court.

### **Planning History**

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

- |             |  |
|-------------|--|
| PA/04/00551 | Erection of a 14-22 storey building comprising 512 apartments, 917 sq.m retail/commercial floorspace with four basement levels providing car parking spaces, bicycle spaces and motor-cycle parking.<br>Approved on 17/12/2007 |
| PA/06/534   | Creation of two additional flats within consented scheme, Ref: PA/04/551   |

Approved on 27/09/2007

PA/08/02657 Change of use of ground floor A1/A2/B1 commercial unit to D2 private gym / health club for use by residents of the block.  
Approved on 07/02/2007

## 5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### **Core Strategy Development Plan Document 2025 (adopted September 2010)**

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

### **Unitary Development Plan 1998 (as saved September 2007)**

|          |       |   |
|----------|-------|---|
| Policies | DEV1  | Design requirements                     |
|          | DEV2  | Environmental Requirements              |
|          | DEV50 | Noise                                   |
|          | DEV56 | Waste recycling                         |
|          | HSG7  | Dwelling mix and type                   |
|          | HGS16 | Housing amenity space                   |
|          | T16   | Traffic priorities for new development. |

### **Managing development DPD (Submission Version 2012)**

|          |      |   |
|----------|------|---|
| Policies | DM3  | Delivering Homes  |
|          | DM4  | Housing standards and amenity space                           |
|          | DM11 | Living buildings and biodiversity                             |
|          | DM20 | Supporting a sustainable transport network                    |
|          | DM22 | Parking   |
|          | DM23 | Streets and public realm                                      |
|          | DM24 | Place-sensitive design  |
|          | DM25 | Amenity   |
|          | DM29 | Achieving a zero carbon borough and addressing climate change |

### **Interim Planning Guidance for the purposes of Development Control**

|          |      |                                 |
|----------|------|---------------------------------|
| Policies | DEV1 | Amenity                         |
|          | DEV2 | Character and design            |
|          | DEV3 | Accessible and inclusive design |



|       |  |
|-------|--|
| DEV4  | Safety and security  |
| DEV5  | Sustainable design   |
| DEV6  | Energy efficiency and renewable energy   |
| DEV10 | Disturbance from noise pollution   |
| DEV11 | Air pollution and air quality  |
| DEV15 | Waste and recyclables storage  |
| DEV16 | Walking and cycling routes and facilities  |
| DEV19 | Parking for motor vehicles   |
| HSG3  | Affordable housing provision in individual private residential and mixed use schemes |

### **London Plan 2011 (Spatial Development Strategy for Greater London)**

|      |   |
|------|---|
| 3.3  | Increasing housing supply   |
| 3.5  | Quality and design of housing design                                |
| 3.6  | Children and young people's play and informal recreation facilities |
| 3.8  | Housing choice  |
| 5.1  | Climate change mitigation   |
| 5.2  | Minimising carbon dioxide emissions                                 |
| 5.3  | Sustainable design and construction                                 |
| 5.5  | Decentralised energy networks                                       |
| 5.6  | Decentralised energy in development proposals                       |
| 5.7  | Renewable energy  |
| 5.11 | Green roofs and development site environs                           |
| 5.13 | Sustainable drainage  |
| 5.17 | Waste capacity  |
| 6.9  | Cycling   |
| 6.11 | Walking   |
| 6.13 | Parking   |
| 7.1  | Building London's neighbourhoods and communities                    |
| 7.2  | An inclusive environment  |
| 7.4  | Local character   |
| 7.5  | Public realm  |
| 8.2  | Planning obligations  |

### **National Planning Policy Framework**

#### **Community Plan**

The following Community Plan objectives relate to the application:

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

## **6. CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

#### **LBTH Environmental Health**

- 6.3 Noise needs to be taken into consideration, but shouldn't be the determining factor of this application.
- 6.4 Premises must comply with relevant statutory requirements including the Housing Act 2004
- 6.5 *Officer comment: the above comments are noted and they are controlled under the Building Regulations.*

#### **LBTH Highways**

- 6.6 The site is in an area of average (PTAL 3) public transport accessibility and high parking occupancy. Parking stress is typically considered to be present at levels of 80% and above. This site is therefore suitable for a car-and-permit free agreement which must be applied with any planning permission.
- 6.7 8 cycle parking spaces are provided in the basement; although acceptable in quantity they are too closely spaces - 1m should be allowed between stands.
- 6.8 Highways raise no objection.
- 6.9 Further comments in relation to the construction management plan.  
The Construction Management Plan is acceptable, except that it doesn't demonstrate how or where the construction vehicles leave the site.
- 6.10 *Officer comment: The provision of cycle spaces will be conditioned. Additional conditions are recommended to ensure the scheme is car-free and the submission of a construction management plan that meets all necessary requirements.*

#### **Environmental Agency**

- 6.11 Environment Agency have no objections to the proposal and welcome the proposed green roof space. It is recommended that a flood warning and evacuation plan be drawn up for the additional apartments.
- 6.12 *Officer comment: An informative will be placed advising the applicant to draw up a flood warning and evacuation plan.*

#### **Thames Water**

- 6.13 Thames Water does not have any objection to the above planning application.
- 6.14 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of

the proposed development.

6.15 *Officer comments: the above have been noted and an informative is recommended in line with the comments.*

## 7. LOCAL REPRESENTATION

7.1 A total of 877 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in the East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.2 No of responses: 110 Objecting: 110 Supporting: 0  
Petitions Against: 1 containing 242 signatures

7.3 The following planning issues were raised in representations:

Amenity concerns:

- Loss of privacy
- Loss of light and increase in shadowing
- Loss of amenity during construction
- Visual Impact

*(Officer comment: these issues are discussed in the material planning section of the report)*

Impact on wildlife habitat

*(Officer comment: the loss of wildlife habitat, by virtue of building over the existing roof will be temporary and will be retained in the form of a new roof post completion.)*

No affordable Housing

*(Officer comment: This is discussed in the land use section of the report.)*

Design concerns

- Impact on visual amenity of the building
- Decrease of amenity space

*(Officer comment: the design implications of the development are assessed within the design section of this report under material planning considerations.)*

Highways

- Adverse impact on parking and traffic

*(Officer comment: the highway/parking implications of the development are assessed within the highway section of this report under material planning considerations.)*

Other issues raised

- Adverse impact on the local community

*(Officer comment: The impact of the proposal on existing residents is assessed within the amenity section of the report)*

- Loss of view  
*(Officer comment: the loss of a view is not normally considered to be material planning consideration and it is not considered that there is any special circumstances which would justify treating it as such in this case)*

- Loss of Mobile phone signals  
*(Officer comment: no evidence has been provided to suggest the erection of two additional storeys will result in a significant impact on mobile phone/ internet reception in the area)*

- Possible further applications.  
*(Officer comment: The local planning authority is duty bound to consider all planning applications and should the Council receive an application for an additional storey, it will be assessed in accordance with the development plan of the time.)*

- Breach of lease agreements
- Right of first refusal- under the Landlord and Tenant Act 1987  
*(Officer comment: the above issues are considered to be a private issue between leaseholders and freeholders.)*

- No formal consultation by the applicant.  
*(Officer comment: There is currently no mandatory requirement for public consultation to be carried out by the applicant, although the application has been submitted with a document outlining the level of consultation that has taken place.)*

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use/ Housing.
2. Design and appearance
3. Impact upon the neighbouring occupants
5. Quality of accommodation provided
6. Highways
7. Energy and sustainability

### **Principle of the use**

#### *Residential*

8.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within Planning Policy Statement 3, Strategic Objectives 7, 8 and 9 of the Core Strategy, policy SP02 of the Core Strategy and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units. In relation to these policies it is considered that the principle of residential use on the site is established and supported.

#### *Density*

8.3 Policies 3.4 of the LP and SP02 of the Core Strategy seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport accessibility levels (PTAL) and the wider accessibility of that

location. Table 3.2 of policy 3.4 of the London Plan provides guidelines on density taking account of accessibility and setting

- 8.4 The site is considered to be in a 'Central Zone' defined as areas with predominantly dense development. For central sites with a PTAL range of 4 to 6, table 3.2 of the London Plan, suggests a density of between 650-1100 habitable rooms per hectare.
- 8.5 The site area for the entire development is approximately 0.49 hectares, resulting in a density of 2606 habitable rooms per hectare. The additional units increase the density to 2614 habitable rooms per hectare. This marginal increase in density, when taking into account the existing density is considered acceptable.
- 8.6 It is important to note that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan and Policy SP02 of the Core Strategy which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

*Affordable housing*

- 8.7 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing, and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 8.8 Policy SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.9 The scheme as completed provides 514 residential units with 151 affordable units (which equates to 35%). The breakdown is provided below.

|              | Studio | 1 bed | 2 bed | 3bed | Total |
|--------------|--------|-------|-------|------|-------|
| Affordable   |        | 56    | 54    | 20   | 130   |
| Intermediate |        | 10    | 9     | 2    | 21    |
| Private      | 37     | 143   | 183   | 0    | 361   |
| Total        | 37     | 209   | 246   | 22   | 514   |

- 8.10 The addition of 7 units without affordable housing resulting in a total of 521 flats is considered to fall outside of the above affordable housing policies and the Councils objectives of trying to secure affordable housing to meet a significant demand within the borough. Emerging policy DM3(4b) of the Managing Development DPD is seeking to rectify this by stating that affordable housing will be calculated 'based on the total housing provided on all sites and within all phases where a single development is proposed on more than one site and/or within different phases'. However, given this is an emerging policy officer's consider that previous appeal decisions have shown that it is not sufficiently

progressed its way through the adoption process to give weight to a refusal of the scheme on this ground.

- 8.11 At this point in time, the original development has been completed and the provision of affordable housing has been provided. Therefore it is considered that the current scheme has to look solely at the 7 units proposed. Should the applicant subdivide the 7 units or proposed additional units, than it is suggested that this position should be revisited in light of the adopted policies of that time.

#### *Dwelling mix*

- 8.12 In total, the applicant is proposing 1 x 1bed, 2 x 3bed and 4 x 2 bed units. In this case it is considered that there is suitable mix of units within the scheme and it would provide for a wide range of occupants, therefore promoting a mixed and balanced community in accordance with the requirements of policy SP02 of the adopted Core Strategy (2010)

#### *Floorspace Standards*

- 8.13 Policy HSG13 in the Unitary Development Plan 1998 requires all new development to provide adequate internal space. This is further supported by policy SP02 in the Core Strategy (2010). Policy 3.5 of the London Plan (2011) sets the minimum standards that should be applied to new residential dwellings. This is reinforced by policy DM4 of the Managing Development DPD (submission version 2012).

- 8.14 All seven of the proposed units, exceed the minimum floorspace standards as set out in the above policies.

#### *Amenity Space*

- 8.15 Policy HSG7 in the Interim Planning Guidance (2007), SP02 (6) in the Core Strategy (2010) and DM4 of the Managing Development DPD (submission version 2012) seek adequate external amenity space for new dwellings

- 8.16 All the proposed units are afforded with private amenity space in accordance with the above policies.

#### **Design and Appearance**

- 8.17 Good design is central to objectives of the London Plan and is specifically promoted by the policies contained in Chapter 7. Saved policy DEV1 in the UDP and Policy DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design.

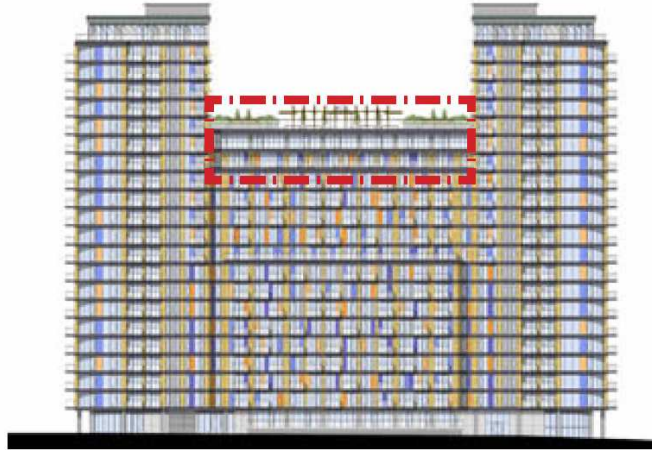
- 8.18 These principles are further supported by policy SP10 in the Core Strategy (2010) and policy DM24 of the Managing Development DPD (submission version 2012).

- 8.19 London Plan policies 7.6 and 7.7 seek to ensure tall buildings are of an appropriate design and located to help create attractive landmarks and act as a catalyst for regeneration. These aims are further supported by policy SP10 of the adopted Core Strategy, policy DM26 of the Managing Development DPD (submission version 2012), and DEV27 in

Interim Planning Guidance (October 2007)

- 8.20 The applicant is seeking to add two additional storeys and provide 7 duplex apartments with the rooftop garden replaced in a smaller form.
- 8.21 The location of the additional storeys is shown in the following drawing.

South Elevation



- 8.22 The fifteenth floor mimics the cladding of the floors below and is considered to blend into the building, whilst the sixteenth floor has a light weight glazed appearance which mirrors that found on the top floors of the two wing towers.
- 8.23 Existing and proposed views of the additional floors are shown in the following photos.
- 8.24



Existing View from North-East of Building

8.25



Proposed View from North-East of Building



8.26



Existing View from North-West of Building



8.27



Proposed View from North-West of Building

- 8.28 Officer's consider that the additional mass of the building (taking into account the setbacks provided) to be acceptable but consider that and any further increase in the height of the central core beyond that currently proposed could result in an overly bulky building that does not tie in with the appearance of the approved development and could lead to the loss of it's design characteristics.
- 8.29 The proposed garden measures around 103sq metres smaller in size than the existing garden. However, it is considered to be suitably high-quality measuring 479sqm. This is considered acceptable on balance given the additional residential accomodation provided. A landscape management plan is recommended to ensure this area is delivered and maintained to a high quality.
- 8.30 On balance, the building height, scale, bulk and design is acceptable, in accordance with Policies: DEV1 and DEV2 of the Council's Development Plan 1998; DM26 of the Development Management DPD (submission version 2012), and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality design and suitably located.

#### **Impact upon the neighbouring occupants**

- 8.31 Policies DEV2 of the UDP and DM25 of the Development Management DPD (submission version 2012) seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

#### *Daylight/sunlight*

- 8.32 A technical study of the impacts upon daylight and sunlight has been submitted with the application which looks at the impact of the development on the existing properties. The residential properties most likely to be affected are the apartments located opposite the site at Lanterns Court, and within the development on Floors 11 to 15 of Block A and C where they have a view of block B.
- 8.33 The report demonstrated that the impact of the development on 41-43 Millharbour and Lanterns Court was negligible given the distances involved and the location of the additional storey. The report did demonstrate however that the proposed development would have an impact on the amenity of existing residents of Ability Place in particular those located at floors 11 to 15. The location of the windows tested for daylight and sunlight impact is shown in the following plan of the fourteenth floor.

8.34

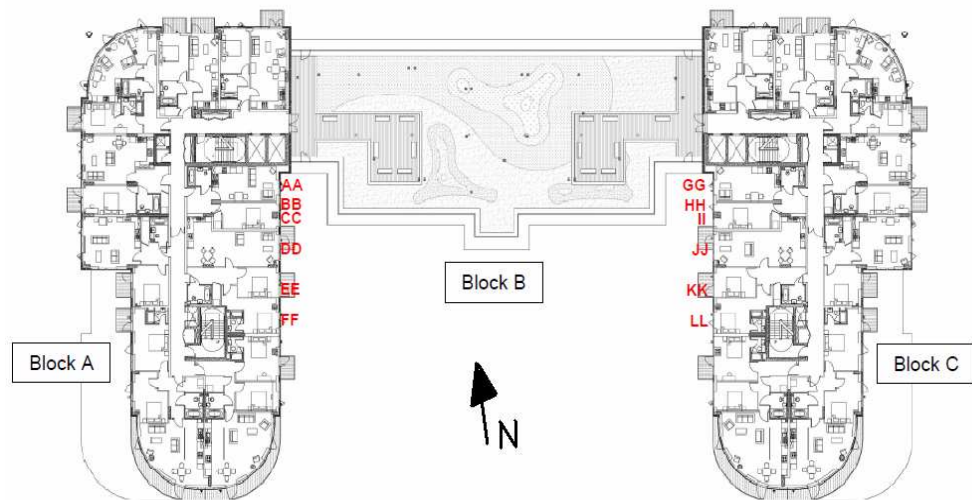


Figure 11 Plan of existing 14th floor, based on plan provided by BUJ Architects. This layout is replicated on the 15th floor. The blocks and the window positions analysed have been labelled.

### *Daylight*

- 8.35 Daylight is calculated by two methods - the Vertical Sky Component (VSC) and No Sky Line (NSL). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including NSL. 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, or there will be a discernable loss of daylight.
- 8.36 The daylight and sunlight report submitted with the application considers the VSC. The report demonstrates that the reduction in VSC to the flats on the 11<sup>th</sup>, 12<sup>th</sup> and 15<sup>th</sup> floors within the development all are within the 20% allowance as recommended by the BRE Guidance. It is therefore considered that the perceptible reduction in sky is unlikely to impact on the amenity of these properties.
- 8.37 With regards to the 13<sup>th</sup> and 14<sup>th</sup> Floors, the report demonstrates that properties on both floors will see greater than 20% reductions in VSC. The greatest of these reductions are

on Flats/ Windows labelled 'AA', 'BB', 'GG', 'HH' in the above figure. The report also considers the reduction of VSC when balconies to the development are removed. This is allowed under the new BRE guidance as balconies can skew results, leading to darker rooms than would generally occur.

- 8.38 When removing the balconies, the greatest impact of the development would be on window 'AA' at thirteenth floor level which sees a reduction in VSC of 28%. Window 'GG' of the same floor would receive a reduction of 27% and window 'AA' of the 14<sup>th</sup> Floor would see a reduction of 23%. The reduction in windows to all the other flats would be below the 20% tolerance levels.
- 8.39 As part of the test, the three windows which failed the VSC were tested for No-Sky Line. This measurement looks at the percentage of the rooms with a view of the sky before and after the development. This assessment reveals that these windows would lose between 5 and 12% of skyline to the rooms. These levels of reduction are usually considered acceptable in urban environments.

#### *Loss of sunlight*

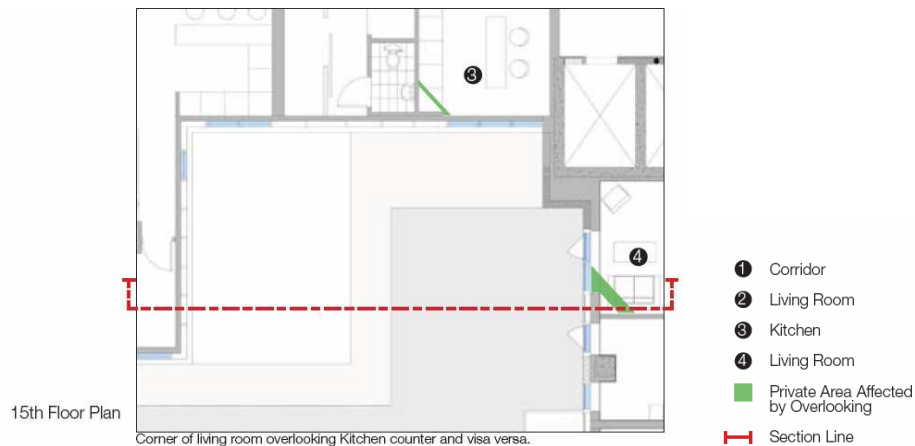
- 8.40 The report also looks at the loss of sunlight hours to the existing residents of floors 11 to 15 and within the block located within 90 degrees due south.
- 8.41 Given the orientation of the building and the location of the additional floors, the report outlines that none of the existing windows tested would lose sunlight hours during the winter and the majority of these rooms will receive a loss of between 2-4% during the summer. Two properties would receive a greater loss during summer hours. Window GG on the 13<sup>th</sup> floor would receive a reduction of 14% and window GG on the 12 floor would see a reduction of 9%.
- 8.42 Overall on balance, it is considered that the loss of sunlight and some lost of Skyline is unlikely to have a demonstrably adverse impact on the amenity of existing residents.

#### *Visual amenity / sense of enclosure/ shadowing*

- 8.43 With regards to visual amenity and sense of enclosure, these issues are subjective and officers consider by virtue of its design, the proposed development would not lead to a significantly adverse impact.
- 8.44 Given the location of the additional floors to the north of the existing flats and the setback proposed, it is considered the proposal will not have an adverse shadowing impact on local residents.

#### *Privacy*

- 8.45 It is not considered that any loss of privacy or overlooking would occur as a result of the storeys, as they would follow an existing arrangement, and would also be set back. Whilst some views would exist into windows, given the siting of the development, these would be at perpendicular angles and not considered to result in an unacceptable level of privacy. This relationship is shown in the following diagram.



- 8.46 Overall, on balance, it is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Development Management DPD (submission version 2012), and policy SP10 of the of the Core Strategy 2010 which seek to protect residential amenity
- 8.47 Given the location of the flats at high level, the report demonstrates that the proposed units would receive a good level of sunlight and daylight.

## Highways

### *Parking*

- 8.48 The parking policies are to be found in the London Plan, the Interim Planning Guidance and the Managing Development DPD, these are as follows:
- London Plan 2011 the standards are 1 – 1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats.
  - Interim Planning Guidance standards are up to 0.5 spaces per unit.
  - The Managing Development DPD has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.
- 8.49 At the current time, the London Plan is the only adopted policy document from those listed above and is therefore officers consider it should be given the most weight.
- 8.50 The approved development provides 266 car parking spaces, with a car free agreement in place to restrict residents from applying to park on the local highway. Within this application, no additional parking is proposed.
- 8.51 The Council's Highways officers have advised of the high parking stress in the immediate area and given the moderate Public Accessibility Level of 3 have recommended that the application be subject to a car free agreement similar to the original agreement. This would ensure the proposal does not adversely impact on the local highway network.

### *Cycle parking*

- 8.52 The applicant is providing 8 additional cycle spaces, this is considered to be acceptable. Details of the type of cycle stands would be requested by condition in order to ensure they are suitably designed.

#### *Construction Management Plan*

- 8.53 The applicant has provided a construction management plan which outlines how the proposal would be implemented. This has been viewed by Highways who consider it to be generally acceptable. A number of objections have been received from residents from the existing block raising concerns over their amenity during the course of construction. It is acknowledged that the proposal is likely to adversely impact on residential amenity by virtue of having a crane located and the general construction noise etc, however it is considered that this alone, is not a reasonable reason for refusal.

#### *Waste storage and collection*

- 8.54 Refuse arrangements will continue as existing and this is considered acceptable.

#### **Energy and Sustainability**

- 8.55 The London Plan 2011 Section 5 and the Council's Core Strategy Policies SO3, SO24 and SP11 Seek to mitigate climate change and minimise carbon dioxide emissions. Emerging Managing Development DPD Policy DM29 requires developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions. The Managing Development DPD (submission version 2012) Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.56 The applicant has not provided any information on the sustainability features or energy strategy to demonstrate the CO2 savings achievable on site. Further details are required from the applicant to ensure compliance with the emerging Development Plan DPD and London Plan requirements.
- 8.57 Given the building is as existing, it is considered that the construction is likely to follow the existing building. However, a condition is recommended for the applicant to aim for Code for Sustainable Homes Level 4 in order to be energy compliant.

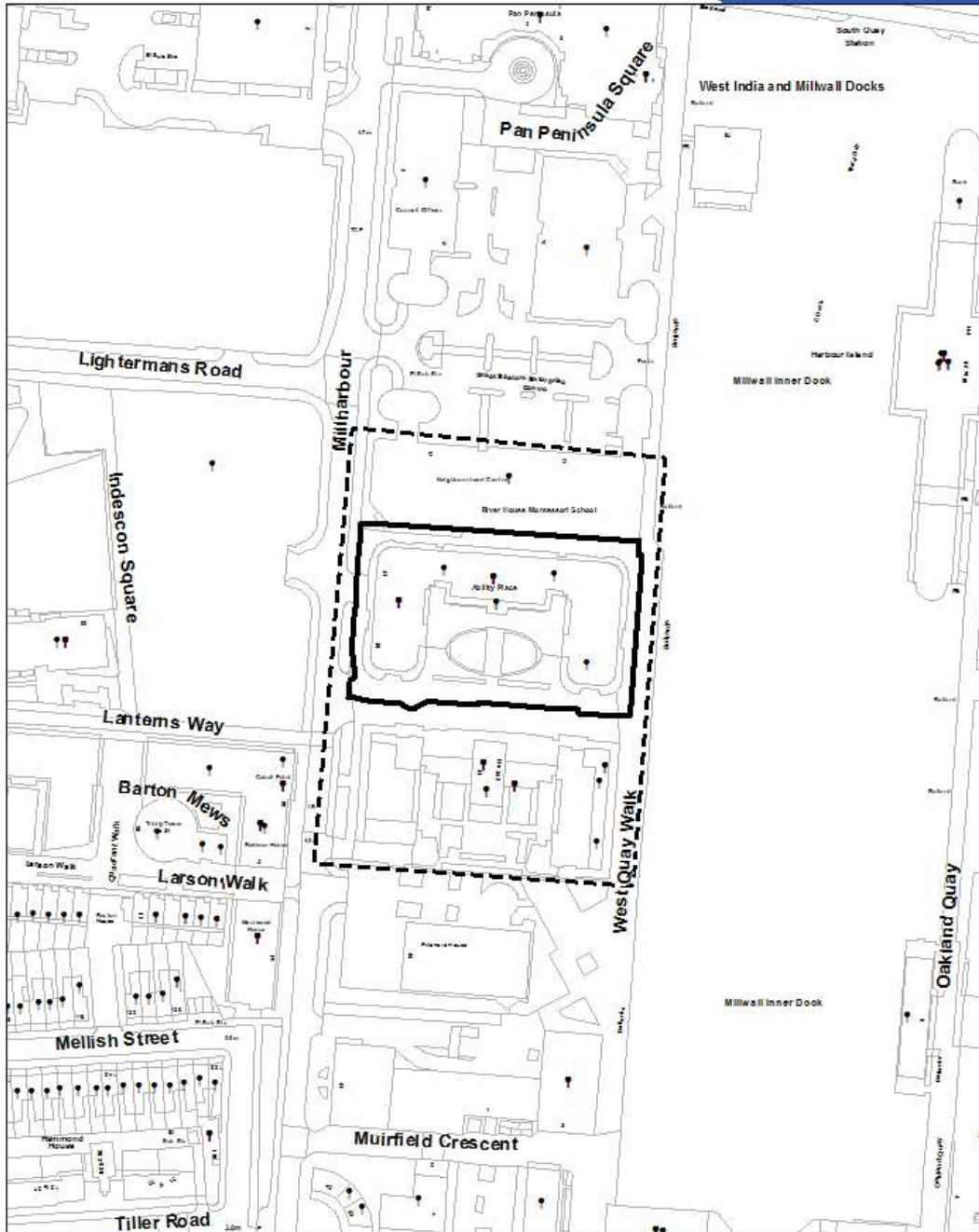
#### **Other Planning Issues**

- 8.58 The applicant has provided a Wind Assessment, Television Reception Impact Assessment and a Flood Risk Assessment. Officers consider the contents of these reports to be acceptable and in relation to Flood Risk in particular, consider that the proposal would not have an adverse impact.

#### **9.0 Conclusions**

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map



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

1:1,750

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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# Agenda Item 10

|   |   |  |                              |
|---|---|--|------------------------------|
| <b>Committee:</b><br>Development                                | <b>Date:</b><br>6 <sup>th</sup> June 2012 | <b>Classification:</b><br>Unrestricted             | <b>Agenda Item No:</b><br>10 |
| <b>Report of:</b><br>Corporate Director Development and Renewal |   | <b>Title:</b> Other Planning Matters               |                              |
| <b>Originating Officer:</b><br>Owen Whalley                     |   | <b>Ref No:</b> See reports attached for each item  |                              |
|   |   | <b>Ward(s):</b> See reports attached for each item |                              |

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

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

## 3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

## 4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8**

Brief Description of background papers:  
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:  
See individual reports

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# Agenda Item 10.1

|  |   |  |                                |
|--|---|--|--------------------------------|
| <b>Committee:</b><br>Development                                   | <b>Date:</b><br>6 <sup>th</sup> June 2012 | <b>Classification:</b><br>Unrestricted                 | <b>Agenda Item No:</b><br>10.1 |
| <b>Report of:</b><br>Corporate Director of Development and Renewal |   | <b>Title:</b> Planning Application for Consideration   |                                |
| <b>Case Officer:</b><br>Jerry Bell                                 |   | <b>Ref No:</b> PA/12/00844                             |                                |
|  |   | <b>Ward(s):</b> Adjacent to St Katharine's and Wapping |                                |

## 1. APPLICATION DETAILS

**NOTE:** The application site falls wholly within the City of London Corporation. London Borough of Tower Hamlets is a statutory consultee on this application by virtue of the site sharing a boundary with LBTH. This report therefore provides an officer recommendation which is intended to form the basis for the Borough's observations to the City of London. The Development Committee is requested to consider the endorsement of this recommendation.

**Location:** 100 Minories, London EC3N 1JY  
**Existing Use:** Former London Metropolitan University building  
**Proposal:** Demolition of the existing buildings on site and the erection of a 10-storey plus basement hotel (Use Class C1) comprising of 265 bedrooms together with ancillary restaurant, bar and retail facilities  
**Applicant:** Grange Hotel Group  
**Owner:** Grange Hotel Group  
**Historic Building:** N/A, however portions of the adjacent Roman Wall are Grade I Listed and also a Scheduled Monument.  
**Conservation Area:** The Crescent Conservation Area (City of London)

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 LBTH has reviewed the application and taken into account all relevant policies and considerations in assessing the proposed scheme for the Demolition of the existing buildings on site and the erection of a 10-storey plus basement hotel comprising of 265 bedrooms together with ancillary restaurant, bar and retail facilities. Whilst officers have no concerns with regard to the proposed land use or impacts upon amenity or highways, the following objections are raised:

- The proposed building and associated screen structure, by virtue of its design, massing, scale, materials and elevational treatment represents an inappropriate form of development and fails to preserve or enhance the character, appearance and setting of the Tower of London World Heritage Site, the Tower Conservation Area and the adjacent Scheduled Ancient Monument. As such, the proposal fails to accord with the National Planning Policy Framework (2012), policies 7.6, 7.7, 7.8, 7.9 and 7.10 of the London Plan (2011), policies SP10 and SP12 of the Core Strategy Development Plan Document (2010), saved policy DEV1 of the Unitary Development Plan (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning

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

| Brief Description of background papers:  | Tick if copy supplied for register | Telephone no. of holder: |
|--|------------------------------------|--------------------------|
| Application, plans, adopted UDP (as saved). IPG, LDF Core Strategy and London Plan |                                    | 020 7364 5009            |

Guidance (2007) and policies DM24, DM26, DM27 and DM28 of the draft Managing Development DPD (Submission Version May 2012) which seek to protect the character, appearance and setting of heritage assets. The proposal also fails to accord with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)

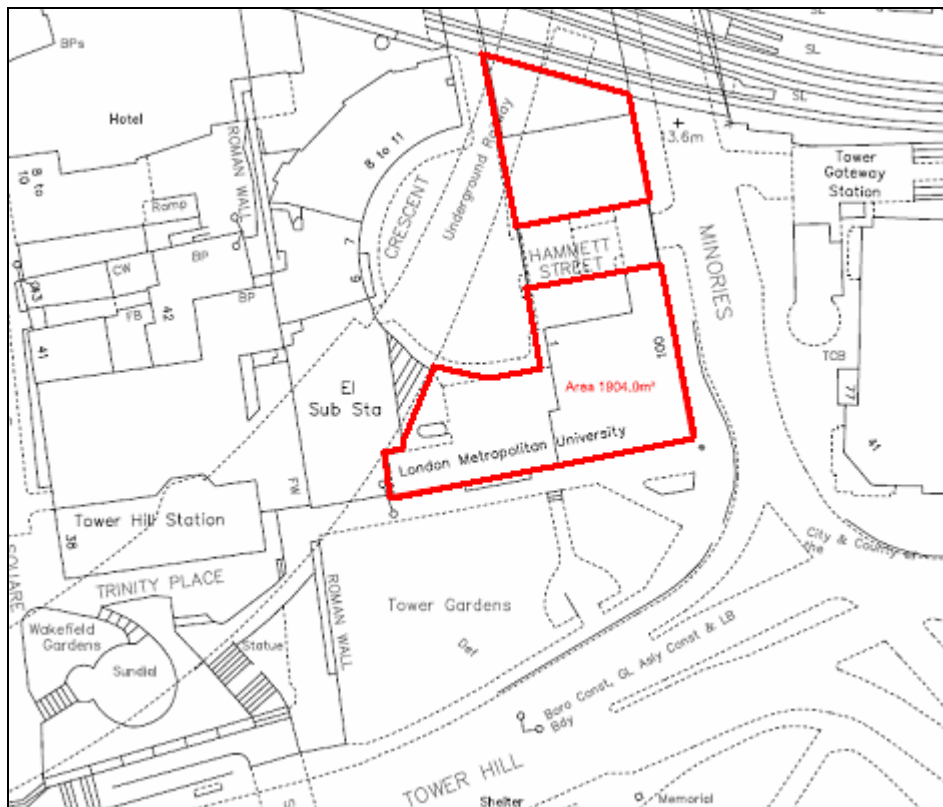
- The proposal will have a detrimental impact upon protected views as detailed within the London Plan London Views Management Framework Revised Supplementary Planning Guidance (July 2010) and would fail to maintain local or long distance views in accordance with policies 7.10, 7.11 and 7.12 of the London Plan (2011) and policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the draft Managing Development DPD (Submission Version May 2012) which seek to ensure large scale buildings are appropriately located and of a high design standard, whilst also seeking to protect and enhance regional and locally important views

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to **ratify officers' views** on the application for the reasons set out above in section 2.

### 4. DESCRIPTION OF DEVELOPMENT

- 4.1 The application proposes the demolition of the existing 4-storey building on site and the erection of a building of up to ten storeys in height, containing 265 hotel rooms/serviced apartments, together with restaurant and retail floorspace at ground floor level.



Above: site location within the City of London

- 4.2 The site lies approximately 75m north of the outer wall of the Tower of London and is part of a group of buildings which form a backdrop to the Tower. The site is located upon a prominent corner and is bounded by a pedestrian route, Trinity Place, to the south with Tower Gardens beyond, and the Minories to the east. The site is located within the Crescent

Conservation Area and is located adjacent to the Tower Conservation Area. The site forms part of the setting of the Tower of London World Heritage Site, which is located approximately 65 metres to the south. The adjacent Roman Wall is also Grade 1 listed and portions are also a Scheduled Ancient Monument.

- 4.3 The building is proposed to be serviced from the Crescent immediately to the north of the application site. The proposed L-shaped building envelops The Crescent to the south and east and retains the existing Hamnett Street vehicular entrance off the Minories. A pedestrian connection through the site between the Crescent and Tower Gardens is also proposed.
- 4.4 The existing building comprises an L-shaped utilitarian concrete building which was completed in 1970. It was last occupied by London Metropolitan University in 2011 and has since been acquired by Grange Hotels. It is not considered that the existing building is of architectural or townscape significance.

## **5. ANALYSIS**

- 5.1 The proposed building comprises an L-shaped building which is separated into three separate elements, namely a two-storey lower ground floor level which features the retail and restaurant floorspace, a projecting cantilevered middle element at levels 2-6 with three upper floor levels being inset in 'tier-cake' fashion. The prominent materials are stated as being limestone cladding with timber-clad recessed panels above the hotel's main entrances, whilst the upper floor levels feature metal rainscreen cladding and glazed balustrades.
- 5.2 The proposed building is a prominent feature within the setting of the Tower Conservation Area and the Tower of London World Heritage Site (WHS). Accordingly, the proposal must be tested for its impact on the sites' Outstanding Universal Value (OUV), ensuring and illustrating that it respects, conserves and preserves the OUV.
- 5.3 With particular regard to the introduction of a continuous, unrelieved frontage with marked horizontal emphasis on the south elevation of the building facing the WHS, this is considered to be discordant with the fine grain and character of the area and is therefore not considered to be an appropriate approach to a site of such significance. Furthermore, the cantilever of the upper floors of the facade creates an unacceptable overbearing impact at pedestrian level/from street view and exuberates the horizontality of the facade when seen from the south.
- 5.4 With particular regard to the recessed upper floor levels, it is considered that these have little relevance to the form of the buildings which form the immediate backdrop to the Tower of London. These would be particularly incongruous when viewed from the south, from which point the building is highly prominent and intervisible with the Tower of London World Heritage Site. The inappropriate use of materials (discussed below) would further emphasise the incongruous tiered approach to the uppermost floors.
- 5.5 With regard to the proposed materials, officers consider that it is imperative that materials are agreed during the application process given the sensitivity of the site's location. The historic character of the surrounding area and in particular those buildings within Trinity Square which help form the backdrop of the World Heritage Site, are marked by solidity and permanence. The choice of materials, in particular the prevalence of timber upon the facades and metal cladding and glazing at roof levels, do not feature significantly historically in this area and are therefore considered to be an inappropriate choice which has no precedent, introducing as it will, a material palette entirely alien to the historic environment and harming setting of significant heritage assets in the area.
- 5.6 Furthermore, the use of yellow stock brick on the rear elevation within the Crescent Conservation Area would appear at odds with the Georgian red brick character of the listed

terraced properties within the Crescent, where one of the key characteristics is the high architectural quality of the buildings.

It is also considered that the proposed substation glazed screening (figure 5 overleaf) within The Crescent, would appear as an unrelieved single architectural element, harmful to the scale and setting of the adjacent listed townhouses, which would further erode the character of the Crescent Conservation Area.

- 5.7 Historic Royal Palaces (HRP), in their letter to the City of London dated 23<sup>rd</sup> April 2012, state that they welcome in principle the proposed use as a hotel, with active frontages at street level, and the associated re-opening of the pedestrian route north along Vine Street. HRP also note that the building height is below the plane of the protected vista and therefore causes no problems in other long views, whilst also introducing an element of order into the definition of the built enclosure.
- 5.8 With regard to the design and elevational treatments of the proposal, HRP state:

*“We are told that ‘the elevation has been consciously designed to be neutral, but with high quality and contextually appropriate materials (Townscape and Heritage Report, 4.24) and that ‘the building will be both confident in terms of its own design and place in the City, and also subordinate to the Tower, respecting its historic significance’ (ibid, 4.25). We agree regarding the materials proposed, and the principles espoused in these statements. Yet, ultimately, we consider that the design does not convince: it lacks sophistication and fails to achieve the enduring, timeless quality that all seem to agree the site needs, whilst avoiding being dull. We acknowledge that this is very difficult to achieve; but it is essential, given the very substantial size of this building, which will be extremely evident in diagonal views from the south-east. The present proposal, despite the choice of high quality materials and careful detailing, appears overly horizontal in composition and disappointingly monolithic.”*

Officers endorse the above comments of Historic Royal Palaces.

- 5.9 In conclusion, setting can be defined as the surroundings in which a heritage asset is experienced. The proposed building would form a key component of the setting of the Tower of London World Heritage Site and the Tower Conservation Area. It is considered that the proposal has missed a significant architectural opportunity and has a harmful impact upon the Outstanding Universal Value of the Tower of London World Heritage Site and the character of the Tower Conservation Area. Accordingly, it is considered that the proposal would fail to respond positively to the character and setting of the character and setting of the World Heritage Site, as required by development plan policy and in particular, the London Plan ‘London World Heritage Sites – Guidance on Setting’ SPG (2012).

## **6. APPENDICES - IMAGES**



**Figure 1: Verified view of proposed building from south**



**Figure 2: Verified view of proposed building from Tower Hill (south west)**





**Figure 3: Verified view of proposal looking north along Minories**

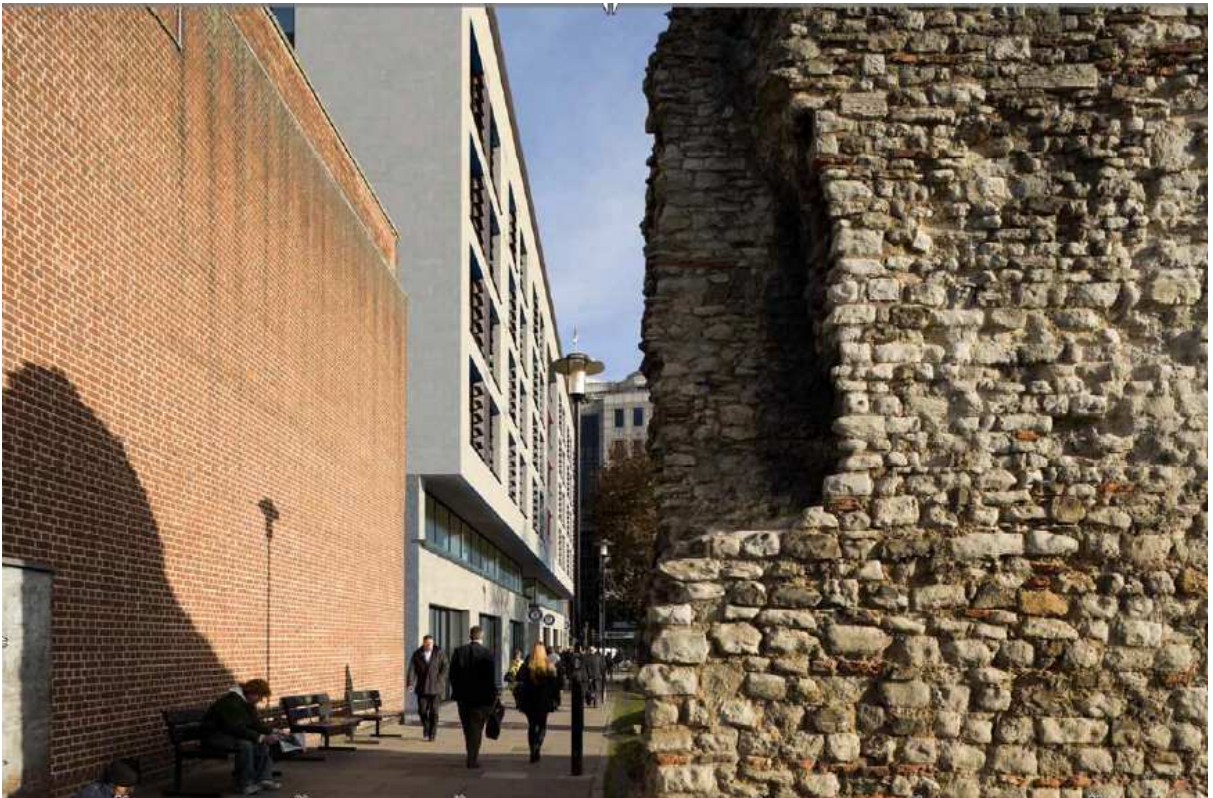


**Figure 4: Verified view of proposal looking south along Minories**





**Figure 5: Verified view of rear elevation of proposed building and screen from within The Crescent**



**Figure 6: Verified view of proposal looking east in context of listed Roman Wall**

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# Agenda Item 10.2

|                                  |                             |  |                                    |
|----------------------------------|-----------------------------|--|------------------------------------|
| <b>Committee:</b><br>Development | <b>Date:</b><br>6 June 2012 | <b>Classification:</b><br>Unrestricted | <b>Agenda Item Number:</b><br>10.2 |
|----------------------------------|-----------------------------|--|------------------------------------|

|  |                                |
|--|--------------------------------|
| <b>Report of:</b><br>Director of Development and<br>Renewal<br><br><b>Case Officer:</b> Pete Smith | <b>Title:</b> Planning Appeals |
|--|--------------------------------|

## 1. PURPOSE

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

## 2. RECOMMENDATION

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

## 3. APPEAL DECISIONS

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

|                        |  |
|------------------------|--|
| <b>Application No:</b> | <b>PA/11/01506</b>   |
| <b>Site:</b>           | <b>408 Hackney Road E2 7AP</b>   |
| <b>Development:</b>    | <b>Refurbishment and redevelopment of public house comprising a part three, part 5 storey building to provide nine residential units (2x1 bed, 3x2 bed and 4x3 bed flats along with the creation of 145 square metres of office accommodation.</b> |
| <b>Decision:</b>       | <b>REFUSE PLANNING PERMISSION (delegated decision)</b>   |
| <b>Appeal Method:</b>  | <b>WRITTEN REPRESENTATIONS</b>   |

**Inspector's Decision****DISMISSED**

3.2 The main issues in this case were as follows:

- The impact of the development on the character and appearance of the Hackney Road Conservation area
- The impact of the development on the living conditions of the occupiers of 410 Hackney Road, in terms of daylight.

3.3 The site in question comprises a disused public house with enclosed rear yard, situated on the corner of Hackney Road and Teesdale Close. The conservation is characterised by buildings between 3 and 5 storeys in height, with a variety of built designs reflecting different ages of construction. The Inspector concluded that the appeal property makes a positive contribution to the character and appearance of the conservation area.

3.4 The Inspector considered that the scale and height of the proposed additions, particularly along Teesdale Close, as well as the proposed alteration to its roof would have substantially altered the appearance of the building when viewed from both Hackney Road and Teesdale Close. He was also concerned that the extension would link into the existing building to the adjacent block on the return frontage, closing off the pleasant open aspect of the rear of the adjoin terrace, replacing it with a continuous wall sited at the back of the footway. He concluded that this would have formed an oppressive feature reducing the visual variety of the Teesdale Close streetscene.

3.5 He was also concerned about the rather bland elevational treatment which would not have been compatible with the more decorative style of the public house. He concluded that the development would have caused significant harm to the character and appearance of the Hackney Road Conservation Area.

3.6 In terms of the impact of neighbouring occupiers, he concluded that the extension would have impacted detrimentally on the adjacent rooflight, in terms of daylight.

3.7 The appeal was DISMISSED.

**Application No:**

**PA/11/02013**

**Site:**

**Flat 5 Arcadia Court, 45 Old castle street, London E1 7NY**

**Site:**

**Replacement of timbers windows with energy efficient uPVC double glazed windows**

**Council Decision:**

**REFUSE PLANNING PERMISSION (delegated decision)**

**Appeal Method:**

**WRITTEN REPRESENTATIONS**

**Inspector's Decision**

**DISMISSED**

3.8 The main issue in this case as whether the change in windows would preserve or enhance the character and appearance of the conservation area.

3.9 The property is situated on the third floor of a five storey block of flats with an attractive front façade which is enhanced by the uniformity of sliding sash windows, which he concluded enhanced the character and appearance of the

conservation area. Whilst he was satisfied that the mock Georgian glazing bars could be provided to replicate the existing detailing, he concluded that the proposed slim line casement window would be much thicker in profile and would have jarred with the more slender proportions of the surrounding sash windows

3.10 Overall, as a result of the inconsistent appearance and opening style, the Inspector concluded that the proposed windows would have caused material harm to the character and appearance of the appeal property and the surrounding area, failing to preserve the character and appearance of the Wentworth Street Conservation Area.

3.11 The appeal was therefore DISMISSED.

|                             |  |
|-----------------------------|--|
| <b>Application No:</b>      | <b>ENF/11/00439</b>  |
| <b>Site:</b>                | <b>Public payphone outside 29<br/>Commercial Street E1 6DH</b> |
| <b>Development:</b>         | <b>Unauthorised installation of<br/>payphone kiosk</b>         |
| <b>Decision:</b>            | <b>INSTIGATE ENFORCEMENT ACTION<br/>(delegated decision)</b>   |
| <b>Appeal Method:</b>       | <b>WRITTEN REPRESENTATIONS</b>                                 |
| <b>Inspector's Decision</b> | <b>DISMISSED (Enforcement Upheld)</b>                          |

3.12 The appeal against the service of the enforcement notice focussed on "Ground c" that the matters stated in the notice did not constitute a breach of planning control. Telephone kiosks are subject to a 56 day prior approval process and the main issue in this case was whether the Council's notification that prior approval was required and was refused was properly served on the application within the 56 day period.

3.13 The Council emailed the decision in respect of the prior approval application within the 56 day period although the appellant argued that they had not received the notification. The Inspector was satisfied, that the Council made the decision within the prescribed period and DISMISSED the appeal and upheld the enforcement notice. The appellant did not seek to argue the planning merits of the proposed kiosk installation

|                             |   |
|-----------------------------|---|
| <b>Application No:</b>      | <b>ENF/08/00286</b>   |
| <b>Site:</b>                | <b>The former Artichoke Public House,<br/>91 Stepney Way, E1 3BG</b>  |
| <b>Development:</b>         | <b>Appeals against enforcement notice<br/>served in respect of the unauthorised<br/>timber fencing/hoarding</b> |
| <b>Decision:</b>            | <b>INSTIGATE ENFORCEMENT ACTION<br/>(delegated decision)</b>  |
| <b>Appeal Method:</b>       | <b>WRITTEN REPRESENTATIONS</b>  |
| <b>Inspector's Decision</b> | <b>DISMISSED</b>  |

3.14 This appeal related to the unauthorised erection of a relatively high hoarding fence – surrounding the site of the former Artichoke Public House. The enforcement notice required the removal of the hoarding and the removal of all materials. The appellant argued that the complete removal of the hoarding went beyond its powers, as a means of enclosure no higher than 1 metre would not have required planning permission. The Inspector accepted this argument

and ALLOWED the appeal and VARIED the Notice to state that the hoarding should be lowered and remain 1 metre in height.

#### 4. NEW APPEALS

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

|                         |  |
|-------------------------|--|
| <b>Application No:</b>  | <b>PA/10/01458</b>   |
| <b>Sites:</b>           | <b>Redundant Railway North of Pooley House, Westfield Way</b>  |
| <b>Development:</b>     | <b>The erection of two separate four storey podium blocks of Student Apartments – the easterly block flanked by two eight storey towers rising from the podium level and the western block by an eight storey block and a ten storey tower at the western end terminating the view along the Campus Access Road to the south to provide 412 student rooms.</b> |
| <b>Council Decision</b> | <b>Refuse (SDC Committee – August/September 2011) – Officers Recommendation Grant</b>  |
| <b>Start Dates</b>      | <b>10 May 2012</b>   |
| <b>Appeal Method</b>    | <b>WRITTEN REPRESENTATION</b>  |

- 4.2 The Council refused planning permission on the grounds of overconcentration of student accommodation with an inappropriate balance between student accommodation and housing opportunities (including family housing), loss of amenities to neighbouring occupier through late night activity and finally, over-development of a restricted site with buildings of excessive scale and bulk, with impacts associated with loss of daylight and very limited opportunities for any meaningful landscaping as part of the proposed development.

|                          |   |
|--------------------------|---|
| <b>Application No:</b>   | <b>PA/11/00163</b>  |
| <b>Sites:</b>            | <b>38-40 Trinity Square, London</b>   |
| <b>Development:</b>      | <b>Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities along with the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping and other works incidental to the application</b> |
| <b>Council Decision:</b> | <b>Refuse (SDC – March 2012) – Officers Recommendation Grant</b>  |
| <b>Start Date</b>        | <b>May 2012</b>   |
| <b>Appeal Method</b>     | <b>PUBLIC INQUIRY</b>   |

- 4.3 Planning permission was refused on grounds of inappropriate height, bulk,

scale and elevational treatment, failing to preserve or enhance the character and appearance of the Tower Conservation Area, the setting of neighbouring listed buildings and the Tower of London World Heritage Site. Further reasons referred to the failure to comply with policies guiding the established view management framework and the failure of the development to adequately deal with and manage coach drop off and servicing, with conflict between vehicle manoeuvring and pedestrian safety in the vicinity of the site.

- 4.4 It is anticipated that this public inquiry will taken place around September/October 2012

**Application No:** PA/11/03154  
**Site:** 419-437 Hackney Road, London E2 8PP  
**Development:** Erection of a fourth, fifth and six floor extension to existing hotel to provide a further 28 bedrooms  
**Council Decision:** Refuse (delegated decision)  
**Start Date** 29 may 2012  
**Appeal Method** WRITTEN REPRESENTATIONS

- 4.5 Planning permission was refused on grounds of design – with the extensions being excessively bulky, detrimental to the Hackney Road streetscene, the character and appearance of the Hackney Road Conservation Area and the setting of the neighbouring listed building (2 Pritchard Road).

**Application No:** PA/11/033226  
**Site:** Site adjacent to the bar/restaurant at the north east junction of Corbet Place /Elys Yard E1  
**Development:** Retrospective application for planning permission from use of a car park to ancillary space in connection with the use of an adjoining site as a restaurant bar.  
**Council Decision:** Refuse (delegated decision)  
**Start Date** 14 May 2012  
**Appeal Method** WRITTEN REPRESENTATIONS

- 4.6 Planning permission was refused on grounds of impact of the ancillary use on the amenities of neighbouring occupiers – leading to an over-concentration of restaurant/bar activity in and around the Brick Lane/Trumans Brewery complex.

**Application No:** PA/11/03311  
**Site:** Unit FG-012A Block F Trumans Brewery, 91 Brick Lane  
**Development:** Change of use of maintenance workshop to restaurant (Class A3)  
**Council Decision:** Refuse (DC decision 8 Feb 2012) – Officer Recommendation Refuse  
**Start Date** 14 May 2012  
**Appeal Method** WRITTEN REPRESENTATIONS

- 4.7 Planning permission was refused on grounds of impact of the ancillary use on the amenities of neighbouring occupiers – leading to an over-concentration of restaurant/bar activity in and around the Brick Lane/Trumans Brewery complex.

**Application No:** PA/11/03813  
**Site:** A12, Blackwall Tunnel Approach – adjacent to the A13 junction  
**Development:** Display of a freestanding single sided portrait digital display (.8 metres by 5.5 metres positioned on a stand measuring 2.58 metres  
**Council Decision:** Refuse (delegated decision)  
**Start Date** 17 May 2012  
**Appeal Method** WRITTEN REPRESENTATIONS

- 4.7 Advertisement consent for this advertisement display was refused on grounds of highway safety, especially as the moving display would be likely to distract drivers along a stretch of fast moving traffic.

**Application No:** PA/11/03801  
**Site:** 317 Whitechapel Road E1 1BY  
**Development:** Display of a portrait backlit advertisement display (6 metres by 3 metres)  
**Council Decision:** Refuse (delegated decision)  
**Start Date** 17 May 2012  
**Appeal Method** WRITTEN REPRESENTATIONS

- 4.8 The Council refused advertisement consent on grounds that the advertisement, in view of its size and location on a flank wall of the property, would have been visually intrusive, over dominant and a discordant feature, failing to preserve or enhance the character and appearance of the Whitechapel Market Conservation Area

**Application No:** PA/11/03912  
**Site:** Pavement at the corner of Whitechapel Road and Commercial Street  
**Development:** Display of a double sided portrait advertisement unit.  
**Council Decision:** Refuse (delegated decision)  
**Start Date** 17 May 2012  
**Appeal Method** HEARING

- 4.9 The Council refused advertisement consent on grounds that the advertisement, with its changing digital display would have been detrimental to the visual amenities of the immediate locality.

**Application No:** PA/12/00458  
**Site:** 15 Tredegar Terrace E3 5AH  
**Development:** Erection of an L shaped dormer to the rear roof slope to facilitate a loft conversion  
**Council Decision:** Refuse (delegated decision)  
**Start Date** 17 May 2012  
**Appeal Method** HEARING

- 4.10 The Council refused planning permission on grounds of inappropriate design, excessive bulk and scale of development and inappropriate window detailing which would have resulted in an incongruous form of development, failing to

respect the predominant roof line, whilst failing to preserve the character and appearance of the Tredegar Square Conservation Area.

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