

Committee: Development Committee	Date: 15 th October 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application for Decision
Case Officer: Gerard McCormack	Ref No: PA/14/01595
	Ward: Bow East

1. APPLICATION DETAILS

Location:	369a Roman Road, London, E3 5QR
Existing Use:	Mixed use ground floor unit with A1 retail provision at the front and residential accommodation at the rear. Ground floor currently vacant.
Proposal:	Variation of condition 2 of planning permission PA/12/02272 dated 27 th February 2013 for the: “Installation of a new shopfront, retention of retail unit to Roman Road frontage, and the conversion of the remainder of the unit into a two bedroom flat
	The variation is sought to enable the following minor material alterations:
	<ul style="list-style-type: none"> • Internal alterations to the layout of the retail and residential units • Changes to the design and dimensions of Vivan Road light wells including additional glazing
Drawing and documents:	<ul style="list-style-type: none"> • A01 dated 18th September 2014 • A02 dated 18th September 2014 • A03 dated 18th September 2014 • Letter from GVA dated 13th June 2014 in relation to daylight and sunlight
Applicant:	Mr T Creber
Ownership:	Ms Sarah Halls - Craggs
Historic Building:	N/A
Conservation Area:	The Driffield Road Conservation Area

2. EXECUTIVE SUMMARY

- 2.1. The Local Planning Authority has considered the particular circumstances of these applications against the Development Plan, national, regional and local guidance and other material planning considerations as set out in this report and recommends the approval of planning permission for the reasons set out in the 'Material Planning Considerations' section of this report.
- 2.2. The application seeks permission to vary condition 2 of planning permission PA/12/02272, with changes sought internal layout of the residential and retail areas as well as the external elevations of the property. The amends are considered to be an appropriate and will serve to enhance the character and appearance of the Driffield Road Conservation Area and subject to conditions, would be acceptable in all other respects.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to appropriate safeguarding conditions:
- 3.2. That the Corporate Director for Development & Renewal is given delegated authority to impose the following conditions and informatives (or add or remove conditions acting within normal delegated authority) in relation to the planning permission on the following matters:-

3.3. Conditions for planning permission

1. Time limit three years from 27th February 2013
2. Development to be carried out in accordance to the approved plans
3. Detail to match the external finish of the existing building
4. Hours of building work
5. Provision of refuse and recycle facilities
6. Provision of cycle storage

3.4. Informatives

1. The development will be liable for Community Infrastructure Levy Payments
2. The planning application should be read in conjunction with the previously signed s106 car free agreement in relation to planning permission PA/12/02272.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The application seeks planning permission to vary condition 2 of planning permission PA/12/02272 by seeking alterations to the approved plans. Internal and external alterations are proposed to the ground floor and basement of the residential and retail units. The main changes to the residential unit involve a reduction in the size of the approved light wells, repositioning of the entrance door, insertion of a new door within the Vivian Road elevation and internal staircase to the basement. In relation to the retail unit a second entrance door, spiral staircase, toilet and increase in retail floor area are proposed.

Site and Surroundings

- 4.2. The application relates to the ground floor and basement of a new built three storey end of terrace building located on the corner of Roman Road and Vivian Road giving it a prominent appearance within this location. Retail use on ground floor with residential above.
- 4.3. The site is not listed nor are there any listed buildings in its vicinity. The site forms part of the Driffield Road Conservation Area and the Roman Road East District Town Centre and lies in a predominantly residential area with a strong commercial spine of Roman Road.

4.4. Relevant Planning History

PA/12/02272: Installation of new shopfront retention of a retail unit to Roman Road frontage, and the conversion of the remainder of the unit into a two bedroom flat.

Approved under delegated powers on 27th February 2013

PA/13/00827: Approval of details pursuant of condition 4 (car free) of planning permission PA/12/02272.

Approved 3rd October 2013

4.5. Relevant Planning Enforcement History

ENF/10/00105 – Enforcement notice issued 9th May 2012 in relation to existing unauthorised shopfront comprised of wooden slat hoardings.

5. POLICY FRAMEWORK

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

5.2. Government Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)

Technical Guidance to the National Planning Policy Framework (March 2012) (TG)

5.3. Spatial Development Strategy for Greater London - Revised Early Minor Alterations to the London Plan October 2013 (LP)

7.4 – Local Character

7.8 – Heritage Assets and Archaeology

5.4. Tower Hamlets Core Strategy (adopted September 2010) (CS)

SP01 – Refocusing on our Town Centres

SP02 – Urban living for everyone

SP09 – Creating Attractive and Safe Streets and Spaces

SP10 – Creating Distinct and Durable Places

SP12 – Delivering Placemaking

5.5. **Managing Development Document (adopted April 2013) (MDD)**

DM1 – Development within the Town Centre Hierarchy
DM3 - Delivering homes
DM 4 – Housing standards and amenity space
DM15 – Local Job Creation and Investment
DM20 – Supporting a Sustainable Transport Network
DM22 – Parking
DM24 – Place-sensitive Design
DM25 – Amenity
DM27 – Heritage and the Historic Environment

5.6. **Other Relevant Documents**

The Driffield Road Conservation Area Character Appraisal and Management Guidelines

6. **CONSULTATION RESPONSE**

6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2. The following were consulted regarding the application:

6.3. **Internal Consultees**

Building Control

6.4. Have confirmed and external door needs to be provide within 3 metres of top of the staircase leading from the basement in order to provide an appropriate means of escape.

Neighbours Representations

6.5. 11 planning notification letters were sent to nearby properties. Press and site notices were also displayed.

6.6. In total, 41 objections were received including a representation from Councillor Joshua Peck.

A summary of the objections received

6.7. The proposal would result in an unacceptable loss of retail floorspace

Officer's response – The application has been amended so the retail provision will be more than that approved under application PA/12/02272.

6.8. The window frontage would be reduced as a result of the proposed bin store for the flat on the 1st floor.

Officer's response – A bin store is no longer proposed within this cupboard at the bottom of the stair case to the 1st floor flat which protrudes into the retail unit. It is proposed to keep this cupboard as this is where the electricity and gas supplies enter the building which would be costly to remove and mean further alterations to the external appearance of the property. The existing block work which the external

render has been attached to will be removed to allow for a window to be installed as originally approved. This should provide a future retailer with some display space as well as increasing the frontage along Roman Road.

- 6.9. The proposal would have a detrimental impact on the vitality and viability of the designated Roman Road East District Centre

Officer's response – The principal of the proposal has been agreed as part of planning permission PA/12/02272 only seeks alterations to the internal layout and external appearance of the approved permission.

7. MATERIAL PLANNING CONSIDERATIONS

Background

- 7.1. The original planning application (BW/97/20) for the erection of a three storey building to provide a drop-in centre and bookshop on the ground floor with three flats above was never implemented in accordance to the approved plans. An application (PA/12/00354) was then submitted seeking permission to have all of the ground floor in residential use which was refused and subsequently dismissed on appeal. An enforcement notice was also issued requiring the unauthorised shop front to be removed and replaced in accordance to the original approved plans for the development.
- 7.2. Following the appeal decision another application (PA/12/02272) was submitted and approved which overcame the previous concerns. It is the plans of this approved application for the installation of a new shopfront, retention of retail unit and conversion of the remainder of the ground floor into a residential unit which this proposal seeks to alter.

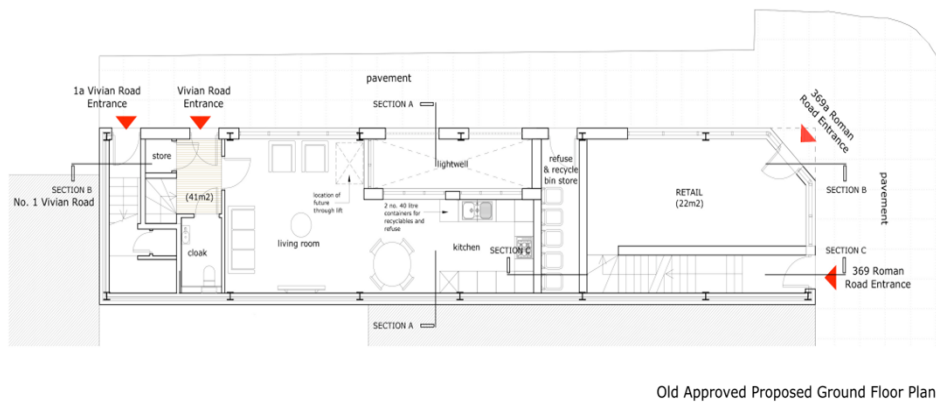
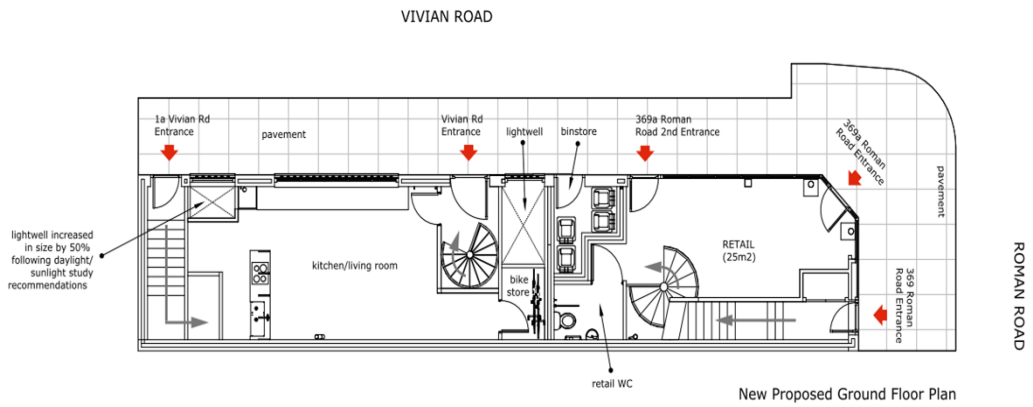
Scope of consideration of application

- 7.3. Section 73 of the Town and Country Planning Act 1990 (as amended) allows for an application to be made to develop land without compliance with conditions previously attached or to grant planning permission subject to conditions that differ from those previously imposed. S73 states that on receipt of such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. As such, in determination of any application for amendments, officers do not revisit the principle of the development and only consider the potential impact of proposed changes.

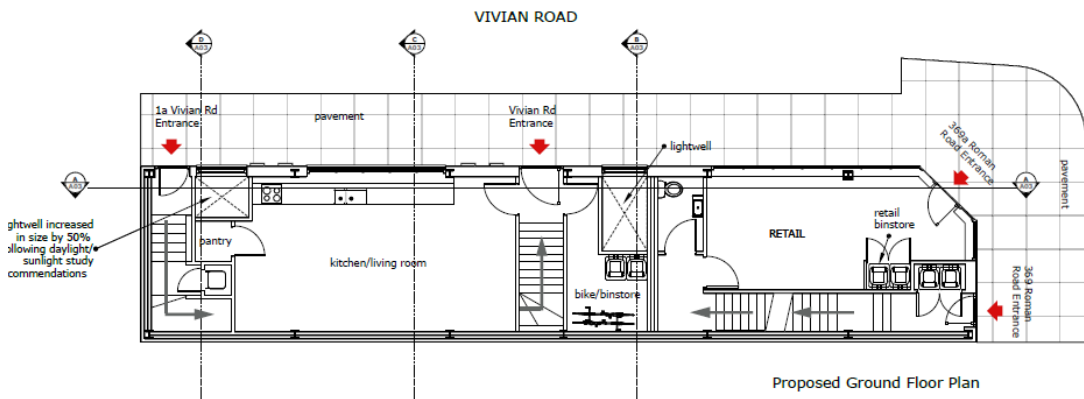
Differences of between approved and proposed plans

- 7.4. This application seeks to vary the approved plans to alter the internal arrangement of the approved units and to make modifications to the external appearance of the external appearance of the property. The plans below show the proposed differences to the ground floor and basement layouts

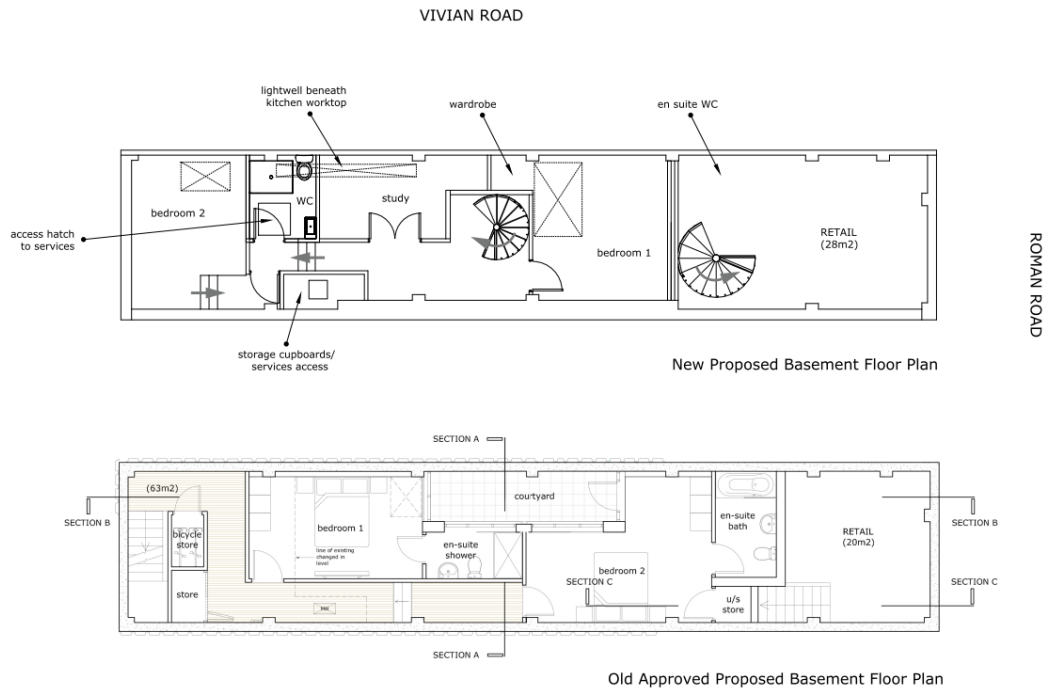
Ground floor



The original submitted plan which the main body of the objections referred to has now been amended as shown above.



Basement



Impact on living conditions of occupants of the flat

- 7.5. The layout of the residential unit would be altered with the main entrance door and access staircase to the basement moved from the rear of the property closer to the retail unit. The light wells within the unit would be reduced in size increasing the size of the kitchen and living room area.
- 7.6. The alterations of the light wells will lead to a reduction in daylight and sunlight to the bedrooms and bathroom located within the basement. This has been assessed and both bedrooms would achieve a high level of daylight distribution coverage close to 90% of the room area. This would ensure an even spread of daylight throughout the bedrooms when in occupation. The minimum recommended target value for a bedroom is 1% average daylight factor (ADF) as set out in the British Standard Document. The ADF analysis indicates that the larger bedroom will achieve 1.67% ADF whereas the smaller bedroom would achieve close to 0.8% ADF.
- 7.7. Therefore the larger bedroom will achieve in excess of the minimum 1% recommended target whereas the smaller bedroom will just fall short. Although the result for the smaller bedroom is technically below the recommended level it is considered typical and consistent for an urban environment and therefore acceptable.
- 7.8. On balance it is felt that larger more useable living and kitchen area created at ground floor level would compensate the occupants of the unit for the mild deficiency in light to the bedrooms within the basement.

Alterations to the retail unit

- 7.9. The retail floor area will have been increased by six square metres from compared to the approved scheme. A toilet has been added improving the welfare provision within the unit for both staff members and customers. Due to building regulations requirements a second external door has been provided on the Vivian Road elevation within 3 metres of the top of the staircase to the basement.
- 7.10. Following discussions with officers the plans originally submitted have been amended to incorporate a window panel as shown as part of the PA/12/02272 application on the Roman Road elevation. The applicant is reluctant to move the storage cupboard used by the occupants of the first floor flat. Due to it being included in the lease of the 1st floor flat creating legal complications, the expense of relocating the main gas and electric supply to the building and the lack of a suitable alternative area to house the gas and electric supply.
- 7.11. Although the storage and utilities cupboard remains a gap is proposed between it and the window. Allowing a future retail tenant to advertise with the window and display items despite the space being limited. The applicant has started discussions parties interested in renting the retail unit and have received positive feedback from a company specialising in selling art work.

Heritage and design

- 7.12. Policies SP09, SP10 and SP12 of the Core Strategy 2010 and policies DM23, DM24 and DM27 of the Managing Development Document, seek to ensure development is designed to the highest quality standards, using appropriate materials and incorporating principles of good design, to ensure development is sensitive to and enhances the site and local character of the surrounding area, preserving the Borough's conservation areas.
- 7.13. The relocation of the entrance door, inclusion of a new entrance door, slight changes to the window arrangement and modifications to the lightwell would not detract from the overall appearance of the Driffield Road Conservation. They have been designed to relate well to the surroundings and are broadly in line with the previously approved plans.

Cycle Parking

- 7.14. The Council's cycle parking standards are set out in Appendix 2(1) of the adopted Managing Development Document (2013), which for residential units requires the provision of 1 cycle parking space for 1 or 2 bedroom units, such as this one.
- 7.15. The previous approved plan had the cycle storage shown in the basement. This proposal seeks to move the cycle store to ground floor level which would be more appropriate and easier to access than having it in the basement. The layout and size of the cycle store meets the required standards with three cycle racks being provided. It is therefore considered that the proposals include adequate provision of secure, usable cycle parking facilities, in accordance with the requirement of Policy DM22(4) of the Council's adopted Managing Development Document (2013) and Policy 6.9 of the London Plan (2013).

Refuse and Recyclables Storage

- 7.16. The refuse residential storage area would be made smaller than approved which is deemed to be satisfactory given the additional storage provided at the bottom of the entrance stairs to the first floor flat. A separate area for commercial bins has been incorporated which will be easier for the waste contractor for the retail unit to manage. The amended scheme has been reviewed and the arrangements would be acceptable.
- 7.17. It is recommended that a condition be included to require the refuse storage facilities to be implemented prior to first occupation of the flat and to be retained as approved for the life of the development.
- 7.18. Subject to such a condition, it is considered that the proposals include adequate provision of refuse and recyclables storage facilities, in accordance with the requirements of Policy DM14 of the Council's adopted Managing Development Document (2013) and Policy SP05 of the Council's adopted Core Strategy (2010).

8. Equalities

- 8.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation there are no identified equality considerations.

9. Conclusion

- 9.1. All other relevant policies and considerations have been taken into account. Planning permission **should be granted** for the reasons set out in RECOMMENDATION section of this report

