



DEVELOPMENT COMMITTEE

14 January 2021

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/20/01914
Site	Armoury House, 7 Gunmakers Lane, London, E3
Ward	Bow East
Proposal	Two storeys extension above the existing building with three self-contained flats, cycle parking storages and new bins storage for new residences and associated landscaping work in the external areas.
Recommendation	Grant planning permission with conditions
Applicant	Avon Ground Rents Limited
Architect	Brooks Murray Architects
Case Officer	Katie Cooke
Key dates	<ul style="list-style-type: none">- Application registered as valid on 09/09/20- 1st round of public consultation finished on 15/10/20- A further round of consultation was carried out for a 2 weeks period, as a result of additional information provided and finished on 7/12/20

EXECUTIVE SUMMARY

The report considers an application for a two-storey extension to an existing residential building of 3 storeys to provide three additional flats. Officers have considered the particular circumstances of this application against the provisions of the Development Plan and other material considerations as set out in this report and recommend approval of planning permission.

The report sets out that the scheme would provide additional residential accommodation within a well considered design that is consistent with the architectural quality and design standards achieved within the locality.

Height, massing and design has been proposed to minimise the impact on the surrounding streetscene and would appropriately respond to local context, safeguarding the character and appearance of nearby heritage assets.

In terms of heritage impacts, officers consider that the proposals would have a minimal impact on the character and appearance of the Victoria Park Conservation Area and settings of the nearby heritage assets. On balance, officers consider that the planning benefits outweigh the limited harm in this case as the proposal would provide 3 new homes which would assist in contributing to the borough's housing targets, 1 of which being family sized dwelling which the borough currently lacks.

The proposed residential dwellings would be acceptable in terms of standard of accommodation and would have an acceptable amenity impact to neighbouring residential properties. All 3 units would have their own private amenity space in line with policy and would be dual aspect.

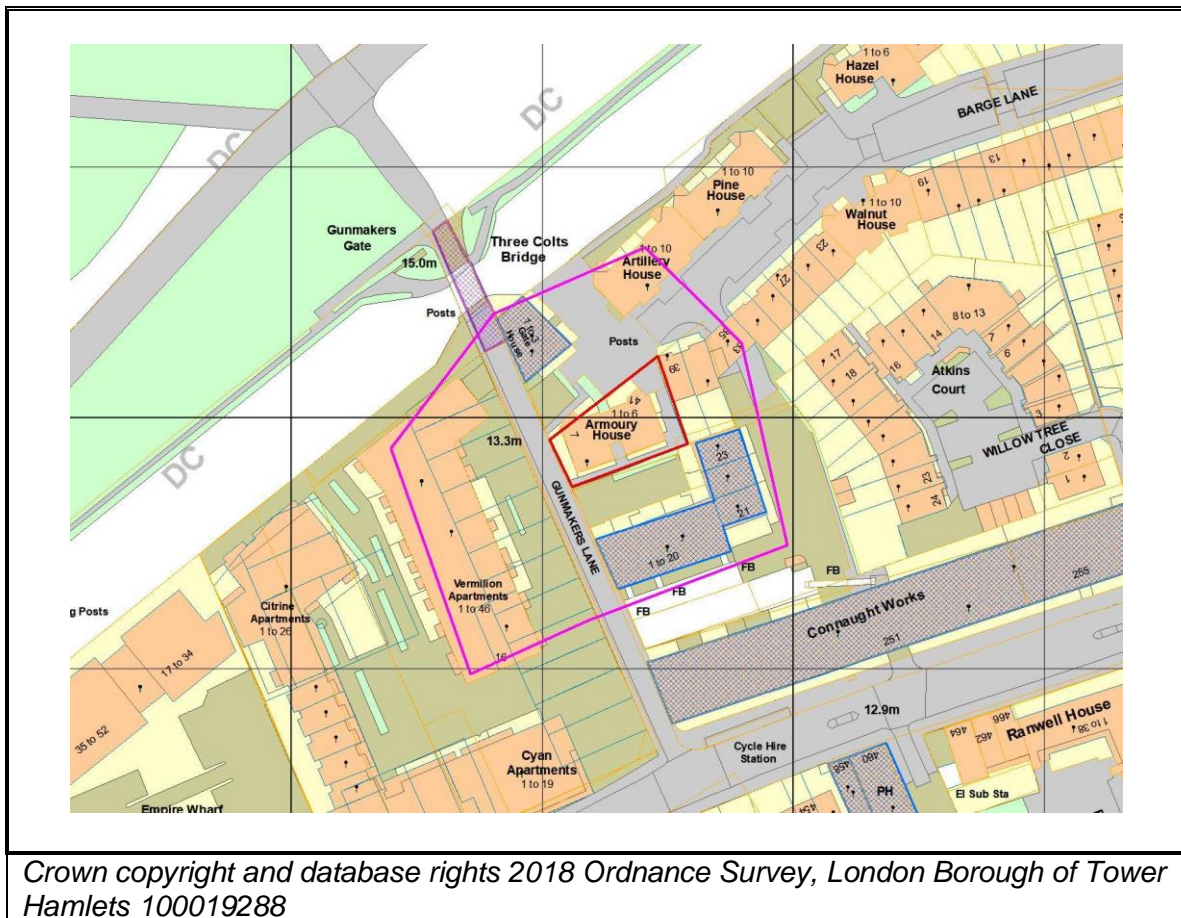
Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.








The scheme would be liable to both the Mayor of London's and the Borough's community infrastructure levy.

The application has been considered against the Council's approved planning policies contained with the Local Plan 2031 (January 2020) as well as the London Plan (2016), the National Planning Policy Framework and all other material considerations. Officers have also considered the application against the Draft London Plan (2019) as this carries substantial weight.

Officers recommend the proposed development be granted planning permission, subject to planning conditions.

SITE PLAN:



 Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings	Planning Applications Site Map PA/20/1914 This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning	 TOWER HAMLETS London Borough of Tower Hamlets
	Scale : 50m grid squares	Date: 14 Jan 2021

1. SITE AND SURROUNDINGS

- 1.1 The application site is located on the eastern side of Gunmakers Lane.
- 1.2 The existing site comprises a 3-storey residential building containing 6 x 2 bed self-contained flats.
- 1.3 The site is in a primarily residential area, immediately south of Victoria Park and the Hertford Union Canal.
- 1.4 The surrounding area is characterised by converted industrial buildings and new residential developments, largely with traditional masonry construction and pitched roofs.
- 1.5 To the north of the site, at the end of Gunmakers Lane crossing the canal, is the grade II* listed Three Colts Bridge. Just to the south of the bridge (and to the north of the application site) is the locally listed Gate House comprising 4 storeys.
- 1.6 The extended Albany Works complex to the south of the site is locally listed. The building is 6 floors above ground (with a lower ground level, totalling a 7 storey building).
- 1.7 On the western side of Gunmakers Lane lies the residential development known as Gun Wharf comprising 3 to 4 storeys.
- 1.8 In terms of policy designations, the application site is located within the Victoria Park Conservation Area. Whilst the application site is not listed, there are a number of locally listed buildings surrounding the site (namely Albany Works. Gate House and former Connaught Works).
- 1.9 Relevant photographs of the application site and neighbouring development are included below.



Figure 1: Site and surrounding buildings

2. PROPOSAL

- 2.1 The proposed development and the evolution of the design are described in detail within the applicant's Design and Access Statement. In brief, the application is for:
- Two storeys extension above the existing building to accommodate three self-contained flats, cycle parking storages and new bins storage for new residences and associated landscaping work in the external areas.
- 2.2 The scheme would be 'car free' for incoming residents. A total of 18 cycle parking spaces would be provided to serve all the units (existing and proposed).
- 2.3 The architecture of the scheme would be in keeping with the existing and surrounding buildings and respecting the character of the conservation area, with detailing and a material palette centred on the use of robust materials such as zinc cladding and glazing. Further selected plans and images of the proposed development are set out in Appendix 2.
- 2.4 Amended plans have been received over the course of the application and these largely relate to:
- Revised cycle arrangement
 - Daylight/sunlight analysis (45-degree test)
 - Revised private amenity space
 - Heritage Statement received 22/10/20
 - Revised daylight and sunlight report (due to amended NSL information received in respect of Albany Works) (dated 19.11.20)
 - Updated daylight and sunlight report (dated 3/12/20) to correct a typo in paragraph 4.2.2
 - Daylight and sunlight assessment (within development). Dated 17.12.20

3. RELEVANT PLANNING HISTORY

Application Site

- 3.1 PA/01/1161 - Construction of a three-storey building comprising 6no. two-bedroom flats to Block 4 – Approved on 13.8.01.

Gate House

- 3.2 PA/00/710 – Demolition of entire building. Conservation Area Consent Approved 14.02.01
- 3.3 PA/00/01461 – Redevelopment by the erection of a 4-storey building to provide 3 flats. Approved on 14.02.01

Phase 3A, Monteith Estate, Old Ford Road

- 3.4 PA/99/01344 - The erection of 19 dwellinghouses and 46 flats, the change of use and extension of Albany Works to provide 14 flats and 3 dwellinghouses and the construction of associated roads and accesses. Approved 18/08/00

Albany Works

- 3.5 PA/02/00582 - Erection of fourth and fifth floor additions and conversion of existing building to provide 20no. self-contained flats and three houses, together with landscaping and basement level car parking. – Approved 09/09/02
- 3.6 PA/03/00889 - Variation of the planning permission dated 9th September 2002 (Ref: PA/02/0582), to allow amendments to the approved scheme, including changes to the design and profile of the proposed fifth floor (roof) addition, alterations to the window arrangements and external elevations, and to the internal layouts of the approved dwellings. Approved 01/10/03

Former Connaught Works

- 3.7 PA/01/01030 - Conversion and extension, including alterations to roof and horizontal partitioning to create additional floorspace to provide 62 self-contained flats with 9 car parking spaces together with alterations to elevations. Approved 13/01/05

The Gun Wharf

- 3.8 PA/14/00131- Application under s.96A of the Town and Country Planning Act for a Non-Material amendment to Planning Permission PA/12/00326, dated 26/09/2012 to remove soldier course to Block B parapet; to include commercial entrance canopy to Block B; and three residential entrance canopies on the third floor of Block D. - Approved 19/02/14
- 3.9 PA/12/326 – An application under s73 of the Town and Country Planning Act 1990 to:
- seek minor amendments by varying condition 24; and
 - vary conditions 8 and 17 (energy strategy)

of the planning permission dated 30th July 2009, ref PA/09/00326 [Demolition of existing buildings occupying the site and redevelopment to provide four buildings of between three and four-storeys providing 110 sq.m commercial floorspace (A1, A3, B1, D1 uses) and 121 x studio, one, two three and five bedroom residential units (C3), plus associated car parking and cycle parking, public space and landscaped amenity space]

Minor amendment: to relocate the substation; re-arrangement of refuse storage areas; reduce height of the buildings; minor alteration to the dwelling mix; and other minor alterations to the layout of the buildings associated with the buildability of the development.

Approved 26/09/12

- 3.10 PA/09/00326 - Demolition of existing buildings occupying the site and redevelopment to provide four buildings of between three and four-storeys providing 110 sq.m commercial floorspace (A1, A3, B1, D1 uses) and 121 x studio, one, two three and five bedroom residential units (C3), plus associated car parking and cycle parking, public space and landscaped amenity space. Approved 30/07/09
- 3.11 PA/09/02542 - Demolition of existing buildings and construction of four buildings between three and four storeys to provide 110 sqm commercial floor space (Use Classes A1, A3, B1 and D1) and 121 residential units comprising seven studio flats, 48 x one bedroom, 47 x two bedroom, 14 x three bedroom and 5 x five bedroom units, plus associated car and cycle parking, landscaped amenity space and public space. (Application A) - Refused 08/03/10 and dismissed at appeal ref: APP/E5900/A/10/2127467 on 30/09/10.
- 3.12 PA/08/01000 - Demolition of existing buildings and redevelopment to provide four buildings of between three and six storeys providing 252 sq m commercial floorspace (Use Classes A1,A3, B1 and D1) and 139 residential units plus car and cycle parking, public space and landscaped amenity space.– Refused 24/11/08
- 3.13 PA/08/01001 – Demolition of existing buildings. – Conservation Area Consent Approved 24/11/08

Pre-application

- 3.14 Officers engaged with the applicant at pre-application stage under pre-application reference PF/20/00128. The proposal under consideration is the same to the proposal as per pre-application stage.

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper.
- 4.2 A total of 56 objections were received. The key issues raised in the objection letters received as part of the first consultation are as follows (and have been addressed within the committee report):

Design

- The development does not respect the local context and street pattern
- The scale and proportions of the buildings does not sit well in the surrounding area
- Overdevelopment and overcrowding
- The new structure will be out of proportion with other buildings in the neighbourhood.
- It will stick out and dominate in an unsympathetic way.
- Armoury House will be much taller than the Barge Lane houses, Gate House, Albany Works houses/annex, Connaught Works and Gun Wharf.
- A clad upper floor is not in keeping with the area.
- Disabled access – not inclusive

Conservation

- The proposed building extension will damage the appearance and character of Victoria Park Conservation Area.
- The Victoria Park Conservation Area Appraisal emphasises the importance of views from within the park; the additional storeys would alter and obstruct views from the park towards Gunmakers Lane and the locally listed Albany Works
- Not in line with Victoria Park Conservation Area Character Statement
- An extension to Armoury House will block the view of this important and locally listed building from the park (a point made in the Victoria Park Conservation Area Planning Document).
- The submitted Heritage Statement is incorrect

Amenity

- Construction would harm amenity of residents
- Additional storeys would block of light to surrounding residents and canal
- No provided amenity space
- Inappropriate/insufficient waste proposed
- Unacceptable overlooking into adjacent properties
- Unacceptable daylight/sunlight impacts
- Right of light will be affected by this extension
- Inaccurate daylight/sunlight assessment
- Inaccurate 45 degree test undertaken by applicant
- Increase in noise pollution

Highways & Waste

- Proposed cycle storage is already on site from a previous application
- Cycle and waste storage is already at capacity

Other

- Misleading information contained within documents
- The previous planning decision on PA/09/02543 and subsequent appeal E5900/A/10/2127467 rejected a proposed fifth storey at Gun Wharf, serving as a test case in this specific location.
- Devalue properties
- Structural problems/issues
- Avon Estates (the company proposing the extension) acquired the freehold from Clarion Housing Association in 2018. The leaseholders were never offered the opportunity to purchase the freehold.

- There has been no consultation made by the developer Avon to the leaseholders of Armoury House.
- The company that manages this build does not maintain and upkeep the building or the grounds around this building so adding buildings work and more people into the mix will make this even more of an eye sore and effect the environment.
- Fire safety
- No wheelchair accessible facilities, i.e lifts
- No affordable units provided
- Security - The proposals open a gate currently only available for cleaning and maintenance access to the rear of Albany and creates a new publicly accessible walkway.

4.3 As part of the second consultation on the additional information received, 40 objections were received (29 of these objections were by same people who objected in the first consultation).

The new comments related to the following:

- Revised DLSL report lacks easily obtainable inputs such as topographical survey, confirmation of rood datum and room layouts;
- Concerns on the overbearing impact the development will have and concerned that the lack of rigour in the data analysis;
- DLSL survey not based on correct information;
- Inaccuracies of the DLSL and Heritage Reports have not been rectified;
- Concerned that the developers have not attempted to assess the extension from within their property.
- Purchased a nearby property in the summer and this application did not appear in their search

5. CONSULTEES

LBTH Design

5.1 No objection. The applicant provided details of the materials as part of the planning application therefore no conditions are required in respect of design.

LBTH Conservation

5.2 The impact of the change to the historic setting would have limited harm.

LBTH Refuse

5.3 No objections.

LBTH Highways

- 5.4 Initial concerns regarding cycle parking and requested a further 2 spaces be provided (totalling 18), which the applicant has included in addition to removing the hangar cycle spaces and providing sheltered, secure Sheffield stands.
- 5.5 No objection subject to a construction management plan in addition to a permit -free condition being attached.

LBTH Biodiversity

- 5.6 The biodiversity officer requested a preliminary bat roost assessment be carried out prior to determination in order to assess the likelihood of roosting bats. This has been undertaken and concluded that no bats are present.
- 5.7 Officers raises no objection subject to a condition securing details of the biodiverse roof.

LBTH Daylight and Sunlight

- 5.8 No objection

LBTH Noise

- 5.9 No objection subject to condition

LBTH Air Quality

- 5.10 No objection subject to a CEMP condition

English Heritage

- 5.11 No objection

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

- 6.2 In this case the Development Plan comprises:
- The London Plan 2016 (LP)
 - Tower Hamlets Local Plan 2031 Managing Growth and Sharing the Benefits (2020)

- 6.3 The key development plan policies relevant to the proposal are:

Housing LP3.3, 3.13, D.DH7, S.H1, D.H2, D.H3
(unit mix, housing quality)

Design LP7.1-7.8, S.DH1, S.DH3, D.DH2
(layout, massing, materials, public realm, heritage)

Amenity LP7.6, LP7.15, D.DH8, D.ES9
(privacy, outlook, daylight and sunlight, construction impacts)

Transport LP6.9, LP6.13, D.MW3, D.TR2, D.TR3, D.TR4, S.TR1

- 6.4 Other policy and guidance documents relevant to the proposal are:
- National Planning Policy Framework (2019)

- National Planning Practice Guidance (updated 2019)
- Victoria Park Conservation Area Character Appraisal (2016)

Emerging Policy

6.5 The Mayor of London's Draft New London Plan with Consolidated Suggested Changes was published in July 2019. The Examination in Public (EiP) took place in January 2019. Generally, the weight carried by the emerging policies within the Draft New London Plan is considered significant as the document has been subject to EiP, incorporates all of the Mayor's suggested changes following the EiP and an 'Intend to Publish' was made by the Mayor of London. However, some policies in the Draft New London Plan are subject to Secretary of State directions made on 13/03/2020, these policies are considered to have only limited or moderate weight. The statutory presumption still applies to the London Plan 2016 up until the moment that the new plan is adopted.

Relevant draft London Plan policies:

- D4 – Delivering good design
- D6 – Housing standards
- HC1 – Heritage

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design & Heritage
- iii. Neighbour Amenity
- iv. Transport & Waste
- v. Environment
- vi. Local Finance Considerations
- vii. Equalities and Human Rights

Land Use

7.2 The proposal seeks the construction of 3 new flats, including 2x2 bed flats and 1x3 bed flat. As the existing use on site is residential, no objections are raised in terms of land use.

7.3 The proposed residential use is supported as a contribution to the borough's housing targets which responds to an identified need as set out in policy S.H1 of the local plan.

7.4 This is considered in more detail in the housing section of this report.

Design

7.5 Local Plan (2020) policies S.DH3 and S.DH1 call for high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.

7.6 Namely policy S.DH1 seeks to ensure development is appropriate in terms of scale, mass, bulk, building and roof lines, design details and use of materials.

7.7 In addition, policy S.DH3 seeks to ensure extensions do not have an adverse impact on the character of the conservation. It also aims to ensure that proposals do not negatively impact the design and heritage of the host building, nearby buildings and the conservation area and

that the development reflects the character of its location in order to preserve and enhance the conservation area.

Scale, height, mass

- 7.8 The proposed development marks a 2 storey increase in building height when compared to the existing structure of 3 storeys; however it is noted the surrounding and adjacent developments are of a similar scale and does not exceed 7 storeys in height. Officers have given careful consideration to the acceptability of this in the context of the character and appearance of the surrounding area and the conservation area setting. Consideration has also been given to the amenity impacts of this which are discussed in paragraphs 7.66-7.108 of this report.
- 7.9 Objections have been received in relation to the scale of the proposed extension, which consider that most buildings in the area are between 2 and 4 storeys and that the new structure will be out of proportion with other buildings in the neighbourhood, standing out and dominating in an unsympathetic way. These concerns have been considered below.
- 7.10 The area around the site includes buildings of different heights, with several buildings higher than the existing Armoury House (Albany Works is 6 storeys above ground level and a lower ground level, Artillery House is 5 storeys. Gate House and Vermilion Apartments are 4 storeys). Therefore, the proposed extended building resulting 5 storeys would not be out of scale in its context. It should also be noted that the proposed top floor will be set back from the existing façades, further reducing its visual appearance and massing.
- 7.11 Officers are satisfied that the proposed height range marks an appropriate response to the surrounding building heights.
- 7.12 The overall increase in height is not considered to adversely impact upon the setting of the conservation area with buildings in the vicinity being of a similar scale. Furthermore, the adjacent building at the Albany Works (which also falls within the conservation area and is locally listed) has a similar sloped roof design and it is considered that the proposed development would be in keeping with the neighbouring development.
- 7.13 Given the high standards of design and architectural quality, the proposals would be considered not to have significant impact on the setting of the conservation areas.
- 7.14 For the reasons outlined above, the proposed development is considered to be acceptable with regards to height, scale and massing and appropriate within the context of the conservation area.

Appearance & Materials

- 7.15 The existing buildings reflect the past character of the area and in recognition of the surrounding context the applicant has adopted an architectural that is in keeping with the character of the host building for the roof top extension.
- 7.16 Officers have given regard to the detailed design of the proposed extension and consider it to be well-proportioned with appropriate massing.
- 7.17 The rationale behind the proposal is to extend in the same way as the Albany Works building was extended; matching brick for the first additional level, and a lightweight set-back structure comprised of red zinc cladding for the second.
- 7.18 The roof will slope as it does now, single pitch as most of the surrounding buildings.

- 7.19 The existing building has a distinct rhythm and symmetrical composition. The north elevation has two white rendered bays with Juliette balconies. These will be roofed and used for terraces for the new flats.
- 7.20 The proposed materials are considered to result in an acceptable aesthetic. The proposed balustrade will also match that of the existing. Details of the materials were provided as part of the application submission and therefore a compliance condition would be recommended.
- 7.21 The proposal is simple in its design. The proportions together with the proposed fenestration pattern results in a strong sense of horizontal and vertical articulation which largely follows the rhythm of that which exists.

Layouts

- 7.22 The proposed units will be dual aspect and would meet the minimum standards set out in the Department for Communities and Local Governments, Technical housing standards (2015). This is discussed in further detail within the Housing section of this report.
- 7.23 As such, the proposed layouts are considered acceptable by officers.

Objections in addition to layout and design

- 7.24 In addition to objections regarding general unacceptability of the proposed design, officers received the following objections:

1. Concerns that no wheelchair accessible facilities, (i.e lifts) being provided

(Officer Comment: Officers note that the GLA's Housing SPG (2016) sets out that LPAs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. However, in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents.

In this case, given that the proposal is a two-storey extension on the existing building footprint, it would cause practical difficulties without having to create additional bulk to the building to accommodate the lift.)

2. Fire safety

(Officer comment: This relates to Building Regulations and would be assessed by the Council's Building Control Team).

3. Security - The proposals open a gate currently only available for cleaning and maintenance access to the rear of Albany and creates a new publicly accessible walkway.

(Officer comment: The proposals do not include any changes to the existing gates or walkways)

Design Conclusions

- 7.25 In terms of overall design, the development is well considered, appropriately detailed and would allow a development of suitable mass and scale for the site's location.
- 7.26 The suite of materials and the sympathetic design ensure there is suitable reference to the history of the surrounding area, whilst also ensuring a high quality, modern design approach. The design of the buildings effectively meets Development Plan policy considerations and would make a positive contribution to the surrounds.

Heritage

- 7.27 Policy S.DH3 of the Local Plan (2020), policy 7.8 of the London Plan (2016) and policy HC1 of the New Draft London Plan (2019) require development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 7.28 Detailed Government policy on Planning and the Historic Environment is provided in the NPPF.
- 7.29 The NPPF paras. 190 and 194 require local authorities to identify and assess the significance of heritage assets that may be affected by a proposal including development affecting the setting of a heritage asset. Any harm to, loss of the significance of the heritage asset including from development within its setting requires clear and convincing justification.
- 7.30 Paragraph 197 of the NPPF states that '*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*'. This is demonstrated below.
- 7.31 Whilst the site itself is not listed; it is in close proximity to the Grade II* listed Three Colt Bridge and other locally listed buildings. Albany Works and Connaught Works to the south and Gate House to the north are all indented on the Council's GIS map as being locally listed historic buildings.
- 7.32 It is important to note that during the assessment of this planning application it has come to the Council's attention that there is an anomaly over the status of the locally listing designation of Gate House. The Council's interactive proposals map identifies the property as being locally listed, however the table of listing does not include this. Notwithstanding this, as noted in the planning history section of this report, the original building was demolished and planning permission granted (ref: PA.00.1461) for a replacement.
- 7.33 Officers are unable to find a record of it being removed from the local list, however given that it has been demolished and rebuilt in a modern style, the Council's conservation officer has confirmed that it could not be locally listed in its current state as it would not meet any of the criteria for inclusion.
- 7.34 The Council's conservation team will address this designation as part of the next review of the locally listed buildings within the borough.
- 7.35 Below is a map showing the site and its relationship to the surrounding heritage assets.



Key: Hatched area = Victoria Park conservation area

Figure 2: Site and heritage assets

- 7.36 The Tower Hamlets Local List identifies locally important heritage assets that are valued by the local community. These are known as ‘non-designated heritage assets’ and include buildings, a structure or feature, which whilst not statutorily listed by the Secretary of State for its national importance, is felt by the council to be of local importance due to its architectural, historical and townscape significance.
- 7.37 Buildings are added to the local list in recognition of their value as irreplaceable historic assets which contribute to the quality of the local environment by enhancing the street scene and sustaining a sense of distinctiveness.
- 7.38 The purpose of the Local List is to ensure that care is taken over decisions affecting the future of these buildings, structures or features, and that their special status is taken fully into account. Alterations should respect the particular character and interest of the heritage asset, and any works carried out should use appropriate materials and retain any features of architectural or historic interest.
- 7.39 Whilst Albany Works is not a statutorily listed building, it is recognised by the Council as being of local architectural, historical and townscape significance.
- 7.40 Notwithstanding this, planning permission was granted for Albany Works (planning reference: PA/02/00582 & PA/03/00889) in 2002 for an ‘erection of fourth and fifth floor additions and conversion of existing building to provide 20no. self-contained flats and three houses, together with landscaping and basement level car parking.’ This demonstrates the original building has been altered and extended over the years and does not remain in its original form.

- 7.41 Planning applications within the context of heritage assets must consider the possible effect of the proposed alterations on the setting of nearby heritage assets and the desirability of preserving or enhancing the character of the conservation area.
- 7.42 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'local planning authorities in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority (...) shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'
- 7.43 Officers are of the view that the proposals would have no impact on the setting of either the Grade II* listed Three Colt Bridge or the locally listed Connaught Works given their distance from the site.
- 7.44 With regards to the impact to the setting of the Albany Works building, officers consider the impact of the proposals would be minor. For example, the northern 'wing' of Armoury House (3 storeys) is lower than the main east-west part of the building (7 storeys). This lower wing is similar in scale to the existing Armoury House (3 storeys). By extending Armoury House, this will alter the relationship of the existing heights between the 3 buildings. However, officers consider that the impact would not damage the setting of the locally listed building. As noted previously, Albany Works has been subject to an upper level extension which alters the original structure. Whilst there would be an increase in height, the proposed two storey extension seeks to provide a similar rooftop design to Albany Works. It should also be noted that the materials would be to match and complement that of the existing Armoury House.
- 7.45 As a result of Albany Works being extended vertically since its original erection and given that the original Gate House building was demolished and planning permission granted in 2001 for a new building which has now been constructed, the impacts of the proposed extension at Armoury House is considered to be acceptable in a heritage context given that the original form of these surrounding buildings have been altered since their original design and build.
- 7.46 Whilst officers acknowledge that the proposals would have limited impact on the setting of the conservation area and surrounding locally listed buildings, this is considered to be outweighed by a number of planning benefits, including the provision of family sized dwelling and 3 residential units which meet policy requirements in terms of unit sizes and private amenity space.
- 7.47 In terms of the surrounding heights, Albany Works is 6 storeys (with a lower ground level), Gate House is 4 and Artillery House is 5 storeys. As such, the proposed 2 storey extension (totalling a 5-storey building) is considered to be in keeping with the character of this immediate surrounding area, and thus not having a significant impact on the setting of the conservation area.
- 7.48 With the proposed upper extension, Armoury House would remain subservient to Albany Works as it would be 2 storeys lower (or 1 storey lower if discounting the below ground level of Albany Works). This is illustrated in the contextual elevations below,

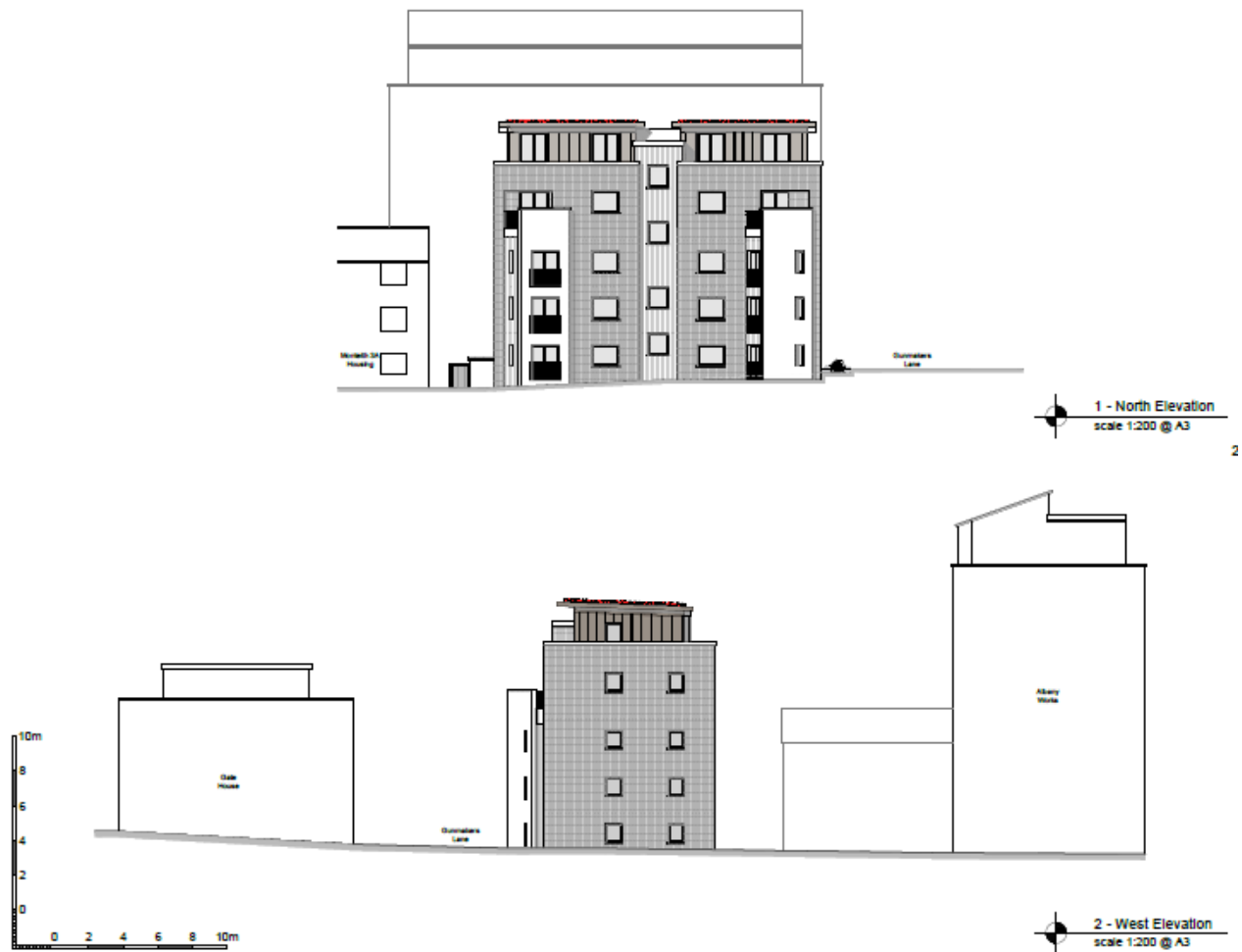


Figure 3: Contextual elevations showing the proposals against Albany Works to the south and Gate House to the north

- 7.49 The Victoria Park Conservation Area Character Appraisal acknowledges that *'the landscaping of the park creates several vistas along the axes of the park (...). Many streets and buildings in the area are oriented towards the park, creating local views of the parklands.'*
- 7.50 A number of objections were received which raised concerns that the proposed extension would impact on the views of Albany Works from Victoria Park. However it is considered that the Gate House is the principle building that is seen from Victoria Park looking towards Albany Works. The proposed upper extension would have a minor impact and would not drastically alter the existing views.
- 7.51 The image below shows the existing view from Three Colt Bridge from inside Victoria Park, with Artillery House on the left and Gate House in the foreground.



Figure 4: A view from Victoria Park towards the site

- 7.52 Objections were also received to point out that the proposed 5th storey extension to Gun Wharf development was rejected both by Tower Hamlets PA/09/02543 and later by The Planning Inspectorate APP/E5900/A/10/2127467/NWF. It was decided that the extension for Gun Wharf would detract from the Old Ford streetscape and would neither preserve the character and appearance of the Conservation Area nor the settings of Victoria Park and the Three Colts Bridge. The objections noted that Gun Wharf 5th storey extension was rejected in 2010 because of height/density and a clad upper floor was seen as inappropriate for the conservation area and that such reason for refusal should be given to this application.
- 7.53 The Inspector, in her appeal decision for the Gun Wharf listed 2 main issues of the appeal. Firstly, whether adequate affordable housing was proposed and secondly, the effect of the proposal on the character and appearance of Old Ford Road and Victoria Park Conservation Area as well as the settings of Victoria Park and Three Colts Bridge.
- 7.54 The Inspector concluded that the appeal be dismissed on the basis that the proposed development did not provide affordable housing in line with planning policy and that the proposed development would detract from the Old Ford Road streetscape and would fail to preserve the appearance of the conservation area and the settings of Victoria Park and the Three Colts Bridge due to the materiality of the 5th storey being metal clad. It is important to note that the appeal was not solely in relation to design and conservation issues, rather the delivery of affordable housing also.

- 7.55 When comparing the application site to that of the appeal site, it is important to note that both have different site contexts and locations. For example, as noted in paragraph 16 of the appeal decision, the appeal site is separated from Victoria Park by the Hertford Union Canal to the north and Old Ford Road to the south with Gunmakers Lane running along the eastern boundary. As such, the area of the appeal site is much larger and prominent than that of the application site. The application site is located to the south of Gate House (which fronts the canal) and to the north of Albany Works with Gunmakers Lane to the west.
- 7.56 Paragraph 19 of the appeal decision recognises that the proposed metal clad 5th storey would be visible from Old Ford Road and St Stephens Road. Reference is also made to the clad upper floor at Albany Works and notes it as being 'degrading' and appears as a 'lightweight add on' which in the inspectors view 'detracts from the robust, heavy and solid commercial character of the building.'
- 7.57 However, whilst the inspector made her observation about the design of the upper clad floor at Albany Works, this had already been approved by officers. Furthermore, whilst the inspector didn't support it, the proposed 5th storey which was subject to the appeal, covered a much larger building area than the proposed application roof extension and was situated in a much more prominent location. These factors combined would have led to a more harmful impact on the setting of the Victoria Park conservation area.
- 7.58 Officers note the inspector's comments in relation to the roof extension to Albany Works, however the proposed site is not located on a corner and would therefore not form a 'prominent corner piece' on the edge of the conservation area, rather it is located between buildings of a similar height. In addition, the materials used for the clad roof addition at Armoury House would not be the same as the light grey at Albany Works, rather it would be a dark red zinc clad to match that of the existing roof. As such, officers consider the clad roof extension to be acceptable.
- 7.59 Whilst it is accepted that the appeal decision can be seen as relatable, each planning application is dealt with on a case by case. Officers consider that the proposed design of the proposal sits well within the context and the Gun Wharf appeal decision was not solely related to the principle of a 5 storey height in this location.
- 7.60 Further objections related to there being no social housing provided as part of the application. Reference has been made to the Victoria Park Conservation Area Character Appraisal document which states that '*economic reasons alone will not in themselves justify the demolition or alteration of a building in a Conservation Area*'.
- 7.61 In terms of planning policy, Policy S.H1 of the Tower Hamlets Local Plan (2020) relates to meeting local housing needs. Of relevance is paragraph 2 a (ii) of this policy which requires the provision of affordable housing contributions on sites providing 2 to 9 new residential units. However, this part of the policy relies on a Planning Obligation SPD to be adopted (it is anticipated to be adopted early 2021) which sets out how affordable housing contributions can be secured. As such, there is no requirement to provide any affordable housing as part of this application at the time of this report.
- 7.62 Further objections have been received in response to the submitted Heritage Statement. Concerns are had in respect of the accuracy of this report and its content.
- 7.63 The main points of objection to the Heritage Statement relate to the following (an officer response has been included below each point in italic):

1: No mention of Social Housing

(Officer comment: regarding the affordable housing, the proposal falls below the minimum threshold as set out in Policy S.H1 of the Tower Hamlets Local Plan (2020) and therefore is not required to be provided as the policy remains to be adopted.)

2: Change of a Historical Setting

(Officer comment: Regarding changes to heritage setting: as stated in the heritage statement “there would be a minor change to the setting of the Albany Works building which adjoins Armoury House to the south”, however officers consider the change would not be damaging to the setting of the locally listed building)

3: Loss of Heritage - an extension to Armoury House would alter the setting of a popular painting by Albert Turpin, as shown below, deeming it unrecognisable.



Photo 5: Gunmakers Lane by Albert Turpin, East London Group c.1930 to



Photo 6: Photo taken at the same point on Gunmakers Lane, Nov 2020

Figure 5: Images from objection

(Officer comment: As noted in the planning history section of this report, the original building of Gate House was demolished and planning permission was granted for a replacement in 2001 (as shown in photo 6 above), therefore this building/vista painted in c.1930 no longer exists and has not existed for some time.)

4: The Heritage Statement states that Albany Works is a 7-storey building. This is incorrect. Albany Works is 5 stories from ground level. The top floor is a modern extension. Therefore, the original fabric of the building is only 4 stories. The extension of Armoury House will completely block the view of Albany Works from Victoria Park, Three Colts Bridge,

(Officer comment: The statement “Albany Works is a 7-storey building” is in fact correct. The building is composed by six floors in the brick-built part of the building and one floor roof extension – so seven storeys in total. Officers would consider that the report would be inaccurate if it stated that the original fabric of the building is only 4 storeys. The lowest floor is below road level but is still a storey, the ground floor is also a storey.

Officers do not agree that the addition of two storeys to Armoury House will completely block the view of Albany Works from the lane, the bridge and the park as suggested in the

objection. The end elevation of the works and part of the north side elevation will remain visible from all these viewpoints (as shown in figure 7 and 8 in the Heritage Statement). The view of Albany Works from the canal is already largely blocked by the 5-storey block of modern flats Artillery House.)

5. The original fabric of Albany Works was 5 storeys with a pitched roof. A 6th modern style clad storey was added in 2002, replacing the pitched roof. The 5th storey was not added, but possibly somewhat increased in height. It is thus a bit misleading to state that Albany Works has been extended with 2 additional storeys as suggested in the report. Both Planning Officers and The Planning Inspectorate have since detailed that the 6th storey was a mistake. Albany Works should thus not be seen as a justification for extending upwards.

(Officer comment: Officers acknowledge that the existing height of the building was 6 storeys (including the lower ground level) as part of planning permission with the Council's reference PA/02/00582, however the 6th floor appears to have been increased in height and the 7th floor added as part of planning permission with the Council's reference PA/03/00889. Notwithstanding the details of the 2002 planning permission, the current height of Albany Works stands at 7 storeys, therefore the current planning application for Armoury House is being assessed on the current context of the surrounding buildings.)

- 7.64 Officers consider that the proposals would have a minimal impact on the character and appearance of the Victoria Park conservation areas and settings of the surrounding heritage assets.
- 7.65 On balance, it is the view of officers that the planning benefits outweigh the limited harm in this case as the proposal would provide 3 new homes which would assist in contributing to the borough's housing targets 1 of which being family sized dwelling which the borough currently lacks. Also, all 3 units would have their own private amenity space in line with policy, they would be dual aspect and would exceed the minimum floor areas required. The proposals accord with relevant Development Plan and NPPF policies in this respect.

Neighbour Amenity

- 7.66 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions

Privacy, Outlook, Overlooking

- 7.67 Local Plan Policy D.DH8 requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 7.68 As shown in the figure below, the separation distance from the application site to Albany Works is 13.8m, to 39 Barge Lane is 3m and to Gate House to the north is 10.3m. Whilst these distances involved are below the 18m guideline, this is not uncommon within the locality and is reflective of the street pattern in the area. Furthermore, in the case of Armoury House, this represents an existing situation as the proposed extension is built within the footprint of

the existing structure. Also, the windows have been designed to follow the fenestration pattern of the floors below the development and would not introduce overlooking beyond that which currently exists.



Figure 6: Separation distances

- 7.69 It should also be noted that the top floor addition (5th floor) would be set back by a further 1.5m on all sides as a result of a private terrace.
- 7.70 Objections have been received regarding direct overlooking to the existing flats, namely those of adjacent Albany Works. The closest physical relationship would exist between the existing building and 23 Albany Works and 39 Barge Lane to the east of the site. Whilst officers note the distance between Armoury House and 39 Barge Lane is 3m, there are no windows on the eastern elevation of 39 Barge Lane, thus preventing any overlooking. Furthermore the orientation of the application site to 23 Albany Works is oblique, therefore no negligible overlooking would exist.

Daylight & Sunlight

- 7.71 The impact to the neighbouring properties daylight/sunlight conditions was a key consideration of the application. A number of residential properties surrounding the site have been tested as part of the application.
- 7.72 Policy D.DH8 requires consideration of two questions, which regards to the impact of a proposed development on the daylight and sunlight conditions on existing surrounding developments:- (i) whether or not it would result in “material deterioration” of these conditions and (ii) whether or not such deterioration would be “unacceptable”. D.DH8 (8.88) states that in applying D.DH8.1(c) “the Council will seek to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight” The policy further states that assessing the impact of the development is to follow the methodology set out in the BRE guide

- 7.73 The accepted guidance for assessing daylight and sunlight to neighbouring is the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.74 The following properties have been tested for daylight and sunlight based on land use and proximity to the site.
- 1 to 10 Artillery House,
 - 1 to 20, 22 & 23 Albany Works,
 - 1 to 3 Gate House,
 - 1 to 46 Vermilion House and
 - 37 & 39 Barge Lane.
- 7.75 The applicant has submitted a Daylight and Sunlight Assessment of the scheme, undertaken by Right of Light Consulting, in support of the application. The Assessment has been reviewed by officers and found to be acceptable.
- 7.76 Since submitting the planning application, the applicant's daylight and sunlight consultant, Right of Light Consulting, was able to obtain more accurate floor plans with respect to 1-20 Albany Works and therefore updated the daylight distribution figures. This revised daylight and sunlight report (Dated 19th November 2020) was submitted to the Local Planning Authority on 23rd November 2020.
- 7.77 A further updated version of the report (dated 3.12.20) was submitted to the Council on 3rd December 2020 correcting a typo which was made in paragraph 4.2.2. The paragraph previously stated that window 7 of 1-10 Albany Works has a loss of 30% in respect of NSL, but there is no window 7 of Albany Works, this was corrected with window 48 which is a bedroom.
- 7.78 Officers did not re-consult on the correction of this typo as the results remained correct in terms of the impact of window 48 within Appendix 2 of 19th November and 2nd December versions of the Daylight and Sunlight Assessment.

Daylight Tests

- 7.79 For daylight, the tests are "Vertical Sky Component" (hereafter referred to VSC) which assesses daylight to the windows, and the "No Sky Line" test (hereafter referred to as NSL - also known as daylight distribution), which assesses daylight within the room. Both the VSC and NSL tests should be met to satisfy daylight, according to the BRE guidelines as outlined in the Summary box (Figure 20) paragraph 2.2.21 of 'Site Layout Planning for Daylight and Sunlight' (2011). This text is directly quoted below.

Summary (Figure 20) of BRE guidelines:

- 7.80 *"If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 250 to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:*
- *The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
 - *The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."*
- 7.81 There is another daylight test known as the Average Daylight Factor (hereafter referred to as ADF) that is primarily designed for assessing daylight within proposed buildings. The BRE

guidelines outline at Appendix F where it is appropriate to use the ADF test to existing buildings but, in the majority of cases, it is not an appropriate assessment for neighbouring properties. Therefore, this report does not outline any further explanation for ADF below as it is not needed in this instance.

- 7.82 Appendix I – Environmental Impact Assessment of ‘Site Layout Planning for Daylight and Sunlight’ (2011) outlines how loss of skylight or sunlight would translate in to a negligible, Minor Adverse Moderate Adverse or Major Adverse effect. There is no guidance for the numerical guidelines used to categorise windows/rooms as “Minor, “Moderate or Major”. The numerical guidelines have been formalised by LBTH and are used by reputable Daylight & Sunlight consultants. The bandings have been used for EIA assessments for LBTH.

Vertical Sky Component (VSC)

- 7.83 VSC is assessed at the centre point of the window and looks at the angle of obstruction caused by the proposed development. The maximum value is 40% VSC for a completely unobstructed vertical wall (this will be achieved in a rural setting). The first BRE guideline target for VSC is to achieve 27% VSC or more. If this is not met, the reduction in light should not exceed 20% of the former VSC light levels (the BRE guidelines mention retaining 0.8 times the former value of light, which is the same as a reduction in light of no greater than 20%). If these two criteria are met, the window would satisfy the BRE guidelines.
- 7.84 There is no definitive categorisation for impacts that exceed BRE guidelines, however the following significance criteria banding was used when summarising the overall daylight and sunlight effects to the surrounding buildings;

VSC Result	Significance Criteria
Reduction of under 20% or in the case of VSC retained VSC at 27% or more	Negligible
Reduction of 20% or more but under 30%	Minor Adverse
Reduction of 30% or more but under 40%	Moderate Adverse
Reduction of 40% or more	Major Adverse

No Sky Line (NSL)

- 7.85 The NSL test reviews daylight within the room and shows the points in the room that can and cannot see the sky. The test is taken at the working plane which is 850mm above the floor level in houses. If the reduction in light is less than 20% (the BRE guidelines mention retaining 0.8 times the former value of light previously received which is the same as a reduction in light no greater than 20%), the said room would meet the BRE guidelines.
- 7.86 There is no definitive categorisation for impacts that exceed BRE guidelines, however the following significance criteria banding was used when summarising the overall daylight and sunlight effects to the surrounding buildings;

NSL Result	Significance Criteria
Reduction of under 20% or in the case of VSC retained VSC at 27% or more	Negligible
Reduction of 20% or more but under 30%	Minor Adverse
Reduction of 30% or more but under 40%	Moderate Adverse
Reduction of 40% or more	Major Adverse

Daylight – Vertical Sky Component (VSC) and No Sky Line (NSL)

Vertical Sky Component

- 7.87 VSC is a metric that determines the amount of light falling on a particular point, in this case, on the centre point of the window. The calculations for VSC do not take into account window size, room dimensions or the properties of the window itself.
- 7.88 Of the 146 windows tested for VSC all windows with a requirement for daylight passed.

Daylight Distribution

- 7.89 NSL assesses where daylight falls within the room at the working plane (850mm above floor level in houses), Daylight distribution assessment is only recommended by the BRE Report where room layouts are known.
- 7.90 Right of Light Consulting undertook the Daylight Distribution test where room layouts are known. All rooms with a requirement for daylight pass the daylight distribution test with the exception of window 48 at 1 to 20 Albany Works.
- 7.91 Right of Light Consulting noted the following mitigating factors. Firstly, the result is marginal with a before/after ratio of 0.7 against the BRE target of 0.8. Secondly, the window serves a bedroom. Whilst under the BRE guide a universal test is applied to all room types, the BRE guide explains that daylight in bedrooms is less important than in other habitable rooms such as kitchens and living rooms. Officers have reviewed the results and considered that the impact is minor adverse.

Sunlight - Annual Probable Sunlight Hours (APSH)

- 7.92 The BRE guidelines recommend sunlight tests be carried out to windows which face 90 degrees of due south (windows which fall outside this do not need to be tested). The main requirement for sunlight is in living rooms and conservatories. The targets under the BRE guidelines require a south facing window to receive 25% of Annual Probable Sunlight Hours (APSH) with at least 5% of these sunlight hours being in the winter months. If these first levels of criteria are not met, the aim would be to ensure the reduction in light is less than 20% (the BRE guidelines mention retaining 0.8 times the former value of light previously received which is the same as a reduction in light no greater than 20%).
- 7.93 The sunlight targets are outlined in the summary box at paragraph 3.2.11 of 'Site Layout Planning for Daylight and Sunlight' (2011). This text is directly quoted below:
- 7.94 *"If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*
- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and*
 - Receives less than 0.8 times its former sunlight hours during either period and*

- *has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”*

7.95 There is no definitive categorisation for impacts that exceed BRE guidelines, however the following significance criteria banding was used when summarising the overall daylight and sunlight effects to the surrounding buildings;

APSH Results	Significance Criteria
Achieves at least 25% APSH for annual sunlight hours with 5% APSH in the winter months or reduction in light is no greater than 20% of the existing condition (meets the BRE Guidelines)	Negligible
Reduction of 20% or more but under 30%	Minor Adverse
Reduction of 30% or more but under 40%	Moderate Adverse
Reduction of 40% or more	Major Adverse

7.96 All windows that face within 90 degrees of due south were tested for direct sunlight. All windows with a requirement for sunlight pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

7.97 As such, the sunlight levels received by the residential units are acceptable and would provide a reasonable standard of accommodation in this regard.

Overshadowing/Amenity Spaces

7.98 All gardens and open spaces tested meet the BRE recommendations.

7.99 In light of the above, it is considered that the sunlight to the proposed communal amenity spaces to be acceptable.

Objections

7.100 Officer responses to key representations made in relation to the daylight/sunlight information are included in Appendix 3 of this report.

Overall

7.101 Overall, the development shows full compliance with the guidelines in terms of sunlight with only 1 window failing to comply with the BRE recommendations in terms of daylight distribution test (of which being window 48 at 1 to 20 Albany Works). These findings have also been confirmed by the Councils internal review by the daylight and sunlight officer.

7.102 Having regard to this, it is noted that Part 1(d) of Policy D.DH8 of The Tower Hamlets Local Plan 2031 (Managing Growth and Sharing the Benefits) requires that new developments should not result in an unacceptable material deterioration of the daylighting conditions of surrounding development including habitable rooms of residential dwellings. The Mayor of London’s Housing SPG also states that the standards should be applied flexibly, providing that proposals still achieve satisfactory levels of residential amenity and avoid unacceptable harm.

7.103 In assessing the proposals against the above policy context, and with only 1 window (window 48 at 1 to 20 Albany Works) having a minor adverse impact in terms of daylight distribution, the proposed development is considered acceptable in terms of daylight and sunlight by virtue

of there being no unacceptable material deterioration in the existing surrounding daylighting condition.

- 7.104 Furthermore, whilst there was 1 window falling short of the BRE guidelines, the wider benefits of the proposed development, for example, providing 3 new residential units which will help towards meeting the housing targets for the borough, one of which being a family sized unit, would outweigh this transgression.

Noise & Vibration

- 7.105 Policy 7.15 of the London Plan (2016), and Local Plan Policies D.DH8 and D.ES9 and seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 7.106 The proposal seeks the introduction of residential development on the site. It is not considered that the proposed residential land use would give rise to an unacceptable noise impact. Both the scale and nature of the use is akin to existing neighbouring development and is therefore considered to be compatible.
- 7.107 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. Objections have been received regarding the noise of construction works and ongoing works as a result of the proposed development of the site. To ensure that the construction activity impact could be managed, a condition requiring a Construction Environmental Management Plan will be secured in which the developer would have to comply with the current best practice standards (British Standards) and the Plan in which they get approval for. A construction hours of the development is also proposed to be conditioned.
- 7.108 Regarding a Construction Environmental Management Plan, the highway's officer noted that due to the location of this site being narrow with double yellow lines on both sides of the road, the applicant is required to provide a CMP as a pre-commencement condition to ensure there is minimal impact to pedestrians, vehicles and to the public highway from the construction of this proposed development.

Housing

Housing Mix

- 7.109 Considering the size of the development that would provide 3 new self-contained flats the proposed housing mix is acceptable
- 7.110 The proposal includes 2 x 2b3p flats and 1x3b5p flat and the larger family size unit is welcomed. All units exceed the minimum floorspace requirements as per policy DH3 of the Local Plan (2020) and would provide private amenity space in line with planning policy. therefore acceptable.

Standard of proposed accommodation

- 7.111 GLA's Housing SPG aims to ensure that housing is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document provides advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 7.112 All proposed dwellings accord with required internal space standards and external amenity space standards, as discussed below.

- 7.113 The proposed residential units are compliant with the relevant space standards. Each of the dwellings provide integrated storage space, unit 3 provides internal storage space of 3.7sqm which exceeds the technical housing standards of 2.5sqm for a 3b5p unit. Units 1+2 both comprise a storage area of 2sqm which is in line with required 2sqm.
- 7.114 It is noted that unit 3 would benefit from private amenity space (45sqm) which exceeds that of policy D..H3 of the local plan (2020) Units 1 and 2 provide recessed private balconies at 6sqm of private amenity space, in line with the policy requirement.
- 7.115 In terms of communal space, policy D.H3 requires a communal amenity space for developments of 10 units or more. Whilst the proposal is to add three units to the existing building, the current existing building do not benefit from an identifiable communal space, however the occupiers of the building have other public realm and benefits including access along the southern side of the Canal.
- 7.116 It should also be noted that the site is within close proximity to Victoria Park and Hertford Union Canal and this together with the suitable private amenity space provision for each flat is considered to be satisfactory.

Daylight and Sunlight for the new residential dwellings

- 7.117 Policy D.DH8 requires the protection of the amenity of future residents and occupants by ensuring adequate levels of daylight and sunlight for new residential developments. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 7.118 Further guidance is provided with regard to sunlight, with the BRE guidance stating that in general, a dwelling which has a particular requirement for sunlight will appear reasonable sunlight if at least one main window faces within 90 degrees due south and the centre of one window to a main living room can receive 25% annual probably sunlight hours (APSH), including at least 5% annual probably sunlight hours in the winter months (WPSH) between 21 Sept and 21 March
- 7.119 The applicant has provided an internal daylight and sunlight assessment, undertaken by Right of Light Consulting.
- 7.120 In relation to daylight, the ADF was used, which is a measure of the amount of daylight in an interior and is dependent on the room and window dimensions, the reflectance of the interior surfaces and the type of glass, together with any obstructions outside.
- 7.121 The submitted results indicate that all of habitable rooms would meet or exceed the relevant ADF value. The proposed accommodation would therefore provide good access to daylight for the future residents.
- 7.122 In relation to sunlight, the BRE guidance uses the Annual Probable Sunlight hours (APSH) that windows facing within 90 degrees due south should receive. Windows that aren't within the aforementioned parameters are not assessed in relation to sunlight. The guidance recommends that relevant windows should receive at least 25% of the total available sunlight, including at least 5% during winter periods.
- 7.123 The submitted results confirm that all living rooms have at least one window which passes both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

Transport

- 7.124 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

Car parking and access

- 7.125 Owing to the good transport links, the development would remain car free development within the exception of existing blue badge spaces, which will be secured through S106 legal agreement. There are no additional on-site car parking spaces proposed as part of this development.

Delivery, servicing and refuse

- 7.126 The proposal seeks to accommodate a new bin store location for both the existing and new units in order to facilitate the necessary cycle parking (as discussed below). The applicant has confirmed that there is no change in the collection point of the bins.
- 7.127 The proposals include 2x660l bins for general refuse, 1x770l bin for recycling and 1x240l bin for food waste.
- 7.128 Objections have been received from residents stating that no waste details have been provided, that the stores are already beyond maximum capacity and that an increase in flats would cause further strain on the arrangement. However, as discussed above the proposal provide suitable bin storage and capacity to accommodate new residential units.
- 7.129 Highways and waste officers have also reviewed the application and are satisfied that the proposed new bin store would provide the necessary capacity as outlined in the Local Plan. However, a condition shall be attached requiring the applicant to provide a waste management plan should planning permission be granted.

Cycle parking

- 7.130 Initially, the applicant proposed 16 cycle parking spaces in two areas. The first area consisted of 10 cycle parking spaces and the second area consisted of 6 cycle parking spaces. The highway's officer recommended that the applicant provided space for 2 more cycles in line with policy and that all residential cycle parking spaces are weatherproof and sheltered.
- 7.131 Also, as part of the initial proposals, cycle hangars were proposed as space was restricted. These were not supported by officers. The applicant subsequently revised the cycle parking and in order to accommodate secure cycle stores for 18 bikes. In order to accommodate the additional 2 cycle spaces, the applicant has relocated the bin stores and combined the provision for the existing and proposed units. The cycle parking now includes 7 covered and secured Sheffield stands to the east side of the building, and an additional 2 stands at the front of the site. It should be noted that the additional cycle parking provision is for all the existing units in the building and the proposed building where previously there were no provision for cycle parking for the existing flats.

Conclusion

- 7.132 The proposal would not have an adverse impact to the highway network and it would enhance and promote sustainable mode of transport through the provision of onsite cycle parking provision. Conditions will be secured for a car-free agreement to prevent the occupiers of the new residential flats requesting on-street permits and a submission and approval of a Construction Management Plan, to manage the construction impacts during the build. Subject to these conditions and as outlined the proposal is acceptable in terms of transport and highways considerations.

Environment

Landscaping & Biodiversity

- 7.133 The existing site has limited ecological value and the site is not suitable for bats. There will be no significant impacts on biodiversity as a result of the proposal.
- 7.134 The Council's biodiversity officer has given consideration to the Preliminary Roost Assessment (PRA) submitted by the applicant and confirmed that there is negligible bat roost potential. There will therefore be no significant adverse impacts on biodiversity.
- 7.135 Officers are satisfied that the proposal would not give rise to significant impact upon biodiversity.

Enhancements

- 7.136 The proposals include two areas of extensive green roof, totalling about 66 square metres. No details of what type of green roof is proposed, however the council's biodiversity officer has stipulated that this should be a biodiverse roof, designed in line with best practice guidance published by Buglife. That would contribute to a LBAP target. As such, a condition shall be attached requiring details of the biodiverse roof.
- 7.137 Subject to the conditions, the proposed development is considered to be acceptable in this regard.

Human Rights & Equalities

- 7.138 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.139 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

- 8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

Financial obligations:

- 8.2 With regards to the Community Infrastructure Levy considerations, the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) and Mayor of London CIL.

8.3 Planning Conditions

Compliance conditions

1. Permission valid for 3 years
2. Development in accordance with approved plans
3. Hours of construction
4. Restriction on hours of delivery
5. Cycle parking

Prior to commencement of development conditions

6. Construction Environmental Management Plan
7. Details of noise and sound insulation plan

Prior to completion of superstructure works conditions

8. Waste Management Strategy
9. Car Free development
10. S278 Agreement
11. Biodiversity enhancements including details of biodiverse roof

APPENDIX 1

List of documents and plans for approval

EXISTING DRAWINGS

EXISTING SITE PLAN	1244.11.040
EXISTING LOCATION PLAN	1244.11.001 REV B
EXISTING GROUND FLOOR + ROOF PLAN	1244.11.010 REV A
EXISTING FIRST AND SECOND FLOOR PLAN	1244.11.011
EXISTING ELEVATIONS	1244.11.020 REV A
EXISTING CONTEXT ELEVATION	1244.11.023
EXISTING SECTIONS	1244.11.030

PROPOSED DRAWINGS

PROPOSED SITE PLAN	1244.11.400 REV C
PROPOSED FLOOR PLANS	1244.11.100 REV G
PROPOSED ROOF PLAN	1244.11.101 REV C
PROPOSED SOUTH AND EAST ELEVATIONS	1244.11.200 REV E
PROPOSED NORTH ELEVATION	1244.11.201 REV E
PROPOSED WEST ELEVATION	1244.11.202 REV E
PROPOSED CONTEXT ELEVATION	1244.11.203 REV A
PROPOSED SECTIONS	1244.11.300 REV D
45 DEGREE DIAGRAM	1244.11 - SK01 A

DOCUMENTS

Design & Access Statement, Rev A prepared by Brooks Murray, dated August 2020

Preliminary Roost Assessment, Version 001, dated 06.11.20 prepared by aLyne Ecology

Daylight and Sunlight to Neighbouring Buildings, by Right of Light Consulting, dated 3rd December 2020

APPENDIX 2

Selection of plans and images

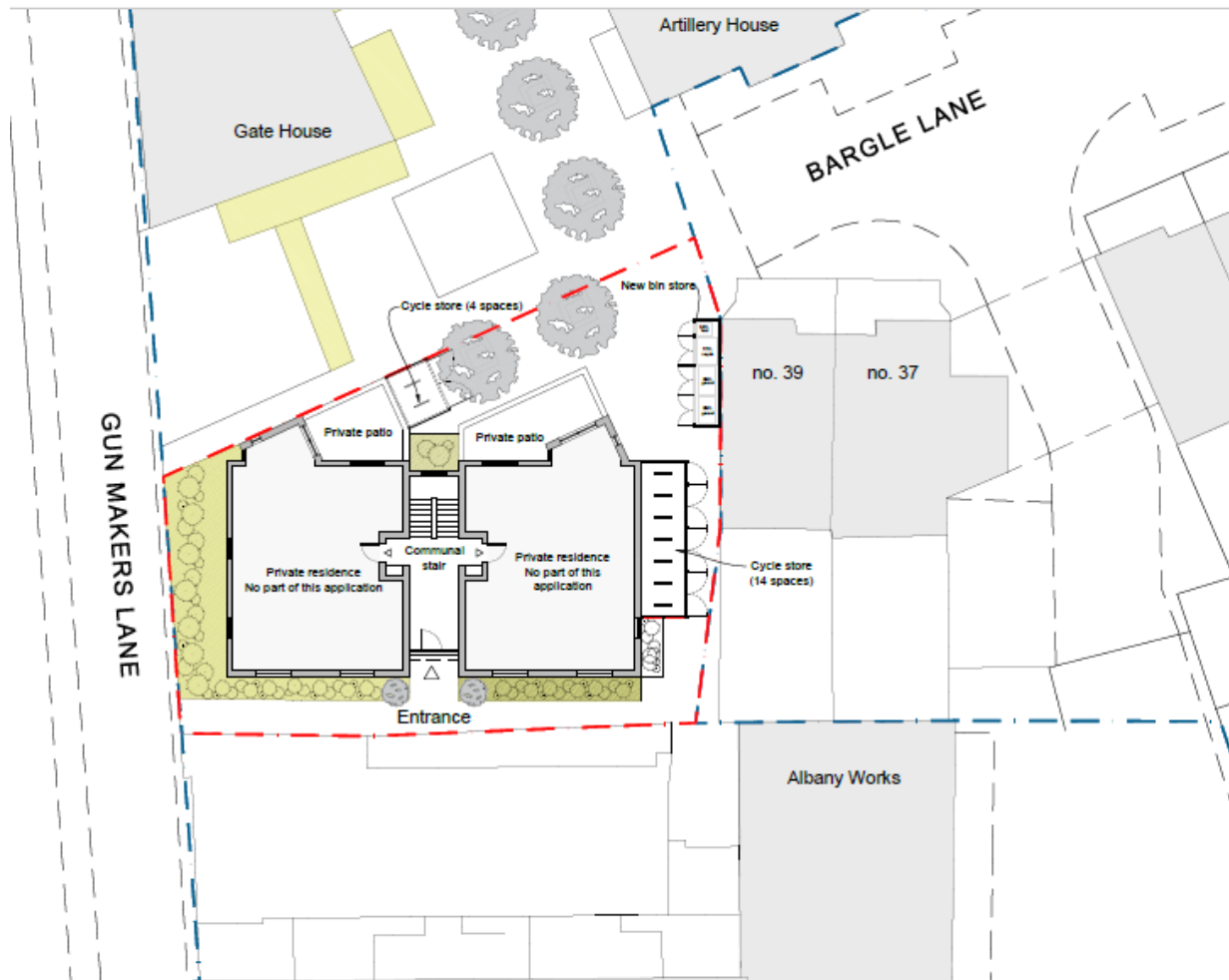


Figure 1: Proposed site location plan

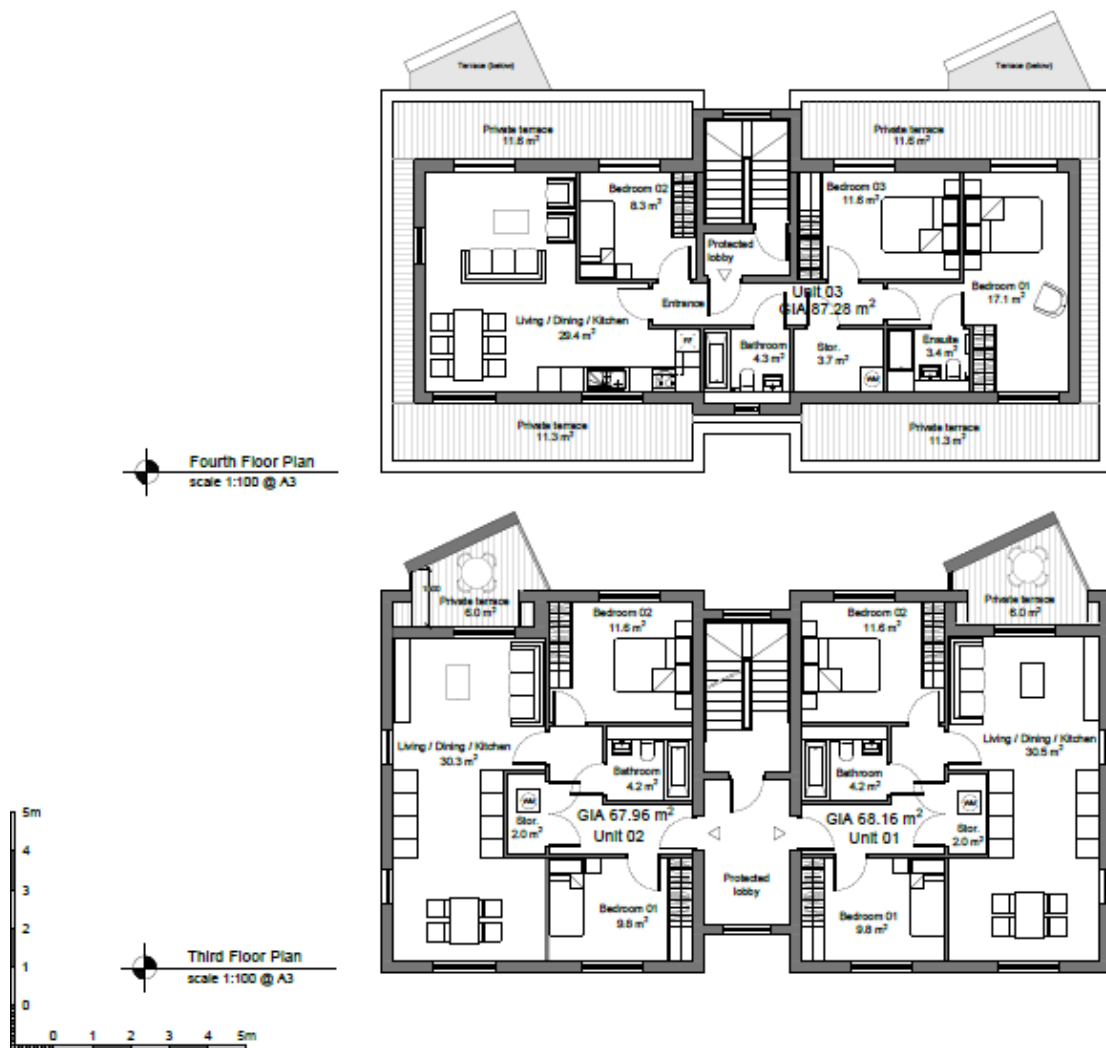


Figure 2: Proposed Floor Plans

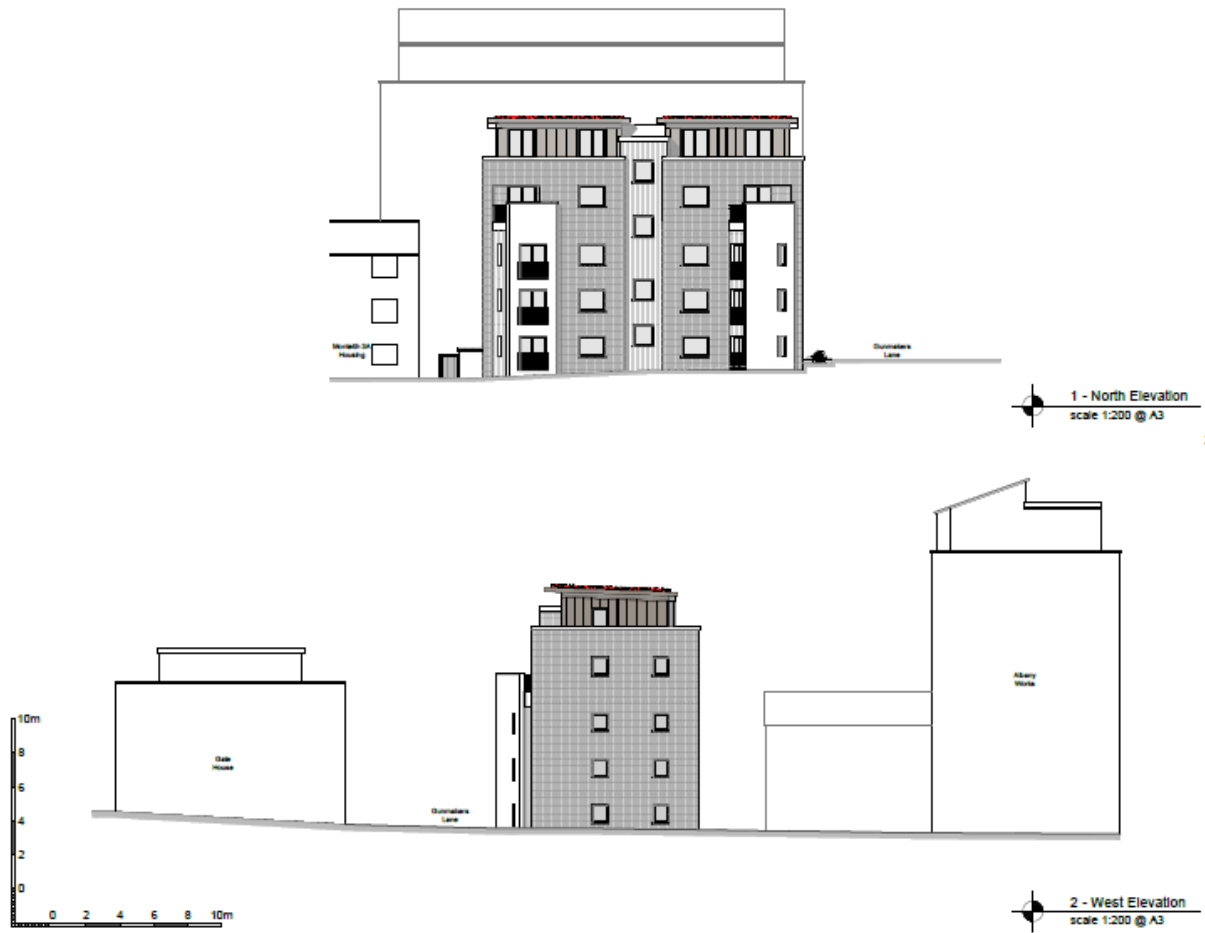


Figure 3: Contextual elevations showing the proposals against Albany Works to the south and Gate House to the north



Figure 4: Proposed south and east elevation



Figure 5: The site from Gunmakers Lane looking south east with Albany Works to the south



Figure 6: A view looking down Gunmakers lane from the south end of Three Colt Bridge

APPENDIX 3 – DAYLIGHT AND SUNLIGHT RESULTS

Objection responses

Given the technical nature of the issues raised in concern in relation to daylight and sunlight, further clarification was sought by the applicant's daylight sunlight consultant (Right of Light Consulting) which has also been verified by the Council's daylight sunlight officer.

First round of consultation

Objector point:	The applicant as part of their submission included a 45-degree assessment. Objections were received contesting the accuracy of the original document submitted.
Officer comment:	<i>The applicant since updated the 45-degree assessment as shown on the updated version (drawing ref: 1244.11 - SK01 Rev A). It has been viewed by the officers, including the Council's daylight and sunlight officer who has raised no concerns over this. It is important to note that the 45-degree angle test is a basic test to assess how extensions perpendicular to a window would affect daylight. It is a useful rule of thumb test to get a feel for how daylight would be affected, mostly on rear extensions to terrace type housing. However, it is superseded by a technical assessment where VSC, NSL and APSH tests are carried out. The applicant provided a more accurate and detailed daylight and sunlight report as part of the submission.</i>

Objector point:	Loss to windows 23-30, 31-38 and 40 - 45 close to 20% loss of light / and accuracy of modelling and therefore results.
Officer comment:	<i>Officers acknowledge that many of the windows are close to a 20% loss of light which would not meet the BRE Guidelines. However, the fact is the windows mentioned by the objector all meet the BRE guidelines. It has been mentioned that the report is not based on topographical survey etc. so the results may not be as accurate. The model is more approximate as if the model was built from topographical survey and / or laser scan, photogrammetry data it would be more accurate; this may result in a window decreasing from say 0.81 value to 0.79 which would take it from just meeting the BRE to slightly not meeting the BRE. This fractional loss would not be perceptible when standing in the room or by the window. If it was the case that some of these windows decreased to below 0.8, they would be classed as Minor Adverse and this is unlikely to be viewed as "serious harm to our amenity" as the objector says. Officers look at the scheme on balance and if it was the case that if a more accurate survey was used, results could differ marginally and it is likely the application would still be recommended for approval as the results show that at worst, windows with 0.81, or 0.82 former values may fall below the BRE threshold to say 0.79 or 0.78 times their former value. The guidelines are guidelines and should not be used as a simple binary pass / fail test - this is not their intention.</i>

Objector point:	A further objection in relation to the daylight and sunlight assessment was that there hasn't been a full assessment undertaken
Officer comment:	<i>This is incorrect as a full Daylight and Sunlight assessment has been completed by Right of Light Consulting based on the various numerical tests laid down in the BRE guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition' by P J Littlefair</i>

	<i>2011. The results of the full assessment dated 19 November 2020 show that all of the neighbouring property windows tested pass the relevant BRE daylight (with the exception of window 48 of 1-20 Albany Works falling just short of the daylight distribution test) and sunlight tests. The development also passes the BRE overshadowing to gardens and open spaces test.</i>
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Objector point:	The Daylight and Sunlight report is based on an OS map which does not provide datums and therefore the lower ground floor level of Albany Works has not been properly taken into account.
Officer comment:	<i>Right of Light Consulting have confirmed that in addition to the OS map, historical drawings from previous planning applications and drawings found online have also been sourced to calculate the relative heights of the surrounding neighbouring properties. Where such information is not available, brick counts have been made. Whilst this is not as accurate as a model built on topographical survey or laser scan data, it is still an acceptable enough level to gain daylight and sunlight results.</i>

Objector point:	Objections relating to Right of Light were received
Officer comment:	<i>Right of Light is not a planning matter.</i>

Objector point:	No assessment of the room layouts has been made.
Officer comment:	<p><i>The BRE guide states that where room layouts are known, the impact on the daylighting distribution can be found by plotting the 'no sky line' in each of the main rooms.</i></p> <p><i>Right of Light Consulting have confirmed that application of the test is not a requirement of the BRE guide where room layouts are not known. In this instance not all of the neighbouring property room layouts were available. Right of Light Consulting don't endorse the practice of applying the test based on assumed room layouts, because the test is very sensitive to the size and layout of the room and the results are likely to be misleading. LBTH does not endorse this approach and neither do RICS (Royal Institution of Chartered Surveyors) as outlined in their document: RICS Professional Guidance, UK – GN 96/2012 – Daylighting and sunlighting 1st edition, guidance note.</i></p> <p><i>RICS state in their 2012 document: "As a minimum, and subject to any limitations relating to a client instruction, surveyors should undertake searches of the local authority's planning portal to establish existing or proposed room layouts of neighbouring properties if they are available. This will ensure a robust approach and enable the surveyor to produce reliable information for daylight distribution analysis, or if average daylight factor (ADF) tests are appropriate"</i></p>

In formulating the officer response to objections received, the case officer had shared the objections with the applicant's daylight and sunlight consultant, Right of Light Consulting, who provided a response (dated 8.10.20) which have been used for formulating the officer

response as well as comments from the Council's daylight and sunlight officer. In response to the Right of Light Consulting letter, further objections to the responses provided were received as set out below.

<p>Objector point:</p>	<p>In relation to Paragraph 2 of Right of Light Consulting's letter, the objector raised concern that 'the survey did not seem to contain the correct dimensions. The distance between the buildings is actually 13 metres and not 18 metres. The model really should clarify the accuracy of these dimensions especially when the impact of certain properties is close to failing to meet the minimum standards'.</p>
<p>Officer comment:</p>	<p><i>Right of Light Consulting have confirmed that they have not stated in any document that the proposal is 18m away from any neighbouring property. An objector had previously stated that they were 18 metres away. Right of Light Consulting mentioned this in their response letter only because they could not reference specific properties as these were not given due to data protection. Furthermore, the architects have confirmed that they have not stated or assumed that the distance between the two buildings is 18 meters. Drawings are to scale and it can be measured that the distance between the two buildings is 13.7m.</i></p>

<p>Objector point:</p>	<p>With reference to paragraph 3 of the same letter, the objector states that 'original planning drawings and brick counts is not a reliable method of determining dimensions, especially given the age of Albany Works (early 1900s) where construction tolerances were less reliable than the ones used in modern construction. This should be of concern to anyone reviewing the accuracy of the document. We would also draw the Officer's attention to the recent updates provided by Brooks Murry Architects on the 45-degree angle drawing. This demonstrates that the developer has, since the initial application, carried out further surveys to validate their assumptions including confirming that some of the original assumptions were inaccurate'.</p>
<p>Officer comment:</p>	<p><i>Officer comment: Rights of Light Consulting have confirmed that they have checked their model against the recent survey completed by Brooks Murray and can confirm that the height of the lower ground floor of Albany Works has been correctly modelled, including the internal level being 300mm lower than the external.</i></p>

<p>Objector point:</p>	<p>In relation to paragraph 4, the objector raised concerns that 'the Developer owns Albany works and the surrounding affected properties and would have access to the room layouts and any Licence to Alter deeds that may have been implemented since the original construction. We understand that the layouts on the ground and lower ground flats are the same layouts as the ones built in 2004. Therefore we do not think that it is appropriate for ROL Consultants to dismiss this requirement when it is clear they can access the relevant information. Again, given the marginal pass/fail of the daylight test, it would seem prudent that the layouts are included in an updated Daylight and Sunlight report.'</p>
<p>Officer comment:</p>	<p><i>Rights of Light Consulting have stated in their response that there are 2 elements to the BRE recommendations for daylight. Firstly, the vertical sky component (VSC) test, which calculates the amount of skylight that reaches a neighbouring window. The Daylight Sunlight report demonstrates that all of the neighbouring windows meet the VSC test. Second, is the daylight distribution test. Given that the neighbouring windows meet the VSC test, it is very likely that the neighbouring windows also meet the daylight distribution test, no matter what the internal layouts are. In any event, we now note with the benefit of the plans that all of the rooms at the</i></p>

	<p>lower ground floor which face directly onto the proposal are bedrooms. Whilst under the BRE guide a universal test is applied to all room types, the BRE guide explains in section 2.2.8 that daylight in bedrooms is less important than in other habitable rooms such as kitchens and living rooms.</p> <p>Officers acknowledge Rights of Light Consulting's response and agree that bedrooms have a lesser requirement for daylight than living rooms and kitchens. However, officers are of the view that it should not be assumed that rooms would meet the NSL test if they meet the VSC test as this cannot be guaranteed.</p> <p>Notwithstanding this, Rights of Light Consulting have since updated the daylight distribution test for the Albany Works properties which was received by the council on 19/11/20 (and a further updated version on 3/12/20 correcting a typo in paragraph 4.2.2 which previously incorrectly referred to window 7 of Albany Works instead of window 48), with updated floor plans that they had received further information on.</p>
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Objections – 2nd round of consultation (in response to the updated Daylight and Sunlight Report, dated 19.11.20)

Objector point:	<p>'Since the initial application, the developer has commissioned further surveys to qualify their assumptions. The inaccuracies of the original reports have not been rectified. The lower ground floor of Albany Works has not been considered in their height assessment. The daylight and sunlight reports were undertaken earlier in the year when the sun doesn't reach the North side of Albany Works. From May to September I have full sunlight in my property during the afternoon and early evening. The extension would block the light to my North West facing property.'</p>
Officer comment:	<p><i>Officer comment: If the main living room is north facing, it would not be tested for sunlight, just daylight which include the VSC and NSL test. The daylight tests in the BRE account for throughout year both when it high in the sky (summer) and low in the sky (winter).</i></p> <p><i>With regard to the height assessment, officers assume the objector is referring to the test as outlined in the bubble chart in Figure 1, page 10 of the BRE Guidelines. This test is superseded as more detailed VSC, NSL and APSH tests have been undertaken.</i></p>

Objector point:	<p>'Albany Works was built between 1888 and 1891. Original planning drawings and brick counts are not a reliable method of determining dimensions.'</p>
Officer comment:	<p><i>Brick counting is a method of building 3D models, but laser scan would be preferred. As the results are favourable with the vast majority of windows and rooms meeting the BRE guidelines, this model is likely sufficient.</i></p>

Objector point:	<p>'I am concerned that the developers have not attempted to assess the extension from within my property. Especially as they are the freeholder.'</p>
Officer comment:	<p><i>There is insufficient detail provided for officers to comment on individual extensions.</i></p>

Objector point:	<p>'The report is still based on Brooks Murray drawings which do not present the ridge height of the top floor which does not give confidence the results portrayed are accurate.</p> <p>The 45-degree angle diagram dated Oct 2020 has not been included within the assessment nor have an update site survey information to confirm the heights between Armoury and Albany Work with the basis still the OS map which doesn't include the height differential between Gunmaker's Lane and the lower ground floor of Albany Works.'</p>
Officer comment:	<p><i>The model has been built from OS data and brick counting, whilst not the preferred laser scan/photogrammetry method, it is not a wholly unacceptable way to build a 3D model for daylight and sunlight analysis.</i></p> <p><i>The 45-degree line test (which was carried out wrong previously) is superseded by VSC, NSL tests.</i></p>

Objector point:	<p>'The report confirms that window 7 of Albany Works has failed, however, there is no window 7 on the Albany Works elevation'</p>
Officer comment:	<p><i>The applicant has confirmed that this was a typo in the report which they corrected and resubmitted on 3/12/20. The window should have referred to 48 and not 7.</i></p>

Objector point:	<p>'Using the proposed ration analysis there is the following windows are within 2% of failing the test:</p> <ul style="list-style-type: none"> 23 Albany Works: window 15 1 to 20 Albany Works: window 26 Window 27 Window 28 Window 34 Window 35 Window 36 Window 37 Window 46 Window 47 Window 48 Window 49 1 to 3 Gate House: Window 121'
Officer comment:	<p><i>Windows within 2% of failing BRE test is irrelevant as windows meets the BRE guidelines. As outlined above, if the model was built from laser scan survey data, it is possible some of the 0.82 results may fall just below 0.8 target, but results between 0.7 to 0.8 would still be classed as Minor Adverse. The word "failing" needs to be used carefully as the BRE Guidelines are guidance, not a binary "pass" of "fail" test.</i></p>