

Development Committee	Date: 14 November 2013	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Shay Bugler		Ref No: PA/13/633 & PA/13/634	
		Ward(s): Bow West	

1. APPLICATION DETAILS

- 1 **Location:** 65 Tredegar Square, London, E3
- 1.2 **Existing Use:** Storage and distribution
- 1.3 **Proposal:**
1. Erection of 8 no self contained houses with 2 no on site car parking spaces. (Full planning permission PA/13/633)
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 2. Demolition of existing warehouse. (Conservation Area Consent PA/13/634)
- 1.4 **Drawing No's:** Drawing no: 65TS-PL-01; 65TS-PL-02; 65TS-PL-03; 54TS-PL-04; 65TS-PL-05; 65TS-PL-06; 65TS-PL-07; 65TS-PL-08; 65TS-PL-09; 65TS-PL-10; 65TS-PL-11; 65TS-PL-12; 65TS-PL-13; 65TS-PL-14; 65TS-PL-15; 65TS-PL-16; 65TS-PL-17; 65TS-PL-18; 65TS-PL-19; 65TS-PL-20; 65TS-PL-29; 65TS-PL-30; 65TS-PL-40; 65TS-PL-25; 65TS-PL-41; 65TS-PL-42
- Drawing numbers: 65TS-PL-01; 65TS-PL-02; 65TS-PL-03; 65TS-PL-04; 65TS-PL-05; 65TS-PL-06; 65TS-PL-07; 65TS-PL-08; 65TS-PL-09
- 1.5 **Supporting documentation**
- Design and access statement dated March 2013 from Jonathan Freegard Architects
 - CADAP comments dated March 2013 from Jonathan Freegard Architects
 - Impact Statement dated March 2013 from Jonathan Freegard Architects
 - Noise Impact Statement dated April 2013 from Jonathan Freegard Architects
 - Heritage Statement dated March 2013 by Jonathan Freegard Architects
 - Appendix A: Energy Statement by Energist Ltd
 - Appendix B Code for Sustainable Homes Pre- Assessment dated March 2013 from Jonathan Freegard Architects
 - Appendix C Secure by Design Officers comments
 - Appendix D: MEOTRA comments dated March 2013 from Jonathan Freegard Architects.
 - Appendix E CADAP comments dated March 2013 from Jonathan Freegard Architects
 - Appendix F: Recycling and waste management: Tower

Hamlets Correspondence dated March 2013 from Jonathan Freeguard Architects

- Appendix G Marketing Report
- Appendix H Daylight Report dated March 2013 from Jonathan Freeguard Architects
- Appendix I Pre application advice dated March 2013 from Jonathan Freeguard Architects
- Design and access statement dated February 2013 by Jonathan Freeguard Architects
- Heritage Statement dated March 2013 by Jonathan Freeguard Architects

- 1.6 **Applicant:** Persephone Lewin
1.7 **Owner:** Jonathan Freeguard Architects
1.8 **Historic Building:** Not listed, adjacent to listed buildings
1.9 **Conservation Area:** Tredegar Square

2. BACKGROUND

2.1 These applications for Planning Permission and Conservation Area Consent were reported to the Development Committee on the 9 October 2013 with Officers' recommendation for **REFUSAL** for following reasons:

1. The proposed residential development by virtue of the dwelling mix and design features including mono aspect dwellings, poor outlook, and poor quality amenity space; sense of enclosure and narrow pedestrian access would result in an intensive form of development with a sub standard quality of accommodation. This would be symptomatic of over development of the site contrary to National Planning Policy Framework (NPPF); SP02 & SP10 of the Core Strategy (2010); policy DM3, DM4, DM24 & DM25 of the Managing Development Document (2013) which seek to provide high quality design and places which create sustainable forms of development.
2. Demolition of the warehouse in the absence of a planning permission for a suitable redevelopment would fail to preserve or enhance the character and appearance of the Tredegar Square Conservation Area contrary to the National Planning Policy Framework; policies SP10 of the Core Strategy (2010) and DM27 of the Managing Development Document (2013) which seek to ensure that the setting and the character of the Conservation Area is not harmed by inappropriate or premature demolition of buildings within Conservation Areas.

2.2 The Committee resolved NOT TO ACCEPT Officers' recommendation and were minded to GRANT planning permission for the following reasons:-

- a) The proposal provide much needed family housing with amenity space and, on balance, this outweighed the failure to provide any one bed units as required in policy.
- b) The proposal presents an innovative design that contributes positively to the character and appearance of Tredegar Square Conservation Area
- c) The proposal does not present any demonstrable harm to the amenity of the adjoining occupiers.
- d) Any symptoms of overdevelopment would be outweighed by the benefits of making the most efficient use of the land.

2.3 In accordance with the Committee Procedure Rules, the applications were DEFERRED to

enable a supplementary report to be prepared for a future meeting of the Committee addressing the proposed reasons for approval and to recommend any conditions for the permission and consent.

3.0 REASONS FOR APPROVAL

- 3.1 This section of the report responds to each of the reasons for approval identified by the committee:

Full planning permission (ref no: PA/13/633)

Housing mix

- 3.2 With referenceto the proposed dwelling mix, Officers wish to reiterate that the proposal would be contrary to our recently adopted policy DM3 of the Managing Development Document (2013) sets out detailed guidance regarding the housing mix expected for new housing development which promotes a mix of tenures and unit sizes.
- 3.3 This policy seeks 50% one bed units within the market tenure and this policy has been evidence based and the demand for one bedroom units is the greatest within the market tenure. Whilst it is accepted that a strict policy compliant dwelling mix could be difficult to achieve on the site, the zero provision for one bedroom units in favour of two and three bed units would not provide the appropriate dwelling mix or contribute towards a wider housing choice and make a positive contribution to the housing stock in the borough whilst undermining the Councils position on this matter. This application is not considered to be an "exceptional" scheme to deviate from the Borough wide policy.
- 3.4 However the Committee will be ware that the Vision for Mile End set out in the Place-making Annex to the Core Strategy says that amongst other principles Mile End will develop as a place for Families. The scheme would provide four three bedroom houses suitable for families and if members are minded to attach additional weight to the local vision for Mile End, given the small scale nature of the proposals, this would be as suitable reason to justify a departure from the borough wide policy, to grant planning permission.

Design

- 3.5 In response to Members views on design, despite the design approach taken to mews style development having some merit in itself, it is considered that the attempt to maximise the development potential in an unsustainable manner has inevitably resulted in design compromises and a scheme that would not respond appropriately to its context and would introduce architectural features not found within the Conservation Area.
- 3.6 Matters of design can be a balanced judgement and in general terms, as set out in the original report, the proposal would provide a mews development of a suitable height, mass and scale, using traditional facing brick work and incorporating slate hung pitched roofs of a similar proportion to the existing warehouse. There are other examples of mews development within the Conservation Area albeit of a smaller scale.
- 3.7 Hence, if the Committee consider that the design of the proposed development would not cause substantial harm to the significance of the Conservation Area as a designated heritage asset, then officers conclude that the other merits and public benefits of the scheme identified by the Committee at the previous meeting would be sufficient to meet the tests set out in the NPPF policies on design and conservation which require harm to be balanced against public benefit.

Amenity

- 3.8 With reference to amenity, members noted at the meeting that there would be no demonstrable harm to the amenity of adjoining properties to the north of the site. The original report also explains that the daylight and sunlight levels to neighbouring properties would not be unduly compromised. If members are minded to grant permission, conditions requiring the installation and retention of obscured glazing and details of the opening mechanism for the upper level light well windows are recommended.
- 3.9 Members were informed at the meeting that the north facing windows at ground, first and second floor level at 66 Tredegar Square face the boundary wall of the existing warehouse and there was some discussion about the potential for the scheme to overlook this property due to the south facing windows on several of the proposed houses.
- 3.10 The scheme proposes to retain this section of the boundary wall to eaves height, which would prevent direct overlooking at ground and first floor level and given the height relationship and angle of the line of sight from the proposed two storey development towards the second floor windows at 66 Tredegar Square there would be no demonstrable harm in terms of overlooking or loss of privacy,
- 3.11 If members are minded to grant planning permission and conservation area consent, details of the boundary wall treatment would be secured by way of conditions attached to both applications in order to ensure that the privacy of residents at 66 Tredegar Square would be protected.

Over development

- 3.12 The principle reason for refusal set out in the original report was that whilst the scheme is able to meet most minimum quantitative standards for residential development (e.g. internal space standards, minimum amenity space standards) the layout of the proposals, the constraints of the site and the contextual relationship to the surroundings would result in substantial compromises in the quality of accommodation provided.
- 3.13 However on this point the committee concluded that the benefits of having a development which includes four family sized units would outweigh any of the symptoms of overdevelopment. This is clearly a balanced judgement and Officers continue to be of the opinion that the development would deliver poor quality accommodation for future residents by virtue of the dwelling mix and design features including mono aspect dwellings, poor outlook, poor quality amenity space; sense of enclosure and narrow pedestrian access and would result in an intensive form of development. This would be symptomatic of over development of the site.
- 3.14 Nevertheless, members will be aware that the NPPF promotes the presumption in favour of sustainable development. It also encourages the delivery of new homes and the most effective use of land by reusing land which is under-utilised. If members are minded to give additional weight to the policy direction of the NPPF, there would be grounds for setting aside concerns about over development in favour of optimising the residential capacity of the site and hence granting planning permission.

Conservation Area Consent for the demolition of the existing warehouse (Ref no: PA/13/634)

- 3.15 With reference to the existing warehouse, Members did not raise any formal objections to its demolition. Officers are of the view that whilst the design and appearance of the warehouse is of some merit, the building makes limited contribution to the character and appearance of the Conservation Area and raised no objection in principle to its demolition.

- 3.16 The reason for recommending refusal of the Conservation Area Consent for demolition was related to the fact that officers had not recommended permission be granted for the replacement scheme, However if members are minded to grant planning permission for the replacement scheme as set out above, then Conservation Area Consent for demolition should also be granted.

4 RECOMMENDATION

Full Planning permission (Ref no: PA/13/633)

- 4.1 In accordance with the full report presented to members on the 9th of October, Officers recommend that planning permission for this development is REFUSED for the reasons set out at paragraph 3.1 of that report.

- 4.2 However if the Committee is minded to grant Planning Permission the following planning conditions are recommended:

1. Permission valid for 3 years;
2. Development in accordance with approved plans;
3. Details of retained boundary wall treatment;
4. Development in accordance with Lifetime Homes Standards;
5. Control over hours of construction;
6. Submission of details of all proposed external facing materials, fenestration, fixtures and fittings;
7. Submission of ground contamination- investigation, remediation and verification;
8. Submission of hard and soft landscaping, boundary treatment, surface materials and external lighting;
9. Submission of Construction Management Plan;
10. Scheme of Highway improvement works to serve the development;
11. Requirement for obscure glazing to be installed and retained in north facing light well windows;
12. Details of means of opening and cleaning of proposed light well windows.

Informatives:

1. Section 278 (Highways) agreement required
2. Site notice specifying the details of the contractor required
3. Construction Management Plan Advice
4. Environmental Health Department Advice

Conservation Area Consent (Ref no: PA/13/634)

- 4.3 In accordance with the full report presented to members on the 9th of October, Officers recommend that Conservation Area Consent for this development is REFUSED for the reasons set out at paragraph 3.2 of that report.

- 4.4 However if members are minded to grant Conservation Area Consent the following conditions are recommended:

1. Time limit;
2. Hours of demolition;
3. Demolition in accordance with approved plans
4. No demolition to commence until arrangements are in place to deliver replacement development;
5. Details of measures to retain the existing southern boundary wall, and treatment

to make good the upper sections at existing eaves level.

5 APPENDICES

5.1 Appendix One – Report to Development Committee 09 October 2013