

<b>Committee:</b> Development	<b>Date:</b> 8 <sup>th</sup> February 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.3
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Beth Eite	<b>Ref No:</b> PA/11/03220
	<b>Ward:</b> Shadwell (February 2002 onwards)

## 1. APPLICATION DETAILS

<b>Location:</b>	102-104 Watney Street, London, E1 2QE
<b>Existing Use:</b>	Residential
<b>Proposal:</b>	Application for a new Planning Permission to replace an extant Planning Permission dated 18 November 2008, Ref: PA/08/01732.  Erection of first floor rear extension, additional second floor and mansard roof. Conversion to create 1 x 3 bedroom, 2 x 2 bedroom and 2 x 1 bedroom flats. Alterations to existing elevations including insertion of door in side elevation and enlargement of window in front elevation
<b>Drawing Nos/Documents:</b>	Site Plan, 846/01A, 846/02, 846/03 and 846/04A and Planning Statement
<b>Applicant:</b>	Mr Shamsul Islam
<b>Ownership:</b>	Bodruz Zaman
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (2011), the Council's Core Strategy (2010), the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Managing Development - Development Plan Document (Proposed Submission Version January 2012) relevant supplementary planning guidance and Government Planning Policy Guidance and has found that:
- 2.2 The scale, height and design of the proposed extension is considered to be in keeping with host property and would not have a significant detrimental impact upon the character and appearance of the streetscene. The proposal therefore accords with policies DEV1 and DEV31 of the Unitary Development Plan 1998, policy DEV2 of the Interim Planning Guidance 2007, policy DM24 of the Managing Development DPD (Proposed Submission Version 2012) and SP10 of the Core Strategy 2010.

- 2.3 The proposed development is not considered to have any significant impact upon the amenities of the neighbouring occupants in terms of any loss of light or outlook or any create an overbearing effect. Nor should the proposal result in any significant loss of privacy to the neighbouring occupants in accordance with policy DEV2 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance 2007, policy DM25 of the Managing Development DPD (Proposed Submission Version 2012) and SP10 of the Core Strategy 2010.
- 2.4 The proposal is considered to provide an adequate standard of living for the future occupiers of the site in terms of the internal space provision and the external communal space in accordance with saved policies HSG6, HSG13 and HSG16 of the Unitary Development Plan 1998, policy HSG7 of the Interim Planning Guidance 2007, policy DM4 of the Managing Development DPD (Proposed Submission Version 2012), policy SP02 of the Core Strategy 2010 and policy 3.5 of the London Plan 2011.

### **3. RECOMMENDATION**

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

#### **Conditions**

- 1 Time limit
- 2 Development to be carried out in accordance with the approved plans
- 3 Samples of all external materials including glazing details to be submitted
- 4 Car free agreement
- 5 Refuse provision
6. Cycle storage

### **4. BACKGROUND TO EXTENSION OF TIME APPLICATIONS**

- 4.1 An application to extend the time limit for implementation can be made if the relevant planning permission was granted on or before 1 October 2009, if the time limit of for implementing the planning permission has not expired at the date of the application,, and if the development has not yet been commenced.
- 4.2 The Greater Flexibility for Planning Permissions Guidance issued by Communities and Local Government states that the Council should take a constructive approach towards these applications and given that the principle of the development has already been agreed, the focus of the determination should be on adopted policies and other material considerations (including national policies on matters such as climate change) which may have significantly changed since the original grant of permission.
- 4.3 It should also be noted that it is open to the Council to impose and/or vary conditions.

### **5 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 5.1 On 18<sup>th</sup> November 2008, a planning permission (PA/08/01732) was both granted with a condition stating that development must commence before expiration of three years from the date of the decision notice.
- 5.2 The proposal is a reconsideration of a previously permitted development with a view to extending the period allowed for its implementation. The development consisted of the erection or two additional floors to the property, one in the form of a mansard, to create 1 x 3 bedroom flat, 2 x 2 bedroom flats and 2 x 1 bed flats.

### **Site and Surroundings**

- 5.3 The application site relates to a two storey building located on the corner of Watney Street and Cornwall Street. The site is in commercial use on the ground floor and residential use above, comprising six beds using a shared bathroom.
- 5.4 The property is adjacent to Shadwell Overground station. There is a relatively new development of five storeys adjacent to the site, to the south.
- 5.5 The building is not listed and is not located within a conservation area.

### **Relevant Planning History**

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

PA/05/530	First floor rear extension and additional storey over entire building to create 4 two-bedroom self-contained flats; alterations to existing elevations. Withdrawn 20/6/2005
PA/05/1297	First floor rear extension and additional storey over entire building to create 2 two-bedroom and 2 one-bedroom flats; alterations to existing elevations, including: insertion of door in side elevation, enlargement of window in front elevation. Approved 6/7/2006
PA/08/1732	Erection of first floor rear extension, additional second floor and mansard roof. Conversion to create 1 x 3 bedroom, 2 x 2 bedroom and 2 x 1 bedroom flats. Alterations to existing elevations including insertion of door in side elevation and enlargement of window in front elevation. Approved 24/9/2008

## **6. POLICY FRAMEWORK**

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

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

Policies	<ul style="list-style-type: none"> <li>SP02 – Urban living for everyone</li> <li>SP03 – Creating healthy and liveable neighbourhoods</li> <li>SP04 – Creating a green and blue grid</li> <li>SP06 – Delivering successful employment hubs</li> <li>SP05 – Dealing with waste</li> <li>SP10 – Creating distinct and durable places</li> <li>SP11 – Working towards a zero-carbon borough</li> </ul>
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## SP12 – Delivering placemaking

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

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV50	Noise
	DEV56	Waste recycling
	HSG7	Dwelling mix and type
	HGS16	Housing amenity space
	T16	Traffic priorities for new development.

### **Managing Development - Development Plan Document (Proposed Submission Version January 2012)**

Policies	DM3	Delivering Homes
	DM4	Housing standards and amenity space
	DM15	Local job creation and investment
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM26	Amenity

### **Interim Planning Guidance for the purposes of Development Control 2007**

Policies	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive design
	DEV15	Waste and recyclables storage
	DEV19	Parking for motor vehicle
	HSG2	Housing mix
	HSG7	Housing amenity space

### **London Plan 2011**

	3.3	Increasing housing supply
	3.5	Quality and design of housing design
	3.8	Housing choice
	5.17	Waste capacity
	6.9	Cycling
	6.11	Walking
	6.13	Parking
	7.1	Building London's neighbourhoods and communities
	7.2	An inclusive environment
	7.4	Local character
	7.5	Public realm
	7.15	Reducing noise and enhancing soundscapes

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

		Draft National Planning Policy Statement
	PPS 1	Sustainable development and climate change
	PPS 3	Housing (amended June 2011)

## Community Plan

The following Community Plan objectives relate to the application:

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

### **Good Practice Guidance issued by Communities and Local Government**

The guidance '**Greater flexibility for planning permission: Guidance**', published on 23<sup>rd</sup> November 2009 provides guidance on the use of measures and to augment policy and advise on the best way of achieving technical outcomes.

## 7. CONSULTATION RESPONSE

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

### **LBTH Highways**

- 7.2 In line with the comments made in connection with the previously approved application (PA/08/01732), Highways have no objections to the development proposals. If planning permission is granted please include the conditions and informative attached to the PA/08/01732 permission and the following: The Applicant is to enter into a S106 car and permit free agreement.

### **LBTH Environmental Health**

- 7.3 This application is a replacement for an existing planning permission of PA/08/01732 dated 18/11/2008. There is no noise/vibration issue in respect of this application, however adequate glazing should be provided for all habitable rooms. Environmental Health is happy for planning permission to be considered.

### **London Underground Limited**

- 7.4 No objection

## 8. LOCAL REPRESENTATION

- 8.1 A total of 39 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. A site notice was also erected outside the site. The number of representations received from neighbours in response to notification and publicity of the application were as follows:

No of individual responses: 3            Objecting: 1            Supporting: 0  
No of petitions received: 2 containing 37 signatures in objection

The following issues were raised in representations:

8.2

There is a potential for cutting off of sunlight from the western aspect

*(Officer response: The impact on sunlight is further addressed in section 9 of this report. In summary it is not considered that there would be any significant loss of light to the neighbouring development which is west facing as the extensions are to the north, therefore they would not disrupt the amount of sunlight available to these units.*

8.3

There is a potential for properties being overlooked by the proposed developments

*(Officer response: The distance between the proposed development and the closest residential properties on the western side of Watney Street is 11m; this is less than the standard 18m privacy distance as outlined in DEV1 of the UPD. However, this is across a public space where it is common to expect an element of overlooking. This is an urban area and the standard privacy distances are not always possible to achieve. I should also be noted that this distance is the same as under the previously approved scheme and therefore it would be difficult to maintain a refusal of the application on this basis.)*

8.4

The proposed development will obscure views of the City.

*(Officer response: Under planning legislation there is no requirement to maintain a view. Consideration is given to the overbearing nature of developments but in this case it is not considered that this would be significantly detrimental and as in the above responses, the position and height of the extension was considered acceptable under the previous planning application and as such it would be difficult to maintain a refusal of the application on this basis.)*

8.5

The contents of the petitions related to the landlord not being able to control the existing tenants who cause significant noise and disturbance. Any addition to the building is likely to result in additional noise and disturbance.

*(Officer response: There is no reason to withhold planning permission for additional residential units on the basis that the future residents would cause noise disturbance to existing residents. Noise nuisance caused by occupiers is dealt with under environmental health legislation. Moreover there have been no noise complaints received by Environmental Health's Noise Protection Team relating to this property)*

## **9. MATERIAL PLANNING CONSIDERATIONS**

9.1 The main issues arising from the development which were judged to be acceptable in principle within the previous application are detailed below. In addition, key policy changes will be taken into consideration.

1. Land use
2. Design
3. Amenity
4. Highways

### **Key Changes in policy**

9.2 As mentioned, while the application is to be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, in considering this application the focus should be on any significant change in development plan policies and other

material considerations since the grant of the original permission on 18<sup>th</sup> November 2008.

- 9.3 Since the determination of this application the following changes in policy have occurred:
- 9.4 In relation to how Tower Hamlets' policies have changed, some policies were deleted by direction from the Secretary of State in September 2007. The remaining policies were saved. The Core Strategy was adopted in 2010. This contains additional and updated policies on many topics including amenity and design and traffic restrictions and housing mix.
- 9.5 The Managing Development DPD forms part of the Council's LDF and is currently in draft form. The document is currently at consultation stage and some weight should be given to it when determining new applications. This document provides the detailed policies to complement the Core Strategy and the London Plan.
- 9.6 Adoption of the London Plan 2011. Particularly salient within this document is policy 3.5 which outlines the minimum space standards which are expected within all new residential developments.
- 9.7 There are not considered to be any significant changes in the locality since this application was approved which would materially effect this proposal. The development at the adjacent site to the south, which had planning permission at the time of the last application, has now been built out.

### **Land Use**

- 9.8 The first floor of the property is currently in residential use. The existing plan submitted at the time of the previous application indicates the first floor was laid out to provide 6 bedrooms and a shared kitchen.
- 9.9 The extension and conversion of the property to provide additional residential units accords with the aims of London Plan policy 3.3 to increase the supply of housing.
- 9.10 The application proposes 1 x 3 bed, 2 x 2 bed and 2 x 1 bed flats. This provides an acceptable mix of unit sizes in accordance with policy SP02 of the Core Strategy 2010.

### **Design**

- 9.11 The relevant saved design policies are considered to be DEV1 of the UDP, DEV2 of the IPG, DM24 of the Managing Development DPD and SP10 of the Core Strategy. The application was previously assessed against the first two of these policies and it is not considered that policy SP10 significantly changes the emphasis of these policies. Developments are still expected to be of a high quality design which would complement the surrounding pattern of development and be in keeping with the general streetscene.
- 9.12 It is considered that the application is still appropriate in design terms and can now be seen in context of the adjacent building which has been constructed. The proposed development would be lower in height and generally in keeping with the heights of the other buildings on Watney Street.
- 9.13 In overall terms the proposed extensions and alterations are appropriate in terms of

scale, detailed design and materials and as such are a sensitive addition to the building in accordance with the requirements of saved policy DEV1 of the adopted Tower Hamlets Unitary Development Plan 1998 – which seeks to ensure development is compatible with the character of the area.

### **Amenity**

#### **9.14 Amenity of future occupiers.**

The internal space requirements for residential units has been increased with the introduction of the London Plan. The flats proposed under this application all still accord with the minimum standards set out in policy 3.5 of the London Plan.

9.15 The proposed flats are generally well laid out and with dedicated area of circulation space. Habitable rooms benefit from natural light and ventilation.

9.16 The scheme does not include any dedicated amenity space as required by emerging policy DM4. However, this is acceptable given the constraints of this site and the urban location. This was the view that was taken under the previous application, despite the previous policies also having the same requirement to provide private amenity space.

#### **Impact on neighbouring occupiers.**

9.17 The proposal would result in an increase in height of approximately 3.5m. The properties which are likely to be most affected by this development are within the adjacent building at 108-110 Watney Street.

9.18 Within this building the rooms which are closest to the development are living rooms. These face west and do not therefore look directly towards the application site. Whilst there would be some loss of outlook to the north as a result of this proposal, there would be no significant loss of light as the extensions are to the north causing no overshadowing to occur.

9.19 Whilst the development at 108-110 Watney Street was not implemented at the time of the last application, it was a consented scheme and consideration was given to the impact of the subject scheme on the neighbouring site. The relationship was considered acceptable at this time and is considered acceptable under current policies.

9.20 There is some potential for overlooking to the properties on the eastern side of Watney Street, however this is across an area of public realm and it is considered that some reduction on the standard 18m privacy distance is acceptable. In this case there is approximately 11m between the two sites. This is no different to the current situation whereby the existing residential use looks out over no. 87-89 Watney Street, however there would be an additional storey on the property.

9.21 It is not considered that there would be a significant loss of privacy to the existing residents of the surrounding properties and the proposed development accords with all of the relevant amenity policies.

9.22 The proposal is still assessed in accordance with saved policy DEV2 of the UPD and DM25 of the emerging development management document. Policy SP10 of the Core Strategy is also relevant but does not result in any change to the assessment of the application.



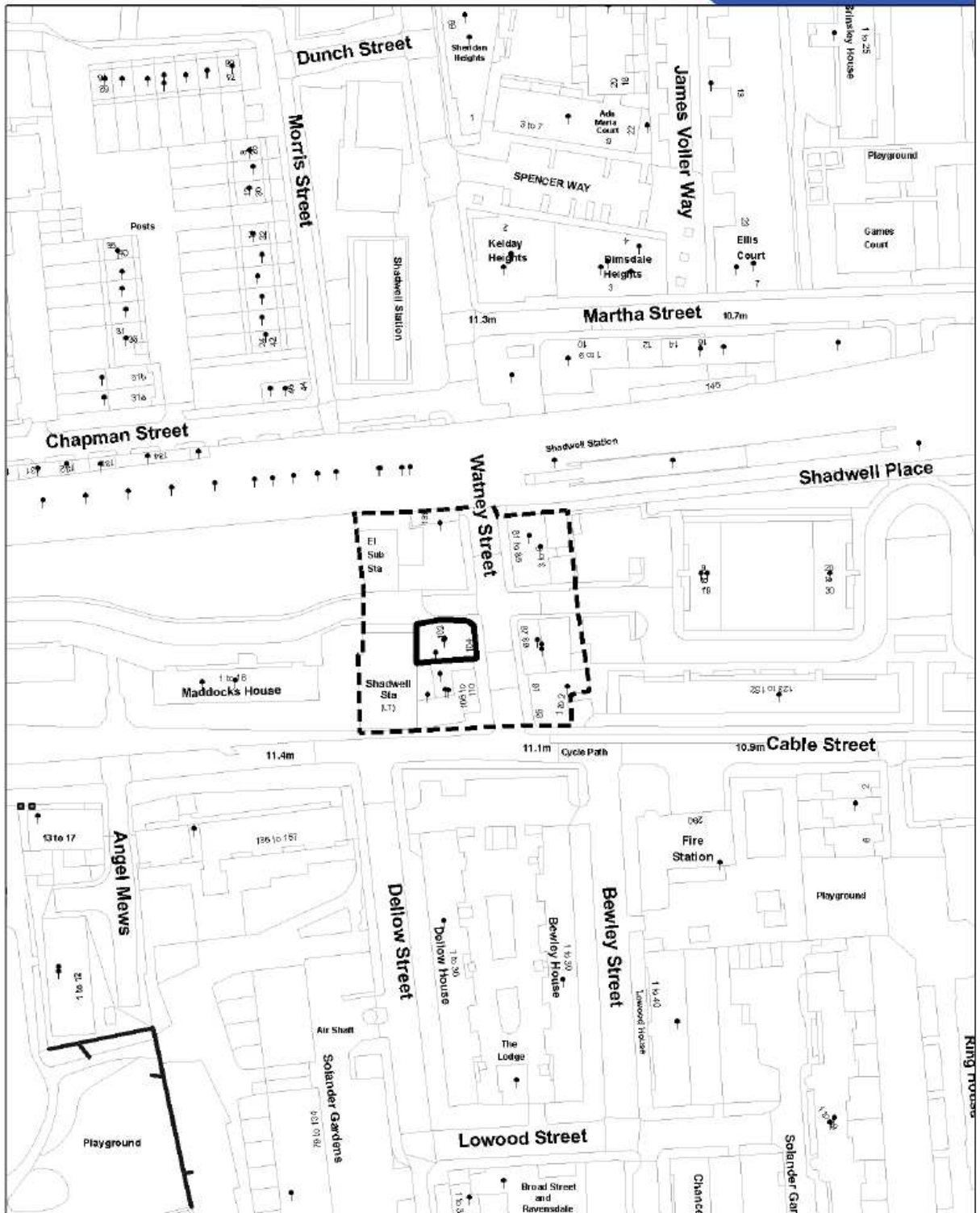
### 9.23 Highways

The highways officer has referred to the comments made on the previous application and stated that subject to the same conditions being included as were applied previously (car free agreement) then there are no objections to the scheme. In addition to this details of cycle parking are required by condition.

### Conclusion

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

# Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address
Consultation Area	Statutory Listed Buildings	0 30 m 1:1,250

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

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