



Application for Planning Permission[click here for case file](#)

Reference	PA/19/00793
Site	Site Adjacent To 71, Heylyn Square and 71 to 77 Heylyn Square, London, E3
Ward	Bow West
Proposal	Demolition of the existing single-storey buildings located at 71- 77 Heylyn Square and the construction of an 8 storey mixed used building comprising 32 residential units (Use Class C3) and a single retail unit at ground floor (Use Class A1) together with the provision of associated amenity space, landscaping and parking spaces.
Recommendation	Grant planning permission subject to planning conditions
Applicant	London Borough of Tower Hamlets
Architect	LTS Architects
Case Officer	Hoa Vong
Key dates	- Application registered as valid on 10/04/2019 - Public consultation finished on 23/05/2019

EXECUTIVE SUMMARY

The proposed development comprises the demolition of the existing single storey building at 71- 77 Heylyn Square and the construction of an 8 storey mixed use building. The proposal would deliver a 100% affordable residential development consisting of 32x 1, 2, 3 and 4 bed units. The tenure would be split evenly between social and affordable rent. The proposal also includes the re-provision of 125 sqm of A1 retail floorspace located at ground floor level.

A total of 3 objections and 1 petition have been received regarding daylight/ sunlight impacts, traffic, pollution, noise and height.

The petition has been signed by 30 local residents and as such triggers the threshold to be determined at development committee. The petition relates to the re-provision of an existing after school education facility (D1) known as the Bow English Maths Technology Education Centre (BEMTEC) which is currently located at Nos. 72- 73 Heylyn Square.

The proposed development has been assessed with regards to daylight sunlight, neighbouring amenity, design and environmental impacts and would deliver a high quality, policy compliant scheme in all regards.

Of a total of 243 windows tested for VSC, only 18 would fall below recommended BRE guidelines. A total of 43 rooms were tested for daylight distribution and 40 rooms meet the BRE guidelines. The three rooms which fall below the BRE guidelines are located behind windows 23, 24 and 25 in 23 Trellis Square – however these rooms are non-habitable, being hallways or staircases and do not need to be considered for daylight. All the windows tested for sunlight meet the BRE guidelines and the amenity areas tested for 2 hours of sunlight on 21st march meet the BRE guidelines.

The BEMTEC Education Centre does not benefit from planning permission and therefore there is no policy requirement to re-provide this space. Notwithstanding this however local resident concerns have been taken into account and the Council is able to facilitate discussions to find alternative spaces within the borough.

The proposed development has been assessed in relation to the remaining commercial uses and due to the prolonged time spent vacant, dilapidated nature of the buildings and proximity of a number of alternative uses within walking distance, the loss is acceptable. This would be in compliance with local plan policy and would not impact local access to goods or services.

The design would complement the existing buildings in terms of design and materiality and would not result in any adverse townscape impacts. In comparison to the existing brick building the proposed development would be an improvement to the streetscene. The proposal would overall deliver high quality residential accommodation with dedicated play space and communal amenity space.

The proposals would be car free and would not result in unacceptable stress on local transport infrastructure.

1. SITE AND SURROUNDINGS

- 1.1 The application site relates to a single storey brick building located within the Malmesbury Estate. The site is approximately 1,300sqm and rectangular in shape.
- 1.2 The brick buildings comprise 7 commercial units (although two units have been merged) located at 71- 77 Heylyn Square.
- 1.3 The uses currently consist of:

	Last permitted planning use	Current use	Occupancy
71	Unknown	A1 shop	Occupied
72- 73	B1 Council Housing office	D1 BEMTEC Education Centre (No planning permission)	Occupied
74- 75	Unknown	A1 shop	Vacant
76	A5 Takeaway	A5 Takeaway	Occupied
77	Sui Generis Laundrette	Sui Generis Laundrette	Vacant

Table 1- Current uses on site

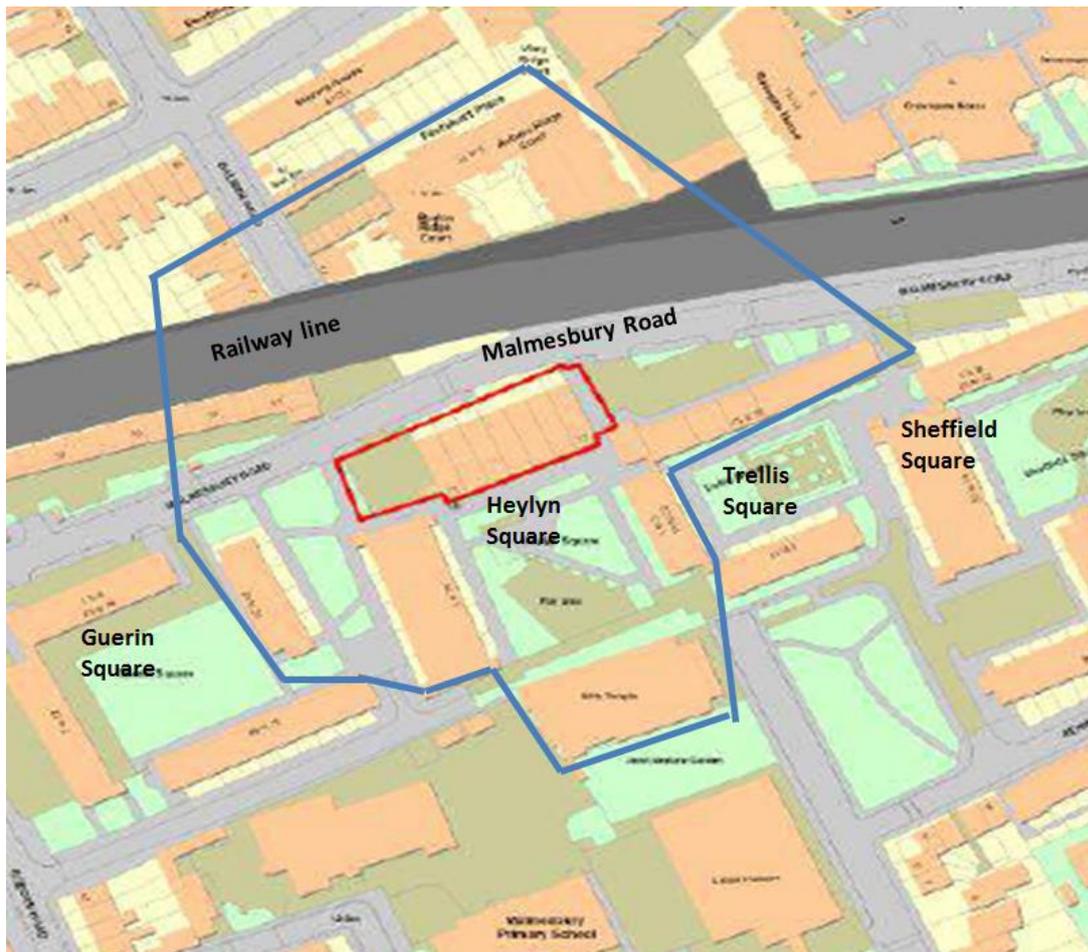


Figure 1- Site and Surrounds

- Consultation boundary
- Application site

- 1.4 The site is bounded to the north by Malmesbury Road and railway line, to the south the Heylyn Square play space, to the west a 7 storey block of flats known as Heylyn Square and to the east a 4 storey block of flats known as Trellis Square.
- 1.5 The area is residential in character and consists of purpose built flats ranging from 4- 8 storeys high and arranged in loose perimeter block form with central amenity spaces.



Figure 2- Aerial view of the site

1.6 The site is not located within a conservation area or within close proximity of any heritage assets.

2. PROPOSAL

2.1 The application seeks the demolition of the existing single-storey buildings located at 71- 77 Heylyn Square and the construction of an 8 storey mixed used building comprising 32 affordable residential units (Use Class C3) and a single retail unit at ground floor (Use Class A1) together with the provision of associated amenity space, landscaping and parking spaces.



Figure 3- Proposed view from Heylyn Square

- 2.2 Play space would be provided to the west of the development and communal amenity space to the east. 3 wheelchair accessible parking spaces, a visitor parking space and delivery space would also be provided on the northern side of Malmesbury Road.

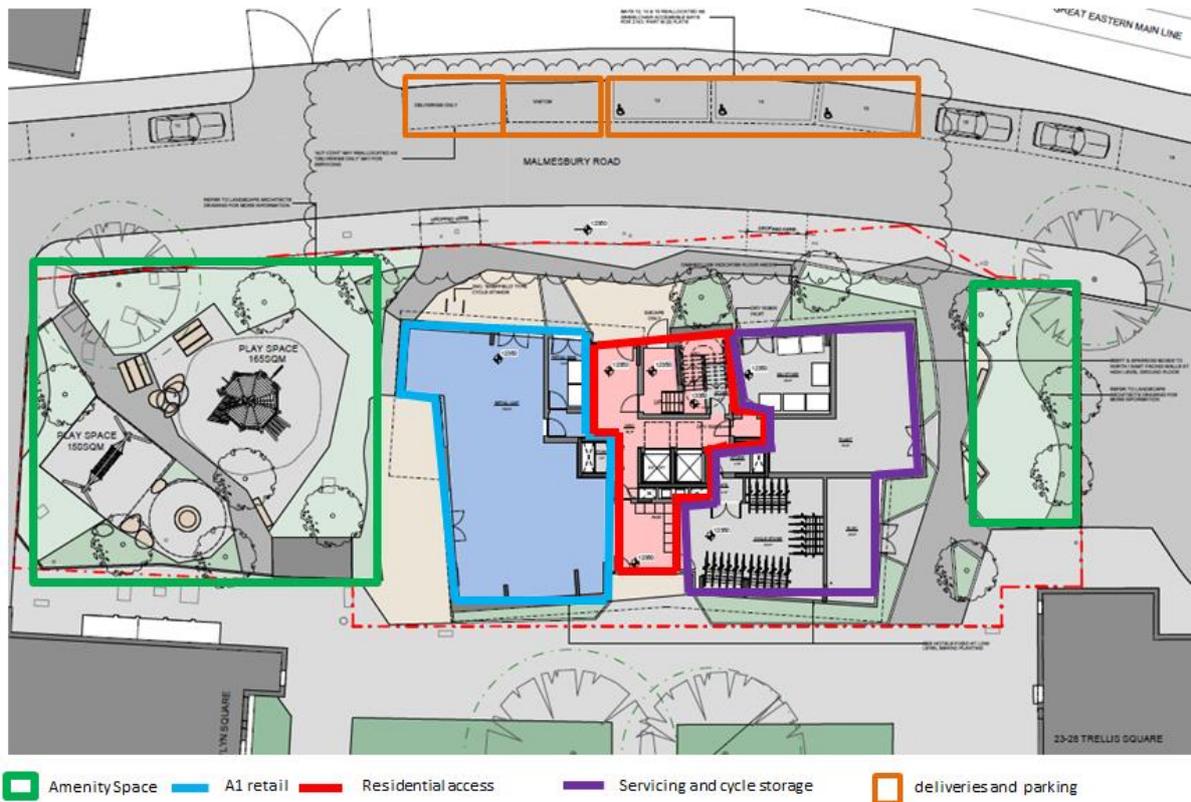


Figure 4- Proposed ground floor

- 2.3 After consultation with LBTH Housing Officers, the original scheme was amended resulting in the replacement of two x 1 bed units with one x 3 bed wheelchair accessible unit.

3. RELEVANT PLANNING HISTORY

- 3.1 PF/17/00225 – Pre-application discussions for an affordable housing development of up to 35 dwellings. The principle of residential development was supported by officers. Further advice was given regarding massing, neighbouring amenity, landscaping and design which the applicant has addressed in the subsequent planning application.
- 3.2 PA/81/00979- 77 Heylyn Square- Change of use to a laundrette. Permit 23/07/1981.
- 3.3 PA/87/01113- 76 Heylyn Square- Change of use from retail shop to hot-food take-away shop. Permit 27/01/1988
- 3.4 BW/96/00005- 72-73 Heylyn Square- Change of use from retail to a Council Housing Office involving amalgamation with existing office at No.72 Heylyn Square and the erection of an infill rear extension. Permit 01/02/1996.

4. PUBLICITY AND ENGAGEMENT

- 4.1 The applicant held two consultation workshops with residents. The provision of affordable housing was seen as positive. Further comments were received regarding the design, affordable housing, parking and potential ground floor uses. Full details are in the submitted design and access statement.
- 4.2 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper.
- 4.3 3 letters of objection and 1 petition containing 30 signatures have been received.
- 4.4 The petition requests that the BEMTEC education centre which currently occupies units 72- 73 be replaced in the same location.
- 4.5 The letters of objection are summarised below:
- Would increase density in the area which already has poor roads bad traffic and high crime
 - Increase pollution, noise, and decrease light exposure to buildings
 - Would cause overshadowing
 - The building should be reduced in height
 - Would cause an increase in energy bills due to blocking light to other properties
- 4.6 Whilst the representations do make specific objection to the proposal, it should be noted that overall support was raised for the development.

5. CONSULTATION RESPONSES

- 5.1 LBTH Housing – Objections were raised with regards to the housing mix which the applicant has addressed. Housing officers have reviewed the details and are satisfied with the proposal.
- 5.2 LBTH Enterprise and employment – The following to be secured:
- £10,596 for construction phase skills and training for local residents
 - £ 2,462.49 for training and development of unemployed residents
 - 20% of goods, services and construction force phase workforce to be secured locally
 - 2 construction phase apprenticeship
- 5.3 LBTH Biodiversity – Further biodiversity enhancements were requested which the applicant has complied with and are acceptable. Biodiversity officers have reviewed the details and are satisfied with the proposal. Full details of the enhancements to be secured by condition.
- 5.4 LBTH Tree officer – No comment received.
- 5.5 LBTH Sustainability – No objections subject to conditions securing:
- A built calculations (SAP / SBEM) to demonstrate the 45% reduction in CO2 emissions have been delivered on-site
 - Delivery of renewable energy technologies including 9.75kWp photovoltaic array
 - Carbon offsetting contribution secured through S106 contribution (£45,900)

- 5.6 LBTH Environmental Health – No objections subject to securing details of how noise and dust emissions will be controlled during construction.
- 5.7 LBTH Sustainable Urban Drainage- No objections subject to securing a detailed surface water drainage strategy.
- 5.8 LBTH Highways – No objections subject to securing a legal permit free agreement. Further details were requested regarding waste which have been provided and are acceptable.
- 5.9 LBTH Waste- No objections. Full waste details to be secured by condition.
- 5.10 LBTH Occupation Therapist– Acceptable subject to securing detailed 1:50 drawings of the wheelchair units by condition.
- 5.11 Metropolitan Police (Secure by design) – No objections subject to securing a condition requiring a secure design certificate.
- 5.12 London Fire and Emergency – No comment received.
- 5.13 Greater London Archaeological Advisory Service– No objections.

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 -3.13, SP02, DM3, DM4
(affordable housing, unit mix, density, play space, housing quality)
 - Design - LP 7.6. SP09, SP12, DM10, DM23, DM24, DM26,
(layout, massing, building heights, materials, public realm)
 - Amenity - LP7.6, LP7.15, SP03, SP10, DM25
(privacy, outlook, daylight and sunlight, construction impacts)
 - Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, LP6.14, SP05, SP09,
DM14, DM20, DM21, DM22
(sustainable transport, highway safety, car and cycle parking, waste, servicing)
 - Environment - LP3.2, LP5.1 - 5.15, LP5.21, LP7.14, LP7.19, LP7.21, SP03,
SP04, SP11, DM9, DM11, DM13, DM29
(biodiversity, energy efficiency, air quality, drainage)
- 6.4 Other policy and guidance documents relevant to the proposal are:
 - National Planning Policy Framework (2019)
 - National Planning Practice Guidance (updated 2019)

- LP Housing SPG (updated 2017)
- LP Affordable Housing and Viability SPG (2017)
- LP Draft New London Plan (2018)
- LBTH Planning Obligations SPD (2016)
- LBTH Draft Local Plan (2019)

Emerging Planning Policy

- 6.5 Weighting of draft policies is outlined in paragraph 216 of the National Planning Policy Framework (NPPF) (2018) and paragraph 19 of the National Planning Practice Guidance (Local Plans). The degree of weight that can be attached to the Local Plan will depend upon how much progress has been made with the emerging plan and the number of unresolved objections to it, and the degree of consistency with the NPPF (2018). The more advanced the preparation and the fewer the number of objections to plan policies, the greater the weight it may be given in the determination of planning applications.
- 6.6 As the Local Plan has reached an advanced stage, decision makers can now attach more weight to its policies in the determination of planning applications. This is because:
- a. the Local Plan has been subject to three rounds of public consultation in accordance with regulations; both Cabinet and Full Council approved the publication and submission of the final draft Local Plan (on 19 September 2017 and February 21 2018 respectively) and consider that it is both sound (i.e. positively prepared, justified, effective and consistent with national planning policy) and legally compliant;
 - b. the Local Plan is currently undergoing an independent public examination by a government-appointed inspector (Mrs Christa Masters). The examination hearings ran between 6-21 September and 11-15 October 2018;
 - c. the Mayor of London has indicated that the Local Plan (submission version) is in general conformity with the current adopted London Plan (note the draft London Plan which itself reached an advanced stage) and has raised no soundness or legal objections to the draft Local Plan in response to the regulation 19 consultation stage and examination in public; and
 - d. The Local Plan is subject to a number of main modifications in response to the examination in public, which the inspector considers are necessary to make the Local Plan sound. The Local Plan does not carry full weight until it has been formally adopted.

7. PLANNING ASSESSMENT

- 7.1 The key issues raised by the proposed development are:
- i. Land use
 - ii. Design
 - iii. Housing
 - iv. Standard of accommodation
 - v. Impact on neighbouring amenity
 - vi. Highways and servicing
 - vii. Environment
 - viii. Infrastructure and Local Finance Considerations
 - ix. Equalities and Human Rights

Land Use

- 7.2 Delivering new housing is a key Development Plan policy, the minimum ten year target for Tower Hamlets for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. Development plan policy also seeks to protect the loss of the existing commercial units.
- 7.3 The site does not have a housing allocation in the MDD (2013). It is previously developed land within a residential area, and it is therefore considered that the proposed residential development would be an acceptable use of the land.
- 7.4 With regards to the retail element, 3 units are currently occupied and the remaining units have been vacant from 2015 - 2017.

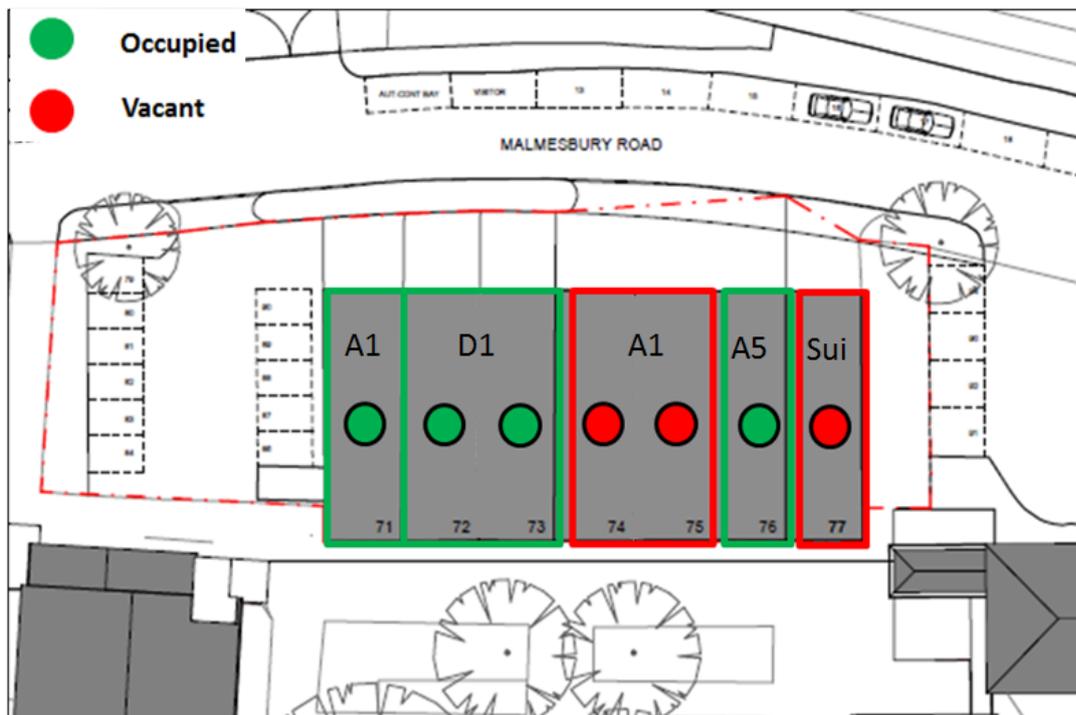


Figure 5- Existing commercial uses

- 7.5 The site as existing provides a total of 400sqm of commercial floorspace and the proposal includes the re-provision of 125sqm of A1 retail space only.
- 7.6 In light of the loss of the existing retail units and other employment uses an assessment must take place in accordance with DM2 and DM15. These policies require the retention of retail uses and other businesses in out of town centre locations unless it can be demonstrated that there are nearby alternative facilities, that the premises has been vacant for more than 12 months or that there is no viable prospect of retail use on site.
- 7.7 With regards to the loss of the retail uses (A1 and A5), there are a number of shops located nearby as well as local shopping parades and town centres. These include:
- Mace Express (A1 Shop) on Coburn Road- 300m;
 - Mile End Road Neighbourhood Parade – 335m;
 - Bow Road Neighbourhood Parade – 365; and
 - Roman Road East District Centre – 760m.

7.8 A retail unit (125 sqm) would be re-provided as part of the development and due to the proximity of a number of similar commercial uses located nearby, the loss of the existing hot food takeaway and remaining retail units would not adversely impact on convenient access to local shops and services.

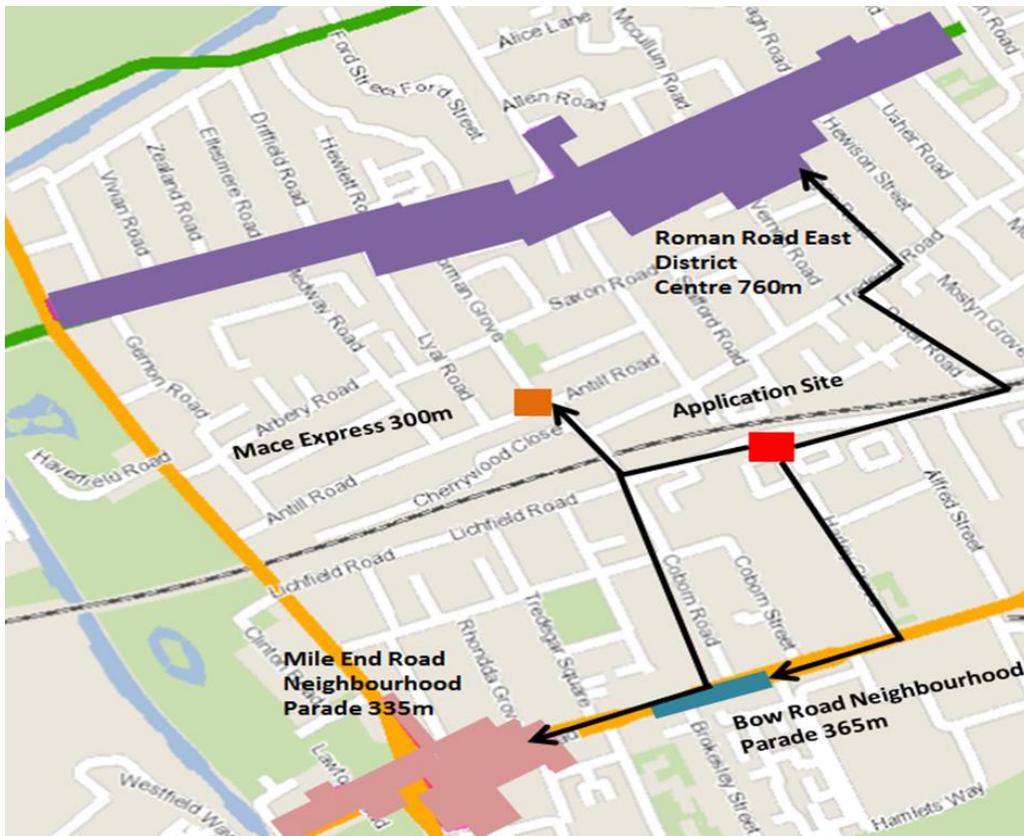


Figure 6- Alternative local facilities

7.9 The floor space proposed for the A1 unit is 25sqm larger than recommended by policy at 125 sqm, however as only one unit is proposed this would not conflict with retail provision within the town centre hierarchy and would be acceptable.

7.10 The remaining employment uses relate to a laundrette (sui generis) and a D1 education centre. The laundrette has been vacant for a number of years and due to the dilapidated nature of the unit there has been little interest. The loss of this unit is therefore acceptable and in compliance with DM15.

7.11 One unit (72-73) has been let to the current occupiers at a nominal rent since and provides after school tuition classes. This class D1 use does not benefit from planning permission and there is therefore no policy requirement to re-provide a D1 education centre on site. Nevertheless the Council has started discussions with the intention of relocating the current occupiers elsewhere in the borough.

7.12 The last permitted use of units 72-73 was as a B1 office. The premises have not been used as such for a number of years and the overall dilapidated nature of the buildings, vacancy rates and out of town centre location would suggest that the site is not suitable for other employment uses.

7.13 In accordance with DM2 and DM15 therefore, as there are a number of similar services within walking distance and due to high vacancy rates, it is evident that the loss of the existing

commercial uses would not impact local access to goods and that there is little demand for the remaining vacant premises. The loss of the commercial units is therefore accepted.

- 7.14 In light of this, the overall land use is acceptable and in accordance with Development Plan policies.

Design

- 7.15 The relevant Development Plan policies seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 7.16 In terms of siting the block would sit parallel to Malmesbury Road and continue the perimeter block form with Heylyn Square. This is acceptable and replicates other blocks in the estate such as Guerin Square, Sheffield Square and Trellis Square.
- 7.17 The proposed development would be 8 storeys high with a top floor setback of between 3.4m-1.2m. Surrounding building heights vary from 3- 7 storeys. The contrast in building heights forms part of the local townscape character of the wider Malmesbury Estate and can be seen in Guerin Square, Sheffield Square and Trellis Square, where 7 and 4 storey buildings are arranged in a repetitive perimeter block form.



Figure 7 Proposed front elevation



Figure 8- Surrounding building heights



- 7.18 Therefore whilst the difference in height would be noticeable particularly in relation to the 3-4 storey blocks, an 8 storey building given the presence of 7 storey buildings in the area and surrounding contrasting building heights would not appear at odds with the surrounding streetscene and is acceptable.
- 7.19 The materials would consist of light buff brick, with metal window frames, metal panelling at roof level and tile finishes at ground floor which references the history of the site in relation to the Bow Porcelain factory.

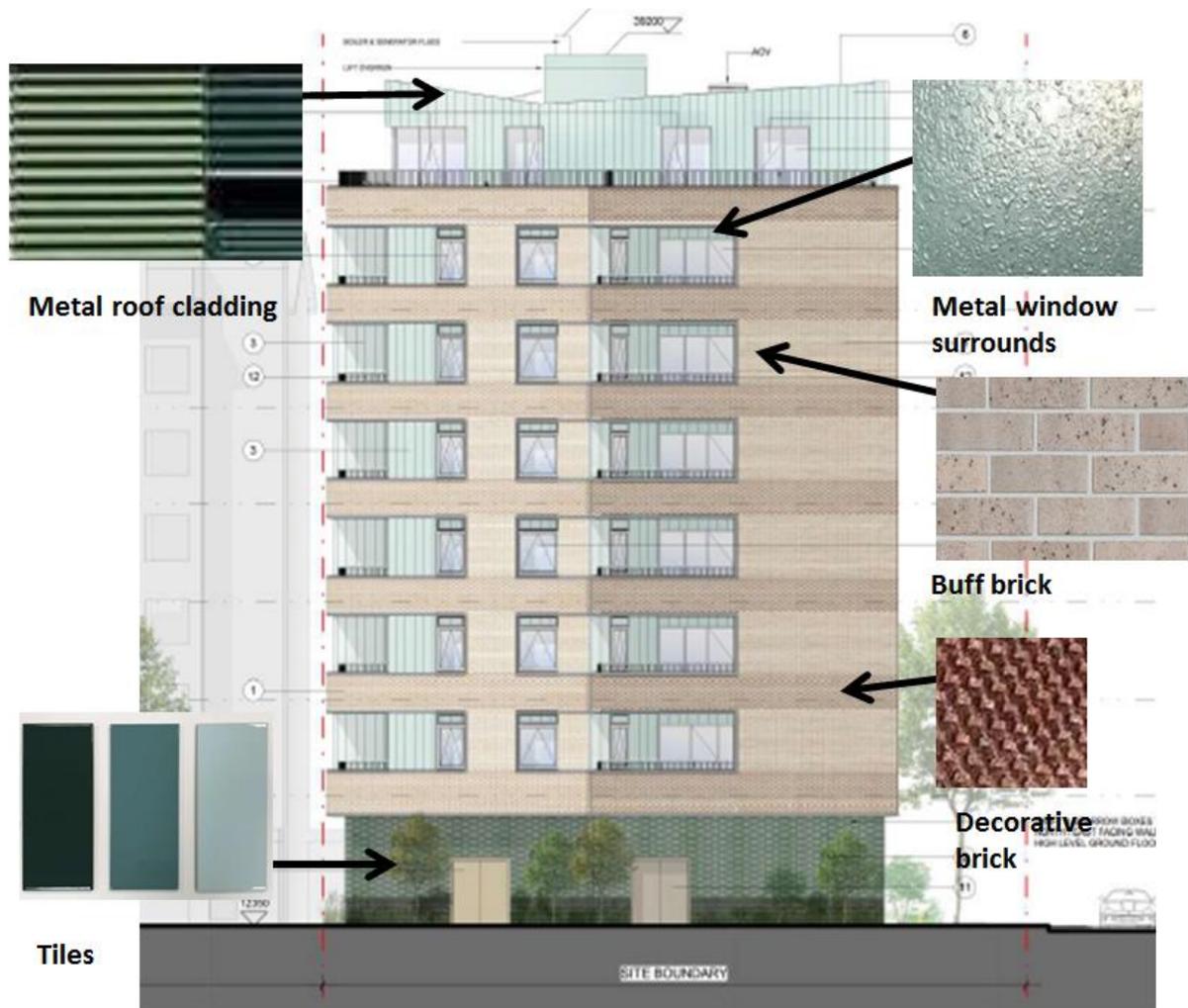


Figure 8- Proposed Materials

- 7.20 Properties in the Malmesbury consist of a more traditional palette of materials, i.e. brick, uPVC windows and tiled roofs. The proposed materials would be high quality and the use of brick with more contemporary materials would complement the character of the area.
- 7.21 Variation in the façade is provided in a number of ways including horizontal bands of feature brick between each floor, a recessed rusticated ground floor, a set-back top floor with an inverted roof and angled facades which incorporate shadow gaps and stepped elevations.
- 7.22 This is in contrast to the more linear blocks in the Malmesbury Estate, however these features are acceptable as they provide welcome variation to the building façade and help break up the overall massing.
- 7.23 Residential access and servicing would be provided at ground floor from both Malmesbury Road and Heylyn Square with the proposed retail space also facing onto Malmesbury Road and to the west.
- 7.24 This ground floor arrangement provides a high level of active frontage with natural surveillance provided by the residential units above and is welcomed.
- 7.25 Blank facades are presented to the south and east, this is due to the presence of plant and servicing which for accessibility purposes are located at ground floor. Nevertheless measures have been taken to provide some visual interest and ground floor activation. This can be seen

in the profiled wall and location of a communal amenity space directly adjacent to the eastern elevation. The proposed development would also as a whole still benefit from high levels of active frontage and natural surveillance, and the ground floor layout is therefore acceptable.

7.26 In conclusion the proposed height, massing, siting and appearance would be acceptable and would complement the surrounding streetscene. The materials and architecture would be of high quality and in comparison to the existing brick buildings are a considerable improvement to the existing street-scene. A full schedule of materials would be secured by condition.

Housing

7.27 DM3 specifies the requirements for the tenure and unit mix of new residential developments and affordable housing requirements.

7.28 The scheme would provide 32 affordable rented units at the following tenures and unit mix:

	1 Bed	2 Bed	3 Bed	4 Bed
Social Rent	9	3	4	1
LBTH Living rent	9	3	3	0
Total proposed	56%	19%	22%	3%
LBTH targets	30%	25%	30%	15%

Table 2- Proposed Tenure

7.29 The provision of a 100% affordable rented scheme would assist in meeting the Core Strategy target for 50% of all new housing in the borough to be affordable. The 50/50 tenure split between social and affordable rents would be in line with the emerging draft Local Plan policy. The mix does not align with policy targets, however, on balance, as the proposal provides 100% affordable housing including much need accessible family units, this is accepted.

7.30 Given the relatively small nature of the scheme and wide mix of housing in the area, the exclusion of market sector units is also accepted and would not impact the provision of mixed and balanced communities.

7.31 Three wheelchair units (2x 3b and 1x 4b) are proposed on the first floor which is acceptable and in compliance with policy requirements which states that 10% of all housing should be wheelchair accessible.

7.32 In terms of density the site has an urban character and a PTAL of 6a. For such sites, the matrix provides an indicative density of 200-700 habitable rooms per hectare.

7.33 The site measures 0.13ha with 87 habitable rooms resulting in a density of 669 habitable rooms per hectare which falls within the density range. As such, and with reference to the other aspects and impacts of the development as described elsewhere within this report, the proposed development makes optimal use of this highly accessible site and does not result in overdevelopment.

7.34 The proposed housing is therefore acceptable and would provide much needed affordable housing across a range of unit sizes which meets the overall housing needs of the borough.

Standard of accommodation

- 7.35 The relevant Development Plan policies seek to ensure that an appropriate quality of accommodation is provided.
- 7.36 All units would meet or exceed the minimum space standards, floor to ceiling heights and would have policy compliant private external amenity space. All units would also be dual aspect. This is acceptable and would provide a high standard of accommodation.

Daylight and sunlight

- 7.37 British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.

Average Daylight Factor

- 7.38 ADF is a measure of the adequacy of diffuse daylight within a room.
- 7.39 The results of the ADF assessment show that all rooms would meet the minimum guidelines. Where rooms are also only lit by windows on one wall, the room depth test is also met.

Annual probable sunlight hours

- 7.40 In accordance with BRE guidelines, living rooms which face within 90 degrees of due south have been tested for direct sunlight. 97% (157) of the main living areas would be south facing which given the urban nature of the site and proximity to neighbouring properties is a very high level.
- 7.41 Further to this, the guidelines recommend that main living room windows should receive 25% of the total annual probable sunlight hours, including 5% of the annual probable sunlight hours during the winter months between 21st September and 21st March.
- 7.42 49 out of the 157 windows which serve main living areas would satisfy the BRE guidelines of > 25% APSH or more with at least 5% APSH in the winter months. A further 50 windows exceed the >25% APSH target for annual sunlight, meaning 99 (63%) out of 157 south facing windows will receive sunlight above the annual target in the BRE guidelines.
- 7.43 Many of the windows which fall below BRE guidelines are located on the lower floors and would be obstructed by balconies which provide a necessary form of amenity space. Nevertheless this is a high level of compliance given the context of the site and other physical constraints and the internal levels of daylight/ sunlight are acceptable.

Amenity space

- 7.44 269sqm of play space and 62sqm communal amenity space is required by policy. 100sqm in the form of communal amenity space to the east of the development and 372sqm to the west for child play space would be provided.
- 7.45 This is significantly in excess of the minimum policy requirements and is acceptable. The location, size, and play equipment would also create high quality usable spaces. Full details of the amenity spaces including furniture, play equipment and landscaping would be secured by condition.

Impact on neighbouring amenity

7.46 Relevant Development Plan policies seek to ensure that new developments do not result in undue amenity impacts on adjoining occupiers.

Proposed A1 use

7.47 The proposed A1 retail use is not of a size which would generate significant amenity impacts and so conditions relating to opening times are not necessary.

7.48 A condition limiting delivery times from 7am to 8pm would be required to mitigate unnecessary noise impacts.

Overlooking, sense of enclosure and overbearing impacts

7.49 The proposed development would have the following window to window separation distances to the surrounding residential properties:

- 29 to 36 Guerin Square- 47m
- 1 to 70 Heylyn Square- 14m- 17m
- 63 to 67 Malmesbury Road- 23m
- 1 to 5 and 18 to 22 Trellis Square- 17m
- 23 to 25 and 31 to 33 Trellis Square- 17m

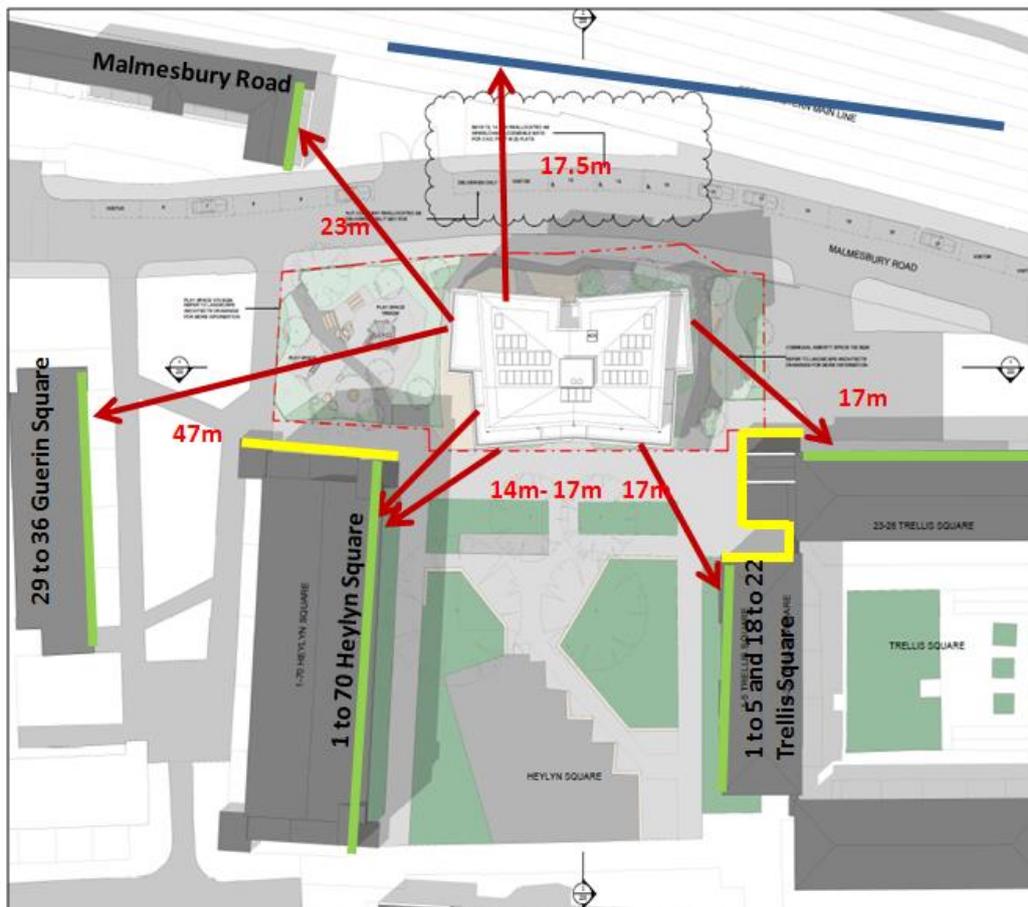


Figure 9- Proposed window to window separation distances

Non- Residential facades —
Residential window —
Railway —

- 7.50 With regards to window to habitable room distances, the accompanying text to Policy DM24 of the MDD states that a distance of about 18m between habitable rooms and adjacent windows reduces the inter-visibility to a degree acceptable to most people. However this figure will be applied as a guideline depending upon the design and layout concerned.
- 7.51 At Guerin Square and Malmesbury Road the separation distance are well above 18m and this would be sufficient to mitigate any significant overlooking and loss of privacy between windows and balconies.
- 7.52 The separation distances with the properties at Heylyn Square and Trellis Square are between 14m- 17m. It should be noted however that there are no residential windows on the flank elevation of Heylyn and Trellis Square and window to window relationships would be at oblique angles. This would significantly reduce overlooking and also remove direct window to window overlooking.
- 7.53 Whilst it is acknowledged that the proposal would cause a degree of overlooking at Heylyn and Trellis Square, given the layout and oblique views presented, the separation distances proposed would not cause a significant loss of privacy or harm to neighbouring amenity.
- 7.54 Due to the overall proposed separation distances and as there are no direct obstructions which would impact principal outlook from neighbouring properties, the proposed development would not cause a significant sense of enclosure or overbearing impact.
- 7.55 The proposed development would therefore not have a significant impact on neighbouring amenity in terms of overlooking, sense of enclosure or overbearing impacts.

Daylight

- 7.56 The surrounding neighbouring residential properties at 29 to 36 Guerin Square, 1 to 70 Heylyn Square, 63 to 67 Malmesbury Road, 1 to 5, 18 to 22, 23 to 25 and 31 to 33 Trellis Square were tested with regard to daylight/ sunlight.
- 7.57 For all properties assessed, window maps have been produced, and an analysis of the daylight (vertical sky component (VSC), (annual probable sunlight hours – APSH), and no sky line (NSL) that would reach an affected window/ room has been carried out. Neighbouring amenity spaces have also been assessed.

Property	Windows tested	<20% (Negligible Impact)	20%- 30% (minor adverse impact)	30%- 40% moderate adverse impact	>40% major adverse impact
1 to 5, 18 to 22, 23 to 25 and 31 to 33 Trellis Square	73	68	2	2	1
1 to 70 Heylyn Square	127	124	3	0	0
29 to 36 Guerin	29	19	2	2	6

63 to 67 Malmesbury Road	14	14	0	0	0
Total	243	225	7 (7 hab)	4 (1 hab)	7 (1 hab)

Table 3 Proposed VSC impacts

Vertical sky component

- 7.58 The vertical Sky Component test (VSC) is an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows.
- 7.59 The above table summarises the VSC analysis undertaken by the applicant. Of the 243 windows tested, 6 would have losses of between 20%- 30%, 4 would have losses of 30%-40% and 7 would experience a reduction of over 40%.
- 7.60 The 7 windows which fall into the major adverse category are located at 23 Trellis Square (window 23) and 29- 36 Guerin Square (windows 206, 208, 210, 212, 217 and 219).
- 7.61 Six of these windows belong to non- habitable rooms which appear to be toilets and circulation spaces. The impact to these windows is therefore acceptable.
- 7.62 The remaining window, No. 219 at Guerin Square is located at ground floor and appears to belong to a living room. The resultant VCS would be 6.9%, an overall reduction of 2.1%
- 7.63 The existing low levels of VSC to this window are an indication that it is existing factors, such as the existing overhang, fence and buildings at Trellis House as opposed to the proposed development which are the main factors which contribute to the low levels of VSC.
- 7.64 Nevertheless whilst it is noted that this window would be impacted, given that this is only 1 out of a total of 243 windows tested (window 219), this is acceptable, when compared with the public benefits of the development.
- 7.65 Four windows would have a moderate adverse impact. These belong to window 24 and 25 Trellis Square (non-habitable) and windows 201 (habitable) and 214 (non- habitable) at Guerin Square.
- 7.66 Window 201 and 214 would have an absolute reduction in VSC of 2.2 and 2.3%. As mentioned above the ground floor windows on the east facing side of the properties at Guerin Square are already comprised due to existing obstructions and buildings at Trellis Square and are therefore already compromised as a result.
- 7.67 Nevertheless whilst it is noted that this window would be impacted given that this is only 1 out of a total of 243 windows tested (window 201), this impact is acceptable.
- 7.68 Seven windows would have a minor adverse impact. These are at 1-5 Trellis Square, windows 44 and 45 (living rooms), 1- 70 Heylyn Square windows 165, 172, 173 (habitable) and 29- 36 Guerin Square windows 203 and 221 (habitable).
- 7.69 The retained VSC to the windows at Trellis Square and Heylyn Square would be above 20%. This would be a reasonably good level of daylight for properties in an urban environment and would be acceptable.
- 7.70 The retained VSC to the two windows at Guerin Square would be 5.2% and 6.9%, with losses in absolute terms of 1.5% and 2.2% respectively. As mentioned above the ground floor

windows on the east facing side of the properties at Guerin Square are already comprised due to existing obstructions and buildings at Trellis Square.

- 7.71 The proposed development would not be the cause of the low levels of VSC and the impact on these windows is therefore acceptable.

No Sky Line Test

- 7.72 The NSL calculation takes into account the distribution of daylight within the room, figures should not exhibit a reduction beyond 20% of the former value.

- 7.73 With regards to NSL, 43 rooms were tested where room layouts were known and 40 rooms meet the BRE guidelines. The three rooms which fall below the BRE guidelines serve non-habitable spaces in 23 Trellis Square.

- 7.74 The NSL for the remaining windows have not been provided. Given that 94% of windows tested for VSC would fall within BRE guidelines and that the number and scale of the transgressions are limited, it is unlikely that the remaining NSL results would raise an issue and high levels of NSL commensurate with the proposed VSC levels would be expected.

Sunlight

- 7.75 The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south.

- 7.76 With regards to amenity spaces The BRE guide recommends that at least 50% of the area of each amenity space listed above should receive at least two hours of sunlight on 21 March.

- 7.77 29 rooms were tested with regards to sunlight and all rooms tested would receive 25% total annual probable sunlight hours, including 5% during the winter months which falls within BRE guidelines and is acceptable.

- 7.78 Amenity areas at Trellis Square and Guerin Square were tested for overshadowing. The results show that these amenity spaces would receive two hours of sunlight on 21 March to at least 50% of their area.

Summary

- 7.79 The impact on amenity areas would be limited and within BRE guidelines which are welcomed, however it is also acknowledged that some windows would be negatively impacted.

- 7.80 Objections regarding overshadowing and impact on heating are noted however the number and degree of the transgressions (18 of 243) with regards to VSC are minor, and as all other tests would be met (NSL and APSH), these transgressions are acceptable and the proposed development would not have an undue impact on neighbouring daylight/ sunlight.

Highways and servicing

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

- 7.82 A transport assessment has been submitted with the application. The assessment indicates that it is expected to be a net reduction of 17 vehicular trips in the AM peak hour and a reduction of 18 vehicular trips in the PM peak hour relative to the permitted use. This is due to the loss of the commercial units and the development being car free which would generate fewer trips.

- 7.83 48 cycle parking spaces are proposed at ground floor level within a dedicated cycle storage space with a further 4 external visitor spaces located outside the main entrance. This is in line with minimum standards which require 36 spaces and is acceptable.
- 7.84 There is an existing car park which provides parking for residents which would not be re-provided. 3 disabled parking spaces, a deliveries bay and visitor space are also proposed on Malmesbury Road. Given that these bays are on the estate section of Malmesbury Road and it does not impact the public highway this is acceptable.
- 7.85 Highways officers have raised no objections to the proposal and note that this part of Malmesbury Road is not on highways adopted land.
- 7.86 Refuse storage is proposed at ground floor. The refuse facilities would meet LBTH waste requirements and in this regard are acceptable.
- 7.87 A car free agreement would be secured by condition. A S278 highways agreement would also be secured to cover any highway works required during the course of the development.

Environment

Energy and sustainability

- 7.88 The submitted energy strategy details how the design has sought to reduce emissions through the energy hierarchy and deliver emission reduction through energy efficiency measures, integration of a site wide communal gas boiler system for efficient space heating and hot water and renewable energy technologies (9.75kWp PV array).
- 7.89 The proposals are also anticipated to achieve site wide CO2 emission reduction of 35%. No objections have been raised by sustainability officers and a condition requiring £45,900 in carbon offsetting contributions should be secured.
- 7.90 The proposed development is therefore acceptable with regard to energy and sustainability.

Air quality

- 7.91 An air quality impact assessment has been submitted which indicates that the proposed development would not result in exceedance of national air quality objectives and that the development would be compliant with the pollution requirements set out in the GLA SPG on Sustainable Design & Construction.
- 7.92 This is acceptable and a condition would be attached to the application to ensure compliance with the GLA SPG on the Control of Dust and Emissions from Construction and Development Sites: Control of Dust and Emissions during Construction.
- 7.93 A condition would also be attached to the application requiring appropriate noise insulation to the new units in line with the submitted Acoustic Sound Insulation study and Noise Survey, and also potential mitigation requirements required due to the presence of the railway line.
- 7.94 A condition would also be attached to the application which would limit disturbances such as noise during construction.

Infrastructure and local finance considerations

- 7.95 Alongside the Community Infrastructure Levy tariffs, Development Plan policies seek planning obligations to offset the impacts of the development on local services and infrastructure.

- 7.96 The development would be liable for Tower Hamlets CIL of £9,177.70 and Mayor of London CIL of £17,134 however given that the scheme is 100% affordable, the applicant would be liable for CIL relief.
- 7.97 Due to the introduction of a new threshold approach by the Government it is not possible to provide an exact amount of New Homes Bonus the proposed development would deliver; officers estimate that the proposal could deliver up to £224,000 over 4 years.

Equalities and Human Rights

- 7.98 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998 and The Equality Act 2010 (as amended) which provides protection from discrimination in respect of certain protected characteristics
- 7.99 The proposal does not raise any unique human rights or equality implications. The balance between individual rights and the wider public interest has been carefully considered and is acceptable.
- 7.100 The provision of residential units, within the development meets inclusive access standards and 10% of units would be wheelchair accessible. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children or the elderly. The proposed affordable housing would be of particular benefit to the groups that are socioeconomically disadvantaged.
- 7.101 The proposed development would not result in adverse impacts upon equality and social cohesion.

Conclusion

- 7.102 The proposed development has been assessed in accordance with the development plan and all other relevant guidance.
- 7.103 The proposed development would have a high standard of residential accommodation which meets all internal spaces standards. Whilst some significant daylight impacts would occur overall the proposed development would have high levels of internal daylight/ sunlight
- 7.104 The provision of affordable housing together with accessible and family units is also welcomed. The overall design is high quality and improvements in landscaping would enhance the character of the area and provide a positive contribution to the streetscene.

8. RECOMMENDATION

- 8.1 That subject to any direction by the Mayor of London, **planning permission is GRANTED** subject to the conditions to secure the following contributions (in lieu of planning obligations):

8.2 Financial Contributions:

- £10,596.00 for construction phase skills and training for local residents
- £2,462.49 for training and development of unemployed residents
- £45,900.00 towards carbon offsetting; and
- £2000.00 monitoring.

Total- £60,958.49

8.3 Non-financial contributions:

1. 100 Affordable housing
 - 16 units Affordable Rent
 - 16 units as Social Rent
 - Details and implementation of London Affordable Rent/Tower Hamlets Living Rent 'wheelchair accessible' dwellings (to M4 (3)(2)(b) standard)
2. Access to employment
 - 20% of goods, services and construction force phase workforce to be secured locally
 - 2 construction phase apprenticeships
3. Transport matters:
 - Car Free development (residential)
4. Compliance with Considerate Constructors Scheme

8.4 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

8.5 Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Compliance with approved plans.
3. Personal permission to Tower Hamlets Council
4. Withdrawal of permitted development rights:
 - a. no fences, barriers, gates, bollards or other means of enclosure, shall be erected within the site following the practical completion of the development; and
 - b. no painting of external facing brickwork or masonry shall take place within the site.
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.
6. Limitations on permitted use to A1 only
7. Restriction of delivery times for A1 use to 7am- 8pm
8. Protection of trees during construction
9. Noise insulation standards for new residential units
 - a. internal ambient noise levels do not exceed 35dB LAeq,16 hour, between hours 07:00 - 23:00 and within bedrooms do not exceed 30 dB LAeq, 8 hour between hours 23:00 - 07:00.
 - b. exposure to vibration is no higher than of "low probability of adverse comment" in accordance with BS6472 'Evaluation of Human Exposure to Vibration in Buildings'; and

- c. at any junction between residential and non-residential uses, the internal noise insulation level is no less than 60 dB DnT,w + Ctr.
 - d. A post completion verification report
10. Noise standards for mechanical plant and equipment to be 10dB below lowest measured background noise levels
 11. Air quality standards for boilers and CHP units to not exceed emissions of:
 - a. - for spark ignition engine: <250mgNOx/Nm³
 - b. - for compression ignition engine: <400mgNOx/Nm³
 - c. - for gas turbine: <50mgNOx/Nm³
 - d. <40mgNOx/kWh.
 12. Energy efficiency and sustainability
 - a. The development to be carried out in accordance with the Energy Strategy (by AECOM dated April 2019).
 - b. Carbon dioxide emission savings of no less than 35% against the baseline of Target Emissions Rate of Part L of Building Regulations (2013).
 - c. The heat and hot water supply system shall be designed and constructed so as to enable a future connection of the supply system to a district heating network.
 - d. All of the approved residential units shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement G2(36)(2)(b) '110 litres water consumption per person per day'.
 - e. The development not be occupied until a post completion verification report
 13. Inclusive Access standards for residential units
 14. Provision and retention of 48 cycle parking spaces
 15. Delivery and retention of waste storage facilities

Pre-commencement

The following pre-commencement conditions have been agreed in principle with the applicant subject to detailed wording.

16. Financial contributions scheme
17. Employment obligations scheme
18. Affordable housing scheme
19. Environmental Management and Construction Logistics Plan including details of:
 - a. Telephone, email and postal address of the site manager and details of complaints procedures for members of the public;
 - b. Measures to minimise the emission of dust and dirt during demolition including but not restricted to spraying of materials with water, wheel washing facilities, street cleaning and monitoring of dust emissions;
 - c. Measures to maintain the site in a tidy condition in terms of disposal/storage of waste and storage of demolition plant and materials;
 - d. Scheme for recycling/disposition of waste resulting from demolition works;
 - e. Ingress and egress to and from the site for vehicles;

- f. Proposed numbers and timing of vehicle movements through the day and the proposed 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 including decorative displays and facilities for public viewing;
- k. Measures to ensure that pedestrian access past the site is safe and not 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.

Pre-superstructure works

- 20. Details of external materials, finishes and detailing
- 21. Details of site landscaping and boundary treatment
- 22. Details of measures to improve biodiversity
- 23. Secure by design to achieve a gold standard
- 24. Details of site drainage
- 25. Retention of provision of three wheelchair accessible parking spaces

Prior to occupation

- 26. Car free obligation

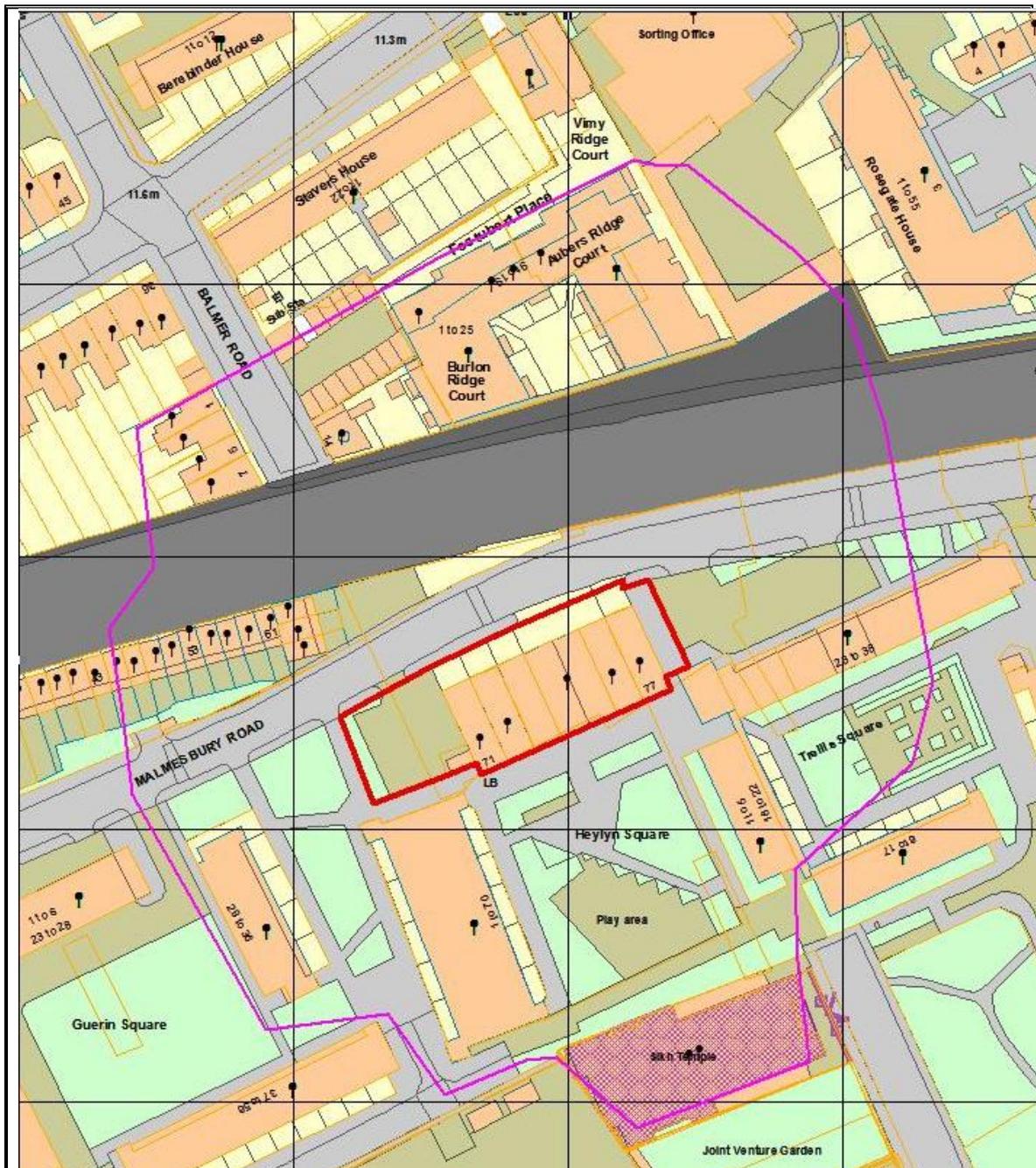
Other

- 27. Piling method statement

8.6 Informatives

- 1. Development is CIL liable.
- 2. Thames Water commitment to provide minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute

APPENDIX 1



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/19/00793

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: 06 September 2019

Date: 06 September 2019

Drawings

00 EX-001 REV P2; 00 EX-002 REV P3; 00 EX-020 REV P1; 00 EX-030 REV P1; 00 EX-031 REV P1; 00 EX-032 REV P1; 00 EX-033 REV P1; 01 GA- 100 REV P6; 01 GA- 101 REV P6; 01 GA- 102 REV P5; 01 GA- 103 REV P4; 01 GA- 105 REV P4; 01 GA- 106 REV P4; 02 GA- 200 REV P2; 02 GA-201 REV P4; 02 GA- 202 REV P4; 03 GA-301 REV P5; 03 GA-302 REV P4; 03 GA- 303 REV P4; 03 GA- 304 REV P5; 04 DE- 410 REV P3; 04 DE- 411 REV P4; 04 DE- 412 REV P2; 04 DE- 413 REV P2; 04 DE- 414 REV P2; HS-L01 REV B; HS-L03 REV F; HS-L04 REV B and HS-L05.

Documents

Design and Access Statement REV P2 (LTS Architects 25 April 2019); Daylight and Sunlight Study (Right of Light Consulting 10 August 2018); Daylight and Sunlight Study (Within Development) (Right of Light Consulting 10 August 2018); Civil Engineers Stage 3 Report (Price & Myers March 2019); Transport Statement (Aecom April 2019); A Historic Environment Desk-Based Assessment (PCA January 2018); Air Quality Impact Assessment (Aecom September 2018); Arboricultural Survey & Impact Assessment (Marcus Foster 27 July 2018); Desk Study & Ground Investigation Report (Price & Myers August 2018); Ecological Appraisal (Applied Ecology Ltd 9 November 2018); Energy Strategy (Aecom April 2019); Specialist Lighting Design Report (Aecom March 2019); Noise Survey and Assessment (Aecom March 2019); Acoustic Sound Insulation Between Spaces (Aecom 17 August 2018); Retail Study (NTR Planning May 2019) and Planning Addendum (LTS Architects 20 June 2019).