



Application for Planning Permission

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Reference	PA/16/02789
Site	William Brinson Centre, 3-5 Arnold Road, London, E3 4NT
Ward	Bromley North
Proposal	Demolition of existing building, construction of an 8 storey building and a 6 storey building to provide 62 affordable dwellings (affordable housing tenure) and 398 sq.m B1 floorspace with amenity space, access, cycle parking, landscaping and associated works
Summary Recommendation	Grant personal planning permission with conditions
Applicant	London Borough of Tower Hamlets
Architect/agent	Tibbalds
Case Officer	Katie Cooke
Key dates	<ul style="list-style-type: none">- Application registered as valid on 21/09/16- Planning permission approved on 10/03/17- The Judicial Review (JR) claim was issued on 27/04/17- The JR took place on 07/03/18 and 08/03/18- Judgement to quash the planning permission was made on 28/03/18- Revised Daylight/Sunlight assessment, Planning Statement, Heritage Statement and Visual Impact Study received on 06/02/19 Consultation ended on 12/04/19;- Additional information comprising no sky contour drawings and sunlight assessment results for kitchens and bedrooms was submitted on 28/05/19,- Window dimensions for properties along Tomlins Grove were submitted on 07/08/19- Revised Daylight/Sunlight assessment for the proposed building was received on 09/08/19. Consultation ended on 03/09/19;- Supplement to internal Daylight and Sunlight Study – sunlight to amenity areas was submitted on 19/08/19- Daylight and Sunlight results for 56 and 56a Bow Road provided on 23/08/19- Amended ‘with wings removed’ table submitted on 30/08/19 to include 8 Tomlins Grove kitchen- Addendum Daylight and Sunlight Study by DPR, dated October 2019

EXECUTIVE SUMMARY

The report considers an application for a residential development comprising 62 one, two, three and four bedroom flats, within two buildings 6 and 8 storeys in height.

The application was granted planning consent at committee on 10th March 2017. The decision was challenged by way of a judicial review and the Court quashed the decision on the basis that the decision to grant planning permission was unlawful. It was considered unlawful because the Officer's report to Committee was considered to be misleading in material respects.

Officers have now reconsidered this application against the provisions of the Local Plan and other material considerations as set out in this report (which has had regard to the High Court judgement), and recommend approval of planning permission.

The assessments carried out by the applicant have gone over and above what is normally required for planning applications of this nature. This has allowed officers to be confident that the information supplied is robust.

The report explains that the proposals would be acceptable in terms of height, scale, design and appearance; preserving the character and appearance of the nearby Tomlins Grove and Tower Hamlets Cemetery Conservation Areas. The scheme would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and communal space that either meet or exceed minimum London Plan SPG space requirements.

The development would result in the provision of 100% affordable rented housing. This is much needed housing and is strongly supported in the consideration of this application. Whilst both London Plan and local policies seek a mix of housing tenures, all units within this scheme will be for affordable rent in direct response to the very high local need in Tower Hamlets. With the extremely high priority for affordable housing in mind the significant additional provision is welcomed and the fact that a mix of tenures is not provided is considered acceptable in this instance.

The residential quality of the scheme would be high, 32 of the units would be of a size suitable for families (51%). All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All of the dwellings would meet Part M Building Control regulations and 10% (6 units) would be provided as wheelchair accessible.

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

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

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

SITE PLAN



Figure 1

Legend:

- site boundary: light blue line
- consultation boundary: dashed line
- listed buildings: blue
- conservation areas: shaded area

1. SITE AND SURROUNDINGS

- 1.1 The site is a triangular, elongated site with a 98m frontage onto Arnold Road, forming the eastern boundary. The site is owned by the Council. The building currently on site is two storeys in height and is considered to be of limited architectural merit.

- 1.2 When the application was originally submitted and assessed in 2016, the current building on the site was occupied by an adult day centre ran by the charity Vibrance with car parking located to the rear. Only the ground floor was occupied and in use as a community centre (Class D1 use), the rest of the site was empty and appeared to have been for some time.
- 1.3 Since this time, the adult day care centre has relocated to another premise in Stepney Way which is located within Tower Hamlets, resulting in the entire site being vacant. The applicant has confirmed that William Brinson was gradually vacated and handed over by 11th December 2018 and that the site is currently vacant and secure.
- 1.4 The Site is dominated by two major railway lines, one of which is the District Line with above ground tracks leading from Bow Road Station.
- 1.5 The following is an aerial view of the site (edged in red).



Figure 2: Aerial photo of site North ↑

- 1.6 The following photographs show the front and rear facades of the existing building that occupies the site.



Figure 3: Front view of site



Figure 4: Rear view of site

- 1.7 The area is characterised by a varied mix of commercial, residential community use buildings, railway viaducts and train lines. The site is within an established residential neighbourhood separated off by the submerged train line to the west and the raised viaduct to the east. The arches in the viaduct on Arnold Road are used as commercial/light industrial premises. To the north is the Thames Magistrates Court on Bow Road. These are shown in the following photographs.



Figure 5: Arnold Road from site.



Figure 6: Thames Magistrates Court on Bow Road.

- 1.8 Although the site itself does not contain any listed buildings or trees with preservation orders, the site is surrounded by Conservation Areas beyond the train lines; the Tomlins Grove Conservation Area to the east and the Tower Hamlets Cemetery Conservation Area to the west. In addition, and slightly further away, is the Tredegar Square Conservation Area. These Conservation Areas contain numerous listed buildings with the terraced dwellings of Tomlin's Grove and the large semi-detached houses on Mornington Grove being closest to the site. There are local community facilities in close proximity of site, such as Wellington Primary school, play facilities and religious institutions and commercial activity associated with the railways land. Larger scale employment and retail buildings are located along Bow Road.
- 1.9 The following image (Figure 7) shows the application site, with the shaded green areas being the respective conservation areas. The shaded blue areas representing the Grade II listed terraces.



Figure 7: Site in relation to conservation areas

1.10 Further north of the site is Bow Road (A11), close to its junction with the A12. The site has good transport links. Bow Road Underground and Bow Church DLR Stations are within 5 - 10 minutes' walk and numerous buses serve Bow Road. The site's PTAL rating at 6a is excellent accessibility to public transport.

2. PROPOSAL

2.1 Proposed development includes the demolition of the existing two storey building and the provision of 62 new affordable homes along with 400sq.m of commercial office space (B1 use class) and associated landscaping and public realm works. 16 x 1b2p, 14 x 2b4p, 20 x 3b5p and 12 x 4b6p including 6 wheelchair units (2 x 1b2p, 2 x 2b4p and 2 x 3b5p).

3. RELEVANT PLANNING HISTORY

3.1 **PA/16/02789** - Demolition of existing building, construction of an 8 storey building and a 6 storey building to provide 62 dwellings (affordable housing tenure) and 398sqm B1 floorspace with amenity space, access, cycle parking, landscaping and associated works. Planning permission was granted on 10th March 2017

3.2 The Judicial Review was heard on 7th and 8th March 2018. On 28th March 2018, the Court issued its decision to quash the decision to grant planning permission and for the planning application to revert back to the Council for redetermination.

3.3 As a result of the original decision being quashed by the Court, the planning application remains an extant application. Accordingly, the Local Planning Authority (LPA) has to reconsider the application afresh. The applicant submitted the following documents on 6th February 2019 in order to address the matters criticised in the course of the JR proceedings::

- Planning Addendum, rev 2, produced by Tibbalds, dated 6th February 2019. This document is an addendum to the existing planning statement, produced by Treanor consulting, dated September 2016;
- Daylight and Sunlight Study, produced by Delva Patman Redler (DPR), dated January 2019, reference: 18416/AJC/VK/RevB. This replaces the original document produced by Waldrams, dated 23rd August 2016.

- Internal Daylight and Sunlight report, produced by DPR (ref: 18416/AJC/VK) which replaced the previous report produced by Waldrams (dated 23rd August 2016).
 - Heritage Statement, produced by Dorian Crone, dated July 2018 (new document); and
 - Visual Impact Assessment, produced by Dorian Crone, dated July 2018 (new document)
- 3.4 The LPA has now reassessed this application on the grounds of the revised submitted information as listed above.
- 3.5 More recently, this application was due to be presented at Committee on 19th September 2019; however on the day the applicant requested that it be removed from the agenda based on sunlight and daylight and heritage reports received on behalf of local residents. The opportunity was also taken to access as many properties as reasonable on Tomlins Grove to ensure where possible, the results were based on surveyed room layouts and correct room uses.
- 3.6 Since its removal from the agenda, the applicant's Daylight and Sunlight (DLSL) Consultant, DPR, undertook site visits to a number of the Tomlin's Grove properties where residents had indicated that internal room layouts relied on by the applicant were incorrect. The purpose of the site visit was to measure the rooms/windows and confirm the room layouts. The results were submitted by DPR in their report titled Addendum Daylight and Sunlight Report, dated October 2019. These results now replace the previous DLSL results (dated January 2019) for properties in Tomlins Grove.
- 3.7 This report was subsequently reviewed by Anstey Horne (AH) who have been appointed by the Local Planning Authority (LPA) in addition to the LPA's DLSL officer.

4. PUBLICITY AND ENGAGEMENT

Consultation undertaken by the applicant

- 4.1 The applicant held a public consultation event on 10th August 2016. A total of 16 members of the public attended. The comments related to the following:
- Existing parking and traffic management of Tomlins Grove was viewed as problematic and residents concerned that the new development would likely put further strain on this.
 - Residents of Tomlins Grove requested for parking on Tomlins Grove to be reviewed and enforced.
 - Positive reaction to activating the use of ground floor to minimise ASB.
 - Tenants of Tomlins Grove expressed concern of overlooking from the new buildings as well as blocking of views and overall building height
 - The brown colour of the proposed brick was questioned by a few attendees.
 - General understanding of councils needs to build more homes and that the existing ownership of this site by the council was a reasonable justification for development.
- 4.2 More recently, the applicant confirmed that residents were informed of the applicant's plans for the site by delivering news letters on 13th, 14th and 15th March 2019. As a result of this recent round of consultation, over 486 newsletters from the applicant's project team were hand delivered.

Consultation undertaken by the LPA

4.3 There have been three rounds of public consultation undertaken by the LPA, all of which took place in accordance with statutory requirements.

a) First round of consultation

4.4 The first round of public consultation included a total of 477 letters sent to occupiers of neighbouring properties, a press advert and site notices.

4.5 13 individual letters in objection were received, two petitions against, 1 with 40 names (although no signatures were provided) and the other signed by 9 residents. No letters received in support of the proposals.

Reasons given in objection to the scheme include:

- Location of the 'holding area' for construction vehicle – Noise and disturbance from construction works
- Bulk and massing
- Lower daylight & sunlight
- Creating shadows and privacy intrusion
- Loss of outlook
- Proposals not compatible with garage businesses in the railway arches
- Out of scale and character with surrounding area and in particular the conservation area it abuts.
- Excessive density and overdevelopment
- Pressure on services
- Increased traffic congestion, highway safety and parking
- Impact on biodiversity
- Design consideration
- Loss of existing community facilities on site
- Ground floor commercial not required
- Alternative site within the borough
- 100% affordable rent tenancy not in tune with the goal of socially diverse borough
- Proposal should be directed towards Key workers
- Adverse impact on existing businesses on Arnold Road, creating temporary loss of jobs
- Inadequate refuse facilities for both commercial and residential and waste management
- Limited outdoor spaces
- Potential for fire

4.6 The loss of private views has also been raised in objection to the proposal. Impact of development on private views is not a material planning consideration. The proposal's impact on outlook is addressed and other objections are addressed in the body of the report.

b) Second round of consultation

4.7 In light of the 4 new documents submitted for the application as a result of the JR proceedings, the LPA undertook a new round of consultation. Site notices were displayed around the site on 19th March 2019, a press notice was issued on 21st March 2019 and neighbour letters were sent out on 15th March 2019. It was brought to the attention of the LPA that there was an issue with the LPA's planning register and that residents were not able to view documents between 15th and 18th March 2019. As such, the LPA extended the

consultation deadline for a further 7 days until 12th April 2019. Neighbours were notified of this extension by letter.

- 4.8 22 individual letters of objections were received, 2 petitions, 1 e-petition with 102 signatures and 1 hard copy petitions with 160 signatures, as well as, 1 letter of support.
- 4.9 Largely the representations received related to the same issues as previous, with further comments in relation to daylight and sunlight issues.
- 4.10 It is noted that in some cases, individuals have signed more than 1 petition as well as submitting individual representations.

c) Third round of consultation

- 4.11 On 9th August 2019, the applicant submitted a new Internal Daylight and Sunlight report, produced by DPR (ref: 18416/AJC/VK) which replaced the previous report produced by Waldrams (dated 23rd August 2016). As such, the Council carried out a further round of consultation for 2 weeks in the format of neighbour letters. This consultation was originally due to end on 28th August 2019. However, a handful of neighbours felt that with the 14 day consultation being over the summer holidays and taking place during a bank holiday, in addition to the timing of the delivery of the letters, it was not an acceptable amount of time for people to respond. As such, the LPA extended the consultation for a further 7 days until 3rd September 2019.
- 4.12 7 representations were received as part of this round of consultation.

New representations in objections including petitions (in addition to the previous extant objections)

Reasons given in objection to the scheme that were not included in the first round of consultation responses include:

- The new Daylight/Sunlight report by Delva Patman Redler is considered to be misleading
- *(Officer response: The LPA commissioned Anstey Horne to carry out an independent review of the previous DS (daylight and sunlight) report and the current one. A comprehensive analysis of these studies has been provided in the D/S section of the report).*
- No claims that the new D/S report has considered the findings of the High Court
- The updated D/S fails to include details of window measurements used in relation to the Tomlins Grove properties
- The information in the Visual Impact Assessment is misleading and inaccurate
- The Heritage Statement is misleading
- *(Officer response: The Council's conservation officer has reviewed this application and does not consider the information provided to be misleading or to have a negative impact on the area)*
- Validity of accuracy of the new DS report as the previous report was inaccurate.
- Disappointed that more care and attention wasn't taken by the Council to ensure that information put in the public domain in relation to the resubmitted application was factually correct.
- No evidence to suggest that tests have been undertaken in relation to the reflected glare that the Tomlins Grove properties would experience, or the additional running costs in relation to the additional electricity usage necessary if redevelopment goes ahead

- The Council is breaching its density guidelines
- The Council is breaching many of its own commitments to existing residents in relation to minimising impact, overshadowing, outlook, privacy and protecting daylight
- Danger during construction (local roads are too narrow for inevitable HGV traffic) including significant additional air pollution
- Development will block sun coming into the objectors rear window
- Windows from the proposed building will face into objectors living and kitchen area

Petition reason for objections (electronic):

- This is a re-submission of plans, which were found to be materially misleading when first submitted in 2016.
(Officer comment: It is important to clarify that the court in the judicial review did not find the submitted plans to be misleading, rather the officer's report to committee.)

The Court held that the conclusions reached about the impact on the sunlight and daylight to the Tomlins Grove properties might have been different had the report not been materially misleading and might have resulted in a different view on whether the proposed development complied with Policy DM25.1(d.)

- The proposals remain unchanged and the local residents will be affected by the imposing height of the proposed 6 and 8 storey buildings (which will be double the height of existing surrounding buildings), thus overshadowing homes and which subsequently is omitted from the updated Visual Impact Assessment Report PA_16_02789_A1

This will have a detrimental affect (sic) on the current residents owing to;

- A significant negative visual impact,
- A significant loss of daylight and sunlight
- The height of the development is not in keeping with the adjacent conservation area
- A loss of privacy at the back of homes,
- A loss of amenity to back gardens

Petition reason for objections (hard copy):

- Impact scheme will have on surrounding properties all of which are smaller
- Parking is currently an issue and proposed car free will have exclusions and only operates during restricted hours.

The letter of support:

- Good design
- Sunlight issue is unfortunate however not overwhelming given the separation distances between Tomlins Grove and Arnold Road.
- Support delivery of social housing
- Supports car free

4.13 In addition to the above, the Local Planning Authority (LPA) also received the following two documents which were submitted by consultants on behalf of local residents:

- Heritage Report, produced by Paul Velluet; and
- Review of the Daylight and Sunlight Report by BRE

4.14 The issues are addressed in the material planning considerations section of this report.

5. CONSULTATION RESPONSES

Internal Consultees

Design and Conservation

4.15 No objection

Air quality

4.16 No objections subject to construction and demolition activities condition, as the assessment submitted with proposals indicates that the development will not lead to any significant impacts on air quality and that the pollution levels at the site are below the relevant air quality objectives and it is therefore suitable for residential use.

Employment and Enterprise

4.17 No objections subject to financial contribution to support and/or provide training and skills need of local residents in accessing the job opportunities created through the construction phase of the development.

Energy

4.18 No objections subject to a carbon offsetting contribution of £82,260.

Occupational Therapist

4.19 No objections. A range of detailed and specific recommendations were put forward to improve the functionality of the wheelchair accessible units.

Sustainable Urban Drainage System (SuDS)

4.20 No objection to the use of below ground storage, however, the use of sustainable techniques has not been applied, SuDS should typify management and provision of water quantity, water quality, Amenity and Biodiversity. The use of SuDS features that provides source control and other benefits, such as permeable paving, rainwater harvesting systems or grey water recycling to improve the sustainability of the site as cited in the report and revised strategy. It is not clear how the entire drainage system is to be maintained, therefore details of agreed adoption, monitoring and maintenance of the drainage and SuDS features to be achieved via condition should planning permission be granted.

4.21 To ensure flood risk is not increased elsewhere a detailed surface water drainage scheme as outlined in the report would be secured via planning condition.

External Consultees

Environment Agency

4.22 The site is within Flood Zone 1 and has no significant risk of surface water flooding. The proposals would be considered acceptable to comply with the London Plan Policy 5.13 and Local plan policy DM13. The SuDS assessment produced by Price & Myers sets out

proposals to limit surface water outflow to 5l/s. The applicant proposes to achieve this by including 103m of storage

Thames Water

- 4.23 Thames Water advises that there is no objection with regard to sewerage infrastructure capacity.
- 4.24 Thames Water advises that a piling method statement condition detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works be imposed to safeguard local underground sewerage utility infrastructure and an informative in respect of discharging ground water into a public sewer.

Crime Prevention Officer (Metropolitan Police)

- 4.25 Given the high levels of locally reported crimes and the legislation and planning guidance regarding the above, a Secured by Design condition to any design and layout aspect would be considered appropriate in order to enable the development to achieve Secured by Design accreditation, or as a minimum to encompass the principles and practices of Secured by Design, thereby creating safer more sustainable communities.

Transport for London

- 4.26 The proposed 'car free' development is acceptable, subject to a permit free agreement for any existing and future controlled parking zone.
- 4.27 Non-designation of the proposed 2 disabled car parking is a concern because of the high level of vehicular services around the site. Applicant states that the two parking spaces are for the residents and an on-street Blue Badge parking bay can be provided for the B1 occupants should demand arise.
- 4.28 The proposed cycle provision is acceptable but TfL recommend that at least 5% of all spaces can accommodate a larger cycle, plan 9-1602-P-105B has been amended to cater for larger cycles.
- 4.29 Require full details of construction works including any structural changes & impacts on underground infrastructure, this can be achieved via condition.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 In determining the application, the Council has the following main statutory duties to perform:

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004).
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70(2) of the Town & Country Planning Act 1990).
- In relation development which affects a listed building or its setting, to 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. (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990)

- To pay special attention to whether the development would preserve or enhance the character or appearance of the surrounding conservation areas (Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).

6.2 In this case the Development Plan comprises:

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

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

Land Use - LP 3.16, SP06, SP07, DM3, DM4, DM8, DM15,
(local job creation and investment, loss of community facility, housing)

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

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

Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, 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, SP03, SP04,
SP11, DM9, DM11, DM13, DM29, DM30,
(biodiversity, energy efficiency, air quality, drainage, contaminated land)

6.4 Other relevant documents and guidance include

- National Planning Policy Framework (2019),
- Planning Practice Guidance (updated 2019),
- LP Land for Industry and Transport SPG (2012)
- LBTH Employment Land Review (2016)
- LBTH Planning Obligations SPD (2016)
- Tomlins Grove Conservation Area Character appraisal (March 2007)
- Tower Hamlets Cemetery Conservation Area Character appraisal (March 2007)

6.5 In this case emerging policies comprise:

- The Draft London Plan (DLP)
- Managing Growth and Sharing the Benefits - Tower Hamlets Local Plan 2031

6.6 The Planning Inspectorate has on 20/09/2019 confirmed the soundness of the emerging Local Plan 'Tower Hamlets 2031: Managing Growth and Sharing the Benefits', subject to recommended modifications; the policies contained therein now carry substantial weight, pending formal adoption of the document by the Council.

6.6 The key emerging policies relevant to the proposal are:

Employment S.EMP1, D.EMP2, D.EMP3, D.EMP4

Housing S.H1, D.H2, D.H3
(unit mix, housing quality)

Design S,DH1, S.DH2, S.DH3, D.DH2, D.DH6
(layout, massing, materials, public realm)

Amenity S.DH1, D.DH8, D.ES9
(privacy, outlook, daylight and sunlight, construction impacts)

Transport D.MW3, D.TR2, D.TR3, D.TR4, S.TR1
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

6.7 The Planning Inspectorate has on 08/10/2019 confirmed the soundness of the Draft New London Plan, subject to recommended modifications; the policies contained therein now carry substantial weight, pending formal adoption of the document.

6.6 The key emerging policies relevant to the proposal are:

Employment GG2, GG5, E1, E2, E3

Housing GG2, GG4, H1, H2, H5, H7, H8, H12,
(unit mix, housing quality)

D1, D1A, D1B, D2, D3, D4, D5, D7, D12,S4, HC1, SI13
(layout, massing, materials, public realm)

GG3, D12, D13, G6, SI1, SI2, SI3,
(privacy, outlook, daylight and sunlight, construction impacts)

T1, T2, T4, T5, T6, T6.1, T6.2, T7
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

7. PLANNING ASSESSMENT

Personal Permission

7.1 The applicant in this instance is the London Borough of Tower Hamlets, resulting in the application being personal to London Borough of Tower Hamlets. Any planning permission granted for this application shall be exclusively used by the Council only.

7.2 As a result of the applicant and the LPA both being the same authority, it is not possible to enter into a legal agreement with each other. As such, all financial and non-financial contributions will be secured via condition.

7.3 The key planning issues raised by the proposed development are:

- i. Land Use
- ii. Design & Heritage

- iii. Neighbour Amenity
- iv. Transport
- v. Environment
- vi. Infrastructure
- vii. Equalities and Human Rights

Land Use

Loss of employment and existing community facility

- 7.4 The key policy requirements in relation to retention of employment uses are set out in the Managing Development Document (MDD) Policy DM15 (Local Job Creation and Investment), paragraph 15.2. The development which is likely to impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere. The Site is not designated as an employment location and no loss of existing employment is envisaged on site given that the site is now vacant. In addition, the proposed commercial use at the ground floor level would provide employment opportunity on site above the existing provision (which is zero).
- 7.5 Policy DM8 requires the protection of community facilities. It states that the loss of a facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being adequately reprovided elsewhere in the borough.
- 7.6 When the application was originally submitted and assessed in 2016, the current building on the site was occupied by an adult day centre ran by the charity Vibrance with car parking located to the rear. Only the ground floor was occupied and in use as a community centre (Class D1 use), the rest of the site was empty and appeared to have been for some time.
- 7.7 Since this time, the adult day care centre has relocated to other premises in Stepney Way which is located within the Borough of Tower Hamlets, resulting in the entire site being vacant. The reason for this move was due to the Arnold Road site not being suitable due to its layout, adaptability and quality of space. The new site in Stepney Way would provide a better space to cater for the need of the users.
- 7.8 The applicant has confirmed that William Brinson was gradually vacated and handed over by 11th December 2018 and that since this time, the site has been vacant and secure.
- 7.9 The site area is 0.25 hectares and was underutilised and by virtue of the site being vacant, it is now not in use. The proposed development with the provision of commercial floorspace would provide small B1 suites, 2 units totalling 124sqm GIA in the north block and 3 units totalling 277sqm GIA in the south block at the ground floor level with residential above, and would respond positively to the site with no loss of employment or community facilities.
- 7.10 In light of the above, the proposed loss of employment-generating land and the existing community facility and the reprovion of the community facility would be considered to accord with policies SP06, SP07 and DM15..

Housing

Affordable Housing

- 7.11 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 7.12 The proposed 62 units with 51% family units all affordable rents would be slightly above the 45% the policy requirement, however, given the scheme had been designed with particular reference to the council's high need rented accommodation especially for families, would comply with the aforementioned Policies and to be provided at Borough Framework Rents. Following consultations, the Council's affordable officer raised no objection subject to affordable rent condition.

Housing Mix

- 7.13 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing and Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).
- 7.14 Table 1 below compares the proposed target mix against policy requirements:

Ownership	Type	North Block	South Block	Total Number of units (North and South combined)	Policy requirement (%)	Proposed mix (%)
Affordable Rent	1 bed	0	16	16	30	26
	2 bed	2	12	14	25	23
	3 bed	18	2	20	30	32
	4 bed	0	12	12	15	19

Table 1

- 7.15 DM3 (3.3) states that the Council will give favourable consideration to proposals which exceed its strategic target of 50% affordable housing. The current proposal is 100% affordable which exceeds the Council's affordable provision target.
- 7.16 The Councils Housing section have advised that 50% of the rented homes will be Tower Hamlets social target rent and the remaining will be Tower Hamlets Living Rents.
- 7.17 In relation to the affordable rent mix, given that the proposals is 100% affordable rent, the proposal would broadly meet the policy targets. In particular the affordable rented accommodation proposed would have a good mix of 1, 2, 3 and 4 bedroom homes for prospective occupiers. Overall the scheme would provide 51% of family units which is above the policy requirements of 45%. There is a total of 20 units within the northern block

comprising of 18 x 3 bed units and 2 x 2 bed wheelchair units. The southern block comprises of 42 units in total, 16 x 1 bed of which 2 are wheelchair units, 12 x 2 bed units, 2 x 3 bed wheelchair units and 12 x 4 bed units.

- 7.18 The scheme proposes 100% affordable units with all affordable rent. The scheme has been designed with particular reference to the Council's high need for rented accommodation, especially for families.
- 7.19 On balance, whilst this proposal does not meet all of LPA's policy targets, officers consider that this application contributes favourably to the mix of units across tenures within the borough as a whole especially with the generous provision of family units as a material consideration and would therefore be considered to be acceptable in policy terms.

Wheelchair Accessible Housing and Lifetime Homes Standard

- 7.20 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 7.21 Six wheelchair accessible homes are proposed which amounts to approximately 10% of the total units.
- 7.22 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Two disabled accessible on- street car parking space would be provided at the front of site on Arnold Road.

Quality of residential accommodation

- 7.23 GLA's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "*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 All of the flats meet the London Plan space standards; have a floor-to-ceiling height of 2.6m in accordance with the GLA's Housing SPG. No floor would have more than 8 units per core, again in accordance with the SPG.
- 7.25 Approximately 75% of the flats would be dual aspect and all of the flats would have balcony at a size which would be policy compliant. The only single aspect units are the 1 bedroom flats which are east facing.

Daylight/Sunlight – for new residential developments

- 7.26 Policy DM 25 requires the protection of the amenity of future residents and occupants by ensuring adequate levels of daylight and sunlight for new residential developments. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 7.27 Given the history of the application and the conclusions drawn from the Judicial Review decision with the original daylight and sunlight report prepared by Waldrams, the applicant

instructed Delva Patman Redlar (DPR) to produce a new daylight and sunlight assessment as part of this application.

- 7.28 DPR produced 2 daylight and sunlight assessment documents, the first of which assessed the impacts to existing neighbouring residential properties (dated January 2019) and a subsequent report which assessed the internal daylight and sunlight levels within the proposed dwellings (dated August 2019). Both documents were consulted on in line with the LPAs protocols.
- 7.29 The LPA instructed Anstey Horne (AH) to carry out a review of the daylight sunlight report (produced by DPR) on their behalf.

Daylight

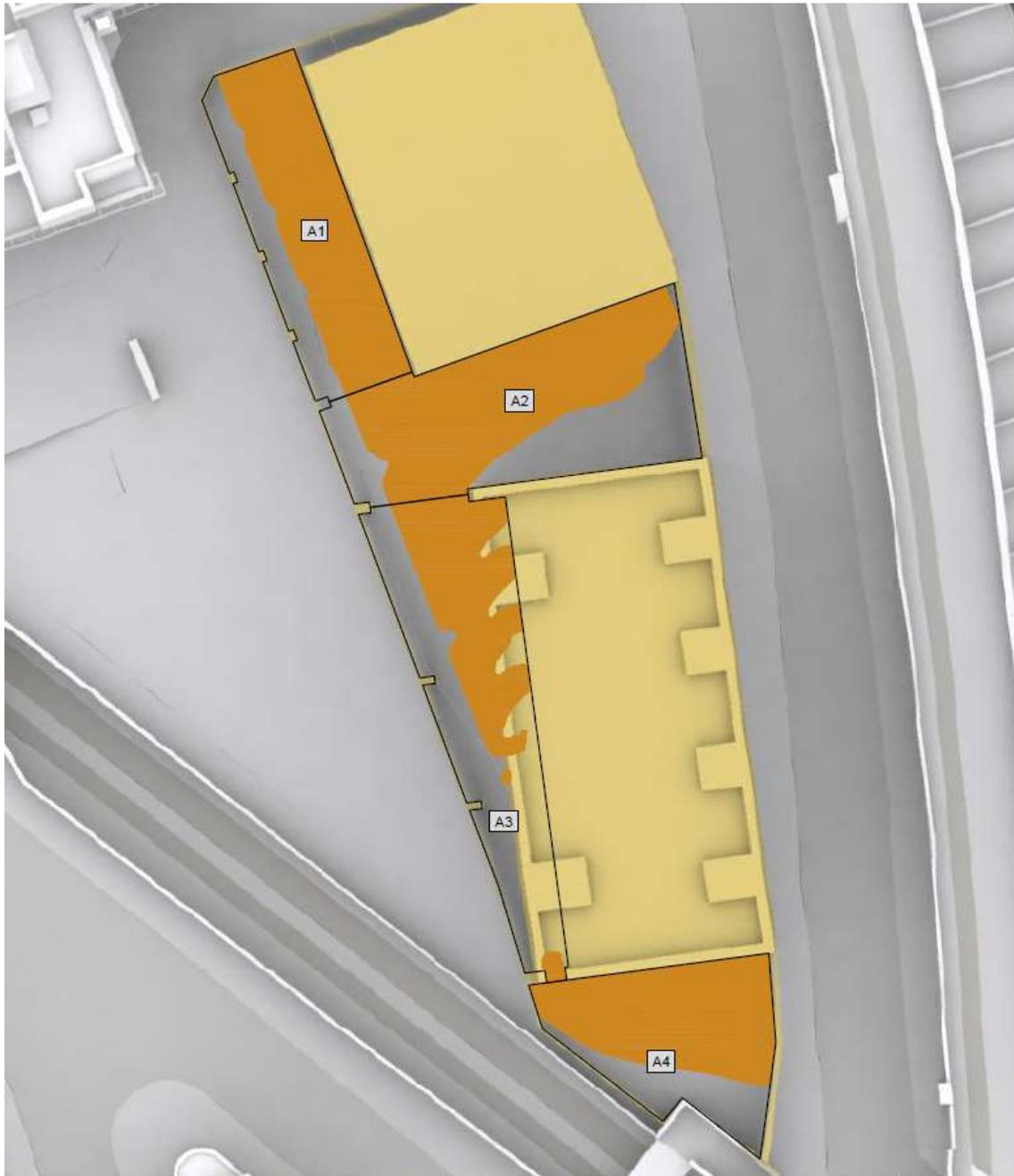
- 7.30 Anstey Horne have reviewed the methodology undertaken by DPR and have confirmed its acceptability, specifically that the relevant tests are the Average Daylight Factor and Annual Probable Sunlight Hours. In addition, DPR have also referred to additional analysis which are the Room Depth Criterion and No Sky Line tests.
- 7.31 In terms of the internal daylight analysis, this has been undertaken for all main habitable rooms on the 1st, 2nd and 3rd levels. Anstey Horne have advised that as the floor plans repeat where there is adherence on the 3rd floor, those rooms have not been continued to be tested to the upper floors, only those which do not adhere have been tested as you go higher up the buildings. This is common practice, as the daylight and sunlight levels will improve the higher you test up the building. The appended ADF results demonstrate that 220 out of 248 (89%) rooms tested will meet the ADF targets. Anstey Horne advise that this is a good level of adherence.
- 7.32 As part of DPRs assessment, they also undertook room depth and no-sky line assessments.
- 7.33 The room depth analysis has been calculated for all main habitable rooms on all floors. The results demonstrate that 189 out of 248 (76%) rooms will satisfy the BRE guidelines.
- 7.34 The no sky line (NSL)/daylight distribution analysis has been completed to all main habitable rooms on the 1st, 2nd and 3rd floor levels. The results demonstrate that 106 out of 120 (88%) rooms will satisfy the BRE guidelines. The upper floors will have levels of adherence which are just as good as the results which have been confirmed, as the levels of light will improve as you test higher up the building.

Sunlight

- 7.35 With regard to the internal sunlight analysis, this has been completed to all main habitable rooms on the 1st, 2nd and 3rd floor levels. The results demonstrate that 72 out of 120 (60%) rooms will meet the annual and winter sunlight hours target. With 6 (5%) rooms meeting only the winter sunlight hours and 42 (35%) rooms not meeting either of the annual or winter targets. The upper floors will have levels of adherence which are just as good as the results appended to the DPR report. It is worth noting that all windows have been tested for sunlight, regardless of orientation. The BRE guidelines advise that for neighbouring properties, only windows which face within 90^o of due south need to be tested for sunlight.
- 7.36 The testing to the first, second and third floor levels demonstrates that 21 out of 30 (70%) flats would meet both the annual and winter sunlight hours target in at least one main living room. 3 out of 30 (10%) flats would have good levels of sunlight but would be marginally below the targets, achieving between 23-24% APSH and 3% for winter sunlight hours. 2 out of 30 (7%) flats would have reasonable levels of sunlight, achieving between 18-19% APSH and 2% for winter sunlight hours. The remaining 4 flats are northwest corner flats in the south block and a

northeast corner flat in the north block, with the orientation being the main reason for the lower sunlight levels.

- 7.37 The BRE Guidance suggests that if at least 50% of the gardens or outdoor amenity space receives at least two hours of direct sunlight on the 21st March, then the proposed amenity spaces are considered well sunlit.
- 7.38 As shown in Figure 8 below, the sunlight amenity analysis shows that 3 of 4 proposed amenity spaces (A1, A2 and A4) comply with the BRE guidelines. Area A3 will receive 2 hours of sunlight on 21st March to 41% of its area, 9% short of the BRE recommendation of 50% of the area receiving 2 hours of sunlight.



Amenity Label	Area (m ²)	BRE Recommendations (At least 50% of Amenity Area)	Proposed Area	Proposed %age of Area	Condition
A1	218.19	109.09	161.85	74%	Pass
A2	316.65	158.33	199.30	63%	Pass
A3	281.13	140.57	115.68	41%	Fail
A4	188.53	94.26	135.65	72%	Pass
Total	1004.50	502.25	612.47	61%	Pass

Figure 8

- 7.39 It is important to note that the amenity space of A3 is located under an arcade beneath the proposed south block, providing a transition between inside and outside. This is likely to be a main reason for the space not achieving the BRE recommendation.
- 7.40 On balance, as 3 of 4 areas are in line the BRE guidance and area A3 falls marginally below BRE guidance, officers consider the proposals do not result in unacceptable overshadowing of the amenity space in terms of sunlight amenity.

Conclusion

- 7.41 The proposed development is considered to ensure adequate levels of daylight and sunlight.

Private Amenity space and communal child play space

- 7.42 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm. The proposal provides private amenity space, in the form of balconies to all of the flats in compliance with the above quantitative standards.
- 7.43 Policy DM4 requires communal amenity space and child play space for all developments with ten or more units. The communal amenity space requirement for this development is 102sqm. The child play space requirement is 10sqm per child.
- 7.44 The GLA has published an updated version of the GLA Population Yield Calculator and methodology on the GLA Datastore to support their new London Plan Policy S4: Play and informal recreation which requires residential developments to provide 10 square metres of play space per child. In line with this tool, a total of 977 sqm child play space would be required.
- 7.45 Using the previous model which has now been archived required a minimum of 942 sqm play space for this inner London location.
- 7.46 As part of the original planning assessment process, the GLA and LBTH agreed the child yields for this proposal.
- 7.47 The development is predicted to generate 61 children and therefore 610sqm of child play space is required (ages 0-11 yrs), split across the different age groups set out in the GLA's Play and Informal Recreation SPG (2012).
- 7.48 The development would provide approximately 980sqm (308sqm communal and 672sqm playspace for 0-11 year olds) of amenity space. This would significantly exceed the combined policy requirement of 712sqm for communal amenity space (102sqm) and child play space (610sqm) for all ages as required by Policy DM4 of the MDD and also exceeds the quantum required by the GLA. The Design and Access Statement has set out indicative arrangements for these spaces.
- 7.49 The spaces are accessible, secure and appropriately separated from vehicular traffic and well overlooked by the proposed development and would be accessible to all residents. The detail, including planting and play equipment can be appropriately secured by condition. The condition shall also seek to ensure a minimum of 610sqm of child play space is provided.



Figure 9: Amended Landscaping – Communal and Child Play Space

- 7.50 The play space requirement for older children (12+years) is 240sqm. The applicant has confirmed that the facilities within Mile End Park, which is a 15 minute walk away, will be used.

Density

- 7.51 The Core Strategy's place-making annex identifies Bromley-by-Bow as area that will become more economically prosperous through comprehensive regeneration and new development. The ambition is for the area to increase the diversity of housing choice, and to promote family housing in the area along with new green spaces. The Core Strategy also sets out principles for new buildings, including for them to focus higher-density development above the relocated supermarket and around the public transport interchange. In addition, officers consider that new development should improve the permeability and legibility by aligning with the existing street network and also respond to the local constraints, opportunities and characteristics.
- 7.52 Policies 3.4 of the London Plan (2016) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 7.53 The London Plan (policy 3.4 and table 3.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 7.54 The site has a PTAL rating of 6a and is defined as being within an urban area. The London Plan sets out density ranges in Table 3.2 and Policy 3.4, which states that:

"Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2."

- 7.55 For the application site, the London Plan would suggest that a density of 70-260 units per ha, or 200-700 habitable rooms per hectare, is appropriate. The net site area for the purpose of density calculations is 0.25ha. The proposed scheme proposes 62 residential units, resulting in a density of 248 units per hectare or 792 habitable rooms per hectare which would slightly

exceed the London Plan Policy 3.4 density matrix, however proposed density would be considered acceptable given the context, design principle and public transport accessibility.

7.56 Not only does the proposal generally accord with density range of the London Plan numerically in terms of units per hectare, but when considered against the standards in the London Plan Housing SPG as set out in the following sections of this report indicates that the proposed development would:

- preserves the setting of both Tower Hamlets Cemetery, Tredegar Square and Tomlins Grove Conservation Areas when viewed from within the conservation areas;
- preserves the setting of neighbouring listed terraces
- the development would not result in excessive loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
- the development provides a good mix of unit sizes within the scheme
- the development is 'car-free' owing to the site's excellent accessibility to public transport with 2 disabled on-street car parking spaces provided. The development would not cause unacceptable traffic generation;
- The proposed development is liable for the Mayoral and Tower Hamlets Community Infrastructure Levy, which will ensure the development contributes appropriately to the improvements to local social and physical infrastructure (only the commercial will be liable for CIL as the affordable will be able to claim social housing relief)
- The materiality and design is considered to be of high quality, would develop an underutilised site close to conservation areas and replaces a former building that detracted from the quality of the built environment.

7.57 The principle of mixed use development at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough and with SP06 (1 b and 3c) which encourages the provision of suitable units for small and medium enterprises.

7.58 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing/commercial use is strongly supported in policy terms.

Design & Heritage

7.59 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character. Detailed Planning Guidance on 'Requiring Good Design' is set out in chapter 7 of the NPPF.

7.60 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

7.61 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD 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.

7.62 The following elevations show the various elevations of the buildings, the materials and fenestration are discussed later within this section.



Figure 10: Eastern Elevation



Figure 11; Southern Elevation



Figure 12: Northern Elevation

Layout

- 7.63 The proposal is laid out in two linear blocks of 6 storeys to the north and 8 storeys to the south with the provision of a well-proportioned communal central space between the blocks for communal use, accessed from Arnold Road. The central circulation cores are top lit, increasing the sense of openness with flats arranged around core, achieving an efficient layout and enabling most units to be dual aspect units providing a standard residential living accommodation and for ease of buildability.
- 7.64 The proposed buildings have been designed to prevent direct overlooking between rooms (especially habitable rooms). The proposed design would provide active frontage to Arnold Road with the provision of commercial uses at ground floor level, this is in reaction to the site constraint, given the nature of existing car business uses of the arches. It is considered that the provision of ground floor commercial uses at this location would be compatible with the surrounding area, increasing footfall down Arnold Road and enables passive surveillance at varying times throughout the day, given the nature of the proposed operation hours to the commercial units, which would be different from the usual office hours. The layout is an appropriate approach to the opportunities and constraints of the site and optimises development on the site.
- 7.65 The proposed design is considered to respond appropriately to different environments around the site and associated constraints, in particular the two railway lines, the uses within the

railway viaduct arches and the raised footbridge, by locating the commercial uses at the ground floor level fronting Arnold Road in line with the commercial uses opposite site and the layout which sets adequate separation distances from the rail lines and still able to provide mainly dual aspects units. In addition, the proposed full height windows and doors to the ground floor would create a dialogue between the commercial units and the street and therefore improve overlooking. The proposed commercial units would generate footfall throughout the day and early evening.

- 7.66 Units are designed internally facing to provide zones of public and private spaces, with inset balconies. All units would have adequate levels of natural light given the adequate floor to ceiling height and the introduction of corner glazing. All wheel chair units are located on the first floor of both blocks in order to minimise the need to travel by prospective users. Both blocks would also provide two lifts in each core to ensure adequate access provision.
- 7.67 The main entrances to the residential are located within the internal elevations facing the two blocks. The entrances are also located towards the middle of the courtyard to facilitate movement within the central space. The gentle winding design of the stairs around an open void is to provide multiple landings to encourage the use of the stairs to encourage healthy life style. The southern block due to the height requires the staircase to be lobbied from the lift core. The arrival point into the building is on the shorter edge of the elevation with direct access to the courtyard.
- 7.68 Five commercial units totalling 398 sq.m are proposed for B1 use with each unit would having its own entrance directly from Arnold Road, providing active street frontage with its own dedicated bin storage, cycle and shower facilities. The proposals would provide opportunities for local businesses and employment and would be provided as shell and core, allowing flexibility for tenant fit out.
- 7.69 Proposed commercial units are proposed to be standard units with floor to ceiling height of 3.14m minimum to allow for maximising daylight penetration and reduce the need for artificial light, to comply with British Council for Offices Specification 2014.

Appearance

- 7.70 The development's appearance is inspired by what is often termed the New London Vernacular with elevations predominantly faced in brickwork, facades topped with a parapet, vertically emphasised windows echoing the regular grid pattern of Georgian fenestration, deeply recessed windows, and accented entrances where possible directly from the street. This approach complements other development in the area.
- 7.71 The appearance of the development varies around the site appropriately addressing the site's setting. The predominant material used in the area is brickwork with elements of stucco and stone detailing around windows and doors. The brick piers and deep set reveals generate a rhythm to the façade which would be similar to the railway arches opposite. The vertical rhythm of the façade is punctuated by horizontal concrete elements of a contrasting colour as balcony and window lintels, this would further reduce the massing of the proposed development.
- 7.72 The northern block at 6 storeys is smaller in scale and height to suit the smaller neighbouring developments while the southern block at 8 storeys is bolder reflecting its position along the rail track. Generally, the proposed scale and height at this location would be considered acceptable where there are larger perimeter buildings. As such, the proposals are considered to be compatible with other developments in the immediate vicinity of site.
- 7.73 The entrance to each block is from the communal amenity space, drawing residents in to the site and encouraging natural surveillance. Brick piers and gates on to the street denote

defensible space and will have a fob control allowing access only for residents. Each lobby is well positioned and glazed to provide natural light and a legible welcoming entrance. The south block has an extended lobby being a longer building, and has a view through to a colonnade running along the rear communal areas.

- 7.74 There are 3 types of balconies proposed for the development, these are: inset balconies (with a variation between different types) corner balconies and Juliette balconies. The balconies are intended to become external rooms to each unit where it is located, corner balconies and Juliette balconies, would further add interest to the façade without appearing confused or busy.
- 7.75 Officers consider the proposed development's appearance would be a significant improvement in comparison to the buildings which have previously occupied the site, with residential units overlooking Arnold Road at the upper floors providing a more active frontage and increase passive surveillance.



Figure 13

Height

- 7.76 Policy DM26 and London Plan Policy 7.7 sets out policy in relation to tall buildings. The criteria set out by both policies can be summarised as follows:

- Be of a height and scale proportionate to its location within the town centre hierarchy and generally directed to areas such as the Central Activities Zone, Activity Areas, town centres, opportunity areas, intensification areas and within access to good public transport;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;
- Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
- Should not adversely impact upon heritage assets or strategic and local views;

- Present a human scale at street level and enhance permeability of the site where possible;
- Provide high quality private and communal amenity spaces for residents;
- Provide public access to the upper floors where possible;
- Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- Comply with Civil Aviation requirements, not interfere with telecommunication and television and radio transmission networks and consider public safety requirements; and,
- Not adversely affect biodiversity or microclimates.

7.77 The northern block would be 6 storeys high, reflecting modest scale development within the immediate vicinity of site which would not significantly impact on the amenity of nearby neighbours and surrounding area in terms of loss of light, privacy, outlook and visual amenity. The lower scale also assists in providing good daylight and sunlight to other parts of the development, including the communal amenity space & play space located within the central courtyard, rear and side of site.

7.78 The southern block would be 8 storeys high, this would be considered acceptable as proposal would still provide a good level of sunlight on the south façade of the north building due to the slight splay of both buildings, and would not significantly impact on amenity of nearby neighbours. This height reflect its position close to larger perimeter blocks in surrounding area, therefore would not be considered to be out of scale and character with surrounding area.

7.79 The proposed development would broadly align with other recent approvals in surrounding area. Accordingly, officers are of the opinion that the development would not appear as out of context with its surroundings.

7.80 It is considered that factors including the high standard of design and architectural quality would ensure that the proposal would not have a harmful impact on the significance of the nearby conservation areas.

7.81 The following image provides a visual of how the corners of the building with balconies are designed.



Figure 14

- 7.82 In conclusion, the development would be of high quality design and is an appropriate response to redevelopment opportunities presented by this site. The proposal generally accords with the relevant development plan policies.

Landscaping

- 7.83 The proposed approach to landscaping as amended would be considered acceptable, giving it a feel of useable and legible amenity space within the site. The amenity area is mainly located to the central courtyard, rear of both blocks and the 'Rose garden' located on the southern side of the southern block. The updated landscape strategy shows that the landscaping could effectively soften the appearance of the building from the street as well as providing a good range of child play space features and native planting, which is good for biodiversity, within the courtyard. A more detailed landscape strategy would be required and this can be achieved via appropriate condition.
- 7.84 The central yard is the main communal space. The focal point of the yard is a large, multi-stem feature tree with a circular bench around its stem. Long benches are proposed against a backdrop of climbing plants on either side of the courtyard providing seating. As the yard provides entry to the buildings blocks and to the two adjacent courtyard, high quality clay pavers create a unified floor plane, details to be achieved via condition. Given that the central yard of the development is a space that unifies the residents of both blocks, the landscape proposals seeks to create a simple and strong gesture by using a single large tree, providing most vegetation on the ground and on the walls, and thereby creating as much open space as much as possible to be occupied.
- 7.85 The western space along the southern and northern blocks designed as a single space would have strong relation with the building and its interior.

Secure by Design

- 7.86 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 7.87 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. A particular improvement is the level of natural surveillance to Arnold Road. In addition, the proposals responds to the meet the Secure by Design requirements in providing a gated development at this location which evolved from the location of the site in an environment which would not otherwise be fit for residential purpose. The type of businesses opposite site and railway lines are not residential friendly, given the nature of the existing uses, therefore for proposals to be considered safe for residential purpose, it would need to be a gated development in accordance with Secured by Design advice.
- 7.88 The Crime Prevention Officer at the Metropolitan Police advises that the scheme raises no particular concerns in the manner it is designed and advises that the scheme should seek a Part 2 Secure by Design Accreditation. An appropriate condition has been recommended.
- 7.89 The proposal accords with the aforementioned policies.

Inclusive Design

- 7.90 Policy 7.2 of the London Plan (2016), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 7.91 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The development has been designed with the principles of inclusive design in mind, although gated development, this is as required by secure by design given the location of site and the proposed use mainly residential with no other residential development within the immediate vicinity of site.
- 7.92 The entrances and circulation spaces are 'level' and slip resistant, recessed openings provided at all external entrances. At least 2 wheelchair on-street parking spaces are provided, with the option to provide more, depending on demand.
- 7.93 10% of units would be wheelchair accessible or adaptable, in accordance with the policy requirements, all affordable rented units with a choice of size and aspect.
- 7.94 The proposal accords with the aforementioned policies.

Heritage

- 7.95 Policies in the London Plan (2016 as amended) and the CS and MDD seek to protect and enhance the character, appearance and setting of heritage assets and the historic environment.
- 7.96 Detailed Government policy on Planning and the Historic Environment is provided in the NPPF.
- 7.97 NPPF Paragraph 189 requires applicants to describe the significance of any heritage assets affected by a proposal. Since the original planning application was submitted and after the decision of the JR, the applicant provided a Heritage Statement (produced by Heritage Information Ltd) which includes a review of the 3 conservation areas (Tomlins Grove, Tower

Hamlets Cemetery and Tredegar Square Conservation Areas) surrounding the site and in the immediate vicinity, as well as an assessment of the significance of the site (in line with the NPPF), a listed building assessment and an impact assessment of the proposals before concluding the application proposals are considered to cause no harm to the significance of any of the identified designated and non-designated heritage assets.

7.98 NPPF Paragraph 192 requires that in determining planning applications, 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; and
- The desirability of new development making a positive contribution to local character and distinctiveness

7.99 NPPF paragraph 193 requires that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

7.100 Paragraphs 194 and 195 of the NPPF refer to proposals which cause substantial harm, or less than substantial harm, to designated heritage assets and establish relevant tests.

7.101 In considering the significance of the asset, NPPF paragraph 201 notes that not all elements of a Conservation Area will necessarily contribute to its significance and paragraph 200 advises local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. In addition, the same paragraph states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

7.102 This section of the report considers the implications for the application in respect of the setting of both conservation areas and listed buildings along with any other assets that may be impacted.

Representation in relation to Heritage by Paul Velluet

7.103 In respect to the Heritage representations made by Paul Velluet and the impact of the proposed development on the settings and significance of nearby conservation areas and statutorily listed buildings, this document has been shared with the applicants' Heritage Consultant, Dorian Crone, as well as the Council's Heritage Officer.

7.104 Upon reviewing the Heritage Report, Officers observed that most of the note is either background information or the views of Paul Velluet in respect of the proposed development. Much of the document is repetitive and relates to the previous committee report which has been superseded by the current committee report.

7.105 Notwithstanding the above, the Report makes reference to the absence of '*scaled, cross-sectional drawings showing the relationship between the existing buildings on the application-site and the listed terrace at Tomlins Grove across Arnold Road and the railway viaduct, and the relationship between the proposed development and the listed terrace in Tomlins Grove across Arnold Road and the railway viaduct*'. Cross-sectional drawings are one of many means of illustrating proposals - whilst such drawings do not accompany the application; the

Council's Heritage Officer has confirmed that there is sufficient information available for a full understanding of the proposal.

- 7.106 Mr Velluet states that in his view there is harm to heritage assets. Even if the Council were to agree with his assessment, this harm would be weighed against substantial public benefits in line with the NPPF.
- 7.107 The applicant's Heritage Consultant, has provided a review and rebuttal to the Heritage Report and addressed the following key areas:
- The Existing Buildings;
 - The Settings of the Conservation Areas and Listed Buildings;
 - The Design of the Proposal;
 - Conclusion
- 7.108 The Council's Heritage Officer and Case Officer have reviewed this response and consider the relevant points have been addressed.
- 7.109 Officers have reviewed the comments made by all parties (as identified in paragraph 7.103) and, in summary, the points raised in Paul Velluet's representation do not change Officers recommendation that planning permission should be granted.

Assessment of the Proposals Against the Statutory Tests

Setting of the Listed Buildings

- 7.110 This section is intended to provide an assessment of the proposals in heritage terms with particular reference to listed buildings by reviewing the proposals with regard to the statutory tests as set out in the primary legislation, the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.111 The Act requires that when making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.112 This obligation, is found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), and applies to all decisions concerning listed buildings.
- 7.113 Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. When making a decision regarding proposals which will affect the setting of listed buildings, considerable importance and weight must be given to the desirability of preserving the setting of those buildings.
- 7.114 There are a number of listed buildings whose settings will be affected by the proposals. These buildings include 1-25 Tomlins Grove, 35-49 Arnold Road, 9-20 Mornington Grove and the garden walls of these properties, 69-95 Bow Road, 101-109 Bow Road, Tredegar House and the former police station on Bow Road (111 Bow Road).
- 7.115 69-95 Bow Road, 101-109 Bow Road, Tredegar House and the former police station on Bow Road are divorced from the site by Bow Road. It is this busy streetscape which forms the most significant element of their settings and the most significant views of these buildings are oblique ones along Bow Road and looking North, away from the development. Buildings on the south side of Bow Road also form part of their settings. There are few instances where the proposals and these buildings are seen together as the Magistrates Court conceals the development site. The impact of the development upon these listed buildings settings will be negligible.

- 7.116 Those buildings where the impacts on setting are potentially greater are the listed terraces in the two conservation areas between which the site is sandwiched, Tower Hamlets Cemetery Conservation Area and Tomlins Grove Conservation Area. These include the grade II listed buildings, 1-25 Tomlins Grove, 35-49 Arnold Road and 9-20 Mornington Grove.
- 7.117 The Heritage Statement provided by the applicant assesses the significance of these terraces, and their settings.
- 7.118 With regard to Nos 35-49 Arnold Road and 1-25 Tomlins Grove, it establishes that in addition to each building being significant in its own right for its special architectural and historic interest, they are also significant for their group value, for the rhythm and uniformity which the listed terraces give in long views along the street. The tight grain of the terraces means that “The settings of these listed buildings are mostly confined within the individual streetscapes with very few views out the Conservation Area apart from at the boundaries”
- 7.119 In terms of the impact on the settings of these terraces it also notes that these buildings are not seen in isolation and that there are already a number of modern developments which fall within those settings, both inside and outside the conservation area, and that the proposals would not worsen that situation. Refer to Figures 3, 4 and 5 of the Heritage Statement.
- 7.120 In addition, the role of the railway viaduct and bridge over Arnold Road is explored; this is seen to act as a visual buffer, separating the new development from the historic terraces. The degree to which the new development will appear remote and separate from the listed terraces can be seen in Figures 5 and 6 of the Heritage Statement.
- 7.121 With regard to 9-20 Mornington Grove the Heritage Statement reports that the setting of this terrace and its separately listed garden walls is best appreciated within the immediate streetscape, although it is noted that the setting also includes longer views to the north along Mornington Grove which include the rear elevations of the locally listed Nos. 48-56 Bow Road (Figure 8). As you move north along the street the enclosure of the street gives way to long views across the railway line. In these views the Thames Magistrate Court with its somewhat unattractive multifarious and unsettling roofscape (Figure 9 of the Heritage Statement) becomes unduly prominent. This element of the townscape makes a neutral to negative contribution to the setting of the Grade II listed terrace and the Conservation Area.
- 7.122 Whilst not statutorily listed, 48-56 Bow Road are locally listed, their setting and significance is best appreciated and understood when viewing the principal elevations fronting Bow Road. From this location, the site of the proposals is concealed behind the Magistrates Court (Figure 12 of the Heritage Statement).
- 7.123 To summarise, the *“Views out of the three Conservation Areas towards the subject site are extremely limited and so the settings of the identified Grade II statutorily listed buildings within those areas are therefore best appreciated and understood within their immediate streetscapes. In each case, it is considered that the subject site as existing can only be partially glimpsed from within the immediate settings of the heritage assets or cannot be seen at all owing to the tight grain of the built form and the height and scale of surrounding development such as the Thames Magistrates Court. The wider settings of all the Conservation Areas and the Grade II statutorily listed buildings include substantial modern development, including buildings of eight to ten storeys in height. Where the subject site can be glimpsed, the plain quality of the built form and landscaping means the subject site is considered to make a negative contribution to the wider settings of all the identified heritage assets.”*
- 7.124 In conclusion the heritage statement says that:
- “Despite the increase in height and scale on the subject site, the proposed blocks would not be visible behind the tight grain of the terraces on Tomlin’s Grove and*

behind the roofscape of the Magistrates Court on Bow Road, thereby preserving the settings of the statutorily listed buildings and Conservation Areas on these streets.

Where the proposed blocks can be glimpsed from the edge of the Tomlin's Grove Conservation Area adjacent to the statutorily listed terrace at Nos. 35-49 Arnold Road or within the streetscape of Mornington Grove adjacent to the statutorily listed Nos. 9-20, they will be well-considered additions which integrate with their built surroundings by nature of their high-quality design and use of materials."

- 7.125 Officers agree with this assessment. The proposals do not harm the setting of the listed buildings identified as potentially being impacted. The setting of these, in the main terraced properties is most readily appreciated within townscape views, which have already been altered by redevelopment. Settings will inevitably be changed but this change is not considered to be harmful to their significance, thus meeting the statutory test.
- 7.126 In recommending approval of these proposals, officers have given considerable importance and weight to the desirability of preserving the settings of the Listed Buildings.

Setting of the Tomlins Grove, Tower Hamlets Cemetery and Tredegar Square Conservation Areas

- 7.127 The Act sets out a further duty with regard to development affecting a conservation area.
- 7.128 When considering any planning application that affects a conservation area local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that. Whilst a building which preserves, does no harm to the character of the conservation area is the minimum requirement set out in the legislation, policies in the NPPF expanding on the legislation seek an almost positive improvement suggesting that LPAs should take into account "the desirability of new development making a positive contribution to local character and distinctiveness" (para 185)(c).
- 7.129 The application site is surrounded by both the Tomlins Grove and Tower Hamlets Cemetery conservation areas with Tredegar Square being located in close proximity. Although outside the conservation areas the site would be visible from both (Tomlins Grove and Tower Hamlets Cemetery). Officers consider that the existing buildings on the site related poorly to the conservation areas and did not engage or provide an active frontage to the Arnold Road.
- 7.130 The proposed buildings, constructed from brick and designed to respond to the context, would be of considerably higher quality and provide an active frontage and passive surveillance to Arnold Road.
- 7.131 There are a number of existing taller buildings (up to 10 storeys) within the wider setting of the site, as well as, Bow Magistrates Court. As such, when viewing the proposals in the context of the existing built environment, officers consider the proposal to be of an acceptable height, bulk and mass given the context of the wider setting of the conservation areas and statutory and locally listed buildings.
- 7.132 It is considered that the proposals would not have a significant impact on the setting of these conservation areas, given the separation distance between the site and other designated heritage assets.
- 7.133 One of the objectors drew reference to paragraph 5.7 of the Heritage Statement as being misleading as it was written without any site visit from the author of the report to the named properties and that it is a personal opinion. They also stated that there are other factors which

are at stake greater than views i.e. sense of enclosure and losses in relation to daylight and sunlight, etc, all which breach guidelines.

7.134 Whilst officers acknowledge the points made in this part of the objection, officers do not agree with them. For example, separation distances between these properties in the conservation areas and the site exceed 18m (as per policy DM25 of the MDD) thus there are no overlooking issues, or sense of enclosure. Further amenity and design issues area discussed in the report.

7.135 As part of the recent submission of additional documents, the applicant also provided a Visual Impact Assessment (VIA) in line with Historic England's '*Setting of Heritage Assets*' which examines 3 viewpoints to establish the impact of the proposals on the character and appearance of the three conservation areas.



- Viewpoint 1:** Morningson Grove looking East
- Viewpoint 2:** Arnold Road looking North West
- Viewpoint 3:** Morningson Grove looking South

Figure 15: Viewpoints selected for the VIA

Viewpoint 1 – Morningson Grove looking East



Figure 16: Existing



Figure 17: Proposed

Viewpoint 2 Arnold Road looking North-West



Figure 18: Existing



Figure 19: Proposed

Viewpoint 3 – Mornington Grove looking South



Figure 20: Existing



Figure 21: Proposed

- 7.136 Officers agree with the conclusion of the VIA that the proposals would have a minimal and neutral visual impact on the character and appearance of the 3 conservation areas and settings of the other heritage assets within 3 viewpoints set out in the VIA, this is that they would do no harm.
- 7.137 Both the Heritage Statement and the VIA have evaluated the proposals in line with the 8 principles of the Building in Context Toolkit (2001) by English Heritage and CABI. Albeit limited weight should be given to this document as it dates back to 2001 and CABI no longer exists.
- 7.138 The same objector noted in paragraph 7.133 of this report, also contested that the proposals would breach principles 4, 6 and 8 of the Building in Context Toolkit (2001). However the LPA's heritage and conservation officer has raised no objection to this having reviewed both documents and the application documents and does not agree that the proposals are in breach of this Building in Context principles.

- 7.139 In officer's opinion, in assessing the merits of the existing building when compared with the advantages of the proposed redevelopment, the proposals would sustain and enhance the setting of the adjoining conservation areas. The redevelopment proposals will offer a carefully designed building constructed in high quality materials with publically accessible uses at ground floor, it will enable increased passive surveillance of the street. These benefits will offer a much improved environment in this part of Arnold Road with increased activity and footfall along the street and this will enhance the setting of the conservation area.
- 7.140 The proposals for the redevelopment of 3-5 Arnold Road have been very carefully considered and it is officer's opinion that they meet the statutory test as set out in section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.
- 7.141 Officers consider the proposals would sustain and enhance both the character and appearance of the surrounding conservations areas, and make a positive contribution to the setting of Tomlins Grove and Tower Hamlets Conservation Areas. The proposals accord with relevant Development Plan and NPPF policies in this respect.

Neighbour Amenity

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

Overlooking and privacy

- 7.144 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 7.145 In terms of outlook and sense of enclosure, the proposed massing, which steps down from 8 to 6 storeys, officers do not consider it to result in an overbearing appearance or in an increased sense of enclosure within the context of the site. Furthermore, none of the views referred to are protected.
- 7.146 In addition, the plan below shows the separation distances exceeding the 18m policy.
- 7.147 Separation distances are shown in the following plan which has been provided by the architects in figure 22.



Figure 22 – Plan showing separation distances

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

7.149 In summary, having regard to the heights of the proposed buildings and their proximity to their neighbours, it is not considered that the development would cause undue sense of enclosure to any of its neighbouring residents.

Daylight, Sunlight & Overshadowing

- 7.150 Policy DM 25.1(d) requires consideration of two questions about the impact of a proposed development on the daylight and sunlight conditions on existing surrounding developments:- (i) whether or not it would result in “material deterioration” of these conditions and (ii) whether or not such deterioration would be “unacceptable”. DM 25.5 states that in applying 25.1(d) “the Council will seek to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development....The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight” The policy further states that assessing the impact of the development is to follow the methodology set out in the BRE guide
- 7.151 The accepted guidance for assessing daylight and sunlight to neighbouring is the Building Research Establishment (BRE) handbook ‘Site Layout Planning for Daylight and Sunlight’ (2011).

Daylight Tests

- 7.152 For daylight the tests are “Vertical Sky Component” (hereafter referred to VSC) which assesses daylight to the windows, and the “No Sky Line” test (hereafter referred to as NSL - also known as daylight distribution) assesses daylight within the room. Both the VSC and NSL tests should be met to satisfy daylight according to the BRE guidelines as outlined in the Summary box (Figure 20) paragraph 2.2.21 of ‘Site Layout Planning for Daylight and Sunlight’ (2011). This text is directly quoted below.

Summary (Figure 20) of BRE guidelines:

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

- The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
- The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.”*

- 7.153 There is another daylight test known as the Average Daylight Factor (hereafter referred to as ADF) that is primarily designed for assessing daylight within proposed buildings. The BRE guidelines outline at Appendix F where it is appropriate to use the ADF test to existing buildings but in the majority of cases, including the 3 – 5 Arnold Road development, it is not an appropriate assessment for neighbouring properties. Therefore this report does not outline any further explanation for ADF below as it is not needed in this instance. However, for completeness, we outline the targets below from ‘Site Layout Planning for Daylight and Sunlight’ (2011) outlines the use of the ADF and targets at paragraph 2.1.8. This text is directly quoted below.

“Daylight provision in new rooms may be checked using the average daylight factor (ADF). The ADF is a measure of the overall amount of daylight in a space...BS 8206-2 Code of practise for daylighting recommends an ADF of 5% for a well daylit space and 2% for a partly daylit space. Below 2% the room will look dull and electric lighting is likely to be turned on. In housing BS8206-2 also gives minimum values of ADF of 2% for kitchens, 1.5% for living rooms and 15 for bedrooms.”

Appendix I – Environmental Impact Assessment of ‘Site Layout Planning for Daylight and Sunlight’ (2011) outlines how loss of skylight or sunlight would translate in to a negligible, Minor Adverse Moderate Adverse or Major Adverse effect. There is no guidance for the numerical guidelines used to categorise windows/rooms as “Minor, “Moderate or Major”.. The numerical guidelines have been formalised by LBTH and are used by reputable Daylight & Sunlight consultants. The bandings have been used for EIA assessments for LBTH.

Vertical Sky Component (VSC)

7.154 VSC is assessed at the centre point of the window and looks at the angle of obstruction caused by the proposed development. The maximum value is 40% VSC for a completely unobstructed vertical wall (this will be achieved in a rural setting). The first BRE guideline target for VSC is to achieve 27% VSC or more. If this is not met, the reduction in light should not exceed 20% of the former VSC light levels (the BRE guidelines mention retaining 0.8 times the former value of light, which is the same as a reduction in light of no greater than 20%). If these two criteria are met, the window would satisfy the BRE guidelines.

7.155 Below is the LBTH numerical classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse bandings for the VSC test.

VSC Result	Significance Criteria
Achieves at least 27% VSC <u>or</u> reduction in light is no greater than 20% of the existing condition (meets the BRE Guidelines).	Negligible
Reduction in light between 21% - 29.9%	Minor Adverse
Reduction in light between 30% - 39.9%	Moderate Adverse
Reduction in light greater than 40%	Major Adverse

No Sky Line (NSL)

7.156 The NSL test reviews daylight within the room and shows the points in the room that can and cannot see the sky. The test is taken at the working plane which is 850mm above the floor level in houses. If the reduction in light is less than 20% (the BRE guidelines mention retaining 0.8 times the former value of light previously received which is the same as a reduction in light no greater than 20%), the said room would meet the BRE guidelines.

7.157 Below is the LBTH numerical classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse bandings for the NSL test.

NSL Result	Significance Criteria
No greater light loss than 20% of the existing condition (meets the BRE Guidelines).	Negligible
Reduction in light between 21% - 29.9%	Minor Adverse
Reduction in light between 30% - 39.9%	Moderate Adverse
Reduction in light greater than 40%	Major Adverse

Sunlight Tests

Annual Probable Sunlight Hours (APSH)

7.158 The BRE guidelines recommend sunlight tests be carried out to windows which face 90 degrees of due south (windows which fall outside this do not need to be tested). The main

requirement for sunlight is in living rooms and conservatories. The targets under the BRE guidelines require a south facing window to receive 25% of Annual Probable Sunlight Hours (APSH) with at least 5% of these sunlight hours being in the winter months. If these first level of criteria are not met, the aim would be to ensure the reduction in light is less than 20% (the BRE guidelines mention retaining 0.8 times the former value of light previously received which is the same as a reduction in light no greater than 20%).

7.159 The sunlight targets are outlined in the summary box at paragraph 3.2.11 of ‘Site Layout Planning for Daylight and Sunlight’ (2011). This text is directly quoted below:

“If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:

- *Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and*
- *Receives less than 0.8 times its former sunlight hours during either period and*
- *has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”*

7.160 Below is the LBTH numerical classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse bandings for the APSH tests.

APSH Results	Significance Criteria
Achieves at least 25% APSH for annual sunlight hours with 5% APSH in the winter months <u>or</u> reduction in light is no greater than 20% of the existing condition (meets the BRE Guidelines).	Negligible
Reduction in light between 21% - 29.9%	Minor Adverse
Reduction in light between 30% - 39.9%	Moderate Adverse
Reduction in light greater than 40%	Major Adverse

Overshadowing (Two Hour Sun Contour test)

7.161 The BRE guidelines outlines tests to assess how overshadowed amenity areas will be for existing neighbouring properties, as well as within the proposed development. The BRE guidelines include: gardens, usually the main back garden of a house; parks and playing fields; children’s playgrounds; outdoor swimming pools and paddling pools; sitting out areas such as those between non-domestic buildings and in public squares and focal points for views such as a group of monuments or fountains.

7.162 The test involves calculating how much of the aforementioned amenity area will receive at least 2 hours of sun or more to 50% of its area on the 21st March. The date of 21st of March is used because this is the Spring Equinox; when the sun is at its mid-point in the sky throughout the year. If this first level criteria is not met, the BRE guidelines advise that the reduction in light is no greater than 20% (the BRE guidelines mention retaining 0.8 times the former value of light previously received which is the same as a reduction in light no greater than 20%).

7.163 The Two Hour Sun Contour target is outlined in the summary box at paragraph 3.3.17 of ‘Site Layout Planning for Daylight and Sunlight’ (2011). This text is directly quoted below:

7.164 *“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sun on 21 March.*

7.165 Below is LBTH numerical classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse bandings for the overshadowing tests.

Two hour sun contour Results	Significance Criteria
Achieves at least two hours of sun two 50% of its area on 21 st or reduction in light is no greater than 20% of the existing condition (meets the BRE Guidelines).	Negligible
Reduction in light between 21% - 29.9%	Minor Adverse
Reduction in light between 30% - 39.9%	Moderate Adverse
Reduction in light greater than 40%	Major Adverse

7.166 Officer responses to key representations made in relation to latest daylight/sunlight information are included in Table 2 of Appendix 3 of this report.

Daylight – Vertical Sky Component (VSC) and No Sky Line (NSL)

7.167 VSC is a metric that determines the amount of light falling on a particular point, in this case, on the centre point of the window. The calculations for VSC do not take into account window size, room dimensions or the properties of the window itself.

7.168 NSL assesses where daylight falls within the room at the working plane (850mm above floor level in houses), Daylight distribution assessment is only recommended by the BRE Report where room layouts are known.

7.169 Thus, for NSL significantly more information is required to accurately calculate the NSL, including room sizes and more accurate window dimensions. Consequently, unlike the calculation of VSC, survey information of the affected buildings is required to accurately calculate NSL.

7.170 As part of the review undertaken on behalf of the Council, Anstey Horne requested from DPR, copies of the no-skyline/daylight distribution contour drawings to validate the internal layouts used by them.

7.171 As part of the daylight assessment submitted by DPR, the following properties were assessed:

- 56, 56a and 74a Bow Road
- 1-25 Tomlins Grove (inclusive)
- 8 (flats 1-13), 9, 10, 11, 12, 13, 14, 27, 28 + 29 Mornington Grove

7.172 37 surrounding properties were tested in terms of daylight and sunlight, 22 of these properties satisfied both daylight tests in the BRE guidelines. These properties being:

- 1, 2, 3, 4, 5, 6 and 7 Tomlins Grove
- 20, 21, 22, 23, 24 and 25 Tomlins Grove
- 27 Mornington Grove
- 9, 10, 11, 12, 13 and 14 Mornington Grove
- 56 and 56a Bow Road

7.173 As noted in the objection responses listed in Table 2 of Appendix 3, DPR also undertook a daylight and sunlight test with the projecting wings omitted to the Tomlins Grove properties, in order to compare the results and understand whether the wings are a material factor in the relative loss. It should be noted that the supplementary test with the projecting wings removed has not been used in the final classification of the significance of effects i.e. Negligible, Minor Adverse, Moderate Adverse and Major Adverse.

7.174 In summary, the results demonstrate that 22 of 37 (59%) of the properties tested for daylight, satisfy the BRE guidelines. As set out in Table 3 of Appendix 3, there are 4 properties where the effect is negligible. There are 3 properties where the effect is negligible to minor, 6 properties where the effect is Minor Adverse and 2 properties which are Moderate Adverse. The 2 neighbouring properties that will experience the most significant reduction with regards to daylight are, 16 and 17 Tomlins Grove.

Sunlight

7.175 DPR analysed the Annual Probable Sunlight Hours (APSH) for the proposal in line with the BRE sunlight criteria.

7.176 Properties 1-25 Tomlins Grove were tested for sunlight. The effect on sunlight to numbers 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 20, 21, 22, 23 and 25 Tomlins Grove is considered negligible.

7.177 DPR's Daylight & Sunlight Study assessed sunlight to all habitable rooms i.e. living rooms, kitchens and bedrooms. DPR take the position that only living rooms and conservatories need to be assessed for sunlight. However, at the request of Anstey Horne, they have included all habitable rooms in their testing.

7.178 Out of the 25 properties tested on Tomlins Grove for sunlight, 17 properties would meet the BRE guidelines if taking DPR's conclusion of only assessing sunlight to living rooms and conservatories. If the LPA were to judge the properties on all habitable rooms assessed, 14 properties would meet the BRE guidelines for sunlight. However, it needs to be noted that the guidelines give less importance to sunlight serving bedrooms and kitchens. For clarity, the direct text at paragraph 3.1.2 of the BRE guidelines is quoted directly below:

7.179 *"In housing, the main requirement for sunlight is in living rooms, where it is valued at any time of day but especially in the afternoon. Sunlight is also required in conservatories. It is viewed as less important in bedrooms and in kitchens, where people prefer it in the morning rather than afternoon."*

7.180 The 9 properties which do not satisfy the guidelines are addressed in the Table 4 of Appendix 3.

7.181 In summary, and taking the worst case scenario of requiring all habitable rooms to meet the sunlight target, the results demonstrate that in terms of sunlight, 14 out of 24 (58%) of the properties tested, will satisfy the BRE guidelines. There are 4 neighbouring properties where the effect on sunlight is minor adverse, 2 neighbouring properties where the effect is minor to moderate adverse and 3 properties where the effect is moderate adverse. The most significant

reductions to the sunlight levels is to 13, 15 17 Tomlins Grove which will experience moderate adverse impacts for sunlight.

7.182 In light of the above, and, on balance, officers are satisfied that with regard to the sunlight levels to the surrounding kitchens, bedrooms and living areas the effect of the proposed development does not result in unacceptable material deterioration.

Response to BRE representation

7.183 BRE, on behalf of an objector, submitted an evaluation of the applicants DLSL report which was undertaken by DPR.

7.184 This document was shared with both DPR and Anstey. As the application was postponed from the September 2019 committee, this gave DPR time to visit properties on Tomlins Grove and provide more detailed responses to BRE's comments.

7.185 Below, the LPA's DLSL officer briefly outlines DPR's response to BRE's representation contained in their Addendum Daylight & Sunlight Study dated October 2019.

7.186 The DPR Addendum report only covers the Tomlins Grove properties and replaces the Tomlins Grove Section in the original Daylight & Sunlight Study dated January 2019.

Properties accessed and surveyed

Access has been gained to the following properties:

- 2 Tomlins Grove (except lower ground floor flat)
- 5 Tomlins Grove
- 7 Tomlins Grove (ground floor only)
- 8 Tomlins Grove (excluding lower ground floor flat)
- 10 Tomlins Grove
- 12 Tomlins Grove (excluding lower ground floor flat)
- 13 Tomlins Grove
- 14 Tomlins Grove
- 16 Tomlins Grove
- 17 Tomlins Grove
- 19 Tomlins Grove

7.187 This has allowed DPR to measure the internal layouts of the rooms in these properties and note the room uses. DPR then updated their 3D technical assessment model accordingly.

7.188 Due to room and window dimensions being updated, this has led to daylight and sunlight results altering in places. These changes have been checked by the LPA's Daylight and Sunlight Officer and there are reasons for these changes such as room shape/size changing or the size of the window changing. A further explanation for these changes on a property by property basis is attached at Appendix C.

Additional Plans

7.189 Additional plans were also found for 4 and 20 Tomlins Grove which allowed DPR to update the internal room uses for these properties. This is in addition to plans found and used in the original January 2019 report.

7.190 The remaining minority of properties on Tomlins Grove have assumed layouts as access was not able to be obtained to these properties or no plans were available. It is fair to say the assumptions are as reliable as possible, short of gaining access to the properties.

Floor to ceiling windows and VSC test point

7.191 In some cases, the existing and proposed VSC has improved because it has been noted that rooms have floor to ceiling windows. Floor to ceiling windows allow for the VSC test point to be taken at a higher point (1.6 metres) as opposed to the centre point of the window.

Closet wings

7.192 DPR have run the additional test with the closet wings removed, very much as a supplementary test. It is made clear that this was undertaken to demonstrate the impact the closet wings have on windows/rooms within the same property. DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects.

7.193 The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.

Significance banding assessment - Professional Judgement

7.194 Based on BRE's representation comments, DPR have erred on the side of caution with the significance bandings. For example, where a property was classified as "Negligible to Minor Adverse" in the report dated January 2019, this has now been classified as "Minor Adverse" in the Addendum report dated October 2019. Anstey Horne (LPA's independent daylight and sunlight consultant) have kept their significance bandings more consistent with the original January 2019 report. As Anstey Horne has been appointed by LPA, Officer's have adopted their significance bandings in the updated results below. This has then been reviewed by LPA's Daylight & Sunlight Officer and confirmed. There is one instance where the LPA's Daylight and Sunlight Officer adopts DPR's banding; this is on the sunlight result for 15 Tomlins Grove where a Moderate Adverse effect should be applied. However, as DPR have now been more cautious with their bandings, properties have moved down a banding in some instances, when in fact there is very little if any at all, statistical change to the VSC, NSL and APSH results.

NSL results to assumed rooms

7.195 BRE notes that "*Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms*". DPR have run the NSL assessment to all rooms, whether they are based on survey, plans or assumed. However their position is that the NSL results to the assumed rooms should be afforded less weight, in line with Dr. Paul Littlefair's recommendations.

Sunlight Results

7.196 In the Addendum October 2019 report, DPR have included the sunlight results for all habitable rooms i.e. living rooms, kitchens and bedrooms. This differs with their approach in the original January 2019 report where they just include sunlight results to living rooms (areas) and conservatories, based on the BRE guidelines statement:

"In housing, the main requirement for sunlight is in living rooms, where it is valued at any time of day but especially in the afternoon. Sunlight is also required in conservatories. It is viewed as less important in bedrooms and kitchens".

7.197 As per Anstey Horne's request, DPR have provided sunlight results to all habitable rooms at Tomlins Grove.

Overshadowing

7.198 For a garden or outdoor amenity space to be considered well sunlit, at least 50% of the garden or amenity space must receive at least two hours of direct sunlight on the 21st March. If this cannot be achieved, providing that the area overshadowed with the proposed development in place would be greater than 0/8 times the existing level of shadowing, it is considered that no effect on overshadowing would occur.

7.199 The applicants' report sets out the findings of an assessment of overshadowing for the existing layout in Appendix B of the DPR report (drawing ref: SHD/500). The shadow diagrams show that the proposed development does not cause any additional overshadowing to occur to any outdoor amenity space of the 26 neighbouring back grounds of the Tomlin Grove (no's 1-25) and Bow Road (no 74a) properties. This is further supported by Anstey Horne.

7.200 In line with BRE guidance, the gardens of Mornington Grove were not included within this assessment as the properties are too far from the site to be affected and also the BRE guidance relates to back gardens, and the gardens of Mornington Grove would be front gardens.

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

Conclusion:

7.202 The proposals would have minor and localised impacts on daylight and sunlight enjoyed by the occupiers of a number of nearby homes and users of the amenity spaces, when assessed against the BRE guidelines. The relative impact to sunlight and /or daylight is exacerbated to certain rooms of some of the Tomlins Grove properties by their adjacent projecting wings.

7.203 Overall officers consider that the sunlight and daylight transgressions identified are on balance acceptable given that a number of properties do meet the guidelines.

7.204 Furthermore, the transgressions identified when weighed up against the significant benefits of the scheme would not lead officers to a different conclusion even if they were categorised in bandings higher than what has been identified in this report.

Noise & Vibration

7.205 London Plan policy 7.15 and Local Plan policy DM25 sets out policy requirements for amenity and requires sensitive receptors (including residents) to be safeguarded from undue noise and disturbance.

7.206 Given the location of site in close proximity to a train line to the south west of site, a noise and vibration assessment is therefore required to justify the suitability of a new development for residential use on site. An Acoustic Report has been submitted in support of the application and this has been reviewed by the Council's officer and considered the report and its recommendations acceptable. The development itself would not create significant noise or vibration. The report advises that the main source of noise on site is trains passing on the nearby railway. Subject to glazing meeting certain specifications and ventilation measures such as acoustic air bricks, enhanced acoustic double glazing and acoustically attenuating louvres, the future occupiers would not be exposed to undue noise having regard to British

Standard BS8233:2014. A glazing and ventilation condition is recommended to secure this mitigation.

- 7.207 In relation to external amenity spaces, some external spaces are expected to exceed the recommended levels, even when all reasonable mitigation methods are applied. However, alternative, relatively quiet, amenity space would be available to residents at the northern half of the west facing garden areas and the central yard provide quieter amenity spaces away from the railway. BS 8233:2014 advises that noise levels below 55dB would be desirable.
- 7.208 The results show that the play space at the north of the site would achieve a noise level that will meet the British Standard due to the increased distance from the railway and the shielding from both the perimeter wall and the railway cutting. However, the noise levels increase in the amenity spaces towards the south of the site, and exceed the standard in the 'rose garden' space at the south of site. Whilst this is undesirable, officers consider that there are no effective mitigation measures for this amenity space. It should be noted that other areas would provide alternative (and quieter) amenity space.
- 7.209 Subject to relevant conditions (controlling construction traffic and the method of demolition and construction), and acknowledging non-planning controls over demolition and construction such as the Environmental Protection Act and Control of Pollution Act, the proposal adequately mitigates the effects of noise and vibration of demolition and construction.
- 7.210 Having regard to the above, it is considered that subject to relevant conditions, the development both during construction and operation would adequately mitigate the effect of noise and vibration on future occupiers and surrounding residents as well as members of the public. The proposal accords with relevant Development Plan policies other than those relating to balconies discussed earlier.

Transport

- 7.211 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.

Vehicular, pedestrian and cycle access

- 7.212 The site is proposed to be accessed from Arnold Road

Deliveries & Servicing

- 7.213 The deliveries and servicing strategy is for on-street servicing which is considered appropriate, given that the residential units would generate a low level of servicing requirements. Residential deliveries generally consist of post, occasional furniture deliveries, online shopping and grocery deliveries. It is expected that the majority of deliveries would be undertaken in a 7.5ft box van. Commercial units typically generate 0.25 deliveries per day, therefore the proposed 398sq.m of commercial floor space would be expected to generate 1 delivery per unit per day. The proposed scheme has been designed to ensure that refuse can be collected from Arnold Road

Car Parking

- 7.214 The proposals would be a 'car-free' development with the provision of 2 on-street disabled parking. The two existing crossovers into the site will be closed and reinstated as footway providing additional kerb space to accommodate the proposed disabled bays, therefore there will be no loss of on-street parking as a result of the proposed development. Applicant will be responsible for the road improvement costs; this can be achieved via condition.

Cycle Parking and Facilities

7.215 The number of residential cycle spaces to be provided would be 108 and the number of visitor cycle spaces is 3. The residential and visitor cycle space numbers are in compliance with relevant policy. Details would be reserved by condition. The long stay cycle parking for the residential and B1 uses would be considered acceptable. However, details of the location would be required; this can be achieved via condition.

Trip generation

7.216 The site has a PTAL level of 6a, demonstrating that it has an 'excellent' level of accessibility to public transport. Transport Assessment. The submitted with the application shows that the proposal would not significantly increase trip generation around site.

Environment

Energy & Environmental Sustainability

7.217 Policy DM29 requires residential developments to achieve zero carbon (with at least 45% reduction achieved through on-site measures). The remaining regulated carbon emissions (to 100%) are to be offset through a cash in lieu contribution. Non-residential schemes are required to reduce CO2 emissions by 45% against a building regulation baseline.

Proposed Carbon Emission Reductions

7.218 The submitted Energy and Sustainability Statement sets out the applicant has sought to meet the CO2 emission reduction policy requirements through energy efficiency measures and passive design, communal hot water system, use of efficient services and integration of a PV array. The submitted document sets out a summary of the CO2 emissions from the development and includes the SAP and SBEM output sheets. The report notes that the following CO2 emissions:

- Residential Baseline – 83.1 tonnes CO2 per annum
- Residential Proposed Scheme – 45.7 tonnes CO2 per annum
- Non-resi baseline – 7.5 tonnes CO2 per annum
- Non-resi BER – 4.0 tonnes CO2 per annum /yr

7.219 The proposals are for a 45% reduction on-site for the residential element and for a 46.7 % reduction in CO2 on-site for the non- residential element which is compliant with policy requirements. The proposals meet the on-site carbon reduction requirements of policy DM29, and a requirement for carbon offsetting to meet zero carbon for the residential element would be applicable. The proposals for on-site CO2 emission reduction should be secured via Condition with a post construction verification report submitted to the council to demonstrate delivery of the anticipated CO2 savings.

Carbon Offsetting

7.220 In order for the scheme to be supported by the sustainable development it is recommended that the shortfall in CO2 emission reduction is met through a carbon offsetting payment. The planning obligations SPD contains the mechanism for any shortfall to be met through a carbon offsetting contribution, in the absence of the CO2 emission reduction not being delivered on site. In addition, the council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £82,260 would be appropriate for carbon offset projects. The calculation for this figure is as follows:

Shortfall to meet DM29 requirements = 45.7 (tonnes/CO2) x £1,800 = **£82,260** offset payment to meet current policy requirements.

Sustainability

- 7.221 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent. The applicant has submitted a Sustainability Statement including a BREEAM Assessment which shows the scheme is designed to achieve a BREEAM Excellent rating with a score of 74.04%.
- 7.222 Emerging policy identifies that BREEAM is applicable for schemes above 500m². It is understood that the non-residential element is below this threshold and therefore full BREEAM certification is not recommended for this scheme. It is recommended that a Condition be attached for delivery of the sustainability statement as submitted to ensure the scheme is compliant with Policy DM29.

Summary and Securing the Proposals

- 7.223 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver CO₂ emission reductions. The current proposals for CO₂ emission reductions meet the target for a 45% reduction on-site. A carbon offsetting contribution for the residential element of the scheme is required to meet the zero carbon policy requirements.
- 7.224 Subject to Conditions securing the energy and sustainability proposals and the CO₂ emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for sustainability and CO₂ emission reductions.
- 7.225 It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:
- Submission of as built calculations (SAP / SBEM) to demonstrate the 45% reduction in CO₂ emissions have been delivered on-site
 - Delivery of renewable energy technologies including 609m² photovoltaic array
 - Carbon offsetting contribution (£82,260)

Air Quality

- 7.226 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 7.227 The applicant has submitted an Air Quality Assessment with an updated calculation received 14 November 2016, which has been reviewed by the Council's Air Quality Officer. However, the GLA has recently introduced a requirement for an Air Quality Neutral Assessment which has been reviewed by the Council's Air Quality Officer and found to be acceptable.
- 7.228 The development provides policy compliant off-street parking and all of the occupiers of the residential will be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions have been imposed to control the demolition and construction process.

7.229 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO₂ in accordance with the aforementioned policies.

Waste

7.230 In terms of construction waste, a site waste management plan (as part of a Construction Environmental Management Plan) is recommended to be secured by condition to ensure, inter alia, that excess materials would not be brought to the site and that building materials are re-used wherever possible.

7.231 With regards to operational, the amended plans would be considered acceptable, given the location and type of facilities proposed. The proposed access arrangement for refuse collection would be considered acceptable. Whilst some concerns were raised initially with the workability of the proposed accesses and the usability of the central yard, officers are satisfied that the amended plans would overcome the concerns with appropriate conditions in respect of further details.

Biodiversity

7.232 The application site contains buildings and hard standing with small areas of vegetation including an area of young trees, shrubs and climbers on the western edge of the site. These have the potential to support nesting birds, as does a nest box on the western edge of the site. The proposed loss of these trees and other vegetation would not have a significant adverse impact on biodiversity. Following consultation with the Council's biodiversity officer, no objections have been raised subject to timing of vegetation clearance condition.

7.233 Overall, the proposals would be considered acceptable to comply with the objectives of Policy DM11 which requires developments to deliver net gains for biodiversity. The Council's Biodiversity officer raised the issue of the proposed small landscaping which would not comply with the Local Biodiversity Action Plan (LBAP) objectives. The subsequent amendments with additional landscaped area to the central courtyard would overcome the concern, proposal would be considered to comply with the objectives of the Local Biodiversity Action Plan.

7.234 The Council's biodiversity officer noted that none of the proposed trees are native, though some of them are good nectar plants. The proposed rose garden will be a very good source of nectar while the roses are flowering. This will contribute to a LBAP target to provide more forage for bees and other pollinators. However, the planting could be significantly improved for bees if a greater diversity of nectar-rich flowers was included, this can be achieved via condition.

7.235 The proposed climbers on the wall of one of the buildings would provide nesting opportunities for birds, including house sparrows. However, using native ivy instead of the proposed Boston-ivy would provide much more wildlife value, as it is a good nectar plant, a caterpillar food plant for the holly blue butterfly, and provides berries in late winter when other sources of berries have been eaten. Proposal to include green roofs, bat boxes for birds such as house sparrow and swift in the development to comply with best practice guidance published by Buglife and would contribute to a LBAP target for new open mosaic habitat.

7.236 Accordingly, and subject to the recommended conditions, the proposal accords with the London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD which seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

Flood Risk & Drainage

- 7.237 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off. Condition suggested in terms of permeable materials to comply with London Plan Policy 5.13.
- 7.238 Thames Water advises that there are no concerns with additional water demand from this development. They have advised that a drainage strategy condition be imposed to allow more information to determine the waste water needs of the development. They also advise that their assets may be located underneath the site, therefore they have advised imposing a number of conditions relating to construction and piling details. Thames Water also advises imposing a condition in respect of the site drainage strategy to satisfy their concerns in regards to the impact on the public sewer system. Appropriate conditions are recommended.
- 7.239 In summary, and subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF and its associated technical guidance, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Land Contamination

- 7.240 The Council's contaminated land office reviewed the proposal and raised no objections subject to a detailed contamination condition being attached to the permission.

Local Finance Considerations

- 7.241 Reference is to be made to the advice of the Corporate Director, Governance within the front pages of the Development Committee Agenda

Human Rights & Equalities

- 7.242 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.
- 7.243 The proposed development allows, for the most part, an inclusive and accessible development for all residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking and wheelchair adaptable/accessible homes.
- 7.244 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

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

8.2 Planning Conditions

Compliance

1. Three year time limit
2. Compliance with approved plans and documents
3. Development is personal to, and shall be implemented by, LBTH
4. Wheelchair adaptable and wheelchair accessible dwellings
5. Provision of approved cycle storage
6. Compliance with Energy Statement
7. Hours of construction

8. Communal amenity/child play space to be completed prior to occupation
9. Delivery and Service Management Plan
10. Details of all Secure by Design measures
11. Details of hard and soft landscaping, including boundary treatment and lighting
12. Details of play equipment
13. Details of noise and vibration mitigation measures

Pre-commencement

14. Scheme for the provision of financial contributions (see financial contributions section below)
15. Strategy for using local employment and local procurement (see non-financial contributions section below)
16. Details of biodiversity mitigation measures
17. Details of green roof
18. Demolition and Construction Management Plan
19. Contamination
20. Details of piling, all below ground works and mitigation of ground borne noise
21. Scheme for the Provision of Affordable Housing
22. Samples and details of all facing materials
23. Details of boundary treatments
24. Surface Water Drainage Scheme
25. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)
26. Car Parking Management Plan

8.3 Informatives

1. Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site.
2. Building Control
3. S.278
4. Fire & Emergency
5. Footway and Carriageway
6. CIL
7. Designing out Crime

8.4 Condition 14 Financial contributions:

- a) A contribution of £30,772 towards construction phase employment training
- b) A contribution of £14,892 towards employment end user training
- c) A contribution of £82,260 towards carbon emission off-setting

Total: £127,924

8.5 Condition 15/ Condition 21 Non-financial contributions:

- a) Affordable housing 100% by habitable room (62 units)
- b) Access to employment
- c) 20% Local Procurement
- d) 20% Local Labour in Construction
- e) Highway Improvement works
- f) Any other contributions considered necessary by the Corporate Director Development & Renewal

APPENDIX 1

Drawings

9_1602_P_100_A, 9_1602_P_101_A, 9_1602_P_102_A, 9_1602_P_103B,
9_1602_P_105 B, 9_1602_P_106_A

9_1602_P_107_A, 9_1602_P_108_A, 9_1602_P_109_A, 9_1602_P_110_A,
9_1602_P_111_A, 9_1602_P_112_A,
9_1602_P_113_B, 9_1602_P_115_B, 9_1602_P_116_B, 9_1602_P_120_B,
9_1602_P_121_B, 9_1602_P_125_B,
9_1602_P_126_B, 9_1602_P_127_B, 9_1602_P_128_B, 9_1602_P_129_B,
9_1602_P_130_A, 9_1602_P_131_B,
9_1602_P_132_B, 9_1602_P_135_A, 9_1602_P_140_A, 9_1602_P_141_A,
9_1602_P_142_A, 9_1602_P_143_A,
9_1602_P_144_B, 9_1602_P_145_A, 9_1602_P_146_A, 9_1602_P_147_A,
9_1602_P_148_A, 9_1602_P_150_A,
9_1602_P_151_A, 9_1602_P_152_A, 9_1602_P_153_B, 9_1602_P_154_B,
9_1602_P_155_A, 9_1602_P_156_A,
9_1602_P_160_A, 9_1602_P_161_A, 9_1602_P_162_A, 9_1602_P_163_A,
9_1602_P_164_A, 9_1602_P_165_A, 9_1602_P_166_A, 9_1602_P_167_A,
9_1602_P_162_A, 9_1602_P_170

VLA-DR-L-2139-0200 Rev 02, VLA-DR-L-2139-4000 Rev 02
VLA-DR-L-2139-5001 Rev 01, VLA-DR-L-2139-5002 Rev 01
VLA-DR-L-2139-5003 Rev 01,

Submission documents

- Planning Statement by Treanor Consulting
- Design and Access Statement + Addendum by Henley Halebrown Rorrison
- Transport Assessment and Travel Plan by ttp consulting
- Construction Traffic Management by Potter Raper Partnership
- Phase 1 Preliminary Risk Assessment by RPS
- Air Quality Assessment by HHbR Limited
- Noise and Vibration Assessment by Max Fordham
- Ecological Scoping survey by Greenlink Ecology Ltd
- Below Ground Drainage and SuDS by Price & Myers
- Energy and Sustainability Report by Max Fordham
- Waste Management Plan by Potter Raper Partnership
- Landscaping Statement by VOGT Landscape architects (within DAS + Addendum)
- Phase 1 Contamination Report by
- Site Waste Management Strategy
- Statement of Community Involvement (Within DAS)

Post Submission documents (latest documents only)

- Planning Addendum, rev 2, produced by Tibbalds, dated 6th February 2019. This document is an addendum to the existing planning statement, produced by Treanor consulting, dated September 2016
- Daylight and Sunlight Study, produced by Delva Patman Redler, dated January 2019, reference: 18416/AJC/VK/RevB and subsequent drawing, 18416-NSL-005-A
- Heritage Statement, produced by Dorian Crone, dated July 2018 (new document)
- Visual Impact Assessment, produced by Dorian Crone, dated July 2018 (new document); and
- Internal Daylight and Sunlight Study, produced by Delva Patman Redler, dated August 2019, ref: 18416/AJC/VK)
- Supplement to Internal Daylight and Sunlight Study, produced by Delva Patman Redler, dated 19 August 2019

- Letter from DPR dated 28 May 2019 with No Sky contour drawings and updated table of daylight/sunlight results
- Addendum Daylight and Sunlight Study by DPR, dated October 2019

APPENDIX 2

Selection of plans and images



Figure 23 – Proposed ground floor plan



Figure 24 – Proposed typical plan – upper floors



Figure 25 – Proposed eastern elevation



Figure 26- Proposed western elevation



Figure 27– Proposed view to main entrance and central courtyard.

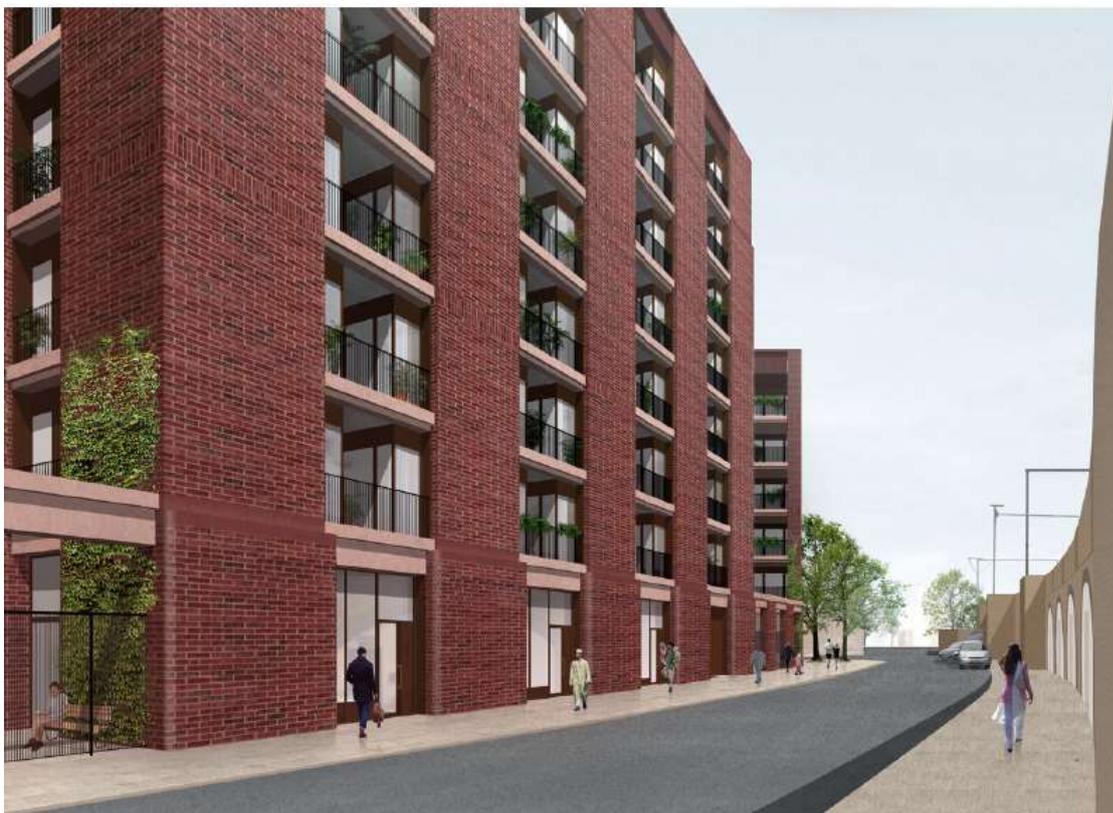


Figure 28: Proposed view from Arnold Road looking North



Figure 29: Proposed view from Eleanor Street



Figure 30: Proposed view from Mornington Grove

APPENDIX 3 – DAYLIGHT AND SUNLIGHT RESULTS

Objection responses

Given the technical nature of the issues raised in concern in relation to daylight and sunlight, further clarification was sought by the applicant's daylight sunlight consultant (DPR) which has also been verified by the Council's daylight sunlight consultant (Anstey Horne) in addition to the LPA's daylight sunlight officer.

Objector point:	<ul style="list-style-type: none">• DPR report does not explain its design methodology, how it has obtained accurate measurements for calculations without onsite surveys and how it supports its interpretations• DPR fail to provide details of the glazed areas of windows in Tomlins Grove used for their calculations. A remote survey cannot accurately assess these and DPR admit they have visited no properties. The Waldram figures overestimated glazing areas by 13-15% and there is no reason to assume that a similar degree of error is not made by DPR, leading to a significant underestimation of the loss of daylight and sunlight.• Room uses in several houses are still wrong, despite corrections made in the course of correspondence with LBTH officers by residents.
Officer comment:	<ul style="list-style-type: none">- The DPR daylight and sunlight report sets out their methodology for building their 3D computer model in section 4.4, however have since provided more detail as set out below.- DPR have used the latest high-definition laser scanning equipment to scan the surrounding buildings and their relevant window apertures and build a 3D point cloud. To capture the Tomlins Grove properties, which are on the far side of the viaduct, the scanner was set up at roof level of the site, which enabled it to very accurately capture the window apertures to the top two floors (1st and 2nd floors). They used a mast-mounted camera to photograph the back elevations in high resolution. DPR purchased a 3D massing model from AccuCities, which is produced from photogrammetry. They then amended the 3D model where necessary to improve the accuracy of the massing model and punch in window apertures from the point cloud by extrapolating vertical lines downwards, brick counting, etc, to model in the windows on the lower ground and ground floor levels. They researched VOA Council Tax lists to establish the number of dwellings and compared this against Land Registry information. DPR researched online planning and estate agency records to obtain floor plans to establish room layouts and uses for as many of the properties as possible, including nos. 1, 2, 8, 10, 18, 22, 23, 24 and 25 Tomlins Grove. Where plans were not available, reasonable professional deductions were required, in accordance with common industry practice.- See below screenshots of the following sample extracts for a stretch of properties including 11 to 15 Tomlins Grove:<ul style="list-style-type: none">• Mast-mounted photography• Point cloud (false-colour image)• DPR's 3D model• Waldrams' 3D model



Figure 31: Mast-mounted photography



Figure 32: Point cloud (false-colour image)

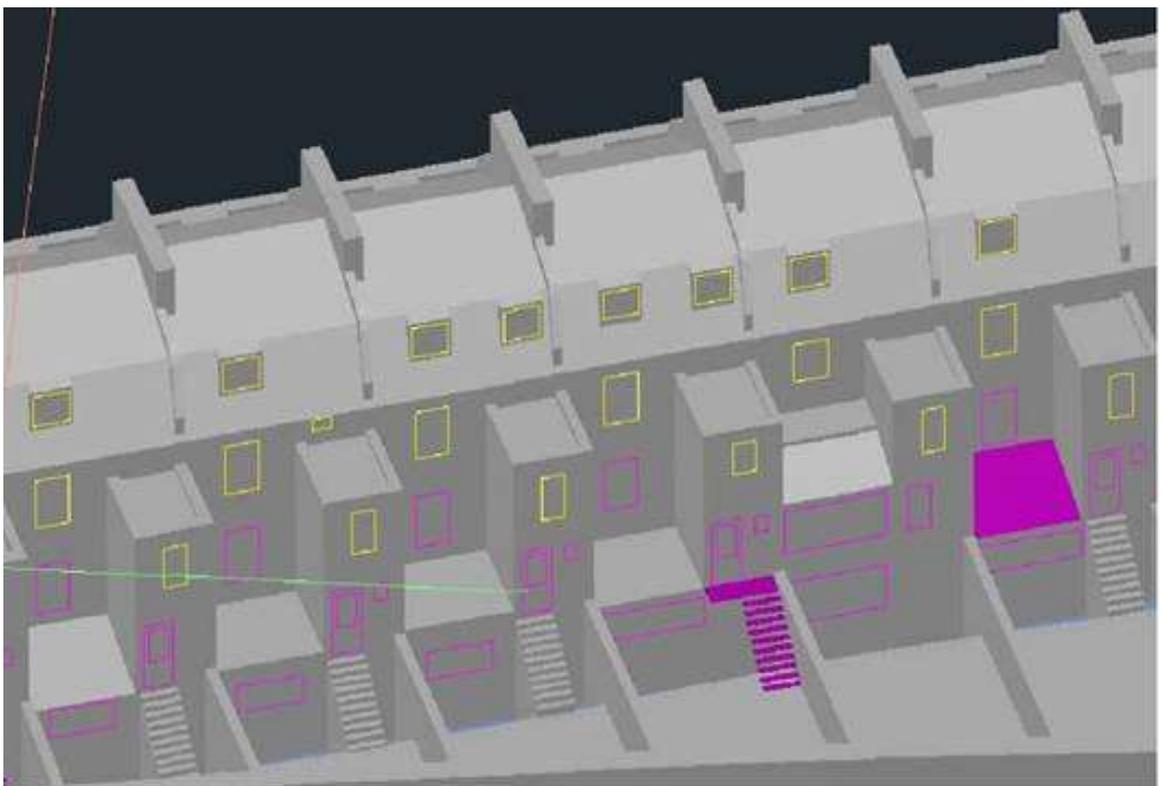


Figure 33: DPR's 3D model



Figure 34: Waldrams 3D model

- DPR have now carried out survey and relevant measurements of properties in Tomlins Grove where they have been able to gain access.
- DPR have confirmed that the reason why Waldrams included the area of the window apertures in their results is that they ran the Average Daylight Factor (ADF) assessment, which is really only intended for use with new dwellings. The window area is one of the variables that is inputted into the ADF formula, so ADF results tables tend to include the window area in the outputted data. VSC and NSL results tables do not include that information.
- The widths of the window openings and widths and depths of the rooms in DPR's model have been drawn to scale on their daylight distribution results plans, that were submitted following Anstey Horne's request, in this case 1:100 when printed at A3.
- Window size has less bearing on the VSC result, as it is calculated on the outside plane of the window wall at the centre point of the aperture.
- Anstey Horne agree with DPR that for VSC and NSL tests assessing the impact to neighbouring properties, typically the area of glazing is not included in the results tables. The size of glazing would typically be included in a results table when calculating the ADF results for new developments. The window dimensions were provided by the applicant to the LPA on 7th August 2019 and were uploaded to the LPA's online system where they can be viewed by the public. DPR have now carried out survey and relevant measurements of properties in Tomlins Grove where they have been able to gain access.
- Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application.

Objector point:

- *9 Tomlins Grove did not suffer a reduction in its lit environment according to the Waldram report yet does in the DPR report.*

	<ul style="list-style-type: none"> • <i>The VSC figures at existing windows vary between the two reports when this should be a constant.</i>
Officer comment:	<ul style="list-style-type: none"> - The results appended to Waldrams' report showed some reductions in light to 9 Tomlins Grove that were within the BRE numerical guidelines. - As DPR and Waldrams have built completely separate 3D computer models from different source data, the software will compute different values for VSC, NSL and APSH. The VSC results will only be identical if the consultants' 3D models are geometrically identical and both are running identical software, including release version. Officers are satisfied that the DPR model is more accurate and it is their results that the current application is based on. - Anstey Horne have highlighted that the Waldrams assessment was completed back in 2016, whereas the DPR assessment was completed more recently in early 2019. Since the Waldrams assessment there have been at least 2 updates to the software which can marginally change the numerical output. - Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application.

Objector point:	<ul style="list-style-type: none"> • <i>Room uses are still wrong despite corrections made in the course of correspondence with LBTH officers by residents.</i> • <i>Different rooms require different lighting levels and if DPR have used inaccurate information, the whole report is called into question.</i>
Officer comment:	<ul style="list-style-type: none"> - As the DPR report states, the BRE guidance notes that for daylight, living rooms, dining rooms, kitchens and bedrooms should be analysed, although the latter are less important. For sunlight, main living rooms and conservatories should be assessed, but care should be taken to not block too much sun to kitchens and bedrooms. Room use also becomes relevant when applying the recommendations in Appendix I of the BRE guide to ascribe significance to the results because the requirement of the room for daylight and sunlight is relevant when exercising that professional judgment. The objector does not state precisely which room uses they believe to be wrong. - The applicant has now carried out survey and relevant measurements of properties in Tomlins Grove where access was gained. Where access was not gained, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans. - Anstey Horne have confirmed that DPR have tested all habitable rooms, however in the absence of actual room uses for each property it is reasonable to make assumptions of the room uses based on their research and external inspection.

Objector point:	<ul style="list-style-type: none"> • <i>In addition whole floors to some properties in Tomlins Grove have been omitted from DPR's report. Again, this means their report cannot be credible as the impact on some properties has not been assessed.</i>
Officer comment:	<ul style="list-style-type: none"> - DPR have now included every floor level for each property including habitable and non-habitable rooms.

<p>Objector point:</p>	<ul style="list-style-type: none"> • <i>At Judicial Review it was found that the fact that a room already had restricted light due to a balcony or back extension did not mean that further reductions were irrelevant. The DPR report relies on making calculations omitting the original back additions to the Tomlins Grove properties in direct contradiction to the Judicial Review judgment para 102.</i> • <i>The BRE Guide does not provide for the removal of side returns. As per the High Court Judgment, dated 28 March 2018, (the Judgment) if officers rely on this information for decision making purposes it could be considered that they would be materially misleading the decision makers. This is set out in more detail in Appendix 1.</i>
<p>Officer comment:</p>	<ul style="list-style-type: none"> - At paragraph 106 of the judgment the Court disapproved of the claimant's close textual analysis of the report. The Court therefore did not rule out the running of the additional calculation without closet wings. - What the Court did consider to be a defect, was the omission of the effects of the projecting walls when analysing whether or not the proposed development would have an adverse impact (see para. 102). The Court did not state that the additional calculation without the projecting walls should not be run. At paragraphs 101 to 107, the Court held that Waldrams were wrong to conclude that the effects of the development were not adverse based on their supposition (which was proven at trial to be incorrect) that the impacts would have been BRE adherent but for the projecting walls when they had provided no information to demonstrate that. - The implication of para. 106 of the judgment on the proper interpretation of BRE para. 2.2.10 and 2.2.13 is that one needs to understand that what these paragraphs seek to do is to identify when larger reductions in daylight maybe unavoidable from a designer's point of view (emphasis added) in certain circumstances even thig the general aim is to minimise the impact to existing property. - DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects. - The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.

<p>Objector point:</p>	<ul style="list-style-type: none"> • <i>The claim in the updated Daylight Sunlight report that it is the side returns that would be the main cause in relation to the loss of daylight and sunlight that the Tomlins Grove properties would experience with the development in situ, which in many cases far exceed BRE guidelines, is incorrect.</i>
<p>Officer comment:</p>	<ul style="list-style-type: none"> - The DPR report does not state that the closet wings are the main "<u>cause</u>" in relation to the loss of light. Further detail is set out below. - BRE paragraph 2.2.11 states: <p style="margin-left: 40px;"><i>"if the proposed VSC with the balcony was under 0.8 times the existing value with the balcony, but the same ratio for the values without the balcony was well over 0.8, this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light."</i></p>

	<ul style="list-style-type: none"> - DPR's additional test without the closet wings showed that in some instances the <u>relative</u> loss (i.e. percentage reduction) would have been lower but still not BRE compliant had the closet wings not existed. In those cases DPRs report states that the closet wings are a factor in the <u>relative</u> light loss, but not the main factor. However, where the results of the additional test showed that the impacts would have been within the guidelines but for the closet wings, DPR stated that the results indicate that the closet wings, rather than the proposed development, is the main factor in the relative loss of light. That is consistent with BRE paragraph 2.2.11. - DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects. - The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.
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<p>Objector point:</p>	<ul style="list-style-type: none"> • <i>The information provided to the Council by DPR in relation to loss of daylight and sunlight to the homes in Tomlins Grove differs from the information previously provided by Waldrams, another expert in the daylight sunlight field. Waldrams' information was based on incorrect room descriptions, including in relation to our home. No.13 Tomlin Grove's ground floor room failed all tests when assessed as a bedroom.</i> • <i>It is not understood how the room is now correctly described as a lounge but seemingly passes the daylight distribution test, particularly when a lounge has a higher light requirement than a bedroom. If it now passes because DPR has removed the side returns, this is incorrect and potentially misleading. We note that other properties have similar anomalies.</i>
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<p>Officer comment:</p>	<ul style="list-style-type: none"> - As explained above, different consultants using different methods of measurement and data collection, different source information and different levels of rigour will produce different 3D computer models. Even if run through exactly the same computer analysis program, they will therefore produce different results. If they use different computer software that use different methods of calculating daylight this could add to the disparity in results. Waldrams and DPR use the same software, but they may be on different release versions, which can result in very small differences, but not material differences. Also, the assessment is predominantly a relative one comparing values in the existing condition with those in the proposed, so to some extent inherent inaccuracies 'even out'. - Officers are satisfied that DPR have compiled their 3D model with considerable rigour and robust methods that pay due heed to the RICS professional guidance. - The differences in the existing and proposed VSC values between Waldrams' data and DPR is considered small and not unexpected (given what has been outlined above). The bigger differences between the two consultants is in the existing and proposed APSH values are likely to be a result of Waldrams calculating the APSH on the outside plane of the window wall, whereas DPR elected to calculate it in the inside plane so that it more accurately takes account of the effect of window reveals on sunlight entering the room. The BRE guide required the calculation point to be positioned on the inside face for that reason, but when the guide was last updated they said the point "may" now be taken on the outside face, because it simplified it for those practitioners that produce the calculations manually.
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	<ul style="list-style-type: none"> - Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application. - DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects. - The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.
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Objector point:	<ul style="list-style-type: none"> • <i>The second floor bedroom of no. 13 Tomlins Grove fails the daylight distribution test but the first floor bedroom doesn't fail the same test. This appears to be because DPR has relied on the removal of the side returns in relation to the first floor. As pointed out above, the BRE Guide does not allow for the removal of side returns.</i>
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Officer comment:	<ul style="list-style-type: none"> - Officers are of the opinion that the difference in result between the first and second floor bedrooms in 13 Tomlins Grove is not to do with the closet wings and everything to do with the style of windows and window head height relative to internal floor level. The second floor window is a smaller dormer window that has a lower head height whereas the first floor window is a taller window with a greater head height. Accordingly, the window sizes mean that the room behind the dormer window is more sensitive than the one behind the first floor window and results in a small daylight distribution transgression. - DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects. - The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.
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Objector point:	<ul style="list-style-type: none"> • <i>The updated Daylight Sunlight report makes no such reference [to the number of properties in which daylight/sunlight is likely to be significantly adversely affected].</i>
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Officer comment:	<ul style="list-style-type: none"> - The DPR report and our review report state the number of properties which are impacted by the proposed development
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Objector point:	<ul style="list-style-type: none"> • <i>There is no recognition in the updated Daylight Sunlight report of:</i> <ul style="list-style-type: none"> ○ <i>The homes that have kitchens at 1st floor level</i> ○ <i>The basement rooms that benefit from the shared light from those rooms facing the proposed development site</i>
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Officer comment:	<ul style="list-style-type: none"> - DPR's assessment now lists all rooms, albeit habitable or non-habitable in their results tables attached to the Addendum October 2019 report. DPR have also modelled the basement rooms and other rooms which benefit from shared light, for example where a kitchen leads on to a living room.
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	<ul style="list-style-type: none"> - Where two rooms on opposite sides of a building lit from opposite directions have been 'knocked together', it is common practice to assess the original room that faces the development site. Otherwise there is a risk of masking the effects of the development by including light coning from the other side of the building. - Anstey Horne agree with DPRs response that in the absence of floorplans it is reasonable to assume the room uses. For rooms which are lit from both directions spanning the depth of the property it is common practice to sub-divide the room to assess the impact from the development.
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Objector point:	<ul style="list-style-type: none"> • <i>100% removal of sunlight far exceeds anything mentioned in the BRE guide as acceptable</i>
Officer comment:	<ul style="list-style-type: none"> - 12 Tomlins Grove and 13 Tomlins Grove have 100% reductions in their winter sunlight to their ground floor rooms. The orientation of the windows face is around 70 degrees from due south (i.e. west-southwest). Due to their orientation and the presence of the closet wings immediately adjacent to the windows on their south side, the windows only see a little bit of afternoon sunlight in the winter months before it sets below the viaduct. For that reason they currently receive 2% or 3% APSH in winter. The proposed development would obstruct this part of the sky where the setting sun path dips down, resulting in a reduction from 2% or 3% APSH to 0% APSH (i.e. 100% loss). It is a small absolute change, but a very large absolute change and understandably emotive. - The DPR report makes it clear where the winter sunlight hours have reduced from 2% or 3% down to 0% to some of the Tomlins Grove properties. - By way of BRE guidance, paragraph 3.2.11, was added to the BRE guidelines when the second edition was produced in 2011. The author, Dr Littlefair's press release at the time explained that the previous edition "<i>tended to overplay the loss of small amounts of sunlight in cases where the existing window either received very little sunlight year round, or in the winter months. The new Report introduces an additional guideline, that a total loss of sunlight of 4% or less of annual probable sunlight hours need not be significant.</i>"

Objector point:	<ul style="list-style-type: none"> • <i>If the ground floor room at no. 13 Tomlins Grove has been assessed at 6.7 m deep I fail to see how it meets the VSC and DD – the kitchen relies on borrowed light from the conservatory, which is fully glazed at window level to take account of the need for 'sharing' light.</i>
Officer comment:	<ul style="list-style-type: none"> - The VSC is calculated on the outside plane of the window wall and measures the amount of light falling on the window. It is unaffected by room dimensions. - Daylight distribution inside the room is influenced by the window head height, size and number of windows, depth and shape of room and, of course, the external massing outside the room. The effect on the NSL contour is plotted on the Daylight Distribution plan (NSL_005), which illustrates how the 'pool' of light inside the room would be affected. As it can be seen, it only penetrates to less than half depth in the existing condition and slightly less in the proposed. <p style="text-align: center;">Anstey Horne have confirmed that for 13 Tomlins Grove, the DPR report states "<i>The ground-floor living room would experience a small (26%) reduction in VSC, which is only slightly beyond the guidelines. The effect on NSL to the same room</i></p>

	<p><i>(23% reduction) would not satisfy the guidelines and its retained value (64%) NSL would be good for an urban area.”</i></p> <ul style="list-style-type: none"> - The BRE guidelines makes reference to particularly deep rooms (over 5 metres in depth) and the difficulty in ensuing they are fully lit. Midway through paragraph 2.2.10, the guidelines it states: <p><i>“If an existing building contains rooms lit from one side only and greater than 5 m deep, then a greater movement in the no sky line may be unavoidable”.</i></p>
Objector point:	<ul style="list-style-type: none"> • <i>The report correctly advises that no industry standard applies in this respect. This is because a fail is a fail. If you fail a drink driving test you fail. If you fail an exam you fail. If a measurement fails the BRE guidelines it fails. Simple. The table I have prepared demonstrates the rooms that would fail, with the caveat referred to above regarding the differing results between the Waldrams report and the updated Daylight Sunlight report.</i>
Officer comment:	<ul style="list-style-type: none"> - Nowhere in the BRE guide does it use the words “pass” or “fail”, because it is not a mandatory standard, only guidance to be interpreted flexibly. If an impact falls outside the numerical guidelines, i.e. is greater than the guidelines recommend, it is considered to be noticeable. DPR have sought to further categorise such impacts by reference to a scale of effect, to provide further detail.
Objector point:	<ul style="list-style-type: none"> • <i>The reference to the Whitechapel development is misleading in this context.</i> • <i>The area in question already had tall buildings that were to be redeveloped, and heights increased. As the report correctly sets out, Whitechapel is on the City Fringes and therefore slightly different planning guidelines would appear to apply. As do the different guidelines that apply when designing buildings to match the height of existing properties.</i>
Officer comment:	<ul style="list-style-type: none"> - The DPR report clearly states that the Inspector’s decision in the Whitechapel appeal was referenced because it is as an example of the inherent flexibility built that is into the BRE guidelines. The words of the Inspector on sensitive application of the daylight/sunlight guidelines to higher density housing developments, especially in accessible locations, etc., as opposed to blanket application of the BRE’s optimum standards are certainly relevant to the application. The DPR report does not state that the proposal should be assessed as if it was in Whitechapel. DPR have confirmed that they have applied the BRE’s standard numerical guidelines when undertaking their assessment and highlighted all instances where these would not be met. They have not sought to apply lower alternative target values.
Objector point:	<ul style="list-style-type: none"> • <i>By the omission of [BRE] paragraph 2.2.13 the reader of the updated Daylight Sunlight report is further being misled by not being made aware that:</i> <i>2.2.13 However, as a general rule the aim should be to minimise the impact to the existing property.</i>
Officer comment:	<p>Officers do not agree with the assertion that failing to mention paragraph 2.2.13 of the BRE guide is misleading. In section 4.1 of DPRs report they refer to the principles of the BRE guide and the methodology which they have used for the basis of the assessment. The decision maker in this case is the committee and the officer report to committee makes this clear .</p>
Objector point:	<ul style="list-style-type: none"> • <i>There is concern here that DPR has placed over-reliance on the sketch of one of the houses in Tomlins Grove, provided by the architects. The sketch in question is referred</i>

	<p>to by DPR in an email dated 6 July 2018 as a 'survey'. I am advised that the term 'survey' in architectural terms implies accuracy. I am also informed that the drawing is not a survey but is instead a hand drawn sketch using approximate dimension and proportions. Further, as it was produced as part of a tender package for external decorations, it did not need to be measurement-accurate.</p> <ul style="list-style-type: none"> • DPR seems to be particularly keen on accuracy so I would like to understand how this sketch was presented to them. As they are referring to it as a 'survey' could they have been misled around the accuracy of the sketch? What reliance did they place on it?
Officer comment:	<ul style="list-style-type: none"> - DPR have confirmed that their survey and modelling methodology was as described above. - DPR have now carried out survey and relevant measurements of properties in Tomlins Grove where they have been able to gain access.

Objector point:	<ul style="list-style-type: none"> • In the FOI response, DPR has gone to great lengths to explain how they will take measurements but there is still insufficient information provided for us to make an informed decision as to the accuracy of the measurements eventually used. DPR requested and were provided with Waldrams' 3D model. Despite stating that they would update the model, it is disappointing to note that their own results include similar errors to Waldrams in relation to room uses and layout of homes. We have already brought this to the council's attention.
Officer comment:	<ul style="list-style-type: none"> - DPR have confirmed that they did not make any use of or place any reliance on Waldrams' 3D model. DPRs report clearly states they have started afresh with their assessment model, capturing a 3D point cloud survey and completing their own planning research. - Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application. - DPR have now carried out survey and relevant measurements of properties in Tomlins Grove where they have been able to gain access.

Objector point:	<ul style="list-style-type: none"> • We know that Waldrams used in its results a brick count. This does not necessarily give accurate areas of glazing, and we have already raised our concerns in relation to window sizes relied on by DPR. Please confirm the approach taken by DPR in relation to the glazed areas. Again, a number of us are still waiting for information in relation to the glazed areas used by DPR to produce the assessments in their report. We require this information so that we can assess if our windows have been correctly measured and therefore the accuracy, or otherwise, of the daylight sunlight assessments.
Officer comment:	<ul style="list-style-type: none"> - The survey and modelling methodology undertaken by DPR was as described above. Anstey Horne confirmed that, as explained earlier, the methods used to capture the 3d point cloud survey would not require access to individual properties. The survey captures detailed information including window sizes and positions. - Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application.

Objector point:	<ul style="list-style-type: none"> <i>In an email dated 15 October 2018, DPR set out that it was missing full plan layout information for the Tomlins Grove houses that would be most affected by the development and went on to propose using layouts from 'comparable' homes. Please explain how they knew what was 'comparable' given the differing layouts of the homes concerned. There was clearly a gap in DPR's knowledge – what information was provided to fill this knowledge gap in relation to the Tomlins Grove homes?</i>
Officer comment:	<ul style="list-style-type: none"> - DPR's research methodology was explained in the Daylight Sunlight report dated January 2019 and the plans that DPR obtained through their efforts were attached to the report for complete transparency. - The applicant has now carried out survey and relevant measurements of properties in Tomlins Grove where access was gained. Where access was not gained, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans.

Objector point:	<ul style="list-style-type: none"> <i>In an email dated 22 October 2018 (and in the published Daylight & Sunlight Study), DPR made reference to the RICS Professional Guidance Note, 'Daylighting and sunlighting' (1st edition, 2012) (RICS Guidance Note). However, yet another glaring omission is the lack of reproduction of a sentence that again provides protection for existing properties 'Daylight and sunlight in particular are important to human health and well-being; they affect quality of life.....'. That the firm has failed to bring this to the attention of council officers and suggests it is acceptable for our homes and therefore us to lose 100% of winter sunlight is unforgivable and misleading. A 100% loss is not in accordance with the BRE guidelines. The firm acknowledges the importance of compliance with those guidelines in its email of 6 July 2018. Is this yet further evidence of misleading council officers and in turn the Development Committee? In light of this, I am particularly interested in what is included in the redacted sentence under the heading '4. Arguments to support the application' (also in the 6 July 2018 email). Could this be the firm's warning in relation to exceeding BRE guidelines?</i>
Officer comment:	<ul style="list-style-type: none"> - Officers assess the reasonableness or otherwise of the planning application by reference, first and foremost, to its local planning policy, plus regional and national planning policy. DPR's Daylight Sunlight report highlights the Council's planning policy on daylight and sunlight including SP10 of the Core Strategy and DM25 of the MDD. Council policy acknowledges the importance of light to wellbeing

Objector point:	<ul style="list-style-type: none"> <i>As you are aware, I cannot find it stated in the BRE guide that the side returns can be removed. It is quite wrong therefore for DPR to 'blame' the homes themselves when it is quite clearly the proposed development that will cause the losses of light referred to both by Waldrams and DPR. There are no losses to consider or measure without the development in situ. However, I accept that I am a layman so I would be grateful if your expert could provide details of the BRE guide paragraph relied upon to remove the side returns so that I may consider this further.</i> <i>I am particularly concerned because DPR confirms in its report that the second floor room in 13 Tomlins Grove fails the daylight sunlight test. The firm is unable to blame the side return for this because the side return does not go up as high as the second floor. The ground floor room and first floor room do not fail the same test, according to DPR. But importantly, however they dress it up, what their report confirms is that the side return is not responsible for the failure of the ground and first floor rooms as evidenced by the failure of the second floor room. I do not understand how a firm so</i>
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	<p><i>concerned with accuracy has overlooked this significant fact in relation to this home and probably others. That the side return has been 'blamed' in part by DPR for the loss that would be suffered by the ground floor and first floor rooms is misleading. Please would you ensure this anomaly, and similar anomalies affecting my neighbours' homes, is explained in the officer's report.</i></p>
Officer comment:	<ul style="list-style-type: none"> - At paragraph 106 of the judgment the Court disapproved of the claimant's close textual analysis of the report. The Court therefore did not rule out the running of the additional calculation without closet wings. - DPR have now gained access to 13 Tomlins Grove and surveyed all the rooms including the second floor bedroom; the second floor bedroom based on the updated measurements provided by DPR now fully meet the BRE guidelines for daylight and sunlight. - DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects. - The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment. - Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application.
Objector point:	<ul style="list-style-type: none"> • <i>Not accessing affected properties</i>
Officer comment:	<ul style="list-style-type: none"> - Whilst in this instance, the applicants have now carried out surveys and relevant measurements of properties in Tomlins Grove where they have been able to gain access and where they haven't been able to gain access, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans. In most circumstances, it is unrealistic for officers/consultants to visit every property to undertake the relevant measurements. It is standard practice in the industry for experts to make reasonable assumptions based on desk top data. - In addition, as part of Anstey Horne's assessment of DPR's report, they requested that no-skyline/daylight distribution contour drawings were provided to enable them to review the internal layouts that have been used for the assessment, and where the assumptions have been made in the absence of floor plans. Anstey Horne confirmed that the internal layouts that have been used for the assessment are reasonable.

Further representations were received in light of Anstey Horne's report and additional material submitted by DPR dated 28 May 2019. Below the queries have been responded to by DPR and subsequently verified by Anstey Horne:

Objector point:	<ul style="list-style-type: none"> • <i>Area of glazing and implication for assessment of loss of daylight/sunlight</i>
Officer comment:	<ul style="list-style-type: none"> - The only daylight/sunlight test in the BRE guide that is based on area of glazing is the average daylight factor (ADF) test, but as it is intended for use with new dwellings we did not include an ADF assessment in DPRs report (unlike Waldrams). Vertical sky component (VSC) and percentage of annual probable sunlight hours (APSH) are a measure of daylight and sunlight at a point at the centre of the window and do not depend on area of glazing or the area of the window aperture. - The BRE criteria for the DD/NSL test is based entirely on the relative loss of daylit area (i.e. existing divided by proposed values), so even if there are any slight inaccuracies in the sizes of window apertures or rooms or in the calculated daylit areas, they would largely cancel each other out. They would not <i>“inevitably lead to an underestimation of the loss of daylight and sunlight”</i> or <i>“seriously affect those deemed to have moderate daylight loss under the present calculations”</i>, as claimed by the objector.

Objector point:	<ul style="list-style-type: none"> • <i>Effect of room use on the measurement of daylight/sunlight</i>
Officer comment:	<ul style="list-style-type: none"> - Room use does not affect the measurement of daylight/sunlight or the quantification of the magnitude of impact. The methods of measurement (VSC, DD and APSH) for a neighbouring property are the same regardless of room use. - DPR have assessed as many rooms as possible in each property, following hand delivery of letters seeking access. Where access was not gained reasonable assumptions were made based on immediate neighbouring properties and/or plans.

Objector point:	<ul style="list-style-type: none"> • <i>Concerns regarding the difference in tests for sunlight and daylight in kitchens and bedrooms</i>
Officer comment:	<ul style="list-style-type: none"> - Room use does not affect the measurement of daylight/sunlight or the quantification of the magnitude of impact. The methods of measurement (VSC, DD and APSH) for a neighbouring property are the same regardless of room use. - It appears that the objector is referring to the ADF test which is primarily used to assess daylight levels to proposed residential units. The highest target when using the ADF test is to kitchens. More detail on the ADF test is provided below for reference. - The BRE guide recommends the following minimum average daylight factors (ADF) in new dwellings: 2% in kitchens, 1.5% in living rooms and 1% in bedrooms. However, when assessing the impact on daylight to existing neighbouring dwellings, the guide places equal emphasis on living rooms, dining rooms and kitchens and notes that bedrooms are less important but should still be analysed (BRE paras. 2.2. and 2.2.8). The same numerical criteria apply regardless of room use. - For sunlight to new dwellings, the BRE guide prioritises main living rooms. For impact on existing neighbouring dwellings it states that living rooms and conservatories should be assessed, whilst kitchens and bedrooms are less important, although care should be taken not to block too much sun (BRE guide para. 3.2.3).

Objector point:	<ul style="list-style-type: none"> • <i>Daylight distribution (no-sky contour) plans</i>
Officer comment:	<ul style="list-style-type: none"> - DPR confirmed that no evidence has been supplied of any mismeasurement of window apertures or differences in room layouts that would have a material effect on the magnitudes or significance of impacts.

Objector point:	<ul style="list-style-type: none"> • <i>Concerns regarding non-compliance with NSL testing in 22 or more rooms</i>
Officer comment:	<ul style="list-style-type: none"> - Aside from mistakenly referring to sunlight when they mean daylight, the objector correctly makes the point that if the area of a room with a direct view of sky will reduce to less than 0.8 times its former value, the loss of light will be noticeable to the occupants and more of the room will appear poorly lit (see BRE para. 2.2.9). According to our data and report, that would be the case in 24 rooms around the site of which 20 are in Tomlins Grove properties. - The contention that <i>“if correct room sizes, uses and glazing areas were used the number would be much greater”</i> is unfounded. Room use has no bearing on the NSL test. Please see DPRs response to the above point in relation to room sizes and glazing areas.

Further representations were received in light of the revised Anstey Horne report which had been uploaded onto the LPAs online portal and additional material submitted by DPR. Below the queries have been responded to by DPR and subsequently verified by Anstey Horne:

Objector point:	It has not been explained how the results between the original Waldrams Daylight Sunlight report and the later versions by DPR differ when the same rooms have been assessed with the same proposed development in situ.
Officer comment:	Different consultants using different methods of measurement and data collection, different source information and different levels of rigour will produce different 3D computer models. Even if run through exactly the same computer analysis program, they will therefore produce different results. If they use different computer software that use different methods of calculating light this could add to the disparity in results. Waldrams and DPR use the same software, but with DPR having run their calculations three years after Waldrams, they will undoubtedly be running an updated version of the software, which could contribute very small differences. Nevertheless, the assessment is predominantly a relative one comparing values in the existing condition with those in the proposed, so to some extent inherent differences ‘even out’.

Objector point:	We moved into our house in July 1983. It was in need of much improvement and did not have a fully working kitchen. We wanted to place the kitchen in what is now our conservatory at lower ground level but we were not given planning permission to do this. We were permitted to put the kitchen in the room behind the now conservatory, which due to the amount of borrowed light received from the conservatory, was acceptable to us. The doors between the two rooms are the original half glazed doors and we have maintained full glazing to the front of the conservatory. Nowhere is the issue of this borrowed light to one of the most important rooms in our home recognised. Nor have the losses to our kitchen been measured or assessed.
Officer	This area has now been assessed based on survey.

comment:	
Objector point:	<p>It does not appear that, despite notification to the Council by us and the residents concerned, that DPR or the Council has acknowledged that some home layouts and room uses are wrong in relation to this latest application. For example, properties 11 and 14 have kitchens at first floor level. It will be misleading if the Development Committee is led to believe that there is less of an impact to the Tomlins Grove properties than is factual due to incorrectly identified layouts. DPR has produced additional reports in the interim so we do not understand why this position has not been corrected in latter documents.</p>
Officer comment:	<p>Whilst in this instance, the applicant has now carried out surveys and relevant measurements of properties in Tomlins Grove where they have been able to gain access and where they haven't been able to gain access, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans. In most circumstances, it is unrealistic for officers/consultants to visit every property to undertake the relevant measurements. It is standard practice in the industry for experts to make reasonable assumptions based on desk top data.</p> <p>In accordance with RICS Guidance Note, GN96/2012, <i>'Daylighting and sunlighting'</i> DPR undertook searches of the local authority's planning portal to try establish room layouts and uses for neighbouring properties, where such information was available, to try to ensure a robust approach. Where plans were unavailable DPR generally assumed the main rear rooms at lower ground and ground floors to be living rooms and at first and second floor levels to be bedrooms.</p> <p>DPR note that objectors have pointed out that in a few instances rooms are kitchens, whereas in DPRs report assumed them to be living rooms or bedroom. This does not affect the calculation of the magnitude of impact and whether that impact is within the BRE guidelines; however it could have a bearing on the potential significance that impact:</p> <p>Where a room was treated as a living room in DPRs report but has subsequently been flagged as a kitchen, that should not have a material bearing on the determination of the significance of daylight effect, because the BRE Guide does not treat living rooms and kitchens in neighbouring properties differently; it only treats bedrooms as being less important (see BRE Para. 2.2.8). For sunlight, the BRE Guide treats both kitchens and bedrooms as less important than living rooms (BRE para. 3.2.3). Arguably, less weight could therefore be applied to any sunlight effects on rooms that are now found to be kitchens, but DPR recommend not doing so.</p> <p>Access has now been gained to all rooms in 14 Tomlins Grove. This ensures the accuracy of the NSL results which are the only results which are sensitive to room size and shape. Access was sought to the ground floor room of 11 Tomlins Grove but the applicant had no response to the hand delivered letter seeking access. Access was gained to the first and second floor of 11 Tomlins Grove and these rooms are based on survey.</p>
Objector point:	<p>We note that the Waldrams daylight sunlight report has been removed from the planning portal. As this document is referred to by both DPR and Anstey Horne (AH), we assume that its removal is an oversight by the Council. The availability of the Waldrams report was one part of the Judicial Review that in March 2018 quashed planning consent granted in January 2017. It would be unfortunate if this document was again a thorny issue. If its removal was deliberate, the officer's report should explain why.</p>

<p>Officer comment:</p>	<p>Given the history of the application and the conclusions drawn from the JR with the original daylight and sunlight report prepared by Waldrams, the applicant instructed Delva Patman Redlar (DPR) to produce a new daylight and sunlight assessment as part of this application.</p>
<p>Objector point:</p>	<p>It is disappointing that neither DPR or AH acknowledges that the level of daylight sunlight currently received by the Tomlins Grove homes has been the same levels received in excess of 150 years. That these experts are attempting to hold the side returns in anyway responsible for the reductions that will be caused by the proposed development is misleading, possibly materially misleading. The only reason our levels of daylight sunlight will be reduced with the proposed development in situ is because of the proposed development. Nothing else.</p>
<p>Officer comment:</p>	<p>DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects.</p> <p>The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.</p>
<p>Objector point:</p>	<p>The Waldrams report measured the ADF for the Tomlins Grove properties whilst DPR has not carried out the same assessment. We understand from Professor Paul Littlefair, my expert witness for the High Court, that the ADF assessment did not have to be carried out for these properties, but it was. Given that it was, and for a sense of fairness, DPR should be asked to carry out a new ADF assessment on the Tomlins Grove properties, using accurate information which we would be happy to provide.</p>
<p>Officer comment:</p>	<p>The reason why the ADF is generally not recommended for assessing loss of light to existing buildings is set out in paragraph F7 in Appendix F of the BRE Guide.</p>
<p>Objector point:</p>	<p>It is worth noting at this point that by DPR using the window opening size only for the daylight and sunlight assessments they have carried out, they have potentially <i>overstated</i> the daylight sunlight to our lounge by more than 128%. The no-sky contour illustration is likely to be similarly <i>overstated</i>. Our first floor and second floor rooms are also affected. This is likely to be similar for other properties in Tomlins Grove. For a sense of fairness, Planning officers should investigate this level of overstatement further rather than present misleading information to the Development Committee.</p>
<p>Officer comment:</p>	<p>It is not clear whether the objector is claiming that DPR has mis-measured the size of their window openings and, if so, by how much. The inference seems to be that DPR has made them larger than they actually are, but no 'corrected' measurements have been offered. DPR provided window measurements in good faith so that the objector could check and satisfy themselves that they are reasonably accurate. If they are going to claim there are errors then they should provide corrected measurements so DPR can consider whether any differences are significant.</p> <p>Even if DPR measurements are incorrect, it would have negligible bearing on the VSC and APSH values, which are calculated at the centre of the window opening and do not measure the amount of light passing through the aperture into the room. The NSL test does calculate the area of the working plane inside the room that has a view of sky, so if the window apertures are of a slightly different size to what we have modelled it could</p>

	<p>potentially slightly alter the area with a view of sky. However, as the test runs the measurement before and after development and calculates the relative reduction, the significance of any slight error in aperture size would likely be low.</p> <p>The applicant has now carried out survey and relevant measurements of properties in Tomlins Grove where access was gained. Where access was not gained, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans.</p>
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<p>Objector point:</p>	<p>Since my original objection letter, via a Freedom of Information request (FOI), we have learned that DPR suggested a visit to the Tomlins Grove properties. The officer's report should explain why they were prevented from doing so, either by the Council or a third party working on its behalf. By email exchange Waldrams acknowledge that the 3D model it shared with DPR was 'indicative' and 'estimated'. As a result, DPR acknowledged by email that it would be better to work with a more accurate 3D model. DPR also disclosed to the Council the Tomlins Grove properties that it had managed to find floor plans for. This did not include any of the properties that would be most affected by the proposed development. Why is it that, given what has happened previously, the Council is content for its agents to use less than accurate information? Could it possibly be that an accurate assessment would reveal the impact to the Tomlins Grove homes would greatly exceed guidelines rather than the current implied 'satisfactory' findings.</p>
<p>Officer comment:</p>	<p>The applicant has now carried out surveys and relevant measurements of properties in Tomlins Grove where they have been able to gain access and where they haven't been able to gain access, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans</p>

<p>Objector point:</p>	<p>The AH report dated 9 July 2019 has been changed so that it better favours the Council. There is no explanation or reason provided in the report to explain why this was changed from the version date 27 June 2019. That report presented that only 55% of properties tested for daylight would satisfy BRE guidelines. In the later July report this has risen to 59%. Similarly, the earlier report presented that only 50% of properties tested for sunlight would satisfy the BRE guidelines. In the later report, this has risen to 66%. The June results were consistent with those in the report dated April 2019. The reason for this change should be explained in the officer's report.</p>
<p>Officer comment:</p>	<p>This has now been superseded as there is now an Addendum October 2019 report for the Tomlins Grove properties, equally, there is also now an updated Anstey Horne report dated 23rd October 2019.</p>

<p>Objector point:</p>	<p>There now appears to be a greater reliance on DPR's assessment carried out with the side returns, which are original to date of build, removed. I have asked the Council several times to tell me the paragraph in the BRE Guide that allows for such removal. Nothing has been provided because there is no such permission in the BRE Guide. The BRE Guide allows for a greater relative reduction in VSC but also provides that as a general rule the aim should be to minimise the impact to existing property, which has not happened in this case. The latest 'removal' of the side returns has been carried out despite the Council's previous expert, Michael Harper of Waldrams, attempting to</p>
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	convince the High Court that his firm's report had not relied on omission of the side returns in relation to the results for the Tomlins Grove properties when it quite clearly had. It is clear from the FOI information that the assessment carried out by DPR without the side returns in place was done at the instruction of Council officers. In a letter dated 6 June 2019, Jane Abraham on behalf of Will Tuckley, Chief Executive, provided written assurance to me that DPR's removal of the side returns was a factor for consideration but not more important than with the side returns in place. So why has this information now been presented as a standalone document on the planning portal? Is this a further attempt by the Council to mislead members of the public and the Development Committee? We are going to lose 100% of the winter sunlight that we currently receive with the side return in place purely as a result of the proposed development.
Officer comment:	DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects. The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.

Objector point:	The AH report makes reference to the good levels of daylight sunlight received by the Tomlins Grove properties. That, along with Professor Littlefair's comment that there would be a right to light issue (with the proposed development in place) for some of the Tomlins Grove properties should be sufficient reason for officers to request that DPR's report in relation to right to light and the Tomlins Grove properties, requested by Yasmin Ali, should be shared with residents of Tomlins Grove and the Development Committee. It is wrong of the Council, as per Will Tuckley's letter to me dated 9 August 2019, to attempt to hide behind 'legal privilege' in this respect.
Officer comment:	Right to Light is not a planning matter

Objector point:	The AH report claims that the Arnold Road site has been underutilised. This is misleading , possibly materially misleading . The site was used as an adult day centre for 45 years and therefore fully utilised for the purpose it served. That the Council now wishes to change the use of the site does not equate to underutilisation.
Officer comment:	The Adult Day Care Centre relocated to another premises in the borough and the site has been vacant since December 2018. Therefore Officers consider that the site is underutilised.

Objector point:	There also appears to be an overestimation in relation to the height of Bow Magistrates Court in an attempt to portray the six storey block as 'in context'. This is misleading . Bow Magistrates Court is of similar height to the Tomlins Grove properties. We have photographic evidence of this from the Tomlins Grove properties themselves.
Officer comment:	DPR are unclear where the objector feels the height of Bow Magistrates Court has been overestimated. The 3D view drawing in Appendix A of DPR's report shows the surrounding massing, including the Magistrates Court, and shows AOD heights of various parapets of the Court building. DPR do not believe these heights are incorrect.

Objector point:	There is no reference anywhere in the reports produced by DPR or AH to demonstrate that in BRE Guide terms we are good neighbours in that we are not demanding too much light. The heart of the issue is the proposed height and massing of the development and its proximity to our homes.
Officer comment:	The question of whether a building is a 'good neighbour' comes into play if and when there is a case for seeking to apply alternative target values (see BRE para. 2.2.3 and Appendix F). However, that is not DPR of the Applicant's case, hence the 'good neighbour' point has not been examined.

Objector point:	There is no reference in reports produced by DPR, or AH, in relation to the many written protections provided in the various Council produced policy documents that will be breached by the proposed development. The same is true of Government produced policy documents. Instead these chosen experts have carefully selected the paragraphs they would prefer to rely on. This leaves Tomlins Grove residents at a disadvantage. This is particularly relevant in relation to DM25 of the Tower Hamlets local plan, which sets out the Council's intention to protect or improve conditions, and its report on Tall buildings dated September 2017.
Officer comment:	This statement is incorrect. DPR's report includes numerous citation of and extracts from policies whose aim is to protect amenity, including: <ul style="list-style-type: none"> • London Plan, policies 7.6 and 7.7 • Draft New London Plan, draft policy D4 • Mayor of London's Housing SPG, policy 7.6Bd • LBTH Core Strategy, Strategic Policy 10, Section 4A • LBTH Managing Development Document, policy DM25 • LBTH Draft Local Plan 2031, policy DH7

Objector point:	The FOI information contained an email from Potter Rapper in January 2019 that states '... new pressures within LBTH time is now of the essence.' It is not acceptable to forgo proper and accurate consideration of the impact to the Tomlins Grove properties because the Applicant is under pressure, although that seems to be what is happening here.
Officer comment:	The planning application is being assessed in accordance with statutory planning policies and guidance. No corners are being cut due to 'pressures' as referenced above.

Objector point:	Gilbert J recognised the importance for daylight and sunlight in such situations as 'greater, not lesser, in terms of a habitable room' when he granted permission for Judicial Review in August 2017. He considered that the argument about the effect of the side returns did not 'help the authority'. John Howell QC noted 'That, it might be thought, is merely common sense'.
Officer comment:	As noted above and in the objection response in relation to daylight and sunlight section of the report, DPR also undertook a daylight and sunlight test with the projecting wings omitted to the Tomlins Grove properties, in order to compare the results and understand whether the wings are a material factor in the relative loss. Anstey Horne agree with DPR's conclusion, of which being, where the projecting wings are or are not a material factor and this has been taken into account when categorising the significance of impacts. DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise

	<p>the significance of effects.</p> <p>The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the “true” assessment.</p>
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Objector point:	Applicants failure to address known issues
Officer comment:	The LPA is not responsible for what the applicant submits as part of their planning application. Notwithstanding this, the Applicant has sought to address the problems identified in the Judicial Review by commissioning a fresh daylight and sunlight assessment by a different consultant (DPR), placing no reliance upon the work undertaken by the previous consultant (Waldrams).

Objector point:	Inadequacy of applicant’s daylight and sunlight submissions
Officer comment:	The applicant’s daylight and sunlight information has now been reviewed by officers and officers consider it to be acceptable and robust.

Objector point:	Specific errors highlighted in DPR’s daylight and sunlight report
Officer comment:	<p>DPR disagree that the lack of instruction to them by the Applicant to gain access and survey all the rooms in the Tomlins Grove properties means that their work is “seriously flawed”. It is rare for daylight consultants to gain access to undertake such surveys and the vast majority of daylight and sunlight assessments submitted with planning applications are not based on measured surveys inside neighbouring properties. They have undertaken their work in accordance with RICS Guidance Note, GN96/2012, ‘Daylighting and sunlighting’ and used a mixture of laser scan measured survey, high-definition photography, researched floor plans, etc.</p> <p>In Tomlins Grove they tested all of the properties that take light from over the site and which may be affected, having regard to the BRE preliminary 25-degree test, including all those that would experience the greatest impact. They tested 74a Bow Road and numbers 1 to 25 Tomlins Grove, i.e. 26 properties in that one street alone, not “a sample of ten houses”, as the objector claims.</p> <p>DPR have now accessed as many properties on Tomlins Grove as possible. Where they have gained access they have surveyed the rooms including room shape and dimensions and window shape and dimension. The Addendum October 2019 report ensures the results for Tomlins Grove are very robust.</p> <p>The alleged ‘errors’ are either not errors at all or are incorrect assumptions as to a small number of room uses. They do not affect DPRs calculations of the amount of daylight and sunlight reaching the Tomlins Grove properties or the magnitude of daylight/sunlight impacts that would be caused by the proposed development.</p>

Table 2 – Objection responses

Summary of Daylight Results:

The following table assesses the impact of the proposed development on the neighbouring properties in line with Anstey Horne's advice.

Property	Daylight Impact	Further detail
74a Bow Road	Negligible	<p>The DPR report explains that the internal arrangements for this property have been based on planning archive layouts.</p> <p>12 windows have been assessed for VSC, with 12 windows demonstrating BRE compliance and thus negligible impacts.</p> <p>12 rooms have been assessed for NSL, with 11 rooms demonstrating BRE compliance and thus negligible impacts. The 1 ground floor bedroom that falls below the BRE guidelines will have a reduction of 21.4% which is a small effect based upon the DPR significance banding.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of negligible significance.</p>
8 Tomlins Grove	Negligible	<p>Access was gained to the ground, first and second floors. Access was unable to be obtained to the basement flat so the layouts are therefore assumed.</p> <p>The DPR report explains that this property is subdivided in to a lower ground floor flat and main house above. The lower ground floor room has been assumed to be a living/kitchen/diner. The ground floor kitchen, first floor living room/study and second floor bedroom are all based on survey.</p> <p>5 windows have been assessed for VSC, with 4 windows demonstrating BRE compliance and it is considered to have negligible impacts. The 1 window to the ground floor kitchen that falls below the BRE guidelines will have a reduction of 21% which is a small effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, with all 4 rooms demonstrating BRE compliance and thus negligible impacts.</p> <p>Anstey Horne have categorised the daylight effect to this property as</p>

Property	Daylight Impact	Further detail
		<p>negligible significance.</p>
9 Tomlins Grove	Minor adverse	<p>Access was unable to be obtained to this property after hand delivery of letter seeking access.</p> <p>The DPR report explains that the internal arrangements for this property have been based on assumptions and survey information sourced for other properties as access was unable to be obtained to this property.</p> <p>4 windows have been assessed for VSC, with all 4 windows demonstrating BRE compliance and thus negligible impacts.</p> <p>4 rooms have been assessed for NSL, with 3 rooms demonstrating BRE compliance and thus negligible impacts. The 1 room that falls below the BRE guidelines is the ground floor assumed living/kitchen/diner which will have an NSL reduction of 30%, a Minor Adverse effect. The mitigation cited in the DPR Report for the ground floor living room is that it has been assumed as being 6.7m deep, and that the BRE guide states that “if an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable”.</p> <p>Anstey Horne class the daylight effect to this property to be of a minor adverse significance.</p>
10 Tomlins Grove	Negligible	<p>Access was gained to all rooms in this property.</p> <p>The report explains that the internal arrangements of each room, the lower ground kitchen & living/diner, ground floor bedroom, first floor bedroom and second floor bedroom are based on survey. This property is one dwelling house.</p> <p>4 windows have been assessed for VSC, with 3 windows demonstrating BRE compliance and thus negligible impacts. The 1 window to the ground floor bedroom that falls below the BRE guidelines will have a reduction of 22.0% which is a small effect based upon the DPR significance impact banding.</p> <p>All 4 rooms which have been assessed for NSL,</p>

Property	Daylight Impact	Further detail
		<p>demonstrate BRE compliance and thus negligible impacts.</p> <p>Anstey Horne class the daylight effect to this property to be of a Negligible significance.</p>
11 Tomlins Grove	Negligible	<p>Access was unable to be obtained to the lower ground and ground floor room after hand delivery of a letter seeking access. Access was gained to the first and second floor.</p> <p>The DPR report state that VOA records show this property has been separated in to two maisonette flats. The lower ground floor and ground floor flat which are assumed to be a bedroom and living/kitchen/diner respectively. The first floor kitchen and second floor bedroom were surveyed.</p> <p>4 windows have been assessed for VSC, with 3 windows demonstrating BRE compliance and therefore negligible impacts. The 1 window to the ground floor living room that falls below the BRE guidelines will have a reduction of 23%, which is considered a small effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, with all 4 rooms demonstrating BRE compliance and thus negligible impacts.</p> <p>Anstey Horne class the daylight effect to this property to be of a Negligible significance.</p>
12 Tomlins Grove	Negligible to minor adverse	<p>DPR accessed this property and surveyed the ground floor kitchen, first floor bedroom and second floor bedroom. The lower ground floor living/kitchen/diner has been assumed. DPR state that this property is separated in to a lower ground floor flat and a main house above.</p> <p>4 windows have been assessed for VSC, with 3 windows demonstrating BRE compliance and thus negligible impacts. The 1 window to the ground floor kitchen that falls below the BRE guidelines will have a reduction of 25%, which is considered a small effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, with all 4</p>

Property	Daylight Impact	Further detail
		<p>rooms demonstrating BRE compliance and thus negligible impacts.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of negligible to minor adverse significance.</p>
13 Tomlins Grove	Minor adverse	<p>Access was gained to all of the rear rooms.</p> <p>DPR state they have accessed every room in this property and carried out a survey. The rooms include a lower ground floor conservatory and kitchen, ground floor living room with the first and second floor both being bedrooms.</p> <p>6 windows have been assessed for VSC (3 of these windows serving the lower ground floor conservatory), and 5 windows demonstrates BRE compliance and thus negligible impacts. The 1 window to the ground floor living room that falls below the BRE guidelines will have a reduction of 26%, which is considered a small effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, with 3 rooms demonstrating BRE compliance and thus negligible impacts. The 1 room that falls below the BRE guidelines is the ground floor living room which will have a reduction of 26% which is considered a small effect.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of Minor Adverse significance.</p>
14 Tomlins Grove	Minor adverse	<p>DPR accessed all the rear rooms at this property and carried out surveys. DPR state that this property is sub-divided into three dwellings, a flat at the lower ground floor level, a flat on the ground floor level and a maisonette on the first and second floor levels. The rooms are a kitchen & living room on the lower ground floor, a kitchen & living room on the ground floor, first floor kitchen/diner and second floor bedroom.</p> <p>6 windows have been assessed for VSC, and all 6 windows demonstrate BRE compliance and thus</p>

Property	Daylight Impact	Further detail
		<p>negligible impacts.</p> <p>4 rooms have been assessed for NSL and 2 rooms demonstrate BRE compliance and thus negligible impact. The 2 rooms that fall below the BRE guidelines will have reductions of 25% to the lower ground floor kitchen & living room, and 23% to the ground floor kitchen & living room., These are considered to be Minor Adverse impacts.</p> <p>DPR and Anstey Horne have both advised that they would categorise the daylight effect to this property as being of minor adverse significance.</p>
15 Tomlins Grove	Minor adverse	<p>The report explains that the internal arrangements for this property have been based on assumptions and information sourced for other properties in the terrace. DPR state that based on VOA records, this property is a single house. The rooms include an assumed living/kitchen/diner on the lower ground floor, assumed living room on the ground floor and assumed bedrooms on the first and second floors.</p> <p>4 windows have been assessed for VSC, with 3 windows demonstrating BRE compliance and thus negligible impacts. The 1 window to the ground floor living room that falls below the BRE guidelines will have a reduction of 31%, which is considered a Minor Adverse effect.</p> <p>4 rooms have been assessed for NSL, with 3 rooms demonstrating BRE compliance and thus negligible impacts. The 1 room that falls below the BRE guidelines will have a reduction of 25% and this room is served by the 1 window in the property which does not meet the BRE guidelines for VSC. This rooms which does not meet the BRE guidelines is the assumed ground floor living room.</p> <p>Anstey Horne have classed this property as having a minor adverse significance.</p>
16 Tomlins Grove	Moderate adverse	<p>Access was gained to all of the rear rooms.</p> <p>DPR surveyed all the rear rooms and the property is one dwelling house. The rooms include a lower ground floor living room, ground floor living room and the first and second floor levels are bedrooms.</p>

Property	Daylight Impact	Further detail
		<p>7 windows have been assessed for VSC, and 5 windows demonstrate BRE compliance and thus negligible impacts. The 2 windows which fall below the BRE guidelines include 1 window to the lower ground floor living room and the window on the ground floor which serves the living room; these windows have VSC reductions of 21% and 31% respectively which are a Minor and Moderate Adverse significance.</p> <p>4 rooms have been assessed for NSL, and 1 rooms demonstrates BRE compliance and thus negligible impacts. The 3 rooms that fall below the BRE guideline will have reductions of 45% to the lower ground floor living room, 32% to the ground floor living room and 21% to the first floor bedroom. Therefore, the second floor bedroom is considered a Minor Adverse effect, the lower ground floor room a Major Adverse impact and the ground floor living room a Moderate Adverse impact.</p> <p>Anstey Horne had advised that they would categorise the daylight effect to this property as being of moderate adverse significance. The LPA accepts this advice.</p>
17 Tomlins Grove	Moderate adverse	<p>DPR surveyed all of the rear rooms in this property and it is a single dwelling house.</p> <p>4 windows have been assessed for VSC, with 2 windows demonstrating BRE compliance and thus negligible impacts. The 2 windows to the lower ground living room/storage area and ground floor kitchen/diner that fall below the BRE guidelines will have reductions of 31% and 30% respectively. Therefore 1 window is considered to be on the cusp of a moderate effect and 1 window is considered to be a moderate effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, and 3 rooms fall below the BRE guidelines. The rooms will have reductions of 43% to the lower ground floor living room/storage area, 27% to the ground floor kitchen/diner and 23% to the first floor bedroom. Therefore, the lower ground floor room will have a Major Adverse impact and the ground and first floor bedroom will have Minor Adverse impacts.</p>

Property	Daylight Impact	Further detail
		<p>Anstey Horne advised that they would categorise the daylight effect to this property as being of moderate adverse significance. The LPA accepts this advice.</p>
18 Tomlins Grove	Minor Adverse	<p>Access was gained to all of the rear rooms.</p> <p>The report explains that the internal arrangements for this property have been based on layouts sourced from an estate agent's website. The first floor room is shown as a bathroom which is a non-habitable room and therefore does not need to be considered for daylight and sunlight. DPR included this room for completeness but the result is not reported below.</p> <p>5 windows have been assessed for VSC, and 4 windows demonstrate BRE compliance and thus negligible impacts. The 1 window to the ground floor living room that falls below the BRE guidelines will have a reduction of 26%, which is considered to be a Minor Adverse impact.</p> <p>3 rooms have been assessed for NSL, with 2 rooms demonstrating BRE compliance and thus negligible impacts. The 1 ground floor living room that falls below the BRE guidelines will have a reduction of 29%, therefore, a Minor Adverse impact, just below the threshold for a Moderate Adverse impact.</p> <p>Anstey Horne agree with DPR that the daylight effect to this property is considered to be of Minor Adverse significance.</p>
19 Tomlins Grove	Negligible to Minor Adverse	<p>DPR surveyed all of the rear rooms in this property and it is a single dwelling house. The lower ground floor room is a kitchen & dining room, the ground floor is a living room, the first and second floors are bedrooms.</p> <p>5 windows have been assessed for VSC, with 4 windows demonstrating BRE compliance and thus negligible impacts. The 1 ground floor living room window that falls below the BRE guidelines will have a reduction of 22%, which is a Minor Adverse impact.</p> <p>4 rooms have been assessed for NSL, with all rooms demonstrating BRE compliance and thus negligible impacts.</p>

Property	Daylight Impact	Further detail
		<p>Anstey Horne agree with DPR that the daylight effect to this property is considered to be of Negligible to Minor Adverse significance.</p>
28+29 Mornington Grove	Minor adverse	<p>The report explains that the internal arrangements for this property have been based on planning archive layouts.</p> <p>45 windows have been assessed for VSC, with 40 windows demonstrating BRE compliance and thus negligible impacts. The 5 windows that fall below the BRE guidelines will have reductions of 20.4%, 21.3% 23.9%, 35.4% and 35.6%. 4 of the windows are to bedrooms and the remaining 1 window (with the largest relative reduction) is to a living room with multiple windows. Therefore 3 of the bedroom windows are considered to be small effects and the 2 remaining windows are considered to be moderate effect based upon the DPR significance impact banding.</p> <p>18 rooms have been assessed for NSL, with 15 rooms demonstrating BRE compliance and thus negligible impacts. The other 3 rooms are 3 of the bedrooms which do not meet the VSC guidelines but have the lowest relative reductions. They will have NSL reductions of 34.8% to the ground floor bedroom, 31.4% to the first floor bedroom and 28.4% to the second floor bedroom. Therefore 1 bedroom is considered to be a small effect and 2 bedrooms are considered to be moderate effects based upon the DPR significance impact banding.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of minor adverse significance.</p>
8 Mornington Grove	Negligible to minor adverse	<p>The report explains that the internal arrangements for this property have been based on assumptions and information sourced for other properties in the terrace.</p> <p>37 windows have been assessed for VSC, with 17 windows demonstrating BRE compliance and thus negligible impacts. The 20 windows that fall below the BRE guidelines will have reductions ranging between 33.4% and 38.4% and are therefore all considered to be moderate effects based upon the DPR significance impact banding. All of the</p>

Property	Daylight Impact	Further detail
		<p>windows are at the third floor level beneath deep projecting eaves which is limiting the daylight availability to these windows. This is apparent when reviewing the technical results; the existing VSC results for the third floor are much lower than the results to the floors below. The existing VSC values to the third floor range between 10.4% and 11.6% which is significantly below the BRE recommendation of 27%. All other existing VSC values are in excess of 33% and would retain above 28%. Anstey Horne agree with DPR that it is the effect of the deep eaves that is the main factor in the relative loss of light to the third floor windows.</p> <p>24 rooms have been assessed for NSL, with all rooms demonstrating BRE compliance and thus negligible impacts.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of negligible to minor adverse significance.</p>

Table 3 – Summary of Daylight Results

Summary of Sunlight Results

The table below examines the 8 properties which would experience noticeable reductions in sunlight (annual and/or winter) to at least 1 room beyond the standard numerical BRE guidelines in line with Anstey Horne's advice:

Property	Sunlight Impact	Further detail
9 Tomlins Grove	Minor Adverse	<p>2 assumed living/kitchen/diners on the lower ground and ground floor, an assumed first floor living room and an assumed bedroom were assessed for sunlight.</p> <p>3 out of 4 rooms tested meets the BRE guidelines for sunlight.</p> <p>The ground floor living/kitchen/diner has a reduction of 30% for the annual sunlight hours which is a moderate adverse impact and 50% for the winter sunlight hours which is a major adverse impact. However, the room would retain 23% annual hours compared to the target of 25%, and 4% for winter hours compared to the target of 5%. The first floor living room would satisfy the BRE guidelines for annual sunlight hours, however the winter reduction would be 67% which is a major adverse reduction. Therefore, 2 out of 4 rooms tested (if we are to</p>

Property	Sunlight Impact	Further detail
		<p>include the first floor bedroom) fully satisfy the BRE guidelines for sunlight. The retained sunlight levels to the rooms which do not adhere are acceptable for an inner city context.</p> <p>Anstey Horne agree with DPR that there would be Minor Adverse significance effect in terms of sunlight to this property.</p>
12 Tomlins Grove	Minor adverse	<p>2 out of 4 rooms tested meets the BRE guidelines for sunlight.</p> <p>DPR class this property as satisfying the BRE guidelines based on the living/kitchen/dining area on the lower ground floor meeting the sunlight targets.</p> <p>However, DPR have classed 12 Tomlins Grove as Minor Adverse significance as the ground floor kitchen has a 30% reduction in annual sunlight (moving from 20% APSH to 14% APSH) and a 100% reduction in winter sunlight (moving from 2% APSH to 0% APSH).</p> <p>Anstey Horne agree with DPR that there would be a minor adverse significance effect in terms of sunlight to this property.</p>
13 Tomlins Grove	Moderate adverse	<p>The APSH results demonstrate BRE compliance to 1 room (second floor bedroom) , with the remaining 3 rooms having noticeable reductions to either the annual and/or winter sunlight hours.</p> <p>The lower ground floor Conservatory & kitchen area has a reduction of 23% for the annual sunlight hours (moving from 26% APSH to 20% APSH) which is a Minor Adverse impact. The winter sunlight hours reduce by 40% (moving from 5% APSH to 3% APSH) which is a Major Adverse impact.</p> <p>The ground floor living room has a reduction of 32% for annual sunlight hours (moving from 19% APSH to 13% APSH) which is Moderate Adverse impact and 100% reduction to the winter hours (moving from 3% APSH to 0% APSH) which is Major Adverse impact.</p> <p>The first floor bedroom winter sunlight hours will</p>

Property	Sunlight Impact	Further detail
		<p>reduce by 60% (moving from 10% APSH to 4% APSH) which is a Major Adverse impact. However, the retained value will be 4% which is only marginally below the winter target of 5%.</p> <p>Anstey Horne agree with DPR that the sunlight effect to this property would be of Moderate Adverse significance.</p>
14 Tomlins Grove	Minor Adverse	<p>4 rooms have been analysed for sunlight hours and the 3 rooms demonstrate full BRE compliance.</p> <p>The lower ground floor kitchen & living room has a 23% reduction in annual sunlight (moving from 31% APSH to 24% APSH; marginally below the target of 25% APSH). The winter sunlight satisfies the BRE guidelines with 6% APSH against a target of 5% APSH. This is a Minor Adverse impact.</p> <p>Anstey Horne agree with DPR that the sunlight effect to this property will be Minor Adverse significance.</p>
15 Tomlins Grove	Moderate Adverse	<p>4 rooms have been analysed for sunlight hours, and 3 rooms demonstrate full BRE compliance.</p> <p>The ground floor living room will experience a reduction of 42% for annual sunlight hours (moving from 19% APSH to 11% APSH) which is Major adverse impact, and a 100% reduction in winter hours (moving from 3% APSH to 0% APSH) which is a Major Adverse impact.</p> <p>Anstey Horne class this property the effect on sunlight to this property as Minor to Moderate Adverse significance.</p> <p><u>However in this instance, LBTH's internal Daylight Sunlight officer is inclined to agree with DPR's Moderate Adverse classification.</u></p>
16 Tomlins Grove	Moderate adverse	<p>4 rooms have been analysed for sunlight hours, and 3 rooms demonstrate BRE compliance for sunlight.</p> <p>The ground floor living room has an annual sunlight reduction of 35% (moving from 20% APSH to 13% APSH) a Moderate Adverse impact. The winter</p>

Property	Sunlight Impact	Further detail
		<p>sunlight to this same room has a winter sunlight reduction of 67% (moving from 3% APSH to 1% APSH) therefore a Major Adverse impact.</p> <p>Anstey Horne class this property as having Moderate adverse significance effect in terms of sunlight to this property.</p>
17 Tomlins Grove	Moderate adverse	<p>4 rooms have been analysed for sunlight hours, and 2 rooms meets the BRE guidelines.</p> <p>The lower ground floor living room/storage area has a 50% reduction for annual sunlight (moving from 16% APSH to 8% APSH) a Major Adverse impact.</p> <p>The ground floor kitchen/diner has a 30% reduction for annual sunlight (moving from 20% APSH to 14% APSH) a Moderate Adverse impact. The winter sunlight for the same room has a 33% reduction (moving from 3% to 2% APSH) which is a Moderate Adverse impact.</p> <p>Anstey Horne agree with DPR that the the effect in sunlight to this property would be Moderate Adverse significance effect for sunlight.</p>
18 Tomlins Grove	Minor to Moderate adverse	<p>4 rooms were assessed for sunlight and 3 rooms show full compliance to the BRE guidelines.</p> <p>The ground floor living room has a 30% reduction for annual sunlight (moving from 20% APSH to 14% APSH) a Moderate Adverse impact. The winter sunlight for the same room has a 33% reduction (moving from 3% to 2% APSH) which is a Moderate Adverse impact.</p> <p>Anstey Horne agree with DPR that there would be a minor to moderate adverse significance effect in terms of sunlight to this property.</p>
19 Tomlins Grove	Minor adverse	<p>4 rooms were assessed for sunlight and 3 rooms show full compliance to the BRE guidelines.</p> <p>The ground floor living room has an annual sunlight reduction of 29% (moving from 21% APSH to 15% APSH) a Minor Adverse impact. The winter sunlight for the same room has a 33% reduction (moving from 3% to 2% APSH) which is a Moderate Adverse</p>

Property	Sunlight Impact	Further detail
		<p>impact.</p> <p>Anstey Horne agree with DPR that there would be a minor adverse significance effect in terms of sunlight to this property.</p>

Table 4 – Summary of Sunlight Results