

Committee: Development	Date: 20 th August 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Shay Bugler	Ref No: PA/14/104
	Ward: Bow West

1. APPLICATION DETAILS

Location: 65 Tredegar Square, London, E3

Existing Use: Storage and distribution

Proposal: Demolition of existing warehouse and erection of 8 no self-contained houses with 2 no on site car parking spaces.

Drawing and documents

- Design and access statement dated February 2014 from Jonathan Freegard Architects
- Heritage Statement by Jonathan Freegard Architects July 2014
- 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 Freegard Architects
- Appendix G Marketing Report
- Appendix H Daylight Report dated March 2013 from Jonathan Freegard Architects
- Drawing number: 65TS-PL-76 Rev b; 65TS-PL-01A; 65TS-PL-02A; 65TS-PL-03A; 65TS-PL-04A; 65TS-PL-05; 65TS-PL-06; 65TS-PL-

07; 65TS-PL-08; 65TS-PL-09; 65TS-PL-10;
65TS-PL-11A; 65TS-PL-12B; 65TS-PL-13A;
65TS-PL-14A; 65TS-PL-15A; 65TS-PL-16A;
65TS-PL-17B; 65TS-PL-18A; 65TS-PL-19A;
65TS-PL-20A; 65TS-PL-40; 65TS-PL-41;
65TS-PL-42

Applicant: Persephone Lewin
Ownership: As above
Historic Building: Not listed- adjacent to grade II listed buildings
Conservation Area: Tredegar Square

2. EXECUTIVE SUMMARY

- 2.1. The subject site lies within the Tredegar Square Conservation Area, characterised by three storey terraced houses with a uniform pattern of development. Therefore, in determining the application special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 2.2. Planning permission was granted following a resolution from Development Committee in late 2013 for a development nearly identical to that which is proposed. The current scheme introduces two new elements to the proposal – the inclusion of a strip of land on the south-western boundary, resulting in an increase in depth of the proposal; and the introduction of four inset roof terraces within the southern roofslope.
- 2.3. Whilst the development is reconsidered again as a whole because the site boundary has been amended, the main material planning considerations relate to the proposed alterations. These being the design and heritage considerations of the alterations, and the potential privacy impacts for properties to the south of the site, being terraced properties along Mile End Road.
- 2.4. The proposed mews-type development is considered to represent a creative response to a constrained site, designed in a manner similar in appearance to the existing warehouse building. Its contribution to the character or appearance of the Conservation Area will therefore be a positive one, replacing the tired existing building. The proposal will not result in harm to nearby listed buildings or their setting, or the Conservation Area.
- 2.5. The proposal will deliver 8 new homes, 4 of which being family sized, which is supported, and the quality of accommodation is considered acceptable given the constrained nature of the site.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission.

3.2. That the Corporate Director Development & Renewal is delegated authority to recommend the imposition of conditions, variation and informatives in relation to the following matters:

3.3. **Conditions**

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all facing materials, trial panels of brick work
4. Details of hard and soft landscaping, including boundary treatment and a Landscaping Management Plan
5. Details of cleaning, maintenance of fixed lightwells
6. Hours of construction
7. No hammer driven piling works
8. Archaeology
9. 'Good' noise standards
10. Lifetime Homes Checklist and 1:50 layout plans
11. Secure by Design
12. Contamination
13. Construction Management Plan
14. Visibility splays

3.4. **Informative**

- 1) CIL Liable

4. BACKGROUND AND PROPOSED ALTERATIONS

4.1. In October 2013, the Development Committee approved a full planning application for a similar application to that proposed, for the erection of 8 no self-contained houses with 2 no site car parking spaces.

4.2. Members resolved to approve the application on the grounds that:

- The proposal provided much needed family housing with amenity space, which outweighed the failure to provide any one bed units as required in policy.
- The innovative design related well to the surrounding Tredegar Square Conservation Area.
- There would be no demonstrable harm to the amenity of the adjoining occupiers, as concluded in the Officers report.
- That any suggested symptoms of overdevelopment were outweighed by the benefits of the scheme.

4.3. The difference between the extant permission and this application are as follows:

- The subject proposal is for the conversion of the previously approved attic storage rooms into study/bedrooms and the inclusion of 4 inset roof terraces for the larger units; one at either end of the site, and two at the centre of the development. All of the terraces are proposed on the southern elevation of the building.

- The subject proposal involves the inclusion of an additional strip of land at the south-west of the site, increasing the site boundary to the south between the previously approved scheme and Lyn Mews. Subsequently, the footprint at the western end of the site is enlarged, increasing the internal floorspace of Unit 1, and rationalising the appearance within the streetscene by removing an awkward inaccessible strip.

5. PROPOSAL AND LOCATION DETAILS

Site and surroundings

- 5.1. The site is known as 65 Tredegar Square and is situated on land between the southern terrace of houses at Tredegar Square and the rear of terraces fronting onto Mile End Road.
- 5.2. The site currently contains a warehouse which was formerly occupied by Silvermans Ltd, a military surplus supplier on a lease basis, used as a storage facility for surplus stock. The established use of the site is B8 (storage) under the Use Class Order.
- 5.3. The existing warehouse provides approximately 690m² of gross internal floorspace. The overall site area is 766m² (0.076ha) and the building occupies almost the whole footprint of the site between tall boundary walls.
- 5.4. The surrounding area is predominantly residential in character and takes the form of terrace housing, much of which is 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 Tredegar Square.
- 5.5. 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.
- 5.6. To the south east of the site, is a two storey development which is approximately 10 metres in height, known as 66 Tredegar 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 Listed 3 storey terrace housing at 55-64 Tredegar Square.
- 5.7. The site has a PTAL rating of 6a which means it is highly accessible by Public Transport
- 5.8. The building is neither statutorily nor locally listed although it falls within Tredegar Square Conservation Area.

DETAILS OF PROPOSAL

- 5.9. The proposal is for the demolition of the existing warehouse and the erection of a residential development in the form of a mews terrace, consisting of 8 houses with primary elevations facing the east west pedestrian access from Tredegar Square.

- 5.10. The proposed mews style development is two storeys in height comprising 4 x 2 bed units and 4 x 3 bed units. The three bed units are located at each end and the centre of the site, and the proposal introduces an additional study/bedroom within the attic space. The scheme proposed a pitched roof with roof lights, obscured lightwells to the north elevation of the scheme providing light to rooms at ground and first floor level.
- 5.11. All units front onto amenity space along the southern edge of the site. The central units expand the entire depth of the site, meaning there is no through access connecting both ends of the site. The separate private amenity spaces provide space for cycle and refuse facilities for each property.
- 5.12. The proposal makes provision for two accessible car parking spaces, which are located in 2 car ports at each end of the site fronting Tredegar Square.
- 5.13. The site is accessed via a secure entrance gate at either end of the site.

RELEVANT PLANNING HISTORY

- 5.14. PA/13/633: Planning permission was approved on 13 December 2013 for the erection of 8 no self- contained houses with 2 no site car parking spaces.
- 5.15. PA/13/634: Conservation Area Consent was approved on 13 December for the demolition of the existing warehouse.
- 5.16. PA/14/353: An application is currently being assessed for a development similar to that proposed, including the additional strip of land, but excluding the roof terraces.

6. RELEVANT PLANNING POLICIES

- 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 particularly relevant to the application:

6.2 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

6.3 National Planning Policy Guidance (NPPG)

6.4 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

6.5 **Core Strategy (adopted 2010)**

SP02 Urban living for everyone

SP03 Creating healthy and liveable neighbourhoods

SP10 Creating distinct and durable places

6.6 **Managing Development Document (2013)**

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

7. CONSULTATION RESOPONSES

LBTH Environment Health (contamination land)

- 7.1. 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.

LBTH Environment Health - Noise

- 7.2. Environment Health does not object provided that the development would meet BS8233 'good' design standard for the internal noise climate.

(Officers comment: This would be secured by way of condition).

LBTH Access Officer

- 7.3. The Council's Access officer requested clarification on several matters, which were provided by the applicant. Further confirmation regarding Lifetime Homes achievement is required.

(Officers comment: This would be secured by way of condition).

LBTH Energy and Sustainability

- 7.4. The proposals are for 8 residential units anticipated to achieve Code for Sustainable Homes level 4 and a >28% reduction in CO2 emission reductions from a building regulations baseline. To achieve the CO2 emission reductions the application is proposing a PV array of 7.2kWp and 55m2.

LBTH Transport and Highways

- 7.5.
- 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 for payment by the owner of any works required to the public highway as a consequence of the development

- The provision of cycle parking facilities in a covered and secure location is acceptable
- The proposed parking bays do not allow vehicles to enter or leave in a forward gear which is unacceptable on road safety grounds especially on main roads. The parking bay on the western end should be removed as this is a main road with through traffic.

(Officers comment: These matters were considered in the extant permission and there are no changes to the scheme in terms of provision of car parking.. Officers do not agree that the parking spaces should be removed. LBTH Highways concerns regarding pedestrian safety with the applicant and suggested a visibility splay to be incorporated to the back of the public highway. These visibility splays should be 2.1 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. This would be secured by way of condition).

PUBLIC REPRESENTATION

7.6. A total of 134 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.

7.7. 26 objection letters were received following public consultation. The grounds for objecting were as follows:

- 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 facing the site on Tredegar Square and Mile End Road.
- The proposal would increase noise disturbance.
- The proposal would result in increased 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 to redevelop this site.
- The applicant has not properly analysed the contribution which the proposed development would have on the character of the Conservation area.
- The proposed obscure lightwells can still be opened and therefore could result in direct overlooking to residents at Tredegar Square.
- The shape of the windows is incongruous in the Conservation Area and in relation to the listed buildings.
- The proposed roof terraces would have a detrimental impact on residential and would affect the privacy of some local residents.
- Concern regarding security
- Concern raised regarding waste, scaffolding and privacy during demolition and construction (*Officer comment: This would be controlled via Construction Management Plan condition*)
- Concern regarding the viability of the proposal and potential it is not completed (*Officer comment: There has been nothing submitted to the Council which questions the deliverability of the proposal*)

- The proposal includes land outside of the applicants ownership (*Officer comment: This is a civil matter as opposed to a planning matter. The applicant has advised the Council that they have full ownership rights*).
- Failure to be notified of the development (*Officer comment: The Council carried out substantial public consultation on the proposal, in in compliance with statutory requirements. All sites adjoining the development site were consulted, a site notice erected, and the proposal also advertised in the local press*)

(Officers comment: The above matters have been addressed in Section 9 of the report. All representation received are available to view upon Members request).

8. MATERIAL CONSIDERATIONS

8.1. The main planning issues raised by the application are as follows

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

Land use

- 8.2. The site is currently used for light industrial storage space (B8 within the use class order). The existing warehouse provides approximately 690m² 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.
- 8.3. 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 through 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.
- 8.4. 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.
- 8.5. 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.

- 8.6. Notwithstanding, there is a general decline in the demand for warehouse floorspace in this 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.
- 8.7. It is acknowledged that there is a conflict between Policy DM 15 of the Managing Development Document (2013) and the Core Strategy (2010). ON balance, Officers consider that more weight should be given to the Core Strategy policy on the basis that the site is more suitable for family accommodation and there is a general decline in demand for B8 use.
- 8.8. Furthermore, the previous planning permission, ref: PA/13/633 remains extant, meaning that the applicant can implement their previous permission which approved a form of development near identical to that proposed.
- 8.9. 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.
- 8.10. 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.
- 8.11. In conclusion there is no objection to the loss of employment floor space and redevelopment for residential use onsite.

Demolition of the existing warehouse

- 8.12. The National Planning Policy Framework (2012) emphasises 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.

- 8.13. 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
- 8.14. 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.
- 8.15. 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.
- 8.16. 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.
- 8.17. Whilst the design and appearance of the warehouse is of some merit, it is not considered to be a significant asset to the Conservation Area. 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.
- 8.18. 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 or appearance of the Conservation Area.

Design and Heritage

- 8.19. 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.

- 8.20. Core Strategy policy SP10 and policy DM23 and DM24 of the Managing Development Document (2013) seek 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.

Scale, bulk and massing

- 8.21. The proposal would involve minor increases in height in relation to certain parts of the existing boundary wall of the warehouse and in relation to the certain parts of the proposed roof ridge height compared with the height of the apex of the existing pitched roof. Part of the development at either end of the site, and in the centre of the site, would increase in height by 1.1 metres compared with the existing ridge height. Cumulatively this equates to approximately 35% of the overall roofline. The highest element, being the ridge of the roof, would be approximately 6 metres from the northern and southern boundaries of the site with neighbouring properties.
- 8.22. Approximately 15% of the length of the southern boundary wall would be increased in height by 0.5 metres.
- 8.23. The proposed increase in height and overall scale of development of the development is considered acceptable as it would not have an overbearing impact and would continue to be in keeping with the prevailing heights of the Conservation Area.

Elevation treatment and materials

- 8.24. The proposed elevations to the east and west frontages to Tredegar Square are designed to retain the simple form of the original warehouse and thus contribute positively to the character and setting of the Conservation Area. Window openings would be vertically proportioned to reflect the character of the adjacent Terraces and have arches on vertical bricks. The gables in particular would retain a sense of the original commercial nature of the warehouse and would read coherently with the immediately adjacent elevations of Lyn Mews and Tredegar Square.
- 8.25. With reference to materials, brick is the predominant 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. New or reclaimed natural slates are proposed for all roofs to match adjoining terraces. They are to incorporate PV and Solar Arrays in a simple and orderly arrangement. Windows are to be triple glazed timber framed composite with powder coated aluminium external profiles coloured grey, which suits the industrial character of the existing building. Roof lights are to be Velux Heritage range or similar and small in size in order to match those adjacent properties on Tredegar Square. Rainwater gutters and downpipes are to be black painted or powder coated cast aluminium.

- 8.26. It is recommended that a condition is attached to the permission which requires details of the lightwell cleaning to be submitted and approved in writing by the Local Planning Authority.
- 8.27. The proposed materials and detailed design are considered acceptable and would complement the character and appearance of Tredegar Square Conservation Area.
- 8.28. It is considered that this mews style development is an appropriate form of development on the site as it would be of high design quality and would seek to maximise development in a sustainable manner. The development has an opportunity to integrate well with its surroundings in accordance with the NPPF, policy SP10 of the Core Strategy (2010) and policies DM23 and DM24 of the Managing Development Document (2013) which seeks to ensure all new developments are sustainable and are of high design quality.

Impact on heritage assets

- 8.29. Further to the aforementioned heritage and conservation related policies, in considering whether to grant planning permission for a development which affects the setting of a listed building, according to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required to have special regard to the desirability of preserving the setting of the building and any features of special architectural or historic interest which it possesses. In accordance with Section 72 of the above act, special attention shall also be paid to the desirability of preserving or enhancing the character or appearance of designated conservation areas. As statutory requirements consideration of the harm to the setting of a listed building and the desirability of preserving or enhancing the character and appearance of a conservation area, are considerations to which a decision maker, in this case the Committee, should give considerable weight and importance.
- 8.30. The addendum to the Heritage Statement includes a consideration of the impact of the proposed development upon the surrounding Listed Buildings and the Conservation Area.
- 8.31. The existing building is in poor condition. The enclosing walls are bowing and supported from collapsed internal steelwork, the roof has asbestos (which as of report drafting was currently being cleared), and there is much overgrown vegetation within the building, including ivy growth.
- 8.32. A steel roller shutter entrance is the only structural opening to the western elevation, and a corrugated iron gate between high brick walls encloses the rear yard to the eastern end. The eastern end contributes little to the conservation area, however the western end sits comfortably within the street.
- 8.33. The proposed building closely retains the form and original materials of the existing warehouse, especially when viewed from the public domain of the streets at each end, albeit with an increase in height. The materials are commensurate to the predominant brick fabric of the surrounding area. It is not considered that the proposed development would result in harm to either

the character and appearance of the conservation area, or the setting of the nearby Listed Buildings.

Housing

- 8.34. The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development”* Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 8.35. 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.
- 8.36. The site area has an area of 766m² (0.076ha) and the scheme proposes 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 447 hr/ph, which falls within the suggested density range.
- 8.37. Policy SP02 of the Core Strategy (2010) seeks to create mixed communities. This policy also seeks to ensure new developments optimise the use of land. It also seeks to ensure that an appropriate housing mix to provided onsite. The overall provision for family sized accommodation should be approximately 30% of all new housing.
- 8.38. 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%	

- 8.39. As illustrated in the table above, the proposal makes provision for 50% x 2 bed units and 50% x 3-4 bed units. The proposal does not make any provision for one bedroom units which is contrary to policy. However, when assessing this site specifically and its immediate context, it is considered that the site is more suited to family sized accommodation. When considering the constrained linear nature of the site, it is apparent that providing 2 and 3/4 bed units delivers good quality dual aspect units, with less of a requirement for core areas than smaller units would be. Generally in developments in Tower Hamlets, there is an under provision of family units proposed within the

market tenure and the proposed four x 3/4 bedroom units onsite is a welcome addition, and would have a positive contribution to the housing stock in the borough.

- 8.40. On balance, it is considered that the proposal adequately complies with policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development Document (2013) which seek to ensure that new developments offer a range of housing choices.

Quality of proposed accommodation

- 8.41. Policy SP10(4) of the adopted Core Strategy (2010) and 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.

Amenity space

- 8.42. Specific amenity space standards are guided by policy DM4 of the Council's Managing Development Document (2013) which follows 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.
- 8.43. 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. 4 of the units would have roof terraces.
- 8.44. The proposal makes provision for private amenity space for each unit at ground floor which exceeds policy requirements in numerical terms. In addition, the proposal makes provision for private amenity space on 4 roof terrace areas. Whilst there would be a degree of inter visibility between the ground floor amenity spaces within the development, it is not considered significant and the quantum of private amenity space, particularly for the family units is welcomed.
- 8.45. Four roof terraces are proposed on the southern side of the site, associated with each of the 3 bedroom units. The terrace would be off a study/additional bedroom, delivering an additional 4.7sqm of private amenity space for these units.
- 8.46. It is considered that the scheme would provide genuine usable and high quality amenity space, in accordance with policy DM4 of the Managing Development Document (2013).

Daylight and Sunlight

- 8.47. With reference to daylight and sunlight impacts on the development itself, although the VSC levels in the scheme are generally below the 27% standard, the ADF levels are compliant in accordance with BRE Guidelines. ADF is considered an appropriate measurement for new developments, as it

considers factors such as the VSC at the face of each window, the Total Window Area, Total Wall Area, Wall Reflectivity and Window Transmission. ADF requirement is 1% for a bedroom and 2% for a dining/kitchen. Given that all of the proposed rooms within the development achieve the ADF values recommended by the BRE, the proposal is considered acceptable in this respect.

Outlook

- 8.48. When considering outlook and privacy matters, officers are mindful of the constraints of the site. All south facing habitable rooms at ground floor level would look out to a boundary wall. The distance between habitable rooms from the part 1.8 metre, part 4.9 metre wall would be between 5-6 metres. Whilst Officers consider that these separation distances are not ideal, the size and layouts of the development would mean that future residents would receive acceptable levels of private amenity space and daylight and sunlight to their properties, and given the constrained nature of the site, the layout achieves a very efficient use of the site
- 8.49. Given the constrained nature of the site, it is considered that the proposal would provide acceptable standard of accommodation in accordance with policy SP02 and SP10 of the Core Strategy (2010); policy DM4, DM24 and DM25 of the Managing Development Document (2013) which seek to provide high quality design and sustainable forms of development.

Effects on neighbouring amenity

Daylight

- 8.50. In term of the impacts on surrounding properties, the height to the eaves of the proposed building would not exceed that of the existing building, and the ridge height would be increased in places marginally. The increase in height would not have an adverse impact on current daylight and sunlight levels enjoyed by surrounding properties and therefore their amenity would not be unduly compromised.

Privacy

- 8.51. 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. Residents have expressed concern that the opaque glazing is not fixed and therefore could be opened. The applicant would be required to ensure that these lightwells are fixed shut at all times. This would be secured by way of condition.
- 8.52. Private amenity space has been proposed in the form of in-set roof terraces. The proposed roof terraces are set back from the eaves by 2 metres. This means that any overlooking to the rear gardens of properties on Mile End Road, which includes a building in the rear garden of No. 447 Mile End Road, would be restricted via the oblique angle of view looking south.
- 8.53. The distance from the roof terrace to the rear of the existing properties on Mile End Road is approximately 26m, being almost double that from the habitable rooms in the Lyn Mews houses to the rear windows of houses on Mile End Road and in excess of the 18m minimum distance recommended by

policy. The roof terrace to Unit 1 on the west end of the development would have very minimal overlooking impacts as it would overlook the roof of Lyn Mews. It is also positioned to the inside of the unit and away from the road fronting elevation and would therefore be particularly difficult to see from the street.

- 8.54. The proposed roof terrace for Unit 8 is located to the east of the site, north of no. 66 Tredegar Square. This roof terrace would look out onto the blank flank wall of No 66 albeit at a high level. There is an east facing bay window on this property, however looking down and into these windows would be greatly restricted due to the height difference.
- 8.55. Within the centre of the site, the final two roof terraces are proposed for Unit No.s 4 and 5. There is an existing out-building at the rear of No.449 Mile End Road, which has rooflights. Again, given the setback of the terraces within the roof, overlooking is obscured by the eaves of the new building and the oblique angle of view.
- 8.56. Views into the adjacent gardens are negligible and obscured by the existing garden building, trees and walls, especially when compared to the views from the much closer rear windows of neighbouring properties on Mile End Road. As with the several examples around Tredegar Square, the inset balconies are small and serve only one study/bedroom and are not designed as terraces to be used by whole households or families.
- 8.57. Furthermore, no. 453 Mile End Road has an existing terrace at first floor level which looks north towards the site, and the existing development at 457-503 Mile End Road has balcony access to units also along its northern elevation. Accordingly, upper level roof terraces are not atypical of the area, and it is not considered that the introduction of the proposed roof terraces will result in an unduly detrimental impact upon privacy for existing residents.
- 8.58. It is therefore considered that the proposal would not have an adverse impact on the daylight/sunlight and privacy levels of surrounding properties in accordance with policies SP10(4) of the adopted Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) which require development to protect the amenity of surrounding residential properties.

Transport and Highways

- 8.59. Policy SP08 & SP09 of the Core Strategy (2010) and 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.

Cycle parking

- 8.60. 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.

Car parking

- 8.61. There are two accessible spaces proposed onsite. LBTH Highways team note that the proposed parking bays do not allow vehicles to enter or leave in a forward gear which is of concern on road safety grounds. They have suggested that the parking bay on the western end should be removed on the basis that this is a main road with through traffic. These matters were considered in the extant permission and there are no changes to the scheme in terms of provision and location of the two parking spaces. Officers have discussed LBTH Highways concerns regarding pedestrian safety with the applicant and suggested a visibility splay to be incorporated to the back of the public highway. 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. This would be secured by way of condition.

Energy

- 8.62. Core Strategy (2010) policy SP11 seeks for a reduction in carbon emissions for all developments of 20% above building regulations. Policy DM29 of the Managing Development Document (2013) seeks a reduction in carbon emissions by 50% on Building Regulations, for major applications.
- 8.63. The proposed units are anticipated to achieve Code for Sustainable Homes level 4 and >28% reduction in CO2 emission reductions from a building regulations baseline. To achieve the CO2 emission reductions the application is proposing a PV array of 7.2kWp and 55m2. As this application is a minor applications, as opposed to a major (which would be 10 or more residential units), the proposed energy strategy is acceptable.

Human Rights Considerations

- 8.64. 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:-
- 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".
- 8.65. 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.

- 8.66. 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 are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.67. 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.
- 8.68. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.69. 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.
- 8.70. 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.

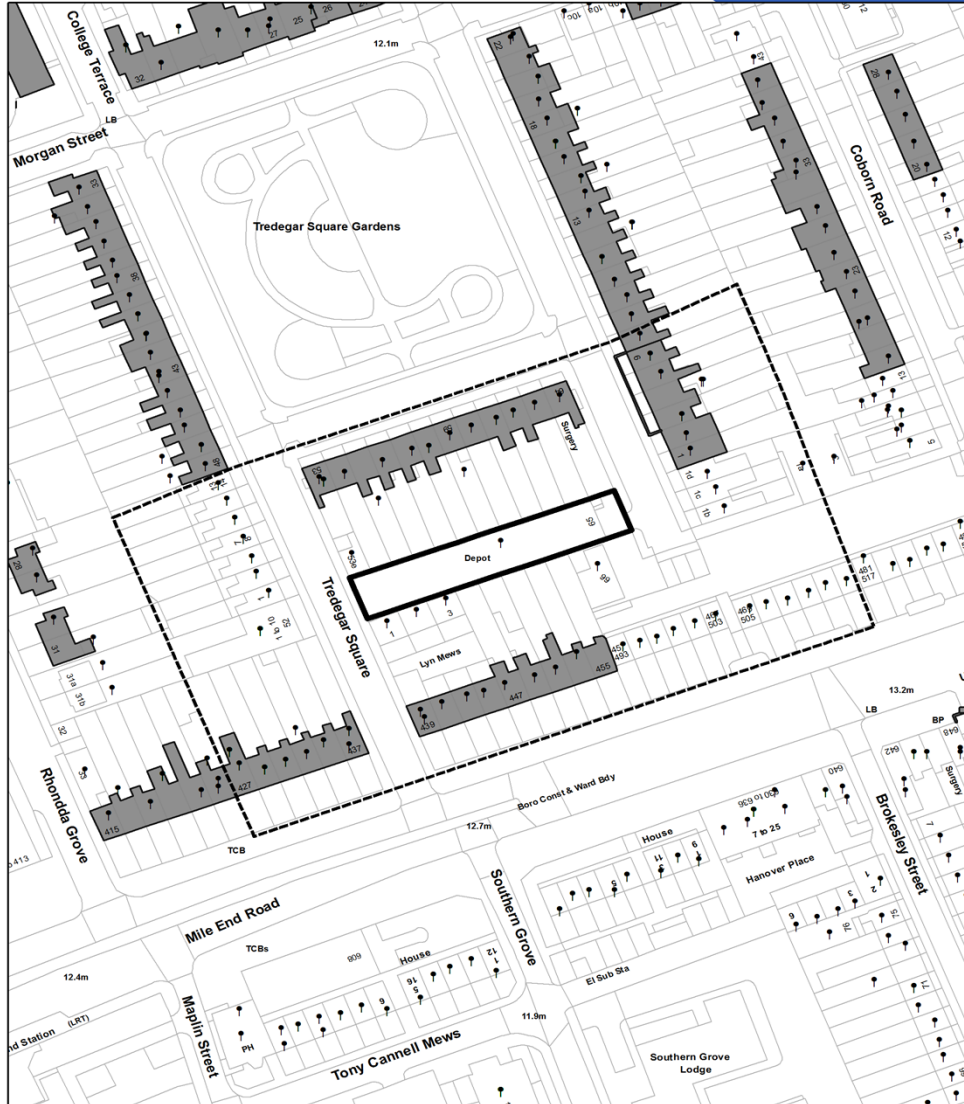
Equalities Act Considerations

- 8.71. 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:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9. CONCLUSION

- 9.1. All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in **RECOMMENDATION** section of this report.
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Planning Application Site Map
PA/14/00104



- Planning Application Site Boundary
- Locally Listed Buildings
- Land Parcel Address
- Consultation Area
- Statutory Listed Buildings
- OSLine



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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