

# DEVELOPMENT COMMITTEE

**Wednesday, 20 August 2014 at 7.00 p.m.**  
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG**

**The meeting is open to the public to attend.**

**Members:**

Chair: Councillor Sirajul Islam  
Vice Chair : Councillor Marc Francis  
Councillor Shiria Khatun, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury,  
Councillor Shah Alam and Councillor Chris Chapman

**Deputies:**

Councillor Rajib Ahmed, Councillor Asma Begum, Councillor Andrew Cregan, Councillor  
Craig Aston, Councillor Andrew Wood and Councillor Julia Dockerill

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Monday, 18 August 2014**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Tuesday, 19 August  
2014**

**Contact for further enquiries:**

Zoe Folley, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4877  
E-mail: [zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)  
Web:<http://www.towerhamlets.gov.uk/committee>

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## Public Information

### **Attendance at meetings.**

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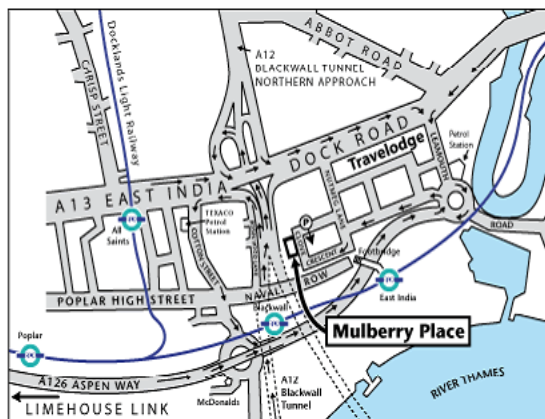
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Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

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### **Fire alarm**

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### **Electronic agendas reports and minutes.**

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Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, Apple and Android apps.



QR code for smart phone users

## **APOLOGIES FOR ABSENCE**

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)**

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

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 10)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 24<sup>th</sup> July 2014.

### **3. 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.

### **4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 11 - 12)**

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

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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### **5. DEFERRED ITEMS**

No Items.

<b>6.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>13 - 14</b>	
<b>6 .1</b>	<b>65 Tredegar Square, London, E3 (PA/14/104)</b>	<b>15 - 34</b>	<b>Bow West</b>

Proposal:

Demolition of existing warehouse and erection of 8 no self-contained houses with 2 no on site car parking spaces.

Recommendation:

To GRANT planning permission subject to conditions, variation and informatives in relation to the matters set out in the Committee report.

## **7. OTHER PLANNING MATTERS**

No Items.

### **Next Meeting of the Development Committee**

Monday, 15 September 2014 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

# Agenda Item 1

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

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

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

### **Interests and Disclosable Pecuniary Interests (DPIs)**

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

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

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

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

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

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

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

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

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

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

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

**Further advice**

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 5.30 P.M. ON THURSDAY, 24 JULY 2014**

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

**Members Present:**

Councillor Marc Francis (Vice-Chair)  
Councillor Suluk Ahmed  
Councillor Shah Alam  
Councillor Chris Chapman  
Councillor Rajib Ahmed (Substitute for  
Councillor Shiria Khatun)  
Councillor Asma Begum (Substitute for  
Councillor Sirajul Islam)

**Other Councillors Present:**

Councillor Amy Whitelock Gibbs

**Apologies:**

Councillor Gulam Kibria Choudhury, Councillor Sirajul Islam and Councillor Shiria Khatun

**Officers Present:**

Paul Buckenham	(Development Control Manager, Development and Renewal)
Gerard McCormack	Planning Enforcement Team Leader, Development and Renewal
Shahara Ali-Hempstead	(Planning Officer, Development and Renewal)
Steen Smedegaard	(Legal Officer, Directorate, Law Probity and Governance)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

Councillors Marc Francis declared an interest in agenda item 7.1, Phoenix School, 49 Bow Road, London, E3 2AD (PA/14/01070). This was because that, as Cabinet Member, the Councillor had made a decision about a phase at Phoenix School. However the interest did not relate to or affect his capacity to participate in the determination of this application.

## 2. MINUTES OF THE PREVIOUS MEETING(S)

### RESOLVED

That the minutes of the meeting of the Committee held on 25<sup>th</sup> June 2014 be agreed as a correct record and signed by the Chair.

### Minutes of the Meeting of the Development Committee held on 9 April 2014 – Amendment

That the minutes of the meeting of the Committee held on 9<sup>th</sup> April 2014 be amended in respect of minute item 5.2 375 Cable Street, London, E1 0AH (PA/13/02251) as follows:

That the second sentence in paragraph seven:

“He explained the source of their evidence showing the presence of such bins and when the photographs were taken”

To be replaced by:

“He explained that the photograph used in the presentation had been sourced from Google Street View but could not advise the committee of the date of the photograph.”

## 3. 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

## 4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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

## 5. DEFERRED ITEMS

None.

## 6. PLANNING APPLICATIONS FOR DECISION

### 6.1 113-115 Roman Road, London, E2 0QN (PA/14/00662)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of existing three storey 13 bedroom hotel and construction of a new four storey building to create a 31 bedroom hotel with no primary cooking on the premises.

The Chair invited registered speakers to address the Committee

Carla Mitchell spoke in opposition to the application representing the local Four Corners centre at 119-121 Roman Road, London E2 0QN. Her comments were that there would be a significant loss of light to the property from the proposal. Their green roof would also be damaged by the proposal and it would adversely affect the setting (character and appearance) of the Conservation Area.

There was no mention in the report of the loss of light to 119 Roman Road even though the property was very close to the application site and that the occupants had made Planning Services aware of the concerns. The applicant had a track record of enforcement issues and retrospective planning applications with other properties.

Michael Hartnett spoke in opposition representing 111 Roman Road. He objected to the impact on sunlight and overshadowing to this property from the proposal. He considered that the four storey extension would extend outwards by over 3 meters. The extensions would be unduly prominent and obstruct windows. He requested that the four and three storey extensions should be set back to protect amenity and preserve the area.

Councillor Amy Whitelock Gibbs spoke in objection highlighting the level of objections to the scheme amongst the community. There had been a petition in opposition with 100 signatures. She considered that the impact on the surrounding properties from the proposal in terms of overlooking and loss of light had not been fully taken into account. These impacts would be significant. It would also harm the green roof of a nearby property and would result in overdevelopment. This was unacceptable in the Conservation Area. Given the extent of this harm, particularly from the rear building, the application was unacceptable.

In response to questions about the measures to address the issues, Councillor Whitelock Gibbs did not consider that the conditions would address the key issues about the height and the impact on amenity.

Teymour Ali spoke in support of the application as the agent. He explained the scope of the daylight and sunlight assessment in respect of the

neighboring properties including 119-121 Roman Road. The assessments, including a site visit, showed that the impact would be minimal in relation to the BRE guidance. He therefore questioned the assumptions in the letters from the objectors about this issue.

He also referred to the assessment of the amenity impact on 111 and 117 Roman Road that showed that the rooms would continue to receive adequate levels of light. The nearest windows to the property passed the tests. The scheme had been amended at the rearward block to address the concerns about the height. Enforcements issues were not a relevant consideration. The height was in keeping with the surrounding buildings.

In response to Members, he explained that there had also been changes to the waste collection arrangements and the access plans amongst other matters.

Gerard McCormack (Planning Officer) presented the detailed report, highlighting the site location in the Conservation Area. He explained the outcome of the consultation, the proposed layout, the improvements to the scheme, the extensions in relation to the neighbours, the design and materials. It was considered that the scheme would have a minimal impact on daylight and sunlight levels and the green roof, which due to its orientation, already experienced some overshadowing. The site had a good public transport levels. It was recommended that a condition be added to prevent the use of the terraces by guests.

Overall, it was considered that the proposal would enhance the setting (character and appearance) of the Conservation Area with minimal amenity impact. Therefore, officers were recommending that the application was granted.

In response to Members about the sunlight and daylight concerns, it was confirmed the applicant carried out further testing of the impact on the neighboring properties following receipt of the representations. Officers were satisfied with the result of the testing as set out in the report. The proposal would be in close proximity to the boundary of 111 Roman Road.

It had been necessary to reconfigure the internal layout of the scheme following the amendments at the rear building. The advice of the LBTH Design and Conservation Officer had been sought. Based on this, it was considered that the existing unlisted building had a neutral impact on the setting of the Conservation Area given the loss of many original features and alterations. However, this well designed replacement would enhance the setting of the Conservation Area.

The new building would be significantly larger than the existing building in terms of floor area, but fell below the threshold of 1000 sqm for planning obligations as set out in the Council's Planning Obligations SPD.

If approved, it was discussed whether a condition should be added to restrict the hours of construction on Saturday to minimize the impact on residential amenity.

On a vote of 0 in favour of the Officer recommendation to grant and 6 against, the Committee **RESOLVED:**

That the Officer recommendation to grant Planning Permission (PA/14/00662) at 113-115 Roman Road, London, E2 0QN be **NOT ACCEPTED** for the demolition of existing three storey 13 bedroom hotel and construction of a new four storey (including roof extension and basement) building dropping down to three and one storey at the rear to create a 31 bedroom hotel with no primary cooking on the premises.

The Committee were minded to refuse the scheme due to concerns over:

- The proposal would not preserve or enhance the character or appearance of the Globe Road Conservation Area.
- Bulk and mass of the proposal excessive in terms of the overall proposal and in particularly the southern and middle part of the proposal.
- Adverse impact on overlooking.
- Loss of daylight and sunlight from the proposal.
- Detrimental impact on the environment.

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.

(Members present: Councillors Marc Francis, Rajib Ahmed, Asma Begum, Suluk Ahmed, Shah Alam and Chris Chapman).

## 7. OTHER PLANNING MATTERS

### 7.1 Phoenix School, 49 Bow Road, London, E3 2AD (PA/14/01070)

Shahara Ali-Hempstead, Planning Officer, gave a presentation on the application highlighting the plans for the proposed extension, the storage space, the bin store area and the new courtyard with landscaping. She also explained the materials for the scheme and the proximity of the scheme to the boundary and relationship to the surrounding area.

The proposal would preserve the character of the Conservation Area and English Heritage had no concerns.

On a unanimous vote, the Committee **RESOLVED:**

That the application (PA/14/01070) at Phoenix School, 49 Bow Road, London, E3 2AD for the erection of a single storey L shape extension to accommodate an office with meeting room, storage space and bin store with associated landscaping **be REFERRED** to the Secretary of State for Communities and Local Government with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the Committee report.

The meeting ended at 6.45 p.m.

Chair,  
Development Committee

## Guidance for Development Committee/Strategic Development Committee Meetings.

### Who can speak at Committee meetings?

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

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

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

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

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

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

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

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) under Council Constitution, Part.4.8, Development Committee Procedural Rules.

### What can be circulated?

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

### How will the applications be considered?

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



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

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

### How can I find out about a decision?

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

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

<p><b>Deadlines.</b> To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"><li>• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).</li><li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).</li><li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).</li></ul>	 <p>Council's Constitution</p>



# Agenda Item 6

<b>Committee:</b> Development	<b>Date:</b> 20 <sup>th</sup> August 2014.	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> 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 HEAD OF 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 London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
  - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 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 and any other material 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.

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**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

- 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 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.
- 3.7 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.
- 3.8 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 the relevant Agenda Item.

#### **5. RECOMMENDATION**

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

# Agenda Item 6.1

<b>Committee:</b> Development	<b>Date:</b> 20 <sup>th</sup> August 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Shay Bugler	<b>Ref No:</b> PA/14/104
	<b>Ward:</b> Bow West

## 1. APPLICATION DETAILS

**Location:** 65 Tredegar Square, London, E3

**Existing Use:** Storage and distribution

**Proposal:** Demolition of existing warehouse and erection of 8 no self-contained houses with 2 no on site car parking spaces.

### Drawing and documents

- Design and access statement dated February 2014 from Jonathan Freegard Architects
- Heritage Statement by Jonathan Freegard Architects July 2014
- Noise Impact Statement dated April 2013 from Jonathan Freegard Architects
- Heritage Statement dated March 2013 by Jonathan Freegard Architects
- Appendix A: Energy Statement by Energist Ltd
- Appendix B Code for Sustainable Homes Pre- Assessment dated March 2013 from Jonathan Freegard Architects
- Appendix C Secure by Design Officers comments
- Appendix D: MEOTRA comments dated March 2013 from Jonathan Freegard Architects.
- Appendix E CADAP comments dated March 2013 from Jonathan Freegard Architects
- Appendix F: Recycling and waste management: Tower Hamlets Correspondence dated March 2013 from Jonathan Freegard Architects
- Appendix G Marketing Report
- Appendix H Daylight Report dated March 2013 from Jonathan Freegard Architects
- Drawing number: 65TS-PL-76 Rev b; 65TS-PL-01A; 65TS-PL-02A; 65TS-PL-03A; 65TS-PL-04A; 65TS-PL-05; 65TS-PL-06; 65TS-PL-

07; 65TS-PL-08; 65TS-PL-09; 65TS-PL-10;  
65TS-PL-11A; 65TS-PL-12B; 65TS-PL-13A;  
65TS-PL-14A; 65TS-PL-15A; 65TS-PL-16A;  
65TS-PL-17B; 65TS-PL-18A; 65TS-PL-19A;  
65TS-PL-20A; 65TS-PL-40; 65TS-PL-41;  
65TS-PL-42

**Applicant:** Persephone Lewin  
**Ownership:** As above  
**Historic Building:** Not listed- adjacent to grade II listed buildings  
**Conservation Area:** Tredegar Square

## **2. EXECUTIVE SUMMARY**

- 2.1. The subject site lies within the Tredegar Square Conservation Area, characterised by three storey terraced houses with a uniform pattern of development. Therefore, in determining the application special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 2.2. Planning permission was granted following a resolution from Development Committee in late 2013 for a development nearly identical to that which is proposed. The current scheme introduces two new elements to the proposal – the inclusion of a strip of land on the south-western boundary, resulting in an increase in depth of the proposal; and the introduction of four inset roof terraces within the southern roofslope.
- 2.3. Whilst the development is reconsidered again as a whole because the site boundary has been amended, the main material planning considerations relate to the proposed alterations. These being the design and heritage considerations of the alterations, and the potential privacy impacts for properties to the south of the site, being terraced properties along Mile End Road.
- 2.4. The proposed mews-type development is considered to represent a creative response to a constrained site, designed in a manner similar in appearance to the existing warehouse building. Its contribution to the character or appearance of the Conservation Area will therefore be a positive one, replacing the tired existing building. The proposal will not result in harm to nearby listed buildings or their setting, or the Conservation Area.
- 2.5. The proposal will deliver 8 new homes, 4 of which being family sized, which is supported, and the quality of accommodation is considered acceptable given the constrained nature of the site.

## **3. RECOMMENDATION**

- 3.1. That the Committee resolve to GRANT planning permission.

3.2. That the Corporate Director Development & Renewal is delegated authority to recommend the imposition of conditions, variation and informatives in relation to the following matters:

3.3. **Conditions**

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all facing materials, trial panels of brick work
4. Details of hard and soft landscaping, including boundary treatment and a Landscaping Management Plan
5. Details of cleaning, maintenance of fixed lightwells
6. Hours of construction
7. No hammer driven piling works
8. Archaeology
9. 'Good' noise standards
10. Lifetime Homes Checklist and 1:50 layout plans
11. Secure by Design
12. Contamination
13. Construction Management Plan
14. Visibility splays

3.4. **Informative**

- 1) CIL Liable

**4. BACKGROUND AND PROPOSED ALTERATIONS**

4.1. In October 2013, the Development Committee approved a full planning application for a similar application to that proposed, for the erection of 8 no self-contained houses with 2 no site car parking spaces.

4.2. Members resolved to approve the application on the grounds that:

- The proposal provided much needed family housing with amenity space, which outweighed the failure to provide any one bed units as required in policy.
- The innovative design related well to the surrounding Tredegar Square Conservation Area.
- There would be no demonstrable harm to the amenity of the adjoining occupiers, as concluded in the Officers report.
- That any suggested symptoms of overdevelopment were outweighed by the benefits of the scheme.

4.3. The difference between the extant permission and this application are as follows:

- The subject proposal is for the conversion of the previously approved attic storage rooms into study/bedrooms and the inclusion of 4 inset roof terraces for the larger units; one at either end of the site, and two at the centre of the development. All of the terraces are proposed on the southern elevation of the building.

- The subject proposal involves the inclusion of an additional strip of land at the south-west of the site, increasing the site boundary to the south between the previously approved scheme and Lyn Mews. Subsequently, the footprint at the western end of the site is enlarged, increasing the internal floorspace of Unit 1, and rationalising the appearance within the streetscene by removing an awkward inaccessible strip.

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

### **Site and surroundings**

- 5.1. The site is known as 65 Tredegar Square and is situated on land between the southern terrace of houses at Tredegar Square and the rear of terraces fronting onto Mile End Road.
- 5.2. The site currently contains a warehouse which was formerly occupied by Silvermans Ltd, a military surplus supplier on a lease basis, used as a storage facility for surplus stock. The established use of the site is B8 (storage) under the Use Class Order.
- 5.3. The existing warehouse provides approximately 690m<sup>2</sup> of gross internal floorspace. The overall site area is 766m<sup>2</sup> (0.076ha) and the building occupies almost the whole footprint of the site between tall boundary walls.
- 5.4. The surrounding area is predominantly residential in character and takes the form of terrace housing, much of which is Grade II Listed and form significant elements of the character of the conservation area. To the north of the site are the rear gardens at 53-64 Tredegar Square.
- 5.5. To the south west of the site are three residential properties known as 1-3 Lyn Mews. The rear flank elevation is 6.6 metres in height and abuts the site boundary. Lyn mews has a pitched roof and the overall height of the building is approximately 8 metres.
- 5.6. To the south east of the site, is a two storey development which is approximately 10 metres in height, known as 66 Tredegar Square. The centre of the site fronts onto the rear gardens to the properties 447-455 (odd) along Mile End Road. To the north of the site, are the rear gardens to a row of Grade II Listed 3 storey terrace housing at 55-64 Tredegar Square.
- 5.7. The site has a PTAL rating of 6a which means it is highly accessible by Public Transport
- 5.8. The building is neither statutorily nor locally listed although it falls within Tredegar Square Conservation Area.

### **DETAILS OF PROPOSAL**

- 5.9. The proposal is for the demolition of the existing warehouse and the erection of a residential development in the form of a mews terrace, consisting of 8 houses with primary elevations facing the east west pedestrian access from Tredegar Square.

- 5.10. The proposed mews style development is two storeys in height comprising 4 x 2 bed units and 4 x 3 bed units. The three bed units are located at each end and the centre of the site, and the proposal introduces an additional study/bedroom within the attic space. The scheme proposed a pitched roof with roof lights, obscured light wells to the north elevation of the scheme providing light to rooms at ground and first floor level.
- 5.11. All units front onto amenity space along the southern edge of the site. The central units expand the entire depth of the site, meaning there is no through access connecting both ends of the site. The separate private amenity spaces provide space for cycle and refuse facilities for each property.
- 5.12. The proposal makes provision for two accessible car parking spaces, which are located in 2 car ports at each end of the site fronting Tredegar Square.
- 5.13. The site is accessed via a secure entrance gate at either end of the site.

### **RELEVANT PLANNING HISTORY**

- 5.14. PA/13/633: Planning permission was approved on 13 December 2013 for the erection of 8 no self-contained houses with 2 no site car parking spaces.
- 5.15. PA/13/634: Conservation Area Consent was approved on 13 December for the demolition of the existing warehouse.
- 5.16. PA/14/353: An application is currently being assessed for a development similar to that proposed, including the additional strip of land, but excluding the roof terraces.

### **6. RELEVANT PLANNING POLICIES**

- 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 particularly relevant to the application:

#### **6.2 Government Policy: National Planning Policy Framework (NPPF)**

- Conserving and enhancing the historic environment
- Conserving and enhancing the natural environment
- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities

#### **6.3 National Planning Policy Guidance (NPPG)**

#### **6.4 The London Plan (2011)**

- 3.4 Optimising housing potential
- 3.8 Housing choice
- 6.9 Cycling
- 7.2 An inclusive environment
- 7.4 Local character

7.8 Heritage

6.5 **Core Strategy (adopted 2010)**

SP02 Urban living for everyone

SP03 Creating healthy and liveable neighbourhoods

SP10 Creating distinct and durable places

6.6 **Managing Development Document (2013)**

DM3 Delivering Homes

DM4 Housing Standards and amenity space

DM14 Managing Waste

DM15 Local Job Creation and Investment

DM24 Place Sensitive Design

DM25 Amenity

DM27 Heritage and Historic Environment

**7. CONSULTATION RESOPONSES**

LBTH Environment Health (contamination land)

- 7.1. Should the Council be minded to grant planning permission, it is recommended that a condition should be attached which requires contamination details to be submitted and approved in writing by the Local Planning Authority.

LBTH Environment Health - Noise

- 7.2. Environment Health does not object provided that the development would meet BS8233 'good' design standard for the internal noise climate.

*(Officers comment: This would be secured by way of condition).*

LBTH Access Officer

- 7.3. The Council's Access officer requested clarification on several matters, which were provided by the applicant. Further confirmation regarding Lifetime Homes achievement is required.

*(Officers comment: This would be secured by way of condition).*

LBTH Energy and Sustainability

- 7.4. The proposals are for 8 residential units anticipated to achieve Code for Sustainable Homes level 4 and a >28% reduction in CO2 emission reductions from a building regulations baseline. To achieve the CO2 emission reductions the application is proposing a PV array of 7.2kWp and 55m2.

LBTH Transport and Highways

- 7.5.
- Should the Council be minded to grant planning permission, a standard planning condition is sought requiring an agreement under Section 278 of



the Highways Act 1980 for payment by the owner of any works required to the public highway as a consequence of the development

- The provision of cycle parking facilities in a covered and secure location is acceptable
- The proposed parking bays do not allow vehicles to enter or leave in a forward gear which is unacceptable on road safety grounds especially on main roads. The parking bay on the western end should be removed as this is a main road with through traffic.

*(Officers comment: These matters were considered in the extant permission and there are no changes to the scheme in terms of provision of car parking.. Officers do not agree that the parking spaces should be removed. LBTH Highways concerns regarding pedestrian safety with the applicant and suggested a visibility splay to be incorporated to the back of the public highway. These visibility splays should be 2.1 metres at right angles to the footway by 1.500 metres at either side of the access point to ensure that highway safety is not compromised. This would be secured by way of condition).*

## **PUBLIC REPRESENTATION**

- 7.6. A total of 134 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was also displayed and the application was advertised in East End Life.
- 7.7. 26 objection letters were received following public consultation. The grounds for objecting were as follows:
- The overall design is excessive and appears to be incongruous to the Conservation Area.
  - The proposal would result in the loss of privacy to properties facing the site on Tredegar Square and Mile End Road.
  - The proposal would increase noise disturbance.
  - The proposal would result in increased pressure on local amenities in particular Tredegar Square, which is already a magnet for non-residents as it is not a square for exclusive use of residents.
  - The applicant has not demonstrated that demolition of the building is necessary to redevelop this site.
  - The applicant has not properly analysed the contribution which the proposed development would have on the character of the Conservation area.
  - The proposed obscure lightwells can still be opened and therefore could result in direct overlooking to residents at Tredegar Square.
  - The shape of the windows is incongruous in the Conservation Area and in relation to the listed buildings.
  - The proposed roof terraces would have a detrimental impact on residential and would affect the privacy of some local residents.
  - Concern regarding security
  - Concern raised regarding waste, scaffolding and privacy during demolition and construction (*Officer comment: This would be controlled via Construction Management Plan condition*)
  - Concern regarding the viability of the proposal and potential it is not completed (*Officer comment: There has been nothing submitted to the Council which questions the deliverability of the proposal*)

- The proposal includes land outside of the applicants ownership (*Officer comment: This is a civil matter as opposed to a planning matter. The applicant has advised the Council that they have full ownership rights*).
- Failure to be notified of the development(*Officer comment: The Council carried out substantial public consultation on the proposal, in in compliance with statutory requirements. All sites adjoining the development site were consulted, a site notice erected, and the proposal also advertised in the local press*)

*(Officers comment: The above matters have been addressed in Section 9 of the report. All representation received are available to view upon Members request).*

## **8. MATERIAL CONSIDERATIONS**

8.1. The main planning issues raised by the application are as follows

- Land use;
- Demolition of the existing warehouse; Design and heritage;
- Housing density and dwelling mix;
- Housing quality for the proposed development;
- Impact on amenity to surrounding properties;
- Transport and access;
- Human Rights; and
- Equalities.

### **Land use**

- 8.2. The site is currently used for light industrial storage space (B8 within the use class order). The existing warehouse provides approximately 690m<sup>2</sup> of gross internal area of industrial floorspace. The warehouse is currently occupied by Silvermans Ltd, a military surplus on a lease basis and is used as a storage facility for stock.
- 8.3. The proposal would result in the loss of the B8 storage space onsite. Policy DM15 of the MDD (2013) stipulates that development should not result in the loss of active and viable employment uses, unless it can be shown through a marketing exercise that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment uses due to its location, accessibility and site condition.
- 8.4. The applicant notes that the external fabric is in poor condition and in a state of disrepair and notes that many firms would require smaller units. The submission explains that there are sites nearby suitable for industrial units including Bow Industrial Park.
- 8.5. The applicant states that retail and community uses have been considered for the building but deemed to be unsuitable as they would impact on residential amenity, create traffic nuisance and the site is outside designated town centres. The site is currently marketed for B8 Use although there is a lack of substantive marketing information and justification to demonstrate that the existing or a future B8 (warehouse) would be unviable.

- 8.6. Notwithstanding, there is a general decline in the demand for warehouse floorspace in this area. Warehouse uses are not typical in the immediate or nearby area. Given the general decline in the demand of employment floorspace in the area, there is no identifiable over riding demand to justify the retention of employment use in favour of residential development in this location, particularly as the site is not located within a Local Industrial Location. Although the site has good access and the existing site condition is satisfactory for light industrial storage use, the location is not considered appropriate for continued B8 use given that the surrounding site is predominantly residential in character and the site is located outside a Local Industrial Location (LIL). Furthermore, the Core Strategy (2013) stipulates that new development in Bow should continue to reinforce the special character of Bow with its row of terraced housing and Bow should be promoted as a place suitable for families with terrace housing that offers private back gardens. The Core Strategy's does not promote Bow as an area for light industrial, storage or distribution use.
- 8.7. It is acknowledged that there is a conflict between Policy DM 15 of the Managing Development Document (2013) and the Core Strategy (2010). ON balance, Officers consider that more weight should be given to the Core Strategy policy on the basis that the site is more suitable for family accommodation and there is a general decline in demand for B8 use.
- 8.8. Furthermore, the previous planning permission, ref: PA/13/633 remains extant, meaning that the applicant can implement their previous permission which approved a form of development near identical to that proposed.
- 8.9. The National Planning Policy Framework 2012 (NPPF) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environment benefits. The NPPF promotes the efficient use of land and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets.
- 8.10. The surrounding area is already predominantly residential and would therefore provide a suitable environment for future residents. The provision of additional housing is a key aim of national, regional and local planning policy and the proposal would accord with policies National Planning Policy Framework (NPPF); policy SP02 and the vision for Mile End in the Core Strategy (2010) which seek to ensure developments are sustainable and make the most efficient use of land.
- 8.11. In conclusion there is no objection to the loss of employment floor space and redevelopment for residential use onsite.

#### **Demolition of the existing warehouse**

- 8.12. The National Planning Policy Framework (2012) emphasises the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.

- 8.13. The relevant London Plan policies are policies 7.4 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail
- 8.14. The Council's Core Strategy (2010) strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance borough's Conservation Areas to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual distinctive character and context.
- 8.15. Development is also required to utilise high quality building materials and finishes. Detailed criteria for assessing impact on heritage assets are set out by policy DM27. Development is required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places' as defined by the placemaking policy SP12 of the Core Strategy (2010). With regards to alterations to heritage assets, policy DM27 specifies that alterations should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.
- 8.16. Tredegar Square Conservation Area was designed in 1971. The Council's Conservation Area character Appraisal for Tredegar Square is characterised by 3 storey terraced houses with basements. The area was developed to a grid and uniform pattern and the character of most streets is created by the repetition of architectural elements to create a finely textured surface to the continuous building frontages.
- 8.17. Whilst the design and appearance of the warehouse is of some merit, it is not considered to be a significant asset to the Conservation Area. The eastern and western elevations are industrial in character which is not characteristic of Tredegar Square which is largely defined by residential development. The north and south elevations provide blank facades to the rear gardens of the Tredegar Square and Mile End Road terraces and overall the building is in a state of disrepair. In conclusion, the building makes limited contribution to the overall significance to Tredegar Square Conservation Area.
- 8.18. In conclusion, the proposed demolition of the warehouse would be acceptable in principle, subject to an appropriate re-development scheme that would preserve or enhance the character or appearance of the Conservation Area.

### **Design and Heritage**

- 8.19. The National Planning Policy Framework (NPPF) stipulates that the purpose of the planning system is to contribute to the achievement of sustainable development which can improve the lives of people. Good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.

- 8.20. Core Strategy policy SP10 and policy DM23 and DM24 of the Managing Development Document (2013) seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and seek to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

*Scale, bulk and massing*

- 8.21. The proposal would involve minor increases in height in relation to certain parts of the existing boundary wall of the warehouse and in relation to the certain parts of the proposed roof ridge height compared with the height of the apex of the existing pitched roof. Part of the development at either end of the site, and in the centre of the site, would increase in height by 1.1 metres compared with the existing ridge height. Cumulatively this equates to approximately 35% of the overall roofline. The highest element, being the ridge of the roof, would be approximately 6 metres from the northern and southern boundaries of the site with neighbouring properties.
- 8.22. Approximately 15% of the length of the southern boundary wall would be increased in height by 0.5 metres.
- 8.23. The proposed increase in height and overall scale of development of the development is considered acceptable as it would not have an overbearing impact and would continue to be in keeping with the prevailing heights of the Conservation Area.

*Elevation treatment and materials*

- 8.24. The proposed elevations to the east and west frontages to Tredegar Square are designed to retain the simple form of the original warehouse and thus contribute positively to the character and setting of the Conservation Area. Window openings would be vertically proportioned to reflect the character of the adjacent Terraces and have arches on vertical bricks. The gables in particular would retain a sense of the original commercial nature of the warehouse and would read coherently with the immediately adjacent elevations of Lyn Mews and Tredegar Square.
- 8.25. With reference to materials, brick is the predominant construction material used in the immediate area. Reclaimed and recycled London stock brick are proposed for all external elevations which would match the appearance of the existing building and the adjacent terraces of Tredegar Square and other house. The boundary wall to the north of the site would be rebuilt using bricks reclaimed and recycled from the removal of the existing warehouse. New or reclaimed natural slates are proposed for all roofs to match adjoining terraces. They are to incorporate PV and Solar Arrays in a simple and orderly arrangement. Windows are to be triple glazed timber framed composite with powder coated aluminium external profiles coloured grey, which suits the industrial character of the existing building. Roof lights are to be Velux Heritage range or similar and small in size in order to match those adjacent properties on Tredegar Square. Rainwater gutters and downpipes are to be black painted or powder coated cast aluminium.

- 8.26. It is recommended that a condition is attached to the permission which requires details of the lightwell cleaning to be submitted and approved in writing by the Local Planning Authority.
- 8.27. The proposed materials and detailed design are considered acceptable and would complement the character and appearance of Tredegar Square Conservation Area.
- 8.28. It is considered that this mews style development is an appropriate form of development on the site as it would be of high design quality and would seek to maximise development in a sustainable manner. The development has an opportunity to integrate well with its surroundings in accordance with the NPPF, policy SP10 of the Core Strategy (2010) and policies DM23 and DM24 of the Managing Development Document (2013) which seeks to ensure all new developments are sustainable and are of high design quality.

#### **Impact on heritage assets**

- 8.29. Further to the aforementioned heritage and conservation related policies, in considering whether to grant planning permission for a development which affects the setting of a listed building, according to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required to have special regard to the desirability of preserving the setting of the building and any features of special architectural or historic interest which it possesses. In accordance with Section 72 of the above act, special attention shall also be paid to the desirability of preserving or enhancing the character or appearance of designated conservation areas. As statutory requirements consideration of the harm to the setting of a listed building and the desirability of preserving or enhancing the character and appearance of a conservation area, are considerations to which a decision maker, in this case the Committee, should give considerable weight and importance.
- 8.30. The addendum to the Heritage Statement includes a consideration of the impact of the proposed development upon the surrounding Listed Buildings and the Conservation Area.
- 8.31. The existing building is in poor condition. The enclosing walls are bowing and supported from collapsed internal steelwork, the roof has asbestos (which as of report drafting was currently being cleared), and there is much overgrown vegetation within the building, including ivy growth.
- 8.32. A steel roller shutter entrance is the only structural opening to the western elevation, and a corrugated iron gate between high brick walls encloses the rear yard to the eastern end. The eastern end contributes little to the conservation area, however the western end sits comfortably within the street.
- 8.33. The proposed building closely retains the form and original materials of the existing warehouse, especially when viewed from the public domain of the streets at each end, albeit with an increase in height. The materials are commensurate to the predominant brick fabric of the surrounding area. It is not considered that the proposed development would result in harm to either

the character and appearance of the conservation area, or the setting of the nearby Listed Buildings.

## Housing

- 8.34. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development”* Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 8.35. Policy SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 8.36. The site area has an area of 766m<sup>2</sup> (0.076ha) and the scheme proposes 32 habitable rooms. The site has a PTAL rating of 6 which means highly accessible by public transport. Table 3A.2 of the consolidated London Plan (2011) suggests a density of 200 to 700 habitable rooms per hectare for sites with a PTAL range of 6. The proposed density equates to 447 hr/ph, which falls within the suggested density range.
- 8.37. Policy SP02 of the Core Strategy (2010) seeks to create mixed communities. This policy also seeks to ensure new developments optimise the use of land. It also seeks to ensure that an appropriate housing mix to provided onsite. The overall provision for family sized accommodation should be approximately 30% of all new housing.
- 8.38. Policy DM3 of the Managing Development Document (2013) sets out detailed guidance regarding the housing mix expected for new housing development which promotes a mix of tenures and unit sizes. This policy stipulates that development should provide a balance of housing types, including one bed units within the market tenure in accordance with the breakdown of unit types set out within the most up to date housing needs assessment as tabled below:

Tenure	1 bed	2 bed	3 bed	4 bed
Market sector (policy requirement)	50%	30%	20%	
Proposed		50%	50%	

- 8.39. As illustrated in the table above, the proposal makes provision for 50% x 2 bed units and 50% x 3-4 bed units. The proposal does not make any provision for one bedroom units which is contrary to policy. However, when assessing this site specifically and its immediate context, it is considered that the site is more suited to family sized accommodation. When considering the constrained linear nature of the site, it is apparent that providing 2 and 3/4 bed units delivers good quality dual aspect units, with less of a requirement for core areas than smaller units would be. Generally in developments in Tower Hamlets, there is an under provision of family units proposed within the

market tenure and the proposed four x 3/4 bedroom units onsite is a welcome addition, and would have a positive contribution to the housing stock in the borough.

- 8.40. On balance, it is considered that the proposal adequately complies with policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development Document (2013) which seek to ensure that new developments offer a range of housing choices.

#### **Quality of proposed accommodation**

- 8.41. Policy SP10(4) of the adopted Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) require development to protect and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, microclimate, outlook, privacy.

#### Amenity space

- 8.42. Specific amenity space standards are guided by policy DM4 of the Council's Managing Development Document (2013) which follows the Mayor's Housing Design Guide standards and specifies a minimum of 5sqm of private outdoor amenity space for 1-2 person homes and an extra 1sqm for each additional occupant. It also requires balconies and other private external spaces to be a minimum width of 1.5m.
- 8.43. New housing should include an adequate provision of amenity space, designed in a manner which is fully integrated into a development, in a safe, accessible and usable way, without detracting from the appearance of a building. 4 of the units would have roof terraces.
- 8.44. The proposal makes provision for private amenity space for each unit at ground floor which exceeds policy requirements in numerical terms. In addition, the proposal makes provision for private amenity space on 4 roof terrace areas. Whilst there would be a degree of inter visibility between the ground floor amenity spaces within the development, it is not considered significant and the quantum of private amenity space, particularly for the family units is welcomed.
- 8.45. Four roof terraces are proposed on the southern side of the site, associated with each of the 3 bedroom units. The terrace would be off a study/additional bedroom, delivering an additional 4.7sqm of private amenity space for these units.
- 8.46. It is considered that the scheme would provide genuine usable and high quality amenity space, in accordance with policy DM4 of the Managing Development Document (2013).

#### Daylight and Sunlight

- 8.47. With reference to daylight and sunlight impacts on the development itself, although the VSC levels in the scheme are generally below the 27% standard, the ADF levels are compliant in accordance with BRE Guidelines. ADF is considered an appropriate measurement for new developments, as it



considers factors such as the VSC at the face of each window, the Total Window Area, Total Wall Area, Wall Reflectivity and Window Transmission. ADF requirement is 1% for a bedroom and 2% for a dining/kitchen. Given that all of the proposed rooms within the development achieve the ADF values recommended by the BRE, the proposal is considered acceptable in this respect.

### Outlook

- 8.48. When considering outlook and privacy matters, officers are mindful of the constraints of the site. All south facing habitable rooms at ground floor level would look out to a boundary wall. The distance between habitable rooms from the part 1.8 metre, part 4.9 metre wall would be between 5-6 metres. Whilst Officers consider that these separation distances are not ideal, the size and layouts of the development would mean that future residents would receive acceptable levels of private amenity space and daylight and sunlight to their properties, and given the constrained nature of the site, the layout achieves a very efficient use of the site
- 8.49. Given the constrained nature of the site, it is considered that the proposal would provide acceptable standard of accommodation in accordance with policy SP02 and SP10 of the Core Strategy (2010); policy DM4, DM24 and DM25 of the Managing Development Document (2013) which seek to provide high quality design and sustainable forms of development.

### **Effects on neighbouring amenity**

#### *Daylight*

- 8.50. In term of the impacts on surrounding properties, the height to the eaves of the proposed building would not exceed that of the existing building, and the ridge height would be increased in places marginally. The increase in height would not have an adverse impact on current daylight and sunlight levels enjoyed by surrounding properties and therefore their amenity would not be unduly compromised.

#### *Privacy*

- 8.51. The proposed opaque glazing to the lightwells at first floor level would prevent overlooking to the gardens of properties to the north of the site. Residents have expressed concern that the opaque glazing is not fixed and therefore could be opened. The applicant would be required to ensure that these lightwells are fixed shut at all times. This would be secured by way of condition.
- 8.52. Private amenity space has been proposed in the form of in-set roof terraces. The proposed roof terraces are set back from the eaves by 2 metres. This means that any overlooking to the rear gardens of properties on Mile End Road, which includes a building in the rear garden of No. 447 Mile End Road, would be restricted via the oblique angle of view looking south.
- 8.53. The distance from the roof terrace to the rear of the existing properties on Mile End Road is approximately 26m, being almost double that from the habitable rooms in the Lyn Mews houses to the rear windows of houses on Mile End Road and in excess of the 18m minimum distance recommended by

policy. The roof terrace to Unit 1 on the west end of the development would have very minimal overlooking impacts as it would overlook the roof of Lyn Mews. It is also positioned to the inside of the unit and away from the road fronting elevation and would therefore be particularly difficult to see from the street.

- 8.54. The proposed roof terrace for Unit 8 is located to the east of the site, north of no. 66 Tredegar Square. This roof terrace would look out onto the blank flank wall of No 66 albeit at a high level. There is an east facing bay window on this property, however looking down and into these windows would be greatly restricted due to the height difference.
- 8.55. Within the centre of the site, the final two roof terraces are proposed for Unit No.s 4 and 5. There is an existing out-building at the rear of No.449 Mile End Road, which has rooflights. Again, given the setback of the terraces within the roof, overlooking is obscured by the eaves of the new building and the oblique angle of view.
- 8.56. Views into the adjacent gardens are negligible and obscured by the existing garden building, trees and walls, especially when compared to the views from the much closer rear windows of neighbouring properties on Mile End Road. As with the several examples around Tredegar Square, the inset balconies are small and serve only one study/bedroom and are not designed as terraces to be used by whole households or families.
- 8.57. Furthermore, no. 453 Mile End Road has an existing terrace at first floor level which looks north towards the site, and the existing development at 457-503 Mile End Road has balcony access to units also along its northern elevation. Accordingly, upper level roof terraces are not atypical of the area, and it is not considered that the introduction of the proposed roof terraces will result in an unduly detrimental impact upon privacy for existing residents.
- 8.58. It is therefore considered that the proposal would not have an adverse impact on the daylight/sunlight and privacy levels of surrounding properties in accordance with policies SP10(4) of the adopted Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) which require development to protect the amenity of surrounding residential properties.

### **Transport and Highways**

- 8.59. Policy SP08 & SP09 of the Core Strategy (2010) and Policy DM20 of the Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

#### *Cycle parking*

- 8.60. Each unit would have access to its own cycle storage and as such adequate cycle storage is provided onsite although the location of the cycle storage compromises the quality of private amenity space proposed.

#### *Car parking*

- 8.61. There are two accessible spaces proposed onsite. LBTH Highways team note that the proposed parking bays do not allow vehicles to enter or leave in a forward gear which is of concern on road safety grounds. They have suggested that the parking bay on the western end should be removed on the basis that this is a main road with through traffic. These matters were considered in the extant permission and there are no changes to the scheme in terms of provision and location of the two parking spaces. Officers have discussed LBTH Highways concerns regarding pedestrian safety with the applicant and suggested a visibility splay to be incorporated to the back of the public highway. These visibility splays should be 2.100 metres at right angles to the footway by 1.500 metres at either side of the access point to ensure that highway safety is not compromised. This would be secured by way of condition.

### **Energy**

- 8.62. Core Strategy (2010) policy SP11 seeks for a reduction in carbon emissions for all developments of 20% above building regulations. Policy DM29 of the Managing Development Document (2013) seeks a reduction in carbon emissions by 50% on Building Regulations, for major applications.
- 8.63. The proposed units are anticipated to achieve Code for Sustainable Homes level 4 and >28% reduction in CO2 emission reductions from a building regulations baseline. To achieve the CO2 emission reductions the application is proposing a PV array of 7.2kWp and 55m2. As this application is a minor applications, as opposed to a major (which would be 10 or more residential units), the proposed energy strategy is acceptable.

### **Human Rights Considerations**

- 8.64. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.65. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

- 8.66. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.67. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.68. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.69. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.70. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

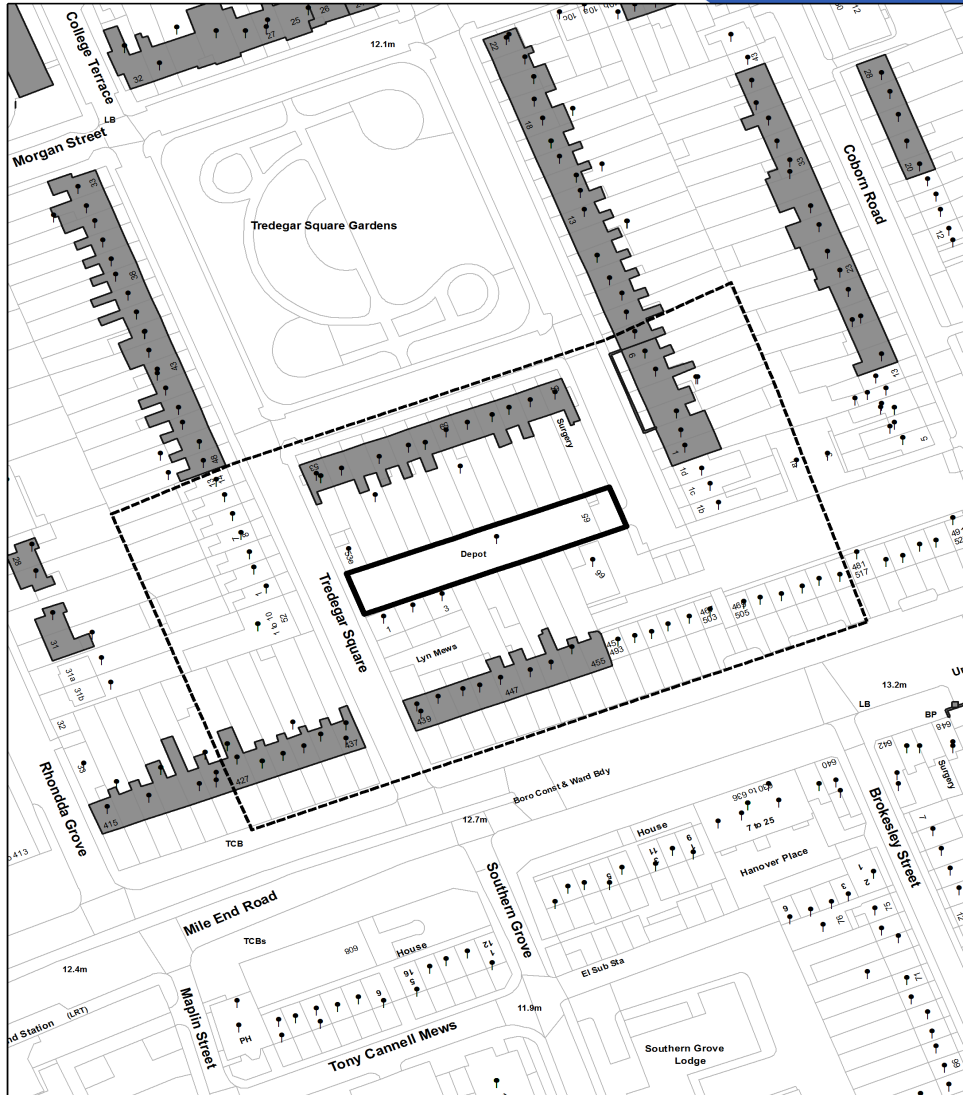
#### **Equalities Act Considerations**

- 8.71. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

#### **9. CONCLUSION**

- 9.1. All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in **RECOMMENDATION** section of this report.

**Planning Application Site Map**  
**PA/14/00104**



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

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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