

<b>Committee:</b> Development	<b>Date:</b> 03 September 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Christopher Stacey-Kinchin	<b>Ref No:</b> PA/15/00701
	<b>Ward:</b> Whitechapel

## 1.0 APPLICATION DETAILS

**Location:** 80 Back Church Lane, London, E1 1LX

**Existing Use:** Class D1 (Non-Residential Institution)

**Proposal:** Demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level.

Application for Variation of Condition 2 (approved plans) to planning permission reference PA/14/00215, dated 13/05/2014, for a minor material amendment to the approved scheme including;

- Incorporation of a sub-station internally within the building and associated alterations to layout and rear projections;
- Alterations to the design of the external elevations, including the balconies;
- Modified entrance to the affordable housing units from Boyd Street;
- Modified design and location of basement escape stair (at north-west corner);
- Enclosure of private amenity space at ground level;
- Alterations to the design of the communal roof garden;
- Minor alterations to the layout of a number of the residential units;
- Amendments to the cycle parking provision on site;
- Amendments to the refuse stores on site;
- The installation of a PV array to the parapet wall on the west, south and east elevations.

**Drawings and documents:** B1308/P/001, Rev B  
B1308/P/002, Rev A  
B1308/P/005, Rev D  
B1308/P/009, Rev D  
B1308/P/010, Rev E  
B1308/P/011, Rev C  
B1308/P/012, Rev C  
B1308/P/013, Rev D  
B1308/P/014, Rev D  
B1308/P/015, Rev D  
B1308/P/019, Rev C  
B1308/P/150, Rev E  
B1308/P/151, Rev E  
B1308/P/152, Rev E  
B1308/P/154  
420.01  
UKP3343 – DWG500, Rev 3  
UKP3343 – DWG800, Rev 4

**Applicant:** City of London College  
**Ownership:** City of London College  
**Historic Building:** Development affects setting of a listed building  
**Conservation Area:** None

## 2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Development Committee as the proposal has attracted a total of 2 written objections and a petition in objection to the scheme containing 57 signatures which raises material planning considerations discussed in paragraph 7.3 of this report.
- 2.2 This application has been considered against the Council’s approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (Consolidated with Alterations since 2013) (London Plan 2015) and the National Planning Policy Framework and all other material considerations.
- 2.3 The proposal is for the demolition of the existing three-storey education building, and the erection of a six-storey building comprising educational use (Use Class D1) at basement and part ground floor level, and 59 residential units (Use Class C3) at ground to fifth floor level.
- 2.4 This application is for the variation of condition 2 (approved plans) relating to planning permission PA/14/00215, dated 13/05/2014, for a minor material amendment to the approved scheme including; the incorporation of a sub-station internally within the building and associated alterations to layout and rear projections; alterations to the design of the external elevations, including the balconies; modified entrance to the affordable housing units from Boyd Street; modified design and location of basement escape stair (at north-west corner); enclosure of private amenity

space at ground level; alterations to the design of the communal roof garden; minor alterations to the layout of a number of the residential units; amendments to the cycle parking provision on site; amendments to the refuse stores on site; and the installation of a PV array to the parapet wall on the west, south and east elevations.

- 2.5 The proposed amendments to the previously approved scheme are considered to be acceptable. The incorporation of a sub-station internally at ground floor level resulting in the slight loss of educational use (Use Class D1) floorspace is acceptable in land use terms as it is unlikely to have any impact on the quality of the replacement college.
- 2.6 The alterations to the rear projections are minor in nature and alongside other alterations are not considered to have an adverse impact upon the amenity of either neighbouring residents or future occupants of the proposed residential units.
- 2.7 The alterations to the design of the external elevations, including the balconies, along with the amendments to the communal roof garden and the basement escape stair are generally considered to improve the overall aesthetic of the building and are thus considered acceptable in design terms.
- 2.8 The reconfiguration of a number of the residential units along with the modified entrance to the affordable housing units from Boyd Street are considered to have improved the overall housing offer on this site, including the design of the communal areas, sense of 'arrival' for the future residents of the affordable residential units and overall accessibility of the development.
- 2.9 The proposed amendments to the balconies and cycle parking provision are considered acceptable in terms of their impacts on the local transport and highway network.
- 2.10 The amendments to the refuse provision on site are generally considered to be an improvement on the existing situation and can thus be considered to be acceptable in relation to the relevant policies and standards.
- 2.11 The installation of a PV array on the roof of the proposal in order to provide an element of on-site renewable energy is supported by officers, as it helps the Borough towards its target of becoming a zero carbon Borough.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
  - a) A deed of variation to the previous S.106 agreement dated 13<sup>th</sup> May 2014.
  - b) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

#### **3.2 Conditions on planning permission**

1. Development to be built in accordance with the approved plans (*compliance*)
2. General building works – hours of working (*compliance*)
3. Noise sensitive works – hours of working (*compliance*)
4. External building materials and landscaping details of roof terrace (*compliance*)
5. Hard and soft landscaping, external lighting, boundary wall treatments and window details (*trigger point tbc*)

6. Ground floor door openings onto the public highway (*compliance*)
7. Contaminated land (*compliance*)
8. Construction environmental management plan (*compliance*)
9. Scheme of sound/vibration installation (*trigger point tbc*)
10. Cycle parking (*compliance*)
11. Scheme of drainage (*trigger point tbc*)
12. Energy strategy (*compliance*)
13. Accessible housing scheme (*compliance*)
14. Plant and machinery (*trigger point tbc*)
15. Highway improvement works (*trigger point tbc*)
16. Substation electromagnetic field assessment (*pre-occupation*)

### 3.3 Informatives on planning permission

1. Projection licence for oversailing balconies
2. Decision to be read in conjunction with S.106 attached to the previously consented scheme PA/14/00215.

## 4.0 PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 This application is made under Section 73 of the Town and Country Planning Act 1990. This section of the act enables the ‘varying’ or ‘amending’ of conditions.
- 4.2 Section 73 applications involve the consideration of the conditions subject to which a previous planning permission was granted. It is important to note that a Section 73 application is not considering the principle of the development, as planning permission has already been granted for this. If it is decided that the proposed amendments to the conditions are not desirable then the application should be refused. However, if it is not the case then the application should be approved subject to differently worded conditions.
- 4.3 The approved scheme under ref PA/14/00215 included the demolition of the existing three-storey educational building and the erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level.
- 4.4 Whilst the form and footprint of the approved building would be largely maintained, and the number and mix of residential units would also remain the same, the following changes to the approved consent (PA/14/00215) are proposed:
  - Incorporation of a sub-station internally within the building and associated alterations to layout and rear projections;
  - Alterations to the design of the external elevations, including the balconies;
  - Modified entrance to the affordable housing units from Boyd Street;
  - Modified design and location of basement escape stair (at north-west corner);
  - Enclosure of private amenity space at ground level;
  - Alterations to the design of the communal roof garden;
  - Minor alterations to the layout of a number of the residential units;
  - Amendments to the cycle parking provision on site;
  - Amendments to the refuse stores on site;
  - The installation of a PV array to the parapet wall on the west, south and east elevations.

## **Site and Surroundings**

- 4.5 The application site relates to a rectangular plot of land approximately 0.052 hectares with approximate frontages on each street of 15 metres and 36 metres respectively. The site sits on the south west corner of an urban block bounded by Fairclough Street to the north, Henriques Street to the east, Boyd Street to the south and Back Church Lane to the west.
- 4.6 The site previously contained the City of London College, which provided approximately 1200sqm. of educational floorspace within a three-storey former industrial building, however the proposed replacement building (the subject of this application) is already now well under construction.
- 4.7 To the north of the site there are three storey residential properties constructed around an internal courtyard. The five-storey residential Everand House is located opposite the site to the south on Boyd Street, with the three storey Dog and Truck public house on the corner with Back Church Lane. To the east and west of Boyd Street and Back Church Lane, are warehouse buildings of between 5 and 6 storeys in height which are in residential, commercial and live/work use.
- 4.8 Warehouse buildings typify the character of Back Church Lane. The six storey Chandlery House and New Loom House directly opposite the application site, are Grade II Listed. Modern glazed residential additions set back from the traditional façade have been erected upon Chandlery House, occupying the top two storeys. Both buildings are in residential and live/work use. The site is not located within a Conservation Area.

## **Relevant Planning History**

- 4.9 PA/04/01824 – Change of Use from car storage with ancillary servicing/valeting and office accommodation to an educational use (class D1); external works including the erection of a canopy and the insertion of doors and windows. (Permission granted 12/09/2005)
- 4.10 PA/05/02007 – Change of use from car storage with ancillary servicing/valeting and office accommodation, to education use (class D1) involving external alterations to the building, including re-cladding of exterior and erection of a kitchen extract flue. This proposal is a revision to the planning permission granted on 26/09/2005 (Ref: PA/04/01824). (Permission granted 05/04/2006)
- 4.11 PA/07/02265 – Demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level. (Permission granted 04/09/2008)
- 4.12 PA/11/00142 – Application to replace extant permission ref. PA/07/2265 dated 04/09/08 in order to extend the time limit for implementation for the Demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level. (Permission granted 01/09/2011)
- 4.13 PA/12/02787 – Change of Use from car storage with ancillary servicing/valeting and office accommodation to an educational use (class D1); external works including the erection of a canopy and the insertion of doors and windows. (Permission granted 14/01/2013)

- 4.14 PA/14/00215 – Application to vary Condition 16 (development in accordance with approved plans) of planning permission dated 01/09/2011, reference PA/11/00142: (Demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level).

Application seeks to vary affordable housing provision and amend approved drawings to provide a development of 59 residential units (31no. one-bedroom, 22no. two-bedroom, 5no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level). (Permission granted 23/09/2014)

- 4.15 PA/14/01009 – Submission of details pursuant to condition no. 7 (Contamination), of planning permission dated 13/05/2014, ref: PA/14/00215. (Permission granted 11/06/2014)
- 4.16 PA/14/01174 – Submission of details pursuant to condition no. 8 (Construction Environmental Management Plan) of planning permission dated 13/05/2014, ref: PA/14/00215. (Permission granted 02/07/2014)
- 4.17 PA/14/01654 – Non-material amendment to wording of condition 10 (bicycle parking) of planning permission PA/14/00215 dated 13/05/2014. The proposed amendment seeks to remove the wording of ‘Prior to commencement’. (Permission granted 02/07/2014)
- 4.18 PA/14/02070 – Soft strip works and demolition of the existing three storey educational building. (Permission granted 18/09/2014)

## **5.0 POLICY FRAMEWORK**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2 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:

### **5.3 Government Planning Policy**

National Planning Policy Framework 2012  
National Planning Practice Guidance

### **5.4 London Plan (Consolidated with Alterations since 2013) 2015**

3.5 – Quality and design of housing developments  
3.18 – Education facilities  
5.2 – Minimising carbon dioxide emissions  
5.3 – Sustainable design and construction  
5.7 – Renewable energy  
5.11 – Green roofs and development site environs  
5.17 – Waste capacity  
6.3 – Assessing effects of development on transport capacity  
6.9 – Cycling  
6.13 – Parking  
7.1 – Lifetime neighbourhoods

- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology

#### **5.5 Core Strategy 2010**

- SP02 – Urban living for everyone
- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP07 – Improving education and skills
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP11 – Working towards a zero-carbon borough
- SP12 – Delivering placemaking

#### **5.6 Managing Development Document 2013**

- DM3 – Delivering homes
- DM4 – Housing standards and amenity space
- DM11 – Living buildings & biodiversity
- DM14 – Managing waste
- DM19 – Further and higher education
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and the public realm
- DM24 – Place-sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment
- DM29 – Achieving a zero carbon borough and addressing climate change

#### **5.7 Supplementary Planning Documents**

N/A

#### **6.0 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:

##### **LBTH Affordable Housing Officer**

- 6.3 The alterations proposed are generally considered to be acceptable. The affordable units now have two access routes which is considered to be an improvement on the previously consented scheme, however it should be noted that both routes are still notably less direct and convenient than the main entrance to the private core. The layout of the garden areas at ground floor level is an improvement on the previous consent, although care needs to be taken with the detailed design of the basement escape stairs to ensure that they are not an eyesore for the occupants of flat G01. The changes to the communal roof terrace are acceptable, however no detail is shown to indicate whether play equipment is to be provided in the area

marked for play space. It is also noted that the applicant has now sufficiently detailed how the proposed residential units will meet Lifetime Home Standards, and how 10% of the proposed units will be Wheelchair Accessible, or easily adaptable for future users, meaning that the applicant has satisfied the scope of condition 13 of permission PA/14/00215.

*Officer comment: The applicant has provided further details on the basement escape stair, and officers are content that this will not be an eyesore for the occupants of flat G01. Details of play equipment have also been submitted by the applicant for the area previously marked on plans as 'play area'.*

#### **LBTH Corporate Access Officer**

6.4 No comments received.

#### **LBTH Transportation & Highways**

6.5 Transport and highways officers have not raised objections to the amended balconies, and have stated that they will consider oversailing licences for them. No objections have been received to the amended cycle parking provision on site within this application.

*Officer comment: This is discussed further under the 'Transportation & Highways' section of this report.*

#### **LBTH Waste Policy & Development**

6.6 No comments received.

#### **LBTH Energy Efficiency Unit**

6.7 The details submitted as part of this application are acceptable and are also sufficient in order to discharge condition 12 of permission PA/14/00215.

*Officer comment: This is discussed further under the 'Sustainability' section of this report.*

#### **LBTH Environmental Health – Noise and Vibration**

6.8 No comments received.

#### **Historic England Archaeology**

6.9 The proposal is unlikely to have a significant effect on heritage assets of archaeological interest, and therefore no further assessment or conditions are necessary.

### **7.0 LOCAL REPRESENTATION**

7.1 A total of 323 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in 'East End Life'.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:                      Objecting: 2



Supporting: 0

No of petition responses:

Objecting: 1 containing 57 signatories

Supporting: 0

7.3 The following issues were raised in objection to the proposal:

- The proposed alterations to the rear/east elevation and the height of the proposal will have an adverse impact on the levels of sunlight/daylight received by neighbouring properties, and will also result in overlooking.

*Officer comment: This is discussed further under the 'Amenity' section of this report.*

- Local residents are extremely unhappy and dissatisfied with the slow pace of works that are going on and the high levels of noise, excess dust, dirt and constant traffic disruptions (including the closure of Boyd Street) that they have been subjected to due to the way in which these works are being carried out. Residents also note that the developers (Cruxdens) are not registered with the Considerate Constructors Scheme.

*Officer comment: The covering letter which accompanies the petition objecting to this application states that construction works take place between 8am and 6pm on weekdays, and also on Saturdays. It should be noted that condition 3 of permission PA/14/00215 sets out the acceptable working hours for this site which are 8am to 6pm on weekdays, and 8am to 1pm on Saturdays. Condition 4 of permission PA/14/00215 goes on to state that excessively noisy works shall not take place other than between 10am to 4pm on weekdays. From the information contained within the petition letter officers conclude that the applicant is not breaking the terms of this condition.*

*The planning department cannot comment on the speed of construction as this is not a material consideration. The applicant has however, been made aware of resident's concerns regarding noise, dust, dirt and traffic disruption and apologises for any inconvenience caused. The applicant has stated that they are following the Considerate Constructors Scheme and continued monitoring of the site will take place to ensure that any further disruption to local residents is kept to a minimum.*

- Local residents object to the affordable housing entrance being placed on Boyd Street as it will increase the levels of both pedestrian and vehicular traffic on the street.

*Officer comment: It should be noted that the previously consented scheme contained an entrance for the affordable housing provision on Boyd Street, and the current proposal only seeks to alter this arrangement. As such officers do not consider that the revised proposal will generate a significant increase in the levels of pedestrian and vehicular traffic on Boyd Street.*

- Local residents object to the proposed communal roof garden within this application. Other developments within the surrounding area which feature roof gardens have late night parties and large congregations of people which negatively impacts upon surrounding residents.

*Officer comment: This application seeks to make a series of minor amendments to the previously consented scheme (PA/14/00215), where the principal of a roof garden has already been established. As such officers are not in a position to re-assess whether the inclusion of a roof garden on this site is acceptable or not as it already benefits from planning permission.*

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 This application has been assessed against all relevant policies under the following report headings:

1. Land Use
2. Design
3. Housing
4. Transportation & Highways
5. Amenity
6. Access
7. Refuse
8. Environmental Considerations
9. Conclusion

8.2 As this application is a minor material amendment to a previously consented scheme, the principal of the development has not been reconsidered by officers.

### **Land Use**

8.3 The proposed amendments to the scheme result in a small reduction to the educational use (Use Class D1) floorspace as a result of the newly proposed UKPN substation.

8.4 Policy 3.18 of the London Plan (2015) states that development proposals which enhance education and skills provision will be supported. Furthermore development proposals which co-locate schools with housing should be encouraged in order to maximise land use and reduce costs.

8.5 The Council's Core Strategy policy SP07 (4) seeks to support the growth and expansion of further and higher education facilities in the borough as it is appreciated that such facilities provide important opportunities for local people to gain and refine skills for employment.

8.6 The Council's Managing Development Document policy DM19 (1) supports the expansion of existing further and higher education facilities within the borough where they are located in accessible locations.

8.7 Whilst the amendments to the proposal will result in the slight reduction of educational use (Use Class D1) floorspace as a result of the newly proposed UKPN substation which is 13.9m<sup>2</sup> in size, officers do not consider that such a minor reduction in D1 floorspace will have a notable impact on the proposed college.

### **Design**

8.8 The application proposes to slightly alter the rear projection (east and north elevations) of the building to accommodate the proposed internal substation, an additional refuse store and other alterations to unit G-04 and the communal areas of the affordable housing provision, amend the external elevations (due to design development), amend the design of the basement escape stair and amend the layout and design of the rooftop communal garden (due to design development). It should also be noted that further details of the external materials for the

building and full landscaping details of the rooftop communal garden have also been provided as part of this submission.

- 8.9 Policies 7.4, 7.6 & 7.8 of the London Plan (2015) seek to ensure that proposed buildings are of a high architectural quality and relate well to their surroundings. Where proposals affect the setting of heritage assets, they should be sympathetic to their form, scale, materials and architectural detailing.
- 8.10 The Council's Core Strategy policy SP10 seeks to ensure that proposals promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Proposals should also project and enhance heritage assets such as statutory listed buildings and their settings.
- 8.11 The Council's Managing Development Document policies DM24 and DM27 seek to ensure that development will be designed to the highest quality standards, incorporating principles of good design. Development is also 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'.
- 8.12 The proposed alterations to the rear projections of the building primarily affect the east and north elevations of the building at ground and first floor level. These proposed alterations are minor in nature and involve the addition of a lift overrun rising 0.7m above the flat roof of the ground floor rear projection (which houses the Boyd Street entrance to the affordable housing units), an extension to unit G-04 at ground floor level to the north side of the building measuring 4.4m in width and 4.4m in depth and an additional single storey protrusion to the north of the market housing cycle parking to accommodate additional refuse storage measuring 2.9m in width and 4.4m in depth. Due to the scale of these alterations, the fact that they will blend in (in terms of materiality) with the remainder of the building, and the fact that this portion of the building is not visible from the public highway, officers do not consider that these alterations will have a significant impact upon the overall design of the building, and thus are acceptable.
- 8.13 The most significant design changes being proposed within this submission are the amendments to the elevations of the building, including the alterations to the balconies and rooftop PV array. Whilst the revised design still has a similar architectural language to the previously consented scheme (PA/14/00215), the amended proposal now introduces yellow brick to both ground and part first floor forming a 'plinth' to the building. Officers welcome the introduction of brick at the lower levels of the building as it helps the building relate better to its surroundings, in particular the listed warehouses on the opposite side of Back Church Lane. Significant alterations have also been made to the fenestration patterns of the elevations, with the amended scheme now offering increased levels of glazing to the building which benefits both the external appearance of the building and the levels of light received by the occupants of the proposed internal spaces. The proposed cladding panels to the upper levels of the block have also been refined as part of the amended proposal and officers consider that the current proposal for three different panel colours (being light grey, dark grey and red) is generally successful. The proposed balconies have also been significantly amended and now incorporate linked vertical screens which both provide a degree of visual interest to the elevations and wider street scene and also provide a greater level of privacy for future occupants. Officers consider that the proposed rooftop PV array which sits on the outer edge of the parapet wall of the rooftop garden generally relates well to the remainder of the building below, as each set of panels has been positioned to relate to the balcony protrusions of the lower floors. In light of the above, it is the conclusion of officers that the amendments to the external elevations of the building represent a significant improvement on the previously consented scheme, and are supported.

- 8.14 It should be noted that the proposed materials for the external finishes of the building have been submitted as part of this submission, and have been reviewed by the Council's design officers and considered to represent a high quality finish to the building. As such the details relating to part a) of condition 5 of consent PA/14/00215 can now be considered to have been complied with, as such, were this scheme to be approved the submitted external material would not need to be requested by condition again.
- 8.15 The amended proposal also introduces an escape stair for the basement which surfaces adjacent to flat G-01, details of this are shown on drawing B1308/P/154. As the proposed fencing around the basement escape stair only extends 1.1m above ground and is made up of steel balustrading, officers do not consider that its inclusion will significantly impede the natural surveillance of the gated entrance or the movement of people and refuse bins in and out of the adjacent gated entrance. It is also considered that its inclusion does not significantly detract from the appearance of the building. Its introduction in this location can therefore be considered appropriate.
- 8.16 Another significant alteration to the design of the scheme are the amendments being made to the communal rooftop garden as a result of design development. The proposed communal rooftop garden now includes an acceptable balance between both hard and soft landscaping, including clearly designated areas for both formal and informal seating, play areas and general amenity space. Officers consider that the amended communal rooftop garden is a significant improvement on the previously consented scheme (PA/14/00215) as it offers a high quality amenity space for the use of all residents, and is supported.
- 8.17 It should be noted that the submission includes full details of the proposed layout and materials to be used for the communal rooftop garden which have been reviewed by the Council's design officers. As such part f) of condition 5 of consent PA/14/00215 can now effectively be considered as having been discharged, and a compliance condition stating that the proposed scheme must be built out in accordance with the approved layout and materials will be placed upon this application if members are minded to grant approval.
- 8.18 Considering the above, officers conclude that the amended scheme represents an improvement on the previously granted consent (PA/14/00215) in terms of the design of the scheme, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Housing**

- 8.19 The application proposes to modify the previously consented entrance and ground floor circulation space to the affordable housing provision within the building, and enclose the private external amenity spaces to the affordable units at ground floor level. A number of the residential units have also been reconfigured, including alterations to the projecting balconies. It should be noted however that the number of market sale, affordable rent and intermediate residential units would be retained as previously consented under permission PA/14/00215.
- 8.20 Policy 3.5 of the London Plan (2015) seeks to ensure that all proposed housing meets the minimum space standards for internal space and external private amenity space. It also states that the design of all new dwellings should consider factors such as the 'arrival' at the building and communal areas.
- 8.21 The Council's Core Strategy policy SP02 (6) seeks to ensure that all new housing is appropriate, high-quality, well-designed and sustainable. This is to be achieved by setting housing design standards, requiring new developments to be compliant with Lifetime Homes Standards, and ensuring that an adequate level of private amenity space is provided in every development, including communal amenity space in developments of 10 or more units.

- 8.22 The Council's Managing Development Document policy DM4 seeks to ensure that all housing developments include an adequate provision of internal space in order to provide an appropriate living environment, along with sufficient levels of both private and communal external amenity space in accordance with the London Plan Housing SPG.
- 8.23 Under the previously consented scheme (PA/14/00215) residents gained access to the main circulation core for the affordable units from Back Church Lane (via the rear courtyard), or via the entrance on Boyd Street (via the bin and bike store for the college).
- 8.24 The proposed amended scheme has altered the access arrangements for the affordable units and reorganised the internal communal areas. Whilst the two access points are broadly in a similar location to the previous access points, the entrance off Boyd Street is now exclusively for the use of the residents who occupy the affordable units, as it is no longer shared with the bin store and bike store for the college. The entrance from the rear courtyard has also been slightly enlarged along with the internal corridors which will improve the 'arrival' for residents. Officers consider that whilst the improvements still do not offer the residents of the affordable units the same level of direct and convenient access to their flats when compared with the market units, the amendments do represent a considerable improvement on the previously consented scheme (PA/14/00215), and is therefore supported.
- 8.25 The private amenity spaces to flats G-01, G-02, G-03 and G-04 have now been redesigned and enclosed resulting in more user friendly spaces that benefit from a greater level of privacy when compared with the previously consented scheme (PA/14/00215). Officers consider that these amendments represent an improvement on the previous design and should thus be supported.
- 8.26 A number of the residential units have been reconfigured internally, meaning that the majority of units (and all of the affordable units) now meet the minimum space standards and design criteria as set out in the Mayor of London's Housing Supplementary Planning Guidance (2012). This includes alterations to the design of the projecting balconies, which now have a minimum depth of 1.2m and provide between approximately 5m<sup>2</sup> and 7m<sup>2</sup> of private amenity space, which represents a significant improvement in the quality and quantum of the private amenity space over the previously consented scheme (PA/14/00215) and is therefore supported.
- 8.27 Considering the above, officers conclude that the amended scheme represents an improvement on the previously granted consent (PA/14/00215) in terms of the housing offer, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Transportation & Highways**

- 8.28 The application proposes to modify the proposed balconies, some of which oversail the public highway on both Boyd Street and Back Church Lane. Amendments to the cycle parking provision on site have also been made as a result of overall design development.
- 8.29 Policy 6.3 of the London Plan (2015) states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed and that development should not adversely affect safety on the transport network. Policy 6.9 states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum cycle parking standards which are set out in a table which forms a part of policy 6.13.

- 8.30 The Council's Core Strategy policy SP09 (3) seeks to ensure that all new development does not have an adverse impact upon the capacity of the road network.
- 8.31 The Council's Managing Development Document policy DM20 (2) states that development must be able to demonstrate that it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network. Policy DM22 (1 & 4) both state that development will be required to comply with the Council's minimum parking standards in order to ensure suitable provision for cyclists, however it should be noted that these standards have now been superseded by the parking standards set out within the recently adopted London Plan (2015), which this application is being assessed against.
- 8.32 The previously consented scheme proposed balconies which oversailed the public highway of both Boyd Street and Back Church Lane on the first, second, third, fourth and fifth floors for which LBTH's transport and highways officers raised no objections to at the time. The amended scheme seeks to alter the scale of these balconies, however now only proposes oversailing balconies on the second, third, fourth and fifth floors. The omission of the first floor balconies removes the potential for a high vehicle colliding with the balconies in the unlikely event that it encroaches onto the pavement of either Boyd Street or Back Church Lane adjacent to the proposed development. Whilst oversailing balconies are not normally supported by the Council's highways department, as no objections were raised to the previous oversailing balconies consented under application PA/14/00215, LBTH transport and highways officers have made an exception in this case and have thus not objected to the revised balconies and have stated that they will consider oversailing licenses for them. In light of the above officers conclude that the proposed amended balconies on the second, third, fourth and fifth floors will not have an adverse impact on either the safety or capacity of the surrounding road network.
- 8.33 The table below (Figure.1) illustrates the London Plan (2015) cycle parking standards (the most up to date standards), the previously consented cycle parking provision and the proposed cycle parking provision.

	London Plan (2015) Cycle Parking Standards	Previously Consented Scheme (PA/14/00215)	Proposed Cycle Parking (PA/15/00701)
Affordable and Intermediate Residential (17 units)	<b>24</b>	<b>16</b>	<b>16</b>
Private Residential (42 units)	<b>64</b>	<b>44</b>	<b>44</b>
City of London College	<b>64</b>	<b>14</b>	<b>40</b>

**Figure.1**

Considering that this scheme was originally granted permission in 2008, extended in 2011 and amended in 2014, members should take into consideration the fact that the cycle parking standards at these times required a lower level of cycle parking provision than the policies of today, and that it is therefore unreasonable to expect the applicant to significantly revise the layout of the proposed building to accommodate the new cycle parking standards. It should be noted that the amended scheme offers a total of 26 additional cycle parking spaces which is welcomed by officers.

- 8.34 It should also be noted that the submission includes full details of the proposed layout and type of cycle parking provision, along with details of the shower and changing facilities for the users of the college. Considering that officers are content with this provision, it can be concluded that condition 10 of consent PA/14/00215 can now be considered to have been discharged, and a compliance condition stating that the proposed scheme must be built out in accordance with the approved details will be placed upon this application if members are minded to grant approval.
- 8.35 Considering the above, officers conclude that the amended scheme represents and improvement on the previously granted consent (PA/14/00215) in terms of the transport and highways issues relating to the proposal, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Amenity**

- 8.36 Officers have assessed the amenity implications of the various alterations being made to the previously consented scheme, including the alterations to the rear projections of the building, the incorporation of a substation and amendments to the roof garden.
- 8.37 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.38 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that all development protects the amenity of surrounding building occupiers.
- 8.39 The Council's Managing Development Document policy DM25 states that development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupiers by not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.
- 8.40 The proposed alterations to the rear projections of the building primarily affect the east and north elevations of the building at ground and first floor level. These proposed alterations are minor in nature and involve the addition of a lift overrun rising 0.7m above the flat roof of the ground floor rear projection (which houses the Boyd Street entrance to the affordable housing units), an extension to unit G-04 at ground floor level to the north side of the building measuring 4.4m in width and 4.4m in depth and an additional single storey protrusion to the north of the market housing cycle parking to house additional refuse storage measuring 2.9m in width and 4.4m in depth. Due to the scale and location of these alterations and their setting in relation to neighbouring properties, officers do not consider that the proposed amendments to the scheme will result in the material deterioration of neighbouring resident's amenity. Furthermore officers also consider that the proposed alterations to the rear projections of the building will not have a significantly adverse impact upon the amenity of the future occupiers of the ground floor residential units (G-01, G-02, G-03 & G-04).
- 8.41 The amended scheme involves the installation of a substation at ground floor level adjacent to the entrance to the college. Whilst substations such as these are commonly found within large new residential units, due to the fact that the proposed substation sits directly below residential accommodation, officers feel it appropriate to add a condition to the decision notice requesting an electromagnetic field

assessment for the proposed substation to ensure that there are no adverse impacts upon neighbouring residents both within the proposed development and nearby.

- 8.42 Amendments have been made to the communal rooftop garden within this proposal as part of the overall design development of the scheme. Considering that the principle of a communal rooftop garden has already been granted on this site which would have been subject to a full assessment, officers can only consider whether the amendments being made to the previously consented scheme would result in neighbouring resident's amenity being adversely affected. Considering that the alterations being made to the communal rooftop garden are largely cosmetic and relate to the detailed design of the garden, officers do not consider that the alterations being proposed will have an adverse impact upon neighbouring residents and building occupiers.
- 8.43 Considering the above, officers conclude that the amended scheme does not raise any additional adverse amenity implications for neighbouring residents or building occupiers when considered against the previously granted consent (PA/14/00215), and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Access**

- 8.44 The applicant has provided further details on how the proposed residential units will meet Lifetime Home Standards, and how 10% of the proposed units will be Wheelchair Accessible, or easily adaptable for future users.
- 8.45 Policy 7.2 of the London Plan (2015) seeks to ensure that development demonstrates how it has incorporated the principles of inclusive design, including the specific needs of older and disabled people.
- 8.46 The Council's Core Strategy policy SP10 (4) seeks to ensure that development promotes good design principles to create buildings that are accessible, flexible and adaptable to change.
- 8.47 The Council's Managing Development Document policy DM23 (1) states that development should be should be easily accessible for all people by incorporating the principles of inclusive design.
- 8.48 As part of the design development of this scheme, the applicant has submitted further details on how the proposed residential units will meet Lifetime Home Standards, and how 10% of the proposed units will be Wheelchair Accessible, or easily adaptable for future users. The requirement for compliance with Lifetime Homes standards has been removed by the NPPG and is now covered within Building Regulations. Having said this, the details supplied have been reviewed are acceptable, as such, were permission to be granted for the alterations applied for under this permission, there would be no need to request these details again via condition. Condition 13 of PA/14/00215 would therefore become a compliance condition.
- 8.49 Considering the above, officers conclude that the amended scheme is acceptable in access terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Refuse**



- 8.50 The application proposes to modify and slightly reconfigure the proposed bin stores for the affordable residential units, market residential units and the college.
- 8.51 Policy 5.17 of the London Plan (2015) states that all developments should plan for waste management, and should minimise waste and achieve a high level of performance with respect to reuse and recycling.
- 8.52 The Council's Core Strategy policy SP05 (1) states that the Council will ensure that development implements the waste management hierarchy of reduce, reuse and recycle by ensuring that building users reduce and manage their waste effectively.
- 8.53 The Council's Managing Development Document policy DM14 (2) states that development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.
- 8.54 The number and size of refuse bins being provided across the site remains the same except for the affordable residential unit's refuse bin provision which increases from 3 large bins and 1 small bin to 4 large bins, which is welcomed. The configuration of the private residential unit's bin store has been amended from a narrow 'L-shaped' space to a wider rectangular shaped space which officers consider to be an improvement, as all of the proposed bins are now located closer to the collection point on Back Church Lane as a result. The refuse bins for the affordable residential units have now been located within a dedicated refuse store (directly to the north of the private residential cycle parking), as opposed to positioned along the northern boundary wall within the rear courtyard. Whilst they are now located slightly further away from the collection point on Back Church Lane, officers consider that the new arrangement is an improvement on the previous situation, as residents no longer have to pass refuse bins to access their flats. The refuse store for the college has remained in the same location as previously, however now opens into the secondary entrance lobby for the college as opposed to the entrance lobby for the affordable residential units.
- 8.55 Considering the above, officers conclude that the amended scheme represents and improvement on the previously granted consent (PA/14/00215) in terms of refuse provision, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Environmental Considerations**

- 8.56 The application proposes to install a PV array to the outside edge of the parapet wall on the west, south and east elevations of the building. The applicant has also provided further details on the energy strategy for the proposed building. The amended scheme does not raise any further contaminated land issues, and whilst additional information surrounding noise and vibration issues on site has been submitted within this application, these details have not been reviewed by the Council's Environmental Health department and the submission of such details will still be subject to a condition. The proposed amendments to the rooftop communal garden have been considered against the relevant policies governing biodiversity.
- 8.57 Policies 5.2, 5.3 and 5.7 of the London Plan (2015) seek to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions, demonstrate that sustainable design standards are integral to the proposal and integrate on-site renewable energy generation, where feasible. Policy 5.11 of the

London Plan (2015) seeks to ensure that all major development proposals include green roofs and green walls where possible in order to enhance biodiversity.

- 8.58 The Council's Core Strategy SP11 seeks to ensure that all new homes are built in-line with government guidelines to reach zero carbon by 2016 and provide 20% reduction of carbon dioxide emissions through on-site renewable energy generation where possible. Policy SP04 within the same document seeks to ensure that development protects and enhances biodiversity value through the design of open spaces and buildings.
- 8.59 The Council's Managing Development Document policy DM29 (1) states that all development will be required to demonstrate its compliance with the most up to date carbon emissions targets. Currently the requirement is for a 50% reduction in CO2 emissions above that required under Building Regulations 2010, or a 45% reduction over Building Regulations 2013. Policy DM11 within the same document seeks to ensure that proposed developments include elements of a 'living building'.

#### Energy and sustainability

- 8.60 The amended proposal includes the incorporation of a PV cell array on the roof, as the applicant has stated that it is the most efficient way to meet the target for on-site energy generation as set by the previous planning consent (PA/14/00215). The proposed PV panels will be oriented at 30 degrees to the horizontal, on the south, east and west roof perimeter, and this solution has been adopted as it is the most efficient in terms of energy generation and can provide the necessary area of array within a shallow profile, without major loss of amenity area. An LBTH energy efficiency officer has reviewed the design of the PV cell array and is content that is a suitable solution for this site.
- 8.61 Further details of the energy strategy for this building have also been submitted within this application, including details of both renewable energy and energy efficient design. Overall the development will reduced CO2 emissions by 25%, which is blow the current target, however, the scheme has been amended a number of times with the original application dating from 2007 when energy efficiency measures were less onerous. In this context it is considered that the development makes an acceptable contribution towards CO2 reduction and the energy strategy supplied for condition 12 of PA/14/00215 is satisfactory for this application.

#### Biodiversity

- 8.62 The amended proposal also seeks to alter the rooftop communal garden, and introduces additional greenery to the general landscaping along with green living walls on vertical surfaces (such as the lift and stair cores) and northern perimeter barrier. Considering that the scheme seeks to further enhance the biodiversity aspects of the previously consented scheme (PA/14/00215) officers consider that the amendments proposed are acceptable and is in accordance with policy DM11 which requires developments to enhance biodiversity.

#### Noise

- 8.63 There is an element of plant associated with this development, from the noise report provided it is not considered that there would be significant noise and disturbance to the residential occupiers as a result of this, however a condition requesting further details would be included within the permission.

### Contaminated land

- 8.64 The site lies within an area that is potentially contaminated, however as part of the previous application details of any potential contaminants and the measures to remediate this have been provided and reviewed by the environmental health officer and found to be acceptable.
- 8.65 Considering the above, officers conclude that the amended scheme is acceptable in environmental terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Conclusion**

- 8.66 The alterations being made as part of this proposal are as a result of design development, and provide officers with a greater level of detail for the scheme than the previous consent (PA/14/00215). Considering that the alterations being made to the scheme are generally minor in nature and offer improvements to the consented scheme, officers consider that this proposal for a minor material amendment to application PA/14/00215 should be supported and granted permission subject to the relevant conditions, informatives and S.106 deed of variation as outlined in section 3 of this report.

## **9.0 HUMAN RIGHTS CONSIDERATIONS**

- 9.1 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:
- 9.2 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".

- 9.3 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.
- 9.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.6 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.

## **10.0 EQUALITIES ACT CONSIDERATIONS**

- 10.1 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, gender 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.

## **11.0 FINANCIAL CONSIDERATIONS**

### Localism Act (amendment to S70(2) of the TCPA 1990)

- 11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
  - Any local finance considerations, so far as material to the application; and,
  - Any other material consideration.
- 11.2 Section 70(4) defines "local finance consideration" as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

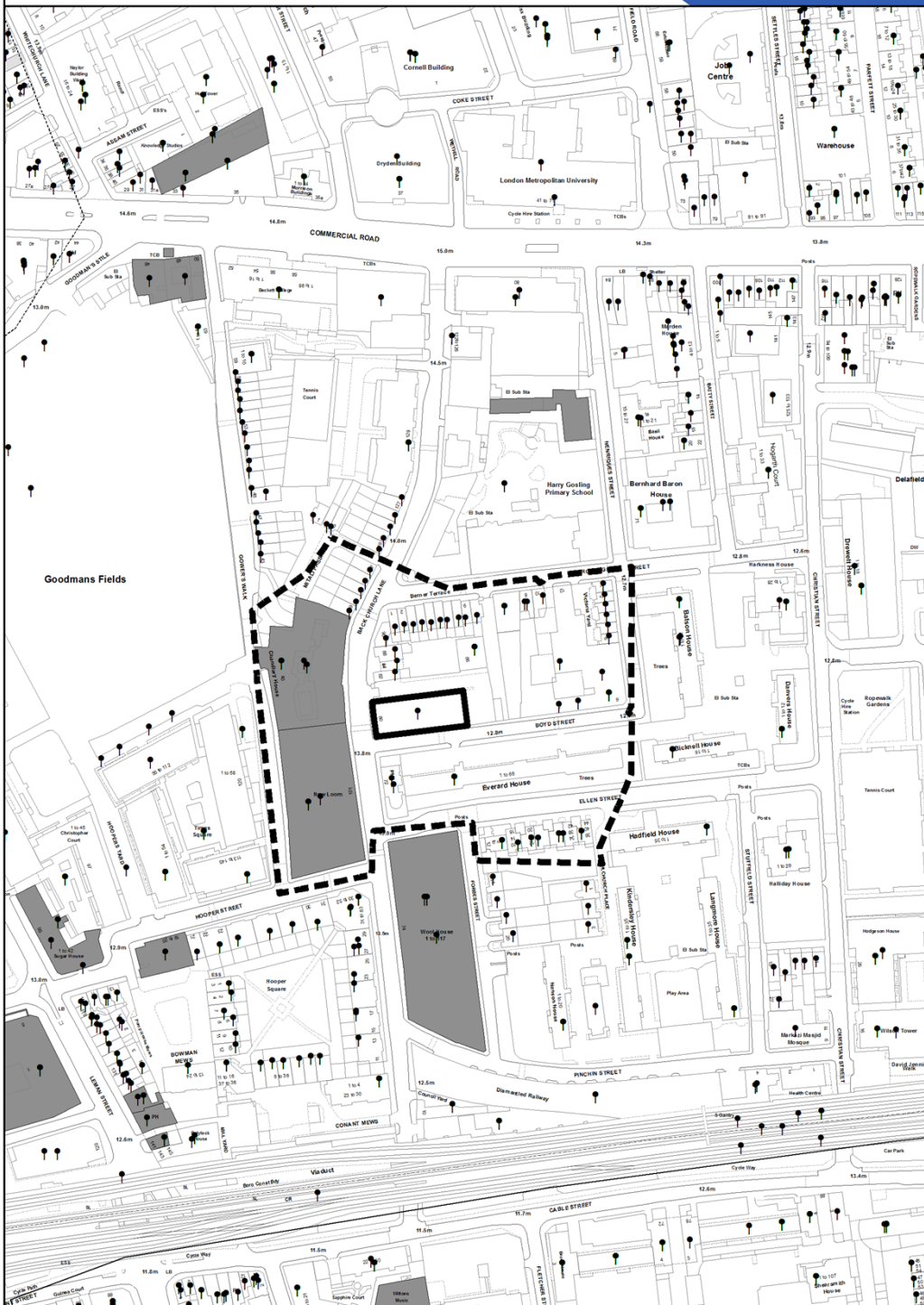
- 11.3 In this context “grants” might include New Homes Bonus. This is not applicable to this application.
- 11.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however as the proposal does not result in the creation of a new dwelling or net increase of new floorspace the proposal is not liable for Mayoral CIL.
- 11.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. Again, the proposal would not be liable for Borough CIL as there is no net increase in new floorspace being created.







## **12.0 CONCLUSION**

- 12.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

## **13.0 SITE MAP**

Planning Application Site Map  
PA/15/00701



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