

<b>Development Committee</b>	<b>Date:</b> 9 <sup>th</sup> October 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Shay Bugler		<b>Ref No:</b> PA/13/633 & PA/123/634	
		<b>Ward(s):</b> Bow West	

## 1. APPLICATION DETAILS

<b>Location:</b>	65 Tredegar Square, London, E3
<b>Existing Use:</b>	Storage and distribution
<b>Proposal:</b>	Erection of 8 no self contained houses with 2 no on site car parking spaces. (Full planning permission PA/13/633)
	&
	Demolition of existing warehouse. (Conservation Area Consent PA/13/634)
<b>Drawing Nos:</b>	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
<b>Supporting documentation</b>	<ul style="list-style-type: none"> <li>- Design and access statement dated March 2013 from Jonathan Freegard Architects</li> <li>- CADAP comments dated March 2013 from Jonathan Freegard Architects</li> <li>- Impact Statement dated March 2013 from Jonathan Freegard Architects</li> <li>- Noise Impact Statement dated April 2013 from Jonathan Freegard Architects</li> <li>- Heritage Statement dated March 2013 by Jonathan Freegard Architects</li> <li>- Appendix A: Energy Statement by Energist Ltd</li> <li>- Appendix B Code for Sustainable Homes Pre- Assessment dated March 2013 from Jonathan Freegard Architects</li> <li>- Appendix C Secure by Design Officers comments</li> <li>- Appendix D: MEOTRA comments dated March 2013 from Jonathan Freegard Architects.</li> <li>- Appendix E CADAP comments dated March 2013 from Jonathan Freegard Architects</li> <li>- Appendix F: Recycling and waste management: Tower Hamlets Correspondence dated March 2013 from Jonathan Freegard Architects</li> <li>- Appendix G Marketing Report</li> </ul>

- 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

**Applicant:** Persephone Lewin  
**Owner:** Private  
**Historic Building:** Not listed  
**Conservation Area:** Tredegar Square

## **2. EXECUTIVE SUMMARY**

- 2.1 The report considered two linked application for planning permission and conservation area consent to demolish an existing un-listed warehouse and to erect a mews development of eight two and three bedroom houses.
- 2.2 The warehouse makes only a limited contribution to the overall significance of the Conservation Area and to local employment provision. Demolition and redevelopment for housing would be acceptable in principle in land use policy terms and in terms of heritage subject to an acceptable redevelopment scheme.
- 2.3 The residential mews development would be of an appropriate scale and use material sympathetic to the Conservation Area. There would be no demonstrable harm to the amenities of adjoining occupiers.
- 2.4 The constraints of the site combined with the number of dwellings proposed have resulted in various deficiencies in the quality of the residential accommodation, including mono aspect flats, poor quality amenity space, poor outlook to adjoining boundaries and the contrived use of certain architectural features such as internal light wells.
- 2.5 The report concludes that whilst there would be no objection in principle to redevelopment of the site, the current proposals exhibit various symptoms of overdevelopment, which if built would result in substandard accommodation and affect the living conditions of future occupiers.
- 2.6 The report recommends refusal of planning permission and conservation area consent.

## **3. RECOMMENDATION**

- 3.1 That the Development Committee resolve to REFUSE planning permission for the full planning application ref no: PA/13/633 for the following reason:
  - The proposed residential development 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 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.
- 3.2 That the Development committee resolve to REFUSE Conservation Area consent (PA/13/634) for the following reason:
  - 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

Tredegear 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.

#### **4.0 SITE AND SURROUNDINGS**

- 4.1 The site is known as 65 Tredegear square and is situated on land between the southern terrace of houses at Tredegear Square and the rear of terraces fronting onto Mile End Road.
- 4.2 The site currently contains a warehouse which is occupied by Silvermans Ltd, a military surplus on a lease basis and is used as a storage facility for surplus stock. The existing established use of the site is B8 (storage) under the Use Class Order.
- 4.3 The existing warehouse provides approximately 690m<sup>2</sup> of gross internal floorspace. The overall site is 766m<sup>2</sup> (0.076ha) and the building occupies almost the whole footprint of the site between tall boundary walls.
- 4.4 The surrounding area is predominantly residential in character and takes the form of terrace housing, many of which are Grade II listed and form significant elements of the character of the conservation area. To the north of the site are the rear gardens at 53-64 Tredegear square.
- 4.5 To the south west of the site are three residential properties known as 1-3 Lyn mews. The rear flank elevation is 6.6 metres in height and abuts the site boundary. Lyn mews has a pitched roof and the overall height of the building is approximately 8 metres.
- 4.6 To the south east of the site, is a two storey development which is approximately 10 metres in height, known as 66 Tredegear Square. The centre of the site fronts onto the rear gardens to the properties 447-455 (odd) along Mile End Road. To the north of the site, are the rear gardens to a row of Grade II 3 storey in height terrace housing at 55-64 Tredegear Square.
- 4.7 The site has a PTAL rating of 6a which means it is highly accessible by Public Transport.
- 4.8 The building is not listed although it falls within Tredegear Square Conservation Area.

#### **DETAILS OF PROPOSAL**

- 4.9 The proposals are for the demolition of the existing warehouse (Conservation Area Consent) and for the erection of residential development in the form of a mews terrace of 8 houses in a mews form at elevations facing the east west pedestrian access from Tredegear Square.
- 4.10 The proposed mews style development is two storeys in height comprising 4 x 2 bed units & 4 x 3 bed units. The three bedroom units are located at each end and the centre of the site. The two bed units are located within the site. All units extend over two floors. Key design features of the scheme include pitched roof with roof lights. Obscured lightwells are proposed to the north elevation of the scheme. These provide light to rooms at second floor level. On the southern, eastern and western elevation, all windows at second floor level feature Juliette balconies
- 4.11 The 2 x 3 bed units at the centre of the site expand the entire width of the site. All units front onto the amenity space. Given that these units expand the entire width of the site, there is no through access connecting both ends of the site. All residential units front on to what appears to be two courtyard spaces which are used to provide private amenity space for each of the units. The separate private amenity space also provides space for cycle and refuse facilities for each property.
- 4.12 The proposal makes provision for two accessible car parking spaces, which are located in 2 car ports at each end of the site fronting Tredegear Square.

- 4.13 The site is accessed via a secure entrance gate at either end of the site.
- 4.14 6 of the 8 units are mono aspect and 4 of them front a southern boundary wall ranging between 1.8 metres and 4.9 metres in height.

## 5.0 RELEVANT PLANNING HISTORY

- 5.1 PA/80/399: Planning permission was approved for the alteration, extension use as office, showroom and toilets ancillary to existing warehouse use.

## 6.0 POLICY FRAMEWORK

- 6.1 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:

1. Government Policy: National Planning Policy Framework (NPPF)
  - Conserving and enhancing the historic environment
  - Conserving and enhancing the natural environment
  - Delivering a wide choice of high quality homes
  - Requiring good design
  - Promoting healthy communities

### 6.2 The London Plan (2011)

3.4	Optimising housing potential
3.8	Housing choice
6.9	Cycling
7.2	An inclusive environment
7.4	Local character
7.8	Heritage

### 6.3 Core Strategy (adopted 2010)

SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP10	Creating distinct and durable places

### 6.4 Managing Development Document (2013)

Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM24	Place Sensitive Design
	DM25	Amenity
	DM27	Heritage and Historic Environment

### 6.7 Supplementary planning documents and guidance

Tredegar Square Conservation Area Character Appraisal

## 7 CONSULTATION

### External consultees

#### 7.1 English Heritage (historic environment)

No comments made.

LBTH Borough Conservation Officer

- 7.2
- The proposal appears bulky in the context of the small size of the site
  - The proposed quality of the private amenity space is overlooked, over shadowed and of poor quality.
  - The proposed features such as lightwells, fenestration details; skylight wells and juliet balconies would be an incongruous addition to the area.
  - The proposed design does not bear resemblance to the LBTH Tredegar Square Conservation Area

LBTH Environment Health (contamination land)

- 7.3 Should the Council be minded to grant planning permission, it is recommended that a condition should be attached which requires contamination details to be submitted and approved in writing by the Local Planning Authority.

Environment Health Daylight and Sunlight officer

- 7.4 Environment Health daylight and sunlight levels achieved to the proposed development and the surrounding development is considered acceptable.

LBTH Strategic Policy

- 7.5 The loss of the B8 Use and the principle of residential development on the site accords with policy DM15 and is appropriate for the character of the surrounding area (SP12 Annex).
- 7.6 However, the unit mix would not accord with policy DM3(7) (housing mix) specifically with regard to the lack of one-bedroom units.

LBTH Highways

- 7.6
- The provision of two disabled parking spaces are considered acceptable.
  - The proposed does not make provision for visibly splays within the site boundary.
  - The pedestrian access way is narrow and this would limit the space available to manoeuvre a bicycle into each property. However Highways do not raise an objection on this ground.
  - Should the Council be minded to grant planning permission, a standard planning condition is sought requiring an agreement under Section 278 of the Highways Act 1980. This would both ensure the public highway is kept in good order and enable the necessary changes to the vehicle accesses.

**8.0 LOCAL REPRESENTATION**

- 8.1 A total of 157 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was also displayed and the application was advertised in East End Life.

8.2	No. of individual responses:	Objecting:	Supporting:
	27	5	22

8.3 Objecting comments

- The proposal would result in the loss of sunlight exposure to the back of Tredegar Square.
- The overall design is excessive and appears to be incongruous to the Conservation Area.
- The proposal would result in the loss of privacy to properties at the rear of the site.
- The proposal would increase noise disturbance.

- Pressure on local amenities in particular Tredegar Square, which is already a magnet for non-residents as it is not a square for exclusive use of residents.
- The applicant has not demonstrated that demolition of the building is necessary.
- The applicant has not properly analysed the contribution which the proposed development would have on the character of the Conservation area.
- The proposed lightwells can still be opened and therefore could result in direct overlooking to residents at Tredegar Square.
- Although the light well windows are to be fitted with obscured glass, and are to have a tilt turn mechanism, they could still be opened wide, giving the opportunity for looking from the first floor directly into neighbouring gardens.
- The shape of the windows is incongruous in the Conservation Area and in relation to the listed buildings.
- The skylights on the northerly roof slope- serving as far as one can tell no habitable rooms are too large.

#### 8.4 Supporting comments

- The proposal is for 8 family houses to replace the warehouse would make a positive addition to the area.
- The proposed dwelling mix is welcomed. The introduction of one bedroom flats would be out of character and would increase the density of the development. The plans are in keeping with the Conservation Area

### 9. MATERIAL PLANNING CONSIDERATIONS

#### 9.1 The main planning issues raised by the application are as follows:

- Demolition of the existing warehouse
- Land use
- Design
- Housing density and dwelling mix
- Housing quality for the proposed development.
- Impact on amenity to surrounding properties
- Transport and access
- Human Rights
- Equalities
- Conclusion

#### **Demolition of the existing warehouse**

- 9.2 The National Planning Policy Framework (2012) emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.
- 9.3 The relevant London Plan policies are policies 7.4 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 9.4 The Council's Core Strategy (2010) strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance borough's Conservation

Areas to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual distinctive character and context.

- 9.5 Development is also required to utilise high quality building materials and finishes. Detailed criteria for assessing impact on heritage assets are set out by policy DM27. Development is required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places' as defined by the placemaking policy SP12 of the Core Strategy (2010). With regards to alterations to heritage assets, policy DM27 specifies that alterations should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.
- 9.6 Tredegar Square Conservation Area was designed in 1971. The Council's Conservation Area character Appraisal for Tredegar Square is characterised by 3 storey terraced houses with basements. The area was developed to a grid and uniform pattern and the character of most streets is created by the repetition of architectural elements to create a finely textured surface to the continuous building frontages.
- 9.7 Whilst the design and appearance of the warehouse is of some merit, it is not considered to be a significant heritage asset. The eastern and western elevations are industrial in character which is not characteristic of Tredegar Square which is largely defined by residential development. The north and south elevations provide blank facades to the rear gardens of the Tredegar Square and Mile End Road terraces and overall the building is in a state of disrepair. In conclusion, the building makes limited contribution to the overall significance to Tredegar Square Conservation Area.
- 9.8 In conclusion, the proposed demolition of the warehouse would be acceptable in principle, subject to an appropriate re-development scheme that would preserve or enhance the character and appearance of the Conservation Area.

## **Land Use**

- 9.9 The site is currently used for light industrial storage space (B8 within the use class order). The existing warehouse provides approximately 690m<sup>2</sup> of gross internal area of industrial floorspace. The warehouse is currently occupied by Silvermans Ltd, a military surplus on a lease basis and is used as a storage facility for stock.
- 9.10 The proposal would result in the loss of the B8 storage space onsite. Policy DM15 of the MDD (2013) stipulates that development should not result in the loss of active and viable employment uses, unless it can be shown throughout a marketing exercise that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment uses due to its location, accessibility and site condition.
- 9.11 The applicant notes that the external fabric is in poor condition and in a state of disrepair and notes that many firms would require smaller units. The submission explains that there are sites nearby suitable for industrial units including Bow Industrial Park.
- 9.12 The applicant states that retail and community uses have been considered for the building but deemed to be unsuitable as they would impact on residential amenity, create traffic nuisance and the site is outside designated town centres. The site is currently marketed for B8 Use although there is a lack of substantive marketing information and justification to demonstrate that the existing or a future B8 (warehouse) would be unviable.
- 9.13 Notwithstanding, there is a general decline in the demand for warehouse floorspace in the area. Warehouse uses are not typical in the immediate or nearby area. Given the general decline in the demand of employment floorspace in the area, there is no identifiable over riding demand to justify the retention of employment use in favour of residential development in this location, particularly as the site is not located within a Local Industrial Location. Although the site has good access and the existing site condition is satisfactory for light industrial storage use, the location is not considered appropriate for continued B8 use given that the surrounding site is predominantly

residential in character and the site is located outside a Local Industrial Location (LIL). Furthermore, the Core Strategy (2013) stipulates that new development in Bow should continue to reinforce the special character of Bow with its row of terraced housing and Bow should be promoted as a place suitable for families with terrace housing that offers private back gardens. The Core Strategy's does not promote Bow as an area for light industrial, storage or distribution use. .

- 9.14 The National Planning Policy Framework 2012 (NPPF) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environment benefits. The NPPF promotes the efficient use of land and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets.
- 9.15 The surrounding area is already predominantly residential and would therefore provide a suitable environment for future residents. The provision of additional housing is a key aim of national, regional and local planning policy and the proposal would accord with policies National Planning Policy Framework (NPPF); policy SP02 and the vision for Mile End in the Core Strategy (2010) which seek to ensure developments are sustainable and make the most efficient use of land.
- 9.16 In conclusion there is no objection to the loss of employment floor space and redevelopment for residential use onsite.

### **Design**

- 9.17 The National Planning Policy Framework (NPPF) stipulates that the purpose of the planning system is to contribute to the achievement of sustainable development which can improve the lives of people. Good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.
- 9.18 Core Strategy policy SP10 and policy DM23 & DM24 of the Managing Development Document (2013) seeks to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and seek to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

#### *Height and scale*

- 9.19 The proposed height of the development is considered acceptable as it would not exceed the height of the existing building. Officers consider that the proposed scale of development in isolation of specific design details would have a minimal impact on the character and appearance of Tredegar Square Conservation Area.

#### *Design detailing and materials*

- 9.20 The Councils Conservation Area Character Appraisal for Tredegar Square stipulates that design features of the Conservation Area include double-hung timber sash windows with fine glazing bars, good examples of panelled front doors, semi-circular doorways, decorative or plaster moulded window surrounds and door-cases, projecting stone-cills, timber window shutters. Officers are concerned that the proposed fenestration pattern and layout together with the juliet balconies on the east and west elevations and the lightwells on the north elevation would be incongruous features and would create a busy and disordered appearance on the east and west elevations and fronting the proposed access route which would not enhance the character and appearance of the Tredegar Square Conservation Area. Officers are concerned that their function within the scheme contributes to a contrived design response to maximise the development potential of the site in a way that is not sustainable or of high design quality. In addition, these design features do little to contribute to the setting of the Grade II listed terrace at 53-64 Tredegar Square to the north of the site.
- 9.21 With reference to materials, brick is the universal construction material used in the immediate area.



Reclaimed and recycled London stock brick are proposed for all external elevations which would match the appearance of the existing building and the adjacent terraces of Tredegar Square and other house. The boundary wall to the north of the site would be rebuilt using bricks reclaimed and recycled from the removal of the existing warehouse.

- 9.22 Despite the approach taken to mews style development having some merit in itself, it is considered that the design approach applied seeks to maximise the development potential in an unsustainable manner. It does not contribute positively to place-making within this area, is of poor design quality and does not integrate well with its surroundings contrary to NPPF; policy SP10 of the Core Strategy (2010) and policies DM23 & DM24 of the Managing Development Document (2013) which seeks to ensure all new developments are sustainable and are of high design quality.

**Housing density and dwelling mix**

- 9.23 Policy SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 9.24 The site area has an area of 936 sqm or 0.0936 of hectare and there would be 32 habitable rooms. The site has a PTAL rating of 6 which means highly accessible by public transport. Table 3A.2 of the consolidated London Plan (2011) suggests a density of 200 to 700 habitable rooms per hectare for sites with a PTAL range of 6. The proposed density equates to 342 hr/ph.
- 9.25 Policy SP02 of the Core Strategy (2010) seek to create mixed communities and 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. This policy stipulates that development should provide a balance of housing types, including one bed units within the market tenure in accordance with the breakdown of unit types set out within the most up to date housing needs assessment as tabled below:

Tenure	1 bed	2 bed	3 bed	4 bed
Market sector (policy requirement)	50	30	20%	
Proposed		50%	50%	

- 9.26 As illustrated in the table above, the proposal makes provision for 50% x 2 bed units and 50% x 3 bed units. Whilst it is accepted that a strict policy compliant dwelling mix could be difficult to achieve on the site, the zero provision for one bed 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.
- 9.27 The proposal would not provides an appropriate dwelling mix overall and is therefore contrary to policy SP02 of the Core Strategy (2010) & policy DM3 of the Managing Development Document (2013) which seek to ensure that new developments offer a range of housing choices.

**Housing quality for the proposed development**

- 9.28 As set out above, the development is not significant dense in numerical terms and would fall within the London Plan density matrix, it would exhibit a number of symptoms of overdevelopment which would compromise the quality of housing and the living conditions of future occupiers.

Design features

- 9.29 The proposed quality of residential development proposed onsite is not considered acceptable. The development and some of its design features such as lightwells and skylights contributes to a contrived design response to maximise the development potential in a way that is not sustainable or of high design quality.
- 9.30 There is an over reliance on roof lights and light wells to provide daylight and sunlight within the

development. Two of the rooflights are used to light bedrooms (although they would have a secondary source of light) and the others are used to light hallways. Given that the windows on the lightwells are obscured, 6 of the 8 units would be mono aspect and this design approach presents a busy and cramped development. The practicalities of maintaining and cleaning the lightwells from the outside are also of concern given that it would not be possible to clean the outside of the windows within the site boundary.

#### Amenity space

- 9.31 Specific amenity space standards are guided by policy DM4 of the Council's Managing Development Document (2013) would follow the Mayor's Housing Design Guide standards and specifies a minimum of 5sqm of private outdoor amenity space for 1-2 person homes and an extra 1sqm for each additional occupant. It also requires balconies and other private external spaces to be a minimum width of 1.5m.
- 9.32 New housing should include an adequate provision of amenity space, designed in a manner which is fully integrated into a development, in a safe, accessible and usable way, without detracting from the appearance of a building.
- 9.33 The proposal makes provision for private amenity space for each unit which exceeds policy requirements in numerical terms. However the amenity space would be of poor quality due to the relationship at front of the new to passers by and also inter visibility of the amenity space within the development. Furthermore the combination of bin stores, bike stores and the two storey development to the south at Lyn mews (affecting western side of the site) would make these spaces feel cramped, over shadowed and over enclosed.
- 9.34 Overall, it is considered that the scheme would not provide genuinely usable or high quality amenity space and would be contrary to policy DM4 of the Managing Development Document (2013) which seeks to ensure that good quality and usable amenity space is provided.

#### Daylight and sunlight

- 9.35 With reference to daylight and sunlight assessment on the development itself, although the VSC levels in the scheme are generally below the 27% standard, the ADF levels are considered acceptable in accordance with BRE Guidelines. LBTH Environment Health Officer has reviewed the submission and confirms that the methodology and guidance is acceptable and there would be "no likely on the neighbouring properties in terms of daylight and sunlight".

#### Outlook

- 9.36 All south facing habitable rooms at ground floor level would have poor outlook. As noted in paragraph 4.5 of the report, the distance between habitable rooms from the part 1.8 metre, part 4.9 metre wall would be between 5-6 metres which given the close proximity would create an oppressive living space. This problem is exacerbated further for some of the habitable rooms at second floor level. The south facing habitable rooms at the 2 x 3 bed units would suffer further poor outlook at second floor level as they would be facing the front elevation at 1-3 Lyn mews which is 6.4 metres from the proposed habitable rooms and 66 Tredegar Square which is 10 metres in height to the south east of the site where the distance between habitable windows and the flank elevation is 5 metres.
- 9.37 This would give rise to an oppressive outlook and unacceptable sense of enclosure for the occupants of these properties. This illustrates the constraints of the site and, together with the abundance of lightwells and rooflights are symptomatic of overdevelopment.

#### Conclusion on housing quality matters

- 9.39 The outlook from many of the habitable rooms are dominated by large wall.
- 9.40 The proposal represents an overdevelopment of the site by virtue of its scale, poor outlook, poor quality of amenity space and narrow access to the site contrary to SP02 & SP10 of the Core

Strategy (2010); policy DM4, DM24 & DM25 of the Managing Development Document (2013) which seek to provide high quality design and sustainable forms of development.

- 9.41 It is relevant that the Planning Inspectorate arrived at a similar conclusion as regards the impact of the overdevelopment on a similar conclusion as regards the impact on a similar appeal decision where the appeal was dismissed on similar grounds for a proposal which involved the demolition of a former light industrial building and erection of a mews style development and row of terrace houses in a Conservation Area where the Inspector found that:

-Whilst the units may well meet space standards and a Daylight and sunlight study submitted by the appellant concludes that habitable rooms (despite some with a single aspect) receive satisfactory levels of sunlight and daylight, the outlook from the main access walkway above and would be largely dominated by an expanse of wall. This would give rise to an oppressive outlook and unacceptable sense of enclosure for the occupants of these properties.

-Despite the approach taken to mews style development having some merit in itself, the proposal is not appropriate for this site in this location. The proposal would appear as a rather cramped and contrived development of a scale, massing, height and plot coverage which would not successfully preserve or enhance the character or appearance of the Conservation Area.

(Appeal decision reference: APP/E5900/E/13/2193618).

### **Impact on residential amenity**

#### Daylight

- 9.42 Policy SP10(4) of the adopted Core Strategy (2010) & policy DM25 of the Managing Development Document (2013) require development to protect and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, microclimate, outlook, privacy.
- 9.43 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.44 For calculating daylight to neighbouring properties affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 9.45 In term of the impacts on surrounding properties, the eaves height to the roof remains the same as the existing height. Given that the development would not increase in scale and height to that of the existing situation, the daylight and sunlight levels to surrounding properties would not be unduly compromised.

#### Privacy

- 9.46 The proposed opaque glazing to the lightwells at first floor level would prevent overlooking to the gardens of properties to the north of the site. However, the proposed south facing windows may cause overlooking to the gardens at the properties south of the development on Mile end road.

### **Transport and Highways**

- 9.47 Policy SP08 & SP09 of the Core Strategy (2010) & Policy DM20 of the Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.48 Each unit would have access to its own cycle storage and as such adequate cycle storage is provided onsite although the location of the cycle storage compromises the quality of private

amenity space proposed. The pedestrian access way is narrow and this limits the space available to manoeuvre a bicycle into each property. This contributes to overdevelopment of the site.

- 9.49 There are two accessible spaces proposed onsite. LBTH Highways team note that the proposal should include visibility splays from the proposed accessible parking spaces to the back of the public footway. These visibility splays should be 2.100 metres at right angles to the footway by 1.500 metres at either side of the access point to ensure that highway safety is not compromised. The applicant was notified of the request but was not willing to incorporate the visibility splays into the design. However, it is not considered that a reason for refusal based on the non provision of visibility splays could be sustained.

### **Human Rights Considerations**

- 9.50 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

- 9.51 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 9.52 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

- 9.53 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance and acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 9.54 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.

- 9.55 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 9.56 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

- 9.57 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

### **Equalities Act Considerations**

9.58 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

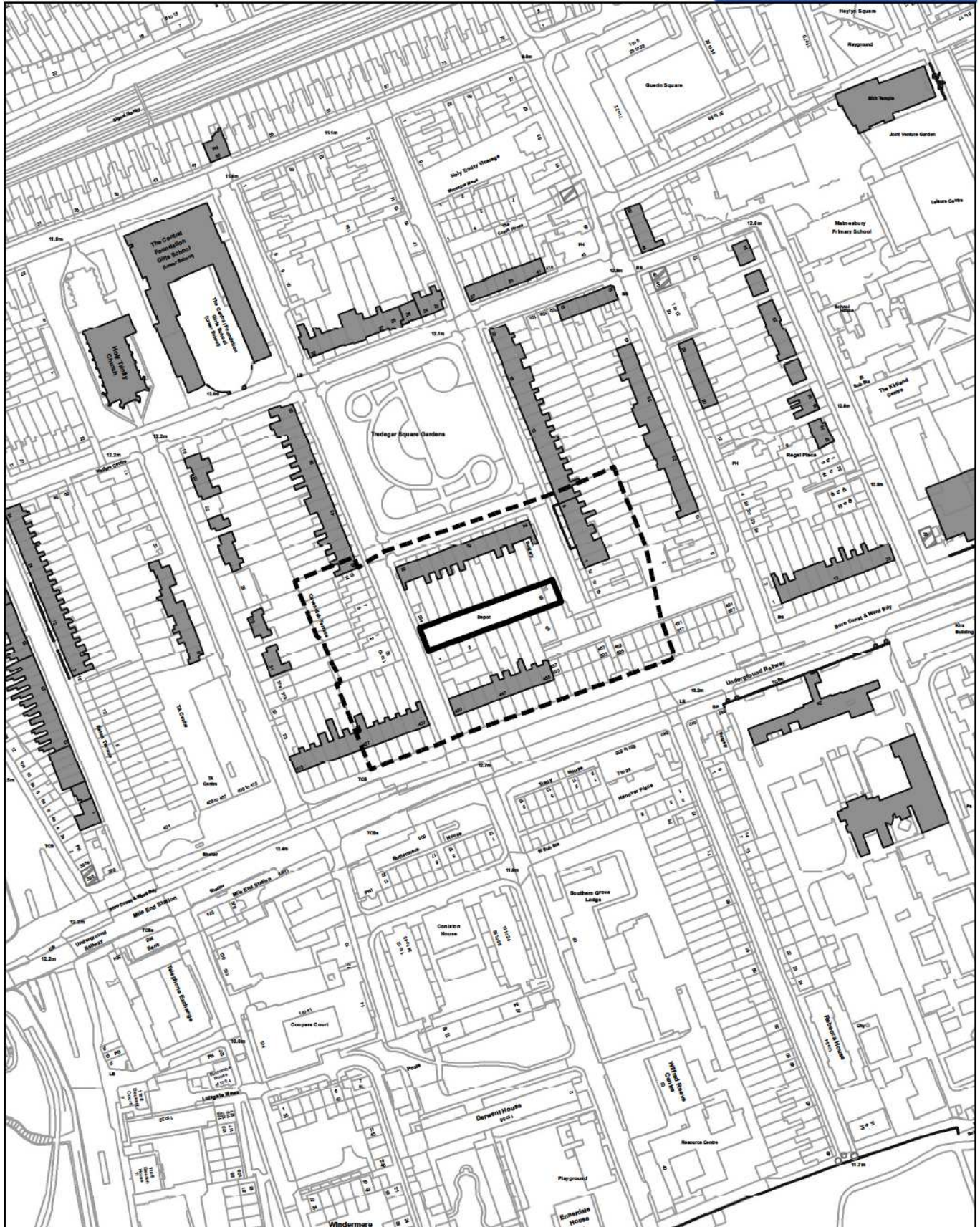
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **10 CONCLUSION**

- 10.1 Redevelopment of the site for residential purposes is considered acceptable in principle, however the proposed development exhibits various symptoms of overdevelopment which would result in poor quality accommodation affecting the living conditions for future occupiers.
- 10.2 All other relevant policies and considerations have been taken into account. Planning Permission and Conservation Area Consent should be REFUSED for the reason set out in paragraph 2.1 of this report.


# Planning Application Site Map

## PA/13/00633 & PA/13/00634



-  Planning Application Site Boundary
-  Locally Listed Buildings
-  Consultation Area
-  Statutory Listed Buildings

0 20 m




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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