

Meeting of the

DEVELOPMENT COMMITTEE

Wednesday 21 December 2005 at 7.30 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Rofique U Ahmed Vice-Chair: Councillor Julian Sharpe	
Councillor Ray Gipson Councillor Khaled R Khan Councillor Muhammed Ghulam Mortuza Councillor Martin Rew Councillor Ashton McGregor Councillor Salim Ullah Councillor Motin Uz-Zaman Councillor Akikur Rahman	Councillor Janet Ludlow, (Designated Deputy for Councillors Martin Rew, Akikur Rahman & Ray Gipson) Councillor James Sanderson, (Designated Deputy for Councillors Martin Rew, Akikur Rahman & Ray Gipson) Councillor Azizur Rahman Khan, (Designated Deputy for Councillors Martin Rew, Akikur Rahman & Ray Gipson)
[Note: The quorum for this body is 4 Members].	

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: **Brian Bell**, Democratic Services, Tel: 020 7364 4878, E-mail: brian.bell@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 21 December 2005

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

Note from the Chief Executive

In accordance with the Council's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of the meeting. Members must orally indicate to which item their interest relates. If a Member has a personal interest he/she must also consider whether or not that interest is a **prejudicial personal interest** and take the necessary action. When considering whether or not they have a declarable interest, Members should consult pages 181 to 184 of the Council's Constitution. Please note that all Members present at a Committee meeting (in whatever capacity) are required to declare any personal or prejudicial interests.

A **personal interest** is, generally, one that would affect a Member (either directly or through a connection with a relevant person or organisation) more than other people in London, in respect of the item of business under consideration at the meeting. If a member of the public, knowing all the relevant facts, would view a Member's personal interest in the item under consideration as so substantial that it would appear likely to prejudice the Member's judgement of the public interest, then the Member has a **prejudicial personal interest**.

Consequences:

- If a Member has a **personal interest**: he/she must declare the interest but can stay, speak and vote.
- If the Member has **prejudicial personal interest**: he/she must declare the interest, cannot speak or vote on the item and must leave the room.

When declaring an interest, Members are requested to specify the nature of the interest, the particular agenda item to which the interest relates and to also specify whether the interest is of a personal or personal and prejudicial nature. This procedure is designed to assist the public's understanding of the meeting and is also designed to enable a full entry to be made in the Statutory Register of Interests which is kept by the Head of Democratic Renewal and Engagement on behalf of the Monitoring Officer.

		PAGE NUMBER	WARD(S) AFFECTED
3.	MINUTES OF THE 30TH NOVEMBER 2005 MEETING		
	To confirm a correct record of a meeting of the Development Committee held on 30 th November 2005.	1 - 10	
4.	DEPUTATIONS		
	To receive any deputations.		
5.	PLANNING APPLICATIONS FOR DETERMINATION		
6.	56 EAST INDIA DOCK ROAD, E14 6JE (REPORT NUMBER DC034/056)	11 - 18	Limehouse
7.	THE FOUNTAIN PUBLIC HOUSE, 123 SCEPTRE ROAD, E2 0JU (DC034/056)	19 - 26	Bethnal Green South

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Agenda Item 3

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

30TH NOVEMBER 2005

Minutes of the **DEVELOPMENT COMMITTEE** held at the **TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON E14 2BG** on **30TH NOVEMBER 2005 AT 7.30PM.**

Councillors present

Councillor Rofique Uddin Ahmed (Chair)
Councillor Ashton McGregor
Councillor Janet Ludlow
Councillor Salim Ullah
Councillor Muhammad Ghulam Mortuza
Councillor Martin Rew

Officers Present

Mr Brian Bell (Clerk to the Development Committee)
Mr Scott Hudson (Development Control)
Mr Stephen Irvine (Development Control)
Mr Richard Humphreys (Development Control)
Ms Alison Thomas (Housing Development Group)
Mr Andrew Wiseman (Legal Advisor/Trowers and Hamlins)

1.0 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Julian Sharpe and from Councillor Ray Gipson, for whom Councillor Janet Ludlow deputised.

2.0 DECLARATIONS OF INTEREST WHETHER UNDER SECTION 106 OF THE LOCAL GOVERNMENT FINANCE ACT 1992 OR OTHERWISE

None were made.

3.0 PUBLIC MINUTES

The minutes of the Development Committee held on 9th November 2005 were confirmed as an accurate record and signed by the Chair.

4.0 DEPUTATIONS

The Chair advised that, with the agreement of the committee, he would be accepting the following deputation requests:

- agenda item 5.1, Jeff Jones for the objectors, and Shirley Karat for the applicant

- agenda item 5.3, Kate Webber for the objectors and Charles Cheesman, Corporation of London, for the applicant.

- agenda item 5.7, Councillor Alan Amos, Millwall Ward and Shirley Houghton for the objectors

He also advised that he would be taking item 5.7 immediately after 5.1 to facilitate the large number of members of the public in attendance for that item.

5.0 PLANNING APPLICATIONS FOR DETERMINATION

5.1 “Floating Hotel”, Mooring in Millwall Cutting and South Dock, Thames Quay, Marsh Wall, E14 (Report number DC027/056)

Mr Stephen Irvine (Strategic Applications Manager) introduced the report, and drew attention to the additional information, representations and recommended conditions contained in the tabled Addendum report. A previous permission for a similar vessel known as the ‘Chrome Castle’, which had been larger than the current application, had been granted in October 2000. He pointed out that many of the issues raised during consultation were in fact commercial and legal ones between the applicants and adjoining landholders, rather than planning matters. Although the scheme was highly unusual, Canary Wharf and Docklands were well known for contemporary design, and the proposal would bring an additional attraction with associated employment, to the area.

Mr Jeff Jones addressed the committee on behalf of the objectors and in particular the freeholders and residents of Meridian Place, a development to the immediate southeast of the application site. They had had previous experience of disturbance caused by naval and other visiting vessels, and feared even more from a permanently moored one. On several of these occasions they had received assurances from the relevant parties but these had proven ineffective. They were particularly concerned that whatever the operators intentions, significant numbers of staff and guests would access the site through their property. This would severely affect their amenity and security, and he urged the committee to reject the application.

In response to Members’ queries, he acknowledged that the applicants had made some efforts to address their concerns including by the construction of a new service road and pontoon as the principal means of access. Nevertheless they still believed that it would lead to much greater congestion and nuisance on their estate, as guests and staff were dropped of on Marsh Wall and elsewhere and cut through to the hotel.

Ms Shirley Karat addressed the committee on behalf of the applicants, stressing that they had tried to address all those matters which were within their power. Her clients planned to operate a 5 star hotel and to attract the requisite guests. It was therefore in their interests to minimise noise or other nuisance on board, or originating from, the vessel. They intended to provide consistently high levels of management and security. It had been agreed that most servicing would be via the water, and this was covered by both the proposed conditions and legal agreement. Alternative direct means of access would be provided for vehicles and pedestrians, so they could not foresee many visitors choosing to approach it through Meridian Place or other neighbouring sites.

In response to Members’ queries, she argued that the proposal would not be out of character with the area, as very little of the traditional dockside was left and all of the adjacent developments were of modern design. She confirmed that a new swing bridge would be

constructed across Millwall Cutting to provide easier pedestrian access to South Quay DLR and Canary Wharf. The hotel would have both patrolling security and a 24 hour staffed entrance, as set out in the legal agreement. She reminded the committee that although the hotel would have the appearance of a ship, it would not have its own means of propulsion and was not intended to move.

Councillor Janet Ludlow proposed an addition to the legal agreement to require “security, signage and other measures to be taken to endeavour to ensure visitors and staff respect the boundaries of other local residences and properties, in particular those with Meridian Place.”

The amendment was agreed on a vote of

4 IN FAVOUR
1 AGAINST
1 ABSTENTION.

On a vote of

5 IN FAVOUR
1 AGAINST

it was **AGREED** that planning permission be **GRANTED** subject to the conditions and S106 legal agreement outlined below:

Conditions

- 2.1.1 Time period for commencement (5 years).
- 2.1.2 Construction hours (8am-6pm Mon to Fri, 8am-1pm Sat, no Sundays or Public Holidays).
- 2.1.3 Approval of Highways details prior to commencement of works.
- 2.1.4 Detailed landscape plan prior to commencement of works.
- 2.1.5 British Waterways conditions detailing surfacing materials, pontoon details and the means of securing/mooring of the boat to the quay.
- 2.1.6 Environment Agency conditions requiring ecological mitigation plan, pontoon design details, UK native planting, external lighting details and no storage on dock.
- 2.1.7 Servicing arrangements by water vehicles.
- 2.1.8 Disabled/bicycle parking to be permanently retained.
- 2.1.9 Restriction of use for external public decks (for restaurants/bar areas).
- 2.1.10 Use class restrictions (C1 hotel and ancillary uses).
- 2.1.11 Plant & associated equipment noise restrictions.
- 2.1.12 Extract duct and fumes restrictions.
- 2.1.13 Refuse and recycling facilities in accordance with plans.
- 2.1.14 Crossrail Safeguarding conditions.

Section 106 Legal Agreement to secure the following:

- 2.2.1 Completion of a Management Plan to incorporate the following details;
 - (i) Details of the day to day servicing arrangements for the vessel.
 - (ii) Details of the proposed valet parking arrangements.
 - (iii) Details of community liaison officer and a 24-hour liaison telephone number for local residents.
 - (iv) Security details, including patrolling security staff to ensure visitors to the vessel do not disturb local residences and 24 hour manned security entrance.
 - (v) Security, signage and other measures to be taken to endeavour to ensure visitors and staff respect the boundaries of other local residences and properties, in particular those with Meridian Place.

- 2.2.2 £100,000 financial contribution towards education and training initiatives within the Borough.
- 2.2.3 £50,000 financial contribution towards a new pedestrian crossing on Marsh Wall.
- 2.2.4 £30,000 financial contribution towards bus stops on Marsh Wall.
- 2.2.5 £20,000 financial contribution towards the provision of cyclist and pedestrian facilities in the Isle of Dogs.
- 2.2.6 £9,000 financial contribution to the London Docklands Angling Consortium.
- 2.2.7 The applicant agrees to revoke the planning consent PA/00/1439 at the western end of South Dock when the current application PA/05/1227 is consented.
- 2.2.8 Additional parking to be made available to LDAC, of a maximum of 5 spaces during the week and a maximum of 10 spaces at weekends.
- 2.2.9 Additional 6 access gates in Millwall Cutting (total of 10) for LDAC to gain access to the dock.
- 2.2.10 British Waterways to exchange the permitted angling area on the western side of Millwall Inner Dock, once the vessel's use is implemented.

5.7 Mooring, West India Pier, Cuba Street, E14 (Report number DC033/056)

Mr Richard Humphreys (Planning Applications Manager) introduced the report, which assessed an application for the permanent mooring of a 4-berth residential vessel, and change of use of the pier to provide access. The pier had been disused since a riverbus service had failed in 1993 and had fallen into disrepair. The pier entrance was 10m from the nearest residential development, and the vessel itself would be 45m away. The more recently constructed Canary Wharf Pier would be the one used in any relevant emergency, but in any event it would be possible to move the vehicle moored there if West India Pier was required. Other matters had been dealt with by condition, and on balance he recommended the application as acceptable.

He also highlighted a recent letter from GLA member John Biggs reiterating the concerns of the Environment Agency and Port of London Authority, copies of which had been laid round.

Councillor Alan Amos addressed the committee in opposition to the proposal, referring to a previous refusal in Millennium Harbour and stating his belief that the vessel would cause nuisance to adjoining residents. Emphasising the current lack of parking provision in Cuba Street, he felt that any servicing from the pier would exacerbate this. He queried whether it would in fact be possible to enforce against holiday lets, and wished to allow for the possibility of alternative proposals to bring the pier back into use. Drawing attention to the comments of the EA and PLA, he argued that the issues were too serious to be addressed by way of conditions or a temporary permission, and urged the committee to reject the application.

Objector Ms Shirley Houghton addressed the committee, stressing the scale of local opposition to the application and again underlining the comments of the EA and GLA. She understood that use of riverbus services was now increasing, and therefore thought that West India Pier should be protected as an asset for the future. Disagreeing with the planners view that the London Plan "Blue Ribbon Network" policy supported reuse of the pier in this manner, she felt that a thorough environmental impact assessment should have been required. She believed that the proposed vessel's impact on neighbouring properties would be substantial, and also urged the committee to reject the application.

In response to Members' queries, officers stressed the requirement to determine the current application properly rather than speculate about possible alternative proposals. It was for a 4-berth vessel intended to accommodate a single family. Holiday lets were expressly forbidden as one of the recommended conditions of the planning permission, and this could certainly be enforced against if breached. They repeated that the vessel itself would be 45m away from the

nearest neighbour, and so the potential for nuisance was very low. Parking was restricted along the length of Cuba Street, and this would apply to the applicant as much as any other resident. In relation to its possible reuse as a riverbus station, although this was not strictly a relevant consideration, it was felt that the new Canary Wharf Pier was in a much more suitable position and any new services would be more likely to seek to use this. Finally, it was clarified that although the EA and PLA had been consulted and their views taken into account (resulting in recommended informatives), they had no statutory role in determining the application.

On a vote of

3 IN FAVOUR
1 AGAINST
2 ABSTENTIONS

it was **AGREED** that planning permission be **GRANTED** subject to the conditions and informatives outlined below:

Conditions

- 1 Limited time period for one year.
- 2 No houseboat – being a structure without means of propulsion, which rests on a floating raft or pontoon – shall be moored from the pier.
- 3 Only one vessel is to be moored at the site at any one time.
- 4 The vessel shall not be used as temporary sleeping accommodation or for holiday lets.
- 5 Reserved matters:
 - a. Any material alterations at the pier
 - b. Details of the means for storage and collection/disposal of rubbish
 - c. Details sewage disposal.
- 6 There shall be no discharge of sewage to the river.

Informatives

- 1 Works to pier may require planning permission.
- 2 Prior consent from Environment Agency required for works within 16 metres of the tidal flood defence structure.
- 3 River works license from Port of London Authority required for all works in, on or over mean high water.

5.2 Former Goodman Fields, Land North of Hooper Street and East of 99 Leman Street, E1 (Report number DC028/056)

Mr Stephen Irvine (Strategic Applications Manager) introduced the report, explaining that the main amendment was to reduce the number of affordable housing units in order to provide a better mix with more family sized units, as detailed in paragraph 6.6.

It was unanimously **AGREED** that planning permission be **GRANTED** subject to the conditions and S106 legal agreement outlined below:

Conditions:

- 1 Time limit for commencement (5 years).
- 2 Construction hours (8am-6pm Monday to Friday, 8am-1pm Saturday, no Sundays or Public Holidays).
- 3 External materials & finishes samples.
- 4 Landscaping plan/Maintenance plan.
- 5 External lighting plan.

- 6 Sound insulation between flats/external noise provision.
- 7 Contamination investigations.
- 8 Environmental Agency conditions.
- 9 Implementation of a program of archaeological work.
- 10 Refuse/recycling facilities.
- 11 Residential Parking Only.
- 12 Vehicular Access.
- 13 Wheel Cleaning.

Section 106 Legal Agreement to secure the following:

- 1 25% (62 units/5,184sq.m.) of the dwellings proposed in this application are to be made available for affordable housing provision.
- 2 Car-free agreement (strictly limiting the availability of on-street residents car parking permits to those persons holding a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970).
- 3 Introduction of car share club to assist in reducing car usage and ownership.

5.3 Billingsgate Market, Trafalgar Way, London E14 (Report number DC029/056)

Mr Richard Humphreys (Planning Applications Manager) reported that since the application had been deferred at the last meeting, the required site visit had now taken place. The applicants, the Corporation of London, had clarified several matters including that the number of vehicles quoted in the report was a maximum, and that it was their aim to keep as many as possible in use or at their current transfer station. They had agreed to provide a contact number for complaints, which was to be an additional condition. They had also stated that traffic congestion at the gates of the market was extremely rare, happening on only a few occasions each year.

Objector Ms Cate Webber addressed the committee. She continued to be of the view that use of the site as a temporary vehicle park would generate unacceptable additional levels of noise and traffic. She also queried why this particular part of the site, which was the only one with residential neighbours, was being proposed and urged the committee not to agree the application.

Mr Charles Cheesman addressed the committee on behalf of the Corporation of London. He repeated that it was their intention to keep as many vehicles as possible either in use, or at their original depot as much as the renovation programme there allowed. This depot had residential accommodation immediately adjacent to it so they were well used to minimising the disruption to neighbours.

In response to a member's query, officers advised that the Corporation had made a convincing case that the rest of the site was needed for its main use as London's fishmarket, and that this corner was the most suitable.

It was unanimously **AGREED** that planning permission be **GRANTED** subject to the conditions outlined below:

- 1 Temporary planning permission for 24 months.
- 2 No washing and servicing of cleansing vehicles to be carried out within the Billingsgate Market site.
- 3 Applicant to provide a 24 hour/7 day a week contact number for complaints, to be made available to local residents in a manner to be agreed with the LPA.

5.4 East End Mission, 583 Commercial Road, London E1 (Report number DC030/056)

Mr Stephen Irvine (Strategic Applications Manager) introduced the report, and drew attention to the fact that since the applicant had already appealed against non-determination, it was therefore a “minded to approve” recommendation. The percentage and mix of affordable housing to be provided was far from ideal, but the applicant had used the GLA “toolkit” to contend that the development was only viable at that level, and it was therefore recommended on balance.

On a vote of

4 IN FAVOUR
2 ABSTENTIONS

it was **AGREED** that the Director of Development and Renewal be instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **GRANTED** full planning permission, subject to the following conditions and S106 legal agreement:

Conditions:

- 1 Time Limit for commencement (5 years).
- 2 Development in accordance with submitted amended plans.
- 3 Amending condition, prior to the commencement of development, detailing;
 - All room and unit sizes to accord with the Council’s SPG Residential Space.
- 4 Amending condition, prior to the commencement of development, detailing;
 - Provision of security gates to secluded entrances, or deletion of secluded entrances to units located in the Bromley Street Wing.
- 5 Amending condition, prior to the commencement of development, detailing;
 - Details of CCTV and secure entrance from Commercial Road.
- 6 Amending condition, prior to commencement of the development, detailing;
 - Conservation design conditions requiring full details of materials, joinery and repairs to the existing building.
- 7 Contaminated land reporting.
- 8 Air quality reporting.
- 9 Facing material details required.
- 10 Sound insulation between individual units required.
- 11 Sound insulation to protect against external noise required.
- 12 Wheel cleaning during construction required.
- 13 Provisions for disabled access and cycle facilities.
- 14 Provision for cycle facilities.

Section 106 Legal Agreement to secure the following:

- 1 Provision of 19 units (1,276sq.m and the following mix: 4 one-bed, 7 two-bed, 6 three-bed, and 2 four-bed) of the dwellings proposed in this application, to be made available for affordable housing provision.
- 2 Car-free agreement (strictly limiting the availability of on-street residents car parking permits to those persons holding a disabled person’s badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970).
- 3 Management of ground floor retail units.

PA/05/00488 – Conservation Area Consent:

AGREED that the Director of Development and Renewal be instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **GRANTED** Conservation Area Consent, subject to the following conditions:

- 1 Time Limit for commencement (5 years).
- 2 Demolition shall not be carried out until a valid Full Planning Consent is issued.

5.5 5-10 Corbridge Crescent, E2 (Report number DC031/056)

Mr Stephen Irvine (Strategic Applications Manager) introduced the report, which assessed amendments to a permission granted in December 2004. The site was now to be entirely acquired by a housing association who wished to increase the affordable housing provision to 100% and change the unit mix to reflect their requirements and planning policy.

Members urged that as this was a canalside development, particular attention be paid to the quality of design and materials on the canal frontage during condition approval.

It was unanimously **AGREED** that the amendments to the planning permission agreed on 13th December 2004, as summarised in Section 4 of the report, be **GRANTED** subject to the following conditions and legal agreement:-

Conditions

- 1 Five year time limit.
- 2 Reserved matters:- (i) details (samples) of external materials; (ii) lighting to all external areas; (iii) balconies; (iv) shopfront details (to scale 1:20).
- 3 Construction works restricted to between 8.00 am to 18.00 pm on Mondays to Fridays and 8am to 1pm on Saturdays only, and not on Sundays or Public Holidays. Any driven piling shall only occur between 10am and 4pm Mondays to Fridays.
- 4 Archaeological access to be provided for investigation.
- 5 Site investigation regarding any possible soil contamination to be carried out, and any remedial works to be agreed in writing by the Council.
- 6 No doors to open over or across the public highway.
- 7 Details of cycle facilities, which are to be provided before the flats are occupied.
- 8 Details of scheme of opaque glazing for the rear external staircases to be approved in writing, and shall (i) be fitted before the occupation of any of the flats; (ii) be permanently fixed so that the windows do not open, and (iii) thereafter be permanently retained as long as the flats are occupied.
- 9 Details of sound insulation/noise attenuation measures, including to windows, to be submitted.
- 10 Details of surface water drainage works to be submitted and approved before works are carried out on site.
- 11 No solid matter shall be stored within 10m of the banks of the canal during construction works.

Section 106 legal agreement to secure:

- 1 Affordable housing in line with Policy HSG3 of the Adopted UDP and Policy HSG4 of the First Deposit Draft UDP.
- 2 Car-free agreement.
- 3 Financial contribution of £108,000 for environmental improvement works within the immediate vicinity of the site (to include works to the canal/towpath, repaving/highways works, and any changes deemed necessary to on-street parking restrictions within the

vicinity of the site).

5.6 Stour Wharf, Stour Road, E3 (Report number DC032/056)

Mr Stephen Irvine (Strategic Applications Manager) introduced the report which contained a “minded to refuse” recommendation as the applicant had already appealed the case to the Planning Inspectorate. The application had originally been considered and deferred in October 2004. Subsequent to this greater safeguarding of employment use in this area had been introduced as part of the East London Sub-regional Framework of the draft London Plan. The London Development Agency had also pointed out that part of the site had been earmarked for a bridge to provide emergency access to the Olympic precinct.

It was unanimously **AGREED** that the Director of Development and Renewal be instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **REFUSED** planning permission for the following reasons:

- 1) The proposed development represents a loss of employment generating uses in the industrial employment location. As such the proposal is contrary to:
 - (a) Policy EMP1, EMP2, and EMP13 of the London Borough of Tower Hamlets UDP (1998), which seeks to ensure that an adequate supply of land is safeguarded to enhance employment opportunities within the Borough;
 - (b) Policy EMP7 of the First Draft Deposit UDP, which seeks to ensure that composites of business and residential space in the same self-contained unit are resisted;
 - (c) Policy EE2 of the Draft LDF: Preferred Options: Core Strategy and Development Control Development Plan, which seeks to ensure that any development that includes a change of use from B1 and B2 is strongly resisted and any development that is proposed in the vicinity of a Strategic Employment Location that may give rise to pressure to curtail the industrial use is resisted;
 - (d) Policy 2A.7 of the London Plan, which requires Boroughs to identify Strategic Employment Locations in UDP's; and the Draft Sub Regional Development Framework – East London, which seeks to protect East London's strategic reservoir of land for industrial type activities.
- 2) The proposed non-industrial use would detrimentally affect the continued ability to use this area for industrial uses. The non-industrial may give rise to pressure to curtail the industrial use. As such, the proposal is contrary to:
 - (a) Policy EMP5 and EMP13 of the London Borough of Tower Hamlets UDP (1998), which seeks to ensure that incompatible development in the vicinity of existing industrial use is not normally permitted;
 - (b) Policy EMP7 of the First Draft Deposit UDP which states that composites of business and residential space in same self contained unit will be resisted;
 - (c) Policy EE2 and EE5 of the Draft Core Strategy and Development Control Development Plan (CSDCD) which seeks to safeguard the retention, expansion and growth of employment provided by general industrial uses, resist the change of use from B1 and B2 uses, and resist development that may give rise to pressure to curtail the industrial uses.
- 3) The premises would provide sub-standard accommodation due to:
 - (a) evidence that suggests that live/work units are being used purely as residential units;
 - (b) the lack of appropriate transport and social (education, health, shopping and open space facilities) infrastructure in the locality expected in an environment where people live; and
 - (c) the amenity problems associated with adjoining industrial uses, such as noise, vibration, dust, odour, fumes, heavy vehicle traffic, safety and security, and hours of operation.

As such, the non-industrial use is incompatible with the industrial employment location and is therefore contrary to:

(a) the policies referred to in 2) above;

(b) Policy DEV2 of the UDP (1998), which seeks to ensure that amenity of occupiers is protected; and

(c) Policy ENV1 of the First Draft Deposit UDP, which seeks to ensure that the development that causes demonstrable harm to the amenity of occupiers or neighbours is not permitted.

- 4) The proposal is contrary to Olympic Precinct OLY1 under the proposals for the new Olympic stadium. Stour Road will be extended across the canal via bridge "R11" to provide access for emergency services to the Olympic precinct during the construction phase. The bridge will also provide vehicle, pedestrian and cycle access across the Hackney Cut to serve the post Olympic legacy development. Therefore the proposed bridge fundamentally conflicts with the development as proposed. As such the proposed development is considered to be premature and in direct conflict with the planning permission issued for OLY1.

Close of Meeting

The meeting ended at 9.30 pm.

Christine Gilbert
Chief Executive

Agenda Item 6

Committee: Development Committee	Date: 21 December 2005	Classification: Unrestricted	Report Number: DC034/056	Agenda Item Number: 5.1
Report of: Director of Development and Renewal Case Officer: Gillian Nicks		Title: Town Planning Application Location: 56 East India Dock Road, London, E14 6JE Ward: Limehouse (February 2002 onwards)		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01614

Date Received: 22/09/2005

Last Amended Date: 22/09/2005

1.2 Application Details

Existing Use:

Vacant Land

Proposal:

Erection of an up to six storey building and its use at ground floor level for teaching (Class D1), ancillary cafe purposes and 11 cluster flats for 91 students on upper floors.

Applicant:

Urban Learning Foundation, University of Gloucestershire

Ownership:

Urban Learning Foundation, University of Gloucestershire

Historic Building:

Not applicable

Conservation Area:

Not applicable

2. RECOMMENDATION:

2.1 That the Development Committee **grant** planning permission subject to the conditions outlined below:

(1) Time Limit

(2) Control of Hours

(3) Reserved matters:

(a) Samples of all proposed materials;

(b) Mechanical extraction of fumes from kitchen area, WC and bathrooms;

(c) Access statement;

(d) Treatment of open land, including hard and soft landscaping;

(e) Details proposed walls, fences and railings;

(f) Internal sound insulation between student bedrooms

(4) No music shall be played to be audible from outside premises

(5) Site investigation shall be submitted to investigate and identify potential contamination.

(6) Construction plan

2.2 Informatives

(1) Local Labour in Construction

(2) Contact Environmental Health Department prior to commencement of development (60 Southern Grove, London E3 4PN on 020 7364 5008.)

(3) Contact Building Control Department prior to commencement of development (41-47 Bow Road, London E3 2BS on 020 7364 5009.)

BACKGROUND

3.

Site and Surrounds

3.1 The subject site is situated to the south side of East India Dock Road.

- 3.2 The surrounding area (north side of East India Dock Road) is predominately residential. The south side of East India Dock Road is a mix of residential, educational (taking in the existing ULF building) and commercial space.
- 3.3 To the immediate south of the site are six, two-storey houses, along Pinefield Close (which comes off from East India Dock Road two addresses down from the subject site). To the immediate west of the site are Peabody residential units, consisting of houses and flats, with varying building heights from two to three storeys.
- 3.4 Running parallel to the east of the subject site along Rosefield Gardens are residential flats, within a sixties three-storey block, as well as Gorsefield House directly to its eastern side.
- 3.5 There is no continuity in rooflines or building lines upon East India Dock Road, and within the surrounding area there is a wide range of rooflines, ranging in height from three to ten storeys.
- 3.6 The immediate street frontage at this part of East India Dock Road is most notably characterised by the Grade II listed building at 52 East India Dock Road on the junction with Birchfield Street.
- 3.7 The existing building that would be linked to the subject proposal at second floor level, is a red brick, four-storey building with pitch roof which occupies a c-shaped footprint area, wrapped around an open courtyard. There is a garden area to the rear, with conservatory.

Relevant Planning History

- 3.8 In 2000 it was recommended that planning permission be granted subject to a section 106 legal agreement for the erection of a six storey building comprising a library and teaching facilities to the ground floor and student accommodation (in the form of 58 student study rooms) on the upper five floors. The legal agreement was never signed off and no decision notice sent out.
- 3.9 In October 2001 a detailed conservatory was approved to the rear of the existing development.
- 3.10 In May 2005 planning permission was granted for the erection of a 4-storey extension to provide additional study bedrooms, teaching and ancillary accommodation involving the formation of new vehicular access to Pinefield Close.
- 3.11 The subject site is phase II of a larger development proposed in the 1980's, including the Peabody buildings and the existing Urban Learning Foundation building.

Proposal

- 3.12 The application is for the development of a part 6, part 4, part 2 and part 1 storey building to provide the following accommodation:
- i. The ground floor has three teaching rooms, a reception with office, prayer room and café with associated facilities (including kitchen);
- 3.13 Over the upper floors 91 bedrooms, each with en-suite, are proposed within 11 cluster flats. Each flat has its own kitchen.
- i. The first floor has 29 bedrooms split up into four cluster flats (1x 5 person, 1x 7person, 1x 8 person and a 9 person unit);
 - ii. The second floor has 20 bedrooms split up into three cluster flats (1x 5 person and 1x 7 person, 1x 8 person unit);
 - iii. The third floor has 20 bedrooms split into three cluster flats (1x 5 person, 1x 7 person and 1x 8 person);
 - iv. The fourth and fifth floors have 11 bedrooms.
- 3.14 The flats will accommodate teacher training students who undertake school placements in East London. Short courses of one to two semesters make it unlike other colleges, where

students stay on a year to year basis. Teaching hours are not limited to 9- 5.30pm, and seminars extend into the early evening. The Foundation attracts a number of students from outside of London, and existing onsite accommodation is inadequate in light of the training hours. The following is a table of current and predicted occupation levels:

	Current Occupation	Future Occupation
Local (University of Gloucester) Students	125	150
Placement Students	80	140
Total	205	290

- 3.15 The applicant actively discourages students from bringing in their own cars, and existing students do not bring in their own cars to the Urban Learning Foundation. There are 14 members of staff presently, which would increase to 20. Whilst there are currently 11 car parking spaces an active campaign to limit staff car usage to those living outside a significant distance away from the site is encouraged.
- 3.16 Within the existing courtyard area, two disabled car parking spaces are to be provided with further provision for seven cars to the rear of the site, along the back wall with 1-7 Pinefield Close. Bicycle storage is also being accommodated within the existing courtyard.
- 3.17 The building would extend by 48.25 metres and be approximately 19.6 metres wide, falling back to 11.55 metres on upper floors. It is a distance of 5 metres from the western boundary. The rear of the building is stepped back, to take account of the sites setting. Whilst the first floor covers the same footprint area of the ground floor, the second and third floors are 15 metres shorter and the fourth and fifth are 17.65 metres less than those below.
- 3.18 The contemporary design of the building makes use of full glazing to all elevations. A white ceramic screen is to frame the top and western side of the front elevation, whilst the use of different glazing panels will add interest to the façade. Lettering is to be installed downwards on the east side of the front elevation to read 'Urban Learning Foundation'. The front entrance will be to the eastern side of the building also. There will be further provision of access at the rear of the site, coming from Pinefield Close, for refuse collection and all other servicing to the site.

4. PLANNING POLICY FRAMEWORK

Comments of Chief Legal Officer

- 4.1 The relevant policy framework against, which the Committee is required to consider planning applications includes the Governments regional planning advice, the London Plan 2004, the Council's Community Plan and the adopted Unitary Development Plan (UDP) 1998.
- 4.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 4.3 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will be replaced by a more up to date set of plan documents, which will make up the Local Development Framework (LDF) and has recently been published for public consultation.
- 4.4 The report takes account of the policies in Government advice, the London Plan 2004, the statutory UDP 1998.
- 4.5 In accordance with Article 22 of the General Development Order 1995, Members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.

4.6 The following Unitary Development Plan **proposals** are applicable to this application:

- (1) Flood Protection Areas

4.7 The following Unitary Development Plan **policies** are applicable to this application:

- (1) DEV1 and DEV2 – General Design and Environmental Requirements
- (2) DEV3 – Mixed use development
- (3) DEV4 – Section 106 obligations
- (4) DEV13 – Landscaping
- (5) DEV50 – Noise
- (6) DEV51 - Contaminated Land
- (7) DVE56 - Recycling facilities
- (8) HSG6 - Density
- (9) HSG13 – Internal residential space standards
- (10) HSG14 – Special needs accommodation
- (11) T15 – Transport and Development
- (12) T16 – Traffic priorities for new development
- (13) T17 – Planning Standards
- (14) EDU4 – Further or Higher Education
- (15) EDU9 – Provision new training facilities
- (16) U2 – Development in areas at risk from flooding
- (17) U3 – Flood protection measures

4.8 The following Community Plan **objectives** are applicable to this application:

- (1) A better place for living safely
- (2) A better place for living well
- (3) A better place for learning, achievement and leisure

5. **CONSULTATION**

5.1 The following were consulted regarding this application:

(1) **Design and Conservation**

No objection subject to condition for approval with opaque glazing panels.

(2) **Access Officer**

No formal comments received.

(3) **Building Control**

For building regulation purposes, a lack of information is provided. Therefore the applicant will require discussion with Building Control, prior to the commencement of the development.

(4) **Highways**

Travel statement satisfactory. Therefore, no objection to the proposal subject to a Green Travel Plan (i.e. commitment for the end users of the building to sustainable transport).

(5) **Transport for London - Street Management**

No objection to proposal.

(6) **Environmental Health**

No objection to the proposal, subject to standard conditions and consideration of the following points:

- i. The developer shall consult the Food Safety Team on the construction of the café.
- ii. The kitchen adjacent to ground floor exit from each flat was not in an optimum position for fire safety.

The daylight, sunlight report provided by the applicant was considered satisfactory.

Air Quality Officer

Applicant should submit a construction plan.

Contaminated Land Officer

The subject site was adjacent to an engineering works. Consequently, elevated levels of contaminants within the substrate may be present. Therefore, a condition to ensure site investigation is carried out will be required.

(7) **Education Dept**

No objection to the proposal.

(8) **Cleansing Officer**

No representations received.

(9) **Head of Planning Policy**

The proposal finds general support in the adopted Unitary Development Plan and London Plan. The potential benefits associated with the proposed use are clear and in line with strategic policy direction set out in these documents.

However, they raised other concerns which were:

- Density is high, rooms are small and there is limited access to amenity space.
- Further justification should be provided for the level of parking proposed for the D1 teaching element.
- The Access statement should be expanded to show how the accessible rooms being provided address planning standards.

5.2 Responses from neighbours were as follows:

No. Responses: 0 In Favour: 0 Against: 0 Petition: 0

5.3 Site Notice

Yes – dated 7 October 2005

5.4 The applicant erected a display board within the foyer of the existing Urban Learning Foundation Building showing images of the site as would appear once developed.

6. **ANALYSIS**

Land Use and Principle

6.1 In view of the existing educational use at neighbouring building at East India Dock Road, the proposed educational use with ancillary student accommodation is considered acceptable in principle. Council policy EDU4 of the London Borough of Tower Hamlets Unitary Development Plan (1998) encourages proposals for extended further education uses, subject to their proximity to public transport and it accords with other policies in the UDP. Furthermore, Council policy EDU9 also seeks to encourage new training facilities. It is considered that the proposal will be beneficial to the Boroughs educational needs, as well as the whole of the east of London. Consequently, it is considered that, the proposal is acceptable in land use terms.

- 6.2 The rooms would accord with the Councils Supplementary Planning Guidance on Residential Space standards (1998) for main bedrooms for one person since the proposed floor area for each flat is 14m² (including en-suite). Furthermore, the provision of student cluster flats is considered to be in accordance with Council policy HSG14 of the London Borough of Tower Hamlets Unitary Development Plan (1998) which seeks to ensure that there is no loss of permanent housing (para 5.29) through the development of special needs accommodation.
- 6.3 The proposed density is 722 habitable rooms per hectare. In accordance with the London Plans (2004) public transport accessibility index, this site has a PTAL rating of 4-6 (being within a central setting with large building footprints, and buildings of four to six storeys and above). Consequently, it is considered that the proposed density would be in accordance with the London Plan that sets a density range of 650 to 1100 habitable rooms per hectare.

Design

- 6.4 The proposal has been the subject of extensive pre-application consideration. Along East India Dock Road, the proposed 6-storey frontage is considered to have no detrimental impact upon the integrity of the streetscape. The surrounding area has a mixture of building heights for it to take its context from. Furthermore, it is noted that the Council has previously considered a six-storey building at the site favourably. Therefore, it is considered that the proposal is in accordance with Council policy DEV1 of the London Borough of Tower Hamlets Unitary Development Plan as the scale of development is sympathetic to the surrounding context.
- 6.5 The stepped rear elevation is considered to be in keeping with the scale of development to the rear of the site also. Originally, there was concern about the proximity of the boundary of 56 East India Dock to 54 East India Dock Road. Consequently, the western elevation has been set back from first floor level upwards to address this concern. In view of the orientation of the proposal site with respect to neighbouring development, it is considered that the proposal is not contrary to Council Policy DEV1, criterion 3 that seeks to ensure the continuity of existing building lines.
- 6.6 The overall layout of the site, including the provision of refuse storage, is considered to maximise the potential of the site and is in accordance with Council Policy DEV1, criterion 6, of the London Borough of Tower Hamlets Unitary Development Plan (1998) since the proposal provides adequate soft landscaping and treatment to boundary lines.

Amenity

Overlooking/Loss of privacy

- 6.7 The proposal has taken into consideration its context to the residential units along Pinefield Close. Angled windows have been installed to safeguard the amenity of occupiers of the subject site, as well as those at Pinefield Close. No objections have been received from residents, or from the Peabody Trust. Overall, the proposal is considered to be in accordance with Council policy DEV2 which seeks to protect the amenity of residential occupiers.
- 6.8 Further to DEV2, a minimum distance of 18 metres between opposite habitable rooms is sought. In mind of the above, the design has taken this on board and the site is far enough away to ensure that this standard is met.

Daylight/Sunlight

- 6.9 Daylight and sunlight reports produced by Wilkes Head and Eve (July 2005) were submitted with the application. It is considered that, in accordance with the findings reported by Wilkes Head and Eve for the Urban Learning Foundation, the proposal would have a minimal impact upon the existing daylight and sunlight levels of neighbouring occupiers at Pinefield Close and to residents at Rosefield Gardens. Consequently, the proposal is considered to comply with Council policy DEV2, criterion 2 of the London Borough of Tower Hamlets Unitary Development Plan, which seeks to protect the amenity of adjacent occupiers.

Noise

- 6.10 Council policy DEV50 of the London Borough of Tower Hamlets Unitary Development Plan (1998) seeks to ensure that developers consider neighbouring occupiers during the course of construction of development. Consequently, a condition to ensure a construction plan is submitted has been proposed to ensure that the developer does not produce unacceptable levels of noise within 'unsociable hours'.
- 6.11 No complaints relating to noise have emerged in connection with the existing educational use at the neighbouring site. The manner in which the facility would be used is considered to be unlike the majority of student halls of residents. Consequently, it is considered that the proposal is in accordance with Council policy DEV2 of the London Borough of Tower Hamlets Unitary Development Plan (1998). No objection has been received on noise grounds and the Council has the power to act on any complaints subsequent to the occupation of the development. Nonetheless, it is to be conditioned that no noise shall be audible from outside the site.

Contaminated Land

- 6.12 The proposal site is found to be within proximity to the historic siting of an engineering works. Consequently, there may be elevated levels of contaminants within the substrate. Therefore, it is to be conditioned, in accordance with Council policy DEV51 of the London Borough of Tower Hamlets Unitary Development Plan that an investigation into the soil is carried out prior to construction.

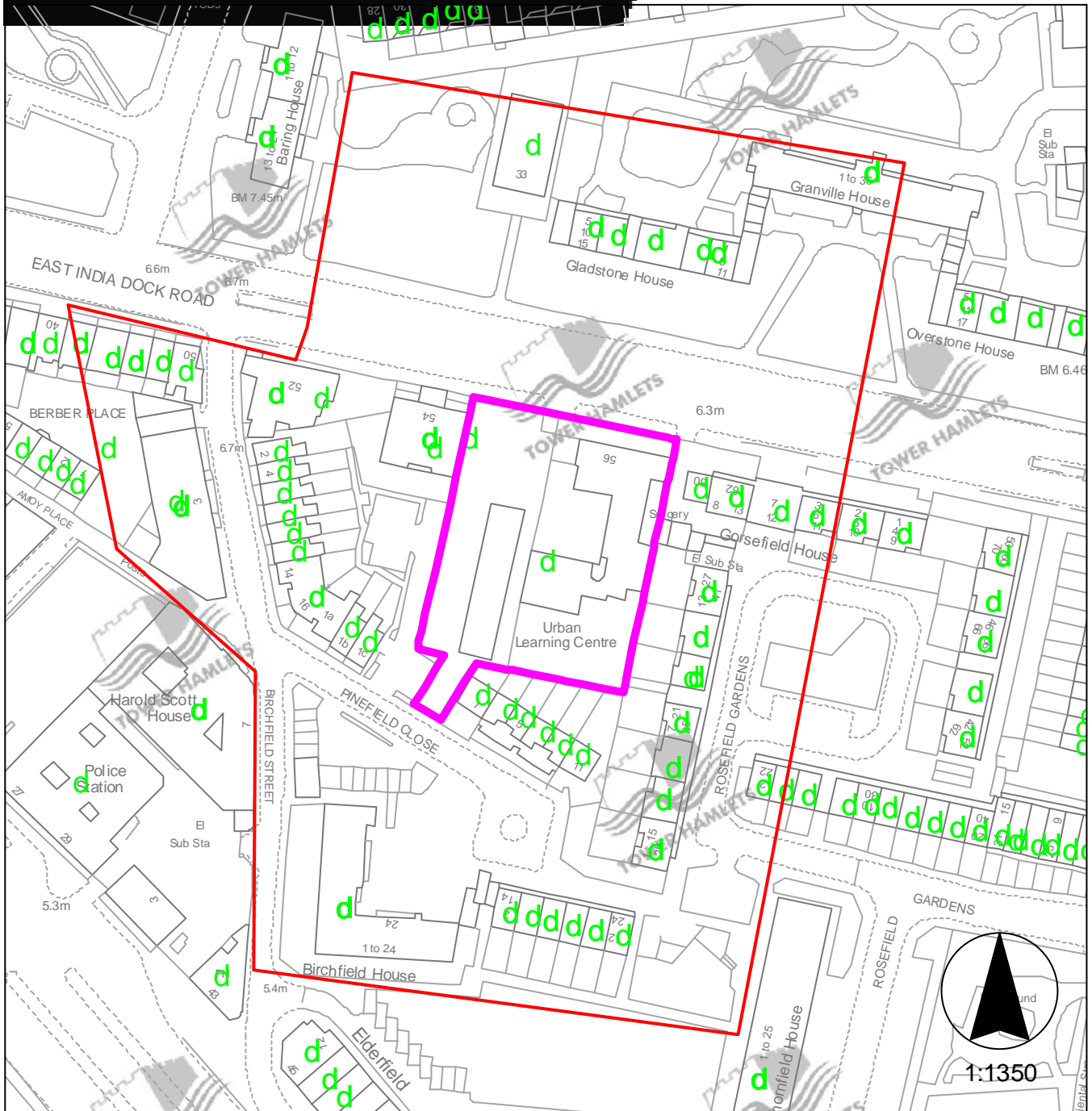
Highways

- 6.13 The subject site is within close proximity to good public transport links. The Docklands Light Railway (Westferry station) is within a five to ten minute walk from the site. Furthermore, a bus stop stands directly outside the site, which is served by bus numbers 15 (Paddington to Blackwall), 115 (East Ham to Aldgate), and D6 (Isle of Dogs to Hackney), which run every 8-15 minutes.
- 6.14 The site is also near to the junction with Burdett Road, which serves bus numbers D3 (Bethnal Green to Isle of Dogs), D7 (Poplar to Mile End) and 277 (Highbury and Islington to Leamouth), which run every 7 to 15 minutes.
- 6.15 In view of the proposed use, it is considered that the development would not require a car free legal agreement. Furthermore, the Council is satisfied with the details provided within the Transport statement submitted which shows that local transport availability and car parking provision on site meet the demand that would be produced from the proposal. The requirement of a green travel plan is considered unnecessary as the proposal includes the provision for cycle storage, and with minimal car parking provision on site is in accordance with Council policy T17 of the London Borough of Tower Hamlets Unitary Development Plan (1998).

7. SUMMARY

- 7.1 Overall, the proposal is considered to comply with Council policy and as such the Council is minded to approve the proposal subject to conditions outlined in section two above.

Site Map



Legend

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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

56 East India Dock Road, London, E14 6JE

Agenda Item 7

Committee: Development Committee	Date: 21 December 2005	Classification: Unrestricted	Report Number: DC035/056	Agenda Item Number: 5.2
Report of: Director of Development and Renewal Case Officer: Gillian Nicks		Title: Town Planning Application Location: The Fountain Public House, 123 Sceptre Road, London, E2 0JU Ward: Bethnal Green South		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01671

Date Received: 04/10/2005

Last Amended Date: 11/10/2005

1.2 Application Details

Existing Use:

Public House

Proposal:

Demolition of existing public house and erection of a five storey plus basement building comprising 208 sq.m of A3 (Restaurant/ café/ snack bar) use at basement and ground floor level including installation of a full height fume extraction duct on the internal rear wall with eight flats on upper floor levels comprising two, one-bed flats, and six two-bed flats.

Applicant:

Cross Pears Ltd

Ownership:

As above

Historic Building:

Not applicable

Conservation Area:

Not applicable

2. RECOMMENDATION:

2.1 That the Development Committee **grant** planning permission subject to:

1. A section 106 car free legal agreement
2. Conditions outlined below:

- (1) Three year time limit
- (2) Control of hours of construction
- (3) Control of hours of operation:

Sunday to Thursday 9am – 10.30pm

Friday to Saturday 9am – 11pm

- (4) Reserved matters:
 - a. Obscured glazing screens shall be installed to the balconies on the west elevation at head height;
- (5) No music shall be audible from outside the building.
- (6) Measures to ensure no impact upon tree during construction
- (7) Contamination Report

3. Informatives

- (1) Future Advertisement consent maybe required for the A3 use
- (2) Required to contact Environmental Health prior to development
- (3) Required to contact Building Control prior to development

3. BACKGROUND

Site and Surroundings

- 3.1 The application site is situated on the north-west corner of the junction of Braintree Street and Sceptre Road, south of Roman Road. It is occupied by a two-storey public house. The building footprint is an irregular hexagon that does not cover the curtilage area of the site.
- 3.2 The surrounding area is predominately residential, though a school occupies the south-west corner of Braintree Street and Sceptre Road.
- 3.3 To the immediate north and west of the site are Silvester and Forber House respectively. These are part of a larger nineteenth century residential housing estate, consisting of predominately five storey, including mansard, buildings that characterise the area to the west of the site between Roman Road and Cornwall Avenue. An alley entrance to the estate runs between the subject site and Forber House.
- 3.4 To the eastern side of Sceptre Road are later five-storey residential flat developments, within the Rogers Estate, whilst Pavan Court consists of a part 2, part 4 residential block.
- 3.5 Within the surrounding area two pubs are located within close proximity, 131 Globe Road, approximately 130 metres north and at 30 Massingham Street, approximately 325 metres to the south.

Relevant Planning History

- 3.6 None

Proposal

- 3.7 Application is made for full planning permission for the erection of a five-storey building, plus basement, to provide 450 m² of residential and 208 m² of A3 class use. The residential use would consist of 2x1 bed and 6x 2 bed flats over upper floors, with A3 use at ground and basement level.
- 3.8 The entrance to the residential units would be from Sceptre Road, with lift and stairs to upper floors. This access would allow entrance into the rear outdoor space, to be occupied by the A3 use. Off from this entrance will be cycle provision (seven bikes) and refuse storage.
- 3.9 The outdoor space to the rear would accommodate four picnic benches and some soft landscaping along the back wall with the alleyway between the site and Forber House. Secondary access to this space will also be available off from Braintree Street, between the back wall and an existing electricity sub-station.
- 3.10 The rear building line of the proposed development would extend beyond the existing public house. The existing line extends 13.8 metres from the Sceptre Road frontage, whilst that of the proposal would be at a depth of 16 metres, at ground floor level. On the top floor the rear building line would extend from 10.2 metres to 11.2 metres.
- 3.11 The building would have a contemporary design, with white render and zinc roofing as the principle materials to the elevation and roof. Juliet balcony detail is proposed to the east and south elevations. The south elevation would incorporate timber-framed sliding doors at ground floor level, which would complement the neighbouring sub station, which is to be timber clad. Three dormer windows would be installed at roof level with Juliet balconies. The east elevation would include gated entrance to the residential units and the open space to the rear. In addition to Juliet balcony details there would be porthole windows at ground, first, second and third floors. The west elevation would include curved walling with balconies to provide amenity space to the residential units.
- 3.12 The floor heights within the proposed development would be lower than those at the neighbouring Sylvester House. However, the mansard roof of Sylvester House is at the same height as the dormer windows of the development, whilst the existing chimney breast at Sylvester House is at a height of 2.1 metres above the proposed roof level.

4. PLANNING POLICY FRAMEWORK

Comments of Chief Legal Officer

- 4.1 The relevant policy framework against, which the Committee is required to consider planning applications includes the Governments regional planning advice, the London Plan 2004, the Council's Community Plan and the adopted Unitary Development Plan (UDP) 1998.
- 4.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 4.3 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework (LDF) which has recently been published for public consultation.
- 4.4 The report takes account of the policies in Government advice, the London Plan 2004, the statutory UDP 1998.
- 4.5 In accordance with Article 22 of the General Development Order 1995, Members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.
- 4.6 No Unitary Development Plan **proposals** effect this site.
- 4.7 The following Unitary Development Plan **policies** are applicable to this application:
- (1) DEV1 and DEV2 – General Design and Environmental Requirements.
 - (2) DEV3 – Mixed Use Developments
 - (3) DEV4 - Planning Obligations
 - (4) DEV12 – Provision of landscaping in Development
 - (5) DEV15 - Retention/replacement of mature Trees
 - (6) DEV50 – Noise
 - (7) DEV51 – Contaminated Land
 - (8) EMP2 – Retaining existing employment uses
 - (9) HSG1 – Provision for housing Development
 - (10) HSG2 – Location of New Housing
 - (11) HSG3 – Affordable Housing
 - (12) HSG6 – Accommodation over shops
 - (13) HSG7 – Dwelling mix and type
 - (14) HSG10 – Density of new housing development
 - (15) HSG15 – Preservation of residential character
 - (16) T15 – Location of New Development
 - (17) T16 – Traffic priorities for New Development
 - (18) T17 – Planning Standards
 - (19) S7 – Development of special uses
 - (20) S12 – Residential use of upper floors
- 4.10 The following Community Plan **objectives** are applicable to this application:
- (1) A better place for living safely
 - (2) A better place for living well
 - (3) A better place for creating and sharing prosperity

5. CONSULTATION

- 5.1 The following were consulted regarding this application:

(2) **Head of Building Control**

No objection in principle.

(3) **Environmental Health**

Advises approval of the type of plant and equipment to be used, and their noise output in A3 unit and layout of noise producing equipment within the building, will be required. Also recommends an intrusive investigation to identify the nature and extent of any contamination at the site.

(4) **Head of Highways Development**

The site is located within an area of good public transport accessibility. Parking in the area is at saturation level and no provision is being made for off street parking. No objection subject to a car free agreement.

(5) **Horticultural Officer**

No objection.

5.2 Responses from neighbours were as follows:

No. Responses: 4 In Favour: 0 Against: 3 Petition: 1

The petition contained 89 signatures.

Objections received can be summarised as follows:

- i. Development could result in more cars being parked within the vicinity of the school causing even more difficulties for the staff and pupils.
- ii. Loss of public house.
- iii. Late night license for restaurant/ café.
- iv. Loss of sunlight and daylight from scale of proposed developed and increased sense of enclosure.
- v. Increased density in small area.
- vi. Impact on tree at site.
- vii. Increased noise levels and extended use of restaurant pub.
- viii. Access to site from path between site and Forber House.
- ix. Flat roof detract from pitched roof scene.
- x. Stepped shape, mass and materials of building out of keeping with buildings in area.
- xi. Concerns for other items – a/c units, alarms, exterior lighting and signage etc.
- xii. Restaurant use may give rise to unpleasant smells.
- xiii. Effect construction would have on foundations to Sylvester House.

5.5 Site Notice:

Yes – dated 2 November 2005.

6. ANALYSIS

Land Use and Principle of Development

- 6.1 There is no policy in the 1998 Unitary Development Plan to protect public houses. Whilst emerging policy in the Local Development Framework seeks to safeguard the loss of public houses, being a much valued part of communities within the east end of London, in this case, the proposal will not create a shortage of public houses as there are other pubs within easy walking distance from the site (as discussed in section 3.5).
- 6.2 In view of the predominately residential use of the surrounding area, in principle the proposal

for residential and the introduction of A3 use (restaurants, snack bars and cafes) in lieu of a public house is considered acceptable.

- 6.3 Policy S7 of the Unitary Development Plan 1998 says proposals for restaurants will be considered in light of:
- i. Amenity of nearby residents;
 - ii. On-street car parking;
 - iii. Free flow of traffic;
 - iv. Other policies within the Unitary Development Plan; and
 - v. Adequate measures for ventilation where food will be prepared on premises (see section 6.14).
- 6.4 There are no highway objections and in view of the above and the existing public house at the site, it is considered the proposed restaurant is acceptable.
- 6.5 Unitary Development Plan policies HSG1 and HSG2 seek to encourage residential proposals within localities that are adequately serviced, and overall a satisfactory residential environment can be assured. Given the surroundings, it is considered this test is met. The proposed mix is considered satisfactory in accordance with policy HSG7. Family accommodation is not considered suitable over a restaurant in a situation where only a limited amount of amenity space can be provided.

Design

- 6.6 The proposal has been subject to pre-application discussion and account has been taken of the surrounding area in the design. Whilst the site is not within a conservation area, existing rooflines of neighbouring sites are replicated and it is considered that the design meets policy DEV1 of the Unitary Development Plan.
- 6.7 Objection has been raised regarding the stepped form of the building and that the flat roof does not comply with the building form of the surrounding area. However, the stepped form (at first and fourth floor) would reduce the bulk of the building and would be softened by the curvature to the west elevation and it is considered that the stepped form would be appropriate at this corner position.

Amenity

Overlooking/Loss of privacy/ Sense of enclosure

- 6.8 Objection has been raised with regard to the overlooking and the loss of privacy and sense of enclosure to adjacent occupiers, particularly at Forber House to the west.
- 6.9 The proposed building line would be forward of Sylvester House and policy DEV2 requires for a distance of 18 metres between opposite habitable rooms. In this case, the west elevation includes windows and balconies to all residential floors with a minimum distance between habitable rooms of 9 metres. To maintain privacy, it is recommended that any permission be conditioned to require head height screens, replacing proposed balustrades.

Sunlight/Daylight

- 6.10 The siting of the proposal is such that, whilst the morning sunlight received by Forber House will be reduced, the scheme would comply with the standards of the Building Research Establishment. Furthermore, daylight to properties in the northern part of Forber House and Sylvester House is already effected by a tree located to the north-west boundary of the site. The scheme would not materially effect conditions. There would be minimal impact upon occupiers opposite the site within the Rogers Estate and no impact on sites south of Braintree Street.
- 6.11 White render proposed as a facing material for the building would also assist in providing light to adjoining premises. Overall, it is considered that policy DEV2, criterion 2 of the Unitary Development Plan 1998, would be satisfied.

Hours of operation

- 6.12 At present, the public house is open until 11pm but with no planning condition on its hours of operation. Given the site is adjacent to residential occupiers, a condition to limit the hours of operation of the restaurant/café is recommended.

Noise and discharge

- 6.13 The restaurant would require a flue to ensure that the discharge of fumes is appropriately dealt with. It is proposed that a flue be fed internally, emerging at roof level to rise along side the lift overrun. This would ensure that there would be no detrimental impact on the streetscape and no adverse impact on adjoining occupiers.
- 6.14 Soft landscaping is proposed within the outdoor amenity area. It is considered that this, in addition to an existing 2.4 metre perimeter wall, will act as a buffer and help absorb any noise that may arise. Nevertheless, it is recommended that any permission be conditioned to ensure that music shall not be audible from outside the property. Overall, it is considered that the proposal would comply with policy DEV50 (Noise) of the Unitary Development Plan 1998.

Outdoor space/ Trees

- 6.15 An impact assessment of the development on the plane tree to the north west boundary of the site was submitted with the application. This concluded that whilst the new development would not adversely impact upon the tree's condition or upkeep, precaution measures should be secured by condition.

Other matters

- 6.16 The planning authority does not have the control over the installation of alarms, which would normally be considered de minimis. There is control over the erection of advertisements and associated lighting. At this stage the applicant is unable to provide this information. These would be submitted for approval at a later date and an appropriate informative is recommended.
- 6.17 No part of the site will be accessed from the path alongside Forber House and therefore objection on these grounds is not understood.

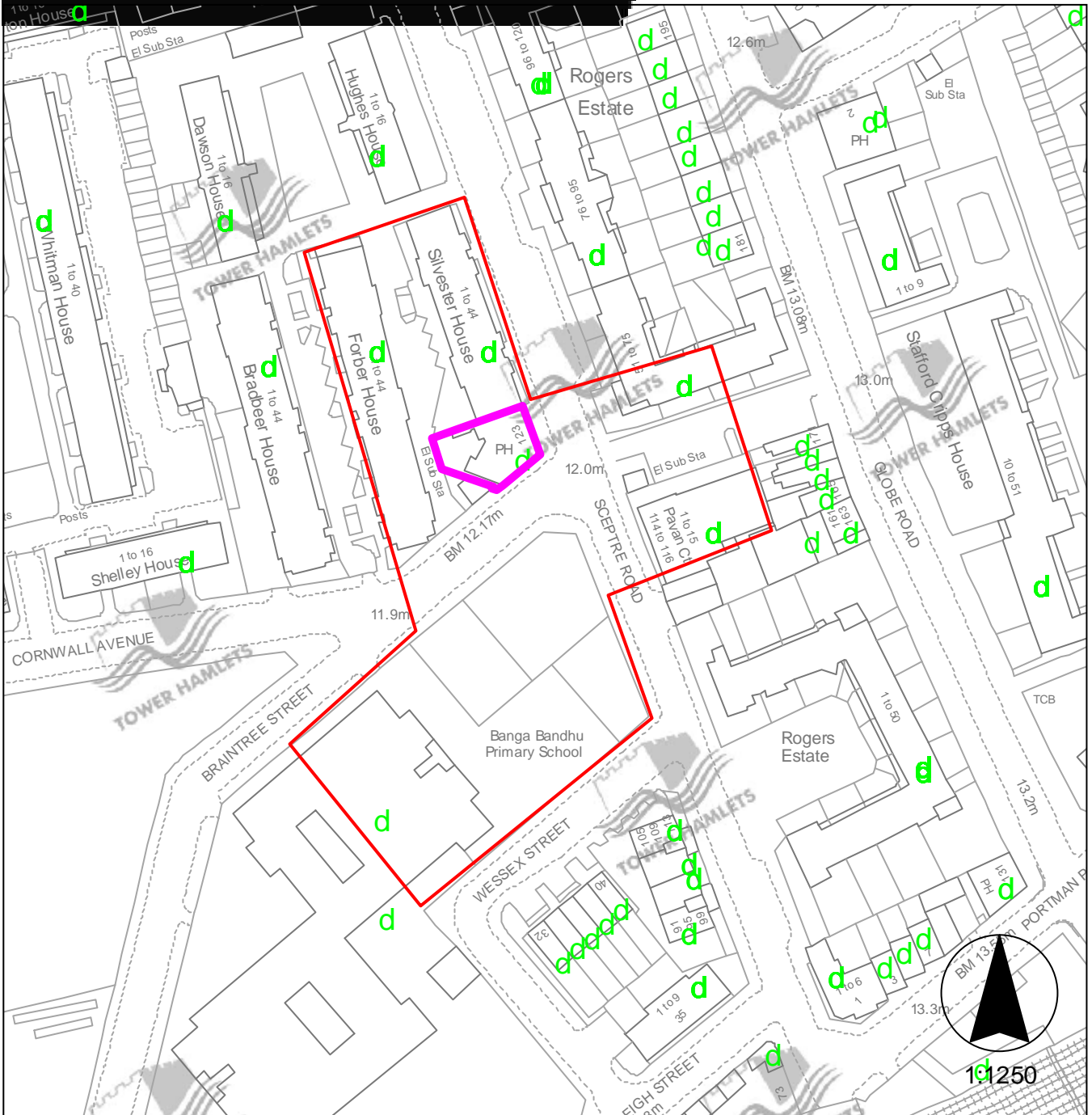
Highways

- 6.18 The site has good proximity to transport links with a PTAL 4-6 rating. Bethnal Green Tube (Central Line) and bus route no's D3 D6, 8, 106, 254 and 388 are all within five minutes walk from the site.
- 6.19 There is little off-street car parking provision in the surroundings and existing demand is saturated. Consequently, a car free legal agreement is recommended.
- 6.20 Whilst it is noted that objection include the potential for customers to the A3 use taking up car parking spaces within the immediate locality, it is considered that due to its location the majority of customers will come from the local area and by foot.
- 6.21 In accordance with policy T17 of the Unitary Development Plan 1998, cycle provision would be made within the curtilage of the site.

7. SUMMARY

- 7.1 Overall, the proposal for the erection of a five storey, plus basement, mix use building is considered to be in accordance with Council policy. As such it is recommended that planning permission be granted subject the conditions and legal agreement set out in section two above.

Site Map



Legend

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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

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