

Committee: Development Committee	Date: 28 September 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Hannah Connell	Ref No: PA/16/01012
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

- Location:** Land Rear to 1-12 Fakruddin Street, London, E1 5BU
- Existing Use:** Vacant brownfield site
- Proposal:** Development of land to the rear of 1-12 Fakruddin Street, including construction of 5 No. dwellings with ground floor commercial unit and associated pedestrian walkway to new community centre and allotments. The development will result in a new crossover to Vallance Road and increase of garden space to the properties at 1-5 Fakruddin Street.
- Drawings:** P(0)034 REV. I
P(0)035 REV. D
P(0)036 REV. D
P(0)037 REV. D
P(0)038 REV. D
P(0)039 REV. D
P(0)040 REV. E
P(0)041 REV. C
P(0)045 REV. F
P(0)046 REV. B
P(0)047
P(0)048
P(0)051
P(0)052
P(0)056
P(0)057
P(0)058
P(0)063
- Documents:** Daylight And Sunlight Report dated 20th July 2015 prepared by Rights of Lights Consulting
- Applicant:** Spitalfields Housing Association
- Ownership:** Spitalfields Housing Association
- Historic Building Conservation Area** N/A
N/A

2. EXECUTIVE SUMMARY

- 2.1 This application is reported to the Development Committee as the proposal has received two petitions, one in support (28 signatories) and one in objection (38 signatories). The objections can be summarised as concerns over: impact upon privacy/loss of light; overdevelopment of land, noise and anti-social behaviour from the commercial unit and the absence of a community playground.
- 2.2 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 adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2013) and national planning policy and guidance, along with all other material considerations and has found that:
- 2.3 The proposed scheme delivers a sustainable and community oriented development that would provide five family sized dwellings, community facilities in the form of Gardner's Club, 16 allotments and a Commercial unit to the Vallance Road frontage. In terms of cycle storage, 16 spaces are provided on site and there are additional spaces for motorbikes between houses 5-6 Fakruddin Street. No car parking has been provided.
- 2.4 It is considered that the proposals have been well designed and take into account and respect the surrounding built form and public realm whilst not giving rise to any unreasonable impacts on the amenity enjoyed by neighbouring occupants.
- 2.5 The proposed dwellings are all family sized and comfortably accord with current London Plan space standards and Policy DM4 of the LBTH Managing Development Document, which seek to ensure that all dwellings achieve an appropriate living standard.
- 2.6 With regard to impacts on residential amenity, the development would result in some reduction to the daylighting conditions of properties (1-6) Fakruddin Street. However, on balance given that the dwellings are dual aspect and would benefit from a reasonable level of daylight overall, it is considered that the residents would still enjoy a good level of daylight within this urban setting.
- 2.7 It is considered that any noise impact can be suitably mitigated through the use of conditions, including securing details of the glazing specification and plant specification for the commercial unit, and securing a Construction Environmental Management Plan to details measures to mitigate the impacts of the works on nearby residents and the area generally. The application therefore is considered to satisfy the objective of Policy DM25 of the MDD.
- 2.8 In terms of security the site will be well lit, with significant natural surveillance and therefore it is not considered that the proposal gives rise to unacceptable crime related concerns. The security measures will be safeguarded through a secure by design statement condition. Policies 7.3 of the London Plan, SP09 of the Core Strategy and DM23 of the MDD.
- 2.9 Due to the sites high PTAL (6a) level, the development will be secured as a car free development through a S106 agreement.
- 2.10 Moreover, the scheme would not have an adverse impact on biodiversity in the locality and would provide adequate landscaping to an otherwise redundant site.

As such, the application is in accordance with the National Planning Policy Framework, as well as the aims and objectives of the Council's Local Plan policies and guidance.

3.0 RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission, subject to the prior completion of a legal agreement in the form of a unilateral undertaking to secure the following planning obligation:

Non-Financial Contributions:

- Car and Permit Free Agreement

3.2 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters

Conditions

1. Three Year Time Limit
2. Development to be carried out in accordance with approved plans and documents
3. Materials
4. London Overground Notification
5. London Overground Asset Agreements
6. Car-free Agreement
7. Biodiversity and mitigation enhancements
8. Surface water drainage details
9. Secure by Design Statement
10. Noise
11. Vibration
12. Window Obscure Glazing details north elevation
13. Contamination
14. Community Facilities Management Plan
15. Glazing specification (noise)
16. Plant specification
17. Hard and Soft Landscaping
18. Lighting
19. PV panels

Informatives

Highways (Section 278)

3.3 That the Corporate Director Development & Renewal is delegated power to negotiate the unilateral undertaking indicated above within normal delegated authority

3.4 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.5 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning consent.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site is located to the rear of 1-12 Fakruddin Street and comprises a linear strip of land owned by the Spitalfields Housing Association (SHA). The existing land is vacant; however has been used as a taxi car park/contractors compound.
- 4.2 The site is bounded by Vallance Road to the east; the gardens of SHA homes (1-12 Fakruddin Street) to the north, SHA owned land to the West, and the East London Line Extension to the south. The site area is approximately 0.13 hectares and is relatively flat in topography.
- 4.3 Vallance Road consists of predominantly medium-scale housing blocks, however also includes educational establishments, light industry/factories and general convenience/retail stores. Immediately surrounding the site is low density residential housing and light industry.
- 4.4 The SHA homes to the north of the site surround a private cul-de-sac known as Fakruddin Street. Fakruddin Street has been designed around an island arrangement with street level parking and contains modest two storey dwellings of brick appearance and shallow pitched roofs. The dwellings are post-war era and mimic Victorian terrace housing with decorative sash replica windows and brick course detailing.
- 4.5 In terms of heritage the site is not located in a Conservation area and there are no statutory or locally listed buildings within the immediately surrounding area. Historical records that dating back to the 1870's suggest the land was used for terrace housing, until it was subsequently damaged in the Second World War.
- 4.6 In terms of public accessibility, the site is well serviced by public transport. Vallance Road offers a variety of different bus services and the site is a short distance from Bethnal Green/Whitechapel/Shoreditch High Street Overground services. The site has a PTAL of 6a.

The Proposal

- 4.7 The application proposes the development of land to the rear of 1-12 Fakruddin Street, including construction of 5 No. dwellings with ground floor commercial unit and associated pedestrian walkway to new community centre and allotments. The development will result in a new crossover to Vallance Road and increase of garden space to the properties at 1-5 Fakruddin Street.
- 4.8 The proposed 5 No. dwellings would comprise four three bedroom houses and one x four bedroom house split over 2 and a half stories. The design brief is informed by an ambition to minimise massing on 1-5 Fakruddin Street and provide a contemporary design that activates Vallance Road. This is achieved through the use of a range of materials, pitched roof design and roof terraces directed towards the East London Line.
- 4.9 The scheme also includes several community facilities for the use of the Spitalfields Housing Association residents (Fakruddin Street), including a single storey gardeners club and 16 allotments to the west of the site. The site will be secured with gates that

are fob operated, so that the residents can come and go as they please.

- 4.10 The application also includes a ground floor commercial unit (café/retail space) and small garden space fronting Vallance Road. The commercial unit will be open to the public and is approximately 50 sqm in size.

5.0 RELEVANT PLANNING HISTORY

The following planning decisions are relevant to the application:

PA/85/00003 permission was allowed for Residential development comprising 32 houses communal room laundry open space and ancillary parking.

PA/85/00222 permission was allowed for Residential development comprising 32 houses, communal meeting rooms, laundry, open space and ancillary parking

PA/01/01661 permission was allowed for the relocation of two temporary buildings at the rear of Fakruddin Street to the rear of 5 Fakruddin Street.

PA/02/01015 permission was allowed for use as a car park in connection with the school use at 118 Vallance Road

6.0 POLICY FRAMEWORK

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

6.2 Government Planning Policy Guidance/Statements

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

6.3 London Plan (MALP 2016)

3.3: Increasing housing supply
3.5: Housing Standards
7.4: Local Character
7.5: Public Realm
7.8: Heritage Assets and Archaeology

6.4 Tower Hamlets Core Strategy (2010)

SP02 Urban living for everyone
SP05 Provide appropriate refuse and recycling facilities
SP09: Creating Attractive and Safe Streets and Spaces
SP10: Creating distinct and durable places
SP12: Delivering Place making

6.5 Managing Development Document (2013) (MDD)

DM1: Development within the town centre hierarchy
DM2: Local Shops
DM3: Delivering Homes

DM4: Housing Standards and Amenity Space
DM8: Community Infrastructure
DM11: Living buildings and biodiversity
DM14: Managing Waste
DM 20: Supporting a sustainable transport network
DM22: Parking
DM23: Streets and the Public Realm.
DM24: Place Sensitive Design
DM25: Amenity
DM29: Achieving a zero carbon borough and addressing climate change

6.6 Other Relevant Documents

- Mayor of London Housing Supplementary Planning Guidance (2016).

7.0 LOCAL REPRESENTATIONS

7.1 A total of 89 planning notification letters were sent to nearby properties as detailed on the attached site plan. A total of 3 written representations and two petitions were received, one in support (28 signatories) and one in objection (38 signatories).

7.2 The planning consideration reasons given to the objection can be summarised as follows:-

- *The scheme will impact upon privacy and result in the loss of light;*
- *The commercial unit will create noise and nuisance to the neighbouring residents and encourage anti-social behaviour and security concerns to the area;*
- *Overcrowding/overdevelopment on a small estate*
- *The site should be developed as a community playground*
- *Community centre should be re-located to the proposed position of the commercial unit to facilitate a playground.*

7.3 The planning consideration reasons given in support can be summarised as follows:-

- *No planning reasons were given. Other than a general support for the community centre.*

Whilst it is appreciated that two petitions were received. There are doubts over the legitimacy of each petition, as they appear to have the same signatories (12 signatories replicated on each petition).

8.0 CONSULTATION RESPONSES

The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS SECTION BELOW:

The following were consulted regarding the application:

8.1 External Consultees

8.2 **London Overground**

Did not raise objection to the proposal, however recommended 15 conditions and one informative in the event planning permission is granted, which are included in section 3 of this report

8.3 **Crime Prevention Officer**

Concerns regarding the 'Fakruddin Passage'. This space appears to offer free access for all and is therefore not easily policed. The space areas to sit and be free from police eyes from the main street (Vallance Rd). Groups will feel comfortable in this space, therefore will continue to return and 'hang around'. This passage should be either robustly controlled (access control) for the use of residents only at both ends or design the space into individual residents use therefore removing the communal aspect of this space.

8.4 **Crossrail Safe Guarding**

The site of this planning application is identified outside the limits of land subject to consultation under the Safeguarding Direction.

The implications of the Crossrail proposals for the application have been considered and Crossrail Limited does not wish to make any comments on this application as submitted.

8.5 **London Underground**

London Underground Infrastructure Protection has no comment to make on this planning application.

8.6 **Transport for London**

TfL planning understands that London Overground Infrastructure Protection have been consulted which is welcomed. Given this TfL do not have any further comments to add.

8.7 **Network Rail Asset Protection - Asset Protection Project Manager**

No comments received.

9.0 **INTERNAL CONSULTEES**

9.1 **Borough Biodiversity Officer**

The site is entirely hard surfaced, as the western part of the site, which was previously vegetated, is in use as a contractor's compound for an adjacent development. There will not, therefore, be any significant adverse impacts on biodiversity.

A condition relating to full details of biodiversity and mitigation enhancements requested.

9.2 **LBTH Highways and Transportation**

No objection subject to conditions relating to servicing, vehicular access and s106 car free agreement.

9.3 **LBTH Energy Officer**

The proposals for the 5 unit development are generally supported and include the installation of renewable energy technologies (Photovoltaic array and solar thermal panels) which are shown on the roof plan (Drawing No. P(0)037). The u-values proposed for the development are supported and will reduce the space heating requirements of the dwellings. The aspiration to achieve Code for Sustainable Homes level 5 is supported and will result in dwellings with reduced CO2 emissions compared to standard build developments, through a low energy building with minimised energy costs for future occupants.

9.4 **LBTH Highways Engineer/Sustainable Drainage**

The applicant intends to discharge surface water runoff via Suds, details will be determined as a result of an assessment.

As such a detailed surface water drainage scheme will need to be submitted prior to works commencing.

9.5 **LBTH Environmental Health: Land Contamination**

No objection subject to contamination condition

9.6 **LBTH Environmental Health: Noise and Vibration**

No response received.

10.0 **MATERIAL PLANNING CONSIDERATIONS**

The main planning considerations raised by the application that the Committee must consider are:

- Land Use
- Design
- Housing
- Amenity
- Highways & Transportation
- Energy/Carbon Reduction
- Biodiversity

11.0 **LAND USE**

11.1 The application site is located within the Whitechapel Masterplan. The area is currently undergoing intense regeneration which is guided by the Whitechapel Vision Document adopted by Council in December 2013. The key objectives for the area are to intensify the town centre uses, public spaces and activity stretching across both sides of Whitechapel Road and beyond.

11.2 The existing lawful use of the land is designated as a car park, which was granted permission in 2002. However it is understood that a section of the land (fronting

Vallance Road) was also used as a Contractors Compound connected to a recent development on Pedley Street, although there are no relevant planning records to support this.

- 11.3 With regard to the proposed residential land use, the provision of housing is supported and is consistent with the pattern of land use prescribed within the London Plan (MALP 2016), SP01 and SP02 of the Adopted Core Strategy, and the Whitechapel Master Plan. In addition, the increased number of dwellings will assist in the achievement of the LBTH housing provision targets.
- 11.4 The residential units will sit alongside a community garden building and 16 private allotments. The proposed community garden building is welcomed and will encourage the Fakruddin Street residents to use the site, creating a hub for the local community. The community infrastructure is in line with the objectives of Policy DM8 of the MDD, which seeks to.
- 11.4 The proposal also includes the provision of a ground floor commercial unit. The final use of the commercial unit has not been specified; however it is envisaged that the unit would be used for retail and/or café purposes.

Whilst the site is located outside the Whitechapel District Town Centre, where A1/A3 uses are concentrated, on balance, given the unit size (50 sqm) it is not considered that the use would undermine the vitality/vibrancy of the Whitechapel District Centre and as such is appropriate scale to the character of the area, thereby complying with Policy DM2 of the MDD. Furthermore the unit is considered to activate the street frontage and pedestrian entry into the community.

If the scheme were found to be acceptable, a flexible condition will be appended to the consent to ensure a range of uses is possible. On another note, planning permission will be required for associated plant equipment and Advert consent is required for the signage.

12.0 DESIGN

- 12.1 In addition to the NPPF the council have a number of local planning policies which require development proposals to take into account and be sensitive to the character of the surrounding area and ensure that buildings and neighbourhoods promote good design principles in order to create buildings, places and spaces that are of high quality and are sustainable, accessible, and attractive, durable and well integrated with their surrounds (Policy SP10 in the Core Strategy 2010 and Policy DM24 in the Managing Development Document 2013).
- 12.2 The design brief is informed by an ambition to minimise massing on the adjacent housing development and provide a contemporary design that activates Vallance Road and is complimentary to the surrounding area. The application site is linear in nature and will astride the property boundaries of 1-12 Fakruddin Street. Therefore the scheme has been designed to commensurate siting and scale of the adjacent terrace housing, whilst incorporating a modern twist on the traditional terrace house.

Residential Units

- 12.3 The proposed residential units have been designed as a mews style development with pitched roof, brick façade and timber panel detailing to the southern elevation. The overall height is approximately 2.5 stories, with units 2-5 dropped into the ground

by a further 300mm. The proposed roof form is broken up with solar panels and inset roof terraces. Coloured press metal flashings are proposed to the balconies.

In general principle the proposed design is considered to be acceptable to the surrounding area in terms of overall scale and character. The design draws on elements from the neighbouring development (Fakruddin cul-de-sac), such as a pitched roof and the use of stock brick. The use of timber panelling and coloured metal flashings will provide a contrast to the brick and assist with breaking up the bulk of the development from Vallance Road. The ground floor commercial unit will front Vallance Road. The proposed visualisations show a Coffee shop advert. However this will need to be covered under an Advertisement Consent application and does not form part of this application.

On balance the resultant development is broadly in keeping with the height and scale of the surrounding area and will provide an active street frontage to Vallance Road. Subject to further details regarding the proposed materials, the design palette is considered to be broadly acceptable and would complement the traditional terrace housing with a contemporary twist.

Gardeners Club

- 12.4 The proposed Gardeners Club (community garden centre) would be single storey in scale and have a flat roof timber cladding and a green roof. The building would read subordinate to the surrounding built form and is situated at the western end of the application site, next to the community allotments.

The proposed development is considered to be in keeping with the surrounding built form and would introduce a contemporary design that reflects the proportions and materials of the existing area. For the reasons stated above the application satisfies the design objectives mentioned in policy DM24 of the MDD.

13.0 QUALITY OF ACCOMMODATION

- 13.1 The proposed residential units have been assessed against the internal space standards set out in Table 3.3, Policy 3.5 of the Minor Alterations to the London Plan (2016) (Housing Standards SPG) as well as Policy DM4 of the Managing Development Document (Adopted 2013). These policies state that all housing developments should have adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should meet the most up-to-date internal and external space standards.

This information is contained in the table below.

Table 1: Minimum space standards for new Flats (based on 3 storeys)

Dwelling type	Min. Required GIA (sqm)	Proposal (sqm)
3B 4p – Unit 1	90	113.76
3B 5P – Unit 2, 3 and 4	99	102
4B 6p – Unit 5	112	126.6

- 13.2 As such, the proposed units fit comfortably within the above minimum gross internal space requirements and would provide a satisfactory standard of living for the future occupants of the site.

- 13.3 Policy SP02 of the Core Strategy and Policy DM4(2) of the MDD require a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant.
- 13.4 Each unit is allocated amenity space in the form of a terrace set within the roof space fronting the East London Line. Please refer to the below table.

Table 2: Minimum amenity space standards

Dwellings	Min. Required (sqm)	Proposed Amenity space (sqm)
Unit 1	7	7
Unit 2	8	8.3
Unit 3	8	8.3
Unit 4	8	8.3
Unit 5	9	11.4

- 13.5 The proposed terraces accord with space standards for outdoor space as set out in Policy DM4 (2) of the MDD. Whilst it is appreciated that the terraces would overlook the East London Line, and are therefore susceptible to noise and disturbance, it is considered that the outdoor provision is acceptable in principle, given that the future occupiers would also have access to the communal garden centre/allotments on the site. In addition the site is located in close proximity to local parks (Weaver Fields, Allen Gardens, Vallance Road Gardens).
- 13.6 The proposed residential units are considered to comfortably accord with the minimum internal and external space standards and therefore would provide a satisfactory standard of accommodation for the future occupiers. The proposal complies with policy SP02 of the adopted Core Strategy and policy DM4 (2) of the Managing Development Document (2013).

14.0 HOUSING MIX

- 14.1 Policy DM3 of the MDD states that Development should provide a balance of housing types, including family homes, in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment. Policy SP02 of the Core Strategy states that 30% of new housing is to be suitable for families (three-bed plus).
- 14.2 The proposal is opting for a five unit scheme which is divided into the following housing mix

Table 3: Housing mix

Dwelling type
1 x 3B 4p
3 x 3B 5P
1 x 4B 6p

- 14.3 As such, the proposed scheme is catering to the family housing market of the borough. Whilst it is appreciated that the scheme does not provide smaller units on site, it is considered that family housing is appropriate to this location in terms of scale and character.

On balance the proposed housing mix is considered to be acceptable and will contribute to the London housing supply.

15.0 **AMENITY**

15.1 Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of existing and future residents and buildings occupants, together with the amenity of the surrounding public realm.

15.2 The proposed residential units will be located at least 9m from the rear boundary wall of 1-5 Fakruddin Street. In designing the development, the applicant sought to sensitively design the units so that they would not adversely impact upon the outlook and the day lighting and sun lighting conditions of neighbouring properties at 1-5 Fakruddin Street. In doing this, additional garden space has been allocated to the residents, and windows designed to mitigate views into the rear gardens.

Overlooking/privacy/loss of outlook

15.3 Generally a distance of approximately 18 metres between directly facing habitable room windows is desirable to reduce inter-visibility.

15.4 In terms of overlooking the site has three first floor windows that directly face the rear gardens of (1-5) Fakruddin Street, however the windows (kitchen) have been designed so that they are fitted at a low level to avoid any direct overlooking into neighbour gardens. High level windows are also proposed to units 2-5 at ground level. In order to safeguard the resident's privacy, conditions will be appended to the consent to ensure that further details are provided of the final treatment, to be approved by the Council prior to works commencing. Whilst it is appreciated that the units do not conform to the separation distance of 18m, on balance, taking note of the above measures, it is not considered that there would be any unacceptable issues in respect of privacy or overlooking to neighbouring residential properties, as there will be no direct inter-visibility.

15.5 In terms of outlook, 1-5 Fakruddin Street would face the rear two storey brick wall of the proposed development. Design elements have been introduced to reduce the appearance of the bulk along this northern elevation. The bulk of the north elevation has been broken up in massing, with units 2-5 slightly stepped down from the ridge of unit 1, and the pitched roof also reduces the visual impact upon the neighbouring residents. Whilst it is appreciated that there would be a level of visual impact upon the neighbouring site, this is compensated by extending the garden and provided a separation distance of at least 9m from respected building lines. Additionally the properties in question at 1-5 Fakruddin Street are dual aspect houses, thus the proposal is not considered to result in an unduly detrimental loss of amenity for these occupants.

Sense of enclosure

15.6 The proposal would result in developing a vacant piece of land at the back of 1-5 Fakruddin Street. Given that the land is currently underdeveloped, the proposal would result in some degree of enclosure and encroachment upon the properties to the north of the site. However given the overall scale of the development and proposed set-back, on balance the overall impact is considered to be an acceptable and not unusual in the context of an urban location.

Daylight and Sunlight

- 15.7 Policy SP10 of the Core Strategy and policy DM25 of the MDD seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential development.
- 15.8 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with daylight distribution assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 15.9 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at 27% VSC or retain at least 80% of the pre-development VSC value. The significance of loss of daylight can be summarised as follows:
- 0-20% reduction – Negligible
 - 21-30% reduction – Minor significance
 - 31-40% reduction – Moderate significance
 - Above 40% reduction – Substantial significance
- 15.10 The applicant has submitted a Daylight & Sunlight report addressing day lighting and sun lighting. The report concludes that the majority of the windows tested meet or surpass the BRE numerical recommendations.

Daylight

- 15.11 29 windows were tested from the dwellings, immediately north of the site at 1-7 Fakruddin Street. Out of the 29 windows, 10 failed the Vertical Sky component test and 19 adhered to the BRE guidelines. The 10 windows that failed the VSC test are stipulated in the below table.

Table 4: Daylight Results – Impact of neighbouring properties

Fakruddin Street Properties	Windows affected	Proposed Vertical Sky Component (27 % recommended)	Percentage Loss (%)
Number 1	Window 1	25.1	30
	Window 4	25.5	31
Number 2	Window 6	24.5	34.6
	Window 8	24	35.8
Number 3	Window 10	19.6	36.4
	Window 11	25.4	23.5
	Window 12	23.8	34
Number 4	Window 14	25.2	32.3
	Window 16	25.5	31.8
Number 5	Window 18	26.7	27

The most affected windows were generally sited at the ground floor of the properties. Of the remaining rooms, 7 rooms received a reduction of between 30 -36.4 % loss of daylight and 3 rooms received a reduction of between 23.5 - 30% loss of daylight. Generally speaking a 20-30% loss would only have minor adverse impact on daylight

conditions and 30-40% loss would have a moderate adverse impact upon daylight conditions

On balance given that the dwellings are dual aspect and would still benefit from a reasonable level of daylight (VSC mostly above 20%) in all other rooms, it is considered that the residents would still enjoy a good level of daylight within this urban setting.

Sunlight

- 15.12 All windows which face within 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test (annual probable sunlight hours between 21 September and 21 March). The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

Overshadowing to Gardens

- 15.13 The BRE guide recommends that at least 50% of the amenity space should receive at least two hours of sunlight on 21 March. Due to the siting of the development, properties 1-5 Fakruddin Street will be the most affected by the scheme. Whilst it is appreciated that the rear gardens would not achieve the above specified requirement, a good proportion of the gardens would still receive adequate levels of sunlight, as identified in the submitted daylight sunlight report. On balance given that the gardens will be compensated with additional amenity space and have the benefit of using the south facing community facilities, the overall impact is considered to be acceptable within the urban setting.

Daylight to proposed development

- 15.14 On the whole, it is considered that the proposed development shows a reasonable level of daylight and sunlight. The main living rooms are all located on the second floor of the dwellings and are south facing with large terrace/windows serving the individual rooms. Similarly the majority of the bedrooms are south facing and would also receive adequate levels of daylight and sunlight.
- 15.15 To conclude, the design of the scheme, in terms of general massing and layout, would seek to minimise daylight/sunlight impacts to neighbours and would achieve high standards of daylight/sunlight for future occupants. Taking the above into account and the results of the daylight/sunlight report, officers consider that the scheme would comply with the daylight/sunlight issues as set out in policy SP10 and policy DM25 of the Council's Local Plan

16.0 HIGHWAYS AND TRANSPORTATION

Car Parking

- 16.1 Policy SP09 of the Core Strategy (2010) and Policies DM20 and DM22 of the Managing Development Document (2013) seeks to promote more sustainable levels of transport by reducing car parking and improving public transport and minimising any impact on the adjoining road network.

The site benefits from excellent public transport links and has a PTAL of 6a. The scheme will not be providing car parking space on site. Future residents would be restricted from applying for on-street car parking permits given the level of parking stress in the area if Members were minded to resolve to grant planning permission.

On balance, it is not considered that the proposed development would result in an adverse impact on the safety and capacity of the surrounding highway network, or result in additional pressure to on-street car parking and therefore accords with relevant policy.

Cycle Parking

- 16.2 Cycle parking has been designed to meet the Council and London Plan standards. Two cycle spaces have been allocated to each residential unit, and will be located at the front of the units within an enclosed porch area and inside each home by the front door. Additional bicycle storage (5 x spaces) will be located next to the Gardeners Club Community building. One cycle space has also been allocated to the front of the commercial unit for short stay customers. In addition to cycle storage the scheme has also incorporated parking for motorbikes, which will be located between 5 and 6 Fakruddin Passage. Consequently, subject to the provision of further specific details, the cycle storage facilities proposed are acceptable.

New Crossover

- 16.3 The current access point is adjacent the end markings of Bus Stop V. The crossover is used as a vehicle entry to the site. No objections are raised in regards to the location of the new crossover, which is adjacent to the rail line away from the bus stop. The space will have bollards to avoid any prospect of residents accessing the space with a vehicle unless this is controlled by Spitalfields Housing Association. TFL require access for inspection, planned maintenance, and emergency access. The emergency services will have access to the space.

17.0 WASTE

- 17.1 Policy DM14 of the MDD 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.

Table 5: Waste storage requirements
Draft guidelines as of 05-03-15 (currently now being used):

Number of Bedrooms	Suggested Minimum capacity			
	Refuse	Dry recyclables	Compostable waste	
			Without Garden	With garden
1	70	50	23	100
2	120	80	23	100
3	165	110	23	200
4	215	140	23	200

- 17.2 Waste storage will be located in an enclosed area at the front of the site adjacent to the Commercial unit. The store will be closed off to the public and comprises 6 x 240 litre bins, suitable waste separation and recycling.
- 17.3 The agent engaged with LBTH Highways Officer in regards to the waste service arrangements for the proposed scheme. In conclusion the following terms were agreed:
- *Deliveries and refuse collections from the commercial unit will be made from Fakruddin Street which will be accessed from Pedley Street.*
 - *There will be no vehicular access to the proposed dwellings from Vallance Road.(retractable bollards will ensure that this is maintained)*
 - *TfL may occasionally access the site for maintenance of their railway assets, no vehicular access is anticipated, however if this is necessary, it can be done from the Pedley Street end of the site where there are vehicular turning spaces.*
- 17.4 In light of the above, it is considered that adequate waste facilities have been provided for the scheme. If the Committee is minded to approve the application, conditions will be appended to the decision to safeguard the above arrangements.

18.0 SECURE BY DESIGN

- 18.1 According to paragraph 69 of the NPPF, the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and a high quality public space, which encourage the active and continual use of public areas. Policies 7.3 of the London Plan, SP09 of the Core Strategy and DM23 of the Managing Development Document seek to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime do not undermine quality environments.
- 18.2 The original scheme opted for a gated community, with the entrance to Vallance Road sealed off with a 2.4m high pedestrian gate. Whilst it is appreciated that the design was conjured up with a Metropolitan Police Officer, Officers do not consider it necessary and as such would undermine community cohesion in the area, particularly as there are community allotments to the rear of the site.
- 18.3 An investigation on recorded crimes has been undertaken by using crime statistics from the Metropolitan Police website for the proposed site location. Whilst it is appreciated that there is some evidence of crime in the ward, theft and burglary crimes had reduced over a 12 month period, since last July 2015.
- 18.4 Notwithstanding the above, it is not considered that having a gated community would reduce crime rates in the area. The site will be well lit, with significant natural surveillance and therefore it is not considered that the proposal gives rise to unacceptable crime related concerns. The security measures will be safeguarded through a secure by design statement condition.
- 18.5 In response, to the above comments, it was agreed to re-position the gate at the end of unit 5, so that the entrance to the houses will be unrestricted and open to the public. In addition the Fakruddin passage will be used as a pathway to the community allotments.

18.6 Whilst it is appreciated that the community facilities will be enclosed with gates, this is considered to be broadly acceptable as the gates will not be highly visible from the Vallance Road street scene. Access to the facilities will be FOB operated. Further details of the management of these facilities will be requested if the committee finds the scheme acceptable.

19.0 ENERGY AND SUSTAINABILITY

19.1 The London Plan sets out the Mayor's energy hierarchy for development to be designed to:

- *use less energy (be lean)*
- *supply energy efficiently (be clean) and*
- *use renewable energy (be green).*

19.2 The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (MALP 2016), London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change, and to minimise carbon dioxide emissions.

19.3 From April 6, 2014 the London Borough of Tower Hamlets has applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations - this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations, as specified in Policy DM29 of the Managing Development Document.

19.4 The scheme has proposed renewable energy technology in the form of Photovoltaic array and solar thermal panels to be located on the roof form of the individual residential units. In addition the dwellings have been design to maximise sunlight and all habitable rooms will face south.

19.5 The u-values proposed for the development are supported and will reduce the space heating requirements of the dwellings. The aspiration to achieve Code for Sustainable Homes level 5 is supported and will result in dwellings with reduced CO2 emissions compared to standard build developments, through a low energy building with minimised energy costs for future occupants.

19.6 In summary the scheme is considered to comply with London and LBTH standards and is acceptable in terms of its mitigation and adaptation to climate change to minimise carbon dioxide emissions.

20.0 BIODIVERSITY

20.1 Policy DM11 requires biodiversity enhancement through new development. Two small areas of bio diverse roof (ecology top layer) are proposed to the Gardeners club community building and commercial unit. Additional habitats, such as piles of stones or logs, could be added to the development to increase biodiversity enhancement. Other potential enhancements could include bat boxes and nest boxes for birds such as sparrows and swifts incorporated into the new buildings, and nectar-rich flowers in the landscaping.

20.2 On balance subject to further details in the landscaping of the site, the proposal is considered to comply with the objectives set out in Policy DM11 of the MDD.

21.0 LANDSCAPING

21.1 Landscaping is proposed to the site, including three new trees, low sale planting to the front of the units and resin bonded paving. One tree will be removed from the site, however the removal is considered acceptable as the tree is currently growing out of the junction between the TFL retaining wall and the car park surface. Lighting is also proposed to Fakruddin Passage. Further details of landscaping will be conditioned.

22.0 NOISE AND VIBRATION

22.1 Given the sites location adjacent to the East London Line, it is appropriate to assess whether the residential units would be susceptible to noise and vibration. A report commissioned by Hann Tucker Associates stipulates measures such as double and secondary glazing to be sufficient to meet the recommended internal noise level requirements. Subject to further details regarding the measures, the scheme is considered to be acceptable and would provide a barrier to the noise.

23.0 HUMAN RIGHTS CONSIDERATIONS

23.1 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:-

23.2 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 Conventions rights are likely to relevant including:

23.2.1 Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the 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;

23.2.2 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's interest (Convention Article 8); and

23.2.3 Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole"

23.3 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.

23.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general

disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

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

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

23.7 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.

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

24.0 EQUALITIES

24.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

24.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

24.3 The proposed development delivers much needed new housing to the borough, with the introduction of a community gardening club for use by all SHA residents. The proposal has been subject to extensive public consultation.

25.0 FINANCIAL CONSIDERATIONS

25.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in determining planning applications, the authority shall have regard to (amongst other things) any local finance considerations, so far as material to the application.

25.2 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.

Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and that Borough's Community Infrastructure Levy came into on 1st April 2015. Both of which are payable (subject to certain exceptions) on floorspace created by development. The CIL payment for this application is likely to be

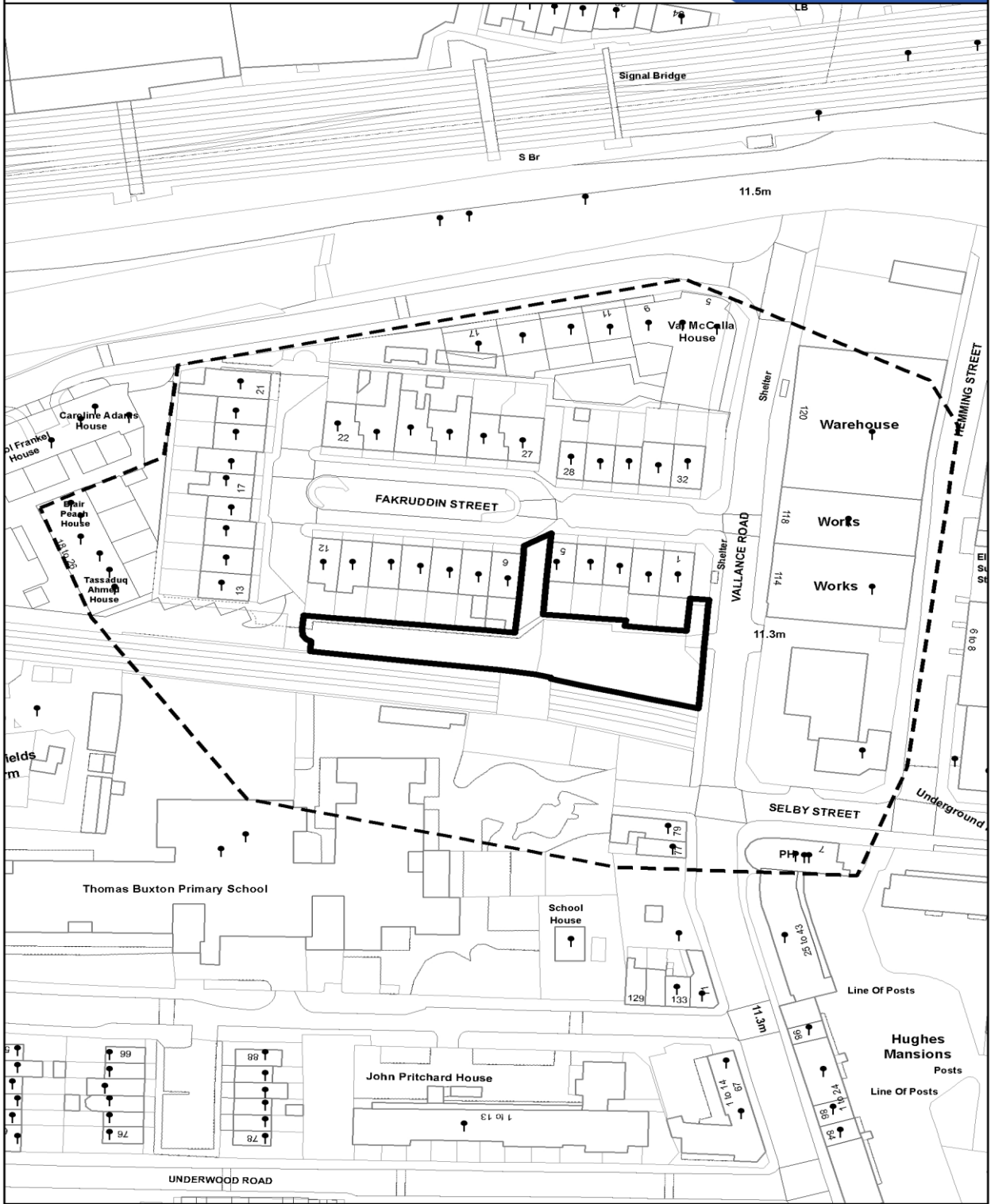
London Mayoral CIL: £72,307



London Borough of Tower Hamlets CIL: £160,088

26.0 CONCLUSION

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

Planning Application Site Map
PA/16/01012



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

40 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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