



## DEVELOPMENT COMMITTEE

[02 October 2023]

Report of the Corporate Director of  
Housing and Regeneration

Classification: Unrestricted

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### Application for Planning Permission

[Click here for case file](#)

<b>Reference</b>	PA/22/01389
<b>Site</b>	Tria Apartments, 49 Durant Street, London, E2 7DT
<b>Ward</b>	Weavers
<b>Proposal</b>	Single storey upwards extension to provide an additional 4 residential units. Associated amendments to the external fabric and internal arrangements of the building.
<b>Summary Recommendation</b>	Grant planning permission with conditions and planning obligations
<b>Applicant</b>	Edgewater Group
<b>Architect/agent</b>	UPP Architects and Town Planners
<b>Case Officer</b>	Nicholas Jehan
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 26 August 2022</li><li>- First round of Public Consultation finished on 26 October 2022</li><li>- Significant amendments received on 28 March 2023</li><li>- Second round of Public Consultation finished on 17 April 2023</li></ul>

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### EXECUTIVE SUMMARY

The proposals are for a single storey extension to the roof of the building known as Tria Apartments and involve a more extensive in area recladding of the building to replace existing combustible cladding material with non-combustible material

The extension is limited to the front half of the building and will provide an additional 4 flats. The existing roof garden will be reinstated following completion of the development and access to both levels of the garden will be provided via an extension of the existing lift shaft to the upper level. The proposed extension will be constructed of materials to match the existing building.

The proposals have been designed to continue the stepped massing of the existing building, focussing the additional height to the south end of the building away from the adjacent conservation area with fenestration patterns matching those of lower floors. The proposals would be acceptable in design terms, including the statutory duty to pay special regard to preserving the visual appearance and historic character of the setting of the nearby heritage assets.

The principle of providing additional residential homes in this location is accepted, given there are 51 existing self-contained residential flats on the site. A small sites affordable housing

contribution in line with planning policy set out in the adopted Local Plan will be secured via legal agreement.

The proposed extension results in the building being considered a “relevant building” for the purposes of relevant fire safety regulations and so various additional upgrades to the existing building are also included within the proposals. These include upgrading the internal lift shaft and circulation core to meet relevant standards and replacing the external cladding of the entire building with non-combustible alternatives. The Health & Safety Executive have reviewed the details of the application since the publication of recent announcements in relation to fire safety on residential buildings 18 metres or more in height and are fully satisfied with the proposals from a fire safety perspective.

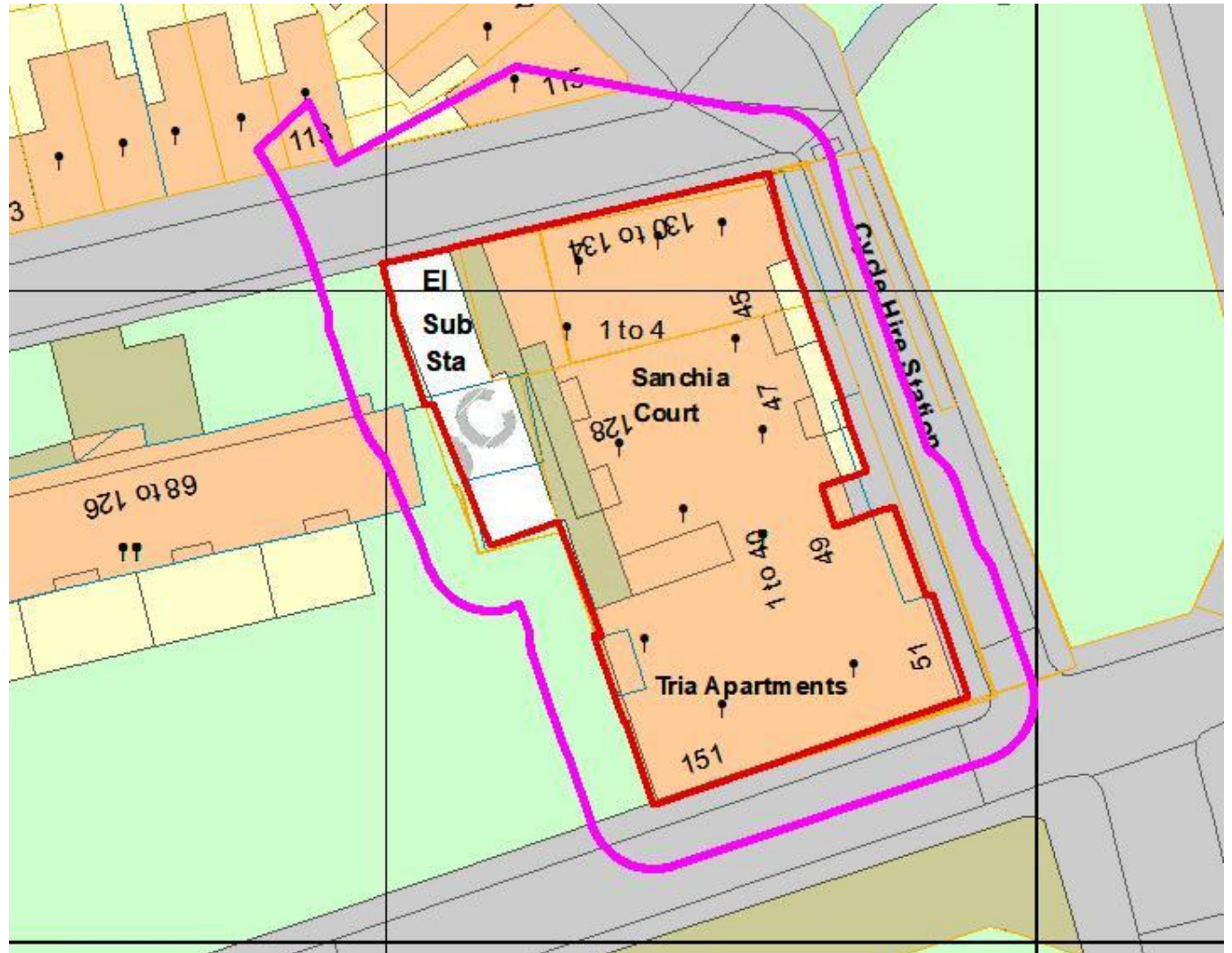
Outside planning the scheme will also be required to fully comply with fire safety under the Building Regulations system were consent granted and the development to be built out.

The proposed new homes will provide future occupiers with an acceptable standard of accommodation, and the proposals will provide an acceptable mix of unit sizes.

The proposal is considered to have an acceptable impact on the amenity of occupiers of the existing building and of neighbouring properties in terms of loss of daylight/sunlight, outlook, privacy, sense of enclosure and light pollution, given the conclusions of the submitted Daylight and Sunlight Report.

The proposals would be secured as car free via a legal agreement and additional cycle parking and waste storage would be accommodated within the existing storage building adjacent to the main building at ground floor level.

The scheme would be liable for the Borough’s community infrastructure levy.



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

## Planning Applications Site Map PA/22/01389

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



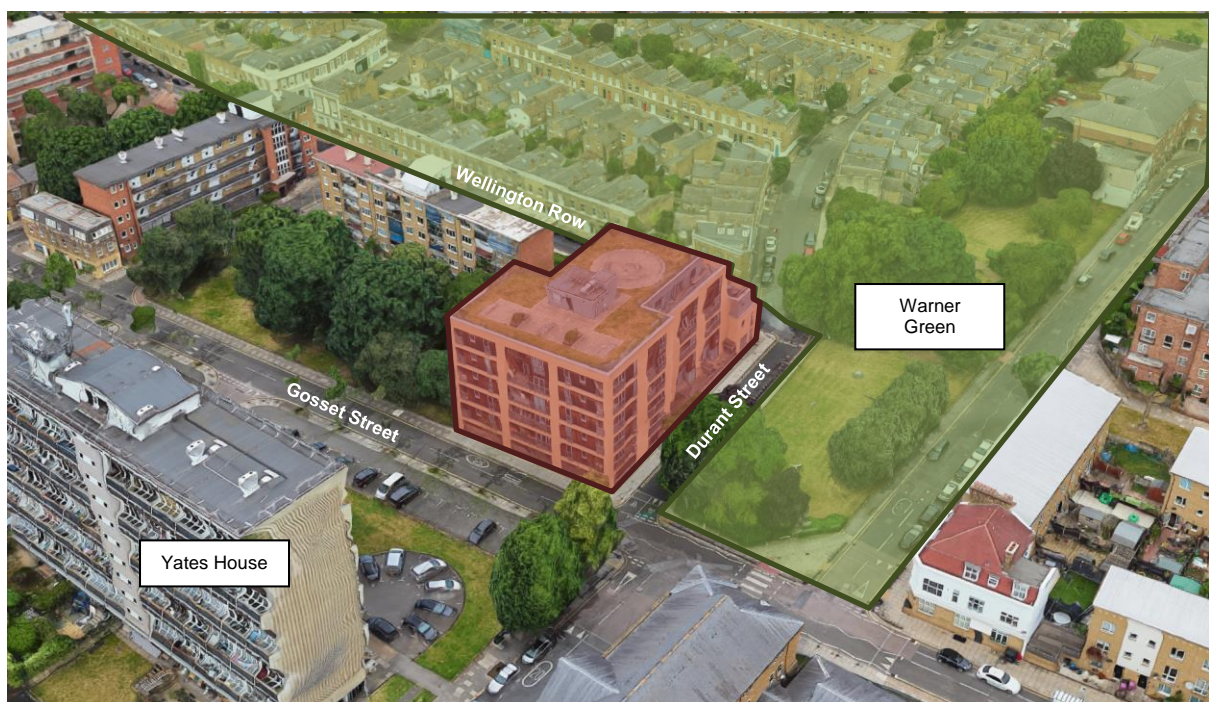
**London Borough  
of Tower Hamlets**

Scale : 50m grid squares

Date: 22 September 2023

## 1. SITE AND SURROUNDINGS

- 1.1 The site is located in the north-west of the Borough and is bounded to the south by Gosset Street, to the east by Durant Street and to the north by Wellington Row. The building on the subject site was built around 2010 and is six storeys tall at its highest point and steps down as the building moves northwards towards Wellington Row where it is only two storeys tall. The building is currently home to 51 flats.
- 1.2 On the eastern side of Durant Street is Warner Green, a relatively small Publicly Accessible Open Space. On the south side of Gosset Street is Yates House, an 11-storey residential block approximately 40m south of the site and set back behind a carpark and small grassy area. To the west of the site is 68-126 Wellington Row a five-storey residential block which fronts on to Wellington Row. There is a large amenity space with a number of large trees to the rear of the block with ground floor units also having gardens.
- 1.3 To the north of the site is the Jesus Hospital Estate Conservation Area, which also wraps around the east of the site to include Warner Green. The Conservation Area is characterised by the homogenous layout of low scale streets forming network of uniform two storey terraces surrounding the central, triangular open space of Jesus Green and. Its terraces are essentially two storeys high and follow the general pattern of London Victorian terraces.
- 1.4 The site is generally surrounding by wider open spaces on each of the south, east and west sides but is much closer to other buildings on Wellington Row to the north.
- 1.5 The site is neither statutorily nor locally listed and there are no other such buildings in the vicinity of the site. The site is within the City Fringe Sub Area and Permitted Development Exception Zone.
- 1.6 The site has a Public Transport Accessibility Level of 2 (with 6 being the best and 0 the worst), however is immediately adjacent to an area of significantly higher transport accessibility (rated at 6a).



**Figure 1: Site and surrounds. Site is highlighted in red. Jesus Hospital Estate Conservation Area highlighted in green.**



## **2. PROPOSAL**

- 2.1 The application seeks planning permission for a single storey extension to the southern section of the building which will provide 4 new residential flats (Use class C3). The application also seeks internal and external alterations to the building to bring it into line with current fire regulations, including the replacement of combustible cladding. Associated cycle parking and waste storage will be accommodated within existing stores.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PA/08/00681/A1 - *Demolition of existing buildings and construction of 51 residential units within buildings rising from two to six storeys together with associated cycle parking and accessible landscaped roof garden.*

Permitted – 15 October 2008.

- 3.2 PA/08/02605 - *Submission of details pursuant to conditions 3 (Refuse Management Plan) and 5 (Vehicle & bicycle Parking) of planning permission PA/08/00681 dated 15/10/2008.*

Permitted – 13 February 2009

- 3.3 PA/07/01959/R - *Demolition of existing buildings and construction of 66 residential units within buildings rising from 3 to 10 storeys together with associated landscaping works.*

Refused 18 December 2007

Reasons for Refusal:

1. The proposal, by reason of its height and massing, would fail to either preserve or enhance the character and setting of the Jesus Hospital Conservation Area contrary to PPG15 and policies CP49 and CON2 of the Interim Planning Guidance (2007), which seek to prevent proposals for development adjacent to conservation areas from having a detrimental impact upon the character and appearance of the conservation area and its setting.

2. The proposed dwelling mix, by reason of the limited number of family accommodation units in the market element, does not accord with local and London-wide policy and need requirements set out for mixed tenure developments. As such, the proposed mix is unacceptable and contrary to Policies 3A.4 of the London Plan 2004 and relevant GLA SPG on Housing, policy HSG7 of the UDP 1998 and policies CP21 and HSG2 of the Interim Planning Guidance (2007), which seek to ensure that housing accommodation in new residential developments include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community objectives.

## **4. PUBLICITY AND ENGAGEMENT**

- 4.1 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper. A second consultation by way of post was undertaken upon receipt of updated plans.

- 4.2 A total of 61 representations were received.

- 4.3 One representation was in favour of the application which stated that gentle densification such as roof extensions to existing buildings is the perfect way of addressing the need for new homes in the borough and that the design was attractive with minimal-to-zero impact on neighbours.

- 4.4 The remainder of the representations, totalling 60, were objections, predominantly from residents living in the host building, as well as residents from surrounding properties.

- 4.5 The material planning issues raised in the objection letters are summarised as follows:

- Increased density and impacts on services
- Visual appearance and impact on conservation area
- The building was previously designed to reduce impact on conservation area and the proposals go against this
- Building would be too tall and scale not in keeping with surrounding area
- Loss of daylight/sunlight and overshadowing to existing residents of building and neighbouring buildings
- Loss of privacy/increased overlooking
- Increased noise
- Impact of noise/disruption during construction period
- Insufficient cycle storage and refuse storage including lack of recycling facilities
- Overheating of residential units
- Increased traffic and parking to surrounding area
- Fire safety of the building following development including becoming subject to more stringent fire safety measures and the combustibility of existing cladding
- Lack of affordable housing
- Poor management of building including waste storage and lack of current recycling facilities
- Impact on utilities including water pressure
- Anti-social behaviour and security concerns
- Insufficient on-site carparking
- Removal/impacts on rooftop garden including lack of accessibility to garden for all residents, maintenance and safety issues
- Roof garden not accessible during construction and inadequate or unsafe nature of surrounding parks
- Lack of storage space in building
- Potential for adverse wind channelling
- Issues with drawings and measurement of the building
- Lack of accessibility for disabled individuals
- Poor layout of proposed flats and inadequate space
- Inadequate consultation by both local authority and applicant and incorrect notification of application by the applicant
- Setting of a precedent

Additionally, the following issues were raised which do not constitute material planning considerations:

- Leaks and damage to top floor flats during the building works
- Structural Impact
- Leaseholder/freeholder disputes
- State of existing building
- Difficulty in letting or selling flats
- Impacts to mortgages and insurance as a result of increased fire risk
- Loss of property value
- Increase in service charge
- Use of scaffolding

## **5. CONSULTATION RESPONSES**

5.1 The following responses were received from consultees.

### **Health and Safety Executive**

First Consultation dated 02 May 2023

HSE raised concerns relating to the proposals. In particular with regards to the fire rating of the existing cladding systems of the building and whether they meet the required standards.

It is for the applicant to demonstrate that the external wall construction of the existing building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building. The applicant should provide further information that states the fire rating of the existing external wall system to enable HSE to make an accurate assessment of the fire risk in relation to this application.

*Officer note: It was then confirmed to HSE that the cladding would be upgraded to meet the relevant standards and HSE then confirmed that relevant standard would be Class A2-s1, d0(1) or better and that documentation needed to be updated to reflect that.*

#### Second Consultation dated 11 September 2023

HSE were consulted a second time once drawings had been amended and an issue relating to the measurement of the building had been corrected in the documentation. HSE acknowledged that the building is provided with a single staircase that represents the firefighting stair as well as the escape stair. The fire statement (section 7) states that this stair forms part of the firefighting shaft that will be extended to the new seventh floor. HSE confirmed that it is content with the fire safety design, to the extent that it affects land use planning considerations.

#### **Thames Water**

No comments to make.

#### **LBTH Environmental Health**

##### Air Quality

No objection subject to inclusion of conditions relating to submission of a construction environmental management plan and submission of details of all non-road-mobile machinery

##### Noise

No objection subject to inclusion of conditions relating to noise insulation of the proposed flats and restrictions on construction.

#### **LBTH Transportation & Highways**

##### Cycle Parking

The applicant is proposing 7 x cycle parking in the form of two tier stands in the existing cycle store. There is existing 68 x cycle parking spaces of which all are two tier stands. LBTH support the use of Sheffield type stands as these cater for all types of cycles and is inclusive for all users. We would require that Sheffield type stands are proposed to ensure that this development caters for different types of cycles and users. We would also like to see cycle space for cargo bikes to encourage residents to use cycle rather than vehicles for their shopping, etc. Access to the cycle store and the layout dimensions of the stands must comply with the London Cycle Design Standards.

##### Permit Free

The applicant is required to enter into a 'permit free' agreement, which will be secured via section 106, or any similar legal agreement agreed by the planning officer.

##### Oversailing

The applicant should ensure that there is no oversailing of any structural element of the building or encroachment onto the public highway. The highway authority will not approve any oversailing or encroachment.

##### Construction Management Plan

The applicant is required to provide a CMP as a pre-commencement condition to ensure there is minimal impact to pedestrians, vehicles and to the public highway from the construction of this proposed development. This will need to be provided to LBTH Transportation & Highways

once a Principal Contractor has been appointed and prior to ANY works commencing. A CMP pro forma can be requested which outlines the detailed information required. I would recommend the applicant to use the pro-forma to ensure all the necessary information and details are addressed. Found here: <https://www.towerhamlets.gov.uk/Documents/Planning-and-building-control/Development-control/Construction-Management-Plan.pdf>

### Delivery and Servicing

The applicant is required to provide proposed servicing arrangements for the proposal, and this should be compared to the previous land use and any impacts on the road network should be highlighted.

### Durant Street – Road Closure

Durant Street is closed except for cycle access outside of this site. The applicant is required to take this into consideration for servicing, CMP, etc.

### **LBTH Waste**

The waste officer raised concerns about the capacity of the waste stores and whether the existing stores can genuinely accommodate the size of bins required. There is also no provision for bulky waste. Waste officer also requested further details around the waste collection arrangements.

## **6. RELEVANT PLANNING POLICIES AND DOCUMENTS**

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:

- The London Plan 2021 (London Plan)
- Tower Hamlets Local Plan 2031 (Local Plan)

6.3 The key development plan policies relevant to the proposal are:

### **Land Use** – *residential*

- Local Plan – S.SG1, S.H1
- London Plan – GG1, GG2, GG5, SD1,

### **Housing** – *Unit mix, housing quality, affordable housing*

- Local Plan – S.H1, D.H2, D.H3, D.SG5
- London Plan – GG2, GG4, D6, H1, H2, H4, H8, H9, H10,

### **Design** – *layout, massing, materials, public realm, heritage, Fire safety*

- Local Plan – S.SG2, S.DH1, D.DH2, S.DH3
- London Plan – D1, D3, D4, D5, D8, D11, D12, HC1

### **Amenity** – *privacy, outlook, daylight and sunlight, construction impacts*

- Local Plan – D.DH8
- London Plan – D13, D14

### **Transport** – *sustainable transport, highway safety, car and cycle parking, servicing*

- Local Plan – S.TR1, D.TR2, D.TR3, D.TR4
- London Plan – T1, T2, T4, T5, T6, T6.1, T6.2, T6.5, T7, T9

### **Waste Management** – *refuse storage, recycling, servicing*



- Local Plan – S.MW1, D.MW3
- London Plan – SI7, SI8, T7

**Environment** – *energy efficiency, air quality, odour, noise, biodiversity, contaminated land*

- Local Plan – S.SG2, D.SG4, D.SG5, S.ES1, D.ES2, D.ES3, D.ES7, S.ES8, D.ES9
- London Plan – GG6, G1, G4, G5, G6, G7, SI1, SI2, SI3, SI4

6.4 Other policy and guidance documents relevant to the proposal are:

#### **Adopted Guidance**

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (as updated from time to time)
- London Plan Guidance Housing Design Standards (2023)
- London Plan Housing SPG (updated 2017)
- London Plan Affordable Housing and Viability SPG (2017)
- GLA City Fringe Opportunity Area Planning Framework (2015)
- London Plan The Control of Dust and Emissions during Construction and Demolition SPG (2011)
- LBTH Reuse, Recycling and Waste SPD (2021)
- LBTH Planning Obligations SPD (2021)

#### **Emerging Guidance**

- London Plan Affordable Housing SPG (May 2023)
- London Plan Guidance Fire Safety (Consultation Draft February 2022)

## **7. PLANNING ASSESSMENT**

7.1 The key issues raised by the proposed development are:

- Land Use
- Housing
- Design & Heritage
- Neighbour Amenity
- Transport & Waste
- Environment
- Local Finance Considerations
- Equalities and Human Rights

#### **Land Use**

7.2 The application seeks to introduce additional housing to a building which is already solely in residential use. The introduction of additional housing on the site is therefore consistent with existing uses within the building and more generally with the character of the immediate and wider surrounding areas. Moreover, the provision of new housing is a key objective of the Council's policies. Local Plan Policy S.H1 sets out the strategic housing supply requirements for Tower Hamlets as well as the objectives of ensuring the creation of mixed and balanced communities, sustainable places and quality of living within the borough. The delivery of new housing is not only a key objective at a local borough level, but also London-wide.

7.3 Additionally, the NPPF 2021 at paragraph 120 specifically refers to the need for planning policies and decisions to support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of

neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.

- 7.4 Therefore, the principle of delivering additional housing on the site is in line with both Local Plan and London plan objectives to provide a range of additional housing typologies to create sustainable places to live, work and play within the City Fringe. Subject to satisfaction of other policy requirements and material considerations, the proposal is acceptable in pure land use terms and would support the achievement of these objectives.

## **Housing**

### Dwelling Mix

- 7.5 The proposed development includes an extension at roof level to accommodate 4no. residential apartments (use class C3) in the following mix:
- a. Flat 1 – 1 bed, 2 person of 53sqm;
  - b. Flat 2 – 2 bed, 3 person of 64sqm;
  - c. Flat 3 – 2 bed, 3 person of 64sqm; and
  - d. Flat 4 – 1 bed, 2 person of 54sqm.

Considering the overall scale and size of the development the proposed housing mix is acceptable in line with Local Plan Policy D.H2 as regards size of the proposed flats.

### Affordable Housing

- 7.6 Local Plan Policies S.H1 and D.H2 require new development with 2-9 new homes to help address the affordable housing need through a financial contribution rather than necessarily by the provision of affordable housing on site.
- 7.7 The borough's small sites calculator was developed to work out the financial contribution required by each development. The calculator uses the bedroom number, floor area, market value and ward the site is in to determine the total contribution required. The contribution calculated in this case is £120,629.47 and the applicant has agreed to pay this to the council through a S.106 agreement to be secured with the local authority. The contribution obtained by this development would be used to provide affordable housing within the borough as part of the council's affordable housing delivery programme.
- 7.8 It is noted that Local Plan Policy D.H2 Part 2(d) seeks to ensure that where development provides further homes either through an amendment to a current permission or an application to extend an existing development on the same or an adjoining site provides, the affordable housing calculation for the new homes will be based on the combined number of homes. Given the proposal would provide additional homes as part of an enlargement an existing building which contains 51 existing homes, it is important to consider this policy.
- 7.9 However, given the significant time period that has elapsed since the granting of planning permission (Ref. PA/08/00681) for these existing homes in October 2008, this policy would not be applicable, rather an off-site affordable housing contribution for this proposal would be appropriate. This is consistent with the approach taken by the Local Authority in other applications of this nature.

### Quality of Residential Accommodation

- 7.10 The proposed residential accommodation is required to meet certain standards in order to be considered acceptable. These standards are primarily established in London Plan Policy D6 and the London Plan Housing Design Standards Guidance provides further guidance about how these standards should be interpreted and secured. The Tower Hamlets Local Plan also goes on to set its own standards which are largely consistent with the London Plan.

## Housing Standards and Guidance

- 7.11 In terms of space standards, each of the 4 new flats meets the minimum requirements for overall floorspace and provide policy compliant private external amenity space in the form of inset balconies. Each of the flats has an appropriate layout, making the most efficient use of the space available and are broadly compliant with the London Plan standards. The additional floor would achieve the required 2.5m floor to ceiling heights identified by Local Plan Policy D.H3.
- 7.12 However, the single bedroom in Flat 2 does not meet the required width standard set out in F(3) of London Plan Policy D6, measuring only 1.7m wide for approximately two thirds of its length, at which point it widens to 2.1m. The room does however provide approximately 1sqm of floorspace above that which is required by the London Plan standards. This is also the secondary bedroom and the rest of the flat wholly complies with the space standards. The minor deviation from the standards in respect of the width of a single room is , on balance, considered acceptable.
- 7.13 The proposed homes would provide future occupiers with acceptable levels of daylight/sunlight to all habitable rooms, with acceptable outlook and aspect. Two of the flats are dual aspect, offering views both west and south, including a dual aspect kitchen/living/diner. The other two flats are both single aspect with views east and west respectively. The two single aspect flats have been designed to avoid overlooking of terraces on the floor below and do not face north. Officers are therefore satisfied that, on balance, the number of dual aspect dwellings provided is satisfactory.



**Figure 2: Proposed floor layout.**

### Noise & Vibration

- 7.14 The noise insulation of the proposed flats would be secured by condition to ensure that the proposed flats are insulated appropriately for future occupiers in terms of noise from outside sources such as traffic and other building users. This would require submission of a post-completion report prior to occupation confirming that relevant noise levels have been achieved.

### Communal Amenity Space

- 7.15 The existing building benefits from a large communal garden on the rooftop. It is understood that this space is used by all of the residents of the building and has primarily been maintained by them, offering a peaceful green space specifically for them to use, including a mix of seating areas and spaces which can be used in different ways. On a site visit, it was noted that the space is lacking in true biodiversity with relatively basic planting and simple seating areas.
- 7.16 As part of the proposals, this roof terrace would need to be split over two levels. Originally the application did not include step-free access to both levels of the terrace which raised certain accessibility and equality issues. This has since been amended such that the lift-shaft has been extended to include the top level of the terrace, providing access to both levels for all users of the building, whilst also retaining internal and external staircases to allow access to both levels without the need to use the lift if not required.
- 7.17 Officers acknowledge the importance of this communal space to existing residents and that the space will not be available to residents for the duration of the build of the extension. Many of the objections from existing residents refer to this space as being important for both mental and physical health and is a hub for the community afforded by the building. Officers are therefore proposing that any permission that may be granted includes the requirement to submit a landscape scheme relating to the roof terrace which would include a requirement to collaborate with existing residents to deliver an improved roof terrace space which meets the needs of the residents of the building. This would also be required to include biodiversity enhancements. The improved landscaping scheme would be required to be implemented prior to occupation of the new flats so that the existing residents retain the benefit of the roof terrace prior to any new residents moving into the building. This scheme would also include a maintenance plan which would include details of how the landscape would be maintained for the life of the development.



**Figures 3 & 4: Photographs of existing rooftop amenity space.**

### Conclusion

- 7.18 Officers are satisfied that the proposed flats offer an acceptable high quality of residential accommodation when assessed against policy and with due regard to the constraints of the site and the nature of the development as a rooftop extension. There is also an opportunity to provide an improved roof terrace which better meets the needs of existing residents which would be secured by condition.

### **Design & Heritage**

- 7.19 Development Plan policies call for high-quality designed schemes that reflect local context and character and provide attractive, safe, and accessible places that safeguard and where possible enhance the setting of heritage assets.



- 7.20 The only heritage asset of note in the vicinity of the site is the Jesus Hospital Estate Conservation Area. Whilst not located within the boundary of Conservation Area, the site immediately adjoins the boundary on both its eastern and northern sides. The proposals are therefore required to pay special regard to preserving or enhancing the character or appearance of that conservation area in line with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
- 7.21 The proposals involve the erection of a single storey upwards extension which will be located on the southern section of the building only.

#### Townscape, Massing and Heights

- 7.22 It is worth noting that under the original planning permission for the building, granted in 2008 (PA/08/00681), the building was designed in such a way that it respected the character and appearance of the Conservation Area by stepping down from 6 storeys to 2 towards the rear as it approached the lower terraces of Wellington Row and the rest of the Conservation Area. The stepping was coupled with recessed storeys and a differentiation in materiality to reduce the visual impact of additional height. There was also an application for a much larger building on the site which was refused for the impact of its mass and height would have had on the Conservation Area.



**Figure 5: Photograph of site demonstrating existing stepped massing and materiality.**

- 7.23 However, it is also worth noting that to the west of the building is a 5-storey block of residential flats and to the south of the site, on the southern side of Gosset Street, is an 11 storey block of flats.
- 7.24 The tallest element of the existing building is located to the southern edge of the site where the brick materiality is continued up to the parapet of the building. The rear section of this storey is clad in an aluminium cladding which reduces the visual impact of the rest of that storey where it gets closer to the Conservation Area. The building then steps down to 5, then 4, then 3 and finally 2 storeys as it continues north.
- 7.25 The proposed extension is to be located on top of the existing tallest element of the building and will only reach as far north as the existing metal clad section of the existing top storey. The extension will be slightly recessed and constructed of a metal aluminium to match the existing building in order to reduce its impact. The continuation of the stepped massing approach by limiting the extension to only the southern section of the building is supported.

The use of the same material palette and stepped approach also means that the extension will appear as more of an intentional part of the original design of the building rather than a late addition, reducing its prominence.

- 7.26 The location of the additional massing of the extension on this southernmost part of the building, closest to the significantly larger 11 storey Yates House is the most appropriate



location for that massing as it is furthest away from the lowest scale and most distinctly characterful parts of the Conservation Area.

**Figures 6, 7 & 8: Photographs showing site in context to surrounding buildings. Clockwise from top left – looking west along Gosset Street with 11 storey Yates House on left beyond car park, looking north towards 68-126 Wellington Row and looking west**



**towards rear of the site with 68-126 Wellington Row in background and lower-rise terraces within conservation area to the right.**

- 7.27 The proposed materiality and slight set-back of the extension will further reduce the impact of the extension and reduce its visibility and prominence in the street-scene.
- 7.28 In terms views from within the Conservation Area, the extension will be most visible from within the park at Warner Green, which is part of the Conservation Area. However, the set back and change in materiality of the additional massing presented by the extension would not negatively impact on the street scene or the character and appearance of the Conservation Area. Given the way the existing stepped massing of the building, and the visibility of Yates House beyond, there would be almost no visual impact on views looking south towards the site from within the Conservation Area and the additional massing would not impact on the character and appearance of the Conservation Area in those views.
- 7.29 The lift and stair core will extend further above the extension, however it would be located in the centre of the building and so would not be visible from most aspects. This replicates the existing relationship between the overrun building and the uppermost storey and so would not be a new feature in the street scene.
- 7.30 Being located at the southern part of the site, the additional massing would not negatively impact on the streetscene and will preserve the character and appearance of the Conservation Area.

#### Appearance & Materials

- 7.31 The proposed extension will be clad in a grey aluminium cladding which will match the existing building. This therefore ensures that the extension is in keeping with the character of the existing building.
- 7.32 The extension will have recessed balconies much like the existing building and the fenestration pattern will also tie into the lower floors, providing a uniformity to the building in elevation.



**Figure 9: Western elevation demonstrating materiality and proposed fenestration patterns.**

- 7.33 The appearance and choice of materials is therefore acceptable, subject to securing a condition for submission of details of the materials to ensure that they match the existing building.
- 7.34 The upgraded cladding will also be secured by condition to ensure that it both matches the building in terms of appearance but also conforms to the relevant fire safety standards.

#### Secure by Design

- 7.35 Policy D11 of the London Plan and Local Plan Policy D.DH2 seek to ensure that developments are safe and secure.
- 7.36 A condition would be applied, to ensure that the development will achieve the Secure by Design Accreditation.
- 7.37 Subject to conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy D11 of the London Plan and Local Plan Policy D.DH2.

#### Fire Safety

- 7.38 London Plan Policy D12A requires developments to achieve the highest standards of fire safety to ensure the safety of all building users. That policy sets out various requirements on the development to meet those standards. London Plan Policy D12B requires the submission of a Fire Statement for all major development proposals. As the proposals do not constitute a major development, a full Fire Statement was not provided in line with Policy D12B.
- 7.39 Significant concerns have been raised by residents as regards the fire safety of the building. The addition of an extra storey will both make the building a seven-storey building and ensure that the building is taller than 18m measured to the top of the highest residential floor level (that of the new 7<sup>th</sup> storey). This will render the building a “relevant building” for the purposes of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended. This required the applicant to submit a fire statement form setting out the fire safety considerations specific to the development.
- 7.40 Draft London Plan Guidance relating to fire safety makes it clear that planning officers are not experts in fire safety and the onus is on the applicant to ensure that they use the necessary fire safety expertise to demonstrate compliance with these policies. The fire statement form was drafted by a qualified fire consultant and includes the consideration of the various matters required by London Plan Policy D12A as follows:

- 1) Identify suitably positioned unobstructed outside space: (a) for fire appliances to be positioned on and (b) appropriate for use as an evacuation assembly point.

A fire services site plan including locations of appliances, water access points likely routes to the site of such appliances was included in the form. Additionally a likely assembly point was identified being the dead-end section of Durant Street. Officers would also note that Warner Green park would likely offer another opportunity for assembly. The building will however continue adopt a “stay put” approach to evacuation so the need for an assembly point is somewhat restricted.

- 2) Development designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures

The form contains detailed information relating to the specific features of the building which are either present already or will be introduced to the building in order to address the risks in the event of fire. These include details of the external wall systems – which will all be upgraded to meet relevant building regulations – travel distances, alarm systems and fire separation.

- 3) Development is constructed in an appropriate way to minimise the risk of fire spread

Details of the construction of the building and how this will meet building regulations in relation to the spread of fire is included within the form. This includes details of the fire rating of materials to be used in the construction of the development and upgraded building.

- 4) Development provides suitable and convenient means of escape, and associated evacuation strategy for all building users

The internal staircore and lift will be upgraded to provide means of escape compliant with relevant building regulations. The lift will be an evacuation lift. The building will operate a “stay put” evacuation strategy.

- 5) Develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in

The building will continue to operate a “stay put” evacuation strategy.

- 6) Development provides suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The form contains detailed information on the access and water supplies for tackling possible fires on the site. It also contains information on the equipment within the building itself such as risers, suppression and alarm systems.

- 7.41 In addition, London Plan Policy D5(B5) requires that developments are designed to incorporate safe and dignified emergency evacuation for all building users. It goes on to state that all developments where lifts are installed, should as a minimum have at least one lift per core (or more subject to capacity assessments) that is a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building. As part of the proposals, the applicant is proposing to upgrade the existing lift to be a compliant firefighting lift, rather than an evacuation lift, in order to comply with building regulations, which represents an improvement to the current existing lift.
- 7.42 It is not possible to include an additional lift shaft within the development and, having regard to the relatively minor nature of the proposals and the fact that there are no wheelchair accessible units proposed on the additional floor, the requirement to include a specific evacuation lift on this occasion is not practical owing to the conflict with the needs of building regulations. In addition, the evacuation strategy is a “stay put” strategy and so only the occupants of the affected flat would need to evacuate and so the existing lift would likely be able to be used to evacuate in that event. In order to ensure that the needs of those with inhibited mobility are met, officers would propose to include a pre-commencement condition which would require the submission of an evacuation strategy which would be required to include details of how any mobility inhibited person would be evacuated from the building in the event of a fire and how the lift would be operated in those instances. This strategy would also be required to be prepared and informed by how the development complies with relevant building regulations.
- 7.43 The fire statement form was also reviewed by the Health and Safety Executive. The HSE initially raised concerns regarding the existing cladding of the building and its combustibility. The applicant has since included specific upgrades to the circulation core and a full replacement of the combustible cladding across the entire building to bring it in line with current building regulations. As a result, the HSE has confirmed that it is content with the application as it relates to land use planning matters.
- 7.44 Objections were also received relating to how the building had been measured by the applicant. The applicant subsequently submitted an updated set of drawings and additional information about the fire safety considerations and upgrades it was undertaking. This information was included within the review by HSE and confirmed acceptable from a land use planning perspective.
- 7.45 An objection was received in relation to the requirement for the building to have a second staircase in order to comply with fire safety regulations as it will have a residential floor above 18m. It is noted that there was an announcement by the Department for Levelling Up, Housing and Communities in July this year that this requirement would be introduced. However, it is still uncertain as to when, or if, this requirement will be formally enacted in regulations and so the application has been assessed on the basis of regulations as they stand. The HSE also acknowledged that the building would only have one staircase and have not raised any concerns with this aspect of the scheme. The HSE consultation was undertaken following the July announcement.

- 7.46 Notwithstanding the above, it is worth noting that the proposal would also need to ensure compliance with guidance in Approved Document B and/or all relevant Building Regulations requirements which would be controlled under a separate regulatory regime to planning.
- 7.47 The relevant required fire safety improvements will be secured by planning condition such that they are enacted prior to commencement of the build of the new flats.

### **Neighbour Amenity**

- 7.48 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.

### Privacy & Outlook

- 7.49 The north elevation of the extension does not contain any windows and so there will be no overlooking into either the roof terrace or terraces of flats below. The balconies across the building are also all inset into the building and so there will be no overlooking onto balconies below.
- 7.50 The windows of the proposed extension match the fenestration pattern of the windows of the building below. There will therefore be no introduction of any new overlooking onto residential areas that does not already exist.
- 7.51 There will be no loss of outlook to existing residential windows.

### Daylight, Sunlight & Overshadowing

- 7.52 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2022).
- 7.53 The applicant submitted a Daylight, Sunlight & Overshadowing Assessment in support of the application prepared in accordance with the BRE guidelines in order to assess the daylight/sunlight and overshadowing impacts to the occupiers of the existing and neighbouring buildings and surrounding amenity spaces.
- 7.54 A number of properties, buildings and amenity spaces were assessed as follows:
- Certain windows in the host building itself;
  - 68-126 Wellington Row;
  - 109-115 Wellington Row;
  - Silk Court;
  - Yates House;
  - Flamingo House.

### *Daylight*

- 7.55 To determine the impact on daylight to windows, diffuse daylight of an existing building may be affected by a proposed development if either:
- The Vertical Sky Component (VSC) 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 which can receive direct skylight is reduced to less than 0.8 times its former value. It should be noted that determining the area of the working plane which can receive direct light from the sky (which is often referred to as the No-Sky Line or NSL) is seen as an additional assessment, rather than as an alternative to VSC. However, since plotting the NSL requires knowledge of the room geometry, which is not usually available during an impact assessment, it is not always possible to calculate the NSL since the use of too many assumptions would make the results meaningless and unreliable.

- 7.56 Each of the 114 windows tested complied with the VSC requirement, retaining more than 0.8 times its former value. No window lost more than 0.04 times its former value and therefore the impact on daylight to all tested windows would be negligible and therefore acceptable.

#### Sunlight

- 7.57 The BRE guidelines recommend 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 would notice the loss of sunlight.
- 7.58 Each of the windows tested complied with the above criteria and meet the recommendations contained within the BRE Guidance with regards to the impact on sunlight of the development.

#### *Overshadowing*

- 7.59 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21 March".
- 7.60 The submitted report confirms that the proposal would be in full compliance with BRE Guidelines for each of the amenity areas tested. It should be noted that whilst the lower half of the new garden would be slightly overshadowed by the proposals, that overshadowing would be restricted to only 14.69% of the space not receiving 2 hours of sunlight on 21 March. The level of sunlight to the lower terrace would therefore be acceptable. The high-level terrace on the eastern side of the host building would receive 2 hours of sunlight across less than 50% of its area but would retain over 80% of its original value and so complies with the BRE requirements.

#### *Conclusion*

- 7.61 The proposed development shows full compliance with the required daylight, sunlight and overshadowing standards set out in BRE guidance and, as such, the daylight/sunlight impacts are wholly acceptable and consistent with policy objectives. The proposals would therefore not cause an unacceptable detrimental impact on daylight and sunlight of existing properties and would not unacceptably overshadow any existing amenity spaces.

#### Noise & Vibration

- 7.62 No new plant is proposed and so no noise assessment has been submitted with the application.
- 7.63 Given there are existing residential properties with external amenity spaces in the area and that there is a policy requirement for residential private amenity space; it is not considered that amenity spaces (for private use of occupants of the flats) would give rise to untoward noise issues given their restricted size or present an unacceptable impact on neighbour amenity.
- 7.64 It should be noted that the proposal would be required to comply with Building Regulations in terms of noise between the residential units and a condition would be included with any permission requiring submission of a verification report to be submitted confirming that the flats comply with the relevant criteria.
- 7.65 Overall, subject to the recommended conditions above, the proposal would be acceptable in this regard.

#### Construction Impacts

- 7.66 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.

### **Transport**

- 7.67 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

### Deliveries & Servicing

- 7.68 Deliveries and servicing information was requested by the borough's highways team. However, the deliveries and servicing arrangements will be in line with existing arrangements. It is not expected that an additional 4 flats would have a significant impact on the number of deliveries or servicing such that the highway would be negatively impacted. As such has not been considered necessary to obtain such information or to secure a delivery and servicing plan.

### Car Parking

- 7.69 In accordance with policy D.TR3 the proposal would be a car-free development with no proposed vehicle parking and future occupiers of the residential units would be prevented from obtaining on-street car parking permits. This would be secured by planning obligation within a legal agreement.

### Cycle Parking and Facilities

- 7.70 The proposal will provide an uplift of 8 cycle spaces within the existing cycle stores. The proposals seek to combine the existing cycle stores into one single store which makes better use of the space. The cycle spaces provided will be a mix of dual stacking cycle racks the likes of which are already provided on site, and a number of Sheffield stands. Sheffield stands can accommodate larger cycles including cargo bikes and accessible cycles and so their inclusion is supported. The number of Sheffield stands to be provided is acceptable in this instance given the existence of double-stacking racks on site as existing and the constraints of providing additional cycle parking within the existing space.
- 7.71 The proposed cycle parking, whilst not compliant for a building of this size if it were to be proposed now, does provide a policy compliant uplift of cycle parking and an improved more accessible cycle parking offer. The cycle parking is therefore considered acceptable.

### Waste

- 7.72 A waste management strategy was provided with the application which stated that the existing waste stores could accommodate the additional waste to be produced by the additional flats without the need to provide additional bins. The waste collections will operate as existing which is acceptable. However, objections have been submitted stating that the existing waste facilities are not fit for purpose and constantly overflow, with no recycling storage provided on site.
- 7.73 The applicant has accordingly provided an updated plan demonstrating how the existing stores can accommodate the waste storage required for the entire building, including recyclables, in line with current Local and London Plan requirements. The applicant's calculations show that there is a surplus in waste storage capacity within the existing waste stores by current waste capacity requirements and so the issues surrounding overflow of the stores appears to have been more related to how the stores have been managed by the building management.
- 7.74 In order to address the waste officer's concerns, a pre-commencement condition would be secured which would require submission of a detailed plan of the waste stores demonstrating how the required bins can be accommodated within the stores such that the bins can be stored and moved easily. A robust site waste management plan will be secured by planning condition to ensure that the waste stores are appropriately managed going forward and can be enforced



from a planning perspective. This plan would be required to include details of the size and types of bins, management of the storage spaces and details of how bulky waste would be managed. This approach has been agreed with the waste officer.

- 7.75 The waste storage and management is therefore acceptable, subject to satisfactory discharge of the planning condition.

## **Environment**

### Energy & Environmental Sustainability

- 7.76 The proposed new flats would be heated using the existing air source heat pump system of the building being an energy efficient heating system. As the roof is used as a terrace for residents, there is no scope to include photovoltaics on the roof of the building. The application did not require submission of an energy statement.

### Wind/Microclimate

- 7.77 The proposals do not present a wind or microclimate concerns by virtue of their relatively low scale.

### Biodiversity

- 7.78 The site currently includes a green space on the roof of the building. It is intended to secure improvements to this space, and these would include specified biodiversity enhancements. The biodiversity enhancements would be secured within the landscaping condition.

## **Other Matters**

- 7.79 A number of representations received raised issues which are not material planning considerations and therefore cannot be taken into consideration of the application. These are listed in section 4 of this report and include the impact on house prices/rental values, the use of scaffolding, the structural impact of the development and conflicts with existing leaseholder/freeholder agreements associated with the building.

## **Infrastructure Impact**

- 7.80 The proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments.

## **Human Rights & Equalities**

- 7.81 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.82 The proposed split roof terrace would be accessible to all users of the building, including those with disabilities.
- 7.83 The proposed development would not result in adverse impacts upon equality or social cohesion.

## **8. RECOMMENDATION**

- 8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

### **8.2 Financial obligations**

- a. £120,629.47 towards affordable housing
- b. Monitoring fee

### 8.3 **Non-financial obligations:**

- a. Transport matters:
  - Car Free development (residential)
- b. Compliance with Considerate Constructors Scheme

8.4 That the Corporate Director of Housing and Regeneration is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Housing and Regeneration is delegated power to refuse planning permission.

8.5 That the Corporate Director of Housing and Regeneration is delegated the power to impose conditions and informatives to address the following matters:

### 8.6 **Planning Conditions**

#### Compliance

- 1. 3 years deadline for commencement of development.
- 2. Development in accordance with approved plans.
- 3. Restrictions on demolition and construction activities:
  - a. All works in accordance with Tower Hamlets Code of Construction Practice;
  - b. Standard hours of construction and demolition;
  - c. Air quality standards for construction machinery;
  - d. Ground-borne vibration limits; and
  - e. Noise pollution limits.
- 4. Inclusive Access Standards.
- 5. Access to the communal roof-terrace for all residents of the building.

#### Pre-commencement

- 6. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL):
  - a. Site manager's contact details and complain procedure;
  - b. Dust and dirt control measures;
  - c. Measures to maintain the site in tidy condition, disposal of waste;
  - d. Recycling/disposition of waste from demolition and excavation;
  - e. Safe ingress and egress for construction vehicles;
  - f. Numbers and timings of vehicle movements and access routes;
  - g. Parking of vehicles for site operatives and visitors;
  - h. Travel Plan for construction workers;
  - i. Location and size of site offices, welfare and toilet facilities;
  - j. Erection and maintenance of security hoardings;
  - k. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and
  - l. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress.
- 7. Details of non-road mobile machinery
- 8. Details (including physical samples where appropriate) of external facing materials and replacement cladding

9. Submission of a landscaping scheme for the roof terrace in collaboration with the existing residents of the building.
10. Evacuation strategy to include details of evacuation of persons with inhibited mobility.
11. Waste management plan;
12. Detailed plans of the waste stores demonstrating capacity can be accommodated and to be implemented prior to occupation

#### Pre-occupation of new flats

13. Completion of all fire safety requirements including replacement cladding and internal upgrades;
14. Submission of noise verification report for new residential flats;
15. Secured by design;
16. cycle storage to be implemented prior to occupation and retained for lifetime of development.

### **8.7 Informatives**

1. Permission subject to legal agreement.
2. Development is CIL liable.

## **APPENDIX 1**

### **LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL**

#### Existing plans

000TA-A-01-001 – Location Plan  
 000TA-A-01-002 – Block Plans  
 000TA-A-02-001 – Existing Front Visualisations  
 000TA-A-02-002 – Existing Rear Visualisations  
 000TA-A-03-001 – Existing Ground Floor Plan  
 000TA-A-03-002 – Existing First Floor Plan  
 000TA-A-03-003 – Existing Second Floor Plan  
 000TA-A-03-004 – Existing Third Floor Plan  
 000TA-A-03-005 – Existing Fourth Floor Plan  
 000TA-A-03-006 – Existing Fifth Floor Plan  
 000TA-A-03-007 – Existing Loft Floor Plan  
 000TA-A-03-008 – Existing Roof Plan  
 000TA-A-05-001 – Existing Section A-A  
 000TA-A-05-002 – Existing Section B-B  
 000TA-A-06-001 – Existing North Elevation  
 000TA-A-06-002 – Existing South Elevation  
 000TA-A-06-003 – Existing East Elevation  
 000TA-A-06-004 – Existing West Elevation

#### Proposed Plans

000TA-A-01-002 – Block Plans  
 000TA-A-02-101 Rev D – Proposed Front Visualisation  
 000TA-A-02-102 Rev D – Proposed Rear Visualisation  
 000TA-A-03-101 Rev D – Proposed Ground Floor Plan  
 000TA-A-03-102 Rev D – Proposed First Floor Plan  
 000TA-A-03-103 Rev D – Proposed Second Floor Plan  
 000TA-A-03-104 Rev D – Proposed Third Floor Plan  
 000TA-A-03-105 Rev D – Proposed Fourth Floor Plan  
 000TA-A-03-106 Rev D – Proposed Fifth Floor Plan  
 000TA-A-03-107 Rev D – Proposed Sixth Floor Plan  
 000TA-A-03-108 Rev D – Proposed Roof Plan  
 000TA-A-05-101 Rev D – Proposed Section A-A

000TA-A-05-102 Rev D – Proposed Section B-B  
000TA-A-06-101 Rev D – Proposed South Elevation  
000TA-A-06-102 Rev D – Proposed North Elevation  
000TA-A-06-103 Rev D – Proposed East Elevation  
000TA-A-06-104 Rev D – Proposed West Elevation

**Other application documents**

Planning, Design and Access Statement prepared by UPP Architects + Town Planners, dated May 2022

Response to Community Queries prepared by UPP Architects + Town Planners, dated 06 April 2023

Heritage Impact Statement Prepared by Cambridge Heritage, dated July 2022

Waste Management Strategy prepared by UPP Architects + Town Planners

Daylight and Sunlight Assessment issue no.2 prepared by T16 Design and dated 05 October 2022.

## APPENDIX 2

### SELECTION OF APPLICATION PLANS AND IMAGES



Existing Visualisation



Proposed Visualisation



Existing Visualisation



Proposed Visualisation





Existing East Elevation



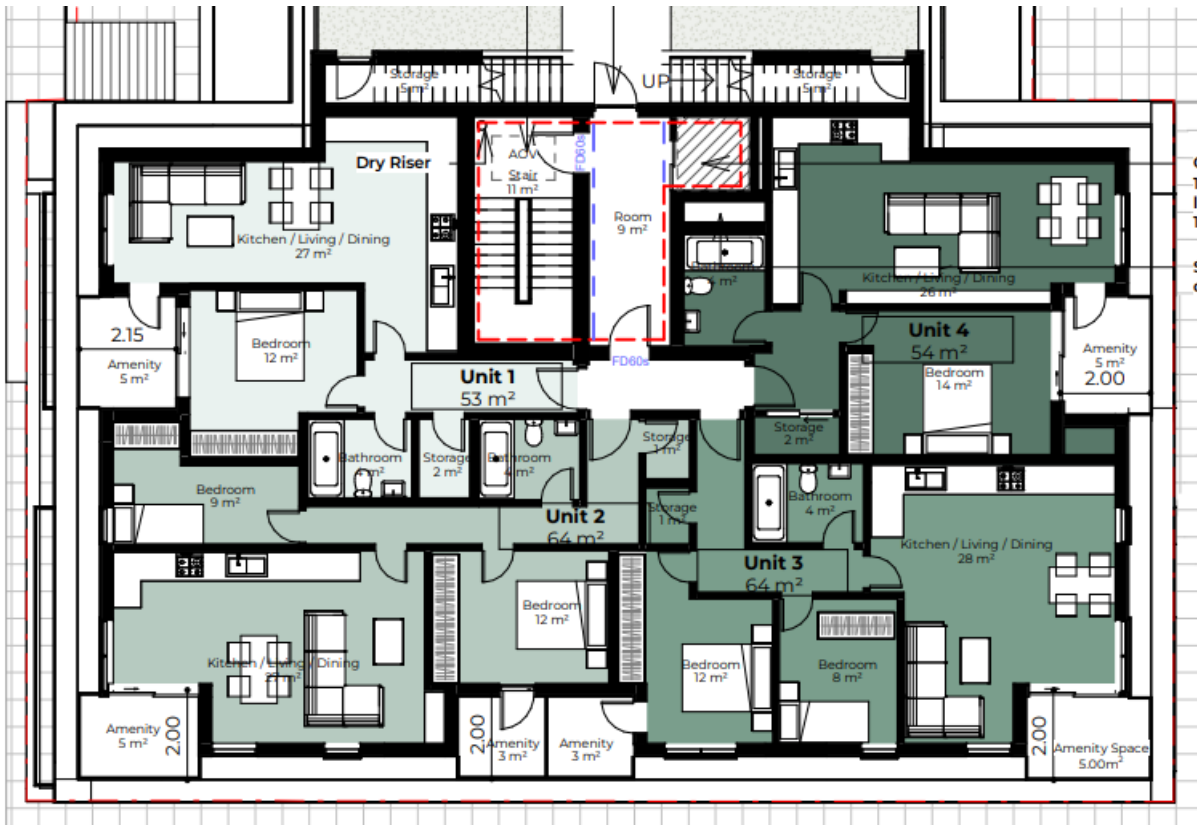
Proposed East Elevation



Existing South Elevation



Proposed South Elevation



Proposed Residential Accommodation



## Images of existing Site



Site from south



Site from West



Site from south



Site from North West





Site from North looking down Gosset Street



Site from West



Site from west



Site from north on Durant Street





Southern section of existing roof garden



Northern section of roof garden