

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

Reference	PA/22/01049/A1
Site	242 Hackney Road,
Ward	Weavers
Proposal	Construction of 2 storey roof extension to deliver 6no. residential apartments (use class C3), associated amendments to cycle parking and refuse store. New green roofs to existing flat roofs and proposed new roof. Installation of air source heat pumps and solar PV panels to new flat roof. Recladding and replacement of other combustible materials.
Summary Recommendation	Grant planning permission with conditions and planning obligations
Applicant	Cyntra Properties Ltd
Architect/agent	CSJ Planning Consultants
Case Officer	Daniel Jeffries
Key dates	<ul style="list-style-type: none">- Application registered as valid on 22/06/2022- First round of public consultation finished on 12/08/2022- Amended plans received on 03/11/2022- Second round of public consultation finished on 31/01/2023

EXECUTIVE SUMMARY

The application site consists of the four storey building on the south side of Hackney Road consisting of a retail unit at ground floor and residential homes on the upper floors. The site is not within a conservation area, nor is the host building listed, but it is within the setting of Grade II listed buildings on the north side of Hackney Road and adjoins the Hackney Road Conservation Area. The boundary with the London Borough of Hackney runs down the centre of Hackney Road. The London Borough of Hackney's own Hackney Road Conservation Area is located across the road to the north of the site. The site is also within the City Fringe Sub Area and Permitted Development Exception Zone. The proposal would result in a two storey roof level addition to the host building providing 6 new residential homes.

The principle of providing residential units in this location is accepted, given the existing self-contained residential housing on the site. The scheme is considered to be acceptable in design terms, including the statutory duty to pay special regard to preserving the visual appearance and historic character of the setting of the nearby heritage assets. This judgment is following officers having given appropriate weight to the conclusions of the Planning Inspectorate in the Appeal Decision associated with the refused prior approval application Ref. PA/20/02275/A1, which included a two storey roof extension which is externally identical to the current proposal. Whilst that appeal was ultimately dismissed, the Planning Inspector

in that report stated that they would have overturned the Authority's reasons for refusal relating to design and impact on heritage. The conclusion reached by the Planning Inspector in relation to the appeal scheme must be a key material consideration in the assessment of the present application.

The proposed residential homes are considered to provide future occupiers with an acceptable standard of accommodation, and the proposal is considered to provide an acceptable housing mix.

The proposal is considered to have an acceptable impact on the amenity of occupiers of neighbouring properties in terms of loss of daylight/sunlight, outlook, privacy, sense of enclosure and light pollution, given the conclusions of the submitted Daylight and Sunlight Report and again informed by the conclusion reached by the Planning Inspector within the Appeal Decision associated with the refused prior approval application Ref. PA/20/02275/A1.

The scheme introduces a number of sustainable design measures including photovoltaic panels, Air Source Heats Pumps as well as a green roof, which will improve the visual amenity of the building whilst simultaneously enhancing the biodiversity of the area.

Transport matters, including parking, access and servicing arrangements are policy compliant and it is not considered that there would be any detrimental impact upon the surrounding highway 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/22/01049/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>	 <p>TOWER HAMLETS</p> <p>London Borough of Tower Hamlets</p>
	<p>Scale: 50m grid squares</p>	<p>Date: 18 April 2023</p>

Figure 1: Planning application site map

1. SITE AND SURROUNDINGS

- 1.1 The application red line boundary includes 242 Hackney Road, which is a four storey detached building to the south side of Hackney Road and to the east of Allgood Street. The ground floor of the host building consists of a supermarket and the upper floors have residential units.
- 1.2 The buildings along this section of Hackney Road are characterised as having commercial units at ground floor and residential homes set above.
- 1.3 The application site is not within a conservation area, nor is the host building listed. However, the site is within the City Fringe Sub Area and Permitted Development Exception Zone. The boundary with the London Borough Hackney runs down the centre of Hackney Road.
- 1.4 The host building is not listed nor is the site is not within a conservation area. However, the site is within the setting of heritage assets in the form of each of the London Borough of Tower Hamlets' and the London Borough of Hackney's Hackney Road Conservation Areas and the Grade II Listed Buildings of 229-235 and 237-243 Hackney Road as well as a telephone kiosk, which are located to the north of the public highway and within the adjacent London Borough of Hackney.
- 1.5 The application site has a Public Transport Accessibility level of 4 (with 6 being the best and 0 the worst) with good public transport provision and within close proximity to several bus routes.

2. PROPOSAL

- 2.1 The proposal seeks planning permission for the following development:
 - a) Construction of 2 storey roof extension to deliver 6no. residential apartments (use class C3), associated amendments to cycle parking and refuse store.
 - b) New green roofs to existing flat roofs and proposed new roof.
 - c) Installation of air source heat pumps and solar PV panels to new flat roof.
 - d) Recladding and replacement of other combustible materials.

3. RELEVANT PLANNING HISTORY

Application Site

Planning

- 3.1 PA/20/02275/A1 | Application for prior approval under permitted development provisions in Class AA, Part 20 of Schedule 2 to the GPDO (as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020) for a two storey extension to the existing four storey detached mixed-use building (A1 use at ground floor level and 14 flats on upper floor levels) to provide 8 additional flats.

Refused: 24/12/2020

Reason 01: It has not been demonstrated that the proposed cycle storage area could physically accommodate further cycle spaces nor if they would be accessible to all users. Furthermore, the proposed refuse storage area does not have the capacity to practically accommodate the refuse and recycling output of the proposed new units.

Reason 02 - The proposed height of the extension would alter the application site's current subservient relationship with the Grade II listed properties on the opposite side of Hackney Road, that are located within the Hackney Road Conservation Area, to one that is visually dominating. This would negatively impact the setting of the Hackney Road Conservation Area (London Borough of Hackney) including the Grade II Listed terraces that are located within it.

Appeal Dismissed on 19/11/2021 only on the ground that the application did not deliver a car-free development with the Planning Inspector disagreeing with the Authority's reasons for refusal.

- 3.2 PA/21/02785/A1 | Construction of 8 additional flats over 2 additional storeys to be accommodated on top of an existing detached mixed use building with A1 use at ground floor level and 3 upper floors containing 14 no. flats.

Refused on 16/02/2022

Reason 01 - The site is located within 3km of the perimeter of an aerodrome, therefore the proposal fails to comply with AA.1(o)(vii) Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reason 02 - Insufficient details have been provided in relation to the fire safety of the external wall construction of the existing building and the fire safety impacts of the intended occupants of the building. As such it has not been demonstrated that the proposal complies with AA.2.(1)(k) and (l), Schedule 2, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 3.3 PA/12/03266: Change of use of the ground floor of the approved building from commercial wholesale showroom (Sui Generis) to retail shop (use class A1). Variation of condition 3 (Hours of Opening) attached to planning permission reference PA/11/01880 Existing Hours: Monday to Saturday 0700 - 2300, Sunday 0700-2200 Proposed Hours: Monday to Sunday 0700-2300. Permitted: 07/02/2013
- 3.4 PA/11/01880: Change of use of the ground floor of the approved building from commercial wholesale showroom (Sui Generis) to retail shop (use class A1). Permitted: 17/10/2011
- 3.5 PA/03/01431: Demolition of existing warehouse building and re-development of site to include the provision of commercial wholesale showroom (sui generis) within the new building at ground and basement levels and 14 new residential units above at 1st, 2nd and 3rd floors. The proposal also includes the provision of a new vehicle crossover from Allgood Street. (Revised Scheme). Permitted: 16/01/2008

Enforcement

- 3.6 ENF/14/00189: Vehicular servicing to the site between 10pm and midnight causing noise nuisance and in breach of condition 3 (hours) and 4 SMP) of PA/12/03266. Breach of Notice Served on 01/05/2014

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. A second consultation by way of post was undertaken upon receipt of updated plans.
- 4.2 A total of 21 representations were received all of which were objections, predominantly from residents living in the host building, as well as occupants of the residential properties on the opposite side of Hackney Road and Cadell House along Allgood Street.
- 4.3 The material planning issues raised in the objection letters are summarised as follows:
- Increased density
 - Visual appearance and impact on conservation area and listed buildings
 - Loss of daylight/sunlight and overshadowing and issues with report
 - Loss of privacy
 - Increased noise
 - Impact on noise/disruption during construction period
 - Insufficient cycle storage, refuse
 - Overheating of residential units
 - Lack of sustainable measures

- Increase in anti-social behaviour
- Increased traffic and parking to surrounding area
- Fire safety of existing cladding
- Lack of affordable housing
- Poor management of building including waste storage
- Lack of details of green roof
- Loss of a view
- Impact on hospital and helicopters
- Party Wall issues
- Use of scaffolding
- Impact on house prices/rental values
- Conflicts with leaseholder/freeholder agreement
- Structural Impact
- Revised scheme is largely the same as the previously refused scheme, so concerns raised previously are still valid.

5. CONSULTATION RESPONSES

External responses

London Borough of Hackney

5.1 No response received.

Internal Consultees

LBTH Biodiversity

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

LBTH Environmental Health, Air Quality

5.3 No objections raised subject to conditions relating to a Construction Environmental Management Plan, verification noise report for the noise levels for future occupiers and for the plant, and details of noise mitigations for the balconies.

LBTH Transport & Highways

5.4 Raised concerns about the cycle storage provision, recommended conditions including a Construction Management Plan and details of servicing and delivery arrangements including swept paths prior to commencement of the development and entering into a Section 278 Agreement for highways works.

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 – *residential*

- Local Plan – S.SG1, S.H1
- London Plan – GG1, GG2, GG5, SD1,

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)
- LP Character and Context SPG (2014)
- LP Housing SPG (updated 2017)
- LP Affordable Housing and Viability SPG (2017)
- GLA City Fringe Opportunity Area Planning Framework (2015)
- Urban Greening Factor London Plan Guidance (2023)
- LBTH Development Viability SPD (2017)
- LBTH Employment Land Review (2016)
- LBTH Planning Obligations SPD (2021)
- LBTH Reuse, Recycling & Waste SPD (2021)

Emerging Guidance

- Good Quality Homes for All Londoners LPG (consultation draft)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- Land Use
- Housing
- Design & Heritage
- Neighbour Amenity

- v. Transport & Waste
- vi. Environment
- vii. Local Finance Considerations
- viii. Equalities and Human Rights

Land Use

- 7.2 The application seeks to introduce additional residential units to the host building. 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.
- 7.3 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. Whilst the acceptability of the density of the increase, the standard of accommodation, impact on the local highway network and other material considerations, the proposal is acceptable in land use terms and would support the achievement of these objectives.

Housing

Housing Mix

- 7.4 The proposed development includes an extension at roof level to accommodate 6no. residential apartments (use class C3) in the following mix:
- a. 2 no. 3bed flat for 6 persons of 102 sqm in area each;
 - b. 4 no. 2 bed flats for 3 persons of 61 sqm (2 no.) and 63 sqm (2 no.) in area.
- 7.5 Considering the size of the development the proposed housing mix is acceptable in line with Local Plan Policy D.H2 as regards housing mix.

Affordable Housing

- 7.6 Local Plan Policies S.H1 and D.H2 require new development with 2-9 new units to help address the affordable housing need through a financial contribution. The applicant completed the draft template to calculate the affordable housing contribution for small sites.
- 7.7 The small sites calculator was developed to work out the financial contribution required by each development. The calculator uses the bedroom number, floor area, market value and ward the site is in to determine the total contribution required. The contribution calculated in this case is £352,260.30 and the applicant has agreed to pay this to the council through a S.106 agreement secured with the local authority. The contribution obtained by this development would be used to provide affordable housing within the borough as part of the council's affordable housing delivery programme.
- 7.8 It is noted that Local Plan Policy D.H2 Part 2(d) seeks to ensure that where development provides further homes either through an amendment to a current permission or an application to extend an existing development on the same or an adjoining site provides, the affordable housing calculation for the new homes will be based on the combined number of homes. Given the proposal would provide additional homes as part of an enlargement an existing building which contain 14 existing homes, it is important to consider this policy.
- 7.9 However, given the significant time period that has elapsed since the granting of planning permission (Ref. PA/03/01431) for these existing homes in January 2008, it is not considered that this policy would be applicable, and an off-site affordable housing contribution for this proposal would be appropriate.

Standard of proposed accommodation

- 7.10 All the proposed homes would meet the minimum floorspace requirements within the London Plan. The homes are considered to have an acceptable layout and all habitable rooms within the proposed homes are also considered to be broadly compliant with the recommended sizes found within the London Plan Housing SPG. The additional floors would achieve the required 2.5m floor to ceiling heights identified by Policy D.H3.
- 7.11 The homes would provide future occupiers with acceptable levels of daylight/sunlight to all habitable rooms, with acceptable outlook and aspect, with all the homes benefitting from dual aspect. It is acknowledged that the levels of dual aspect in the two homes to the southwest corner would be limited, with the secondary aspect for these units provided by bathroom windows. However, given the general standard of accommodation for these homes, this is considered acceptable.
- 7.12 The proposed homes would all have private amenity space in the form of balconies. The proposal would provide the 2 bed units with 6 sqm, and the 3 bed units with 13 sqm, all of which would meet the minimum size requirements and are considered to be of an acceptable standard.
- 7.13 The Council's Environmental Health Officer has requested a number of conditions including a noise insulation verification report providing details to ensure that the future occupiers of the proposed residential units are protected from external noise, prior to their occupation, as well as a post completion report to confirm the predicted noise levels have been achieved.
- 7.14 Concerns have been raised from occupiers of neighbouring homes regarding the potential for the proposed homes to overheat and have a detrimental impact on standard of accommodation for future occupiers, given the orientation of the windows. However, given that there are other units within the host building which have a similar orientation, it is considered acceptable and these matters are also managed outside planning through the building control regulatory system.
- 7.15 Overall, the quality of residential accommodation assessed against policy and with due regard to site constraints is satisfactory and policy compliant.

Design & Heritage

- 7.16 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.
- 7.17 As there are designated heritage assets in the vicinity of the proposal site in the form of the listed buildings and conservation areas to the north of the site, in accordance with Section 72(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposal is required to pay special regard to preserving the visual appearance and historic character of the setting of these heritage assets.
- 7.18 This proposal would result in two additional storeys to the roof of the existing four storey host building, resulting in a total of six storey building. The additional storeys would largely replicate the footprint of the third floor, being located on the north section of the building, including relatively small setbacks from the elevations of the floors below, retaining a similar visual appearance to the existing building, including the use of balconies, on the front, rear and side elevations which would be positioned to align with the existing balconies on the floors below.
- 7.19 It is acknowledged that the proposal would result in additional bulk and massing to the host building, which would be highly visible from the public realm. In terms of assessing the design impact of the proposal it is important to understand the context to which the site relates. Along this section of Hackney Road to the south, to the west the existing buildings are three and four storeys in height, with the upper floors set back from the front elevation of the ground floor. There are also large four and five storey buildings to the rear of the site and to the south side of Cadell Street. The north of this section of Hackney Road is characterised by the Grade II

listed terrace properties and the large commercial building, being mix of five storeys fronting the public highway and ten storeys in height in the central part of the building.

7.20 The Council have previously raised concerns in terms of the increase in height of the host building, in terms of the impact on the visual appearance of the host building and the surrounding area. This is demonstrated with the planning history of the site, with the Council having refused the prior approval application (Ref. PA/20/02275/A1) for a two storey extension to the roof of the host building, which has a similar design. One of the reasons for refusal was in relation to the design and impact on the visual appearance of the host building and relationship with heritage assets. This reason for refusal states the following:

- *Reason: The proposed height of the extension would alter the application site's current subservient relationship with the Grade II listed properties on the opposite side of Hackney Road, that are located within the Hackney Road Conservation Area, to one that is visually dominating. This would negatively impact the setting of the Hackney Road Conservation Area (London Borough of Hackney) including the Grade II Listed terraces that are located within it. The external appearance of the building would therefore be unacceptable and fail to comply with AA.2.(1)(e) of Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

7.21 It is acknowledged that the type of application that was refused, is different to the current proposal, being an application for prior approval under permitted development provisions in Class AA, Part 20 of Schedule 2 to the GPDO (as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020). The assessment for these types of applications have very specific criteria as to whether complies or not, and is not subject to all of the relevant policies in the Development Plan as required for this application.

7.22 However, one of the criteria identified in the legislation is the design and its impact on the external appearance of the host building taking into consideration the surrounding area including the heritage assets, which has considered the current design policies in the Development Plan.

7.23 Whilst the Council refused the application, this decision was appealed by the applicant and was subsequently dismissed. However, the Inspector disagreed with the Council's design reason for refusal, providing the design assessment within paragraphs 17 to 22 of the Appeal Decision (see Appendix 3). The Inspector concluded in paragraph 22 of the Appeal Decision that the proposed two storey extension would have an acceptable impact on the external appearance of the host building and the surrounding area, including the setting of the heritage assets:

- *The overall height and form of the proposal would not be out of keeping with the built form in and around the CA which varies considerably from low rise to tall modern developments. In addition, the intervening highway and set back of the terrace from the road results in visual and physical separation between the proposal and nearby heritage assets. As such, the proposed development would not unduly dominate the surrounding built environment or the setting of nearby listed buildings or the CA. Consequently, I find that the external appearance of the proposed building would be acceptable.*

The Inspector's comments from the Appeal Decision are a key material consideration in the assessment of the present planning application and informed by that decision reached by the Inspector, it is considered by officers that the scale and massing of the proposed two storey roof extension is acceptable in design terms and impacts upon the individual designated heritage assets and conservation areas located opposite the site. The proposal is therefore considered to pay special regard to preserving the visual appearance and historic character of the setting of the heritage assets

Appearance & Materials

7.24 The submitted Planning Statement (para. 4.5) confirms the materials in the proposed extension, including the use of profiled metal cladding, powder coated metal doors and

windows, and balconies to be galvanised steel to match the existing building. The proposal would also ensure the existing and proposed flat roofs would be finished with a green roofing system.

- 7.25 The proposal also seeks to replace the combustible cladding found within the existing building with new non-combustible materials. Whilst the fire safety attributes are discussed below, the materials are considered to be appropriate for the existing building and proposed extension and is considered to be in keeping with the visual appearance of the surrounding area, and preserve the setting of the heritage assets. The green roof provides a softer appearance to the building which is welcomed.

Roof level structures

- 7.26 The proposal includes the introduction of a number of different elements at roof level which would sit above the green roof of the proposed extension, including 8 no. ASHPs (Air Source Heat Pumps), 2 no. AOVs (Automatic Opening Vaults), 8 no. rows of photovoltaic panels, alongside a lift shaft and a roof access hatch alongside the existing services.
- 7.27 As shown in the elevation drawings, it is acknowledged that the roof level additions would project above the existing parapet of the host building. However, it is not considered that views of these structures would be largely obscured from street level, due to the height of the building and the setback from Hackney Road. In addition, the larger roof level structures, such as the ASHPs and lift hatch, have been positioned centrally within the roof to ensure that any views would be largely obscured.

Secure by Design

- 7.28 Policy D11 of the London Plan and Local Plan Policy D.DH2 seek to ensure that developments are safe and secure.
- 7.29 A condition has been applied, to ensure that the development will achieve the Secure by Design Accreditation.
- 7.30 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

- 7.31 Concerns have been raised as regards the fire safety of the existing cladding. However, the Council can confirm that the existing cladding would be replaced as part of this application with non-combustible cladding. A condition has been recommended for this cladding to be installed prior to the occupation of the proposed units.
- 7.32 The application has been accompanied by a Fire Risk Assessment by Phoenix Executive which details the fire safety measures in the existing building for the occupiers of the 14 residential homes, which would also be used by the occupiers of the proposed additional 6 homes. The report confirms that the existing means of escape is via a single staircase which leads to the front entrance. The staircase is lobbied on each floor, which together with the existing doorsets, provides the existing occupiers 60 minutes to escape. The existing units have the use of a single lift and have a number of fire safety features, including a fire detection and alarm system. The report provides a number of recommendations to ensure that proposed units, which would use the existing staircase and lift, would provide adequate fire safety measures. Notwithstanding the above, the proposal would also need to ensure compliance with guidance in Approved Document B or BS9991 as part of the Building Regulations requirements.
- 7.33 The fire safety measures identified within the submitted Fire Risk Assessment will be secured by planning condition.

Neighbour Amenity

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

Daylight/Sunlight

- 7.35 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2022).
- 7.36 The documents titled Daylight, Sunlight & Overshadowing Assessments by Hawkes Environmental was submitted in support of the application to assess the daylight/sunlight and overshadowing impact on the occupiers of neighbouring properties. The report confirms that the neighbouring properties which have been assessed are:
- 2 Horatio Street; and
 - Cadell House
 - 229 Hackney Road;
 - 231 Hackney Road;
 - 233 Hackney Road;
 - 235 Hackney Road;
 - 237 Hackney Road;
 - 239 Hackney Road;
 - 241 Hackney Road; and
 - 243 Hackney Road

Daylight

- 7.37 To determine the impact on daylight to windows, diffuse daylight of an existing building may be affected by a proposed development if either:
- The Vertical Sky Component (VSC) measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value; or
 - The area of the working plane which can receive direct skylight is reduced to less than 0.8 times its former value. It should be noted that determining the area of the working plane which can receive direct light from the sky (which is often referred to as the No-Sky Line or NSL) is seen as an additional assessment, rather than as an alternative to VSC. However, since plotting the NSL requires knowledge of the room geometry, which is not usually available during an impact assessment, it is not always possible to calculate the NSL since the use of too many assumptions would make the results meaningless and unreliable.
- 7.38 The report confirms that all of the 126 windows assessed would be in full compliance with BRE Guidelines in terms of VSC levels. Paragraph 4.3 of the submitted report confirms that no assessment has been carried out in terms of No-Sky Line, given the compliance with VSC levels. It notes the BRE Guidance specifically states that the NSL assessment should only be carried out "where room layouts are known". Whilst it is recognised that there would be benefit in also having a daylight NSL assessment carried out, it is not requisite. Given the full compliance with BRE Guidelines in regards to VSC, the proposal is concluded to have a very limited and acceptable impact on daylight of existing neighbouring residential properties.

Sunlight

- 7.39 The BRE guidelines recommend 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 would notice the loss of sunlight.

- 7.40 The report confirms that the two windows that meet the above criteria and require assessment meet the recommendations contained within the BRE Guidance in regards to the sunlight impact of the development.

Conclusion

- 7.41 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. In addition, the Council have previously considered that the two storey extension would be BRE compliant in terms of its impact on daylight/sunlight to neighbouring properties, within the Council's delegated report for the two recently refused application at the site (LBTH Refs. PA/21/02785/A1 and PA/20/02275/A1).

Overshadowing

- 7.42 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".
- 7.43 The submitted report confirms that the proposal would be in compliance with BRE Guidelines with the two areas assessed to the rear of the building, retaining the same percentage of the Garden/Outdoor Amenity Space which receives direct sunlight for at least two hours on the 21st March which exceeds 50%.

Privacy and Outlook

- 7.44 The proposal would retain the existing separation distance with existing buildings to the front, rear and side elevations. In addition, given the proposed openings and private amenity space would replicate those on the floors below it is concluded that the scheme would not result in any significant loss of outlook to neighbouring properties.

Noise & Vibration

- 7.45 The document titled Noise Assessment by Hawkins Environmental was submitted in support of the application. This noise assessment was reviewed by the Council's Environmental Health Team and confirmed that they have no objections to the proposal on the grounds of noise and vibration subject to conditions relating to several matters including noise insulation verification report for the new residential units and post completion report, noise levels for the plant equipment, details of noise absorbent materials for the balconies.
- 7.46 In addition to the above, 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 amenity spaces (for private use of occupants of the flats) would give rise to untoward noise issues given their restricted size or present an unacceptable impact on neighbour amenity.
- 7.47 It should be noted that the proposal would be required to comply with Building Regulations in terms of noise between the residential units.
- 7.48 Overall, subject to the recommended conditions above, the proposal is considered acceptable in this regard.

Air Quality

- 7.49 The document titled Air Quality Assessment prepared by Hawkins Environmental has been submitted in support of the application to assess the effects of air pollutant emissions from traffic using the adjacent roads, and emissions associated with the development of the site. In addition, a risk-based assessment of the likely impact of construction on the air quality of the local environment

- 7.50 The report confirms that an air quality neutral assessment has been undertaken in line with Section 9 of the London Plan and the guidance contained within Section 4.3 of the Sustainable Design and Construction SPG. Using the methodology contained within Air Quality Neutral Planning Support Update: GLA 80371, it has been possible to calculate both Transport Emission Benchmarks (TEB) and Building Emission Benchmarks (BEB) for the proposed development. If emissions from the proposed development do not exceed these benchmarks, the development is considered to be air quality neutral. The report concludes that air pollution should not be a constraint on the proposed residential development and is therefore considered acceptable in this regard.

Light Pollution

- 7.51 The proposed additional openings are not considered to result in any significant light pollution over and above the existing situation.

Construction Impacts

- 7.52 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

- 7.53 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.
- 7.54 Policy D.TR2 seeks to ensure development does not have an adverse impact on the highway network. In accordance with policy D.TR3 the proposal would be a car-free development with no proposed vehicle parking and future occupiers of the residential units would be prevented from on-street car parking permits.
- 7.55 The Council's Highways Team have raised concerns about the impacts during the construction period in terms of the impact on the surrounding public highways including the service and delivery arrangements of the ground floor retail unit, particularly if using Allgood Street. A condition has been recommended for a Construction and Environmental Management Plan to be submitted prior to the commencement of development, which would be required to include these matters including ensuring construction vehicles could access and egress the site in a forward gear. Whilst the Highways Team have recommended a Section 278 for highways improvement works, given the proposal includes a legal agreement it is considered appropriate to part of the Heads of Terms.
- 7.56 Policy T5 of the London Plan (2021) refers to the minimum requirements for the provision of the cycling facilities. The design and location of cycling facilities should be fully accessible, secure, undercover and convenient. Obstacles such as stairs, tight corners, multiple doors and narrow doorways should be avoided. London Cycling Design Standards (Transport for London, 2015) should be referred to when designing cycling facilities.
- 7.57 The application confirms that each new flat would be provided with a folding bicycle which would be located at basement level and would be stored within lockers at basement. The Council acknowledges that this provision does accord with the Council's requirements or those within the London Plan and ordinarily would be unacceptable.
- 7.58 The lack of compliance was raised by the Council within the previous applications where similar cycle storage and formed one of the reasons for refusal of the prior approval application Ref. PA/20/02275. The reason for refusal is as follows:
- *1 - It has not been demonstrated that the proposed cycle storage area could physically accommodate further cycle spaces nor if they would be accessible to all users. Furthermore, the proposed refuse storage area does not have the capacity to practically accommodate the refuse and recycling output of the proposed new units.*

As such, the proposals do not comply with AA.2.(1)(a) of Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.59 However, as with the design assessment above, it is important to consider the Inspectors assessment in the subsequent dismissed appeal. The evaluation of the cycle storage provision by the Inspector is found within paragraphs 11 to 14 of the Appeal Decision. As stated below (paragraphs 13 and 14 from the Appeal Decision) the Inspector acknowledges the constraints of the site but that whilst acknowledges that they are not the preferred type of cycle storage by the Council, but that the use of folding bicycle and lockers would be acceptable and that this provision could be secured by legal agreement:

- *I note there are constraints in providing the racks preferred by the Council. I also note that the site is located within an accessible location with a wide range of day-to-day services and facilities that future occupiers would be able to reach on foot. Moreover, there is further transport choice in the form of buses and overground railway and underground stations within close proximity providing future occupants with transport options.*
- *The UU would commit the appellant to providing folding bicycles and lockers. In my view, given the limited space available within the building the proposed folding bicycles and lockers would not be unacceptable. Given the site's location it would be perfectly feasible for occupants to live in the proposed development without the need for their own bicycle but utilising the folding bicycles provided, and who would be able to travel for work, services or leisure by public transport or on foot.*

7.60 As stated above in relation to the acceptability of the scale, bulk and massing in terms of the design assessment, the Inspectors comments from the Appeal Decision are a material consideration in the assessment of the planning application.

7.61 However, the Council does have concerns in terms of the implementation of this provision given the constraints of the site. Therefore, the Council considers that future occupiers should benefit from membership to the London wide Santander cycle hire scheme for a period of 5 years following the occupation of the units. The memberships would be required to be associated with the specific units, with two memberships required for each of the four 2-bed units and three for each of the two 3-bed units which result in total 14 memberships. As such an obligation to be secured by s106 agreement has been recommended for the submission of evidence to demonstrate that future occupiers would benefit from the cycle memberships.

7.62 It is considered that subject to these cycle memberships being secured by legal agreement, it would be acceptable in this regard.

7.63 Given the constrained nature of the site, the construction phase of the development has the potential to cause disruption to the local highway network. As such a condition has been recommended for the submission of a Construction and Environmental Management Plan to ensure the potential impacts would be mitigated.

Waste

7.64 The refuse storage for the existing residential units is located at basement level. The submitted document titled 1159_RRW01 Refuse, Recycling and Waste Plan details the waste storage provision for the development, it confirms an additional 1040 litres of additional refuse and 720 litres of additional dry-recyclables, and that the site benefits from weekly collections.

7.65 As with the cycle storage provision, the Council raised concerns with the refuse storage within the previously refused application Ref. PA/20/02275, stating that *the Council cannot be certain that refuse storage would be adequately contained within the site and would result in increased adverse impacts on the public highway.*

7.66 However, as with the assessment above in relation to the cycle storage, the Inspector's comments in the associated dismissed appeal regarding refuse storage should be taken into consideration. Paragraphs 8 to 10 of the Appeal Decision provides the Inspector's assessment in the terms of proposed facilities for waste and recycling which would replicate those within

this proposal. As stated below (paras 9 and 10 of the Appeal Decision) the Inspector concluded that the proposed waste arrangements would not be unacceptable, and they are satisfied it would not change the method of collection. They suggest that legal agreement could be used to enlarge the waste facilities and that a condition for a waste management plan could be imposed.

- *Given the constrained nature of the ground floor this appears to be the only practical manner to manage waste arrangements. Despite having to make internal alterations, including moving the gas meters, the proposed waste arrangements would not be unacceptable. I am satisfied it would not result in an adverse impact on the neighbouring highway. Moreover, I note that it would not change the method of collection or the position of the doors. The UU would also commit the appellant to provide the enlarged waste facilities prior to occupation of the proposed development.*
- *I note that a number of representations suggest that there is no building manager who would be responsible for rotating the bins. Despite this, I am satisfied that a condition for a waste management plan could be imposed if I were minded to allow the appeal to ensure satisfactory facilities for residents.*

7.67 The Council acknowledges that the existing waste storage area is constrained, with several occupiers of the host building raising objections in relation to the expansion of the existing provision. However, as noted in the comments above, the Inspector considered the approach to waste storage in the dismissed appeal *appears to be the only practical manner to manage waste arrangements*, stating that it *would not be unacceptable* and confirms that the provision *would not result in an adverse impact on the neighbouring highway*. Given these conclusions and the similarities with the proposal including the waste provision, it is not considered to warrant the refusal of the application, and the proposed waste storage facilities are acceptable. However, the Inspector did advise that the enlarged waste facilities would need to be secured by way of legal agreement to commit the appellant to provide them prior to the occupation of the proposed development. It is considered appropriate to follow the advice of the Inspector, with the proposed waste facilities being provided prior to the first occupation of the units.

7.68 Notwithstanding the above, several representations from local residents within this scheme and the dismissed appeal raised concerns in terms of the management of the waste facilities, with no building manager responsible to rotate bins. As noted above, the Inspector in the dismissed appeal addressed these concerns and recommended that they would be satisfied with the imposition of a condition for a waste management plan to ensure satisfactory facilities for residents, including the rotation of the bins. The Council considers it appropriate to follow this advice, for this revised scheme. The Council's Waste Officer has recommended that waste collection operatives will need retained access to the refuse store or that the existing waste collection arrangements are retained. It is considered appropriate that a revised waste management plan is secured by condition to include these additional recommended elements, which would need to be submitted and approved prior to the relevant works commencing and implemented prior to the first occupation of the units. It is therefore considered that the proposal would be acceptable in this regard.

Conclusion

7.69 Overall, subject to several conditions as well as a legal agreement relating to Highway Impacts on the development, including restricting future occupiers from obtaining car parking permits, ensuring the enlargement of waste provision is implemented prior to the occupation of the proposed residential units, highways improvement works and securing 14 cycle memberships for future occupiers for 5 years from the date of the occupation, the proposal is considered acceptable in terms of the impact on the highway network and waste provision.

Environment

Energy & Environmental Sustainability

7.70 The proposal is a minor application, and an 1159_SS01 Sustainability 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.

- 7.71 The report states *that the rooftop development is an inherently sustainable way of constructing new dwellings as it makes use of existing foundations and service connections and supports local facilities, and results in a reduced embodied carbon and increases the sustainability of wider neighbourhoods.* It also states that *net zero operational carbon will be achieved firstly by creating a well insulated building envelope; then introducing renewable technologies including Air-source heat pumps and photovoltaic panels at roof level.* It is considered that subject to a condition requiring these measures to be implemented in full prior to the occupation of the units, it is considered acceptable in this regard.

Landscaping and Biodiversity

- 7.72 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.
- 7.73 Policy D.ES3 requires development to deliver net gains in biodiversity in line with the Local Biodiversity Action Plan (LBAP). The Council's Biodiversity Officer has welcomed the inclusion of green roofs to the new extension and on the existing flat roofs. The submitted Sustainability Statement described the at least some of the green roofs as biosolar roofs. It is considered that if designed in line with best practice guidance published by Buglife, these will be a significant biodiversity enhancement that contributes to a Local Biodiversity Action Plan target.
- 7.74 The Council's Biodiversity Officer has recommended that full details of the biodiverse roofs should be submitted to and approved in writing by the local planning authority, and installed prior to the first occupation of the units, maximising biodiversity and designed following the best practice guidance published by Buglife.
- 7.75 Officers are satisfied that the imposition of this recommended condition would ensure that the proposal would be acceptable in this regard.

Other Matters

- 7.76 The representations from occupiers of neighbouring properties. However, a number of these are not material planning considerations and therefore cannot be taken into consideration of the application. These include the loss of a view, party wall issues, the impact on house prices/rental values, the use of scaffolding, the structural impact of the development and conflicts with existing leaseholder/freeholder agreements associated with the building.
- 7.77 Concerns have been raised in relation to the impact of the additional residential units on nearby Whitechapel Hospital in terms of interfering with helicopters accessing the hospital site. Whilst it is acknowledged that the building would be increased by two additional storeys, resulting in a building which would be six storeys in height, it is not considered to warrant the refusal of the application particularly as there are significant taller buildings within proximity of the hospital and the application site.

Infrastructure Impact

- 7.78 It is estimated that the proposed development would be liable for a Tower Hamlets Community Infrastructure Levy (CIL) payment of approximately £191,215.33.
- 7.79 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.
- 7.80 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.
- 7.81 The proposed development would not result in adverse impacts upon equality or social cohesion.

Conclusion

- 7.82 Overall, the proposal is considered to result in additional benefits in comparison to the previously dismissed appeal schemes this includes providing a reduced number of residential units (6 rather than 8), which have improved and acceptable standard of accommodation, as well as providing an obligation for affordable housing financial contributions.

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. £352,260.30 towards affordable housing

8.3 Non-financial obligations:

- a. Transport matters:
- Car Free development (residential)
 - Highways Improvements works
 - Cycle memberships
- b. Compliance with Considerate Constructors Scheme
- c. Enlargement of waste provision prior to the occupation of proposed residential units
- 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. Development in accordance with Sustainability Statement Mitigation Measures
5. Fire Safety details

Pre-commencement works

6. Construction Environmental Management Plan and Construction Logistics Plan:
 - 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.
- 7. Plant and noise/vibration verification details
 - 8. Air Quality of Mechanical Ventilation

Pre-superstructure works

- 9. Secure by design measures and accreditation
- 10. Details of external facing materials and architectural detailing.

Prior to relevant works commencing

- 11. Details of biodiversity enhancements including details of biodiverse green roof.
- 12. Noise mitigations for the balconies

Pre-occupation conditions

- 13. Revised Site Waste Management Plan
- 14. Installation of non-combustible cladding

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

- 1159P/01 – Site Location Plan
- 1159P/100 – Existing Basement Plan
- 1159P/101 – Existing Ground Floor Plan
- 1159P/102 – Existing 1st/2nd Floor Plan
- 1159P/103 – Existing 3rd Floor Plan
- 1159P/104 – Existing Roof Plan
- 1159P/114 – Existing Section A-A
- 1159P/110 – Existing west elevation facing Allgood Street
- 1159P/111 – Existing north elevation facing Hackney Road
- 1159P/112 – Existing east elevation
- 1159P/113 – Existing south elevation
- 1159P/200 – Proposed basement plan
- 1159P/201 – Proposed ground floor plan
- 1159P/202 – Proposed 3rd floor plan

- 1159P/203B – Proposed 4th floor plan
- 1159P/204B – Proposed 5th floor plan
- 1159P/205B – Proposed roof plan
- 1159P/206 – Proposed 1st/2nd floor plan
- 1159P/210A – Proposed west elevation facing Allgood Street
- 1159P/211A – Proposed north elevation facing Hackney Road
- 1159P/212A – Proposed east elevation facing Hackney
- 1159P/213A – Proposed south elevation
- 1159P/214 – Proposed section a-a
- 1159P/300 – Proposed bicycle parking

Other application documents

- FIRE RISK ASSESSMENT dated 26th October 2022 and PLANNING FIRE SAFETY STRATEGY (LONDON PLAN POLICY D12) FOR NON- MAJOR DEVELOPMENT prepared by Phoenix Group
- 1159_RRW01 Reuse, Recycling and Waste Plan dated 21.06.22 prepared by FLECK
- Noise Assessment prepared by Hawkins Environmental Report no. H3545 – NV – v1 dated 26th April 2022
- 1159_SS01 Sustainability Statement by 25.05.22 prepared by FLECK
- Daylight, Sunlight & Overshadowing Assessment: Report No. H3786-DS-v1 dated 4th May 2022
- Daylight, Sunlight & Overshadowing Assessment: Report No. H3545-DS-v1 dated 10th March 2023 and associated drawings
- Air Quality Assessment: prepared by Hawkins Environmental Report no. H3545 – AQ – v1 dated 4th May 2022
- 1159HS01 Heritage Statement prepared by FLECK dated 19.05.22
- PLANNING STATEMENT prepared by CSJ Planning dated May 2022
- 1159_DA01 Design and access statement prepared by FLECK dated 25.05.22
- 1159_SS01 Sustainability Statement prepared by FLECK dated 25.05.22

APPENDIX 2

SELECTION OF APPLICATION PLANS AND IMAGES



North elevation as viewed from Hackney Road



West elevation as viewed from Hackney Road



Rear elevation as viewed from garden associated with Cadel House



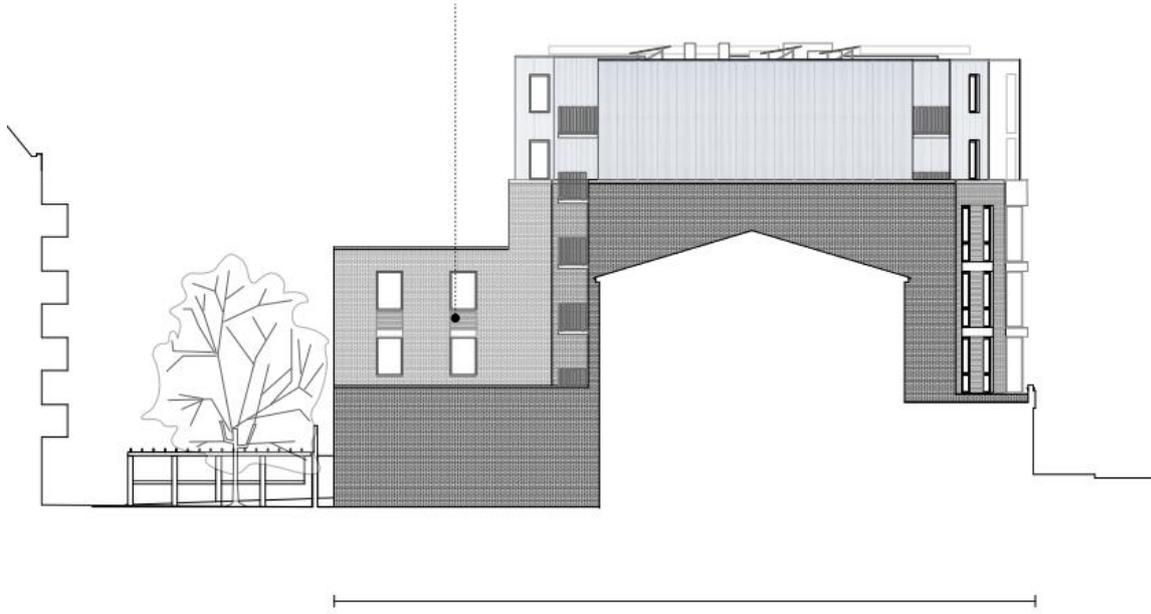
View facing north side of Hackney Road from Allgood Street junction showing buildings opposite the site



Proposed West elevation facing Allgood Street



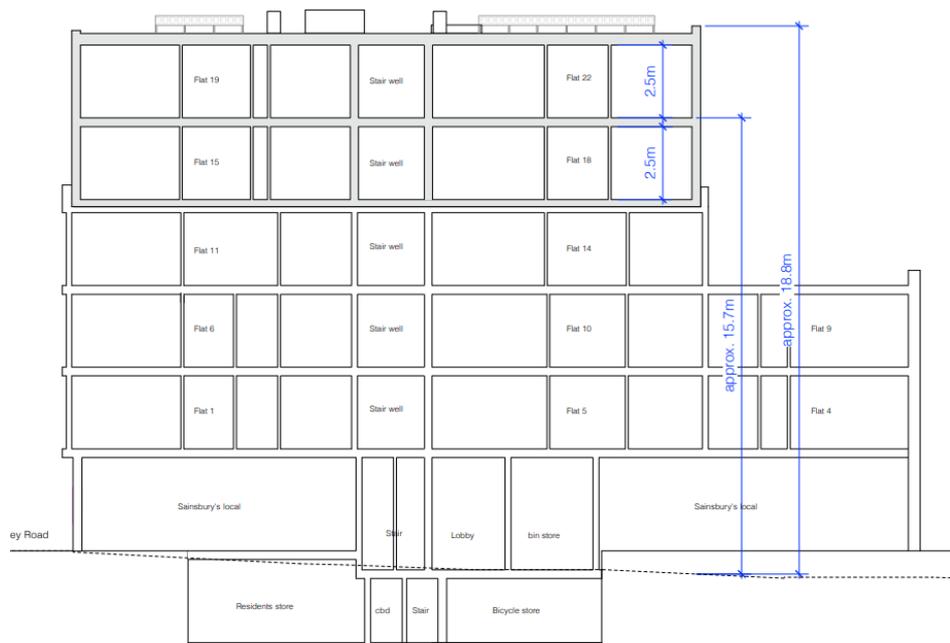
Proposed North Elevation



Proposed East Elevation



Proposed South Elevation



Proposed Section A-A

Appeal Decision

Site Visit made on 19 October 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/E5900/W/21/3270877

242 Hackney Road, London E2 7SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cyntra Properties Ltd against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/20/02275, dated 25 October 2020, was refused by notice dated 24 December 2020.
 - The development proposed is construction of 8 additional flats over 2 additional storeys to be accommodated on top of an existing detached mixed use building with A1 at ground floor level and 3 upper floors containing 14 no. flats.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) planning permission is granted for new dwellinghouses on detached buildings in commercial or mixed use, subject to limitations and conditions.
4. The prior approval provisions do not require regard to be had to the development plan. They do, however, require that regard is made to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval.
5. The revised Framework has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.
6. The appellant has produced a planning obligation by Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990. The UU would prevent parking on the development; provision of an enlarged refuse

store; the provision of folding bicycles and bike lockers and ensures submission of a Construction Management Plan. I return to the UU later on.

Main Issue

7. The main issue is whether the proposed development would be granted planning permission by the GPDO with regard to the requirements of paragraphs AA.2.(1) (a) and (e) relating to transport and highway impacts of the development and the external appearance of the building including the design and architectural features of the principal elevation and any side elevation that fronts a highway.

Reasons

Transport and highway impacts

8. The main entrance into the apartments and bin store is located on Allgood Street. The Council raise concerns regarding the proposed facilities for waste and recycling. The building contains an internal waste storage area, and the appellant has sought to address concerns by increasing the size of the waste area so that 2 additional communal bins could be located within it.
9. Given the constrained nature of the ground floor this appears to be the only practical manner to manage waste arrangements. Despite having to make internal alterations, including moving the gas meters, the proposed waste arrangements would not be unacceptable. I am satisfied it would not result in an adverse impact on the neighbouring highway. Moreover, I note that it would not change the method of collection or the position of the doors. The UU would also commit the appellant to provide the enlarged waste facilities prior to occupation of the proposed development.
10. I note that a number of representations suggest that there is no building manager who would be responsible for rotating the bins. Despite this, I am satisfied that a condition for a waste management plan could be imposed if I were minded to allow the appeal to ensure satisfactory facilities for residents.
11. Turning to cycle storage, this is located within the basement and both main parties acknowledge that it is in high demand. The Council have indicated that the required additional spaces proposed by replacing the existing cycle stands with wall mounted racks is not supported as it is not convenient and not inclusive to all users. I share the Council's concerns in this regard.
12. The appellant has sought to address the Council's concerns by installing a locker for folding bicycles and to provide folding bicycles for the new apartments and leaving the existing cycle storage untouched.
13. I note there are constraints in providing the racks preferred by the Council. I also note that the site is located within an accessible location with a wide range of day-to-day services and facilities that future occupiers would be able to reach on foot. Moreover, there is further transport choice in the form of buses and overground railway and underground stations within close proximity providing future occupants with transport options.
14. The UU would commit the appellant to providing folding bicycles and lockers. In my view, given the limited space available within the building the proposed folding bicycles and lockers would not be unacceptable. Given the site's

location it would be perfectly feasible for occupants to live in the proposed development without the need for their own bicycle but utilising the folding bicycles provided, and who would be able to travel for work, services or leisure by public transport or on foot.

15. The proposed development makes no provision for on-site parking and there is the potential for it to generate demand for additional on street parking within a controlled parking zone. The appellant has provided a UU as the mechanism to ensure that the development would be car-free. Whilst the UU prevents parking from taking place on any part of the development it does not prevent future occupants from obtaining new or additional parking permits.
16. Consequently, the proposal would not deliver a car free development and would serve to increase parking pressure in the area. Accordingly, the proposal would have a significant and demonstrable adverse impact on transport and highway matters failing to comply with the provisions of AA.2.(1)(a) of the GPDO.

External appearance of the building

17. The appeal site is located along a densely developed road, characterised by historic development on narrow and small plots and modern large-scale developments with pockets of green space. The diverse range of buildings of varied ages, scales, forms and architecture contribute to the area's urban grain. The property is located opposite a statutory listed terrace of late Georgian houses largely still retaining their long front gardens and the Hackney Road Conservation Area (CA) which derives its significance from its historic environment.
18. The appeal property is a modern four-storey mixed use development on the corner of Hackney Road and Allgood Street. The external appearance of the building includes expanses of glazing, blue brick, render and timber cladding.
19. The Council have raised concerns that the proposed development would adversely affect the setting of nearby statutory listed buildings and the CA. The wording in the context of paragraph AA.2.(1)(e), in my view, suggests a relatively narrow assessment as to the external appearance of the proposal itself, including the design and architectural features, rather than its effect on the wider area.
20. The principle of upward extensions is established by the GPDO. The increased height and a taller building are an inevitable consequence and has to be interpreted as not being inconsistent with the street scene and wider area for the purposes of Part 20, Class AA.
21. Even if I were to agree that consideration of the effect of the proposal on the wider area is a relevant consideration, in regard to this matter the appeal property and the listed buildings are only revealed in limited close-range views from Hackney Road, in part due to the separation between the buildings and the presence of trees.
22. The overall height and form of the proposal would not be out of keeping with the built form in and around the CA which varies considerably from low rise to tall modern developments. In addition, the intervening highway and set back of the terrace from the road results in visual and physical separation between the proposal and nearby heritage assets. As such, the proposed development

would not unduly dominate the surrounding built environment or the setting of nearby listed buildings or the CA. Consequently, I find that the external appearance of the proposed building would be acceptable.

Other Matters

23. I note that representations were made by local residents raising additional concerns. However, given my findings on the main issue, it is not necessary to consider these matters in detail.

Conclusion

24. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR