

<b>Development Committee</b>	<b>Date:</b> 10 <sup>h</sup> November 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.4
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Shay Bugler		<b>Ref No:</b> PA/10/1479	
		<b>Ward(s):</b> Weavers	

## 1. APPLICATION DETAILS

- 1.1 **Location:** Site at 60 to 61 Squirres Street & 52 Florida Street, E2 6AJ
- Existing Use:** Residential
- Proposal:** Erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building.
- 1.2 **Drawing Nos:**
- Design and access report by PH+ Architects dated July 2010
  - Impact Statement by PH+ Architects dated July 2010
  - Daylight & sunlight report by Building Research Establishment Ltd dated 2008 & 2010
  - Drawing numbers: 2(01)01; 2(02)20; 2(02)01; 2(03)00; 2(03)01; 2(04)00; 2(04)01; 2(04)02; 2(12)00; 2(12)01; 2(12)02; 2(13)00; 2(13)01; 2(14)00; 2(14)01; 2(14)02; 2(19)00; 2(19)01; 2 (27)00 Rev A
- Applicant:** PH+ Architects  
**Owner:** Event Investments Ltd  
**Historic Building:** N/A  
**Conservation** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy Development Plan Document (2010); Unitary Development Plan (1998), Interim Planning Guidance (2007), associated supplementary planning guidance and Government Planning Policy Guidance and found that:
- The building height, scale, bulk and design is acceptable and in line with policies SP02 & SP10 of the adopted Core Strategy (2010); DEV1 of the Council's Unitary Development Plan (1998) & policy DEV2 the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design and suitably located.
  - The proposal does not result in an undue loss of daylight and sunlight or loss of privacy to surrounding properties. The proposal therefore complies with the requirements of policy SP10 of the adopted Core Strategy (2010); DEV2 in the Unitary Development Plan 1998 and DEV1 in the Interim Planning Guidance (2007) which seeks to protect the amenity of adjoining residential occupiers.

### **3.0 RECOMMENDATION**

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

The prior completion of a legal agreement to secure the following planning obligations:

- 1) car free agreement
- 2) Future occupiers to have access to the off street cycle storage area

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

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

- 1) 3 year time limit
- 2) Details of materials to be submitted and approved
- 3) Development to be built in accordance with the approved plans
- 4) Maintenance of the ivy cladding
- 5) Hours of construction
- 6) Construction Management Plan to be submitted and approved and implemented prior to commencement
- 7) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 3.4
- 1) Associated Section 106 'car free' agreement
  - 2) Adequate arrangement of construction works (contact Building Control)
  - 3) Any other informative(s) considered necessary considered by the Corporate Director Development & Renewal

### **4.0 PROPOSAL AND LOCATION DETAILS**

Proposal

4.1 The proposal is for the erection of a 2 x 2 bedroom duplex residential unit on the roof space of an existing 4 storey building. It is proposed to locate the living /dining rooms on the lower floor and the bedrooms on the upper floors of the duplex units.

4.2 When the development is constructed, it is proposed to clad the solid concrete external walls with metal material. A fully pre grown ivy plant screen would then be attached to most of the metal cladding and would visible on the external face of the development.

4.3 The application is based on similar principles as the previously consented scheme for the site (ref no: PA/08/1400). The key difference between the extant permission and subject scheme are as follows:

Consented	Proposed
The consented scheme was for two residential units comprising 1 x 1 bed & 1 x 2 bed.	The subject proposal is for two units comprising 2 x 2 bed units
The overall volume of the consented scheme was 407m <sup>3</sup>	The proposed volume of the subject proposal is 490m <sup>3</sup> .
The area of the two consented units was 63m <sup>2</sup> and 55m <sup>2</sup> respectively.	The area of the two proposed units are 73 m <sup>2</sup> and 85 m <sup>2</sup> respectively.
The consented development made provision for 37sqm of private amenity space for the 2 units (15m <sup>2</sup> & 22m <sup>2</sup> of private amenity space for the respective two units).	The subject proposal makes provision for 15.6 sqm of private amenity space (7m <sup>2</sup> and 8.6m <sup>2</sup> of private amenity space for the respective 2 bed units).

- 4.4 The extension of the existing shared stairway at 52 Florida Street would provide access to the proposed units.

### Site and surroundings

- 4.5 The subject site is located on the roof space of an existing 4 storey building at the corner of Squirries Street and Florida Street. The immediate surrounding buildings are occupied by residential and live/work uses. The adjoining properties to the south and west of the site comprise of two storey buildings with pitched roofs. A health centre is located to the east of the site which comprises of a single storey building with a pitched roof. Opposite the site to the north is a 6 storey residential development (known as Johnson House). The site is not located within close proximity to any listed buildings and not located within a conservation area. The surrounding area is predominantly characterised by residential development.
- 4.6 The site a Public Transport Accessibility Level (PTAL) of 5 (where 1 is poor and 6a is high) which means it is highly accessible by public transport where 1 is poor and 6a is high. It is located within close proximity to Bethnal Green Road, a main artery consisting of mainly commercial premises but providing easy links within the wider city. A wide number of bus routes (for example the N8, 388 & D3) serve the local area well. In addition, Liverpool street, Old street, Bethnal Green and Shoreditch stations are all located within approximately 15 minute walking distance from the site.

### Relevant Planning History

- 4.7 The following planning decisions on this subject site are relevant to the application:
- PA/10/262 A planning application was withdrawn on 25/06/2010 for the erection of 2 x two-bed duplex residential units to the top of an existing four-storey flatted building.
- PA/08/1400 Planning permission was approved on 24/03/2010 for the erection of a two storey roof top development to provide 2 residential units (1 x 1 bed and 1 x 2 bed).
- PA/08/174: Planning permission was withdrawn on 08/04/2008 for the erection of two additional storeys providing 2 x 2 bedroom flats.
- PA/06/295: Planning permission was approved on 7<sup>th</sup> March 2007 for the erection of single storey roof extension to provide 2 x 1 bedroom flats.

## 5.0 POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for

Determination” agenda items. The following policies are relevant to the application:

## 5.2 Spatial Development Strategy for Greater London (consolidated London Plan 2008)

Policies	3A.1	Increasing London’s supply of housing
	3A.3	Borough housing targets
	4A.11	Living roofs and walls
	4B.1	Design principles for a compact city
	4B.2	Promoting world class architecture and design
	4B.6	Sustainable Design and construction

## Adopted Core Strategy Development Plan Document (2010)

S09	High quality sustainable housing
SP02	Urban living for everyone
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP09	Making connected places
SP10	Creating distinct and durable places
SP11	Energy
SP12	Delivering place making

## 5.3 Unitary Development Plan (1998) (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV56	Waste Recycling
	HSG13	Standard of Dwelling
	HSG16	Amenity

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

Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV 15	Waste and recycling storage
	HSG17	Amenity
	CP31	Biodiversity

## 5.5 Planning Standards

Planning Standard 1: Noise

## 5.6 Supplementary Planning Guidance/Documents

- Design Out Crime
- Sound Insulation
- Residential Space

## 5.7 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPG3	Housing

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

A better place for living safely

## 6. CONSULTATION RESPONSE

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

### 6.2 LBTH Highways

- The applicant should enter into a car/permit free agreement whereby future occupiers of the residential units are prevented from obtaining resident parking permits.

(Officers comment: The applicant would be required to enter into a car/permit free agreement. This would be secured in the Section 106 Agreement).

- The footway and carriageway on the surrounding highway must not be blocked during the construction and maintenance of the proposed development.
- No skips or materials shall be kept on the footway or carriageway on the surrounding highway at any time during construction.
- All construction vehicles should only load/unload/park at locations and within the times permitted by existing on-street restrictions.

(Officers comment: The applicant would be required to submit a Construction Management Plan. This would be secured by way of condition).

### 6.3 LBTH Environmental Health

- Construction hours should be restricted to 8am-6pm Monday to Friday; 8am-1pm and Saturday and no work on Sundays and bank holidays

(Officers comment: The above construction hours would be secured by way of condition)

- An acoustic report examining the noise impact of the proposed development should be submitted to ensure the building design and construction provides reasonable resistance to sound from other parts of the same building.

(Officers comment: It is considered that an acoustic report is not required as the proposed residential use is compatible with other residential live/work use. Noise mitigation measures would be dealt with by building control regulations).

### 6.4 LBTH Daylight and Sunlight officer

- The submitted daylight and sunlight report demonstrates that the development would have no impact on the neighbouring properties or itself.

### 6.5 LBTH Cleansing

The applicant should provide details of the existing refuse/recycling storage facilities be assessed.

(Officers comment: The applicant has provided a plan showing the location of the existing bin store and the proposed separate refuse and recycling bin storage areas. This is considered to be acceptable).

## 7.0 LOCAL REPRESENTATION

7.1 A total of 116 neighbouring properties within the area shown on the map appended to this report were notified of the application and invited to comment. The application has also been publicised in East End Life and on site. The following representations were received from neighbours and local groups in response to notification and publicity of the application.

No of individual responses: 7            Objecting: 6            Supporting: 0  
No of petitions received: 1 objecting containing 26 signatories

The following issues were raised in the representations that are material to the application and they are considered in the next section of this report.

### 7.2 Employment

- The proposal results in the loss of employment floorspace.

(Officers comment: The proposal does not involve the change of use of an existing employment use or demolition of an existing employment use. As such, the proposal does not result in the loss of employment generating floorspace).

### 7.3 Density

- The proposal would result in overdevelopment of the site.

(Officers comment: Typically high density schemes may have an unacceptable impact on the following:

- access to sunlight and daylight
- loss of privacy and outlook
- lack of good quality amenity space
- increased sense of enclosure
- increased traffic generation

The proposal does not present any of the above symptoms of overdevelopment. Although there is a minor deficiency in the quantum of private amenity space, the quality of amenity space is acceptable. This is discussed further in sections 8.10-8.11).

### 7.4 Design

- The proposed ivy cladding is not an appropriate material as it is difficult to maintain.
- The overall design would fail to enhance the site.

(Officers comment: Design matters and the proposed ivy cladding are discussed in sections 8.5-8.9 of the report).

### 7.5 Access

- There is no disabled access for visitors or tenants.

(Officers comment: There is no planning policy requirement to provide wheelchair access to this development. Notwithstanding, each of the duplex units has been designed to allow a clear width of 900mm between the stair wall and handrail to allow a stair lift to be retrospectively fitted if required).

## 7.6 Amenity

*noise*

- The proposed development would generate unnecessary noise and would be disruptive to nearby residents who work from home.

(Officers comment: It is considered that the proposal would not result in undue noise disruption to surrounding residents. Hours of construction would be restricted to ensure residential amenity to surrounding properties is adequately protected. Moreover, residential and live work uses are compatible in land use terms and can co exist without generating unacceptable noise disturbance).

## 7.7 Daylight and sunlight

- The proposal would result in the loss of daylight and sunlight to adjoining properties
- The proposal would result in the loss of privacy and overlooking to adjoining properties
- The proposal would result in direct overlooking to property to adjoining properties.

(Officers comment: Amenity matters are considered in sections 8.13- 8.21 of the committee report.

## 7.8 Increase waste in the area

- The proposal would increase the amount of waste in the area.

(Officers comment: As noted in section 6.5 of the report, the applicant has provided a plan showing the location of the existing bin store and the proposed separate refuse and recycling bin storage areas which are considered to be acceptable).

## 7.9 Housing

- The proposal does not provide affordable housing.

(Officers comment: The applicant is not required to provide affordable housing on site. Developers are only required to provide affordable housing when 10 or more units are proposed).

## 7.10 Structural implications

- The proposal would disrupt the party wall membrane and is not structurally sound.

(Officers comment: The structural soundness of the existing building to accommodate the proposed roof extension is not a planning policy consideration. It is a matter to be dealt with by Building Regulations).

## 7.11 Other representations received

- The freeholder is not equipped to adequately maintain the existing contracts with residents at 52 Florida Street.
- The proposal would decrease the value of properties to surrounding properties.
- The proposal would amount to a non viable commercial structure.

7.12 All objection letters are available for members to view at the committee meeting.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

1. Land use
2. Design
3. Amenity
4. Transport
5. Sustainability

### **Land use**

8.2 The application site has no specific land use designation identified within the Unitary Development Plan (1998) (as saved September 2007) ("UDP") or Interim Planning Guidance FOR THE PURPOSE OF Development Control (2007) ("IPG").

8.3 In accordance with polices SP02 of the adopted Core Strategy, the Council seeks the maximum provision of additional housing in the borough. This policy notes that the Council seeks to *"deliver approximately 43, 275 new homes (equating to 2, 885 per year) from 2010-2025 in line with the housing targets set out in the London Plan"*. In addition, the Council's Housing Strategy (2009-2012) provides detailed information on the Council's Housing needs, including the requirement to provide high quality housing in the borough. On the basis of housing targets, it is considered that the site is appropriate for residential development.

8.4 The character of the area is increasingly residential and the site is located close to good transportation links, good access to public open space directly opposite the site on Florida Street and located within close proximity to a local shopping parade on Bethnal Green Road. It is considered that the proposal would provide for valuable city fringe residential accommodation to the area.

### **Design**

8.5 Policies SP02 & SP10 of the Core Strategy seeks to ensure that developments are designed to the highest quality standards and incorporates principles of sustainable design. These principles are also reflected in policies DEV1 of the UDP and DEV 2 of the IPG. The policies indicate that development should be attractive, durable and respect the local context and townscape including the character, bulk and scale of the developments in the surrounding area.

8.6 There is no single local vernacular which characterises the area. The general street scene provides for a variety of design, forms and massing. The buildings in the immediate area range from 2 to 6 storeys in height and primarily articulated in brick and/or render cladding. Given its prominent corner site location, the proposed height, scale and bulk of the proposal is acceptable. Moreover, the proposed contemporary and innovative design would add positively to the appearance of the site and the surrounding area. Importantly, the principle of a roof extension has already been approved on site in the previous planning consent as noted in section 4.7 of the report.

8.7 As noted in sections 4.2 of the report, the materials proposed to the external face of the proposal include metal cladding and attached to this cladding is a fully grown ivy screen. It is considered that the materials would add to the visual interest of the site. The applicant would be required to submit full particulars of the proposed materials (fenestration details, ivy screen & metal cladding)



to be approved prior to the commencement of work on site. In addition, the applicant would be required to maintain the ivy screen at all times to ensure that the external appearance is acceptable. This would be secured by way of condition.

- 8.8 The proposed bedrooms are located on the lower floors and living/dining area on the upper floors of the duplex units. The openings on the elevations allow for views out of windows and all habitable room sizes meet the Councils minimum room size standards and would receive good levels of daylight. As such, it is considered that the internal amenity value of both units is acceptable and in accordance with HSG13 of the UDP which seeks to ensure that all new housing development has adequate provision of internal residential space in order to function effectively.
- 8.9 Overall, the proposed extension is considered to be acceptable to the surrounding buildings and streetscape in accordance with SP02 & SP10 of the adopted Core Strategy (2010); policy DEV1 in the UDP & DEV2 in the IPG which seeks to ensure developments are of good design quality and contribute positively to the surrounding area.

## **Amenity**

### Private amenity space

- 8.10 Policy SP02 of the adopted Core Strategy & policy HSG 16 of the UDP stipulate that new developments should include adequate provision for private amenity space. Policy HSG17 of the IPG sets out the minimum provision for private amenity space. The policy outlines that a 2 bedroom unit should make provision for 10sqm of private amenity space.
- 8.11 The two proposed units make provision for 7m<sup>2</sup> & 8.6m<sup>2</sup> of private amenity space. The proposal falls below the Councils standards by 30% and 14% respectively. Notwithstanding, officers consider that the proposed private amenity space is acceptable as the external terrace areas provide good quality space and receive good quality daylight and sunlight. Future occupiers would also enjoy good outlook from the terrace areas. On balance, it is considered that the deficiency in the quantum of private amenity space is offset by the quality of the amenity space provided on site and the increase in internal area. Officers consider that a reason for refusal based on the quantum of private amenity space provided could not be sustained.

### Daylight & Sunlight

- 8.12 Policy SP10 of the adopted Core Strategy seeks to protect residential amenity and “*promotes well being (including preventing loss of privacy and access to daylight and sunlight)*”.
- 8.13 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.14 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.15 A Daylight and Sunlight assessment has been prepared by Building Research Establishment Limited (BRE consultants) and accompanies this application.
- 8.16 The Vertical Sky Component test was undertaken to assess the impact the proposal has on daylight levels to nearby properties.

- 8.17 The percentage of the sky visible from the centre of a window is known as the Vertical Sky Component. This involves using a skylight indicator, which calculates the Vertical Sky Component at the centre point of each affected window. Diffuse daylight will be adversely affected if after a development is completed, the Vertical Sky Component is both less than 27% and less than 0.8 times its former value.
- 8.18 Objections were received from residents on the grounds that the proposal would result in loss of daylight at 52 Florida Street. The Daylight assessment confirms that the live work units at flats no's A, B, C, D, E, F, G (or 1), H (or 2), J (or 3), K or 4), L (or 5) & M (or 6) at 52 Florida Studio's pass the VSC tests. These flats are within the immediate vicinity of the subject site. Given that all the units immediately to the south and west of the site pass the VSC tests, the proposal would not result in an undue loss of daylight and sunlight to other nearby properties. The Council Environmental Health officer has confirmed that the development will not have an adverse impact on neighbouring properties or on the development itself.
- 8.19 The proposal adequately complies with BRE guidelines, policy SP10 of the Core Strategy; policy DEV 2 of the UDP & DEV 1 of the IPG which seeks to protect residential amenity against undue loss of daylight and sunlight.

#### Overlooking

- 8.20 Objections were received on the grounds that the proposal would result in overlooking to surrounding properties to the west and south of the site. There are no windows proposed on the lower floors of the duplex units on the southern and western elevations. In addition, a solid wall of 2.7 metres in height is proposed to the western and southern elevations behind the ivy screen. This would ensure that there is no direct overlooking from the lower floor external decking areas to the west and south of the proposed development.
- 8.21 There are windows proposed on the western and southern elevations on the upper floor elevations. However, the windows to bedrooms on the western elevation are set back approximately 2.5 metres from the boundary of 52 Florida Street. Given this separation distance and angle of the windows, the proposal would not result in directly overlooking to the habitable rooms or private amenity space to adjacent properties. The proposal therefore adequately complies with policies SP10 of the Core Strategy; DEV 1 of the IPG and DEV 2 of the UDP which seeks to protect privacy of residents.

#### Transport

- 8.22 The proposed site has a Public Transport Accessibility level of 5 which means it is in an area with very good transport accessibility. As noted in section 4.6 of this report, a wide number of bus routes including 388, N8 & D3 serve the local area well. In addition; Liverpool Street, Old Street, Bethnal Green and Shoreditch High Street stations are all located within 15 minute walking distance from the site.
- 8.23 No on-street or off street car parking is proposed. The proposals therefore represent a car free development. Off street parking has reached saturation level and it is recommended that any grant of permission is subject to a section 106 'car free' legal agreement.

#### Cycle parking

- 8.24 Planning Standard 3: Parking of the IPG sets out the requirement for cycle parking spaces for new development. The policy requirement is 1 cycle space per residential unit. There are no cycle parking spaces proposed on site. The applicant has advised that the owner/freeholder of the proposal site is also the owner/freeholder of the existing car park which includes a cycle storage

area located behind the building. The applicant also notes that future occupiers would have access to this off street cycle store area. This matter would be secured in the Section 106 Agreement.

## **Sustainability**

### **Biodiversity**

- 8.25 As well as introducing visual interest to the area, the proposed use of the ivy screen attached to the metal cladding has the added value of introducing biodiversity benefits to the site. SP04 of the Core Strategy seeks to: “*promote and support new development that provides green roofs, green terraces and other measures to green built environment*”. In addition, the borough seeks to: “*ensure development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity*”

The proposal provides a high quality eco friendly environment for the following reasons:

- Ivy is an evergreen plant that will provide a year round green screening. Ivy also provides a valuable year round habitat for wildlife.
  - Ivy provides good nesting environments and berries for birds, especially during winter. Redwings, wood pigeons, collared doves, robins and black caps birds all feed on these.
  - The creation of a green vertical garden brings a number of environmental and ecological benefits including; control of air humidity; filtration of dust and pollutants; rainwater retention therefore reducing water run off; reducing the heat island effect; aiding biodiversity and creating a natural habitat for plants and birds.
- 8.26 As such, the proposal adequately complies with policy SP04 of the Core Strategy which seeks to enhance opportunities for biodiversity.

### **Climate change**

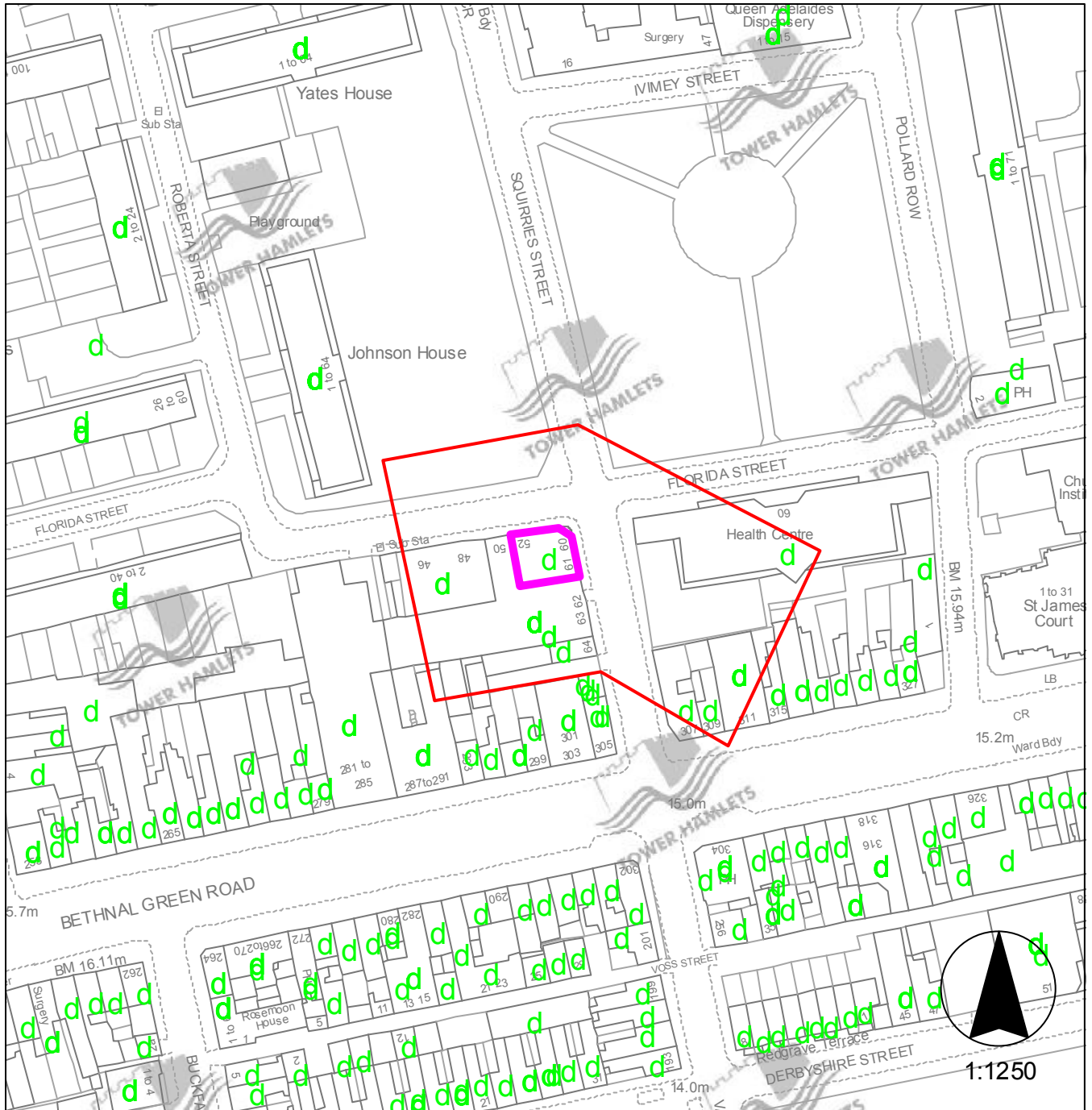
- 8.27 Policy SP11 of the Core Strategy seeks to ensure the built environment adapts to the effects of climate change and notes that climate change will affect the borough in a number of ways and adaptations required to address these effects include providing new green open spaces and greening of the built environment.
- 8.28 It is considered that the integration of a green ivy screen in this development is beneficial towards mitigating climate change and enhancing biodiversity. The proposal therefore accords with policy SP11 of the Core Strategy.

## **9.0 Conclusions**

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



# Site Map



## Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

