

Committee: Development	Date: 18 th August 2010	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Mary O'Shaughnessy	Ref No: PA/10/00742
	Ward: Bow East

1. APPLICATION DETAILS

Location:	71A Fairfield Road, London
Existing Use:	
Proposal:	Retention and alteration of existing part 3 part 5 storey building which contains 8 residential units.
Drawing Nos/Documents:	Drawings: jw372_100, jw372_101, jw372_102, jw372_103 REVA, jw372_104, jw372_105, jw372_106 and jw372_107. Documents: Design Statement, 11 th September 2009, prepared by JDW architects, incorporating: Design and Access Statement Impact Statement REVA, 11 th September 2009, prepared by JDW architects, incorporating: Daylight/Sunlight Report, 5 th February 2010 prepared by Drivers Jonas.
Applicant:	Hannah O'Brien
Ownership:	As above
Historic Building:	Not applicable
Conservation Area:	Adjacent to Fairfield Road Conservation Area.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, 1998, (UDP), the Council's Interim Planning Guidance, 2007, (IPG) and the Core Strategy Submission Version December 2009, (CS), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The proposed part 3 part 5 storey residential development is considered appropriate in terms of design, bulk and scale. The design of the new building is in keeping with the surrounding properties in terms of general building height and use of materials. This is in line with saved policy DEV1 of the adopted UDP (1998), policy DEV2 of the Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Submission Version December 2009. These policies seek to ensure appropriate design within the Borough which respects local context.

- 2.3 The proposal is considered appropriate in relation to the residential amenity of the site in terms of daylighting and sunlighting, sense of enclosure, outlook, overlooking and privacy. This is in line with saved policy DEV2 of the adopted UDP (1998) and DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- 2.4 In reference to transport matters, including provision of cycle parking, access, servicing the creation of a car free development, the proposal is considered acceptable and in line with policies 3C.1, 3C.2, 3C.21 and 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, T16, T19 of the adopted UDP (1998), policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance (2007) and policy SP09 of the Core Strategy Submission Version December 2009. These policies seek to ensure developments can be supported within the existing transport infrastructure.
- 2.5 The proposal provides an increase in the supply of housing with an acceptable mix of units. As such, the proposal is in line with policies 3A.1, 3A.3 and 3A.5 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the adopted Unitary Development Plan (1998), policies CP21 and HSG2 of the Interim Planning Guidance (2007) and policies SO7, SO8, SO9 and SP02 of the Core Strategy Submission Version December 2009, which seek to encourage new housing and ensure that new developments offer a range of housing choice.

3. RECOMMENDATION

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

Conditions

- 1 Time Limit condition – 6 months
- 2 Development to be carried out in compliance with approved drawings.
- 3 Retention of opaque glazing and cedar louver system to be implemented within 3 months
- 4 Contaminated Land Report to be submitted within 3 months.
- 5 Development to be carried out in compliance with submitted noise report within 3 months.
- 6 Restriction of use of roof of three storey element as terrace.
- 7 Landscaping to be implemented and retained in perpetuity within 3 months.
- 8 Car free development scheme to be submitted within 3 months.
- 9 No on-site car parking.
- 10 Refuse to be provided within 3 months and retained for perpetuity.
- 11 Cycle parking to be provided within 3 months and retained for perpetuity.

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

Development & Renewal

Informatives

1 Associated Section 106

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for the retention and alteration of the existing part three part five storey building which has been constructed on site and was the subject of enforcement action by the Council.
- 4.2 On 18th January 2006 the Council granted planning permission for the demolition of the existing building on site and the erection of a part three part five storey building comprising of eight residential flats. During the course of construction the applicant varied the design of the building in order to comply with the requirements of Network Rail. However, they failed to make an application to alter the approved building. As such, the building currently on the site is not authorised and the purpose of this application is to remedy this situation. The full planning history is discussed further in the planning history section of this report at paragraphs 4.7 – 4.11.

Site and Surroundings

- 4.3 The application site is located on the western side of Fairfield Road. Access is provided from Fairfield Road along a roadway between 71 Fairfield Road to the north and the railway line to the south.
- 4.4 The site is landlocked at the rear, with the railway line to the south, a vacant site with trees to the west, and parking associated with a residential development to the north and 71 and 73 Fairfield Road which are residential properties to the east.
- 4.5 On the opposite side of Fairfield Road to the east of the Site are a group of Grade II listed buildings. The application site is not located within a Conservation Area, however to the east and south is the boundary of the Fairfield Road Conservation Area.
- 4.6 The character of Fairfield Road is currently changing from an industrial area to a residential area. There is a mix of Victorian properties to the south with larger residential developments to the north of Fairfield Road.

Planning History

- 4.7 The following planning decisions are relevant to the application:
- 4.8 PA/04/01757 The Local Planning Authority (LPA) granted planning permission on 18th January 2006 for the “Demolition of existing building and construction of a part 3 and part 5 storey building to provide 8 flats.”
- 4.9 PA/06/01436 Conditions 3a, 3b, 3c, 4, 8 and 9 attached to this planning permission were discharged by the LPA on 14th March 2007.

- 4.10 EN/08/00101 During the course of construction, the LPA opened an enforcement investigation in order to investigate if the building was built in accordance with the approved plans. Following a site visit it was evident that the applicant had altered the design, bulk and massing of the building and that it had not been built in accordance with the approved plans.

The LPA served a Temporary Stop Notice on 30th June 2008.

The LPA served an Enforcement Notice on 30th July 2008.

The Council entered into pre-application discussions with the applicant and architect following the issue of the Enforcement Notice in order to discuss options available in respect of retaining the building.

- 4.11 PA/09/01491 An application for the “Retention and alteration of existing part 3 part 5 storey building which contains 8 residential units” was submitted to the LPA and was withdrawn by the applicant on 14th December 2009. The submitted Daylight and Sunlight Report was not adequate to allow Officers to make an assessment of the impact of the scheme as built on the amenity of the adjacent residential occupiers.

5. POLICY FRAMEWORK

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

Government Planning Policy Guidance/Statements

- 5.2 PPS5 Planning and the Historic Environment

Spatial Development Strategy for Greater London (London Plan)

- 5.3 Policies:
- | | |
|-------|---------------------------------------|
| 3A.1 | Increasing London’s supply of housing |
| 3A.3 | Maximising the potential of sites |
| 3A.5 | Housing Choice |
| 3A.6 | Quality of new housing provision |
| 3C.1 | Integrating transport and development |
| 3C.3 | Sustainable transport in London |
| 3C.21 | Improving conditions for walking |
| 3C.22 | Improving conditions for cycling |
| 3C.23 | Parking Strategy |
| 4B.1 | Design principles for a compact city |

Unitary Development Plan 1998 (as saved September 2007)

- 5.4 Policies:
- | | |
|-------|---|
| DEV1 | Design Requirements |
| DEV2 | Environmental Requirements |
| DEV12 | Provision of Landscaping in Development |
| DEV50 | Noise |
| DEV51 | Soil Tests |
| DEV55 | Development with Waste Disposal |
| DEV56 | Waste Recycling |
| HSG7 | Dwelling Mix and Type |
| HSG13 | Standards of Converted Dwellings |
| HSG15 | Preservation of Residential Character |
| HSG16 | Housing Amenity Space |

Interim Planning Guidance for the purposes of Development Control

- 5.5 Core Strategies: CP4 Good Design
 CP19 New Housing Provision
 CP21 Dwelling Mix and Type
 CP25 Housing Amenity Space
 CP40 A Sustainable Transport Network
- Policies: DEV1 Amenity
 DEV2 Character and Design
 DEV10 Disturbance from Noise Pollution
 DEV13 Landscaping and Tree Preservation
 DEV15 Waste and Recyclable Storage
 DEV16 Walking and Cycling Routes and Facilities
 DEV17 Transport Assessments
 DEV19 Parking for Motor Vehicles
 DEV22 Contaminated Land
 HSG2 Housing Mix
 HSG7 Housing Amenity Space
 CON2 Conservation Areas

Core Strategy Submission Document December 2009

- 5.6 Urban living for everyone SO7, SO8, SO9 and SP02
 Creating attractive and safe streets and spaces SO20, SO21 and SP09
 Creating distinct and durable places SO22, SO23 and SP10
 Delivering placemaking SO25 and Bow Vision Statement

Supplementary Planning Guidance/Documents

- 5.7 SPG Residential Space Standards

Community Plan The following Community Plan objectives relate to the application:

- 5.8 A better place for living safely
 A better place for living well

6. CONSULTATION RESPONSE

- 6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:

LBTH Environmental Health – Daylight and Sunlight

- 6.3 The Environmental Health Daylight and Sunlight Officer advised that the daylight/sunlight report prepared by Drivers Jonas dated 05/02/10 has been assessed. The impact on 71 and 73 Fairfield Road in terms daylight/sunlight has been reviewed and the contents of the report are acceptable.

Network Rail

- 6.4 Network Rail advised that the alterations to the building will not encroach toward Network Rails operational land and a 1.5 metre gap has been left between the building and the viaduct. Therefore Network Rail has no objection to the principal of the development and advises the potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24

and the local planning authority should use conditions as necessary.

Crossrail

6.5 To date no comments have been received.

7. LOCAL REPRESENTATION

7.1 A total of 90 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	2	Objecting:	2	Supporting:	0
No of petitions received:	1	objecting containing	34	signatories	
		0	supporting		

7.2 A letter of objection was received from the local ward Councillor.

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

7.4 The building was not built in accordance with the approved plans which granted planning permission in 2006 and the amended drawings should not be approved.

7.5 Impact in term of daylight and sunlight on the residents of 71 and 73 Fairfield Road. Concern about the Daylight and Sunlight Report and the fact that nobody visited the property.

7.6 The proximity of the proposed development and the impact in terms of overlooking on the residents of 71 and 73 Fairfield Road.

7.7 The increased mass of the building in comparison with the 2004 approval and the impact this has in terms of sense of enclosure on existing residents at 71 and 73 Fairfield Road.

7.8 [**Officer Comment:** *Daylight and Sunlight, Overlooking and Sense of Enclosure are discussed at paragraphs 8.24 – 8.41 of this report within the Amenity section.*]

7.9 Parking provision on site – there are currently eight cars parked on site, this is not in line with policy.

7.10 [**Officer Comment:** *This matter is discussed within the Highways section of this report at paragraphs 8.42 – 8.48.*]

7.11 The alterations to the plans are cosmetic measures which are not acceptable. How will the LPA control the retention of the cedar panels and ensure overlooking does not become an issue.

7.12 [**Officer Comment:** *This matter is discussed within the Design section of this report at paragraphs 8.3 – 8.14 and the Amenity section of this report at paragraphs 8.24 – 8.41. It is noted that the retention of the cedar panels and obscure glazing would be controlled via condition.*]

7.13 There is rubbish strewn around the site because the condition in respect of the bin stores was not complied with and the landscaping details were never implemented.

- 7.14 [**Officer Comment:** Landscaping is discussed within paragraphs 8.22, 8.42 and 8.47 and refuse is discussed within paragraph 8.46 of this report. The retention of the bin stores and the implementation of landscaping will be controlled via condition.]
- 7.13 The following procedural issues were raised in representations, and are addressed below:
- 7.14 The LPA did not take timely and appropriate Enforcement Action.
- 7.15 [**Officer Comment:** Please refer to the Planning History section of this report which sets out the action taken by the Enforcement Team. This does not include the correspondence and meetings which also took place. Officers' consider that the LPA acted appropriately and when expedient took the necessary enforcement action.]
- 7.16 Why were residents not involved in discussions in respect of amendments to the scheme?
- 7.17 [**Officer Comment:** The LPA carried out the necessary public consultation in compliance with Statutory Guidelines. It is also noted that Officers' were aware of resident's concerns during the course of these discussions.]

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Housing
- Amenity
- Highways
- Other

Land Use

- 8.2 The principle of a residential use at this location was established when the LPA granted planning permission in January 2006. Fairfield Road contains a mix of industrial and residential uses and it is considered that the principle of a residential use at this location is acceptable.

Design

- 8.3 Saved policy DEV1 of the adopted Unitary Development Plan (UDP) outlines that all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials, they should also be sensitive to the development capability of the site, maintain the continuity of street frontages and take into account existing building lines, roof lines and street patterns. Furthermore, development should take into consideration the safety and security of the development.
- 8.4 Policy CP4 and DEV2 of the Interim Planning Guidance (IPG) seek to ensure that new development amongst other things, respects the local context, including character, bulk and scale of the surrounding area, ensuring the use of high quality materials and finishes, contribute to the legibility and permeability of the urban environment, and contribute to the enhancement of local distinctiveness.
- 8.5 These policies are reinforced by the aims of policies SO22, SO23 and SP10 of the Core

Strategy Submission Version 2009 (CS).

8.6 The LPA approved planning permission for the construction of part three part five storey building under planning reference PA/04/01757. For clarity this scheme shall be referred to as the '2006 scheme' as this was the year when it received planning permission. The building which is currently on site will be referred to as the 'as built scheme' and the plans currently under consideration will be referred to as the 'proposed scheme'.

8.7 Following an enforcement investigation it was evident that the building on site was not built in accordance with the approved plans.

8.8 The main differences between the '2006 scheme', the 'as built scheme' and the 'proposed scheme' are set out in Table 1.

8.9 Table 1: Comparison between three schemes

	'2006 scheme'	'as built scheme'	'proposed scheme'
Height	Part three part five storey	Part three part five storey	Part three part five storey
Ground Floor	<ul style="list-style-type: none"> • Oriel window (eastern elevation) • Private amenity space • Communal amenity space • No on-site car parking 	<ul style="list-style-type: none"> • No oriel window (eastern elevation) • No private amenity space • No communal amenity space • On-site car parking 	<ul style="list-style-type: none"> • Oriel window (eastern elevation) • Private amenity space • Communal amenity space • No on-site car parking
First Floor	<ul style="list-style-type: none"> • Oriel window (eastern elevation) • Balconies (northern elevation) 	<ul style="list-style-type: none"> • No oriel window (eastern elevation) • No balconies (northern elevation) 	<ul style="list-style-type: none"> • Oriel window (eastern elevation) • No balconies and louvers introduced (northern elevation)
Second Floor	<ul style="list-style-type: none"> • Oriel window (eastern elevation) • Balconies (northern elevation) 	<ul style="list-style-type: none"> • No oriel window (eastern elevation) • No balconies (northern elevation) 	<ul style="list-style-type: none"> • No oriel window (eastern elevation) • No balconies and louvers introduced (northern elevation)
Third Floor	<ul style="list-style-type: none"> • Set back from eastern (front) elevation of between 3.7 and 9.8 metres 	<ul style="list-style-type: none"> • Set back from eastern (front) elevation of 2.7 metres 	<ul style="list-style-type: none"> • Set back from eastern (front) elevation of 2.7 metres

	<ul style="list-style-type: none"> No set-back from railway line to the south Flat roof 	<ul style="list-style-type: none"> French doors and roof terrace Set-back from railway line to the south of 2.6 metres Pitched roof 	<ul style="list-style-type: none"> French doors replaced with window with opaque glazing. No roof terrace. Louvers introduced (northern elevation) Set-back from railway line to the south of 2.6 metres Pitched roof concealed behind parapet
Fourth Floor	<ul style="list-style-type: none"> Set back from eastern (front) elevation of between 3.7 and 9.8 metres No set-back from railway line to the south 	<ul style="list-style-type: none"> Set back from eastern (front) elevation of 2.7 metres Set-back from railway line to the south of 2.6 metres 	<ul style="list-style-type: none"> Set back from eastern (front) elevation of 2.7 metres Window with opaque glazing Louvers introduced (northern elevation) Set-back from railway line to the south of 2.6 metres

8.10 Table 1 provides a detailed comparison between the three schemes setting out the main differences. In design terms the 'as built' scheme was not considered acceptable. This was because design features which formed part of the '2006 scheme' had been omitted.

8.11 Following discussion with officer's the 'proposed scheme' has been submitted to the Council for consideration. The proposed building is similar in terms of design and appearance to the scheme approved in 2006. The introduction of a cedar louvre system adds interest to the northern elevation and the introduction of a parapet to conceal the pitched roof to adjacent to the railway line to the south is considered acceptable in design terms. Furthermore, the oriel window to the eastern elevation would now form part of the design.

8.12 The main alteration in respect of the '2006 scheme' and the current proposal is to the bulk and massing of the building. In assessing the bulk and massing of the proposed scheme reference is made to the character and appearance of the surrounding area. 71 and 73

Fairfield Road to the east of the proposed building are two storeys in height plus a basement level. Directly to the north of these properties is a six storey mixed use development. It is considered that in respect of bulk and massing the erection of a part three part five storey building in this location would be in keeping with the character and appearance of the surrounding area in respect of bulk, scale and massing.

- 8.13 The details of the cedar louver system as set out in the detailed drawings are considered satisfactory.
- 8.14 It is considered that the proposed building in respect of design, bulk, scale, massing and use of materials would be acceptable and in keeping with the character and appearance of the surrounding area in line with Council policies.

Housing

Housing Mix

- 8.15 The Borough is in short supply of suitable family sized accommodation (3-6 units) as demonstrated in the Strategic Housing Market and Needs Assessment (2009) which forms part of the CS evidence base. Saved policy HSG7 of the adopted UDP requires new developments to provide a mix of unit sizes including a substantial proportion of family housing. Policy CP21 Dwelling Mix and Type of the IPG seeks new developments to contribute to the creation of mixed communities by offering a range of housing choices including a mix of dwelling sizes, family housing and accessible homes. Furthermore, policy CP19 New Housing Provision of the IPG seeks that new housing developments contribute to the Borough's housing need in particular contributing to family housing. These aims are reiterated within policies SO7, SO8 and SP02 of the CS.
- 8.16 The 2006 scheme was for the provision of 8 residential units comprising 1 x 3 bed and 7 x 2 bed. The proposed scheme is for the provision of 8 residential units comprising 2 x 3 bed and 6 x 2 bed.
- 8.17 The increase in provision in family housing is welcome and is in line with policy. The proposed housing mix is considered acceptable.

Residential Space Standards

- 8.18 The SPG Residential Space Standards (1998) and saved policy HSG13 of the adopted UDP set out the minimum space standards for all new housing developments. In terms of unit size table 1 below sets out the overall unit sizes. It is noted that four of the units do not meet the minimum space standards. It is necessary to balance the numerical standards against the overall layout of the units, the fact that they are occupied and the level of provision of communal amenity space. In this instance, it is not considered that this would justify refusal of the scheme.

8.19 Table 2: Residential Space Standards

Flat No.	Target Size	Actual Size
1 (3 bed 4 person)	70	60
2 (2 bed 3 person)	57	61
3 (2 bed 3 person)	57	60
4 (2 bed 3 person)	57	67
5 (2 bed 3 person)	57	68
6 (2 bed 3 person)	57	50
7 (2 bed 3 person)	57	50
8 (3 bed 5 person)	84	75

Amenity Space

- 8.20 Saved policies HSG16 of the adopted UDP and Policy CP25 of the IPG provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme.
- 8.21 There are two residential units at ground floor level and these both have private amenity space which is welcome. The proposed residential units at the upper floors do not include the provision of private amenity space. It is noted that the 2006 scheme included the provision of private amenity space in the form of recessed balconies. Given, the form of the building, the addition of balconies would result in overlooking to the adjacent residential property. As such, the constraints of the building as built would not allow for the provision of private amenity space in the form of balconies.
- 8.22 The submitted drawings include a landscaping scheme for the communal areas of the development which includes hard and soft landscaping at ground floor level. In order to ensure that the proposed landscaping is implemented this matter would be controlled via condition. (This matter is also referred to at paragraphs 8.42 and 8.44.)
- 8.23 It is not considered that the lack of provision of private amenity space for six of the proposed residential units would be justified in this instance given that the proposal includes a communal amenity area and given the constraints of the existing building form.

Amenity

- 8.24 Saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that adjoining buildings are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or a material deterioration of daylighting and sunlighting conditions.

The submitted daylight and sunlight report assessed the daylight and sunlight levels for the existing residential properties at 71 and 73 Fairfield Road, prior to the construction of the building on site with the '2006 scheme' and the 'proposed scheme'. For the purposes of this report, officers have compared the 'proposed scheme' against the figures prior to the erection of a building on site.

Impact on Residential Properties – Sunlight

- 8.25 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months. The Sunlight figures have been compared between the 'proposed scheme' and the '2006 scheme'.

71 Fairfield Road

- 8.26 In respect of 71 Fairfield Road, the figures for Annual Probable Sunlight Hours (APSH) for winter and summer are acceptable and in line with BRE Guidance. All of the windows either receive a minimum of 5% APSH for winter and 25% APSH overall or there has been no change as a result of the erection of a building on site.

73 Fairfield Road

- 8.27 In respect of 73 Fairfield Road, four windows were tested. In respect of APSH and winter levels two were above BRE guidance. However, the lower ground floor window and one of the windows tested at ground floor level fall below BRE guidance.
- 8.28 The winter APSH figures drops from 2% to 0% for the lower ground floor window and from 4% to 0% for the ground floor window. To conclude of the four windows tested, two would not meet the guidance set out within BRE guidance. It is considered that a balanced view of the level of failure needs to be taken given the urban nature of the site and the fact that 73 Fairfield Road is a dwelling house which is dual aspect. On balance it is not considered that the 'proposed scheme' should be refused on the basis of the failure of two windows in respect of APSH for winter sunlight given the dwelling house as a whole would have acceptable sunlight levels for winter and summer.

Daylight

- 8.29 The submitted study includes the results of BRE Vertical Sky Component, No-Sky Line and Average Daylight Factor tests. The Daylight figures have been compared between the 'proposed scheme' and the results prior to the erection of a residential building on site.
- 8.30 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.31 In respect of VSC and NSL, at 71 and 73 Fairfield Road, where losses occur between the '2006 scheme' they are less than 20% of the former value and this in line with BRE Guidance and Council policy.

Overshadowing

- 8.32 BRE Guidance states that open spaces should receive no less than 40% of available annual sunlight hours on the 21st March. Furthermore, any additional loss must be within 20% of the former conditions.
- 8.33 In respect of 71 Fairfield Road, the garden would receive 20% sunlight in March. There is no change between the baseline figure (prior to the construction of a residential building on site) and the current situation and this in line with BRE guidance.
- 8.34 In respect of 73 Fairfield Road, the garden would receive 76% sunlight in March which is above BRE guidance and acceptable.

Conclusion

- 8.35 The Environmental Health Daylight and Sunlight Officer, has reviewed the submitted Daylight and Sunlight Report and has raised no objections. He carried out a site visit with the Daylight and Sunlight Consultant in order to ensure that the proposed calculations were carried out correctly. It is considered that the 'proposed scheme' would have a negligible impact when considered against the results prior to the erection of a residential building on site and the report demonstrates that the windows and rooms tested are broadly in line with BRE Guidance and Council policy.

Sense of Enclosure, Outlook, Privacy and Overlooking

- 8.36 Firstly, in respect of 71 and 73 Fairfield Road, it is not considered that the proposed development would have an adverse impact on the existing residents in respect of sense of enclosure, outlook, privacy and overlooking.
- 8.37 In respect of sense of enclosure and outlook, the minimum separation distance at ground, first and second floor level is approximately 13.9 metres and this increases at third and fourth floor level to approximately 16.6 metres. Consequently, it is not considered that the proposed building would have an adverse impact on the existing residents in respect of sense of enclosure. It is also noted that 71 and 73 Fairfield Road are dwelling houses which are dual aspect and benefit from views onto the site and across Fairfield Road.
- 8.38 In respect of privacy and overlooking, it is noted that the minimum separation distance would be approximately 13.9 metres. At ground and first floor level there would be no direct overlooking because the design of the proposed scheme reinstates oriel windows which were part of the '2006 scheme'. At second floor there are no windows along the eastern elevation. At third and fourth floor level the building line is set back to create a separation distance of approximately 16.6 metres; furthermore these windows would have opaque glazing which would prevent direct overlooking and loss of privacy. The retention of this opaque glazing would be controlled via condition. To ensure that the roof of the three storey element of the building would not be used as a roof terrace, the French doors have been removed. This matter would also be controlled via condition.
- 8.39 In respect of the windows along the northern elevation, a cedar louver system has been attached in order to prevent direct overlooking and loss of privacy for the residents to the north of the site.
- 8.40 To conclude, it is considered that the proposed development would not have an adverse impact on the adjacent residents in respect of amenity and would be in line with Council policy.

Noise

- 8.41 It is noted that Network Rail, have stated that the necessary acoustic remediation should be controlled via condition in order to ensure that the amenity of future residents would not be adversely affected by the adjacent railway line. The previous decision notice had a condition which stated the development had to be carried out in line with the submitted noise report. This is considered acceptable and the matter would be controlled via condition again. This is in line with saved policy DEV50 and HSG15 of the adopted UDP and DEV10 of the IPG which seek to protect residential amenity.

Highways

- 8.42 Policy CP40 of the IPG seeks to ensure that the Council will create a sustainable transport network in the Borough which would seek to minimise car travel and support walking, cycling and public transport. Saved UDP policies T16, T17 and T18 and policies DEV16, DEV17 and DEV19 of the IPG, which outline that in respect of new development consideration, should be given to the impact of the additional traffic which is likely to be generated. Furthermore, policies 3C.1, 3C.2, 3C.21, and 3C.23 of the London Plan and policy SP09 of the CS reflect these policies.
- 8.43 The site has a combined PTAL range of 4 and 5. The '2006 scheme' secured the development as car free with a Grampian condition requiring a Section 106 Car Free Agreement. This would prevent occupiers of the building from applying for on-street car parking permits. The 'proposed scheme' would also be secured as a car free development which is welcome and in line with policy.
- 8.44 However, the occupiers currently use the hard landscaped section of the development to park their cars. In order to ensure that there would be no car parking within the site by residents it is proposed to attach a condition restricting the use of the site for car parking. Furthermore, as discussed at paragraphs 8.22 and 8.44 the implementation of the proposed landscaping plan would be controlled via condition.
- 8.45 The level of cycle parking provision within the scheme is acceptable and a condition would be used to ensure the retention of these spaces if planning permission were to be granted.

Other Planning Issues

Refuse Storage

- 8.46 The proposed refuse storage appears acceptable and in line with saved policy DEV56 of the adopted UDP and policy DEV15 of the IPG and planning standard 2. In order to ensure that it will be retained in perpetuity this matter will be controlled via condition.

Landscaping

- 8.47 The proposed landscaping scheme is considered acceptable and includes both hard and soft landscaping. Residents raised concerns about the removal of trees during the course of construction and the lack of any landscaping within the current scheme. It is considered that the submitted landscaping plan which includes the provision of trees would be acceptable. Furthermore, in order to ensure that the proposed landscaping plan would be implemented this matter would be controlled via condition. This is in line with saved policy DEV12 of the UDP and policy DEV13 of the IPG. (This matter is also referred to at paragraphs 8.22 and 8.42.)

Contaminated Land

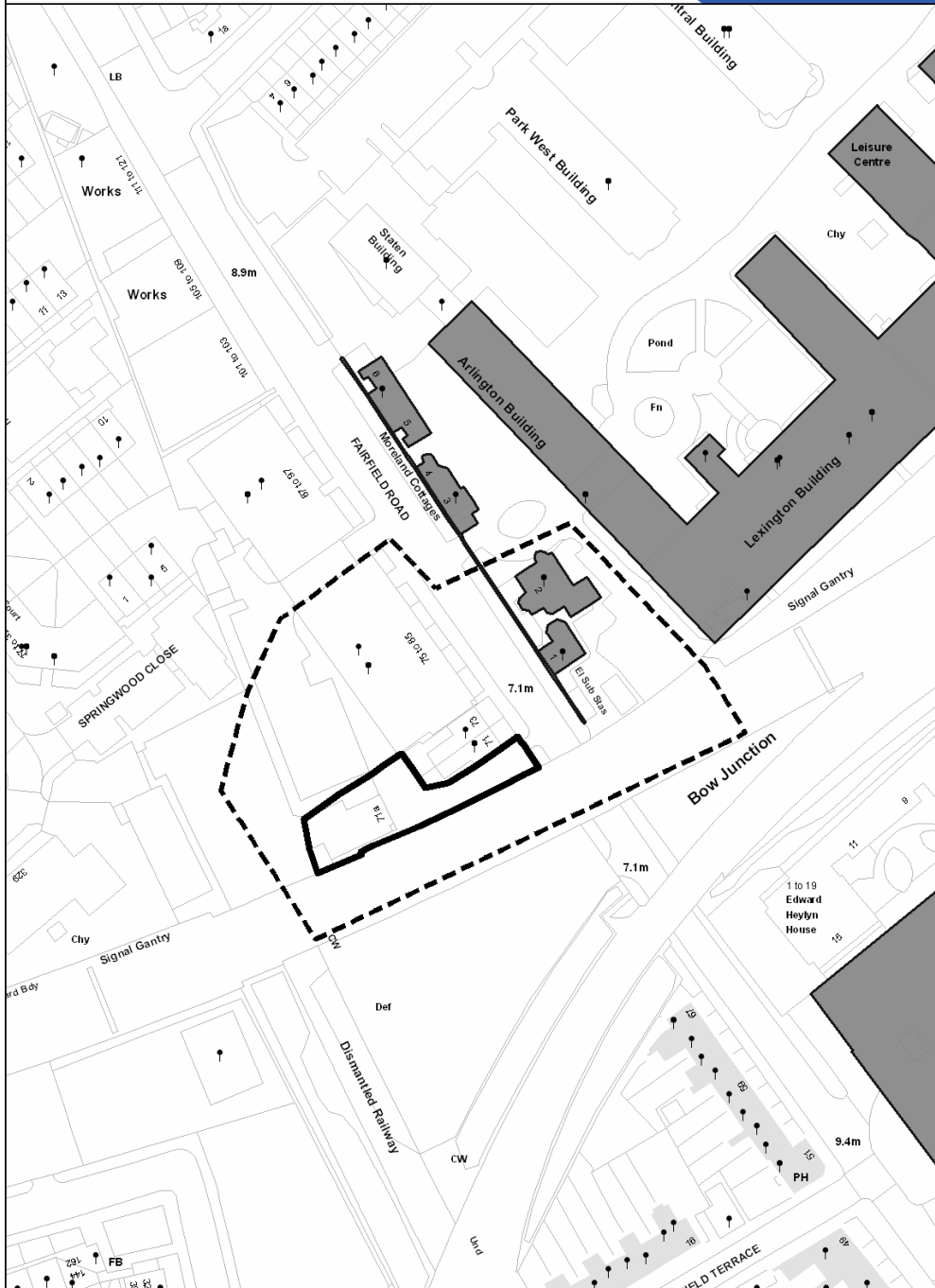
- 8.48 It is noted that the previous application had a condition requiring the submission of a contaminated land report which has not been complied with. It is considered that a land contamination condition should be attached to this consent in order to ensure any necessary remediation is carried out. This is in line with saved policy DEV51 and DEV55 of the adopted UDP and policy DEV22 of the IPG.





Conclusions

- 8.49 All other relevant policies and considerations have been taken into account. Planning

permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



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

1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.