

<b>Committee:</b> Development	<b>Date:</b> 24 January 2019	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
<b>Report of:</b> Director of Place	<b>Title:</b> Application for Planning Permission		
<b>Case Officer:</b> John Miller	<b>Ref No:</b> PA/18/02821 - Full Planning Permission <b>Ward:</b> Stepney Green		

## 1. APPLICATION DETAILS

<b>Location:</b>	Stepney Library, Lindley Street, London, E1 3AX
<b>Existing Use:</b>	Former Library/community centre (D1) and general landscaping including parking
<b>Proposal:</b>	Demolition of existing building and construction of 3 x three storey three bedroom houses and 2 x two storey three bedroom wheelchair accessible houses and revised parking/landscaping
<b>Drawings:</b>	See Appendix 2
<b>Documents:</b>	See Appendix 2
<b>Applicant:</b>	London Borough of Tower Hamlets
<b>Ownership:</b>	London Borough of Tower Hamlets
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	None

## 2. **EXECUTIVE SUMMARY**

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

- 2.2. The proposal is a residential development for the construction of five family sized dwellinghouses with amendments to the surrounding landscaping and parking arrangement. The development would provide five new residential units comprising two x three bedroom wheelchair accessible houses and three x three bedroom houses. The buildings would range between 2 and 3 three storeys high. This summary has regard to the key issues arising from the scheme; a full account of all relevant issues is set out within the main body of the report.
- 2.3. From a land use perspective, the proposed use is considered to be appropriate within the context. The surrounding use is residential in nature and the addition of the houses is in keeping with the locality. The library has been unoccupied for a period of over 15 years and the application documents justify the loss of the use in favour of residential in accordance with the development plan policies.
- 2.4. In assessing the proposal the Council gave regard to balancing the harm of the loss of the library and the overall benefits provided by affordable and wheelchair accessible housing. The report outlines that the scheme justifies the loss of the library and on balance, is deemed appropriate, particularly given the nature of the proposed affordable family sized housing and wheelchair accessible housing which is targeted as a priority in the Council's Core Strategy.
- 2.5. Whilst the proposal fails to comply with the Council's policy requirement in terms of housing mix the report outlines that on balance given the provision of five family sized dwellinghouses, including the specific need for this type of larger family homes with two units being wheelchair accessible throughout, the proposal is acceptable. In this regard, the proposal is considered to constitute a significant public benefit in the context of the Council's overall housing targets.
- 2.6. The standard of residential accommodation provided by the proposed development has been assessed and is considered to be acceptable. The units are policy compliant in terms of size, each with access to private external amenity space.
- 2.7. Further to this, officers consider that the design of the houses is acceptable. The height and mass of the dwellings are considered to be in keeping with the scale of surrounding existing development and existing building. A further benefit of the proposal in terms of its design due to the layout as proposed includes the increased surveillance of this part of the estate, access arrangements and the inclusion of the site within the wider estate
- 2.8. The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver high quality homes in a sustainable location. The proposed houses would all be served by private rear gardens that exceed minimum London Plan SPG space requirements.
- 2.9. The scheme would not result in any adverse impacts upon the amenity of neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality accommodation provided, along with re-design of the external landscaping and parking arrangement would create an acceptable living environment for the future occupiers of the site.

- 2.10. Residents have raised concerns relating to the impacts of the proposal, including loss of the library, amenity impacts, and design impacts.
- 2.11. Further consideration has been given to the impact of the proposal upon the visual amenities of neighbouring occupiers. It has been concluded that the proposal would not result in an unacceptable impact upon the outlook or privacy of neighbours.
- 2.12. Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.13. This report acknowledges the elements of the scheme that fall short of fully meeting planning policy requirements, for example, the residential unit mix. These elements of the scheme have been discussed and considered in full. The overall scheme is considered to present a good response to the redevelopment of the site and offers several benefits to the borough. This includes contribution to the delivery of housing that meets Tower Hamlet's identified housing need and high quality design that positively connects with surrounding public realm and introduces much needed activity, surveillance and vibrancy at street level.
- 2.14. On this basis, it is concluded that the benefits of the scheme outweigh the loss of the library and other issues set out within this report. Therefore, giving full consideration to the development plan and other material considerations, officer recommend that planning permission is granted, subject to the conditions and planning obligations proposed in this report.

### **3. RECOMMENDATION**

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

#### Compliance conditions

1. Permission valid for 3 years
2. Development in accordance with approved plans
3. Hours of construction
4. Car free agreement
5. Wheelchair homes

#### Prior to commencement conditions

1. Construction Environmental Management Plan
2. Details of affordable housing

#### Prior to completion of superstructure works conditions

1. Materials (samples and details)
2. Architectural drawings
3. Waste management strategy
4. Details of hard/soft landscaping

5. Parking management strategy
6. Detailed wheelchair unit layouts

**Prior to Occupation' Conditions**

1. Cycle Parking

**Informatics**

1. CIL liable

**PROPOSAL AND SITE DESCRIPTION**

**4. The proposal**

- 4.1. The applicant is seeking planning permission for the demolition of the existing library on site and the construction of three, three bedroom houses and two, three bedroom wheelchair accessible houses.
- 4.2. The existing parking arrangement will be slightly reconfigured as a result of the development to provide additional spaces for blue badge holders in relation to the wheelchair accessible houses. Amendments to the landscaping are also proposed as a result of the reconfiguration.

**Figure 1:** CGI of proposed development



## **5.0 Site and Surroundings**

5.1 The application site is approximately 0.57ha and is located within the Sidney Estate bounded by Lindley Street to the north, Jubilee Street to the east, Stepney Way to the south and Sidney Street to the west



**Figure 2:** Site location and boundary

- 5.2 The application site comprises of the former Stepney Library and surrounding landscaping.
- 5.3 The site is bound by Addis House to the north, Beckett and Jarman House to the east, Armsby House to the south and Colverson House to the east. The library is understood to have closed sometime in the early/mid 2000's
- 5.4 The buildings that immediately surround the site comprise primarily residential in nature and are between 4 and 7 storeys in height. Beyond the estate are more traditional low rise London terraces.
- 5.5 In terms of policy designations, the application site is not located within a conservation area. There are also no listed buildings in the immediate vicinity.

- 5.6 The site is located in close proximity to the Whitechapel overground station, in addition to local bus routes and other community services. It has a Public Transport Accessibility of 6a (excellent).
- 5.7 The site falls within the designated Whitechapel Vision Masterplan area.
- 5.8 Relevant photographs of the application site and neighbouring development are included below.



**Figure 3:** Existing library (looking south)



**Figure 4:** Existing library (looking east)



**Figure 5:** Existing Site looking north east (Jarman House pictured)



**Figure 6:** Existing site looking south west (Colverson House pictured)



**Figure 7: Colverson House**

## **6.0 Relevant Planning History**

Relevant planning history relating to the application site itself is as follows:

- 6.1 **ST/89/00207** – The enclosure of the Library building with low wall with railings of 1.8m to create amenity area plus single storey front extension for use as a reception area  
*Permitted 09/04/1990*

### Pre-application

- 6.2 Officers engaged with the applicant at pre-application stage under pre-application reference PF/18/00087. The proposal under consideration was largely similar to the proposal at pre- application stage. Pre-application discussions identified several key issues to be addressed. These included:
- Detailed design
  - Amenity
  - Loss of the community facility

## **7 POLICY FRAMEWORK**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

### **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2018) (NPPF)

National Planning Guidance Framework (March 2018) (NPPG)

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

#### **Policies**

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

### **Tower Hamlets Core Strategy (adopted September 2010)**

- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP05 Dealing with waste

- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP13 Planning Obligations

### **Managing Development Document (adopted April 2013)**

- DM0 Delivering Sustainable Development
- DM3 Delivering homes
- DM4 Housing standards and amenity space
- DM8 Community Infrastructure
- DM14 Managing Waste
- DM20 Supporting a Sustainable transport network
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity

### **Emerging Planning Policy**

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

### **Supplementary Planning Documents**

- 7.4 Planning Obligations SPD (September 2016)
- CIL Charging Schedule (April 2015)
- Sustainable Design and Construction SPG (April 2014)
- Shaping Neighbourhoods: Character and Context (June 2014)
- Housing Supplementary Planning Guidance (March 2016)

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

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

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

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

Whitechapel Vision Masterplan SPD (December 2013)

## **8 CONSULTATION RESPONSE**

8.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

8.2 The following were consulted regarding the application:

### Internal Responses

#### **LBTH Highways**

8.3 Transport and Highways will require a S106 (or similar mechanism as agreed by the case officer) ‘car and permit’ free agreement to be secured for this development as it is located in an excellent PTAL area (PTAL 6a). Transport and Highways require the applicant to submit a Construction Management Plan (CMP) to the local planning authority and receive written approval for the CMP prior to commencement. This must be secure through a planning condition

- Conditions

8.4 Planning conditions requiring a construction management plan, cycle parking, and car free development agreement are proposed

#### **LBTH Occupational Therapist**

8.5 The two wheelchair homes will be built to the “Wheelchair design guide M4(3)2b” the properties will be fully wheelchair accessible throughout .

8.6 There are many families waiting for a fully wheelchair accessible home in the Borough of Tower Hamlets and are on project 120. There is a need for these types of units.

8.7 The location of the units are in a high demand area due to the close proximity of the Royal London Hospital.

## **9 LOCAL REPRESENTATION**

9.1 A total of 181 neighbouring properties were notified. Site notices have also been erected in close proximity to the site. The application was also advertised in the local press.

9.2 10 letters of objection (including the Sidney Estate TRA) have been received in relation to the proposed scheme as well as a petition with 228 signatures.. The concerns that were raised following both informal pre consultation and consultation are outlined and categorised below.

#### Land Use

- The site is not appropriate for housing
- Site should be used as a public/community facility as existing

#### Design

- Location and design of houses is not appropriate
- The scale and proportions of the buildings does not sit well in the surrounding area
- The proposal would lead to overdevelopment and overcrowding in the area

#### Amenity

- Loss of Light to neighbouring buildings
- Distances between houses and existing blocks is too close making proposal hemmed in
- Unacceptable overlooking into adjacent properties
- Amenity concerns arising with issues of construction

#### Highways & Waste

- Revised parking strategy means parking is harder to access

#### Other

- Misleading information contained from applicant in early consultation
- Increase in Anti-Social behaviour
- Building regulation issues arising from previous works

## **10 MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design
- Housing
- Neighbouring Amenity
- Highways and Transportation
- Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

### **Land use**

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

- The acceptability of the loss of the Library (D1)
- The acceptability of the proposed land use: Residential (C3)

### Loss of the Library (D1)

10.3 The existing former library has not been occupied for a period of nearly 15 years and has since been replaced by nearby facilities in proximity to the site (as detailed below).

10.4 Policy DM8 of the MDD ‘Community Infrastructure’ states that:

- 1) community facilities will be protected where they meet an identified local need and the buildings are considered suitable for their use
- 2) Where development proposals are likely to adversely impact on existing health, leisure and social and community facilities, the re-provision of the existing facility will be required as part of the redevelopment unless it can be demonstrated that a new off site location would better meet the needs of existing users and complies with part (3) of this policy.
- 3) The loss of a facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being adequately reprovided elsewhere in the borough.

10.5 Objections have been raised with regards to the loss of the library and community use; however, it is understood that the library facility has been re-provided within the Idea Store in Whitechapel (0.3miles), with nearby community facilities located at the Redcoat Community Centre (0.3miles) and the Stifford Centre (0.2miles) all within 5-10 minutes walk of the site.

10.6 The existing building provided 160sqm of community space in the form of a library. Being unoccupied for 15 years the buildings quality has suffered both internally and externally without maintenance. In terms of size the Idea Store located in Whitechapel is 3400sqm and provides a wide range of services that would not be possible in the existing Stepney Library building as the footprint is too small and no longer suitable.

- 10.7 In terms of the other community centres accounting for the potential loss of the existing use, the Redcoat Community Centre is a local Mosque, and the Stifford Centre is a community organisation running a number of projects aimed at helping the local residents. Projects include an elders lunch club, children's homework clubs, girls arts and crafts sessions, workshops for healthy living and diet as well as legal advice.
- 10.8 In addition, the location of the existing building, hidden within the estate away from the main transport links is not one which is ideal for providing continued community use. Officers consider that as the building has gone unoccupied for 15 years that the need for a community facility in this location is no longer necessary, particularly given the location of nearby facilities which are more accessible and of a higher quality in terms of provision and size.
- 10.9 In conclusion officers are of the opinion that given the location of the site being hidden within the estate with limited access, visibility or legibility and in its current unoccupied state, together with the quality of the existing building, and the location of nearby quality facilities that the loss of the facility in this instance is justified.



**Figure 8:** Location of nearby community facilities

#### Proposed residential use (C3)

- 10.10 The proposal seeks to introduce residential use to the application site in the form of five family sized dwelling houses, two of which are wheelchair accessible. The site does not benefit from any designations that would restrict this from a policy perspective.
- 10.11 The proposed residential use is supported by officers as a contribution to the borough's housing targets which responds to a specific identified need.
- 10.12 This is considered in more detail in the housing section of this report.

## **Design**

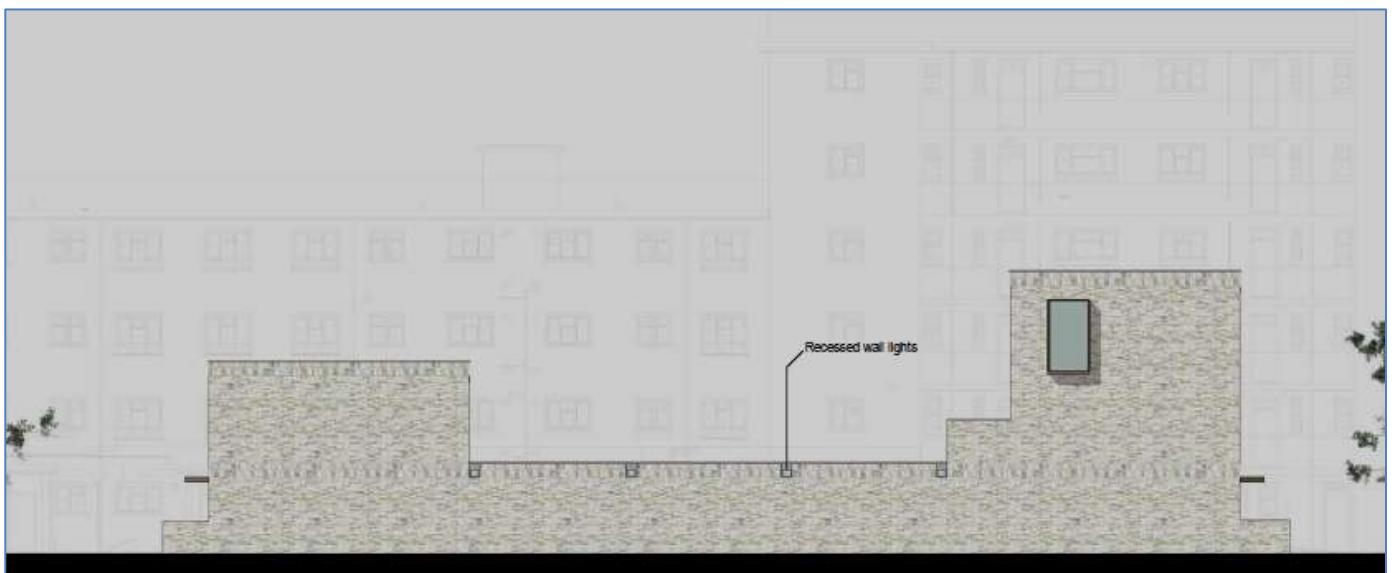
- 10.13 In this section of the report, officers will consider the acceptability of the design of the proposed building, having regard to:
- Height, scale and massing
  - Quality of architecture and detailed design
- 10.14 Firstly, consideration is given to the relevant policy context. Chapter 7 ‘Requiring good design’ of the NPPF (2018) states that the Government attaches great importance to the design of the built environment, outlining good design as a key aspect of sustainable development and indivisible from good planning.
- 10.15 In relation to the conservation and enhancement of the historic environment, Chapter 12 of the NPPF (2018) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.16 Furthermore, London Plan Policy 7.4 ‘Local Character’ seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets in scale, proportion and mass. London Plan Policy 7.6 ‘Architecture’ seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 10.17 Core Strategy Policy SP10 ‘Creating distinct and durable places’ seeks to protect and enhance the Borough’s conservation areas and their settings. It also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. More specifically, it seeks to ensure that new development respects its local context and townscape, including the character, bulk and scale of the surrounding area.
- 10.18 Policy DM24 ‘Place-sensitive design’ of the Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design, ensuring that design is sensitive to and enhances the local character and setting of the development.

### Height, scale and massing

- 10.19 The proposed development marks a small increase in scale when compared to the existing building which is approximately 2 stories in height; however it is noted the direct surrounding and adjacent developments are of an increased scale with traditional lower rise housing beyond the estate. Officers have given careful consideration to the acceptability of this in the context of the character and

appearance of the surrounding area. Consideration has also been given to the amenity impacts of this which are discussed later in the report.

- 10.20 Objections have been received in relation to the scale of the proposed dwellings, which consider that the proposed height is not in keeping with the existing and adjacent plots, and would lead to overcrowding in an already dense urban environment. These concerns have been considered below.
- 10.21 The prevailing height in the surrounding area is mid-rise. For example, the neighbouring buildings adjacent to the application site range between 4 and 7 storeys in height.
- 10.22 This said, the local scale and pattern of the streets that surround the application site is acknowledged and the impact of taller buildings upon this has been considered.
- 10.23 The height of the proposed building ranges between 2 and 3 storeys in response to the variations in surrounding height and the existing building. The terraces are broken up into two blocks with the two storey houses to the north and the three storey houses to the south linked together by a single boundary wall.
- 10.24 Officers are satisfied that the proposed height range marks an appropriate response to the surrounding building heights.
- 10.25 The applicant has provided CGIs from the estate that provide an insight into the impact of the proposed building from direct and longer views. They demonstrate the high design quality of the scheme and this is considered to offset any potential harm resulting from its visibility.



**Figure 9:** Height of proposed buildings with existing buildings in the background

- 10.26 For the reasons outlined above, the proposed development is considered to be acceptable with regards to height, scale and massing.

### Detailed design and materiality

- 10.27 Officers consider that the existing library reflects the past character of the area. However, as it is not listed and the site does not fall within a conservation area permission would not be required for its demolition.
- 10.28 In recognition of the surrounding context the applicant has adopted a contemporary architectural style for the dwellings.
- 10.29 Officers have given regard to the detailed design of the proposed buildings and consider them to be well-proportioned with appropriate solid to void ratios. The design and access statement submitted outlines that the design intention behind the proposed houses is to create a visual language of contemporary high-end residential development appearing in the form mini-terraces within a central courtyard surrounded by the taller estate buildings
- 10.30 The buildings arranged in a perimeter block form come in two masses with the block to the north being two storeys and the block to the south being three storeys of equal width with the main elevations facing north/south onto each other's rear gardens. The proportions together with the proposed fenestration pattern results in a strong sense of horizontal and vertical articulation.
- 10.31 The proposed detailing is considered to successfully break down the scale and massing of the proposed dwellings. The proposed materials are also considered to result in a high quality aesthetic. It is proposed that further details of the external materials are secured by condition.

### Secure by design/ Anti-social behaviour

- 10.32 Objections have been raised with regards to increased anti-social behaviour (ASB) as a result of the redevelopment. However officers consider the proposed development an improvement as it would introduce active frontages and resultant natural surveillance on the primary and secondary elevations with a proposed lighting scheme. This is considered to be particularly positive in comparison to the existing building which is poorly lit with little natural surveillance and limited access provision.

### **Housing**

- 10.33 The proposed development comprises 5 new residential units.
- 10.34 This is supported in line with the London Plan (2016) and the Core Strategy (2010) which seek to increase London's and Tower Hamlet's supply of housing.
- 10.35 In addition to housing numbers, planning policy requires new housing development to provide housing choice. This includes a mix of sizes and tenures.
- 10.36 Housing planning policy also seeks a high standard of residential accommodation for its occupiers. The standard of proposed residential accommodation is assessed later in this report.

### Housing mix and affordable housing

- 10.37 As stated above, planning policy requires a mix of housing that responds to the identified housing need within Tower Hamlets and, as a result, contributes to the creation of mixed and balanced communities.
- 10.38 On this basis, the priorities of the Mayor and aspirations of policy DM3 of the Managing Development Document (2013) are to provide a balance of housing types, including more family homes within the borough. Policy DM3 recommends a distribution of 50% 1 bed, 30% 2 bed and 20% 3 to 4 bed units within market sector only developments and policy SP02 requires 30% of housing to be family sized homes.
- 10.39 The development proposes 100% affordable 3 x 3B6P and 2 x 3B5P Wheelchair accessible houses, which whilst not meeting policy targets for housing mix due to the overprovision of family sized units, provides an overall and significant uplift in affordable family sized housing and wheelchair accessible housing.
- 10.40 Due to the relatively small nature of the scheme and the uplift in family sized dwellings and wheelchair houses which are of an identified need, the proposed mix is considered to be acceptable.
- Housing related planning obligations
- 10.41 In the event that planning permission is granted, the affordable housing contribution, inclusive of the unit and tenure mix, would be secured by condition. Officers would also secure appropriate rent levels within the affordable social rent tenure. This is to ensure the genuine affordability of these units.
- Summary
- 10.42 In summary, the proposed development falls short of the Council's policy targets with regards to the proposed unit type mix.
- 10.43 As set out above, the proposed affordable housing contribution is considered to overcome the shortfalls in the proposed mix, together with the benefit provided by family sized dwellings and wheelchair accessible homes in line with local and national policy.
- 10.44 In terms of the wider scheme, additional benefits are present and have been acknowledged earlier in this report. This includes the re-provision of an improved parking strategy which allows the estate to be fully serviced, the introduction of activity and natural surveillance at street level and the general improvement to the street scene.
- 10.45 It is therefore concluded that the proposed housing is acceptable when balanced with the benefits of the overall scheme.

### Accessible housing

- 10.46 The proposed development would provide two fully wheelchair accessible units, which for a scheme of this size is welcomed as the borough has a particular need for wheelchair accessible family sized homes in the affordable tenures.
- 10.47 The houses will have space for two buggies, a dedicated wet room upstairs and separate family bathroom downstairs, a centrally located lift linked direct to hallways and a separate kitchen and dining room, all in line with the Council's guidelines.
- 10.48 Two additional parking spaces for blue badge holders are proposed and will be reserved by condition which is considered acceptable.
- 10.49 The borough occupation therapist has reviewed the plans and is satisfied that the two wheelchair homes will be built to the "Wheelchair design guide M4(3)2b" and notes that the properties will be fully wheelchair accessible throughout. A requiring the above standard is met will be secured.

### Standard of residential accommodation

- 10.50 In addition to the requirements set out within Policy 3.5 'Quality and design of housing developments' of the London Plan (2016), Policy SP02 'Urban living for everyone' of the Core Strategy (2010) and Policy DM4 'Housing standards and amenity space' of the Managing Development Document (2013), the Mayor's Housing SPG (2016) sets out a series of design standards. Officers will consider the quality of residential accommodation proposed in regard to the following aspects:
- Space standards
- 10.51 Local and regional planning policy, in addition to the guidance set out in the London housing SPG, sets minimum space standards for new residential units. All residential units are also required to have a minimum floor to ceiling height of 2.3m. This is achieved throughout the development.
- 10.52 The proposed houses would come in two layouts and the minimum space standards (GIA) are set out in the table below:

Unit type	GIA standard (sqm)	GIA proposed (sqm)
3B/6P	108	108.6
3B/5P Wheelchair Houses	93	117

- 10.53 Officers are satisfied that all of the proposed residential units are compliant with the space standards.

- 10.54 Looking at the rest of the development each of the dwellings provides adequate integrated storage space and room layouts and sizes are generally acceptable.
- 10.55 The development is therefore considered to be acceptable in this regard.
- Aspect, daylight and sunlight, noise and vibration, outlook and privacy
- 10.56 The London Housing SPG also seeks the minimisation of single aspect dwellings. It further states that single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.
- 10.57 Officers are satisfied that all of the dwellings benefit from a double/triple aspect setting..
- 10.58 From an outlook perspective, officers have given careful consideration to the quality of the units so that they do not negatively impact upon neighbouring amenity, which will be discussed later in the report.
- 10.59 Each of the units main aspect would face north/south onto their own private gardens with the houses 18m apart from each other.
- 10.60 It is noted that the houses would sit a minimum of 11m from the neighbouring/opposite properties at Jarman and Colverson Houses. The proposal therefore gives rise to a medium to close relationship with neighbouring buildings, although due to the size & location of the dwellings, orientation of the plots and the careful placement of windows this is considered to be acceptable.
- 10.61 Whilst this relationship is being introduced to the estate, officers do not consider this is to be an uncommon or unexpected circumstance in a dense urban environment such as the one that exists throughout the borough, especially where a new development seeks to infill a gap/ site within existing built form.
- 10.62 Taking all of the above considerations into account, officers do not raise objections in this regard.
- Private amenity space
- 10.63 In terms of private open space, the London Housing SPG requires a minimum of 5sqm of private outdoor space to be provided for 1-2 person dwellings. An extra 1sqm should be provided for each additional occupant.
- 10.64 Therefore the 3B5P dwellings would require a minimum of 10sqm and the 3B6P dwellings should provide a minimum of 11sqm.
- 10.65 Taking this into account, it is noted that all 5 dwellings provide a minimum of 53sqm for the 3B6P houses and 56sqm for the 3B5P Wheelchair houses. For each dwelling the amenity space is provided across the rear of the ground floor and external terraces at first floor level are provided for the 3B6P houses.
- 10.66 From the above it can be seen that the houses will provide more than adequate amounts of private amenity space which officers consider acceptable.

- Summary

10.67 The proposed standard of residential accommodation has been carefully considered in respect to the development plan and best practise guidance. The scheme fully meets all the relevant standards, and officers consider the proposal to be acceptable in this regard.

### **Impact on amenity**

10.68 This part of the report will assess whether the proposed development would give rise to an unacceptable impact upon the amenities of neighbouring development and its occupiers. In line with Policy DM 24 'Amenity' of the Managing Development Document (2013), officers will have specific regard to the daylight and sunlight impacts of the proposal, in addition to any resultant impact upon outlook and privacy levels.

- Daylight and sunlight

10.69 The applicant has submitted a daylight report taking the surrounding developments into account. Using the 25 degree rule the report identified that the only property that required further testing was Colverson House. Officers accept these findings.

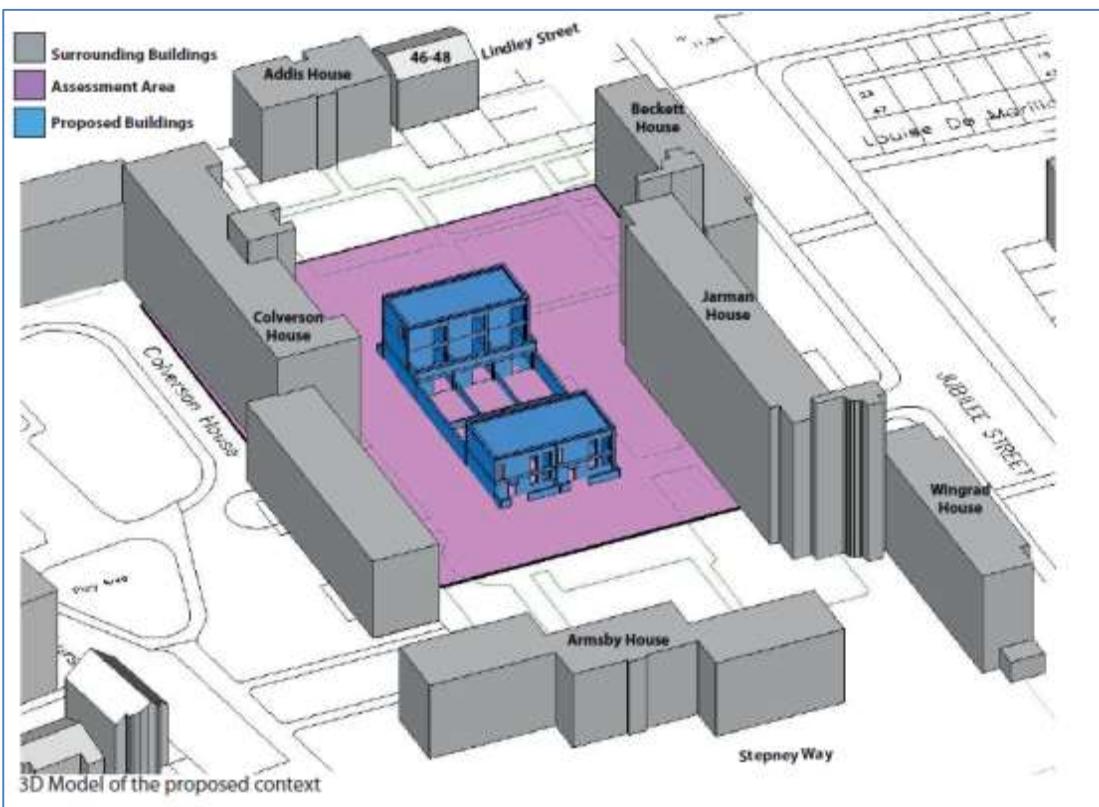
10.70 Colverson House is in residential use. It is located to the west of the site. The daylight impact upon Colverson House has been tested using the Vertical Sky Component (VSC) test. The VSC takes into consideration any obstruction to the visible sky to calculate the possible daylight reduction.

10.71 The Vertical Sky Component (VSC) test has been applied. This test measures the amount of daylight received at the centre of the window face, before and after the proposed development is constructed. This is considered to be the most appropriate test for measuring the level of impact upon a neighbouring residential building. When the VSC is below 27% as existing, the BRE guidelines recommend that daylight values are not reduced by more than 0.8 of the former value (i.e. more than a 20% reduction in daylight as a result of the proposal).

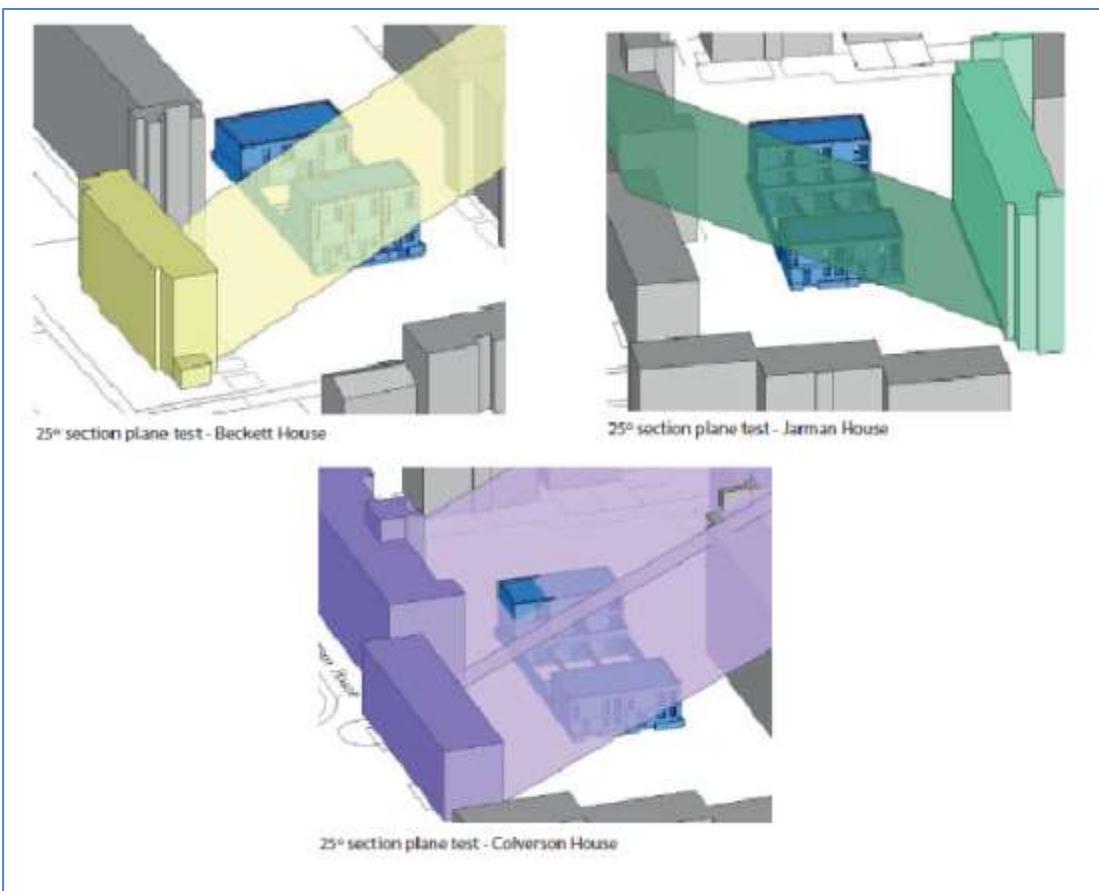
10.72 It is important to note that VSC does not quantify the actual daylight levels inside a room, just the potential for receiving daylight. More detailed assessments (below) are better equipped to assess this.

10.73 Officers raise no objections to the use of VSC in this instance and have given consideration to the findings of the VSC test.

10.74 The relationship of the above buildings with the application site is illustrated on the images below.



**Figure 10 – 3d model of proposal**

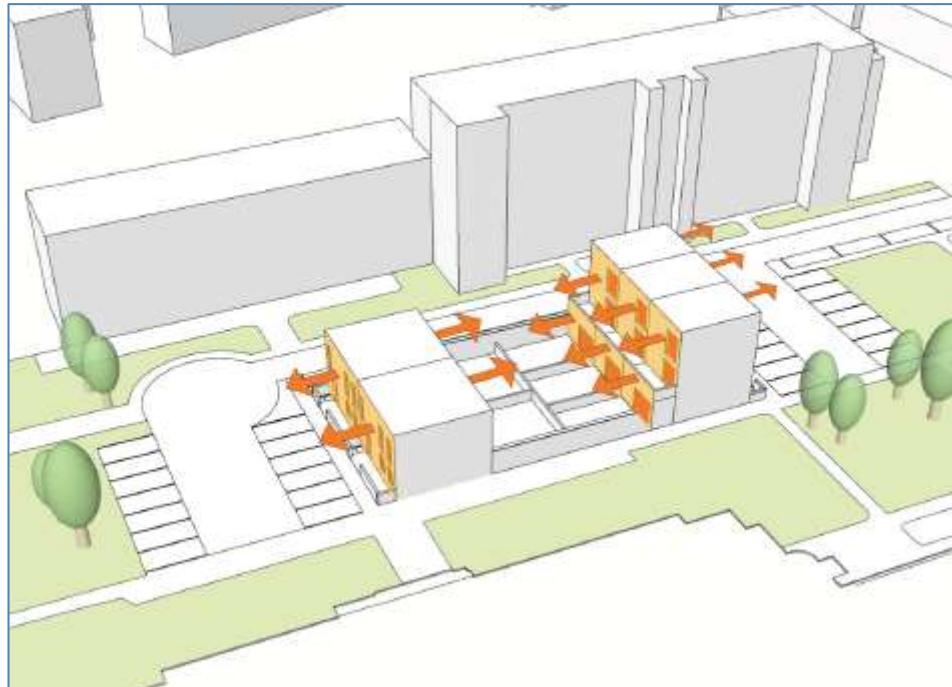


**Figure 11 – Daylight/sunlight  $25^\circ$  rule test**

### Colverson House analysis

- 10.75 41 windows at Colverson House were tested which lies to the west of the application site.
- 10.76 24 out 41 windows analysed on Colverson House receive Vertical Sky Component (VSC) values exceeding 27% and therefore meet the criteria with the proposed development in place.
- 10.77 The remaining 17 windows all retained 80% of their former value which would pass the requirements of the BRE guidelines in the proposed scenario.
- 10.78 In the existing scenario officers note that 15 windows do not achieve the 27% VSC values as required 29 out of the 41 windows receive annual and winter Probable Sunlight Hours (PSH) in excess of the minimum criteria therefore retaining good access to sunlight. The remaining windows again retain 80% of their former value which would pass the guidelines.
- 10.79 In terms of overshadowing the results indicate that they will meet the criteria as per the BRE guidance with the proposed development in place, as more than 50% of the area of the open spaces receiving over two hours of sunlight on the 21st of March and also the ratio of impact is not less than 0.80.
- 10.80 In terms of daylight and sunlight the impacts the proposal would pass the BRE Guidelines in all instances with the resulting impact on the existing buildings being negligible. Officers therefore raise no objections in this regard.
- Outlook, overlooking and privacy
- 10.81 As previously set out, the proposed dwellings sit in medium-close close proximity to neighbouring buildings to the east and west. As the application site comprises a double storey library and landscaping the proposal marks a slight increase in overall scale which would result in a change of outlook for neighbouring occupiers.
- 10.82 Objectors have cited that the development would be located too close to the existing buildings, however the scheme and proposed fenestration has been designed in order to avoid overlooking to adjoining properties. Only one of the proposed dwellings contains a side facing window and has a distance of over 18m to the nearest residential window, in line with the councils guidelines. The other side elevation window services a staircase and as such is not a habitable room. The large majority of windows would be facing north/south onto the shared gardens of the proposed dwellings restricting views towards the existing buildings. The distances between the development and the blocks to the north and south are 40m and 45m respectively.
- 10.83 Whilst the objectors concerns regarding distances are noted as there are no windows facing onto the existing buildings within the 18m guideline. Furthermore the proposed terraces have been design in such a way that when seated direct views onto the estate would also be restricted. For these reasons officers consider that there would be no impacts with regards to overlooking/loss of privacy to the existing estate blocks.

- 10.84 Officers acknowledge there will be a change in view as a result of the development, the separation distances involved and the overall scale of the proposed development would not create an unacceptable level of sense of enclosure or loss of outlook perceived by the current and future occupiers.



**Figure 12 – Main outlook of dwellings**

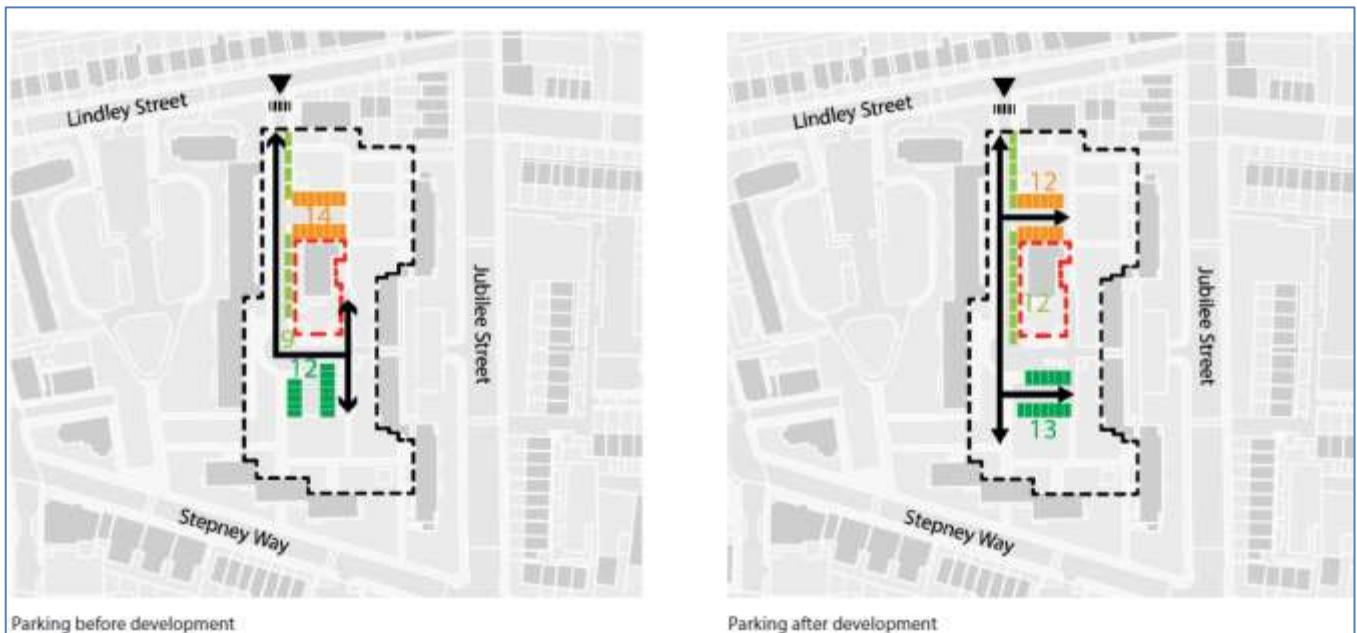
- Noise and disturbance
- 10.85 The proposal seeks the introduction of residential development on the site. It is not considered that the proposed residential land use would give rise to an unacceptable noise impact. Both the scale and nature of the use is smaller than the existing estate development and is therefore considered to be compatible.
- 10.86 Objection has been received regarding the noise of construction works and ongoing works as a result of the redevelopment of the site. In order to satisfy the policy and the ongoing objections a condition requiring a construction environmental management plan will be secured in which the developer would have to comply with the current best practice standards (British Standards). The council will also condition the construction hours of the development.
- Summary
- 10.87 Officers have given the amenity impacts associated with the proposed development careful consideration. For the reasons outlined above, the development is considered to be acceptable in this regard.

### **Highways and Transportation**

- Car parking (and blue badge parking)
- 10.88 This part of the report will assess whether the proposed development would give rise to an unacceptable impact upon the local highway and transportation

network. In line with Policy DM 20 ‘Supporting a sustainable transport network’, Policy DM 22 ‘Parking’ and Policy DM 14 ‘Managing Waste’ of the Managing Development Document (2013), officers will have specific regard to the highways impacts of the proposal.

- 10.89 The proposed land use does not attract a requirement to provide general car parking. A car-free development is in line with local policy and therefore supported. A planning condition to secure the car-free nature of the proposed dwellings is recommended.
- 10.90 It is important to establish that the private estate does not form part of the public highway and is under private management with regards to parking and service arrangements.
- 10.91 Existing parking opportunities within the estate will be rationalised and retained as a result of the development. The revised layout is largely the same as existing with minor amendments to the orientation of the spaces on the southern edge of the site to allow for improved refuse collection across the estate.
- 10.92 The 35 existing spaces will be re-provided with an uplift of 3 parking spaces, two of which will be for the wheelchair homes (Blue badge holders only). The additional parking space will be for the residents of the estate and will be allocated from the council’s waiting list and managed accordingly.
- 10.93 In response to the objection regarding access to the disabled bays from Colverson House officers consider the rationalised arrangement to be both accessible to everyone and an improvement upon the existing arrangement as it will allow for further servicing of the site to the south (discussed in the waste section of the report). Records indicate that there appears to be 3 No. (Parallel) disabled parking spaces to the west of the library at a distance between 11m and 23m from the entrance to Colverson House. Within the design of the proposal, three of the new spaces to the west of the new houses can be identified as disabled spaces for these residents if their needs meet the criteria for a disabled bay; these would be between 12 and 19m from the entrance, and would be in addition to the two disabled spaces provided for the proposed wheelchair houses.



**Figure 13 – Existing and proposed parking arrangements**

- Cycle parking
- 10.94 Each of the houses is required to provide 2 dedicated cycle parking spaces.
- 10.95 The documents outline that each dwelling will have a storage locker in the rear gardens to provide dedicated cycle storage. Officers find this arrangement acceptable and further details will be secured via condition.
- Delivery, servicing and waste collection
- 10.96 The Design & Access Statement submitted by the applicant outlines that the existing waste collection occurs from multiple points across the estate. From site meetings and ongoing discussions it has been stated that due to the current arrangement there has been particular concern with regards to safely accessing the southern end of the site for waste collection and pick up.
- 10.97 As the proposed arrangement largely reflects an existing situation and alternative solutions are constrained by the presence of car parking, and the narrowness of the roads through the estate, officers raise no objections. As stated previously as part of the re-development the existing roads will be amended. The rationalised arrangement (figure 3.0) will allow for refuse/servicing vehicles to fully access the southern end of the site which currently not the case.
- 10.98 With regards to the proposed dwellings each will contain refuse areas in front of the houses behind an area of defensible space in the form of a brick wall. Officers are satisfied that the dwellings would be adequately serviced.
- 10.99 Officers are satisfied that the scheme is capable of delivering an acceptable waste strategy and further details will be secured via condition.
- Construction
- 10.100 Should the proposed development be approved, the impact on the road network from demolition and construction traffic would be controlled by way of condition requiring the submission and approval of Construction management plans.
- Summary
- 10.101 Officers have given the highways & transportation impacts associated with the proposed development careful consideration. For the reasons outlined above, the development is considered to be acceptable in this regard.

## **Financial Considerations**

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

- 10.102 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
  - Any local finance considerations, so far as material to the application; and,

- Any other material consideration.

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

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

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

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

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

### **Human Rights Considerations**

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

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

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

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

- 10.109 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.
- 10.110 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.111 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.112 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 10.113 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **Equalities Act Considerations**

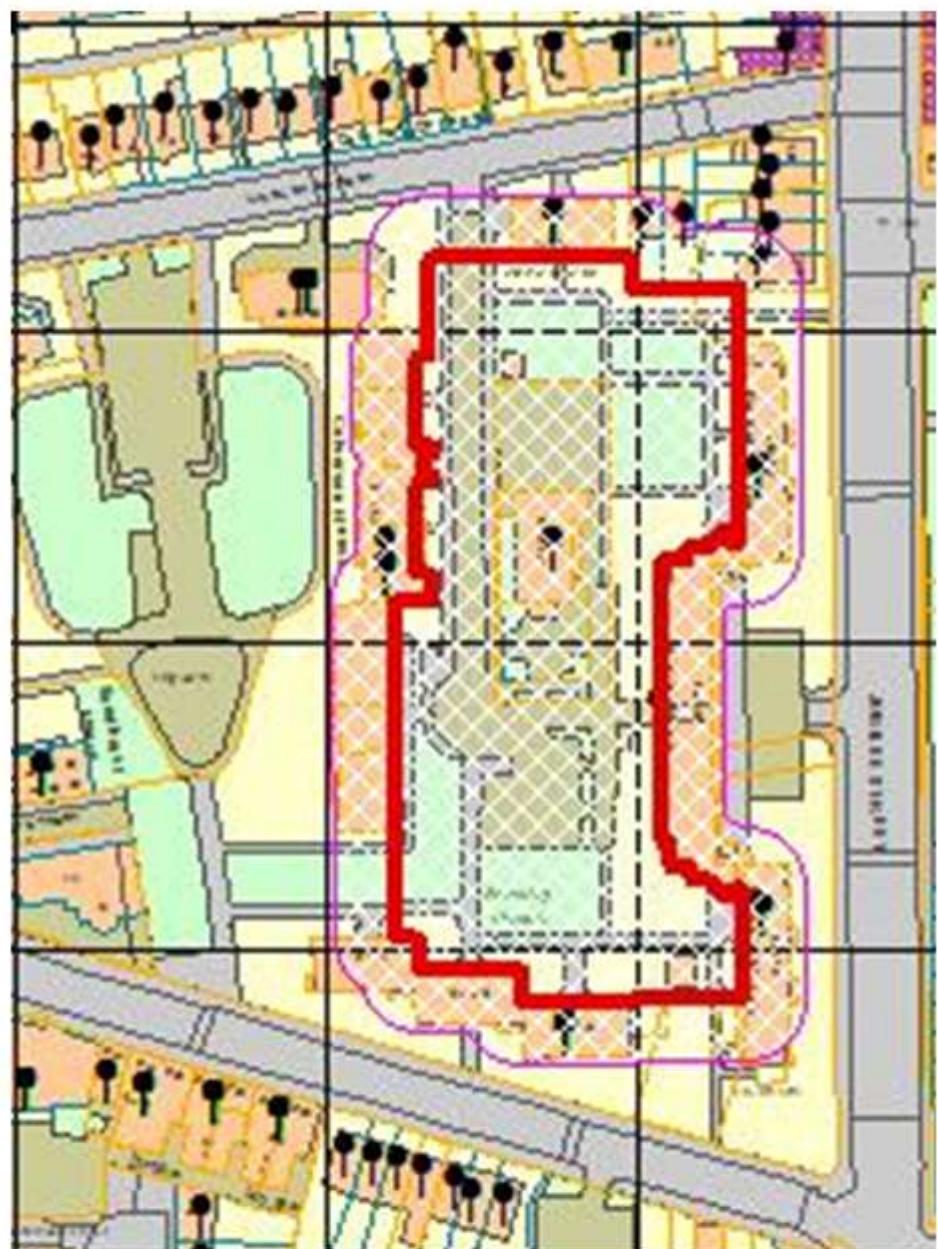
- 10.114 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, *inter alia*, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.115 It is considered that the proposed development would not conflict with any of the above considerations. It is also considered that the proposal would foster good relations and advancing equality with regards to sex, race, religion and belief.
- 10.116 The loss of the community use on site has been deemed appropriate due to the location of nearby high quality facilities and would not conflict with any of the above considerations
- 10.117 Providing accessible housing is seen as public benefit and would not conflict with any of the above considerations.
- 10.118 Whilst officers note that the scheme is 100% affordable housing as this is a key target of the borough due to the size of the scheme it is not considered to conflict with any of the above considerations

10.119 In light of the above, officers are satisfied that the proposed development would not adversely impact equality or social cohesion.

### **Conclusion**

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

**APPENDIX 1:** Site map (showing consultation area)



Crown copyright and database rights 2018 Ordnance Survey, London Borough of Tower Hamlets 100019288

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

**Planning Applications Site Map  
PA/18/02821**

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



TOWER HAMLETS  
London Borough  
of Tower Hamlets

Scale : 50m grid squares

Date: 10 January 2019

## **APPENDIX 2**

### **List of documents and plans for approval**

#### **EXISTING DRAWINGS**

<b>SITE LOCATION PLAN</b>	AA7396-2000
<b>EXISTING SITE PLAN</b>	AA7396-2001
<b>EXISTING ELEVATIONS SHEET 01</b>	AA7396-2002
<b>EXISTING ELEVATIONS SHEET 02</b>	AA7396-2003 REV. A
<b>EXISTING SITE PHOTOS</b>	AA7396-2004 REV. A

#### **PROPOSED DRAWINGS**

<b>PROPOSED SITE PLAN</b>	AA7396-2101
<b>GROUND AND FIRST FLOOR PLANS</b>	AA7396-2200
<b>SECOND AND ROOF FLOOR PLANS</b>	AA7396-2201
<b>PROPOSED ELEVATIONS SHEET 1</b>	AA7396-2202
<b>PROPSOED ELEVATIONS SHEET 2</b>	AA7396-2203
<b>PROPSOED ELEVATIONS SHEET 3</b>	AA7396-2204
<b>3B6P HOUSE TYPE</b>	AA7396-2205
<b>3B5P WCH HOUSE TYPE</b>	AA7396-2206
<b>ARTIST'S IMPRESSION OF PROPOSAL</b>	AA7396-2300
<b>PROPOSED DRAINAGE STRATEGY SHEET 1</b>	SDS511-D100 REV P0
<b>PROPOSED DRAINAGE STRATEGY SHEET 2</b>	SDS511-D101 REV P0

#### **DOCUMENTS**

**Design & Access Statement (parts 1-3) prepared by PRP**

**Daylight, Sunlight & Overshadowing Impact Assessment prepared by PRP**