

Development Committee

Agenda

**Thursday, 30 March 2023 at 5.30 p.m.
Council Chamber - Town Hall, Whitechapel**

The meeting will be broadcast live on the Council's website. A link to the website is here - <https://towerhamlets.public-i.tv/core/portal/home>

Chair:

Councillor Abdul Wahid

Vice Chair:

Councillor Kamrul Hussain

Members:

Councillor Iqbal Hossain, Councillor Suluk Ahmed, Councillor Amina Ali, Councillor James King and Councillor Amy Lee

Substitute Members:

Councillor Harun Miah, Councillor Amin Rahman, Councillor Maium Talukdar, Councillor Rachel Blake, Councillor Mufeedah Bustin and Councillor Sabina Akhtar

(The quorum for the Committee is 3 voting members)

The deadline for registering to speak is **4pm Tuesday, 28 March 2023**

The deadline for submitting information for the update report is Noon

Wednesday, 29 March 2023

Contact for further enquiries:

Thomas French, Democratic Services,

thomas.french@towerhamlets.gov.uk

Tel: 020 7364 3048

Town Hall, 160 Whitechapel Road, London, E1 1BJ

<http://www.towerhamlets.gov.uk/committee>



Public Information

Viewing or Participating in Committee Meetings

The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.

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A Guide to Development Committee

The role of the Development Committee is to determine applications for planning/listed/conservation area consent which have triggered over 20 representations (in support or against) and/or that meet certain criteria with regards to size amongst other issues.

The Committee is made up of seven Members of the Council as appointed by Full Council. Political balance rules apply to the Committee. Meetings are normally held on a monthly basis and are open to the public to attend.

Objectors to planning applications and applicants may request to speak at the Committee. If you wish to speak on an application, you must contact the Committee Officer listed on the agenda front sheet by 4pm one clear day before the meeting, as shown on the committee timetable. For further information, see the Council's website.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

London Borough of Tower Hamlets



Development Committee

Thursday, 30 March 2023

5.30 p.m.

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (PAGES 7 - 8)

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests form and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

2. MINUTES OF THE PREVIOUS MEETING (PAGES 9 - 14)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 2 March 2023.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (PAGES 15 - 16)

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



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Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

Committee's decision.

- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

4. DEFERRED ITEMS

5. PLANNING APPLICATIONS FOR DECISION

5.1 Westwood House, 54 Millharbour, London E14 9DJ (Pages 23 - 48)

6. OTHER PLANNING MATTERS

Next Meeting of the Development Committee

Thursday, 27 April 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Janet Fasan, Divisional Director Legal and Monitoring Officer Tel: 0207 364 4800.

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	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	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— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 2 MARCH 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present:

Councillor Abdul Wahid (Chair)
Councillor Kamrul Hussain
(Vice-Chair)
Councillor Iqbal Hossain
Councillor James King
Councillor Amin Rahman

Other Councillors Present:

Councillor Peter Golds
Councillor Nathalie Bienfait

Officers Present:

Gareth Gwynne	– (Area Planning Manager, Planning and Building Control, Place)
Astrid Patil	– (Lawyer, Legal Services)
Rikki Weir	– (Principal Planning Officer, Planning and Building Control, Place)
Lauren Ford	– (Planning Officer, Planning and Building Control, Place)
Kirsty Glimer	– (Team Leader, Planning and Building Control, Place)
Sally Fraser	– (Team Leader, Planning and Building Control, Place)
Thomas French	– (Democratic Services Officer Committees))

Apologies:

Councillor Suluk Ahmed
Councillor Amy Lee

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no declarations of disclosable pecuniary interests, however the Chair mentioned that he received correspondence on items on the agenda.

2. MINUTES OF THE PREVIOUS MEETING

The Committee **RESOLVED**

That the unrestricted minutes of the Committee held on 7 December 2022 meeting 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

There were no deferred items to consider

5. PLANNING APPLICATIONS FOR DECISION

6. TOWER BRIDGE WHARF, 84 ST KATHARINE'S WAY, LONDON, E1W 1UR

The published update report was noted.

Gareth Gwynne, Area Planning Manager, introduced the application for Construction of an additional storey to create five new residential apartments. Associated cycle and refuse store.

Rikki Weir, Principal Planning Officer, provided a presentation on the application. The Committee were reminded of the key features of the application, including photographs of the site and surrounds. The Officer's recommendation was to refuse planning permission.

At the invitation of the Chair, objections were raised to the committee, highlighting the impact on access to the Thames River path and anti-social behaviour.

At the invitation of the Chair, reasons to support the application were raised to the committee, highlighting the need to improve the overall look of the building and the need to increase security in the area.

Further to questions from the Committee, officers and residents provided more details on the following elements of the application:

- How long has anti-social behaviour been reported here? And what did officers investigate about the anti-social behaviour in the area? Residents have been reporting anti-social behaviour in the area since around 2016, including calling the police. Officers looked at police data, community reporting from Safer Neighbourhood Panels and the work of the council's own noise team.
- What were the number of objections and how many were residents? Officers reported that most of the objections came from local residents in the Wapping area and there were over 60 objections.
- Is the anti-social behaviour from local residents? What is the nature of it? There has been a range of activity in the area, usually in large groups. The data collected does not go into that kind of breakdown, but residents have noticed a few instances of seeing the same individuals returning to the area.
- How can we find a balance between allowing access to the area but also tackling anti-social behaviour? Officers have recommended refusal based on the restriction of access for a number of reasons, but there are real concerns from residents about anti-social behaviour.
- Members expressed concern about the access issues that were presented and no real plans to address anti-social behaviour.

The Committee debated the application and moved to the vote.

On a vote of 5 in favour, 0 against and 0 abstentions the Committee

RESOLVED:

That planning permission is **REFUSED** for the following reasons:

1. The proposed development would be unacceptable as it would adversely impact on active lifestyle choices, it would unduly restrict access to Publicly Accessible Open Space, water spaces, the Thames Path and National Trail, contrary to policies D.SG3, S.OWS1, S.OWS2, D.OWS4 of the Tower Hamlets Local Plan, GG3, SI 16, G4 of the London Plan.
2. The proposed development would be unacceptable as it would adversely impact on designate heritage assets (the Tower of London Conservation Area) through loss and restriction of the enjoyment of important riverside views. The proposal would also result in loss of permeability, legibility, connectivity and accessibility resulting in a less socially inclusive, less equal and less cohesive neighbourhood, increasing the perception of a private, gated community, contrary to policies S.DH1, D.DH2, S.DH3, D.DH4 of the Tower Hamlets Local Plan, D3, D8, HC1, HC3, HC6 of the London Plan.

3. The proposed development would be unacceptable as it would adversely impact on the transport network, contrary to policies S.TR1 of the Tower Hamlets Local Plan and T1, T2, T3 and T4 of the London Plan.

7. 22 SENRAB STREET, LONDON, E1 0QE

Gareth Gwynne, Area Planning Manager, introduced the application for Construction of an additional storey to create five new residential apartments. Associated cycle and refuse store.

Lauren Ford, Planning Officer, provided a presentation on the application. The Committee were reminded of the key features of the application, including photographs of the site and surrounds. The Officer's recommendation was to refuse planning permission.

At the invitation of the Chair, reasons to support the application were raised to the committee, highlighting that similar properties locally have had similar improvements, and the application has become more sensitive to the local area since it was last presented.

Further to questions from the Committee, officers and residents provided more details on the following elements of the application:

- How does this application differ from those houses on the same road with similar extensions? Officers confirmed while the application was of a similar size but since Senrab Street has become within a conservation area, this application is no longer favourable to local conservation.
- Have other applications come through the council's planning process that have had similar extensions within conservation area implications? Officers detailed applications they were aware of, but stated that the council is empowered to support conservation areas through the local plan.
- What was the impact of the consultation within the local area on this application? Offices detailed the consultation, stating that of the 30 properties that were consulted with, 24 were in support of the application with no objectors.

The Committee debated the application and moved to the vote.

On a vote of 0 in favour, 4 against and 1 abstention the Committee

RESOLVED:

That planning permission is **GRANTED** for the following reason:

- There were no objections to the application;
- Members considered that the proposed development would enhance the character of the property and provide much needed additional living space;

- The house next door and next-door-but-one already have similar extensions, built prior to Senrab's Street's designation as a Conservation Area. The fact that the heritage has already been impacted by the development to those two houses means that the impact of the proposed development is lessened;
- Members did not find the proposed development to be unsympathetic to the character of the Conservation Area.

8. OTHER PLANNING MATTERS

There were no other planning matters to consider.

The meeting ended at 19:55

Chair, Councillor Abdul Wahid
Development Committee

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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 introduce the item with a brief description.
- (2) Officers will present the report supported by a presentation.
- (3) Any objections that have registered to speak to address the Committee
- (4) The applicant and or any supporters that have registered to speak to address the Committee
- (5) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (6) The Committee may ask points of clarification of each speaker.
- (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>	 <p>Scan this code to view the Committee webpages.</p>
<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). 	 <p>Council’s Constitution</p>



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

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

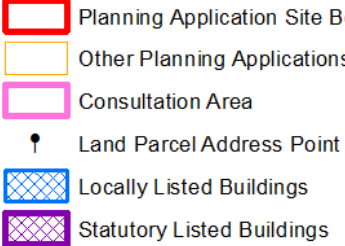







[click here for case file](#)

Reference	PA/22/02318
Site	Westwood House, 54 Millharbour, London E14 9DJ
Ward	Canary Wharf
Proposal	Erection of a single storey rooftop extension to provide 7 new dwellings.
Summary Recommendation	Grant planning permission with conditions and planning obligations
Applicant	Avon Ground Rent Ltd.
Architect/agent	Brooks Murray Architects
Case Officer	Gareth Owens
Key dates	- Application registered as valid on 01/11/2022 - Public consultation finished on 20/12/2022

EXECUTIVE SUMMARY

The proposed development comprises an additional storey to Westwood House, which would create a new 8th floor. A total of 7 new homes, including 1 family sized home would be delivered by the development as well as a monetary contribution towards affordable housing in the borough, which is consistent with policy for minor developments. The proposed residential accommodation for future occupiers is of high quality and is consistent with relevant planning policy in terms of internal living space.

The proposal presents a high-quality design which is in keeping with the height, scale and form of the host building and buildings within the immediate surroundings. There would be no unduly detrimental impacts upon the amenities of neighbouring occupiers in terms of overshadowing, loss of privacy, light or increased sense of enclosure. Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highway network because of the development. The proposed flats would be car free, with residents of these flats not able to obtain an on street parking permit.

 <ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<h2 style="margin: 0;">Planning Applications Site Map PA/22/02318</h2> <p style="margin: 0;">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.</p>	 <p style="margin: 0;">TOWER HAMLETS</p> <p style="margin: 0;">London Borough of Tower Hamlets</p>
	Scale: 50m grid squares	Date: 22 March 2023

1. SITE AND SURROUNDINGS

- 1.1 The application site (hereafter referred to as “*the site*”) contains an 8-storey residential block known as Westwood House and an adjoining 16 storey residential block known as Cobalt Point. To the west is Trinity Tower which is 18 storeys high and to the west of this is Denison House which has three “wings” which project south and which ranges between 8 – 10 storeys high. Boston house is a four-storey residential block to the west of the site and Larson Walk is a five-storey block to the west of the site. Collectively, these buildings were consented as part of the ‘Lantern’s Court’ development, which was constructed in the early 2000’s. Westwood House contains 80 flats which are a mixture of social rented and shared ownership homes.
- 1.2 To the south of the site is Mellish Street, which contains a number of historic Victorian terraced properties closest to the site. Further west on Mellish Street are post war, three storey block of flats and other, more modern properties The 14 storey flatted development at 45 Millharbour lies to the east of the site. To the east and north of the site are larger, tall buildings and to the far north is South Quay and Canary Wharf.
- 1.3 The building on the site is neither listed nor locally listed and the site is not located in a conservation area. The site is located within Floodzone 2 and 3 and an area of deficiency of access to nature. The site is also within the Isle of Dogs and South Poplar Opportunity Area which is an area designated for high housing growth.

2 PROPOSAL

- 2.1 The proposal is to construct an additional storey to provide 3 new 1 bed, 2 person flats, 3 new 2 bed 4 person flats and 1 new 3 bed, 4 person flat, totalling 7 self-contained flats. The proposed flats would be accessed from the existing ground floor lobby and stair and lift core of Westwood House. The new flats would each be provided with an in-set rear terrace space. The extension would increase the height of Westwood House from 25.4 metres to 29.7 metres.
- 2.2 The new 8th floor would have recessed balconies with glazed balustrades and the exterior walls of the extension would be clad in bronze coloured aluminium. The extension would be set back from the west and east facades of the main building by 1 metre. On the north elevation, it is set back from Cobalt Point by 22 metres and the setback from the south façade of the main building ranges between 1 to 3.3 metres due to the articulation of the south façade.
- 2.3 The new flats would be car free. Space for additional refuse and recycling bins would be provided within the existing refuse and recycling stores for the Westwood House residents, which are at basement level. Additional cycle parking spaces would be provided within an existing cycle parking store at basement level. A total of 13 cycle parking spaces (1 per dwelling for the 1 bed flats and 2 per dwelling for the 2 & 3 bed flats) would be provided and one of these spaces would be for an accessible cycle. A CGI of the proposal is shown in figure 1 below.



Figure 1 : CGI showing the proposed extension and surrounding buildings

3. RELEVANT PLANNING HISTORY

Planning Applications

- 3.1 PA/21/02564 – Full planning permission for the erection of a single storey rooftop extension to provide 8 new dwellings – Refused 29/04/2022
- 3.2 PA/07/00433 (Wider Lanterns Court site)– Submission of reserved matters pursuant to condition 2 (a: the design of the building; b: the external appearance of the building; c: the landscaping of the site) outline planning permission dated 16th April 2004, reference PA/03/659 for redevelopment of site to create residential uses (651 units in total, ranging in height between 4-21 storeys) plus commercial uses (A1, A2 and A3) at ground level together with new accesses, servicing and vehicular/cycle parking in basement. – Permitted 30/04/2007.
- 3.3 PA/03/00659 (Wider Lanterns Court site)- Outline application (siting and means of access unreserved) for the redevelopment of site for predominantly residential purposes (639 units in total, ranging in height between 4-18 storeys) plus commercial uses (A1, A2 & A3) at ground level together with new access, servicing and vehicular cycle parking in basement. The application includes submission of an Environmental Statement under the provision of the Town and Country Planning (Environmental Impact Assessment) Regulation 199 – Permitted 16/04/2004.

Pre Applications

- 3.4 PF/21/00076 (Boston House and Westwood House of Lanterns Court Site) - Proposed one-storey extension on top of Westwood building to accommodate 8 new flats. – Advice letter issued 29/07/2021.

4. PUBLICITY AND ENGAGEMENT

- 4.1 Upon validation of the application, the Local Planning Authority sent out consultation letters to 357 neighbouring owners and occupiers and a site notice was displayed outside the site on 29/11/2022.
- 4.2 A total of 35 letters of objection have been received. The themes and issues raised in objection can be summarised as follows:

Construction related.

- Noise, dust, pollution, vibration and disturbance to occupiers of Westwood House and neighbouring occupiers
- impact on the highway/ increase in traffic
- Existing building may not structurally be able to support additional 7 flats.
- Concern that access for emergency vehicles would be disrupted.
- Lift would be out of use during construction
- Rainwater penetration
- Loss of privacy to neighbouring occupiers due to construction workers

Neighbouring amenity

- Loss of privacy
- Lack of noise abatement measures
- Loss of light
- Views would be blocked.

Operational issues

- Concern regarding increased intensity of the use of the lift within Westwood House
- Concern that the proposed cladding would not be fire safe
- No mention of affordable housing
- No additional parking available
- Concern that the proposal would lead to an increase in service charge for the occupiers of Westwood House.
- Pressure on GP's, dentist, and schools

Design

- Significant bulk would be added to the building
- Incongruous appearance

Other

- Value of existing flats would decline.
- Current issues with existing building e.g. flooding, lift breaking down.
- Applicant submitted at Christmas time when less people are around.
- Potential breach of EWS1 certificate (External Wall System Fire Review Certificate) – preventing owners from re-mortgaging.

- 4.3 The material planning considerations raised above are addressed in the main body of this report.
- 4.4 The impact of a proposal on the value of flats is not a material planning consideration. Matters relating to structural stability during construction are dealt with through Building Control

Regulations. The applicant has stated that the service charge for the existing residents of Westwood House would not increase with the development in place and that the occupiers of the proposed new flats would contribute towards the upkeep of the communal areas of Westwood House and the wider Lantern's Court development.

5. CONSULTATION RESPONSES

5.1 Below is a summary of the consultation responses received from both external and internal consultees.

Internal Consultees

Environmental Health (noise and vibration)

5.2 No objections, subject to conditions in relation to restrictions on construction activity times, the submission of a Construction Logistics Plan and appropriate noise insulation to the new flats.

Environmental Health (air quality)

5.3 No objections. Construction Management Plan condition requested to minimise dust nuisance and air pollution during construction.

Energy & Sustainability

5.4 No comments received.

Biodiversity

5.5 Satisfied that the development would incorporate a green, biodiverse roof. Details to be secured by condition.

SUDS

5.6 No additional residential accommodation is proposed on the ground floor.

5.7 Due to the proposed development consisting of a single storey rooftop extension (8th floor) with no increase in the buildings impermeable area, we would have no concerns from a drainage and flood point of view.

5.8 By incorporating a green/blue biodiverse roof it would provide some betterment over the existing situation with regards to water discharge and volume leaving the building and would go towards a biodiversity gain.

Highways

5.9 Cycle stands need to accommodate accessible cycles and be built to London Design cycle standards. Doorways need to be correct size to allow cycle through. There should be no oversailing of any structural element of the building or encroachment on to the highway. A Car free agreement and Construction Management Plan should be secured. No works to commence until highways improvements which are necessary to serve the development, secured via a Section 278 agreement.

Waste

5.10 The proposed waste storage is acceptable.

Design and Conservation

5.11 No objections. Positive amendments have been made since the pre-application, and the design concerns identified have been addressed. The additional floor would be set back by 1 metre which makes it a clear new addition to the building. The materials are in keeping with

the host building and considered to be of an appropriate quality. No concerns regarding design.

External Consultees

Environment Agency

- 5.12 No objection. The Environment Agency are satisfied the developer assessed the risk from a breach in the Thames tidal flood defences and there is no sleeping accommodation below the modelled tidal breach.

Health & Safety Executive (Fire Safety)

- 5.13 Following a review of the information provided, the HSE is satisfied with the fire safety design, in relation to the extended floor (8th floor) of the building, to the extent that it affects land use planning.

- 5.14 Approved Document B (ADB) states blocks of flats with a top storey more than 11 m above ground level should be fitted with a sprinkler system throughout the building.

Thames Water

- 5.15 No objections to the proposals and no further information requested.

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 (2021), the Tower Hamlets Local Plan 2031 (2020) and the Isle of Dogs Neighbourhood Plan (2021).

- 6.3 The key Development Plan policies relevant to the proposal are:

Land Use – (residential)

London Plan - H1
Local Plan – S.H1

Design (layout, townscape, appearance, massing)

London Plan - D1, D3, D4, D5
Local Plan - S.DH1, D.DH2

Affordable Housing (small sites contribution)

London Plan - D6, D7, H4, H10
Local Plan - S.H1, D.H2, D.H3

Neighbouring Amenity (privacy, outlook, daylight and sunlight, noise, construction impacts)

London Plan – D3, D6
Local Plan - D.DH8

Transport (sustainable transport, highway safety, car and cycle parking, servicing)

London Plan - T2, T4, T5, T6, T6.1, T7
Local Plan - S.TR1, D.TR2, D.TR3, D.TR4

Environment (energy efficiency, noise, waste, fire safety)

London Plan – D12, D14, SI 1, SI 3

Local Plan - S.ES1, D.ES2, D.ES3, D.ES9, D.MW3

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

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (as updated)
- LBTH Reuse, Recycle and Waste SPD (2021)
- LBTH Isle of Dogs Opportunity Area Planning Framework (2019)
- LBTH Planning Obligations SPD (2021)
- Mayor of London Housing SPG (updated 2017)
- Building Research Establishment’s Site Layout for Daylight and Sunlight: A Guide to Good Practice (2022)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Housing Supply and Mix
- ii. Affordable Housing
- iii. Standard of Accommodation
- iv. Design
- v. Neighbouring Amenity
- vi. Transport
- vii. Environment

Housing

Housing Supply

7.2 London Plan Policy H1 sets Tower Hamlets a housing completion target of 34,730 units between 2019/20 and 2028/29 and the site lies within an Opportunity Area, identified for the delivery of high housing growth. The proposed development would result in an additional 7 homes, which would make a small but welcome contribution towards meeting this target and is strongly supported.

Housing mix

7.3 Policy H10 of the London Plan promotes the provision of a range of unit sizes having regard to robust local evidence of need where available, to deliver mixed and inclusive neighbourhoods.

7.4 At the local level, policy S.H1(2) of the Tower Hamlets Local Plan states that development would be expected to contribute towards the creation of mixed and balanced communities that respond to local and strategic need. This would be achieved through amongst other things, requiring a mix of unit sizes (including larger family homes) and tenures to meet local need on all sites providing new housing. Locally specific targets (based on the Council’s most up to

date Strategic Housing Market Assessment, 2017) for unit mix and sizes are set out in part 3 of policy D.H2 of the Local Plan.

- 7.5 The scheme would comprise of 3 x 1 bed (43%) market units, 3 x 2 bed (43%) market units and 1 x 3 bed (14%) market units. This compares to the local plan target of 30% 1 beds, 50% 2 beds and 20% 3 or 4 beds for market homes under Policy D.H2. Due to the nature of the development, extending upwards within the existing site footprint, the site is constrained in terms of the layout that can be provided and consequently the dwelling sizes. Given these factors and the relatively small number of units involved, the proposed mix is acceptable and the 3 bed, 4 person family size home is welcome. In addition, all the new flats would be the larger, 2 bed 4 person units.

Affordable housing

- 7.6 Local Plan Policies S.H1 and D.H2 require new development with 2-9 new units to help address the affordable housing need through a financial contribution. The applicant completed the draft template to calculate the affordable housing contribution for small sites.
- 7.7 The small sites calculator was developed to work out the financial contribution required by each development. The calculator uses the bedroom number, floor area, market value and ward the site is in to determine the total contribution required. The contribution calculated in this case is £379,182.96 and the applicant has agreed to pay this to the council through a S.106 agreement secured with the local authority. The contribution obtained by this development would be used to provide affordable housing within the borough as part of the council's affordable housing delivery programme.

Standard of Accommodation

- 7.8 London Plan policy D6 sets out the minimum internal space standards for new dwellings. This policy also requires the maximisation of dual aspect dwellings and the provision of sufficient daylight and sunlight to new dwellings. In line with Policy D.H3 of the Local Plan and Policy D6 of the London Plan all housing development should have adequate provision of internal space and external amenity space to provide an acceptable living environment.

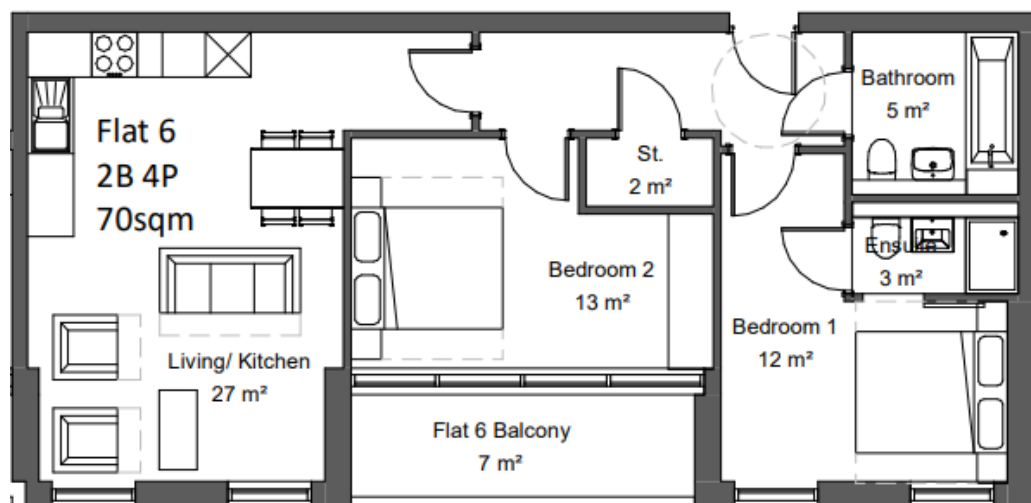


Figure 2: Proposed typical 2-bedroom unit layout

- 7.9 All 7 flats meet the London Plan internal space standards, proposing at least 50sqm of internal floor space for each 1 bed, 2 person flat; at least 70 sqm for each 2 bed, 4 person flat and 74 sqm for the 3 bed, 4 person flat. London Plan standards require a minimum ceiling height of 2.5 metres for at least 75% of the GIA so that new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space. The proposed

cross section shows the internal floor to ceiling height is 2.6 metres and therefore meets the London Plan standards. The bedrooms in each flat also meet the minimum width and minimum area for bedrooms sizes under the London Plan. All flats would be built to “accessible and adaptable dwellings” standard M4 (2) which is welcome ensuring flats can adapt for occupants throughout their lifetime. The 3 bedroom flat is triple aspect. Four of the units within the centre of extension would be single aspect, owing to the narrow footprint of the extension. These units would face either west or east and would have good outlook and light; and overall would provide a good standard of accommodation for the future occupiers. There would be no single aspect north facing units. Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Local Plan Policy D.H3 sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. The plans indicate that each 1 bed and 2 bed flat would have access to a private balcony of 7sqm, which meets the London plan requirements for outside amenity space. The 3-bedroom flat has 3 separate balcony areas, two on the west elevation and one on the east elevation. These three balconies total 15 sqm which meet the minimum private amenity space requirements.

- 7.10 The proposed habitable room windows on the east elevation of the extension would be 21 metres away from habitable windows at 45 Millharbour, which is over the minimum 18 metre distance to protect privacy/overlooking. The west facing flats are higher than properties on Mellish Street and Larson Walk, therefore there would be no direct facing habitable windows between the proposed flats and these neighbouring properties. This would ensure good outlook for the occupants of the proposed flats and ensure good privacy between flats. The north elevation is 22 metres away from flats in Cobalt Point which ensures sufficient separation distance between the habitable rooms in the proposal and Cobalt Point. The east facing units at the circular Trinity Tower to the west of the site have habitable room windows that do not directly face the proposed development, similar to the existing relationship between the two buildings at the lower floors. Therefore, there will be no overlooking/privacy concerns. The flats would be in a similar townscape to surrounding Millharbour buildings which is one of the denser parts of the borough. The proposed flats would have good access to daylight and sunlight with east facing windows benefitting from morning light and the west facing windows benefitting from afternoon/evening light. The three-bedroom flat is triple aspect with light from the west, south and east. The new dwellings are of good quality accommodation.

Design & Appearance

- 7.11 London Plan Policy D3 states that all development must optimize the site capacity through the design-led approach and encourage incremental densification to achieve a change in densities in the most appropriate way. Policy GG2 seeks to proactively explore the potential to intensify the use of land to support additional homes by making the best use of land. Policy S.DH1 of the Local Plan (2020) seeks to ensure development meets the highest standards of design and layout. Development should positively respond to its context by demonstrating appropriate scale, height, mass, bulk, and form.

Townscape, Massing and Height

- 7.12 The NPPF (2021) states that planning policies and decisions should promote effective use of land in meeting the need for homes. Decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. They should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.
- 7.13 The existing building has a flat roof and a height of approximately 25.4 metres above ground level. The proposed additional storey would result in the building having a maximum height of

approximately 29.6 metres above ground level. Therefore, the increase in height 4.5 metres is minor compared to the overall height of Westwood House and the buildings to the north which are substantially taller. To the east are other Millharbour buildings which are taller than the proposed roof extension to Westwood House. Buildings to the north step up in height towards Canary Wharf. To the south, buildings step down and are lower rise as one moves to the south of the Isle of Dogs. The proposed roof extension steps back from the main facades of Westwood House, to minimise the bulk of the extension. This allows the extension to be read as subservient and a later addition to Westwood House. The bulk of the extension is also limited as it retains a sizable gap between the north façade of the proposals and Cobalt Point.

7.14 Officers are content that the bulk and scale of the roof extension is appropriate and subservient to the lower floors of Westwood House. The bulk and scale are acceptable being an appropriate scale, height, and mass.

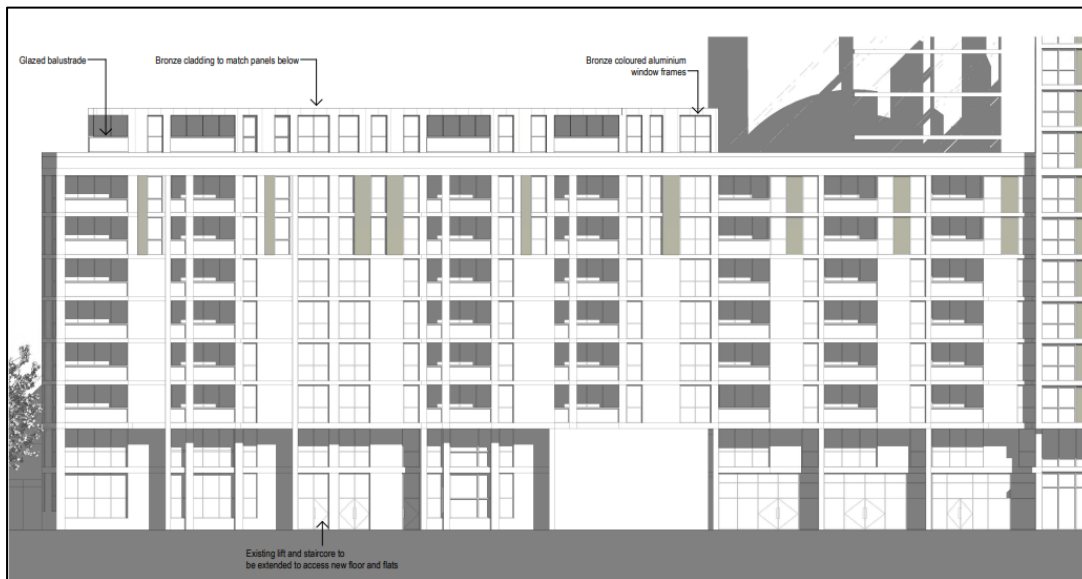


Figure 3: Proposed east elevation.



Figure 4: Proposed south elevation.

Appearance & Materials

- 7.15 The proposed additional storey materials have been carefully chosen to reflect the materials within the wider Lantern's Court estate. The window sizes and form match the fenestration below on the lower floors and this is welcome. The proposed balconies would be recessed, just as the balconies on the lower floors of Westwood House. The extension would be clad in bronze aluminium cladding which is a high quality, durable material and acceptable. The proposed materials are welcome as they link the proposal to the original building, without being pastiche.
- 7.16 The proposed new storey is of a high-quality design which reflects the characteristics of the existing building, buildings to the north and west. The taller buildings in the vicinity have a variety of styles, cladding and colours. The proposed materials compliment those within the wider Lanterns Court development.



Figure 5: CGI of the proposed street scene and background buildings from the east

Neighbouring residential amenity

- 7.17 Policy D.DH8 of the Local Plan requires new developments to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupants, as well as the amenity of the surrounding public realm. To this end development should maintain good levels of privacy and outlook, avoid unreasonable levels of overlooking, not result in any material deterioration of sunlight and daylight conditions of surrounding development. Development should also ensure that there are no unacceptable levels of overshadowing to surrounding open space, private outdoor space and not create unacceptable levels of artificial light, odour, noise, fume or dust pollution during the construction and life of the development.

Privacy, Outlook and Enclosure

- 7.18 Policy D.DH8 of the Local Plan sets out that developments must maintain good levels of privacy and outlook and must not result in any undue sense of enclosure to the neighbouring occupiers. This policy sets a guide of an approximate distance of 18 metres between directly facing habitable room windows as being appropriate to maintain privacy and overlooking levels

to an acceptable degree. However, this figure would be applied as a guideline depending upon the design and layout of the development.

- 7.19 The north wall of the proposed roof has windows which serve habitable rooms but these are 22 metres from habitable rooms in Cobalt Point. Therefore there would be no privacy concerns and no undue loss of outlook or sense of enclosure to the occupiers. 45 Millharbour to the east is over 21 metres away, therefore there would be no undue loss of outlook from the east facing habitable room windows within this building with the development in place, nor any undue loss of privacy to the occupiers. The relationship would be similar if not better than the existing relationship between the existing floors of Westwood House and buildings to the east. The east facing flats in Trinity Tower to the west of the site have windows that do not directly face the proposed development. These flats have north easterly and south easterly aspects, which would be retained with the development in place to preserve outlook and limit any additional enclosure to the occupiers.
- 7.20 Given the adequate distances between the proposal and neighbouring buildings, the eight-floor extension would not result in any detrimental overlooking to surrounding properties in all directions. Further, the distance is sufficient to ensure there would not be any detrimental loss of or outlook or any undue sense of enclosure to the occupiers.

Daylight and Sunlight

- 7.21 The applicant submitted a Daylight and Sunlight report which tested surrounding neighbouring properties. The report was produced by Rights of Light Consulting and is dated 27 July 2022. The report tested the neighbouring properties for daylight, sunlight and overshadowing impacts. The 3D view in figure 8 below, taken from the daylight and sunlight report, shows the properties tested in context to the proposed roof extension which is shaded blue.

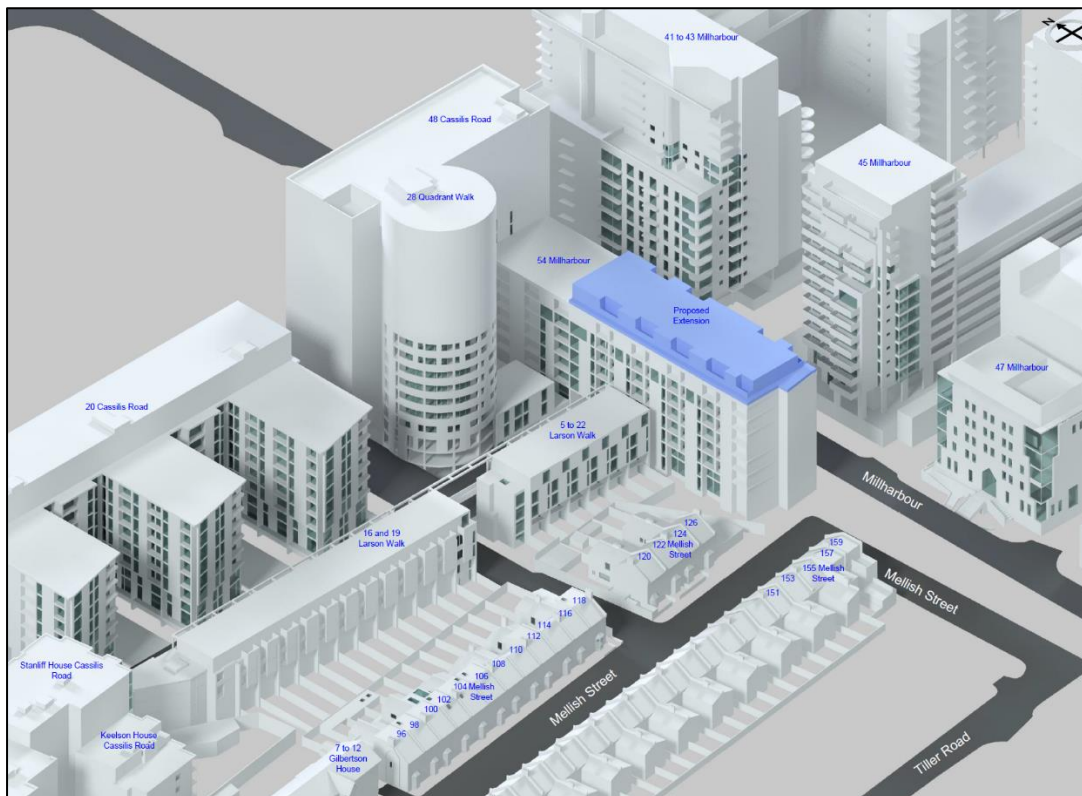


Figure 6: 3D view of the proposed roof extension in blue

7.22 Starting from the north-east corner, working clockwise, the properties tested were 48 Cassilis Road, 28 Quadrant Walk, 41 to 43 Millharbour, 45 Millharbour, 151 – 159 Mellish Street (south side of Mellish Street), 96 – 126 Mellish Street (north side of Mellish Street), 151 – 159 Mellish Street (south side of Mellish street), 7 to 12 Gilbertson House, Keelson House – Cassilis Road, Stanliff House – Cassilis Road and 20 Cassillis Road. Please note Trinity Tower to the north-west has been labelled as 28 Quadrant Walk in the report and Cobalt Point to the north has been labelled as 48 Cassilis Road in their report. For the purpose of this report, we would use Trinity Tower and Cobalt Point for consistency. 47 Millharbour is not a domestic building and therefore does not need to be tested for daylight and sunlight.

7.23 Most properties tested meet the daylight and sunlight guidelines. Rooms and windows with select results below BRE Guidelines recommendations include Trinity Tower (28 Quadrant Walk), Cobalt Point (48 Cassilis Road) and 45 Millharbour. The results for these properties are outlined in further detail below.

Trinity Tower (28 Quadrant Walk)

7.24 At Trinity Tower, 212 windows were tested for daylight impacts. The first daylight test carried out was the Vertical Sky Component test (hereafter VSC), across the ground to ninth floors. A total of 17 of these 212 windows would fall below the BRE Guidelines of retaining 0.8 times their former value. The reductions would range between 0.45 to 0.77 times their former value and the losses are on the third, fourth, fifth, sixth and seventh floors on the south-east elevation approximately halfway up the tower. These would be classed as Minor to Moderate Adverse losses. Many of the windows with losses over the BRE guidelines are behind recessed balconies which limits the light that can be received due to the overhang the recessed balcony creates; and they have more than one window serving the habitable rooms in question. The losses are to windows which have low VSC's in the existing condition which shows that the original design of Westwood House and its relationship with Trinity Tower would have been accepted by previous planning committees. The addition of one more storey decreases light to select windows but the overall effect on VSC for the building is low and proportional to the townscape, scale, and density of buildings in this part of Millharbour.

7.25 The second daylight test carried out was the No Sky Line test (hereafter NSL), which tests daylight to the habitable room. All rooms tested for NSL in Trinity Tower meet the BRE Guidelines. The impacts on the daylight received to occupiers of Trinity Court are considered acceptable.

7.26 For sunlight, the vast majority of properties would see no reduction in sunlight. There are annual sunlight losses to seven windows and winter sunlight losses to the same seven windows. These windows are broken down in to three windows on the fourth floor and four windows on the fifth floor. For annual sunlight, these isolated windows have reductions below the BRE Guidelines- at between 0.4 to 0.78 times their former value. For winter sunlight the losses are between 0 to 0.78 times their former value. All the sunlight losses on the fifth floor are to bedrooms and the BRE Guidelines acknowledges sunlight is less important to bedrooms. Sunlight should be prioritised to living rooms and kitchens. Windows 65 to 68 do not meet the BRE Guidelines and these serve a living/kitchen diner on the fourth floor. These impacts affect rooms within flats which overall, would not see significant reductions in sunlight received.

Cobalt Point (48 Cassilis Road)

7.27 At Cobalt Point, 48 windows were tested for VSC, and four windows fell below the BRE Guidelines. These windows are 1327, 1332, 1337 and 1358 located on the second, third, fourth and ninth floors on the south elevation. The window on the ninth floor is labelled as a hallway so we shall discount this space as it is not a habitable room. The three windows have former values of 0.69, 0.75 and 0.78 and all serve living/kitchens diners. Apart from the window with a reduction of 0.69, the other two windows are just below the BRE guidelines. All rooms

tested for NSL meet the BRE Guidelines. On balance, the small, isolated daylight reductions are considered to be acceptable and Cobalt Point will have similar, adequate daylight levels.

- 7.28 For sunlight, 48 windows were tested, and two windows fall below the BRE Guidelines for winter sunlight and one window for annual sunlight. Window 1325 on the second floor serves a bedroom and has a winter sunlight reduction of 0.67 times its former value. This window serves a bedroom which is noted as having less importance for sunlight in the BRE Guidelines. Window 1342 on the fifth floor serves a living/kitchen/diner and has an annual sunlight reduction of 0.75 times its former value and winter sunlight reduction of 0.75 times. These rooms have low sunlight in the existing condition and therefore reductions are proportionally large. Window 1342 is also located largely behind Trinity Tower which makes access to sunlight more difficult. On balance, most rooms tested would have adequate daylight and sunlight with a few isolated deviations from the BRE guidelines.

45 Millharbour

- 7.29 45 Millharbour has many external balconies on the elevation facing the proposed development. This limits potential daylight and sunlight to the windows in the existing condition. It also serves to exacerbate any light losses from increased height on neighbouring buildings. Balconies for flats are a valuable resource to provide outside amenity space and are required by London Plan standards. Therefore light losses need to be weighed on balance with providing outside amenity space.
- 7.30 At 45 Millharbour, 105 windows were tested, and 13 windows fell below the BRE Guidelines. These windows are on the ground floor, fourth floor, fifth floor, sixth floor and seventh floor and the reductions range between 0.18 to 0.76 times their former value. A group of windows which fall below the BRE Guidelines are windows 1150, 1151 and 1153 on the fifth floor which serve a living/kitchen/diners. Windows 1150 and 1151 are located below overhanging balconies which means their existing light is lower than BRE Guidelines. The proposed light would be like light levels received lower down 45 Millharbour which face the lower parts of Westwood House.
- 7.31 For NSL, 61 rooms were tested, and 6 rooms fall below the BRE Guidelines. These rooms are located on the third, fourth, fifth and sixth floors. The reductions range between 0.45 to 0.74 times their former value and all the rooms are also living/kitchen/diners. The rooms with NSL transgressions are behind overhanging balconies. The levels of light rooms on floors affected would most likely have similar daylight levels to buildings within the Millharbour area and specifically the building either side of Millharbour. On balance, most rooms meet the BRE guidelines for NSL and the daylight levels to the building are acceptable.
- 7.32 For sunlight, 100 windows at 45 Millharbour were tested, and nine windows fall below the BRE Guidelines for annual sunlight and two windows for winter sunlight. The reductions are to the ground, fourth, fifth, sixth and seventh floors. The annual sunlight reductions range between 0 to 0.75 times their former value and for winter sunlight both windows have reductions of 0.5 times their former value. Ground floor windows which have sunlight transgressions are under external balconies and already face the 7 storey Westwood House. To take the sixth floor, the three windows which fall below the BRE Guidelines are all located below external balconies which hinders potential sunlight. The daylight and sunlight reductions to 45 Millharbour are the highest of all the properties tested, but in a dense Millharbour area and the Isle of Dogs Opportunity area, some flexibility to daylight results needs to be applied, as the BRE Guidelines is intended to be flexible.

Overshadowing

- 7.33 The daylight and sunlight report assessed overshadowing to open space/amenity areas at 20 Cassilis Road, Boston House, and gardens to Mellish Street properties. All the open spaces

tested would continue to receive over 2 hours of sunlight to 50% of their areas with the proposed roof extension in place, therefore meeting the BRE Guidelines.

Construction Impacts

- 7.34 Demolition and construction activities are likely to cause short term noise, dust and disturbance to the occupiers of the existing building and to the neighbouring occupiers. Details for minimising these impacts would be provided via condition for the submission of Construction and Environmental Management Plan.

Conclusion

- 7.35 With appropriate conditions, the proposal would have an acceptable impact of the residential amenities of the occupiers of Westwood House and the surrounding neighbouring occupiers, in compliance with Local Plan policy D.DH3.

Transport

- 7.36 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.

Car Parking

- 7.37 Tower Hamlets Local Plan policy D.TR3 requires all residential developments to be permit free and that all parking associated with the development should be provided off-street.
- 7.38 The proposal supports sustainable transport objectives and would be a car free development, in line with local plan policy, and this would be secured through a legal agreement.

Cycle Parking and Facilities

- 7.39 The proposed cycle parking spaces, which would sit within an existing Cycle Store at basement level, would comply with the guidance set out in the London Cycle Design Standards in that they would be secured, weather proof and accessible to all. The cycle parking spaces would be accessed via the existing lift and stair core within Westwood House.

Demolition and Construction

- 7.40 The construction period would cause some level of disruption to the surrounding road network. The applicant would be required to provide a Construction Management Plan as part of a pre-commencement condition, to ensure there is minimal impact to pedestrians, vehicles, and the public highway from the construction of the development.

Environment

Waste

- 7.41 Policy D.MW3 of the Local Plan (2020) requires adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.
- 7.42 Refuse and recycling storage is to be provided within the existing refuse and recycling stores at basement level, that serve the Westwood House residents. The drawings indicate that the existing stores are of sufficient size to accommodate the required number of additional bins to serve the new residents. This would comprise an additional 1 x 1100L communal bin for recycling and 1 x 1100L communal bin for refuse. The carry distance for occupiers of flats to the waste area is 30 metres which is the same as the existing residents of Westwood House. On waste collection day, the management company places the bins on the street for collection, in line with existing arrangements which is found to be acceptable.

Biodiversity

- 7.43 London Plan policy G6 and Tower Hamlets Local Plan D.ES3 require developments to protect and enhance biodiversity. Policy D.ES3 requires major development to deliver net gains in biodiversity that contribute to objectives in the Local Biodiversity Action Plan. Policy G5 of the London Plan requires that major development proposals contribute to the greening of London by including urban greening as a fundamental element of site and building design.
- 7.44 The development seeks to enhance biodiversity at the site by proposing a green, biodiverse roof to the extension. Full details of the biodiversity enhancements would be secured via condition.

Fire Safety

- 7.45 The existing building is 8 storeys and measures 25.4 metres tall from street level. The proposal would increase the building to 9 storeys and the height would be 29.6 metres. The proposals involve using the existing staircase in Westwood House and extending this to accommodate the new flats which would be on the eight floor (ninth storey). The applicant submitted a Fire Statement which was reviewed by the Health & Safety Executive (HSE) who confirmed that the applicant intends to install sprinklers to the new flats. HSE are satisfied that the proposals for the 8th floor incorporate sufficient fire safety design.

Human Rights & Equalities

- 7.46 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.
- 7.47 There would be short term impacts of the construction which are acknowledged, but given their short-term implications, these are not considered to raise any human rights or equalities implications. The development does provide a number of benefits such as delivering much needed housing in the borough as well as a monetary contribution towards the delivery of affordable housing in the borough.
- 7.48 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

- 8.1 That **planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

Financial obligations

- £379,182.96 small sites contribution to Affordable Housing in the borough

Non-financial obligations:

- Car Free agreement

- 8.2 That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.

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

Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Refuse storage.
4. Cycle storage
5. Noise Insulation for the new residential units
6. Restrictions on demolition and construction activities:
 - a. Compliance with the 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.
- 7 Gas fired boilers in new units

Pre-commencement

- 8 Construction Environmental Management and Logistics Plan
of all plant and machinery to be used in the construction phase
- 9 Dust Management Plan
- 10 Details of materials
- 11 Biodiversity Enhancements
- 12 Section 278 works (Highway Improvement works)

Informatives

1. Permission is subject to legal agreement
2. CIL liable

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

1244.24.01-001 – Site Location Plan
1244.24.02-001 – Block Plan
1244.24.02-009– Existing Basement Plan
1244.24.02-010 – Existing Ground Floor Plan
1244.24.02-011 – Existing First Floor Plan
1244.24.02-012 - Existing Second Floor Plan
1244.24.02-013 – Existing Third Floor Plan
1244.24.02-014 – Existing Fourth Floor Plan
1244.24.02-015 – Existing Fifth Floor Plan
1244.24.02-016 – Existing Sixth Floor Plan
1244.24.02-017 – Existing Seventh Floor Plan
1244.24.02-018– Existing Roof Floor Plan
1244.24.02-020 – Existing West Elevation
1244.24.02-021 – Existing East Elevation
1244.24.02-022 – Existing South Elevation
1244.24.02-023 – Existing North Elevation
1244.24.02-030 – Existing Section AA
1244.24.02-031 – Existing Section BB
1244.24.02-032 – Existing Section CC

1244.24.02-099 A – Proposed Basement Plan
1244.24.02-100 A – Proposed Ground Floor Plan
1244.24.02-101 A – Proposed First Floor Plan
1244.24.02-102 A – Proposed Second Floor Plan
1244.24.02-103 A – Proposed Third Floor Plan
1244.24.02-104 A - Proposed Fourth Floor Plan
1244.24.02-105 A - Proposed Fifth Floor Plan
1244.24.02-106 A – Proposed Sixth Floor Plan
1244.24.02-107 A – Proposed Seventh Floor Plan
1244.24.02-108 B - Proposed Eighth Floor Plan
1244.24.02-109 B - Proposed Roof Plan
1244.24.02-200 A – Proposed West Elevation
1244.24.02-201 A – Proposed East Elevation
1244.24.02-202 - Proposed South Elevation
1244.24.02-203 B – Proposed North Elevation
1244.24.02-204 A – Proposed Long East and West Elevation
1244.24.02-205 A - Proposed Long North and South Elevation
1244.24.02-300 - Proposed Section AA
1244.24.02-301 - Proposed Section BB
1244.24.02-302 A Proposed Section CC

Planning Statement (March 2023) – prepared by Icen Projects
Design & Access Statement (December 2022) – prepared by Brooks Murray
Fire Statement (January 2022) – prepared by Fire Safety Southeast Limited.
Daylight and Sunlight Report (Neighbouring Properties) (July 2022) – prepared by Rights of Light Consulting
Flood Risk Assessment (September 2022) – prepared by Waterman Group
Transport Statement (July 2022) – prepared by Vectos
Rights of Light Consulting Letter dated (March 2023)
Outline Specification of Biodiverse Roof

APPENDIX 2

SELECTION OF APPLICATION PLANS AND IMAGES



Existing West Elevation



Existing East Elevation



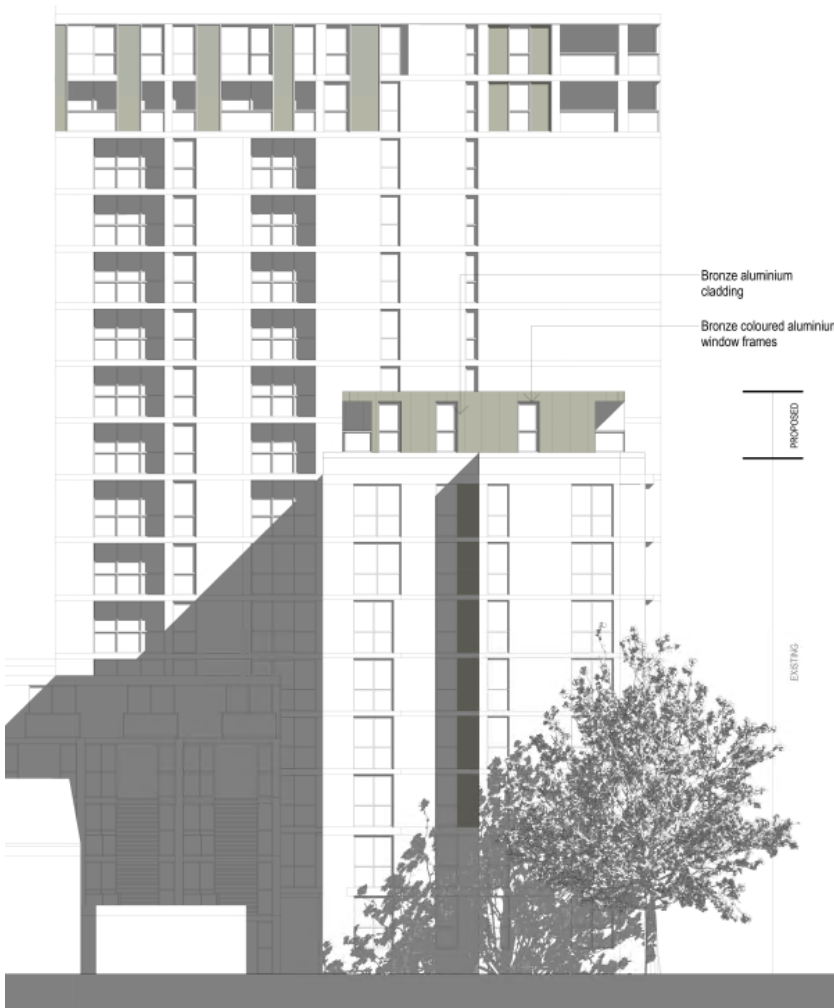
Existing South Elevation



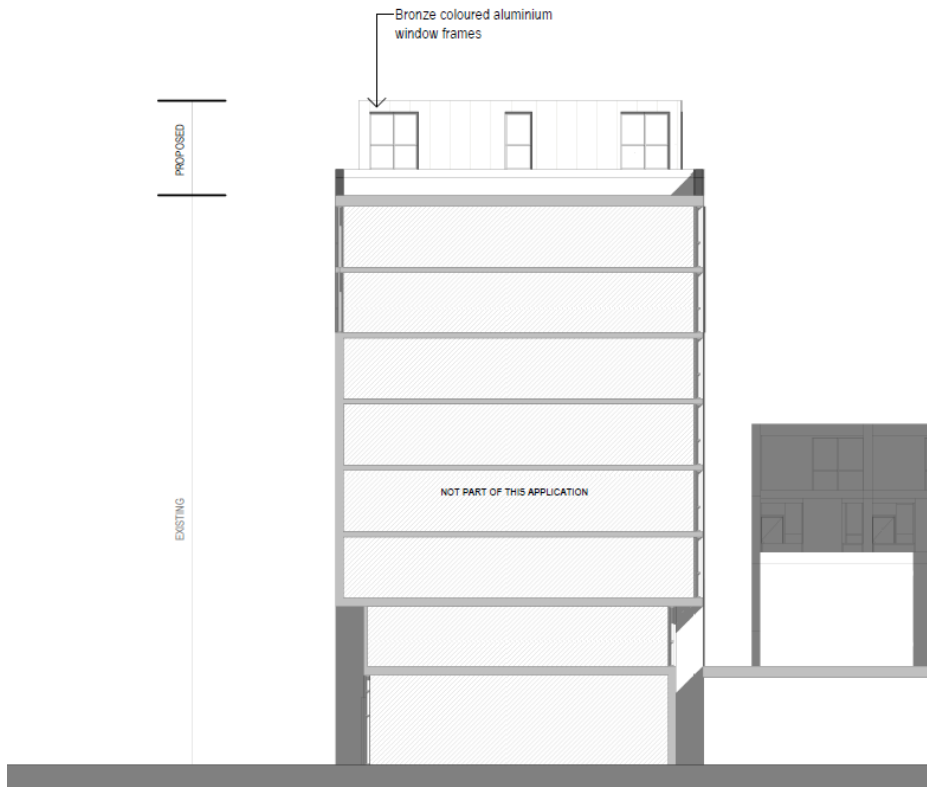
Proposed West Elevation



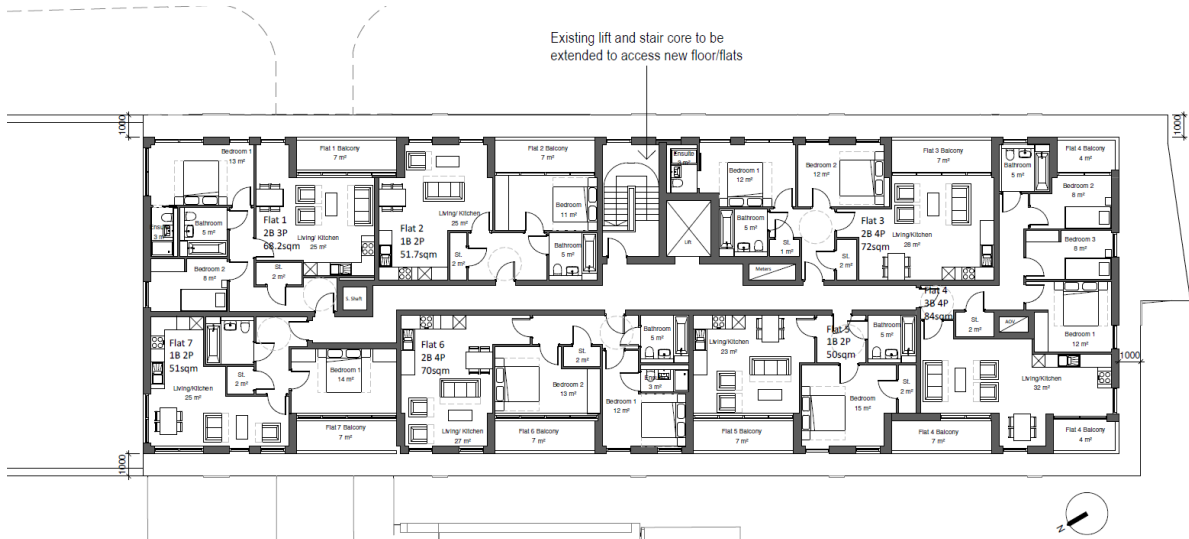
Proposed East Elevation



Proposed South Elevation



Proposed North Elevation



Proposed 8th floor – 7 new flats



Proposed - Street Scene visualisation – east elevation

APPENDIX 3: EXISTING SITE PHOTOS



South Elevation



West and South Elevation, with Trinity Tower to the west, from Mellish Street



West Elevation.
Photo taken on pedestrian walkway between Mellish Street and Boston House.