

Meeting of the

DEVELOPMENT COMMITTEE

Tuesday, 10 July 2012 at 7.00 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Shiria Khatun	
Councillor Kosru Uddin Councillor Craig Aston Councillor Md. Maium Miah Councillor Anwar Khan 1 Vacancy	Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Helal Uddin, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun) Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun) Councillor Bill Turner, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Zoe Folley, Democratic Services, Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

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LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Tuesday, 10 July 2012

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

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 Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 10th May 2012.

3 - 16

4. RECOMMENDATIONS

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 Development and Renewal 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 Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To note the procedure for hearing objections at meetings of the Development Committee. **17 - 18**

The deadline for registering to speak at this meeting is 4pm Friday 6th July 2012.

6. DEFERRED ITEMS **19 - 20**

6 .1 4 Wilkes Street, London E1 1QF (PA/11/02495) **21 - 50** **Spitalfields & Banglatown**

7. PLANNING APPLICATIONS FOR DECISION **51 - 54**

7 .1 Ability Place, 37 Millharbour, London (PA/12/00023) **55 - 74** **Millwall**

7 .2 1-26 Emmott Close, London, E1 4QN (PA/12/00706) **75 - 84** **Mile End & Globe Town**

7 .3 Unit A, Thames House, 566 Cable Street, London, E1W 3HB (PA/12/00462) **85 - 92** **Shadwell**

7 .4 Site at 58-64 Three Colts Lane and 191-205 (PA/11/03785) **93 - 138** **Bethnal Green South**

8. OTHER PLANNING MATTERS **139 - 140**

8 .1 100 Minories, London EC3N 1JY (PA/12/00844) **141 - 148** **St Katharine's & Wapping**

8 .2 Planning Appeals Report **149 - 156**

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 10 MAY 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Shiria Khatun (Vice-Chair) (Items 7.2-8.2)

Councillor Craig Aston (Items 7.6 & 8.2)

Councillor Kosru Uddin

Councillor Md. Maium Miah

Councillor Helal Uddin

Councillor Marc Francis (Item 7.1 only)

Councillor Peter Golds

Other Councillors Present:

Councillor Dr. Emma Jones

Officers Present:

Jerry Bell	– (Applications Manager, Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Benson Olaseni	– (Deputy Team Leader, Development and Renewal)
Mandip Dhillon	– (Planning Officer, Development and Renewal)
Duncan Brown	– (Planning Officer, Development and Renewal)
Adam Williams	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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1. APOLOGIES FOR ABSENCE

Apologies for lateness were submitted on behalf of Councillor Shiria Khatun. It was also reported that Councillor Peter Golds would be substituting for Councillor Craig Aston (except for items 7.6 and 8.2 for which Councillor Aston would be sitting on the Committee).

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
Marc Francis (Left meeting after item 7.1)	7.1 & 7.5	Personal	Had received representations concerning the applications.
Md. Maium Miah	7.6	Personal	Had attended a consultation event at the site.
Peter Golds	7.1& 7.2	Personal	Had received emails concerning the applications but had not read them.
	7.6	Personal Prejudicial	Former resident of Wood Wharf, the application site.
Helal Uddin	7.5	Personal Prejudicial	Close working relationship with Poplar HARCA
Kosru Uddin	7.2	Personal	Lived in ward concerned. Had received representations concerning the applications.
	7.5	Personal Prejudicial	Member of Poplar HARCA Board.
Helal Abbas	7.3`	Personal	Ward Member
Shiria Khatun (declared following arrival at the meeting at the start of item 7.2)	7.5	Personal Prejudicial	Member of Poplar HARCA Board.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 5th April 2012 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** 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, Development and Renewal 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, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 136-140 Wapping High Street, London, E1W 3PA (PA/12/00051 & PA/12/00052)

Update Report Tabled.

Councillor Shiria Khatun did not vote on this application as she had arrived at the meeting after commencement of consideration of the matter.

Jerry Bell, (Applications Team Leader) introduced the application regarding 136-140 Wapping High Street, London, E1W 3PA.

Shona Conacher spoke in objection to the scheme. She stated that she was speaking on behalf of the residents of Gun Wharf. Whilst supportive of development of the site in principle, she was opposed to this particular scheme. Specifically, the height and size of the scheme. She considered that the current building parameters should be retained to protect amenity. She

referred to the previous application and the Council's concerns and recommendations around the size and bulk of the proposal as set out in a letter. The letter had suggested that the previous development needed to be reduced in height by a floor. However the developers had ignored these in preparing the application scheme. English Heritage had stated that this represented a key opportunity to enhance the area. However this failed to do this. There were day light and sunlight issues and the daylight report contained inaccuracies and had been described by a QC as full of errors. The scheme would degrade privacy due to its prominence, cause a loss of light and overlooking to habitable rooms.

Tony Roome spoke in objection. He referred to the Council's recommendations regarding the previous scheme. Despite this, the development still retained features that were inappropriate for the location. The irregular roof line was out of keeping with the area given Gun Wharf was a listed building. The Officers report stated that it would lead to overdevelopment if expanded by 3 stories. How would this be addressed?

He also expressed concern at the impact on Wapping High Street from the car free agreement. There would also be a significant increase in deliveries. However the application failed to take the full impact of this into account only focusing on the commercial units. Especially, the obstruction to the bus stop and the traffic flow. The affordable housing element was inadequate. The tool kit showed that 50% was possible. In reply to Members, Mr Roome considered that his key concern was the additional 3 floors. This would place significant pressure on the area given the impact from deliveries and the car free agreement.

Councillor Emma Jones spoke in objection. She expressed concern at the impact on infrastructure and the adequacy of the contributions to accommodate this. She disputed that the design issues had been addressed in accordance with English Heritages recommendations. Furthermore, TFL had expressed concerns around the adequacy of the crane design which she explained. Residents of the area already had to rely on water pumps for showers as recognised by the water company. The development would exacerbate this. How would this be addressed? In reply to questions about recent changes to public transport nodes, she stated that the scheme would hamper the traffic flow given the narrow width of the road along the site and the proximity of the bus stop.

Paula Carney (Applicant's Agent) spoke in support of the application. She stated that it replaced a disused building with a high quality scheme. The applicant had worked hard with Officers and residents to mitigate the impact on the neighbours. After speaking to them, they had made changes to the size and design. The separation distances complied with policy. The impact from servicing from the residential units had been taken into account. The scheme was considered acceptable by Officers. The developers were looking for an occupier for the commercial unit. In response to Members, she confirmed that the problem with the previous scheme was that it was too large and modern for the area. The focus of the conservation area was on the traditional warehouses and the vertical and horizontal aspects. The

developers had accepted this and as a result had altered the plans including the use of more traditional materials and changes to the roof line, balconies and vertical and horizontal aspects so that it was more in keeping with the area. She also confirmed that the materials still included copper.

Richard Murrell (Planning Officer) presented the detailed report assisted by a power point presentation. He addressed the main planning issues. The change to residential use complied with policy given the oversupply of office space in the area. The affordable housing offer exceeded policy. He detailed the changes to the design and bulk of the building including the introduction of the cut backs to the roof tops to overcome the previous issues. Officers had carefully considered the amenity impact including the impact on Gun Wharf. On balance it was considered that the impact was acceptable in terms loss of light overlooking and privacy. The separation distances exceeded the policy requirements. LBTH Highways had no major objections given the lack of major impact on traffic flow and buses and the servicing requirements for the residential element would be low.

The Committee then raised a number of questions and comments regarding the following issues:

- The ability of future occupiers of the scheme to bring their existing parking permits with them under the Council's Permit Transfer Scheme. The impact of this on parking.
- The use of copper in the design and the compatibility of it with the traditional buildings. It was feared that this might compromise the character of this important area and be out of keeping.
- The impact of the set backs to the roof storeys on the area.
- The Council's response to the initial application. Whether Officers were now satisfied with the scheme in light of the previous officer comments about the necessary reduction in height.
- Whether the objectors from the previous scheme had made any further representations to this application.
- The acceptability of the PTAL rating and the density range that exceeded guidance.
- Further information about the contents of English Heritage's letter.

Officers responded to each point raised as set out below:

- Officers were satisfied with the design especially the set backs to the roof storey which would lessen visibility. The current application had to be considered on its merits.
- Officers were satisfied that the massing was acceptable and would sit comfortably in the location given the bulk was pulled back from the street frontages.
- The design with the cut backs would sit well with the surrounding buildings of similar height and design and would complement rather than detract from the area.
- The copper cladding finish would be of high quality in keeping with the historic character of the area. It was required that the details of the

materials would be submitted for approval to ensure they were appropriate.

- The scheme was car free subject to the Council's Permit Transfer Scheme and the blue badge parking scheme. However, the former only applied to the residents of family sized social housing units. As such only a very small number of occupants would be entitled to permits.
- In considering density, it was necessary to take into account the overall impact of the scheme. Officers considered that the density range proposed was acceptable.
- Further information on the response from English Heritage was given and the letter from English Heritage was circulated at the request of a member.

On a vote of 4 in favour and 2 against the Committee **RESOLVED**

1. That planning permission (PA/12/00051) be **GRANTED** at 136-140 Wapping High Street, London, E1W 3PA subject to:

The prior completion of a **legal agreement** to secure the planning obligations set out in the report:

2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.
4. That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
5. That conservation area consent (PA/12/00052) be **GRANTED** at 136-140 Wapping High Street, London, E1W 3PA subject to the conditions set out in the report.

Note: Councillor Marc Francis left the meeting following the consideration of this item.

7.2 Site at land adjacent to railway viaduct, Gill Street, E14 (PA/10/01826)

Update Report Tabled.

Jerry Bell, (Applications Team Leader) introduced the application regarding Site at land adjacent to railway viaduct, Gill Street, E14.

Margret Bradley spoke in objection. She was opposed to the locating of a place of worship in a residential area. She disputed the accuracy of the projected visitor numbers. They were too low and would far outnumber this. There were already major plans for a large hotel in the area. There would be

dust and dirt from the construction and residents had already had to suffer two years of this. The portacabin was donated to the community over 20 years ago and they had happily used it. The previous scheme for a two storey mosque was more favourable as it left the portacabin in place.

She expressed serious concern that the applicant hadn't spoken to residents about the application prior to the application being submitted to the committee again.

In reply to Members, she reported that she didn't initiate contact with the applicant about the application and she expected them to contact residents. The mosque was currently facing away from residential properties in a less noise sensitive area. The application and lack of consultation had caused much ill feeling amongst residents. There were worries over its availability to the community.

Robert Leech also spoke in objection. He stated that he was a resident of the estate. He feared that it would cause overcrowding on the estate by bringing people into the area. It would result in additional noise, pollution, vehicles, litter, congregations around the children's play area that was already run down. It would be dangerous for children at the nearby school. The portacabin was a valuable community facility open to everyone. He feared that in future it might not be available to non Muslim groups. He asked about the measures to prevent the applicant from keeping the current mosque as well as this new one which could mean many more extra worshippers than predicted.

In reply to Members, he felt that the scheme would place additional pressures on Council services to maintain the area. There was a real risk of conflict between religious and non religious celebrations. In terms of notification, he merely received a letter from planning in October 2010 and only received an e-mail less than a week ago that it was going to the Committee. There was nothing in the East End Life newspaper.

Mr Aun Qurashi (Applicant) spoke in support of the application. He outlined the planning history of the scheme. Since the last meeting in January 2011, where the application was deferred, the applicant had formulated a management plan addressing the outstanding issues. At which time, the developer also arranged a meeting with residents that was then rescheduled at their request to June 2011 to allow them to see the management plan. At that meeting, residents questioned the enforceability of the plan and how this would be done. They also requested that two groups be given preferential treatment in using the community facility. The applicant agreed to this. Following this meeting, the lines of communications with residents were kept open for a period of time, but nothing more from them was forthcoming. The applicant had also consulted with a number of key residents groups. The views of residents would be incorporated into the detailed management plan. Therefore they had undertaken extensive consultation.

In reply to Members questions regarding whether the consumption of alcohol and food would be permitted, he assured members that the applicant was bound by equalities legislation and would permit that the community hall could

be used by all groups and all for lawful activities. All current activities and events hosted in the existing facilities would be permitted in the new community facility. Whilst the applicant would endeavour to facilitate community cohesion, they hadn't considered actively promoting this. According to the travel survey, conducted during the busiest times, it was evident that most worshippers would walk to the facility. Few would arrive in car and there was sufficient parking in the area to accommodate this.

Benson Olaseni (Planning Officer) presented the detailed report assisted by a power point presentation. He described the site location, the planning history including the reason why the Committee deferred the application in January 2011. He also described the consultation undertaken. Both for the original consultation and that for this application that had generated one objection. He addressed the key planning matters. He confirmed the results of the travel survey undertaken by the applicant predicting few car trips to the facility. There were conditions requiring the submission of a highways plan and to protect residential amenity.

In terms of land use, one of the key concerns was the loss of the portacabin as a community facility. However it was reported that the proposed community space complied with policy and exceeded the size of the portacabin. Mr Olaseni described the key objectives of the management plan regarding how it would be made available to the community.

In response, Members expressed some concern over the loss of the portacabin as a community facility. To this end, a Member queried the need for a specific condition ensuring that all community activities permitted at the existing facility be permitted in the new facility (including the consumption of alcohol, dancing, bringing food and drink onto the premises).

In reply, Officers explained the difficulties in placing very specific conditions in the management plan. In any event, the term lawful activity as stated in the management plan covered a wide range of activities, (including those mentioned by the Councillor). Members were reminded that in making a decision on the application it was necessary to have due regard to the duties set out in the Equalities Act 2010 further details of which were set out in agenda item 7. It was also required that full details of the Management Plan be submitted to ensure inclusive use.

Councillor Md Maium Miah proposed an amendment to condition 14 of the application seconded by Concillor Kosru Uddin that the closing hours during the Ramadan period be extended from 23:30 to 00:30. On a vote of 5 in favour, 0 against, and 1 abstention, this was Agreed.

On a vote of 5 in favour and 1 against the Committee **RESOLVED**

1. That planning permission (PA/10/01826) be **GRANTED** at Site at land adjacent to railway viaduct, Gill Street, E14.
2. That the Corporate Director Development and Renewal is delegated power to impose conditions and informatives on the planning

permission to secure the matters set out in the report subject to the amendment agreed by the Committee to condition 14 that the closing hours during the Ramadan period be extended from 23:30 to 00:30.

Councillor Golds requested that his vote against the application be recorded. His reasons being that he did not believe that the proposal adequately addressed the issues around community cohesion.

7.3 4 Wilkes Street, London E1 1QF (PA/11/02495)

Update Report Tabled.

Jerry Bell, (Applications Team Leader) introduced the application regarding 4 Wilkes Street, London E1 1QF.

David Gadd spoke in objection. He stated that he lived near the proposed terrace and that it would directly affect the nearby properties amenity. It gave priority to the office workers at the expense of residents. There was no policy support for roof terraces for office workers. There was already large ground floor gardens. Therefore the roof terrace was not needed. It was also feared that it could be turned into a bar area. Boards had been displayed on the premises advertising the space as such. The applicant proposed screening, but his neighbours feared this would impact on their light. If granted, there would be difficulties in controlling use of the terrace for such activities as barbeques. In response to Members, he clarified that hoarding had been put up suggesting it could be a roof top bar. Therefore he expressed unease about the true purpose of the application.

Jason Zeloof (Applicant) spoke in support. He disputed that the roof terrace was a new development. In relation to the fire door, he considered that it was an unauthorised development. The applicant had consulted residents and had as a result made changes to the design and size. There was screening to protect overlooking and conditions protecting amenity. No amplified music would be permitted on the terrace. Office uses tended to be quite. The sunlight report was considered acceptable as stated in the report. It would regenerate a disused building, create employment and provide a high quality amenity space for staff. In response to Members, he envisaged that the terrace would act as a break out area for employees - for eating lunches and smoking etc. This was better than people standing on the street to smoke that would cause more pollution at street level. It was planned that the building would be multiple occupancy and each would have their own amenity area. The office space was currently empty but there was a lot of demand for office space in the area. He was satisfied that the proposed conditions could be enforced by the Council and they would be included in any lease granted. It was noted that they could use the existing building for offices without planning permission being required.

Richard Murrell (Planning Officer) presented the detailed report assisted by a power point presentation. He described the site location and details of the scheme. Overall it was considered that the proposal would fit in with the area and the surrounding mansard roofs. Officers had carried out an in depth

assessment of the impact on amenity and light levels. It was considered that the impact from use of the terrace to the neighbouring properties was acceptable. There was also measures to prevent overlooking.

A key issue was the impact on the adjacent fire door of 6 Wilkes Street. Officers had carefully considered this and had visited the property. Whilst the impact on light through the door was significant, (as the door was its primary source of light), the use of the room (as a type of dressing room) had to be considered,) the house had a number of other sources of light, and as a result it would receive adequate light. Therefore, on balance officers felt this did not warrant refusal.

Members then raised a series of questions and concerns regarding:

- The loss of light to 6-10 Princelet Street and the garden of 6 Wilkes Street. Members requested further details of this.
- The reasons why the 2007 application had been withdrawn.

Mr Murrell reported that the impact on 6-10 Princelet Street had been carefully considered. The analysis showed that the impact complied with policy with minimal loss of light (A maximum of 8%). The gardens of 6 Wilkes Street were already relatively enclosed due to the high walls. Therefore light levels were already restricted. The addition of the mansard roof in this context would not have a major additional impact. The 2007 scheme generated a number of objections. It lacked appropriate screening and was much larger than the application scheme. As a result, the applicant decided to withdraw it. Officers were satisfied that the application overcame these issues.

On a vote of 2 in favour 0 against and 4 abstentions the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission at 4 Wilkes Street, London E1 1QF (PA/11/02495) be **NOT ACCEPTED**.

The Committee indicated that they were minded to refuse the planning permission because of Members' concerns over

- Loss of light to the surrounding neighbours (In particularly 6-10 Princelet Street and the garden of 6 Wilkes Street).
- The cumulative impact on residents in terms of overlooking and the lack of environmental benefits.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

CHANGE IN ORDER OF BUSINESS

The Chair moved and it was unanimously agreed that Agenda item 8.1 (Legacy Community Scheme Outline Planning Application (PA/11/03186)) be the next item of business.

8. OTHER PLANNING MATTERS

8.1 Legacy Community Scheme Outline Planning Application (PA/11/03186)

Jerry Bell (Applications Team Leader) introduced the proposal regarding the Legacy Community Scheme Outline Planning Application.

Duncan Brown (Planning Officer) presented the detailed report and the power point presentation. The Committee were asked to endorse the recommendations to the ODA Planning decision team as set out in the report.

He explained the scheme specifically the plans for the Tower Hamlets area(Planning Delivery Zone 4). He described the affordable housing offer that would help address housing need in the Borough. Officers were proposing that the housing mix be revised to provide additional 1 and 2 bedroom affordable units (in addition the 3 bedroom units), as set out in the report. He also outlined the education, the transport and highways provision, for Tower Hamlets alongside the other key issues in the report.

On a unanimous vote the Committee **RESOLVED**

1. That the officers views on the outline planning application be **AGREED** based on the recommendations set out in the report.
2. That the ODA Planning Decisions Team should also consider the views, issues and further recommendations of the London Borough of Tower Hamlets as set out in the report.
2. That the Corporate Director of Development and Renewal be given delegated powers to make further observations and/or recommendations to the ODA.

7.4 254 Hackney Road, London, E2 7SJ (PA/12/00072)

Update report tabled.

Jerry Bell, (Applications Team Leader) introduced the application regarding 254 Hackney Road, London, E2 7SJ (PA/12/00072)

Gary Hedgecock (Applicant) spoke in support of the application as the landlord of the premises. He outlined the major concerns and considered that the applicant had taken steps to address these and would continue to work with planning to do so. Hackney Road carried around 2000 vehicles at peak hours per day. The noise levels from the proposal could be restricted to less than rush hour levels. The licensing regime would also regulate activity and

could place additional conditions on the application to allay the concerns. The premises had an excellent track record with licensing. He referred to a similar scheme that worked well. In summary, the applicant would work with planning and licensing to overcome the concerns.

Adam Williams (Planning Officer) presented the detailed report supported by a power point presentation. He explained in detail the scheme. He explained the site history and the previous reasons for refusal. It was considered that the scheme failed to overcome these issues. He explained the main issues for consideration. The proposed glazed screen would be clearly visible from the highway. Therefore failed to protect the Conservation Area. There were also concerns around the use of the first floor flat for outdoor seating adding to the visual impact. Planning Services had limited powers to enforce this. The consultation had generated 3 objections. The terrace was located in close proximity to neighbours and was considered that its use would have an undue impact on amenity.

On a unanimous vote the Committee **RESOLVED**

That planning permission (PA/12/00072) be **REFUSED** at 254 Hackney Road, London, E2 7SJ for the reasons cited in paragraphs 2.2 and 2.3 of the report.

7.5 Brownfield Estate, Infill Sites 1 and 2 located on Brownfield Street and Infill Site 3 located at the junction of Lodore Street and Adderley Street (PA/11/02257)

Update Report Tabled.

Councillors Shiria Khatun, Kosru Uddin and Helal Uddin left the meeting for the consideration of this item in accordance with their declarations of interest.

Extension to time

At this stage of the meeting (9:55 p.m.) the Chair Councillor Helal Abbas proposed and it was

RESOLVED that, in accordance with Procedural Rule 9.1, the meeting be extended for one hour to enable consideration of the remaining business on the agenda.

Jerry Bell (Applications Team Leader) introduced the proposal.

Mandip Dhillon (Planning Officer) presented the detailed report assisted by a power point presentation. She explained the 3 main elements of the scheme and the key issues for consideration. She addressed the concerns over the loss of car parking. However it was considered that there was sufficient parking in the area to accommodate the scheme given the car free plans and the results of the parking survey. In terms of the housing mix, it was proposed that 100% be affordable units. All of which complied with POD levels.

She also explained the s106 agreement. The scheme lacked the ability to provide full mitigation due to the 100% affordable housing offer as shown by the viability assessment. However on balance this was considered acceptable. At the request of Members, Officers outlined the S106 allocation process.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission (PA/11/02257) be **GRANTED** at Brownfield Estate, Infill Sites 1 and 2 located on Brownfield Street and Infill Site 3 located at the junction of Lodore Street and Adderley Street subject to:

The prior completion of a **legal agreement** to secure the planning obligations set out in the report.

2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report:
4. That, if six weeks from the date of the committee meeting, the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

7.6 Wood Wharf, Preston's Road E14 (PA/12/00430)

Update report tabled.

Councillor Peter Golds left the meeting for the remaining items of business.

Councillor Craig Aston subsequently replaced Councillor Golds for the consideration and voting on the remaining items.(Items 7.6 and 8.2)

Jerry Bell (Applications Team Leader) introduced the proposal regarding Wood Wharf, Preston's Road E14. The scheme sought to extend the hours of operation for plots A-D up to 00.00 during the Olympic period only.

The application was previously agreed by the Committee in August 2011. The proposed extension related to one part of the site situated furthest away from noise sensitive areas for the Olympic period only. Environmental Health had no objections and no representations had been received from residents. Furthermore there were conditions to safeguard amenity including noise levels at night. Therefore, Officers considered that the scheme was acceptable.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission (PA/12/00430) be **GRANTED** at Wood Wharf, Preston's Road E14 subject to the prior completion of a legal agreement to secure the obligations at paragraph 3.4 and the conditions and informatives set out in the report.
2. That the Corporate Director of Development & Renewal is delegated power to negotiate the legal agreement indicated above.

(The agenda order subsequently reverted to the order on the agenda)

8. OTHER PLANNING MATTERS

8.2 Planning Appeals Report

Jerry Bell, (Applications Team Leader) introduced the report which provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions.

RESOLVED

That that details and outcomes of the appeals as set out in the report be noted.

On a unanimous vote the Committee **RESOLVED**

That the details and outcomes as set out in the report be noted.

The meeting ended at 10.10 p.m.

Chair, Councillor Helal Abbas
Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Development	Date: 10th July 2012	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

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 items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
10 th May 2012	PA/11/02495	4 Wilkes Street, London E1 1QF	Erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening.	Loss of light to the surrounding neighbours (in particular 6-10 Princelet Street and the garden of 6 Wilkes Street). The cumulative impact on residents in terms of overlooking and the lack of environmental benefits.

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.
- 4 Wilkes Street, London E1 1QF PA/11/02495
- 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.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

Application, plans, adopted UDP, Interim Planning Guidance and London Plan

Eileen McGrath (020) 7364 5321

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 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.

Agenda Item 6.1

Committee: Development	Date: 10 th July 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal Case Officer: Kamlesh Harris		Title: Planning Application for Decision Ref No: PA/11/02495 Ward(s): Spitalfields and Banglatown	

1. APPLICATION DETAILS

Location:	4 Wilkes Street, London E1 1QF
Existing Use:	Retail at ground floor and light industrial at upper levels.
Proposal:	Erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening.
Drawing Nos:	OS Site map no. P1000 Drawing no's: P100, P101, P102, P300, P304, P305, P307, P346, P348, P500, D40, D41, E11, E13, E42, S41, S42, S43, S45 and S47
Supporting Documents:	Design, Access and Impact Statement, by Brown and Pletts LLP and dated September 2011
Applicant:	Ofer Zeloof
Owner:	Applicant
Historic Building:	Adjoins 6 Wilkes Street. Grade II Listed. Adjoins 2 Wilkes Street. Grade II Listed.

Conservation Area: Fournier Street/Brick Lane

2. BACKGROUND

- 2.1** This application was reported to Development Committee on 10 May 2012. The Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening.
- 2.2** Officers recorded that Members were minded to refuse planning permission for the following reasons:
- Loss of light to the surrounding neighbours (in particular 6-10 Princelet Street and the garden of 6 Wilkes Street).
 - The cumulative impact on residents in terms of overlooking and the lack of environmental benefits.
- 2.3** It should be noted that an objector who was present at Development Committee on 6th June has questioned whether the published minutes and decision of this meeting accurately reflect the discussions that took place. In particular a concern has been raised as to whether the second bullet point above is correct. Members will have the opportunity to review minutes of previous meetings under Part 3 of this Agenda.
- 2.4** This application was reported as a deferred item to Development Committee on 6th June but was not heard as the meeting was cancelled. This report replaces the report to Committee on 6th June. The report has been amended and updated to include a summary of additional

representations that have been received.

PROPOSED REASONS FOR REFUSAL

3.3 Officers interpreted Members' reasons/concerns and drafted reasons for refusal to cover the issues raised. The two reasons for refusal suggested are as follows:-

1. The development by reason of its proximity to neighbouring properties, in particular 6-10 Princelet Street and the garden of 6 Wilkes Street, would result in a loss of light and outlook to the occupiers of the these properties. The proposal would therefore be contrary to the aims of saved policies DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of surrounding existing and future residents.
2. The proposal by virtue of its elevated position and the provision of a roof terrace would result in an increase in the perception of overlooking to neighbouring residential properties. The provision of a roof terrace serving an office development would cause harm to the amenities of neighbouring occupiers without delivering any significant benefits for the users of the office building or other surrounding residents. The proposal is therefore contrary to the objectives of saved policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the Adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies require development proposals to protect the amenity of surrounding existing and future residents.

4. ADDITIONAL REPRESENTATIONS

4.1 The Applicant has submitted additional information in response to the concerns raised by Members at the previous Committee Meeting on 10th May.

4.2 This information responds to the concerns raised by Members in relation to potential loss of light to neighbouring properties. This information re-iterates that the proposal complies with relevant BRE guidance in relation to 6 – 10 Princelet Street and 6 Wilkes Street. The information also re-iterates that the proposed 1.8m high privacy screening would prevent over-looking to north, east or south.

4.3 Officers note that no explicit assessment has been made in relation to the impact on 2 Princelet Street, which has been raised as a concern.

4.4 Additional representations have also been received since the publication of the previous reports. The representations re-iterate some points that have previously been made, highlight some areas of particular concern for residents, and also suggest two additional reasons for refusal. The concerns raised include:-

- The roof terrace could cause environmental nuisance from noise and disturbance;
- The roof terrace could be used by large numbers of people, especially corporate entertaining;
- The terrace is not needed / there are other external spaces within building;
- The proposed condition to restrict times of operation of the use terrace is not clear on which days this would apply to. The condition would be difficult to enforce;
- The timber screen prevents overlooking, however it causes problems in terms of

- outlook for neighbouring residents and appearance; and
- The Applicant could easily amend proposal to remove roof terrace.

4.5 Objectors have suggested two additional/alternative reasons for refusal:

1. The proposal by virtue of the elevated position and size of the roof terrace would result in an unacceptable impact on the residential amenity of surrounding residents, due to the noise and disturbance, and the potential for smoke and odours, which would arise from its use in conjunction with the office use of the building. The proposal is therefore contrary to the objectives of saved policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the Adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and Policy DEV1 of the Interim Planning Guidance (2007). These policies require development proposals to protect the amenity of surrounding existing and future residents.
2. The timber screen to the roof terrace, proposed to mitigate the otherwise unacceptable impacts of overlooking and loss of privacy to surrounding residential dwellings, itself results in a loss of outlook and has an adverse impact on the visual amenity currently enjoyed by those dwellings. The proposal would therefore be contrary to the aims of saved policies DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies require development proposals to protect the amenity of surrounding existing and future residents.

5. CONCLUSION

- 5.1 Officers recommend that Members consider the additional representations made by the Applicant and objectors before making a final decision on the proposal.
- 5.2 Officers consider that it may prove difficult to substantiate the reasons given at paragraph 3.3 of the report. In particular where issues have been raised about loss of daylight / sunlight and where the Applicant has submitted a BRE report demonstrating compliance with the relevant criteria. The two reasons suggested by objectors are more subjective, and it is considered by officer that these reasons for refusal could be defended more robustly at appeal.
- 5.3 Should Members decide to re-affirm their previous resolution and refuse planning permission, either as previously confirmed or as amended (following consideration of this report) there are a number of possibilities open to the Applicant. These would include (though not limited to):-
 - Resubmit an amended scheme to attempt to overcome the reasons for refusal.
 - Lodge an appeal against the refusal of the scheme. The Council would defend any appeal against a refusal.

6. OFFICER RECOMMENDATION / IMPLICATIONS OF DECISION

- 6.1 Officers have proposed detailed reasons for refusal based on the resolution of Members at the meeting on the 10th of May 2012 and these are set out at paragraph 3.3 of this report.
- 6.2 Members are recommended to resolve to **REFUSE** planning permission for the reasons

previously given as set out paragraph 3.3 of this report or for reasons amended following consideration of the additional representations from the Applicant and objectors.

7. APPENDICIES

- 7.1 Appendix One – Report to Development Committee 10th May 2012
- 7.2 Appendix Two – Addendum Report to Members on 10 May 2012.
- 7.3 Appendix Three - Additional Representation from Applicant
- 7.4 Appendix Four – Additional Representation from Objector

Committee: Development	Date: 10 May 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Kamlesh Harris		Ref No: PA/11/02495	
		Ward(s): Spitalfields and Banglatown	

1. APPLICATION DETAILS

Location:	4 Wilkes Street, London E1 1QF
Existing Use:	Retail at ground floor and light industrial at upper levels.
Proposal:	Erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening.
Drawing Nos:	OS Site map no. P1000 Drawing no's: P100, P101, P102, P300, P304, P305, P307, P346, P348, P500, D40, D41, E11, E13, E42, S41, S42, S43, S45 and S47
Supporting Documents:	Design, Access and Impact Statement, by Brown and Pletts LLP and dated September 2011
Applicant:	Jason Zeloof
Owner:	Applicant
Historic Building:	Adjoins 6 Wilkes Street. Grade II Listed. Adjoins 2 Wilkes Street. Grade II Listed.

Conservation Area: Fournier Street/Brick Lane

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Managing Development DPD (Proposed submission version 2012), the London Plan 2011 and National Planning Policy and has found that:

- The proposal would increase the amount of commercial floorspace in the Borough, and would provide good quality office accommodation in a sustainable location. The proposal therefore accords with Policy SP06 of the Council's Adopted Core Strategy (2010), policy DM15 of the Managing Development DPD 2012 and policy EMP1 of the Unitary Development Plan (1998). These policies support the provision of a range and mix of employment uses and encourage employment growth through the upgrading of sites already in employment use. The proposal is therefore considered acceptable in principle in land use terms.
- The design and scale of the proposed roof extension would be acceptable and in keeping with the scale of roof additions in the surrounding area. The set back proposed at rear and traditional mansard design on the front elevation would appropriately maintain the appearance of the building. The proposal would preserve the character and appearance of the Fournier Street/Brick Lane Conservation Area, and pays special regard to the desirability of preserving the setting of the adjoining Listed Buildings. The proposal is therefore in accordance with policies 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011, policies SP10 and SP12 of the Adopted Core

Strategy 2010, saved policies DEV1, DEV9, DEV27 and DEV30 of the Unitary Development Plan 1998, policies DM24 and DM27 of the Managing Development DPD 2012 and policies DEV1 and CON2 of the Interim Planning Guidance 2007. These policies seek to ensure developments are of appropriate mass and scale to integrate with the surrounding area and do not result in an adverse impact on the character, fabric or identity of the heritage assets or their settings.

- The proposed office at roof storey and ancillary terrace would not have an adverse impact upon the amenity of neighbouring residential properties in terms of loss of privacy, unreasonable level of overlooking, unacceptable loss of outlook, significant material deterioration of sun lighting and day lighting and unacceptable levels of noise. The proposal therefore accords with the aims of saved policies DEV2 and DEV50 of the Tower Hamlets Unitary Development Plan 1998, policies SP02 and SP10 of the Adopted Core Strategy 2010, policy DM27 of the Managing Development DPD 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of surrounding existing and future residents and building occupants as well as the amenity of the surrounding public realm.

3. RECOMMENDATION

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

3.2 That the Corporate director of Development and Renewal is delegated power to impose conditions [and informative] on the planning permission to secure the following:

Conditions on Planning Permission

- 1) 3 year Time Period
- 2) Development to be carried out in accordance with the approved plans
- 3) External materials to be submitted and typical details of mansard, windows and privacy screening at scale 1.20.
- 4) Privacy screening to be kept in perpetuity
- 5) Hours of use of terrace
- 6) No amplified music on terrace.
- 7) Cycle Parking to be proposed prior to occupation.
- 8) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informative on Planning Permission

3.3 None.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The applicant proposes the erection of a mansard roof extension. The extension would provide an additional 87 square metres of office floorspace. The scheme proposes using the remaining area of the existing flat roof as a terrace (to be used in association with the office). The terrace would be surrounded by a timber screen to prevent overlooking into neighbouring properties. The screen would be 1.8 metres high. The terrace has an area of approximately 40 square metres.

Site and Surroundings

4.2 The application site is located on the eastern side of Wilkes Street. The site is occupied by a three-storey building of industrial appearance that was probably built in the 1960s or 1970s. The ground floor of the building is in retail use. The upper floors are currently vacant. Historically these floors would have been used for light industrial purposes (Use Class B1),

and this remains the lawful use. The building has a flat roof. This flat roof has previously been in unauthorised use as a terrace.

4.3 The site is located in-between two Listed Grade II Listed Georgian townhouses (Numbers 2 and 6 Wilkes Street). These properties are 3 storey in height, with a mansard roof. To the South of the site are residential properties, which front Fournier Street. To the East (rear) are properties fronting Princelet Street.

4.4 The site is located in the Fournier Street/Brick Lane Conservation Area.

Planning History

4.5 PA/85/00263 - planning permission was **refused** on 18 December 1985 for the erection of extensions at roof level and at rear.

4.6 On the 27 August 2002 an Enforcement Notice was served for a breach of planning control, namely, without planning permission as there was:

- i) a change of use of the first and second floors of the Land from light industrial to residential use
- ii) the unauthorised creation of an opening in the roof parapet wall at the rear of the building for the purpose of creating access to the decked platform
- iii) the unauthorised construction of decking on the second floor and the insertion of steel joists into the side walls at the rear of the building to support the decking platform
- iv) the unauthorised construction of a roof garden which includes the laying of grass, siting of garden furniture and potted plants.

The enforcement notice set out the required steps to be carried out to address the unauthorised works, these were as follows:

- i) apply for planning permission for the unauthorised work
- ii) remove the roof garden and restore that part of the Land to its original condition prior to the roof garden being created.
- iii) The roof access filled in and made good with materials to match the existing wall.
- iv) Remove the decking area construction, the steel joists used to support the construction and any other materials used to construct the decking area and restore it to its original condition before the decking area was created.

The Enforcement Notice has now been fully complied with and the case has been closed.

4.7 PA/11/00346 - Erection of roof extension to provide office space together with associated roof terrace. This application was subsequently **withdrawn** on 31 March 2011.

4.8 PA/11/00996 - Erection of roof extension to provide office space including the retention of roof terrace together with timber screening to perimeter of retained roof terrace. This application was subsequently **withdrawn** on 30 June 2011

4.9 PA/11/02810 - Planning permission was **granted** on 28/10/2011 for the retention of three steel joists to the east elevation at second floor level.

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

5.2 **The London Plan Spatial Development Strategy for Greater London (July 2011)**

3.9	Mixed and balanced communities
6.9	Cycling
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.6	Architecture
7.8	Heritage Assets

5.3 Adopted Core Strategy 2025 Development Plan Document (September 2010)

SP06	Delivering successful employment hubs
SP09	Creating Attractive and Safe Streets and Spaces
SP10	Creating Distinct and Durable Places
SP12	Delivering Placemaking
LAP 1&2	Spitalfields

5.4 Unitary Development Plan 1998 (as saved September 2007)

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV9	Control of Minor works within the borough
DEV27	Conservation Areas
DEV30	Conservation Areas
DEV50	Noise and Disturbance
EMP1	Promoting Employment Growth
HSG15	Development affecting residential amenity
T16	Transport and Development

5.5 Managing Development DPD (Proposed Submission Version January 2012)

DM15	Local job creation and investment
DM24	Place Sensitive Design
DM25	Amenity
DM27	Heritage and Historic Environment

5.6 Interim Planning Guidance for the purposes of Development Control (October 2007)

DEV1	Amenity
DEV2	Character and Design
DEV10	Disturbance from Noise Pollution
CON2	Conservation Areas

5.7 Supplementary Documents

Fournier Street/Brick Lane Conservation Area Appraisal Document

5.8 Government Planning Policy Guidance/Statements

NPPF 2012 National Planning Policy Framework

5.9 Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

- A Great Place To Be
- Healthy Communities
- Prosperous Communities
- Safe and Supportive Communities

6. CONSULTATION RESPONSE

- 6.1 The Trustees of the Spitalfields Trust – has objected to the proposal on the following grounds:
- a) Design quality of the mansard extension;
 - b) Principle of roof terraces in Spitalfields.

7. LOCAL REPRESENTATION

- 7.1 A total of 56 neighbouring properties within the surrounding area were notified about the application and invited to comment. The application was also been publicised on site on 05 October 2011 and in the local paper on 17 November 2011. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of responses:	17	Objecting:	17	Supporting:	0
Petitions Against:	1	containing	20	signatures	

- 7.2 The following planning issues were raised in representations:

Representation Comments

- 7.3 Amenity concerns:

- Overlooking from office terrace
- Daylight and sunlight impacts
- Noise from office terrace
- Sense of enclosure

Design concerns:

- Architecture of mansard extension
- Principle of roof terrace

(Officer's Comments: Amenity related matters are discussed in detail in sections 8.6 – 8.15 of this report. The design concerns would be discussed further under sections 8.16 – 8.36).

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land use
2. Design / Impact on Character and Appearance of Conservation Area and Setting of Listed Buildings.
3. Impact on the amenity of adjoining occupiers and the surrounding area

Land Use

- 8.2 The lawful use of the upper floors of the building is light industrial (Use Class B1). The proposal is to use these floors as an office (Use Class B1). Planning permission is not required to change from a light industrial use to an office use, because both uses fall within the same use class.
- 8.3 The proposed roof extension would add an additional 87 square metres of office floorspace to the building.
- 8.4 The provision of a small amount of additional floorspace accords with the aims of SP06 of the Council's Adopted Core Strategy (2010), policy DM15 of the Managing Development DPD 2012 and policy EMP1 of the Unitary Development Plan (1998), which seek to promote employment uses in the Borough.

8.5 The amount of additional floorspace is small and would preserve the character and appearance of the Fournier Street/Brick Lane Conservation Area.

Design and Layout of the Development
Mass and Scale / Appearance and Materials

8.6 Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011, policies SP02, SP10 and SP12 of the Adopted Core Strategy, saved policies DEV1, DEV27 and DEV30 of the UDP, policies DM24 and DM27 of the Managing Development DPD 2012 and policies DEV2 and CON2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the surrounding buildings and roof lines.

8.7 The application proposal includes a mansard style roof extension to the existing three storey building. The proposed mansard would be of a traditional construction, with a slight roof pitch. The proposed mansard would match the ridge height of the mansard roof on the adjoining property (2 Wilkes Street), and would be very slightly higher than the height of the roof ridge on 6 Wilkes Street.

8.8 Along the North boundary the proposed mansard would match the depth of the mansard roof on 6 Wilkes Street. The mansard steps in from the South boundary by approximately 3 metres.

8.9 The proposed mansard would be finished with roof tiles on the front elevation and painted timber cladding at rear. Roof tiles should be in Welsh Slates. The dormers cheek and roof would be in lead.

8.10 The application also proposes to create a terrace area on the remaining area of flat roof behind the mansard roof. The terrace would have an area of approximately 40sqm. The terrace would be surrounded by a 1.8 metre high privacy screen. This screen would be constructed from timber louvers. The screening would be set back by approximately 0.6 metres from the North and East roof parapet. A larger set back would be provided on the South boundary, where the screening is 2.2 metres from the edge of the roof.



Proposed Front Elevation:

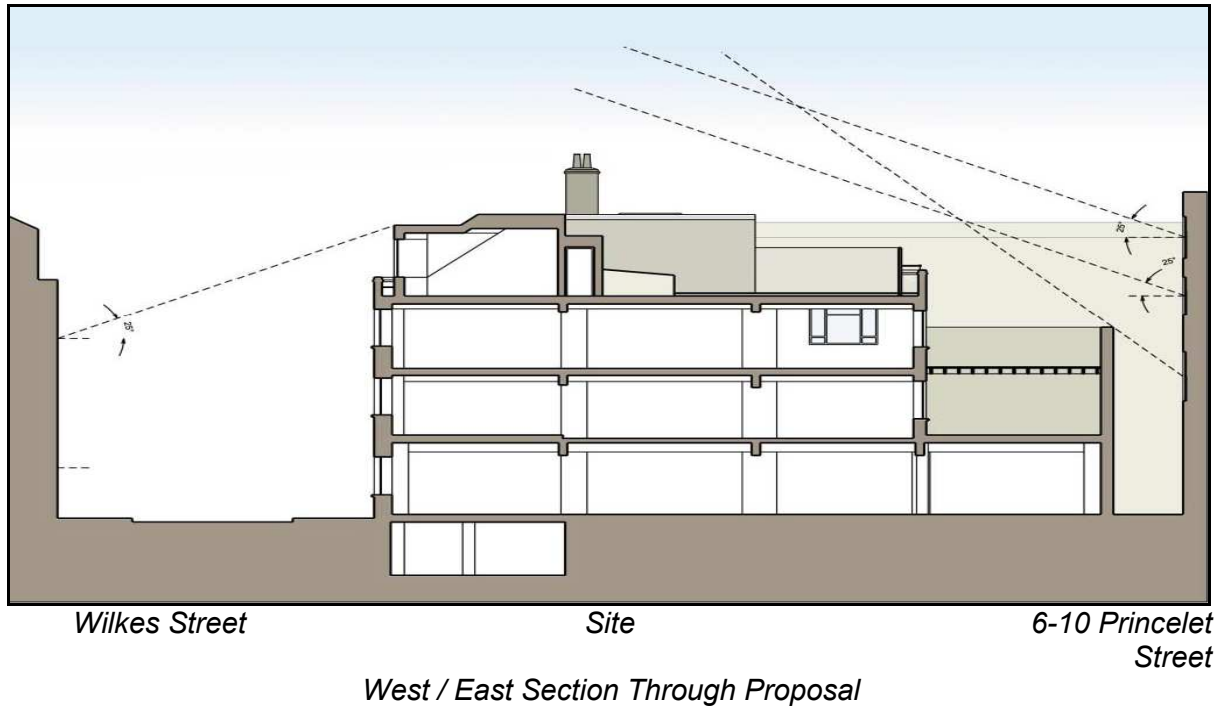
8.11 When viewed from Wilkes Street or in longer views down Puma Court it is apparent that the two properties on either side of number 4 Wilkes Street have an additional fourth storey in the form of mansard roofs. The creation of an additional mansard-type storey is therefore considered in keeping with the character and appearance of the terrace and surrounding

area. Although the host building is of a more modern construction than its neighbours, a traditional mansard form is still seen as an acceptable form of addition - as the mansard form is frequently used on buildings from many different eras.

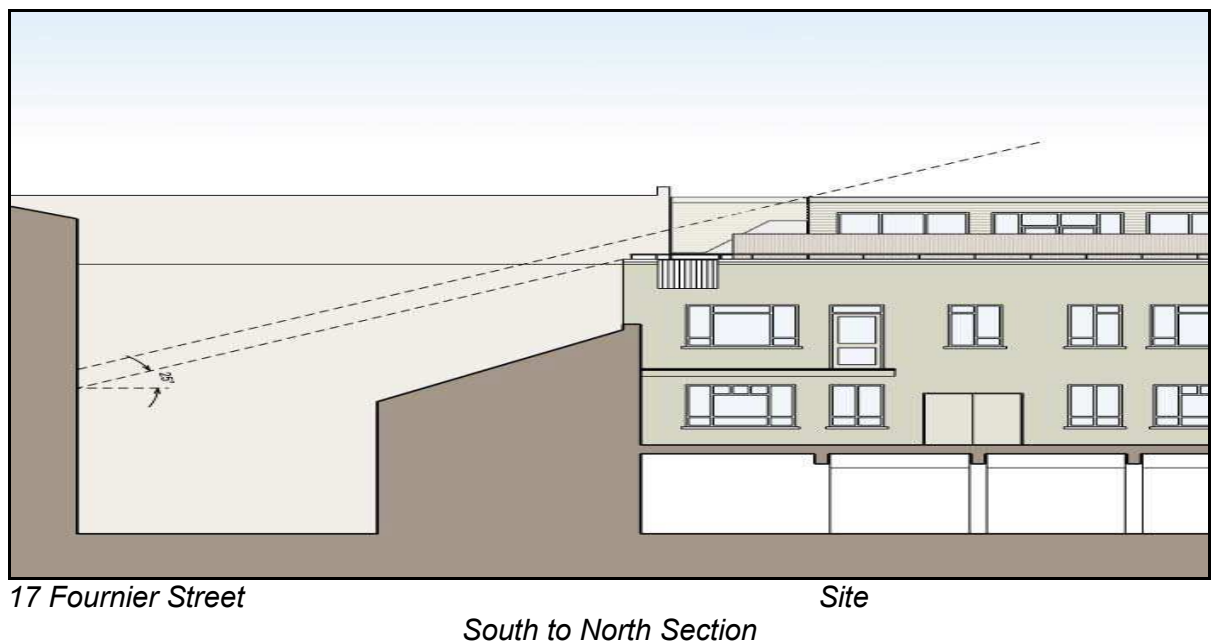
- 8.12 The roof addition, the terrace and the terrace screening can also be seen from residential properties behind the application site (including those which front Fournier Street and Princelet Street). Officers consider that the visual impact of the terrace screening is limited as it has been set back from the edge of the roof, and the mansard itself is a common structure in the roofscape in this area.
- 8.13 The proposal has limited impact on the streetscene, and as such would have limited impact on the setting of the adjoining Listed Buildings. In overall terms the proposed additions are considered to relate well to the host building and are acceptable in terms of design. The proposal pays special regard to the desirability of preserving the setting of the adjoining Listed Buildings, and would preserve the character and appearance of the Fournier Street / Brick Lane Conservation Area.
- 8.14 A condition would be imposed on any permission to secure the submission of samples of proposed external materials to ensure that they were of an appropriate quality for the Conservation Area location.
- 8.15 The proposal is therefore acceptable in term of policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, saved policies DEV1, DEV9, DEV27 and DEV30 of the UDP, policies DM24 and DM27 of the Managing Development DPD and policies DEV1 and CON2 of the IPG.

Impact on the amenity of adjoining occupiers and the surrounding area

- 8.16 Part 4 a and b of strategic policy SP10 of the Adopted Core Strategy, saved policy DEV2 of the Unitary Development Plan, policy DM25 of the Managing Development DPD and policy DEV1 of the Interim Planning Guidance seek to protect the amenity of surrounding existing and future residents and building occupants as well as the amenity of the surrounding public realm. Saved policy DEV50 of the Unitary Development Plan seeks to ensure development does not result in an unduly detrimental increase in noise levels for nearby residents. Policy 7.6 of the London Plan 2011 endorses the above and states that buildings and structures should not cause unacceptable harm to the amenity of surrounding buildings in particular residential buildings.
- 8.17 The surrounding area includes a number of residential dwellings. Accordingly, consideration must be given to the impacts of the proposal on these neighbours and their properties. The properties likely to be impacted include habitable room windows facing the site in on properties which front Fournier Street and Princelet Street. The proposal will also have an impact on properties adjacent to the development and opposite the site
- 8.18 Loss of Daylight / Sunlight
It is noted that local residents have raised concerns about the impact of the proposed development in general but in particular raised objections on the introduction of the terrace at rear. The concerns and objections also consist of deterioration of existing levels of daylight and sunlight, sense of enclosure, excessive noise, loss of outlook and overlooking.
- 8.19 Appendix 2 of the Design, Access and Impact Statement submitted with the application includes a Daylight analysis.
- 8.20 The diagram below shows the impact of the proposal on 6 – 10 Princelet Street (located to the east of 4 Wilkes Street, or on the right-hand side the diagram below). The diagram also shows the impact on the property on the opposite side of Wilkes Street to the West.



8.21 The scheme would have very little impact on 6 – 10 Princelet Street in terms of loss of daylight. The scheme would result in a slight decrease in VSC (Vertical Sky Component) levels on the property to the West. However, the resultant VSC level would be 0.88 times its former value, which is within the limits set by the BRE.



8.22 The above diagram shows the north/south section, south being on the left of the diagram. Fournier Street lies south of the application site. The analysis shows that the daylight impact on 17 and 19 Fournier is acceptable and will meet BRE Guidelines. The set back from the shared boundary, and limited depth of the extension ensures that there is no significant impact on 2 Wilkes Street.

8.23 The scheme would be built along the shared boundary with 6 Wilkes Street. The mansard roof on this property has a fire door in the flank elevation which currently leads out directly onto the flat roof of the application site. The fire door has a glazed window which is the sole

source of light to a room in 6 Wilkes Street. From a site visit it appears to be used as a dressing room of some form. The room also links the top floor bedroom to a bathroom, avoiding the need to use the stairwell.

- 8.24 This space will completely lose the natural light it currently receives from the glazed fire door. It has no other access to direct light (with the exception of any that may filter up from stairwell). The impact of the proposal on this room is therefore severe.
- 8.25 However, it is noted that it is an unusual and undesirable arrangement to have a window on a shared boundary as this has the effect of blighting the developing opportunity of the neighbouring site. This factor has been given some weight in the assessment of this matter.
- 8.26 Officers consider that the key issue is whether the loss of light to 6 Wilkes Street has a sufficiently detrimental impact on the amenities of the occupiers of the properties to warrant the refusal of the scheme. In making this assessment, Officers consider that the building at 6 Wilkes Street needs to be considered as a whole. The building is in use as a single dwelling. Therefore, the occupiers of the property have access to a large number of rooms, including those that do benefit from light from the front and rear. The rooms which are day lit include the principle habitable rooms such as the bedroom and living spaces.
- 8.27 This issue must be taken on balance, and in overall terms Officers do not consider that the loss of light to this room has a significant enough impact on the amenities enjoyed by Occupiers to warrant refusal.

Impact on Residential Properties – Sunlight

- 8.28 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months. The property at number 6-10 Princelet Street was tested and it is accepted that some sunlight would be lost as a result of the proposal.
- 8.29 With any new build or extension a level of reduction in daylight levels can be expected. Consideration needs to be given to the existing situation, the location of the site and the scale of the proposed development. When the combination of all three is taken into account, it is not considered that the level of failure against the existing situation would merit refusal of the scheme.
- 8.30 Concerns have been raised about potential loss of light to the garden areas of 6 Wilkes Street. However, this garden area is already largely enclosed by surrounding buildings, and the scheme is unlikely to have significant additional impact.

Overlooking, outlook and sense of enclosure

- 8.31 Residents currently have open views across the site and any development would result in a change in outlook for them. At just one storey, the simple form of the building prevents it from appearing unduly bulky in relation to its immediate surroundings. The set back at rear seeks to further minimise the overall bulk and visual impact of the roof extension and terrace. Therefore, it is not considered that this development would result in an unacceptable sense of enclosure or loss of outlook to neighbouring residents.

Saved policy DEV2 of the Unitary Development Plan requires that new developments are designed to ensure that there is sufficient privacy for neighbouring residents. The policy states that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people. The separation distances to neighbouring properties (especially Fournier Street and Princelet Street is less than this. However, the proposed privacy screens ensure that it is not possible to see from the proposed mansard roof or the terrace into surrounding habitable room windows.

- 8.33 Overlooking would be possible to the West across Wilkes Street. However, the level of

overlooking would not significantly exceed that which would already be possible from the upper floors of the property.

Noise and disturbance

- 8.34 Residents have opposed the introduction of the terrace at rear because of the noise that could be generated as a result of its use by office personnel.
- 8.35 The use of the building itself as an office does not require planning permission. The small increase in internal floorspace afforded by the mansard is unlikely to significantly increase potential amenity impacts from activity / noise and disturbance.
- 8.36 The use of the terrace could potentially have more significant impacts. In particular amenity impacts from noise and activity from people using the terrace. A condition is recommended restricting the use of the outdoor terrace area to between 9.00am and 6.00pm. This condition would ensure that potential impacts are minimised during sensitive hours of the evening. During the daytime Officers consider that a degree of activity is to be expected in an urban area.

Highways

- 8.37 The use of the site as an Office could lead to additional vehicle and servicing demands. However, the use of majority of the building does not in itself require permission. The small increase in floor area that is subject to this application would not have any significant highway impacts.

Cycle Parking and Facilities

- 8.38 Policy 6.9 of the London Plan, policy SP09 of the Adopted Core Strategy, policy DM22 of the Managing Development DPD and policy DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.39 The proposed development provides cycle storage for the new office space to be created. The proposed cycle storage is located in a secure, sheltered area on the ground floor level of the development. Concerns have been raised about the proposed stands to be provided which are hooks or wall attachments rather than the standard/preferred Sheffield stand design.
- 8.40 A condition of consent is recommended to ensure that Sheffield stands are provided and the cycle storage is retained within the development for the lifetime of the use.
- 8.41 Given that the proposal provides adequate cycle storage provision, it is considered that the development would be acceptable in terms of policy 6.9 of the London Plan, policy SP09 of the Adopted Core Strategy, policy DM22 of the Managing Development DPD and policy DEV16 of the IPG. These policies seek to ensure developments are supported by existing transport infrastructure.

Local Finance Considerations

- 8.42 The floor area of the extension is below the threshold at which the Community Infrastructure Levy is set. There are no local financial matters to be considered.

CONCLUSION

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

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address
Consultation Area	Statutory Listed Buildings	

0 30 m
1:1,250

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

DEVELOPMENT COMMITTEE

10th May 2012 at 7.00pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Agenda Item number:	7.3
Reference number:	PA/11/02495
Location:	4 Wilkes Street, London E1
Proposal:	Erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening.

1. NAME OF OWNER

- 1.1 Part of section 1 of the officer's report sets out the site owner's details.
- 1.2 The detail in the officer's report is incorrect and should read as follows:
- 1.3 Owner: Mr Ofer Zeloof

2. ISSUE OF LIGHT TO 6 WILKES STREET

- 2.1 Sections 8.23 to 8.27 deal with the issue of light to 6 Wilkes Street. There is a shared fire exit between the two properties and a glazed door on 6 Wilkes Street currently leads onto the roof of 4 Wilkes Street. This glazed door has been providing light to a non-habitable room in 6 Wilkes Street. It is noted that this door was changed from a solid door to a glazed one in 1995 following refurbishment works to the property.
- 2.2 Paragraph 8.25 is extended to read as follows:
- 2.3 Furthermore, the applicant has stated that there is no legal right to light enjoyed by the window in the flank wall at 6 Wilkes Street and a right to light notice was registered on the 6th of June 2011. A right to light will arise if a neighbouring building's windows enjoy light over adjoining land for a period of 20 years and more. A right to light notice prevents the acquisition of the 20 year period and must be challenged by the property asserting the right to light within a year of it being registered. A right to light protected in law is essentially a private matter; however, the impact of the development on the light to the adjoining property is considered to be a material consideration and this factor has been given some weight in the assessment of this proposal.

3. RECOMMENDATION

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

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PA/11/02495 Supplementary information

23 May 2012

Contents

- 1.0 Purpose of this document
- 2.0 Daylighting analysis, 6 Wilkes Street garden
- 3.0 Impact analysis, 6-10 Princelet Street
- 4.0 Overlooking analysis
- 5.0 Environmental improvement analysis

1.0 Purpose of this document

This document has been prepared to provide further information on points raised by Members at Tower Hamlets' Development Committee on 10 May 2012. It is intended to clarify aspects of the proposals for 4 Wilkes Street in relation to the points raised.

2.0 Daylighting analysis, 6 Wilkes Street garden

2.1 Introduction

This report section has been prepared to analyse the impact of the proposed 4 Wilkes Street roof extension and terrace screening on the garden of 6 Wilkes Street. 6 Wilkes Street's garden is located 9.7m below the top of the existing perimeter parapet wall to the flat roof of 4 Wilkes Street. This document illustrates that the proposals will not be visible from the garden of 6 Wilkes Street as they will be hidden by the existing 4 Wilkes Street parapet wall. Therefore the proposals will have no impact on daylight or sunlight to the garden.

2.2 Cross section analysis

Diagram A shows a cross section cut through the garden to 6 Wilkes Street and the proposed 4 Wilkes Street roof extension. This diagram illustrates that the 4 Wilkes Street terrace screening will not be visible from the garden of 6 Wilkes Street and will therefore have no impact on daylight or sunlight reaching the garden.

The proposed 4 Wilkes Street roof extension itself (separate to the terrace screening) is, at its eastern boundary, exactly in line with the rear eastern boundary wall of 6 Wilkes Street, so will similarly have no impact on light from the south reaching the garden to 6 Wilkes Street.

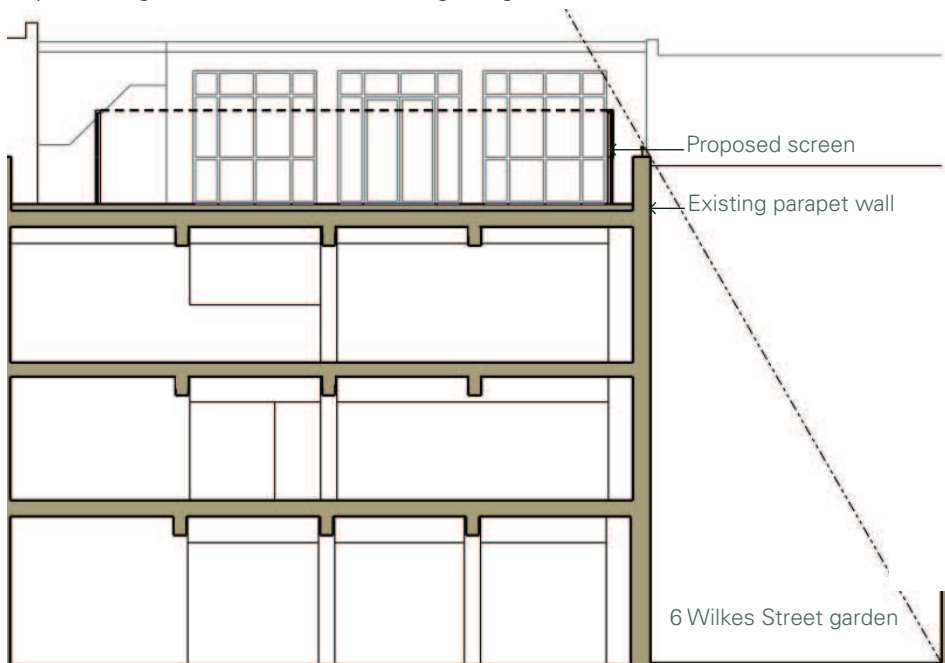


Diagram A



Key plan. 6 Wilkes Street garden is shaded in green and the proposed roof extension in orange. The sectional cut for diagram A is shown in red.

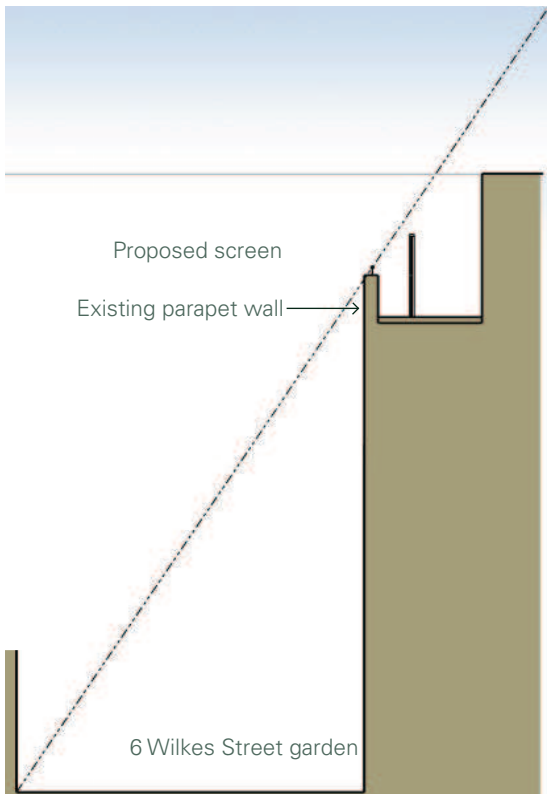


Diagram B



Key plan. 6 Wilkes Street garden is shaded in green and the proposed roof extension in orange. The sectional cut for diagram B is shown in red.

Diagram B shows a second cross section cut through the garden to 6 Wilkes Street and the proposed 4 Wilkes Street roof extension, at the point where it might be expected that the proposals would have most impact on the garden. This diagram illustrates that neither the proposed roof extension nor the terrace screening will be visible from the garden of 6 Wilkes Street and will therefore have no impact on daylight or sunlight reaching the garden.

2.3 Conclusion

No part of the 4 Wilkes Street proposals will be visible from the garden to 6 Wilkes Street. Therefore the proposals will have *no impact whatsoever* on daylight or sunlight to the garden to 6 Wilkes Street.

3.0 Impact analysis, 6-10 Princelet Street

3.1 Introduction

This report section has been prepared to further analyse the impact of the proposed 4 Wilkes Street roof extension and terrace screening on existing windows at 6-10 Princelet Street through the use of photographs of that adjoining property.

3.2 Site photographs



Obscure glazing facing towards the application site prevents views to and from 4 Wilkes Street

Figure 1: The west elevation of 6-10 Princelet Street

The photograph at Figure 1 shows the west elevation of 6-10 Princelet Street which faces towards the application site. The individual glazed panels are obscure-glazed, other than the very top section of each window. There are therefore no views facing towards the application site. This is because the windows have been obscure glazed and this obscure glazing prevents views out of the flats within towards 4 Wilkes Street. This accordingly means that the 4 Wilkes Street proposals will not even be visible from within 6-10 Princelet Street.

It is worth noting that, in terms of the reciprocal view from 4 Wilkes Street towards 6-10 Princelet Street, the proposed screening to the roof terrace would completely conceal this elevation from view from the 4 Wilkes Street roof terrace. Accordingly there will be no overlooking from 4 Wilkes Street into 6-10 Princelet Street.

The Design & Access Statement for the 4 Wilkes Street application has already demonstrated (in the analysis at pages numbered 20, 25 and 26) that the 4 Wilkes Street proposals will not adversely affect

the daylight and/or sunlight reaching 6-10 Princelet Street, and for the avoidance of doubt illustrates that the proposals are in line with the best practice guidance published by the Building Research Establishment in this regard.

We would further note that the daylight/sunlight analysis in the Design & Access Statement did not take into account the fact that, as detailed above, the 6-10 Princelet Street windows facing 4 Wilkes Street are mostly obscure glazed. As these windows are obscure glazed, this further strengthens the position that the 4 Wilkes Street proposals will not adversely affect the daylight or sunlight into 6-10 Princelet Street.

Notwithstanding the above, the upper floor flats in 6-10 Princelet Street in fact have other windows which provide both light to and outlook from these flats, which provide additional mitigation for any windows on the west elevation being obscure glazed. The photographs on the following page (figures 2 and 3) illustrate that the top floor flat facing onto the application site is, elsewhere, provided with generous amounts of glass bringing light into the flat.



Figure 2: 6-10 Princelet Street viewed from the east

- Rooflights
- The application site
- Dormer window to 6-10 Princelet Street flats
- Large glazed terrace to 6-10 Princelet Street flats
- Terraces to 6-10 Princelet Street flats
- The application site
- Terraces to 6-10 Princelet Street flats
- Large glazed terrace to 6-10 Princelet Street flats
- Terraces to 6-10 Princelet Street flats
- The application site



Figure 3: 6-10 Princelet Street viewed from the north

4.0 Overlooking analysis

A permanent timber screen is proposed to the east of the application site, set back from the edge of the existing flat roof terrace. At 1.8m in height, this screen will completely prevent any overlooking to the north, east or south of the application site.

To the west of the application site (facing the public highway that is Wilkes Street), Officers have concluded in their Committee Report and presentation that 'the level of overlooking would not significantly exceed that which would already be possible from the upper floors of the property'. In fact, the application proposes just three small dormer windows facing in a westerly direction. The application site is located directly opposite Puma Court, which means that there are no properties to overlook for this part of the site. Puma Court offers only long views towards Spitalfields Market.

The proposals replicate the existing condition along the entire length of the street, where small windows face each other across the width of Wilkes Street at all levels. The application site already has windows facing in a westerly direction, similar to all neighbouring properties in all directions.

5.0 Environmental improvement analysis

The proposed development presents an opportunity for the following environmental benefits:

- The building is currently in light industrial use and lawful and legitimate use of the building within this use class would have the potential to cause considerable nuisance to neighbouring properties. The proposed roof extension is an integral part of the building's change of use to an office. This proposed change of use away from light industrial will bring considerable environmental benefits to neighbouring residential properties.
- Insulation levels will be improved at upper floor levels as a result of the proposals. This will greatly improve the building's environmental credentials and will reduce its use of energy.
- The proposed roof extension will be very well insulated and its fabric will be built to current environmental standards. This will enhance the environmental performance of the building as a whole.
- The building will be refurbished in its entirety as a result of the proposals. The appearance of the west elevation of the building will be considerably improved as a result of sensitive repairs and maintenance works and will therefore improve the appearance of the Wilkes Street streetscape as a whole.

LB Tower Hamlets
Anchorage House, 2 Clove Crescent,
East India Dock, London, E14 2BG

25th June 2012

Dear Mr Murrell,

Re: Application No. PA/11/02495

4 Wilkes Street, London, E1 6QF

Erection of roof extension to provide office space including the creation of a roof terrace together with timber screening to the perimeter of the roof terrace.

We, the residents of 15, 17, 19, 23 and 25 Fournier Street, 6 Wilkes Street and 2 Princelett Street, wish to maintain our **OBJECTION** to the above mentioned proposal.

We were delighted with the decision of planning committee on 10th May to not accept the officer's recommendation of approval of this application, and were pleased that the members of the Planning Committee have acknowledged in reaching this decision, the detrimental impact that this proposal, most specifically the roof terrace, would have on our residential amenity.

We were however concerned that the report prepared for the Planning Committee on 6th June (subsequently withdrawn from that agenda) did not address our primary concern about the proposed roof terrace, which is noise and disturbance, as well as the potential for other environmental nuisances such as smoke, and food smells.

For this reason, we are writing once more to restate our objectionsto the application and to ask that our views are included and taken account of within the officer's report being prepared for planning committee on 10th July.

Our Concerns

- The size of the roof terrace proposed (approximately 40 sqm) would allow significant numbers of people to congregate on it (we have estimated it could comfortably accommodate in excess of 60 people).
- Provision of external space is not essential for an office use (indeed it is relatively unusual).
- Use of the terrace in conjunction with the office use is likely to result in its use for corporate entertaining and hospitality, and other social events.
- Other external space already exists at this property at a lower level which could be used by future occupants.
- It is not accepted as likely that the building will be let on a floor by floor basis, reducing the numbers with access to the terrace, indeed the supporting information submitted with the application and the marketing details for the property state it will be let to a single user.
- The area proposed as roof terrace has not previously been used as external amenity space (lawfully or otherwise) by occupiers of this building.

- Noise generated from this type of activity and the numbers of people would seriously compromise the residential amenity of the surrounding dwellings.
- The impact of this noise is particularly severe given the dense urban environment of Spitalfields
- There is potential for other environmental nuisances to impact on residential amenity such as cigarette smoke, smoke and fumes from barbeques, and food smells.
- The impact of the proposal is not mitigated by the proposed timber screen. Whilst this might prevent overlooking, it does nothing to reduce the impact of noise and disturbance and other environmental nuisances. The proposed timber screen will also impact on the outlook from some of the neighbouring dwellings, and appears incongruous in the setting of the surrounding listed buildings.
- The proposed hours of use condition for the use of the terrace is not sufficient to protect resident's amenity, and we have concerns about how rigorously this could be enforced.
- We have legitimate concerns about what plans the applicant has for the future use of the building. It has been marketed as "Restaurant & Bar with rooftop terrace" (photo attached), whilst we acknowledge that this use would require further planning consent, such a use would have a devastating impact on our residential amenity and we consider permitting a roof terrace now would set a dangerous precedent for the future.

Potential to Amend the Proposal

Following the Planning Committee members' decision not to accept the officer's recommendation of approval at committee on 10th May the applicant has had the opportunity to amend the application to address their concerns. They have chosen not to do so. Instead additional information was submitted by the applicant "to provide further information on the points raised by members". There is no analysis of this additional information given by the officer in their report prepared for the 6th June committee, it is simply appended to the officer's report.

The additional information submitted by the applicant does not address **at all** any of our concerns set out above, which we believe committee members share.

To address our concerns and those of the committee, the applicant could amend the application to remove the proposed roof terrace and the timber screen. This amendment would still allow the applicant the benefit of the office extension at roof level, but would eliminate the concerns that nearby residents have about the impact on their amenity due to noise and disturbance and loss of outlook. We are extremely disappointed that this straightforward amendment has not been made in order to address residents and members concerns.

Reasons for Refusal

We are concerned that the report prepared for planning committee on 6th June which provided 2 reasons for refusal set out at paragraphs 3.4 and 3.5 of the report did not specifically refer to the impact of noise and disturbance on our amenity as a reason to refuse, as this is one of our primary concerns.

Also concerning is the comment in the report at paragraph 5.2 that “officers consider that it is likely to be difficult to substantiate the proposed reasons for refusal and provide evidence to support these reasons”. We do not agree with this statement. We believe however that the reason for this statement’s inclusion in the report is that the proposed reasons do not specifically include the impact of noise on residential amenity, which we consider is strongly justified as a reason for rejecting the proposal.

We would like therefore to propose the following additional reasons for refusal, for members to consider at committee on 10th July:

1. The proposal by virtue of the elevated position and size of the roof terrace would result in an unacceptable impact on the residential amenity of surrounding residents, due to the noise and disturbance, and the potential for smoke and odours, which would arise from its use in conjunction with the office use of the building. The proposal is therefore contrary to the objectives of saved policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the Adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and Policy DEV1 of the Interim Planning Guidance (2007). These policies require development proposals to protect the amenity of surrounding existing and future residents.
2. The timber screen to the roof terrace, proposed to mitigate the otherwise unacceptable impacts of overlooking and loss of privacy to surrounding residential dwellings, itself results in a loss of outlook and has an adverse impact on the visual amenity currently enjoyed by those dwellings. The proposal would therefore be contrary to the aims of saved policies DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies require development proposals to protect the amenity of surrounding existing and future residents.

We would also ask that officers and members reconsider the impact of the proposed timber screen (which is essentially akin to placing a suburban garden fence at roof level), on the character and appearance of the conservation area and the setting of the surrounding listed buildings.

Conclusion

We would ask that officers take account of our legitimate concerns as set out above, and reflect our views in the report being prepared for committee on 10th July.

We urge members to decide to refuse the application at that committee for the justifiable reasons of the impact of noise and disturbance from use of the roof terrace in conjunction with the office use, and the impact of the timber screen, which has been proposed only to seek to mitigate other unacceptable impacts of this development.

Yours sincerely

David Gadd & Frank Pickard
23 Fournier Street

Tracey Emin
19 Fournier Street

David and Carolyn Fuest
25 Fournier Street

Jeanette Winterson
15 Fournier Street

Fiona MallinBofferding
6 Wilkes Street

Claire Veillard
2 Princelett Street

Paul Shearer and Vicky Licorish
17 Fournier Street



Advertising board displayed recently on application site referred to above.

Agenda Item 7

Committee: Development	Date: 10th July 2012	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

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 are 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.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Managing Development DPD – Submission Version 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the National Planning Policy Statement.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application, local finance considerations, so far as material to the application, and any other material

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, 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.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects 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.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 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 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.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, 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 Act.
- 3.11 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

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 Agenda Item 5.

5. RECOMMENDATION

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

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Agenda Item 7.1

Committee: Development Committee	Date: 10 th July 2012	Classification: Unrestricted	Agenda Item Number:
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Nasser Farooq		Ref: PA/12/00023	
		Ward: Millwall	

1 Application Details

Location

Ability Place, 37 Millharbour, London

Existing Use:

Residential Development

Proposal:

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

Drawing no's

PL 001, PL 002, PL 003, PL100, PL101, PL102, PL103, PL104, PL200A, PL201 A, PL202, PL203, PL204, P-4011-202 D,

Documents

Design and Access Statement prepared by BUJ architects
Impact Statement dated January 2012 prepared by BUJ architects.

Construction Management Plan March 2012

Applicant:

Ownership:

As above

Historic Building:

N/A

Conservation Area:

N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Managing Development DPD (submission version 2012), Interim Planning Guidance (October 2007), the London Plan 2011 and Government Planning Policy Guidance and has found that:
- 2.2 The proposal is considered acceptable in land use terms as it would provide additional housing for the borough in accordance with policy 3.3 of the London Plan and policy SP02 of the Core Strategy 2010.

- 2.3 On balance, the building height, scale, bulk and design is acceptable, in accordance with Policies: DEV1 and DEV2 of the Council's Unitary Development Plan 1998; DM26 of the Development Management DPD (submission version 2012), and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality design and suitably located.
- 2.4 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, DM4 of the Development Management DPD (submission version 2012), policy SP02 of the Core Strategy 2010 and policy 3.5 of the London Plan 2011 which seek to provide an acceptable standard of accommodation.
- 2.5 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policy DM4 of the Development Management DPD (submission version 2012), and policy SP02 of the Core Strategy 2010, which seek to improve amenity and liveability for residents.
- 2.6 On balance, it is not considered that the proposal would give rise to any unacceptable impact in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Development Management DPD (submission version 2012), and policy SP10 of the of the Core Strategy 2010 which seek to protect residential amenity.
- 2.7 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Development Management DPD (submission version 2012), and policy SP08 and SP09 of the Core Strategy 2010 which seek to ensure developments minimise parking and promote sustainable transport options.

3. RECOMMENDATION

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

Conditions

1. Time Limit for outline permission.
2. Development in accordance with plans
3. Materials to match existing
4. Landscape Management Plan
5. Provision of 7 additional cycle spaces
6. Code for sustainable homes level 4.
7. Car free agreement
8. Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only).
9. Construction Management Plan
10. Development to comply with lifetime homes standards.
11. Details of 10% wheelchair housing to be submitted.

12. Construction management plan.
13. The development shall comply with the requirement of 'Secured by Design'.
14. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.3 **Informatives**

- 3.4 1. It is likely that the Council will seek affordable housing in any future planning applications that provide additional housing units in accordance with emerging Development Management Policies.
- 3.5 2. You are advised to protect the amenity of existing residents during the construction of the development
- 3.6 3. Flood evacuation plan (as per Environmental Agency's consultation response)
- 3.7 4. Informative regarding Thames water (see consultation responses)
- 3.8 5. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

4. **PROPOSAL AND LOCATION DETAILS**

Proposal

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

Site and Surroundings

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

Planning History

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

- | | |
|-------------|--|
| PA/04/00551 | Erection of a 14-22 storey building comprising 512 apartments, 917 sq.m retail/commercial floorspace with four basement levels providing car parking spaces, bicycle spaces and motor-cycle parking.
Approved on 17/12/2007 |
| PA/06/534 | Creation of two additional flats within consented scheme, Ref: PA/04/551 |

Approved on 27/09/2007

PA/08/02657 Change of use of ground floor A1/A2/B1 commercial unit to D2 private gym / health club for use by residents of the block.
Approved on 07/02/2007

5. POLICY FRAMEWORK

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

Core Strategy Development Plan Document 2025 (adopted September 2010)

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

Unitary Development Plan 1998 (as saved September 2007)

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

Managing development DPD (Submission Version 2012)

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

Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design

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

London Plan 2011 (Spatial Development Strategy for Greater London)

3.3	Increasing housing supply
3.5	Quality and design of housing design
3.6	Children and young people's play and informal recreation facilities
3.8	Housing choice
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.5	Decentralised energy networks
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.17	Waste capacity
6.9	Cycling
6.11	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.5	Public realm
8.2	Planning obligations

National Planning Policy Framework

Community Plan

The following Community Plan objectives relate to the application:

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

6. CONSULTATION RESPONSE

- 6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Environmental Health

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

LBTH Highways

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

Environmental Agency

- 6.11 Environment Agency have no objections to the proposal and welcome the proposed green roof space. It is recommended that a flood warning and evacuation plan be drawn up for the additional apartments.
- 6.12 *Officer comment: An informative will be placed advising the applicant to draw up a flood warning and evacuation plan.*

Thames Water

- 6.13 Thames Water does not have any objection to the above planning application.
- 6.14 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of

the proposed development.

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

7. LOCAL REPRESENTATION

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

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

7.3 The following planning issues were raised in representations:

Amenity concerns:

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

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

Impact on wildlife habitat

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

No affordable Housing

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

Design concerns

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

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

Highways

- Adverse impact on parking and traffic

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

Other issues raised

- Adverse impact on the local community

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

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

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

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

- Breach of lease agreements
- Right of first refusal- under the Landlord and Tenant Act 1987
(Officer comment: the above issues are considered to be a private issue between leaseholders and freeholders.)

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

8. MATERIAL PLANNING CONSIDERATIONS

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

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

Principle of the use

Residential

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

Density

8.3 Policies 3.4 of the LP and SP02 of the Core Strategy seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport accessibility levels (PTAL) and the wider accessibility of that

location. Table 3.2 of policy 3.4 of the London Plan provides guidelines on density taking account of accessibility and setting

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

Affordable housing

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

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

- 8.10 The addition of 7 units without affordable housing resulting in a total of 521 flats is considered to fall outside of the above affordable housing policies and the Councils objectives of trying to secure affordable housing to meet a significant demand within the borough. Emerging policy DM3(4b) of the Managing Development DPD is seeking to rectify this by stating that affordable housing will be calculated 'based on the total housing provided on all sites and within all phases where a single development is proposed on more than one site and/or within different phases'. However, given this is an emerging policy officer's consider that previous appeal decisions have shown that it is not sufficiently

progressed its way through the adoption process to give weight to a refusal of the scheme on this ground.

- 8.11 At this point in time, the original development has been completed and the provision of affordable housing has been provided. Therefore it is considered that the current scheme has to look solely at the 7 units proposed. Should the applicant subdivide the 7 units or proposed additional units, than it is suggested that this position should be revisited in light of the adopted policies of that time.

Dwelling mix

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

Floorspace Standards

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

- 8.14 All seven of the proposed units, exceed the minimum floorspace standards as set out in the above policies.

Amenity Space

- 8.15 Policy HSG7 in the Interim Planning Guidance (2007), SP02 (6) in the Core Strategy (2010) and DM4 of the Managing Development DPD (submission version 2012) seek adequate external amenity space for new dwellings

- 8.16 All the proposed units are afforded with private amenity space in accordance with the above policies.

Design and Appearance

- 8.17 Good design is central to objectives of the London Plan and is specifically promoted by the policies contained in Chapter 7. Saved policy DEV1 in the UDP and Policy DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design.

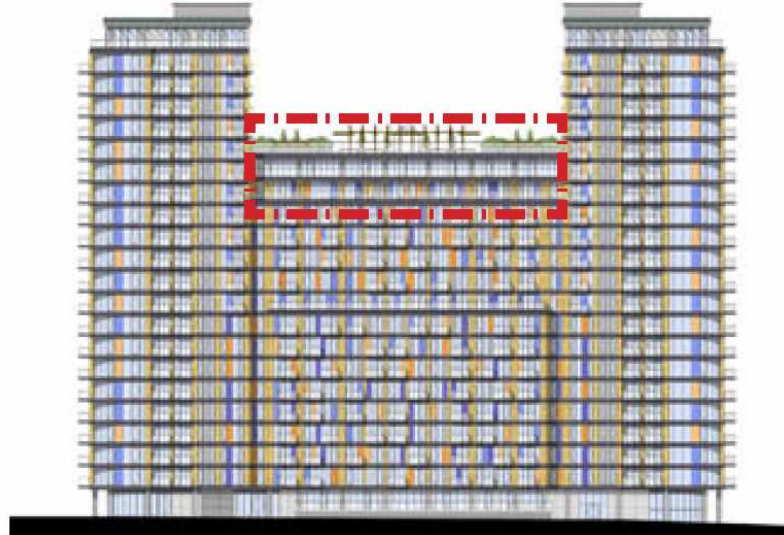
- 8.18 These principles are further supported by policy SP10 in the Core Strategy (2010) and policy DM24 of the Managing Development DPD (submission version 2012).

- 8.19 London Plan policies 7.6 and 7.7 seek to ensure tall buildings are of an appropriate design and located to help create attractive landmarks and act as a catalyst for regeneration. These aims are further supported by policy SP10 of the adopted Core Strategy, policy DM26 of the Managing Development DPD (submission version 2012), and DEV27 in

Interim Planning Guidance (October 2007)

- 8.20 The applicant is seeking to add two additional storeys and provide 7 duplex apartments with the rooftop garden replaced in a smaller form.
- 8.21 The location of the additional storeys is shown in the following drawing.

South Elevation



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

8.24



Existing View from North-East of Building

8.25



Proposed View from North-East of Building

8.26



Existing View from North-West of Building

8.27



Proposed View from North-West of Building

8.28 Officer's consider that the additional mass of the building (taking into account the setbacks provided) to be acceptable but consider that and any further increase in the height of the

central core beyond that currently proposed could result in an overly bulky building that does not tie in with the appearance of the approved development and could lead to the loss of its design characteristics.

- 8.29 The proposed garden measures around 103sq metres smaller in size than the existing garden. However, it is considered to be suitably high-quality measuring 479sqm. This is considered acceptable on balance given the additional residential accommodation provided. A landscape management plan is recommended to ensure this area is delivered and maintained to a high quality.
- 8.30 On balance, the building height, scale, bulk and design is acceptable, in accordance with Policies: DEV1 and DEV2 of the Council's Development Plan 1998; DM26 of the Development Management DPD (submission version 2012), and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality design and suitably located.

Impact upon the neighbouring occupants

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

Daylight/sunlight

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

8.34

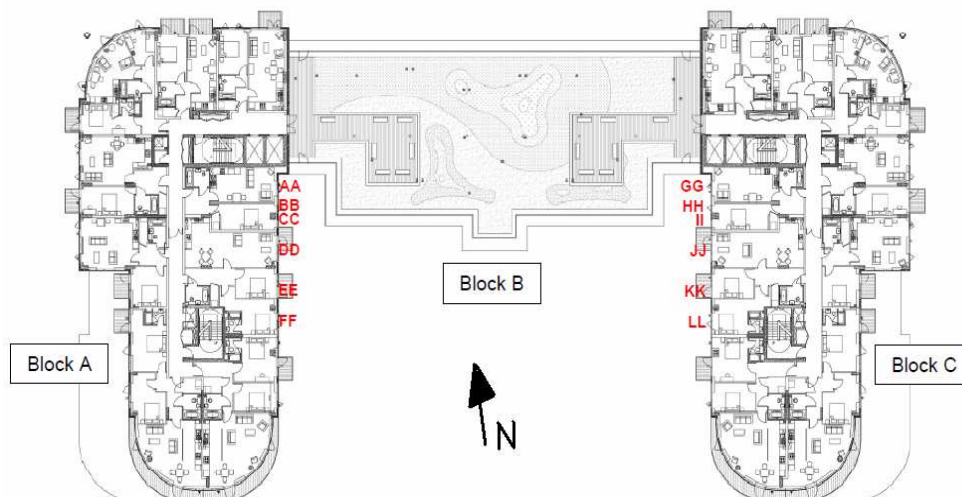


Figure 11 Plan of existing 14th floor, based on plan provided by BUJ Architects. This layout is replicated on the 15th floor. The blocks and the window positions analysed have been labelled.

Daylight

- 8.35 Daylight is calculated by two methods - the Vertical Sky Component (VSC) and No Sky Line (NSL). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including NSL. NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value, or there will be a discernable loss of daylight.
- 8.36 The daylight and sunlight report submitted with the application considers the VSC. The report demonstrates that the reduction in VSC to the flats on the 11th, 12th and 15th floors within the development all are within the 20% allowance as recommended by the BRE Guidance. It is therefore considered that the perceptible reduction in sky is unlikely to impact on the amenity of these properties.
- 8.37 With regards to the 13th and 14th Floors, the report demonstrates that properties on both floors will see greater than 20% reductions in VSC. The greatest of these reductions are on Flats/ Windows labelled 'AA', 'BB', 'GG', 'HH' in the above figure. The report also considers the reduction of VSC when balconies to the development are removed. This is allowed under the new BRE guidance as balconies can skew results, leading to darker rooms than would generally occur.
- 8.38 When removing the balconies, the greatest impact of the development would be on window 'AA' at thirteenth floor level which sees a reduction in VSC of 28%. Window 'GG' of the same floor would receive a reduction of 27% and window 'AA' of the 14th Floor would see a reduction of 23%. The reduction in windows to all the other flats would be below the 20% tolerance levels.
- 8.39 As part of the test, the three windows which failed the VSC were tested for No-Sky Line. This measurement looks at the percentage of the rooms with a view of the sky before and

after the development. This assessment reveals that these windows would lose between 5 and 12% of skyline to the rooms. These levels of reduction are usually considered acceptable in urban environments.

Loss of sunlight

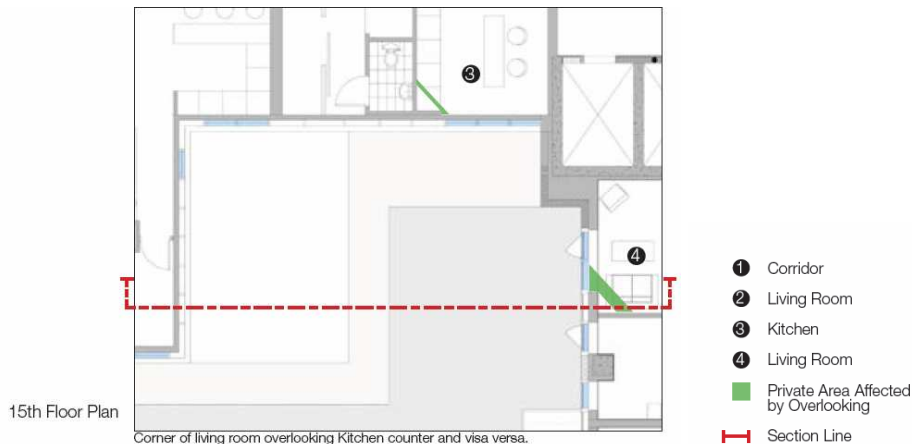
- 8.40 The report also looks at the loss of sunlight hours to the existing residents of floors 11 to 15 and within the block located within 90 degrees due south.
- 8.41 Given the orientation of the building and the location of the additional floors, the report outlines that none of the existing windows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

Visual amenity / sense of enclosure/ shadowing

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

Privacy

- 8.45 It is not considered that any loss of privacy or overlooking would occur as a result of the storeys, as they would follow an existing arrangement, and would also be set back. Whilst some views would exist into windows, given the siting of the development, these would be at perpendicular angles and not considered to result in an unacceptable level of privacy. This relationship is shown in the following diagram.



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

Highways

Parking

- 8.48 The parking policies are to be found in the London Plan, the Interim Planning Guidance and the Managing Development DPD, these are as follows:
- London Plan 2011 the standards are 1 – 1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats.
 - Interim Planning Guidance standards are up to 0.5 spaces per unit.
 - The Managing Development DPD has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.
- 8.49 At the current time, the London Plan is the only adopted policy document from those listed above and is therefore officers consider it should be given the most weight.
- 8.50 The approved development provides 266 car parking spaces, with a car free agreement in place to restrict residents from applying to park on the local highway. Within this application, no additional parking is proposed.
- 8.51 The Council's Highways officers have advised of the high parking stress in the immediate area and given the moderate Public Accessibility Level of 3 have recommended that the application be subject to a car free agreement similar to the original agreement. This would ensure the proposal does not adversely impact on the local highway network.

Cycle parking

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

Construction Management Plan

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

Waste storage and collection

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

Energy and Sustainability

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

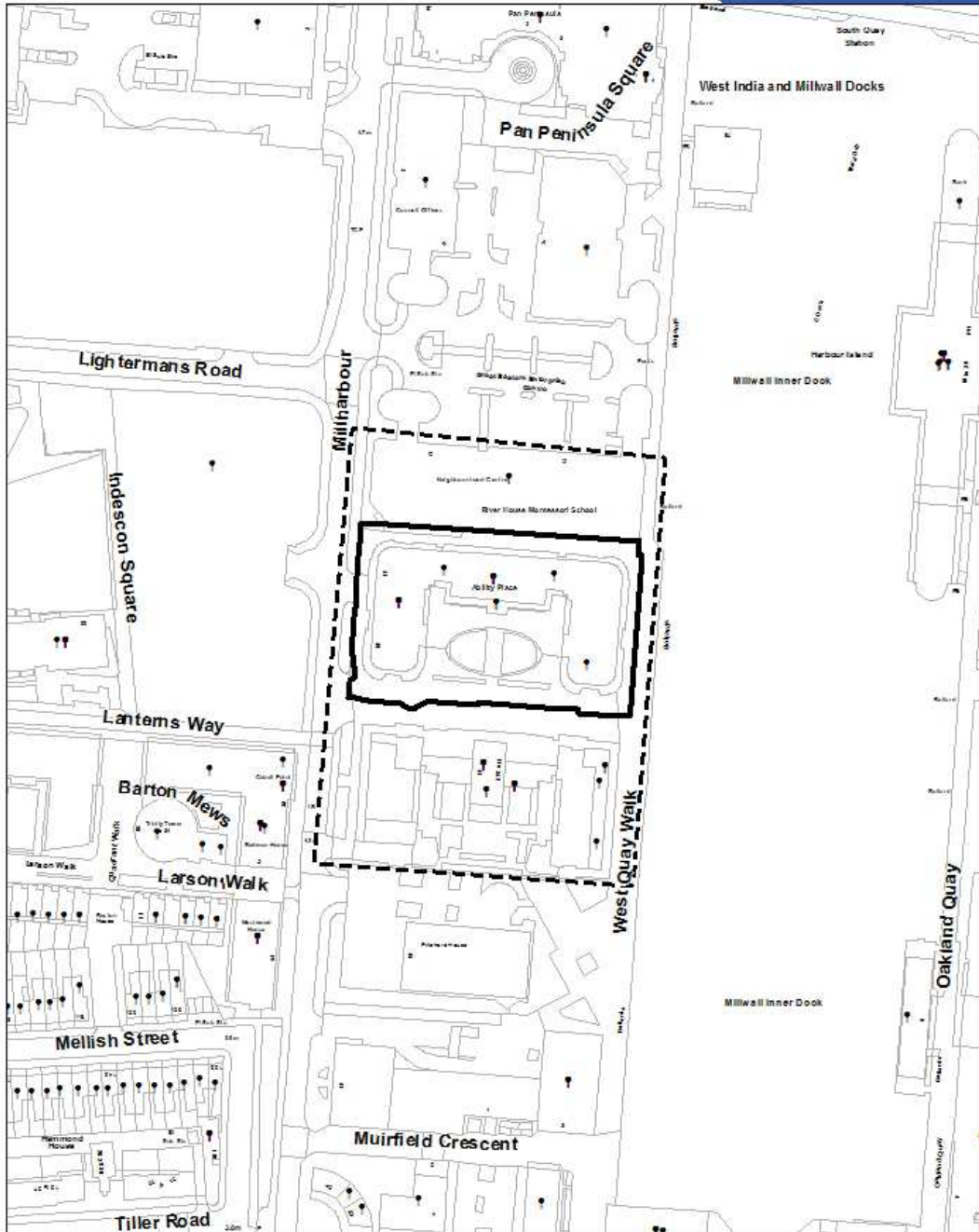
Other Planning Issues

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

9.0 Conclusions

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

Planning Application Site Map



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

 1:1,750

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 7.2

Committee: Development	Date: 10/07/2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Monju Ali		Ref No: PA/12/00706	
		Ward(s): Mile End and Globe Town	

1. APPLICATION DETAILS

Location: 1-26 Emmott Close, London, E1 4QN
Existing Use: Residential block of flats
Proposal: Refurbishment works consisting of external repairs to the fabric of the residential building and installation of a communal satellite dish on the roof.

Drawing Nos: 2902_D06_PL01 REV. P2 – OS location plan and existing elevations
2902_D06_PL02 REV. P4 – Existing elevations
2902_D06_PL03 REV. P6 – Proposed elevations
MSC\2153_1 REV. A – Existing windows
MSC\2153_2 REV. C – Existing windows
MSC\2153_3 REV. C – Existing windows
MSC\2153_8 – Existing windows
MSC\2153_5 REV. B – Proposed windows
MSC\2153_6 REV. C – Proposed windows
MSC\2153_7 REV. C – Proposed windows
MSC\2153_9 REV. A – Proposed windows
2902_D06_PL31 REV. P1 – Entrance canopy elevation
2902_PL32 REV. P1 – Entrance canopy section
2902_PL20 REV. P1 – Proposed door elevations
2902_PL22 REV. P1 – Proposed door detail section
00363/EL/100 REV. A – TV & Satellite arrangement

Supporting Documents: Design & Impact Statement, Letter from Anglian Building Products, dated 24th February 2012, with UPVC and Timber pricing options, Technical Data Sheet – Anglian windows, Ocean Estate TV Communal Works Specification, dated 29th October 2010 and Securidor Specifications dated 17th January 2011.

Applicant: Wates Group Ltd
Owners: London Borough of Tower Hamlets
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

London Plan and Government Planning Policy Guidance and has found that:

1. The proposed refurbishment, repair works and installation of satellite equipment, would be of an appropriate design and scale in keeping with the existing residential building. This is in accordance with saved policies DEV1, DEV9 and DEV10 of the Unitary Development Plan (1998), Policy DEV2 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007), emerging policy DM24 of the Managing Development Plan Document (May 2011) and policy SP10 of the Adopted Core Strategy which seek to ensure appropriate design and to encourage the introduction of communal communications equipment.

2. The proposed satellite equipment, refurbishments and repair works would have no significant impacts upon residential occupiers, their amenity or the visual amenity of the surrounding area. As such, the proposal therefore accords with saved policy DEV2 of the Unitary Development Plan (1998), policy SP10 of the Adopted Core Strategy (2010), Policy DEV1 of the Interim Planning Guidance (October 2007) and emerging policy DM25 of the Managing Development Plan Document (May 2012), which seek to protect the amenity of residential occupiers and the environment of the borough generally.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to conditions.

3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.3 Conditions

3.4 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule to this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

3) Any existing satellite dishes located on the buildings shall be removed following the installation of the approved communal dishes.

Reason: To avoid the accumulation of an unnecessary clutter of satellite/aerials on the buildings and the consequential damage to the visual amenity of the environment in accordance with Saved Policies DEV1 and DEV10 of the Unitary Development Plan (1998) which seek appropriate visual appearance in the borough.

4) The proposed repair and refurbishment works shall not take place other than between the hours of: -

- 0800 -18:00 Hours, Mondays – Fridays only

Reason: To safeguard the amenity of existing and adjacent residents and the area generally and to accord with policy SP10(4) of the Adopted Core Strategy (2010) and policy DEV2 of the Tower Hamlets Unitary Development Plan 1998.

5) Any other planning condition(s) considered necessary by the Corporate Director of

Development & Renewal.

3.5 **Informative:**

1) The installation of any external cabling required to connect the proposed communal TV aerial system on this block will be brown in colour.

2) The applicant has agreed that to minimise disruption and safeguard the amenity of existing and adjacent residents and the area generally during the 2012 Olympic and Para-Olympic Games. The approved repair and refurbishment works will not take place during the period of 2012 Olympic and Para-Olympic Games, ranging from the dates (26th July 2012 to 10th September 2012).

4. **PROPOSAL AND LOCATION DETAILS**

Proposal

4.1 The application seeks permission for refurbishment works consisting of external repairs to the fabric of the residential building and installation of a communal satellite dish on the roof. The works include the following:

- 1) drainage repairs
- 2) refuse storage repairs
- 3) roof repairs
- 4) balconies and walkways repaired,
- 5) lighting protection system replaced
- 6) TV aerial system replaced with communal dish
- 7) installation of new communal aerial
- 8) windows and balcony doors replaced with new UPVC units
- 9) front entrance doors replaced with new GRP units
- 10) entrance controlled entry system replaced

4.2 **Site and Surroundings**

4.3 The site in question is No.1-26 Emmott Close, a 1970's four storey housing block of flats located west of the Grand Union Regents Canal and within the Ocean Housing Estate grounds in Stepney Green. The majority of occupiers have exercised their right to buy and are leaseholders.

4.4 No 1-26 Emmott Close is located within the Mile End and Globe Town Ward of the Borough and is not within a conservation area. There are no listed buildings within the immediate vicinity of the site. The surrounding area is predominantly residential in character.

4.5 Currently the block comprises of a mixture of external timber and uPVC framed windows and doors. The existing windows comprise of various 'tilt and turn' style windows of different sizes with panel sections underneath. The rear elevation also includes Juliet balconies. The block has two communal shared entrance doors to the north and south of the site. The upper floor has a front walkway leading to individual entrance doors.

4.6 This application for the general refurbishments and replacements to the block forms part of a larger estate regeneration project which is being carried out across the Ocean Housing Estate.

4.7 **Planning History**

4.8 Planning application ref. PA/11/02600 for No.1-26 Emmott Close with the same proposal was withdrawn on 16th February 2012, due to inaccuracies in the proposed plans and a further delay with the applicant's decision to change the previous window contractor.

4.9

Within the Ocean Housing Estate planning permission has been granted for general refurbishment works, which forms part of a larger estate regeneration project and is similar to the proposal for Emmott Close.

PA/11/02744 – No.1-12 Morecambe Close, dated 23/11/2011
PA/11/02743 – No.25 - 36 Morecambe Close, dated 23/11/2011
PA/11/02742 – No.37 - 48 Morecambe Close, dated 23/11/2011
PA/11/02740 – No.49 - 63 Morecambe Close, dated 23/11/2011
PA/11/02714 – No.13 - 24 Morecambe Close, dated 23/11/2011
PA/11/02713 – No.33 – 44 Rectory Square, dated 01/12/2011
PA/11/02603 – No.1 – 20 Sandalwood Close, dated 08/11/2011
PA/11/02332 – No.1-6 Grand Walk, dated 27/10/2011
PA/11/02333 – No.7-15 Grand Walk, dated 27/10/2011
PA/11/02334 – No.16-22 Grand Walk, dated 01/09/2011
PA/11/01856 – No.1-6 Union Drive, dated 27/10/2011
PA/11/01851 – No.7-11 Union Drive, dated 27/10/2011
PA/11/01853 – No.12 – 20 Canal Close, dated 01/11/2011
PA/11/02595 – Ionian House, dated 08/11/2011
PA/11/02591 - Timor House, dated 09/11/2011
PA/11/01852 – Panama House, dated 27/10/2011

5. POLICY FRAMEWORK

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

5.2 **Adopted Core Strategy (September 2010)**

Policies: SP10 Creating distinct and durable places

5.3 **Unitary Development Plan (as saved policies 1998)**

Policies: DEV1 Design
DEV2 Amenity
DEV10 Satellite dishes

5.4 **Interim Planning Guidance for the purposes of Development Control (2007)**

Policies: DEV1 Amenity
DEV2 Design

5.5 **Managing Development Plan Document (May 2012)**

Policies: DM24 Place sensitive design
DM25 Amenity

5.6 **Community Plan** The following Community Plan objectives relate to the application:
A better place for living well

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

6.2 London Borough of Tower Hamlets - Development Design and Conservation

6.3 No objections raised based on the principle of refurbishment and repair works. The choice of materials in principle is considered acceptable.

6.4 **Officer comment:** Given the block has several mix types of windows and doors already in situ, the Urban Design officer has raised no specific objections as the proposed refurbishment works will improve the general appearance of the building as a whole.

6.5 London Borough of Tower Hamlets – Head of Building Control

6.6 No objections to the proposed works in principle.

7. LOCAL REPRESENTATION

7.1 A total of 51 neighbouring properties within the area shown on the map appended to this report were notified about the application. A site notice was displayed on site. Further, notification letters were sent to objectors from the withdrawn application PA/11/02600.

7.2 The total number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 33 Objecting: 30 Supporting: 0 Duplicated: 3
No of petitions received: None.

7.3 The following issues were raised in objection that are addressed in the next section of this report:

7.4

- Unacceptable design with regards to the use of UPVC windows. Timber framed windows would be more affordable and in keeping with the block

- **(Officer Comment:** The site is not located within a Conservation Area, nor does the property benefit from any listings, which is where timber or traditional types of windows would be required. The applicant has provided details demonstrating the preference for UPVC which includes affordability, low maintenance, efficient insulator and longer life span. Furthermore, the choice of materials is considered acceptable given the block has several mix types of windows and doors in situ. It is also considered the proposed refurbishment works will improve the general appearance and legibility of the building as a whole. The use of UPVC has also been approved on all other Ocean Housing Estate refurbishment projects.

7.5

- Disruption and increased security risks to residents during works being carried out

- **(Officer Comment:** The proposed level of repair and refurbishment will be carried out by an approved contractor who will require access to the affected properties, it is anticipated there will be some level of disruption, but this will be controlled and kept to a minimum ensuring works are only carried out during appropriate working hours (08:00 – 18:00) Monday – Friday). Failure to comply will be a breach of condition which is enforceable.

7.6

- Timing of the proposed works will be disruptive to the 2012 Olympic Games

- **(Officer Comment:** A start and completion date has not been provided by the applicant. However, the applicant has confirmed no works will be carried out during the 2012 Olympic and Para-Olympic Games, ranging from the dates (26th July 2012

to 10th September 2012) to minimise disruption and protect residential amenity. This will be attached as an informative.

- 7.7
- Maintenance of UPVC is higher than timber
 - (**Officer Comment:** The applicant has provided comparison information of UPVC and timber window units from the supplier Anglian Building Products to demonstrate that UPVC units are generally low maintenance, more affordable and have a satisfactory life span. The costs are identified as below:

<u>Property</u>	<u>PVCu option</u>	<u>Timber option</u>
G/Floor property	£2,969.41 per property	£9,315.44 per property
F/Floor property	£2,471.38 per property	£8,584.38 per property

- 7.8
- Unacceptable cost with non-essential works
 - (**Officer Comment:** The service costs to leaseholders are a management issue between residents and the housing association and not a material planning consideration).

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use

2. Design

High quality design and impact on the property and surrounding area.

3. Residential and Visual Amenity

Impact on the amenity of occupying residents and the visual impact to the surrounding area.

8.2 Land Use

This application poses no land use implications. The application site will retain its current residential use following the proposed refurbishment works.

8.3 Design

- 8.4 The agent has submitted a design and impact statement relating to the works which states that all repair and refurbishments will be carried out to match as closely with the existing building as possible.
- 8.5 Given the block has several mix types of windows and doors already in situ, the single approach to use UPVC windows and door units will improve the general appearance of the building as a whole.
- 8.6 The individual front entrance doors of the block are to be replaced with new units, which will comprise of one of the following colours following residential consultation: Red, Blue, Green or White. A sample door has been viewed on site with all possible colour options and detailed drawings. It is considered that these are of a high quality, secure design and appropriate colours for the existing estate and would therefore be in keeping with their surroundings.
- 8.7 The existing two controlled communal controlled entrance door systems are all to be replaced with a new canopy and light fitting attached underneath. It is considered that this

work is minor in scale and would be in keeping with the existing building and further create a stronger sense of security and legibility for residents and visitors.

- 8.8 This application seeks permission for a communal satellite dish to be installed on the block roof in order to facilitate a communal dish for all users. The proposed dish would be located upon the roof to the south-west elevation with an associated rig with TV, DAB and FM aerials and would measure less than 1 metre in width.
- 8.9 Satellite dishes and associated cabling on residential blocks are a common site within the Borough. It is considered that the removal of individual dishes from the residential blocks, and the erection of one dish in an unobtrusive location would be preferable in terms of the building's appearance. A condition has been included to ensure all other dishes are removed following the introduction of this communal equipment.
- 8.10 In order to safeguard the appearance of the block, an informative has been included to ensure that the colour of the cabling is brown as suggested within the submitted information.
- 8.11 Other general repairs and improvements throughout the block include balcony walkway repairs, repair of above ground drainage, refuse store repairs and roof repairs. These alterations seek to match as closely as possible the original configuration providing uplift to the property.
- 8.12 The works are required to extend the life-span of the residential block and to ensure that the walkways remain safe. The proposal would also help to maintain the appearance and character of the Ocean Housing Estate for existing and future residents.
- 8.13 For the reasons stated above, it is considered that the proposed refurbishment works, replacements and insertion of canopies to the block would be in keeping with its existing design and appearance. This would be in accordance with saved policies DEV1, DEV9 and DEV10 of the Unitary Development Plan (1998), Policy DEV2 of the IPG (2007), emerging policy DM24 of the Developing Management Plan (2012) and policy SP10 of the Adopted Core Strategy (2010).
- 8.14 **Amenity**
- 8.15 Policy SP10(4) of the adopted Core Strategy (2010) along with Saved Policy DEV2 in the UDP (1998), emerging policy DM25 of the Developing management Plan (2012) and Policy DEV1 of the IPG (2007), seek to ensure that development where possible protects and enhances the amenity of existing and future residents.
- 8.16 The hours of work will be controlled between (08:00 – 18:00) Monday – Friday to protect residential amenity from construction noise and disturbance.
- 8.17 Given the measures being proposed to ensure the development would not result in an unduly detrimental loss of amenity for existing residents or residential neighbours, the proposal is therefore compliant with Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998), policy DM25 of the Developing Management Plan (2012) and Policy DEV1 of the Interim Planning Guidance (2007), which seek to ensure that development proposals protect neighbouring residential amenity.

9.0 CONCLUSIONS

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

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Agenda Item 7.3

Committee: Development	Date: 10/07/2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Shahara Ali-Hempstead		Ref No: PA/12/00462	
		Ward(s): Shadwell	

1. APPLICATION DETAILS

Location: Unit A, Ground floor at Thames House, 566 Cable Street, London, E1W 3HB

Existing Use: Vacant Unit (17sq metres), formerly the court yard office (Use Class B1)

Proposal: Change of use from vacant court yard office to mini cab control room.

Drawing Nos:

- 1) Location plan
- 2) Ground Floor plan of 566 Cable Street
- 3) Existing and proposed plan A

Supporting Documents: Impact Statement

Applicant: Mr Mahfuj Khan
Owners: Sudbury Properties Ltd
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the provisions of the adopted London Plan Spatial Development Strategy for Greater London (2011), the adopted London Borough of Tower Hamlets Core Strategy (2010), the saved policies in the Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning guidance (2007), Managing Development Plan (Submission Version 2012), associated supplementary planning guidance, National Planning Guidance and other material considerations and has found that:-

1) The proposed change of use of this unit to a mini-cab control office/sui generis use will restore previous employment use. The proposal therefore accords with the objectives of the saved policy EMP1 of the Unitary Development Plan (1998) policy EE2 of the Interim Planning guidance (2007) and policy SP06 of the Core Strategy (2010) which seeks to encourage employment through the reuse of vacant buildings to ensure protection of employment floorspace and jobs for the local community.

2) Subject to the imposition of conditions, the proposed use of unit A, part of Thames House purely as a mini-cab control office will not result in loss of amenity to neighbouring residents

in terms of noise. This is in accordance with saved Policy DEV2 of the adopted Unitary Development Plan (1998), policy DM25 of the Managing Development - Development Plan Document (DPD) Submission Version 2012 and DEV2 of the Interim Planning Guidance (2007). These policies seek to ensure proposals do not have an adverse impact on residential amenity.

3) The proposed mini-cab control office would not result in any impact on the safety and efficiency of the adjoining highway network and would be acceptable in terms of saved policy T16 of the Unitary Development Plan 1998 and policy SP09 of the Core Strategy (September 2010) which seek to ensure highway safety and efficiency.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to conditions.

3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

3.3 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

3.4 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

3.5 3) The mini -cab operation shall be conducted as a control room only and no facilities are to be provided on site for drivers waiting for fares or between shifts nor shall the premises be used as a pick up point for customers.

Reason: To safeguard the amenity of the adjoining premises and the area generally in accordance with saved policy DEV2 adopted UDP (1998) and DEV1 of the Interim Planning Guidance (2007).

3.6 4) No flashing lights shall be fixed to the external face of the unit or on the building in association with the use hereby permitted.

Reason: To safeguard traffic movements in the vicinity of the site by reducing the potential for the use of the premises as a "pick-up" point for fares. This is in accordance with saved policies DEV2 and T16 of the adopted UDP (1998) and DEV1 of the Interim Planning Guidance (2007).

3.7 5) No signage/advertising shall be displayed on the building or within windows of Unit A in association with the use hereby permitted.

Reason: To safeguard traffic movements in the vicinity of the site by reducing the potential for the use of the premises as a "pick-up" point for fares. This is in accordance with saved policies DEV2 and T16 of the adopted UDP (1998) and DEV1 of the Interim Planning Guidance (2007).

- 3.8 6) No storage/parking of vehicles associated with the mini-cab office within the site.

Reason: To protect safety, convenience of all road users and to reduce congestion on the road . This is in accordance with policy SP09 of the Core Strategy (2010) and policy T16 of the Unitary Development Plan (1998).

Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the change of use of a vacant court yard office measuring 17sq meters B1 use to Sui generis mini cub control room.

Site and Surroundings

- 4.2 The application site, Unit A, 566 Cable Street, London, E1 9HB is located within the complex now known as Cable Street Studios. The complex was built in the 1860's and was originally a sweet and cracker factory. In 1984 the factory was formed into an artist run institution and since then has had a fluctuating history. Cable Street Studios was purchased in December 2000 by the current freeholders, Sudbury Properties Ltd.
- 4.3 The site now lies within the extended York Square Conservation Area, which was originally designated in January 1973 and subsequently extended in October 2009.
- 4.4 The complex is surrounded by residential developments to the north, and south west, a hotel behind the houses to the south west, a cement factory to the south east, a business park to the west and Butchers Row and St Katharine's Church to the east.

Planning History

- 4.6 Whilst there is an extensive planning history of the whole site there is no relevant planning history associated with the vacant application site Unit A.

5. POLICY FRAMEWORK

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

5.2 London Plan 2011

None

5.3 Adopted Core Strategy (2010)

Policies:	SP06	Maximise investment and job creation
	SP09	Creating Attractive and Safe Streets and Spaces

5.4 Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV2	Environmental Requirements
	DEV50	noise a material planning consideration
	EMP1	Promoting employment growth

EMP8	Encouraging small business growth
S8	Mini-cab offices may be approved if they do not <ul style="list-style-type: none"> - abut residential accommodation - have a material detrimental impact on the amenity of nearby residents - have a material detrimental effect on free flow of traffic - result in increase in potential danger to other road users - conflict with other policies
T16	Transport and Development

5.5 Managing Development - Development Plan Document (DPD) Submission Version 2012

Policies DM25 Amenity

5.6 Interim Planning Guidance for the purposes of Development Control

Policies: DEV1 Amenity
DEV10 Noise pollution, including road noise
DEV19 Parking for Motor Vehicles
EE2 Redevelopment/ Change of use of employment site
RT5 Evening and night - time economy

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

London Borough of Tower Hamlets - Transportation & Highways

6.2 Comments dated 26/04/2012

*The proposed "cabs unloading" spot is on LBTH highway, where there are around 7 permit bays. Between these and the entrance/exit to the complex and the Red Club is the cycle superhighway. At night parking is not controlled. I have some concerns about the potential impacts on the generation of additional cars in this area, especially where they may be manoeuvring next to or even over the cycle superhighway. To limit the potential for cabs being drawn to the site and congesting the highway, Highways require (in the event the Case Officer is minded to approve the application) the following conditions. No advertising of services on site, this covers no telephone number/address and no revolving minicab light - No storage/parking of vehicles, - No picking up of fares from the site I gather from the application form that there is parking in the complex consisting of 2 car, 2 LGV, 1 disabled and 6 cycle spaces. There are no corresponding figures in the *proposed' column. I'm not clear what use will be made of these and whether they are shared with other businesses, but I assume they aren't core to this business. Subject to the above conditions, Highways has no objection.*

6.3 **Officer Comment** The reference to the submitted form in terms of parking within the complex was given in relation to the parking provision for Thames House and not for Unit A, the application unit for mini-cab use. Notwithstanding, all conditions requested by highways will be imposed on any decision notice, to ensure highways safety in the vicinity.

7. LOCAL REPRESENTATION

7.1 A total of 65 neighbouring properties within the area shown on the map appended to this report were notified about the application.

7.2 The total number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 2 Objecting: 1 Supporting: 1
No of petitions received: 1 objecting containing 30 signatories
 1 supporting containing 74 signatories

7.3 The following issues were raised in objection that are addressed in the next section of this report:

- If planning permission was allowed the new mini cab office will seriously affect my minicab business in the building.

7.4 **Officers Comments** This comment was from an existing mini-cab operator from Unit 9 within Thames House. As such the issue of competition is not a planning material consideration as such it does not form part of the decision making process.

- Noise from the mini –cab office

7.5

Officer's Comments The mini cab office will have two controllers per shift. As such, it is unlikely that any noise nuisance will be generated.

- Antisocial behaviour as a result of mini-cab use

7.6

Officer's Comments Amenity related matters are discussed in detail in section 8 of this report

7.7

- Parking problems associated with the mini-cab office use

Officer's Comments Highways related matters are discussed in detail in section 8 of this report

7.8 The following comments were made in support of the proposal:

- The petition against the proposal is false
- We are not against the proposal
- Happy for Tower Hamlets to go ahead with the application.

8. MATERIAL PLANNING CONSIDERATIONS

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

1.Land Use

Encouraging the re-use of the vacant Unit A from court yard office B1 use to mini cab office.

2.Residential Amenity

Impact on the amenity of the surrounding area.

3. Mini Cab Control Office use

Acceptability of mini cab office use within the area

4. Highways Impacts

Impact on the public highway and local road network.

Land Use:

- 8.2 The proposal is for the change of use of a ground floor unit measuring 17sq meters from vacant office space (Use Class B1) to a mini cub control room (Use Class Sui Generis), to be operated on a 24 hour basis and 7 days a week.
- 8.3 The change of use of this unit to a mini-cab control office/sui generis use will restore previous employment use as such the proposal accords with the objectives of the saved policy EMP1 of the Unitary Development Plan (1998) policy EE2 of the Interim Planning guidance (2007) and policy SP06 of the Core Strategy (2010) which seeks to encourage employment through the reuse of vacant buildings to ensure protection of employment floorspace and jobs for the local community.
- 8.4 Currently the application site is vacant. The reuse of the space for commercial operation would be acceptable in this location as the unit size is small measuring 17sq metres, moreover the applicant will be vacating a first floor unit measuring 10sq metres which will revert back to its lawful use as a studio.
- 8.5 The proposed use for a mini-cab control office operating as a small office with sui generis use would generate employment for at least 15 local residents within the mini-cab control room and as mini cab drivers.
- 8.6 It is therefore considered that the use is acceptable and compatible with the area and its general commercial usage. The use would be acceptable as a mini-cab control office/sui generis use which would retain employment onsite and would be acceptable in terms of policy EMP1 of the Unitary Development Plan 1998, policy EE2 of the Interim Planning Guidance 1999 and policy SP06 of the Core Strategy 2010.

Amenity

- 8.7 Policy SP10(4) of the adopted Core Strategy (2010) along with Saved Policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek to ensure that development where possible protects and enhances the amenity of existing and future residents.
- 8.8 The applicant has applied for the mini-cab control office to operate on a 24 hour basis/7 days a week. Residential properties are located to the north and north east of the application site. However, due to the nature of the proposal as a mini-cab control office only with no facilities provided on site for drivers waiting for fares or between shifts or as a pick up point for customers. As such it is considered that there will be no undue noise created or any form of antisocial behaviour.
- 8.9 Subject to conditions imposed on the decision notice with regards to the above restriction. The proposal will not have an adverse affect on residential amenity, as such the proposal is considered acceptable in terms of Core Strategy policy SP10, saved UDP policy DEV2 and IPG policy DEV1.

Mini Cab Control Office use

- 8.10 Saved policy S8 of the Unitary Development Plan (UDP) 1998 sets out the criteria for minicab offices within the borough and states that they should not be located near residential accommodation and not have a detrimental impact upon nearby residents. Furthermore, in terms of highways, the operation of a minicab centre must not impinge on the free flow of traffic and in particular they must not be detrimental to the free flow of public transport. Given the minicab office proposes to operate as a remote office only with no vehicles coming to the

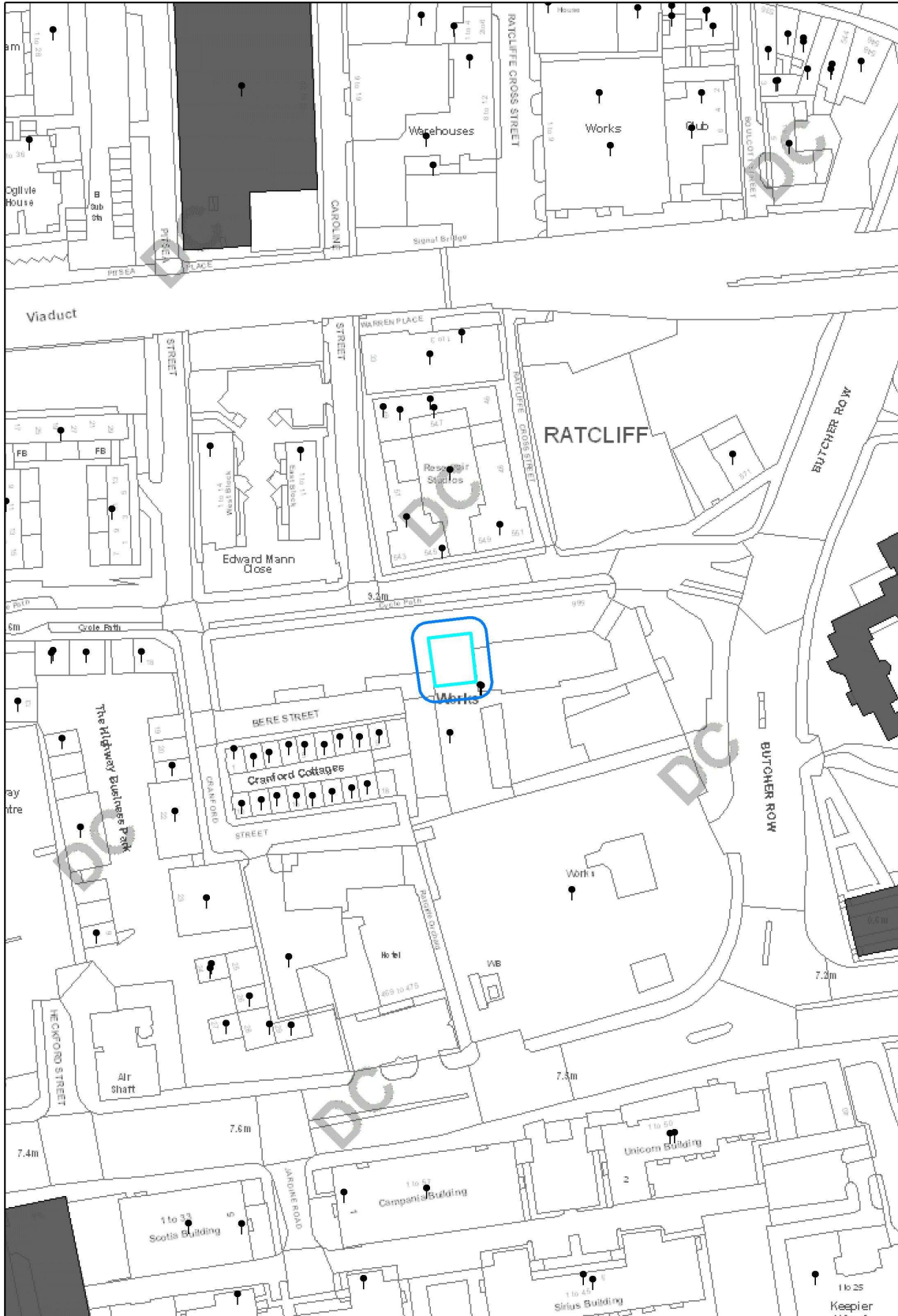
office at any time, it is considered that subject to the imposition of suitable conditions, the proposed use of part of the Thames House premises as a mini cab control office will not result in loss of amenity to surrounding residential occupiers or impact upon the local highway network. The proposal is considered to accord with saved policies S8, DEV2 and DEV50 of the UDP 1998, policy SP10 of the Core Strategy 2010 and policies DEV1 and RT5 of the Interim Planning Guidance 2007.

Transport & Highways

- 8.11 Council policies contain a number of safety and operation policies which seeks to protect the highway from development.
- 8.12 Council's Highways Officers have advised that the mini-cab control office should have the following restrictions imposed to prevent potential for cabs being drawn to the site and congesting the highway:
- No advertising of services on site, this covers no telephone number/address and no revolving minicab light
 - No storage/parking of vehicles
 - No picking up of fares
- 8.13 With the restrictions of the above mentioned conditions, it is not considered that there will be any adverse impact on the surrounding highway network.
- 8.14 The area is well served by public transport, bus stop and Limehouse DLR is within walking distance of the site. The mini-cab control office would complement the borough's public transport provision. No highways issues are foreseen on the traffic flow as the mini cab will operate as a control room only with no cars parking, dropping or picking up customers from the site. It is considered that if the use of the mini-cab office is controlled in order to ensure it operates as a control base office with no pick up at the site it would be in accordance with saved policy T16 of the adopted UDP (1998).
- 8.15 Therefore, the use of the mini-cab control office would not result in any impacts on the safety and efficiency of the highway network and would be acceptable in terms of saved policy T16 of the UDP 1998 and policy SP09 of the Core Strategy which seek to ensure highway safety and efficiency.

9.0 CONCLUSIONS

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



Agenda Item 7.4

Committee: Development	Date: 10 th July 2012	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Mumtaz Shaikh	Title: Town Planning Application Ref No: PA/11/03785 Ward: Bethnal Green South
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1. APPLICATION DETAILS

- Location:** Site at 58-64 Three Colts Lane and 191-205 Cambridge Heath Road, London
- Existing Use:** Furniture showroom and storage plus temporary artists studio and architectural model makers
- Proposal:** Demolition of existing buildings and erection of two high density mixed-use developments in two blocks (i.e. Block A and B) with approximately 1224sqm. of retail and employment uses at ground and mezzanine levels, and 149 residential units in upper floors.

Both Block A and B comprises full 6-storeys and part 7-storey, and Block B comprises part 8-storey. Basement of Block A provides plant room and 14 car parking spaces. Basement of Block B provides a separate plant room with access and a stair from an entrance off Buckhurst Street.

Creation of service road to Block B with vehicular access from Buckhurst Street and Coventry Road and provision of 9 on-site parking spaces to side of service road.

Drawing Nos/Documents: Documents:

- Design and Access Statement by GLM Architects dated November 2011
- Planning Impact Statement prepared by Grainger Planning Associates Ltd dated November 2011
- Landscape Design Strategy Rev D. 21/11/11 by fabrik
- Drawing No. D1855.L.100 Revision D - Ground Floor Hard and Soft Landscape General Arrangement Plan
- Drawing No. D1855.L.101Revision E - Roof Terraces Hard and Soft Landscape General Arrangement Plan
- Television and Radio Reception Assessment by GLM Architects dated 03 November 2011
- Transport Statement Prepared by Entran Ltd dated November 2011
- Air Quality Assessment Report by WSP dated November 2011
- Daylight and Sunlight report by GL Hearn ref: PAS/MKS/152077/01 dated 23 November 2011
- Assessment of economic viability by BNP PARIBAS Real Estate date March 2012
- Sustainability Statement and Energy Strategy Report
- Assessment of Economic Viability prepared by Evenleigh Ltd dated March 2012
- Schedule of Accommodation for "Option A" by Block ref: 3636/Accommodation dated 8 Feb 2012 - Rev C
- Summary of schedule of accommodation for Block A and B – 3636/Accommodation_01 dated 25th June 2012 –Rev D
- Schedule of Accommodation for "Option B1 – 3636/Accommodation by block _02 dated 25th June 2012 – Rev D.
- Duncan Henderson's e-mail dated 20/06/2012
- Duncan Henderson's e-mail dated 21/06/2012

Plan Nos:

3636/P1, 3636/P2, 3636/P3, 3636/P4, 3636/P5, 3636/P6, 3636/P7, 3636/P8, 3636/P9, 3636/P10, 3636/P11, 3636/P12, 3636/P13, 3636/P14, 3636/P15A, 3636/P16B, 3636/P17B, 3636/P18B, 3636/P19B, 3636/P20B, 3636/P21A, 3636/P22A, 3636/P23, 3636/P24A, 3636/P25A, 3636/P26A, 3636/P27B, 3636/P28B, 3636/P29B, 3636/P30B, 3636/P31B 3636/P32A, 3636/P33A, 3636/P34A, 3636/P35A, 3636/P36A, 3636/P37, 3636/P38, 3636/P39A, 3636/P40, 3636/P41A, 3636/P42, 3636/P43, 3636/P44, 3636/P45, 3636/P46, 3636/P47A, 3636/P48, 3636/P49, 3636/P50 and 3636/P51

Applicant:	Evenleigh Ltd
Ownership:	Roy Sandler; Lauren Sandler; Joanna Sandler; and Timothy Sandler
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets Interim Planning Guidance (IPG 2007); the adopted Core Strategy (2010), Managing Development: Development Plan Document (Submission Version 2012) as well as the London Plan (2011) and the National Planning Policy Framework (March 2012) and has found that:
- 2.2 The scheme will provide a residential led mix-use redevelopment with appropriate replacement of employment uses. The scheme would therefore provide opportunities for growth and change in accordance with the objectives set for Bethnal Green Area (LAP 2) as identified in the Core Strategy 2010.
- 2.3 The building height, scale, bulk and design (including access) is acceptable and will enhance the character and appearance of the existing streetscene, in accordance with Policies:
DEV 1 and DEV2 of the Council's Unitary Development Plan 1998; DEV1, DEV2 and DEV3 of Interim Planning Guidance 2007; SP10 and SP12 of Core Strategy 2010 and policies DM23 and DM24 of the Managing Development: Development Plan Document (Submission Version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.
- 2.4 The proposal provides an acceptable amount of affordable housing and mix of units, in light of the viability of the scheme. As such, the proposal is in line with policies 3.8, 3.10, 3.11 and 3.10 of the London Plan (July 2011), saved policy HSG7 of the Council's Unitary Development Plan 1998, policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development: Development Plan Document (Submission Version 2012) which seek to ensure that new developments offer a range of housing choices.
- 2.5 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), policy SP02 of the Core Strategy (2010) and policies DM23 and DM24 of the Managing Development: Development Plan Document (Submission Version 2012), London Plan 2011 and Housing Draft Supplementary Planning Guidance (December 2011) to London Plan 2011 which seek to provide an acceptable standard of accommodation.
- 2.6 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policies HSG7 of the Council's Interim Planning Guidance (2007), policy SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development: Development Plan Document

(Submission Version 2012), which seek to improve amenity and liveability for residents.

- 2.7 It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of the Interim Planning Guidance (2007), policy SP10 of the of the Core Strategy (2010) and policy DM25 of the Managing Development: Development Plan Document (Submission Version 2012), which seek to protect residential amenity.
- 2.8 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), policies SP08 and SP09 of the Core Strategy (2010) and policies DM20 and DM23 of the Managing Development: Development Plan Document (Submission Version 2012), which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.9 Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; health care provision and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy; policy IMP1 of the Council's Interim Planning Guidance (October 2007); policy SP13 of the Core Strategy (2010), and as set out in the Planning Supplementary Document: Planning Obligation (2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 The prior completion of a legal agreement to secure the following planning obligations:

Financial contributions

A) Employment

- Construction Phase Skills and Training - £19,800
- End-User Phase Skills and Training - £9075

B) Community Facilities

- Libraries - £26,400
- Leisure - £92,400

C) Education

- Primary School - £158,400
- Secondary School – £95,700

D) Health – £146,025

E) Sustainable Transport - £3,300

F) Public Realm

- Street Scene - £103,950
- Open Space - £169,950

G) Affordable housing car parking spaces – £45,000

Total : £870,000

Non-financial contributions

- a) 27.6% affordable housing, measured in habitable rooms (social rented units set at target rents);
- b) Commitment to implement a Green Travel Plan;
- c) Car-free agreement;
- d) Access to employment provisions;
- e) Compliance with Considerate Contractor Protocol; and

Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 3.3 That the Corporate Director Development & renewal is delegated power to negotiate the legal agreement indicated above.
- 3.4 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the above matters.

Full Planning Permission Conditions

- 1) *Time Limit (3 years)*
- 2) *Building constructed in accordance with approved plans*
- 3) *External materials*
- 4) *External plant equipment and any enclosures*
- 5) *Hard and soft landscaping including; external lighting and security measures and details of child play space provisions*
- 6) *Demolition and Construction Management Plan*
- 7) *Land Contamination and Verification Report*
- 8) *20% Electric Charging Point Details*
- 9) *257 cycle parking space provision*
- 10) *Restriction to Delivery and servicing hours (between 10:00-16:00 and 19:00 to 20:00)*
- 11) *Scheme of highway works (s278)*
- 12) *Servicing and delivery plan for each individual units*
- 13) *Parking spaces – 23 in total with 4 disabled parking space*
- 14) *Servicing road have unrestricted access during servicing hours, i.e. doors to remain open*
- 15) *Details of the folding servicing doors – mechanical/and remote controlled.*
- 16) *Submission of BREEAM assessment; and Code for Residential units.*
- 17) *Full particulars of energy efficiency technologies required*
- 18) *Commercial use control (Use class B1 for Core B; and flexible A1/A2/A3 for Core A)*
- 19) *commercial units limited to 235m² in Block A*
- 20) *Access to all levels*
- 21) *Life time homes*
- 22) *Hours of construction*
- 23) *Hours of Operation for A3/A4 uses*
- 24) *Refuse and recycling provision for commercial units will be provided for within each unit as described in the same statement.*
- 25) *All the doors swing out within the site's boundary, does not swing out to any dedicated public highway*

- 26) *All private forecourt/areas to be drained within the site and not into the Public Highways*
- 27) *All bedrooms and living rooms should meet the "good standard" of BS8233.*
- 28) *Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.*

Full Planning Permission Informatives

- 1) Associated S106
 - 2) Contact LBTH Building Control
 - 3) Separate licence required for any over-sailing structures on the Highway.
 - 4) Any other informative(s) considered necessary by the Corporate Director Development & Renewal
 - 5) S.278 Agreement
- 3.5 That, if within 3 months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. BACKGROUND

- 4.1 On 10th August 2010, the Council received an application (ref: PA/10/1757) for demolition of existing buildings and erection of two blocks comprising part 6, part 7 storey buildings plus basement; to provide 1690sq.m of commercial floorspace (Use Classes A1-A4 & B1) and 142 dwellings; provision of 26 parking spaces in basement and access onto Buckhurst Street. At the time when application was being considered and negotiations with the applicant were taking place to seek amendments to the scheme, the applicant lodged an appeal against non-determination as the Council had not determined the application within the statutory 13 week period. The appeal was to proceed by a way of a Public Inquiry and was scheduled for three days with commencement date 6th September 2011. Whilst the ability to decide this application ('**appeal scheme**') lay solely with the Planning Inspectorate, a separate report for this application was prepared and reported to the Development Committee on 27th July 2011 to seek the Committee's endorsement to appear at the public inquiry in September 2011 on the basis that the application would have been refused, had the Council had the power to determine.

The Committee Members endorsed the officers' recommendation to refuse the application at its meeting on 27th July 2011.

- 4.2 On 12th April 2011, the same applicant submitted a revised proposal (ref: PA/11/0885) which was also reported to the Development Committee on 27th July 2011 and was approved.

The application scheme approved under ref: PA/11/0885 was similar to the appeal scheme (ref: PA/10/1757) submitted on 10th August 2010. However, in this revised scheme the basement parking was omitted and it proposed 141 units together with the amendments, as sought initially for the appeal scheme. The approved application addressed the issues raised in the appeal scheme with minor changes incorporated for a determination by the Council.

- 4.3 Both applications (i.e. Ref: PA/10/1757 and Ref: PA/11/0885) were accompanied by viability assessment which concluded that neither the appeal scheme nor the Application Scheme could deliver a fully policy compliant affordable housing provision, nor could it deliver a policy compliant tenure split and full planning contribution.

- 4.4 Although the appeal scheme proposed 35% affordable housing measured by habitable rooms or 44 units, it could only provide 16 units in Social Rent (equates to 47%) and 28 Intermediate units (53%). In addition, the S106 offered was reduced to a total sum of £391,000. The proportion of Social Rent to Intermediate was not considered to be satisfactorily balanced. The proposed tenure split together with the inadequate s106 contributions would have been defended as part of the appeal process, given that the Development Committee endorsed officers' view on 27th July 2011. The appeal against non-determination of this application was withdrawn following the approval of the planning application ref: PA/11/0885 mentioned below.
- 4.5 The application scheme approved under ref: PA/11/0885 proposed 32% affordable housing measured by habitable rooms or 41 units, the number of Social Rented units were greater with 20 units (equates to 56%) being offered and 21 units (44%) as Intermediate. The application scheme provided higher proportion of family sized units within the Social Rent tenure, which is in needed in the Borough. Whilst the proposal fell short of being wholly policy compliant, the greater amount of social rented units addressed the identified need and appropriate level of s106 contributions (£586,000) which mitigated any additional impact as a result of the proposal. The Application Scheme was considered to provide an appropriate balance between delivering affordable housing, tenure split, dwelling mix and s106 contributions, based on the consideration of the viability of the scheme.
- 4.6 On 12th December 2011, the same applicant submitted a further revised proposal to the consented scheme approved under ref: PA/11/0885, the subject application. This proposal (ref: PA/11/03785) now seeks to increase the total number of units by 8 from 141 to 149, by one additional storey set-back on the western building (Block B) and an increase of total on-site parking provision from 9 to 23 car parking spaces (including increase of disabled parking from 2 to 4 spaces). The application was accompanied with "Economic Viability Assessment Report" and subsequently updated financial viability appraisal was submitted in order to take into account the Mayoral Community Infrastructure Levy which came into effect on 1st April 2012. Minor revisions were made to the proposal during the application process which include amendments to Entrance A to make it wider, changes to mix of Social Rented, Intermediate and Market Units, Core B2 units that were incorrectly coloured as intermediate are now corrected to Market Unit as scheduled and minor revision to fenestration.

5.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 The proposal seeks planning permission for the demolition of existing buildings and erection of two buildings of part 6, part 7 and part 8 storeys in height. The proposal comprises:
- 149 Residential units (56 x 1bed; 66 x 2beds; 24 x 3beds; and 3 x 4beds);
 - A combined total space of 1,224sq.m of commercial use (A1/A2/A3/A4 and B1);
 - 23 on site car parking spaces (including 4 disabled spaces); and
- 5.2 - Creation of access onto Buckhurst Street and Coventry Road.

- The proposal provides a total of 149 housing units (comprising 27 Socially Rented, 9 Intermediate and 113 Market Housing units). The proposal therefore provides 36 out of 149 units as Affordable housing units and this amounts 27.6% affordable housing
- 5.3 (on habitable room basis).

The subject proposal in comparison to the consented scheme PA/11/0885 differs in the following respect:

- Block B is increased by one additional storey set-back.
 - The overall number of residential units increases from 141 to 149.
 - Provision of affordable housing reduced from 32% to 27.6%.
 - The total amount of commercial floor space is reduced from 1,762sq.m. to 1224sq.m.
 - Total amount of car parking provided is increased from 9 to 23 (including 4 disabled spaces) and these additional car parking spaces are provided in the basement of Block A.
 - Entrance A is made wider
 - Minor revision to fenestration
 - Change to mix of Social Rented, Intermediate and Market units and its sizes
 - Provision of Amenity space and Children Play Area.
- 5.4

The following has been considered in light of recent changes to the policy framework and changes to the proposal:

- Changes to Policy Framework –NPPF (March 2012), the London Plan (2011) and Council's policies in Managing Development: Development Plan Document (Submission Version 2012), and the Planning Obligation SPD
- Financial and non-financial contribution in light of viability
- Revised Housing Density
- Revised Affordable Housing including its location, mix and Social Rented/Intermediate Shared Ownership
- Provision of Wheelchair Housing and Lifetime Homes
- Minimum dwelling standards
- Amenity Space standards
- Additional Daylight/sunlight impact as a result of the additional storey

Site and Surroundings

5.5 The application site comprise of two parcels of land:

- 58-64 Three Colts Lane; and
- 191-205 Cambridge Heath Road

5.6 58-64 Three Colts Lane is bounded by railway viaduct to the south, Coventry Road to the west, Buckhurst Street to the east and Three Colts Lane to the north. The surrounding uses are mixed, with B1/B8 uses opposite Coventry Road; student housing opposite side of Three Colts Lane; and residential uses to the southern side of the railway viaduct. The site is currently occupied by a two 2 storey building and is currently used as a furniture warehouse with sales and display.

5.7 191-205 Cambridge Heath Road is bounded by Cambridge Heath Road to the east; Three Colts Lane to the north; Coventry Road to the west and railway viaduct to the south. The surrounding uses are also mixed, with small works shops under the railway arches, Bethnal Green Gardens opposite the site on the other side of Cambridge Heath Road; and commercial premises on the northern side opposite side on Three Colts Lane.

5.8 Whilst the application site does not fall within a Conservation Area, the nearby Bethnal

Green Gardens is within the Bethnal Green Gardens Conservation Area.

Relevant Planning History

The following planning history is relevant to the application:

- 5.9 PA/03/01698 Demolition of existing building and construction of new 11, 12 and 13 storey buildings comprising of 34 live/work units, 122 self-contained residential units together with 1156sqm of commercial space.
- This application was withdrawn.
- 5.10 PA/07/01023 Demolition of all existing buildings on the site and erection of two new buildings: Block A being 17 storeys, Block B between 9 and 12 storeys. The use of the new buildings as 455 student accommodation bedrooms (15,762sqm), 343sqm of A1 (Land use Class) floorspace, 195sqm of A3 (Land use Class) floorspace and 1624sqm of B1/B2/B3 (Land use Class) floorspace and associated landscaping. This application was withdrawn.
- 5.11 PA/10/1757 Demolition of existing buildings and erection of two part 6, part 7 storey buildings plus basement to provide 1690sq.m of commercial floorspace (Use Classes A1-A4 & B1) and 142 dwellings; provision of 26 parking spaces in basement and access onto Buckhurst Street, together with public realm improvements.
- This application was subject of an appeal against non-determination. The appeal was to proceed by a way of a Public Inquiry and was scheduled for three days with commencement date on 6th September 2011.
- For the purpose of Members' endorsement, a separate Committee Report on this proposal was prepared with a recommendation that the application would have been refused, if the Council had power to determine it. This report was included in the agenda of 27th July 2011 Development Committee and it was refused by the Members as per officers' recommendation.
- On 10th August 2011, the appeal against non-determination of this application was withdrawn.
- 5.12 PA/11/0885 Demolition of existing buildings and erection of two blocks comprising part 6, part 7 storey buildings plus basement for plant; to provide 1,785sq.m of commercial floorspace (Use Classes A1-A4 & B1) and 141 dwellings; provision of 9 parking spaces to side of service road and creation of access onto Buckhurst Street and Coventry Road.
- This application was approved on 27th July 2011 by the Members of the Development Committee.

6 POLICY FRAMEWORK

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

Government Planning Policy Guidance/Statements

National Planning Policy Framework (NPPF) dated 27 March 2012

The following of the NPPF are relevant to the Consideration of this application:

4	Promoting Sustainable Transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting Healthy Communities
11	Conserving and enhancing the natural environment

The London Plan Spatial Development Strategy for Greater London (July 2011)

2.9	Inner London
3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing developments
3.6	Children and young people's play and informal recreational facilities
3.8	Housing Choice
3.9	Balanced and mixed communities
3.10	Definition of affordable housing
3.11	Affordable housing targets
3.12	Negotiating affordable housing on individual private residential and mixed use schemes
3.13	Affordable housing thresholds
4.4	Managing industrial land and premises
5.1	Climate change mitigation
5.2	Mitigating carbon dioxide emissions
5.3	Sustainable design and construction
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.8	Innovative energy technologies
5.9	Overheating and cooling
5.10	Urban greening
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.14	Water quality and wastewater infrastructure
5.15	Water use and supplies
5.21	Contaminated land
6.1	Integrating Transport and development
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.10	Walking
6.12	Road network capacity
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of tall and large buildings

7.14 Improving air quality

Unitary Development Plan 1998 (as saved September 2007) (UDP)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV8	Protection of local views
	DEV12	Provision of Landscaping in Development
	DEV50	Noise
	DEV51	Contaminated Land
	HSG7	Dwelling mix & type
	HSG13	Impact of Traffic
	HSG16	Housing amenity space
	EMP1	Promoting Employment Growth
	EMP7	Work Environment
	T16	Traffic Priorities for new development
	T18	Pedestrian Safety and Convenience
	T21	Existing Pedestrians Route

Interim Planning Guidance for the purposes of Development Control (IPG)

Policies:	IMP1	Planning obligations
	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Sustainable Drainage
	DEV10	Disturbance from Noise Pollution
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and tree preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	EE2	Redevelopment /Change of Use of Employment Sites
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable housing provisions in individual private residential and Mixed –use schemes
	HSG4	Varying the Ratio of social rented to intermediate housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and adaptable homes

Adopted Core Strategy Development Plan Document (September 2010)

SP02 Urban living for everyone

SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP06	Delivering successful employment hubs
SP08	Making connected places
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking
SP13	Planning Obligation
LAP2	Bethnal Green

Managing Development: Development Plan Document (Submission Version 2012)

	DM3	Delivering Homes
	DM4	Housing Standards and Amenity Space
	DM9	Improving Air quality
	DM10	Delivering open space
	DM11	Living buildings & biodiversity
	DM13	Sustainable drainage
	DM14	Managing waste
	DM15	Local job creation and Investment
	DM17	Local Industrial Locations
	DM20	Supporting a sustainable transport network
	DM21	Sustainable transportation of freight
	DM22	Parking
	DM23	Streets and the public realm
	DM24	Place-sensitive design
	DM25	Amenity
climate	DM29	Achieving a zero carbon borough and addressing
		change
	DM30	Contaminated land and development and storage of hazardous substances

Supplementary Planning Guidance/Documents

SPD	Planning Obligations Supplementary Planning Document (Adopted January 2012)
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Community Plan The following Community Plan objectives relate to the application:

- A Great place to live
- A Healthy Community
- A Prosperous Community; and
- Safe and Supportive Community

7 CONSULTATION RESPONSE

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

7.2 The following were consulted regarding the application:

NHS Tower Hamlets

- 7.3 NHS Tower Hamlets have sought a contribution of £985,342, comprising a capital funding contribution of £204,886 and a revenue contribution of £780,456. The amount sought is derived from an estimation of the additional new population arising as a result of the development and the per capita amount that the PCT would have received if this population had been included in the NHS funding stream from the outset.

[Officer's Comments: Health contributions have been secured under the s.106 agreement, however due to the viability of the proposal, the full amount cannot be delivered and officers consider that a pro-rata proportion of the capital contribution is appropriate.]

LBTH Education Development Team

- 7.4 The proposed dwelling mix has been assessed for the impact on the provision of school places. The mix is assessed as requiring a contribution towards the provision of 15 additional primary school places @ £14,830 which equates to £222,450 and 6 additional secondary school places @ £22,347 which equates to £134,082. Contributions are pooled to assist funding the Local Authority's wide programme.

[Officer's Comments: An Education Contribution sought under Section 106 contribution for the development to assist funding the Local Authority's wide programme.]

LBTH Waste Policy and Development

- 7.5 Waste storage arrangements are satisfactory as described in Design and Access Statement. Location and capacity of the bin stores are also satisfactory as shown on plans. The Refuse and recycling provision for commercial units shall be provided for within each unit as described in the same statement and should be appropriately conditioned.

[Officer's Comment: Appropriately worded condition will be imposed.]

LBTH Transport and Highways Team

- 7.6 Parking:

The site has a PTAL rating of 6b which demonstrates that an excellent level of public transport service. The site is suitable for a permit free agreement whereby future occupants of the residential units are to be prevented from obtaining parking permits. Permit Free agreement should be secured through s106.

A total of 23 car parking spaces are proposed at basement level of Block A and ground level rear service road of Block B. Whilst the parking ratio (0.15) may be compliant with the current adopted policy, additional on-site parking spaces is resisted as the site benefits from excellent PTAL rating.

In accordance with the guidance set out in the London Plan, a minimum of 20% of all on-site car parking spaces should be equipped with electric vehicle charging points. This can be secured by condition if necessary.

Section 4.10 of the submitted Transport Statement indicates that 2.4 metre by 25 metre visibility splays have been achieved although these have not been shown on

plan. Scaled drawings are required demonstrating the visibility splays.

[Officer's Comment: Visibility splays have been provided on plan and 20% electric charging points will be secured through appropriately worded condition]

Cycle Parking:

Details of the cycle parking area should be provided to ensure that the minimum number of cycle parking spaces can be provided.

[Officer's Comments: The proposal would provide 89 single tier and 84 double tier cycle parking spaces and this would make provision for a total of 257 cycle parking spaces. The proposed cycle parking provision would comply with the London Plan 2011 policy 6.13 and cycle parking standards sets out in Managing Development: Development Plan Document which requires a total of 176 spaces based on 1 per 1- or 2-bed unit and 2 per 3- or more bed unit. The applicant has provided the details of the cycle parking on the ground floor of proposed Block A and B (as was in the consented scheme) and this demonstrates that the storage space can cater for the number of proposed cycle parking spaces to be provided on site.]

Trip Generation:

The Trip generation section of the submitted Transport Statement (as consented scheme) demonstrates that the proposed development will result in an increase in the number of person trips over the existing use.

Council's Transportation (as consented scheme) has accepted that as the buildings are in current use albeit at a reduced rate, rate than vacant or dormant, the TfL requirement for a sensitivity test does not apply.

The proposed development (resulting in increase of further 8 units in comparison to consented scheme) would have no detriment effect on highway junction capacity and no material impact on the rest of the transport network.

Servicing Arrangements:

It is stated within Section 2.3.1 of the submitted Delivery and Servicing Plan that retail deliveries will be restricted to the hours between 0930-1600hours and 1800-0730hours. Whilst a restriction in the hours of servicing is welcomed, it is felt that the proposed hours should be amended so that servicing can only occur between the hours of 1000-1600 and 1900-0730 in order to avoid the highway peaks.

[Officer's Comment: Appropriately worded condition will be imposed to ensure appropriate delivery hours]

The proposal detail that all delivery and service activities for Block B will be facilitated from the service area to the rear of the block at ground floor level, as per the consented scheme.

Block A is to be serviced from Buckhurst Street and it should be noted that through further discussions with the Highway Improvement Works team a solution has been designed which provides a lay-by on Three Colts Lane in front of Block A.

Through the wider design aspirations for Three Colts Lane it will be possible to

provide a build out from the existing kerb line to provide a loading bay (ensuring that existing footway widths are maintained). This has been shown notionally on the submitted plans. However, all Highway works are to be done under S278 Agreement at the Applicant's expense and as such will be designed and implemented by LBTH. *[Officer's Comment: the loading bay now proposed off Three Colts Lane is in accordance with the Council's specification of works and the applicant has agreed for the works to be done under S278 Agreement.]*

Once the occupiers of the individual units are known and prior to occupation, unit-specific Delivery & Servicing Plans should be submitted to demonstrate that they are in line with the over-arching document that has been submitted in support of this application.

[Officer's Comment: Appropriately worded condition will secure unit-specific Delivery and Servicing Plans]

Other Comments:

The Ground Floor plan of the proposed non-residential units shows how the space has been split up into the separate units. A condition should be imposed to ensure that the proposed individual commercial units are not amalgamated to allow larger floorspace for a larger convenience food retail shop on the site which will require additional servicing and delivery requirements.

[Officer's Comment: A condition will be imposed limiting the size of each unit]

The submitted plans include details of public Highway works. However, all the Highway works will be designed and implemented by the Council's Highways Design team in connection with the wider Three Colts Lane Public Realm improvement works and this is therefore covered by S278 agreement.

The extent of public highway offered for adoption will also be dependent on the issue surrounding overhanging/projecting structures (including the building itself basements and balconies) as Highways have previously advised that they would not wish to adopt land as highway over/into which parts of the building may project.

There are still sections of the proposed building which will oversail the line of the existing footway. Highways have previously advised that such features are not supported and that the relevant licences and technical approvals will not be issued. The projecting features still form part of the development proposals and a justification for the projecting structures has been provided within Section 4.5 of the submitted Transport Statement. However Highways position on this matter has not changed and the Applicant is therefore requested to remove any parts of the building which overhang the public highway from the development proposals.

[Officer's Comment: As per consented scheme, the applicant has been informed and will need to apply for a separate licence under a separate legislation and therefore is not a matter to which significant weight is attached. There is a right of appeal to the Crown Court for anyone aggrieved by a refusal of a licence as long as the highways authority don't own the land that will be oversailed]

There are sets of doors which are shown on the submitted Ground Floor plan opening outwards. If the areas they open out onto are to be dedicated as public highway, then it must be noted that such arrangements are forbidden by Section 153 of the Highways Act, 1980, where possible they should either open inward or be embedded

within the building. The Applicant should amend the doors as they represent a danger to pedestrians walking along the pavement and consequently has implications for Highway safety.

[Officer's Comment: While the doors swing outwards on to public highways a condition is attached to ensure all the doors swing out within the site's boundary and therefore does not swing out to any dedicated public highway]

Strategic Transport and Development Implementation Major Projects

- 7.7 With respect to car parking, the additional on-site provision is not supported as the site is within an area with excellent level of public transport accessibility.

For cycle parking, the scheme does not comply with London Plan minimum standards, which were fully adopted in 2011. For this development (149, 26 3 bed +) the minimum number of spaces for residential use should be 175 plus 4 spaces for visitors.

[Officer's Comments: The proposal would provide 89 single tier and 84 double tier cycle parking spaces. Therefore the total amount of cycle parking provision on site would be for 257 cycle parking spaces and this would comply with the London Plan 2011 policy 6.13 and cycle parking standards set out in the Managing Development: Development Plan Document (submission version 2012) which requires a total of 176 spaces based on 1 per 1- or 2-bed unit and 2 per 3- or more bed unit. The applicant has provided the details of the cycle parking on the ground floor of Block A and B and this demonstrates that the storage space can cater for the number of proposed cycle parking spaces to be provided on site.]

LBTH Environmental Health (Noise and Vibration)

- 7.8 The development is likely to experience high noise and vibration levels from the railway in close proximity. There is also concern that high levels of ground borne noise may exist in the development. This hasn't but should be taken into account in the design to meet the council's rail noise policy limit of 35 dBA.

Other conflict of use may occur at the development between residential and commercial uses and any mechanical and electrical plant noise; servicing and delivery noise should also be taken into consideration.

The proposed development without adequate mitigation will be unsuitable for residential occupation. It is suggested that further guidance can be sought by the applicant from BS8233 and if you are minded to grant planning consent, then It is recommended that all bedrooms and living rooms should meet the "good standard" of BS8233.

[Officer's Comments: A condition will be added to ensure a commensurate level of protection against noise.]

LBTH Environmental Health (Contaminated Land)

- 7.9 The Environmental Protection Section is not satisfied that all the potential risks at the site have been adequately characterised from the submitted information.

A condition is required for the developer to carry out further works to investigate and identify potential contamination.

[Officer's Comment: A condition will be added]

Head of Planning Policy

- 7.10 The proposed change of use to Housing is acceptable provided the additional dwelling units don't adversely impact on the urban design and daylight/sunlight issues.

Policy SP02 of the Core Strategy 2025 requires 35% affordable homes (by habitable rooms), subject to viability. It further requires a tenure split of 70:30 as social rented: intermediate homes; and an overall target of 30% to be family homes, including 45% of social rented.

Policy SPO6 of Core Strategy 2025 encourages new and retaining of existing workspaces in main road locations. The emerging Managing Development: Development Plan Development (submission version 2012), Policy DM15 also requires no loss of employment uses unless a marketing exercise can demonstrate that the site has been vacant for at least a year and is unsuitable for the existing employment uses. The existing employment use (B1/ B2/ B8 uses) area is about 3750 sq.m, which is being replaced by 1224 sq.m of A1-A4/ B1 uses. But it is expected that 62 jobs will be replaced by more jobs. This is acceptable, provided it can be demonstrated that additional jobs are being created.

[Officer's Comments: The site has been granted planning permission under ref: PA/11/00885 for a similar mixed commercial and residential use. Therefore the principal of the change has already been established..

The proposal would create 89 jobs which is 27 more than the 62 approximated jobs currently on the application site].

LBTH Housing Strategy Group

- 7.11 The consented scheme approved under ref: PA/11/00885 includes 20 social rented units and 21 shared ownership units, equating to 31.7% habitable rooms with a 56:44 tenure split. This application is similar to the consented scheme approved under ref: PA/11/00885 and has given 4 options:

The Council Housing officers have reviewed the options submitted and have considered the revised Option B provides a more mixed a balance scheme as per the Council's policy requirement.

The Council's Consultant carried out the assessment of the viability report produced by the developers concludes that the proposed schemes are viable. However Option A would be able to support additional contribution of c. £0.332m while Option B is marginally viable and additional contribution are nominal. However, it should be ensured that affordable housing within all proposals for this application are maximised and Section 106 contribution is attributed in accordance with each of the above options.

All units are to be provided at social rent.

In the previous scheme, four bed social rented units had bedroom windows facing onto the railway line and therefore any possible noise nuisance to these units should be suitably minimised to the satisfaction of Environmental Health team.

The scheme is expected to deliver 10% wheelchair units across all tenures. This is acceptable provided they are fully wheelchair compliant.

The applicant states that all units will meet the Lifetimes Homes standards. All homes should meet with the Mayor of London design guide standards.

The roof area communal open space has also been revised and appears to be smaller in layout and size. However, it needs to be ensured that all residents have access to this communal space. Tower Hamlets Interim Planning Guidance CP25:- Housing Amenity Space States: 1. All new housing in Tower Hamlets will be required to provide high quality, useable amenity space, including private and communal amenity space, for all residents. 2. 5.37 Amenity space includes private amenity space and communal amenity space, including child play spaces should be of high quality, be designed to be safe for all users and be fit for its intended use.

[Officer's Comments: Whilst the consultant has advised on Option A and B, Option B1 is able to deliver a better package of affordable housing mix and contribution as detailed in the report. Option B1 is the acceptable option for this application. It is confirmed that all the affordable units would be at target rents. With regards to wheelchair housing, the Council's Corporate Access Officer has no objections. All units meet the Lifetimes Homes standards. The proposal complies with the Council's amenity space standards. Child Play space would be appropriately assessed in line with Council's policies.]

LBTH Landscape Section

- 7.12 Due to the increase in Habitation, new building and increase in corresponding heat island effect, there needs to be a corresponding increase in new tree planting to reflect the number of units at the rate of one tree per unit.

Due to the constraints of the site, this can be achieved through LBTH locating and planting trees at the developers cost, throughout nearby streets and open spaces.

[Officer's Comments: A Public Realm Contribution sought under Section 106 contribution for the development would cover the cost of planting new trees.]

Energy Efficiency Unit

- 7.13 In broad terms the proposed energy strategy follows the energy hierarchy and focuses on energy efficiency measures and use of CHP.

However, the following will need to be resolved through planning conditions:

-The proposals aim to reduce total site carbon emissions by 26.7% however Managing Development DPD policy DM29 which requires the development to reduce CO2 emissions by 35% above Building Regulations 2010. -A site wide CHP is required in accordance with the London Plan policy 5.6

-Core Strategy Policy SP11 which requires renewable energy technologies to be integrated into the scheme. Full details of how the technologies will operate in conjunction with each other should be submitted.

[Officer's Comments: Appropriately worded condition will be imposed]

CLC Strategy

- 7.14 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. Appropriate financial contributions are sought which is supported by the Planning Obligations Supplementary Planning Document (SPD).

The comments and requests for s106 financial contributions set out below are supported by the Appendix 1 of the Planning Obligations SPD outlines the Occupancy Rates and Employment Yields for new development.

[Officer's Comments: Appropriate contributions required are sought and secured through s106]

8. LOCAL REPRESENTATION

- 8.1 A total of 315 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. No comments have been received.

9. MATERIAL PLANNING CONSIDERATIONS

- 9.1 The main planning issues raised by the application that the committee must consider are:
1. Land Use & Employment
 2. Housing
 3. Design
 4. Amenity
 5. Transport
 6. Sustainability
 7. Section 106 Agreement

Land Use and Employment

- 9.2 The application site does not fall within any designation within the adopted Unitary Development Plan, 1998.
- 9.3 Within the adopted Core Strategy 2010 the site is identified within LAP 2 (Bethnal Green) which recognises opportunities for growth and change to be delivered by a number of industrial areas being redeveloped for residential, infill development in existing built areas and housing estate renewals.
- 9.4 The proposal would result in the demolition of existing 3750sq.m. of light industrial/warehouse (within Use Classes B1, B2 and B8) on site and erection of a residential-led mixed-use redevelopment with commercial on the ground floor. The applicant has confirmed that the existing number of employees is approximately 62. The proposal includes commercial floor space in the following order:

Table 1: Commercial Uses

Level	Block A	No. of Full time employment*	Block B (inc. Mezzanine Level)	No. of Full time employment*
Basement	-	-	-	-
Ground	225sq.m	12	179sq.m	15
	208sq.m	11	274sq.m	23
			338sq.m	28
Total	433sq.m	23	791sq.m	66
Total: Floorspace = 1224sq.m; Employees = 89				

* based on English Partnerships Employment Density Guideline (2010)

- 9.5 The scheme proposes a flexible use approach and includes A1/A2/A3/A4 and B1 Use Class.
- 9.6 The supporting planning statement further states that the ground floor commercial units are proposed to be within A1/A2/A3/A4 and/or B1 use. However, it outlines that the 3 commercial units located within Block B are anticipated for B1 use, while the 2 commercial units within Block A may take the format of a convenience food store (Use Class A1)'. The B1 use within Block B is suitable due to the proposed individual access to the servicing area to the rear, and the mezzanine level layout. Also, this provision would also re-provide employment uses within the site and is therefore welcomed.
- 9.7 Although the layout of commercial floorspace on the ground floor of both Block A indicates that there would be 2 separate units in Block A, a condition is attached to ensure these units are not amalgamated.
- 9.8 The acceptability of the proposed A1 use class within the format of a convenience food store can only be acceptable if servicing levels are known. Therefore, as the proposal is for flexible use classes, a condition will be added to ensure that appropriate servicing level can be achieved prior to occupation of that unit.
- 9.9 Policy EMP1 of the adopted UDP 1998 encourages employment growth through the re-use of vacant and derelict building by redevelopment and upgrading of sites already in employment uses. Policy EE2 of the IPG considers redevelopment and change of use of employment sites. Policy DM15 of the Managing Development: Development Plan Document (submission version 2012) supports upgrading and redevelopment of employment sites outside of spatial policy areas. Whilst the site is not entirely vacant, the site is under used. Although no marketing evidence has been produced for the loss of the employment floorspace, given that the proposal includes re-provision of employment use at higher employment densities (i.e. 89 jobs as opposed to the current 62) and employment opportunities will be re-provided on-site, the principle of redevelopment is in-line with the Core Strategy objectives. Therefore, there is no objection in relation to the proposed land use.

Housing

Density

- 9.10 Policy SP02 of Core Strategy seeks to ensure that new housing assists in the creation of sustainable places, by: optimising the use of the land; corresponding density levels of housing to public transport accessibility levels; and that higher densities are promoted in and around town centres.

- 9.11 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 9.12 The site has a public transport accessibility level (PTAL) 6b which represents an excellent access to public transport and is within close proximity to Bethnal Green town centre. The proposed residential density would be 1,830 habitable rooms per hectare which is significantly higher than the suggested density range. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.
- 9.13 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure.
- 9.14 It is considered that a higher density range would be acceptable in this location, given the excellent PTAL rating and its location very close to the Bethnal Green Town Centre. However, the proposal requires detailed assessment on other issues and consideration of any significant impact which may arise as a result of high density. As discussed later in the report, there are no significant material issues as mentioned above which would deem the proposed density unacceptable.

Affordable Housing

- 9.15 Policy 3.11 of the London Plan (July 2011) states that boroughs should seek to maximise affordable housing provision and ensure an average of at least 13,200 more affordable homes per year in London over the term of this plan. It further states that in order to give impetus to a strong and diverse housing sector, 60% of the affordable housing provision should be for social rent and 40% for intermediate rent or sale. Priority should be accorded to provision of affordable family housing.
- 9.16 Policy SP02 of the Core Strategy states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target until 2025, with requirement of 35% - 50% of affordable housing provision on site providing 10 new residential units or more (subject to viability). The supporting text indicates that in case where affordable housing requirements need to be varied, a detailed and robust financial statement must be provided which demonstrates conclusively why planning policies cannot be met. It further goes on to state that there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failures of a site to contribute towards affordable housing provision.

- 9.17 Policy DM3 of the Managing Development: Development Plan Document (submission version 2012) states that development should seek to maximise the delivery of affordable housing on-site. Development will be required to provide affordable housing in accordance with the Council's tenure split (70% Social Rent and 30% Intermediate) as set out in the Core Strategy. Affordable Rent will be acceptable where:
- a. the required proportion of 70% for Social Rent homes is demonstrated to be unviable
 - b. the provision of Affordable Rent homes alongside Social Rent homes ensures the delivery of between 35%-50% affordable housing; and
 - c. the delivery of larger family homes is prioritised for Social Rent.

Viability

- 9.18 The application is accompanied by a Viability Assessment of two options on the application site when compared with the viability of the Consented Scheme. **Option A** will provide a broadly comparable level of affordable housing provision, with 3 additional shared ownership units included. **Option B** will provide a policy compliant tenure split with 7 additional affordable units included, although there will be a 9 unit reduction in shared ownership units.
- 9.19 The Council appointed a consultant to independently review the submitted Viability Assessment comprising both Option A and Option B.
- 9.20 **Option A** includes 20 social rent (target rent) units and 24 shared ownership units. This equates to 33.3% affordable housing provision by habitable rooms, split 53:47 between rented and shared ownership. The agent states this option is "broadly comparable to the Consented Scheme in terms of affordable housing provision and it provides 3 additional shared ownership units".
- 9.21 **Option B** includes 27 social rent (target rent) units and 12 shared ownership units. This equates to 29.7% affordable housing provision by habitable room, split 71:29 between rented and shared ownership. This equates to a lower proportion of affordable housing than is provided by the Consented Scheme. However "the agent states that "only two fewer affordable units are included in Option B than in the Consented Scheme and significantly, seven additional socially rented (target rent) units are proposed, allowing the Council's policy target tenure split to be achieved."
- 9.22 The Council appointed consultant has confirmed that both the proposed schemes are viable and in agreement with the applicant that Option A generates greater value than Option B. Furthermore Option A is viable and able to support additional contributions of c. £0.332m. Option B is marginally viable and additional contribution are nominal.
- 9.23 However, given the greater number of socially rented units in Option B, officers sought to negotiate with the developers in order to retain the level of larger social rented units whilst securing an acceptable s.106 contribution so that the impacts of the proposal can be satisfactorily mitigated. The outcome is that Option B has been refined and still provide a mixed and balanced scheme as per the Council's policy requirement and is able to provide the same Section 106 contribution sought in the Consented Scheme and a further additional agreed amount of £284,00 to support infrastructure requirements.
- 9.24 Option B1 as amended would secure 30% affordable housing by habitable rooms with a tenure split of 77:23 between Social Rented and Intermediate. The scheme

provides 51% provision of 3bed and 4bed family units within the social rented tenure at target rents. This scheme would also be able to pay the £586,000 Section 106 previously agreed plus an additional £284,000 in section 106 Contribution (50% on implementation and 50% at prior to completion). This represents a total of 36 of the 149 residential units being affordable, 27 of which would be in the social rented tenure and 9 intermediates. Of the 27 social rented units 14 would be family sized comprising 12 x 3 bed and 2 x 4bed.

9.25 As there would be no Homes and Communities Agency grant funding available for the affordable housing, these units (including intermediate units) will be delivered without recourse to any public subsidy. The applicant has also stated that all of the social rented units will be set at target rents therefore ensuring that low income families are able to afford to occupy them.

Location of Affordable Housing

9.26 The proposal provides two separate buildings with four residential cores, Core A, B1, B2, and B3. Core A is the building which fronts Cambridge Heath Road, Cores B1, B2, and B3 fronts Three Colts Lane. All Affordable Housing units for Option B1 are located within Core B3. However, Social Rented units are located on floor 1 to 5 and intermediate units are located on floor 6 to 7. The proposed dwelling mix can be seen from Table 2 below.

		Affordable Housing						Market Housing		
		Social Rented			Intermediate			Private Sale		
Unit Size	Total Units in the scheme	Units	%	Target %	Units	%	Target %	Units	%	Target %
1 bed	56	8	30	30	4	44.5	25	44	39	50
2 bed	66	5	18.5	25	2	22.2	50	59	52	30
3 bed	24	12	44.5	30	2	22.2	25	10		
4 bed	3	2	7	15	1	11.1	0	0	9	20
Total	149	27			9			113		

Table 2 - Tenure Target taken from Council's Managing Development DPD 2012

Housing Mix

9.27 National Planning Policy Framework (March 2012) states "To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes) and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand."

9.28 Pursuant to policy 3.8 of the London Plan 2011, the development should "...offer a

range of housing choices, in terms of mix of housing sizes and types, taking account of the housing requirements of different group and the changing roles of different sectors, including the private sector, such as students, older people, communities with large families, gypsies and travelers.”

- 9.29 Pursuant to Policy HSG7 of the Unitary Development Plan 1998, new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Policy SP02 of the Core Strategy seeks to create mixed use communities. A mix of tenures and unit sizes assists in achieving these aims. It requires an overall target of 30% of all new housing to be suitable for families (3bed plus), including 45% of new social rented homes to be for families. In paragraph 3.6 of policy DM3 of the Managing Development: Development Plan Document states that “Different tenures should be mixed throughout a development, although it is recognised that separate cores may be required to enable effective management arrangements”.
- 9.30 The revised proposal provides family housing accommodation and the total amount of family units equate to 18%. However, the scheme would provide a higher proportion of family sized units (52%) within the Social Rented sector. The proposed amount of family sized dwelling is considered to be a well balanced proposal in the context of the site location and due to lack of private ground level amenity space provision.

Social Rented/Intermediate Shared Ownership and Housing Mix

- 9.31 The following Table 3 summaries the affordable housing social rented/intermediate split proposed against the London Plan, Core Strategy, Managing Development DPD and IPG.

Social Rent/Intermediate Split

Table 3

Tenure	The Proposal	IPG 2007	CS 2010	MD: DPD-2012	London Plan 2011
Social Rent	77%	80%	70%	70%	60%
Intermediate	23%	20%	30%	30%	40%
Total	100%	100%	100%	100%	100%

- 9.32 As it can be seen from the table above, there has been a change in the policy position in relation to tenure split over time.
- 9.33 The proposal provides 30% affordable housing with 77:23 split between the Social Rented and Intermediate housing.
- 9.34 The proposed scheme in relation to consented scheme (ref: PA/11/0885) overall reduces the number of affordable housing from total of 41 units to 36 units. However, within affordable housing units the number of Social Rented units has increased from 20 to 27 units while the intermediate units are reduced from 21 to 9. Overall the scheme retains the same number of family units (i.e. 14 units in Social rented, 3 units in Intermediate) within Affordable Housing allocation. However in Market Housing the number of family units is reduced by 1 unit (i.e. by deletion of 1 x 4bed unit).

- 9.35 Overall, in comparison to the consented scheme, although the total affordable housing allocation is slightly reduced from 31.7% to 30%, the proposal provides more Social Rented units and is considered to be a more mixed and balanced scheme with tenure split between Social Rent and Intermediate from 56:44 to 77:23.
- 9.36 The proposal (like the consented scheme) fails to meet the Council's affordable housing target of 35% and the required split of 60:40 in accordance with the London Plan 2011. However, the proposed split of 77:23 between social rented and intermediate is closer to the split of 70:30 required in accordance with the Council's Core Strategy 2010 and Managing Development: Development Plan Document (Submission Version 2012). However given the viability of the scheme and the delivery of the social rented provision, the proposed 30% affordable units with 77:23 split provides more mixed and balance scheme in providing affordable housing and appropriate amount of s106 contributions to mitigate against the impact of the development. The Council's Housing officers also support the proposed affordable housing provision.

Wheelchair Housing and Lifetime Homes

- 9.37 Policy HSG9: Accessible and Adaptable Homes of the IPG, Policy SP02, Paragraph 4.3 of Managing Development DPD and policy 3.8 of the London Plan 2011 require housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or 'easily adaptable' standards. A total of 15 units (10%) are provided, in compliance with these policies. The wheelchair units are located within Block B at 1st to 6th floor across all tenures (i.e. 4 social, 1 intermediate and 10 private) and unit sizes (i.e. 1 x 1bed, 12 x 2-bed and 2 x 4-bed). The access to all wheelchair units would be via lifts (i.e. one lift per each core in Block B) on the ground floor. The family sized accommodation has been designed to wheelchair accessible or 'easily adaptable' standards. All units have been designed to be capable of use as lifetime homes. Appropriate conditions will be added to ensure that this is delivered.

Floorspace Standards

- 9.38 Saved policy HSG13 'Conversions and Internal Space Standards for Residential Space' of the adopted UDP 1998, policy DM4 of the Managing Development DPD "Housing standards and amenity space" and London Plan 2011 set the most up-to-date minimum space standards for residential development.
- 9.39 The proposed flats have total floor areas and individual room areas that comply with the Council's minimum space standards.

Amenity Space

- 9.40 National Planning Policy Framework (March 2012) set out 12 Core land-use planning principles that should underpin both plan-making and decision-taking. One of the principles states that planning should "always seek to secure high quality design and a good standard of amenity".
- 9.41 Saved policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision of amenity space. Policy HSG7 'Housing Amenity Space' of the IPG sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that, variation from the minimum provision of communal space can be considered where the

Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site. Policy DM4 “Housing standards and amenity space” of the Managing Development: Development Plan Document states that “Amenity space and children play space will be protected and any new provision should be provided with the standards set out in the table 4.” Table 4 sets out Minimum private amenity space provision (e.g. gardens balconies and winter gardens), minimum communal amenity space provision, and Child play space.

Minimum Private amenity space provision states:

- A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.
- Balconies and other private external spaces should have a minimum width of 1500mm.

Minimum communal amenity space provision states:

- All developments with 10 or more residential dwellings should provide 50sqm for the first 10 units, plus a further 1sqm. for every additional unit thereafter.

Child play space states:

- 10sqm. of play space should be provided for each child.

9.42 The redevelopment proposes to provide amenity space for all residents in the form of balconies, private terraces and roof top communal amenity space. The communal roof top amenity space is located on 7th floor of Block A and 8th floor of Block B and is available to all cores, therefore all residents will have access to on-site amenity space. The proposal would provide a total of 2387sq.m. of amenity space. Within this total there is 172sq.m. of dedicated children’s playspace accessible from each of the cores. The table below shows the type of amenity space provided within core of the development.

External Amenity Areas	Core A	Core B1	Core B2	Core B3	Total sq.m.
Private balconies	325	215	200	155	895
Private terraces	207	228	59	163	657
Communal amenity	373	170	100	192	835
Playspace	Included*	Included*	Included*	Included*	Included*
Total	905	613	359	510	2387

9.43 The above demonstrates a total provision of 1552sq.m. of private amenity space (i.e. Private balconies 895sq.m. + Private terraces 657sq.m.), 663sq.m. of communal amenity space at roof top level, and 172sq.m. of children’s play space.

9.44 However, given that each roof top amenity spaces is only accessible to those units within that particular Core, the amenity space standards also need to be assessed individually.

9.45 The communal amenity space and Child Play space standards of the IPG and Managing Development: Development Plan Document are summarised in Tables 4 and 5 below.

Table 4 - Amenity Space standards (Communal and Child Play spaces)

Cores	No. Units	Proposed (sq.m)	MD DPD Minimum Standard (sqm)*	IPG Minimum Standard (sqm)[†]
A	56	373	96	96
B1	42	170	82	82
B2	15	100	55	55
B3	36	192	76	76
TOTAL	149	835	309	309

*Calculation based on 50sqm for the first 10 units, plus a further 1 sq.m for every additional unit thereafter.

[†]Calculation based on 50sq.m for the first 10 units, plus a further 5sq.m for every 5 additional units thereafter.

- 9.46 Children’s play space for the Block B is positioned on the roof of core B3 and above core B2. The first is accessible only from within core B3, while the second is accessible from both cores B2 and B1. Both play areas are accessible by lift as well as stair.
- 9.47 Block A has an additional children’s play area accessed by lift and stairs from any unit within that block.
The development would generate a total of 31 Child Yield (comprising 10 (Early Year), 15 (Primary) and 6 (Secondary) School child yield))
- 9.48 Based on this child yield figure and Child Play Space standards set out in IPG and Managing Development: Development Plan Document the following table 5 is produced.

Table 5 - Child Play Space for Cores A, B1, B2 and B3

Cores	Proposed Sq.m.	IPG’s Min. Std. Sq.m.	MD DPD Min. Std.Sq.m.
A	70	106	353
B1	-		
B2	57		
B3	45		
TOTAL	172	106	353

*Calculation based on 3sq.m per child yield – IPG

Calculation based on 10sq.m per child yield – MD DPD

- 9.49 As it can be seen from the tables above, the proposal provides more than adequate amount of communal amenity space provision. Whilst the overall child play space in accordance with the Council’s most up-to-date minimum Child play space standards set out in Managing Development DMD falls below the required minimum standards there is ample space within the communal space which can make up the difference for the child play space. Nonetheless, because the amount of combined on-site usable space and with the site being within close proximity to public open space (Bethnal Green Gardens and Weavers Field) it is considered that the proposed levels of communal and child play space are acceptable. In addition, there are living rooms, and two private roof top garden terraces which will provide natural surveillance to these play areas. An appropriate condition will be required to ensure that the details of child play space are adequate and suitable.
- 9.50 Provision of private amenity spaces is expected for all residential development. Policy HSG7 of IPG sets out the minimum according to the dwelling sizes. Policy DM4 of Managing Development DPD sets minimum private amenity space provision (e.g. gardens balconies and winter gardens) and states that “Balconies and other

private external spaces should have a minimum width of 1500mm.” All proposed residential units in the current scheme provide private amenity space in the form of balconies or private roof terrace. All balconies and roof terraces are more than 1500mm wide and therefore meet the minimum balconies standards set out in Managing Development DPD. Majority of the balconies have access off living areas which is acceptable.

Design

- 9.51 Good design is central to all the objectives of the London Plan. Chapter 7 of the London Plan sets high design standard objectives in order to create a city of diverse, strong, secure and accessible neighbourhoods as well as a city that delights the senses. In particular, policy 7.2 seeks to achieve the highest standards of inclusive and accessible design; policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and scale, mass and orientation of buildings around it; policy 7.5 seeks to enhance the public realm by ensuring that London’s public spaces are secure, accessible, easy to understand and incorporate the highest quality landscaping, planting, furniture and surfaces; whilst policy 7.6 seeks to secure highest architectural quality.
- 9.52 Policies DEV1 and DEV2 of the UDP (1998) and the IPG (2007) and policies DM23, DM24, and DM25 of the Managing Development: Development Plan Document state that the Council will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV27 of the IPG (2007) sets out the tall buildings assessment criteria which ensure that tall buildings do not have significant impacts on transport, visual, microclimate and amenity. Tall buildings are generally supported as part of a cluster of tall buildings.
- 9.53 Policy SP10 of the Core Strategy (2010) seeks to ensure that developments promote good design to create high quality, attractive and durable buildings. The policy also seeks 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. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this.
- 9.54 Policy DM24 of the Managing Development DPD (submission version 2012) also seeks to ensure that development is designed to the highest quality standards incorporating principles of good design. Policy DM26 seeks to ensure that buildings heights are in accordance with the town centre hierarchy. It also states that “Proposals for tall buildings will be required to satisfy the 12 criteria listed and which ensures that tall building is of high quality, provide a positive contribution, does not adversely impact on the microclimate of the surrounding area, biodiversity or open spaces, provide inclusive communities comply with Civil Aviation requirements and demonstrate consideration of public safety requirements.

Massing and scale

- 9.55 The proposed massing is well distributed across the site and is in keeping with the recent developments within the area, immediately opposite and along Cambridge Heath Road. In addition, the application site is bounded by railway infrastructure and there is no real sense of an established streetscape to this end of Three Colts Lane for the proposed development to respond to. In this regard, the height, massing and scale are considered to be appropriate response to its immediate and wider context.

Streetscene

- 9.56 Currently, the existing two storey buildings on the application site lack in street presence and so do other existing industrial/commercial buildings along Three Colts Lane. Therefore, it is important for any new development to provide interaction and street presence along Three Colts Lane, Coventry Road, Buckhurst Street and equally along Cambridge Heath Road. This would also ensure that the vision as set out in the Core Strategy for LAP1 & 2 is also met. This is primarily in connection with improving connectivity between green spaces by improving environment which connects the green spaces; and to improve the built environment in Bethnal Green.
- 9.57 Both of the proposed Blocks A and B have commercial uses on the ground floor with residential above. The design and positioning of the residential entrances are more prominent in terms of the location and presence along the streetscene. This is considered to improve the appearance and character of the existing streetscene along the roads the application site fronts. The proposed design and position of the residential entrances are in line with the Design Officer's advice given at the consented application stage and is considered to be acceptable.
- 9.58 An in and out service area is proposed through the rear of proposed Block B which will enable on-site servicing and provision of car parking spaces. The proposed ground floor elevation along Buckhurst Street and Coventry Road, where entry and exit is proposed, provide folding doors to ensure security and suitable frontage to the streetscene. The details are required by condition and as part of the proposed conditioned, servicing will need to be submitted and approved. The proposal is considered to contribute to enhancing the streetscene, in accordance with Policies DEV1 of UDP, DEV2 of IPG, SP10 of Core Strategy, DM23 and DM24 of the Managing Development DPD.
- 9.59 The accompanied Design and Access Statement (DAS) states that the proposed external materials comprise of screen printed fire-cement rainscreen cladding. The rainscreen cladding is proposed to be screen printed to create a texture using green/blue and white coloured cladding. The texture is to be created through strips on each cladding panels. The Design and Access Statement indicates that the proposed buildings will be predominately green in colour, with subtle texture created by the stripes on each panel.
- 9.60 It is considered that more details on the cladding material are required to better understand the proposal in the context of the surrounding, in particular long views along Coventry Road from the southern side of the railway viaduct. Whilst there is no objection in principle to coloured claddings, there is a need for further consideration to the overall colour scheme and how they relate to the various streets the proposed building fronts. Therefore, the colour scheme and material panel will need to be agreed, and therefore as per usual practice the details of materials are proposed to be conditioned.

Safety and Security

- 9.61 In accordance with policy DEV1 of the UDP (1998), DEV4 of the IPG (2007) and DM23 of the Managing Development DPD, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments. In the proposed scheme, the residential entrances are more prominent in terms of the location and presence along the streetscene. The rear service road also has folding doors to ensure security and

suitable frontage to the streetscene. Both the design and position of the proposed entrances to the residential flats and folding doors to rear service road is considered to provide adequate security measures for the future occupants of the site and these are considered to be in line with the advice given by the Crime Prevention Officer from Metropolitan Police in the consented scheme.

Amenity

Daylight and Sunlight

- 9.62 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (second edition).
- 9.63 DEV2 of the UDP and DM25 of the Managing Development DPD seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 9.64 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms. This policy is supported by policy SP10 of the Core Strategy 2010.
- 9.65 Policy 7.7 of the London Plan 2011 refers to the "Location and design of the tall and large buildings" and states that "Tall and large buildings should not have an unacceptably harmful impact on their surroundings."

Vertical Sky Component (VSC) and Daylight Distribution (DD)

- 9.66 VSC measures the Daylight striking the face of the window and Daylight Distribution measures amount of direct sky visibility penetrating into the room. The BRE target value for VSC is that the window should not receive less than 27% as a result of the proposed development and less than 0.8 times the former value.

DD is the amount of direct sky visibility penetrating into the room. The BRE target value for DD is that the amount of sky seen in the area of a working plane (i.e. within the room) should not be less than 0.8 times area before.

Average Daylight Factor (ADF)

- 9.67 ADF works out a mathematical value of the likely average internal lighting conditions in a room. ADF can be a more accurate measurement of average daylight in a room when dimension of a room is known. The British Standard sets out the minimum criteria of ADF and it recommends that if a predominately daylight appearance is required the following minimum standards should be achieved:

Kitchens = 2% *df* (It can be argued that this should only apply to family kitchens)

Living Rooms = 1.5% *df*

Bedrooms = 1% *df*

- 9.68 The application as in the consented scheme is accompanied by a Sunlight and

Daylight Report. The assessment analysed the effect of the proposed development on the daylight and sunlight amenity to the following properties as a comparison against the consented scheme.

- 179 Cambridge Heath Road
- 59a-63 Cudworth Street
- 41-65 Three Colts Lane (student accommodation)

- 9.69 The only affected property out of those tested, is 41-65 Three Colts Lane which is a student accommodation on the 1st – 5th floors with office space on the ground floor. This building is located on the opposite side of Three Colts Lane. As the office space is unlikely to have the same expectation for daylight and sunlight amenity, the Sunlight/Daylight study was concentrated on the 1st – 5th floors of the development.
- 9.70 Appendix F of the revised BRE Guide gives guidance on setting alternative target values for skylight and sunlight access when there is an extant planning consent for a site. The guidance states that *'In assessing the loss of light to existing windows nearby, a local authority may allow the vertical sky component (VSC) and annual probe sunlight hours (APSH) for the permitted scheme to be used as benchmarks.'*
- 9.71 In the submitted Sunlight/Daylight report, the principles outlined in Appendix F mentioned above have been applied and states that *'an obstruction angle from the lowest level of the student accommodation to the top of the consented scheme generates an angle of 42 degrees, which corresponds to a VSC of 17%.'*
- 9.72 Of the 84 windows on the 1st – 5th floors that were assessed, 83 (98.8%) would achieve the BRE target value. The only window which falls marginally short of the target value achieves a VSC of 15.85%, within 1.15% of the target value. It is suggested that this difference in light would be imperceptible to the occupant and as the vast majority of the windows tested would be left adequately lit, the effect on the daylight to this property would be acceptable.
- 9.73 In respect of "Sunlight", it is suggested that vast majority of windows would achieve the BRE target value for the annual sunlight hours. However, there will be some minor breaches, in terms of winter target value but these are very difficult to achieve in urban environment.
- 9.74 It should be noted that the rooms served by the tested windows are bedrooms, which BRE describe as 'less important' in sunlight and daylight terms, the minor winter transgression would not significantly affect the beneficial use of the accommodation.
- 9.75 Overall, it is considered that given the urban location of the site, the effect on daylight and sunlight amenity to this property would be acceptable. It should be noted that the overlooking windows serve bedrooms comprising study, sleeping and bathroom/dressing area and these are deemed to be 'less important' by the BRE report with regards to their requirement for daylight and sunlight. Also the BRE guidance is intended as set of guidelines and it also suggest other numerical values that should be considered in urban environment, such as the development site, and daylight should be considered against the other site constraints applicable to each individual site.
- 9.76 The purposed built accommodation for students is transient rather than permanent residents and any erosion of living condition to the accommodation would not be

permanent for its yearly changing residents. Overall it is considered that the affect on the daylight/sunlight to this property would be imperceptible to the occupants when compared to the consented scheme. It should be further noted that the benefit that the proposal would bring forward (for example the affordable housing and the general increase in housing stock within the borough), outweighs the impact on what is largely a transient student community.

- 9.77 With regards to the “Internal Daylight” within the proposed development, only a sample of rooms at 1st and 2nd floor within the proposed development have been analysed in terms of light levels received. It is suggested that rooms at lower level of the proposed development have been chosen for analysis as they will have lower light level than the accommodation on the upper floor. It is further suggested that out of the 87 rooms analysed 65 rooms would comfortably meet BS requirements. 9 of the 22 rooms which are below BS requirements are bedrooms which are considered to be less important. Even though, 6 bedrooms would achieve *df* greater than 0.70%. Further 13 rooms are lounges and kitchens. 6 out of the 11 lounges which are below BS requirements would achieve *df* equal or greater than 1%. Two analysed kitchens achieved *df* between 1.05% and 1.10%.
- 9.78 It is suggested that 14 of these room are served by balconies. The balconies provide additional alternative amenity, but are also responsible for the recession of the glazing underneath the balcony of the floor above. The balcony inhibits the daylight levels received to the windows below, thereby reducing the vertical sky component and, subsequent, the *df* value achieved by the room. This obstruction is primarily responsible for these rooms falling below the BS target value. Therefore, there is a clear trade-off in relation to the reduced daylight potential for these windows as a result of the balconies and the additional alternative amenity which they provide. A more flexible approach is therefore required to the levels of daylight for these windows and the rooms they serve.
- 9.79 It is also suggested that only rooms in the first and second floor of the development have been analysed as upper floors will receive significantly higher level of daylight and achieve a greater degree of compliance with the British Standard.
- 9.80 It is considered that given the urban location, scale and density of the development, that daylight levels within proposed development would be acceptable in accordance with the BS guidelines. It should be noted that given the urban context the application site is in, and because the majority of the units are capable of achieving the minimum daylight standards, the proposal would still provide satisfactory means of accommodation for future occupiers.

Air Quality

- 9.81 Paragraph 123 of the NPPF and Policy 7.14 of the London Plan (2011) seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP (1998), Policy SP02 of the Core Strategy (2010) and Policy DM9 of the Managing Development DPD seek to protect the Borough from the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 9.82 The submitted Air Quality Assessment demonstrate that:
- there would be negligible impact during the construction phase subject to suitable mitigation measures;
 - The impact from the proposed two 30kW gas fired CHP plant is considered

- that the emissions to air on local air quality will be negligible due to its size.
- The impact of the proposed redevelopment is considered negligible for NO₂ and PM₁₀.

Therefore, it is considered that the proposed redevelopment will not have significant impact to the local air quality.

Noise and Vibration

9.83 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies, saved policies DEV2 and DEV50 of the UDP (1998), policies DEV1, DEV10, DEV12, DEV27 and HSG15 of the IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010) seek to minimise the adverse effects of noise. Policy DM25 Managing Development DPD seeks to ensure that existing and future residential amenity is protected.

9.84 The National Planning Policy Framework states that in paragraph 27 that:

- “Planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;”

9.85 Paragraph 25.10 of the Managing Development: Development Plan Document states that:

“The Council will also seek to limit the impact of existing noise and vibration sources on new development and limit noise and vibration emission from new developments. The effect of noise and vibration can be minimised by separating uses sensitive to noise from development that generates noise and by taking measures to reduce any impact. For the purpose of this policy, developers should comply with the current best practice standards (British Standards). Where necessary, Acoustic reports to demonstrate compliance will be required.”

9.86 Appendix 2 of the Managing Development: Development Plan Document relating to the “Noise” states “Recommended limits for each noise exposure categories for dwellings and schools exposed to noise from road, air and rail traffic is given in Tables 1 of appendix 2 and is set out as below:

Noise exposure category for dwellings				
Noise Source	A	B	C	D
Road traffic (07:00-2300)	<55	55-63	63-72	>72
Air traffic (07:00-2300)	<57	57-66	66-72	>72
Rail traffic (07:00-2300)	<55	55-65	65-74	>74
Mixed sources (07:00 -23:00)	<55	55-63	63-72	>72
All sources (23:00 -07:00)	<42	42-57	57-66	>66

Table A1: Noise Exposure category for dwellings –LaeqTdB Notes

9.87 The submitted Noise Assessment demonstrates that the noise level measured for the purpose of assessing the site is in accordance with Planning Policy Guidance 24 (PPG 24), although PPG24 has recently been replaced by NPPF. Nonetheless, the noise exposure category for dwellings as outlined in Appendix 2 of Managing

Development: Development Plan Document (submission version 2012) is in line with the superseded PPG24 and therefore noise assessed in accordance with PPG24 would provide a reasonably good indication as to whether the proposed development would be acceptable near the given noise source in accordance with the Council's policies.

The submitted Noise Assessment demonstrate that the noise level measured for the purpose of assessing the site in accordance with Planning Policy Guidance 24 (PPG 24), indicate that the locations nearest to the railway and Cambridge Heath Road falls within Noise Exposure Category (NEC) C and the eastern façade of Block A which falls within NEC D.

- 9.88 Noise exposure category C in Appendix 2 relating to "Noise" in the Managing Development: Development Plan Document (submission version) states that *"for proposals in this category there is a strong presumption against granting planning permission. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions will normally be imposed to ensure an adequate level in insulation against external noise."*
- 9.89 Noise exposure category D in Appendix 2 relating to "Noise" in the Managing Development: Development Plan Document (proposed submission version) states that *"for proposals in this category planning permission will normally be refused."*
- 9.90 The supporting information states that the objective is to provide an internal environment that achieves the World Health Organisation (WHO) guidelines whilst ensuring that appropriate rates of ventilation can be achieved without the need to open windows although the proposed design means that the facility to do so will remain as an option for residents.
- 9.91 To this respect, the proposal will provide the following noise attenuation measures.
- A double glazed aluminium framed window to the façade which incorporates a 10/12/6.4 double glazed unit consisting of a 10mm thick pane of glass and a 6.4mm laminated pane of glass separated by a 12mm air gap. A further internal single pane unit of secondary glazing separated from the external window by a 150mm acoustically lined air gap is proposed.
 - Background ventilation is proposed to be by way of a passive acoustic ventilator positioned above the window, but behind the rain-screen cladding and connected to a flat duct that runs above a 25mm plasterboard ceiling, the flat duct will be connected to a central fan unit and secondary attenuation, with air delivered via a supply grille in the ceiling.

The Council's Environmental Health Officer is satisfied with the mitigation measures. A condition is proposed to secure the details and to ensure appropriate noise level.

- 9.92 Whilst some of the areas would fall within NEC C and D the proposed mitigation measures are sufficient to ensure satisfactory level of residential amenity, in terms of noise.

Loss of Outlook and Overlooking

- 9.93 Core Strategy Policy SP10 seeks to ensure that buildings promote good design

principles to create buildings, spaces and places that are high-quality and protect amenity including preventing loss of privacy.

- 9.94 In terms of loss of outlook, this impact cannot be readily assessed in terms of a percentage or measurable loss of quality of outlook. Rather, it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective. Nevertheless, in the opinion of officers, given the separation distances and roads separating the proposed development and the existing residential developments along Three Colts Lane; Buckhurst Street; Coventry Road; and Cambridge Heath Road and similarities in the heights of the buildings on Three Colts Lane, it is considered that the development would not create an unacceptable sense of enclosure or loss of outlook to habitable rooms near the site.

Micro-Climate

- 9.95 Planning guidance contained within the London Plan 2011 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 (Location and Design of Tall and Large Buildings) states that *Tall and large buildings should not have an unacceptable harmful impact on their surroundings*. It further states that *“Tall buildings should not affect the surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference*. Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) of the IPG also identifies microclimate as an important issue stating that:

“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”

Policy DM26 (Building Height) of the Managing Development DPD states that *the proposed tall buildingshould not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;*

- 9.96 Within the submitted Wind Assessment, the applicant has assessed the likely impact of the proposed development on the wind climate. The report demonstrates that the wind environment with regards to pedestrian comfort would be improved in some areas around the site like Three Colts Lane and near by Corfield Street as a result of the development. However, that the southeast corner of the building towards Cambridge Heath Road, some deterioration would be observed. Therefore, a mitigation measure will be required to address the pedestrian comfort level which includes landscaping. It is also suggested by the assessment that the location of entrances should be planned away from the south eastern corner of the building so as to avoid uncomfortable wind environments.
- 9.97 The proposal includes the residential entrance to building Core A located away from the worst affected area and is located fronting Three Colts Lane thereby improving the environmental conditions for the residential users significantly. The issue of planting/landscaping to reduce the impact will have to take place outside the red line boundary however Highway Officers have confirmed that the works can be done through S278 and/or S106 contributions, subject to sub-ground survey.
- 9.98 It is therefore considered that the proposed development would create acceptable microclimate conditions surrounding the development and the impact on the

pedestrian amenity and to the residential users would be mitigated.

Transport & Highways

- 9.99 The London Plan (2011) seeks to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 9.100 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 16, 17, 18 and 19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network, whilst ensuring that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network. Policies DM20, DM21 and DM22 of the Managing Development DPD seek similar objectives and aims as the Core Strategy.
- 9.101 The NPPF states that *“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. Of the 12 principles set out in NPPF, one of the Core Principle in relation to transport states as follows:*
- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;*

NPPF also supports *“promotion of sustainable transport”* and its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car.

Parking

- 9.102 Policies 6.13 of the London Plan 2011, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the Managing Development DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.103 The site has a Public Transport Access Level (PTAL) of 6b which is the highest level demonstrating an excellent level of public transport service. The site is suitable for a permit free agreement, whereby future occupants of the residential units are to be prevented from obtaining on street car parking permits (subject to the operation of the Council's permit transfer scheme). The applicant has indicated in their TA that they are willing to enter into such agreement and will be secured through s106 agreement. The consented scheme was approved by Members without the requirement for the applicant to enter into a S106 permit free agreement. However, given the number of residential units proposed, it is officers' strong opinion that the proposal should be subject to s106 permit free agreement and in agreement with the applicant. Without it, it is likely that the proposed development will significantly impact upon the local highway network and on-street parking levels would be stressed. The Council's housing tenants benefit from permit transfer scheme and therefore would not be affected by this agreement.

- 9.104 The proposal provides a total of 23 car parking spaces, of which 14 car parking spaces (including 2 disabled car parking spaces) are provided in the basement of Block A and 9 car parking spaces (including 2 disabled car parking spaces) are provided in the rear service area at ground floor level of Block B.
- 9.105 The car parking spaces in Block A are reached by way of car lift off Buckhurst Street and also served by internal stairs and lift from the residential floors above. The car parking spaces in the rear service road of Block B are accessed directly from the residential units above by means of a rear access to and from the stair and lift cores at ground floor.
- 9.106 The consented scheme provided a total of 9 car parking spaces (including 2 disabled parking) however the subject proposal has now increased to 23 car parking spaces (including an additional 2 disabled car parking spaces).
- 9.107 Whilst the highways officer resisted the additional 14 car parking spaces proposed on the site, it should be noted that two of the 14 car parking proposed would be disabled car parking spaces. The proposed disabled car parking spaces amount to 14% of the total additional car parking spaces provided on the site. According to the Accessible Car Parking Standards Set out in IPG, "*Development with on-site car parking require a minimum of 2 spaces or 10% of the total parking which ever is greater, should be provided on site*". The proposed additional 2 accessible car parking spaces would therefore comply with the Accessible car parking standards set out in IPG.
- 9.108 With regards to the overall 23 car parking spaces (including the additional 14 car parking spaces) proposed for the whole of the development, the Transport Statement submitted with the application demonstrates that the site lies within an area with excellent public transport facilities with a PTAL rating of 6. The provision of 23 on-site parking for the whole development reflect that most of the journeys to and from the development will be made using non-car modes where public transport and walking will be the predominant modes. A travel Framework Plan is set out within the Transport Statement to further promote the use of non-car modes of transport.
- 9.109 The level of trip generation attributable to the site will have no discernible impact upon the existing infrastructure. It should be noted that as part of consented scheme proposed enhancement within the public realm will significant improve the existing pedestrian infrastructure around the site and will help to make walking even more attractive. Residents will not be eligible for on-street parking permits unless they are blue badge holders or the Council's permit transfer scheme applies. With these measures in place, the proposed development will have no adverse impact upon the free and safe operation of the public highway or the capacity of the public transport network serving the site. The development will therefore meet the aims and objectives of the Council's and London Plan policies.
- 9.110 In accordance with the guidance set out in the London Plan, a minimum of 20% of all on-site car parking spaces should be equipped with electric vehicle charging points. If planning permission is granted, this will be secured by condition.

Cycle Parking

- 9.111 The proposal would provide 89 single tier and 84 double tier cycle parking spaces and this would make provision for a total of 257 cycle parking spaces at ground floor level in four separate storage spaces corresponding to the cores of the building. The proposed level of cycle parking spaces would comply with the London Plan

2011 policy 6.13 and cycle parking standards sets out in Managing Development DPD which requires a total of 176 based on 1 per 1- or 2-bed unit and 2 per 3- or more bed unit. The applicant has provided the details of the cycle parking on the ground floor of proposed Block A and B (as was in the consented scheme) and this demonstrates that the storage space can cater for the number of proposed cycle parking spaces to be provided on site.

Servicing and Refuse Collection

- 9.112 The proposal as per the consented scheme proposes two separate commercial use within Block A which are to be serviced off Three Colts Lane by creating an on-street loading bay. The works will be subject to s278 works and Highways have accepted that on-street layby could be accommodated in this particular location. The works will be secured through s278 works together with the overall public realm improvement works along Three Colts Lane. The layby will not be designed to cater for articulated lorries, and therefore, amalgamation of the two commercial units into one larger food retail use will be restricted by a condition.
- 9.113 The commercial units within Block B will all be serviced from the proposed servicing road to the rear of the building. The height of the servicing road would also allow for refuse vehicles to enter and exit to collect refuse generated from residential units. Alternatively due to the proximity of refuse storage bins to Buckhurst Street and Coventry Road, the collection can also take place on the highway.

Public Realm Improvements

- 9.114 The Council has a programme of works to improve public realm mainly along Three Colts Lane. The works mainly consist of upgrading/new street furniture, road build outs, footway works, carriage way works, street trees along Three Colts Lane, Buckhurst Street and Coventry Road. S106 monies will be secured to contribute to the works programmed for the area. The proposal also contributes to the overall public realm by setting the building back at the ground floor level from the site's boundary which would improve the streetscape along Three Colts Lane.

Energy Efficiency and Sustainability

- 9.115 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development DPD Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.116 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 9.117 The Managing Development DPD Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Draft 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 residential developments to achieve a Code for Sustainable Homes Level 4 rating and all non-residential developments to achieve a BREEAM excellent rating.

- 9.118 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.119 The submitted sustainability statement and energy strategy report broadly follows the energy hierarchy as detailed above and proposes the use of energy efficiency and passive measures to reduce energy demand (Be Lean). A CHP system is proposed to supply the space heating and hot water requirements, however the current proposals are not considered in accordance with policy 5.6 of the London Plan, which seeks for a site-wide CHP network to be delivered, as currently two separate energy centres are proposed. Details of existing services should be provided to establish feasibility of a single energy centre linking the building across Buckhurst Street and providing a site wide solution. In addition, the size and location of the energy centres within each building should be provided together with the demand profile modelling to show the CHP have been sized to the appropriate thermal and electrical requirements of the development. This additional information is essential to ensure that the most appropriate energy strategy is delivered to maximise CO2 emission reductions.
- 9.120 Air Source Heat Pumps are proposed to provide a source of on site renewable energy (Be Green). In accordance with the Energy Hierarchy the decentralised energy system (CHP) should be maximised to supply the space heating and hot water requirements of the proposed development. The applicant should demonstrate that the proposed ASHP's do not conflict with the loads required for optimal performance of the CHP systems. The GLA Energy assessment guidance states that it is 'Important to demonstrate how they will work in tandem and, where applicable, how they will be integrated into a heat network (for heat generating technologies) and, where applicable, also how they will integrate with a cooling system/strategy. Where heat is already to be supplied by CHP, it is important that any technologies proposed do not compete with CHP'. Full details of how the technologies will operate in conjunction with each other must be submitted to the Council.
- 9.121 The applicant has broadly followed the energy hierarchy set out in policy 5.2 of the London Plan 2011. The proposals aim to reduce total site carbon emissions by 26.7%.
- The Managing Development DPD Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. The applicant needs to demonstrate that the design has sought to achieve the current and emerging policy requirements. At present the proposed CO2 emission reductions are not supported by the sustainable development team.
- 9.122 In broad terms the proposed energy strategy follows the energy hierarchy and focuses on energy efficiency measures and use of CHP. However, the scheme is not supported by the Sustainable Development Team as it does not appropriately

respond to:

- Managing Development DPD policy DM29 which requires the development to reduce CO2 emissions by 35% above Building Regulations 2010
- London Plan Policy 5.6 which requires a site wide CHP

Core Strategy Policy SP11 which requires renewable energy technologies to be integrated into the scheme. Full details of how the technologies will operate in conjunction with each other should be submitted.

- 9.123 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and non-residential development to achieve a BREEAM excellent rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Draft Managing Development DPD.
- 9.124 The applicant has committed to achieving the required environmental assessment targets and this is supported by the Sustainable Development Team. It is recommended that the achievement of a Code Level 4 rating for all residential units and BREEAM Excellent rating for non-residential elements is secured through an appropriately worded Condition with the Code for Sustainable Homes and BREEAM Certificates submitted to the Council within 3 months of occupation.
- 9.125 It is considered that the proposed energy strategy is satisfactory, subject to a condition requiring a final energy strategy to be submitted and approved.

Section 106 Agreement

- 9.126 Regulation 122 of the Community Infrastructure Levy Regulations 2010, brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- (a) The obligation is necessary to make the development acceptable in planning terms;
 - (b) The obligation is directly related to the development; and
 - (c) The obligation is fairly and reasonably related in scale and kind to the development.
- 9.127 The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as education, community facilities, health care and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.
- 9.128 Policies 8.1, 8.2, 8.3 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations with developers where appropriate and where necessary for a development to proceed through their deliverance in kind or through financial contributions.
- 9.129 The Council has recently adopted Supplementary Planning Document on Planning Obligations in January 2012. This document; provides guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. In light of this, LBTH Officers have identified the below contributions to mitigate

against the impacts of the proposed development, which the applicant has agreed.

- 9.130 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £1,156,696. This has been applied as follows through the SPD.

The proposed heads of terms are:

Financial Contributions

Employment

- Construction Phase Skills and Training - £27,655
- End-User Phase Skills and Training - £12, 784

Community Facilities

- Libraries - £36, 666
- Leisure - £129, 957

Education

- Primary School - £222, 450
- Secondary School – £134,082

Health - £204,886

Sustainable Transport - £4365

Public Realm

- Street Scene - £146,124
- Open Space - £237, 727

Total : £1,156,696

- 9.131 The applicant has submitted a viability toolkit as part of the application submission and the Council's appointed consultants have independently reviewed the toolkit. The submitted toolkit identifies that the proposal can only provide 30% affordable housing alongside planning obligations of £870,000. A proportion of the planning obligation, £45,000, is to be secured directly for the 3 affordable housing car parking spaces proposed to be created within the scheme, leaving £825,000 of planning obligations. The financial contribution is considered to be an acceptable offer in light of the viability of the scheme and the current economic climate and will still meet the test of the CIL regulations. The amounts have been apportioned appropriately and heads of terms are as set out below:

Financial Contributions

A) Employment

- Construction Phase Skills and Training - £19,800
- End-User Phase Skills and Training - £9075

B) Community Facilities

- Libraries - £26,400
- Leisure - £92,400

C) Education

- Primary School - £158,400
- Secondary School – £95,700

D) Health - £146,025

E) Sustainable Transport - £3,300

F) Public Realm

- Street Scene - £103,950
- Open Space - £169,950

G) Affordable housing car parking spaces – £45,000

Total : £870,000

Non-financial contributions

- A) Commitment to implement a Green Travel Plan;
- B) 27.6% affordable housing, measured in habitable rooms (social rented units set at target rents);
- C) Car-free agreement;
- D) Construction Plan;
- E) Access to employment provisions;
- F) Submission of and compliance with Construction Logistics Plan;
- G) Submission of and compliance with a Service Management Plan; and
- H) Compliance with Considerate Contractor Protocol.

Crossrail

9.132 Although the scheme is in the Rest of London Crossrail Charging Zone, the trigger for a s.106 payment would only be invoked if there is a 500sqm net increase in commercial floor space (B1 or A Class uses). Given that there is a reduction in the level of commercial floor space, it is considered that a crossrail contribution does not arise.

9.133 Localism Act (amendment to S70(2) of the TCPA 1990)

Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

Section 70(4) defines “*local finance consideration*” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context “grants” might include:

- a) Great Britain Building Fund: the £400m “Get Britain Building” Fund and government-backed mortgage indemnity guarantee scheme to allow house buyers to secure 95% mortgages;
 - b) Regional Growth Funds;
 - c) New Homes Bonus;
 - d) Affordable Homes Programme Funding.
- a. These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

- b. (Officer Comment): Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements. .
- 9.134 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that the London mayoral CIL became operational from 1 April 2012 and will now be payable on this scheme. The likely CIL payment associated with this development would be in the region of £375,025 s.106 obligations.
- 9.135 With regards grants, the Great Britain Building Fund is part The government's housing strategy published on the 21 November 2011 designed to tackle the housing shortage, boost the economy, create jobs and give first time buyers the opportunity to get on the housing ladder. Officers are satisfied that the development provides the types of units in the form single occupancy flats within the private and intermediate tenure, and range of unit sizes to accommodate the differing financial constraints of future potential occupier and therefore the proposal supports this initiative .
- 9.136 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmers that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent on the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers are satisfied that through the £28,875 financial contribution toward Enterprise and Employment, and agreement to 20% local procurement during construction and 20% local labor in construction (referred to in the main committee report), there is likely to be a range of job opportunities, both skilled and un-skilled that would support the aim of the initiative to create economic growth and sustainable employment..
- 9.137 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 9.138 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £155,573 in the first year and a total payment £933,441 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.
- 9.139 The Affordable Homes Programme 2011-15 (AHP) aims to increase the supply of new affordable homes in England. Throughout 2011-15, Homes and Communities Agency (HCA) aims to invest £4.5bn in affordable housing through the Affordable

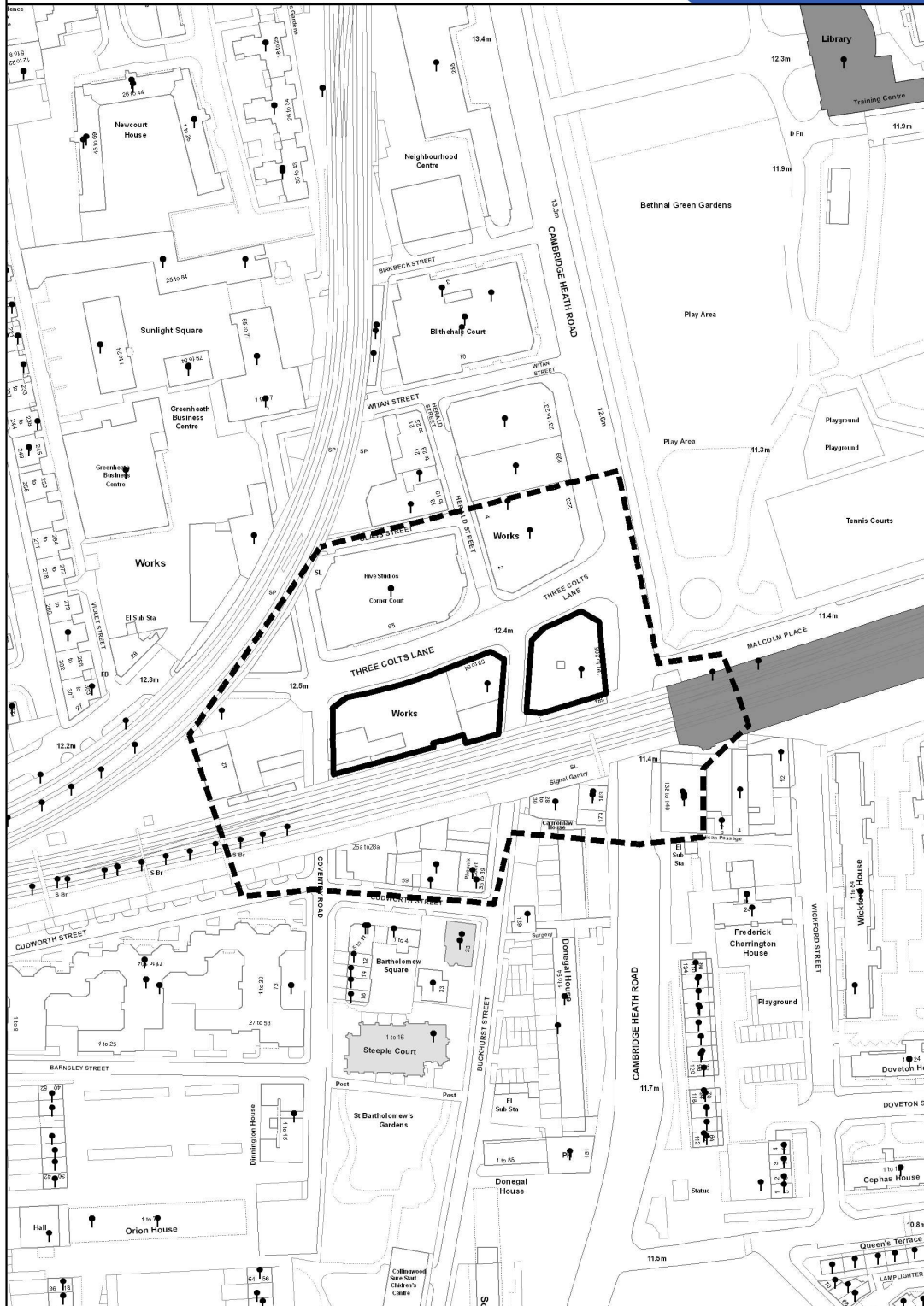
Homes Programme and existing commitments from the previous National Affordable Housing Programme. The majority of the new programme will be made available as Affordable Rent with some for affordable home ownership, supported housing and in some circumstances, social rent.


- 9.140 However developments that secure affordable housing through s.106 agreements (as is the case for this proposal) are highly unlikely to receive grant from the HCA as they seek to reserve funding for Registered Social Landlords who specialise in providing affordable housing.

Conclusions

- 9.141 All other relevant policies and considerations have been taken into account. The proposed development is considered to provide positive regenerative benefits to the local area; with delivery of housing (including affordable housing) and contributions towards improvements to services and infrastructure. The proposal meets the objectives as set out in the Council's Core Strategy which identifies that opportunities for growth and change to be delivered by a number of industrial areas being redeveloped for residential, infill development in existing built areas and housing estate renewals within Bethnal Green Area (LAP 1 & 2). Planning Permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 8

Committee: Development	Date: 10th July 2012	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. 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 are 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.

3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:
See individual reports

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Agenda Item 8.1

Committee: Development	Date: 10 th July 2012	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Consideration	
Case Officer: Jerry Bell		Ref No: PA/12/00844	
		Ward(s): Adjacent to St Katharine's and Wapping	

1. APPLICATION DETAILS

NOTE: The application site falls wholly within the City of London Corporation. London Borough of Tower Hamlets is a statutory consultee on this application by virtue of the site sharing a boundary with LBTH. This report therefore provides an officer recommendation which is intended to form the basis for the Borough's observations to the City of London. The Development Committee is requested to consider the endorsement of this recommendation.

Location: 100 Minories, London EC3N 1JY
Existing Use: Former London Metropolitan University building
Proposal: Demolition of the existing buildings on site and the erection of a 10-storey plus basement hotel (Use Class C1) comprising of 265 bedrooms together with ancillary restaurant, bar and retail facilities
Applicant: Grange Hotel Group
Owner: Grange Hotel Group
Historic Building: N/A, however portions of the adjacent Roman Wall are Grade I Listed and also a Scheduled Monument.
Conservation Area: The Crescent Conservation Area (City of London)

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 LBTH has reviewed the application and taken into account all relevant policies and considerations in assessing the proposed scheme for the Demolition of the existing buildings on site and the erection of a 10-storey plus basement hotel comprising of 265 bedrooms together with ancillary restaurant, bar and retail facilities. Whilst officers have no concerns with regard to the proposed land use or impacts upon amenity or highways, the following objections are raised:

- The proposed building and associated screen structure, by virtue of its design, massing, scale, materials and elevational treatment represents an inappropriate form of development and fails to preserve or enhance the character, appearance and setting of the Tower of London World Heritage Site, the Tower Conservation Area and the adjacent Scheduled Ancient Monument. As such, the proposal fails to accord with the National Planning Policy Framework (2012), policies 7.6, 7.7, 7.8, 7.9 and 7.10 of the London Plan (2011), policies SP10 and SP12 of the Core Strategy Development Plan Document (2010), saved policy DEV1 of the Unitary Development Plan (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Telephone no. of holder:
Application, plans, adopted UDP (as saved). IPG, LDF Core Strategy and London Plan		020 7364 5009

Guidance (2007) and policies DM24, DM26, DM27 and DM28 of the draft Managing Development DPD (Submission Version May 2012) which seek to protect the character, appearance and setting of heritage assets. The proposal also fails to accord with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)

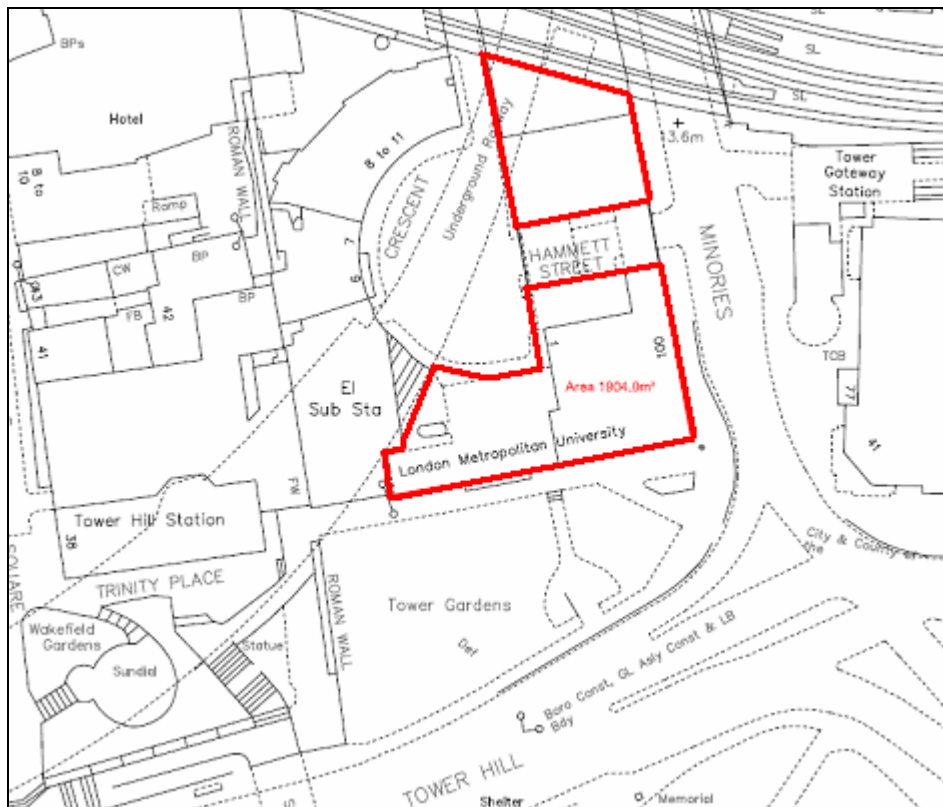
- The proposal will have a detrimental impact upon protected views as detailed within the London Plan London Views Management Framework Revised Supplementary Planning Guidance (July 2010) and would fail to maintain local or long distance views in accordance with policies 7.10, 7.11 and 7.12 of the London Plan (2011) and policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the draft Managing Development DPD (Submission Version May 2012) which seek to ensure large scale buildings are appropriately located and of a high design standard, whilst also seeking to protect and enhance regional and locally important views

3. RECOMMENDATION

- 3.1 That the Committee resolve to **ratify officers' views** on the application for the reasons set out above in section 2.

4. DESCRIPTION OF DEVELOPMENT

- 4.1 The application proposes the demolition of the existing 4-storey building on site and the erection of a building of up to ten storeys in height, containing 265 hotel rooms/serviced apartments, together with restaurant and retail floorspace at ground floor level.



Above: site location within the City of London

- 4.2 The site lies approximately 75m north of the outer wall of the Tower of London and is part of a group of buildings which form a backdrop to the Tower. The site is located upon a prominent corner and is bounded by a pedestrian route, Trinity Place, to the south with Tower Gardens beyond, and the Minories to the east. The site is located within the Crescent

Conservation Area and is located adjacent to the Tower Conservation Area. The site forms part of the setting of the Tower of London World Heritage Site, which is located approximately 65 metres to the south. The adjacent Roman Wall is also Grade 1 listed and portions are also a Scheduled Ancient Monument.

- 4.3 The building is proposed to be serviced from the Crescent immediately to the north of the application site. The proposed L-shaped building envelops The Crescent to the south and east and retains the existing Hamnett Street vehicular entrance off the Minories. A pedestrian connection through the site between the Crescent and Tower Gardens is also proposed.
- 4.4 The existing building comprises an L-shaped utilitarian concrete building which was completed in 1970. It was last occupied by London Metropolitan University in 2011 and has since been acquired by Grange Hotels. It is not considered that the existing building is of architectural or townscape significance.

5. ANALYSIS

- 5.1 The proposed building comprises an L-shaped building which is separated into three separate elements, namely a two-storey lower ground floor level which features the retail and restaurant floorspace, a projecting cantilevered middle element at levels 2-6 with three upper floor levels being inset in 'tier-cake' fashion. The prominent materials are stated as being limestone cladding with timber-clad recessed panels above the hotel's main entrances, whilst the upper floor levels feature metal rainscreen cladding and glazed balustrades.
- 5.2 The proposed building is a prominent feature within the setting of the Tower Conservation Area and the Tower of London World Heritage Site (WHS). Accordingly, the proposal must be tested for its impact on the sites' Outstanding Universal Value (OUV), ensuring and illustrating that it respects, conserves and preserves the OUV.
- 5.3 With particular regard to the introduction of a continuous, unrelieved frontage with marked horizontal emphasis on the south elevation of the building facing the WHS, this is considered to be discordant with the fine grain and character of the area and is therefore not considered to be an appropriate approach to a site of such significance. Furthermore, the cantilever of the upper floors of the facade creates an unacceptable overbearing impact at pedestrian level/from street view and exuberates the horizontality of the facade when seen from the south.
- 5.4 With particular regard to the recessed upper floor levels, it is considered that these have little relevance to the form of the buildings which form the immediate backdrop to the Tower of London. These would be particularly incongruous when viewed from the south, from which point the building is highly prominent and intervisible with the Tower of London World Heritage Site. The inappropriate use of materials (discussed below) would further emphasise the incongruous tiered approach to the uppermost floors.
- 5.5 With regard to the proposed materials, officers consider that it is imperative that materials are agreed during the application process given the sensitivity of the site's location. The historic character of the surrounding area and in particular those buildings within Trinity Square which help form the backdrop of the World Heritage Site, are marked by solidity and permanence. The choice of materials, in particular the prevalence of timber upon the facades and metal cladding and glazing at roof levels, do not feature significantly historically in this area and are therefore considered to be an inappropriate choice which has no precedent, introducing as it will, a material palette entirely alien to the historic environment and harming setting of significant heritage assets in the area.
- 5.6 Furthermore, the use of yellow stock brick on the rear elevation within the Crescent Conservation Area would appear at odds with the Georgian red brick character of the listed

terraced properties within the Crescent, where one of the key characteristics is the high architectural quality of the buildings.

It is also considered that the proposed substation glazed screening (figure 5 overleaf) within The Crescent, would appear as an unrelieved single architectural element, harmful to the scale and setting of the adjacent listed townhouses, which would further erode the character of the Crescent Conservation Area.

- 5.7 Historic Royal Palaces (HRP), in their letter to the City of London dated 23rd April 2012, state that they welcome in principle the proposed use as a hotel, with active frontages at street level, and the associated re-opening of the pedestrian route north along Vine Street. HRP also note that the building height is below the plane of the protected vista and therefore causes no problems in other long views, whilst also introducing an element of order into the definition of the built enclosure.
- 5.8 With regard to the design and elevational treatments of the proposal, HRP state:

“We are told that ‘the elevation has been consciously designed to be neutral, but with high quality and contextually appropriate materials (Townscape and Heritage Report, 4.24) and that ‘the building will be both confident in terms of its own design and place in the City, and also subordinate to the Tower, respecting its historic significance’ (ibid, 4.25). We agree regarding the materials proposed, and the principles espoused in these statements. Yet, ultimately, we consider that the design does not convince: it lacks sophistication and fails to achieve the enduring, timeless quality that all seem to agree the site needs, whilst avoiding being dull. We acknowledge that this is very difficult to achieve; but it is essential, given the very substantial size of this building, which will be extremely evident in diagonal views from the south-east. The present proposal, despite the choice of high quality materials and careful detailing, appears overly horizontal in composition and disappointingly monolithic.”

Officers endorse the above comments of Historic Royal Palaces.

- 5.9 In conclusion, setting can be defined as the surroundings in which a heritage asset is experienced. The proposed building would form a key component of the setting of the Tower of London World Heritage Site and the Tower Conservation Area. It is considered that the proposal has missed a significant architectural opportunity and has a harmful impact upon the Outstanding Universal Value of the Tower of London World Heritage Site and the character of the Tower Conservation Area. Accordingly, it is considered that the proposal would fail to respond positively to the character and setting of the character and setting of the World Heritage Site, as required by development plan policy and in particular, the London Plan ‘London World Heritage Sites – Guidance on Setting’ SPG (2012).

6. APPENDICES - IMAGES



Figure 1: Verified view of proposed building from south



Figure 2: Verified view of proposed building from Tower Hill (south west)



Figure 3: Verified view of proposal looking north along Minories



Figure 4: Verified view of proposal looking south along Minories



Figure 5: Verified view of rear elevation of proposed building and screen from within The Crescent

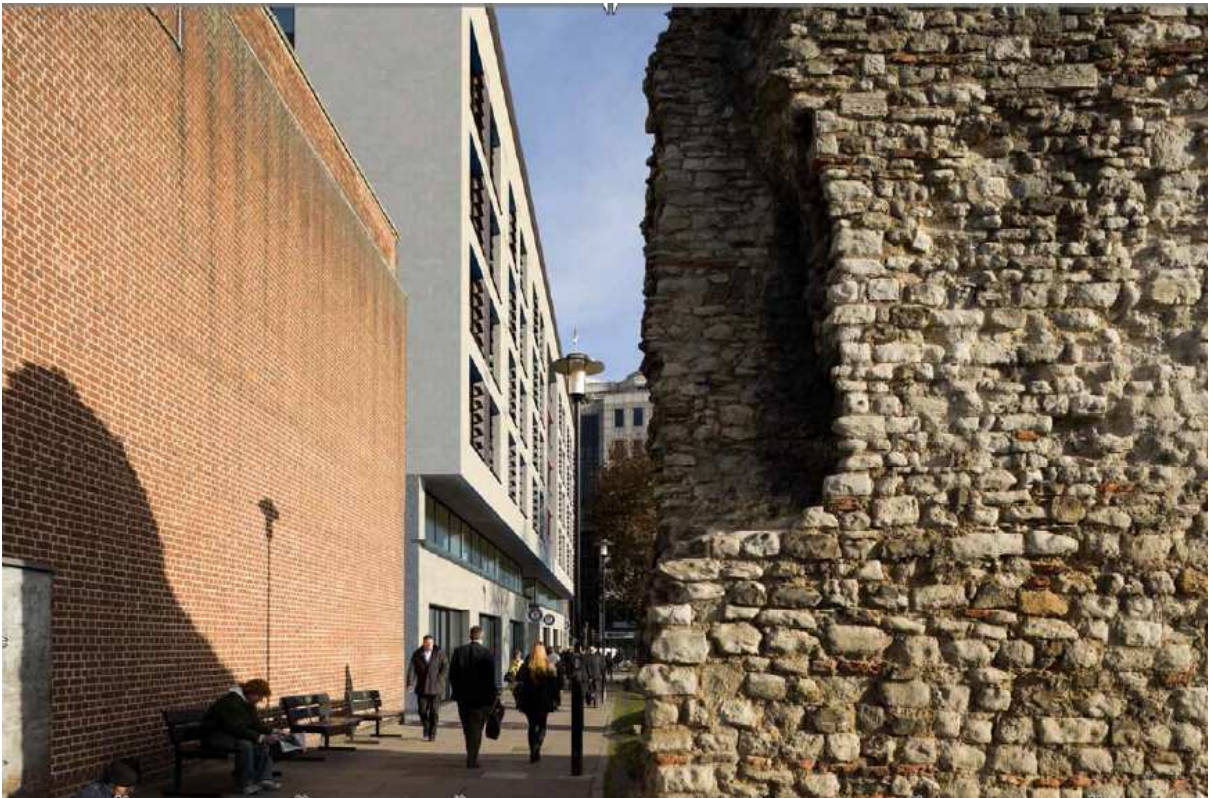


Figure 6: Verified view of proposal looking east in context of listed Roman Wall

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Agenda Item 8.2

Committee: Development Committee	Date: 10 July 2012	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

Application No:	PA/11/01506
Site:	408 Hackney Road E2 7AP
Development:	Refurbishment and redevelopment of public house comprising a part three, part 5 storey building to provide nine residential units (2x1 bed, 3x2 bed and 4x3 bed flats along with the creation of 145 square metres of office accommodation.
Decision:	REFUSE PLANNING PERMISSION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS

Inspector's Decision**DISMISSED**

3.2 The main issues in this case were as follows:

- The impact of the development on the character and appearance of the Hackney Road Conservation area
- The impact of the development on the living conditions of the occupiers of 410 Hackney Road, in terms of daylight.

3.3 The site in question comprises a disused public house with enclosed rear yard, situated on the corner of Hackney Road and Teesdale Close. The conservation is characterised by buildings between 3 and 5 storeys in height, with a variety of built designs reflecting different ages of construction. The Inspector concluded that the appeal property makes a positive contribution to the character and appearance of the conservation area.

3.4 The Inspector considered that the scale and height of the proposed additions, particularly along Teesdale Close, as well as the proposed alteration to its roof would have substantially altered the appearance of the building when viewed from both Hackney Road and Teesdale Close. He was also concerned that the extension would link into the existing building to the adjacent block on the return frontage, closing off the pleasant open aspect of the rear of the adjoin terrace, replacing it with a continuous wall sited at the back of the footway. He concluded that this would have formed an oppressive feature reducing the visual variety of the Teesdale Close streetscene.

3.5 He was also concerned about the rather bland elevational treatment which would not have been compatible with the more decorative style of the public house. He concluded that the development would have caused significant harm to the character and appearance of the Hackney Road Conservation Area.

3.6 In terms of the impact of neighbouring occupiers, he concluded that the extension would have impacted detrimentally on the adjacent rooflight, in terms of daylight.

3.7 The appeal was DISMISSED.

Application No:

PA/11/02013

Site:

Flat 5 Arcadia Court, 45 Old castle street, London E1 7NY

Site:

Replacement of timbers windows with energy efficient uPVC double glazed windows

Council Decision:

REFUSE PLANNING PERMISSION (delegated decision)

Appeal Method:

WRITTEN REPRESENTATIONS

Inspector's Decision

DISMISSED

3.8 The main issue in this case as whether the change in windows would preserve or enhance the character and appearance of the conservation area.

3.9 The property is situated on the third floor of a five storey block of flats with an attractive front façade which is enhanced by the uniformity of sliding sash windows, which he concluded enhanced the character and appearance of the

conservation area. Whilst he was satisfied that the mock Georgian glazing bars could be provided to replicate the existing detailing, he concluded that the proposed slim line casement window would be much thicker in profile and would have jarred with the more slender proportions of the surrounding sash windows

3.10 Overall, as a result of the inconsistent appearance and opening style, the Inspector concluded that the proposed windows would have caused material harm to the character and appearance of the appeal property and the surrounding area, failing to preserve the character and appearance of the Wentworth Street Conservation Area.

3.11 The appeal was therefore DISMISSED.

Application No:	ENF/11/00439
Site:	Public payphone outside 29 Commercial Street E1 6DH
Development:	Unauthorised installation of payphone kiosk
Decision:	INSTIGATE ENFORCEMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED (Enforcement Upheld)

3.12 The appeal against the service of the enforcement notice focussed on "Ground c" that the matters stated in the notice did not constitute a breach of planning control. Telephone kiosks are subject to a 56 day prior approval process and the main issue in this case was whether the Council's notification that prior approval was required and was refused was properly served on the application within the 56 day period.

3.13 The Council emailed the decision in respect of the prior approval application within the 56 day period although the appellant argued that they had not received the notification. The Inspector was satisfied, that the Council made the decision within the prescribed period and DISMISSED the appeal and upheld the enforcement notice. The appellant did not seek to argue the planning merits of the proposed kiosk installation

Application No:	ENF/08/00286
Site:	The former Artichoke Public House, 91 Stepney Way, E1 3BG
Development:	Appeals against enforcement notice served in respect of the unauthorised timber fencing/hoarding
Decision:	INSTIGATE ENFORCEMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.14 This appeal related to the unauthorised erection of a relatively high hoarding fence – surrounding the site of the former Artichoke Public House. The enforcement notice required the removal of the hoarding and the removal of all materials. The appellant argued that the complete removal of the hoarding went beyond its powers, as a means of enclosure no higher than 1 metre would not have required planning permission. The Inspector accepted this argument

and ALLOWED the appeal and VARIED the Notice to state that the hoarding should be lowered and remain 1 metre in height.

Application No:	PA/11/01710
Site:	Western corner of Butchers Row and Commercial Road, E1 OHY
Development:	Appeal against the imposition of a condition on a grant of advertisement consent (requiring the advertisement to be removed by 29 September 2016
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

3.15 This appeal site comprises a small surfaced yard located on a prominent street corner in the York Square Conservation Area. In imposing the condition, the Council has argued that the area was in transition and was concerned that after a period of 5 years the nature of the area would have changed and that it would have been necessary and reasonable to retain control of the sign and re-assess the impact after that time.

3.16 Whilst the Inspector accepted that there was potential for redevelopment of the site in the future, he noted that the Council had not put forward any evidence of any approved or potential scheme and also acknowledged that if a scheme did come forward, the hoarding would be removed as part of the redevelopment. He was not convinced with the Council's argument that the sign would be unacceptable for the foreseeable future and concluded that the disputed condition was unjustified and unreasonable.

3.17 The appeal was ALLOWED.

Application No:	PA/12/00458
Site:	15 Tredegar Terrace E3 5AH
Development:	Erection of an L Shaped dormer to the rear roof slope to facilitate a loft conversion
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

3.18 The main issue in this case was the impact of the proposed dormer on the character and appearance of the Tredegar Square Conservation Area.

3.19 A critical issue in this case and why the Inspector was more supportive of the proposed development was that the appeal property different from the traditional Tredegar terrace properties (not having a traditional butterfly roof). As a consequence, the Inspector did not agree that the proposed dormer extension would have affected a roofline of predominantly uniform character. The Inspector referred to a similar form of development at 8 College Grove – also granted on appeal as part of his reasoning to allow the appeal

3.20 The appeal was ALLOWED.

Application No:	PA/11/03671
Site:	Blackwall Tunnel Northern Approach

	– by junction with Lochnagar Street E14 0LA
Development:	Internally illuminated 48 sheet advertisement hoarding
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.21 Despite the commercial profile in the approach to the site, the Inspector was concerned that the proposed advertisement would occupy and exposed corner at a junction – sensitively screened by trees. He concluded that the proposed advert would have detracted from the softening effect of this tree belt – especially in the context of existing commercial character. He was concerned that the sign would be prominent and would be unacceptable in such an exposed location. He also felt that the illumination would emphasise its presence, especially when viewed from the non commercial surroundings to the west of the main road

3.22 The Inspector was not as concerned about the highways safety aspects of the proposed sign.

3,23 The appeal was DISMISSED.

4. NEW APPEALS

4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

<i>Application No:</i>	<i>PA/10/01458</i>
<i>Sites:</i>	<i>Redundant Railway North of Pooley House, Westfield Way</i>
<i>Development:</i>	<i>The erection of two separate four storey podium blocks of Student Apartments – the easterly block flanked by two eight storey towers rising from the podium level and the western block by an eight storey block and a ten storey tower at the western end terminating the view along the Campus Access Road to the south to provide 412 student rooms.</i>
<i>Council Decision</i>	<i>Refuse (SDC Committee – August/September 2011) – Officers Recommendation Grant</i>
<i>Start Dates</i>	<i>10 May 2012</i>
<i>Appeal Method</i>	<i>WRITTEN REPRESENTATION</i>

4.2 The Council refused planning permission on the grounds of overconcentration of student accommodation with an inappropriate balance between student accommodation and housing opportunities (including family housing), loss of amenities to neighbouring occupier through late night activity and finally, over-development of a restricted site with buildings of excessive scale and bulk, with impacts associated with loss of daylight and very limited opportunities for any meaningful landscaping as part of the proposed development.

<i>Application No:</i>	<i>PA/11/00163</i>
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Sites: *38-40 Trinity Square, London*
Development: *Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities along with the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping and other works incidental to the application*

Council Decision: *Refuse (SDC – March 2012) – Officers Recommendation Grant*

Start Date *May 2012*
Appeal Method *PUBLIC INQUIRY*

- 4.3 Planning permission was refused on grounds of inappropriate height, bulk, scale and elevational treatment, failing to preserve or enhance the character and appearance of the Tower Conservation Area, the setting of neighbouring listed buildings and the Tower of London World Heritage Site. Further reasons referred to the failure to comply with policies guiding the established view management framework and the failure of the development to adequately deal with and manage coach drop off and servicing, with conflict between vehicle manoeuvring and pedestrian safety in the vicinity of the site.
- 4.4 It is anticipated that this public inquiry will taken place around September/October 2012

Application No: *PA/11/03154*
Site: *419-437 Hackney Road, London E2 8PP*
Development: *Erection of a fourth, fifth and six floor extension to existing hotel to provide a further 28 bedrooms*

Council Decision: *Refuse (delegated decision)*
Start Date *29 may 2012*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.5 Planning permission was refused on grounds of design – with the extensions being excessively bulky, detrimental to the Hackney Road streetscene, the character and appearance of the Hackney Road Conservation Area and the setting of the neighbouring listed building (2 Pritchard Road).

Application No: *PA/11/033226*
Site: *Site adjacent to the bar/restaurant at the north east junction of Corbet Place /Elys Yard E1*

Development: *Retrospective application for planning permission from use of a car park to ancillary space in connection with the use of an adjoining site as a restaurant bar.*

Council Decision: *Refuse (delegated decision)*

Start Date 14 May 2012
Appeal Method WRITTEN REPRESENTATIONS

- 4.6 Planning permission was refused on grounds of impact of the ancillary use on the amenities of neighbouring occupiers – leading to an over-concentration of restaurant/bar activity in and around the Brick Lane/Trumans Brewery complex.

Application No: PA/11/03311
Site: Unit FG-012A Block F Trumans Brewery, 91 Brick Lane
Development: Change of use of maintenance workshop to restaurant (Class A3)
Council Decision: Refuse (DC decision 8 Feb 2012) – Officer Recommendation Refuse
Start Date 14 May 2012
Appeal Method WRITTEN REPRESENTATIONS

- 4.7 Planning permission was refused on grounds of impact of the ancillary use on the amenities of neighbouring occupiers – leading to an over-concentration of restaurant/bar activity in and around the Brick Lane/Trumans Brewery complex.

Application No: PA/11/03813
Site: A12, Blackwall Tunnel Approach – adjacent to the A13 junction
Development: Display of a freestanding single sided portrait digital display (.8 metres by 5.5 metres positioned on a stand measuring 2.58 metres
Council Decision: Refuse (delegated decision)
Start Date 17 May 2012
Appeal Method WRITTEN REPRESENTATIONS

- 4.7 Advertisement consent for this advertisement display was refused on grounds of highway safety, especially as the moving display would be likely to distract drivers along a stretch of fast moving traffic.

Application No: PA/11/03801
Site: 317 Whitechapel Road E1 1BY
Development: Display of a portrait backlit advertisement display (6 metres by 3 metres)
Council Decision: Refuse (delegated decision)
Start Date 17 May 2012
Appeal Method WRITTEN REPRESENTATIONS

- 4.8 The Council refused advertisement consent on grounds that the advertisement, in view of its size and location on a flank wall of the property, would have been visually intrusive, over dominant and a discordant feature, failing to preserve or enhance the character and appearance of the Whitechapel Market Conservation Area

Application No: PA/11/03912
Site: Pavement at the corner of Whitechapel Road and Commercial Street
Development: Display of a double sided portrait advertisement unit.

Council Decision: *Refuse (delegated decision)*
Start Date *17 May 2012*
Appeal Method *HEARING*

- 4.9 The Council refused advertisement consent on grounds that the advertisement, with its changing digital display would have been detrimental to the visual amenities of the immediate locality.

Application No: *PA/12/00458*
Site: *15 Tredegar Terrace E3 5AH*
Development: *Erection of an L shaped dormer to the rear roof slope to facilitate a loft conversion*

Council Decision: *Refuse (delegated decision)*
Start Date *17 May 2012*
Appeal Method *HEARING*

- 4.10 The Council refused planning permission on grounds of inappropriate design, excessive bulk and scale of development and inappropriate window detailing which would have resulted in an incongruous form of development, failing to respect the predominant roof line, whilst failing to preserve the character and appearance of the Tredegar Square Conservation Area.