

Committee: Development	Date: 23rd August 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Applications for Planning Permission
Case Officer: Hoa Vong	Ref No: PA/18/00074
	Ward: Limehouse

1. **APPLICATION DETAILS**

Location: Lamb Court, 69 Narrow Street, London, E14 8EJ

Proposal: Erection of a 4 storey building comprising 1 x 1b unit and 2 x 2b units above the proposed Reception and Concierge Area on the ground floor.

2. **Background**

2.1 This application for planning permission was considered by the Development Committee on 19th July 2018. A copy of the original report is appended.

2.2 At the committee members were minded NOT TO ACCEPT officer recommendation and were minded to REFUSE planning permission for the following reasons:

1. Loss of biodiversity;
2. Impact on access;
3. Impact on the Narrow Street Conservation Area and,
4. Impact on neighbouring amenity

2.3 This report has been prepared to discuss the implications of the reasons for refusal and to discuss any further information provided by the applicant following the committee.

3. **CONSIDERATION OF THE COMMITTEE'S REASONS FOR REFUSAL**

3.1. The following section of the report looks at each of the concerns raised by committee members in more detail.

Loss of biodiversity

3.2. Six category B trees would be felled as part of the proposed development. The trees would be replaced on a like for like basis as stated in the Tree Survey Report and Arboricultural Impact Assessment. In addition to this, additional biodiversity enhancements such as bat and bird boxes and planting are also proposed.



Fig 1 Location of proposed maple trees

- 3.3. The proposal would therefore not result in the loss of biodiversity and due to the additional bat and bird boxes and planting it is considered that the proposal would result in a net biodiversity gain.
- 3.4. Consequently, it falls to the Committee as decision makers to determine whether the proposal would result in a net loss of biodiversity. Officers consider that the proposal would result in a net biodiversity gain and this takes on board specialist advice from the Councils Biodiversity Officer. Therefore, officers feel this reason for refusal may not be successful at appeal.

Impact on access

- 3.5. Members were minded to refuse the application due to the impact on access along Albert Mews.
- 3.6. Albert Mews currently provides pedestrian access to Lamb Court via Northey Street to the north and Narrow Street to the south. Access to Lamb Court via Albert Mews is

restricted by a gate situated in between Nos. 12 and 14, of which residents require a passcode to gain entry.

- 3.7. The proposed development does not propose any structures or impact any rights of way on Albert Mews. Pedestrian access would therefore remain unfettered along Albert Mews as is the existing relationship.

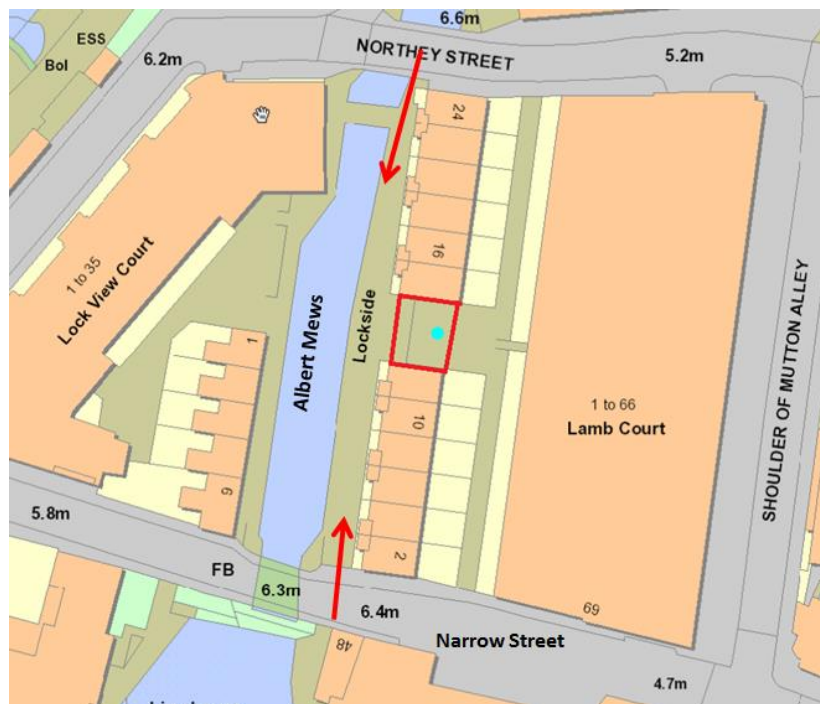


Fig 2 Access from Albert Mews

- 3.8. As previously stated pedestrian access into Lamb Court from Albert Mews is currently restricted by a gate situated in between Nos. 12 and 14, of which residents require a passcode to gain entry. The proposed scheme does not change that situation and therefore the level of public access into the development remains the same.
- 3.9. It is proposed that there would be a ground floor concierge during the day and passcode access during the evenings. Access into Lamb Court from Albert Mews would therefore require either a passcode or entry via a managed concierge. This is similar to the existing relationship in which residents would walk along Albert Mews before gaining access to Lamb Court via a gated passcode entry system.
- 3.10. The proposed development would therefore not result in limited or restricted access to Lamb Court. Access along Albert Mews would also not be impacted. Therefore, officers feel this reason for refusal would be difficult to defend at appeal.

Impact on the Narrow Street Conservation Area

- 3.11. Members were minded to refuse the application due to the impact of the design of the proposed development on the setting of the conservation area. More specifically it was considered that the design was unsympathetic to the character of the conservation area and did not successfully replicate the appearance of the adjacent buildings on Albert Mews.

- 3.12. Officers consider this to be a valid planning reason to reject the proposal and therefore feel it can be defended at appeal.

Impact on neighbouring amenity

- 3.13. Separation distances between the properties the adjacent properties on Lamb Court and Lock View Court exceed 18m. This distance is considered sufficient to mitigate any significant overlooking impact and loss of privacy.

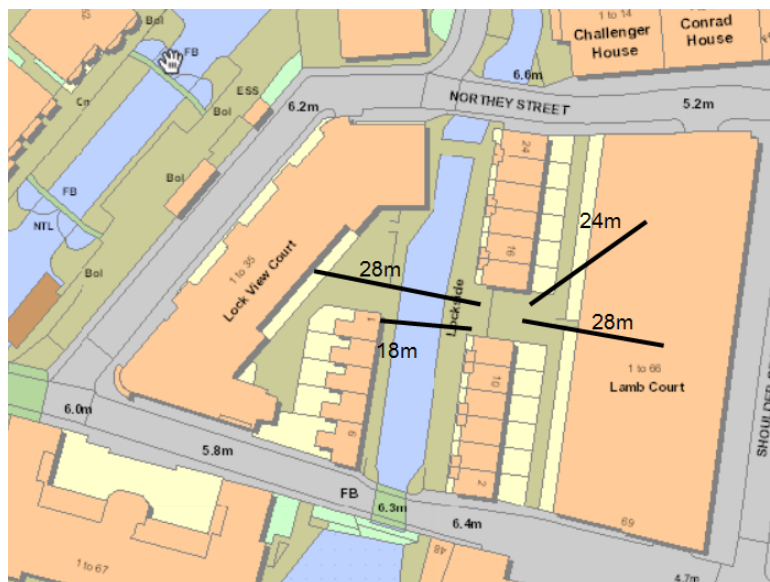


Fig 4 Separation distances

- 3.14. Concerns have been raised regarding overlooking from the balconies on the front with Nos. 12 and 14. This has been addressed by incorporating screening to the side which will be obscure glazed.



Fig 5 Privacy screens and relationship to neighbouring windows at Nos.12 and 14

- 3.15. As the building does not project past the existing building lines or neighbouring windows, it is not considered that there would be a material impact on sunlight/daylight or overshadowing.
- 3.16. Consequently, it falls to the Committee as decision makers to determine whether the proposal would result in a significant enough impact on neighbouring amenity to warrant a reason for refusal. Officers consider that the separation distances and incorporation of screening to balconies are sufficient to mitigate the impact upon neighbouring amenity and therefore the likelihood of successfully defending this reason at appeal is limited.

4.0 PROPOSED REASON'S FOR REFUSAL

- 4.1. The Committee is invited to take account of the above information before coming to a final decision.
- 4.2. If the Committee remains minded to refuse planning permission, the following reasons are provided based on the discussion at the previous committee meeting.
1. *The proposed development would result in a net loss of biodiversity. As such the proposal fails to accord with Policy SP04 of the Tower Hamlets Core Strategy and Policy DM11 of the Tower Hamlets Managing Development Document.*
 2. *The proposed development would restrict access to Lamb Court and Albert Mews. As such the proposal fails to accord with policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2016), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.*
 3. *The proposed development due to its height, massing and design would fail to preserve or enhance the character and appearance of the Narrow Street Conservation Area and result in significant harm to the character of the streetscene. As such, the proposal fails to accord with policies 7.4, 7.6 and 7.8 of the London Plan (2016), policies SP10 and SP12 of the Adopted Core Strategy (2010), DM24 and DM27 of the Managing Development Document.*
 4. *The proposed development would result in an unacceptable level of overlooking and loss of privacy. As such the proposal fails to accord with SP10 of the Adopted Core Strategy (2010) and DM25 of the Managing Development Document (2013).*

5.0 IMPLICATIONS OF THE DECISION

- 5.1 The officer recommendation has been to grant planning permission but it is the Committee's prerogative to disagree with that recommendation if there are clear planning reasons for doing so. In coming to an alternative view the Committee has to take into account the provisions of the development plan, any other relevant policies and relevant material considerations.

- 5.2 If planning permission is refused, there are a number of routes that the applicant could pursue: Appeal to the Secretary of State. An appeal would be determined by an independent Inspector appointed by the Secretary of State. Whilst officers have recommended approval, any appeal would be vigorously defended on behalf of the Council.
- 5.3 To pursue an alternative scheme. The applicant could commence pre-application discussions on an amended scheme that seeks to address the reasons for refusal and submit a fresh planning application.

Financial implications - award of costs

- 5.4 The applicant could submit an appeal to the Secretary of State. Appeals are determined by independent Planning Inspectors appointed by the Secretary of State. Appellants may also submit an application for an award of costs against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”

- 5.5 Whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour” as set out above.
- 5.6 Whatever the outcome, officers would seek to defend any subsequent appeal.

6.0 RECOMMENDATION

- 6.1 Officers recommendation remains to **GRANT PLANNING PERMISSION**, subject to conditions as listed within the original committee report.
- 6.2 In the event that the Committee resolve not to accept the recommendation and are minded to refuse planning permission, suggested reasons are set out in paragraph 4.2.