

Committee: Development Committee	Date: 22 nd August 2012	Classification: Unrestricted	Agenda Item Number:
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Nasser Farooq		Ref: PA/12/00023	
		Ward: Millwall	

1 Application Details

Location	Ability Place, 37 Millharbour, London
Existing Use:	Residential Development
Proposal:	Two storey extension at 13th floor level to provide seven duplex apartments (1 x 1 bed, 4 x 2 bed and 2 x 3 bed) and replacement private amenity space at roof level (16th floor).
Drawing no's	PL 001, PL 002, PL 003, PL100, PL101, PL102, PL103, PL104, PL200A, PL201 A, PL202, PL203, PL204, P-4011-202 D.
Documents	Design and Access Statement prepared by BUJ architects Impact Statement dated January 2012 prepared by BUJ architects. Construction Management Plan March 2012
Applicant: Ownership:	Avon Estates (London) Limited As above
Historic Building:	N/A
Conservation Area:	N/A

2. BACKGROUND

- 2.1 This application was reported to Development Committee on 10th July 2012. The Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the erection of a two storey extension at 13th floor level to provide seven duplex apartments
- 2.2 Officers recorded that Members were minded to refuse planning permission for the following reasons:
- 2.3
1. Overdevelopment of the site given the high density of the site and
 2. The loss of amenity space.

3.0 PROPOSED REASONS FOR REFUSAL

- 3.1 Officers interpreted Members' reasons/concerns and drafted reasons for refusal to cover the issues raised.
- 3.2 Officer's consider that the loss of amenity space can be considered as a symptom of overdevelopment of the site and as such have amalgamated the two suggested reasons for

refusal. The reason for refusal is suggested as follows:-

- 3.3 The proposed development by reason of its high density constitutes an overdevelopment of the site, the symptoms of which results in a loss of amenity space at roof level. As such, the proposed development fails to accord with policies 3.4 and 3.5 of the London Plan, policy SP10 of the adopted Core Strategy (2010) and saved policy DEV1 of the Unitary Development Plan (1998) and policy DM4 of the Managing Development DPD (submission version 2012). These policies seek to resist development proposals which exceed the London Plan densities, ensure development proposals do not result in over-development and seek to protect residential amenity including amenity space.

4. ADDITIONAL REPRESENTATIONS

- 4.1 Since the publication of the Committee Report the Council has received one additional representation from a local resident endorsing the reasons for refusal, and additional information from the applicant querying the amount of amenity to be lost as a result of the proposal.
- 4.2 The information received from the applicant suggests that the net loss of amenity space is 55sqm as opposed to the 103sqm cited within section 8.29 of the case officers reports. In response to this suggestion, officers have been on site and measured the existing amenity space (measured at 624sqm) and compared it to what is proposed (measured at 521sqm).
- 4.3 The resulting difference is 103sqm as outlined in the case officer's report.

5. CONCLUSION

- 5.1 Officer's consider that the above reason for refusal can be defended at appeal given the existing density of the site significantly exceeds the recommended density levels set in the London Plan and that the proposal results in a loss of amenity space for existing residents.

IMPLICATIONS OF DECISION

- 5.2 Should Members decide to re-affirm their previous resolution and refuse planning permission there are a number of possibilities open to the Applicant. These would include (though not limited to):-

- Resubmit an amended scheme to attempt to overcome the reasons for refusal.
- Lodge an appeal against the refusal of the scheme. The Council would defend any appeal against a refusal.

6. OFFICER RECOMMENDATION

- 6.1 Officers have proposed a detailed reason for refusal based on the resolution of Members at the meeting on the 10th of July 2012 and these are set out at paragraph 3.3 of this report.
- 6.2 Notwithstanding the above, there has been no change in circumstances of policy since the referral of the appended report to Members on the 20th July 2012. Officers consider that on balance the proposal is acceptable for the reasons set out in paragraph 2 of the appended report and therefore officer's recommendation remains unchanged.

7. APPENDICIES

- 7.1 Appendix One – Report to Development Committee 10th July 2012

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Documents

Design and Access Statement prepared by BUJ architects
Impact Statement dated January 2012 prepared by BUJ architects.
Construction Management Plan March 2012

Applicant:

Ownership:

As above

Historic Building:

N/A

Conservation Area:

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 Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Managing Development DPD (submission version 2012), Interim Planning Guidance (October 2007), the London Plan 2011 and Government Planning Policy Guidance and has found that:
- 2.2 The proposal is considered acceptable in land use terms as it would provide additional housing for the borough in accordance with policy 3.3 of the London Plan and policy SP02 of the Core Strategy 2010.
- 2.3 On balance, the building height, scale, bulk and design is acceptable, in accordance with Policies: DEV1 and DEV2 of the Council's Unitary Development Plan 1998; DM26 of the Development Management DPD (submission version 2012), and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality design and

suitably located.

- 2.4 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, DM4 of the Development Management DPD (submission version 2012), policy SP02 of the Core Strategy 2010 and policy 3.5 of the London Plan 2011 which seek to provide an acceptable standard of accommodation.
- 2.5 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policy DM4 of the Development Management DPD (submission version 2012), and policy SP02 of the Core Strategy 2010, which seek to improve amenity and liveability for residents.
- 2.6 On balance, it is not considered that the proposal would give rise to any unacceptable impact in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Development Management DPD (submission version 2012), and policy SP10 of the of the Core Strategy 2010 which seek to protect residential amenity.
- 2.7 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Development Management DPD (submission version 2012), and policy SP08 and SP09 of the Core Strategy 2010 which seek to ensure developments minimise parking and promote sustainable transport options.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1. Time Limit for outline permission.
2. Development in accordance with plans
3. Materials to match existing
4. Landscape Management Plan
5. Provision of 7 additional cycle spaces
6. Code for sustainable homes level 4.
7. Car free agreement
- 8 . Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only).
9. Construction Management Plan
10. Development to comply with lifetime homes standards.
11. Details of 10% wheelchair housing to be submitted.
12. Construction management plan.
13. The development shall comply with the requirement of 'Secured by Design'.
14. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.3 Informatives

- 3.4 1. It is likely that the Council will seek affordable housing in any future planning applications that provide additional housing units in accordance with emerging Development Management Policies.
- 3.5 2. You are advised to protect the amenity of existing residents during the construction of the

development

- 3.6 3. Flood evacuation plan (as per Environmental Agency's consultation response)
- 3.7 4. Informative regarding Thames water (see consultation responses)
- 3.8 5. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Two storey extension at 13th floor level to provide seven duplex apartments (1 x 1 bed, 4 x 2 bed and 2 x 3 bed) and replacement private amenity space at roof level (16th floor).

Site and Surroundings

- 4.2 The application site is known as Ability Place and is located within the Millennium Quarter, south of Canary Wharf and within the Isle of Dogs.
- 4.3 The site consists of 514 residential units, of which 151 are affordable residential units. In addition retail, commercial and office units are located at ground floor level.
- 4.4 The surrounding area consists of a number of new developments including Pan Peninsula and Lanterns Court.

Planning History

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

- PA/04/00551 Erection of a 14-22 storey building comprising 512 apartments, 917 sq.m retail/commercial floorspace with four basement levels providing car parking spaces, bicycle spaces and motor-cycle parking.
Approved on 17/12/2007
- PA/06/534 Creation of two additional flats within consented scheme, Ref: PA/04/551
Approved on 27/09/2007
- PA/08/02657 Change of use of ground floor A1/A2/B1 commercial unit to D2 private gym / health club for use by residents of the block.
Approved on 07/02/2007

5. POLICY FRAMEWORK

- 5.1 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 | SP02 – Urban living for everyone |
| | SP03 – Creating healthy and liveable neighbourhoods |
| | SP04 – Creating a green and blue grid |
| | SP05 – Dealing with waste |
| | SP10 – Creating distinct and durable places |
| | SP11 – Working towards a zero-carbon borough |
| | SP12 – Delivering placemaking |

Unitary Development Plan 1998 (as saved September 2007)

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

Managing development DPD (Submission Version 2012)

Policies	DM3	Delivering Homes
	DM4	Housing standards and amenity space
	DM11	Living buildings and biodiversity
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM29	Achieving a zero carbon borough and addressing climate change

Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV10	Disturbance from noise pollution
	DEV11	Air pollution and air quality
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	DEV19	Parking for motor vehicles
	HSG3	Affordable housing provision in individual private residential and mixed use schemes

London Plan 2011 (Spatial Development Strategy for Greater London)

	3.3	Increasing housing supply
	3.5	Quality and design of housing design
	3.6	Children and young people's play and informal recreation facilities
	3.8	Housing choice
	5.1	Climate change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	5.5	Decentralised energy networks
	5.6	Decentralised energy in development proposals
	5.7	Renewable energy
	5.11	Green roofs and development site environs
	5.13	Sustainable drainage
	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
8.2	Planning obligations

National Planning Policy Framework

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

6. CONSULTATION RESPONSE

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

LBTH Environmental Health

- 6.3 Noise needs to be taken into consideration, but shouldn't be the determining factor of this application.
- 6.4 Premises must comply with relevant statutory requirements including the Housing Act 2004
- 6.5 *Officer comment: the above comments are noted and they are controlled under the Building Regulations.*

LBTH Highways

- 6.6 The site is in an area of average (PTAL 3) public transport accessibility and high parking occupancy. Parking stress is typically considered to be present at levels of 80% and above. This site is therefore suitable for a car-and-permit free agreement which must be applied with any planning permission.
- 6.7 8 cycle parking spaces are provided in the basement; although acceptable in quantity they are too closely spaces - 1m should be allowed between stands.
- 6.8 Highways raise no objection.
- 6.9 Further comments in relation to the construction management plan.
The Construction Management Plan is acceptable, except that it doesn't demonstrate how or where the construction vehicles leave the site.
- 6.10 *Officer comment: The provision of cycle spaces will be conditioned. Additional conditions are recommended to ensure the scheme is car-free and the submission of a construction management plan that meets all necessary requirements.*

Environmental Agency

- 6.11 Environment Agency have no objections to the proposal and welcome the proposed green

roof space. It is recommended that a flood warning and evacuation plan be drawn up for the additional apartments.

6.12 *Officer comment: An informative will be placed advising the applicant to draw up a flood warning and evacuation plan.*

Thames Water

6.13 Thames Water does not have any objection to the above planning application.

6.14 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

6.15 *Officer comments: the above have been noted and an informative is recommended in line with the comments.*

7. LOCAL REPRESENTATION

7.1 A total of 877 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in the East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.2 No of responses: 110 Objecting: 110 Supporting: 0
Petitions Against: 1 containing 242 signatures

7.3 The following planning issues were raised in representations:

Amenity concerns:

- Loss of privacy
- Loss of light and increase in shadowing
- Loss of amenity during construction
- Visual Impact

(Officer comment: these issues are discussed in the material planning section of the report)

Impact on wildlife habitat

(Officer comment: the loss of wildlife habitat, by virtue of building over the existing roof will be temporary and will be retained in the form of a new roof post completion.)

No affordable Housing

(Officer comment: This is discussed in the land use section of the report.)

Design concerns

- Impact on visual amenity of the building
- Decrease of amenity space

(Officer comment: the design implications of the development are assessed within the design section of this report under material planning considerations.)

Highways

- Adverse impact on parking and traffic

(Officer comment: the highway/parking implications of the development are assessed within the highway section of this report under material planning considerations.)

Other issues raised

- Adverse impact on the local community

(Officer comment: The impact of the proposal on existing residents is assessed within the amenity section of the report)

- Loss of view

(Officer comment: the loss of a view is not normally considered to be material planning consideration and it is not considered that there is any special circumstances which would justify treating it as such in this case)

- Loss of Mobile phone signals

(Officer comment: no evidence has been provided to suggest the erection of two additional storeys will result in a significant impact on mobile phone/ internet reception in the area)

- Possible further applications.

(Officer comment: The local planning authority is duty bound to consider all planning applications and should the Council receive an application for an additional storey, it will be assessed in accordance with the development plan of the time.)

- Breach of lease agreements
- Right of first refusal- under the Landlord and Tenant Act 1987

(Officer comment: the above issues are considered to be a private issue between leaseholders and freeholders.)

- No formal consultation by the applicant.

(Officer comment: There is currently no mandatory requirement for public consultation to be carried out by the applicant, although the application has been submitted with a document outlining the level of consultation that has taken place.)

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use/ Housing.
2. Design and appearance
3. Impact upon the neighbouring occupants
5. Quality of accommodation provided
6. Highways
7. Energy and sustainability

Principle of the use

Residential

8.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within Planning Policy Statement 3, Strategic Objectives 7, 8 and 9 of the Core Strategy, policy SP02 of the Core Strategy and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units. In relation to these policies it is considered that the principle of residential use on the site is established and supported.

Density

8.3 Policies 3.4 of the LP and SP02 of the Core Strategy seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport accessibility levels (PTAL) and the wider accessibility of that location. Table 3.2 of policy 3.4 of the London Plan provides guidelines on density taking

account of accessibility and setting

- 8.4 The site is considered to be in a 'Central Zone' defined as areas with predominantly dense development. For central sites with a PTAL range of 4 to 6, table 3.2 of the London Plan, suggests a density of between 650-1100 habitable rooms per hectare.
- 8.5 The site area for the entire development is approximately 0.49 hectares, resulting in a density of 2606 habitable rooms per hectare. The additional units increase the density to 2614 habitable rooms per hectare. This marginal increase in density, when taking into account the existing density is considered acceptable.
- 8.6 It is important to note that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan and Policy SP02 of the Core Strategy which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Affordable housing

- 8.7 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing, and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 8.8 Policy SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.9 The scheme as completed provides 514 residential units with 151 affordable units (which equates to 35%). The breakdown is provided below.

	Studio	1 bed	2 bed	3bed	Total
Affordable		56	54	20	130
Intermediate		10	9	2	21
Private	37	143	183	0	361
Total	37	209	246	22	514

- 8.10 The addition of 7 units without affordable housing resulting in a total of 521 flats is considered to fall outside of the above affordable housing policies and the Councils objectives of trying to secure affordable housing to meet a significant demand within the borough. Emerging policy DM3(4b) of the Managing Development DPD is seeking to rectify this by stating that affordable housing will be calculated 'based on the total housing provided on all sites and within all phases where a single development is proposed on more than one site and/or within different phases'. However, given this is an emerging policy officer's consider that previous appeal decisions have shown that it is not sufficiently progressed its way through the adoption process to give weight to a refusal of the scheme on this ground.
- 8.11 At this point in time, the original development has been completed and the provision of affordable housing has been provided. Therefore it is considered that the current scheme has to look solely at the 7 units proposed. Should the applicant subdivide the 7 units or proposed additional units, than it is suggested that this position should be revisited in light of the adopted policies of that time.

Dwelling mix

- 8.12 In total, the applicant is proposing 1 x 1bed, 2 x 3bed and 4 x 2 bed units. In this case it is considered that there is suitable mix of units within the scheme and it would provide for a wide range of occupants, therefore promoting a mixed and balanced community in accordance with the requirements of policy SP02 of the adopted Core Strategy (2010)

Floorspace Standards

- 8.13 Policy HSG13 in the Unitary Development Plan 1998 requires all new development to provide adequate internal space. This is further supported by policy SP02 in the Core Strategy (2010). Policy 3.5 of the London Plan (2011) sets the minimum standards that should be applied to new residential dwellings. This is reinforced by policy DM4 of the Managing Development DPD (submission version 2012).
- 8.14 All seven of the proposed units, exceed the minimum floorspace standards as set out in the above policies.

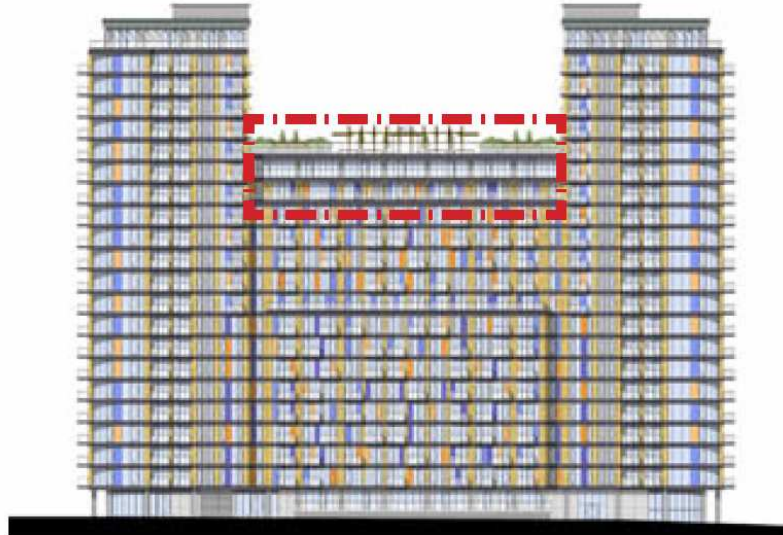
Amenity Space

- 8.15 Policy HSG7 in the Interim Planning Guidance (2007), SP02 (6) in the Core Strategy (2010) and DM4 of the Managing Development DPD (submission version 2012) seek adequate external amenity space for new dwellings
- 8.16 All the proposed units are afforded with private amenity space in accordance with the above policies.

Design and Appearance

- 8.17 Good design is central to objectives of the London Plan and is specifically promoted by the policies contained in Chapter 7. Saved policy DEV1 in the UDP and Policy DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.18 These principles are further supported by policy SP10 in the Core Strategy (2010) and policy DM24 of the Managing Development DPD (submission version 2012).
- 8.19 London Plan policies 7.6 and 7.7 seek to ensure tall buildings are of an appropriate design and located to help create attractive landmarks and act as a catalyst for regeneration. These aims are further supported by policy SP10 of the adopted Core Strategy, policy DM26 of the Managing Development DPD (submission version 2012), and DEV27 in Interim Planning Guidance (October 2007)
- 8.20 The applicant is seeking to add two additional storeys and provide 7 duplex apartments with the rooftop garden replaced in a smaller form.
- 8.21 The location of the additional storeys is shown in the following drawing.

South Elevation



- 8.22 The fifteenth floor mimics the cladding of the floors below and is considered to blend into the building, whilst the sixteenth floor has a light weight glazed appearance which mirrors that found on the top floors of the two wing towers.
- 8.23 Existing and proposed views of the additional floors are shown in the following photos.

8.24



Existing View from North-East of Building

8.25



Proposed View from North-East of Building



8.26



Existing View from North-West of Building

8.27



Proposed View from North-West of Building

- 8.28 Officer's consider that the additional mass of the building (taking into account the setbacks provided) to be acceptable but consider that and any further increase in the height of the central core beyond that currently proposed could result in an overly bulky building that does not tie in with the appearance of the approved development and could lead to the loss of it's design characteristics.
- 8.29 The proposed garden measures around 103sq metres smaller in size than the existing garden. However, it is considered to be suitably high-quality measuring 479sqm. This is considered acceptable on balance given the additional residential accomodation provided.

A landscape management plan is recommended to ensure this area is delivered and maintained to a high quality.

- 8.30 On balance, the building height, scale, bulk and design is acceptable, in accordance with Policies: DEV1 and DEV2 of the Council's Development Plan 1998; DM26 of the Development Management DPD (submission version 2012), and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality design and suitably located.

Impact upon the neighbouring occupants

- 8.31 Policies DEV2 of the UDP and DM25 of the Development Management DPD (submission version 2012) seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Daylight/sunlight

- 8.32 A technical study of the impacts upon daylight and sunlight has been submitted with the application which looks at the impact of the development on the existing properties. The residential properties most likely to be affected are the apartments located opposite the site at Lanterns Court, and within the development on Floors 11 to 15 of Block A and C where they have a view of block B.
- 8.33 The report demonstrated that the impact of the development on 41-43 Millharbour and Lanterns Court was negligible given the distances involved and the location of the additional storey. The report did demonstrate however that the proposed development would have an impact on the amenity of existing residents of Ability Place in particular those located at floors 11 to 15. The location of the windows tested for daylight and sunlight impact is shown in the following plan of the fourteenth floor.

8.34

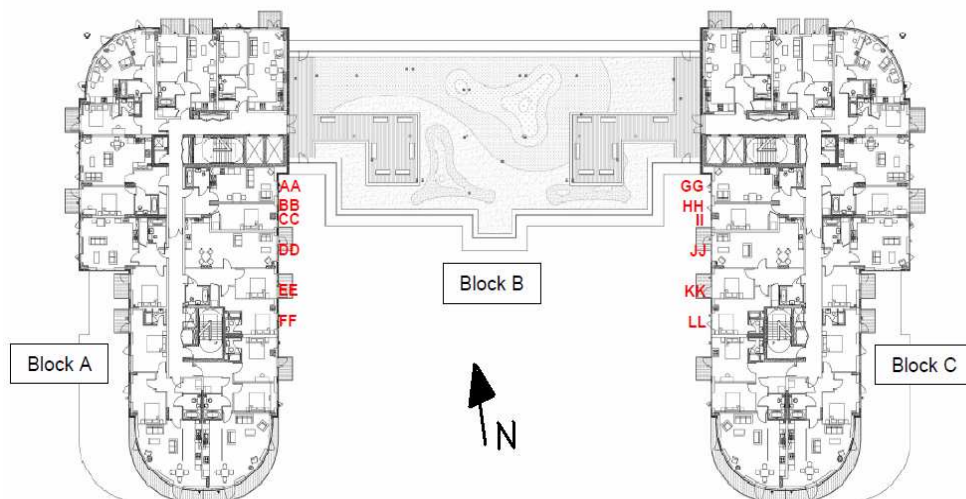


Figure 11 Plan of existing 14th floor, based on plan provided by BUJ Architects. This layout is replicated on the 15th floor. The blocks and the window positions analysed have been labelled.

Daylight

- 8.35 Daylight is calculated by two methods - the Vertical Sky Component (VSC) and No Sky Line (NSL). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including NSL. NSL calculation

takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value, or there will be a discernable loss of daylight.

- 8.36 The daylight and sunlight report submitted with the application considers the VSC. The report demonstrates that the reduction in VSC to the flats on the 11th, 12th and 15th floors within the development all are within the 20% allowance as recommended by the BRE Guidance. It is therefore considered that the perceptible reduction in sky is unlikely to impact on the amenity of these properties.
- 8.37 With regards to the 13th and 14th Floors, the report demonstrates that properties on both floors will see greater than 20% reductions in VSC. The greatest of these reductions are on Flats/ Windows labelled 'AA', 'BB', 'GG', 'HH' in the above figure. The report also considers the reduction of VSC when balconies to the development are removed. This is allowed under the new BRE guidance as balconies can skew results, leading to darker rooms than would generally occur.
- 8.38 When removing the balconies, the greatest impact of the development would be on window 'AA' at thirteenth floor level which sees a reduction in VSC of 28%. Window 'GG' of the same floor would receive a reduction of 27% and window 'AA' of the 14th Floor would see a reduction of 23%. The reduction in windows to all the other flats would be below the 20% tolerance levels.
- 8.39 As part of the test, the three windows which failed the VSC were tested for No-Sky Line. This measurement looks at the percentage of the rooms with a view of the sky before and after the development. This assessment reveals that these windows would lose between 5 and 12% of skyline to the rooms. These levels of reduction are usually considered acceptable in urban environments.

Loss of sunlight

- 8.40 The report also looks at the loss of sunlight hours to the existing residents of floors 11 to 15 and within the block located within 90 degrees due south.
- 8.41 Given the orientation of the building and the location of the additional floors, the report outlines that none of the existing windows tested would lose sunlight hours during the winter and the majority of these rooms will receive a loss of between 2-4% during the summer. Two properties would receive a greater loss during summer hours. Window GG on the 13th floor would receive a reduction of 14% and window GG on the 12 floor would see a reduction of 9%.
- 8.42 Overall on balance, it is considered that the loss of sunlight and some lost of Skyline is unlikely to have a demonstrably adverse impact on the amenity of existing residents.

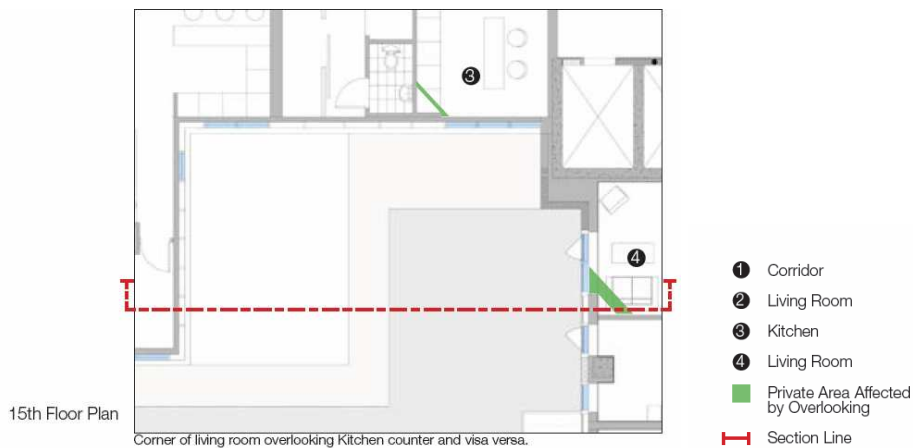
Visual amenity / sense of enclosure/ shadowing

- 8.43 With regards to visual amenity and sense of enclosure, these issues are subjective and officers consider by virtue of its design, the proposed development would not lead to a significantly adverse impact.
- 8.44 Given the location of the additional floors to the north of the existing flats and the setback proposed, it is considered the proposal will not have an adverse shadowing impact on local residents.

Privacy

- 8.45 It is not considered that any loss of privacy or overlooking would occur as a result of the storeys, as they would follow an existing arrangement, and would also be set back. Whilst

some views would exist into windows, given the siting of the development, these would be at perpendicular angles and not considered to result in an unacceptable level of privacy. This relationship is shown in the following diagram.



8.46 Overall, on balance, it is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Development Management DPD (submission version 2012), and policy SP10 of the of the Core Strategy 2010 which seek to protect residential amenity

8.47 Given the location of the flats at high level, the report demonstrates that the proposed units would receive a good level of sunlight and daylight.

Highways

Parking

8.48 The parking policies are to be found in the London Plan, the Interim Planning Guidance and the Managing Development DPD, these are as follows:

- London Plan 2011 the standards are 1 – 1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats.
- Interim Planning Guidance standards are up to 0.5 spaces per unit.
- The Managing Development DPD has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.

8.49 At the current time, the London Plan is the only adopted policy document from those listed above and is therefore officers consider it should be given the most weight.

8.50 The approved development provides 266 car parking spaces, with a car free agreement in place to restrict residents from applying to park on the local highway. Within this application, no additional parking is proposed.

8.51 The Council's Highways officers have advised of the high parking stress in the immediate area and given the moderate Public Accessibility Level of 3 have recommended that the application be subject to a car free agreement similar to the original agreement. This would ensure the proposal does not adversely impact on the local highway network.

Cycle parking

8.52 The applicant is providing 8 additional cycle spaces, this is considered to be acceptable. Details of the type of cycle stands would be requested by condition in order to ensure they are suitably designed.

Construction Management Plan

- 8.53 The applicant has provided a construction management plan which outlines how the proposal would be implemented. This has been viewed by Highways who consider it to be generally acceptable. A number of objections have been received from residents from the existing block raising concerns over their amenity during the course of construction. It is acknowledged that the proposal is likely to adversely impact on residential amenity by virtue of having a crane located and the general construction noise etc, however it is considered that this alone, is not a reasonable reason for refusal.

Waste storage and collection

- 8.54 Refuse arrangements will continue as existing and this is considered acceptable.

Energy and Sustainability

- 8.55 The London Plan 2011 Section 5 and the Council's Core Strategy Policies SO3, SO24 and SP11 Seek to mitigate climate change and minimise carbon dioxide emissions. Emerging Managing Development DPD Policy DM29 requires developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions. The Managing Development DPD (submission version 2012) Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.56 The applicant has not provided any information on the sustainability features or energy strategy to demonstrate the CO2 savings achievable on site. Further details are required from the applicant to ensure compliance with the emerging Development Plan DPD and London Plan requirements.
- 8.57 Given the building is as existing, it is considered that the construction is likely to follow the existing building. However, a condition is recommended for the applicant to aim for Code for Sustainable Homes Level 4 in order to be energy compliant.

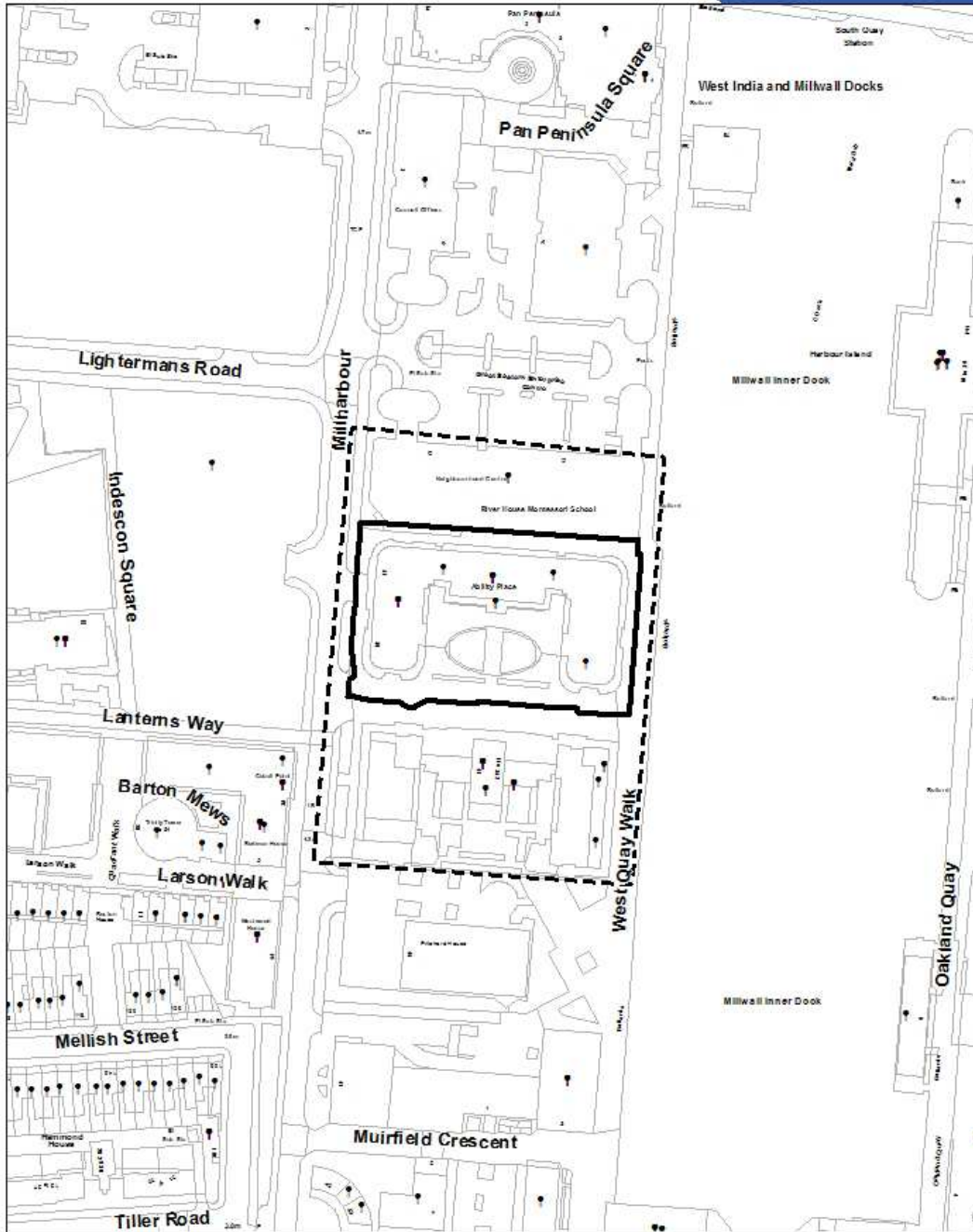
Other Planning Issues

- 8.58 The applicant has provided a Wind Assessment, Television Reception Impact Assessment and a Flood Risk Assessment. Officers consider the contents of these reports to be acceptable and in relation to Flood Risk in particular, consider that the proposal would not have an adverse impact.

9.0 Conclusions

- 9.1 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



1:1,750

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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