



## DEVELOPMENT COMMITTEE

13th June 2019

Report of the Corporate Director of Place

Classification: Unrestricted

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### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/18/01676
<b>Site</b>	Regents Wharf, Wharf Place, London
<b>Ward</b>	St Peters
<b>Proposal</b>	The removal of the existing roof structure and construction of a mansard style roof extension to provide 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat with associated cycle parking and refuse storage facilities.
<b>Recommendation</b>	Grant planning permission with conditions
<b>Applicant</b>	Albany Homes
<b>Architect</b>	Square Feet Architects
<b>Case Officer</b>	John Miller
<b>Key dates</b>	- Application registered as valid on 13/07/2018 - Public consultation finished on 07/08/2018 - First planning committee on 24/01/2019

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#### 1. APPLICATION DETAILS

**Location:** Regents Wharf, Wharf Place, London

**Proposal:** The removal of the existing roof structure and construction of a mansard style roof extension to provide 4x 1b2p flats, 1x 2b3p flat and 1x 2b4p flat with associated cycle parking and refuse storage facilities.

#### 2. **BACKGROUND**

- 2.1 This application for planning permission was considered by the Development Committee on 24<sup>th</sup> January 2019. A copy of the original report is appended.
- 2.2 The application was deferred so that committee members could better understand the proposed impacts to the daylight/sunlight conditions of the host and adjacent properties as a result of the proposal, and also to better understand the highways implications specifically with regards to the basement cycle /car parking. The

Committee also requested more information on whether the applicant could enter into an agreement to finish the build in a timely manner.

- 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 DEFERAL**

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

#### **Daylight and Sunlight**

- 3.2. Following the committee meeting on 24<sup>th</sup> January 2019 the applicant submitted a daylight/sunlight report taking the surrounding developments into account. A number of residential properties surround the site which can be impacted by the development; these have been tested as part of the application. The Council also had the report independently reviewed (by Anstey Horne) following the submission. In summary with regards to daylight/sunlight the impacts are on balance acceptable.

- 3.3. The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site.

- Existing Regents Wharf flats
- London Wharf
- 110-112 Pritchard Road
- 129 Pritchard's Road and Debdale House

- 3.4. The Council's independent review confirmed that the methodology used was in line with best practice and that all the relevant properties and windows had been taken into consideration. The windows at 129 Pritchard's Road and Debdale House did not require further testing as the angle of obstruction was less than 25 degrees.

#### Daylight

- 3.5. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment. This test measures whether buildings maintain most of the daylight they currently receive.

- 3.6. In summary, the BRE report states that: *"If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:*

- *the VSC [vertical sky component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value; [or]*
- *the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."*

Existing Regents Wharf flats

3.7. Of the 30 windows studied which are located at the ground, first and second floors at the junction of the L-shape of the building (see appendix 1 & 2), all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond their existing values. While it is noted that existing values across the ground and first floors are less than the recommended 27% guideline (see figure 1), the reduction to the values of these windows are unlikely to be perceptible by the occupants. It is also noted that a number of rooms are serviced by multiple windows which would increase access to daylight. This has been confirmed by the Councils independent review.

Floor Ref.	Room Ref.	Property Type	Room Use.	Window Ref.	VSC	Pr/Ex	Meets BRE Criteria	Window Orientation	Annual	Pr/Ex	Meets BRE Criteria	Winter	Pr/Ex	Meets BRE Criteria			
<b>Regents Wharf</b>																	
Ground	R1	Residential	Unknown-Resi	W1	Existing 10.33	1.00	YES	17°N									
				W2	Proposed 10.42				*North*		*North*						
				W3	Existing 11.13	0.97	YES	17°N									
	R2	Residential	Unknown-Resi	W4	Proposed 10.86				*North*		*North*						
				W5	Existing 10.92	0.89	YES	17°N									
				W6	Proposed 9.81				*North*		*North*						
	R3	Residential	Unknown-Resi	W7	Existing 9.45	0.97	YES	30°N									
				W8	Proposed 9.26				*North*		*North*						
				W9	Existing 11.54	0.98	YES	30°N									
	R4	Residential	Unknown-Resi	W10	Proposed 11.36				*North*		*North*						
				W11	Existing 9.22	0.98	YES	30°N									
				W12	Proposed 9.11				*North*		*North*						
R6	Residential	Unknown-Resi	W13	Existing 17.52	0.97	YES	120°	15	0.93	YES	0	0.00	YES				
			W14	Proposed 17.07				14			0						
			W15	Existing 10.48	0.94	YES	120°	20	1.00	YES	1	1.00	YES				
R4	Residential	Unknown-Resi	W16	Proposed 9.95				20			1						
			W17	Existing 12.94	0.93	YES	120°	23	0.91	YES	2	1.00	YES				
			W18	Proposed 12.06				21			2						
R6	Residential	Unknown-Resi	W19	Existing 10.45	0.92	YES	120°	22	0.95	YES	2	1.00	YES				
			W20	Proposed 9.63				21			2						
			W21	Existing 10.79	0.89	YES	220°	9	0.77	YES	0	0.00	YES				
R6	Residential	Unknown-Resi	W22	Proposed 9.71				7			0						
First	R1	Residential	Unknown-Resi	W23	Existing 12.07	0.95	YES	17°N									
				W24	Proposed 11.48				*North*		*North*						
				W25	Existing 14.26	0.86	YES	17°N									
	R2	Residential	Unknown-Resi	W26	Proposed 12.39				*North*		*North*						
				W27	Existing 15.31	0.81	YES	17°N									
				W28	Proposed 12.52				*North*		*North*						
	R3	Residential	Unknown-Resi	W29	Existing 11.01	0.94	YES	30°N									
				W30	Proposed 10.39				*North*		*North*						
				W31	Existing 13.08	0.96	YES	30°N									
	R4	Residential	Unknown-Resi	W32	Proposed 12.58				*North*		*North*						
				W33	Existing 10.37	0.99	YES	30°N									
				W34	Proposed 10.32				*North*		*North*						
R3	Residential	Unknown-Resi	W35	Existing 21.71	0.94	YES	120°	23	0.95	YES	0	0.00	YES				
			W36	Proposed 20.61				22			0						
			W37	Existing 26.50	0.91	YES	120°	42	0.90	YES	2	1.00	YES				
R4	Residential	Unknown-Resi	W38	Proposed 24.32				38			2						
			W39	Existing 26.26	0.91	YES	120°	45	0.86	YES	3	0.66	NO				
			W40	Proposed 24.03				39			2						
R4	Residential	Unknown-Resi	W41	Existing 25.43	0.90	YES	120°	48	0.91	YES	4	0.50	NO				
			W42	Proposed 23.00				44			2						
Second	R1	Residential	Unknown-Resi	W43	Existing 28.73	0.88	YES	17°N									
				W44	Proposed 25.50				*North*		*North*						
				W45	Existing 30.80	0.88	YES	17°N									
	R2	Residential	Unknown-Resi	W46	Proposed 27.13				*North*		*North*						
				W47	Existing 32.18	0.86	YES	17°N									
				W48	Proposed 27.97				*North*		*North*						
	R3	Residential	Unknown-Resi	W49	Existing 19.72	1.11	YES	30°N									
				W50	Proposed 21.90				*North*		*North*						
				W51	Existing 23.45	0.97	YES	30°N									
	R4	Residential	Unknown-Resi	W52	Proposed 22.89				*North*		*North*						
				W53	Existing 19.86	1.05	YES	30°N									
				W54	Proposed 20.93				*North*		*North*						
R3	Residential	Unknown-Resi	W55	Existing 28.72	0.90	YES	120°	44	0.84	YES	2	0.00	NO				
			W56	Proposed 25.91				37			0						
			W57	Existing 33.04	0.92	YES	120°	58	0.91	YES	13	0.61	YES				
R4	Residential	Unknown-Resi	W58	Proposed 30.60				53			8						
			W59	Existing 32.83	0.92	YES	120°	59	0.94	YES	15	0.80	YES				
			W60	Proposed 30.41				56			12						

Figure 1: Daylight/Sunlight for existing properties in Regents Wharf

#### *London Wharf*

- 3.8. Of the 4 windows studied which are located on the western elevation at the second and third floors, all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond their existing values.

#### *110-112 Pritchard Road*

- 3.9. Of the 5 windows studied which are located on the eastern elevation at first floor level, all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond their existing values.

#### *Overall*

- 3.10. Overall the development shows full compliance with the guidelines in terms of daylight. The impacts to the daylight conditions of the studied properties would therefore be negligible. These findings have been also confirmed by the Councils independent review and that all windows that require testing have been tested.

#### Sunlight

- 3.11. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.

#### *Existing Regents Wharf flats*

- 3.12. Of the 12 windows studied all would meet the BRE guidelines for summer sunlight hours, however 3 would fail with regards to winter sunlight (see figure1 above). The existing winter sunlight levels are low already and it is felt that the small losses are unlikely to be perceptible by the occupants. Taking the winter sunlight numbers in isolation there is a minor adverse impact. However, once one understands the context, the low existing winter levels and the adherent summer sunlight levels, the overall impact would be negligible. These findings have also been confirmed by the Councils independent review.

#### *London Wharf*

- 3.13. Of the 2 windows assessed, which are located on the second and first floors all pass the tests set out in the BRE guidance. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels.

#### *110-112 Pritchard Road*

- 3.14. The window assessed, located on the first floor passes the tests set out in the BRE guidance. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels.

## Overall

- 3.15. Overall the development shows almost full compliance with the guidelines in terms of sunlight with the exception of winter hours to three of the windows tested. Considering the existing values and wider context the impacts to the sunlight conditions of the studied properties would therefore be negligible. These findings have also been confirmed by the Councils independent review.

## Highways matters

- 3.16. Members were minded to defer the application due to the need for further clarification surrounding the impact on the existing car parking arrangements as a result of the proposed basement cycle store.
- 3.17. Initially as per the London Plan Guidelines an 8 additional cycle parking spaces were to be provided adjacent to the existing spaces. This arrangement was found to be suitable however given the objections from residents surrounding the capacity of the existing cycle parking an opportunity to provide an upgraded space for existing residents was identified at basement level.
- 3.18. As previously proposed the basement cycle storage would provide 28 spaces, however it was identified that this would impede a car parking space. This has been redesigned so that the car parking space is not impacted and as a result the number of cycles in the basement has been reduced to 20.
- 3.19. To account for the reduction at basement level an additional 8 spaces are proposed at ground floor level where the existing cycle store is located which will be accessible to all residents in a secure area. As per the original report officers find this arrangement to be a significant upgrade over the existing situation and raise no objections. This will be secured to be implemented via condition.

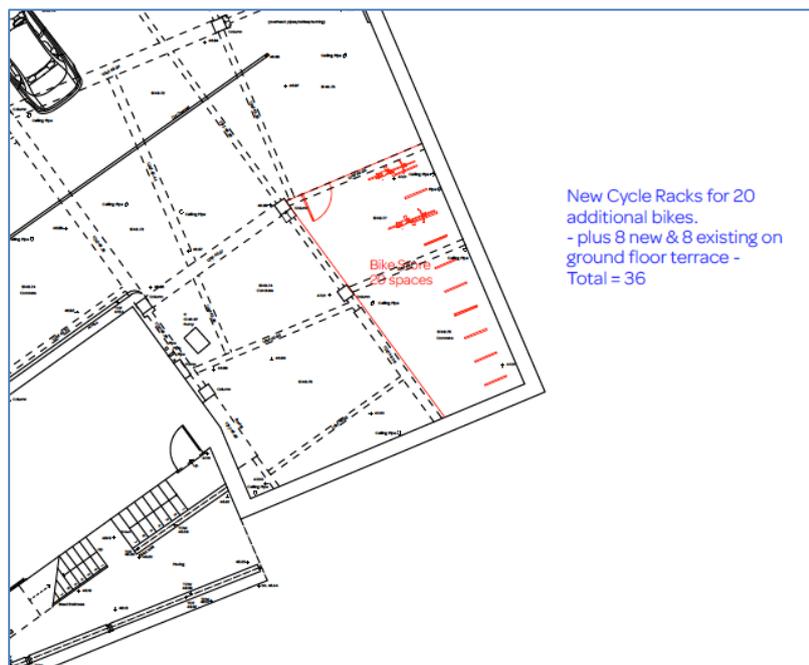


Figure 2 - Proposed basement cycle parking.

## **Other matters**

- 3.20. At the committee, issues were raised by residents with regards to ongoing and delayed construction of implementing previous planning permissions. Members commented on whether a condition could be secured for the applicant to construct the development in a timely manner.
- 3.21. In response to this it would be unlawful for the Council as a planning authority to grant permission and consent subject to conditions that require the development to be completed within an allocated timeframe. Such a condition would not meet the tests for planning conditions as set out in the NPPF.
- 3.22. A standard condition requires that the developer commence works within three years of the permission will be secured; however, the owner could decide to delay the implementation of the works, if it wished to do so. There is also no compulsion on an applicant to carry out the development or works that benefit from the permission.

## **4.0 IMPLICATIONS OF THE DECISION**

- 4.1. 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.
- 4.2. If planning permission is refused, the applicant could pursue through an 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.

### **Financial implications - award of costs**

- 4.3. 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”*

- 4.4. 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.
- 4.5. Whatever the outcome, officers would seek to defend any subsequent appeal.

## 5.0 RECOMMENDATION

- 5.1 Officers recommendation remains to **GRANT PLANNING PERMISSION**, subject to conditions as listed within the original committee report.

## 6.0 DOCUMENTS AND DRAWINGS (amended)

### 6.1 Drawings

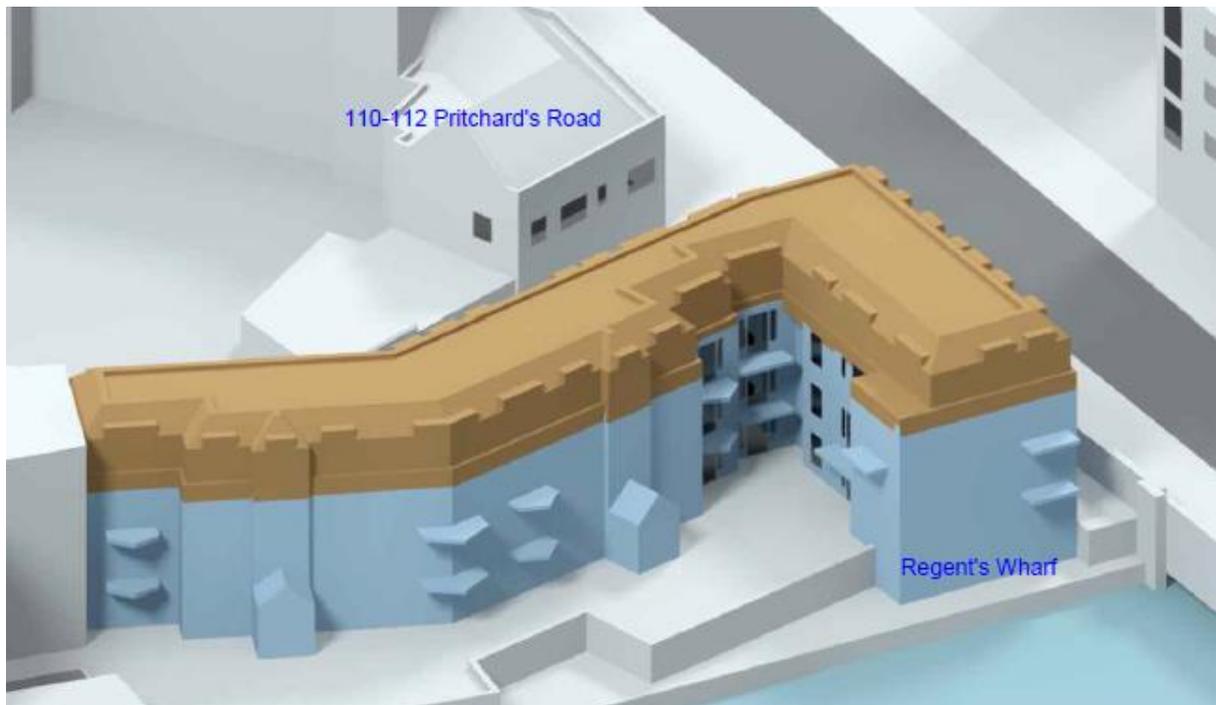
- 1431\_L\_110 REV. A - Proposed Basement Plan
- 1431\_L\_111 REV. C - Proposed Ground Floor Plan

### 6.2 Documents

- Daylight and Sunlight to Neighbouring Buildings dated April 2019 dated BVP
- Review Report on a Daylight & Sunlight Assessment dated May 2019 prepared by Anstey Horne

## 7.0 APPENDICIES

- 7.1 Model of tested windows for Regents Wharf & Pritchard's Road



## 7.2 Windows tested Regents Wharf

