

Committee: Development	Date: 4 th June 2008	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Simon Ryan		Ref No: PA/07/02265	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location:	80 Back Church Lane, London, E1 1LX
Existing Use:	Education (Use Class D1)
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.
Drawing Nos:	<ul style="list-style-type: none"> • Amended plans (received on 22nd May 2008) nos. 305/P/200, 305/P/201, 305/P/202/A, 305/P/203/A, 305/P/204/A, 305/P/205, 305/P/206, 305/P/207 and 305/P/208 • Design & Access Statement • Revised Daylight and Sunlight Report prepared by Waterslade
Applicant:	City of London College
Owner:	City of London College
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance and associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The proposal is in line with the Mayor and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and policy HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3 The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.8, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.
- 2.4 The proposal includes improved educational facilities, providing an additional 170sqm of floorspace above existing. As such, the proposal is in line with policy CP29 of the Interim Planning Guidance (2007) and policy 3A.25 of the London Plan (2008), which seek to ensure that boroughs provide adequate higher and further education facilities.
- 2.5 The density of the scheme would not result in the overdevelopment of the site and would therefore provide acceptable space standards and layout. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and policies DEV1

and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.

- 2.6 The developments' height, scale, bulk and design is acceptable and in line with policies 4B.1 and 4B.5 of the London Plan, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2 and CON1 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located in relation to listed buildings.
- 2.7 The amount of amenity space is acceptable and in line with policies HSG16 of the Council's Unitary Development Plan 1998 and policies HSG7 of the Council's Interim Planning Guidance (2007), which seek to improve amenity and liveability for residents.
- 2.8 The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.9 It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998) which seeks to protect residential amenity
- 2.10 Transport matters, including parking, access and servicing is acceptable in line with policy T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments can be supported within the existing transport infrastructure.
- 2.11 Contributions have been secured towards the provision of affordable housing, health care and education facilities in line with Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
 - A. Any **direction** by **The London Mayor**
 - B. The prior completion of a **legal agreement** to secure the following planning obligations:
 - a) Affordable housing contribution of 37.8%
 - b) Education contribution - £86,394
 - c) Health care contribution – £76,076
(Total financial contribution of £162,470)
 - d) Other obligations comprising a car-free agreement and a commitment to use Local Labour in Construction
 - e) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal be delegated authority to impose

conditions [and informatives] on the planning permission to secure the following matters:

Conditions

- 1) Permission valid for 3 years
- 2) Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
- 3) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
- 4) Submission of samples / details / full particulars of materials, landscaping & external lighting
- 5) Details of refuse and recycling facilities and servicing required
- 6) Submission of desktop study report for land contamination
- 7) Construction management plan to be submitted and agreed
- 8) Details of sound insulation measures to be submitted and agreed
- 9) Provision of 59 cycle spaces for the residential occupiers of the scheme, plus cycle parking for educational floorspace
- 10) Site surface drainage to be drained within site and not onto the public highway. Details to be submitted and approved
- 11) No doors at ground floor level to open outwards onto public highway
- 12) Air Quality Assessment required to be submitted and agreed
- 13) All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible
- 14) Energy efficiency measures to be submitted and agreed
- 15) Sustainability Strategy to be submitted and agreed
- 16) Details of any plant and machinery to be submitted and agreed in writing
- 17) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Section 106 of the Town & Country Planning Act 1990
- 2) Contact Environmental Health regarding contamination and sound insulation
- 3) Section 278 (Highways) Agreement required
- 4) Contact Highways department regarding a Projection Licence under section 177 & 178 of the Highways Act 1980, due to balconies overhanging public highway
- 5) During construction consideration must be made to other developments within the area and the impact to traffic movements on Back Church Lane and Boyd Street
- 6) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.3 That, if within 3 months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application proposes the demolition of the existing City of London College and the erection of a 6 storey building comprising 1370sq.m. of educational floorspace at ground and basement floor level, with 59 residential units at first to fifth floor level (28 x one bedroom, 18 x two bedroom, 12 x three bedroom and 1 x four bedroom). The application does not propose any vehicular parking spaces and as such, is car free. The proposal also details the ground floor units to have private amenity space, and a communal roof garden is also proposed.

Site and Surroundings

- 4.2 The application site covers a rectangular area of approximately 0.052 hectares, and is located on the corner of Back Church Lane and Boyd Street, with approximate frontages on each street of 15 metres and 36 metres respectively.
- 4.3 The site currently contains the City of London College, which provides approximately 1200sq.m. of educational floorspace within a three-storey former industrial building. The building, by virtue of its industrial past, is considered to appear out of context with the surrounding built form.
- 4.4 To the north of the site lies three storey residential properties constructed around an internal courtyard, whilst the five-storey residential Everand House is located opposite the site to the south in Boyd Street, with the three storey Dog and Truck public house on the corner with Back Church Lane. To the east and west in 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
- 4.5 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.

Relevant Planning History

- 4.6 The following planning decisions are relevant to the application:

TP/9421	The demolition of a stable block and erection of a 3 storey building for light industrial use was granted planning permission in 1987.
WP/96/219	In October 1996, planning permission was granted for the change of use of 80 Back Church Lane to car storage with ancillary servicing/valeting and office accommodation in association with a car chauffeur business.
PA/04/01824	In September 2005, planning permission was granted for the change of use to Education (Use Class D1) together with associated external works.
PA/05/02007	Planning permission was granted in April 2006 for the change of use to Education (Use Class D1), and external alterations to the building including re-cladding of the exterior and erection of a kitchen extractor flue.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Area of Archaeological Importance or Potential
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV39	Development and the setting of Listed Buildings
	DEV50	Noise
	DEV55	Development & Waste Disposal
	DEV56	Waste Recycling
	EDU1	Safeguarding Education Sites
	EMP1	Promoting Employment Growth

EMP6	Employing Local People
HSG7	Dwelling Mix & Type
HSG13	Standard of Dwelling
HSG16	Housing Amenity Space
T16	Impact of Traffic

Interim Planning Guidance for the purposes of Development Control

Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix & Type
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP29	Improving Education and Skills
	CP38	Energy Efficiency and Production of Renewable Energy
	CP41	Integrating Development with Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV22	Contaminated Land
	EE2	Redevelopment/Change of Use of Employment Sites
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-use Schemes
	HSG7	Housing Amenity Space
	HSG9	Accessible and adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	CON1	Listed Buildings
City Fringe AAP:	CFR1	City Fringe Spatial Strategy
	CFR2	Transport and Movement
	CFR3	Health Provision
	CFR4	Education Provision

Supplementary Planning Guidance/Documents

Design out Crime
Sound Insulation
Residential Space
Landscape Requirements

Spatial Development Strategy for Greater London (London Plan consolidated with amendments since 2004)

2A.1	Sustainability Criteria
3A.1	Increasing London's Supply of housing
3A.3	Maximising the potential of sites
3A.5	Housing choice
3A.8	Definition of affordable housing
3A.9	Affordable Housing targets
3A.10	Negotiating affordable housing in individual private residential and mixed use schemes
3A.11	Affordable housing thresholds
3A.24	Education Facilities
3A.25	Higher and further education
4B.1	Design principles for a compact City
4B.8	Respect and local character and communities
4A.4	Energy Assessment
4A.5	Provision of heating and cooling
4A.6	Decentralised energy, heating, cooling and power
4A.7	Renewable energy
4A.14	Sustainable drainage
4A.17	Water Quality
4A.19	Improving air quality
3C.1	Integrating transport and development

Government Planning Policy Guidance/Statements

PPS1	Sustainable Development
PPS3	Housing
PPG13	Transport
PPG24	Planning & Noise
PPG15	Conservation
PPS22	Renewable Energy

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:

LBTH Environmental Health

Health & Safety:

- 6.3 The applicant has not addressed the impacts that the development will have on air quality. A risk assessment of the demolition/construction phase should be conducted. Details of the sound insulation between units and any mechanical plant are also required.
- 6.4 *Officer Comment:* An air quality assessment and construction management plan has been requested by condition to be submitted prior to commencement of works. Conditions are also attached requiring the submission of insulation and plant details.

Contaminated Land:

- 6.5 A condition requiring the submission of a desk study report, a site investigation report and a risk assessment of the site should be attached to any planning permission.
- 6.6 *Officer Comment:* A condition to this effect has been attached.

Daylight & Sunlight:

- 6.7 Following the submission of a revised Daylight and Sunlight Report, no objections are raised.

LBTH Highways

- 6.8 LBTH Highways have made the following observations:
- No doors should open outwards onto the public highway
 - A condition regarding site drainage should be attached
 - Balconies projections over the highway should have a minimum clearance of 0.5m to the edge of the kerb
 - Section 278 Highways Agreement required
 - An informative should be attached regarding the need to apply for a projections licence
- 6.9 *Officer Comment:* Conditions are attached to secure the above requirements. The balconies have a minimum clearance of 0.5m to the edge of the kerb.

LBTH Energy Services

- 6.10 Prior to the commencement of development, the applicant should submit an Energy Strategy detailing how measures shall be incorporated into the development which reduce carbon dioxide measures by 20%, and a Sustainability Strategy detailing sustainability principles including the measures to conserve energy, materials, water and other resources.
- 6.11 *Officer Comment:* Conditions requiring the submission of an Energy Strategy and a Sustainability Strategy have been attached.

LBTH Cleansing

- 6.12 No comments received.

LBTH Education

- 6.13 The proposed dwelling mix is assessed as requiring a contribution towards the provision of 7 additional primary school places at £12,342 each, therefore requiring a total contribution of £86,394.

Primary Care Trust

- 6.14 The Primary Care Trust seeks a capital planning contribution of £76,076 to mitigate the demand of the additional population on health care facilities.

Officer Comment: This sum will be secured by the associated s106 agreement.

English Heritage

- 6.15 No objections.

7. LOCAL REPRESENTATION

- 7.1 A total of 297 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 12 Objecting: 12 Supporting: 0
No of petitions received: 1 objecting containing 31 signatories

- 7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Land Use

- Overdevelopment

Design

- The proposed design is out of character to the surrounding built form
- Excessive height, scale and mass

Amenity

- The daylight and sunlight report states that the reduction in daylight for some adjacent windows would be greater than BRE guidelines
- Overlooking of, and loss of privacy to adjacent properties
- A number of objectors question the content of the submitted Daylight & Sunlight report, particularly with regard to possible misrepresentation of calculations and the report's assumption that the lower ground windows within Chandlery House serve a car park when in fact they serve residential units
- Loss of light to adjacent occupiers
- Loss of amenity by virtue of noise and dust pollution during construction

Highways

- The proposal contains no cycle parking
- A car free residential development, together with the increased college floorspace will cause traffic and parking problems
- Increased pressure upon on-street parking

Other

- Exacerbation of existing pressure upon local utilities, particularly drainage

Officer Comment: The above issues are addressed in the main body of the report at paragraphs:

8.2 (Land use);
8.20 (Design);
8.30 (Amenity);
8.52 (Highways); and
8.72 (Other issues).

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:

1. Land Use

2. Housing
3. Design and Layout
4. Amenity
5. Highways
6. Other

Land Use

- 8.2 The subject site is not specifically designated for any particular use within the adopted Unitary Development Plan 1998 or the Interim Planning Guidance (2007). The site falls just outside of the Central Activities Zone as designated within the UDP, and falls within the City Fringe as designated within the IPG. Back Church Lane is characterised by residential warehouse conversions, together with live/work and commercial floorspace. Boyd Street is predominantly characterised by residential development. Land use within the area is presently evolving, particularly with the nearby Goodmans Fields site (approx. 50m to the west of 80 Back Church Lane) being designated within the IPG as a development site with preferred uses of residential, employment and public open space.
- 8.3 In accordance with policies CP11 and EE2 of the IPG, a change of use/redevelopment and/or reduction in employment floorspace will be considered where the creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal. The proposed development proposes to retain, update and expand the existing educational use, whilst also introducing residential usage.
- 8.4 In light of the retention and re-provision of the existing college, it is considered that the proposal complies with saved policy EDU1 of the UDP (1998) and policies 3A.24 and 3A.25 of the London Plan which seek to ensure that the needs of the education sectors are addressed.
- 8.5 Given the above, and given the predominantly residential character of the area and the fact that the site has no specific land use designation within the Development Plan, there are no land use reasons that would sustain a refusal on the grounds of provision of residential development.

Density

- 8.6 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.7 The site has a public transport accessibility level (PTAL) of 4. For urban sites with a PTAL range of 4 the appropriate density is 450-700 habitable rooms per hectare. The proposed density would be 3154 habitable rooms per hectare (Net site area). In numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.
- 8.8 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;

- Loss of outlook;
- Increased traffic generation; and
- Impacts on social and physical infrastructure.

8.9 These issues are all considered in detail later in the report and are considered to be acceptable. In summary, a high density mixed use development can be supported in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable for the following reasons:

- The development of the site for mixed use development will assist in the regeneration of this area and promote investment in infrastructure and services in the long term which will benefit both existing and future residents.
- A number of contributions towards health, education and housing have been agreed to mitigate any potential impacts on local services...
- The development is located within an area with good access to public transport services, open space and other local facilities.
- The proposal does not result in any of the common symptoms of overdevelopment, i.e., inappropriate height, bulk and massing, excessive site coverage, undersized flats and open space, or significant amenity impacts to surrounding properties, and
- The proposal is of a high quality and complies with the Council's objectives for new development as outlined in the UDP and the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007).

Housing

Affordable Housing

8.10 Adopted UDP Policy HSG3 seeks an affordable housing provision on sites capable of providing 15 or more units in accordance with the Plan's strategic target of 25%. Policy 3A.9 of the London Plan states that boroughs should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable as well as the borough's own affordable housing targets. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.

8.11 The Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) policy CP22 seeks 50% affordable housing provision from all sources across the Borough with a minimum of 35% affordable housing provision on sites capable of providing 10 or more dwellings. Policy HSG10 confirms that affordable housing will be calculated in terms of habitable rooms with the exception of where this yields a disparity of 5% or more compared to calculation in terms of gross floor space.

8.12 A total of 62 of the 164 habitable rooms within the proposal are affordable, representing a total provision of 37.8%. The scheme therefore satisfies the Council's IPG and Housing Needs Survey targets.

Housing Mix

8.13 The scheme provides a total of 59 residential units. The table below summarises the overall mix of units by type:

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total units in scheme	units	%	target %	units	%	target %	units	%	target %
1 bed	28	4	28.6	20	1	20	37.5	23	57/5	37.5
2 bed	18	4	28.6	35	2	40	37.5	12	30	37.5
3 bed	12	5	35.7	30	2	40	25	5	12.5	25
4 bed	1	1	7.1	10	0	0		0		0
5 bed	0	0	0	5	0	0	0	0		0
TOTAL	59	14	74%		5	26%		40	100	

- 8.14 Policy HSG7 of the UDP specifies that new housing developments will be expected to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Emerging Policy CP21, CP22 and HSG2 of the IPG seeks to create mixed communities.
- 8.15 On appropriate sites, UDP policy HSG7 requires new housing schemes to provide a mix of unit sizes including a “substantial proportion” of family dwellings of between 3 and 6 bedrooms.
- 8.16 According to policy HSG2 of the IPG, the family housing provision in the social rented, intermediate and private sale components should be 45%, 25% and 25% respectively as shown in the above table. The scheme is proposing 42.8%, 40% and 12.5% family housing in the social rented, intermediate and private sale units respectively. Furthermore, whilst the social rent family housing provision falls 2.2% shy of the target of 45%, the intermediate family housing greatly exceeds the required percentage. On balance, it is considered that the proposed mix is considered acceptable. The amount of family housing for private sale does not meet the target of 25%, however given excessive provision overall within the affordable housing, it is considered that the proposed mix is acceptable.
- 8.17 Policy HSG2 ‘Housing Mix’ of the IPG specifies an expected unit mix. Paragraph 5.14 of HSG2 states that a range of dwellings with differing layouts should be provided to widen housing choice. Sites with a larger site area have a greater opportunity to provide a mix of housing types including flatted and terraced style homes.

Social Rented/ Intermediate Shared Ownership and Housing Mix

- 8.18 The following table summarises the affordable housing social rented/intermediate split proposed against the London Plan and IPG:

Tenure	Habitable Rooms	London Plan	IPG
social rent	46 (74%)	70%	80%
shared ownership	16 (26%)	30%	20%
total	62 (100%)	100%	100%

- 8.19 The scheme lies almost midway between the criteria of the London Plan and the Interim Planning Guidance. Accordingly, the split is considered acceptable in this instance.

Design & Layout

- 8.20 Policy 4B.2 of the London Plan states that the Mayor seeks to promote world class design. Development proposals should show that developers have sought to provide buildings and spaces that are designed to be beautiful and enjoyable to visit, as well as being functional, safe, accessible for all and sustainable. All development should reflect local character, meet general principles of good design and improve the character of the built environment.
- 8.21 Policy DEV1 of the LBTH UDP sets out the general principles that the Council will promote, stating that all development proposals should:
- Take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials;
 - Be sensitive to the development capabilities of the site, not result in over development or poor space standards; be visually appropriate to the site and its setting; and take full account of planning standard No.1: Plot Ratio
 - Normally maintain the continuity of street frontages, and take account of existing building lines, roof lines and street patterns;
 - Provide adequate access for disabled people in respect of the layout of sites and the provision of access to public buildings;
 - Be designed to maximise the feeling of safety and security for those who will use the development; and
 - Include proposals for the design of external treatments and landscaping.
- 8.22 Policy CP4 of the IPG will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 reiterates this advice and that contained within policy DEV1 of the UDP, as detailed above.
- 8.23 As detailed above within section 2 of this report, the existing building is a former industrial unit, the equivalent of three storeys in height with an apex roof. It is considered that the existing building does not relate to the surrounding built form, which is predominantly characterised by warehouse conversions within Back Church Lane, with newer 3 storey residential to the north, and a mixture of residential conversions and flatted development in the adjoining Boyd Street.
- 8.24 The application proposes a rectangular building of six storeys (plus basement) in height, which steps down to three storeys upon the eastern elevation in Boyd Street. Following a series of meetings with the Council's Design & Conservation Officer, the applicant amended the design. The revised proposal features a varied palette of materials, which includes brickwork, stainless steel triangular balconies, and full height glazing upon the corner of the building at the junction of Back Church Lane and Boyd Street, and roof gardens. The educational usage at ground floor level also features glazing, which provides an active and pedestrian friendly frontage to the site. It is considered that proposed design is a vast improvement upon the existing building and beneficial to the streetscape generally.
- 8.25 With regard to the height, scale and mass of the proposal, it is acknowledged that the proposed building is higher than the existing three storey buildings directly to the north of the site within 82-88 Back Church Lane. However, given the predominant built form (warehouse buildings) within Back Church Lane is typically between five and six storeys in height, and given that the warehouse buildings have a far greater floor to ceiling height (and therefore total height) than that of the proposed development, the proposal would not appear dominant or out of context. With regard to the appearance within Boyd Street, the proposed building steps down from 6 to 3 storeys in height, so giving relief to the adjacent three storey building (7-9 Boyd Street).

- 8.26 In light of the above, it is not considered that the proposal has a detrimental impact upon the character and appearance of the area, and would not appear as an incongruous feature within the street scene of Back Church Lane or Boyd Street
- 8.27 The application site is not located within or adjacent to a conservation area. Loom House and Chandlery House, opposite the application site within Back Church Lane are Grade II listed. By virtue of the prominence of this listed building within the street scene, and that the proposal does not obstruct any important views, it is not considered that the proposal detrimentally impact upon the character and setting of these listed buildings, and as such, the proposal complies with policies DEV39 of the UDP and CON1 of the IPG.
- 8.28 All public and semi-private spaces would be overlooked by habitable room windows, providing natural surveillance.
- 8.29 Overall it is considered that the proposal represents a design, massing and scale which achieve a positive response appropriately to the broader context of the site. The proposed development would therefore be in accordance with relevant design and safety and security policies.

Amenity

Daylight and Sunlight

- 8.30 DEV2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.31 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.32 Policy 4B.10 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.
- 8.33 A Daylight/Sunlight analysis prepared by Waterslade (8th February 2008) considered the sunlight, daylight and shading effects from the proposed development. The assessment considers the potential impact on existing neighbouring dwellings and open spaces surrounding the site and compares the results against the current Building Research Establishment (BRE) guidance.
- 8.34 The abovementioned Daylight/Sunlight report was a revision of a previous report received in November 2007, which was considered to be incomplete by Council officers, due to adjacent properties within Back Church Lane being omitted.
- 8.35 The following properties that were considered to contain habitable rooms* were assessed within the revised report:
- Chandlery House, Back Church Lane (east facing elevation onto Back Church Lane)
 - Rear of 82, 84 and 88 Back Church Lane
 - Rear of 1 to 9 Berner Terrace (no.10 not assessed due to it being located directly to the north of 86 Back Church Lane)
 - 86 Back Church Lane (west facing elevation)
 - Constantine Court, Fairclough Street (west-facing elevation)
 - 1-68 Everand House, Boyd Street (north facing elevation)

- 72 Back Church Lane (Public House, north facing elevation)
- * the UDP advises that habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sq.m.).

Daylight Assessment

- 8.36 Daylight is normally calculated by two methods – the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the room's use.
- 8.37 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.
- 8.38 The daylight analysis identifies that neighbouring buildings assessed are left with adequate ADF for their room use and therefore meet the required BRE standard. The only windows that fall short of the standard are 5 windows situated at first, second and third floor of Chandlery House, however all have an ADF greater than 1.4%, with the majority above 1.5%. Three windows to the rear of 82, 84 and 88 Back Church Lane also fall short, these windows serving a kitchen or living room, and having ADF values of 1.54% and 1.98%. No other windows fall below BRE standards.

Sunlight Assessment

- 8.39 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south. The BRE report recommends that APSH in the proposed case should be at least 25% of the annual total including at least 5% in winter.
- 8.40 The applicant has shown that although many of the windows have low levels of sunlight due to such a dense urban location, however only one window within Chandlery House (a bedroom at ground floor level which falls short of the BRE recommendation by 6%) and one window within 86 Back Church Lane (a kitchen window which falls short of the BRE recommendation by 12%) do not meet the BRE target as detailed above.
- 8.41 With regard to the small number of residential units which are below BRE daylight and sunlight standards as detailed above, it is necessary to have regard to the particular circumstances of the location in question and the assessment should be made in the context of the site. Given the density of this city centre location and the regenerative benefits that the proposal would bring to the area and the Borough as a whole in terms of affordable housing, education and health contributions, on balance, it is considered that a refusal on the grounds of a loss of light to a small number of windows could not be substantiated in this instance.
- 8.42 In light of the above, and given Environmental Health's approval of the submitted Daylight & Sunlight Report, it is considered that its contents and the proposed development are acceptable.

Amenity Space

- 8.43 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below

8.44 SPG requirement:

- 50sqm of private space per family unit
- 50sqm plus an additional 5sqm per 5 non-family units
- 3sqm per child bed space

8.45 The proposal generates:

- 13 family units (13x50) = 650sqm
- 46 non-family units (46 +50) = 96sqm
- 27 child bed spaces (27x3) = 81sqm
- This equates to a total requirement for 821sqm in accordance with the SPG

8.46 Below is an assessment against the residential amenity space requirements under policy HSG7 of the IPG:

Units	Total	Minimum (sqm)	Standard	Required (sqm)	Provision
1 bed	28	6		168	
2 bed	18	10		180	
3 bed	12	10		120	
4 bed	1	25		25	
Total	59			493sqm	

Communal amenity	50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	100sq.m (50sq.m plus 50sqm).
Total Housing Amenity Space Requirement		593sqm

8.47 The applicant has provided an amenity audit illustrating the breakdown of communal amenity areas and private amenity space. In summary the communal space is 635sqm on the roof garden, together with a 141sqm communal courtyard at ground floor level which is shared with the properties at 82-88 Back Church Lane and 1-9 Berner Terrace. The total private space is 427sqm, which consists of 210sqm of private balconies and 217sqm of private gardens to the ground floor unit.

8.48 The total amenity space within the site is therefore 854sqm. Whilst the private communal space slightly falls short of the IPG target of 493sqm, the overall provision exceeds policy requirement and is commended. As such it is considered that the provision of private, communal and child space to be acceptable.

Sense of enclosure/Loss of Outlook

8.49 This impact cannot be readily assessed in terms of a percentage or measurable loss of quality of outlook. Rather, it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective. Nevertheless, in the opinion of officers, the development would not create an unacceptable sense of enclosure or loss of outlook to habitable rooms adjacent to the site.

Overlooking

8.50 Given the proposed development's location upon a corner site, the only possible properties that could suffer a loss of amenity by virtue of overlooking are those to the north and east of the site. As there are no residential windows upon the east elevation of the development, no overlooking will arise upon the adjacent properties in Boyd Street. With regard to the

properties to the north, 82-88 Back Church Lane and 1-9 Berner Terrace, these properties are located around a communal garden area with the facades closest to the application site containing no habitable windows. As such, the application will give rise to overlooking of a communal area, which is not considered to be unacceptable. It is not considered that the proposal would give rise to any undue overlooking or loss of privacy to habitable windows.

Noise and Dust During Construction

- 8.51 A number of residents objected on the grounds of noise and dust created during the construction phase. Conditions have been attached which restrict construction hours therefore preventing noise during anti-social hours. Furthermore, a condition has been attached requiring the submission and approval of a Construction Management Plan, which should detail measures to reduce dust escape from the site during demolition and construction. With regard to noise from the completed development, the applicant is also required to submit details of any plant and machinery proposed prior to commencement of development. Such matters are also covered by separate Environmental Health legislation.

Highways and Transport

- 8.52 Both the UDP and the IPG contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, lorries and supports movements by walking, cycling and public transport. Through the IPG the Council seeks to focus high density development in areas of high public transport accessibility CP41).
- 8.53 The PTAL rating for the site is 4 (Good). The site is well served by a number of bus routes providing access to local hubs and town centres, as well as the City. Aldgate East Underground station is 440m away, whilst Shadwell DLR station, which lies 300m south east of the site, is a 9 minute walk away (source: TfL). Numerous bus services operate on Commercial Road to the north of the site, and Cable Street to the south.
- 8.54 The proposed scheme is to be 'car free' and as such, no on site vehicular parking is to be provided. On site secure cycle parking will be made in line with required standards.
- 8.55 With regard to the objections on the grounds of additional traffic congestion, the planning permission would be subject to a "Car Free" agreement tied by a s106 legal agreement to prohibit residential parking permits.
- 8.56 With regard to the objections on the grounds of traffic congestion during construction, the Construction Management Plan as required by condition and detailed within paragraph 8.51 above, would need to contain details of construction traffic routes and frequency.
- 8.56 Details of servicing arrangements have not been provided, however the scheme details the refuse store to be located in Boyd Street. A condition has been attached which requires refuse and servicing details to be submitted and agreed prior to commencement.
- 8.66 In summary, the proposed development meets sustainable principles of car restraint policies by encouraging the use of alternative modes of transport, consistent with national and local planning policy. The proposed development is therefore consistent with PPG13 guidance, London Plan policy 3C.1 and 3C.2, UDP policy T16 and IPG policy CP40, CP41, DEV16 and DEV17. In view of the above, it is accepted that the proposed development will be a 'car free' development tied by s106 legal agreement to prohibit resident parking permits.
- 8.67 Policy CP42 of the IPG encourages pedestrian and cycle permeability in new developments. The Council will ensure that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network.
- 8.69 The details of the cycle parking have not been provided. It is therefore recommended that a

condition is included on the proposal requiring provision of 59 residential cycle parking spaces on site. It is also proposed to require provision of cycle parking racks for the education use, upon determining the student capacity. All cycle parking should be provided in accordance with the London Cycle Network Design Manual and should be covered and protected as well as having security such as CCTV.

Other Planning Issues

Energy Efficiency

- 8.70 The London Plan energy policies 4A.4, 4A.5, 4A.6 and 4A.7 aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies and renewable energy technologies where feasible. Energy efficiency is addressed in policy DEV6 which reiterates the Mayor's target of 20% of new developments' energy generated from renewable energy generated on site and a reduction of 20% emissions.
- 8.71 The Council's Energy Efficiency Officer has recommended that conditions be attached requiring the applicant to submit and agree an Energy Strategy and Sustainability Strategy that encompass the above targets, prior to commencement of development. The relevant condition is recommended in section 3 of this report.

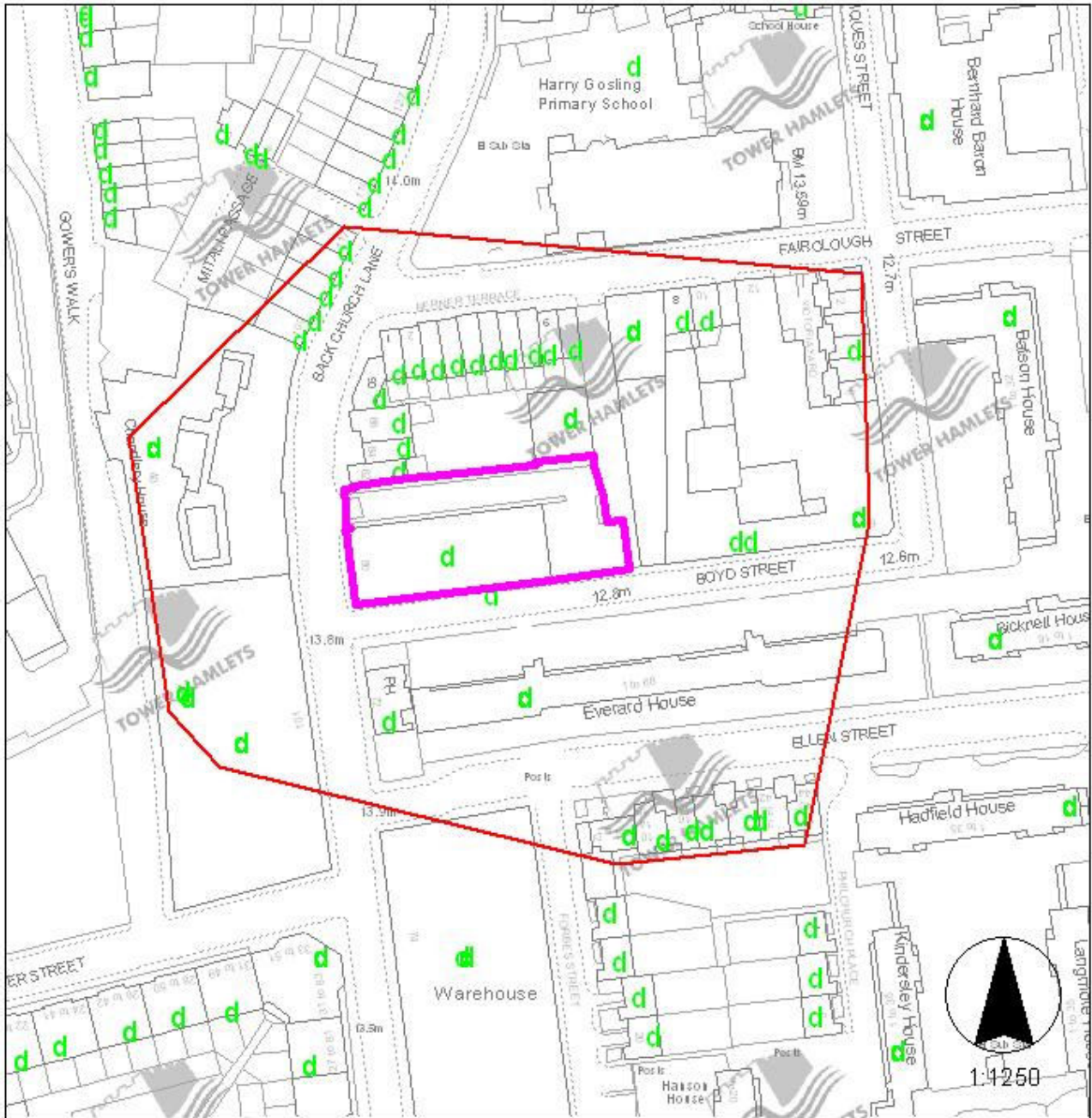
Drainage

- 8.72 The impact of a development upon drainage capacity is a Building Control issue, and is therefore not a material planning consideration.

9.0 Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Site Map



Legend

-
- Planning Application Site Boundary
-
- Consultation Area
-
- Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA096568