

DEVELOPMENT COMMITTEE

Thursday, 19 September 2019 at 6.30 p.m.
Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

This meeting is open to the public to attend

Members:

Chair: Councillor Abdul Mukit MBE

Vice Chair : Councillor Dan Tomlinson

1 Vacancy, Councillor John Pierce, Councillor Mufeedah Bustin, Councillor Dipa Das and
Councillor Leema Qureshi

Substitutes:

Councillor Sabina Akhtar, Councillor Kevin Brady and Councillor Rajib Ahmed

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 17 September 2019**

Please contact the Officer below to register. The speaking procedures are attached

The deadline for submitting material for the update report is **Noon Wednesday, 18
September 2019**

Contact for further enquiries:

David Knight, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 4651

E-mail:

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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 9 - 20)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 30th July 2019.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 21 - 22)

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

	PAGE NUMBER	WARD(S) AFFECTED
4. DEFERRED ITEMS	23 - 24	
4 .1 Site At Unit 2, Discovery Dock Apartments East, 3 South Quay Square (PA/18/03580)	25 - 40	Canary Wharf

Proposal:

Infill extension to existing ground floor commercial unit (currently in use as estate agent) for flexible use including A1 (retail), A2 (financial and professional services), A3 (restaurant) and B1a (office)

Recommendation:

To GRANT planning permission, subject to conditions

5.	PLANNING APPLICATIONS FOR DECISION	41 - 46	
5 .1	William Brinson Centre, 3-5 Arnold Road, London (PA/16/02789)	47 - 138	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		
	Recommendation:		
	Grant personal planning permission with conditions and planning		
5 .2	235 Old Ford Road (PA/19/00396)	139 - 176	Bow West
	Proposal:		
	Roof extensions to Blocks A and B to comprise eight new apartments and associated works.		
	Recommendation:		
	Grant planning permission with conditions.		
5 .3	Site Adjacent To 71, Heylyn Square and 71 to 77 Heylyn Square, London, E3 (PA/19/00793)	177 - 216	Bow West
	Proposal:		
	Demolition of the existing single-storey buildings located at 71- 77 Heylyn Square and the construction of an 8 storey mixed used building comprising 32 residential units (Use Class C3) and a single retail unit at ground floor (Use Class A1) together with the provision of associated amenity space, landscaping and parking spaces.		
	Recommendation:		
	Grant planning permission subject to planning conditions		

6. OTHER PLANNING MATTERS

There are none.

Next Meeting of the Development Committee

Thursday, 10 October 2019 at 6.30 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain Corporate Director of Law Probity and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.40 P.M. ON TUESDAY, 30 JULY 2019

COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Dan Tomlinson (Vice-Chair in the Chair)
Councillor John Pierce
Councillor Mufeedah Bustin
Councillor Dipa Das
Councillor Leema Qureshi
Councillor Dan Tomlinson
Councillor Rajib Ahmed (substituting for Councillor Mukit MBE)

Officers Present:

Solomon Agutu – (Interim Team Leader Planning, Legal Services, Governance)
Paul Buckenham – (Development Manager, Planning Services, Place)
John Miller – Planning Officer
Kirsty Gilmer – (Principal Planning Officer, Place)
Antonella Burgio – (Democratic Services)

Registered Speakers In Attendance:

Mr M Robinson (Item 5.1 - objector)
Mr G Hindley (Item 5.1 - objector)
Mr D Leon (Item 5.1 - architect on behalf of the applicant)
Ms S Go and Mr K Oliver (Item 5.2 - joint objectors)
Mrs M Gordon for (Item 5.2 - objector on behalf of St Georges Residents Assoc.)
Mr D Jordan (Item 5.2 - agent on behalf of the applicant)
Mr P Harris (Item 5.2 – agent on behalf of the applicant)

Apologies:

Councillor A Mukit MBE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Development Committee held on 11 July 2019 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

1. The procedure for hearing objections and meeting guidance be noted.
2. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
3. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Place be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. DEFERRED ITEMS

4.1 Walker House, 6-8 Boundary Street, London E2, PA/17/03009

Councillors Ahmed and Das did not participate in the consideration of this item.

The Development Manager introduced the report which concerned an application for change of use of existing office space to residential accommodation and construction of a two story building to the rear to provide office space in the courtyard area which is currently used as a car park. The application had been considered at the meeting on 13 June 2019 at which time it had been deferred for a site visit and for additional images to be provided.

The Planning Case Officer then gave a presentation in which he set out the context of the application site and highlighted the material planning considerations. These were; land use and housing (provision of additional housing and re-provision of office space), amenity, transport, design and heritage. The Committee noted:

- The design submitted was intended to be largely obscured and to have minimal on the surrounding heritage assets and adjacent conservation area.

- The additional graphical information that had been provided to enable members to better understand the context of the proposal including materiality and impacts on surrounding buildings.

Responding to Members' questions, the Planning Case Officer also provided the following additional information:

- There had been 33 letters of objection and a petition which outlined concerns around the suitability of the design in the context of the surrounding conservation area and the impact of the development on its surroundings.
- The proposal would result in a loss of 7 parking spaces. After development there would be 13 spaces available.
- The development would be car-free although existing parking rights would be retained.
- The infill element would re-provide the current office provision at Walker House plus uplift.
- The current offices at Walker house would be replaced with residential units.

The Committee considered the proposed facing materials and the impacts on amenity over time.

Concerning what actions the Council might be able to take should the selected roofing material oxidise to a green copper oxide rather than maintain its red appearance, or what actions could be taken should the developer opt for cheaper materials, Members were informed that the chosen material was pre-oxidised and stable against further oxidation. Additionally planning conditions required materials to be agreed before construction; therefore the Planning Authority was able to inspect materials ahead of construction. Members were also informed that, should the material denature after construction, the Authority would not be able to require the applicant to make repairs that would restore the roof to its original appearance but could require reasonable measures of the applicant to ensure the appearance of the chosen material was maintained. A Member noted the advice offered but (since he had inspected a sample of the material and was not assured of its durability) was not assured that this measure would reasonably prevent the appearance of the development becoming altered over time.

Concerning what future action could be taken by the Authority to mitigate the potential loss of visual amenity from the conservation area (which could occur if the ivy that presently obscured the development site were to be lost or removed), Members were informed that there was no requirement to control through the planning method therefore it was not possible to guarantee that heritage views would be unaffected.

Members then discussed the proposal and put forward the following views:

- The site visit had helped to provide an understanding of the application in its proposed situation. On this basis there remained concern around the scale and design of the development and how these would appear from the surrounding heritage buildings

- The design was not sympathetic or suited to the surrounding heritage architecture.
- There remained some concern about the impact of the development on amenity as the effects of massing would be more evident from street level if, in future, the screening provided by ivy foliage should become eliminated.
- There was some concern that design and scale of the proposed development was such that it would noticeably impact its surroundings.

There being no further matters to discuss, the Chair moved that eligible Members vote on the officer recommendation and on a vote of 1 in favour and 3 against the Committee

RESOLVED:

Not to accept the recommendation to grant planning permission at Walker House, 6-8 Boundary Street, London E2, for change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3). Construction of a two-storey building to the rear to provide approx. 400sq.m of office space (use class B1a).

Councillor Bustin proposed and Councillor Qureshi seconded that the application be refused and on a vote of 3 in favour and 1 against, the Committee

RESOLVED:

That the application be **REFUSED**.

The Committee provided the following reasons for refusing planning permission:

The height scale and mass of the proposed development and its appearance in terms of facing materials and roof form would neither preserve nor enhance the character and appearance of the conservation area.

The limited public benefits of the development would not outweigh the harm that it could cause to the conservation area.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Regents Wharf. Wharf Place, London E2, PA/18/01676

Councillor Qureshi did not participate in the consideration of this item.

The Development Manager introduced the report which concerned a proposal to remove an existing roof at Regents Wharf and replace with a mansard style structure to provide 6 additional residential units. He advised that the application had been considered first in January 2019. It had been deferred and presented for decision in June 2019 at which time Members requested

that the application be listed afresh because there had been changes to Membership and they felt that substantial new information relating to daylight sunlight assessments had been presented which merited full consideration.

The Planning Case Officer then presented his report. The Committee was informed that:

- Since daylight/sunlight levels had been a matter concern when the application was first considered, independent verification of the daylight/sunlight assessments had taken place. Results indicated that three windows failed the winter sunlight criteria.
- New cycle parking facilities had been redesigned and no longer impeded car parking. Additionally the applicant increased provision for cycle storage offering 20 cycle storage space in the basement and an additional eight at ground floor level
- The overall building height would be 0.6m higher than the current height; this was in keeping with the surroundings in terms of size, scale and proportions.

Responding to Members' questions the Planning Case Officer provided the following additional information:

- There would be loss of green space during the building works since this would be used as a construction site. However the space would be returned in total once the development was completed
- Details of how water would be harvested from the green roof were a matter for Building Control.
- Since the development was of a small scale, the proposal did not include provision of affordable housing.
- The construction of the green roof was to deliver a biodiversity gain. For health and safety reasons it was not intended that this area should be accessible as residents' amenity space.
- Noise impacts of development and construction would be managed via a noise management plan and, if chosen by the developer, mitigated by off-site construction of some of the mansard elements.
- Noise proofing measures would be applied via mandatory conditions on appropriate noises limiting materials. The Development Manager advised that Members could, if they wished, condition noise limitation and transmission measures and the Committee indicated that it wished appropriate measures to manage noise impacts to be conditioned.
- The scale of the application was small and therefore it did not attract any financial contributions (S106). However there would still be CIL liability.

Responding to Members questions the Planning Case Officer provided the following additional information:

- The three windows which had failed the daylight/sunlight assessment were situated in the area of the building that formed an internal angle and were located across two flats.
- The assessment did not indicate the nature of the rooms that would be impacted by loss of light.

- There were no mandatory measures which could be imposed that would ensure that the impacts of construction above existing residential units could be mitigated in total. The Development Manager advised that the relevant policy was DM25 and that the construction management plan would deal with the impact of construction. However the Committee was not able to condition what the form of development should be.
- The development would not cause overshadowing of other neighbouring developments.
- Should it be required that private amenity space be provided for each of the new residential units, the size of each unit and the number of units would need to be reduced. Additionally the units would fall below policy compliance levels. However the scheme mitigated the lack of private amenity by the provisional provision of communal space.
- The mansard units were not under the category of 'family space' as they were to be located on the fourth storey of the building.

Members then heard from objectors who raised the following concerns:

- Following the original construction there had been several subsequent developments each of which had negatively impacted existing residents. Much of these developments had not been delivered efficiently and this had caused disruption and lack of confidence in the applicant's intention to deliver the changes in a considerate and timely way.
- The application failed to comply with policy on daylight/sunlight levels and on private amenity space.
- There would be material loss of winter sunlight to existing residential units. The impact of the reduction of light levels contravenes the levels those outlined in the local plan.
- The windows that failed the daylight/sunlight test represent one quarter of 12 windows tested. Two flats would be particularly impacted; one would have light levels reduced to 66% and another to 0%
- Five of the proposed six new residential units would have no private amenity space.
- The report did not properly reflect that the 26 letters of objection had originated from residents living at each of the current residential units.
- There were inaccuracies around the parking facilities that would be provided following development.
- The addition of residential units at roof level would cause additional overlooking.
- There would be adverse impact on the adjacent, soon-to-be listed, public house in terms of massing and overshadowing.
- The applicant had not provided sufficient information around waste storage and waste streams for the proposed residential units nor had a waste management plan been provided.

Responding to Members' questions the objectors provided the following additional information:

- Residential units were double aspect however the rooms within each unit were single aspect.

- The conversion of the current pitched roof to a mansard would have a negative impact on light levels. Additionally the three windows which had failed the daylights/sunlight assessment also did not comply with the policy for private amenity space.
- Objectors acknowledged that the applicant's daylight/sunlight assessment had been independently reviewed. However they remained of the view that the assessment did not accurately reflect the levels of sunlight that would be lost. The Legal Adviser to the Committee provided a clarification that daylight/sunlight assessments were based on estimations. Therefore objectors' assertion that the report was inaccurate needed to be considered in this context.
- The application would overshadow an historic pub which the Council was in the process of listing.

The Committee then heard from the architect on behalf of the applicant who put forward the following arguments in support of the application:

- The land use was appropriate.
- The proposed housing mix represented a positive contribution towards housing need in the borough.
- The height of the property and type of design was appropriate to the context, as was scale and design.
- The applicant had sought to engage positively with residents and illustrated this by informing the Committee that the applicant had collaborated with residents to refurbish an communal amenity space. Additionally provision of amenity space across the development fell within permitted tolerances.
- The daylight sunlight levels were compliant with the Council's requirements.
- Additional cycle storage had been provided.
- The development exerted no negative impact on local biodiversity; however the proposed green roof was not intended to be a residents' amenity space.
- Refuse collection arrangements had been assessed and were found to be sufficient for the expected levels of occupancy.
- It was acknowledged that there would be construction disturbance during the build and that off-site construction of elements of the development had been considered as well as their cost implications

Having considered all of the information provided the Committee discussed the application and noted the following:

- There were some concerns around the lack of private amenity, daylight/sunlight impacts and disturbance from construction. However these concerns were not substantial.
- It was in the Committee's gift to suggest further planning conditions to ensure that noise and construction impacts were mitigated.

The Committee therefore came to the view that it was reasonable to approve the application subject to additional conditions.

Councillor Pierce proposed and the Chair seconded that compliance conditions be added and on an unanimous vote in favour the Committee

RESOLVED

That the following additional compliance conditions be mandated to the application

- I. That prior to commencement a noise and sound insulation plan be drawn up and submitted.
- II. That the hours of construction be amended to exclude the period Saturday 8am – 12 noon.

The Committee then considered the application with amended conditions. The Chair moved and on an unanimous vote in favour the Committee

RESOLVED

That the application be **GRANTED** at Regents Wharf. Wharf Place, London E2, for the removal of the existing roof structure and construction of a mansard style roof extension to provide 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat with associated cycle parking and refuse storage facilities subject to conditions and informatives.

At 8:30pm the meeting adjourned and resumed at 8:35pm.

SUSPEND STANDING ORDERS

At 9:15pm, during the consideration of the application at item 5.2, the Chair moved and the Committee

RESOLVED

To suspend standing orders - the guillotine, for 30 minutes to enable the application to be determined.

5.2 Bishops Square, Market Street and Lamb Street, London E1 6AD (PA/18/03254 and PA/18/03255)

Councillors Ahmed and Qureshi did not participate in the consideration of this item.

An update report was tabled.

The Development Manager introduced the item which concerned a combined application for listed building consent and planning permission for change of use at the commercial development of Bishop's Square together with the construction of a two storey building. The Committee was informed that the applicant chosen the format of a combined application since the listed building

consent was unlikely to go ahead without planning permission therefore Members were asked to consider the matter as one decision.

The Committee then heard from each of the participating parties and afterwards asked questions of the participants. For clarity, the responses are recorded in the minutes together with each of the respective submissions.

The Planning Case Officer presented the report informing Members that the site location fell within the City Fringe Core Opportunity Area and a small proportion of the site fell within the Spitalfields conservation area. The proposal included applications for changes of use of existing buildings at Market Street and Lamb Street, the removal of a listed canopy, extensions of existing units together with new shop fronts at Market Street; the construction of a two story building over the existing vehicle ramp at the northern side of Lamb Street together with landscaping. The material planning considerations were land use, design, heritage and local character, amenity, highways and public realm. The proposal would:

- deliver change of use of current office space at Market Street, the loss of a listed canopy, new shop fronts and changes to public realm which would ensure that street furniture does not impede pedestrian and cycle transit.
- Affect unused undercroft at Lamb Street.
- Increase commercial units.
- Reconfigure the existing ramp structure.
- Add a two story building on the north side of Lamb Street, the design of which was intended to contribute to the streetscape and introduce a sense of permeability.

The Committee also heard that:

- Elder Gardens was not part of the proposals but would be affected by it.
- The proposal passed the relevant BRE test to prevent overshadowing of Elder Gardens. there would be no impact on the daylight or sunlight to the residential properties adjoining Elder Gardens.
- Noise mitigation would be delivered via a servicing plan and restriction of deliveries to times outside peak hours.
- Public realm contributions had been secured via an S106 agreement.

Responding to Members questions the Planning Case Officer provided the following information:

- The letters of support referred to in the agenda supplement were from residents and market traders.
- The Authority would ensure that the S106 agreement was maintained by formalising arrangements for food trucks into designated areas.
- Food trucks were presently operating under the same permissions as market stalls.
- TFL guidance based on the draft London Plan had been applied to anticipated growth in cycle traffic levels. This approach ensured that this element had been future proofed.

- There would be narrowing at Lamb Street during construction. However its duration would be shorter because development included elements of offsite construction.
- Safety elements would be delivered via a safety construction plan.
- The application for change of office space to retail space did not require a marketing test to be undertaken.

The Committee then heard from objectors who made a combined submission outlining the following concerns:

- The proposal would affect Elder Gardens and bring harm to the community and workers that relied upon it by negatively impacting their well-being around mental health. These impacts would be caused by alterations to the areas surrounding the gardens and brought about by the application.
- The proposal would cause a wider loss of ambience and loss of a key public amenity through the construction of an imposing structure which would negatively affect the visual amenity and reduce sunlight levels to the minimum stipulated in the BRE guidance.
- The development would have a negative effect on health and wellbeing.
- The proposal would create space where there would be opportunity for antisocial behaviour.
- The proposal would negatively impact the management of transit through the public realm at Lamb Street since this area would be narrowed. The narrowing would cause footfall to be transferred to other areas nearby and also harm the amenity of these areas.
- The proposals had not taken into account residents' feedback.
- Deliveries to the proposed food outlets that would negatively affect the amenity of residents and users of the adjoining areas in terms of noise and disturbance.
- Objectors felt that the application had packaged together disparate elements, some of which were not contentious, to dilute the level of harm that would be caused from the proposed Lamb Street building.

Objectors asked the Committee to refuse the application on the basis of the harms described. They contended that a refusal would bring forward another application with further revised proposals.

The Committee heard from the agents on the behalf of the applicant who outlined the following matters:

- A previous application had been refused therefore the application had been made anew incorporating a redesign which addressed the matters that had led to the refusal of the previous application.
- The current proposal: addressed the concerns raised around Elder Gardens and the narrowing of Lamb Street, reduced overshadowing, returned the pedestrian walkway via the playground and had added safety features at Lamb Street.
- The commercial categories of retail premises applied for were intended to give a mixed tenure of occupation.

Responding to Members questions the agents provided the following information:

- The application had been submitted afresh as a single scheme because the applicant owned the sites at Market Street and Lamb Street. Additionally the scheme was for a whole site development and therefore it was appropriate to treat the scheme in this way.
- To ensure the S106 agreement around clear pathways, the estate would be managed via an estate management plan and applicant would be bound by the legal agreement
- There had been modifications arising from public consultations. These included a Sedum roof and the addition of a glass screen to increase visibility and a sense of permeability. It was felt, also, that creating a sense of activity in the space would help reduce antisocial behaviours.

An objector contended that the construction of a single-storey building rather than the proposed two-storey building would have delivered the desired employment and retail capacity sought by the applicant. Additionally the single-storey construction would have enabled residents to enjoy the amenity of the green roof. The objector also contended that the design of the ramp structure which would exit at the gate of colleges would attract pickpockets and other antisocial behaviours.

In response to a question from members which related to a point of objection, the Development Manager advised that the Core Strategy contained policies concerned with health and well-being and that these could be taken to include mental health. The emerging draft Local Plan will require future major applications to include a health impact assessment.

The Local Plan did not prescribe policies around how commercial and residential development should be located adjacent to one another. The development was in the London Plan Central Activity Zone which anticipated a broad mix of commercial and residential used. Detailed policies in the Managing Development Document would be applicable in assessing impacts such as noise and amenity.

During the discussion, the Committee noted that the proposal had many interrelated elements and considered whether a site visit might be appropriate in order to better understand the impacts of these elements on the proposed site. At 9:37pm, following the discussion of the application, the Committee adjourned for three minutes to discuss whether to defer the application for a site visit. Upon reconvening, the Chair asked members to indicate whether they wished to propose deferral for a site visit. No members indicated.

The Chair enquired and the Committee indicated that there were no further matters that it wished to discuss and that there were no statements that it wished to make. The Chair then directed the Committee to consider the officer recommendation. The Chair moved and the Members cast 2 votes in favour and 2 against the application. Since the votes were tied, the Chair then made his casting vote in favour of the application and on a vote of 3 in favour and 2 against, the Committee

RESOLVED:

That planning permission and listed building consent be **GRANTED** at Bishops Square, Market Street and Lamb Street, London E1 6AD, for - change of use of part of the ground floor from Class B1 to Class A1, - change of use of part of the ground floor from Class B1 to Class A1/A3 on the southern side of Lamb Street, - removal of canopy and extensions together with new shopfronts on Market Street, - construction of a new two storey building (flexible Class A1/D2 gym) over the existing vehicle ramp on the northern side of Lamb Street and new hard and soft landscaping subject to conditions and informatives.

6. OTHER PLANNING MATTERS

Nil items.

7. UPDATE REPORT - ITEM 5.2

The meeting ended at 9.41 p.m.

Vice-Chair in the Chair, Councillor Dan Tomlinson
Development Committee



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson. Members of the public in support	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection. It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under [Council Constitution, Part C Section 35](#) Planning Code of Conduct

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:
Note: there is normally no further public speaking on deferred items or other planning matters


- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules – Part C of the Council’s Constitution Section 35 Appendix B. • Terms of Reference for the Development Committee - Part B of the Council’s Constitution Section 19 (7). 	 Council’s Constitution



Deferred Items

1. INTRODUCTION

1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

2.1 The following item is in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
11 th July 2019	(PA/18/03580)	Site At Unit 2, Discovery Dock Apartments East, 3 South Quay Square	Infill extension to existing ground floor commercial unit (currently in use as estate agent) for flexible use including A1 (retail), A2 (financial and professional services), A3 (restaurant) and B1a (office)	Deferred for further information

3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred application is for consideration by the Committee. The original report along with any update report are attached.

- Site At Unit 2, Discovery Dock Apartments East, 3 South Quay Square (PA/18/03580)

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally

LOCAL GOVERNMENT ACT 2000 (Section 97)

LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER THE ITEM DEFERRED REPORTS

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

- 5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.



Application for Planning Permission

[click here for case file](#)

Reference	PA/18/03580
Site	Unit 2, Discovery Dock Apartments East, 3 South Quay Square, E14 9RU
Ward	Canary Wharf
Proposal	Infill extension to existing ground floor commercial unit (currently in use as estate agent) for flexible use including A1 (retail), A2 (financial and professional services), A3 (restaurant) and B1a (office)
Summary Recommendation	Grant planning permission with conditions.
Applicant	The Komoto Group
Architect/agent	Rolf Judd Planning
Case Officer	Victoria Coelho
Key dates	- Application registered as valid on 28/01/2019 - Public consultation finished on 21/02/2019 - Significant amendments received on 08/04/2019

1. Background

- 1.1 This application for planning permission was considered by the Development Planning Committee on 11th July 2019. A copy of the original report is appended.
- 1.2 The application was deferred on the advice of the Council's Legal Officer to ensure that the area to the south of the site was not subject to any formal walkway agreement under the relevant highways legislation. In addition, the site is not subject to a planning obligation to maintain a walkway secured by a legal agreement.
- 1.3 Both officers and the applicant have reviewed the issue. The applicant's solicitor has confirmed that they are not aware of any right of access across the area whether by agreement with the local authority or by dedication. Officers have reviewed the planning history and are not aware of any planning obligations/legal agreements over the subject land.
- 1.4 In addition, during the committee meeting of 11th July, the applicant put forward a condition to require the submission a servicing and delivery management plan in response to concerns raised during the meeting in this regard. As such, an additional condition is recommended to secure this.

RECOMMENDATION

2.1 Officers recommendation remains to GRANT PLANNING PERMISSION, subject to conditions.

3. CONDITIONS

1. Time Limit
2. Approved Plans
3. Cycle Storage
4. Waste Storage
5. Hours of Operation
6. Servicing and Delivery Plan

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

Reference	PA/18/03580
Site	Unit 2, Discovery Dock Apartments East, 3 South Quay Square, London, E14, 9RU
Ward	Canary Wharf
Proposal	Infill extension to existing ground floor commercial unit (currently in use as estate agent) for flexible use including A1 (retail), A2 (financial and professional services), A3 (restaurant) and B1a (office)

Summary Recommendation Grant planning permission with conditions.

Applicant The Komoto Group Limited

Architect/agent Rolf Judd Planning

Case Officer Victoria Coelho

Key dates

- Application registered as valid on 28/01/2019
- Public consultation finished on 21/02/2019
- Significant amendments received on 08/04/2019

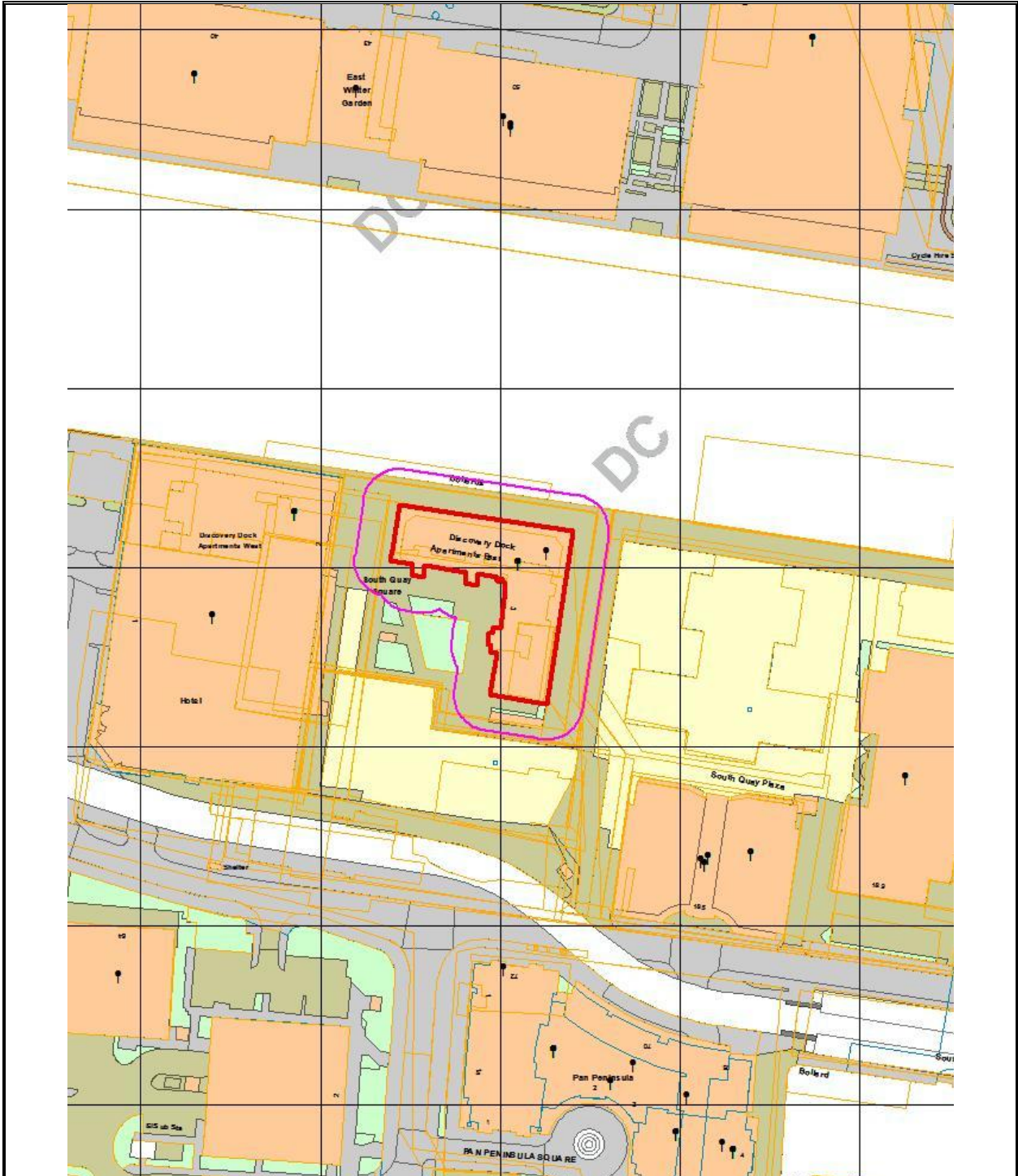
EXECUTIVE SUMMARY

The proposals seek to extend the existing ground floor unit (Unit 2) that is currently in use as an estate agents (Class A2). The extension would infill part of the existing colonnade on the east elevation which would increase the floor space from 213sqm to 259sqm. It is proposed to provide a flexible use of the site for A1, A2, A3 and B1a.

During the course of the application, the applicant has removed the external seating proposed as part of the application in response to concerns raised by residents with regards to the impact on amenity.

The proposal has been assessed against national, regional and location planning policies and is considered to be acceptable and in compliance with the relevant policies. As such, it is recommended that the application is approved by committee members.

SITE PLAN



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

**Planning Applications Site
Map
PA/18/03580**

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



London
Borough of
Tower Hamlets

Scale : 50m grid squares

Date: 06 September

1. SITE AND SURROUNDINGS

- 1.1 The application site is the ground floor of the Discovery Dock Apartments East which is a residential tower of 23 storeys with A1, A2 and A3 uses at ground floor level. The site is currently in use as an estate agents (Use Class A2).
- 1.2 The site is located within South Quay Square and forms part of the Millennium Quarter Site allocation. Whilst the site does not form part of the Town Centre Hierarchy, it is in close proximity to the Canary Wharf Activity Area. The site is not listed or located within a conservation area.

2. PROPOSAL

- 2.1 Permission is sought to infill and extend the existing unit at ground floor level that is currently used as an estate agents (Use Class A2) and change the use to a flexible use that include (A1/A2/A3/B1a).
- 2.2 During the course of the application and in response the consultation responses received the applicant has removed the external seating area and retractable awning proposed.

3. RELEVANT PLANNING HISTORY

Unit 2, South Quay Square

- 3.1 PA/05/01470 – Permission Granted 27.09.2005 change of use from retail (A1) to financial and professional services accommodation (A2).

Ground Floor, South Quay Square

- 3.2 PA/08/01210 – Permission Granted 12.08.2008 Change of Use from Restaurant/café (A3) to A1/A3/A3.

Unit 3, South Quay Square

- 3.2 PA/08/01236 – Permission Granted 14.08.2008 Change of use from restaurant/cafe to retail, financial or professional services or restaurant (Use Class A1, A2 or A3).

Ground Floor Discovery Dock

- 3.3 PA/18/03571 – Pending Decision Infill extension to existing ground floor commercial unit (currently in use as estate agent) for flexible use including A1 (retail), A2 (financial and professional services), A3 (restaurant) and B1a (office).

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following receipt of the application, the Council notified nearby owners/occupiers by post.
- 4.2 In response to the consultation, 63 letters of objection were received. The majority of the letters received were pro-forma objections to both change of use applications received. In summary, the following issues were raised:
- Already an overconcentration of A3/A1 units in the area and an oversupply of commercial units which would damage the residential nature of the area.
 - The introduction of a restaurant with greater opening hours than existing would increase noise disturbance/anti-social behaviour.
 - Outdoor seating would harm the privacy of the residents above the unit.
 - It would be over development of the site.
 - The narrowing of the walkway would adversely impact upon pedestrian movement.

- Increased litter.

5. CONSULTTEES

LBTH Environmental Health

For the A1 (retail), A2 (professional services), A3 (café) or B1a (office) use or continuation of existing management office use, noise emitted from any new fixed building services plant and equipment shall be designed to a level at least 10 dB below the lowest representative existing background noise level when assessed in accordance with BS 4142:2014 at a position 1 m from the window of the nearest noise sensitive premises (i.e. Plant LAr,Tr = -10 dB LA90,T).

This criterion applies to the total contribution of noise from all new plant items associated with the Proposed Development that may run during any particular period.

Vibration

Full details of the kitchen extract system including details of the extractor fan, noise data and manufacturer's data sheets, filtration system, attenuators, approved anti vibration mountings and flexible isolator units must be submitted to this Directorate for prior approval.

LBTH Transportation & Highways

No response received.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

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

6.2 In this case the Development Plan comprises:

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

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

Land Use LP2.9, SP01, SP02, DM1, DM2

Design SP10, DM24

Amenity SP10, DM25

Transport SP09, DM22,

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LBTH Draft Local Plan (2019)

7. PLANNING ASSESSMENT

- 7.1 The key issues raised by the proposed development are:
- i. Land Use
 - ii. Design
 - iii. Neighbour Amenity
 - iv. Transport & Waste
 - v. Equalities and Human Rights

Land Use

- 7.2 The proposed use is intended to be flexible, whereby a range of different land uses A1, A2, A3 and B1(a) are proposed. Flexible uses mean that once a use class is established by the unit being occupied and used in accordance with a permitted use class this becomes its lawful use, and planning permission is required to change the use again unless it can be done under permitted development rules.
- 7.3 The proposal would not involve the loss of the existing use class as this is to be retained with the proposed flexible use classes and as such the proposal is acceptable in this regard. The unit as built was previously a retail unit and the South Quay development as a whole constructed as a mixed use development with commercial floor space at ground floor level and residential at upper levels.
- 7.4 It is considered that a flexible use of the unit can be supported, subject to compliance with all other policy considerations.
- 7.5 Policy DM1 states that a mix of uses will be supported within the Tower Hamlets Activity Area to maintain a balance of uses. Whilst the site is not within the Town Centre hierarchy, given it's proximity to the Canary Wharf Activity Area, it can be considered as an edge of town centre location.
- 7.6 The proposal would continue to provide a commercial unit with an area of 259sqm. Given the location of the site at the edge of the activity area, a flexible use of the site for commercial purposes can be supported as this would maintain a balance of uses in the area and contribute to the character of the nearby Activity Area. This is compliant with SP06 of the Core Strategy and DM1 of the Managing Development Document.

Design

- 7.8 The physical changes proposed in association with the change of use are the infilling of the existing colonnade to the east of the unit. This will be achieved by the installation of glazing.
- 7.9 The materials proposed comprise glazing and an aluminium frame which are considered to be in keeping with the existing building and surrounding area in terms of character and appearance. The extension to the existing unit does not project beyond the existing building line
- 7.10 The proposal is considered to be satisfactory in terms of design and use of materials and would be a subordinate addition to the building. This is in accordance with policies DM24 of the Managing Development Document and SP10 of the Core Strategy which aim to ensure that development is of high quality design.

Neighbour Amenity

- 7.11 The Council's relevant policies are SP10 of the Core Strategy and DM25 of the Managing Development Document (2013). These policies aim to safeguard and where possible improve

the amenity of existing and future residents and building occupants as well as protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

- 7.12 Policy 3.2 of the London Plan acknowledges the impact of the environment on health of the population and requires new developments to be designed, constructed and managed in ways that improve health and promote healthy lifestyles. Policy 7.3 aims to ensure creation of safe and secure environments where crime and disorder and the fear of crime do not undermine quality of life. This policy also acknowledges that daytime and managed night time uses can positively contribute to safety of an area through creation of a level of natural surveillance resulting from the activity generated in and around the site.
- 7.13 The application proposes a flexible use to allow for A1/A2/A3/B1a. Within the immediate area, there is already a variety of commercial units offering a range of services, and therefore there is already a certain amount of footfall through the central square in addition to the residential occupiers of the building. The proposed alternative uses of the site as A1 or A3 are likely to attract a higher footfall than the existing A2 use. However, the increase should these uses be taken it would not be to a level that would unduly harm the amenity of the residential occupiers. Furthermore, it is recommended that the hours of operation of the uses are controlled via a condition.
- 7.14 The proposals include the installation of extraction and condenser units and in line with the recommendations of the Council's Environmental Health Officer a condition is recommended to secure full details of the ventilation systems to demonstrate that there would be no adverse impact on the amenity of the residential occupiers in terms of noise and vibration.
- 7.15 Subject to conditions, the proposals would be in accordance with the National Planning Policy Framework, the London Plan (2011), policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document which seek to ensure protection of the amenity of surrounding existing and future residents and building occupants.

Waste

- 7.17 The submitted plans do not include a dedicated area for storage of waste and recyclables prior to collection or waste management arrangements. There is sufficient area within the unit to provide waste storage and it is recommended that these details are secured by condition.
- 7.18 As such, subject to condition, the proposals are in accordance with SP05 of the Core strategy and DM14 of the Managing Development Document.

Transportation and Highways

- 7.19 In line with policy 6.3 of the London Plan (2011) and policy DM22 of the Managing Development Document (2013) development is required to meet and preferably exceed the minimum standards for cycle parking. The proposed plans do not indicate cycle storage, however there is sufficient space for this to be provided within the unit and it is recommended that details of this are required by condition. No car parking is proposed to serve the development in line with policy DM22.
- 7.20 As such, subject to condition, the proposal would comply with the requirements of policies SP09 of the Core Strategy and DM22 of the Managing Development Document.

Human Rights & Equalities

- 7.21 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.

7.22 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

8.1 **Planning permission to be GRANTED** subject to the following conditions.

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Waste storage
4. Cycle storage
5. Hours of operation
6. Ventilation and extraction details
7. Noise levels

APPENDIX 1

Drawings

Existing

E00-B; E01-B; E02-B; E03-B; E04-B.

Proposed

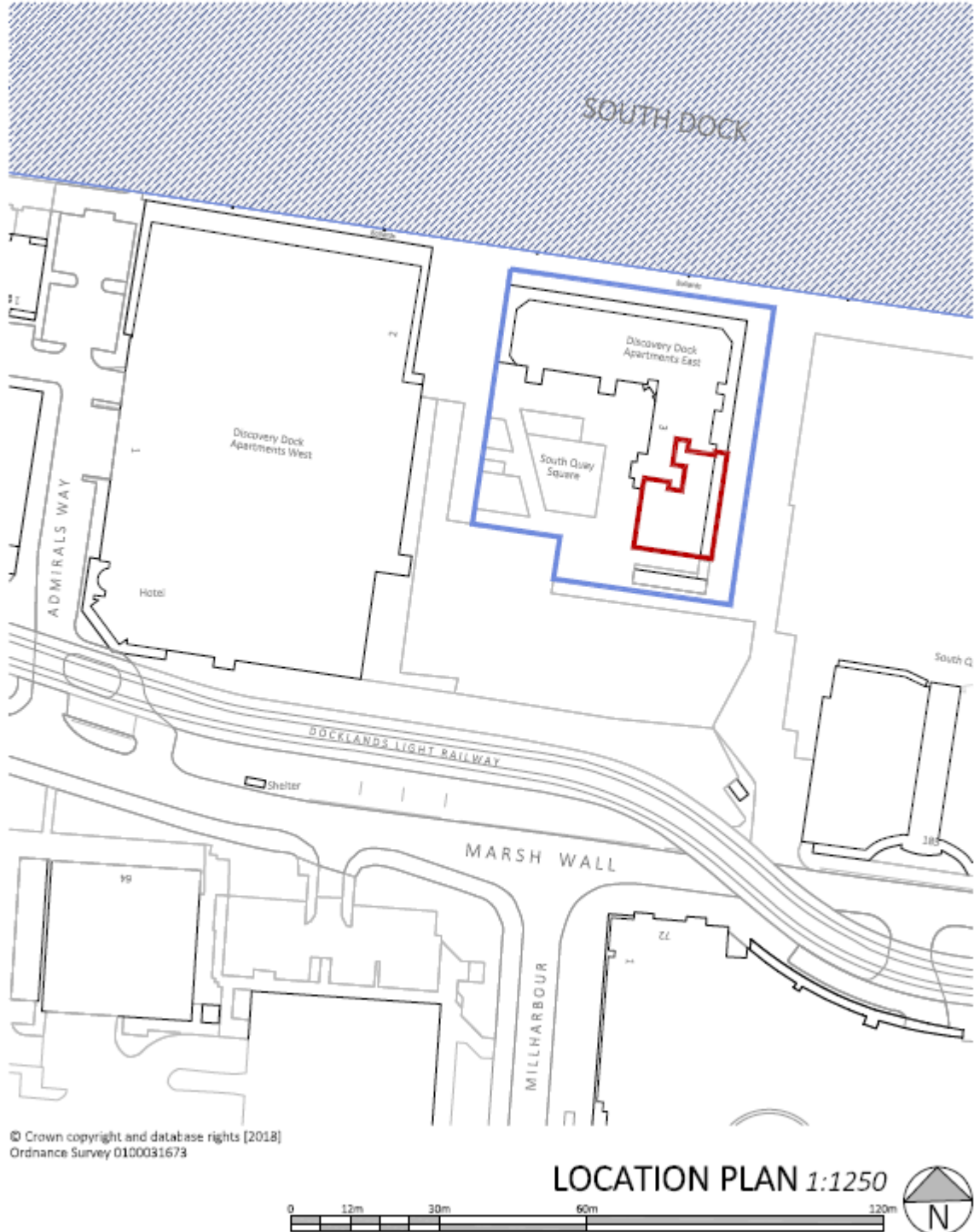
P001-C; P002-B; P003-C.

Submission documents

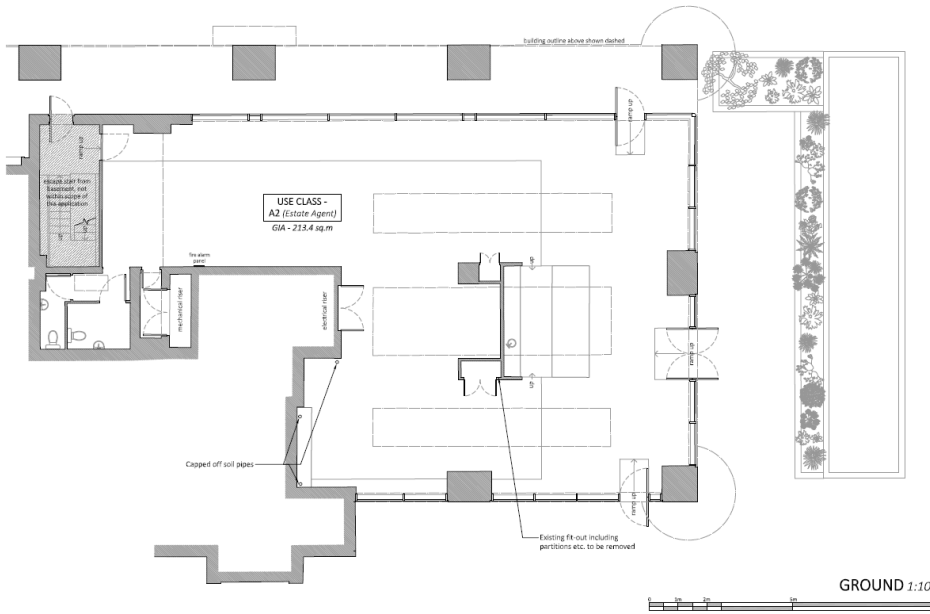
Planning and Design and Access Statement.

APPENDIX 2

Site Plan



Existing Ground Floor Plan



FRESSON AND TEE

6th Floor Queens House
33-35 Lincoln's Inn Fields
LONDON WC2A 3LJ
020 7391 7100 www.fandt.com

SOUTH DOCK

LOCATION PLAN @ 1:2500

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REV	D.R.	Description	Date

Ground Floor Plan
Existing

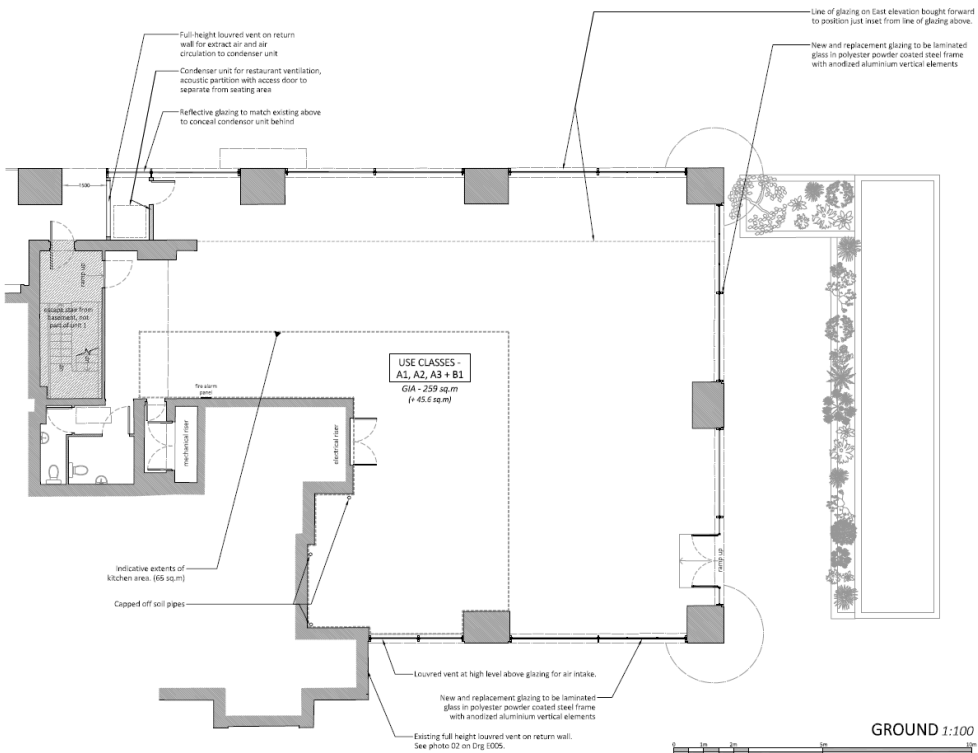
PROJECT NAME
Alterations and Change of Use
Unit 1

ADDRESS
Unit 1, Discovery Deck East,
3 South Quay Square, LONDON: E14

CLIENT
Pension Partners LLP

REF NO. 24278	PROJ REF. E001-B
SCALE 1:100@A3	DATE Sep. 2018
DRAWN BY RJS	CHECKED BY DF

Proposed Ground Floor Plan



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55-56 Lincoln's Inn Fields
LONDON WC2A 3LJ
020 7392 7120 www.fatdt.com

SOUTH DOCK

LOCATION PLAN @ 1:1250

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C	KS	Approved	05/06/2017
B	KS	Permitting	18/02/2018
A	KS	Initial Issue	21/05/2018
REV	DR	Description	Date

PROJECT NO: **Ground Floor Plan Proposed**

PROJECT NAME: **Alterations and Change of Use Unit 1**

ADDRESS: **Unit 1, Discovery Deck East, 3 South Quay Square, LONDON, E14**

CLIENT: **Pension Partners LLP**

DRG NO: **24278** DRAWING NO: **P001-C**

SCALE: **1:100@A3** DATE: **Sep. 2018**

DRAWN BY: **RJS** CHECKED BY: **DF**

Existing East Elevation



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SOUTH DOCK

LOCATION PLAN @ 1:1250

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C	KS	Approved	05/06/2017
B	KS	Permitting	18/02/2018
A	KS	Initial Issue	21/05/2018
REV	DR	Description	Date

PROJECT NO: **East Elevation Existing**

PROJECT NAME: **Alterations and Change of Use Unit 1**

ADDRESS: **Unit 1, Discovery Deck East, 3 South Quay Square, LONDON, E14**

CLIENT: **Pension Partners LLP**

DRG NO: **24278** DRAWING NO: **E002-B**

SCALE: **1:100@A3** DATE: **Sep. 2018**

DRAWN BY: **RJS** CHECKED BY: **DF**

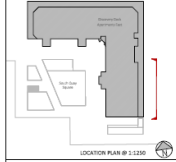
Proposed East Elevation

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LONDON WC2A 3LJ

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SOUTH DOCK



LOCATION PLAN @ 1:1250

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#	NO.	Rev	Date
1	001	Issue	20/09/2018
2	002	Revised	20/09/2018

East Elevation Proposed	
PROJECT NAME	Alterations and Change of Use Unit 1
ADDRESS	Unit 1, Discovery Dock East, 3 South Quay Square, LONDON, E14
CLIENT	Persion Partners LLP
DRAWING NO.	P002-B
SCALE	1:100@A3
DATE	Sep. 2018
DRAWN BY	RJS
CHECKED BY	DF



East Elevation 1:100



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UPDATE REPORT, DEVELOPMENT COMMITTEE. 11th July 2019

Agenda item no	Reference no	Location	Proposal / Title
4.2	PA/19/00543	73 Lockesfield Place	Proposed ground and first floor rear extension.

1.0 CLARIFICATIONS

2.1 Change to paragraph 4.3 under 'Other' heading as follows:

- Objection to the presentation of information within the submitted Design & Access statement with regard to cycle parking, refuse, and use of the property (*Officer Comment: The provided information, while potentially misleading, has no bearing on the material planning considerations of the proposed rear extension.*)

3 RECOMMENDATION

3.1 Officer recommendation remains that planning permission should be GRANTED for the reasons set out in the main report.

Agenda item no	Reference no	Location	Proposal / Title
4.3 & 4.4	PA/18/03571 & PA/18/03580	Ground Floor & Unit 2, Discovery Dock East.	<p>Extension to existing ground floor unit (currently in use as a management office) and change of use to flexible use including A1 (retail), A2 (professional services) or B1a (office) use or continuation of existing management office use.</p> <p>Infill extension to existing ground floor commercial unit (currently in use as estate agent) for flexible use including A1 (retail), A2 (financial and professional services), A3 (restaurant) and B1a (office)</p>

1.0 ADDITIONAL REPRESENTATION

2.2 An additional representation was received from Councillor Wood raising the following concerns:

- No reference within the report of the new pedestrian bridge.
- Employment concerns as the site is in the London Central Activities Zone and an area where employment use should be protected.

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Advice on Planning Applications for Decision

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda can be made available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

2.3 ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

- 3.1 This is general advice to the Committee which will be supplemented by specific advice at the meeting as appropriate. The Committee is required to determine planning applications in accordance with the Development Plan and other material planning considerations. Virtually all planning decisions involve some kind of balancing exercise and the law sets out how this balancing exercise is to be undertaken. After conducting the balancing exercise, the Committee is able to make a decision within the spectrum allowed by the law. The decision as to whether to grant or refuse planning permission is governed by section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990). This section requires the Committee to have regard to:

- the provisions of the Development Plan, so far as material to the application;
- any local finance considerations, so far as material to the application; and
- to any other material considerations.

- 3.2 What does it mean that Members must have regard to the Development Plan? Section 38(6) of the Planning and Compulsory Purchase Act 2004 explains that having regard to the Development Plan means deciding in accordance with the Development Plan, unless material considerations indicate otherwise. If the Development Plan is up to date and contains material policies (policies relevant to the application) and there are no other material considerations, the application should be determined in accordance with the Development Plan.

The Local Development Plan and Other Material Considerations

- 3.3 The relevant Development Plan policies against which the Committee is required to consider each planning application are to be found in:
 - The London Plan 2016;

- The Tower Hamlets Core Strategy Development Plan Document 2025 adopted in 2010; and
- The Managing Development Document adopted in 2013.

- 3.4 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are material to each planning application, and to other material considerations. National Policy as set out in the National Planning Policy Framework 2019 (NPPF) and the Government's online Planning Practice Guidance (PPG) are both material considerations.
- 3.5 One such consideration is emerging planning policy such as the Council's Local Plan¹ and the Mayor of London's New London Plan². The degree of weight which may be attached to emerging policies (unless material considerations indicate otherwise) depends on the stage of preparation of the emerging Development Plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the framework. As emerging planning policy progresses through formal stages prior to adoption, it accrues weight for the purposes of determining planning applications (NPPF, paragraph 48).
- 3.6 Having reached an advanced stage in the preparation process, the Local Plan now carries more weight as a material consideration in the determination of planning applications. However, the policies will not carry full weight until the Local Plan has been formally adopted. The New London Plan is at a less advanced stage of the adoption process.
- 3.7 The purpose of a Planning Officer's report is not to decide the issue for the Committee, but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members may wish to take. Part of a Planning Officer's expert function in reporting to the Committee is to make an assessment of how much information to include in the report. Applicants and objectors may also want to direct Members to other provisions of the Development Plan (or other material considerations) which they believe to be material to the application.
- 3.8 The purpose of Planning Officer's report is to summarise and analyse those representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations.
- 3.9 Ultimately it is for Members to decide whether the application is in accordance with the Development Plan and if there are any other material considerations which need to be considered.

Local Finance Considerations

- 3.10 Section 70(2) of the TCPA 1990 provides that a local planning authority shall have regard to a local finance consideration as far as it is material in dealing with the application. Section 70(4) of the TCPA 1990 defines a local finance consideration and both New Homes Bonus payments (NHB) and Community Infrastructure Levy (CIL) fall within this definition.

¹The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits' was submitted to the Secretary of state for Housing, Communities and Local Government to undergo an examination in public on 28 February 2018. As part of the examination process, the planning inspector held a series of hearing sessions from 6 September to 11 October 2018 to discuss the soundness of the Local Plan. The planning inspector has put forward a series of modifications as part of the examination process in order to make it sound and legally compliant. These modifications are out to consultation for a 6 week period from 25 March 2019.

² The draft New London Plan was published for public consultation in December 2017, The examination in public commenced on 15 January 2019 and is scheduled until mid to late May 2019.

- 3.11 Although NHB and CIL both qualify as “*local finance considerations*”, the key question is whether they are “material” to the specific planning application under consideration.
- 3.12 The prevailing view is that in some cases CIL and NHB can lawfully be taken into account as a material consideration where there is a direct connection between the intended use of the CIL or NHB and the proposed development. However to be a ‘material consideration’, it must relate to the planning merits of the development in question.
- 3.13 Accordingly, NHB or CIL money will be ‘material’ to the planning application, when reinvested in the local areas in which the developments generating the money are to be located, or when used for specific projects or infrastructure items which are likely to affect the operation or impact on the development. Specific legal advice will be given during the consideration of each application as required.

Listed Buildings and Conservation Areas

- 3.14 Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the 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.
- 3.15 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.16 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Trees and Natural Environment

- 3.17 Under Section 197 of the TCPA 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- 3.18 Under Section 40 of the Natural Environment and Rural Communities Act 2006 (Duty to conserve biodiversity), the local authority “*must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”.

Crime and Disorder

- 3.19 Under Section 17 of the Crime and Disorder Act (1998) (Duty to consider crime and disorder implications), the local authority has a “*dutyto exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)...*”

Transport Strategy

- 3.20 Section 144 of the Greater London Authority Act 1999, requires local planning authorities to have regard to the London Mayor’s Transport strategy.

Equalities and Human Rights

- 3.21 Section 149 of the Equality Act 2010 (Public Sector Equality Duty) (**Equality Act**) provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.22 The protected characteristics set out in Section 4 of the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Equality Act.
- 3.23 The Human Rights Act 1998, sets out the basic rights of every person together with the limitations placed on these rights in the public interest. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

Environmental Impact Assessment

- 3.24 The process of Environmental Impact Assessment is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations). Subject to certain transitional arrangements set out in regulation 76 of the 2017 Regulations, the 2017 regulations revoke the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (2011 Regulations).
- 3.25 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The 2017 Regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.
- 3.26 The Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

Third Party Representations

- 3.27 Under section 71(2)(a) of the TCPA 1990 and article 33(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Committee is required, to

take into account any representations made within specified time limits. The Planning Officer report directs Members to those representations and provides a summary. In some cases, those who have made representations will have the opportunity to address the Committee at the meeting.

Daylight, Sunlight and Overshadowing

- 3.28 Amenity impacts resulting from loss of daylight and sunlight or an increase in overshadowing are a common material planning consideration. Guidance on assessment of daylight and sunlight is provided by the 'Site Layout Planning for Daylight and Sunlight' 2011 by BRE (the BRE Guide). The BRE Guide is purely advisory and an appropriate degree of flexibility needs to be applied when using the BRE Guide. The BRE Guide does not form part of the Development Plan and compliance is not a statutory requirement.
- 3.29 There are two methods of assessment of impact on daylighting: the vertical sky component (VSC) and no sky line (NSL). The BRE Guide specifies that both the amount of daylight (VSC) and its distribution (NSL) are important. According to the BRE Guide, reductions in daylighting would be noticeable to occupiers when, as a result of development:
- a) The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value; or
 - b) 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.
- 3.30 The BRE Guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% of probably 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 over the whole year of over 4%.
- 3.31 For overshadowing, the BRE Guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 3.32 Specific legal advice will be given in relation to each application as required.

General comments

- 3.33 Members are reminded that other areas of legislation cover aspects of building and construction and therefore do not need to be considered as part of determining a planning application. Specific legal advice will be given should any of that legislation be raised in discussion.
- 3.34 The Committee has several choices when considering each planning application:
- To grant planning permission unconditionally;
 - To grant planning permission with conditions;
 - To refuse planning permission; or
 - To defer the decision for more information (including a site visit).

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the Agenda Item: Recommendations and Procedure for Hearing Objections and Meeting Guidance.

5. RECOMMENDATION

5.1 The Committee to take any decisions recommended in the attached reports.



Application for Planning Permission

[click here for case file](#)

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 and planning
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

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 initially 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 of the misleading nature of the officers report to Committee.

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

The report 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, 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

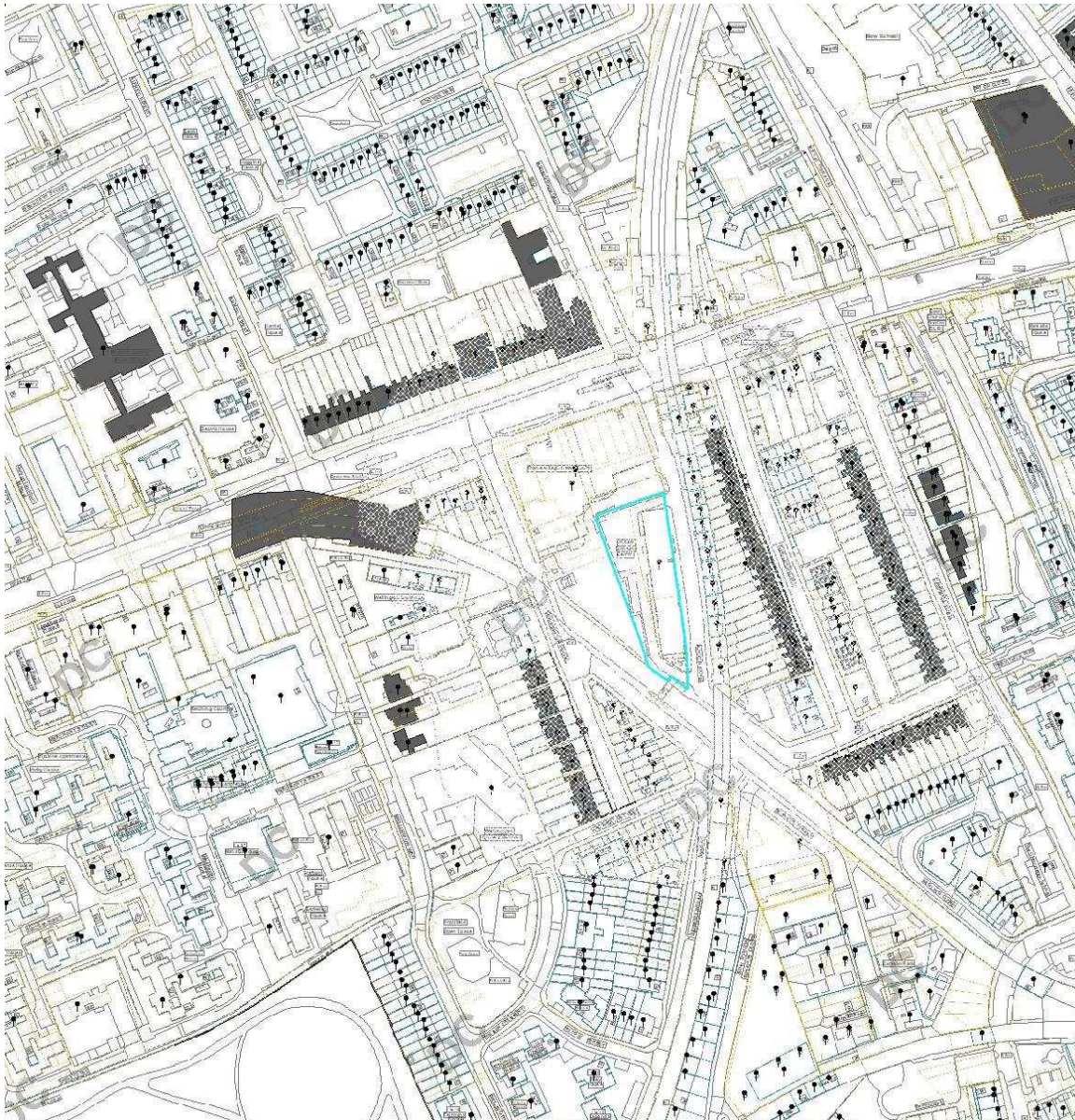


Figure 1

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.

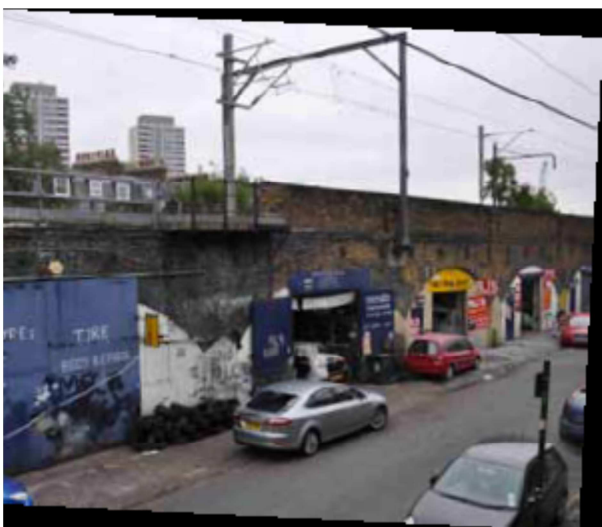


Figure 5: Arnold Road from site.



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 JR took place 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 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.

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 in the amenity section.

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 21 individual letters of objections were received, 2 petitions, 1 e-petition with 41 signatures and 1 hard copy petitions with 160 signatures, as well as, 1 letter of support.

4.9 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

4.10 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.

4.11 6 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

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

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

5. CONSULTATION RESPONSES

Internal Consultees

Design and Conservation

4.13 No objection

Air quality

4.14 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

4.15 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

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

Occupational Therapist

4.17 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)

- 4.18 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.
- 4.19 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

- 4.20 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 103m³ of storage

Thames Water

- 4.21 Thames Water advises that there is no objection with regard to sewerage infrastructure capacity.
- 4.22 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)

- 4.23 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

- 4.24 The proposed 'car free' development is acceptable, subject to a permit free agreement for any existing and future controlled parking zone.
- 4.25 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.
- 4.26 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.

- 4.27 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 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise. Further guidance is provided within item 5.
- 6.2 The NPPF (2019), which the Development Plan needs to be in accordance with, sets out the Government's planning policies for England and how these should be applied and provides a framework within which locally-prepared plans for housing and other development can be produced. The purpose of the planning system is to contribute to the achievement of sustainable development which has the following three overarching objectives: economic, social and environmental.
- 6.3 The Draft London Plan currently has limited weight however the GLA and TfL are applying great weight to the draft provisions. As the decision maker, Council are able to decide what weight is applied and as such the Draft London Plan is considered to have limited weight.
- 6.4 With regards to LBTH's Emerging Local Plan, the weighting of draft policies is outlined in paragraph 216 of the National Planning Policy Framework (NPPF) (2012) and paragraph 19 of the National Planning Practice Guidance (Local Plans). The degree of weight that can be attached to the Local Plan will depend upon how much progress has been made with the emerging plan and the number of unresolved objections to it, and the degree of consistency with the NPPF (2012). The more advanced the preparation and the fewer the number of objections to plan policies, the greater the weight it may be given in the determination of planning applications.
- 6.5 As the Local Plan has reached an advanced stage, decision makers can now attach more weight to its policies in the determination of planning applications. This is because:
- a. the Local Plan has been subject to three rounds of public consultation in accordance with regulations; both Cabinet and Full Council approved the publication and submission of the final draft Local Plan (on 19 September 2017 and February 21 2018 respectively) and consider that it is both sound (i.e. positively prepared, justified, effective and consistent with national planning policy) and legally compliant;
 - b. the Local Plan is currently undergoing an independent public examination by a government-appointed inspector (Mrs Christa Masters). The examination hearings ran between 6-21 September and 11-15 October 2018;
 - c. the Mayor of London has indicated that the Local Plan (submission version) is in general conformity with the current adopted London Plan (note the draft London Plan which itself reached an advanced stage) and has raised no soundness or legal objections to the draft Local Plan in response to the regulation 19 consultation stage and examination in public; and;
 - d. the Local Plan is subject to a number of main modifications in response to the examination in public, which the inspector considers are necessary to make the Local Plan sound. Consultation on the main modifications is now live. At the close of the consultation, the inspector will consider the main modifications and the responses made on them during the consultation period. The inspector will subsequently publish a report. However, the Local Plan does not carry full weight until it has been formally adopted.
- 6.6 As such, the Emerging Local Plan will be used in the assessment of this planning application and it is considered overall that the plan has moderate weight. The degree of weight of each policy depend upon objections received during the regulation 19 consultation and any emerging policy used in the assessment sections below will note in bracket its weight. A

decision has been taken to generally only refer to Emerging Plan policies where objections are raised and where the weight is either moderate or high.

6.7 Please note that the above references to the 2012 NPPF are correct as the Emerging Local Plan was initially lodged prior to the amendments of 2018 and 2019.

6.8 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)
- Tower Hamlets Emerging Local Plan 2019 (THLP)

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

Land Use - LP 3.16, SP06, SP07, DM3, DM4, DM8, DM15, H1, H2, H3, EMP3, EMP4, CF1, CF2, CF7

(local job creation and investment, loss of community facility, housing)

Design - LP7.1-7.8, SP09, SP10, SP12, DM10, DM23, DM24, DM26, DM27, DH1 ,DH2, DH3, DH5, DH6

(layout, massing, building heights, materials, public realm, heritage)

Amenity - LP7.6, LP7.15, SP03, SP10, DM25, DH7, DH8

(privacy, outlook, daylight and sunlight, construction impacts)

Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, SP05, SP09, DM14, DM20, DM21, DM22, TR1, TR2, TR3

(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, ES1, ES2, ES3, ES6, ES7, ES8

(biodiversity, energy efficiency, air quality, drainage, contaminated land)

6.10 Other material considerations relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Land for Industry and Transport SPG (2012)
- LP Draft New London Plan (2018)
- 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)

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 another premise in Stepney Way which is located within 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 by virtue of the site being vacant, it is arguably under-utilised. 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 reprovision 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 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.
- 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° 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.

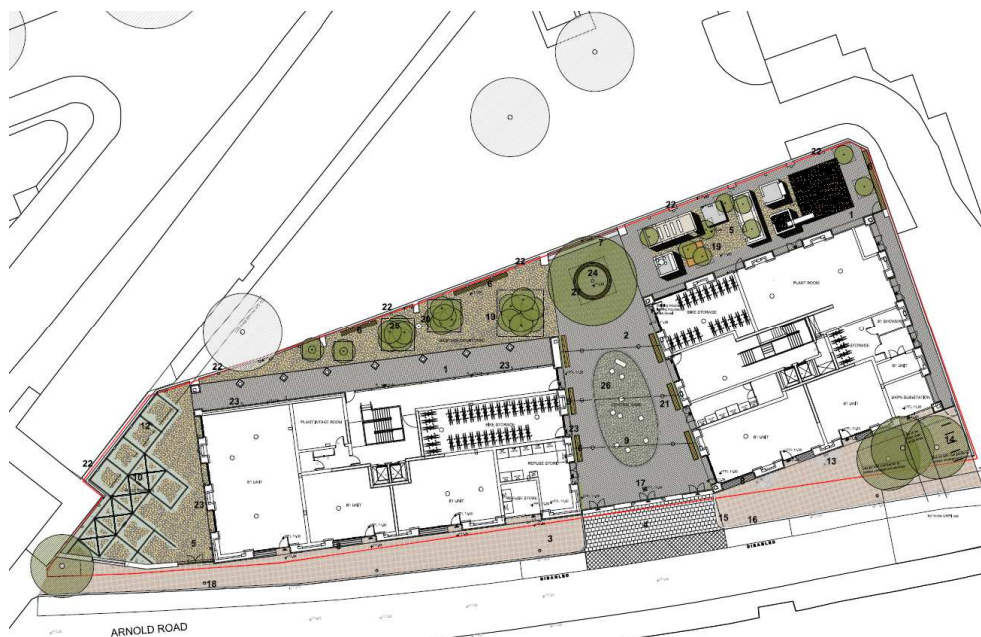


Figure 9: Amended Landscaping – Communal and Child Play Space

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.



View to the central courtyard and main entrance

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), an impact assessment 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 along with any other assets that may be impacted.

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

- 7.103 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.
- 7.104 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.
- 7.105 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.

- 7.106 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.
- 7.107 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.
- 7.108 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.
- 7.109 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.



<p>Viewpoint 1: Mornington Grove looking East</p> <p>Viewpoint 2: Arnold Road looking North West</p> <p>Viewpoint 3: Mornington Grove looking South</p>
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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

- 7.110 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,
- 7.111 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.
- 7.112 The same objector noted in paragraph 7.107 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 design 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.
- 7.113 Officers consider the proposals would sustain and enhance both the character and appearance of the surrounding conservation areas, 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

- 7.114 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.
- 7.115 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

- 7.116 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.
- 7.117 As part of an objection, a series of views of what the proposed development would look like from the rear of 2 of the Tomlins Grove properties were provided in order to demonstrate the sense of enclosure that the proposed development would create on this residents.
- 7.118 A copy of these views are set out in the following figures:

Community Members' Opposition to Arnold Road Development (Case PA/16/02789)

Drawings and photos demonstrating discrepancies in policy, design, and imposition on current homes and streets



Figure 22

A
Property A, representing North end of Tomlins Grove terrace



Current view from garden



View from garden with proposed buildings



Current view from top floor bedroom



View from top floor bedroom with proposed buildings

Figure 23

 Property B,
representing North
end of Tomlins Grove
terrace



Current view from garden



View from garden with proposed buildings



Current view from top floor bedroom



View from top floor bedroom with proposed buildings

Figure 24

7.119 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.

7.120 In addition, the plan below shows the separation distances exceeding the 18m policy.

7.121 Separation distances are shown in the following plan which has been provided by the architects in figure 25.

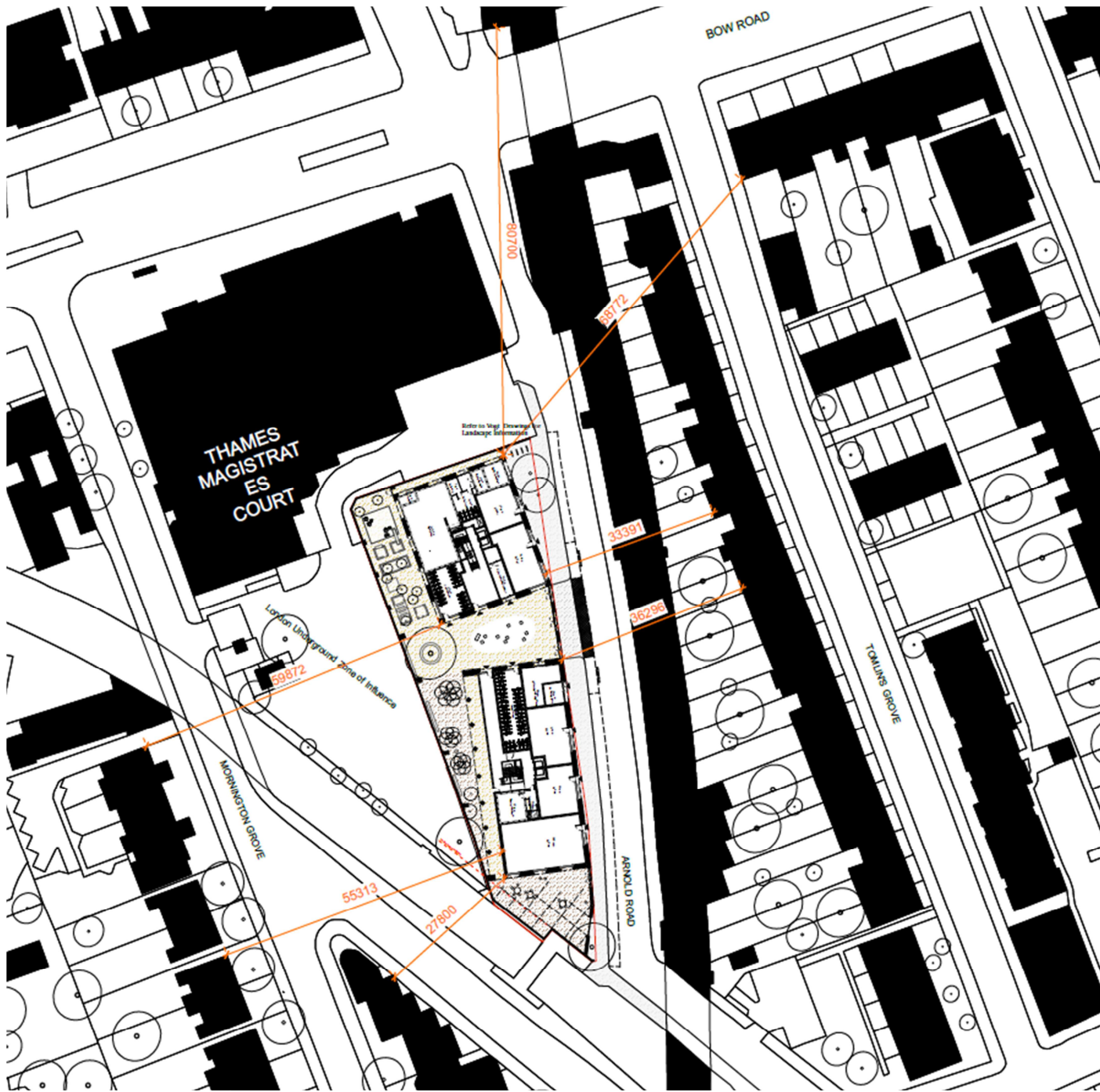


Figure 25 – Plan showing separation distances

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

7.123 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

- 7.124 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
- 7.125 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

- 7.126 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.
- 7.127 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.

Vertical Sky Component (VSC)

- 7.128 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.
- 7.129 Below is the LBTH classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse 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)

- 7.130 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.
- 7.131 Below is the LBTH classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse 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)

- 7.132 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%).
- 7.133 Below is the LBTH classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse 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)

- 7.134 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.

7.135 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%).

7.136 Below is LBTH classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse 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

7.137 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)

7.138 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.

7.139 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.

7.140 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.

7.141 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.

7.142 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

7.143 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

- 7.144 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.
- 7.145 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. Officers note the BRE guide that as a general rule the aim should be to minimise the impact to the existing property
- 7.146 In summary, the results demonstrate that 22 of 37 (59%) of the properties tested for daylight, will either satisfy the BRE guidelines or have negligible impacts. As set out in Table 3 of Appendix 3, there are 5 properties where the effect is negligible. There are 8 properties where the effect is negligible to minor or minor adverse and 2 properties where the effect would be moderate adverse. The 2 neighbouring properties that will experience the most significant reduction with regards to daylight are, 16 and 17 Tomlins Grove.
- 7.147 These 2 properties have the most significant reductions due to their location along Tomlins Grove, their relationship to the proposed development, the windows being limited by the projecting wings and by virtue that they are facing towards the taller of the 2 blocks.

Sunlight

- 7.148 DPR analysed the Annual Probable Sunlight Hours (APSH) for the proposal in line with the BRE sunlight criteria.
- 7.149 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, 14, 20, 21, 22, 23 and 25 Tomlins Grove is considered negligible.
- 7.150 DPR's Daylight & Sunlight Study assessed sunlight to windows of main living rooms within dwellings. According to the floor plans DPR obtained for 24 Tomlins Grove, which are attached to their report at Appendix D, the rear rooms at lower ground and ground floor of that property are a bedroom and a kitchen respectively and, as such, it was assumed the rear rooms at first and second floor level to be bedrooms. DPR noted the room uses adopted in their assessment in the table of results, with "n/a" noted in the sunlight results columns for that property.
- 7.151 Following the request from Anstey Horne (as the LPAs independent reviewer), DPR provided the sunlight results for the rear windows of all Tomlins Grove properties, regardless of the potential use of the rooms. The updated results table attached to DPR's letter dated 28 May 2019 to the applicant included 24 Tomlins Grove. The results show that the potential impact on sunlight to all the windows of 24 Tomlins Grove will be fully BRE adherent, with minimal reduction in APSH, no reduction in APSH in winter and very good retained levels that are well in excess of the recommended levels of 25% APSH annually and 5% APSH in winter.
- 7.152 The 8 properties which do not satisfy the guidelines are addressed in the Table 4 of Appendix 3.
- 7.153 As part of Anstey Horne's review, they requested that DPR provide the sunlight assessment for kitchens and bedrooms for all the properties assessed. This was provided to officers on 28 May 2019. Upon review, the technical analysis demonstrates that all bedrooms and kitchens assessed will satisfy the Annual Probable Sunlight Hours test. Out of the 61 bedrooms tested,

there are 5 which will fall below the BRE target of 5% in terms of the winter sunlight hours however these will retain values of 3+4%.

- 7.154 As noted above, DPR also explain that they have run the sunlight tests with the projecting wings omitted, in order to establish whether the wings are a material factor in the relative light loss. This relates to the properties 8-19 Tomlins Grove.
- 7.155 In summary, the results demonstrate that in terms of sunlight, 16 out of 24 (66.6%) of the properties tested, will either satisfy the BRE guidelines or have negligible impacts. There are 3 neighbouring properties where the effect on sunlight is negligible to minor or minor adverse and a further 3 neighbouring properties where the effect is minor to moderate adverse. The most significant reductions to the sunlight levels is to 13 and 17 Tomlins Grove which will experience moderate adverse impacts for sunlight.
- 7.156 The most significant reductions are due to a number of factors, such as the location along the terrace of Tomlins Grove, the relationship to the site and proposed development and the projecting wings limiting the sunlight availability.
- 7.157 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. .

Overshadowing

- 7.158 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.
- 7.159 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.
- 7.160 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.
- 7.161 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:

- 7.162 . 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. However, on balance, officers consider that these impacts would not be unacceptable material deterioration when weighed against the benefits that the scheme would deliver and that residents and users would be left with an acceptable level of daylight and sunlight which would not be unacceptable and that their overall level residential amenity would be protected..

Noise & Vibration

- 7.163 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.
- 7.164 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.
- 7.165 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.
- 7.166 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.
- 7.167 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.
- 7.168 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

- 7.169 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

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

Deliveries & Servicing

7.171 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

7.172 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

7.173 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

7.174 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

7.175 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

7.176 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

7.177 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

7.178 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

- 7.179 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%.
- 7.180 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

- 7.181 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.
- 7.182 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.
- 7.183 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

- 7.184 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.
- 7.185 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.
- 7.186 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.
- 7.187 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

- 7.188 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.
- 7.189 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

- 7.190 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.
- 7.191 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.
- 7.192 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.

- 7.193 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.
- 7.194 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

- 7.195 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.
- 7.196 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.
- 7.197 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

- 7.198 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

- 7.199 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

- 7.200 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.
- 7.201 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.

7.202 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

APPENDIX 2

Selection of plans and images



Figure 26 – Proposed ground floor plan



Figure 27 – Proposed typical plan – upper floors



Figure 28 – Proposed eastern elevation



Figure 29- Proposed western elevation



Figure 30– Proposed view to main entrance and central courtyard.



Figure 31: Proposed view from Arnold Road looking North



Figure 32: Proposed view from Eleanor Street



Figure 33: 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.

<p>Objector point:</p>	<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.
<p>Officer comment:</p>	<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 34: Mast-mounted photography

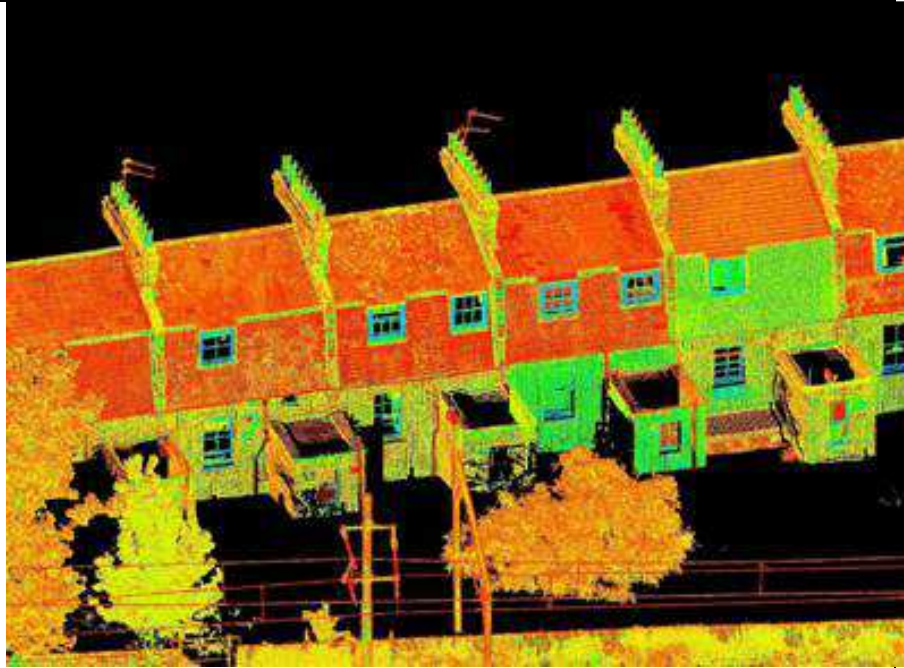


Figure 35: Point cloud (false-colour image)

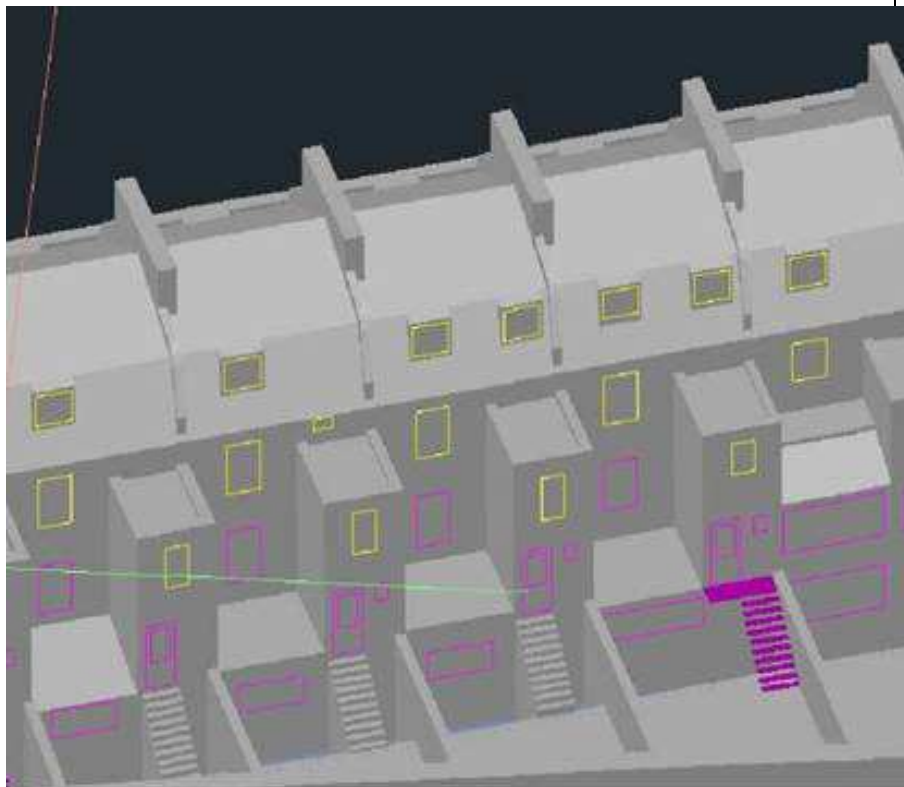


Figure 36: DPR's 3D model



Figure 37: Waldrams 3D model

- 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.
- DPR measured the width and height of the window apertures for 13 Tomlins Grove on the outside plane of the window wall and added them to their daylight distribution contour plan for that property (drawing 18416_NSL_005 Rev A). 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.
- Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSS

	assessment in relation to the proposed development on 9 th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application.
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Objector point:	<ul style="list-style-type: none"> • 9 Tomlins Grove did not suffer a reduction in its lit environment according to the Waldram report yet does in the DPR report. • The VSC figures at existing windows vary between the two reports when this should be a constant.
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 DLSSL 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"> • Room uses are still wrong despite corrections made in the course of correspondence with LBTH officers by residents. • Different rooms require different lighting levels and if DPR have used inaccurate information, the whole report is called into question.
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, so it is not possible to comment more specifically on any potential implications. - 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.
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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"> The only oversight was the lower ground floor of 10 Tomlins Grove, which has since been corrected and issued results for, which show that the impacts are within the BRE guidelines. Other floors were not included in the assessment of some properties because the drawings showed them to be rooms without requirement for daylight/sunlight and need not be assessed (bathrooms, etc.). Likewise DPR did not assess bathrooms in the closet wings.

Objector point:	<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>
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. 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.

Objector	<ul style="list-style-type: none"> <i>The claim in the updated Daylight Sunlight report that it is the side returns</i>
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point:	<i>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>
Officer comment:	<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: <ul style="list-style-type: none"> <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> - 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.

Objector point:	<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>
Officer comment:	<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.

	<ul style="list-style-type: none"> - 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. - 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.
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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 have confirmed that they have not omitted the closet wings in the primary assessment. Where they did so for the supplementary test, they tabulated the results separately and presented them in separate paragraphs in their report. DPR have presented their report which has been reviewed by the LPA expert advisers.
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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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<p>Officer comment:</p>	<ul style="list-style-type: none"> - DPR have confirmed that none of the floor plans used as part of their assessment identified a kitchen at first floor level. However, even if the floor plans used were incorrect, the presence of a kitchen would not alter the results at 1st floor level, which show small daylight distribution transgressions (20.5% to 24.4% loss) (compared to the BRE 20% guideline in five properties (Nos. 9, 14, 15, 16 and 17 Tomlins Grove). VSC is BRE adherent. - 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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<p>Objector point:</p>	<ul style="list-style-type: none"> • <i>100% removal of sunlight far exceeds anything mentioned in the BRE guide as acceptable</i>
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<p>Officer comment:</p>	<ul style="list-style-type: none"> - The objector appears to be referring to the reductions in winter sunlight to the ground floor window in each of 12, 13 and 14 Tomlins Grove. 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> - DPR have since advised that reductions in winter sunlight from 3% or 2% or 1% APSH to 0% APSH, i.e. total loss of small amounts of winter sunlight, which would occur to a ground floor window at each of 4, 5, 10, 11, 12, 13 and 15 Tomlins Grove, to be within the BRE guidelines and not a significant impact and have treated them as such in our Daylight and Sunlight Report.
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	Officers consider these results to be in line with BRE guidelines .
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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 (18416_NSL_005 Rev A), 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. - 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 (18% reduction) would satisfy the guidelines and its retained value (73%) NSL would be good for an urban area."</i> Therefore, the report does not say that the ground floor meets the VSC it is recognised that the reduction of 26% would be below the recommendation in the BRE guidelines. The contour plans indicate the area of the room in the existing and proposed conditions, of which the reduction is adherent to the BRE recommendation.

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	<ul style="list-style-type: none"> - The DPR report clearly states that the Inspector's decision in the

comment:	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: 2.2.13 However, as a general rule the aim should be to minimise the impact to the existing property.</i>
Officer comment:	- 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
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 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.</i> • <i>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?</i>
Officer comment:	- DPR have confirmed that their survey and modelling methodology was as described above.
Objector point:	<ul style="list-style-type: none"> • <i>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.</i>
Officer comment:	- 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

	<p>started afresh with their assessment model, capturing a 3d point cloud survey and completing their own planning research.</p> <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.
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Objector point:	<ul style="list-style-type: none"> • <i>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.</i>
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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.
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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>
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Officer comment:	<ul style="list-style-type: none"> - DPRs research methodology was explained in the Daylight Sunlight report and the plans that DPR obtained through their efforts were attached to the report for complete transparency.
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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</i>
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	<p>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?</p>
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"> • 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 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 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.
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. - In the above responses, DPR have explained the arguments in relation to the closet wings. DPR do not blame them for the loss of light, they simply highlight that they are a factor in the magnitude of the relative loss of light. It is important to note that these are not the main focus of DPRs assessment and the actual situation results are the main focus. - 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>Access to properties</i>
Officer comment:	<ul style="list-style-type: none"> - Representations received related to residents questioning whether it would have been useful for access to have been sought to the neighbouring properties (Tomlins Grove/Mornington Grove) to be able to ensure accuracy of floorplans and layouts. However, 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 DPRs 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 all main rooms in each property; the only rooms DPR haven't assessed are those indicated on floor plans to be ones that do not have a particular requirement for daylight (e.g. bathrooms), plus the

	<p>bathrooms in the closet wings. If DPR found no plans for a property they assumed there to be a living room at lower ground and ground floor levels and a bedroom at first and second floor levels. DPR noted from the objector that some of the rooms uses are not as we assumed and there could, of course, be others.</p> <ul style="list-style-type: none"> - Where impacts at first and second floor levels (which we assumed to be bedrooms but apparently include some living rooms and kitchens) would exceed the BRE recommendations, they are one of two types: <ul style="list-style-type: none"> • Up to 27% loss in daylight distribution to 10 No. rooms, which would retain a view of sky to between 71% and 78% of the room area; • Up to 67% loss in winter sunlight to 5 No. rooms that would retain either 3% or 4% APSH in winter (i.e. slightly below the guideline of 5% APSH) and very good levels of annual sunlight of between 26% and 31% APSH (i.e. above the guideline of 25% APSH).
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Objector point:	<ul style="list-style-type: none"> • <i>Daylight/sunlight requirements of kitchens and bedrooms</i>
Officer comment:	<ul style="list-style-type: none"> - 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.

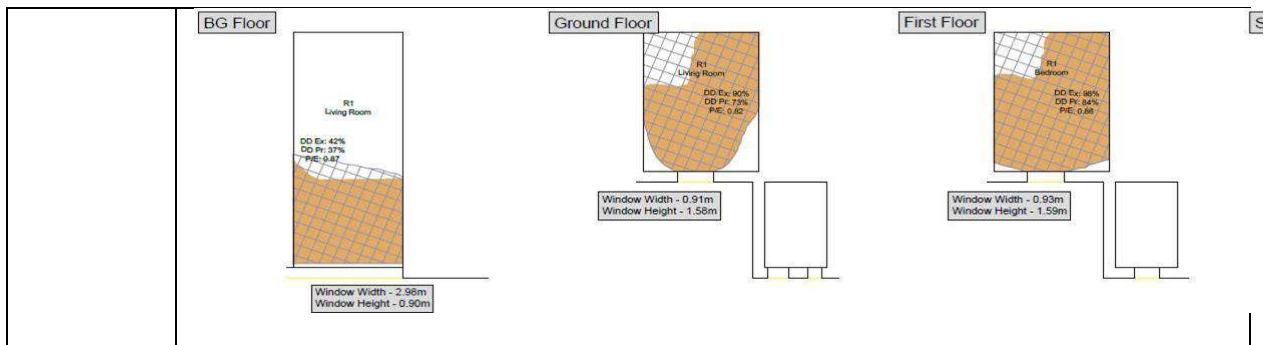
Objector point:	<ul style="list-style-type: none"> • <i>No-sky contour calculations and 0.8 guideline</i>
Officer comment:	<ul style="list-style-type: none"> - Aside from mistakenly referring to sunlight when they mean daylight, the objector correctly makes the point that if the area of a room with a 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

	<p>would be the case in 24 rooms around the site of which 20 are in Tomlins Grove properties.</p> <ul style="list-style-type: none"> - 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.
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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 DPT 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:	<p>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</p> <p>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.</p>
Officer comment:	In accordance with the BRE calculation methodology, impact on vertical sky component (VSC) and annual probable sunlight hours (APSH) to a room is measured at the centre of the main window. Only the no-sky line (NSL) assessment is run inside the room and where properties have been extended DPR ran that assessment on the extended-depth room. An example of this can be seen on the drawing extract below from the NSL contour plots for 13 Tomlins Grove, where the room at lower ground floor level has been extended. The full drawing was appended to DPRs letter to the Council dated 29 May 2019.



<p>Objector point:</p>	<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>
<p>Officer comment:</p>	<p>In accordance with RICS Guidance Note, GN96/2012, 'Daylighting and sunlighting' 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> <ul style="list-style-type: none"> • 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 ant 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. • Where a room was treated as a bedroom in DPRs report but has subsequently been flagged as a kitchen, that could have a bearing on the significance of any daylight and sunlight effects to that room. In the

	<p>case of this objection, the daylight and sunlight effects to the first floor windows and rooms at 11 and 14 Tomlins Grove are within the BRE guidelines with the exception of a minor transgression of the NSL guideline for the first floor room to No. 14 (24.4% loss). This does not alter DPRs stated conclusion that the effect on daylight to this property would be negligible to minor adverse.</p>
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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>
Officer comment:	<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>

Objector point:	<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>
Officer comment:	<p>DPR have not held the side returns (closet wings) responsible for the absolute reductions in light (i.e. difference between existing and proposed values), which would be caused by the development. What they have done is to run the supplementary calculation, as advised in the BRE guide, to determine whether the presence of the closet wings is a factor in the <u>relative</u> loss of light, i.e. percentage loss or ratio of reduction.</p>

Objector point:	<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>
Officer comment:	<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>

Objector point:	<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>
Officer comment:	<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 DPS 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 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>

Objector point:	<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 30 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 30 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>
Officer comment:	<p>DPR did what they could to research room layouts in all surrounding properties. The Tomlins Grove properties that we found plans for are numbers 2, 8, 10, 18, 22, 23, 24 and 25. Having originally been designed as a uniform terrace, there is quite a lot of repetition in room sizes, except of course where extensions have been added and/or internal alterations may have been made.</p>

	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.
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Objector point:	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.
Officer comment:	Having reviewed both reports, AH confirm the discrepancies are due to typographical errors. In the report dated 27 June 2019 it states that 12 out of 22 properties (55%) satisfied the BRE guidelines for daylight (paragraph 4.9) and 8 out of 16 properties (50%) satisfied the BRE guidelines for sunlight (paragraph 4.10). These results were rectified in AH report of the 9 th July 2019 where it stated that 22 out of 37 properties (59%) satisfied the BRE guidelines for daylight (paragraph 4.9) and 16 out of 24 (66%) properties tested satisfy the BRE guidelines for sunlight (paragraph 4.10). This is also consistent with AH latest report dated 21 st August 2019. It is important to note that the changes in the results do not alter AH overall conclusions in reports of the 9 th July and the 21 st August 2019.

Objector point:	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 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
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	<p>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.</p>
Officer comment:	<p>It is unclear what 'greater reliance' the objector is referring to.</p> <p>The third sunlight criterion in 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>"</p> <p>In light of his advice, both in his press release and in paragraph 3.2.11 of the BRE Guide, DPR and officers therefore consider reductions in winter sunlight from 3% or 2% or 1% APSH to 0% APSH, i.e. total loss of small amounts of winter sunlight, which would occur to a ground floor window at each of 4, 5, 10, 11, 12, 13 and 15 Tomlins Grove, to be within the BRE guidelines and not a significant impact and have treated them as such in DPR's Daylight and Sunlight Report.</p> <p>As noted 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.</p> <p>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.</p>
Objector point:	<p>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.</p> <p>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.</p>
Officer comment:	<p>Right to Light is not a planning matter</p>
Objector point:	<p>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.</p>

Officer comment:	Given that the site is now vacant and that half the site provides vehicular access and car parking, both make it an inefficient used of land.
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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.
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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 DPRs 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.
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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.
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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.
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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.
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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
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Objector	The FOI information contained an email from Potter Rapper in January 2019 that states '
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point:	... 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.

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:	DPR disagree that the report and results do not clearly show the impact of the proposed buildings on the existing neighbouring properties. DPR acknowledge that following our Report dated January 2019 (Ref. 18416/AJC/VK/RevB) DPR have provided a number of additional pieces of information that have been uploaded to the planning portal separately. However, they do not alter the text or conclusions of the report. The objector is incorrect when they say " <i>Since DPR could not get the survey information to do ADF calculations accurately they have used a different method of measurement (NSL)</i> ". They appear to have a flawed understanding of both the work DPR have done and of the BRE assessment methodology. A response has been provided above regarding the methodology of data capture involving laser scan measured survey, high-definition photography, researched floor plans, etc. In addition, the BRE assessment methodology, which is explained in DPRs report. The objector is wrong to say that " <i>VSC is only to be used where access would be a problem</i> ".

	DPR has confirmed that the reason why their reports use the VSC and NSL test for assessing daylight impact to neighbours and ADF for assessing daylight adequacy within the proposed development is because those are the tests recommended in the BRE guide.
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Objector point:	Errors 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 sunligniting' 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>The objector is incorrect to say that DPR made a default assumption that each Tomlins Grove property is a single dwelling. When DPR introduce each property on pages 15 to 20 of DPRs report they clearly explained whether it is a single house or divided into flats, based on Council tax records and whether we were able to obtain floor plans. That said, where they found no plans they did assume the main rear room on the lower ground and ground floors to be living rooms and those on first and second floors to be bedrooms, as noted by the objector.</p> <p>Dealing with each of the alleged 'errors' in the bulleted list, DPR have responded as follows:</p> <ul style="list-style-type: none"> • 2 Tomlins Grove – a whole floor wasn't erroneously omitted; the 2nd floor room is shown on the researched plans as a bathroom, which does not require assessment, hence its omission; • 3 Tomlins Grove – a whole floor wasn't erroneously omitted; the lower ground floor window is too low down and close to the railway viaduct to 'see' the development or even to be surveyed (see Picture 1 at Appendix C of DPR report) and will not be affected and has therefore not been modelled and tested; • 5 Tomlins Grove – the identification of what we had assumed was a living room as a kitchen/diner does not affect the calculations or materially alter DPRs findings because the daylight and sunlight impacts on that room are fully BRE adherent regardless of room use; • 6 Tomlins Grove – the identification of what DPR had assumed was a first floor bedroom as a kitchen/diner does not affect the calculations or materially alter DPRs findings because the daylight and sunlight impacts on that room are fully BRE adherent regardless of room use; • 7 Tomlins Grove – the identification of what we had assumed was a first floor bedroom as a living room/kitchen does not affect the calculations or

	<p>materially alter DPRs findings because the daylight and sunlight impacts on that room are fully BRE adherent regardless of room use;</p> <ul style="list-style-type: none"> • 9 Tomlins Grove – the identification of what we had assumed was a first floor bedroom as a living room does not affect the calculations; nor does it materially alter DPRs conclusion as to significance of effect because: <ul style="list-style-type: none"> ○ the NSL transgression is very marginal (-20.5%) and the retained value is good (77.2%); the retained VSC (25.2%), whilst slightly below the default target of 27% VSC, is good; and ○ whilst there is a large relative loss of winter sunlight (-66.7%) the retained value of 3% APSH in the winter months is only slightly below the 5% APSH recommendation and the retained annual sunlight value of 27% APSH is very good and in excess of the 25% APSH default target; and ○ consequently DPRI remain of the view that the overall effect on daylight and sunlight is no greater than minor adverse; • 10 Tomlins Grove - the lower ground floor living room was assessed and the results were described in DPRs report, but the numerical data was mistakenly omitted from the table of results in the appendix; this was acknowledged in DPRs letter dated 28 May 2019 and the missing data was appended to that letter, which showed that the daylight and sunlight impacts on that room are fully BRE adherent, as stated in our report; • 11 Tomlins Grove – the identification of what DPR had assumed was a lower ground floor living room as a bedroom and what DPR had assumed was a first floor bedroom as a kitchen/diner does not affect the calculations or materially alter our findings because the daylight and sunlight impacts on both rooms are fully BRE adherent regardless of room use; <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>
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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</p>

Property	Daylight Impact	Further detail
		<p>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>The DPR report explains that the internal arrangements for this property have been based on partial layouts sourced from an estate agent's website.</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 21.2% which is 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 which is the ground floor kitchen that falls below the BRE guidelines will have a reduction of 21.1%, which is considered a small effect 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 negligible significance.</p>
9 Tomlins Grove	Minor adverse	<p>The DPR 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>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 2 rooms demonstrating BRE compliance and thus negligible impacts. The 2 rooms that fall below the BRE guidelines are the ground floor living room and first floor bedroom and will have reductions of 32.1% and 20.5% respectively. Therefore, the effect on the bedroom is considered a small effect, and a moderate effect to the living room. 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</p>

Property	Daylight Impact	Further detail
		<p>may be unavoidable”.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of minor adverse significance.</p>
10 Tomlins Grove	Negligible	<p>The report explains that the internal arrangements for this property have been based on planning archive layouts.</p> <p>3 windows have been assessed for VSC, with 2 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 22.0% which is a small effect based upon the DPR significance impact banding.</p> <p>3 rooms have been assessed for NSL, with all 3 rooms demonstrating BRE compliance and thus negligible impacts.</p> <p>The DPR supplementary test shows that with the projecting wings removed the ground floor living room would retain in excess of 80% of the existing VSC and NSL values, with a VSC of 27.1%. Therefore, we agree with their conclusion that it is the projecting wings that is the main factor in the relative loss of light to this room.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of negligible significance.</p>
11 Tomlins Grove	Negligible	<p>The DPR 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>4 windows have been assessed for VSC, with 3 windows demonstrating BRE compliance and officers consider this to be negligible impacts. The 1 window to the ground floor living room that falls below the BRE guidelines will have a reduction of 23.3%, 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>The DPR supplementary test shows that with the projecting wings removed the ground floor living room would retain in excess of 80% of the existing VSC and NSL values, with a VSC of 27.1%. Therefore, we agree with their conclusion</p>

Property	Daylight Impact	Further detail
		<p>that it is the projecting wings that is the main factor in the relative loss of light to this room.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of negligible significance.</p>
12 Tomlins 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>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 25.0%, which is considered a small effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, with all 2 rooms demonstrating BRE compliance and thus negligible impacts. The 2 rooms that fall below the BRE guidelines are the ground floor living room and the second floor bedroom, these rooms will have reductions of 22.3% and 21.2% respectively, which are considered small effects based upon the DPR significance impact banding.</p> <p>The DPR supplementary test shows that with the projecting wings removed the ground floor living room would retain in excess of 80% of the existing VSC and NSL values, with a VSC of 27.3%. Therefore, we agree with their conclusion that it is the projecting wings that is the main factor in the relative loss of light to this room.</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	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>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 26.5%, 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</p>

Property	Daylight Impact	Further detail
		<p>demonstrating BRE compliance and thus negligible impacts. The 1 room to the second floor bedroom that falls below the BRE guidelines will have a reduction of 23.6%, which is considered a small effect.</p> <p>The DPR supplementary test shows that with the projecting wings removed the ground floor living room would retain a VSC value of 27.5% which is in excess of 80% of the existing VSC value. The projecting wings are not a factor contributing to the light loss to the second floor bedroom, but we agree that the projecting wings would be the main factor in the relative loss of light to the ground floor living room.</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>
14 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.</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 1 room demonstrating BRE compliance and thus negligible impact. The 3 rooms that fall below the BRE guidelines will have reductions of 21.5% to the ground floor living room, 24.4% to the first floor bedroom and 26.5% to the second floor bedroom, which are all considered to be small effects based upon the DPR significance impact banding.</p> <p>The DPR supplementary test shows that by removing the projecting wings the reductions in NSL would remain the same, therefore the projecting wings are not the main factor contributing to the light loss to this property.</p> <p>Overall, DPR have categorised the daylight effect to this property as negligible to minor adverse. However, as three out of the four rooms tested will not meet the BRE guidelines for NSL, Anstey Horne have 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.</p>

Property	Daylight Impact	Further detail
		<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 30.6%, which is considered borderline between small to moderate effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, with 1 room demonstrating BRE compliance and thus negligible impact. The 3 rooms that fall below the BRE guidelines will have reductions of 28.7% ground floor living room, 21.0% first floor bedroom and 22.6% second floor bedroom, which are all considered to be small effects based upon the DPR significance impact banding.</p> <p>The DPR supplementary test shows that by removing the projecting wings the ground floor living room would retain a VSC of 27.8% which is in excess of 80% of the existing VSC value. However, the NSL reduction to the ground floor living room would be 25.4%, and Anstey Horne agree with DPR that although the projecting wings are a factor in the relative loss of light to the living room, they are not the main factor.</p> <p>Overall, DPR have categorised the daylight effect to this property as negligible to minor adverse. However, owing to the most significant impacts being to the living room, which do not meet the BRE guidelines for both VSC and NSL, Anstey Horne have advised that they would categorise the daylight effect to this property as being of minor adverse significance.</p>
16 Tomlins Grove	Moderate 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>5 windows have been assessed for VSC, with 4 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 30.6%, which is considered borderline between small to moderate effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, with 1 room demonstrating BRE compliance and thus negligible impact. The 3 rooms that fall below the BRE guideline will have reductions of 23.3% first floor bedroom, 35.0% ground floor living room and 37.5% lower ground floor living room. Therefore, the bedroom is considered a small effect and the two living rooms are categorised as moderate effects based upon the DPR significance impact</p>

Property	Daylight Impact	Further detail
		<p>banding.</p> <p>The DPR supplementary test does not apply to the lower ground floor as the window is not blinkered by the projecting wing. The supplementary test results show that the ground floor living room would retain a VSC of 30% which is in excess of 80% the existing value. However, the NSL reduction would be 27.8%, and we agree with DPR that although the projecting wings are a factor in the relative loss of light to the living room, they are not the main factor.</p> <p>Overall, DPR have categorised the daylight effect to this property as minor adverse.</p> <p>However, owing to the most significant impacts being to the living rooms, which do not meet the BRE guidelines for both VSC and NSL, 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>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>4 windows have been assessed for VSC, with 2 windows demonstrating BRE compliance and thus negligible impacts. The 2 windows to the lower ground and ground floor living rooms that fall below the BRE guidelines will have reductions of 31.2% and 29.8% 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, with all 4 rooms falling below the BRE guidelines. The rooms will have reductions of 47.3% to the lower ground floor living room, 28.6% to the ground floor living room, 22.0% to the first floor bedroom and 26.6% to the second floor bedroom. Therefore 3 rooms are considered small effects and the lower ground floor living room is considered a large effect based upon the DPR significance impact banding.</p> <p>The DPR supplementary test only applies to the lower two levels and shows that by removing the projecting wings the lower ground and ground floor living rooms would retain VSC's of 21.5% and 28.6% both in excess of 80% of the existing VSC values. The NSL reductions would be 32.3% to the lower ground floor living room and 24.3% to the ground floor living room so both reduced, but as DPR</p>

Property	Daylight Impact	Further detail
		<p>conclude, the projecting wings are a factor but not the main reason for the relative loss of light to these rooms.</p> <p>Overall, DPR have categorised the daylight effect to this property as minor to moderate adverse. However, owing to the most significant impacts being to the living rooms which do not meet the BRE guidelines for both VSC and NSL, Anstey Horne advise 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	Negligible to minor adverse	<p>The report explains that the internal arrangements for this property have been based on layouts sourced from an estate agent's website.</p> <p>3 windows have been assessed for VSC, with 2 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 25.8%, which is considered to be a small effect based upon the DPR significance impact banding.</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 20.9%, which is considered to be a small effect based upon the DPR significance impact banding.</p> <p>The DPR supplementary test shows that by removing the projecting wings the ground floor living room would retain in excess of 80% of the existing VSC and NSL values with a VSC of 29.1%. Therefore, we agree with their conclusion that it is the projecting wings that is the main factor in the relative loss of light to this room.</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>
19 Tomlins Grove	Negligible	<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>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 21.5%, which is considered to be a small effect based upon the DPR significance impact banding.</p>

Property	Daylight Impact	Further detail
		<p>4 rooms have been assessed for NSL, with all rooms demonstrating BRE compliance and thus negligible impacts.</p> <p>The DPR supplementary test shows that by removing the projecting wings, the ground floor living room would retain a VSC of 29.9% which is also in excess of 80% of the existing VSC value. Therefore, we agree with their conclusion that it is the projecting wings that is the main factor in the relative loss of light to this room.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of negligible 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</p>

Property	Daylight Impact	Further detail
		<p>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 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	Negligible to minor adverse	<p>2 rooms have been analysed for sunlight hours, with 1 room demonstrating BRE compliance. There is 1 living room on the ground floor which will experience a reduction of 30.3% for annual sunlight hours which is a moderate effect, and a reduction of 50% for winter sunlight hours which is a large effect. However, the retained number of hours for both annual and winter sunlight will fall only marginally below the recommended values as set out in the BRE guidelines. The room would retain 23% annual hours compared to the target of 25%, and 4% for winter hours compared to the target of 5%.</p> <p>Therefore, Anstey Horne agree with DPR that there</p>

Property	Sunlight Impact	Further detail
		would be a negligible to minor adverse significance effect in terms of sunlight to this property.
12 Tomlins Grove	Minor adverse	<p>2 rooms have been analysed for sunlight hours, with 1 lower ground floor living room demonstrating BRE compliance. There is a living room on the ground floor which will experience a reduction of 30% for annual sunlight hours which is a moderate effect, and a 100% reduction of the winter hours which is a large effect. It is worth noting that the numerical values in the existing condition are already below the BRE recommendations, with the annual hours reducing from 20% to 14% and the winter hours reducing from 2% to 0%.</p> <p>The DPR supplementary test shows that by removing the projecting wings, the ground floor living room would have retained the annual and winter sunlight targets of 25% and 5% respectively, even though the relative reduction would be greater than 20% for both the annual and winter hours. Therefore, Anstey Horne agree with DPR that this demonstrates that the projecting wings are a material factor in the relative light loss to this property.</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>2 rooms have been analysed for sunlight hours, with both rooms falling below the BRE guidelines. The lower ground floor living room will experience a 23.3% reduction for annual sunlight hours which is a small effect but retain more than 7% for winter hours. The ground floor living room will have a reduction of 31.6% for annual sunlight hours which is a moderate effect, and a 100% reduction of the winter hours which is a large effect. It is worth noting that the numerical values to the ground floor living room in the existing condition are already below the BRE recommendations, with the annual hours reducing from 19% to 13% and the winter hours reducing from 3% to 0%.</p> <p>The DPR supplementary test shows that by removing the projecting wings, the ground floor living room would have retained in excess of the annual and winter sunlight recommendations, even</p>

Property	Sunlight Impact	Further detail
		<p>though the relative reduction would be greater than 20% for both the annual and winter hours. Therefore, Anstey Horne agree with DPR that this demonstrates that the projecting wings are a material factor in the relative light loss to this property.</p> <p>DPR have categorised this property to have a minor to moderate adverse effect in terms of sunlight. However, owing to the fact that both of the living rooms will experience reductions in excess of 20% for the annual sunlight hours, Anstey Horne would consider this property to have a moderate adverse significance effect in terms of sunlight.</p>
15 Tomlins Grove	Minor to moderate adverse	<p>2 rooms have been analysed for sunlight hours, with the lower ground floor living room demonstrating BRE compliance. There is a living room on the ground floor which will experience a reduction of 40% for annual sunlight hours which is a large effect, and a 100% reduction of the winter hours which is also a large effect. It is worth noting that the numerical values in the existing condition are already below the BRE recommendations, with the annual hours reducing from 20% to 12% and the winter hours reducing from 3% to 0%.</p> <p>The DPR supplementary test shows that by removing the projecting wings, the ground floor living room would have retained values of 26% for annual hours and 7% for winter hours, which is in excess of the annual and winter sunlight recommendations, even though the relative reduction would be greater than 20% for both the annual and winter hours. Therefore, Anstey Horne agree with DPR that this demonstrates that the projecting wings are a material factor in the relative light loss to this property.</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>
16 Tomlins Grove	Minor to moderate adverse	<p>2 rooms have been analysed for sunlight hours, with the lower ground floor living room demonstrating BRE compliance. There is a living room on the ground floor which will experience a reduction of 35.0% for annual sunlight hours which is a moderate effect, and a reduction of 66.7% for the winter hours which is a large effect. It is worth</p>

Property	Sunlight Impact	Further detail
		<p>noting that the numerical values in the existing condition are already below the BRE recommendations, with the annual hours reducing from 20% to 13% and the winter hours reducing from 3% to 1%.</p> <p>The DPR supplementary test shows that by removing the projecting wings, the ground floor living room would have retained values of 30% for annual hours and 8% for winter hours which is in excess of the annual and winter sunlight recommendations, even though the relative reduction would be greater than 20% for both the annual and winter hours. Therefore, Anstey Horne agree with DPR that this demonstrates that the projecting wings are a material factor in the relative light loss to this property.</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>
17 Tomlins Grove	Moderate adverse	<p>2 rooms have been analysed for sunlight hours, with both rooms falling below the BRE guidelines. The lower ground floor living room will experience a 53.8% reduction for annual sunlight hours, (reducing from 13% to 6%) which is a large effect. There is no effect on winter APSH which is 0% in the existing conditions. The ground floor living room will have a reduction of 31.6% for annual sunlight hours, reducing from 19% to 13% which is a moderate effect, and a 33.3% reduction of the winter sunlight hours, reducing from 3% to 2% which is also a moderate effect.</p> <p>The DPR supplementary test shows that by removing the projecting wings, the ground floor living room would have retained values of 29% annual hours and 9% winter hours which is in excess of the annual and winter sunlight recommendations, even though the relative reduction would be greater than 20% for both the annual and winter hours. The lower ground floor living room would still have a reduction of 26.9% for the annual sunlight hours with the projecting wings removed. This demonstrates that the projecting wings are a material factor in the relative loss of sunlight to the ground floor living room, although not necessarily the main factor for the lower ground floor living room.</p> <p>DPR have categorised this property to have a minor to moderate adverse effect in terms of sunlight.</p>

Property	Sunlight Impact	Further detail
		<p>However, owing to the fact that both of the living rooms will experience reductions in excess of 20% for the annual sunlight hours, Anstey Horne would consider this property to have a moderate adverse significance effect in terms of sunlight.</p>
18 Tomlins Grove	Minor to moderate adverse	<p>1 room has been analysed for sunlight hours, with the ground floor living room falling below the BRE guidelines. The room will experience a 30.0% reduction for annual sunlight hours, reducing from 20% to 14% which is a moderate effect, and a 33.3% reduction of the winter sunlight hours, reducing from 3% to 2% which is also a moderate effect.</p> <p>The DPR supplementary test shows that by removing the projecting wings, the ground floor living room would have retained values of 28% for annual hours and 9% for winter hours which is in excess of the annual and winter sunlight recommendations, even though the relative reduction would be greater than 20% for the annual sunlight hours. Therefore, Anstey Horne agree with DPR that this demonstrates that the projecting wings are a material factor in the relative light loss to this property.</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>2 rooms have been analysed for sunlight hours, with 1 room demonstrating BRE compliance. The ground floor living room will experience a reduction of 28.6% for annual sunlight hours, reducing from 21% to 15% which is a small effect, and 33.3% for the winter sunlight hours, reducing from 3% to 2% which is a moderate effect.</p> <p>The DPR supplementary test shows that by removing the projecting wings, the ground floor living room would have retained values of 29% for annual hours and 9% for winter hours which is in excess of the annual and winter sunlight recommendations, even though the relative reduction would be greater than 20% for the annual sunlight hours. Therefore, Anstey Horne agree with DPR that this demonstrates that the projecting wings are a material factor in the relative light loss to this property.</p>

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

Table 4 – Summary of Sunlight Results



Application for Planning Permission

[click here for case file](#)

Reference	PA/19/00396
Site	235 Old Ford Road, London
Ward	Bow West
Proposal	Roof extensions to Blocks A and B to comprise eight new apartments and associated works.
Summary Recommendation	Grant planning permission with conditions.
Applicant	South Coast Estates 6 Ltd.
Architect/agent	DLBP Ltd.
Case Officer	Victoria Olonisaye-Collins
Key dates	Application validated 18/02/2019 Amended plans received 03/06/2019 Reconsultation on 14/06/2019 Public consultation finished on 26/06/2019

EXECUTIVE SUMMARY

The report considers an application for a vertical roof extension to two existing four storey blocks (Blocks A and B) of residential dwellings to provide eight new additional units (4 x 1b2p, 1 x 2b3p, 2 x 2b4p and 1 x 3b4p) to fifty-two existing homes on site.

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

The report set out that the scheme would provide additional residential accommodation within an imaginative and well considered design that is compatible with the architectural ambition and high design standards achieved with the original development consented in 1993. The quality of new residential accommodation would be consistent with amenity standards set out in the London Plan.

The development would be visible from the surrounding streets and from public views within the Victoria Park Conservation Area where the application site is located as Block B fronts onto Hertford Union Canal. However, given the nature of the proposal, officers consider the design would not detract from the defining line of development along the canal edge.

Officers are of the opinion, the scale and height of the proposed development is not at odds or intrusive in relation to immediately surrounding buildings or the area more

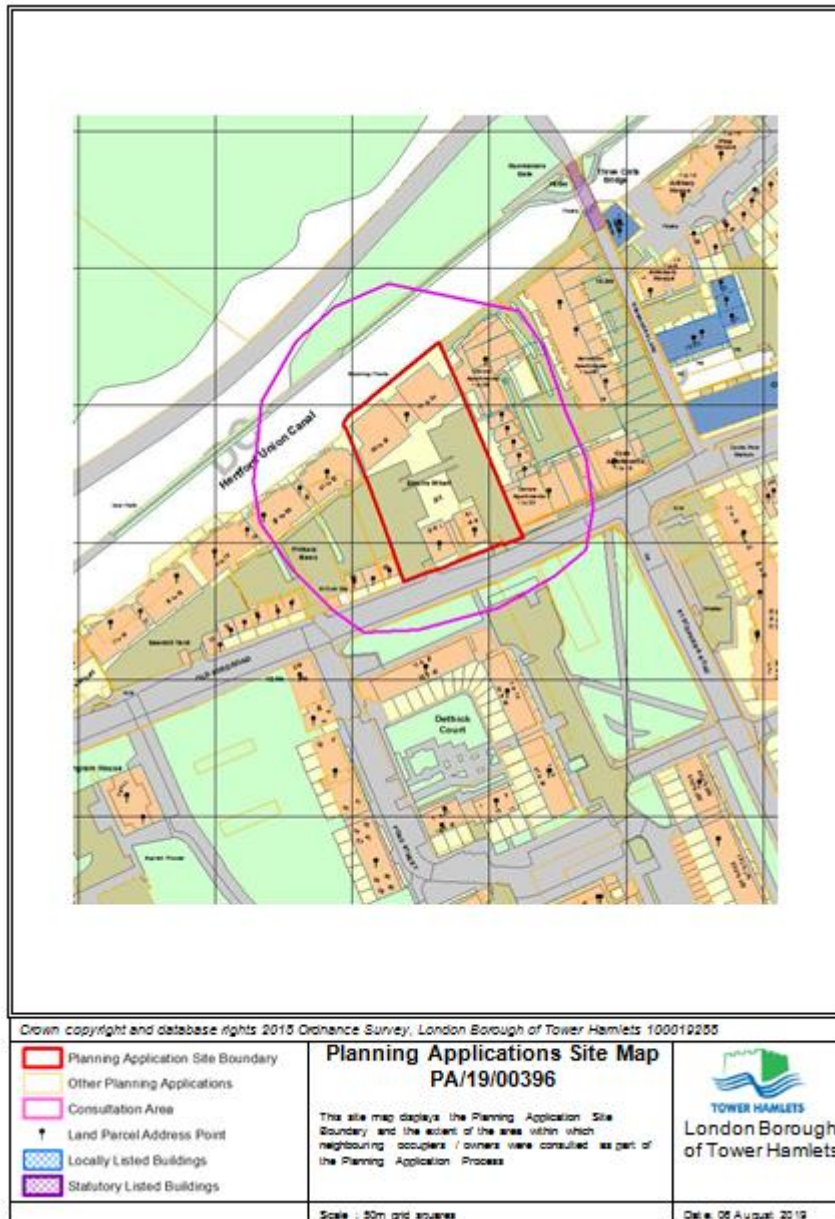
widely, although it is acknowledged by officers that there is a prevailing height of 3 – 4 storeys for Victorian terraced housing within the area, however, the scale and density of development varies across the whole area and the site is not a Victorian terraced house but modern blocks of flats within the Victoria Park Conservation Area.

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

A total of 83 objections were received including 2 objections (from local ward councillors), and the objections can be summarised as concerns over: scale, massing and character with surrounding development within the Victoria Park conservation area; design; height, removal of dry riser; open aspect of the Blue ribbon neighbours amenity in terms of light, outlook, parking, waste/recycling and disruption during construction.

Subject to the recommended conditions, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

SITE PLAN



1. SITE AND SURROUNDINGS

- 1.1 The site is bound to the north by the Hertford Union Canal, which is designated within a Site of Importance for Nature Conservation (SINC). The canal also forms part of the Blue Ribbon Network. Beyond the canal to the north is Victoria Park. Victoria Park is a grade II* listed park and is designated as Metropolitan Open Land; Publicly Accessible Open Land; and a SINC.
- 1.2 The site comprises of two existing four storey pitched roof blocks of residential dwellings, comprising of 52 units in total, with an area of soft/hardstanding between them that is used for parking. Block A is the smaller block situated to the south,

facing the road (Old Ford Road), and Block B is the larger building to the north, facing the canal.

- 1.3 To the east, west and south of the site are a range of residential buildings that have varying heights ranging from 2 – 22. To the south of the site there is also St Stephen's Green, a recreation ground. Within the local area of the site, there is a six storey residential building approximately 60m to the east of the site, as well as some 22 storey tower blocks located approximately 130m to the south west of the site.
- 1.4 The site is located to the northern side of Old Ford Road within the Victoria Park Conservation Area and is located approximately 80m to the west of the Three Colts Bridge, a Grade II* listed building and a Scheduled Ancient Monument (SAM), but the buildings (Blocks A & B) are not listed.
- 1.5 The site is currently accessed from Old Ford Road through a gated access for both pedestrians and vehicles.

2. PROPOSAL

- 2.1 The application proposes to construct one storey roof extension to Blocks A and B across the length of the existing buildings which would deliver a total of eight new dwellings. Block A would have two units and Block B six units, all units would be dual aspect with individual terraces and associated privacy screens.
- 2.2 The six units within Block B would include 1 x 3b4p (family unit), 1 x 2b3p and 4 x 1b2p while Block A would provide 2 x 2b4p units.

3. RELEVANT PLANNING HISTORY

Application site

- 3.1 BW/92/00091 - Erection of two four storey residential buildings to provide 52 No. flats, comprising 29 No. one bedroom units and 23 No. two bedroom units, and provision of 54 No. car parking spaces together with landscaping. Granted 04/06/1993.

4. PUBLICITY AND ENGAGEMENT

- 4.1 A total of 215 planning notification letters were sent to nearby properties as detailed on the attached site plan on 14/06/2019. A site notice was erected on Old Ford Road on 20/03/2019 and a press notice was advertised on 14/03/2019.
- 4.2 The number of representations received in response to notification and publicity of the application as follows:
 - 83 Total letters of representation
 - 81 letters of objection
 - 2 Members' representations

- 4.3 The concerns raised in objection to the proposals can be summarised as follows:

Impact on the Character and appearance of the Victoria Park Conservation Area

- Height increase; the loss of white windows which are in keeping with the area and introduction of black window frames, rainwater goods.

- Victoria Park Conservation Area Appraisal does not identify site as being suitable for a roof extension.
- Overshadow blue ribbon
- Increased scale, mass and bulk of the property, would disrupt the existing roofline in a prominent canal location and intrusion on the views to and from Victoria Park
- Out of scale and character, would set bad precedence as properties within the Victoria Park conservation area should not be higher than 3 storeys as stated in the guidance – prevailing height of buildings in the area is 3-4 storeys (including ground floor).
- Dominate side view from the Three Colts Bridge towards London with adverse impact on the conservation area and other heritage assets.
- Dark shading of the lintel brickwork above the window is not a feature of the building.
- Design not in-keeping with the conservation area especially with the flat roof proposed - would neither preserve nor enhance local character.

Amenity impacts

- Impact on the amenity of neighbours in terms of light, privacy, noise and pollution – disruptive and dangerous environment to live in and work.
- Noise from initial exploratory drilling following an unauthorised visit to site – danger to the safety of the occupants; protection of existing electrical cables in the loft.
- Vibration, Dust, Odour during construction - Impact on air quality on site and surrounding – harm to residents for between 8, 12 or 24 construction months with no compensation proposed.
- Impact on communal spaces – debris and dust resulting in health risk
- Installation of lift and loss of dry riser, lift details would not accommodate wheelchair users.
- Lack of new landscaping for the new units and details of protection for the existing shrubs and trees not provided.

Design and heritage –

- Modern facades and roof apartments do not fit the wonderful reconstructed Victorian/Edwardian older-style design – would fail to preserve and enhance the area.
- Proposed materials would clash both aesthetically and physically
- Impact on narrow boats.
- Concerns over floor plans
- Fire risk and increased energy cost with the proposed replacement of the dry riser with a lift - Compromise the structural fire protection and safety.
- Unsatisfactory facilities - car parking spaces, cycle and refuse. The proposed cycle parking spaces are inappropriate, impact on accessibility and privacy
- No childplay space, social or affordable housing proposed, proposals only for economic reason.
- Inaccurate drawings and details in terms of window materials
- Impact on wildlife and nature around the canal and park during construction – kill natural habitat of bats.
- Impact on the Blue Ribbon Network and the road network
- Unacceptable increased density; overdevelopment of site

- Similar 5 storeys building in the area had been refused in the past.

Housing Growth and impacts on existing facilities

- Existing housing developments in progress to cater for housing needs in the area – proposals inconsistent with housing growth priorities.
- Accommodation proposed not in accordance with the local development plan in terms of family friendly and affordable housing – inconsistent with housing targets.
- Parking and waste (refuse and recycling - already short of the requirements) from the development.
- Details of energy efficiency, sustainability or durability not provided.
- Concerns over loss of outlook and increased sense of enclosure for current residents.
- Concerns over lack of provision for material storage, site welfare and accommodation during construction works.
- Concerns over water pressure, power, sewage and fire strategy not covered in the application report.

Others

- Comments about the possibility of losing out on rent yield by existing leaseholders renting out their properties, as a result of noise and other disruption – compensation not considered for flats becoming empty during construction.
- Comments regarding access to the loft space from the existing topmost flat.
- Overpopulation/cramming issues resulting from more flats in the complex.
- Unauthorised visit to site.
- Increased insurance cover as a result of the replacement of the existing pitched roof with flat.
- Concerns over no proactive engagement with neighbours concerning the Impact on the value of properties.
- Concerns regarding developer going against tenants' contractual obligations – 5 yearly major external works.
- Comments seeking upgrade to the analogue satellite system to digital; upgrade to the door entry system; existing postal box; existing communal space as part of the project.

5. CONSULTATION RESPONSES

5.1 **LBTH Transportation and Highways** - A car parking permit free agreement should be secured against the newly created units. The proposed 12 cycle stands for the new units should be provided prior to first occupation of the units. The management and maintenance details to be achieved via condition.

5.2 **LBTH Waste Policy and Development** – No objections to the proposed additional bin and recycling waste facilities.

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

5.4 **LBTH Biodiversity** –

The application site is immediately adjacent to the canal beside Victoria Park, both of which are known to be important for foraging bats. The bat survey

shows that there are no bat roosts, so there is no constraint to the proposed roof extension.

There is potential for disturbance to bats foraging and commuting along the canal from any increase of light spill onto the canal. Lighting, both during construction and operation, should be designed to ensure no increase in light spill onto the canal.

Policy DM11 requires developments to provide net gains in biodiversity and elements of a living building, such as green roofs. The proposals are for both buildings to have flat roofs. These would be suitable for biodiverse green roofs. If there is also a requirement for photovoltaics, “bio-solar” roofs, which combine biodiverse roofs with PVs, can be installed.

Other enhancements which would be appropriate here include bat boxes and nest boxes for swifts, house martins and house sparrows. These can be built into the new-build part of the buildings, or attached to the buildings.

Enhancements to the adjacent canal, such as floating reed beds, would be particularly welcome, and are likely to be supported by the Canal & River Trust.

Biodiversity mitigation and enhancement conditions proposed.

- 5.5 **LBTH Environmental Health – air Quality** – No objections
- 5.6 **LBTH Environmental Health – smell/odour** – Premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations.
- 5.7 **Canal & River Trust** - No objections, subject to written consent and Code of Practise for works affecting the Canal & river Trust informatives.
- 5.8 **London Fire Brigade** – No objections, recommends that sprinklers are considered for new developments and major alterations to existing premises.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

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

6.2 In this case the Development Plan comprises:

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

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

Housing - LP3.3, LP3.4, LP3.5, SP02

(housing supply, housing potential, housing quality and design)

Design LP7.1-7.6, SP09, SP10, DM23, DM24, DM27

(layout, massing, materials, public realm, heritage)

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

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

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

- Other policy and guidance documents relevant to the proposal are National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Housing SPG (updated 2017)
- Victoria Park Conservation Area Character Appraisal and Management Guidelines (2009), Addendum (2016).
- The weight of the emerging Local Plan 'Tower Hamlets 2031: Managing Growth and Sharing the Benefits' and the Draft New London Plan increases as the documents move closer to adoption; however, the weight given to emerging policies is a matter for the decision maker. Given the stage of the adoption process, the weight is currently limited.

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

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

Land Use and Density

7.2 The proposed extension and associated works would be associated with existing residential development (C3 use) and as such there are no direct land use implications arising from the proposal to create eight additional new residential units. Given that delivering new housing is a key priority both locally and nationally and that the proposals would contribute towards the provision of much needed housing, officers consider that the proposals would be acceptable from a land use perspective.

7.3 The proposal would take the residential density of the development site as a whole to 207 units per hectare from the existing 179 units per hectare. It is acknowledged that the proposals would exceed the applicable sustainable residential quality range of 70-170 defined under the London Plan policy 3.4 by 16%, however the existing

development on site exceeded the London plan density matrix for the site which is located within a Public Transport Accessibility Rating of 2 (PTAL). Notwithstanding, the London plan emphasis that density matrix shall not be applied mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.

- 7.4 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. Chapter 11 of this document (Making effective use of land) is relevant to this assessment. This encourages authorities to promote an effective use of previously developed or 'brownfield' land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.5 Point E of paragraph 118 states that planning should support the opportunities to use the airspace above existing residential and commercial premises for new homes. The paragraph further states that upward extensions should be allowed where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene.
- 7.6 Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land. Paragraph 123 point C goes further to state local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 7.7 In addition, the Housing SPG recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors – amenity; standard of accommodation; open space; housing mix and character of surrounding area. The SPG highlights the importance of using previously developed brownfield sites for residential development to enable Boroughs to meet the housing targets set out within the London Plan.
- 7.8 All of the above aspects of the development have been assessed elsewhere within this report and found to be acceptable given the site's location, the built form of surrounding development and the extension nature of development. The draft London Plan is in favour of high density development through the upward extension of flats except where the development would give rise to an unacceptable level of harm that outweighs the benefits of additional housing provision.
- 7.9 On balance, taking into account the high standard of the proposed accommodation, the unit mix which include a family sized unit, and the high quality of materials proposed, it is considered that the proposed density appropriately optimises the development potential of the site as supported by policies.

Design and Heritage

- 7.10 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 state that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*" and "*the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*"

- 7.11 The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. The emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation or enhancement of heritage assets should be given great weight in the consideration/determination of the application.
- 7.12 The NPPF parts relevant to ‘Heritage, Design and Appearance’ are Chapter 12 ‘*Achieving Well-designed Places*’ and Chapter 16 ‘*Conserving and Enhancing the Historic Environment.*’
- 7.13 Chapter 12 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual and visually attractive buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 7.14 Paragraph 192 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.
- 7.15 Paragraph 189 of the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 190 provides that local authorities should assess the significance of any assets that may be affected. Paragraph 192 describes what should be taken into account in determining applications.
- 7.16 With respect to this planning application, the relevant designated heritage asset is the Victoria Park Conservation Area. The Conservation Area includes the listed park, the formal axial road pattern to the south west and the Victorian terraces, many of which are listed. Most of the south-eastern park boundary is clearly defined by the Hertford Union Canal and includes a narrow built up strip on the south side of the canal. The northern boundaries of the Conservation Area follow the boundary of the park itself. The southwestern boundary encloses an area of Victorian domestic townscape on the southwestern side of the Regent’s Canal, which extends along Approach Road and south of Old Ford Road. The Regent’s Canal is bridged by a Victorian cast-iron bridge, which is a Scheduled Ancient Monument.
- 7.17 The application site is located on the southern edge of the conservation area and generally only the buildings that directly front the park area in the conservation area. There are a number of locally listed buildings nearby on Gunmakers Lane (Albany Works complex) which is approximately 76 metres away from the boundary of site and on Old Ford Road (251 – 291, 402 Lord Morpeth and 460 Eleanor Arms) with a minimum of 57 metres away from site. The buildings fronting the listed buildings on Gunners Lane are 4 storeys buildings, these buildings are in between the site and

the locally listed building, given the height and the separation distances, the listed buildings would not be affected by the proposals. Other listed assets are not within close proximity of site. The subject site is not listed however, forms part of the Conservation Area.

- 7.18 The character of the area is principally defined by Victoria Park. Roads in the area are broad and tree-lined, or fringed with the landscaped front gardens, all reflecting and contributing to the park setting. The 19th century residential terraces have largely retained their traditional joinery details, slate roofs and stock brickwork. A uniform cornice line and surviving historic decoration, typical of the Victorian architectural style, contribute to a coherent and distinctive character in the area. The Regent's Canal and the Hertford Union Canal run through the Victoria Park Conservation Area and many of the historic industrial buildings associated with these waterways make a significant contribution to the townscape. Pockets of post-war development exist where terraces have been lost and redevelopment has occurred.
- 7.19 The proposal is a single storey roof extension to Blocks A and B with associated works. Given the proposed scale and the location of site, the proposals would respect the existing buildings whilst enhancing the overall architectural appearance of the development with no impact on the setting of the conservation area or the heritage assets surrounding the site.

Bulk and massing

- 7.20 The application site lies within the Victoria Park Conservation Area characterised by open space and thus it is necessary to understand how it would impact the Conservation Area. The buildings within the Victoria Park Conservation Area is characterised by a prevailing height of 3-4 storeys for Victorian terraced housing within the area, however the scale and density of development varies across the whole area.
- 7.21 Whilst the Conservation Area Appraisal notes that the majority of the buildings within the conservation area are Victorian terraced houses, the subject building is modern and therefore does not form part of this traditional character. Rather, there has been change in terms of the character of this area with the development of the adjacent site (Gun Wharf) under planning reference PA/09/00326 which was granted in 2009 for the demolition of the existing buildings occupying the site and redevelopment to provide four buildings of between three and four-storeys.
- 7.22 Accordingly, the works proposed to the subject buildings at the application site would need to be considered in the context of the changes to the Conservation Area that have taken place, the most recent of which is the Gun Wharf development on Gunmakers Lane. It is noted that many streets and buildings within the area are oriented towards the park, in order to create local views of the parklands and take advantage of the panoramic views across the open space.
- 7.23 The area surrounding and including the site that fronts on to the Hertford Union Canal creates a sense of definition, that definition being the hard edge that these buildings create. The proposed development would not result in any change to this sense of definition in terms of the scale of the subject building or views along the canal edge from the park. Block B will maintain the hard built edge that fronts onto the canal and therefore retains this sense of definition.
- 7.24 The proposed height would be limited to the height of the existing pitched roof; therefore the proposals would have limited impact on views to and from the Victoria

Park. The Victoria Park Conservation Area Appraisal does not exclude development from taking place on the site; the addendum relates primarily to existing terraces, therefore given that the subject buildings are not terraced buildings, the impact of the proposed roof extension on this Conservation Area would be limited and not considered to present any significant discernible impact to the surrounding urban form. The overall proposed height of the development would be 5 storeys with a setback 5th floor. In close proximity of site are buildings in Gun Wharf ranging from 3 to 7th floor and to the west are buildings ranging from 2 -22 storeys. Overall, it is considered that the development would sit comfortably within the prevailing pattern of built form in the locality.

- 7.25 The nature of the proposals to the buildings in terms of height and design would ensure that the streetscene and views along the canal and from Victoria Park would not be adversely affected, and the overall scale of the development would be considered modest in terms of the changes to the building.
- 7.26 The development would be subservient with regards to bulk and scale to surrounding area, having regard to the surrounding built context and as such the proposed massing would have no adverse impact upon the visual character or significance of the Victoria Park Conservation Area.

Design and materials

- 7.27 The existing buildings are contemporary buildings, with block A readily visible from the Old Ford Road while block B would be visible from Victoria Park and the canal tow path. The proposal has been designed so that it minimises its impact upon the views from the tow path with the extension being inset and wholly contained within the existing roofslope. The proposed development would maintain the views from the site with no numerical increase in height when compared against the maximum ridge height of either of the blocks. The development takes advantage of the existing roof space above the existing buildings in order to create eight new residential apartments, taking the advantage of the existing views. The proposed design is considered to be sensitive in its approach and subservient to host buildings.
- 7.28 The current proposal would raise the front brick wall up to the level of the existing gables at each end of block B, continuing the existing stone capping details around the front of the building. The parapet effect, whilst distinct from the pitch roof character to the west, would enable a more coherent look with the adjoining neighbour (Citrine apartments – Gunmakers Lane) to the east.
- 7.29 The northern façade of Block A is designed with a shadow gap between the roof and wall materials to create a 'reveal' to the façade. The glazing introduced to the corners of the northern elevation further articulates the façade.
- 7.30 The proposals include increasing the gridded curtain walling panels, and removing the existing single pane windows servicing the third floor cores. The proposal would create a more interesting regular fenestration pattern to the façade that would reflect and build upon the general design ethos of the existing development to maintain and provide a unified design approach between existing and proposed.
- 7.31 The proposed screened roof terraces, which benefit from a canopy, are set towards the southern side of Block A and north-western side of Block B of the development making use of the existing views of the development.
- 7.32 The south side elevations of the proposed extensions have incorporated solar shading into the design to ensure the extension follows an environmental strategy

that will decrease the need for mechanical intervention; supporting a more sustainable development.

- 7.33 Whilst there are alterations proposed to the host buildings, they would retain their existing materiality and appearance, whilst the proposed fourth floor extensions would use metal cladding and glazed materials. The proposed materials follow those of the neighbouring buildings.
- 7.34 It is considered that the proposed development is of an architectural style which reinforces its own distinct character whilst promoting the local distinctiveness of the surrounding area. The height, bulk, scale and massing of the development is considered to be appropriate to its local setting, and the design and materials used for buildings are high quality which would help to positively enhance local character. The development would preserve the character and appearance of the Victoria Park Conservation Area pursuant of the Planning (Listed Building and Conservation Areas) Act 1990 and the requirements of Policy DM27 of the adopted Local Plan.
- 7.35 A planning condition requiring all external materials to be approved would be attached to any planning consent, In addition a compliance planning condition would be imposed requiring the whole of the development to be externally complete and finished externally in accordance with the agreed facing materials prior to the occupation of any of the new residential floorspace. This latter condition shall ensure the proposed scheme maintains the architectural integrity of the host buildings and for the proposals to preserve the character of the conservation area. The applicant has set out in writing the proposed compliance condition is appropriate in this instance.

Quality of Residential Accommodation

- 7.36 The proposal would provide a balance of housing types including family unit (4 x 1b2p, 1 x 2b3p, 2 x 2b4p and 1 x 3b4p), this would be acceptable in accordance with policy.

Internal space

- 7.37 The Mayor of London's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring they are "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 7.38 The proposed eight units would comply with nationally described internal space standards in regards to minimum gross floor areas and floor to ceiling heights (minimum 2.5m height).
- 7.39 All units within the proposed development would be dual aspect, enjoying adequate level of light from the north and southern elevations. In addition, all units would have private amenity space in form of terraces. Given the proposed layout and the location of site, no loss of privacy or outlook to prospective occupiers is envisaged. The proposals would comply with the London Housing SPG, and therefore acceptable.

External Space

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

Neighbouring Amenity

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

7.42 The proposed development would not compromise neighbours' privacy nor result in undue overlooking. It would have no undue effect on outlook and sense of enclosure to neighbouring properties, given the scale, design and location in relation to nearby properties. Similarly, the development would have no impact with respect to moored narrow boats. Block A is set sufficiently far away from the adjacent buildings; therefore, no adverse amenity impact is envisaged.

7.43 The proposed layout with terraces would not harm the amenity of neighbours in terms of noise and general disturbances, given that the development would be designed to meet the building regulations requirements. Applicant also confirmed that a pre-completion sound testing would be carried out; this can be achieved via condition to ensure compliance.

7.44 Although no daylight/sunlight report was submitted with the proposals, however, given the roof location of the proposals and the separations distances in relation to neighbouring properties, no amenity impact on the daylight and sunlight of nearby properties is envisaged.

7.45 The proposed construction works would be required to comply with the Council's Code of Construction Practice and standard construction hours. A degree of disturbance to the neighbours is inevitable as with any construction project, however this would be limited through the use of conditions. Any obstruction of access would require a licence from the Council's highways department. The structural integrity of site would be safeguarded appropriately through the building control process.

7.46 Air quality impacts of the operational development would be negligible, given the scale of development.

Other

7.47 The buildings have no significant existing biodiversity value, and the bat report submitted conclude that the buildings are not suitable for bats. However, the proposal should install biodiverse green roofs and other biodiversity enhancements in order to improve the biodiversity value on site in accordance with Policy DM11. Suitable conditions proposed for proposals to be policy compliant.

7.48 Applicant confirmed that the existing security of the site would not be compromised. Following discussion with officers, the proposals has been amended to omit the

proposed insertion of lift, retain and make useable the existing dry riser and the proposed painting of the windows and rainwater goods in black.

- 7.49 The scale of the development would not trigger the requirement for new on-site chilpplay space, and the Victoria Park is within a close proximity of site.
- 7.50 Applicant confirmed that all major external works would be funded by the applicant as against residents' assertion.
- 7.51 Other issues raised by locals resident in terms of increase in insurance; devaluation of existing flats; compensation to existing residents; overcrowding are not material consideration under the application.

Transport and Servicing

- 7.52 According to paragraphs 108 and 110 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 7.53 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both corridor and local level are fully assessed. Development should not adversely affect safety on the transport network.
- 7.54 Although the site has low public transport accessibility (PTAL 2), it is located approximately 1 mile from the Mile End underground station with a number of bus routes within close proximity of site. In addition, the on street CPZ parking is already saturated, and there is no possibility of onsite parking, therefore the proposed scheme is acceptable as a car-and-permit free agreement development, to prevent future occupants from parking on the existing road network – this would be secured by s106 agreement and condition. As such, the impact on the existing road network is considered to be minimal. This is in accordance with policies SP09 and DM22.

Cycle Parking

- 7.55 12 cycle parking spaces to be provided at the ground floor level for the eight units proposed. The minimum London Plan and Council policy requirements have been met. Subject to approval, a compliance condition will be attached requiring implementation prior to first occupation. Also the proposed management and maintenance details would be required via condition.

Waste

- 7.56 LP Policy 5.17 requires all new developments to include suitable waste and recycling storage facilities. Policies SP05 and DM14 seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 7.57 Refuse and recycling for the new units would be incorporated with existing arrangements. There are five Eurobins serving the existing apartments, current proposal would provide one additional Eurobin and three recycling bins proposed to cater for the new units proposed, this would be policy compliant.

7.58 Given that the proposal is an extension to existing residential blocks, not a new development; it would not be required to provide storage for bulky items, given the scale of the proposal.

Human Rights & Equalities

7.59 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.

7.60 The proposed development would not result in adverse impacts upon equality or social cohesion.

Conclusion

7.61 The proposed development would not harm the setting of the Grade II* listed Three Colts Bridge, the Grade II* listed Victoria Park and other heritage assets in close vicinity of site, and would continue to enhance and preserve the character and appearance of the wider conservation area, whilst not adversely impacting on the amenity of neighbouring occupiers.

7.62 The proposals would result in the provision of 8 much needed residential units.

8. RECOMMENDATION

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

8.2 Planning Conditions

Compliance

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

Pre-commencement

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

5. Samples and details of all facing materials including construction methodology
6. Section 106 – Car-free agreement
7. Details of biodiverse roofs, lighting and other enhancements
8. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL):

- a. Site manager's contact details and complain procedure;
- b. Dust and dirt control measures
- c. Measures to maintain the site in tidy condition, disposal of waste
- d. Recycling/disposition of waste from demolition and excavation
- e. Safe ingress and egress for construction vehicles;
- f. Numbers and timings of vehicle movements and access routes;
- g. Parking of vehicles for site operatives and visitors;
- h. Travel Plan for construction workers;
- i. Location and size of site offices, welfare and toilet facilities;
- j. Erection and maintenance of security hoardings;
- k. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and
- l. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress.

8.3 Informatives

1. Permission subject to legal agreement pertaining car free agreement.
2. Development is CIL liable.
3. Canal & River Trust

APPENDIX 1

Drawings and supporting documents

- 0100 – Site Location Plan
- 0101 – Existing Site Plan
- 0102 – Proposed Site Plan
- 0120 – Block A Demolition Plans
- 0121 Rev A – Block B Ground & First Floor Demolition Plans
- 0122 Rev A – Block B Second & Third Floor Demolition Plans
- 0123 – Block B Roof Demolition Plans
- 0130 – Block A Demolition Elevations
- 0131 – Block B NW & SE Demolition Elevations
- 0132 – Block B NE & SW Demolition Elevations
- 0200 – Block A Existing & Proposed Ground & First Floor Plans
- 0201 – Block A Existing & Proposed Second & Third Floor Plans
- 0202 Rev A – Block A Existing & Proposed Fourth & Roof Plans
- 0210 Rev A – Block B Existing & Proposed Ground Floor Plan
- 0211 Rev A – Block B Existing & Proposed First Floor Plan
- 0212 Rev A – Block B Existing & Proposed Second Floor Plan
- 0213 Rev A – Block B Existing & Proposed Third Floor Plan
- 0214 Rev A – Block B Existing & Proposed Fourth Plan
- 0215 – Block B Existing and Proposed Roof Plan
- 0300 Rev A – Block A Existing & Proposed North & East Elevation
- 0301 Rev A – Block A Existing & Proposed South & West Elevation
- 0310 Rev A – Block B Existing & Proposed North West Elevation
- 0311 Rev A – Block B Existing & Proposed South East Elevation
- 0312 Rev A – Block B Existing & Proposed SW & NE Elevations
- 0400 – Block A Existing & Proposed Sections
- 0401 – Block B Existing & Proposed Long Sections
- 0402 – Block B Existing & Proposed Short Sections
- 0500 – Bin & Cycle Store Details
- 0700 Rev A – 3D View – Street side
- 0701 Rev A – 3D View – Block B from car park
- 0702 Rev A – 3D View – Canal side
- 0703 Rev A – 3D View – Block A from car park
- 704 – 3D View – Terrace railings
- Design and Access Statement, Empire Wharf Rev B dated February 2019, prepared by AWW Inspired environment.
- DLBLP Letter to LPA dated 03.06.19
- DLBP Planning and Heritage statement, dated February 2019.

Appendix 2: RELEVANT PLANS

Figure 1: Block A - Existing North Elevation



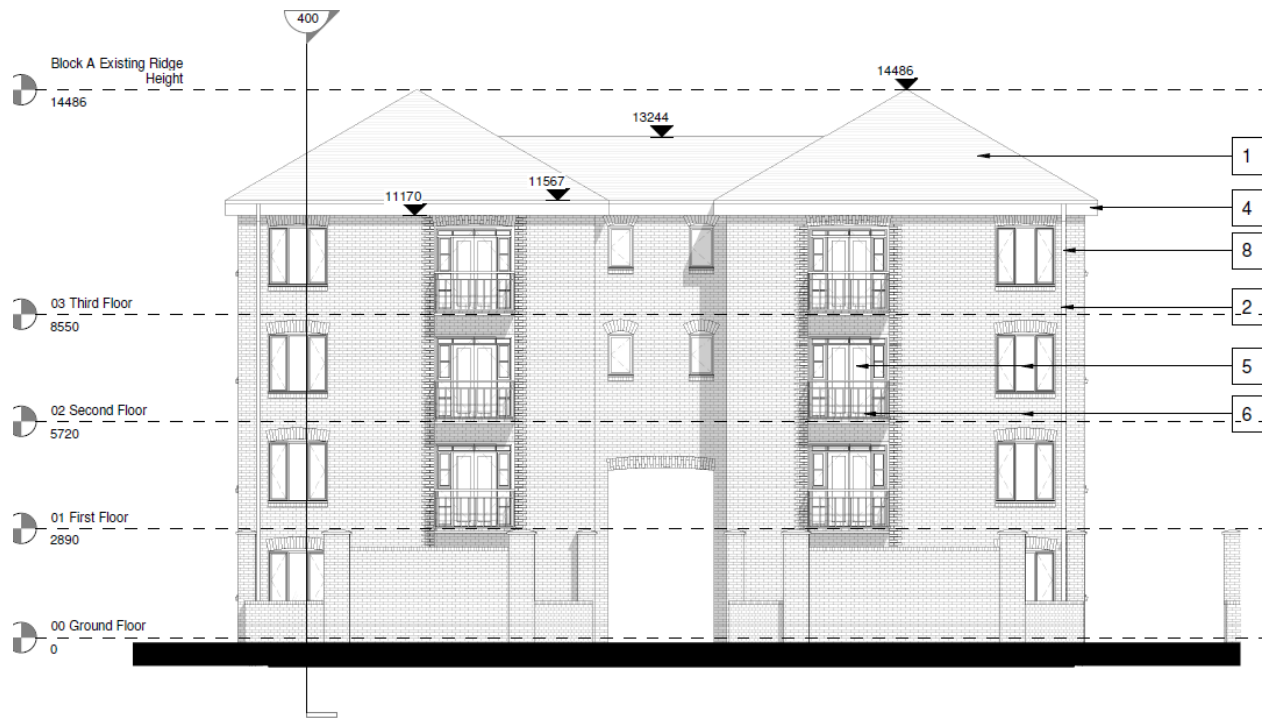
Block A Existing North Elevation
1 : 100

Figure 2: Block A - Proposed North Elevation



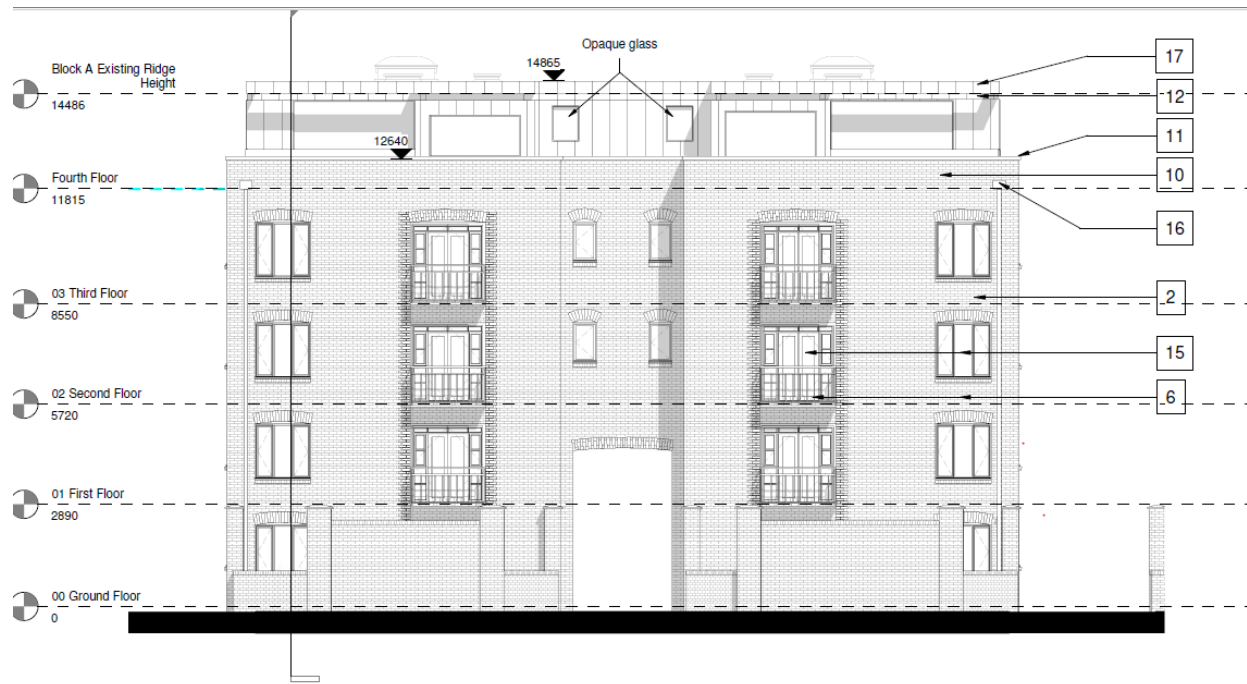
Block A Proposed North Elevation

Figure 3: Block A – Existing South Elevation



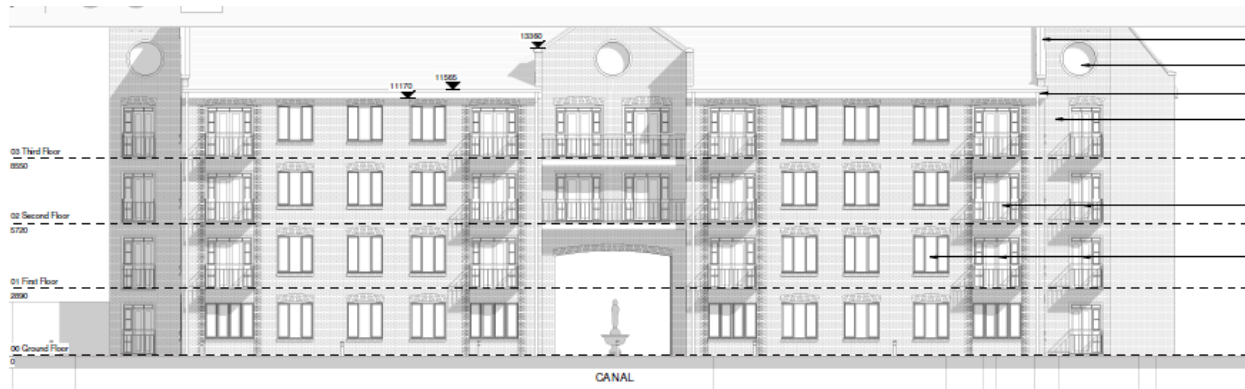
Block A Existing South Elevation
1 : 100

Figure 4: Block A - Proposed South Elevation



Block A Proposed South Elevation
1 : 100

Figure 5: Block B- Existing and Proposed North West Elevations



Block B Existing North West Elevation

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Figure 6: Block B – Existing and Proposed South East Elevations



Block B Existing South East Elevation
1 : 100



Figure 7: 3D View – Block A Street side (Existing and Proposed)



Photograph from site



Rendered View of Existing



Figure 8: 3D View – Block A from Car Park (Existing and Proposed)



Photograph from site



Rendered View of Existing



Figure 9 – 3D View from Car Park – Block B (Existing and Proposed)



Photograph from site



Rendered View of Existing



Figure 10 – 3D View from canal side – Block B (Existing and Proposed)



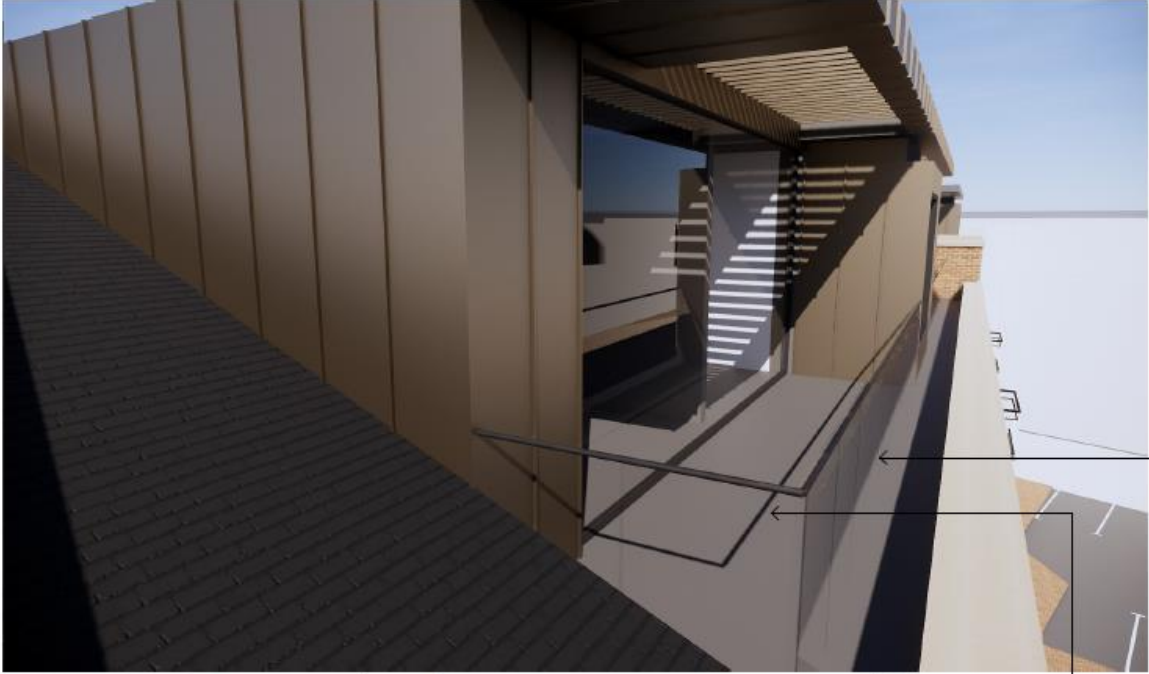
from site



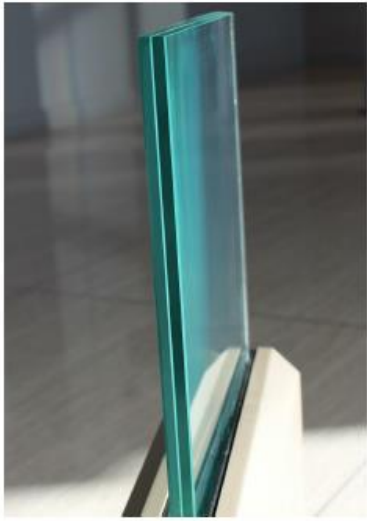
Rendered View of Existing



Figure 11 – Terrace Railings

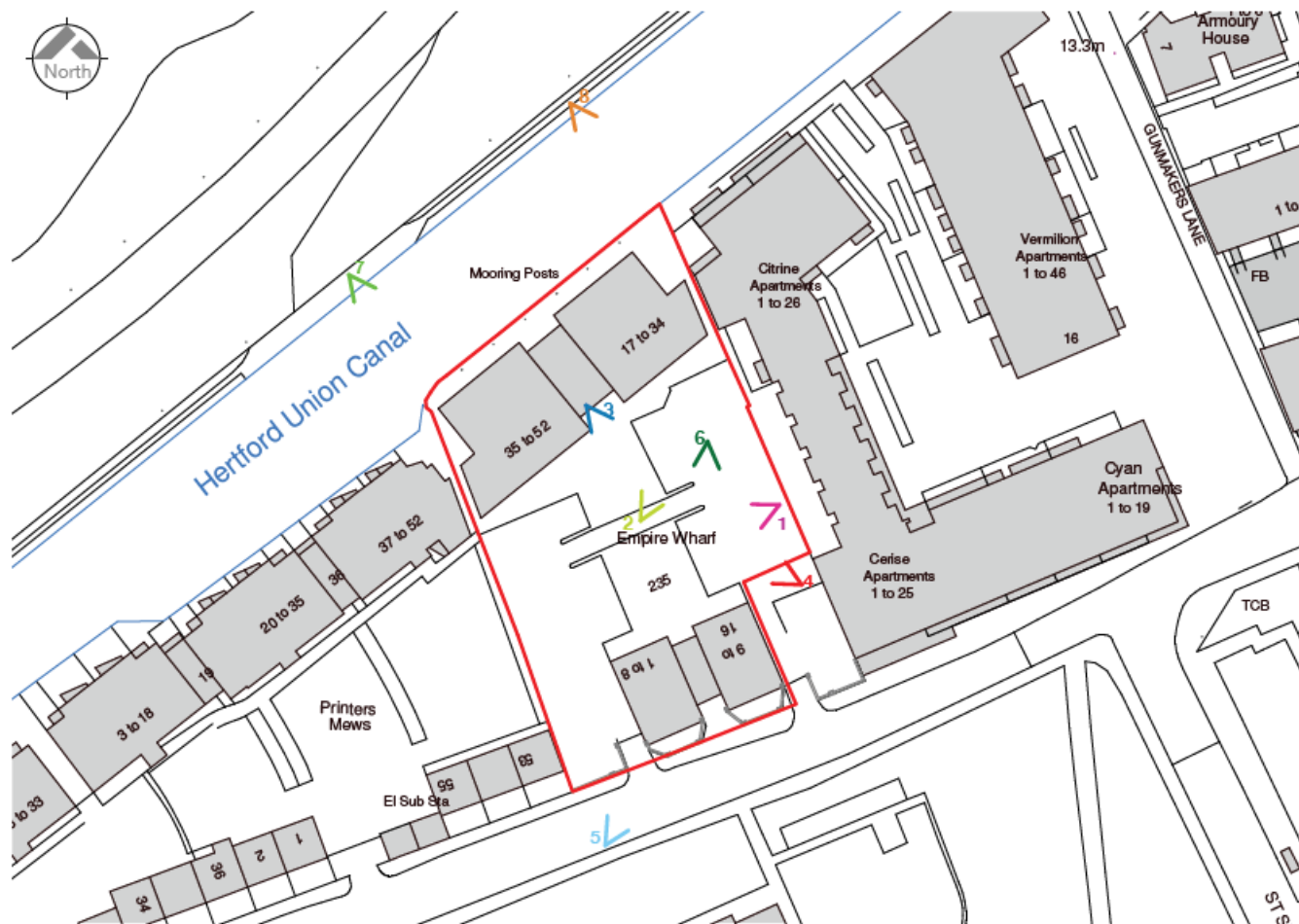


Terrace parapet for drainage channel



Frameless Glass Railings balustrade with metal cap to match window frame

Appendix 3: PHOTO ORIENTATION MAP



View 1



1. View across site from east side of site

View 2



2. View of east side of Block B

View 3



3. View from north west of site looking at Block A

View 4



4. View of south facade of Block B

View 5



5. View of south facade of Block A (street view)

View 6



6. View of north facade of Block A

View 7



7. View of west side of Block B from canal tow path

View 8



8. View of east side of Block B from canal tow path

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Application for Planning Permission

[click here for case file](#)

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

EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

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

1. SITE AND SURROUNDINGS

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

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

Table 1- Current uses on site

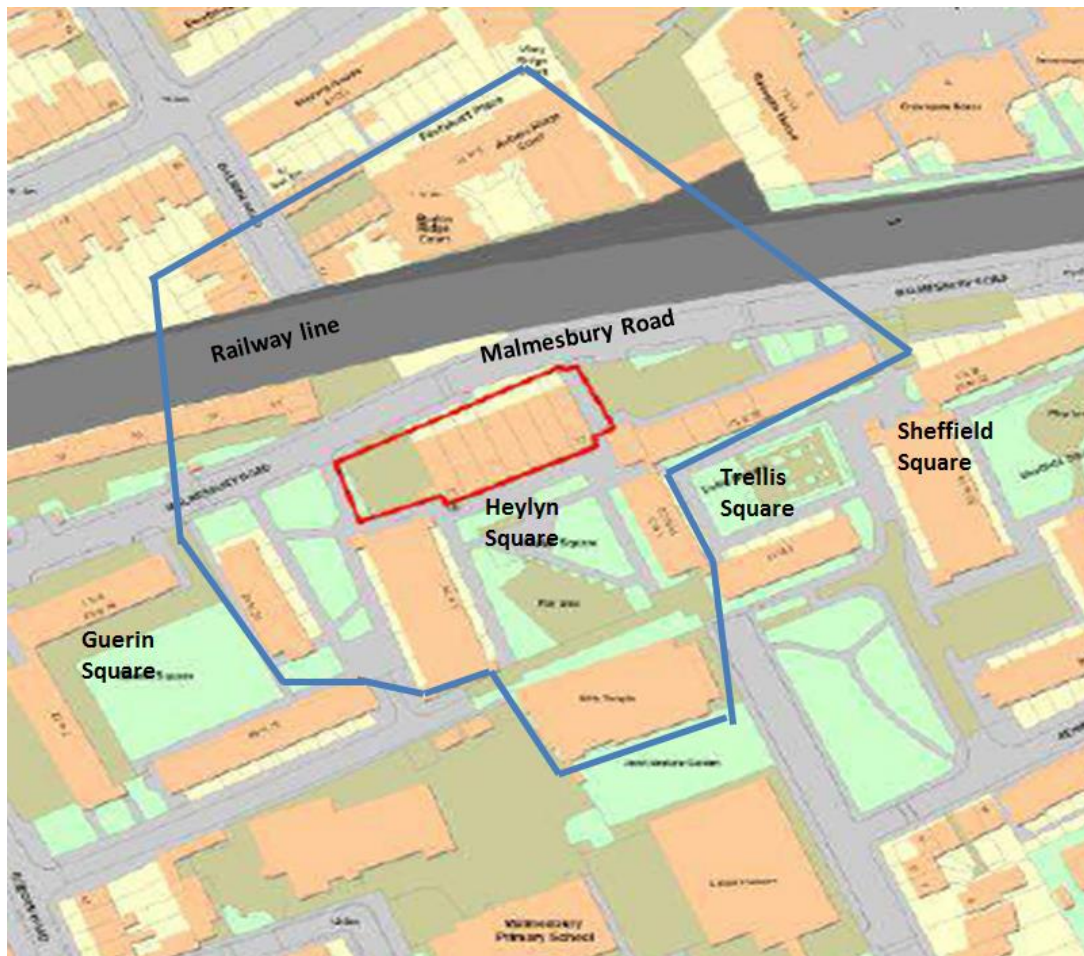


Figure 1- Site and Surrounds

- Consultation boundary
- Application site

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



Figure 2- Aerial view of the site

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

2. PROPOSAL

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



Figure 3- Proposed view from Heylyn Square

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

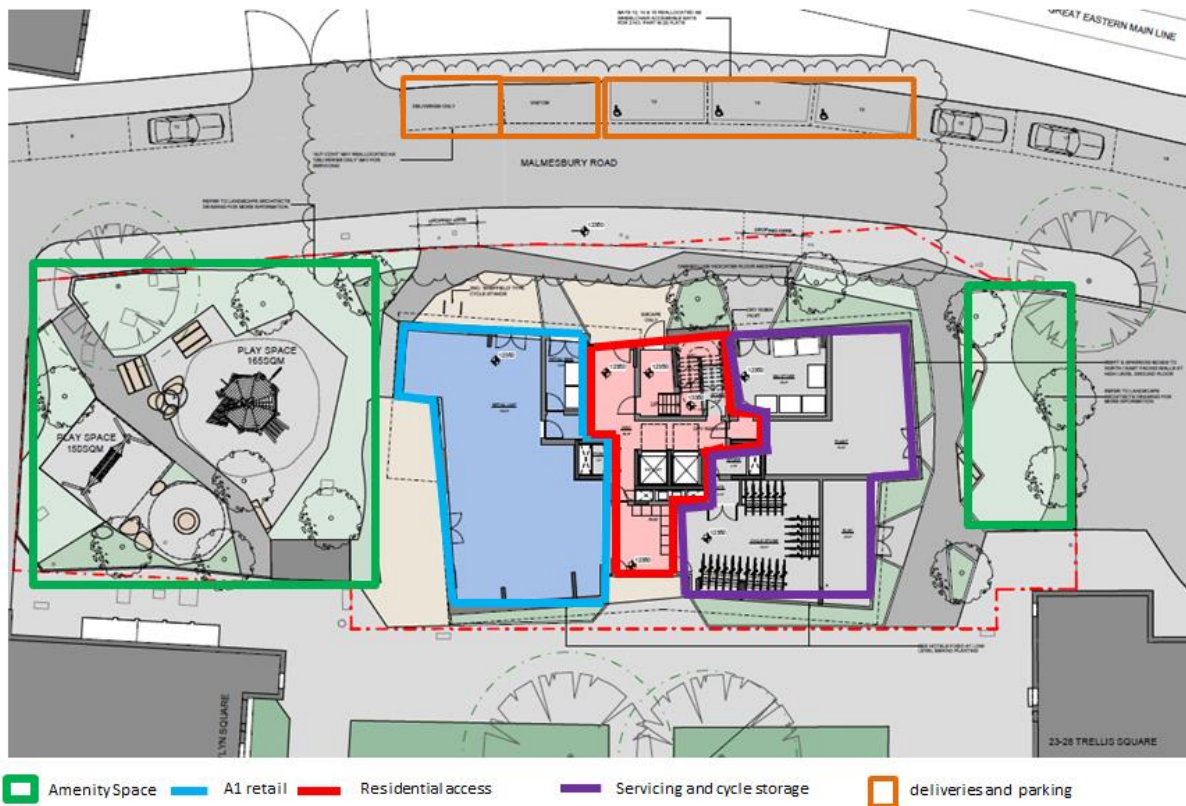


Figure 4- Proposed ground floor

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

3. RELEVANT PLANNING HISTORY

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

4. PUBLICITY AND ENGAGEMENT

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

5. CONSULTATION RESPONSES

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

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

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 6.2 In this case the Development Plan comprises:
 - The London Plan 2016 (LP)
 - Tower Hamlets Core Strategy 2010 (SP)
 - Tower Hamlets Managing Development Document 2013 (DM)
- 6.3 The key development plan policies relevant to the proposal are:
 - Housing - LP3.3 -3.13, SP02, DM3, DM4
(affordable housing, unit mix, density, play space, housing quality)
 - Design - LP 7.6. SP09, SP12, DM10, DM23, DM24, DM26,
(layout, massing, building heights, materials, public realm)
 - Amenity - LP7.6, LP7.15, SP03, SP10, DM25
(privacy, outlook, daylight and sunlight, construction impacts)
 - Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, LP6.14, SP05, SP09,
DM14, DM20, DM21, DM22
(sustainable transport, highway safety, car and cycle parking, waste, servicing)
 - Environment - LP3.2, LP5.1 - 5.15, LP5.21, LP7.14, LP7.19, LP7.21, SP03,
SP04, SP11, DM9, DM11, DM13, DM29
(biodiversity, energy efficiency, air quality, drainage)
- 6.4 Other policy and guidance documents relevant to the proposal are:
 - National Planning Policy Framework (2019)
 - National Planning Practice Guidance (updated 2019)

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

Emerging Planning Policy

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

7. PLANNING ASSESSMENT

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

Land Use

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

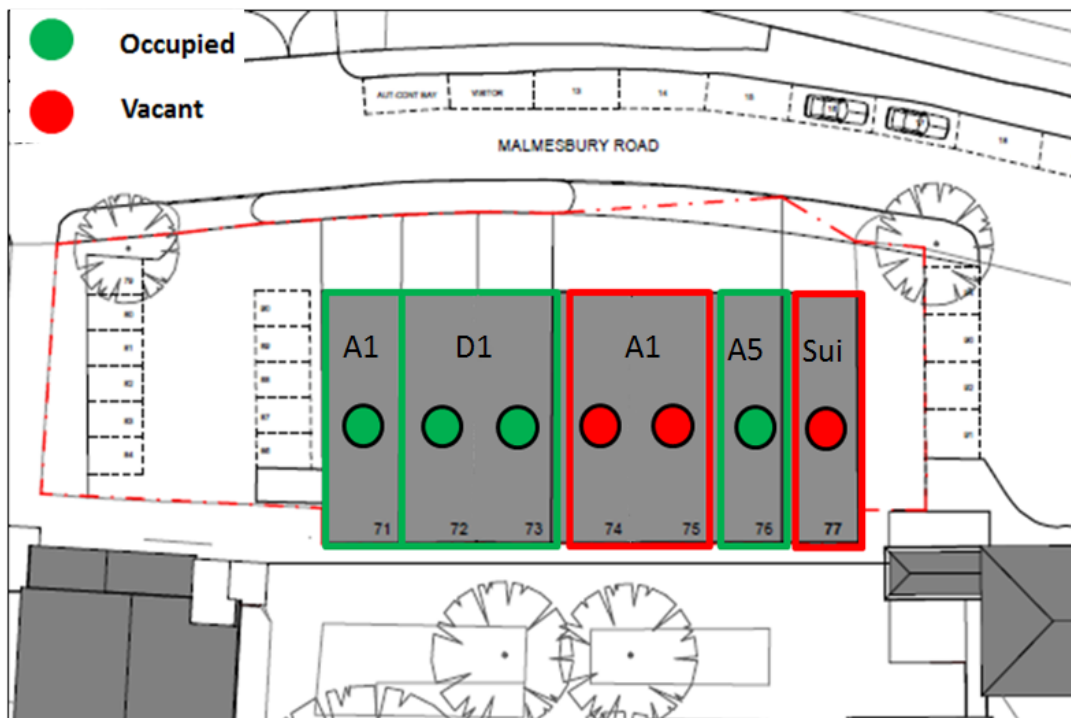


Figure 5- Existing commercial uses

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

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

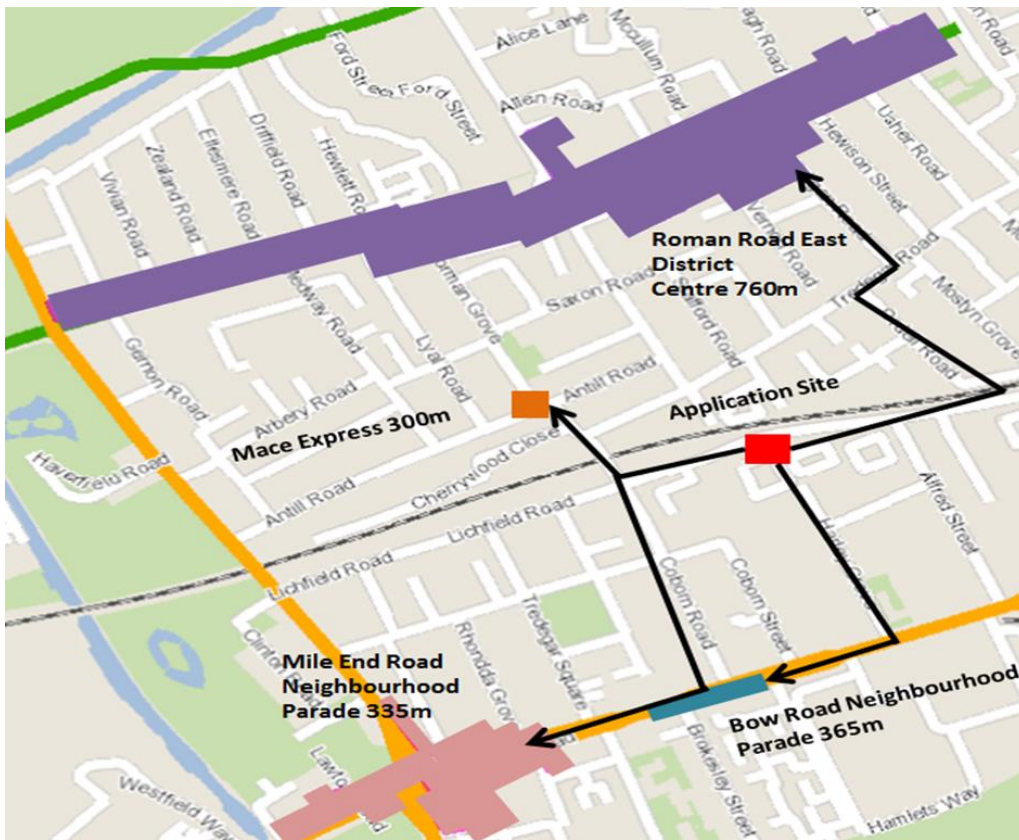


Figure 6- Alternative local facilities

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

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

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

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

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

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

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

Design

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



Figure 7 Proposed front elevation



Figure 8- Surrounding building heights



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

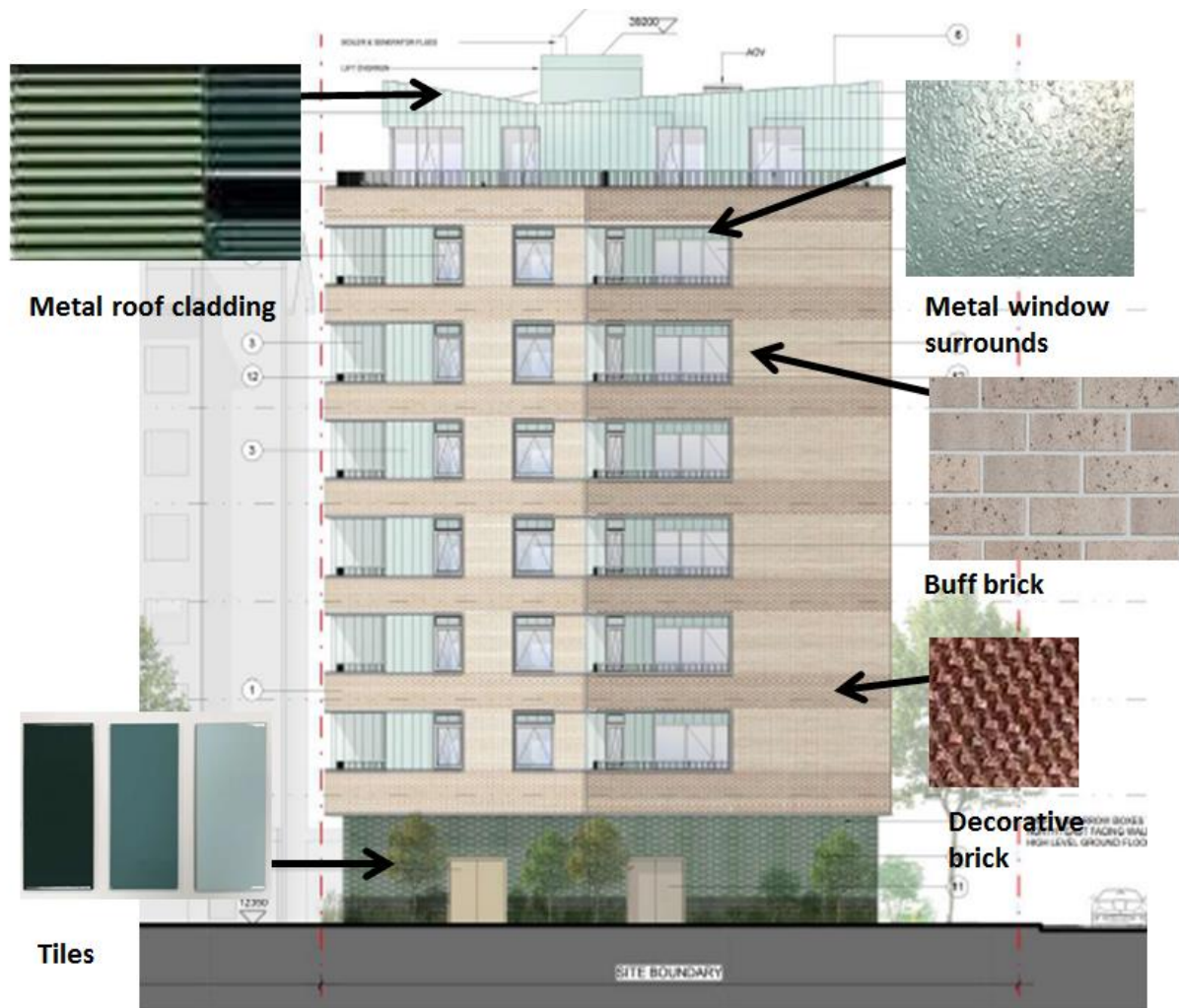


Figure 8- Proposed Materials

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

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

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

Housing

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

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

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

Table 2- Proposed Tenure

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

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

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

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

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

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

Standard of accommodation

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

Daylight and sunlight

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

Average Daylight Factor

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

Annual probable sunlight hours

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

Amenity space

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

Impact on neighbouring amenity

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

Proposed A1 use

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

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

Overlooking, sense of enclosure and overbearing impacts

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

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

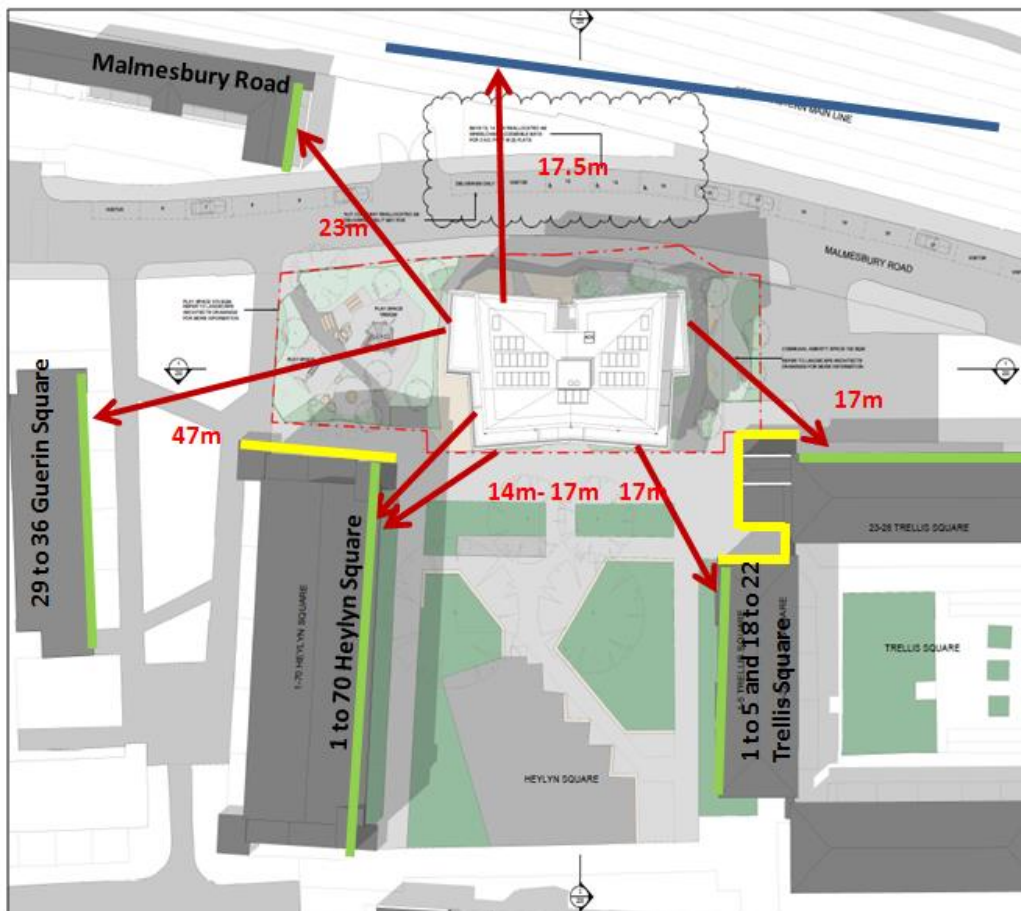


Figure 9- Proposed window to window separation distances

Non- Residential facades —
Residential window —
Railway —

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

Daylight

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

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

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

Table 3 Proposed VSC impacts

Vertical sky component

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

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

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

No Sky Line Test

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

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

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

Sunlight

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

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

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

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

Summary

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

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

Highways and servicing

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

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

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

Environment

Energy and sustainability

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

Air quality

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

Infrastructure and local finance considerations

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

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

Equalities and Human Rights

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

Conclusion

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

8. RECOMMENDATION

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

8.2 Financial Contributions:

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

Total- £60,958.49

8.3 Non-financial contributions:

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

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

8.5 Planning Conditions

Compliance

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

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

Pre-commencement

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

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

- f. Proposed numbers and timing of vehicle movements through the day and the proposed access routes;
- g. Parking of vehicles for site operatives and visitors;
- h. Travel Plan for construction workers;
- i. Location and size of site offices, welfare and toilet facilities;
- j. Erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- k. Measures to ensure that pedestrian access past the site is safe and not obstructed; and
- l. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress.

Pre-superstructure works

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

Prior to occupation

- 26. Car free obligation

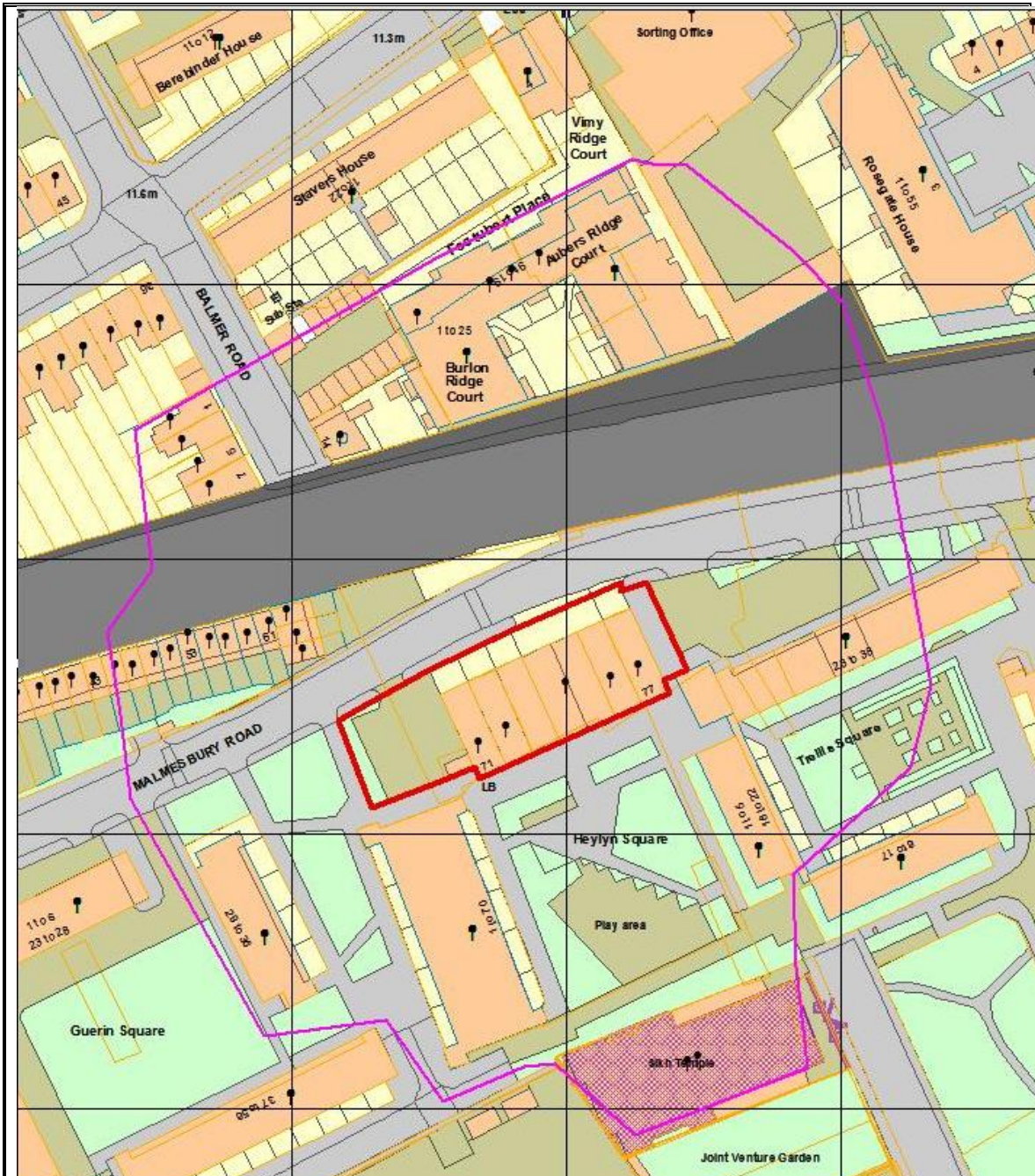
Other

- 27. Piling method statement

8.6 Informatives

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

APPENDIX 1



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

Planning Applications Site Map
PA/19/00793

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



London
Borough of
Tower
Hamlets

Scale : 50m grid squares

Date: 06 September 2019

Drawings

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

Documents

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

APPENDIX 2



Figure 1 – Site and Surrounds



-  Consultation boundary
-  Application site



Figure 2 – Aerial view of the site



Figure 3 – Proposed view from Heylyn Square

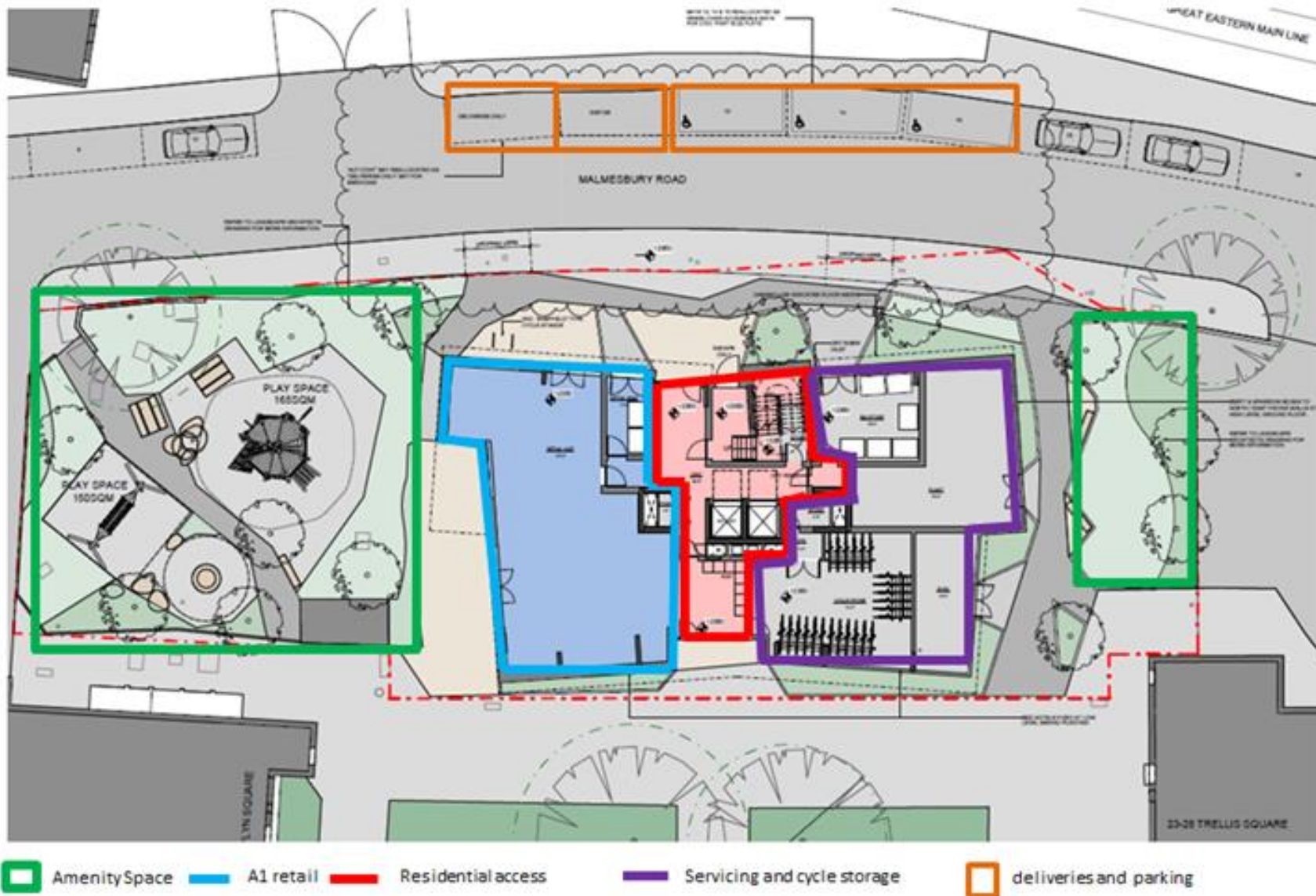


Figure 4- Proposed ground floor

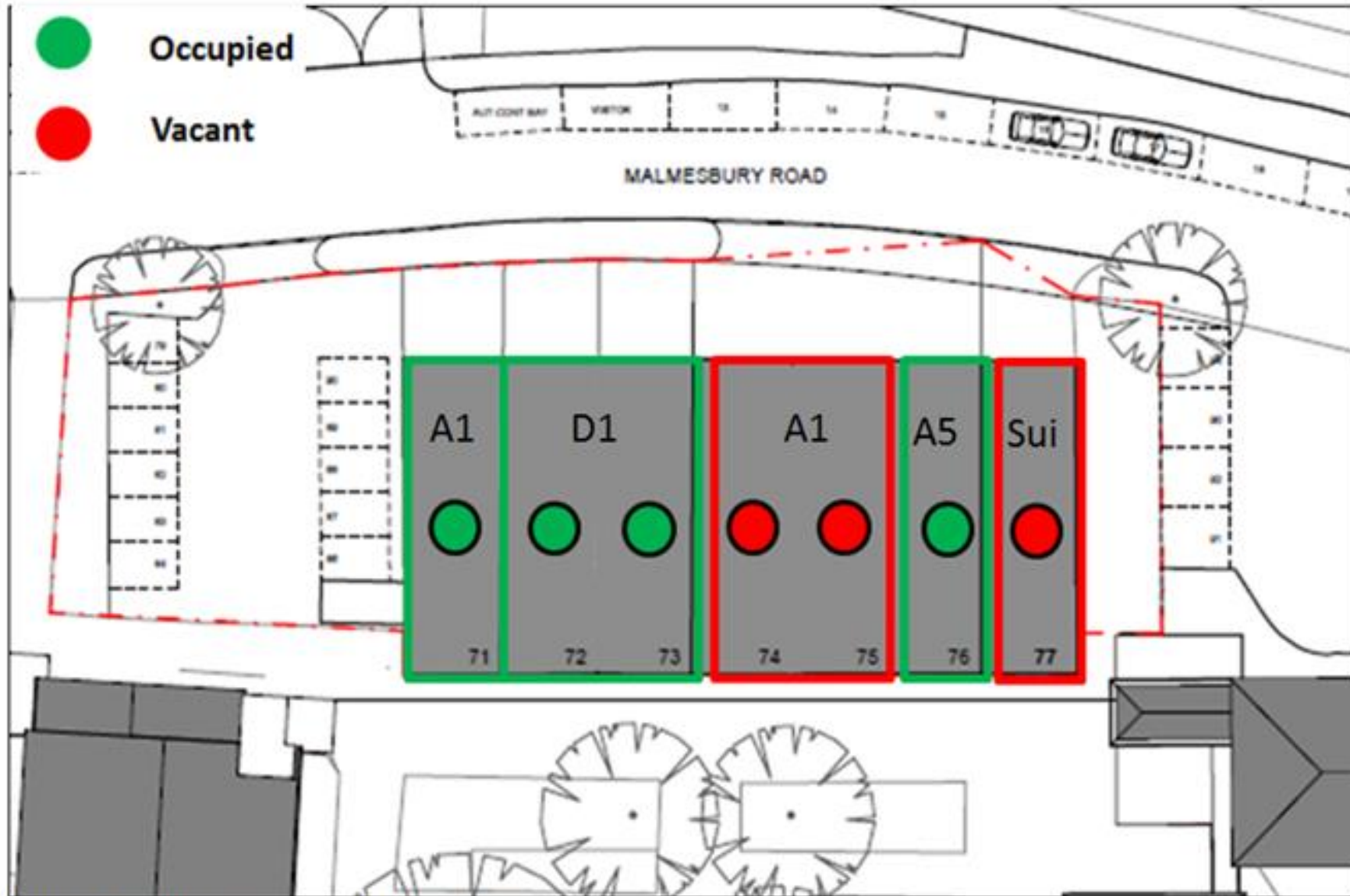


Figure 5- Existing commercial uses

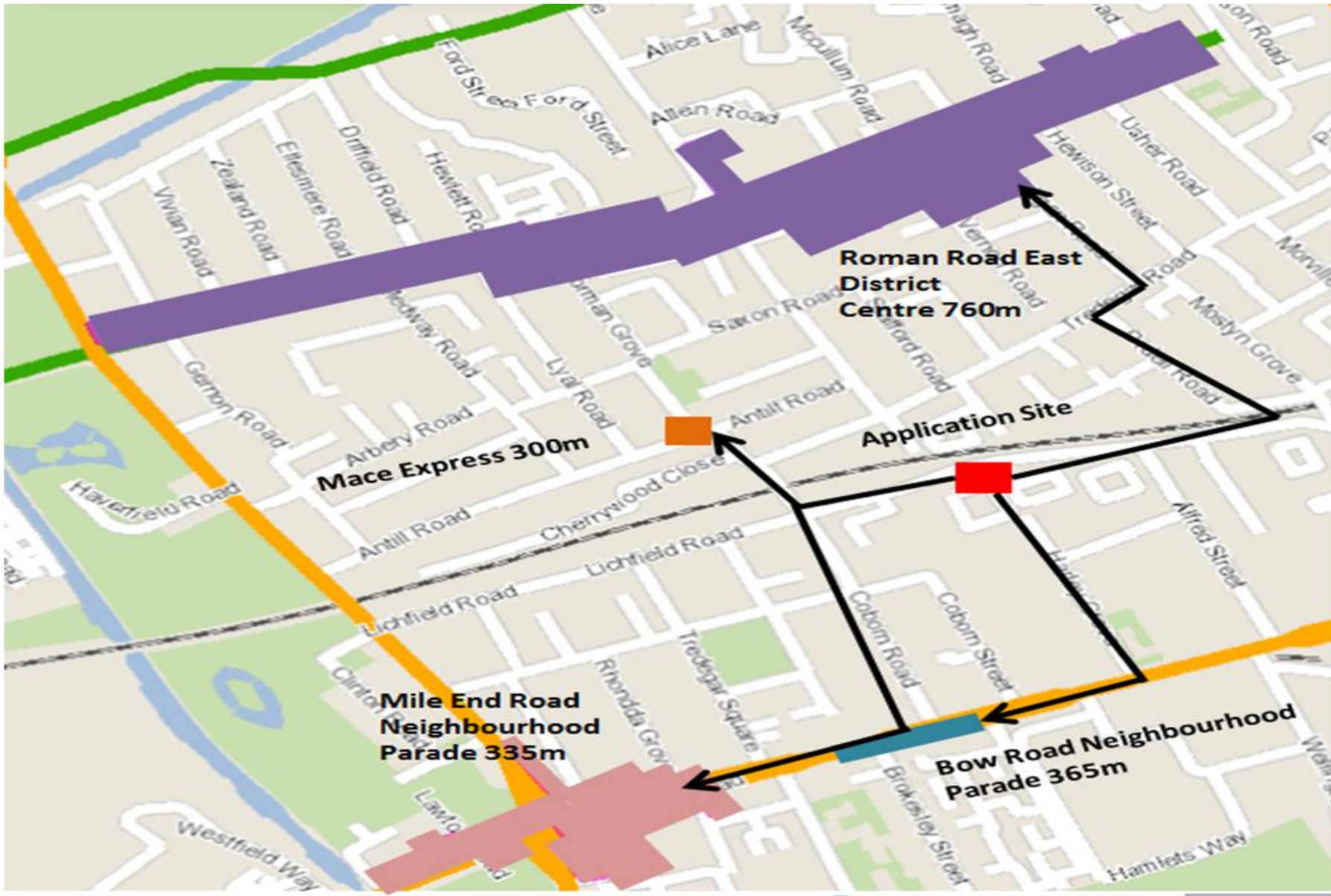


Figure 6 Alternative local facilities



Figure 7 Proposed front elevation

- 7 Storeys
- 5 Storeys
- 4 Storeys
- 3 Storeys



Figure 8 Surrounding building heights

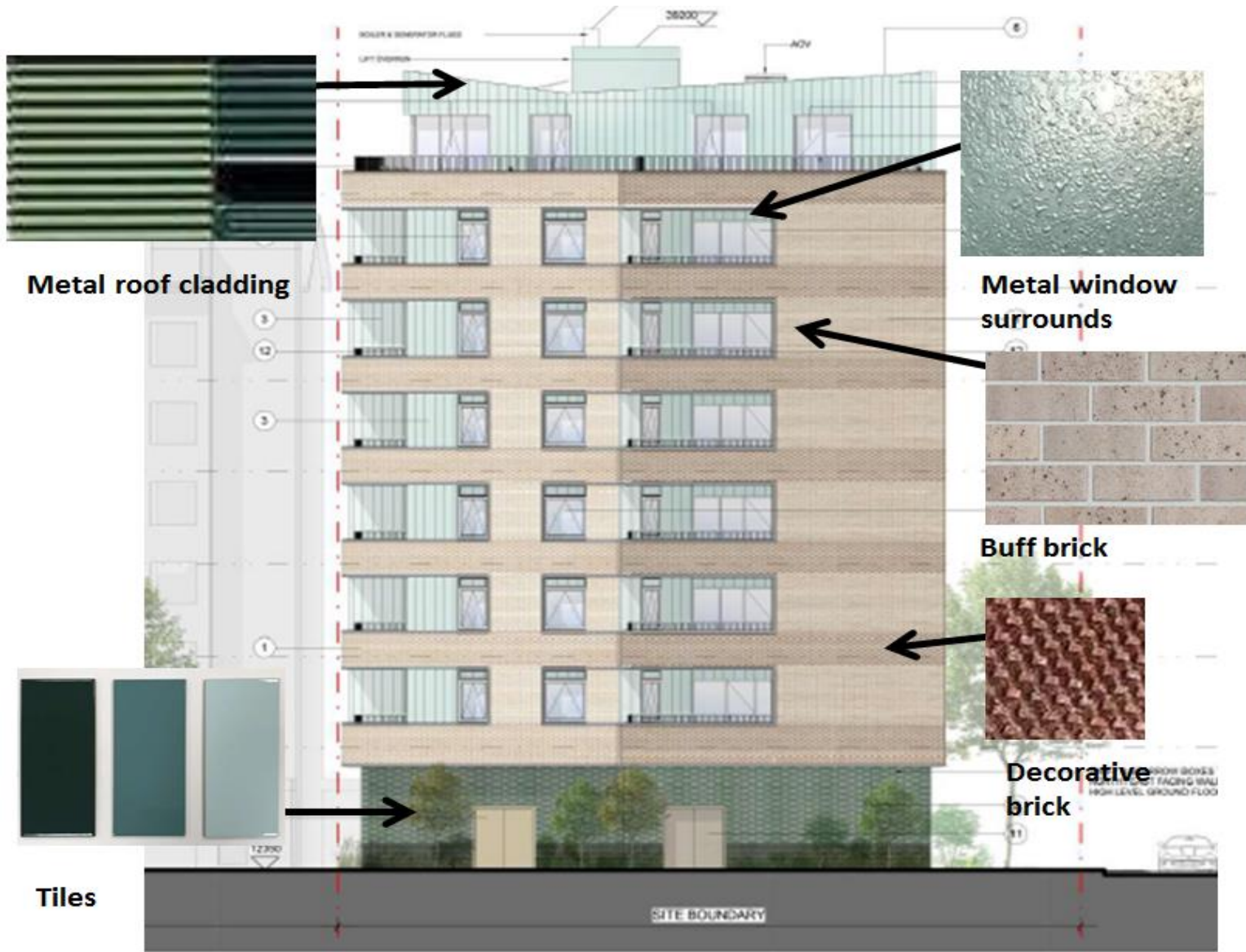


Figure 9 Proposed Materials

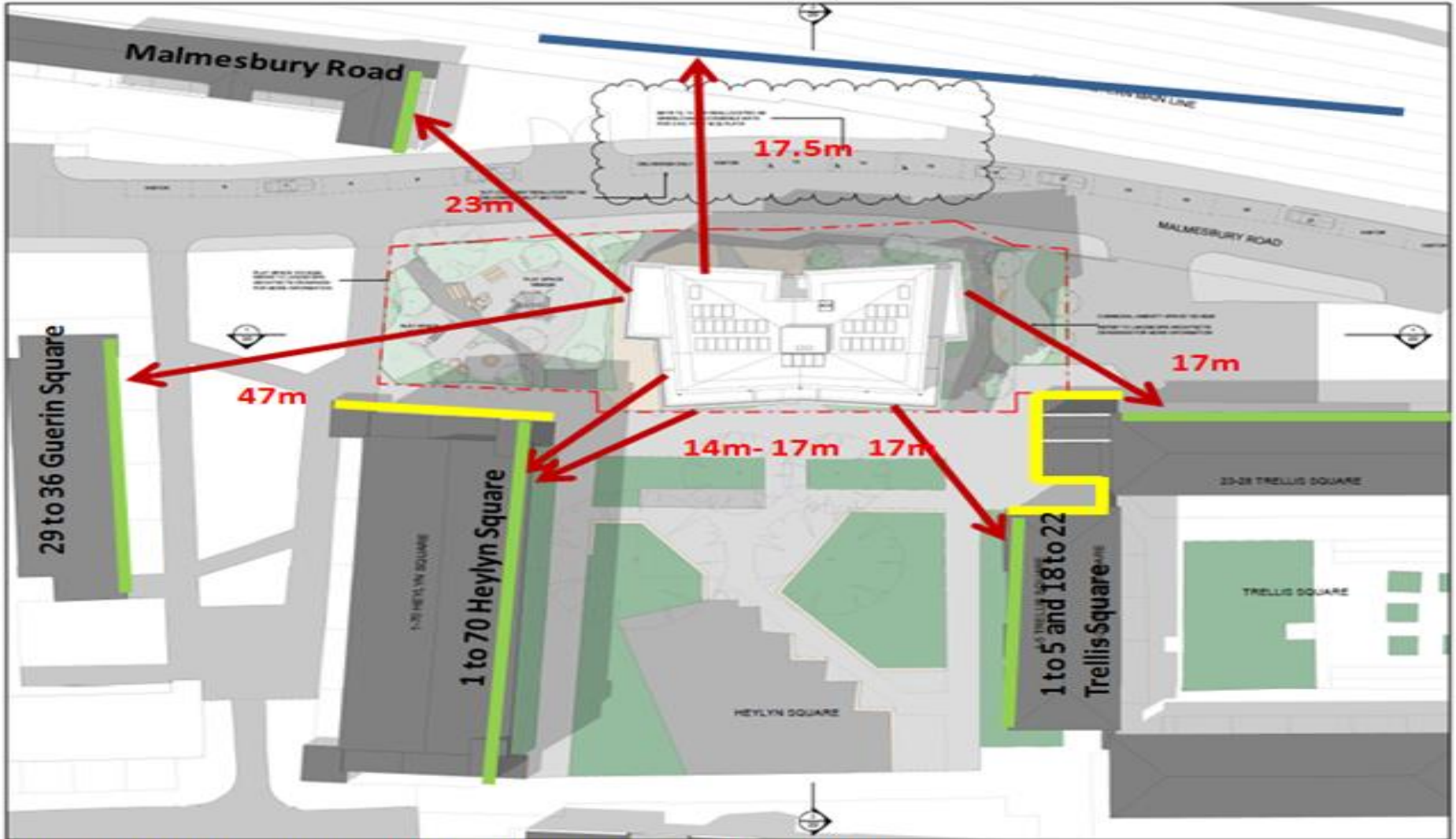


Figure 10- Proposed window to window separation distances

- Non- Residential facades —
- Residential window —
- Railway —

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

Table 1- Current uses on site

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

Table 2 Proposed tenure

Property	Windows tested	<20% (Negligible Impact)	20%- 30% (minor adverse impact)	30%- 40% moderate adverse impact	>40% major adverse impact
1 to 5, 18 to 22, 23 to 25 and 31 to 33 Trellis Square	73	68	2	1	2
1 to 70 Heylyn Square	127	124	3	0	0
29 to 36 Guerin	29	19	2	2	6
63 to 67 Malmesbury Road	14	14	0	0	0
Total	243	225	7 (7 hab)	3 (1 hab)	8 (1 hab)

Table 3 Proposed VSC impacts