

Committee: Development	Date: 19 th October 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Shahara Ali-Hempstead		Ref No: PA/11/00505	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location:	21 Plumbers Row, London, E1 1EQ
Existing Use:	Mixed used development comprising of a six storey building with a lower ground floor, comprising of two floors of commercial use at lower ground and ground floor and 11 live work units and 11 residential units on the upper floors (1 st – 5 th floors).
Proposal:	Two storey set back extension to the roof of an existing six storey building to create 5 dwellings (3 x 1 bed and 2 x 2 bed), together with extension to the existing 5th floor and the provision of additional bicycle parking and refuse/recycling facilities.
Drawing Nos:	OS Site map no. 2(01)00 Drawing no's: 2(03)00, 2(03)05, 2(03)06, 2(04)00, 2(04)01, 2(05)00, 2(05)01, 2(05)02, 2(05)03, 2(12)00, 2(12)05, 2(12)06, 2(12)07, 2(12)RF, 2(13)00, 2(13)01, 2(14)00, 2(14)01, 2(14)02, 2(14)03 and 2(20)00
Supporting Documents:	Planning Statement Dated March 2011 Design and Access Report dated February 2011 Impact Statement dated February 2011 Daylight and Sunlight report dated 14 th February 2011
Applicant:	Cobstar Developments Ltd
Owner:	Cobstar Developments Ltd
Historic Building:	N/A
Conservation Area:	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 Plan (2011), the Council's Core Strategy (2010), the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), associated supplementary planning guidance and Government Planning Policy Guidance and has found that:

- Subject to conditions the design and scale of the proposed roof extensions and alterations at 5th floor would be acceptable and in keeping with the scale of development within the surrounding area. Due to the set back and stepped design of the extension the height of building the extensions will appropriately maintain the appearance of the building, in accordance with policies 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011, policies SP10 and SP12 of the Core Strategy 2010, saved policies DEV1 and DEV2 of the Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Interim Planning Guidance 2007 seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the amenity of the surrounding environment and occupiers.

- The development adequately protects the amenity of future and neighbouring occupiers, due to appropriately maintaining daylight to adjoining residents, appropriate separation distances to maintain privacy, appropriate unit and room sizes for future occupants in accordance with policy 3.5 of the London Plan, policies SP02 and SP10 of the Core Strategy 2010, saved policies DEV2, HSG13 and HSG16 of the Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Interim Planning Guidance 2007.
- In reference to transport matters, including provision of cycle parking and the creation of a car free development, the proposal is considered acceptable and in accordance with policies 6.9 and 6.13 of the London Plan 2011, strategic policy SP09 of the Core Strategy adopted September 2010, policies DEV1 and T16 of the adopted Unitary Development Plan (1998), policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance (2007). These policies seek to ensure developments can be supported within the existing transport infrastructure.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 That the Corporate director of Development and Renewal is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

Conditions on Planning Permission

- 1) 3 year Time Period
- 2) Development to be carried out in accordance with the approved plans
- 3) External materials to be submitted and typical details of window reveal/ balustrading 1.20.
- 3) Car Free Development
- 4) Lifetime Homes
- 5) Waste and Recycling Storage to be retained as shown on drawings
- 6) Cycle Storage details to be agreed
- 7) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives on Planning Permission

- 1) Associated S106 agreement
- 2) Highway Improvements

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The applicant proposes the construction of two storey set back extension to the roof of an existing six storey building to create 5 dwellings (3 x 1 bed and 2 x 2 bed), together with a small extension to one of the existing units on the 5th floor and the lift shaft. The proposal also includes the provision of additional bicycle parking and refuse/recycling facilities at ground floor level.

Site and Surroundings

- 4.2 The subject site is located on the eastern side of Plumbers Row, approximately 135m south of Whitechapel Road and 113 metres north of Commercial Road, at the intersection of Mulberry Street and Coke Street. The site is occupied by a five storey building with ground and lower ground floor. The ground and lower ground floor consist of commercial units and the upper floors are a mixture of live/work and residential units.

- 4.3 The site is located within a mixed use area ranging from commercial units and mixed use developments (residential flats above ground floor commercial).
- 4.4 The surrounding area consists of a mix of building heights and design, ranging from two storey light industrial and storage buildings to eight storey residential developments to the south west of the site. Directly to the north of the site on the corner of Fieldgate Street (Site At 14 Fieldgate Street And From 7 To 9 Plumbers Row) construction of a development for 9 storeys mixed use development with commercial use on the ground and student housing above is currently under way.

Planning History

- 4.5 PA/00/231 Planning permission was **granted** on 28/02/2001 for the erection of five storey building comprising ground and first floor office accommodation with 12 live/work units over the 2nd, 3rd and 4th floors.
- 4.6 PA/00/1375 Planning permission was **granted** on 22/08/2002 demolition of existing commercial unit and replacement with five storey building, providing lower ground and ground floor Use Class B1 space with 18 live/work units on upper floors.
- 4.7 PA/02/0227 Planning permission was **granted** on 14/01/2004 for erection of a single storey extension to flat roof to provide two live/ work units.
- 4.8 PA/04/1919 Planning permission was **granted** on 19/09/2005 for change of use of rear ground floor from commercial (B1) to 2 No. flats, together with change of use from live/work in units 7,8,11,13,16,17,18,19 and 20 to 12 No. flats on parts of second, third, fourth and fifth floors. (It is noted that this application was partially implemented)
- 4.9 PA/06/0273 Planning permission was **granted** on 8/05/2006 for change of use of basement and ground floor from B1 to D1 (Education) plus addition of rear staircase.
- 4.10 PA/06/1121 Planning permission **refused** on 03/10/2006 for change of use from live-work to residential only.

5. POLICY FRAMEWORK

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

5.2 The London Plan Spatial Development Strategy for Greater London (July 2011)

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An inclusive environment
- 7.4 Local character
- 7.6 Architecture

5.3 Core Strategy 2025 Development Plan Document (September 2010)

SP01	Refocusing on our Town Centres
SP02	Urban Living for Everyone
SP05	Dealing with Waste
SP09	Creating Attractive and Safe Streets and Spaces
SP10	Creating Distinct and Durable Places
SP12	Delivering Placemaking

5.4 **Unitary Development Plan 1998 (as saved September 2007)**

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV55	Development and Waste
DEV56	Waste Recycling
HSG7	Dwelling Mix and Type
HSG13	Standard of Converted Dwellings
HSG16	Housing Amenity Space
T16	Traffic Priorities for New Development

5.5 **Interim Planning Guidance for the purposes of Development Control (October 2007)**

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV10	Disturbance from Noise Pollution
DEV15	Waste and Recyclables Storage
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes

5.6 **Supplementary Planning Guidance/Documents**

Residential Space – SPG 1998

5.7 **Government Planning Policy Guidance/Statements**

PPS 1	Delivering Sustainable Development
PPS 3	Housing

5.8 **Community Plan – One Tower Hamlets**

The following Community Plan objectives relate to the application:

A Great Place To Be
 Healthy Communities
 Prosperous Communities
 Safe and Supportive Communities

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:

LBTH Transportation and Highways

6.2 The site is located in an area of very good public transport accessibility (Level 6a) with traffic congestion and very high parking levels evident in a radius around the nearby Mosque backing onto Fieldgate Street. This site is suitable for a car-and-permit free agreement.

(*Officer Comment:* A condition is recommended to prevent future occupiers applying for on-street car parking permits).

- 6.3 There are no on-site parking spaces; the applicant has not demonstrated where a disabled person could park on-site or elsewhere with ease, as is required. (*Officer Comment:* The application site is an existing mixed use development and due to the constraints of the site disable parking has not been provided. However, the permit restriction secured by the condition above would be exempt for blue badge holders)
- 6.4 Cycle parking is provided at the standard of 1 per flat which is acceptable, although the space in the stairwell is cramped and upright stands are provided rather than the standard/preferred sheffield stand design. There is level access to the lower ground floor via a lift. (*Officer Comment:* A condition of consent will be recommended to allow for further details of the cycle store to be agreed).

7. LOCAL REPRESENTATION

- 7.1 A total of 290 neighbouring properties within the surrounding area were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of responses:	21	Objecting:	21	Supporting:	0
Petitions:	0				

- 7.2 The following planning issues were raised in representations:

Representation Comments

- 7.3 Amenity Concerns:

- Overlooking onto communal terrace
- Daylight and sunlight impacts

(*Officer's Comments:* Amenity related matters are discussed in detail in section 8 of this report).

- 7.4 Noise Concerns

- Noise from building works

(*Officer's Comments:* Issues relating to noise from building works are controlled by the Environmental Health department any excessive noise experienced during the course of the development should be reported to Environmental Health department for appropriate action.

- 7.5 Parking Concerns

- Increase parking issues

(*Officer's Comments* If the application is approved the applicant will be required to enter into a S106 Car free agreement as such it is not envisaged that the proposal will result in an increase in parking issues).

- 7.6 The following comments were raised which are not considered to be material planning issues:

- Decrease in value of property
- Loss of view
- Reliability of lift
- The internal refurbishment of existing building

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
2. Design and Layout of the Development

Principle of the Land Uses

Principle of Residential Use

- 8.2 The provision of additional housing is supported at the national, regional and local level. PPS3 states that “*A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.*” should be applied to the provision of housing. Within the London Plan policy 3.3 sets out targets for each Borough and requires Local Authorities to seek the maximum provision of additional housing possible. At the local level this is supported by policy SP02 of the Core Strategy 2010 (CS).
- 8.3 Given residential accommodation already exist on site, the inclusion of additional residential units within the development proposal is considered acceptable in principle and would contribute to the provision of additional housing within the Borough, in accordance with policy 3.3 of the London Plan and policy SP02 of the CS.
- 8.4 Council policy only requires provision of affordable housing once a scheme exceeds 10 or more units, as noted in Policy SP02 of the CS and policy HSG3 of the Interim Planning Guidance 2007 (IPG). Therefore, given the scheme only provides five residential units, these policies are not triggered and no further regard need be given to this matter.

Housing Provision

Housing Mix

- 8.5 The applicant is seeking to provide three x one bedroom and two x two bedroom dwellings as part of the proposed development. It is noted that this does not fully comply with policy SP02 of the CS, saved policy HSG7 of the Unitary Development Plan 1998 (UDP) and policy HSG2 of the IPG. However, within the existing development family size dwellings have already been provided, furthermore given the constraints of the site it is not considered that this would justify the refusal of the scheme.

Impact on the Amenity of Adjoining Occupiers and the Surrounding Area

- 8.6 Part 4 a and b of strategic policy SP10 of the CS, saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or a material deterioration of daylight and sunlight conditions.

Daylight and Sunlight

- 8.7 It is noted that residents have raised concerns about the impact of the proposed development on their levels of daylight and sunlight. The applicant has submitted a daylight

and sunlight report to assess these impacts.

Sunlight

- 8.8 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.9 The submitted report assessed the impact on the worst affected windows of 17-19 Plumbers Row and 23 Plumber Row.
- 8.10 In respect of 17-19 Plumbers Row the level of sunlight, all windows assessed would be in line with BRE guidance.
- 8.11 In respect of 23 Plumber Row, all windows assessed would be in line with BRE guidance.

Daylight:

- 8.12 The submitted study includes the results of BRE Vertical Sky Component (VSC) test.
- 8.13 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows.
- 8.14 The submitted report assessed the impact on the worst affected windows of 18 Plumber Row (Albany Court), 17-19 Plumbers Row and 23 Plumber Row.

18 Plumber Row (Albany Court):

- 8.15 In respect of VSC within Albany Court the first, second, third and fourth floor windows were tested. It is noted that the third floor windows are situated beneath a solar shading overhang.
- 8.16 All windows at first to fourth floor level would all achieve results in excess of 0.8 times the current values, which would be in line with BRE Guidance.

17-19 Plumbers Row

- 8.17 In respect of VSC within 17-19 Plumbers Row, only a certain number of windows would be affected by the development. These windows are located on the south elevation between second and seventh floor.
- 8.18 All the windows on second to seventh floor would all achieve results in excess of 0.8 times the current values, which would be in line with BRE Guidance.

23 Plumber Row

- 8.19 In respect of VSC within 23 Plumbers Row, only a certain number of windows will be affected by the development. These windows are located on the north elevation between second and fifth floor.
- 8.20 All the windows would all achieve results in excess of 0.8 times the current values, which would be in line with BRE Guidance

21 Plumbers Row:

- 8.21 The daylight and sunlight report has also considered the daylight for residents of the existing development.

- 8.22 The habitable rooms at third and fourth floor level of the existing development were tested. In respect of the first test VSC, all of the windows are compliant with BRE Guidance.

Amenity Space:

- 8.23 BRE Guidance states that open spaces should receive not less than 40% of available annual sunlight hours on the 21st March. Furthermore, any additional loss must be within 20% of the former conditions.
- 8.24 There are two roof terraces neighbouring the development site, at 17-19 Plumbers Row and 23 Plumbers Row. As the site lies north of the terrace at 23 Plumbers Row it would have little impact on sunlight provision.

Amenity Space:

- 8.25 BRE Guidance states that open spaces should receive no less than 40% of available annual sunlight hours on the 21st March. Furthermore, any loss must be within 20% of the former conditions. In respect of this point and following concerns raised by residents, the Daylight and Sunlight Consultant has confirmed that under two fifths of the terrace would be prevented from receiving sunlight on the 21st of March as a result of the proposed development. As such, the proposal complies with the requirements of the BRE guidance.
- 8.26 It is therefore considered that the proposed development would accord with policy SP10 of the CS, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.

Privacy

- 8.27 By seeking to protect the amenity of surrounding existing and future residents, policy SP10 of the CS, saved policy DEV2 of the UDP and policy DEV1 of the IPG also seek to protect neighbouring occupiers from the effects of overlooking from new developments and reduction in terms of privacy.
- 8.28 The residents of 17-19 Plumbers Row currently have open views across the site, and any development would result in a change in outlook for residents. In assessing this change consideration has been given to the existing site layout, relationships between buildings including distance and the massing of the proposed development.
- 8.29 The proposed development would not seek to introduce any additional window openings within the north and south elevation of the building which would have affected the privacy of residents at 17-19 Plumbers Row and 23 Plumbers Row.
- 8.30 The proposed development follows the established pattern of the existing building, the development set back from Plumbers Row to minimise impact on 18 Plumber Row (Albany Court) to the west elevation. The rear elevation is stepped to follow the principle set on the existing floors below to minimise impact to properties to the east elevation.
It is therefore considered that the proposed development would not result in any unacceptable impacts in terms of overlooking or privacy and would accord with policy SP10 of the CS, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of overlooking and privacy.

Design and Layout of the Development

Mass and Scale / Appearance and Materials

- 8.31 Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, policies SP02, SP10 and SP12 of the Core CS, saved policies DEV1 and DEV2 of the UDP and policies DEV1 and DEV2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the amenity of the surrounding environment and occupiers.
- 8.32 The application proposal includes a two storey roof extension to the existing six storey building and a number of alterations to two of the existing units on the 5th floor to cater for the proposed roof extension.
- 8.33 The existing building is six storeys in height (with a lower ground floor) with five floors of residential above two floors of commercial use at ground and lower ground floor. The top floor of the residential accommodation is set back from Plumber Row.
- 8.34 The development covers the majority of the site and is generally arranged in a u-shape around a secure court yard which holds the stairs/lift core, leading to the external deck access on all floors. To the rear, the building steps back sequentially as it rises, creating a distinctive rear elevation that allows light to penetrate into the central atrium.
- 8.35 The proposed extension would be set back from Plumbers Row to minimise impact on the streetscape. The rear elevation is stepped to follow the principle set on the existing floors below. The proposed building envelope is angled at various points in response to the building line of the adjacent properties and existing building.
- 8.36 The massing is articulated as continuous folding panels that wrap back on themselves and alternate from floor to floor, zig zagging to form the floors, ceiling and gable walls of the proposed extension.
- 8.37 It is considered that the scale, massing and appearance of the proposed extension would be acceptable and in keeping with the scale of development within the surrounding area. No. 14-17 Plumbers Row to the north of the application site is 7-9 storey building, further north of the site no. 7-9 Plumber Row is the proposed 9 storey building. In this instance due to the set back and stepped design of the extension the height of building within the area is acceptable. As such, the proposed two additional storeys to existing building is in keeping within the surrounding area.
- 8.38 The Council's Urban Design Officer has reviewed the proposals and considers them acceptable, subject to conditions of consent being included in respect of external materials and detailed appearance.
- 8.39 Subject to conditions it is considered that the proposed appearance and materials of the development would be appropriate and that the development would be acceptable in term of policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, policies DEV1 and DEV2 of the UDP and policies DEV1 and DEV2 of the IPG with reference to high quality design.

Internal Amenity

Flat Sizes

- 8.40 Policy 3.5 of the London Plan, policy SP02 of the CS, policy HSG13 of the UDP and policy DEV2 of the IPG seek to ensure that adequate dwelling sizes and room sizes are provided to ensure appropriate living conditions for future occupiers. The London Plan provides

minimum standards for overall dwelling sizes, while the Council's "Supplementary Planning Guidance Note – Residential Space" provides both minimum dwelling sizes as well as minimum room sizes.

- 8.41 The proposed room sizes and overall flat sizes are considered acceptable.
- 8.42 It is therefore considered that the proposed development provides acceptable internal space for the amenity of the future residents in accordance with policy SP02 of the CS, saved policy HSG13 of the UDP and policy DEV2 of the IPG.

External Amenity Space

- 8.43 Part 6d of strategic policy SP02 of the CS and saved policy HSG16 of the adopted UDP provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme. These policies reinforce the need to provide high quality and usable private external space fit for its intended user, as an important part of delivering sustainable development and improving the amenity and liveability for Borough's residents. The SPG Residential Space Standards (1998) and Table DC2 which forms part of HSG7 of the IPG sets out amenity space provision standards.
- 8.44 The existing building on site generally covers the whole of the site, with the exception of the courtyard area. The existing development benefits from amenity space for some of the flats in the form of balconies. The proposed residential accommodation would also benefit from private amenity space for each new flat in the form of balconies. Whilst two of the flats fall just below the minimum standards set out in table DC2 of the IPG, this is marginal and would not justify a reason for refusal, as such it is considered that the quality and usability of the proposed private amenity spaces would be acceptable.

Highways

Parking

- 8.45 Policies 6.1, 6.11 and 6.13 of the London Plan seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policy SP09 of the CS and policy DEV19 of the IPG.
- 8.46 In order to minimise the use of private motor vehicles, reduce motor vehicle traffic, prevent increased stress on the permit parking bays and promote sustainable transport use, it is considered that the future occupants should be prevented from obtaining parking permits for on-street parking. In order to achieve this, it is recommended a condition restricting the issuing of parking permits to the future occupiers be imposed on any approval.
- 8.47 With the imposition of a condition of consent restricting the issuing of on street parking permits and given there is no parking provided onsite, it is considered that the development would appropriately reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promote the use of public transport and would accord with policies 6.1, 6.11 and 6.13 of the London Plan, policy SP09 of the CS and policy DEV19 of the IPG.

Cycle Parking and Facilities

- 8.48 Policy 6.9 of the London Plan, policy SP09 of the CS and policy DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.49 The proposed development provides cycle storage for each of the five residential flats. The proposed cycle storage is located in secure, sheltered areas on the lower ground floor level of the development. Highways have raised concerns that upright stands are provided rather

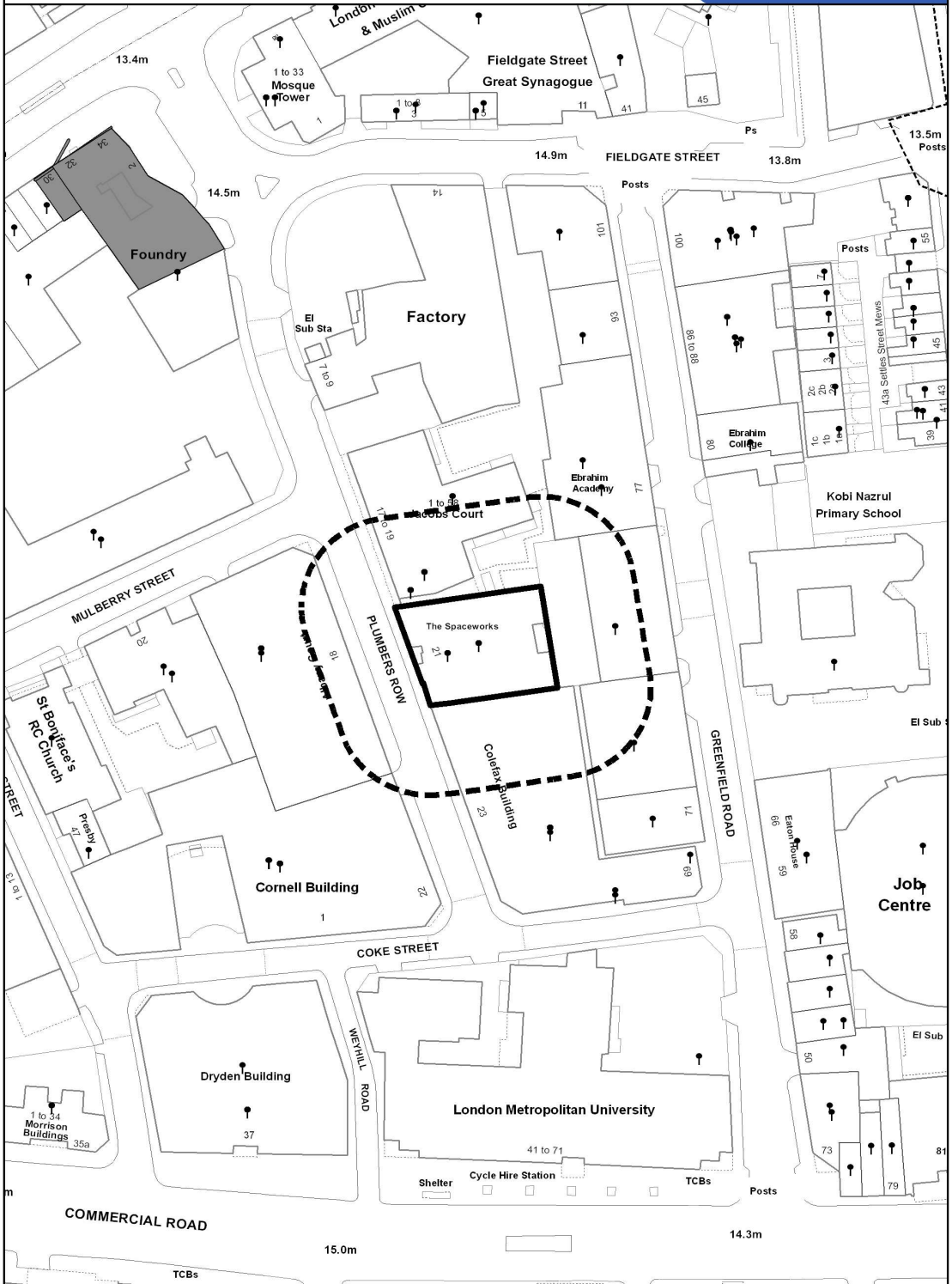
than the standard/preferred sheffield stand design.







- 8.50 A condition of consent is recommended to ensure that sheffield stands are provided and the cycle storage is retained within the development for the lifetime of the use.
- 8.51 Given that the development provides adequate cycle storage provision, it is considered that the development would be acceptable in terms of policy 6.9 of the London Plan, policy SP09 of the CS and policy DEV16 of the IPG.

Refuse Storage:

- 8.52 The existing development currently has a 'Refuse Store' the proposal includes the enlargement of the existing communal bin store; this would be maintained for existing and proposed residents. The proposed refuse storage appears acceptable and in line with saved policy DEV15 and planning standard 2 of the IPG.
- 8.53 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



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

1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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