



DEVELOPMENT COMMITTEE

13th June 2019

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

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

EXECUTIVE SUMMARY

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

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

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

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

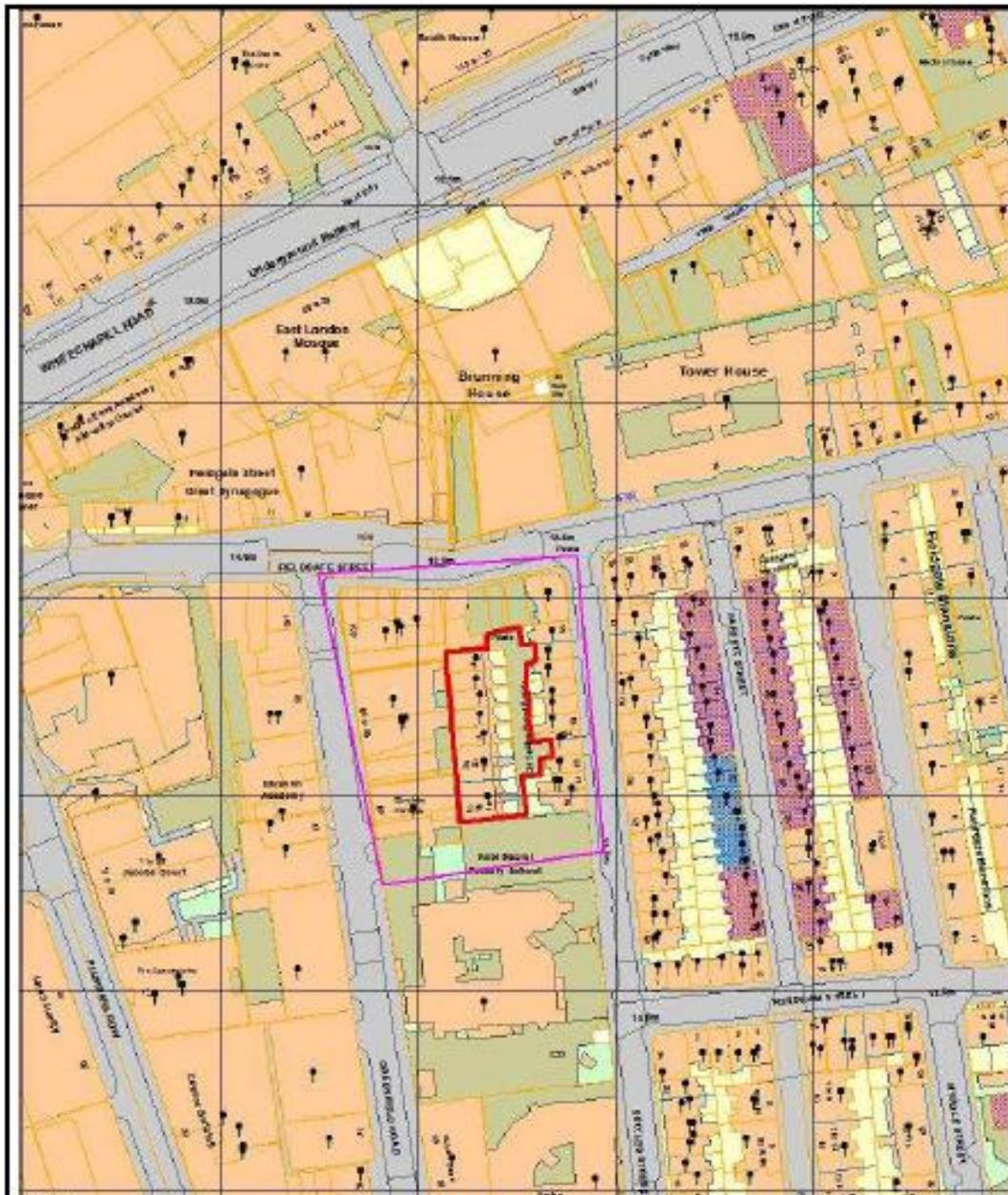
Officers are of the opinion, the scale and height of the proposed development is not at odds or intrusive in relation to immediately surrounding buildings or the area more widely, although it is acknowledged by officers the scheme would impose a degree of unwelcome enclosure in respect to some residential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

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

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

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

SITE PLAN



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/18/01538

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



London
Borough of
Tower Hamlets

Scale : 50m grid squares

Date: 05 June 2019

1. SITE AND SURROUNDINGS

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

2. PROPOSAL

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

3. RELEVANT PLANNING HISTORY

Application site

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

42 Fieldgate Street

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

80-82 Greenfield Road

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

4. PUBLICITY AND ENGAGEMENT

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

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

5. CONSULTATION RESPONSES

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

5.2 LBTH Waste Policy and Development

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

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

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

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

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

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

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

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

6.2 In this case the Development Plan comprises:

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

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

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

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

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

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

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

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

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

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

vi. Equalities and Human Rights

Land Use and Density

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

Design and Heritage

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

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

7.9 Paragraph 189 of the NPPF provides that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 190 provides that local authorities should assess the significance of any assets that may be affected. Paragraph 192 describes what should be taken into account in determining applications.

7.10 With respect to this planning application, the relevant designated heritage asset is the Myrdle Street Conservation Area. The subject site is not listed however in part, forms part of the Conservation Area. The part of the development which forms part of the Conservation Area is 5-7 Settles Street.

Bulk and massing

7.11 The application site lies only partly within the Myrdle Street Conservation Area and thus it is necessary to understand how it would impact the Conservation Area. The Myrdle Street Conservation Area is characterised by high density development (in historic terms) and a variety of types and sizes of property ranging from terraced houses and mansion blocks, dating from 18th Century onwards. The front elevation of Mears Close looks out to the rear elevations of the terraced properties on Settles Street. These properties are adjacent to the eastern part of the site, and within the Conservation Area. The properties on Settles Street are amongst the largest of their type within the Conservation Area, they are 5 storeys in height plus a basement level

7.12 To the north of the site is 42 Fieldgate Street. Since the construction of Mears Close this site has been vacant and thus views from Fieldgate Street through to the properties have been open. However, this site has a consent (application ref: PA/13/03036) for a 4 storey building which is currently under construction and close to completion. This will mean the aforementioned view through to Mears Close will be closed. 42 Fieldgate Street lies within the Myrdle Street Conservation Area.

7.13 On the western boundary of the application site is 80-100 Greenfield Road, a row of 2, 3 and 4 storey buildings. 86-88 Greenfield Road is a building partly in residential use including some live/work studios however it does not benefit from express planning consent for residential use. These properties do not lie within the Myrdle Street Conservation Area. No 100 Greenfield Road is a mixed use development with a A3 restaurant occupying the ground floor and what is understood to be small offices (B1 Use) and a D1 (Islamic teaching college) on the upper floors .

7.14 On the southern boundary of the site is Kobi Nazrul School. The part of the school to which the southern boundary of the site abuts is the playground. The school is not within the Myrdle Street Conservation Area.

7.15 Due to the height of the existing terraced properties on Settles Street and proposed height of 42 Fieldgate Street, which is under construction, the proposed roof extension would not be visible from public views within the Conservation Area. Views from Greenfield Road, which is not within the Conservation Area, would be limited and not considered to present any discernible impact to the surrounding urban form. The overall proposed height of the development would be 3 storeys with a protruding stairwell to the rear. Overall, it is considered that the development would sit comfortably within the prevailing pattern of built form in the locality, notwithstanding the very localised increased sense of enclosure the scheme would bring to the rear

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

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

Design and materials

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

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

Quality of Residential Accommodation

Internal space

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

External Space

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

Neighbouring Amenity

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

Impact on Outlook, Privacy and Sense of Enclosure

Settles Street Properties

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

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

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

86-88 Greenfield Road

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

42 Fieldgate Street and 100 Greenfield Street

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

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

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

Daylight, Sunlight & Overshadowing

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

Daylight and Sunlight Assessment to the Rear Windows of Settles Street

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

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

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

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

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

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

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

- 7.44 Appendix C of the Report assesses the impact of the proposed rooftop extension to the rear windows and amenity spaces of 86-88 Greenfield Street.
- 7.45 The two methods that have been used are the VSC test and the overshadowing assessment. The BRE guidelines states that;
- “If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected.”*
- 7.46 The section drawings demonstrate that the rear windows to 86-88 Greenfield Road will satisfy the 25° line test. Therefore, further technical assessment was not required for these properties.
- 7.47 An overshadowing assessment has been completed for the terrace amenity spaces. The submitted assessment shows that 50% of the overall terrace amenity space would maintain at least 2 hours of direct sunlight on 21st March, which is consistent with the BRE guidance for amenity space. Albeit officers acknowledge that the southern section of the rooftop terrace would fall short of maintaining 50% direct sunlight for 2 hours for 21st March, although this southern second would maintain almost complete unimpeded direct sunlight for at least 2 hours at the summer equinox (21st June).

- 7.48 The Kobi Nazrul Playground is located to the south of the site and maintaining good levels of sunlight throughout the school day to this amenity space is recognised as important. The applicant has submitted overshadowing analysis for the school playground area and it demonstrate the development would have virtually no overshadowing impact upon it.
- 7.49 With respect to a private residential balcony on the south elevation of No 42 Fieldgate development the overshadowing analysis shows this balcony would maintain at least 2 hours of direct sunlight for the whole of the balcony on 21st March.

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

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

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

Conclusions on Daylight, Sunlight and Overshadowing

7.52 The submitted daylight/sunlight studies has explained that the methodology and approach to the assessment has been based on the BRE guidelines and informs how these matters are dealt with in Policy DM25 (Amenity) in the Local Plan. These are the relevant guidelines which are used when carrying out daylight and sunlight assessments.

7.53 The windows to 49 Settles Street were identified as being the 'worst case example' as the windows are the most enclosed and restricted of all the west facing properties to the existing Settle Street residences. The report demonstrates by using the skylight indicator that in the existing VSC result is 9.5% and will reduce to 8.5% in the proposed condition. This indicates a ratio of 0.89 which is in excess of the BRE recommendation of 0.8, therefore the resident will not experience a noticeable alteration to the daylight to the upper ground floor window. Officers are of the opinion that the node points have been labelled incorrectly based upon the key, however we do not consider this would materially alter the indicated VSC results.

7.54 When the basement windows to the Settles Street properties are studied in the report, the Proposed Section BB and CC drawings demonstrate that the angled design of the rooftop extension will not extend above the line of the existing obstruction. Therefore, the daylight and sunlight conditions to the basement windows will remain the same.

7.55 The section drawings appended to the report at Appendix C demonstrate that the rear windows to 86-88 Greenfield Road will satisfy the 25° line test. Therefore, further technical assessment was not required for these properties and the daylight is unlikely to be adversely affected.

7.56 The shadow diagrams demonstrate that in excess of 50% of the amenity area will receive two hours of sunlight on the 21st March in the proposed condition. This is in accordance with the BRE guidelines.

7.57 To conclude, overall the impact to the surrounding properties will be negligible and in accordance with the BRE guidelines.

Transport and Servicing

7.58 According to paragraphs 108 and 110 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.

7.59 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both corridor and local level are fully assessed. Development should not adversely affect safety on the transport network.

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

Cycle Parking

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

Waste

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

Human Rights & Equalities

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

8. RECOMMENDATION

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

8.2 Planning Conditions

Compliance

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

- e. Noise pollution limits.

Pre-commencement

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

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

8.3 Informatives

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

APPENDIX 1

Drawings and supporting documents

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

Appendix 2: RELEVANT PLANS

Figure 1: 04.68.151 - Existing Axonometric - South-East

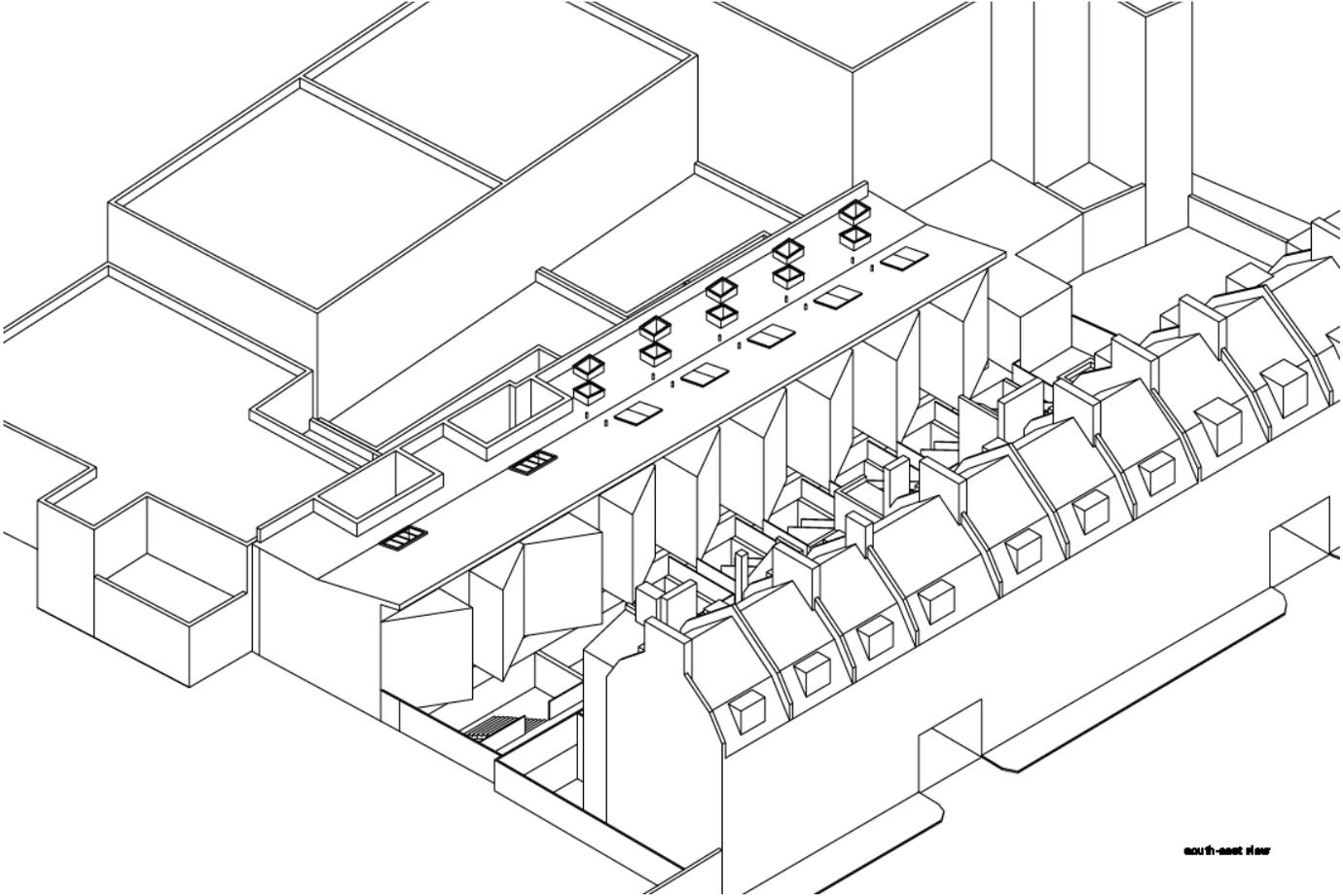


Figure 2: 04.68.252 - Proposed Axonometric - South-East

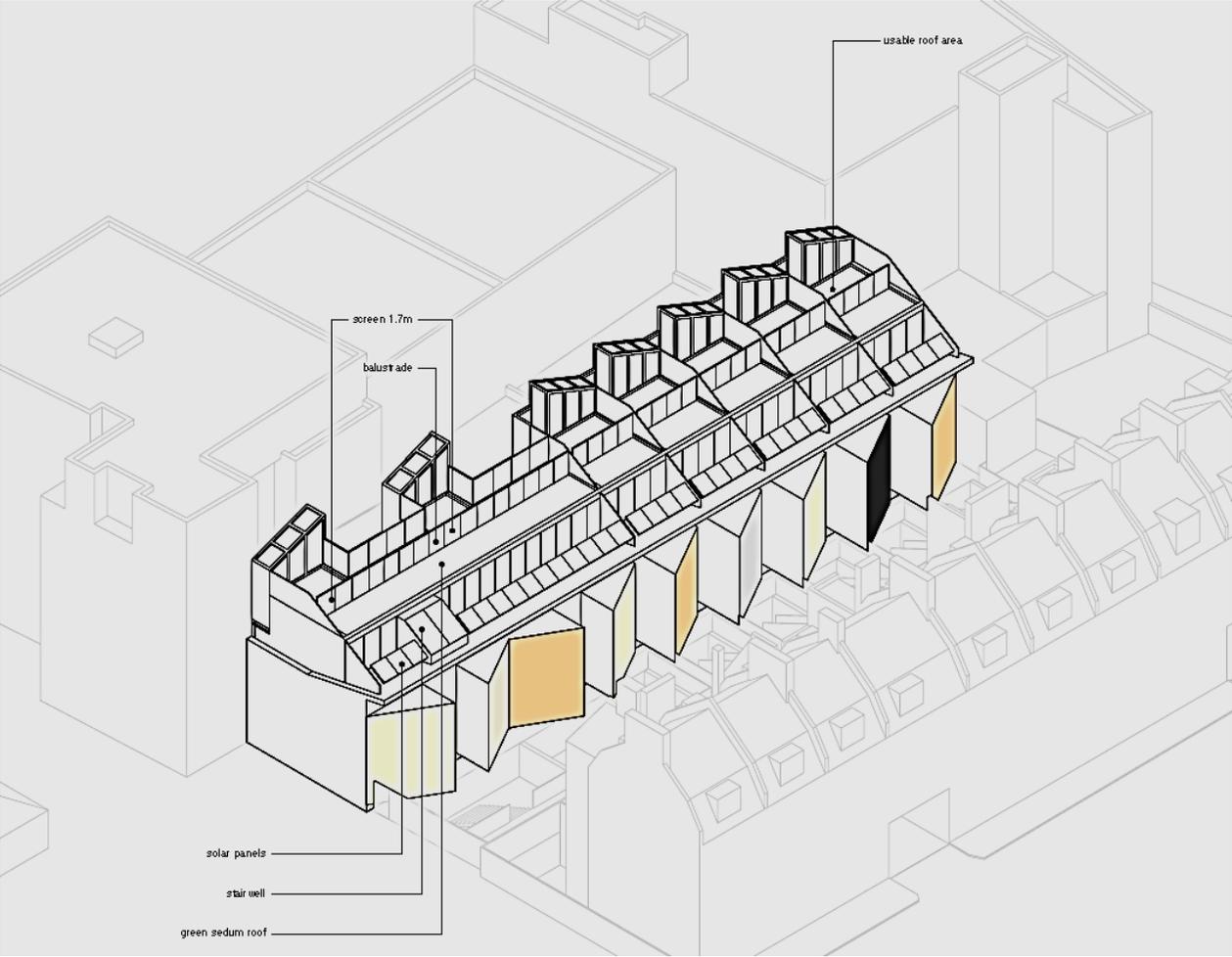


Figure 3: 04.68.230 - Proposed Study of Overlooking to Neighbours on Settles Street

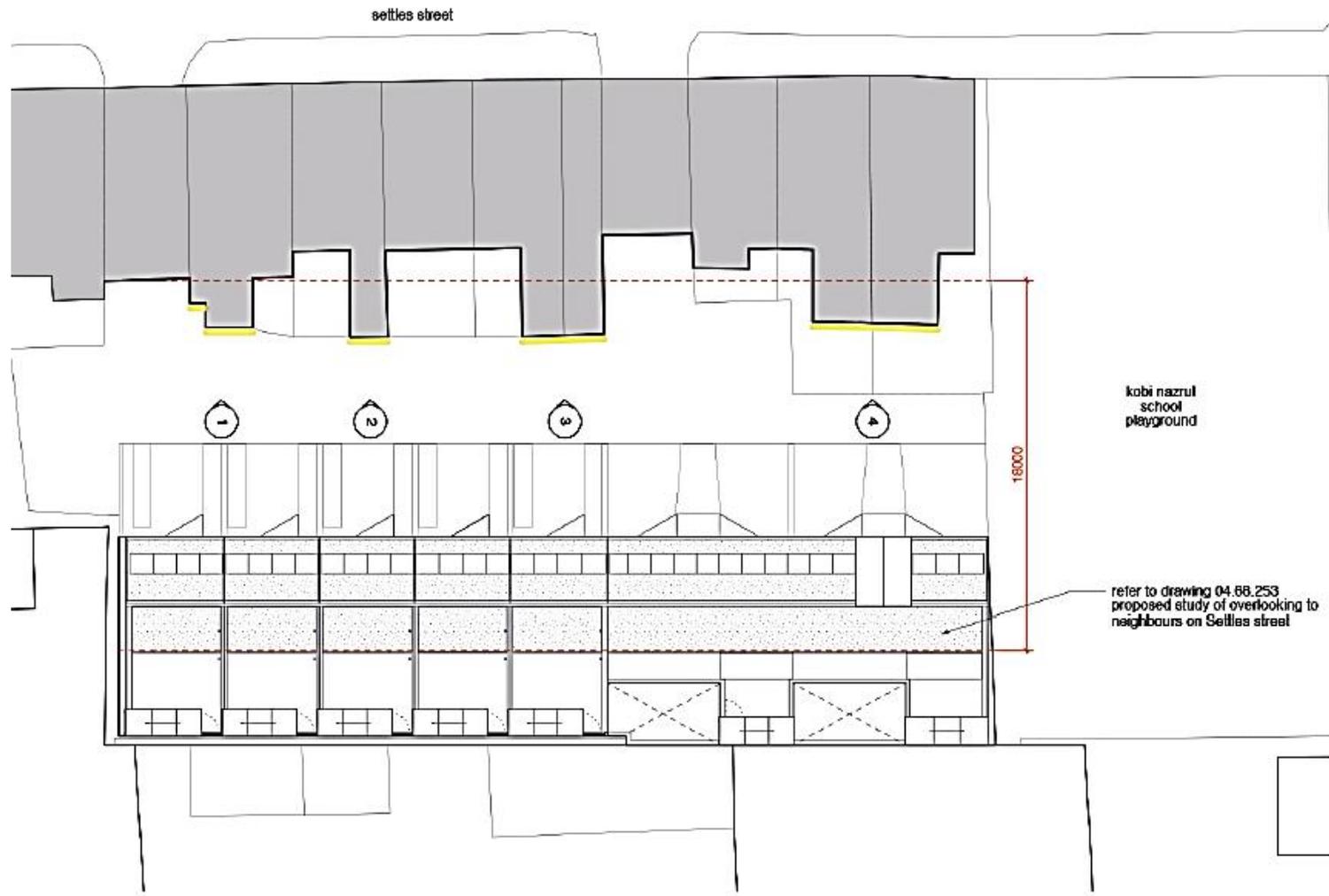


Figure 4: 04.68.220 - Proposed Section EE

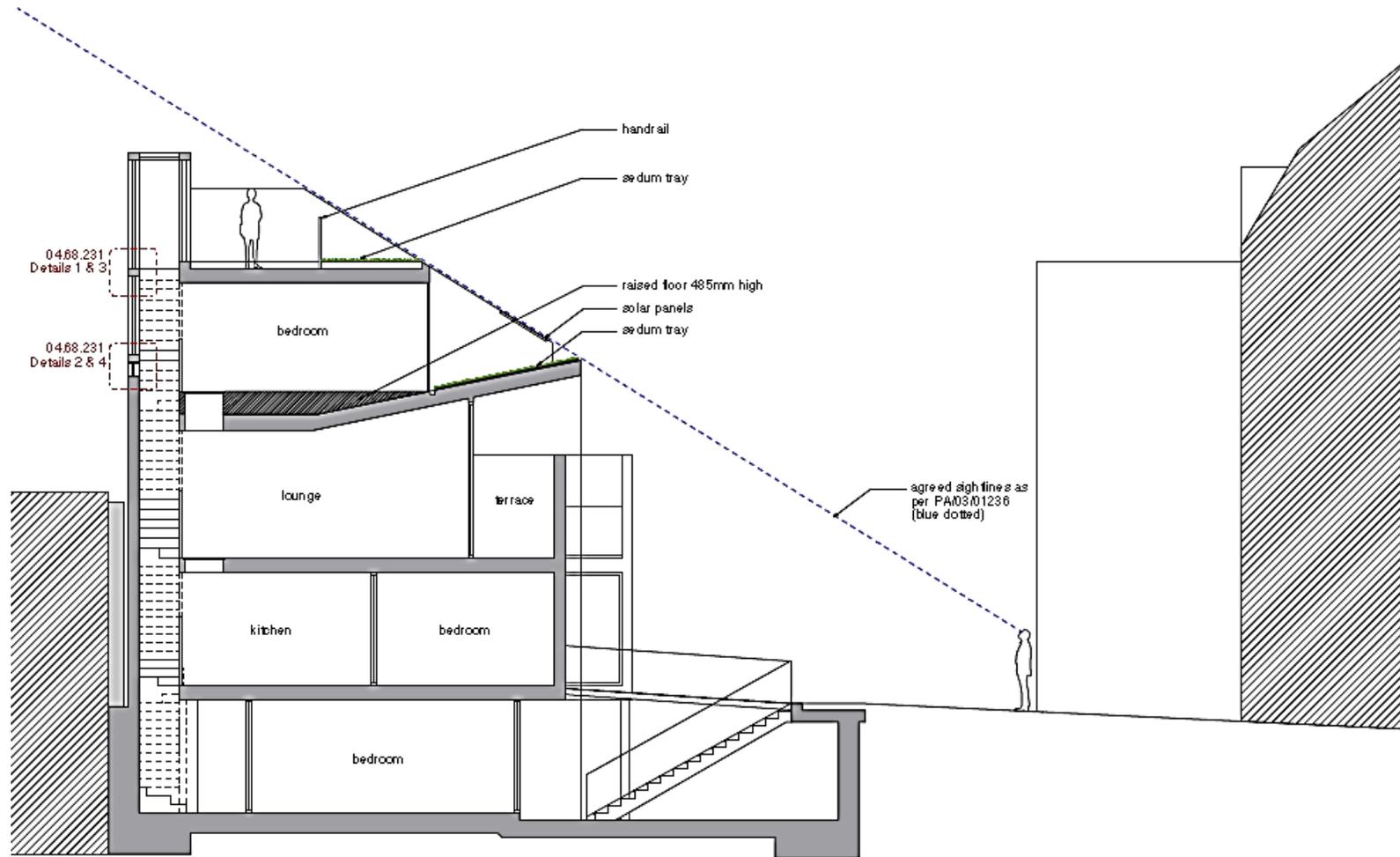


Figure 5: Rear of 86-88 Greenfield Road



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

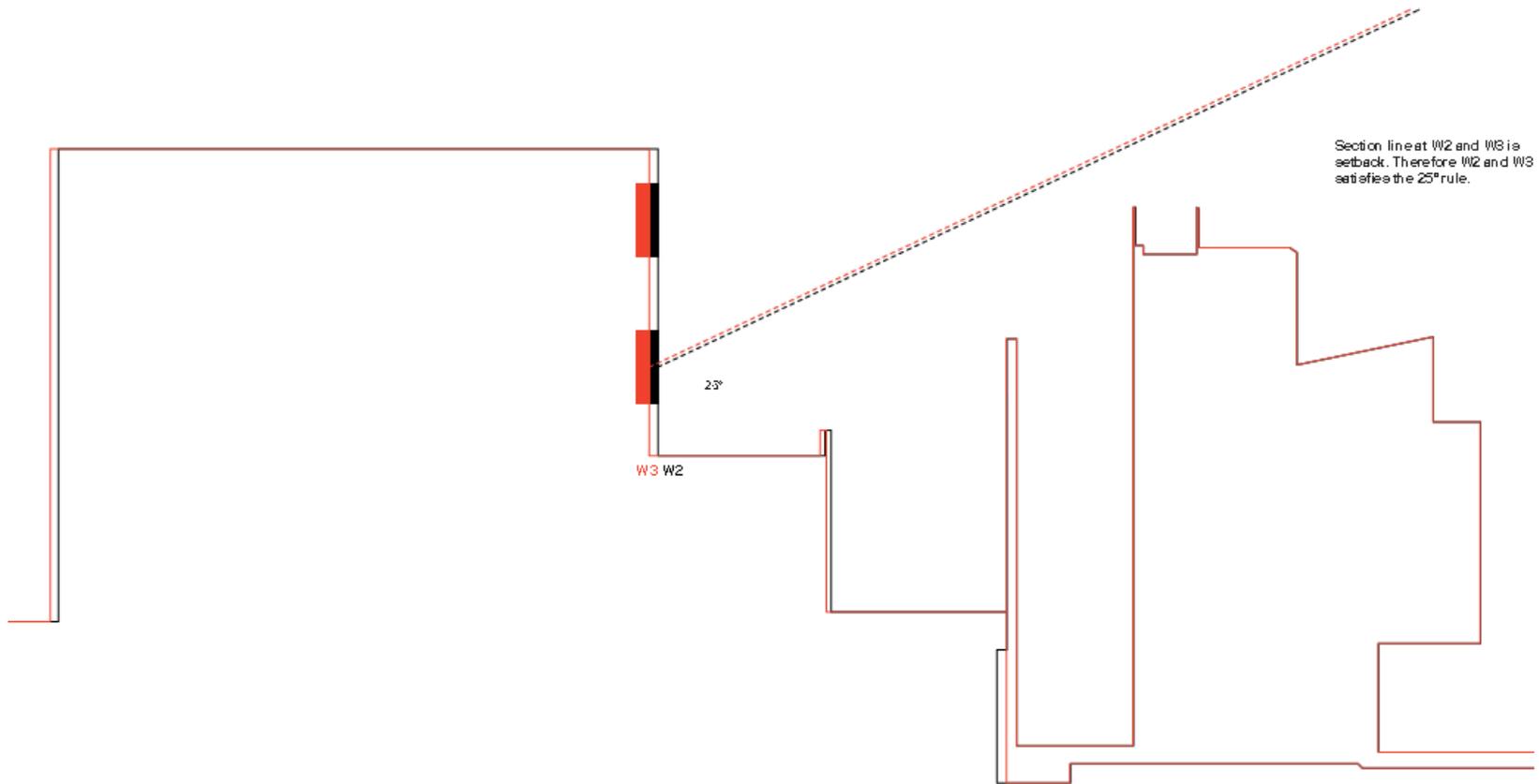


Figure 7: Section through Rear Elevation of 86-88 Greenfield Road - W4-7

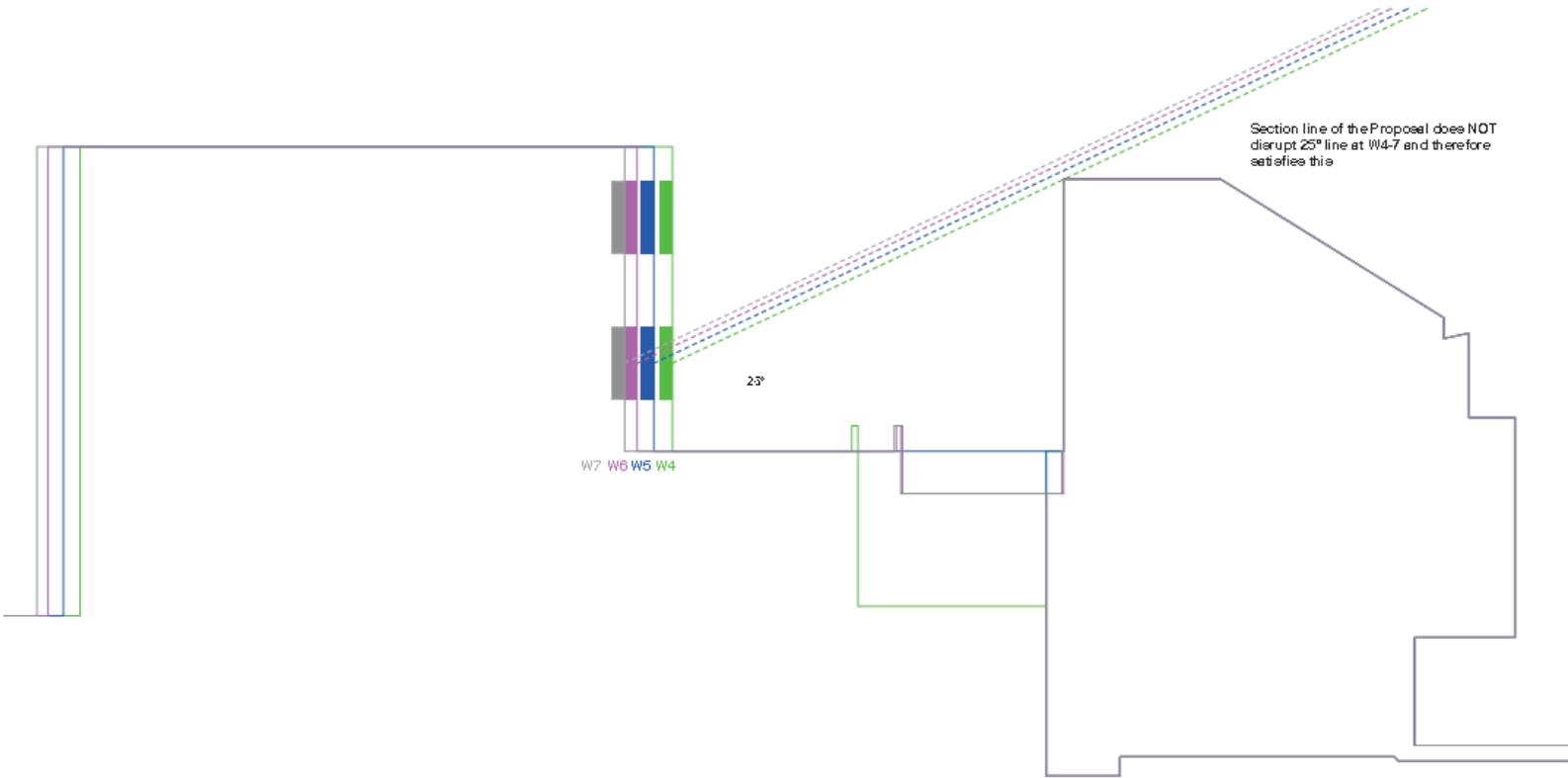


Figure 8 – Section of Proposed development with No 42 Fieldgate Street set behind it

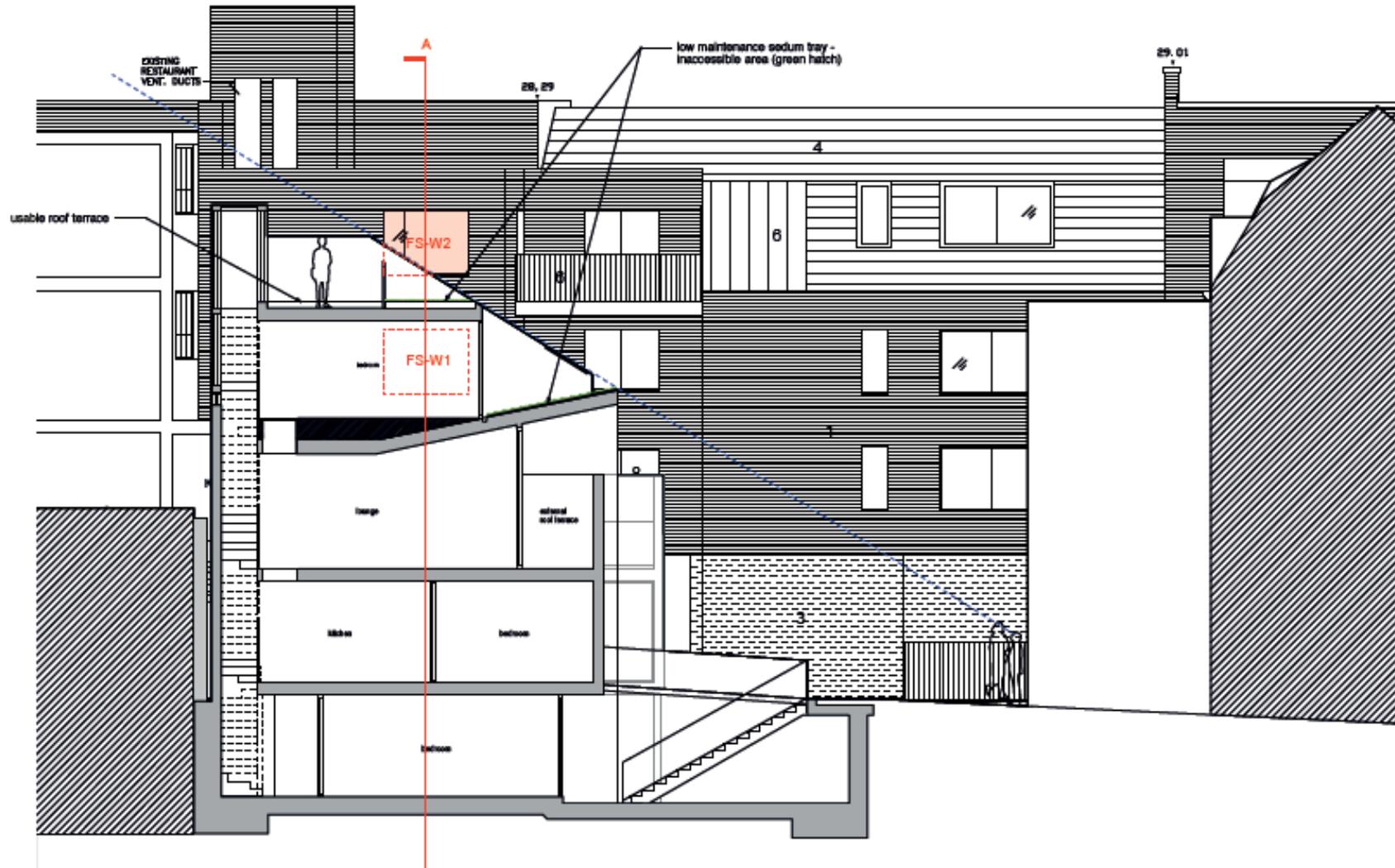
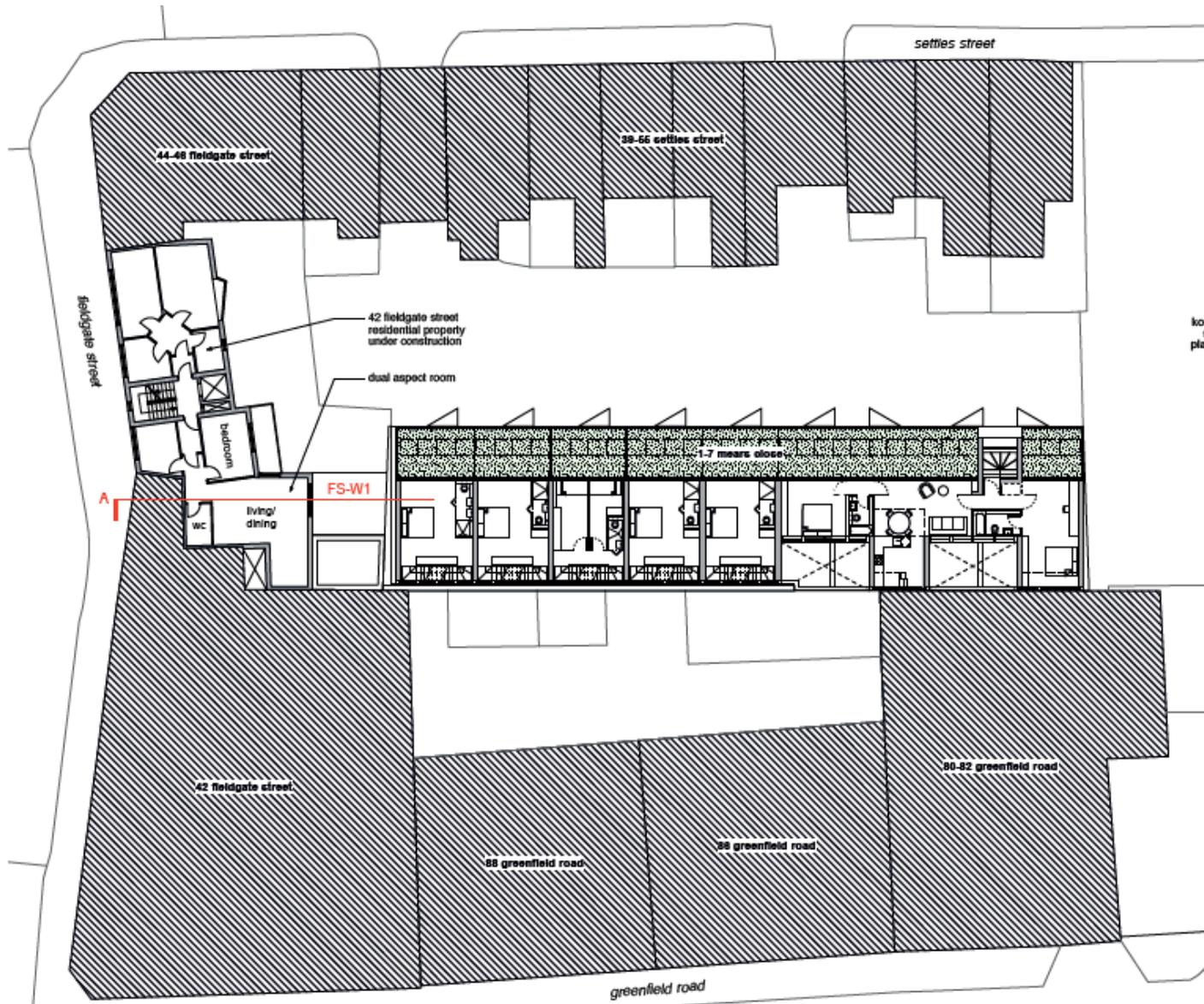
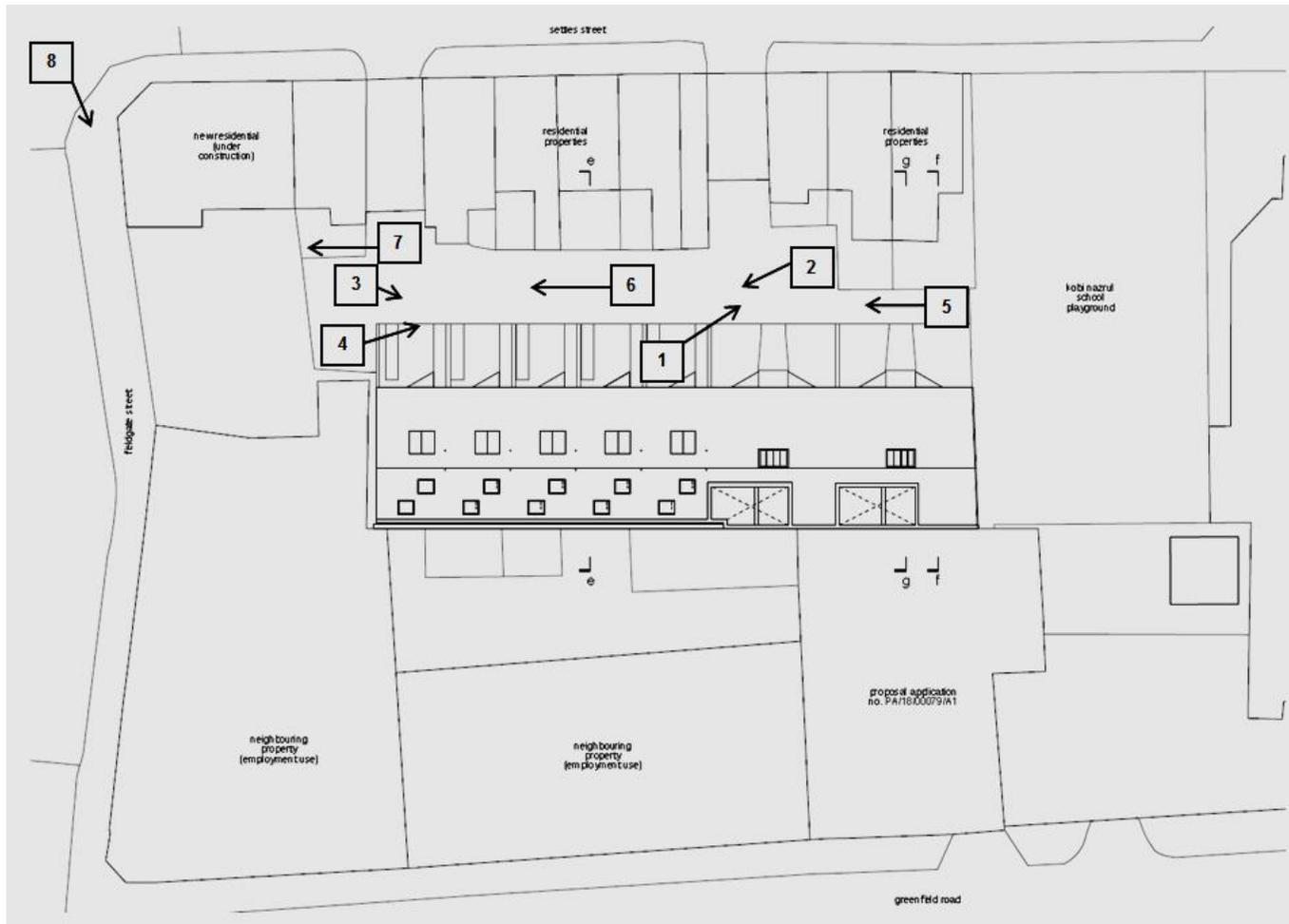


Figure 9 – Block Plan to neighbouring development including showing relation to 3rd Storey floor plan to No 42 Fieldgate Street



Appendix 3: PHOTO ORIENTATION MAP



View 1



View 2



View 3



View 4



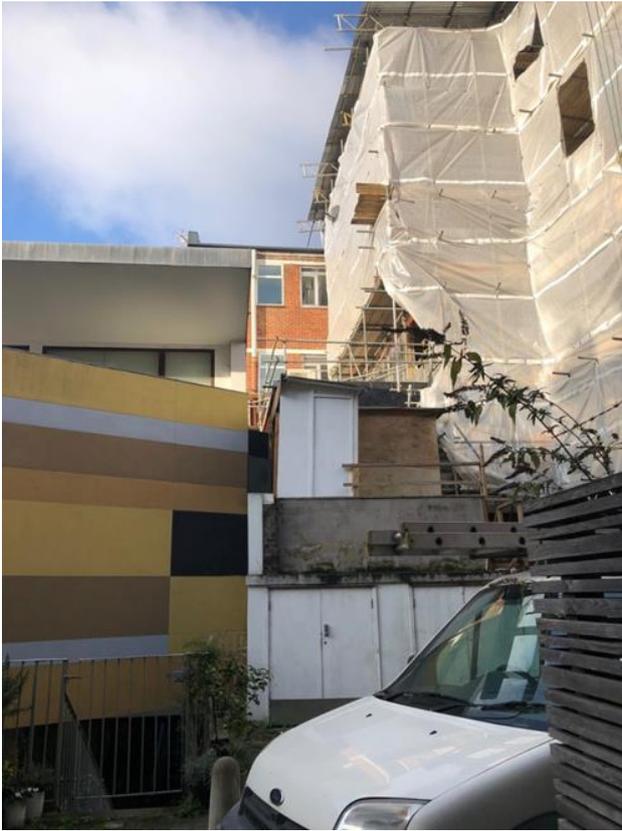
View 5



View 6



View 7



View 8

