

**Application for Planning Permission**[click here for case file](#)

Reference	PA/20/01442/A1
Site	Walker House, 6-8 Boundary Street
Ward	Weavers
Proposal	Change of use of first floor office use (use class B1a) to 4no residential units (Use class C3). Construction of a two-storey building to the rear to provide office space (use class B1a)
Summary Recommendation	Grant planning permission with conditions and planning obligations
Applicant	Metro Associates
Architect/agent	GML Architects Ltd
Case Officer	Nicholas Jehan
Key dates	- Application registered as valid on 09/07/2020 - Public consultation finished on 09/09/2020

EXECUTIVE SUMMARY

The proposed redevelopment of this site represents a good example of a mixed-use development (residential and office) which is appropriate in this location as it falls within the City Fringe Sub-Area and located on the residential Boundary Estate, an area that also provides space for small scale commercial spaces. The development would provide additional office accommodation and the new residential homes would have an appropriate standard of accommodation consistent with the requirements set by relevant planning policy. Any adverse amenity impacts to neighbouring occupiers would be minimal.

This application relates to an application for a similar development to that which was proposed within a previous application (ref: PA/17/03009) which was refused planning permission on 30 July 2019. Officers consider that the current application involves the making of a series of imaginative changes from the previously refused scheme that satisfactorily address the reason for refusal.

The principle of a building in this location was clearly accepted during the previous application. The Boundary Estate Conservation Area is characterised predominantly by hard standing to the rear of the listed residential buildings that serve as residential amenity space. The application site is unusual in this regard as the existing hardstanding space serves as an open car park and not residential amenity space. The previous application in 2017 (PA/17/03009) was not refused on the principle of development. As such, the new proposal that seeks to address the previous refusal focuses on addressing the one reason

for refusal, which stated that:

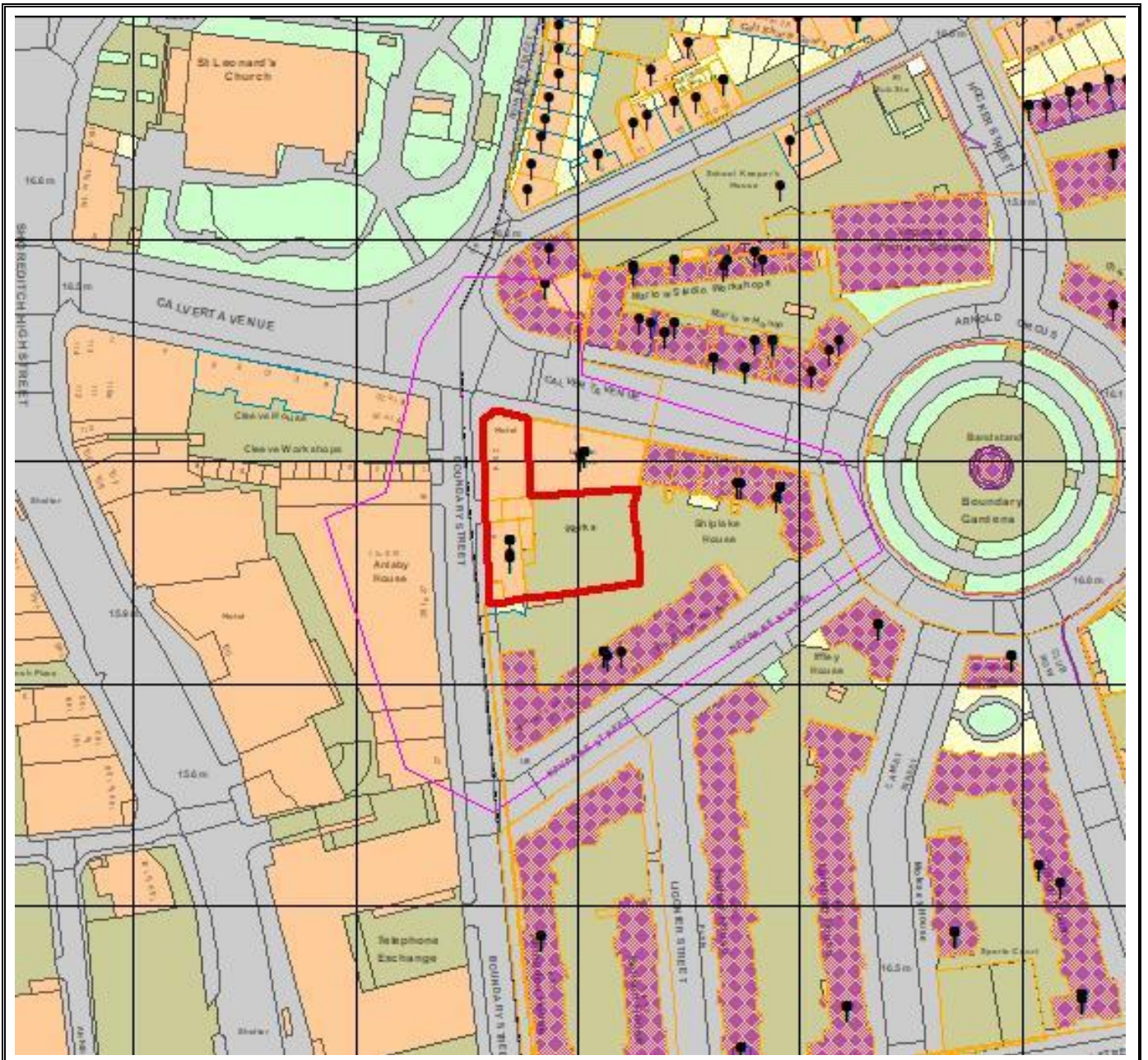
“The proposed two storey office building would neither preserve or enhance the character and appearance of the Boundary Street Conservation Area and would cause (less than substantial) harm to the significance of the designated heritage asset, by reason of its scale, height, mass, roof profile, external appearance and facing materials. The harm identified to the designated heritage asset would not be outweighed by the limited public benefits of the proposed development. The proposal would therefore be contrary to Policy 7.8 Heritage assets and archaeology of the London Plan (2016); Policy SP10 Creating distinct and durable places of the Core Strategy (2010), Policy DM24 Place-sensitive design and Policy DM27 Heritage and the historic environment of the Managing Development Document (2013) and paragraph 196 of the National Planning Policy Framework.”

Whilst much of the proposals are similar in nature to the previous application, efforts have been made by the applicant to address concerns raised by the Committee at the time of consideration of that application, including the subsequent reason for refusal - specifically with regards to the height, massing and design of the proposed scheme and its impact on the Boundary Street Conservation Area and nearby designated heritage assets. Each element of the reason for refusal has been addressed with the intention of minimising the impact on the surrounding street scene and to respond sympathetically to local context, resulting in greater safeguarding of the character and appearance of nearby heritage assets and the Conservation Area.

Officers are of the opinion that the amended proposals seek to address previous concerns as to the level of harm to the Conservation Area. Officers conclude that the scheme would preserve the setting or significance of the surrounding Listed Buildings and would only have a negligible impact on the character and appearance of the Conservation Area. Indeed, the scheme provides some townscape heritage benefits through the removal of an unattractive open car park that does not contribute positively to the surrounding heritage environment. More generally, the scheme provides tangible public benefits in the provision of additional office space that will deliver new employment opportunities and through the provision of four new residential units. The current scheme in contrast to the previous scheme introduces a green roof, which will improve the visual amenity within the courtyard, as viewed from the residential homes overlooking the site whilst simultaneously enhancing the biodiversity of the area.

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 for the Borough's community infrastructure levy.



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<ul style="list-style-type: none"> Planning Application Site Boundary Other Planning Applications Consultation Area Land Parcel Address Point Locally Listed Buildings Statutory Listed Buildings 	<p>Planning Applications Site Map PA/20/01442/A1</p> <p>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 Application Process</p>	 TOWER HAMLETS London Borough of Tower Hamlets
	Scale: 50m grid squares	Date: 08 March

Figure 1: Planning application site map

1. SITE AND SURROUNDINGS

- 1.1 The application red line boundary includes the Walker House building fronting Boundary Street, on the corner of Calvert Avenue, and the car park at the rear of this building (approximately 25m x 25m). Walker House is a five-storey building with commercial uses on the two lower floor levels and flats on the upper three floors. The first floor of Walker House, subject of this application, is vacant office space. The car park, also subject of this application, provides 20 car parking spaces. It is understood that six of the spaces are allocated for commercial uses in the adjoining Leyton House. The remaining car spaces are used by occupants of Walker House, but not controlled by planning condition or planning obligation. The car park is located at lower ground level accessed down from a ramp and is also surrounded by a large brick wall.
- 1.2 Immediately at the north of the car park is Leyton House, with commercial at lower levels and residential above. The urban block that Walker and Leyton Houses form part of is roughly triangular. These blocks are part of the wider pattern of development that surrounds Arnold Circus, the heart of the Boundary Estate Conservation Area. Walker and Leyton House are the more recent developments, with the rest of the urban block formed by the original Boundary Estate blocks, which are Grade II Listed.
- 1.3 The application site and streets around Arnold Circus fall within the Boundary Estate Conservation Area. The original Boundary Estate blocks are Grade II Listed, including those in this urban block, Shiplake House to the east, and Wargrave House, on the south side. The boundary with the London Borough Hackney runs down the centre of Boundary Street.

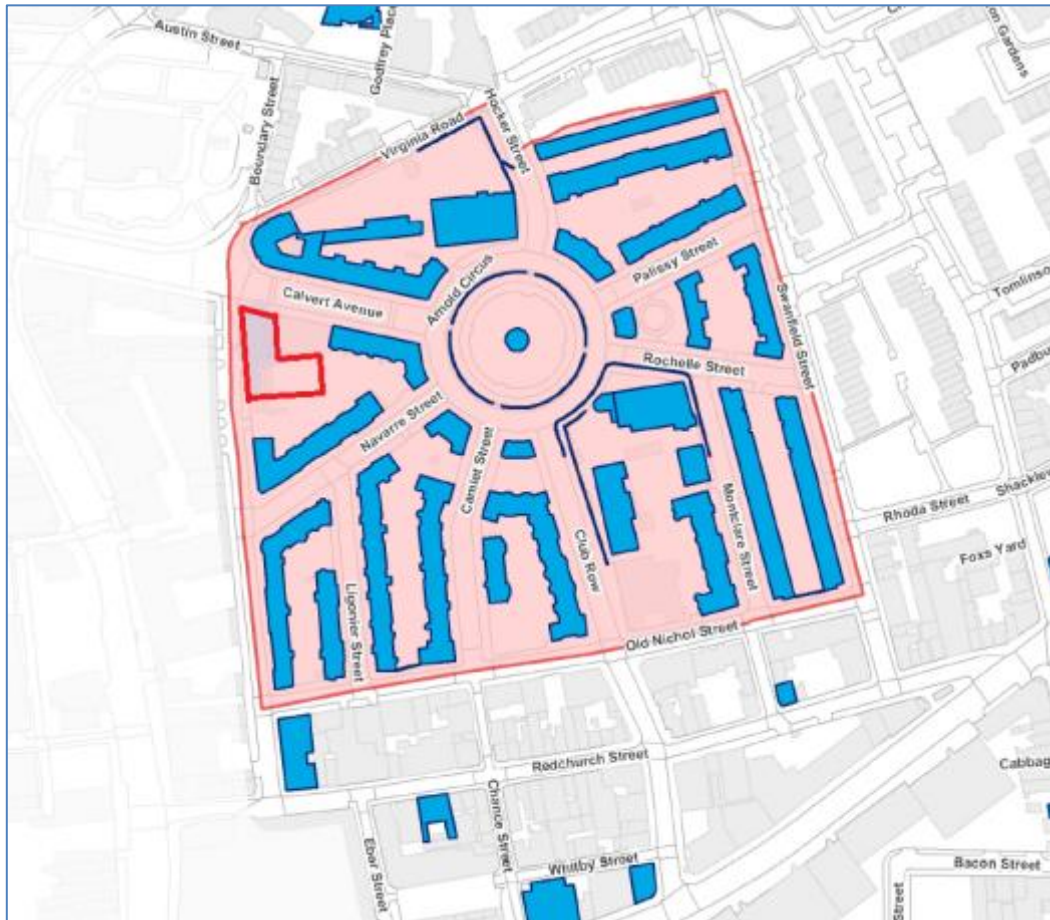


Figure 2: Boundary Estate Conservation Area

1.4 The application site has a Public Transport Accessibility level of 6b (the highest - excellent) with Shoreditch Overground station to the south (approximately 320m away) and Old Street Underground to west (approximately 800m away) as well as various local bus routes in close proximity. The application site is in the office to residential permitted development exclusion zone, where the rights to make the aforementioned general permitted development change in use does not apply.

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 in two broadly distinct parts:

- a) Change of use of first floor office space (use class B1a), approximately 380sq.m to 4 residential flats (use class C3). The proposal would provide 1 x 1-bed, 2 x 2-beds, and 1 x 3-bed. The proposal includes provision of 2 x balconies at rear. Aside from the balconies there will be no other changes as a result of this change of use which would affect the external appearance of the building.
- b) Construction of a new two-storey office building in the rear car park. The building would be constructed on stilts with the lower level providing approximately 97sq.m of floorspace with the remainder of the site area allocated for car parking spaces to be located underneath the overhanging upper storey. The first floor would provide approximately 310sq.m of office floorspace. The access to the office building would be through the existing gate and undercroft into the rear of Walker House. The building itself will be clad in terracotta baguette style cladding reflecting the colours of the Boundary Estate with glazed elements on each of the south and east elevations and rooflights along the north elevation and in the centre of the roof. There will also be a green roof.

2.2 The scheme would be 'car free' for incoming residents with existing residents still benefiting from the remaining informal spaces. The existing number of car parking spaces from within the site would be reduced from 20 to 13. A total of 20 cycle parking spaces would be provided to serve all the uses.

2.3 The scheme would also involve alterations to the main entrance to Walker House, as with the previous refused scheme, to address concerns around anti-social behaviour. These include the removal of blind corners and moving of entrance doors to create a more streamlined entranceway as well as the introduction of lighting to better increase visibility of the entrance and improve the safety of residents.

2.4 Amended plans have been received over the course of the application and these primarily relate to:

- Amendments to the layout of the cycle and waste storage areas.
- Introduction of block paving to the entrance surface area.

3. RELEVANT PLANNING HISTORY

Application Site

- 3.1 PA/17/03009: Change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3). Construction of a two-storey building to the rear to provide approx. 400sq.m of office space (use class B1a).

Refused: 13/08/2019.

Reason: The proposed two storey office building would neither preserve or enhance the character and appearance of the Boundary Street Conservation Area and would cause (less than substantial) harm to the significance of the designated heritage asset, by reason of its scale, height, mass, roof profile, external appearance and facing materials. The harm identified to the designated heritage asset would not be outweighed by the limited public benefits of the proposed development. The proposal would therefore be contrary to Policy 7.8 Heritage assets and archaeology of the London Plan (2016); Policy SP10 Creating distinct and durable places of the Core Strategy (2010), Policy DM24 Place-sensitive design and Policy DM27 Heritage and the historic environment of the Managing Development Document (2013) and paragraph 196 of the National Planning Policy Framework.

- 3.2 PA/17/01567: Installation of revised entryway including new door and panelling. Approved 07/05/2019
- 3.3 PA/16/02194: Change of use of first floor office space (use class B1a) to 4no. residential flats (use class C3). Construction of a three-storey building to the rear to provide 700sq.m of office space (use class B1a). Application withdrawn by applicant, following advice from officers that the proposal would not be supported, 27th January 2017 due to scale, footprint, and massing concerns.
- 3.4 PA/09/00540: Lawful development certificate for use of ground floor as single dwellinghouse. Refused: 24th June 2009.
- 3.5 PA/08/02655: Retention of use of basement as a gymnasium (use class D2) and extract fans on exterior of building. Approved: 24th March 2009.
- 3.6 PA/07/01868: Division of ground floor studio space (use class B1) to provide a self-contained 1-bedroom flat (use class C3) and studio space (use class B1). Refused: 18th July 2007: Reason: failed to provide justification for loss of employment.

Leyton House, 22 Calvert Avenue

- 3.7 PA/18/01276: Change of use from Use Class D1 to flexible Use Class D1 / B1 and / or A1. Approved 13/07/2018
- 3.8 PA/08/01592: Change of use of ground and lower ground floor from office (use class B1) to Arts and Cultural Exchange Centre and Gallery (use class D1). Approved: 19th September 2008.
- 3.9 PA/98/01173: Alterations and partial reconstruction of Leyton House and addition of four floors in similar style, to retain business space on ground and lower ground floors with new loading bay at lower level and provide 3 live/work units on first floor and 13 flats above. Servicing and parking in rear yard to be shared between commercial occupiers of Leyton House development and both residential and commercial occupiers of Walker House. Approved 11th June 2004.

Club Row Building, Rochelle Centre, Club Row, Arnold Circus, London E2

- 3.10 PA/12/02317 and PA/12/02318: Planning permission and Listed building consent for change of use from D1 (Non-residential institution) to mixed A1 (Shop), B1 (Business) and D1 (Non-residential institution), external and internal extensions and alterations. Refused by Tower Hamlets Development Committee April 2013. Appeal Allowed by the Planning Inspectorate January 2014.

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 41 representations of objection were received, predominantly from residents living in the Boundary Estate and, in particular, Walker House as well as occupants of commercial spaces in Leyton House.

4.3 The material planning issues raised in the objection letters are summarised as follows:

- The proposed contemporary design is out of character with the surrounding area, proposed materials not appropriate, proposed building intrusive and visible to residents and will neither preserve nor enhance the character and appearance of the Boundary Estate Conservation Area or the Grade II Listed heritage assets of the estate;
- Height, bulk, mass, and scale are inappropriate for the location and will result in an increased sense of enclosure and the new building will dominate the courtyard;
- Proposal will increase density to already built-up area, resulting in overdevelopment
- The approval of this scheme will set a precedent for modern development throughout the Boundary Estate;
- The drawings provided are misleading as the building will be visible from elsewhere in the estate above the boundary wall, particular if the ivy above it is removed.
- There will be loss of daylight and sunlight for residents/occupants in the lower floors of Leyton House and Walker House, particularly those whose windows will be directly affected by the development. The current occupant of Leyton House ground and lower ground benefit from reasonable expectation of daylight which will not be met.
- The windows of the new office building will look directly into neighbouring residential properties and office spaces resulting in increased onlooking/overlooking and a loss of privacy;
- Blocking up of existing windows is unacceptable;
- Balconies proposed will add to acoustic canyon effect of noise and disturbance;
- Noise and other disturbance will be increased by the influx of people to the site and from occupants of the office using external spaces;
- Increased noise and air pollution from any proposed plant;
- Concerns raised with the potential removal of ivy-covered walls which are habitats to local wildlife which are not adequately protected and the resultant impact on biodiversity;
- There will be an increase in traffic and congestion to the area as a result of the increase in commercial activity including delivery and servicing vehicles;
- Subsequent increase in general pollution;
- The reduction in parking will put an increased strain on existing parking issues in the area and residents will lose dedicated parking spaces;
- Refuse storage proposals would not adequately deal with an existing refuse storage space issue
- Potential for the car park to be used as other outdoor amenity space, for example public gardens;

- The green roof is not accessible to the public and so there is a net loss of public open space;
- The green roof will not be appropriately accessible to wildlife and will therefore only serve as a visual feature;
- The green roof will fall into a state of disrepair, much like the remainder of Walker House;
- The commercial benefits of the development will not be felt by the residents of the area;
- Secure access is currently in place for Walker House car park with keypad locked gates. This will be compromised during and after the proposed build;
- The current gate access is not fit for purpose;
- No affordable housing is proposed;
- The development does not offer additional amenity space;
- Concerns as to the impacts of noise, air quality and construction traffic during the construction phase;
- Fire safety concerns with regards to the proposed fire escape route for the new development and its impact on existing fire escape routes for existing developments with insufficient information submitted;
- The proposed office development is not needed or viable, particularly in light of Covid pandemic and changing working practices;
- The approval of the development will set a precedent for future developments in the area;
- Revised scheme is largely the same as the previously refused scheme, so concerns raised previously are still valid.

5. CONSULTATION RESPONSES

External responses

Metropolitan Police – Designing Out Crime Officer

- 5.1 Requirement for Secure by Design accreditation should be secured by condition.

Historic England Archaeology (HEA)

- 5.2 Proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions necessary.

London Borough of Hackney

- 5.3 No objections.

London Fire Brigade

Further information required relating to height and width for all access points to the site. LFB strongly recommends use of sprinklers in new developments.

Officer Note: While not usually required for a planning application of this scale, the information regarding site access, widths and heights will be secured by planning condition in conjunction with the LFB

Spitalfields Neighbourhood Planning Forum

5.4 No response received.

Transport for London

5.5 No comments offered.

Internal Consultees

LBTH Biodiversity

5.6 Following a review of the Ecological Assessment report, the Council's Biodiversity officers recommend no objection, subject to the imposition of a planning condition to secure biodiversity enhancements, including through the provision and maintenance of the bio-diverse green roof.

LBTH Energy Efficiency/Sustainability

5.7 LBTH net zero policies are for new developments so would be applicable to the scheme. The submitted energy strategy identifies the new offices have carbon emissions of 17.2kg/m². An offset of 7.1 tonnes CO₂ (£20,235 carbon offset contribution) for the new offices is required to be secured in order for the development to be in compliance with net zero policy D.ES7.

LBTH Environmental Health, Air Quality

5.8 No objections raised subject to conditions relating to a Construction Environmental Management Plan, emissions from construction and air quality standards for boilers and CHP units.

LBTH Environmental Health, Contaminated Land

5.9 No objections raised subject to pre-commencement/pre-occupation conditions relating to identification and treatment of potential contaminated land.

LBTH Transport & Highways

- 5.10 No objections raised subject to conditions being attached to any permission relating to:
- a) Details of proposed cycle storage which should be compliant with Local Plan Policies and current London Cycle Design Standards;
 - b) Approval of a Delivery and Service Management Plan detailing from where all servicing is proposed to take place without impacting the public highway or other highway users;
 - c) Approval of a Development Construction Management Plan prior to commencement of works; and
 - d) Approval of a car parking/car reduction management plan with the aim of reducing reliance on non-sustainable travel choices.

LBTH Tree officer

5.11 The submitted Arboricultural Impact Assessment is considered to be acceptable and the site can be developed without having an adverse impact on surrounding trees, subject to following the outline guidance in the AIA. It is important that T1, outlined in the submitted AIA, is appropriately protected during construction and post development pressures between the tree and development are appropriately considered. To achieve this, an Arboricultural

Management Statement should be submitted detailing all tree protection measures and construction methods which will be used to mitigate any conflict to be secured via condition.

LBTH Waste Management

- 5.12 The applicant will need to ensure access to the refuse store is retained for waste collection operatives without the need for fob access.

Officer comment: the applicant has confirmed that they are willing to secure a Delivery and Servicing Plan via condition.

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 2021 (LP)
- Tower Hamlets Local Plan 2031 (Local Plan)

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

Land Use – *City Fringe Area, employment/office, residential*

- Local Plan – S.SG1, S.EMP1, D.EMP2, D.EMP3, D.EMP4, S.H1
- London Plan – GG1, GG2, GG5, SD1, E1, E2, E3

Housing – *Unit mix, housing quality, affordable housing*

- Local Plan – S.H1, D.H2, D.H3, D.SG5
- London Plan – GG2, GG4, D6, H1, H2, H4, H8, H9, H10,

Design – *layout, massing, materials, public realm, heritage, Fire safety*

- Local Plan – S.SG2, S.DH1, D.DH2, S.DH3
- London Plan – D1, D3, D4, D5, D8, D11, D12, HC1

Amenity – *privacy, outlook, daylight and sunlight, construction impacts*

- Local Plan – D.DH8
- London Plan – D13, D14

Transport – *sustainable transport, highway safety, car and cycle parking, servicing*

- Local Plan – S.TR1, D.TR2, D.TR3, D.TR4
- London Plan – T1, T2, T4, T4, T5, T6, T6.1, T6.2, T6.5, T7, T9

Waste Management – *refuse storage, recycling, servicing*

- Local Plan – S.MW1, D.MW3
- London Plan – SI7, SI8, T7

Environment – *energy efficiency, air quality, odour, noise, biodiversity, contaminated land*

- Local Plan – S.SG2, D.SG4, D.SG5, S.ES1, D.ES2, D.ES3, D.ES7, S.ES8, D.ES9
- London Plan – GG6, G1, G4, G5, G6, G7, SI1, SI2, SI3, SI4

- 6.4 Other policy and guidance documents relevant to the proposal are:

Adopted Guidance

- National Planning Policy Framework (2021)

- National Planning Practice Guidance (2021)
- Historic England Heritage Supplementary Guidance
- LP Character and Context SPG (2014)
- LP Housing SPG (updated 2017)
- LP Affordable Housing and Viability SPG (2017)
- LP Land for Industry and Transport SPG (2012)
- GLA City Fringe Opportunity Area Planning Framework (2015)
- LBTH Development Viability SPD (2017)
- LBTH Employment Land Review (2016)
- LBTH Planning Obligations SPD (2021)
- LBTH Reuse, Recycling & Waste SPD (2021)
- Boundary Estate Conservation Area Character Appraisal and Management Guidelines (2007)

Emerging Guidance

- Good Quality Homes for All Londoners LPG (consultation draft)
- Urban Greening Factor LPG (consultation draft September 2021)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

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

Land Use

Changes to the Use Classes Order

- 7.2 On 1st September 2020, a number of changes to the planning system came into force on 1st September 2020, including the creation of three new use classes, Class E, Class F1 and Class F2. The new 'E' use class effectively amalgamates a number of previously disparate use classes into this new use. In the context of the application proposals, the previously existing Use Class B1 would now fall within Use Class E.
- 7.3 Transitional arrangements were also introduced which state that applications submitted prior to the legislative changes should be determined with reference to the Use Classes as existing prior to 1st September 2020. Officers have therefore considered the application proposals with reference to the Town and Country Planning (Use Classes) Order 1987 as amended, as they were at the time of the application, even though the application is to be determined after 1st September 2020, at a point when the legislative changes have come into effect.
- 7.4 Nevertheless, whilst the application proposals should be assessed and determined in accordance with the transitional arrangements (as per the following analysis), the new legislation still amounts to a relevant material consideration. That is, it is relevant to note the

legislative context against which the application proposals would be considered as if they were re-submitted after 1st September 2020.

B1(a) office space

- 7.5 The application concerns two elements that are related, these are the change of use of vacant office space within the Walker House building and the construction of a new two-storey building to the rear. The vacant office space would be converted into new residential accommodation. The new building to the rear of the Walker House building in the existing car park would provide new office space.
- 7.6 While the Boundary estate is characterised by significant historical housing blocks, the area also contains a mix of commercial uses. The street facing ground floor frontages of this urban block on Calvert Avenue and Boundary Street includes a range of uses including a gym, offices for a fashion production company, retail units, café, and laundrette. Immediately opposite Walker House (LB Hackney) the ground floor is office accommodation. This is part of a wider context with the main commercial activity of Shoreditch High Street to the west, and Shoreditch High Street and Redchurch Street to the south, both nearby.
- 7.7 In respect of policy designations that apply to this site in terms of land use, the Boundary Estate forms part of the City Fringe Opportunity Area. This policy designation has three categories, and the application site is within the Inner Core Growth Area. This is an area where demand for employment space is identified as being the highest. The GLA planning framework for the area states that the inner core growth area *'is where development proposals for employment floorspace will be encouraged and supported, in order to support the process of the core expanding and prevent supply diminishing'*. (paragraph 3.9).
- 7.8 London Plan Policy E1 seeks improvements to the competitiveness and quality of office space of different sizes (for micro, small, medium-sized, and larger enterprises) and supports new office provision, refurbishment, and mixed-use development. The City Fringe Opportunity Area Planning Framework (OAPF) (2015) also seeks to ensure there is space for continued business growth within the City Fringe, including affordable workspace for SMEs, micro businesses, and start-ups.
- 7.9 The provision of employment space is an objective of the Council's policies. Large floorplate office developments are to be directed to the Primary and Secondary Preferred Office Locations (POLs) in Canary Wharf and certain areas of the Central Activities Zone set out in Local Plan Policy S.EMP1, while other office accommodation including office accommodation that meets the needs of Small and Medium Enterprises (SME) is encouraged more widely in the Borough.
- 7.10 Local Plan Policy S.EMP1 also states that *'proposals will be supported which provide opportunities to maximise and deliver investment and job creation in the borough'*. Local Plan Policy D.EMP2 supports new or intensified employment floorspace in *"accessible locations along major transport routes"*. The site is located in an area of high transport accessibility (PTAL 6b) and in close proximity to the A10, a major transport route.
- 7.11 The provision of office accommodation in the Boundary Estate Conservation Area was addressed by the Planning Inspector for an appeal decided in 2014, in respect of the Rochelle Centre, Club Row. (see RELEVANT PLANNING HISTORY above). In that decision the Inspector commented, *'The appeal site is situated on the edge of the Central Activities Zone, promoting a vibrant mix of uses. It is well located to accommodate the small scale B1 and D1 uses intended. The uses would complement the businesses already present on the site, as well as reflect the cultural based activities in Shoreditch generally'*. These comments are in accordance with the applicable planning policy and the location of the Boundary estate and surrounding area.
- 7.12 It is therefore considered that the proposed uplift in employment space would bring economic benefits to the local area, as well as providing additional flexible workspace in line with the Vision for the City Fringe set out in the Local Plan.

- 7.13 In line of the changes to the Use Class Order noted above, a condition will be secured to restrict the interchange of uses under the new Use Class E.

Residential

- 7.14 In addition to the provision of office accommodation the development proposes 4 residential units. As much of the building is already in residential use, this proposed use is consistent with existing uses found within the building and is more generally consistent with the immediate character and predominant land use of the area. Moreover, the provision of new housing is also an objective of the Council's policies. Local Plan Policy S.H1 sets out the strategic housing supply requirements for Tower Hamlets as well as the objectives of ensuring the creation of mixed and balanced communities, sustainable places and quality living within the borough. The delivery of new housing is a key objective at local and London-wide levels
- 7.15 In this context in the principle of new housing on this site is in line with the Local Plan objectives to provide a range of housing typologies to create sustainable places to live, work and play within the City Fringe and the City Fringe OAPF. The proposal is acceptable in land use terms and would support the achievement of these objectives.

Housing

Housing Mix

- 7.16 The proposed development includes change of use of the first floor of Walker House from vacant B1 office space to provide 4 new flats in the following mix:
- a. 1no. 1bed flat for 2 persons of 50sqm in area;
 - b. 2no.2 bed flats for 3 persons each of 70sqm and 66sqm in area respectively;
and
 - c. 1no.3 bed flat for 4 persons of 101sqm.
- 7.17 Considering the size of the development the proposed housing mix is acceptable in line with Local Plan Policy D.H2 as regards housing max.

Standard of proposed accommodation

- 7.18 The proposed residential units are unchanged from the previous proposals. All of the proposed residential units are compliant with (and in most cases exceed) the relevant minimum required internal space standards. Each of the dwellings provides adequate integrated storage space and room layouts and sizes are generally acceptable. The new homes would be primarily served by existing large windows to the west. In addition, 3 of the 4 flats would be dual aspect including windows to the east or north as the case may be. Two of the four flats, including the 3-bedroom unit, would have private amenity in the form of an inset terrace.
- 7.19 The second floor and above of Walker House is in residential use and this would be a continuation of that arrangement. This reflects the predominant character of the estate and surrounding area with residential on upper floors. The existing building is well suited to residential accommodation and the proposed units should have good levels of daylight, sunlight, outlook, and privacy.
- 7.20 As the proposals seek to provide 4no new residential units, Local Plan Policy S.H1 requires an affordable housing contribution be made in line with the Planning Obligations SPD (2021) and subject to viability. The calculation of this contribution is discussed further below in the Viability section but, in summary, the scheme is not considered to be viable to make the small sites affordable housing contribution.
- 7.21 Overall, the quality of residential accommodation assessed against policy and with due regard to site constraints is satisfactory.

Design & Heritage

- 7.22 Development Plan policies 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.
- 7.23 As only minor external changes are proposed in relation to the change of use of the existing office space to residential accommodation, this section of this report focuses solely on the design of the new proposed office building. The only other external changes will be minor changes to the main entrance to the building to improve resident safety and reduce anti-social behaviour which have all be previously approved under application reference PA/17/01567 and are still considered acceptable under current planning policy.
- 7.24 This section also explains that part of the reasoning behind the acceptability of the proposal is derived from its location and relationship with Walker House, which does not form part of the historic Grade II Listed Boundary Estate mansion blocks and nor does the rear open space / car parking area form part of the historic courtyard spaces serving the Boundary Estate. The proposal is therefore considered to preserve the setting of the nearby Grade II Listed Buildings and only introduces a negligible level of less than substantial harm, outweighed by the public benefits of the scheme, to the character and appearance of the Conservation Area.
- 2.5 The primary changes from the previously refused scheme in terms of design and massing are as follows:
- a) the massing has been reduced by the removal of the pitched roof in favour of a flat, biodiverse wildflower green roof. The overall height of the roof has been reduced by 2.3m such that the building is now mostly obscured from views within the wider Boundary Estate by the existing boundary wall of the carpark. The roof also steps down towards the eaves of each of the east, south and west elevations to further minimise the visual impact of the roofline.
 - b) To the northern edge of the building, facing Leyton House, the roof profile contains a glazed slope to allow natural light into the office space on the first floor of the building. There are also three circular rooflights in the centre of the flat roof to further distribute natural light across the office space.
 - c) The external appearance of the building has been further amended to reflect the surrounding context more appropriately. The copper panelling has been replaced with a terracotta baguette cladding in a range of red-brown colours to reflect the materiality and colours both on the application site and elsewhere in the Boundary Estate. The proposed materiality is a contemporary and lightweight response to the existing and historic character of the Boundary Estate Conservation Area.

Existing site

- 7.25 The existing proposed site for the location of the office building is currently in use as a carpark servicing both Walker House and Leyton House and is set down from street level within the internal courtyard with Leyton house to the north and Walker House to the west. The site is accessed via an undercroft and access ramp through Walker House with access from Boundary Street through an electric gate. The carpark is enclosed by a boundary wall which sits approximately 2m above street level. Outside of this boundary wall is amenity space for surrounding developments.



Figure 3: Aerial view of site with carpark edged in red

Scale, height, mass

- 7.26 The proposed new office building would be constructed on stilts from within the basement carpark and would be two storeys in height, leaving space beneath for car parking and services.
- 7.27 The new proposed scheme would be approximately 7.1m high, measured from the basement level to its highest point, being the top of the rooflights in the centre of the roof but the majority of the roofline will sit at approximately 6.75m above the carpark level. This is considerably lower than the surrounding area which largely consists of medium rise buildings between 4-7 storeys. The scheme will rise above the level of the surrounding amenity spaces at street level by approximately 4m-4.5m. By contrast, the refused scheme rose to 9.2m high at its maximum (from basement level) which presents a significant decrease in height, scale, and mass.
- 7.28 The proposed building is two-storeys in height from the level of the surface car park. This means that the building has an eaves height approximately 1.5m above the height of the surrounding wall. However, the wall is currently topped with extensive foliage and ivy which creates further height and aids in obscuring the development from public views within the Conservation Area. The east elevation of the building would also be set away from the boundary by approximately 3m, from the north elevation with Leyton House by approximately 4.5m, and from the southern boundary approximately 1m which aids in softening the appearance of the building where it does appear above the boundary wall. For the reasons discussed above, including the boundary treatment and the location at the rear of these buildings the proposal would not be a prominent or significant feature in the surrounding area.

7.29 The reduction in scale, height and mass when compared to the previous scheme is further increased by moving away from the pitched roof profile in favour of a much simpler form with a new flat roof which significantly reduces the overall height, mass, and scale across the whole development and therefore its degree of presence to adjoining sites. Figure 4 below demonstrates the reduction in height and roof profile in plan form.

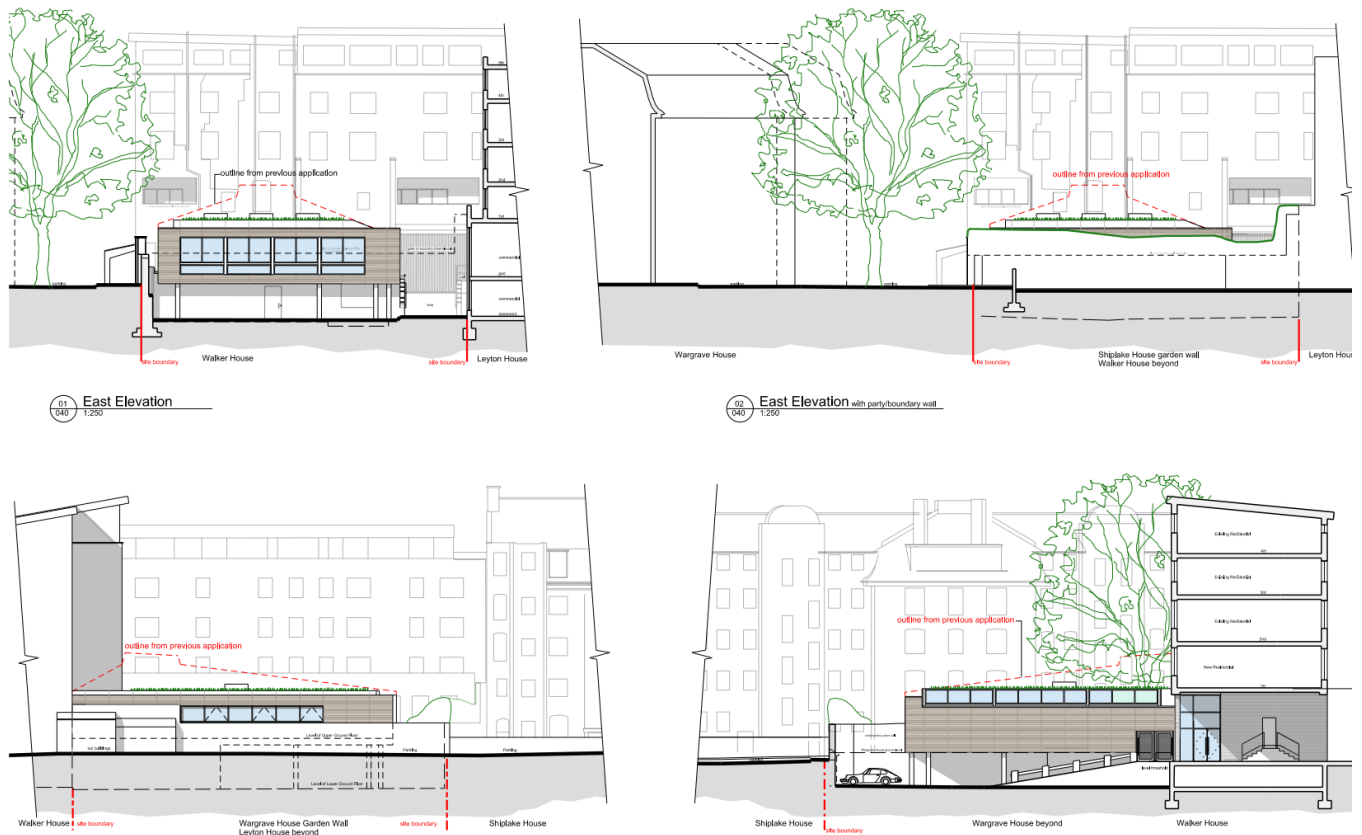


Figure 4: Elevation Drawings of proposed scheme showing reduction in scale, height and mass of proposals as compared to the refused scheme (red dotted line)

7.30 Whilst the proposed new building would be visible from upper floors of adjacent buildings, the reduction in height and simpler roof profile, and overall form, would mean the development would very largely be obscured from at grade views from the public realm by the existing boundary wall and accompanying greenery. Particular attention has been given to views from the Shiplake House Courtyard and from Boundary St (see images in Figures 8 to 13 below). When viewed from the entrance to Wargrave House, it is unlikely that the new building would be visible, given the significant soft landscaping already in place, only revealing itself as one moves into the space behind the listed buildings. The building sits slightly apart from the existing boundary walls and the roof has been further stepped back in addition, restricting views of the bulk of the development, and further minimising the visual impact of the building from surrounding areas. The reduction in mass has also improved the relationship between the new build and Walker House, when compared against the previous refused scheme.

7.31 The flat roof provides scope for the addition of a green biodiverse roof to be installed which would help with softening the impact of the building in certain locations and, most significantly, in providing attractive vegetated views from the neighbouring residential buildings.

7.32 Considering the prevailing heights in the area, coupled with the height of boundary wall of the carpark, the proposal is considered acceptable with regards to scale, mass, and height.

7.33 The following pages are a series of CGI images showing the proposals in their context and as against the previously refused scheme to assist the Committee in making their decision. Please note that these images have not been scaled and are composed to be from slightly different viewpoints and so should only be used for reference purposes.



Figure 5: view of east elevation with refused scheme on the left and proposed scheme on the right.



Figure 6: view of south elevation with refused scheme on the left and proposed scheme on the right.



Figure 7: view of north elevation with refused scheme on the left and proposed scheme on the right.



Figure 8: Existing view from Boundary Street.



Figure 9: View of refused scheme from Boundary Street.



Figure 10: View of proposed scheme from Boundary Street.



Figure 11: Existing view from Shiplake House Courtyard



Figure 12: View of refused scheme from Shiplake House Courtyard



Figure 13: View of proposed scheme from Shiplake House Courtyard



Figure 14: View of refused scheme from birds-eye view from east.



Figure 15: View of proposed scheme from birds-eye view from east.



Figure 16: View of refused scheme from 3rd floor of Wargrave House.



Figure 17: View of proposed scheme from 3rd floor of Wargrave House.



Figure 18: View of refused scheme from birds-eye view above Shiplake House.



Figure 19: View of proposed scheme from birds-eye view above Shiplake House

Appearance & Materials

- 7.34 The material palette proposed in the refused application has been significantly amended following concerns raised as to the materiality of the proposals at the previous committee. The pre-oxidised copper cladding proposed previously has been removed and replaced with terracotta baguette cladding in a variety of red and brown colour tones to reflect the varied brickwork of the rest of the Boundary Estate and is considered to respond well to and compliment the surrounding built environment. The material would be appropriate for a new building, making a clear distinction between old and new albeit incorporating colour tones that would relate well to the palette of brickwork that predominates in the Boundary Estate.
- 7.35 The green roof provides a softer appearance to the building and is an improvement on the current appearance of the site which is a hardstanding carpark. The northern-most section of the roof, closest to Leyton House, maintains the sloped pitch roof of the previous scheme however this is replaced by rooflight glazing for the second storey of the office building and is considered to be an appropriately light material for this section of roof and will further soften the impact the building has on its relation to Leyton House.
- 7.36 It is acknowledged that from a 'birds-eye' plan perspective, and a view from upper floors of surrounding buildings, the proposal fills in a large part of the existing car park. This is a notable change from upper floor views. However, these are not key views in respect of the impact of the proposal on the general character and appearance of the Conservation Area and surrounding area (discussed below), nor indeed is it considered that the car park contributes visually in a positive way to the character and appearance of the Conservation Area. This matter is further ameliorated by the introduction of the green roof which improves the outlook from those upper floor views as discussed in the Amenity section below.
- 7.37 Officers also note the improvements made to the main residential entrance which have been approved under PA/17/01567 are also incorporated into this application. This saw the reduction of available space from within the internal porch and an improved lighting scheme in response to the anti-social behaviour activity in the area.

Secure by Design

- 7.38 Policy D11 of the London Plan and Local Plan Policy D.DH2 seek to ensure that developments are safe and secure.
- 7.39 The proposed development has been assessed by the Designing Out Crime Officer who has not raised objection to the proposal, however wanted further clarification on the development. A Condition would therefore be attached to any approval, to ensure that the development will seek to achieve the Secure by Design Accreditation.
- 7.40 Subject to conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy D11 of the London Plan and Local Plan Policy D.DH2.

Fire Safety

- 7.41 Concerns have been raised as regards the impact of the development on fire exit strategy of the surrounding development and the fire exit strategy of the proposed building. As the development is only classed as a minor development, no Fire Statement is required to be submitted as part of the application. However, the applicant has stated that the building will be served by two exit points – one adjacent to the main ramped entrance to the existing carpark and one at lower ground level of the new building. The Council's Building Control team have confirmed that a single escape route would need to be protected and that any gate should either be fitted with simple fastenings (handle on the escape side) and if it is made automated, it would need battery backup to ensure the gate will open in power failure, If the design complies with guidance in Approved Document B or BS9991 then a fire strategy may not be required.

7.42 Further details requested from the London Fire Brigade will be secured by condition.

Design Conclusions

7.43 In conclusion, the attempts by the applicant to attend to the previous reason for refusal by changes to the scale, height, mass, roof profile, external appearance and facing materials are an improvement on the previous proposals. Therefore, the layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with local and regional policies.

Heritage

7.44 Development Plan policies call for development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials, and architectural detail. Policy S.DH3 requires development to preserve or, where appropriate, enhance the boroughs designated and non-designated heritage assets in a manner appropriate to their significance.

7.45 It is noted that under the previous application (Ref: PA/17/03009) officers had concluded that there was no adverse harm to either the setting of statutory or locally listed buildings nor to the character and appearance of the Conservation Area. However, the reason for refusal in that application clearly identified a level of harm was introduced. Officers have therefore, on this occasion, taken the level of identified harm identified as part of the previous refusal into account as a material planning consideration and assessed the impact of the new proposals on that level of harm which was identified in 2019.

Archaeology

7.46 Whilst the site does not fall in a designated Archaeological Priority Area, Historic England Archaeology (GLAAS) has historically advised that the site lies in an area of general archaeological interest. Remains connected with Roman activity and the post-mediaeval development of London may be affected by the limited fresh intrusive works for extensions and the lift pit.

7.47 GLAAS are satisfied that the proposal could be dealt with by an appropriately worded compliance condition.

Surrounding Conservation Areas and Listed Buildings

7.48 In determining whether a proposal may or may not cause harm to a heritage asset, one must assess the impact on the significance of that heritage asset. Significance is derived not only from the heritage asset's physical presence, but also from its setting.

7.49 As mentioned previously, the site is located within the Boundary Estate Conservation Area which contains a number of Grade II Listed Buildings, although Walker House itself, and Leyton House to which it is attached, are neither statutorily nor locally listed.



Figure 20: Map of the site indicating extent of Boundary Estate Conservation area in red and nearby Grade II Listed Buildings in blue.

7.50 As set out below, the Boundary Estate Conservation Area is arranged around the central Arnold Circus. The Boundary Estate Conservation Area Appraisal states:

The character of the Boundary Estate Conservation Area is defined by the semi-formal late 19th-century housing estate, which is made up of twenty (Grade-II listed) purpose-built housing blocks. The majority of the blocks are five stories high, each individually designed to reflect its position within the estate and its relationship to its surroundings. The raised central garden known as Boundary Gardens, is the centre point of the estate, with the housing blocks arranged on seven unequally placed streets radiating from this focal point.

Calvert Street, the original main road leading from Shoreditch High Street was widened and extended to provide a grander entrance to the estate. The tree-lined Calvert Avenue was remodelled with shops facing onto the road and workshops to the rear. Today, these are still in existence, many with their original shop fronts.

7.51 The application site consists of Walker House, a building that has historically been extended and altered. The building has an immediate relationship with Leyton House that was extended substantially subject to a planning permission in 1998 and is a building that lacks the heritage merit of other buildings within the Boundary Estate. As stated previously the rear of the buildings is the lower ground level car park, which is bound by a brick wall. The car park level is lower than the surrounding public realm and is approximately 4m below the height of the surrounding wall.

7.52 A fundamental consideration in the assessment of an application in this area is whether it preserves or enhances the integrity, character and understanding of this Conservation Area, and this very historically significant Estate. The general principle of a building in this location was not previously considered to be unacceptable and the planning application drawings are submitted with an accompanying Heritage Impact Assessment to assist with consideration of the impact of the proposed building in this location.

7.53 Whilst included within the Conservation Area, Walker House was not built as part of the London County Council's ground-breaking Boundary Estate. The building site is at the rear of the property, situated below existing ground level and was evidently built on in the past and importantly did not form part of the historic yard amenity spaces set between the Boundary Estate blocks, which are a key part of the areas character and an important component of the Conservation Area. The car park is located where the previous basement of the pre-war Victorian four-storey warehouse building to the rear of Walker House as evidenced by remnants of former wing walls, false part pilasters and blocked window openings. It was only when the building suffered bomb damage during the second world war and only the front elements of Walker House were rebuilt that a yard area was formed to the rear of the building creating a sense of openness and architectural uniformity more familiar to the rest of the Conservation Area.



Figure 21: Historic OS Map from c.1937 demonstrating the historic situation of the yard being built-up



Figure 22: Historic photo of Shoreditch High Street and Boundary Street from c.1947 showing the previous 4-storey building at the rear of Walker House

- 7.60 Additionally, in line with paragraph 207 of the NPPF, not all elements of a Conservation Area will necessarily contribute to its significance. Officers consider that the carpark on which the building will be built has a negative effect on the Conservation Area. It is not a usable open public space and the impact of the car on traffic, pollution and sustainability in general are well documented. The replacement of this space with the proposed office building is therefore considered to be a positive impact on the Conservation Area given the plot of land in question today possesses little or no significance to its protected character or appearance.
- 7.61 Extensions of any significance or main alterations would not be entertained in the immediate setting or surrounding communal area to an original Grade II Boundary Estate building. However, assessment of this site shows that this is a part of the Estate different from the other Estate buildings. The Council's specialist heritage officer has considered the principle and specific proposals of a new building on the rear car park to be acceptable.
- 7.62 In terms of the neighbouring Grade II Listed Buildings, namely Wargrave House to the south and Shiplake House to the east of the site, the new proposal is not considered to impact on how these buildings are appreciated, experienced, or understood. The Council's specialist heritage officer has considered the proposals to meet the objectives of S66 of the PLBCAA in so much as they preserve the setting of those listed buildings.
- 7.63 In considering the development from the surrounding streets and within the communal area in the centre of this urban block, the visual impact of the proposal is now very limited given the location of the proposal to the rear of Walker House, that the existing car park is set at lower ground level and that the existing wall that surrounds the car park does much to help screen the proposal. The new design and scale of the proposal therefore goes some way to reducing the level of harm which was previously identified.
- 7.64 Representations have specifically been made that the proposal would be visible from Arnold Circus and elsewhere within the Conservation Area; however, visibility does not immediately suggest that harm would be caused and, in this instance, given the low height and small-scale nature of the development proposed and the screening afforded to this part of the site, the revised proposals would be significantly less detrimental to the character and appearance of the surrounding Conservation Area than previous proposals and any harm created by the proposals would be negligible. For example, when viewed from the entrance to Wargrave House, it is unlikely that much of the new building would be visible, given the significant soft landscaping already in place. The proposal now only reveals itself as one moves into the space behind the Listed Buildings. Additionally, the obscuring of the development would be greatly enhanced in the new proposals by the reduction in the height and mass of the scheme and the abandonment of the pitched roof in favour of the flat roof.
- 7.65 Concerns have also been raised that the building is only obscured by virtue of the extensive vegetation on top of the boundary wall which may be removed as part of the build process. Whilst it is noted that the vegetation does indeed aid in the obscuring of the building from

long range views, any parts of the building which would be visible above the wall without such vegetation now only introduce a negligible level of harm to the Conservation Area. In any event it is intended to ensure that the vegetation is maintained during the construction phase and remains in place following the development by the inclusion of a landscaping condition. The maintenance and retention of the vegetation is discussed further below in the Biodiversity section.

7.66 Set in this context, whilst a small section of the proposal would be visible from the surrounding area, officers are of the opinion that the proposals have sought to address and reduce the level of harm identified under previous proposals and that the proposals now have a satisfactory relationship with the surrounding public realm and improving the appearance of a hardstanding carpark.

7.67 Whilst the proposal would result in the development of a new, modern building within the Conservation Area, Officers are of the opinion that, in particular due to the limited visibility from the street, the quality of the design and materials as outlined above, the proposed development would only introduce a negligible level of harm which is, itself, also at the lower end of the scale of “less than substantial” harm as set out in part 16 of the NPPF (2021) (*Conserving and enhancing the historic environment*) and which is significantly reduced from the harm identified in 2019.

7.68 Given the impacts of the development are so limited in extent and scope, the development should therefore be considered in line with paragraph 202 of the NPPF which reads as follows:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

7.69 Officers have identified several public benefits to the proposals including:

- a) introduction of much-needed housing accommodation, including one family-sized unit which is in high demand throughout the borough. As discussed earlier the proposed housing units exceed the required minimum internal space standards and are considered to provide accommodation of a high standard and quality;
- b) introduction of an uplift in office space which will be modern and fit-for-purpose will bring positive economic impacts to the area and is an improvement on the existing vacant office space within Walker House which is being converted to residential flats;
- c) introduction of a green biodiverse roof provides an improved outlook for residents of neighbouring properties and will enhance local wildlife and biodiversity (see Biodiversity section below);
- d) removal of parking spaces will further reduce the reliance on unsustainable transport modes and will reduce traffic into and out of the area;
- e) proposed improvements to the main entrance will assist in reducing anti-social behaviour and will improve resident and visitor experience of the building; and
- f) the proposed development is liable for a CIL contribution.

7.70 Officers conclude that the scheme would incur negligible harm at the lower end of the scale of “less than substantial harm” to the identified heritage assets and furthermore that the above identified public benefits outweigh any identified harm to the Conservation Area, Grade II Listed Buildings, and any other non-designated heritage assets. The proposals would therefore be acceptable in terms of paragraph 202 of the NPPF.

Neighbour Amenity

- 7.71 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

- 7.72 Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the proposed new buildings and existing facing buildings on neighbouring sites. As a result of the redesign the proposed office development is at lower ground and ground floor level. Walker House and neighbouring Leyton House have residential properties at first floor and above with the proposed building generally being at a lower level than the residential flats.
- 7.73 Furthermore, the only north-facing windows of the development are contained in the roof structure. Therefore, there will be no overlooking from within the office building into the residential flats of Leyton House or Walker House. Officers do not consider any potential overlooking from the neighbouring residential units into the office building through those rooflights to create any unreasonable or unacceptable impacts on privacy due to the commercial nature of the building use. Should the occupants require additional privacy then there are means for ensuring this, for example the installation of blinds.
- 7.74 As regards outlook, the proposed development contains a biodiverse green roof which is considered to provide a much better outlook than the current carpark from existing residential units and the proposed residential units within Walker House which face out onto the existing carpark. The roof-lights above the proposed refuse storage area are proposed to be obscure glazed and so will not result in unacceptable outlook onto the refuse store.
- 7.75 As such officers consider that the development would not adversely impact neighbours outlook or sense of enclosure, nor raise challenging issues in terms, daylight, sunlight (discussed below), and privacy to these residential properties.
- 7.76 The development is set away from Shiplake and Wargrave Houses to the south, behind the existing wall and should not have any significant impact on residential amenity to the occupants of these buildings due to the barrier created by the existing wall and the height at which the building is proposed.
- 7.77 While it is clearly the case that from a 'birds-eye view' the proposal is a notable change to the setting of the car park, the relationship with residential properties is reasonable. The non-residential use that has an immediate relationship with the proposal is the rear frontage of the 22 Calvert Avenue. This is currently occupied by Gainsbury and Whiting Productions Limited, a high-profile film, fashion, and photographic production company. The premises occupy the ground and lower ground floors.
- 7.78 The proposal is set back from the adjoining Gainsbury and Whiting offices by approximately 4.5m and will maintain a reasonable level of daylight, sunlight, and outlook to these dual aspect premises. The lower ground floor windows of Leyton House are all obscure glazed and so do not provide any outlook for the occupants. The impact on those offices is further reduced by the removal of the pitched roof structure and the pitch of the proposed rooflights. The current proposals are seen as an improvement on the previous position which was deemed acceptable.

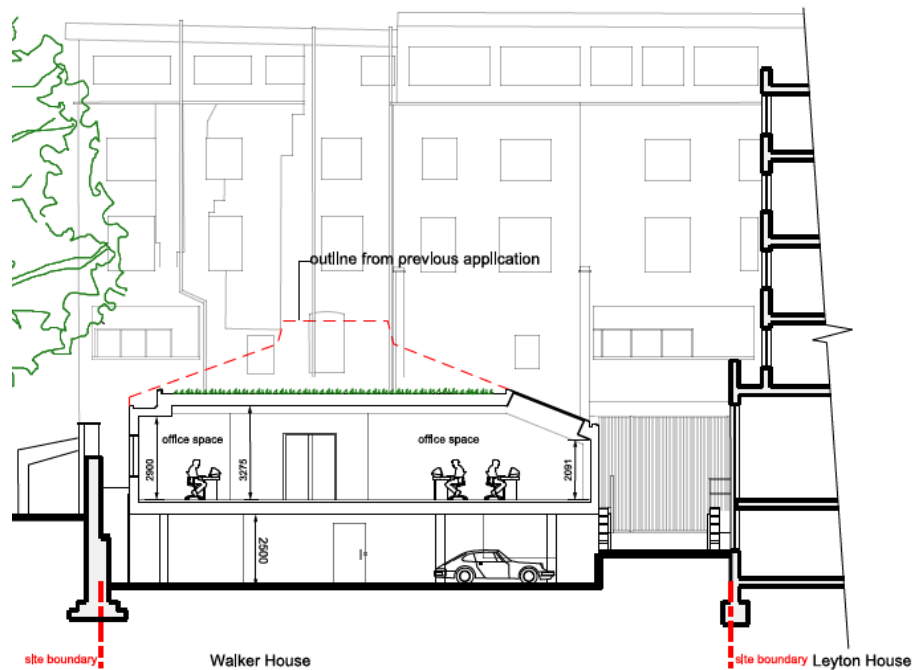


Figure 23: Section of proposal with lower ground and ground of Leyton House (22 Calvert Avenue) on right. Outline of previous scheme indicated in red.

- 7.79 In terms of the proposed residential units as there are existing units above, the proposal would not introduce any new overlooking concerns beyond that which currently exists as the proposed balconies would be inset within the building.
- 7.80 Given the use, location, separation distance of surrounding facing residential properties and the tight urban grain in this part of the Borough, it is considered that the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of privacy, loss of outlook and sense of enclosure.
- 7.81 Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved, a level of outlook is maintained and, due to the introduction of the green roof, improved and there will be no unacceptable increase in the sense of enclosure to surrounding residential properties and occupants of Leyton House and Walker House.

Daylight & Sunlight

- 7.82 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.83 Several residential properties surround the site which can be impacted by the development, these have been tested as part of the application and are discussed below.
- 7.84 For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no skyline (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive
- 7.85 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27% or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

7.86 The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site:

- Leyton House
- Shiplake House
- Wargrave House

Leyton House

7.87 Of the 24 windows tested, all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond the existing values. The impacts are therefore negligible.

7.88 Unlike the previous application, the 22 ground and lower ground floor windows have been omitted from the assessment on this occasion as those windows serve offices and are therefore not relevant to BRE guidelines or criteria. However, they were assessed as part of the previous proposals presented in the 2017 applicant and only 2 of those windows were considered to not meet the BRE daylight levels in terms of the 20% of their former value these windows are located at lower ground floor level faced a loss of 23% and 25% of their former value which is marginally below the standard of 20%. Those windows were therefore considered to maintain good access to daylight. These figures should not be taken to be determinative in this application as they relate to the previous proposals, but officers note that under the previous proposals the impacts were not considered to be unacceptable – and in any event the updated proposals are unlikely to result in a deterioration of this position. Additionally, two of the lower ground floor windows have since been removed and replaced with louvre panels.

Shiplake House

7.89 Of the 14 windows tested all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond the existing values. The impacts are therefore negligible.

Wargrave House

7.90 Of the 58 windows tested all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond the existing values. The impacts are therefore negligible.

Walker House

7.91 In terms of Walker House, the proposed development involves blocking up two ground floor windows of Walker House facing onto the car park. These are two small windows with security bars over them. The lawful use for this unit is as a workspace studio (B1 - now class E), with primary outlook from this internal space provided from other windows looking onto Boundary Street. The planning history shows an application has been refused planning permission and a lawful development certificate also refused for use of this space as residential, together with a subsequent planning enforcement notice restricting that use. With the primary outlook and daylight from windows onto Boundary Street, blocking up these windows would not have a significant impact on the general amenity of the building or the individual workspace studio.

Sunlight

7.92 The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value, then the occupants of the existing building will notice the loss of sunlight.

Leyton House

- 7.93 Of the 24 windows tested, all pass the tests set out in the BRE guidance. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels. The impact on sunlight levels is therefore negligible.
- 7.94 Unlike the previous application, the 22 ground and lower ground floor windows have been omitted from the assessment on this occasion as those windows serve offices and are therefore not relevant to BRE guidelines or criteria. Again, as part of the 2017 application those windows were assessed and only 8 of those windows failed to meet the relevant BRE criteria. All the windows that failed belonged to the lower ground floor non-residential institution and would have failed in terms of winter hours but passed in terms of summer hours. Given the location, use of the building and the number of windows studied this reduction in sunlight levels to the building was previously considered to be acceptable.

Shiplake House

- 7.95 Of the 14 windows assessed all pass the tests set out in the BRE guidance, with only 2 windows presenting very minor change of a reduction of 1%. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels. The impact on sunlight levels is therefore negligible.

Wargrave House

- 7.96 No sunlight analysis is required as these windows face north. Overall, there is no impact in daylight and sunlight terms to the properties in Wargrave House because of the proposed development.

Conclusion

- 7.97 It is acknowledged that a separate daylight and sunlight report was commissioned and submitted as part of one objection letter which further assessed the impacts of commercial windows in Leyton House and concluded that at least 5 of the 22 windows surveyed would experience a loss of daylight in excess of BRE Guidelines, 1 of 4 meeting rooms would lose approximately 50% of its daylight distribution and, whilst acceptable from a year-round perspective, sunlight will virtually be removed during winter months for some of the lower ground floor windows. Whilst it is acknowledged that the company currently occupying the commercial units benefits from a "reasonable expectation of daylight", Local Plan Policy D.DH8 primarily focuses on the impact on residential properties and therefore officers still consider the impacts on Leyton House to be acceptable as regards daylight and sunlight. Additionally the Ground floor of the commercial unit also benefits from windows facing on to Calvert Avenue.
- 7.98 The proposed development shows full compliance with the required daylight and sunlight standards set out in BRE guidance and, as such, the daylight/sunlight impacts are wholly acceptable and consistent with policy objectives.

Overshadowing

- 7.99 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March".
- 7.100 There are no existing amenity spaces or park areas within close proximity to the development.

Noise & Vibration

- 7.101 Objections have been received due to the balconies proposed potentially adding to the acoustic canyon effect within the courtyard area. It should be noted that two balconies are proposed facing into the courtyard area which would not be a discordant feature in a residential area such as this. Many properties have windows facing into the courtyard area

currently which are openable. There are also amenity terraces which are located facing the courtyard in properties such as Leyton House which is adjacent to the application site in question.

- 7.102 Given there are existing residential properties with external amenity spaces in the area and that there is a policy requirement for residential private amenity space; it is not considered that two residential amenity spaces (for private use of occupants of the flats) would give rise to untoward noise issues our present an unacceptable impact on neighbour amenity.
- 7.103 Objections have also been raised in relation to noise-generating uses associated with the office building for example congregating outside the building. Officers have also considered the effect on noise from the office building. Given that typical offices hours are proposed and that there are existing businesses within Calvert Avenue, no objection is raised.
- 7.104 A noise report and noise mitigation measures in relation to the proposed air source heat pumps and other ventilation contained within the office building will be secured by condition.

Light Pollution

- 7.105 The proposed rooflights on the new office building are likely to raise the issue of light pollution to neighbouring properties during hours of darkness when the office is in occupation, particularly during winter months. However, the installation of blinds to those windows and the proposed operating hours of the office space provided mean that any increase in light pollution has been appropriately mitigated and should not cause any unacceptable impact on neighbour amenity.

Construction Impacts

- 7.106 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.

Transport & Waste

- 7.107 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.

Vehicular, pedestrian and cycle access and parking

- 7.108 Walker House and Leyton House benefit from an off-street car park within their demise located to the rear of the buildings. In respect of the wider Boundary Estate this is not a common feature. The main characteristic of the rear of properties in the Estate is open communal space. However, this site does not include original Boundary Estate buildings and it is understood the current location of the car park was historically the site of a warehouse building, possibly destroyed in bomb damage.
- 7.109 The car park currently has 20 spaces. It is accessed through a controlled access gate (approx. 4m in height) from Boundary Street, and down a ramp to the lower ground level of the car park. The proposal is for a development that sits over the existing car park, and it is to change the number of car parking spaces reducing them from 20 spaces to 13 spaces.
- 7.110 Relevant planning history in respect of this car park is the 1998 approval for extensions and alterations to Leyton House, which included details on the use of the car park to serve Walker and Leyton Houses. The layout of the car park is secured by condition 8 and the accompanying S106 agreement pursuant to that granted permission. If permission were to be granted a condition requiring the applicant to vary the existing s106 would be secured
- 7.111 The condition and S106 identify 6 of the 20 spaces and state that they shall be used exclusively for commercial uses in Walker and Leyton Houses. The proposal subject of this report maintains an allocation of 6 spaces for commercial uses. In effect, as the allocated 6

spaces for commercial use remains, the reduction in car parking spaces (7 spaces) will be for unallocated general use car parking.

- 7.112 The objective of adopted planning policy is to reduce the use of car journeys in areas that are well connected to public transport and encourage uses of more sustainable transport methods. As set out in the site and surroundings section above, this is a highly connected location with the highest public transport accessibility level (PTAL) of 6b. This is a reflection of the short walking distance to Underground and Overground stations and a wide range of bus routes. The Council's Transport & Highways consultee has also requested that a condition be included to provide a Car Parking/Car Reduction Management Plan prior to occupation to reduce the reliance on non-sustainable travel choices.
- 7.113 It is understood that for existing residents a loss of car parking would be undesirable. However, in a highly connected location such as this there would need to be clearly identifiable severe transport impacts as a result of the proposed reduction to 7 spaces for this to be a significant concern in respect of the planning application. This is not considered to be the case in respect of car parking.

Deliveries & Servicing

- 7.114 The rear car park has historically been used for servicing for commercial businesses within both Walker House and Leyton House. It is considered that servicing for the commercial unit in Leyton House must therefore be maintained.
- 7.115 Notwithstanding this, the design of the proposal is such to accommodate continued servicing from the rear of a transit van type vehicle. The proposed office accommodation provides a clear height of approximately 3m, which is a comfortable distance for a transit van, that measures approximately under 2m in height. Large vehicles could not be accommodated in the proposed arrangement for the rear car park. However, it is not considered likely that such vehicles would be easily accommodated under the current arrangement, with ramped access, and on street servicing would be necessary. Given the, historically, relatively modest number of deliveries over the year this should be accommodated in a manner that would not harm the safety or capacity of the highway.
- 7.116 The proposed servicing considered to be acceptable under consideration of the previous application and the situation is considered to largely remain the same. A condition is proposed to be attached to any permission to provide a Delivery & Service Management Plan detailing where all servicing is proposed to take place prior to occupation.

Cycle Parking and Facilities

- 7.117 The Design and Access Statement notes that there are currently 8 cycle parking spaces located within the existing car park which are provided by way of 4 Sheffield stands. The proposal will re-provide these 8 cycle parking spaces in addition to 12 new cycle parking spaces consisting of 5 cycle parking spaces for the new office and 7 cycle parking spaces for the new residential units. The Council's Highways and Transport consultee has confirmed that they have no objection to these proposals subject to approval of further details to ensure that the cycle parking is compliant with London Cycle Design Standards.
- 7.118 The cycle parking spaces will be located in two stores at basement level to the west and southeast of the existing basement level. Details of the access arrangements and layout of cycle parking stands will be secured by way of condition.

Trip generation

- 7.119 In respect of the impact of the proposed development, the submitted application includes a Trip generation assessment for the proposed net increase of office floorspace (44sq.m) and the new proposed 4 residential units. The trip generation shows 87% (57no.) of additional journeys by public transport, cycling or walking. There are projected numbers of 13% (9no.) journeys by car. However, this is only a projected number in a location where there will not be allocated spaces for these uses, and in a highly accessible location, this should not have a significant affect. Overall, the trip generation is commensurate with a highly accessible

inner London location as this and should be comfortably accommodated by the existing public transport infrastructure.

Waste

- 7.120 The existing refuse store to the rear of the building will be replaced with a new store providing separated commercial waste storage and residential storage servicing Walker House as well as a separate refuse store servicing 22 Calvert Avenue. The proposal provides sufficient bin space based on standards including 3 x refuse bins, 2 x recycling bins and 3 x compostable bin for the residential element and 2 x commercial refuse bins for the office elements.
- 7.121 The waste officer has noted that waste collection operatives will need retained access to the refuse store or that the existing waste collection arrangements are retained. The details of this arrangement will be required through the delivery and service management plan which will be required by condition.

Conclusion

- 7.122 Following advice of the Council's legal officer received during the consideration of the previously refused application, if planning permission is to be granted this should be done subject to a 'Grampian' condition. This condition is to ensure commencement of a development does not take place until a deed of variation has been completed in respect of permission PA/98/01173 and the proposed amended arrangement of the existing car park. Other conditions required are a car-free agreement to prevent the proposed new residential flats requesting on-street permits, details of cycle parking, a Car Reduction Management Plan a Construction Management Plan, to manage the construction impacts during the build and a Delivery and Service Management plan. Subject to these conditions the proposal is acceptable in terms of transport and highways considerations.

Environment

Energy & Environmental Sustainability

- 7.123 The proposal is a minor application, and an Energy Statement has been submitted which shows how the development will be designed to maximise energy efficiency and reduce carbon emissions in line with Building Regulations and Development Plan principles.
- 7.124 The building will be constructed to a high-performance standard, achieving high levels of thermal insulation and low air permeability and specific measures include efficient lighting design, mechanical ventilation with heat recovery and high efficiency air source heat pumps. A 36% reduction in carbon dioxide over current Building Regulations can be achieved in relation to the residential elements of the proposals and a 45% reduction in respect of the commercial elements. In addition, there are no existing or potential district heating networks in the vicinity of the development. These measures are welcomed and appropriate approach for the scheme.
- 7.125 An offset of 7.1 tonnes of CO₂ will be required to be secured in line with the Council's Net Zero Policy (Local Plan Policy D.ES7) which will be secured by a carbon offset contribution of £20,235.
- 7.126 The proposed scheme provides less than 500sqm of non-residential floorspace and so will not be required to meet BREEAM ratings in accordance with Local Plan Policy D.ES7
- 7.127 In summary, the proposals have sought to implement energy efficiency measures, utilise waste heat and renewable energy technologies to deliver CO₂ emission reductions. The proposals meet the Local Plan target for anticipated on-site carbon emission reductions compared to the baseline (SAP10). In order to support the scheme, the residual CO₂ emissions should be offset through a carbon offsetting contribution of £20,235 to deliver a policy compliant net zero carbon development.

7.128 Air Quality

7.129 An Air Quality Assessment has been submitted by the applicant and this assesses the impacts of the development on the local area as a result of changes in traffic, any emissions from plant on site and the dust emissions during the construction phase of the project. The impact on the local area as a result of the proposed development is insignificant. With regards to the impacts of construction on air quality, dust and other pollutant emissions from the construction and demolition phases of the construction of the proposed development will see the site designated a "Low Risk Site" and residual effects are not considered significant. Appendix 5 includes site specific mitigation for a low-risk site and the implementation of these measures can be ensured through the condition requiring a Construction Management Plan.

7.130 The Air Quality Assessment has been reviewed by the Council's Environmental Health (Air Quality) team who have concluded it is acceptable. Conditions are recommended that secure submission of a Construction Environmental Management & Logistics Plan, Air Quality Standards for Boilers and CHP Units.

Waste

7.131 Policy D.MW3 of the Local Plan requires adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.

7.132 All commercial waste and recycling is to be stored within a storage area on the ground floor with direct access from the north-west corner of building to Boundary Street. Objections have been received that this would not be adequate however the store has been sized appropriately, taking account of Council guidance.

7.133 Details of the bin storage size and servicing/refuse collection arrangements are recommended to be secured by condition, which will also help to address concerns raised in relation to adequacy of refuse storage.

Landscaping and Biodiversity

7.134 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.

7.135 The biodiversity officer has noted the only feature of any value for biodiversity is the ivy on the south wall due to the fact it is likely to support nesting birds and its loss would result in a very minor adverse impact on biodiversity. Should it be required, clearance of the ivy should take place outside of nesting season or a survey for nesting birds undertaken before clearance. This will be controlled by way of condition.

7.136 In terms of biodiversity enhancements, the applicant has investigated the option of introducing additional biodiversity enhancements to mitigate any losses and meet the requirements of the Local Biodiversity Action Plan (LBAP). The applicant has confirmed that bird and bee nesting boxes can be incorporated into the scheme which will be along the boundary walls.

7.137 The revised scheme also now includes a biodiverse green roof on the flat roof of the office building which is described in the Design and Access Statement as a "wildflower green roof" which suggests that it will indeed be a biodiverse roof and not a flat sedum mat. Full details of the biodiverse roof and other biodiversity enhancements will be required through pre-commencement condition.

7.138 Officers are satisfied that the green roof does not need to become an open and usable public space as the current carpark is not a similarly open and publicly accessible space.

7.139 Concerns have been raised as to the maintenance of the biodiverse roof as it is vital to the improved outlook from neighbouring residential units. The applicant has proposed a landscape condition which will include a landscape management plan which can include the management of the proposed green roof. This condition will be secured to ensure continued maintenance of the green roof as well as the existing ivy growth on the wall.

Land Contamination

7.140 Subject to standard conditions, the proposals are acceptable from a land contamination perspective and that any contamination that is identified can be satisfactorily dealt with.

Infrastructure Impact

7.141 It is estimated that the proposed development would be liable for a Tower Hamlets Community Infrastructure Levy (CIL) payment of approximately £75,751.33.

7.142 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.

7.143 The applicant has agreed to meet all the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:

- £20,235 toward carbon emission off-setting

Viability

7.144 In accordance with Local Plan Policies S.H1 and D.H2 minor applications where 2 - 9 units are proposed should contribute towards the provision of Affordable Housing ("Small Sites Contribution"). As detailed in paragraph 9.21 of the Local Plan, it is considered necessary and appropriate to seek financial contributions from minor applications using the methodology outlined in the Planning Obligations SPD. This is however subject to viability assessments and reviews in line with the Development Viability SPD (2017).

7.145 A Financial Viability Assessment (FVA) has been undertaken for the current application and this was robustly reviewed by the Council's own Viability Team. It was concluded that the scheme would not generate a sufficient profit to justify making a financial contribution in line with the requirements for Small Sites Contributions., meaning no such contribution will be sought as part of the planning obligations package for this development.

Human Rights & Equalities

7.146 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.

7.147 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:

8.2 Financial obligations

- a. £20,235 toward carbon emission off-setting

8.3 Non-financial obligations:

- a. Transport matters:
 - Car Free development (residential)
 - Residential and Workspace Travel Plans
- b. Compliance with Considerate Constructors Scheme

8.4 That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.

- 8.5 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

8.6 Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice;
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;
 - d. Ground-borne vibration limits; and
 - e. Noise pollution limits.
4. Tree Protection measures
5. Development in accordance with Environmental Statement Mitigation Measures
6. Use Class Order Exclusion restricting the use of the office space to Class B1a/appropriate class E use
7. Noise from plant

Pre-commencement works

8. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL):
 - a. Site manager's contact details and complain procedure;
 - b. Dust and dirt control measures
 - c. Measures to maintain the site in tidy condition, disposal of waste
 - d. Recycling/disposition of waste from demolition and excavation
 - e. Safe ingress and egress for construction vehicles;
 - f. Numbers and timings of vehicle movements and access routes;
 - g. Parking of vehicles for site operatives and visitors;
 - h. Travel Plan for construction workers;
 - i. Location and size of site offices, welfare, and toilet facilities;
 - j. Erection and maintenance of security hoardings;
 - k. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and
 - l. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress.
9. Land Contamination Remediation Scheme (subject to post completion verification).
10. Timing of vegetation clearance
11. Arboricultural Management Statement
12. Plant and noise/vibration mitigation details
13. Air Quality of Mechanical Ventilation
14. Fire Safety details

Pre-superstructure works

15. Secure by design measures and accreditation

16. Details of external facing materials and architectural detailing.
17. Landscaping plan to include ongoing maintenance of ivy and green roof and replacement planting should planting die or fail
18. Details of cycle parking
19. Details of biodiversity mitigation measures to include details of biodiverse green roof.

Pre-occupation conditions

20. Car free agreement
21. Travel Plan and car parking management strategy
22. Delivery and servicing management plan
23. Site Waste management Plan

8.7 Informatives

1. Permission subject to legal agreement.
2. Development is CIL liable.

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

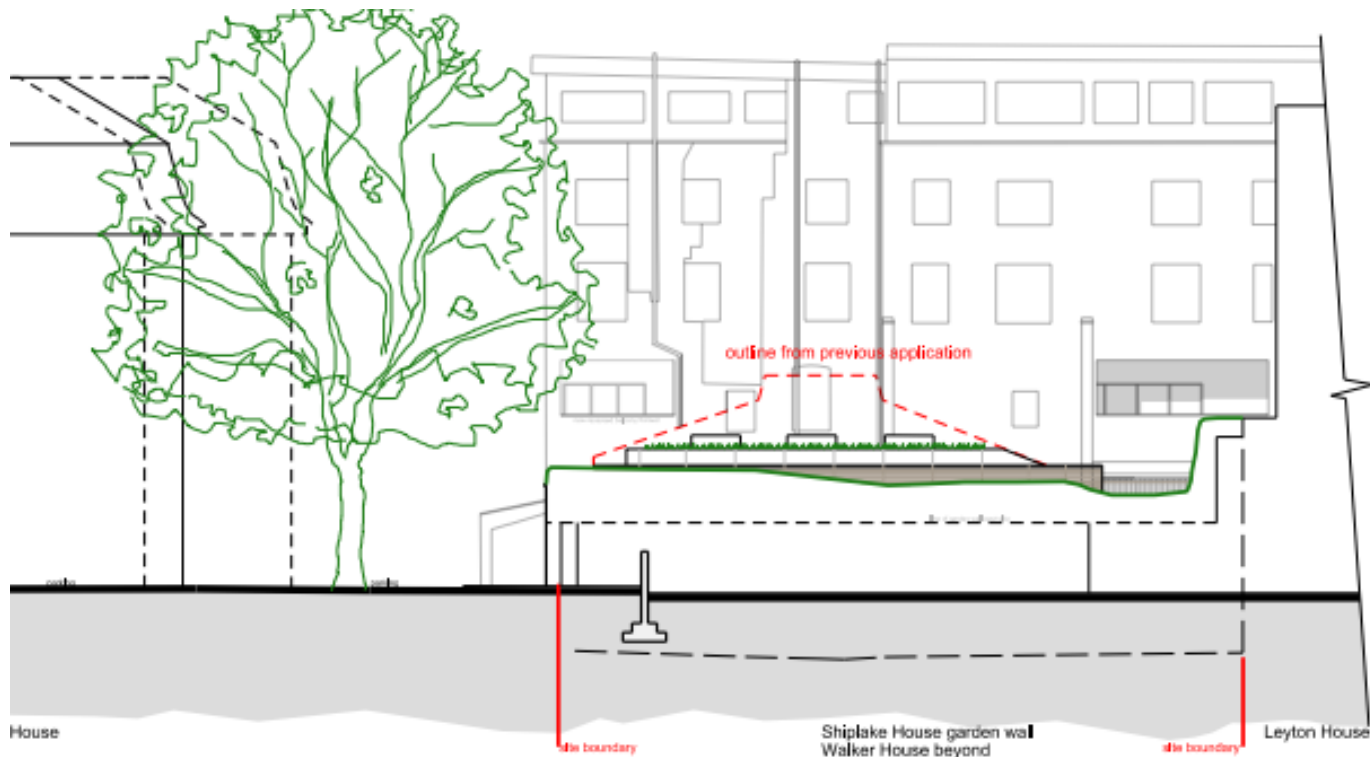
Schedule of Drawings

- 4793/PA001 – Site Location Plan
- 4793/PA002 – Site Photos
- 4793/PA010 – Existing Plans – Office
- 4793/PA011 – Existing Plan – Walker House 1st Floor
- 4793/PA012 – Existing Plan – Residential Entrance to Walker House
- 4793/PA013 – Existing Ground Floor Plan
- 4793/PA020 – Existing Elevations
- 4793/PA021 – Existing Entrance Elevations
- 4793/PA030 B – Proposed Ground Floor Plan
- 4793/PA031 A – Proposed Plan – Walker House 1st Floor
- 4793/PA032 B – Proposed Plans – Office
- 4793/PA033 – Proposed Plan – Residential Entrance to Walker House
- 4793/PA040 A – Proposed Elevations
- 4793/PA041 – Proposed Entrance Elevations
- 4793/PA045 A – Proposed Sections
- 4793/PA060 – Cladding Study
- 4793/PA070 – Existing Amenity Areas
- 4793/PA100 – CGI Elevations
- 4793/PA105 – CGI Street View 1
- 4793/PA106 – CGI Street View 2
- 4793/PA110 – CGI Aerial Views

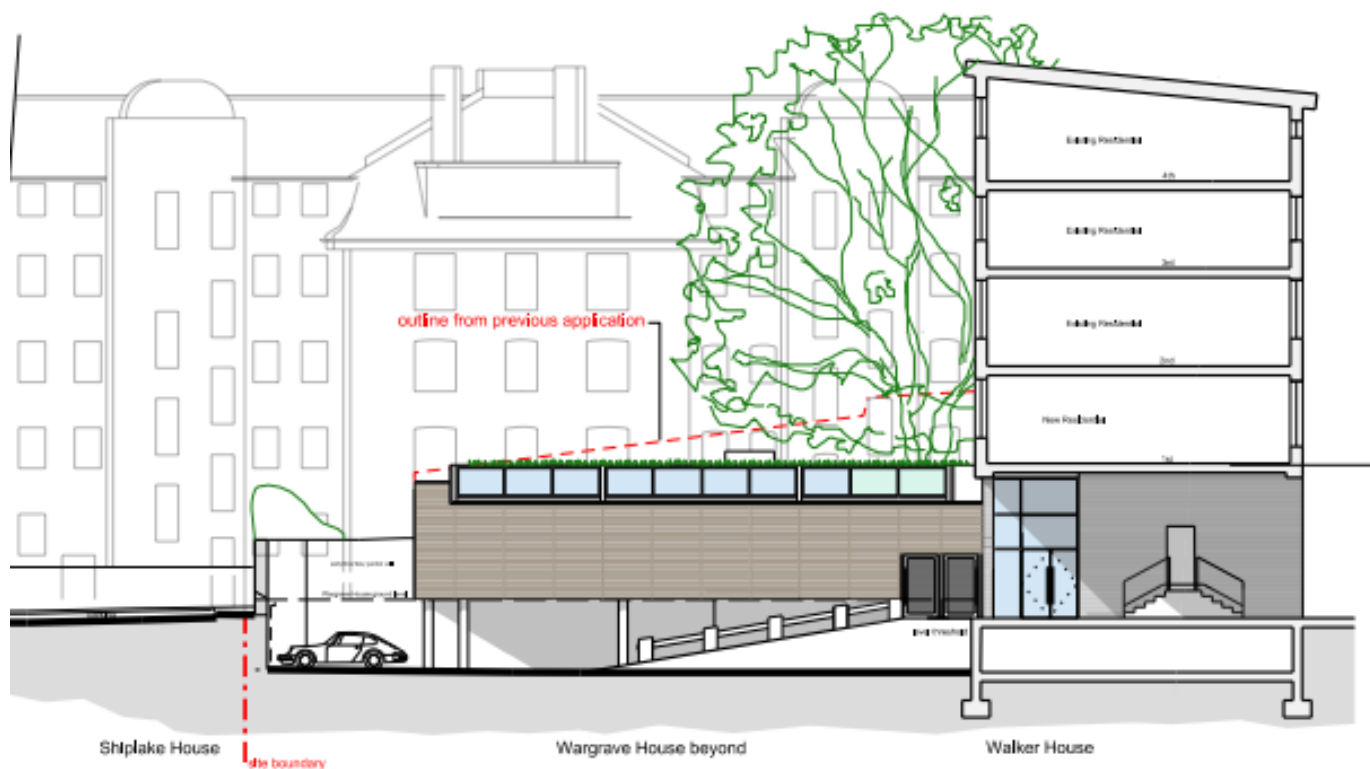
Other application documents

- Heritage Impact Assessment dated May 2020 prepared by Bob Kindred Heritage Consultants

- Daylight and Sunlight to Neighbours dated June 2020 prepared by Brooke Vincent and Partners
- Daylight and Sunlight to Neighbours dated October 2017 prepared by Brooke Vincent and Partners
- Design and Access Statement dated July 2020 prepared by GML Architects
- Arboricultural Impact Assessment dated May 2020 prepared by Hallwood Associates
- Archaeological Desk based Assessment dated September 2016 prepared by Allen Archaeology
- Air Quality Assessment dated 12th October 2016 prepared by Hawkins Environmental
- Transport Statement dated April 2021 prepared by Entran Ltd
- Energy Statement dated April 2021 prepared by Ensphere Group Ltd
- Preliminary Ecological Assessment dated October 2016 prepared by The Ecology Partnership
- Updated Ecological Assessment dated 16 September 2020 prepared by The Ecology Partnership
- Development Viability Report dated 29 April 2021 prepared by Bespoke Property Consultants



02 East Elevation with party/boundary wall
040 1:250



04 North Elevation
040 1:250