

Meeting of the

DEVELOPMENT COMMITTEE

Thursday, 4 March 2010 at 7.00 p.m.

(OR AT THE RISE OF THE STRATEGIC DEVELOPMENT COMMITTEE
MEETING)

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 Shafiqul Haque			
Vice-Chair: Councillor Choudhury		Alibor	
Councillor Helal Abbas		Councillor Shahed Ali,	(Designated Deputy representing Councillors Shafiqul Haque, Helal Abbas, Alibor Choudhury, Fazlul Haque, Shiria Khatun and Muhammad Abdullah Salique)
Councillor Rupert Eckhardt		Councillor Stephanie Eaton,	(Designated Deputy representing Councillor Tim O'Flaherty)
Councillor Fazlul Haque		Councillor Clair Hawkins,	(Designated Deputy representing Councillors Shafiqul Haque, Helal Abbas, Alibor Choudhury, Fazlul Haque, Shiria Khatun and Muhammad Abdullah Salique)
Councillor Shiria Khatun		Councillor Denise Jones,	(Designated Deputy representing Councillors Shafiqul Haque, Helal Abbas, Alibor Choudhury, Fazlul Haque, Shiria Khatun and
Councillor Harun Miah			
Councillor Tim O'Flaherty			
Councillor Muhammad Salique	Abdullah		

Muhammad Abdullah Salique)
Councillor Abjol Miah, (Designated Deputy
representing Councillor Harun Miah)
Councillor Abdul Munim, (Designated
Deputy representing Councillor Harun
Miah)
Councillor M. Mamun Rashid, (Designated
Deputy representing Councillor Harun
Miah)
Councillor Peter Golds, (Designated
Deputy representing Councillor Rupert
Eckhardt)
Councillor Tim Archer, (Designated
Deputy representing Councillor Rupert
Eckhardt)
Councillor Shirley Houghton, (Designated
Deputy representing Councillor Rupert
Eckhardt)

[Note: The quorum for this body is 3 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: Zoe Folley, Democratic Services,
Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Thursday, 4 March 2010

7.00 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. See attached note from the Chief Executive.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 3rd February 2010.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 14	
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4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To note the procedure for hearing objections at meetings of the Development Committee. **15 - 16**

6. DEFERRED ITEMS **17 - 18**

7. PLANNING APPLICATIONS FOR DECISION **19 - 20**

7 .1 Brick Lane Arches, London (PA/09/02087 and PA/09/02062) **21 - 44** **East India & Lansbury**

7 .2 83-89 Fieldgate Street, London E1 1JU (PA/09/02660) **45 - 54** **Whitechapel**

7 .3 Site at Land Bounded by Cordelia Street, Carron Close and Chrisp Street, London E14 (PA/09/02657) **55 - 80** **East India & Lansbury**

7 .4 137 Tredegar Road, London E3 2EA (PA/09/02084) **81 - 90** **Bow East**

8. OTHER PLANNING MATTERS **91 - 92**

8 .1 Lansbury Lawrence Nursery School, Cordelia Street, London E14 (PA/09/02134) **93 - 100** **East India & Lansbury**

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON WEDNESDAY, 3 FEBRUARY 2010

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Alibor Choudhury (Vice-Chair)

Councillor Helal Abbas

Councillor Fazlul Haque

Councillor Harun Miah

Councillor Tim O'Flaherty

Councillor Muhammad Abdullah Salique

Councillor Peter Golds

Other Councillors Present:

Councillor Tim Archer

Councillor Ahmed Hussain

Councillor Rania Khan

Councillor A A Sardar

Officers Present:

Stephen Irvine	– (Development Control Manager, Development and Renewal)
Bridget Burt	– (Senior Planning Lawyer, Legal Services, Chief Executive's)
Ila Robertson	– (Applications Manager, Development and Renewal)
Jen Pepper	– (Affordable Housing Programme Manager, Development and Renewal)
Nasser Farooq	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Shiria Khatun and Rupert Eckhardt for whom Councillor Peter Golds was deputising.

2. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:-

Councillor	Item(s)	Type of Interest	Reason
Helal Abbas	7.1	Personal	Correspondence received from concerned parties.
	7.3	Personal	Links with Tower Hamlets Community Housing Board.
Shafiqul Haque	7.1, 7.2, 7.3, 7.4	Personal	Correspondence received from concerned parties. Member of Tower Hamlets Community Housing Board.
Harun Miah	7.1, 7.2, 7.3, 7.4	Personal	Correspondence received from concerned parties.
Fazlul Haque	7.1, 7.2, 7.3, 7.4	Personal	Correspondence received from concerned parties.
Peter Golds	7.1	Personal	Correspondence received from concerned parties.
	7.2	Personal	Ward Member Correspondence received from concerned parties.
Tim O Flaherty	7.1, 7.2, 7.3, 7.4	Personal	Correspondence received from concerned

			parties.
Alibor Choudhury	7.1 7.3	Personal	Correspondence received from concerned parties.
Muhammad Abdullah Salique	7.1	Personal	Former Member of Tower Hamlets Community Housing Board.

3. UNRESTRICTED MINUTES

RESOLVED that the unrestricted minutes of the meeting held on 6th January 2010 be confirmed as a correct record of the proceedings.

4. RECOMMENDATIONS

The Committee **RESOLVED** that

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections and those who had registered to speak at the hearing.

6. DEFERRED ITEMS

None.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Land Between 154-192 Bruce Road, London, E3 (PA/09/02326)

Addendum Updated report tabled.

Mr Stephen Irvine, (Development Control Manager, Development and Renewal), introduced the report regarding the erection of one two storey and one three storey dwelling houses to provide one x two bedroom and one x three bedroom residential unit and landscaped public amenity space.

The Chair then invited representations from persons who had registered for speaking rights in accordance with the procedures for hearing objections, as set out in the Council's Constitution.

Ms Halima Khanom (Local resident) speaking in objection to the application considered that the site provided a valuable access route for residents. There was no play area near the site. If approved, there would be overshadowing, loss of daylight making the area unsafe. She also considered that Poplar HARCA did not carry out a proper consultation exercise. They did not consult her. There were no residents' signatures on the supporting petition.

Mr Richard Gray spoke in objection to the application on the grounds that the development would impact on adjoining properties, lead to a loss of open space, crime issues within an enclosed space. He also felt that the location of the development was inappropriate.

Reverend James Olanipekun (Local resident, Vice Chair Poplar HARCA Board) spoke in support of the application. He considered that he was present to represent the many families in Poplar who supported the scheme. It was true that there were some objections, but the community was crying out for better housing conditions. Families needed rehousing but were leaving due to the serious overcrowding. They have waited a long time for this. Poplar HARCA was a non profit organisation. He urged Member to approve the application.

Councillor Rania Khan, speaking in objection to the application, declared that she was a Board Member of the Poplar HARCA Finance Committee. She acknowledged that one of the Council's key ambitions was to bring more social housing into the Borough. However, the policy also states that any proposals should be sensitive to the local community and this clearly did not meet this criteria given the concerns. It would adversely affect quality of life, so Poplar HARCA should consider locating the development elsewhere. There would be overshadowing, loss of daylight, sunlight and loss of a valuable access route. If this community open space was taken away there would be children on the streets. On balance the application should not be supported.

Councillor Abdul Sardar speaking in objection stated that he shared and wished to support the views voiced by the many objectors. He acknowledged there were housing needs but considered that the application was unacceptable. He urged Members to listen to the objectors as they were living there.

Councillor Ahmed Hussain speaking in objection also considered that Poplar HARCA should listen to the local residents. He considered that the proposal would turn Poplar into a ghetto. He had visited the site and it was regarded as an open space and it should be left as an open space. He considered that the petition in support was signed by employees of the applicant. He urged the Committee to reject the application.

Ms Ila Robertson (Applications Manager, Development and Renewal) presented the detailed report in which she reported:

- 61 neighbouring properties were notified about the application, and the application was publicised on site. A petition containing 297 signatories was submitted in support together with 4 separate petitions opposing the development containing 211 signatories in total.
- Addressed the material concerns around loss of amenity, open space trees and the creation of crime.
- The proposal was situated in an appropriate location for the development.
- The site was not formally designated as a play area so an objection on these grounds could not be justified.
- The safe access thought to Rainhill Way would be maintained.
- Given the position and design of the proposals, there would be no amenity impact on the adjacent properties or noise nuisance.

Overall, it was considered that the proposal would provide a much needed residential development with a safe access route to Rainhill Way.

In response to the representations and the report, Councillor Alibor Choudhury stated that he had been lobbied by concerned parties but this had not influenced him in anyway. He stressed the importance of open space and questioned, if lost, how this would be mitigated. He also questioned whether the proposal exceeded the maximum density requirements for the site.

Councillor Harun Miah questioned the scope of the consultation exercise given the concerns over non receipt of consultation letters. Councillor Muhammad Abdullah Salique queried the degree of loss of light and the impact on adjacent properties.

Councillor Peter Golds also raised questions regarding the consultation given there were only two letters of objection yet the public gallery contained many objectors and the four petitions opposing the development contained 211 signatures. He expressed concern at the failure to acknowledge the site as a play area as it was regularly used by local residents as a play area. Councillor Golds also requested that the issues around loss of light and obstruction be clarified and queried how it was proposed that they be mitigated.

Members also expressed concerns regarding the distance between the development and the existing properties.

It was also considered that there was no input from the Metropolitan Police.

Officers answered each of the points raised by Members explaining;

- The scope of the consultation exercise exceeded the minimum requirements in the Council's Statement of Community Involvement.
- The proposal fell well within the density requirements in the key policies.
- The secure by design officer had provided measures to mitigate the safety concerns and loss of trees and a condition was recommended to ensure the landscape treatment was acceptable.
- Officers had to consider all objections no matter where from.
- The application was reviewed by the Council's Crime and Prevention Officer who considered that there would be no adverse impacts. Officers placed a lot of weight on their comments.
- The Council had a Metropolitan Police Safety Officer who visited the Planning Department on a regular basis and their views were fully taken into account.

Councillor Helal Abbas commented that the site had been used as a play space therefore this warranted itself to established use. He referred to the rising number of dwellings in the area due to the new nearby housing developments. There was only a limited amount of open space in the Borough and the Council should look to protect this. He acknowledged that whilst there was a shortage of housing in the area, taking away open space would create tensions and cause anti social behaviour. For these reasons he considered that the development was inappropriate.

After consideration of the representations and the officers report, Members were minded to refuse the application and on a vote of three for and five against, it was -

RESOLVED

That the officers recommendation to grant planning permission for the erection of one two storey and one three storey dwelling houses to provide one x two bedroom and one x three bedroom residential unit and landscaped public amenity space not be NOT ACCEPTED.

The Committee indicated that they were minded to refuse the planning application because of the following reasons -

- loss of housing amenity space;
- loss of sun light/daylight;
- Safety and security issues;
- Overdevelopment of the site;

7.2 Multi Storey Car Park, Selsdon Way, London, E14 (PA/09/02548)

Mr Steve Irvine (Development Control Manager), introduced the report seeking planning permission for construction of 5 x five-a-side floodlit all weather football pitches and ancillary facilities on the upper levels (5B, 6A, 6B, 7A and 7B) of the existing multi-storey car park.

The Chair then invited representations from persons who had registered for speaking rights in accordance with the procedures for hearing objections, as set out in the Council's Constitution.

Mr Ben Kelly (Applicant's Agent) spoke in support of the application. He advised that the Applicant had sought advice from officers, at the pre application stage, who considered that the scheme would assist the Council's aim of developing new leisure facilities in the Borough. However, the onus was on the applicant to demonstrate that the application would have no adverse impacts. Officers had also asked the applicant to provide a series of additional mitigation measures. They therefore withdrew their application and wrote to residents and as a result agreed to reduce the hours of operation to the minimum level it could be reduced to make it viable. It was feared that the proposal would result in increased anti social behaviour, but this would not materialise. There was demand for this facility in the area. There would be a bar in the premises but it would not serve any alcohol. The Applicant's team of consultants were very experienced. The Applicant managed a similar facility in central London which was well used and there was no adverse issues with floodlighting. There would be free usage for community groups. Mr Kelly considered that the proposal would not have any adverse impact on the surrounding area and therefore considered that it should be granted permission.

Councillor Tim Archer spoke in objection to the application. He advised that he was a ward Councillor for the area. He considered that the site was a commercial and residential area and the proposed scheme would be detrimental to both. It was located in an area where professionals from Canary Wharf would commute in to play football. It would not be a community facility. The facility would be built at eyelevel. The area already had a similar facility and this was sufficient. There would be a noise nuisance and it would create traffic and light pollution which was a huge concern. The local residents had already made complaints about the problems with anti social behaviour around the area and the proposal would add to this, if allowed. The hours of operation would turn the area into a '24 hour environment'. This was a quite area that usually 'closes' at 6pm. People travelling to the site by car would have to use the nearby Controlled Parking Zone. (CPZ) They would therefore be competing with residents for the limited spaces. The size of the pitch was too small and did not meet the requirements of Sports England.

Ms Ila Robertson (Applications Manager, Development and Renewal) presented the detailed report as contained in the circulated report, together with the reasons why planning permission was recommended for approval. The proposal would provide a new leisure facility for residents. She referred to the steps carried out to mitigate any adverse impacts. The hours of operation had been reduced. The impact of the development in terms of outlook, privacy

noise and light pollution was considered appropriate in relation to the residential amenity of adjacent properties and was in line with policy.

In reply to the representations and the report, Members made the following points.

Councillor Golds expressed concern over the adequacy of the sightlines and loss of open space. He contested the idea that the application provided a innovative way of creating new open space when it would close it off and make people pay for it. He stated that he had received correspondence from residents complaining about lack of community consultation. He queried the impact on Glengall Grove and the Isle of Dogs Bangladeshi Welfare Association. He considered that the development would generate increased parking and traffic congestion in those areas.

Members also expressed concern over the proposed hours of operation. Members considered that the estimated time for clearing the site of patrons of 10pm was unrealistic. It would take a lot longer than this to clear the site. Members were not persuaded by the assurances provided about noise.

Members also feared that the patrons of the development would take up residents parking spaces in the nearby CPZ and there would be a lack of community usage. It was felt that the local community should be given full usage of the facility and there should be opportunities for community use of the building. A clear community use agreement needed to be agreed.

In reply to these points Ms Robertson reported:

- In terms of the consultation, officers had gone beyond what they were required to do as specified in the circulated report.
- There would be no adverse impact in terms of car parking as it was expected that 95% of the customers would use public transport as indicated in the trip rate assessment.
- There would be a car free agreement and opportunities for free usage for community groups.
- Addressed the concerns around floodlighting spillage, anti social behaviour, the function room, vehicle activity and anti social behaviour.

In conclusion, Members considered that the proposal would generate noise nuisance from patrons coming and going during unsociable hours, parking problems and increased traffic congestion in the surrounding areas and there would be unacceptable light pollution.

Consequently after consideration of the representations and the officers report, Members were minded to refuse the application and on a vote of 0 for and three against with five abstentions, it was –

RESOLVED

That the Officer recommendation to grant planning permission for construction of 5 x five-a-side floodlit all weather football pitches and ancillary facilities on

the upper levels (5B, 6A, 6B, 7A and 7B) of the existing multi-storey car park not be NOT ACCEPTED.

The Committee indicated that they were minded to refuse the planning application because of the following reasons -

The proposed development would result in:

- Increased parking and traffic congestion created by the proposed use to the surrounding site;
- Unacceptable light pollution/sightline issues;
- Increase on noise nuisance created by the proposed use;
- lack of local usage of the proposed facility.

Councillor Harun Miah left the meeting at 7.40pm.

Meeting adjourned at 7.40pm and reconvened at 7:50pm.

7.3 Land Between 32-34 Repton Street, Limehouse, E14 (PA/09/02562)

Mr Stephen Irvine, (Development Control Manager), introduced the report regarding the construction of a new build residential block of three storeys on existing car park site to provide 3 x three bedroom flats with associated amenity space

The Chair then invited representations from persons who had registered for speaking rights in accordance with the procedures for hearing objections, as set out in the Council's Constitution.

Mr M. Shahanur Khan (Local resident) spoke in objection to the application. He considered that the application would have an adverse impact on the environment, lead to overcrowding, loss of an access route, increase pressure on facilities, create parking problems and infringe residents rights to privacy. He considered that the Council should prioritise local tenants and that parking spaces should be allocated to local people. At a recent residents meeting, it was strongly felt that the existing car park should be retained. Nobody supported it. The Council should listen to the views of the residents.

Mr Paul Gendle, (the Applicant's Agent) spoke in support of the application. He considered that the existing car park was currently underused. He confirmed that everyone who currently had a right to park there would still be entitled to a space should the application be approved. This revised scheme included substantial anti social behaviour measures. It would provide much needed social rented unit and would enhance the local landscape.

Ila Robertson (Applications Manager, Development and Renewal) presented the detailed report. She referred to the material objections and addressed each one in turn. In summary she reported that the proposal would provide much needed social rented units with no adverse impact on the surrounding area. For that reason, the planning permission should be granted.

Ms Robertson addressed each point raised by the objectors and commented that:

- The Application complies with the London Plan which seeks to maximise provision of additional housing in London
- Confirmed that officers had visited Blount Street and it was considered that the proposal would not have a detrimental impact on that area.
- Members needed to balance the need for affordable housing as set out in the Community Plan against the issues raised in objection.
- The application was a resubmission of the planning application which was withdrawn in August 2009. The same people and the same level of consultation was carried out for both this application and the previous August 2009 scheme.

Members considered that the access arrangements were inadequate, that the loss of the 10 parking spaces was a significant issue given the difficulties with parking in the Borough and that the proposal would put an intolerable strain on the infrastructure and would significantly increase congestion. Members noted that 309 people had signed the petition against the proposal and queried whether the residents were made fully aware of the proposals. They felt that there was a lack of consultation.

Consequently after consideration of the representations and the officers report, Members were minded to refuse the application and on a vote of 0 for and 1 against with three abstentions, it was –

RESOLVED

That the Officer recommendation to grant planning permission for the construction of a new build residential block of three storeys on existing car park site to provide 3 x three bedroom flats with associated amenity space not be NOT ACCEPTED.

The Committee indicated that they were minded to refuse the planning application because of the following reasons -

- Potential overdevelopment of the site;
- Loss of car parking spaces;
- Highways and transport issues – loss of permeable access route;
- Loss of light;
- Impact on environment.

Under Part 4, Section 4.8, Rule 5.4 of the Council's Development Procedure Rules, Councillors Alibor Choudhury, Fazlul Haque and Mohammed Abdullah Salique could not vote on this item as they were not present at the start of the item.

7.4 Victoria Park, Bow, London (PA/09/02557)

Update report tabled.

Ms Ila Robertson (Applications Manager, Development and Renewal) presented the report regarding the application for planning permission concerning the Victoria Park, London.

Ms Robertson drew attention to the updated report and asked the Committee to consider the recommendations in that report.

The Committee requested that details of time limits be included in future reports.

On a unanimous vote it was -

RESOLVED That the application for the Demolition of toilet block, sports storage block, deer shelter and one o'clock club building be referred to the Government Office for London with the recommendation that were it within its authority to do so this Council would be minded to grant Conservation area consent and that the Head of Planning and Building Control is delegated power to recommend to the Secretary of State the condition set out in the report.

The meeting ended at 8.20 p.m.

Chair, Councillor Shafiqul Haque
Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

Provisions in the Council's Constitution (Part 4.8) relating to public speaking:

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be notified by letter that the application will be considered by Committee at least three clear days prior to the meeting. The letter will explain these provisions regarding public speaking.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant committee from time to time (see below).
- 6.3 All requests to address a committee must be made in writing or by email to the committee clerk by 4pm on the Friday prior to the day of the meeting. This communication must provide the name and contact details of the intended speaker. Requests to address a committee will not be accepted prior to the publication of the agenda.
- 6.4 After 4pm on the Friday prior to the day of the meeting the Committee clerk will advise the applicant of the number of objectors wishing to speak.
- 6.5 The order of public speaking shall be as stated in Rule 5.3, which is as follows:
 - An objector who has registered to speak
 - The applicant/agent or supporter
 - Non-committee member(s) may address the Committee for up to 3 minutes
- 6.6 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.7 Following the completion of a speaker's address to the committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.8 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the chair, committee members may ask questions of a speaker on points of clarification only.
- 6.9 In the interests of natural justice or in exceptional circumstances, at the discretion of the chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.10 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

Public speaking procedure adopted by this Committee:

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- For objectors, the allocation of slots will be on a first come, first served basis.
- For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the chair will ask the Committee if any member wishes to speak against the recommendation. If no member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.

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Agenda Item 6

Committee: Development	Date: 4 th March 2010	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director of Development and Renewal Originating Officer: Owen Whalley		Title: Deferred items Ref No: See reports attached for each item Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:
Application, plans, adopted UDP. draft
LDF and London Plan

Tick if copy supplied for register
✓

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

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Agenda Item 7

Committee: Development	Date: 4 th March 2010	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal Originating Officer: Owen Whalley		Title: Planning Applications for Decision Ref No: See reports attached for each item Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2008 (Consolidated with alterations since 2004)
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 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 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. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

✓

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 7.1

Committee: Development	Date: 4 th March 2010	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Mary O'Shaughnessy	Ref No: PA/09/02067 and 2082
	Ward: East India and Lansbury

1. APPLICATION DETAILS - PA/09/02067

Location:	Carriage way between 120 – 118 Bethnal Green Road, London
Existing Use:	Public Highway
Proposal:	The erection of a new stainless steel arch over the carriage way as part of a New Cultural Trail for Brick Lane.
Drawing Nos/Documents:	<u>Drawings:</u> 0914 001, 0914 201 REVC, 0914 202 0914 201 REVA, 0914 203 REVA, 0914 204 REVA, 0914 205 REVA, 0914 206 REVA, 0914 207 REVA, 0914 208 REVA, 0914 209 REVA, 0914 210 REVA, 0914 211 REVA, 0914 212 REVA, 0914 213 REVA, 0914 227 REVB, 0914 228 REVB, 0914 229 REVB, 0914 230 REVB, 0914 231 REVB, 0914 232 REVB, 0914 233 REVB, 0914 234 REVB, 0914 235 REVB, 0914 236 REVB and 0914 237 REVB. <u>Documents:</u> Design, Access and Impact Statement (Including Heritage Impact Statement), prepared by dga Architects. Lighting Assessment of Arches at Brick Lane, dated 17 th December 2009, prepared by Designs for Lighting.
Applicant:	London Borough of Tower Hamlets – Directorate of Communities Culture and Localities
Ownership:	Public Highway
Historic Building:	N/A
Conservation Area:	Fournier Street / Brick Lane Conservation Area

APPLICATION DETAILS - PA/09/02082

Location:	Carriage way between 74 Whitechapel High Street and 1 Whitechapel Road, London
Existing Use:	Public Highway
Proposal:	The erection of a new stainless steel arch over the carriage way of Osborn Street as part of a New Cultural Trail for Brick Lane.
Drawing Nos/Documents:	<u>Drawings:</u> 0914 002, 0914 214 REVD, 0914 215 REVA, 0914 216 REVA, 0914 217 REVA, 0914 218 REVA, 0914

219 REVA, 0914 220 REVA, 0914 221 REVA, 0914 222 REVA, 0914 223 REVA, 0914 224 REVA, 0914 225 REVA, 0914 226 REVA, 0914 227 REVA, 0914 228 REVB, 0914 229 REVB, 0914 230 REVB, 0914 231 REVB, 0914 232 REVB, 0914 233 REVB, 0914 234 REVB, 0914 235 REVB, 0914 236 REVB and 0914 237 REVB.

Documents:

Design, Access and Impact Statement (Including Heritage Impact Statement), prepared by dga Architects.

Lighting Assessment of Arches at Brick Lane, dated 17th December 2009, prepared by Designs for Lighting London Borough of Tower Hamlets – Directorate of Communities Culture and Localities

Applicant:

Public Highway

Ownership:

Historic Building:

N/A

Conservation Area:

Adjacent to Whitechapel High Street Conservation Area.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS - PA/09/02067

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.2 The proposed arch is considered acceptable in terms of design, bulk and scale. The arch is considered to be a modern addition to the area which will contribute to the creation of Brick Lane as a destination. This is in keeping with policy 4B.1 and 4B.2 of the London Plan (2008) saved policy DEV1 of the adopted Unitary Development Plan (1998), policies CP4, DEV2 and DEV14 of the Interim Planning Guidance (2007) and policies SO22, SO23 and SP10 of the Core Strategy Submission Version December 2009. These policies seek to ensure appropriate design within the Borough which contributes to the character of the area.
- 2.3 It is considered that the proposed arch will enhance the Fournier Street / Brick Lane Conservation area by merit of its modern design, definition of the northern entrance to Brick Lane and incorporation in a cultural trail. This is in line with PPG15: Planning and the Historic Environment policy 4B.11 and 4B.12 of the London Plan (2008) policy CON2 of the Interim Planning Guidance (2007) and policies SO22, SO23 and SP10 of the Core Strategy Submission Version December 2009. These policies seek to ensure appropriate development within Conservation areas that should either preserve or enhance the area.
- 2.4 It is considered that the proposed arch will result in the creation of a distinctive marker for the Brick Lane area which will help identify the area. It is not considered that the design of the arches which reflect the symbolism of a head scarf detracts from the role of the arches and the Brick Lane Cultural Trail's aims of promoting the area and the communities who live and work there. The design of the arch incorporates a motif the 'flower of life' which is a symbol seen throughout history and linked to various beliefs and faiths. Moreover, it is considered that the proposed arches would enhance the local area and contribute to the creation of social, physical, cultural and economic ties for these diverse communities. This is in line with policy 4B.8 and 3A.17 of the London Plan. These policies seek to ensure development

respects local context and communities.

- 2.5 The proposal is considered appropriate in relation to the residential amenity adjacent to the site in terms of daylight and sunlight, sense of enclosure and outlook, and illuminance. This is in line with saved policy DEV2 of the adopted UDP (1998) and DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- 2.6 In reference to transport matters, the proposed arch is well sited and would not impede pedestrian flow or cause a highway safety hazard. The arches are in keeping with design principles for an inclusive environment. Furthermore, it would not adversely affect the flow of vehicular traffic and cyclists. The proposal is considered acceptable and in line with policies 4B.3 and 4B.5 of the London Plan (2008), saved policies T16, T18, T19, T21 of the adopted Unitary Development Plan (1998), policies CP40, CP41, CP42 and DEV16 of the Interim Planning Guidance (2007) and policies SO19, SP08, SO20, SO21 and SP09 of the Core Strategy Submission Version December 2009. These policies seek to ensure that new developments would not have an adverse impact on the movement of pedestrians within the public realm and the movement of vehicles and cyclists within the highway network.
- 2.7 The proposed arch at Bethnal Green Road will act as a gateway to the Brick Lane area which is compatible with the existing land uses in the area and its role as a tourist destination. This is in keeping with ART10 of the adopted Unitary Development Plan (1998), policies CP12 and CP17 of the Interim Planning Guidance (2007), SPG Brick Lane Restaurant and Retail Uses and policies SO4 and SPO1 of the Core Strategy Submission Version December 2009. These policies seek to promote and protect existing tourism and evening and night-time areas within the Borough including Brick Lane.

2.8 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS - PA/09/02082

- 2.9 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.10 The proposed arch is considered acceptable in terms of design, bulk and scale. The arch is considered to be a modern addition to the area which will contribute to the creation of Brick Lane as a destination. This is in keeping with policy 4B.1 and 4B.2 of the London Plan (2008) saved policy DEV1 of the adopted Unitary Development Plan (1998), policies CP4, DEV2 and DEV14 of the Interim Planning Guidance (2007) and policies SO22, SO23 and SP10 of the Core Strategy Submission Version December 2009. These policies seek to ensure appropriate design within the Borough which contributes to the character of the area.
- 2.11 It is considered that the proposed arch will result in the creation of a distinctive marker for the Brick Lane area which will help identify the area. It is not considered that the design of the arches which reflect the symbolism of a head scarf detracts from the role of the arches and the Brick Lane Cultural Trail's aims of promoting the area and the communities who live and work there. The design of the arch incorporates a motif the 'flower of life' which is a symbol seen throughout history and linked to various beliefs and faiths. Moreover, it is considered that the proposed arches would enhance the local area and contribute to the creation of social, physical, cultural and economic ties for these diverse communities. This is in line with policy 4B.8 and 3A.17 of the London Plan. These policies seek to ensure development respects local context and communities.

- 2.12 It is considered that the proposed arch will enhance the Whitechapel High Street Conservation area by merit of its modern design, definition of the southern entrance to Brick Lane and and incorporation in a cultural trail. This is in line with PPG15: Planning and the Historic Environment policy 4B.11 and 4B.12 of the London Plan (2008) policy CON2 of the Interim Planning Guidance (2007) and policies SO22, SO23 and SP10 of the Core Strategy Submission Version December 2009. These policies seek to ensure appropriate development within Conservation areas that should either preserve or enhance the area.
- 2.13 The proposal is considered appropriate in relation to the residential amenity adjacent to the site in terms of daylight and sunlight, sense of enclosure and outlook, and illuminance. This is in line with saved policy DEV2 of the adopted UDP (1998) and DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- 2.14 In reference to transport matters, the proposed arch is well sited and would not impede pedestrian flow or cause a highway safety hazard. The arches are in keeping with design principles for an inclusive environment. Furthermore, it would not adversely affect the flow of vehicular traffic and cyclists. The proposal is considered acceptable and in line with policies 4B.3 and 4B.5 of the London Plan (2008), saved policies T16, T18, T19, T21 of the adopted Unitary Development Plan (1998), policies CP40, CP41, CP42 and DEV16 of the Interim Planning Guidance (2007) and policies SO19, SP08, SO20, SO21 and SP09 of the Core Strategy Submission Version December 2009. These policies seek to ensure that new developments would not have an adverse impact on the movement of pedestrians within the public realm and the movement of vehicles and cyclists within the highway network.
- 2.15 The proposed arch at Osborn Street will act as a gateway to the Brick Lane area which is compatible with the existing land uses in the area and its role as a tourist destination. This is in keeping with ART10 of the adopted Unitary Development Plan (1998), policies CP12 and CP17 of the Interim Planning Guidance (2007), SPG Brick Lane Restaurant and Retail Uses and policies SO4 and SPO1 of the Core Strategy Submission Version December 2009. These policies seek to promote and protect existing tourism and evening and night-time areas within the Borough including Brick Lane.

3. RECOMMENDATIONS for PA/09/02067 and PA/09/02082

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 3.3
- Time Limit (three years)
 - Materials – condition to secure detailed drawings at scale 1:20 of the proposed motif detail.
 - Lighting – condition to carry out post completion testing of the lighting.
 - Building in accordance with drawings
- 3.4 Any other planning conditions considered necessary by the Corporate Director Development & Renewal

Informatives

- 3.5
- Highways informatives regarding blocking the carriageway.
- 3.6 Any other informatives considered necessary by the Corporate Director Development &

Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for the erection of two arches at either end of Brick Lane which will form part of the Brick Lane Cultural Trail.
- 4.2 The first arch is located at the northern end of Brick Lane and is considered under reference number PA/09/02067. For the purposes of this report this arch will be known as the 'northern arch'.
- 4.3 The second arch is located at the southern end of Osborn Street and is considered under reference number PA/09/02082. For the purposes of this report this arch will be known as the 'southern arch'.
- 4.4 The proposed arches are contemporary sculptural forms which would provide a gateway to mark the entrance and exit of the Brick Lane Cultural Trail. The proposed arch would be constructed over a mild steel frame and would be clad with stainless steel panels which will include both brushed and polished stainless steel. The underside of the arch will consist of an inner layer of highly polished stainless steel with perforations cut-out to allow the internal illumination of the arch to pass through (diffused) and create a subtle glow of light. This inner layer will then have a second layer applied, consisting of filigree brushed stainless steel to provide the detail and create relief to the pattern.
- 4.5 The topside of the arch will consist of an inner layer of brushed stainless steel with an applied outer filigree layer of polished stainless steel to create the pattern. There will be no illumination of the outer side of the arch
- 4.6 The proposed pattern to be applied to the sculptural arch is based on the 'flower of life'. The 'flower of life' is the modern name given to the geometrical figure composed of multiple evenly-spaced, overlapping circles that are arranged so that they form a flower-like pattern with six-fold symmetry like a hexagon.

Site and Surroundings

- 4.4 The 'northern arch' is located at the junction between Brick Lane and Bethnal Green Road. The arch will span the carriage way at this location.
- 4.5 The northern part of Brick Lane is located within the Fournier Street / Brick Lane Conservation area. This section of Brick Lane is characterised by buildings varying in height from three to five storeys with a range of commercial uses at ground floor level with residential uses at the upper floors.
- 4.6 To the east of the proposed 'northern arch' there is a four storey building known as 120 Bethnal Green Road. It has frontages facing both roads. At ground floor level there is a restaurant – Casa Blue, at first floor level there is a book shop – Pathfinders and at second and third floor level it is in residential use.
- 4.7 To the west of the proposed 'northern arch' there is a building rising up to six storeys known as 'The Verge' (114 – 118 Bethnal Green Road) with frontages facing both streets. At ground floor level there is a bar with residential uses at the upper floors.
- 4.8 The 'southern arch' is located at the junction between Osborn Street, Whitechapel Road and

Whitechapel High Street. The arch will span the carriage way at this location.

- 4.9 The arch is located directly adjacent to the boundary of the Whitechapel High Street Conservation area. It is also adjacent to the Brick Lane Fournier Street Conservation area. This section of Brick Lane is characterised by buildings varying in height from one to five storeys with a range of commercial uses at ground floor level with some residential uses at the upper floors. Some of the buildings are wholly in commercial use.
- 4.10 To the east of the proposed 'southern arch' there is a building rising up to 4 storeys known as 1 Whitechapel High Street and 2 – 10 Osborn Street with frontages facing both streets. At ground floor level there is a restaurant 'The Clifton' and the upper floors are also in commercial use.
- 4.11 To the west of the proposed 'southern arch' there is a 4 storey building known as 74 Whitechapel High Street. It has frontages facing both roads. At ground floor level there is a restaurant and the upper floors are in residential use.

Planning History

- 4.12 The following planning decisions are relevant to the application:

- 4.13 PA/09/0206 The Council received an application for the erection of a stainless steel information board which forms part of the Brick Lane Cultural Trail at the eastern pavement between Osborn Street and 1 Whitechapel High Street. During the assessment of this application it was determined that permission was not required under Part 12 Development By Local Planning Authorities Class A (b) of the Town and Country Planning Act (General Permitted Development) Order 1995.
- 4.14 PA/09/02069 The Council received an application for the erection of a stainless steel information board which forms part of the Brick Lane Cultural Trail outside 2 Brick Lane at the junction with Old Montague Street. During the assessment of this application it was determined that planning permission was not required under Part 12 Development By Local Planning Authorities Class A (b) of the Town and Country Planning Act (General Permitted Development) Order 1995.
- 4.15 PA/09/02072 The Council received an application for the erection of a stainless steel information board which forms part of the Brick Lane Cultural Trail outside 86 Brick Lane. During the assessment of this application it was determined that planning permission was not required under Part 12 Development By Local Planning Authorities Class A (b) of the Town and Country Planning Act (General Permitted Development) Order 1995.
- 4.16 PA/09/02075 The Council received an application for the erection of a stainless steel information board which forms part of the Brick Lane Cultural Trail outside 146 Brick Lane. During the assessment of this application it was determined that planning permission was not required under Part 12 Development By Local Planning Authorities Class A (b) of the Town and Country Planning Act (General Permitted Development) Order 1995.
- 4.17 PA/09/02080 The Council received an application for the erection of a stainless steel information board which forms part of the Brick Lane Cultural Trail at land adjacent to 226 Brick Lane. During the assessment of this application it was

determined that planning permission was not required under Part 12 Development By Local Planning Authorities Class A (b) of the Town and Country Planning Act (General Permitted Development) Order 1995.

- 4.18 PA/09/02078 The Council received an application for the erection of a stainless steel information board which forms part of the Brick Lane Cultural Trail at the corner of 125 – 127 Brick Lane. During the assessment of this application it was determined that planning permission was not required under Part 12 Development By Local Planning Authorities Class A (b) of the Town and Country Planning Act (General Permitted Development) Order 1995.

- 4.19 PA/09/02128 The Council is currently assessing an application for the erection of an additional mansard storey at 74 Whitechapel High Street.

- 4.20 PA/02/00299 The Council granted planning permission dated 19th November 2002 for the “The construction of a building of basement, lower ground and ground plus twelve floors for Class B1 office use and uses within Classes A1 and A3; the construction of a building of basement and ground plus one floor for uses within Classes A1 and/or A3; the change of use and alteration of 39-51 Brushfield Street and 7-8 Steward Street to include works to adapt the buildings for uses within Classes A1, A3 and C3 (residential - 7 flats); the alteration of 47-49 Brushfield Street to facilitate the construction of a pedestrian way; the formation of open spaces including covered open spaces, pedestrian ways, associated landscaping, car parking and servicing facilities, all enabling works and works to existing structures including works to demolish buildings and structures which form part of the 1928 extension to the Old Spitalfields Market save for 39-51 Brushfield Street and 7-8 Steward Street.”

- 4.21 S106 – The associated Section 106 Agreement was signed dated 11th November
PA/02/00299 2002.

- 4.22 10th May 2007 Report presented and agreed by the Strategic Development Committee which set out the project list for spending of the S106 secured via PA/02/00299 and a deed of variation to extend the boundary. The Brick Lane Cultural Trail is one of the projects which forms part of the Council’s Capital Programme for spending this Section 106 monies.

- 4.23 19th February Update report presented and agreed by the Strategic Development
2009 Committee. This report set out amendments in priorities in respect of spending the Section 106 monies. The Brick Lane Cultural Trail was one of the projects which received increased amount of funding.

5.0 POLICY FRAMEWORK

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

Government Planning Policy Guidance/Statements

- 5.2 PPG15 Planning and the Historic Environment

Spatial Development Strategy for Greater London (London Plan)

- 5.3 3A.17 Addressing the needs of London’s diverse population
- 4B.1 Design principles for a compact city
- 4B.2 Promoting world-class architecture and design

4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.8	Respect local context and communities
4B.11	London's built heritage
4B.12	Heritage conservation

Unitary Development Plan 1998 (as saved September 2007)

5.4	Policies:	DEV1	Design Requirements
		DEV2	Amenity
		T7	The Road Hierarchy
		T16	Traffic Priorities for New Development
		T18	Pedestrians and the Road Network
		T19	Priorities for Pedestrian Initiatives
		T21	Pedestrian Needs in New Development
		ART10	Encouraging Visitor Facilities

Interim Planning Guidance for the purposes of Development Control

5.5	Core Strategies:	CP2	Equality of Opportunity
		CP4	Good Design
		CP12	Creative and Cultural Industries and Tourism
		CP17	Evening and Night-time Economy
		CP40	A Sustainable Transport Network
		CP41	Integrating Development and Transport
		CP42	Streets for People
		CP45	The Road Hierarchy
		CP49	Historic Environment
	Policies:	DEV1	Amenity
		DEV2	Character and Design
		DEV14	Public Art
		DEV16	Walking and Cycling Routes and Facilities
		CON2	Conservation Areas

Core Strategy Submission Version December 2009

5.6	SO1	Delivering Tower Hamlets' regional role
	SO4	Refocusing on our town centres
	SPO1	Town Centres – How are we going to get there
	SO19	Making connected places
	SP08	Connected Places – How are we going to get there
	SO20	Creating attractive and safe streets and spaces
	SO21	Creating attractive and safe streets and spaces
	SP09	Safe streets and spaces – How we are going to get there
	SO22	Creating distinct and durable places
	SO23	Creating distinct and durable places
	SP10	Distinct and durable places – How we are going to get there
	SO25	Delivering placemaking
	SP12	Placemaking – How we are going to get there
		Spitalfields Lap 1 & 2 Vision
		Spitalfields – How we are going to get there

Supplementary Planning Guidance/Documents

5.7	SPG Brick Lane Restaurant and Retail Uses, January 2002
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Community Plan The following Community Plan objectives relate to the application:

5.8	A better place for living safely
	A better place for living well

A better place for creating and sharing prosperity
A better place for learning, achievement and leisure
A better place for excellent public services

6.0 CONSULTATION RESPONSES

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

Transport for London (TfL)

6.3 In respect of the 'northern arch' at the junction of Brick Lane and Bethnal Green Road, TfL have advised that they do not believe it would have an unacceptable impact on the Transport for London Road Network (TLRN).

6.4 In respect of the 'southern arch' at the junction of Osborn Street and Whitechapel High Street TfL have provided the following comments: -

6.5 TfL have advised that subject to the below conditions being met, the proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN).

6.6 TfL advises that the current TfL's Streetscape Guidance recommends that brushed stainless steel should be used, as this would reduce glare and does not send confusing message to people who may have visual impairments.

6.7 *[Officer Comment: The proposed lighting statement sets out that the proposed arch will have a heavily diffused finish (Brushed Stainless steel to reduce reflections) to a height of 3m above pavement level and along its leading edge to reduce any possibility of reflections affecting oncoming drivers approaching the proposed arch.]*

6.8 Illumination for the proposed illuminated arch must be below the limit set out in the Institute of Lighting Engineer's (ILE) technical note no. 5 "The Brightness of illuminated advertisement".

6.9 *[Officer Comment: The submitted lighting assessment has been carried out in adherence with the above document and the Environmental Health Lighting Officer is satisfied with its contents. Please refer to paragraph 6.29 – 6.37.]*

6.10 The proposed illuminated arch must not have any intermittent light source, moving feature, animation or exposed cold cathode tubing.

6.11 All vehicles associated with the construction/ maintenance of the proposed arch must only park/ load/ unload away from the public highway.

6.12 Construction work for the proposal must only be undertaken outside the business hour of the local community; this is to ensure the smooth passage of traffic on the public highway network.

6.13 The footway and carriageway on A11 Whitechapel Road must not be blocked during the installation and maintenance of the proposal. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic on the TLRN (A11 Whitechapel

Road).

- 6.14 *[Officer Comment: – The information contained within paragraphs 6.10 – 6.13 will be placed in an informative on the decision notice.]*

LBTH Highways Department

- 6.15 During the course of the application amended drawings and clarifications were sought by the Highways Officer. Following this discussion and a review of the amended drawings and documents they are now satisfied with the location of the proposed arches and their impact on the surrounding highway network.

If planning permission is granted please include the following informatives:

- 6.16 Technical approval is required (from Public Works) for the proposed structures.
- 6.17 In accordance with the Highways Act 1980, the Applicant is required to apply for a projection licence for any structure which projects over the public highway. As part of the process for agreeing and issuing a licence, Technical Approval (BD2/05) must be submitted prior to this Council agreeing the licence (Contact Officer: Rosie Hoque).
- 6.18 Temporary obstruction during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic along Brick Lane and the surrounding highway.
- 6.19 No skips or construction materials shall be kept on the footway or carriageway on Brick Lane and the surrounding highway at any time.
- 6.20 All construction vehicles must only load/unload/park at locations and within the times permitted by existing on-street restrictions.

LBTH Environmental Health - Lighting

- 6.21 Initial comments from the Environmental Health Lighting Officer requested a methodology to mitigate light spillage/reflection.
- 6.22 Subsequent to these comments additional information was provided in form of a Lighting assessment of the arches at Brick Lane Report dated 17th December 2009. Following a review of this additional information, the Environmental Health Officer advised that they are happy following the further clarification in respect of safety for drivers and light spillage and as such have no more concerns.
- 6.23 *[Officer Comment: The above document will be approved as part of the planning application and the proposed arches shall only be lit in accordance with the details set out within this report. (Please see paragraph 6.8-6.9 and 8.29-8.37)]*

London Fire and Emergency Planning

- 6.24 To date no comments have been received.

Conservation and Design Advisory Group (CADAG)

- 6.25 The CADAG reviewed the proposals at the 9th November 2009 meeting and provided the comments below. It is noted that they reviewed the amended scheme at the 8th February 2010 meeting and their original comments still stand.

- 6.26 The concept: the symbolism – the head scarf – is faith specific to Islam (no matter what the notes say about Jewish and Huguenot women wearing head scarfs) therefore is not representative of the cultural diversity of the borough (either historic or current).
- 6.27 *[Officer Comment: The submitted proposal is being assessed by the Local Planning Authority (LPA) as a planning application against planning policy. It has been assessed in respect of Land Use (see paragraphs 8.2 – 8.5); Design (see paragraphs 8.6 – 8.28), Amenity (see paragraphs 8.29 – 8.37) and Highways (see paragraphs 8.38-8.44). This issue of symbolism is addressed in paragraphs 8.27-8.28.]*
- 6.28 The scarf motif has not created arches but canopies – therefore they are not graceful but bulky and ungainly and will interrupt important views into and from Brick Lane and Osborn Street. Also, they do not serve a useful function as shelters as they are over roadways.
- 6.29 The materials – polished and brushed steel are non-contextual, non-traditional and will not harmonise with the surrounding streetscape and architecture of the conservation area.
- 6.30 *[Officer Comment: Please refer to the Design and Conservation section of this report (paragraph 8.6 – 8.28) for a full discussion of the design and conservation matters.]*
- 6.31 Traffic engineering questioned – the arches are vulnerable to being struck by high-sided vehicles (indeed any vehicle). Trees and other furniture on Brick Lane don't last long before being knocked over or damaged.
- 6.32 *[Officer Comment: Please refer to the Highways Section of this report (8.38 – 8.44) Transport for London's comments (6.3 – 6.14) and the LBTH Highway Officer comments (6.15 – 6.20) for a full discussion of these matters.]*
- 6.33 The proposed material has no relevance to the heritage of the area, its present or its future nor is it in keeping with the public image that Tower Hamlets is trying to generate for itself.
- 6.34 In particular the side view of the arches would never be seen.
- 6.35 *[Officer Comment: Please refer to the Design and Conservation section of this report (paragraph 8.6 – 8.28) for a full discussion of the design and conservation matters.]*
- 6.36 The Jewish East End Celebration Society does not approve the concept overall, as stated in the review of consultation.
- 6.37 *[Officer Comment: Representations from Local societies are dealt with under section 7 of this report.]*
- 6.38 The scheme is budgeted at £2million.
- 6.39 Rubbish along the entirety of Brick Lane is a major problem for tourists and visitors to Brick Lane, surely this is more important to resolve with section 106 funds?
- 6.40 CADAG concerned at the overwhelming number of signs beginning to litter the streets as Council spends unspent budgets.
- 6.41 *[Officer Comment: In reference to paragraphs 8.59 – 8.6, it is noted that the cost of the project does not form part of the assessment of the planning merits of the planning application by the LPA. The existing problems raised by residents are noted by the LPA and will be passed to the relevant Council Departments.]*

- 6.42 In general CADAG did not support the arches for the following reasons:
- 6.43 Concern about the lighting and possible disturbance of neighbours adjacent to arches.
- 6.44 *[Officer Comment: Please refer to the Amenity section of this report (paragraphs 8.29 – 8.37) for a full discussion of the design and conservation matters.]*
- 6.45 Why an Arch? Why not a posts or something more subtle?
- 6.46 Need to clarify the content of the trail before designing how it is to be presented. The arches, gateways, and display boards, etc, should be designed in response to the analysis of the content.
- 6.47 Serious questions about the sustainability of both the concept and the implementation.
- 6.48 *[Officer Comment: Please refer to paragraphs 4.20 – 4.23 of this report which sets out the history of how the section 106 money was secured and the process through which decisions were made about what projects it would be used for. This does not form part of the assessment of the planning merits of the planning application by the LPA.]*
- 6.49 Arches too large, obstructive and extravagant.
- 6.50 *[Officer Comment: Please refer to the Design and Conservation section of this report (paragraph 8.6 – 8.28) for a full discussion of the design and conservation matters.]*
- 6.51 Proposals must incorporate the removal of all rubbish bins from the street.
- 6.52 The restaurants should put out the waste in properly sealed bags after hours for dawn collection as is done in restaurant areas elsewhere in London. One does not see dozens of on-street commercial refuse bins in the west end or anywhere else for that matter.
- 6.53 Also, there is virtually no commercial recycling in Brick Lane – it's strange to ask residents to recycle food waste while the restaurants throw out tonnes of the stuff each evening.
- 6.54 CADAG Suggestion: Most central London Restaurants do by using compactors or otherwise engaging commercial contractors 2- 3 times a day, which in a street with as many restaurants as Brick Lane is very feasible and economic.
- 6.55 *[Officer Comment: The existing problems raised by are noted by the LPA and will be passed to the relevant Council Departments.]*
- 6.56 *[Officer Conclusions: The comments and concerns raised by CADAG have been noted. However, the Conservation and Design Team did not raise an objection to the proposed arches and their comments are contained within the Design and Conservation Section of this report 8.6 – 8.28.]*

7. LOCAL REPRESENTATIONS

7.1 PA/09/02067 – 'northern arch'

- 7.2 A total of 167 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. Letters were sent dated 20th October 2009, 2nd December 2009 (consultation area extended) and 1st February 2010 (amended drawings). The application has also been publicised on site. The number of

representations received from neighbours and local groups in response to notification and publicity of the application received prior to 5pm on Thursday 18th February 2010 are reported below. Any representations received after this date will be reported in an update report to the Development Committee.

7.3 PA/09/02082 – ‘southern arch’

7.4 A total of 132 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. Letters were sent dated 20th October 2009, 2nd December 2009 (consultation area extended) and 1st February 2010 (amended drawings). The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application received prior to 5pm on Thursday 18th February 2010 are reported below. Any representations received after this date will be reported in an update report to the Development Committee.

7.5 The total number of representations received to date is:

7.6 No of individual responses: 158 Objecting: 158 Supporting: 0

7.7 No of petitions received: 0

7.8 The following local groups/societies made representations:

- The Spitalfields Trust
- The Spitalfields Society
- Open Shoreditch
- Sandy’s Row Synagogue

7.9 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

7.10 Highways

- The location of the arch is where there is extreme pedestrian and vehicular congestion. There are already conflicts between pedestrians, other street furniture and vehicles along Brick Lane.
- The arches are vulnerable to being struck by high vehicles.
- They will not improve the safety of the area.

7.11 [*Officer Comment: Please refer to the Highways Section of this report (8.38 – 8.44) Transport for London’s comments (6.3 – 6.14) and the LBTH Highway Officer comments (6.15 – 6.20) for a full discussion of these matters.*]

7.12 Maintenance

- Street furniture and trees along Brick Lane are damaged and don’t last long. The legs of the arches would be spoiled by posters and graffiti.

7.13 [*Officer Comment: As the maintenance will be undertaken by the Council an approved maintenance programme will be implemented.*]

7.14 Sustainability

- The proposed arches are not of a sustainable design and this is worsened by the fact that they will be lit.

7.15 *[Officer Comment: The illuminance of the arches will be controlled via condition which will allow control of the type of lighting used.]*

7.16 Local Distinctiveness and Culture

- The symbolism of the head scarf is faith specific to Islam and therefore is not representative of the cultural diversity of the Borough either historic or current.
- Brick Lane is an evening destination for young people and this is in conflict with the celebration of a religion.
- The proposal does not consider the needs of the diverse community and the people who live and work in and near Brick Lane.
- The design which clearly references a headscarf is exclusive to all the other faiths and ethnicities that comprise this lively diverse community. This is not a ghetto and we do not wish the place to be characterised as a ghetto, which a culturally specific boundary marker of this kind suggests.
- Because of the religious symbolism of the arches they will cause a wedge between Muslims and other faiths.
- The project with harm social cohesion within the area and enhance extremist attention and the Islamisation of the area.
- The steel minaret which has recently been erected is not desirable.
- Other communities and groups are unfairly neglected.

7.17 *[Officer Comment: The submitted proposal is being assessed by the Local Planning Authority (LPA) as a planning application against planning policy. It has been assessed in respect of Land Use (see paragraphs 8.2 – 8.5); Design (see paragraphs 8.6 – 8.28), Amenity (see paragraphs 8.29 – 8.37) and Highways (see paragraphs 8.38-8.4). This issue of symbolism is addressed in paragraphs 8.27-8.28.]*

7.18 Design and Conservation

- The arches are bulky and ungainly and will interrupt views into and from Brick Lane and Osborn Street. They do not serve a useful function.
- The arch is out of keeping with the local area and looks incongruous. It will make the area look like Disneyland.
- The arches fail to respect any of the historical and cultural references of this unique environment and it is not in keeping with the existing arch in Brick Lane.
- The design is ugly, ungainly and an imposition on the streetscape, of a style and material that jars with the brick construction of the surrounding buildings.
- Whilst not against the contemporary design it is considered that the arch is inappropriate in look, design and social needs requirements for Brick Lane.
- The arch is not in keeping with the plans to re-establish the Georgian Glory of the terraced buildings along Bethnal Green Road.
- The proposed style, size and material of the arches are incongruous and overbearing in the context of the relatively narrow and intimate historic street.
- The scale, materials and aesthetic are not in keeping with the historic area.
- The proposed materials – polished steel are non-contextual, non-traditional and will not harmonise with the surrounding streetscape and architecture of the conservation area. The materials have no relevance to the heritage of the area. It is a harsh metal.
- The proposed material – stainless steel does not weather well.
- The area is already saturated with signage and doesn't need anymore.
- Not in keeping with English Heritages Save Our Streets campaign which is working to omit clutter from our streets.

7.19 *[Officer Comment: Please refer to the Design and Conservation section of this report (paragraph 8.6 – 8.28) for a full discussion of the design and conservation matters.]*

7.20 Amenity

- The lighting of the arches will cause disturbance to neighbours
- Concern that the lighting of the arches will be similar to the lighting of the minaret

7.21 *[Officer Comment: Please refer to the Amenity section of this report (paragraphs 8.29 – 8.37) for a full discussion of the amenity matters.]*

7.22 Cost

- The cost of project at £2 million is unacceptable and existing problems along Brick Lane which should be solved first. These include:-
 - Commercial waste left on the street by restaurants. This does not happen in other areas of London and should be resolved.
 - Unregulated Sunday market which is now increasing on Saturdays
 - Violence and anti-social behaviour created by the night time economy

7.23 *[Officer Comment: The cost of the project does not form part of the assessment of the planning application by the LPA. The existing problems raised by residents are noted by the LPA and will be passed to the relevant Council Departments.]*

7.24 The following issues were raised in representations, but they are not material to the determination of the application:

7.25 The need for the arches

- Why do we need an arch or the cultural trail? Something more subtle such as posts would be better.
- A greener arch designed by Urban Horticulturists would promote the Council's Green Agenda
- Siting the arch in this location is a total waste of money as most people don't arrive at this point
- The money would be better spent on erecting some boards explaining the rich cultural heritage of Brick Lane which could be done at a fraction of the cost.
- Need for public toilets along Brick Lane
- Other art forms and cultures should have been explored for a concept for the design

7.26 *[Officer Comment: The LPA in carrying out its function is responsible for assessing the planning merits of the scheme submitted for consideration.]*

7.27 Other suggestions for spending Section 106 Money

- This is not an appropriate way to spend Section 106 money.
- The proposal does not resolve the legislative framework for planning obligations as defined by section 106: "Provide a means to enable the proposed development to proceed and to meet the needs of the local community associated with the new development by securing developer contributions towards the provision of infrastructure and services." None of these proposals are met by the proposed cultural trail.
- The proposal does not comply with Tower Hamlets policy in relation to section 106 agreements within the Borough.
- The section 106 money would be better spent on the following:-
 - Education
 - Cleaning up Brick Lane.
 - A facelift for all of the shops along Brick Lane
 - Improvements of the environment for local people
 - Was there consultation in respect of spending of public funds?

- Better lighting
- Legislation to block road access on market days
- Dealing with the drug problems
- Investment in incentives for small businesses
- Improve street cleaning
- Daily rubbish collection
- Police force available for the peak drinking times to solve associated crimes
- Licensing make more of an effort to check out licence applicants
- Create a plan that makes Brick Lane more than a drinking destination
- Public toilets
- Commercial rubbish bins should be removed from the street
- Fire exit for Public Life
- Improve street paving
- Enforce planning regulations
- Prevent the demolition of Georgian and Victorian housing stock
- Grants for better shop fronts
- Facilities for youth
- Housing

7.28 *[Officer Comment: Please refer to paragraphs 4.20-4.23 of this report which sets out the history of how the section 106 money was secured and the process through which decisions were made about what projects it would be used for. This does not form part of the assessment of the planning merits of this planning application by the LPA.]*

7.29 The following procedural issues were raised in representations, and are addressed below:

7.30 It was not subject to local consultation. The outcome of this public consultation is not provided. Local residents were not consulted. Only local business views and those of people who live outside the area were taken on board.

7.31 *[Officer Comment: Applicants are not required to carry out public consultation prior to the submission of a planning application to the LPA although in this instance it is noted that consultation was carried out with local interest groups..]*

7.32 Not able to access documents on the website – the period of consultation should be extended.

7.33 *[Officer Comment: The consultation period was extended to December 2nd by the LPA following requests. Following the receipt of amended drawings a further consultation period was carried out beginning February 1st 2010 and ending February 22nd 2010]*

7.34 The application for the cultural trail as a whole should have been considered as one entity and not separate applications.

7.35 *[Officer Comment: The LPA considered that each arch should be considered under different applications to allow the differing site constraints to be assessed independently. The remainder of the trail did not require planning permission or had already been granted planning permission.]]*

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

- Land Use
- Design and Conservation
- Amenity
- Highways

Land Use

8.2 Brick Lane is classified as a neighbour centre within the Interim Planning Guidance, 2007 (IPG) Town Centre Hierarchy with primary shopping frontages. The Supplementary Planning Guidance Brick Lane Restaurant and Retail Uses, 2002, sets out that Brick Lane is characterised by a large number of A3 uses, which provide a major draw for the public visiting Brick Lane.

8.3 Saved policy ART10 of the UDP seeks to encourage the provision of tourist information centres with other tourist related development. Furthermore, policy CP12 of the IPG sets out that the Council will amongst other objectives seek to retain and protect existing entertainment and tourism related uses. Furthermore, the policy seeks to encourage new entertainment and tourist facilities in certain areas within the Borough including Brick Lane.

8.4 Policy CP17 of the IPG sets out that the Council will support evening and night-time activities focused on certain areas within the Borough including Brick Lane.

Within, the Core Strategy Submission Version December 2009 (Core Strategy), Brick Lane has been reclassified from a neighbourhood centre to a district town centre. Policy SO4 and SP01 of the Core Strategy seek to have a hierarchy of interconnected, vibrant and inclusive town centres that are mixed use hubs for retail, commercial, leisure, civic and residential.

8.5 As such, Brick Lane is a vibrant street which is characterised by a mix of retail and restaurant uses. There is also a range of residential accommodation in the area located at the upper floors and on the streets surrounding Brick Lane. Brick Lane is a destination that attracts both local residents and visitors from within and outside the Borough. It is considered that the proposed arches would be in keeping with the existing land uses within the area. The proposed arches form part of the Brick Lane Cultural Trail which would assist in promoting Brick Lane as a tourist destination. It is considered that the proposed development would be in keeping with saved policy ART10 of the UPD, policies CP12 and CP17 of the IPG and S01 and SP01 of the Core Strategy. These policies seek to enhance district centres and protect and promote entertainment and tourism within Brick Lane.

Design and Conservation

8.6 In reference to PPG15: Planning and the Historic Environment, policies 4B.11 and 4B.12 of the London Plan (Consolidated with alterations, 2008) and policy CON2 of the IPG, proposals for new development within conservation areas should seek to either preserve or enhance the conservation area.

8.7 Policy 4B.1 of the London Plan sets out the criteria for design principles in a compact city. Amongst other aims the policy seeks to ensure that the design of the proposal should incorporate high quality inclusive design which enhances the public realm, respects local context, history, built heritage, character and communities, be practicable and legible, be attractive to look at and where appropriate inspire excitement and delight. Furthermore, policy

4B.2 seeks to promote world-class high quality design.

- 8.8 Saved policy DEV1 of the adopted Unitary Development Plan, 1998 (UDP) outlines that all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials.
- 8.9 Policy CP4 and DEV2 of the IPG seek to ensure that new development amongst other things, respects the local context, including character, bulk and scale of the surrounding area, protect amenity, including privacy and access to daylight and sunlight, ensure the use of high quality materials and finishes, contribute to the legibility and permeability of the urban environment, and contribute to the enhancement of local distinctiveness.
- 8.10 Policy DEV14 of the IPG sets out that in respect of public art the Council seeks to ensure that all public art provided should be accessible to all people and contribute to local distinctiveness.
- 8.11 Policy 4B.8 and policy 3A.17 of the London Plan seek to ensure that Boroughs work with local communities to recognise and manage local distinctiveness ensuring proposed developments preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics. Furthermore, the needs of London's diverse population should be identified and addressed. CP2 of the IPG reinforces these policies.
- 8.12 Policy SO22, SO23 and SP10 of the Core Strategy seeks to amongst other aims protect and enhance listed buildings and conservation areas by promoting and implementing place-making across the Borough, encouraging and supporting development that preserves and enhances the heritage value of the Borough and ensuring the promotion of good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.13 The proposal is for the erection of two identical arches. The proposed arches are similar in design, bulk, scale and use of materials. The maximum height of the proposed arches would be 9.105 metres, the maximum width of the proposed arches would be 6.931 metres and the maximum depth of the proposed arches would be 5.9 metres.
- 8.14 The Design and Impact Statement sets out that the aim of the proposed arches is to provide a gateway into this culturally rich street. The proposed arches are a modern design and the proposed materials used would be predominately stainless steel.
- 8.15 The proposed arch is to be constructed over a steel frame. The steel structure will be clad with a series of stainless steel panels of both a brushed (dull) finished stainless steel and a highly polished (mirror) stainless steel.
- 8.16 The underside of the arch will consist of an inner layer of the highly polished stainless steel with perforations cut-out to allow the internal illumination of the arch to pass through (diffused) and create a subtle glow of light. This inner layer will then have a second layer applied, consisting of a filigree brushed stainless steel to provide the detail and create 'relief' to the pattern.
- 8.17 The topside of the arch will consist of an inner layer of brushed stainless steel (solid) with an applied outer filigree layer of polished stainless steel to create the pattern. No light will emit through the top canopy of the arch. The proposed pattern would be the 'Flower of Life' which is a geometrical figure composed of multiple evenly-spaced, overlapping circles that are arranged so that they form a flower-like pattern with six-fold symmetry like a hexagon.
- 8.18 The legs at each side of the arch will be plain polished steel, providing a mirror finish to

passing pedestrians as they pass on the pavement, and a brushed finish on the leading edges and road side to reduce the risk of glare or visual interference to passing traffic.

- 8.19 The 'northern arch' is located within the Fournier Street / Brick Lane Conservation area outside 118 – 120 Bethnal Green Road. To the west of the proposed arch, 'The Verge' building rises to six storeys and to the west 120 Bethnal Green Road rises to four storeys. The proposed arch would be no higher than the buildings directly adjacent rising to approximately three storeys. It is considered that in terms of bulk and scale the proposed 'northern arch' would be in keeping with the bulk and scale of the surrounding area.
- 8.20 The 'southern arch' is located within the Whitechapel High Street Conservation Area between 74 Whitechapel High Street and 1 Whitechapel High Street and 2 – 10 Osborn Street. The buildings on either side of the proposed arch rise to four storeys and the proposed arch would be no higher than the buildings directly adjacent. It is considered, that in terms of bulk and scale the proposed 'southern arch' would be in keeping with the bulk and scale of the surrounding area.
- 8.21 The design of the proposed arches is modern in nature and would improve the character and quality of the area by improving legibility, way-finding and marking the entrances to the cultural trail. It is considered that the proposed design would not be overbearing in the street scene given the overall bulk and scale of the arches when viewed at street level would be formed of slim legs with the bulk increasing and tapering away as the arch rises. As such, it is considered that by merit of the contemporary design and use of stainless steel that the proposed arches would enhance the surrounding street scene.
- 8.22 It is considered that the proposed arches would not have an adverse impact on views into and out of Brick Lane and Osborn Street. By nature of the open design of the arches which allows for views around and over the arch, as such views of the Fournier Street / Brick Lane and Whitechapel High Street Conservation areas would not be obstructed. Furthermore, the arches will improve legibility by identifying the entrances to Brick Lane.
- 8.23 The proposed arches given their modern and contemporary design, role as a distinctive marker for Brick Lane and contribution to the street scene would be considered acceptable in terms of design, bulk and scale. In order to ensure that the proposed materials are acceptable they will be controlled via condition. This is in keeping with saved policy DEV1 of the UDP, policies 4B.1 and 4B.2 of the London Plan, policies CP4, DEV2 and DEV14 of the IPG and policies SO22, SO23 and SP10 of the Core Strategy. These policies seek to ensure appropriate design within the Borough which contributes to the distinctive character of the area.
- 8.24 To the north east of the 'northern arch' on the opposite side of Bethnal Green Road there is a terrace of Grade II Listed buildings. Concerns have been raised about the impact of the arch on this terrace, it is not considered that the proposed arch would affect the setting of these listed buildings given they are located on the opposite side of Bethnal Green Road and the proposed arch is set back at this location would not obstruct views of these buildings
- 8.25 Objections have raised concerns that the proposed arches are modern in nature and would not preserve the character and appearance of the Fournier Street / Brick Lane conservation area or the Whitechapel High Street Conservation area. However, it is considered that the proposed 'northern arch' would not have an adverse impact on the existing character of the conservation area and would in fact enhance the character of the Fournier Street / Brick Lane Conservation area. Furthermore, the 'southern arch' which is adjacent to the Whitechapel High Street Conservation area would not have an adverse impact on the existing character of the conservation area and is considered to enhance the character of this area. This is in keeping with Conservation Area policy which seeks to ensure that

development within Conservation areas either preserves or enhances the conservation area. Furthermore, the arches would provide the gateway for the cultural trail which celebrates the vibrant cultural history of the area.

- 8.26 The Conservation and Design Officer has advised that the concept of archways and gateways in historic places is a well established one. Probably the best examples in London are the arches erected around China Town in Central London. In addition arches are evident at Carnaby Street and Roman Road Market which are in conservation areas. The impact of development has been assessed in respect of the special interest both architecturally and historically of the Fournier Street / Brick Lane and Whitechapel High Street Conservation Areas. It is considered that the arches reinforce the entrances to Brick Lane and Osborn Street by improving way-finding and legibility as a result they, enhance the local distinctiveness of the area. As such, the proposal would enhance the Fournier Street / Brick Lane and Whitechapel High Street Conservation areas. This is in keeping with PPG15: Planning and the Historic Environment, 4B.12 and 4B.12 of the London Plan, CON2 of the IPG and policies SO22, SO23 and SP10 of the Core Strategy. These policies seek to ensure that development within conservation areas either preserves or enhances the conservation area.
- 8.27 It is evident from the application documents that consultation has been carried out with various local groups within the Brick Lane area. During the course of the application representations in objection to the proposal have been received and much concern has been raised that the proposed development does not respect the local context and communities. It is noted that this area is characterised by a varied and rich social history which is demonstrated by the historical movements of people in and out of the area. The cultural trail seeks to celebrate this diversity, and it is considered that the proposed arches will result in the creation of a distinctive marker for the Brick Lane. It is considered that the proposed arch will result in the creation of a distinctive marker for the Brick Lane area which will help identify the area.
- 8.28 Furthermore, it is not considered that the design of the arches which reflect the symbolism of a head scarf detracts from the role of the arches and the Brick Lane Cultural Trail's aims of promoting the area and the communities who live and work there. The design of the arch incorporates a motif the 'flower of life' which is a symbol seen throughout history and linked to various beliefs and faiths. Moreover, it is considered that the proposed arches would enhance the local area and contribute to the creation of social, physical, cultural and economic ties for these diverse communities as part of the cultural trail. This is in line with policy 4B.8 and 3A.17 of the London Plan. These policies seek to ensure development respects local context and communities, which will help identify the area.

Amenity

- 8.29 Saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that adjoining buildings are not detrimentally affected by loss of outlook, increased sense of enclosure, a material deterioration of daylighting and sunlighting conditions or impacts from illumination of developments.
- 8.30 The 'northern arch' rises to the third storey of the adjacent properties.
- 8.31 In respect of 202 Bethnal Green Road the second floor is in residential use. Of the four windows which face Brick Lane one window would look directly onto the arch. At this point there would be a separation distance of approximately five metres. As such, it is not considered that the proposed arch would have an adverse impact on the overall outlook or create an increased sense of enclosure of the residential occupiers given this separation and

open nature of the arch. Furthermore, it is considered that the development would not have an adverse impact in terms of daylight and sunlight.

- 8.32 In respect of 'The Verge' building there are residential uses at first and second floor. The proposed arch would be approximately 4 metres from the first floor window and approximately five metres from the second floor window. In reference to the approved plans for this Building (Planning Reference: PA/00/00402) both the first and second floor residential units are studios with windows facing both Brick Lane and Bethnal Green Road. It is not considered that the proposed arch would have an adverse impact on the overall outlook of the residential occupiers, or result in an increased sense of enclosure for residents, given the location and the tapered design of the arch and given both units are dual aspect. Furthermore, it is considered that the development would not have an adverse impact in terms of daylight and sunlight.
- 8.33 The 'southern arch' rises to the third storey of the adjacent properties.
- 8.34 In respect of 1 Whitechapel High Street and 2-10 Osborn Street the proposed building is in commercial use.
- 8.35 In respect of 74 Whitechapel High Street, the first and second floors are in residential use. The proposed arch would be approximately 2.2 metres from the first floor windows and approximately 4 metres from the second floor windows. It is not considered that the proposed arch would have an adverse impact on the overall outlook of the residential occupiers or result in an increased sense of enclosure for residents, given the location and tapered design of the arch. Furthermore, it is considered that the development would not have an adverse impact in terms of daylight and sunlight.
- 8.36 The proposed arches would be illuminated and the submitted report Lighting assessment of arches at Brick Lane dated 17th December 2009 has been reviewed by the Environmental Health Lighting Officer who is satisfied with its contents.
- 8.37 To conclude, it is considered that the proposed arches would not have an adverse impact on the amenity of the adjacent residential occupiers. This in line with saved policy DEV1 of the UDP and DEV2 of the IPG. These policies seek to protect the amenity of the residents of the Borough.

Highways

- 8.38 Policy 4B.3 and 4B.5 of the London Plan (2008) amongst other aims seeks to ensure that the public realm is accessible and usable for all. Policies CP40, CP41, CP42 and DEV16 of the IPG seeks to ensure the creation of a sustainable transport network in the Borough, and to protect and enhance a safe and convenient pedestrian and cycle routes within the Borough, to ensure new development minimises impacts and the creation of better and safer streets for people.
- 8.39 Policy T16 of the UDP seeks amongst other aims to ensure that new development does not cause danger or inconvenience to other road users, cause obstruction of access for emergency vehicles and movement of traffic and finally cause deterioration in residential amenity. Policy T18, T19 and T21 seek to ensure that priority will be given to the safety and convenience of pedestrians in the layout of footways especially in areas of high pedestrian flows and that existing pedestrian routes will be retained and improved.
- 8.40 Policy SO19 and SP08 of the Core Strategy seek to ensure that delivery of an accessible, efficient, high quality, sustainable and integrated transport network to reach destinations within and outside the Borough. Furthermore, policies SO20, SO21 and SP09 set out the

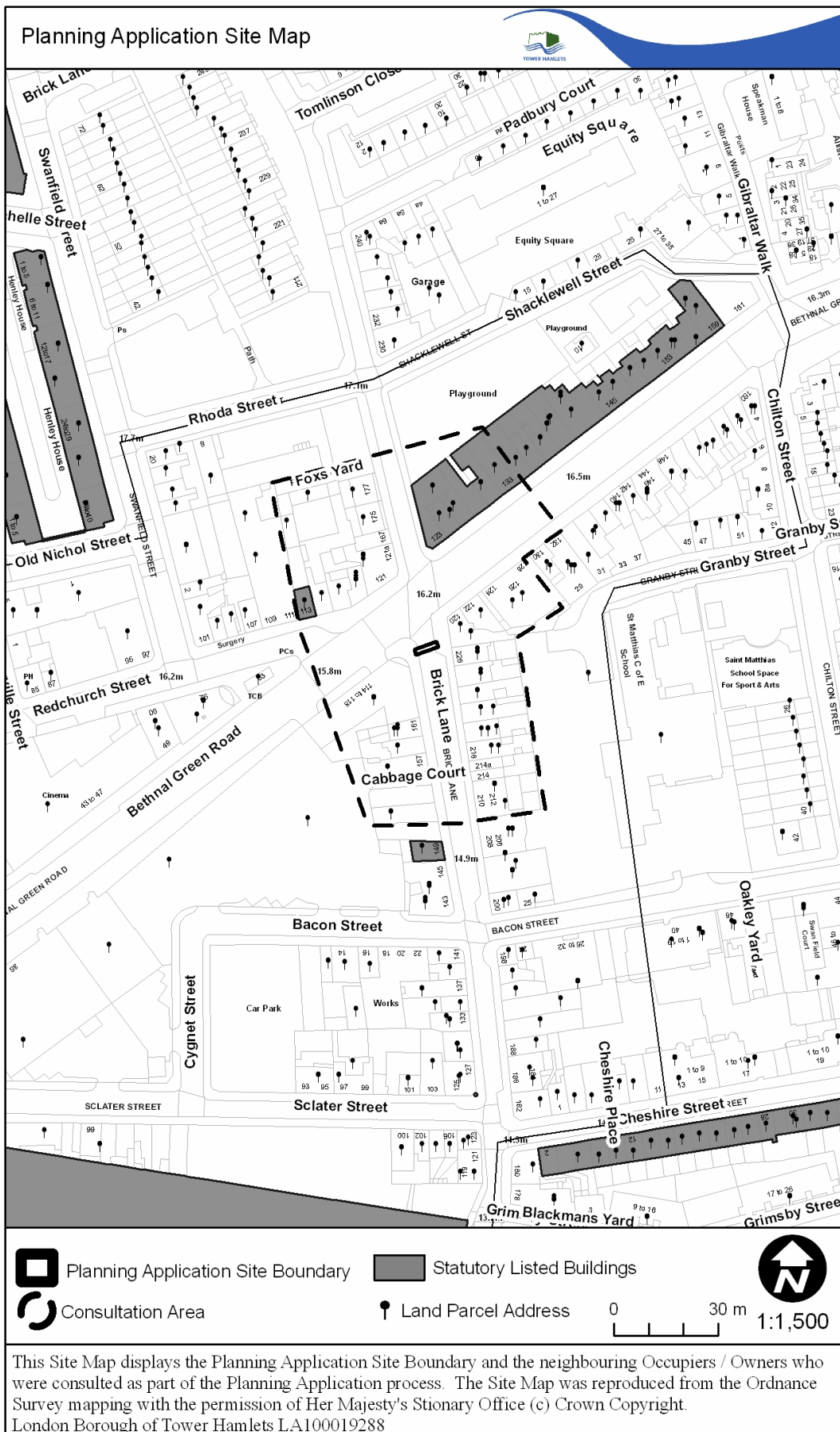
Council's aims for the creation of safe streets and spaces. Amongst other aims, these policies seek to ensure that the Council create streets, spaces and places which promote social interactions and inclusion.

- 8.41 In respect of the proposed 'northern arch' it is not considered that its location would have an adverse impact on the movement of traffic, cyclists or pedestrians. The width of the pavement at this location is at a minimum three metres and this allows for the free movement of pedestrians. Furthermore, the proposed arch given its height and width would not hinder the free movement of traffic including larger vehicles. As such, the proposal is in line with the above policies.
- 8.42 In respect of the proposed 'southern arch' it is not considered that its location would have an adverse impact on the movement of traffic, cyclists or pedestrians. Whilst the width of the pavement at this location ranges from 2.3 metres on the eastern side of Osborn Street and 2.6 metres at the western side of Osborn Street, the width of the legs of the proposed arch are 400 mm. Given that the street narrows further to the south, it is considered that at this location the proposed arch would have the least impact on the free movement of pedestrians and is considered acceptable and in line with policy.
- 8.43 In reference to vehicles the proposed arch would not have an adverse impact on the free flow of traffic including larger vehicles. As such, the proposal is in line with the above policies.
- 8.44 Transport for London's and the LBTH Highway Officer comments are discussed within paragraphs 6.3-6.14 and 6.15 – 6.20 of this report.

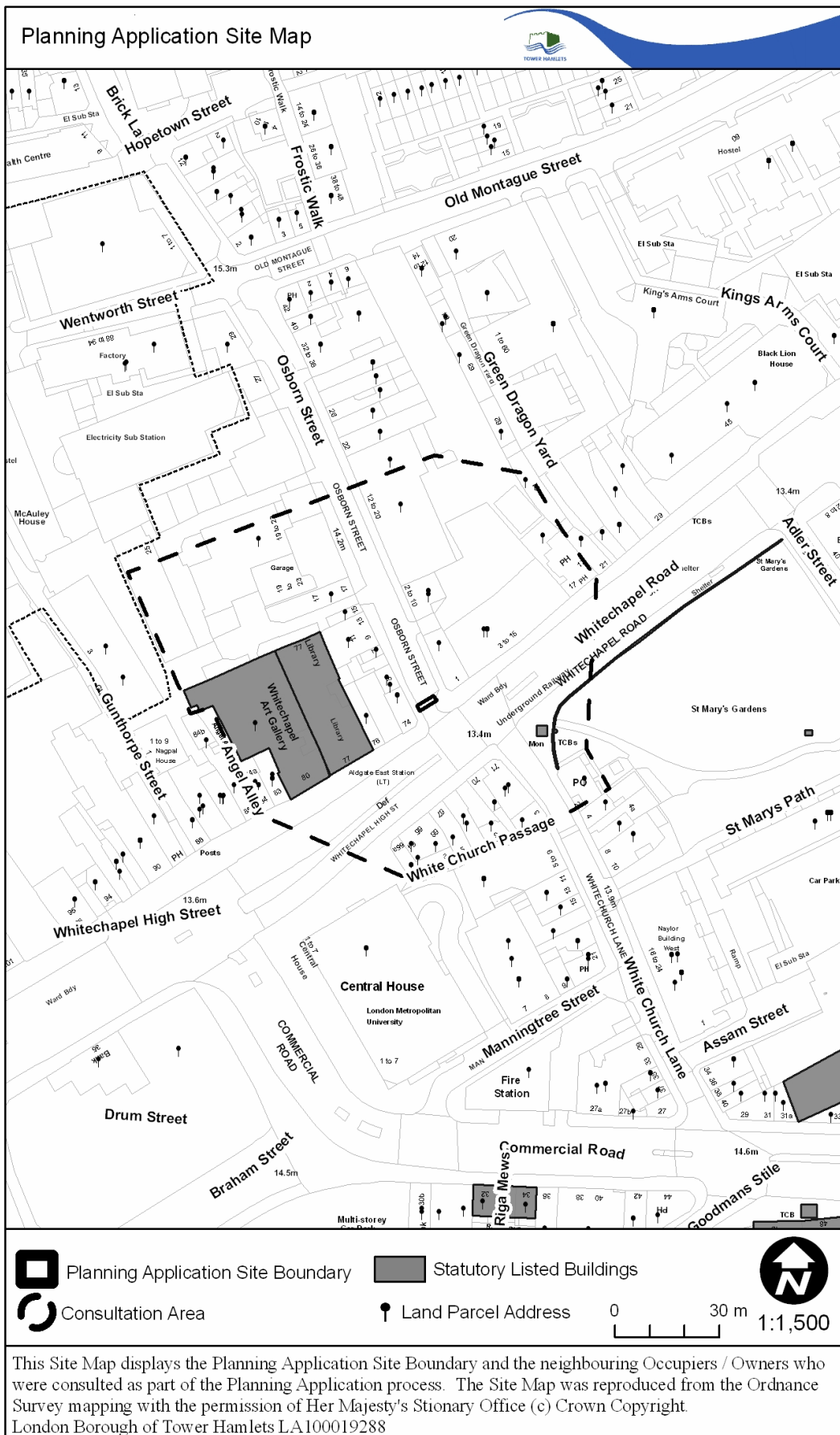
Conclusions

- 8.45 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Consultation Map PA/09/02067



Consultation Map PA/09/02082



Agenda Item 7.2

Committee: Development	Date: 4 th March 2010	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Nasser Farooq		Ref No: PA/09/02660	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location:	83-89 Fieldgate Street, London, E1 1JU.
Existing Use:	Restaurant at ground floor, ancillary uses at basement and upper floors.
Proposal:	Proposed conversion of part basement floor (currently used as storage area) and first floor (currently used as residential) into seating area for the existing restaurant located on the ground floor. Proposal includes alterations to existing shopfront.
Drawing Nos:	<ul style="list-style-type: none">- Drawings: KOM/089-21, KOM/089-22 and KOM/089-23- Service Management Plan (rev 004) dated December 2009- Design and Access Statement- Impact Assessment Statement
Applicant:	Mr Mohammad Tayyab
Owner:	The Applicant
Historic Building:	n/a
Conservation Area:	Myrdle Street Conservation Area.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of the case against the Council's approved planning policies contained in the Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance 2007, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 Subject to conditions, the impact of the conversion of the basement and first floor into additional seating for the existing restaurant is unlikely to result in an increase in noise and disturbance from pedestrian activity to residential occupiers in the area. As such, the proposal conforms to saved Policies DEV2, DEV50, S7 and HSG15 in the Unitary Development Plan 1998 and Policies DEV1, DEV10 and RT5 of the Interim Planning Guidance (2007): Core Strategy and Development Control which seek to protect the amenity of nearby residential occupiers.
- 2.3 The alteration to the shopfront involving the relocation of an existing door is acceptable in terms of design, and the use of timber is acceptable in terms of materials. As such, the proposal conforms to saved Policy DEV1 and DEV 27 of the Unitary Development Plan as well Policies DEV2 and CON 2 of the Council's Interim Guidance (2007). These policies seek to ensure development proposals preserve the Myrdle Street Conservation Area.
- 2.4 Subject to conditions transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policy T16 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which

seek to ensure developments minimise parking and promote sustainable transport options.

RECOMMENDATION

3. That the Committee resolve to **GRANT** planning permission subject to:
- 3.1 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1. Permission valid for 3 years.
2. Full implementation of the service management plan
3. Retention of the waiting areas
4. Removal of the redundant extract ducts
5. Condition restricting hours of operation
6. In accordance with the approved drawings.
7. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

1. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This application involves the conversion of part of the basement floor and first floor to provide additional seating for the restaurant located on the ground floor. The existing internal floorspace of the restaurant is 391sq.m. The additional floorspace proposed is 260 sq.m.
- 4.2 The basement is a storage area for the restaurant, with the first floor providing ancillary residential accommodation for the commercial use. Residential accommodation will be retained on the second floor.
- 4.3 The application involves internal alterations, including the provision of a new emergency staircase. There are no external alterations proposed, other than the provision of a rear metal staircase and alterations to part of the shopfront to provide an additional door.

Site and Surroundings

- 4.4 The application property is a three storey building located on the northern side of Fieldgate Street.
- 4.5 Fieldgate Street and the surrounding area is predominately residential. To the west and to the north, adjacent to the site, is the residential building Tower House. To the east along Fieldgate Street towards New Road are shops on the ground floor with residential uses above. East London Mosque is located west and Whitechapel Road to the north

Planning History

4.6 The following planning decisions are relevant to the application:

PA/08/01848 Installation of roof mounted ventilation plant for kitchen extract ventilation – granted planning permission on 30 October 2008.

PA/09/00291 Proposed conversion of part basement floor (currently used as storage area) and first floor (currently used as residential) into seating area for the existing restaurant on the ground floor – withdrawn on 14 April 2009

PA/09/01407 Proposed conversion of part basement floor (currently used as storage area) and first floor (currently used as residential) into seating area for the existing restaurant on the ground floor- refused by the Development Control Committee (decision issued on 1/10/2008)

During the development control committee (30th September 2009) it was discussed whether there are any solutions to the current predicament facing local residents. This application seeks to overcome the previous reason for refusal (for PA/09/01407) following advice from the Councils Planning and Environmental Health Officers.

PA/09/02742 Advertisement consent is sought for the display of three illuminated fascia signs (this is a current application and no recommendation/decision has been made to date)

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Amenity
	HSG15	Development Affecting Residential Amenity
	DEV50	Noise
	DEV55	Development and Waste Disposal
	S7	Special Uses
	T16	Traffic

Interim Planning Guidance for the purposes of Development Control

Policies:	DEV1	Amenity
	DEV2	Design Requirements
	DEV4	Safety and Security
	DEV10	Disturbance from Noise Pollution
	DEV15	Waste Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV19	Parking for Motor Vehicles
	RT2	Secondary Shopping Frontages
	RT5	Evening and Night-Time Economy
	CON2	Conservation Areas

Community Plan The following Community Plan objectives relate to the application:
A better place for living safely

A better place for living well
A better place for creating and sharing prosperity

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Environmental Health Department

- 6.3
- The Design/Access statement and the Impact statements submitted as part of the planning application have been reviewed.
 - The design drawing no: KOM/089/21 dated November, 2009 includes an adequate dedicated internal waiting area to ensure that the public do not congest the public highway so as to mitigate any community noise.
 - Environmental Health have no further concerns in terms of noise nuisance.

LBTH Highways Department

6.4 Highways have referred the case officer to their previous comments on application PA/09/1407. These are listed as follows:

- Servicing Management Plan includes a number of important commitments e.g. marketing sustainable transport to customers, provision of an internal waiting area, dedicated procedures for deliveries to the restaurant and the permanent removal of the pavement benches;
- The service management plan should be conditioned;
- Request a condition to limit the expansion of numbers of tables and chairs to no more than 30%;
- Require no increase in refuse provision.

(Officer Comment: It is not considered that a condition restricting the number of chairs and tables would be enforceable. Consideration should be given to the increase in floor area as proposed)

7. LOCAL REPRESENTATION

7.1 A total of 214 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	3	Objecting:	3	Supporting:	0
No of petitions received:	1	against containing	128	signatories	

7.2 The following issues were raised in representations that are material to the determination

of the application, and they are addressed in the subsequent sections of this report:

7.3 Comments in objection to the application

- The proposed increase in seating area will lead to increased noise and disturbance;
- Increase in vehicular activity & parking;
- Inadequate service management plan
- Ventilation system inadequate;

7.4 The following issues are raised but they are not material to the determination of the application:

- Basement conversion has already taken place.

(Officer comment: The Council's Enforcement Team are investigating this breach)

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use
2. Design
3. Amenity
4. Highways

Land Use

8.2 Policy S7 of the Unitary Development Plan (1998) lists the criteria by which proposals for special uses including restaurants are considered in light of. They are listed as follows:

- The amenity of nearby residents
- On-street parking
- Free flow of traffic
- Adequate measures for the ventilation of food.

These are discussed in the amenity and highway sections of the report.

8.3 The main land use considerations are whether the principle of the change of use of the storage area in the basement and residential accommodation on the first floor to provide additional seating for the restaurant is acceptable.

8.4 The existing storage area in the basement is ancillary to the restaurant use. From the site visit, it was apparent that the basement is not used for food storage. Given the provision of alternative storage areas at ground floor level, the principle of the change of use of this space is acceptable.

8.5 The first and second floors of the property provide ancillary residential accommodation. These units are accessed via the existing restaurant and could not be marketed as separate residential accommodation. Given that the second floor would be retained for residential use in connection with the restaurant, it is not considered that objection to the loss of this ancillary accommodation could be justified.

8.6 The change of use of these areas will provide 260 additional squares metres of restaurant floorspace. In land-use terms the main issue is whether this increase would result in adverse impact on neighbouring residents. This is discussed in the amenity section of the report.

Design

- 8.7 Policy DEV1 in the Unitary Development Plan (1998) requires development to take into account, and be sensitive to the character of the surrounding area. Policy CON2 in the Interim Planning Guidance (2007) states that proposals within Conservation Areas will only be approved where they preserve or enhance the character of the Conservation Area.
- 8.8 External changes are proposed to the shop front on Fieldgate Street. A new shop front is proposed in the eastern section to enable the relocation of the door. The design and materials proposed would match the existing shop front, and as such the proposed change is considered to preserve the character and appearance of the Myrdle Street Conservation Area.
- 8.9 Externally to the rear a new metal staircase is proposed which will provide an additional means of escape from the first and second floors. This staircase is similar in appearance to the existing staircase located at the east of the building, and is considered acceptable in terms of design.
- 8.10 The redundant extract ducts to the rear are also proposed to be removed. Should planning permission be granted this would be conditioned.
- 8.11 It is considered that the proposed external works preserve the character and appearance of the Myrdle Street conservation area and considered to accord with the requirements of Policy CON2 in the IPG (2007).

Amenity

- 8.12 Policy S7 in the UDP (1998) requires that consideration be given to the amenity of nearby residents when assessing proposals for restaurants. The application site is located in a predominately residential area. Therefore Policy HSG15 in the Unitary Development Plan (1998) is also relevant. This policy states that non-residential development will normally only be granted where it is likely to have no adverse effects upon residential amenity.
- 8.13 The existing restaurant is popular in the area and its success results in large numbers of people queuing outside waiting to be seated, in particular at weekends. This is acknowledged in the supporting information submitted with the application. Queuing outside the restaurant results in noise and disturbance, late into the evening.
- 8.14 The main public transport links are on Whitechapel Road to the north and Commercial Road to the south. The residential streets provide the most direct route for pedestrians. Given the residential nature of this part of Fieldgate Street and the neighbouring streets, consideration needs to be given to the likely impacts of the proposal on these residential occupiers in terms of noise and disturbance as a result of pedestrian activity in the area.
- 8.15 The application proposes the following mitigating measures to reduce the existing disturbance to residents;
- The removal of external seating. The tables outside the restaurant can seat 8 people. The removal of the seating area is supported. However, in isolation this is unlikely to significantly reduce the disturbance to residents.
 - Provision of a dedicated internal lobby where patrons can wait to be seated. The previous application which was presented at the development control committee on 30TH September 2009 proposed an internal lobby measuring 16 sq.m and was shown on plans to seat approximately 12 people. It was considered by case officers that this was inadequate in size and capacity to mitigate the increase in

capacity. The current proposal has increased this space to cover the eastern section of the restaurant at ground floor level. The waiting area is proposed to hold 21 people. This includes those waiting for a taxi. An additional waiting area is proposed at first floor level to seat 10 people.

- A dedicated function area to reduce large groups waiting outside. This comprises a dedicated area on the first floor with large tables seating up to 12 people. Officers had previously considered that this style of operation is likely to exacerbate problems associated with large numbers of people arriving and leaving at the same time. Given the proposed waiting area at first floor level it is considered that this would be mitigated.
- In addition to this there is no change proposed in the number of seating within the restaurant. As such, the additional space is proposed to accommodate existing seating and to provide a dedicated waiting area.

- 8.16 Subject to conditions retaining the waiting area in perpetuity, the removal of the external seating and the implementation of the service management plan it is considered that the proposal will suitably mitigate the impact of the restaurant on local residents.
- 8.17 Concerns were raised with regard to drinking alcohol on the street and anti-social behaviour outside the application site are a matter for police control. However the removal of the external seating area will assist in this regard.
- 8.18 As such, for the reasons above, the proposal is considered to comply with policies S7 and HSG15 in the Unitary Development Plan (1998), which seek to protect the amenity of residents.
- 8.19 The hours proposed are 12pm to Midnight Monday to Sunday. These are the existing opening hours and are not proposed to change.
- 8.20 Under planning reference PA/08/01848, planning permission was granted for the installation of roof mounted ventilation plant for kitchen extract ventilation. The application was submitted following advice from the Council's Environmental Health department. The kitchen extraction system has now been implemented.

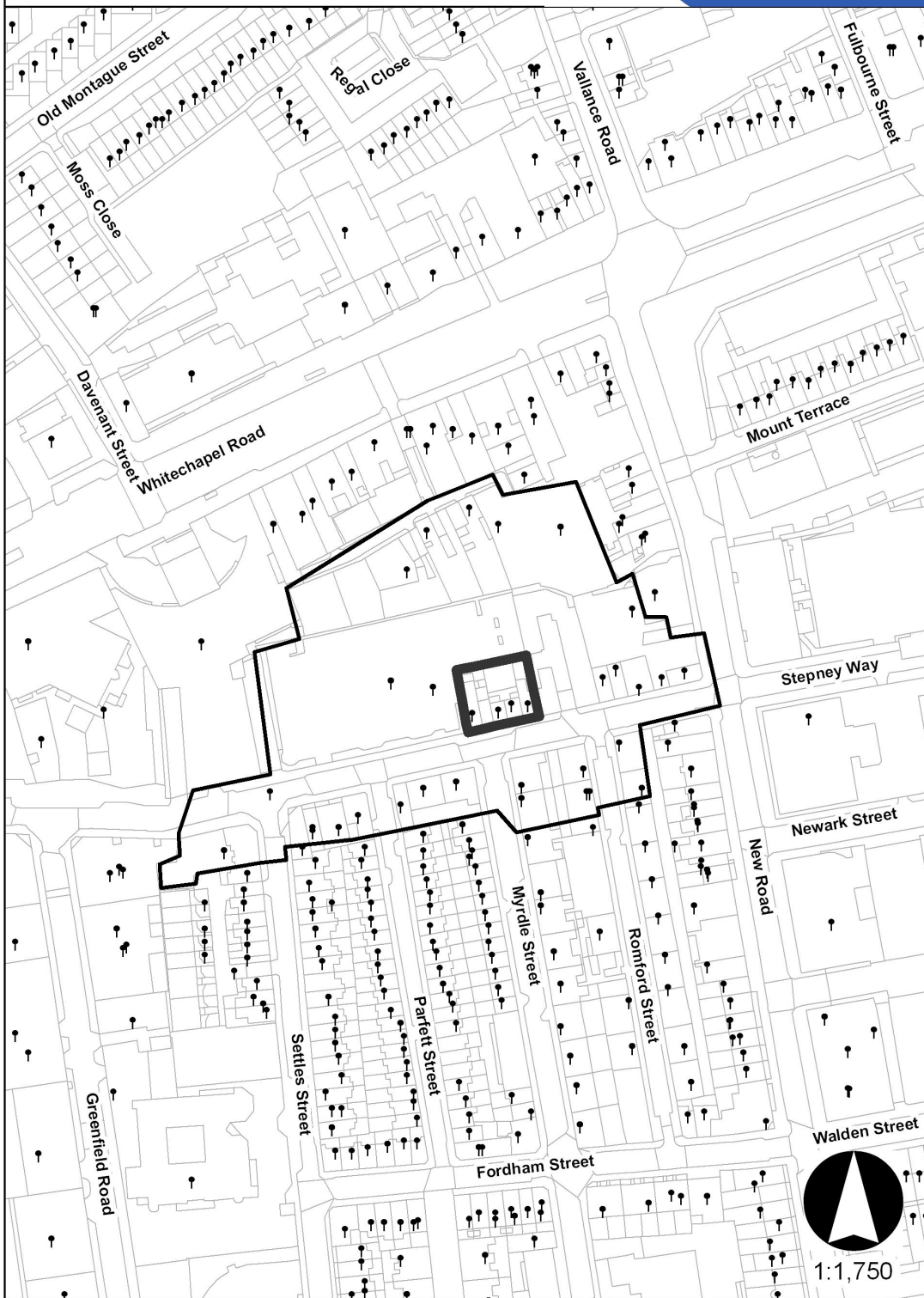
Highways

- 8.21 The existing servicing of the restaurant is not regulated. The proposed Service Management Plan would manage the deliveries and servicing to ensure that there is minimal impact on the highway network and the residential amenity. LBTH Highways support the proposed strategy.
- 8.22 The application site is located in a sustainable location, near to public transport links. The measures proposed to promote the use of public transport by patrons are supported
- 8.23 It is considered that transport matters, including servicing and use of public transport, can be dealt with through the implementation of a Service Management Plan. As such the proposal would meet the requirements of Policy DEV1 and T16 in the UDP (1998), which seek to ensure that developments can be supported within the existing transport infrastructure.
- 8.24 Refuse can be stored within the curtilage of the site. Full details could be dealt with by condition.

Conclusions

- 9 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



Planning Application Site Boundary



Land Parcel Address



Consultation Area

0 30 m

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

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Agenda Item 7.3

Committee: Strategic Development	Date: 3 rd March 2010	Classification: Unrestricted	Agenda Item Number:
--------------------------------------------	--------------------------------------------	----------------------------------------	----------------------------

Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Laura Webster	Ref No: PA/09/2657
	Ward: East India and Lansbury

1. APPLICATION DETAILS

Location:	Site at land bounded by Cordelia Street, Carron Close and Chrisp Street, London, E14
Existing Use:	Vacant Housing (32 bedsits)
Proposal:	Demolition of existing residential buildings on site and construction of buildings between three and nine storeys to provide 117 residential units, 300 sqm of commercial floorspace comprising retail, restaurant, business and non-residential institution (Use Classes A1, A3, B1 and D2). Provision of open space improvements and car parking.
Drawing Nos/Documents:	PL 005, PL 010 Rev G, PL011 Rev G, PL012 Rev E, PL 013 Rev E, PL014 Rev E, PL015 Rev E, PL016 Rev F, PL017 Rev E, PL018 Rev E, PL019 Rev E, PL/020 Rev C, PL/021 Rev C, PL/022 Rev C, PL023 Rev C, PL/024 Rev C, PL/025 Rev C, PL/026 Rev C, PL/027 Rev C.
	Documents: Energy Statement dated 10 th February, Air Quality Assessment Dated December 2009, Daylight and sunlight report dated 25 th November 2009, Delivery and Service Plan (draft) dated December 2009, Environmental Site Investigation report dated April 2008, Flood Risk Assessment dated November 2009, Impact Statement dated December 2009, Landscape Design Statement, Design and Access Statement, Sustainability Statement dated 1 st December 2009, Transport Assessment dated December 2009.
Applicant:	Urban Living (Poplar HARCA)
Ownership:	Ms H Warren, Mr Clarke (Poplar HARCA)
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), Tower Hamlets Core Strategy (Submission Version 2009), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- a) The proposal will help facilitate regeneration improvements within the area and provide high quality housing. This is in accordance with the Mayor's Housing Supplementary Planning Guidance (November 2005) and Policy HSG5 in the Council's Interim Planning Guidance (2007), which support the principle of estate regeneration proposals and the delivery of new housing in suitable locations.
- b) The site is not within a conservation area and the housing units to be demolished are bedsit units in a poor state of repair. Given that the existing units would be replaced with an additional number of better quality units, there is no conflict with the objectives of London Plan policy 3A.15, UDP policy HSG4 and Interim Planning Guidance (October 2007) policy CP23, which seeks to prevent the loss of housing.
- c) Given the sustainable location, the proposal would be acceptable in terms of density and would result in 820 habitable rooms per hectare. The proposed development is considered to be sensitive to the context of the surrounding area, by reason of its site coverage, massing, scale and height. The development is therefore in accordance with Policy 3A.3 London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004) which seeks to ensure the maximum intensity of use, compatible with local context.
- d) The proposal provides an acceptable amount of affordable housing (40% by habitable room) and mix of units overall. As such the proposal accords with the criteria set out in policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998, policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 in the Core Strategy (Submission Version 2009) which seek to ensure that new developments offer a range of housing choices.
- e) The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 and 4B.10 within the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (December 2009) which seek to ensure buildings are of a high quality design and suitably located.
- f) The scale, design and detailed architectural design of the proposal is considered sensitive to the character of conservation area to the south. As such, it accords with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, policy CON2 in the Council's Interim Planning Guidance (October 2007), policy SP10 in the Core Strategy (December 2009) and advice in PPG15, which seek to ensure high quality development that enhances the character of Conservation Areas.
- g) The proposed development would improve the overall quality of public amenity space provision for existing and future residents. The development therefore accords with PPS3, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan 1998, policies OSN2, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) and policy SP02 and SP04 in the Core Strategy (Submission Version 2009) which seek to improve amenity and liveability for residents.
- h) Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and T16 of the Council's Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October

2007) and policy SP08 in the Core Strategy (December 2009) which seek to ensure developments can be supported within the existing transport infrastructure.

- i) The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, overlooking, sense of enclosure and noise is acceptable given the urban context of the development. As such, it accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policy SP02 in the Core Strategy (Submission Version 2009) which seek to ensure development does not have an adverse impact on neighbouring residential amenity.
- j) Sustainability matters, including energy, are acceptable and accord with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan (Consolidated with Alterations since 2004), policies DEV5 to DEV9 of the Interim Planning Guidance (October 2007) and policy SP11 in the Core Strategy (December 2009) which seek to promote sustainable development.
- k) Planning contributions have been secured towards education, healthcare, leisure, open space and highways, in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998, policy IMP1 of the Interim Planning Guidance (October 2007) and policy SP13 in the Core Strategy (December 2009) which seek to secure contributions towards infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

3.2 A. Any **direction** by **The Mayor**

3.3 B. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) Provide a contribution of **£130,973** towards the provision of future health and social care facilities.
- b) Provide a contribution of **£221,156** towards the provision of primary school places.
- c) Provide a contribution of **£63,239** towards the provision of Leisure facilities.
- d) Provide a contribution of **£59,998** towards the provision of Open Space.
- e) Provide a contribution of **£100,000** towards highways improvements.

Non-financial Contributions

d) Affordable Housing (40%)

f) Car Free Development for all new units

g) Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.

h) Travel Plan to encourage sustainable travel to and from the development by residents.

i) Construction Logistics Management Plan

j) Servicing Management Plan

k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.4 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1. Time Limit
2. Accordance with the approved plans
3. Contaminated land survey
4. Full landscaping details including playspace details to be approved
5. Proposed disabled parking to be implemented prior to occupation of the units and retained.
6. Location and appearance of photovoltaic panels to be approved
7. Samples / pallet board of all external facing materials to be approved
8. Extraction or ventilation equipment to be approved
9. Hours of operation for the commercial use (8:00-21:00 Mons-Sun)
10. Delivery hours for commercial use (8:00-19:00 Mon-Sat, 10:00-18:00 Sun)
11. Hours of construction (08.00 until 18.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
12. Control of hammer driven piling or impact breaking development works (Only 10:00 – 16:00 Monday to Friday. No works Saturday, Sunday or bank holidays).
13. Impact piling method statement to be approved
14. All residential accommodation to be completed to lifetimes homes standards
15. At least 10% of homes wheelchair accessible or easily adaptable
16. Code for Sustainable Homes Assessment (level 3)
17. Heat Network to be operational prior to occupation
18. Photovoltaic panels to be installed prior to occupation
19. Air Quality details to be approved prior to commencement
20. Scheme of Highways improvements (S.278 agreement)
21. Surface Water Drainage details to be submitted and approved
22. Details of any fencing / boundary treatments prior to erection

Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

1. Contact Thames Water
2. Contact Building Control
3. S278 Highways Agreement and Oversailing license
4. Highways Informatives
5. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.6 That, if by 26th March 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Demolition of existing residential buildings on site and construction of buildings between three and nine storeys to provide 117 residential units, 300sqm of commercial floorspace comprising retail, restaurant, business and non-residential institution (Use Classes A1, A3, B1 and D2). Provision of open space improvements and car parking.

Site and Surroundings

- 4.2 The site is situated to the north of Chrisp Street market, in Poplar. The site is approximately rectangular in shape bounded by Chrisp Street to the east, Cordelia Street to the south, Carron Close to the west and Carmen Street to the north.
- 4.3 The site currently comprises vacant residential properties which are bedsit flats. The current buildings on the site are 2 storeys in height. Immediately surrounding the site the uses are predominantly residential. Surrounding buildings are of a varying scale from two storey residential terrace properties up to 17 storey residential blocks.
- 4.4 The site is situated within 120 metres of Langdon Park DLR station and is within close proximity of numerous bus routes. The site has a good PTAL level of 4.
- 4.5 The site is situated within 300 metres of both Bartlett Park and Langdon Park. The site is not situated within a conservation area, however the Lansbury conservation area is situated directly to the south of the site. The site does not consist of any listed buildings.

Planning History

- 4.6 N/A

5 POLICY FRAMEWORK

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

Government Planning Policy Guidance/Statements

- | | | |
|-----|-------|-----------------------------------------------|
| 5.2 | PPS1 | Delivering Sustainable Development |
| | PPS3 | Housing |
| | PPS22 | Renewable Energy |
| | PPS23 | Planning and Pollution Control |
| | PPG13 | Transport |
| | PPG15 | Planning and the Historic Environment |
| | PPG17 | Planning for Open Space, Sport and Recreation |
| | PPG24 | Planning and Noise |

Spatial Development Strategy for Greater London (London Plan) Consolidated with alterations since 2004.

- | | | |
|-----|------|---------------------------------------|
| 5.3 | 2A.1 | Sustainability Criteria |
| | 2A.2 | Spatial Strategy for Development |
| | 2A.6 | Areas for Intensification |
| | 2A.7 | Areas for Regeneration |
| | 3A.1 | Increasing London's Supply of Housing |
| | 3A.2 | Borough Housing Targets |
| | 3A.3 | Maximising the Potential of Sites |
| | 3A.5 | Housing Choice |
| | 3A.6 | Quality of New Housing Provision |
| | 3A.7 | Large Residential Developments |

3A.8	Definition of affordable Housing
3A.9	Affordable Housing Targets
3A.10	Negotiating Affordable Housing
3A.11	Affordable Housing Thresholds
3A.13	Special needs and Specialist Housing
3A.15	Loss of Housing and Affordable Housing
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of London's Infrastructure
3A.19	The Voluntary and Community Sector
3A.20	Health Objectives
3A.23	Health Impacts
3A.24	Education Facilities
3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.14	Enhanced Bus Priority
3C.16	Road Scheme Proposals
3C.20	Improving Conditions for Buses
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3C.3	Maintaining and Improving Retail Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.11	Open Space Provision
3D.12	Open Space Strategies
3D.13	Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
4A.1	Tackling Climate Change
4A.2	Mitigating Climate Change
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy; Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.12	Flooding
4A.13	Flood Risk Management
4A.16	Water Supplies and Resources
4A.18	Water Sewerage and Infrastructure
4A.19	Improving Air Quality
4A.20	Reducing Noise
4B.1	Design Principles for a Compact City
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Local context
4B.10	Large Scale Buildings
4B.12	Heritage conservation

Unitary Development Plan 1998 (as saved September 2007)

5.4	Proposals:	None
	Policies:	ST1 Deliver and Implementation of Policy
		ST12 Cultural and Leisure Facilities
		ST15 Encourage a Wide Range of Activities

ST23	Quality of Housing Provision
ST25	Provision of Social and Physical Infrastructure
ST26	Protect existing residential accommodation
ST28	Restrain Private Car
ST30	Safety and Movement of Road Users
ST34	Provision of Quality Shopping
ST37	Improve of Local Environment
ST41	Provision of Adequate Space for Local Business
ST43	Use of High Quality Art
ST49	Provision of Social and Community Facilities
ST51	Public Utilities
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Development
DEV4	Planning Obligations
DEV9	Minor Works
DEV12	Landscaping
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
S10	Shopfronts
EMP1	Employment Uses
EMP6	Employing Local People
EMP8	Small Businesses
HSG4	Loss of Housing
HSG7	Dwelling Mix
HSG13	Internal Standards for Residential Development
HSG15	Preserving Residential Character
HSG16	Amenity Space
T10	Traffic Management
T16	Impact on Traffic
T18	Pedestrians
T21	Pedestrians
OS7	Loss of Open Space
OS9	Children's Play Space
SCF11	Meeting Places

Interim Planning Guidance for the purposes of Development Control

5.5	Core Strategies:	IMP1	Planning Obligations
		CP1	Creating Sustainable Communities
		CP3	Sustainable Environment
		CP4	Good Design
		CP5	Supporting Infrastructure
		CP19	New Housing Provision
		CP20	Sustainable Residential Density
		CP21	Dwelling and Mix Type
		CP22	Affordable Housing
		CP23	Efficient Use and Retention of Existing Housing
		CP24	Special Needs and Specialist Housing
		CP25	Housing Amenity Space
		CP27	Social and Community Facilities to Support Growth
		CP29	Improving Education and Skills
		CP30	Improving the Quality and Quantity of Open Spaces
		CP31	Biodiversity
		CP38	Energy Efficiency and Production of Renewable Energy

	CP39	Waste Management Plan
	CP40	Sustainable Transport Network
	CP41	Integrating Transport with Development
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Quality and Air Pollution
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclable Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capability of Utility Infrastructure
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	CON2	Conservation Areas
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing Provisions
	HSG4	Varying the Ratio of Social Rented to Intermediate Housing
	HSG5	Estate Regeneration Schemes
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating the Provision of Affordable Housing
	SCF1	Social and Community Facilities
	OSN2	Open Space
	RT6	Loss of Public Houses
	PS1	Noise
	PS2	Residential Water Refuse and Recycling Provision
	PS3	Parking
	PS4	Density Matrix
	PS5	Lifetime Homes

Core Strategy Development Plan Document (Submission version December 2009)

5.6	Policies	SP01	Town Centre Activity
		SP02	Housing and sustainable communities
		SP03	Healthy Lifestyles
		SP04	Open Space
		SP05	Waste Management

SP06	Economy and Employment
SP07	Education and Training
SP08	Transport Network
SP09	Pedestrians and Streets
SP10	Heritage and Good Design
SP11	Sustainability and Climate Change
SP12	Placemaking
SP13	Planning Obligations

Supplementary Planning Guidance/Documents

- 5.7 Residential Space
Designing Out Crime
Landscape Requirements

- 5.8 **Community Plan** The following Community Plan objectives relate to the application:
A better place for living safely
A better place for living well
A better place for creating and sharing prosperity
A better place for learning, achievement and leisure
A better place for excellent public services

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

London Borough of Tower Hamlets - Environmental Health

- 6.2 Contaminated Land – The site and surrounding area have been subjected to former industrial uses. A contamination condition requiring contamination risk to be fully identified and appropriately mitigated prior to development should be attached to any permission granted. (OFFICER COMMENT: A contaminated land condition will be secured by condition).

Daylight and Sunlight – The Daylight/Sunlight report dated 25th November, 2009 prepared by Savills has been reviewed.

The following properties which are in close proximity of the site has been reviewed.

i) 50-74 Carmen Street: Some marginal VSC failures however NSL, ADF and APSH all compliant. Overall, generally it is BRE complaint.

ii) 35 Carmen Street: BRE complaint.

iii) 2-24 Carron Close: Some marginal VSC and ADF failures however generally BRE complaint.

iv) Norwich House: Some marginal VSC failures however NSL, ADF and APSH all compliant. Overall, generally it is BRE complaint.

v) 120-132 Chrisp Street: VSC: BRE compliant

vi) 116 Chrisp Street: Impact in respect of VSC, NSL, ADF, and APSH.

vii)118 Chrisp Street: Impact on VSC, NSL and APSH. However ADF compliant.

The impact on the development itself and the overshadowing of the open spaces are acceptable.

Conclusion:

In general the only concern for EH is the impact of the scheme on 116/118 Chrisp Street.

(OFFICER COMMENT: Daylight and sunlight are discussed within section 8 of this report).

Smell/Odour & Pollution:

It is proposed to have on the ground floor of Block "C" an A3 use, however there is no detailed design methodology of the extract system to mitigate against odour nuisance and possible fan noise nuisance. (OFFICER COMMENT: With regard to any proposed extraction system for the commercial units, a servicing duct has been provided within the building and full details of any equipment would be secured by condition).

Air Quality

- The background data used in the assessment is unsatisfactory
 - There is no indication of what meteorological data was used in the assessment
 - There is no model validation exercise
 - There is no assessment of exposure of residents to baseline and opening year levels.
- Even though the development is not generating traffic, existing air quality in Tower Hamlets is poor and this needs to be assessed to determine exposure to pollution
- We are declared an air quality management area for PM10 and therefore biomass is not allowed to be used in our borough (on the basis of this I strongly object to the application as there are sensitive receptors around this development).
 - There has been no assessment of the operation and maintenance of the biomass boiler in terms of it's impacts on PM10 (e.g. the de-ashing process).
 - I object to the development on the grounds of air quality.

(OFFICER COMMENT: The proposal no longer includes a Biomass boiler and therefore the principle objections on air quality would be removed. In response to the air quality comments, the applicant has provided further information and justification for the methodology used within the assessment. This information has been forwarded to Environmental Health however no further comments have been received to date. Full air quality details to be approved by Environmental Health would be conditioned).

London Borough of Tower Hamlets - Highways

6.3 Parking:

- The site is suitable for a car free agreement.
- LBTH policy does not support the provision of on-site visitor spaces. This visitor space could be used as a servicing/delivery space.
- If for any reason the car club spaces are not taken up, then these spaces should be used as further accessible spaces or as an additional provision of motorcycle/bicycle parking (to be linked to and assessed through the Travel Plan).

Disabled Parking:

- The provision of 2 accessible spaces for use by people with disabilities is acceptable.

Cycle Parking:

- Details of cycle parking facilities, location, maintenance and its retention should be conditioned.
- Clarification regarding the number of cycle spaces is required as the figures differ between

the Design and Access Statement and Transport Assessment.

Trip Generation:

No site specific survey information for the existing site has been presented within the submitted Transport Assessment.

- Whilst the residential survey sites selected appear to be suitable, the methodology behind the trip generation for the residential units is not considered robust.
- Given that a flexible space comprising A1, A3, B1 and D2 uses is being applied for, trip rates and total trips should be presented within the Transport Assessment for the worst case scenario and likely occupants.

Servicing Arrangements:

- It is considered that an area can be designated on-site as a loading bay.
- If a food retail use is to be retained as part of the proposal the potential for larger vehicles to access the site should be demonstrated.
- The swept path analysis that has been demonstrated on the submitted plans is insufficient.
- The Applicant was advised at the pre-application stage that all swept path drawings should show the location of the existing parking bays on the surrounding estate roads and assume that these bays are occupied for the purposes of the analysis.
- Existing parking spaces in the turning head at the southern end of Carron Close (estate road) are to be relocated. However, no information has been provided which states where these spaces are to be relocated or demonstrates how vehicles are to be prevented from parking in the turning head. (OFFICER COMMENT: The relocation will be included within the service management plan required via S.106 agreement).
- There are concerns surrounding how a proposed 'loading only' lay-by would be managed to ensure that it is not used for ad-hoc/illegal parking when deliveries are not occurring. (OFFICER COMMENT: This is a parking enforcement issue not a planning issue).

Refuse Arrangements:

- The non-central site refuse stores are located further than 10metres from the proposed location point; however Section 2.30 of the Delivery and Service Plan states that the management company will ensure that all residential bins are moved to the central bin store prior to refuse collection.
- A full swept path analysis for a refuse vehicle should also be undertaken.

Travel Plan:

- A Community Travel Plan is to be produced and secured via planning condition.

(OFFICER COMMENT: Following initial comments the applicant has submitted additional information and plans addressing the issues raised).

Further Highways comments received 16/02/10

Parking: The Applicant has confirmed that the previous on-site visitor space is to be removed and this space will now be designated as a service/contractor bay.

Cycle Parking: The Applicant has clarified the numbers of cycle parking spaces to be provided and the allocation of these spaces. There is now adequate manoeuvring space around the cycle stands.

Trip Generation:

- The Applicant has stated that the site is currently unoccupied and it has therefore not been possible to obtain site specific surveys for the existing site and its usage.
- It is noted that there is to be a reduction of 15 spaces from the existing situation associated with the proposed development.

- Trip generation information demonstrates that A1 retail represents the worst case scenario. Highways still have concerns over the trips associated with the non-residential land uses, particularly if food retail is provided.

- Should the Case Officer be minded to recommend approval, a review and re-enforcement of the existing parking controls in the vicinity of the site will be required to ensure that no loading/servicing or parking associated with non-residential land uses occurs on the surrounding roads. (OFFICER COMMENT: This is a parking enforcement management issue not a planning issue).

Servicing Arrangements:

- The Applicant has now provided a dedicated loading bay on the privately owned/maintained Carron Close.
- Revised swept path analysis drawings have been provided which address the comments previously made by Highways and the Applicant has confirmed that no servicing will take place from Carmen Street or Chrisp Street.
- The Applicant has confirmed that if the proposals are not feasible then Biomass will not be pursued on this scheme.

Refuse Arrangements: From the drawings that have been submitted, the ability of a refuse vehicle to enter the site from Carron Close looks to be tight and may cause some conflict if a delivery/servicing of the site is taking place at the same time. Measures to address this should be included in the Delivery and Servicing Plan and this may involve the future removal of the two parking bays that are currently located within the turning head on Carron Close, to be reallocated elsewhere.

Other

There are number of Section 106 financial contributions that are to be secured if Planning Permission is granted. These include:

- £50,000 in order to improve/upgrade the pedestrian crossing facility on Chrisp Street;
- £100,000 towards carriageway resurfacing, streetscene improvements and pedestrian wayfinding signage/strategy along Chrisp Street;
- £125,000 towards cycle scheme implementation/improvements in line with the cycle route implementation plan for this area as detailed within the CRISP report.

Should the Case Officer be minded to grant Planning Permission, a condition requiring a Construction Management Plan and a servicing management plan should be submitted for approval.

The Applicant is to enter into a Section 106 car free agreement.

(OFFICER COMMENT: Following the highways comments, the applicant has submitted additional information in response to the issues and queries raised. Further information has been provided and is discussed within section 8 of the report. Some issues raised are management issues for Poplar Harca on their estate roads and some issues are covered by S.278 agreement. A Travel Plan and Servicing Management Plan would be secured within the S.106 agreement in conjunction with highway comments. The highways recommended conditions, informatives and S.278 agreement would be applied to any planning permission granted.

Contributions have been secured towards health care, education, open space and leisure. It is not considered the proposals would have a significant impact on the highway network and it is not considered that the requested highways contributions can be prioritised or justified given the financial restraints of the scheme. However following negotiation with officers, the

applicant has agreed to a **£100,000** contribution (£25,000 for pedestrian crossing improvements, £25,000 for cycle improvements within the area and £50,000 for carriageway and public realm improvements). This is considered as acceptable mitigation for the increase in population as a result of a scheme of this scale).

London Borough of Tower Hamlets – Waste Management

- 6.4 No comments received to date.

London Borough of Tower Hamlets - Energy

- 6.5 Principally, the Sustainable Energy Strategy is considered appropriate for the development. The London Plan hierarchy has been followed appropriately.

The development has been designed to achieve Code for Sustainable Homes Level 3. A Code for Sustainable Homes pre-assessment should be provided to demonstrate the development has targeted code level 4.

Conditions to secure the energy and sustainability measures should be attached to any permission granted.

Additional comments received 16/02/10 following amended energy strategy

Principally the 'Alternative Energy Strategy' is considered appropriate for the development. The London Plan energy hierarchy has been followed appropriately.

The Sustainability Statement contains details of the sustainability features and states that the development has been designed to achieve a Code for Sustainable Homes Level 3.

London Borough of Tower Hamlets – Crime Prevention

- 6.6 No comments received to date.

London Borough of Tower Hamlets – Landscaping and Trees

- 6.7 No objections to works proceeding on the grounds of good arboricultural practice.

London Borough of Tower Hamlets – Access Officer

- 6.8 No comments received to date.

London Borough of Tower Hamlets – Communities Leisure and Culture

- 6.9 Cultural Services note that the increased permanent population generated by the development will increase demand on community, cultural and leisure facilities.

In priority order;

1. Leisure Facilities

The proposed development will increase demand on leisure. The model generates a total leisure contribution of **£63,239**.

2. Open Space

Required contribution is **£121,940**.

3. Library/Idea Store Facilities
Required contribution is **£15,912**.

(OFFICER COMMENT: The requested open space contribution was originally miscalculated however has now been recalculated using a methodology based on required open space requirements per capita and taking into account the additional open space provided at the site. The revised figure comes out at £59,998. Given the scheme would provide an increase in open space on the site, in conjunction with the financial constraints of the scheme, the revised open space contribution is considered acceptable.

It is considered that given the Tower Hamlets 'Planning for Population Growth' Capacity Assessment Report 2009 shows that there is an overprovision of library space within the area, this contribution cannot be justified and will not be sought. Contributions have also been secured towards healthcare and education. This can be considered as mitigation for the increase in population and is acceptable).

London Borough of Tower Hamlets – Education

- 6.10 The proposed dwelling mix has been assessed for the impact on the provision of primary school places. The mix is assessed as requiring a contribution towards the provision of 18 additional primary school places @ £12,342 = **£221,156**. This funding will be pooled with other resources to support the LA's programme for the borough of providing additional places to meet need.

(OFFICER COMMENT: This contribution would be secured as part of the S.106 obligation).

Tower Hamlets Primary Care Trust

- 6.11 Based on the calculated additional population, a contribution of **£130,973** is sought.

(OFFICER COMMENT: This contribution would be secured as part of the S.106 obligation).

Transport for London (TfL)

- 6.12
- The application site is situated on the local borough highway network.
 - TfL welcomes the proposed low level of car park provision.
 - TfL considers that the proposed level of cycle parking provision is adequate.
 - TfL welcomes the proposed provision of car-club spaces.
 - TfL recommends that a S106 agreement should be entered into to restrict future residents' eligibility for local parking permits.
 - TfL considers that the estimated overall trip generation is acceptable.
 - TfL is disappointed that the Transport Assessment (TA) has not provided a detailed modal split assessment. TfL requests that a detailed modal split assessment be undertaken fully in accordance with the TfL Transport Assessment Best Practice Guidance.
 - TfL supports the intention to produce a Travel Plan. It is recommended that the finalised Travel Plan should be submitted for local authority's approval prior to the occupation of the site.
 - It is requested that management of the proposed development shall adhere to measures and methodologies described in the finalised Delivery & Servicing Plan (DSP) upon occupation of the site.
 - It is recommended that a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) shall be submitted for local authority's approval prior to work commence on site. The CLP should provide details on measures to minimise

highway and traffic impact to the local highway network as well as the TLRN in the local area.

- **Subject to the above conditions being met, TfL would not object to the proposed development.**

TfL Cycle, Walking & Accessibility (CWA) department in relation to walking and cycling aspects of the proposal.

Walking

Generally the TA provided a good level of detail on the surrounding pedestrian environment. However, we would therefore request funding towards the provision of dropped kerbs in this location if they are not already provided. We request that the upgrade of the refuge island to a zebra crossing be investigated to further improve pedestrian safety and connectivity.

In addition, although footway widths appear adequate, there was no reference to the condition of the footways. We therefore request funding towards the resurfacing and de-cluttering of footways adjacent to the site wherever necessary.

The proposal to provide additional footway width along the Crisp Street frontage and adjacent to the junction with Cordelia Street is welcomed. Furthermore, we welcome the provision of the east/west pedestrian route running through the site, as well as the landscaped area and children's play space.

The proposed bollards within the site should be provided in line with "Inclusive Mobility" guidance with the correct height, spacing, colour etc.

Cycling

Cycle accessibility to the site seems adequate and we note that the Development may benefit from proposed improvements to the Tower Hamlets cycle network which would provide direct access to an additional cycle route accessible from the southern site boundary along Cordelia Street.

The provision of 138 cycle parking spaces is welcomed as this is in line with TfL's Cycle Parking Standards. However, it appears that the number of spaces is not evenly spread out, with some blocks having no cycle parking and other blocks having additional spaces. We therefore request that the cycle parking provision is allocated to each block based on the number of residential units and amount of commercial floor space within that block. We also encourage the developer to provide CCTV in the cycle parking areas as an extra security measure. Showering and changing facilities should also be provided for employees of the commercial floor space.

(OFFICER COMMENT: With regard to the contribution request, no figure was given. However, contributions towards the requested highways aspects, are included within the Highways contribution detailed within section 3 of this report. Given the limited impact of the proposal on the highway and financial constraints, further contributions over and above what have already been secured have not been sought. A travel plan would be secured via a S.106 agreement).

Environment Agency

6.13 No objection in principle subject to a planning condition regarding surface water drainage.

London City Airport

6.14 No comments received to date.

National Air Traffic Services

6.15 No comments received to date.

Thames Water

6.16 No objection in principle, however recommend standard informatives and a condition regarding impact piling.

(OFFICER COMMENT: The suggested condition and informatives have been included within section 3 of the report).

BBC reception advice

6.17 No comments received to date.

Olympic Delivery Authority

6.18 No objection to the proposals.

English Heritage (Archaeology)

6.19 No comments received to date.

7. LOCAL REPRESENTATION

7.1 A total of 282 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised within the local press and on site via site notices.

The total number of representations received in response to notification and publicity of the application were as follows:

No of individual responses:	17	Objecting:	5	Supporting:	11
No of petitions received:	0 objecting containing 0 signatories				
	1 supporting containing 293 signatories				

7.2 The following **objections** were raised in representations that **are material** to the determination of the application, and they are addressed in the next section of this report:

- Demolition of existing homes
- Proposed height
- Strain on local services and infrastructure
- Commercial uses would attract anti-social behaviour
- No need for more shopping areas
- Diversion of bus routes (OFFICER COMMENT: There is no evidence that this would occur unless for only a short period during construction).
- Access to the alleyway to the north of the site
- Security measures required for alleyway
- Noise and disturbance from construction
- Disturbance from deliveries
- Pavements need upgrading

7.3 The following **objections** were raised in representations that are **not material** to the

determination of the application.

- Poplar Harca management issues

7.4 The following points were raised **in support** to the application:

- Would meet need for more housing
- Would help ease pressure on the housing waiting list
- Would help alleviate overcrowding for families

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use

Acceptability of the proposed uses in this location.

2. Density

The acceptability of the proposed density

3. Housing

The acceptability of the proposed housing mix and tenure

4. Design and scale

Impact on the amenity of the surrounding area including amenity space.

5. Amenity

Impact on the amenity of the surrounding area.

6. Highways and parking

Transport and highways implications.

7. Sustainability

Sustainability principles

Land Use

8.2 The existing land use of the site is residential. There are no specific land use designations in the adopted UDP 1998 or Interim Planning Guidance (October 2007). The application proposes housing and some commercial space on the ground floor Chrisp Street frontage which, in principle, is acceptable in land use terms.

8.3 The application proposes 117 new build residential units in total. Taking into account the demolition, a net gain of 85 units would be achieved. The demolition of 32 small bed-sit units which are in a poor state of repair, would allow the redevelopment of site. The site is not within a conservation area and the housing units lost are replaced with an additional number of better quality units and as such, there is no conflict with the objectives of London Plan policy 3A.15, UDP policy HSG4 and Interim Planning Guidance (October 2007) policy CP23, which seeks to prevent the loss of housing.

8.4 The application proposes 300sqm of commercial floorspace for retail, restaurant, business or non-residential institution (Use Classes A1, A3, B1 and D2). The proposed commercial uses would provide active frontages within Chrisp Street and natural surveillance over the street. In accordance with the Town Centre Spatial Strategy, the proposed provision of (A1, A2, B1 or D2) is acceptable in line with the aspirations for the Chrisp Street District Centre. The

commercial uses in principle are considered acceptable within this location.

- 8.5 In conclusion, the proposed land uses in this location are supported by the London Plan and local policy objectives.

Density

- 8.6 London Plan density matrix within policy 3A.3 suggests that densities within urban sites with good transport links should be within the range 450-700 habitable rooms per hectare. This is reinforced by Policy SP02 (2) of the Core Strategy (Submission Version 2009) which seek to correspond housing density to public transport accessibility and proximity town centres.
- 8.7 The proposed density of the scheme is 830 habitable rooms per hectare. The site is situated within close proximity of numerous bus routes and the DLR station at Langdon Park. The Town Centre at Chrisp Street is also a short walk away. Problems typically associated with excessive density include poor design, parking and lack of open space. Whilst the proposed development exceeds the density guidance, given its sustainable location, appropriate design, car-free development and provision of open space, it is considered the density of the scheme is acceptable.

Housing

- 8.8 Policy 3A.9 of the London Plan states that Boroughs should seek the maximum reasonable amount of affordable housing, taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Boroughs' own affordable housing targets. Interim Planning Guidance policies CP22 and HSG3 seek to achieve 50% affordable housing provision from all sources across the Borough, and specify that individual developments should provide a minimum of 35% affordable housing. This is further supported by policy SP02 in the Core Strategy (Submission Version 2009) which seeks between 35%-50% affordable home on sites providing 10 units or more.
- 8.9 The scheme provides a total of 39 affordable units which equates to 40% affordable housing by habitable room overall. Taking into account the demolition of the existing 32 units, the provision would be 35%. The scheme is therefore acceptable in accordance with the minimum 35% as required by policy CP22 and HSG3 in the Interim Planning Guidance (October 2007) and policy SP02 in the Core Strategy (Submission Version 2009).
- 8.10 Policy SP02 (4) in the Core Strategy (Submission Version 2009) seeks a tenure split of 70% social rented and 30% intermediate within affordable housing provision. Overall, the scheme delivers 77% social rented and 23% intermediate which is considered acceptable and closely in line with policy SP02 in the Core Strategy (Submission Version 2009).
- 8.11 London Plan policy 3A.5 promotes housing choice including the provision of a range of dwelling sizes. Unitary Development Plan policy HSG7 requires new housing schemes to provide a mix of unit sizes including a substantial proportion of family dwellings of between 3 and 6 bedrooms. To reflect the local need for family sized accommodation within the borough, policies CP21 and HSG2 in Interim Planning Guidance (October 2007) specify that a mix of unit sizes should be provided with 45% family sized (3 or more beds) accommodation within the social rented sector and 25% within the intermediate and market housing. Policy SP02 in the Core Strategy (Submission Version 2009) reinforces that 30% of new housing should be family sized, including 45% of new social rented homes.
- 8.12 The application proposes the following mix of unit sizes for the new build. The target percentages given reflect those specified by policy HSG2 in the Interim Planning Guidance (October 2007):

		Affordable social rent			Intermediate			Market		
Unit	Total units	Units	%	Target	Units	%	Target	Units	%	target
Studio	0	0	0	0	0	0	25	0	0	25
1 bed	39	4	15	20	4	33	25	31	40	25
2 bed	45	4	15	35	6	50	25	35	45	25
3 bed	26	12	44	30	2	17	25	12	15	25
4 bed	0	0	0	10	0	0		0	0	
5 bed	7	7	26	5	0	0		0	0	
Totals	117	27	100%	100%	12	100%	100%	78	100%	100%

- 8.13 Overall, the scheme provides 28% family sized units (3 beds or more) across the entire scheme. The proposal would provide 70% family sized social rented units and 17% of the proposed dwellings would be family sized within the intermediate sector. Given the quality of the family sized accommodation, particularly the seven 5 bedroom houses with private gardens, that would be provided in the social rented sector, the overall housing mix is considered acceptable and responds to local need in accordance with policy HSG2 in Interim Planning Guidance (October 2007) and policy SP02 in the Core Strategy (Submission Version 2009).
- 8.14 Policy HSG13 in the UDP 1998 requires all new development to provide adequate internal space. Supplementary planning guidance note 1: residential space sets minimum internal flat and room sizes. The proposed residential units within this application have acceptable internal space standards in line with policy HSG13 in the UDP 1998 which is further supported by policy SP02 in the Core Strategy (Submission Version 2009).
- 8.15 Policy HSG7 in the Interim Planning Guidance (October 2007) and policy SP02 (6) in the Core Strategy (Submission Version 2009) seeks adequate external amenity space for new dwellings.
- 8.16 All units would have private amenity space in the form of gardens or balconies. Balconies range from 4sqm to 30sqm. The seven 5 bedroom houses all have a private garden which is at least 27sqm and in addition they would all have a 16sqm south facing roof terrace at 2nd floor level. Given that the units have private amenity space and the provision of new communal amenity space within the site totalling 1306sqm, amenity space provision is acceptable in line with planning policy.
- 8.17 In reference to Child Play Space, in accordance with London Borough of Tower Hamlets child yield calculation and playspace standard, the development should provide 144sqm. The proposal provides 63sqm dedicated child playspace and 1306sqm of accessible communal landscaped area (excluding public realm hard landscaped areas) overall. The communal open space exceeds the required 160sqm required by policy HSG7 in the Interim Planning Guidance (October 2007). Given the amount of open space provided within the development and the close proximity of Langdon Park, it is considered the communal open space and dedicated child playspace provision is acceptable.
- 8.18 Overall, taking into account the provision of communal amenity space and private amenity space provision, the proposal meets and exceeds in terms of communal amenity space, the requirements of policy HSG13 in the UDP 1998, policy HSG7 in the Interim Planning Guidance (October 2007) which is further supported by policy SP02 in the Core Strategy (Submission Version 2009) and amenity space provision for the proposed units is acceptable.
- 8.19 London Plan policy 3A.5 and Interim Planning Guidance policy HSG9 require housing to be

designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible. This is reinforced by policy SP02 (6) in the Core Strategy (Submission Version 2009).

- 8.20 In line with policy, a 10% of the units (12 in total) have been designed to be wheelchair accessible. All of the units have been designed to Lifetime Homes standards. This is considered acceptable in line with policy and would be secured by planning condition.

Design

- 8.21 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Chapter 4B of the London plan. Saved policy DEV1 in the UDP 1998 and Policy CP4 and DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design. These principles are further supported by policy SP10 in the Core Strategy (Submission Version 2009).
- 8.22 London Plan policy 4B.12 and policy CON2 in the Interim Planning Guidance (October 2007) seek to preserve the character of conservation areas and heritage assets. These policies are reinforced by the aims of policy SP10 in the Core Strategy (Submission Version 2009).
- 8.23 The application proposes a building up to 9 storeys in height within the eastern part of the site on the Chrisp Street frontage. The height is not considered out of character given the emerging context and height of buildings within this part of Chrisp Street. Recent planning approvals and recently constructed buildings on Chrisp Street at Langdon Park station, 118 and 116 Chrisp street all within the immediate context, range from 6 to 15 storeys in height.
- 8.24 The proposed block to the north of the site would be 3/4 storeys and the proposed block on the south western corner of the site would be 4 storeys in height. The provision of publicly accessible open space throughout the site, including a new pedestrian 'street' through the site total 1367sqm.
- 8.25 The building has been designed to strike a balance between maximising the potential of the site and responding to the surrounding area. The blocks are positioned around a central public open space and are orientated to provide natural surveillance over this space.
- 8.26 The built environment surrounding the site varies considerably in terms of height from the recently consented 10 storey building at 116 Chrisp Street and the recently constructed 15 storey building adjacent to Langdon Park DLR station, to lower rise blocks to the north. The scheme has evolved following the advice of urban design officers and the height has been designed to step down adjacent to lower scale surrounding buildings. The proposals mediate between providing a strong edge to Chrisp Street complementing the massing to the other side of Chrisp Street, whilst being sympathetic to the context of the two storey dwellings to the north of the site.
- 8.27 The scheme has been designed to be outward facing and provide active frontages that engage with the street. Active uses at ground floor level would be created by the commercial uses and residential entrances, thus enhancing the streetscene. The proposal has been designed to minimise the number of single aspect units and ensure the single aspect units are not north facing. The proposed site layout is considered acceptable.
- 8.28 In terms of façade treatment, the design rationale is to create a contemporary, attractive visual presence on the site using a simple, high quality palette of materials. The elevation treatment will articulate each of the blocks to break up the elevations and add visual interest. Full details and samples of materials will be secured by condition and approved in

accordance with design officer advice.

- 8.29 The proposed publicly accessible open space throughout the site would provide a setting for the development in visual terms but would also provide much needed open space within the area. The existing vacant development on the site provided a semi-private green space (approximately 800sqm) centrally within the development that was not visible within the streetscene. The proposed open space would be clearly visible within the streetscene and the proposed pedestrian route through from east to west across the site would aid permeability within the area. The space provided would have dedicated child playspace and overall creates a larger, high quality, more useable public open space. Full landscaping details would be secured by condition. The approach is considered acceptable and accords with policy OSN2 in the Interim Planning Guidance (October 2007) and policy SP04 in the Core Strategy (Submission Version 2009) which seek to protect and enhance open space within the borough.
- 8.30 The proposed design, layout, scale and bulk is considered acceptable and would relate to, and respect the surrounding context in accordance with policy DEV1 in the UDP 1998, policy DEV2 in the Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (Submission Version 2009) which seek to ensure developments incorporate good design principles and respect their context. The proposed design is considered acceptable and the proposal would preserve the character of the adjacent conservation area to the south of the site in accordance with design policies DEV1 in the UDP 1998, policy DEV2 and CON2 in the Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (Submission Version 2009).

Conclusion

- 8.31 Overall, the proposal is acceptable in design terms. The proposal provides a high quality development that is an appropriate design and would contribute to housing need. A large number of family sized units would be created within the proposals and whilst a large proportion of units would be for general market need, this helps to create a balanced community.

Amenity

- 8.32 Saved Policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek to ensure that development where possible protects and enhances the amenity of existing and future residents as well as the amenity of the public realm.

Overlooking

- 8.33 The scheme has been designed to retain an acceptable distance in excess of 20m to the north of the site, where the development directly faces neighbouring properties. To the east of the site, the proposal is 18 metres from Norwich House and the properties within Carron Close are separated by at least 12 metres across the road. To the south of the site, there is no direct overlooking to residential properties and the road separates the proposal. As such, given the location, distance and orientation of windows, it is not considered that there would be any unacceptable overlooking or loss of privacy to neighbouring occupiers to the north, south and west of the site.
- 8.34 With regard to potential overlooking towards the consented schemes at 116 and 118 Chrisp street, given the distance of at least 16 metres and the separation by the road, it is not considered that there would be unacceptable overlooking to the future neighbouring occupiers.

Daylight and Sunlight

- 8.35 Daylight is normally calculated by two methods - the Vertical Sky Component (VSC) and the Average Daylight Factor (ADF). No Sky Contour (NSC) measures at a point, at desktop level, where sky is no longer visible through a window. Sunlight is assessed through the calculation method known as the Annual Probable Sunlight Hours (APSH).
- 8.36 A daylight and sunlight report carried out by Savills dated 25th November 2009 has been submitted in support of the application. Environmental Health have reviewed the contents of this report. The report demonstrates that generally the impact on neighbouring properties is acceptable in line with Building Research Establishment (BRE) guidance. The only area of question is the impact of the scheme on the consented schemes (not built) at 116 Chrisp Street and 118 Chrisp Street. Whilst there are failures in some areas, 100% of the rooms tested at 116 and 118 Chrisp Street comply with BRE guidelines in terms of Average Daylight Factor (ADF).
- 8.37 The design of the consented schemes at 116 and 118 Chrisp Street in terms of window and balcony design, limits the amount of daylight and sunlight received into the rooms. Only selected windows and rooms facing the proposed development were tested. The consented schemes on Chrisp St are across a street which is not uncommon within an urban context. ADF levels within the rooms would be compliant and therefore the properties will receive good daylight in terms of ADF. In addition, the units in the consented schemes at 116 and 118 Chrisp Street are dual aspect and overall it is not considered that the proposal would have an overbearing impact or an unacceptable loss of light within the urban context. Given that the BRE guidance should be interpreted with some flexibility and the urban context of the site, it is considered that the impact is acceptable and a refusal could not be substantiated on daylight and sunlight grounds.
- 8.38 Overall, acceptable levels of daylight and sunlight would remain as a result of the development to surrounding occupiers. The occupiers of the consented scheme would have acceptable light in the urban context and a refusal could not be sustained on daylight and sunlight grounds.

Overshadowing

- 8.39 A report carried out by Savills dated 25th November 2009 has been submitted in support of the application. This shows that whilst overshadowing to the gardens of 50-74 Carmen Street to the north of the site would be slightly increased as a result of the proposed development, the result remains fully BRE compliant and is therefore acceptable.
- 8.40 The report shows that the gardens to the proposed 5 bedroom houses would be overshadowed and would receive limited direct sunlight during the day, given their northern orientation. However, given these units benefit from a large private amenity area and a south facing roof terrace at 2nd floor level, this impact is considered acceptable.
- 8.41 The proposed main central area of open space within the development would only have a very small percentage (0.9%) of the area that experiences permanent shading and there is fully compliant with BRE guidelines and is therefore acceptable.

Sense of enclosure

- 8.42 Given the location and orientation of the proposed buildings, it is not considered that the proposals would result in an unacceptable sense of enclosure within itself or to neighbouring residential occupiers.

Noise

- 8.43 Given the scale of the development, the applicant would be required to adhere to an approved construction management plan to minimise noise and disturbance to nearby residents caused by construction noise, debris and traffic. A comprehensive construction management plan secured by S.106 agreement, would ensure that the level of disturbance and disruption within the locality during construction is minimised and kept to an acceptable level. Construction hours would be controlled by planning condition.
- 8.44 Given the scale, it is not considered that the proposed uses would cause unacceptable noise and disturbance. A planning condition would restrict the delivery and operation hours of the commercial uses to protect the residential amenity of residential occupiers. A full service management plan would also be secured within the S.106 agreement.
- 8.45 Overall, the proposal is considered acceptable and would not cause unacceptable harm to residential amenity in terms of overlooking, overshadowing, loss of light and noise in accordance with policy DEV2 and DEV50 in the UDP 1998 and policy DEV1 and DEV10 in the Interim Planning Guidance (October 2007).

Transport & Highways

- 8.46 Both the Unitary Development Plan and the Interim Planning Guidance contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, and supports movements by walking, cycling and public transport.
- 8.47 Following initial highway comments the applicant has submitted additional information regarding visitor spaces, number of cycle parking spaces, trip rates and servicing. The proposed cycle parking figures and details have been clarified and the provision of 150 resident spaces and 20 visitor / commercial spaces are considered acceptable in line with policy requirements and is therefore acceptable.
- 8.48 Communal bin stores will be provided within each of the building cores. A central bin store is provided at the northern end of Block D which will enable refuse vehicles to reach within 10m of the store. On designated refuse collection days, it is proposed that the refuse bins will be moved from the storage areas to the central refuse collection point located in Block D by the appointed management company. A managed system is also proposed for the commercial refuse bins, whereby the bins will be moved by the management company to adjacent to the central bin store on collection day. The service and refuse management plan would be secured via S.106 agreement. The refuse provision is considered acceptable in line with policy DEV15 in the Interim Planning Guidance (October 2007) and SP05 in the Core Strategy (Submission Version 2009).
- 8.49 Whilst LBTH highways sought an on-site servicing bay, it is considered that this would conflict with the provision of high quality amenity space within the site. Therefore, an agreement has been reached that the servicing bay can be accommodated on Carron Close and revised plans have been submitted.
- 8.50 Taking into account the additional information received following initial highways comments, parking arrangements, trip generation and servicing and refuse are considered acceptable. Subject to a service management plan and travel plan, highways officers do not raise a principle objection to the scheme on highways grounds.
- 8.51 The proposed car-free agreement for the new units is considered acceptable given the accessible location and provision of a Travel Plan within the S.106 agreement. The provision

of disabled parking throughout the development has been confirmed by the applicant following initial highways comments and is considered acceptable in line with planning policy.

- 8.52 The proposals are considered acceptable in highways terms in accordance with policies DEV1 and T16 in the UDP 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007 and policy SP08 in the Core Strategy (Submission Version 2009). A Travel Plan, Servicing Management Strategy, Construction Logistics Plan and the car free agreement are to be secure by planning conditions and via the S.106 agreement.

Sustainability

- 8.53 During the course of the application a revised energy strategy was submitted due to being unable to agree a servicing strategy for the biomass boiler with Highways officers. This revised energy strategy outlined the replacement of the biomass boiler with a combined heat and power plant (CHP) and the provision of solar photovoltaic (PV) panels. This is considered acceptable by the LBTH Energy team.
- 8.54 The approach to energy and sustainability is considered to be generally acceptable in principle. The applicant has broadly followed the energy hierarchy in policy 4A.1 in the London Plan. Energy and sustainability conditions will be attached to any permission granted to ensure compliance with policy.

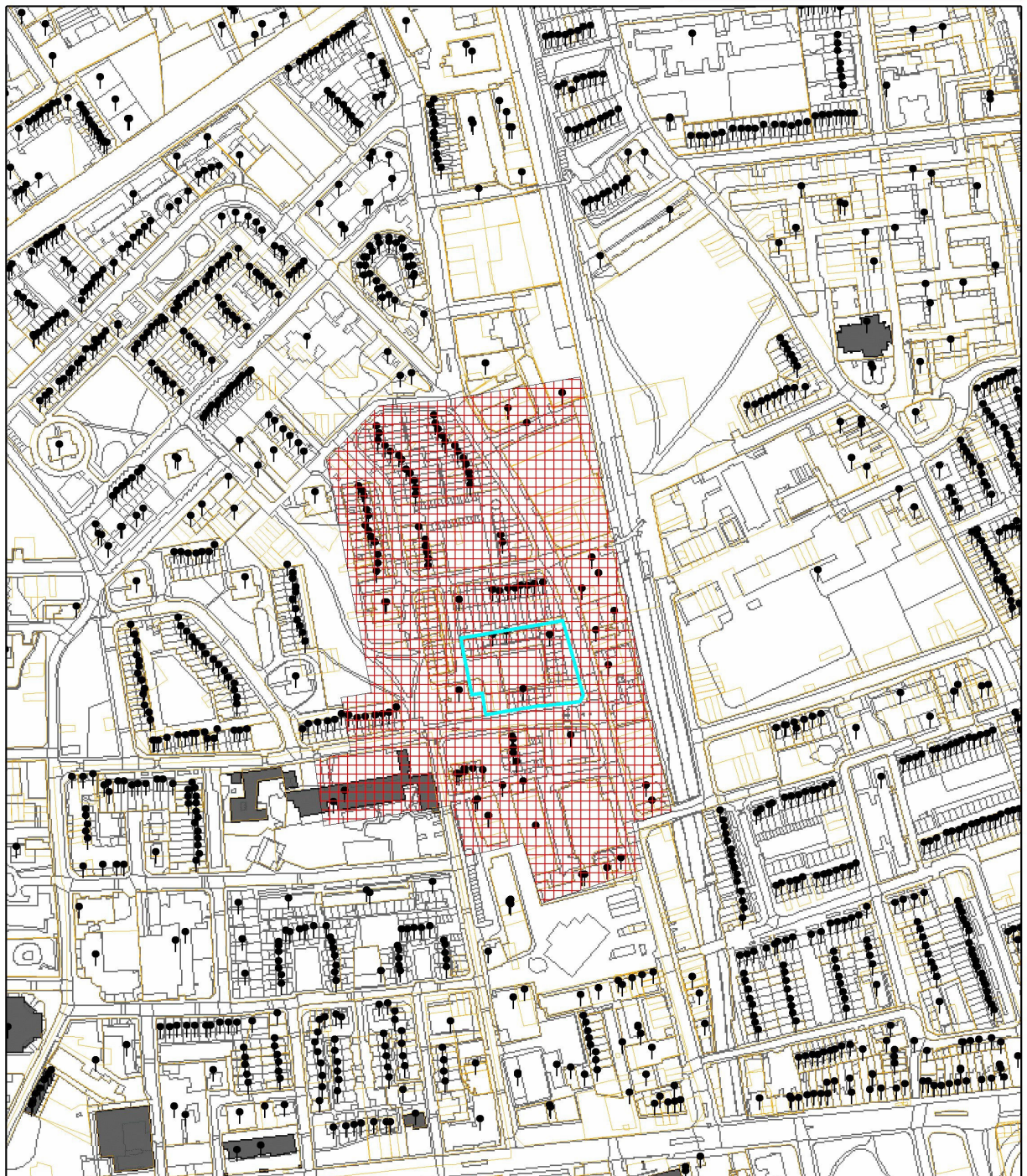
Other

- 8.55 As a result of the proposed development, the existing thoroughfare to the north of the site adjacent to the rear gardens of 50-74 Carmen Street would be lost. A small 1 metre alleyway would be retained for residents to gain rear access to their rear gardens. This alleyway is outside the application boundary and whilst it is therefore a management issue for Poplar Harca and cannot be controlled by this application, the applicant has informed the council that this alleyway would be gated and only accessible to residents of these properties. The application proposal creates a new access through the site from east to west, and therefore the alley to the north of the site would not become a well used route by the public.
- 8.56 Given that the biomass boiler is no longer proposed, this removes the fundamental air quality objection from Environmental Health. Following addition information received from the applicant, further air quality comments have been sought from Environmental Health. No comments have been received to date, however further comments or an appropriately worded planning condition will require air quality details to be submitted and approved.
- 8.57 It is recognised that there may be an increase in activity in the area as a result of the proposed development, but is not considered this would result in an increase in anti-social behaviour. The scheme has been designed to encourage natural surveillance over the public realm.

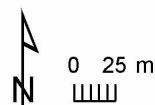
9.0 CONCLUSIONS

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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 Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568

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Agenda Item 7.4

Committee: Development	Date: 4 th March 2010	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Ila Robertson	Ref No: PA/09/02084
	Ward: Bow East

1. APPLICATION DETAILS

Location:	137 Tredegar Road, London, E3 2EU
Existing Use:	
Proposal:	Change of use of retail shop (Use Class A1) to restaurant (Use Class A3) and installation of fume extraction system.
Drawing Nos/Documents:	Site Plan, II, III, IV
Applicant:	Mrs Amanda Hallam
Ownership:	Owned by Applicant
Historic Building:	n/a
Conservation Area:	Roman Road Market

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of the case against the Council's approved planning policies contained in the Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance 2007, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

1. The proposed change of use is likely to result in an unacceptable increase in noise and disturbance to residential occupiers through an increase in activity, particularly in the evening. As such, the proposal is contrary to Policies DEV2, DEV50, S7 and HSG15 in the Unitary Development Plan 1998 and Policies DEV1, DEV10 and RT5 of the Interim Planning Guidance (2007): Core Strategy and Development Control which seek to protect the amenity of nearby residential occupiers.

2. The proposed extraction flue is an unsympathetic addition to the building that will fail to preserve or enhance the character of the Roman Road Market Conservation Area. As such, the proposal fails to meet the requirements of policy DEV1 in the UDP, policies DEV2 and CON1 in the Interim Planning Guidance which seek to ensure that development is appropriate in the locality.

3. It has not been demonstrated that the proposed extraction system can adequately neutralise the cooking odour from the proposed restaurant and that the use of the system would not result in an unacceptable level of noise to the adjoining residential properties. The proposal would therefore fail to comply with Policies DEV2, DEV50, S7 and HSG15 in the Unitary Development Plan 1998 and Policies DEV1, DEV10 and RT5 of the Interim Planning Guidance (2007): Core Strategy and Development Control which seek to protect the amenity of nearby residential occupiers.

4. No means of storage and collection of refuse generated by the proposed A3 use have

been provided to prevent an environmental nuisance. As such, the proposal is contrary to policy DEV55 of the Tower Hamlets Unitary Development Plan (1998) which requires that developments which are likely to generate significant quantities of waste include adequate arrangements for its collection and storage.

3. RECOMMENDATION

- 3.1 That the Committee resolve to REFUSE planning permission for the reasons above.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposal is to change the use of the ground floor unit from a retail shop (Use Class A1) to a restaurant (Use Class A3) and the installation of an extraction flue located at the rear of the building.
- 4.2 The proposed ground floor layout comprises cooking, serving and seating area. The layout shown on the submitted plans appears to show a serving counter which is often associated with a takeaway function. Whilst a limited takeaway service may be permissible if it is ancillary to the restaurant function, the principal use being applied for is Class A3 and not a Class A5 takeaway.
- 4.3 The galvanised steel extraction flue is to be located on the rear western flank elevation and projects 0.9 m above the existing roofline.
- 4.4 Whilst reference is made in the supporting documentation to a new shop front, no details of this have been provided. As such, it is not being considered as part of this application.

Site and Surroundings

- 4.5 The site is located on the north side of Tredegar Road, on the corner Tredegar Road and Hewison Street. The proposal relates to the ground floor of two storey end of terrace building. The unit was previously a shop though it is currently vacant. The flat above the application site has a separate access from Hewison Street.
- 4.6 There are adjoining residential properties to the north and west of the site and the surrounding area is largely residential in nature.

Planning History

- 4.7 The following planning decisions are relevant to the application:
- 4.8 PA/06/1798 Change of use from Class A1 (Shop) to Class A3 (Restaurant) – refused on 6th February 2007 for the following reasons:
- 1. The proposed use is likely to result in an unacceptable level noise and disturbance to adjoining residential properties and would therefore conflict with policies DEV2, HSG15, S5 and S7 in the Unitary Development Plan 1998 and Policy DEV1 in the Local Development Framework Submission Document 2006 which seek to protect residential amenity.*
- 2. The noise levels generated by the proposed plant and equipment are*

too high. Noise levels generated by all plant and equipment should be 10dBA below the lowest background noise levels. Furthermore no/insufficient information has been provided regarding the:

- a) details of the terminus of the duct;*
- b) details of the make up or supply;*
- c) the proposed mechanical ventilation of the proposed dining areas to the premises or the proposed basement storeroom;*
- d) the proposed mechanical ventilation of the WC accommodation;*
- e) the location of the extract fan, attenuator(s) and filtration system including the size of the ductwork and anti-vibration mountings and flexible isolator units to the extractor fan.*

The proposal therefore fails to comply with Environmental Health requirements and would result in an unacceptable level of noise to the adjoining residential properties. The proposal would therefore conflict with Policy DEV2 of the Unitary Development Plan (UDP) 1998 and Policy DEV1 in the Local Development Framework Submission Document 2006 which requires that development proposals should protect the amenity of occupiers.

4.9 PA/07/1112 Change of use from retail (Use Class A1) to restaurant and takeaway (Use Class A3 and Use Class A5). Installation of extraction system – refused on 8th June 2007 for the following reason:

1. The proposed A3/A5 use would lead to intensification of the use of the site and would therefore adversely impact upon and affect the amenity of nearby Tredegar Road residents, by reason of some associated noise, increase in pedestrian activity and movement, contrary to Unitary Development Plan (UDP) policies ST6, DEV1, DEV2, DEV50 and HSG15.

2. The proposed use is likely to result in an unacceptable level noise and disturbance to adjoining residential properties and would therefore conflict with policies DEV2, HSG15, S5 and S7 in the Unitary Development Plan 1998 and Policy DEV1 in the Local Development Framework Submission Document 2006 which seek to protect residential amenity.

A subsequent appeal was dismissed by the Inspectorate on 10th April 2008.

5. POLICY FRAMEWORK

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

5.4 Spatial Development Strategy for Greater London (London Plan) (2008)

4A.20 Reducing noise and enhancing soundscapes

5.2 Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Amenity
	HSG15	Development Affecting Residential Amenity
	DEV50	Noise

DEV55	Development and Waste Disposal
S5	Other Shopping Parades and Isolated Uses
S7	Special Uses

5.3 Interim Planning Guidance for the purposes of Development Control

Policies:	DEV1	Amenity
	DEV2	Design Requirements
	DEV4	Safety and Security
	DEV10	Disturbance from Noise Pollution
	DEV15	Waste Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV19	Parking for Motor Vehicles
	RT2	Secondary Shopping Frontages
	RT5	Evening and Night-Time Economy

5.5 Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

London Fire and Emergency Planning Authority (Statutory Consultee)

6.3 No planning issues raised

LBTH Environmental Health

6.4 Details of the extraction system are inadequate. An acousticians report is required to demonstrate that the extraction system will function effectively and not cause noise nuisance. In terms of odour, further information is required to demonstrate that the system is appropriate for the proposed use.

(OFFICER COMMENT: This is addressed in the Amenity Section of the report. It is not considered that this matter can be dealt with by condition as it may require changes to the external appearance of the system to satisfy these LBTH Environmental Health requirements)

LBTH Highways

6.5 - Concerns regarding the servicing of the proposed restaurant - the applicant has not outlined the frequency of deliveries, size of delivery vehicle to be used or the location from which the proposed A3 restaurant is to be serviced.

- Cycle parking facilities have not been supplied for the proposed A3 restaurant and should be provided in line with LBTH policy whereby either a minimum of 2 spaces are

provided or 1 space per 20 staff for staff use and 1 per 20 seats for visitors use are provided (whichever is greater).

(OFFICER COMMENT: This is addressed in the Highways Section of the report)

7. LOCAL REPRESENTATION

- 7.1 A total of 149 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	77	Objecting:	40	Supporting:	37
No of petitions received:	0 objecting containing 0 signatories				
	0 supporting containing 0 signatories				

- 7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

In objection

- Noise and disturbance from increased footfall;
- Littering & anti-social behaviour;
- Flue – damage character and appearance of the area;
- Smell from extraction system;
- Could be used for other uses in the A3 Class;
- Accessible alternatives in reasonable walking distance;
- Unit vacant though no evidence that it has been marketed;
- Congestion & parking issues;
- Out of character with residential area;
- Previously a takeaway on Mostyn Grove not relevant to this application;
- Not in accordance with healthy eating objectives.

In support

- Inadequate provision of restaurants in the local area within close walking distance for residents and businesses.

- 7.3 The following issues were raised in representations, but they are not material to the determination of the application:

- Impact on house prices

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use
2. Design
3. Amenity
4. Highways
5. Other

Land Use

- 8.2 The application proposal is to change the use of the existing unit from a shop (Class A1 Use) to a restaurant (Class A3 Use).
- 8.3 Policy S5 in the UDP relates to applications for the change of use of small shops or 'corner shops' from retail use to other uses. The policy states that such changes of use may be considered favourably where it has been demonstrated that the property has been actively marketed for retail use; there is adequate provision in the locality to meet local needs; and, where the proposed use would not be detrimental to the amenity of residents.
- 8.4 The application property was most recently occupied by a convenience store however is currently vacant. The applicant has not submitted any evidence to demonstrate that the unit has been actively marketed during this period of vacancy. However, the intention of the policy is to ensure that there is an adequate provision of shops within a reasonable walking distance to serve the local area. As such, given that there are retail shops within walking distance located on Roman Road and Tredegar Road, it is considered that in principle the loss of the retail use can be accepted.
- 8.5 However, in terms of the acceptability of a restaurant. This is not considered appropriate for amenity reasons which will be discussed in the amenity section of the report.
- 8.6 It should be noted that whilst the application details specify the use as being a 'Fish and Chip Restaurant', if permission is granted for a Class A3 Use, the premises could lawfully be used for any use within this class. This includes restaurants and cafes for the sale of food and drink for consumption on the premises.

Design

- 8.7 Policy DEV1 in the UDP and DEV2 in the IPG requires development to take into account, and be sensitive to the character of the surrounding area. Policy CON2 in the IPG states that proposals in Conservation Areas will only be supported where they preserve or enhance the character of the Conservation Area.
- 8.8 The external changes proposed to the building relate only to the extraction flue. It is proposed to install the flue on the rear western flank elevation with the ductwork cast from galvanised steel.
- 8.9 Whilst the supporting documents submitted with the application refer to a replacement shop front, no drawings have been provided with the application therefore this has not been considered as part of this application.
- 8.10 Due to the location of the flue to the rear of the property, it will be visible from surrounding residential properties. The upper section will project above the roof line and this portion will also be visible from the street. It is considered that the proposed flue is an unsympathetic addition that would fail to preserve or enhance the character and appearance of the Roman Road Market Conservation Area.
- 8.11 As such, the proposal fails to comply with the requirements of Policy DEV1 in the UDP, Policies DEV2 and CON1 in the IPG which seek to ensure that development is appropriate in the locality.

Amenity

- 8.12 Policy S7 in the UDP requires that consideration be given to the amenity of nearby residents when assessing proposals for restaurants. The application site is located in a

predominately residential area. Therefore policy HSG15 of the UDP is also relevant. This policy states that non-residential development will normally only be allowed where it is likely to have no adverse effects upon residential amenity.

- 8.13 Other relevant policies are DEV2 and DEV50 in the UDP and Policies DEV1 and DEV10 in the IPG which seek to protect the amenity of residents.
- 8.14 The introduction of a restaurant would inevitably lead to activity being generated both during the day and into the evening. This is a predominantly residential area where an increased level of activity, in particular in the evening, is not expected. It is considered that the noise and disturbance from customers travelling to and from the restaurant, the likelihood of groups congregating outside and noise from the manoeuvring of vehicles would be detrimental to the amenity of the adjoining residents.
- 8.15 In the appeal decision for application PA/07/1112 for the change of use to a restaurant/take away, the Inspectorate states that the noise of *'car doors banging and manoeuvring vehicles would disturb those living nearby as would the conversations of customers visiting on foot. I conclude, therefore, that the proposal would be seriously detrimental to the living conditions of nearby residents.'*
- 8.16 It is accepted that a use incorporating a takeaway is likely to result in a greater intensity of activity than a restaurant use. However, it is considered that the level of disturbance from the proposed use would still be at an unacceptable level. The nature of the use encourages groups of people rather than individuals to visit the premises. Furthermore the limited seating area is likely to lead to a high turn-around of customers. It is also noted that a limited takeaway service may be permissible if it is ancillary to the restaurant function.
- 8.17 Details of the specification for the extraction flue have been submitted with the application. However, Council's Environmental Health officers do not consider that the specification details are sufficient to demonstrate that the extraction will adequately neutralise the cooking odours. It has also not been demonstrated that the use of the extraction system will not give rise to noise issues.
- 8.18 For the reasons detailed above, it is considered that the proposal would be contrary to Policies DEV2, DEV50, S7 and HSG15 in the UDP and Policies DEV1, DEV10 and RT5 of the IPG which seek to protect the amenity of nearby residential occupiers.

Highways

- 8.19 Saved policy T16 of the UDP states that new development proposals will be assessed in relation to the ability of the existing and proposed transport system to accommodate any additional traffic that is likely to be generated.
- 8.20 Policies CP41 and DEV19 of the IPG seek to ensure the integration of new development with transport, recognising that this is fundamental to achieving more sustainable patterns of travel in Tower Hamlets.
- 8.21 The subject site is located on a corner site where parking is restricted during the daytime. The site is located in a sustainable location with good access to public transport. During the daytime, it is likely that the limited parking provision will encourage use of more sustainable transport methods. In the evenings, when the restrictions are reduced, some customers are likely to drive to the restaurant. Given the limited availability of parking in the locality and size of the restaurant, it is not considered that the impact would be significant enough to warrant refusal of the scheme.

- 8.22 In terms of services, it is recommended that a service management plan (required by condition) would be an appropriate way of controlling the servicing of the site. This is an existing shop which currently has deliveries etc. As such, it is considered that it is reasonable to condition a management plan to ensure that deliveries are coordinated and carried out at appropriate times. As such, a reason for refusal on this basis can not be substantiated.
- 8.23 Cycle parking facilities have not been supplied for the proposed A3 restaurant. Cycle parking could be provided on the forecourt of the site (required by condition) if planning permission were granted.

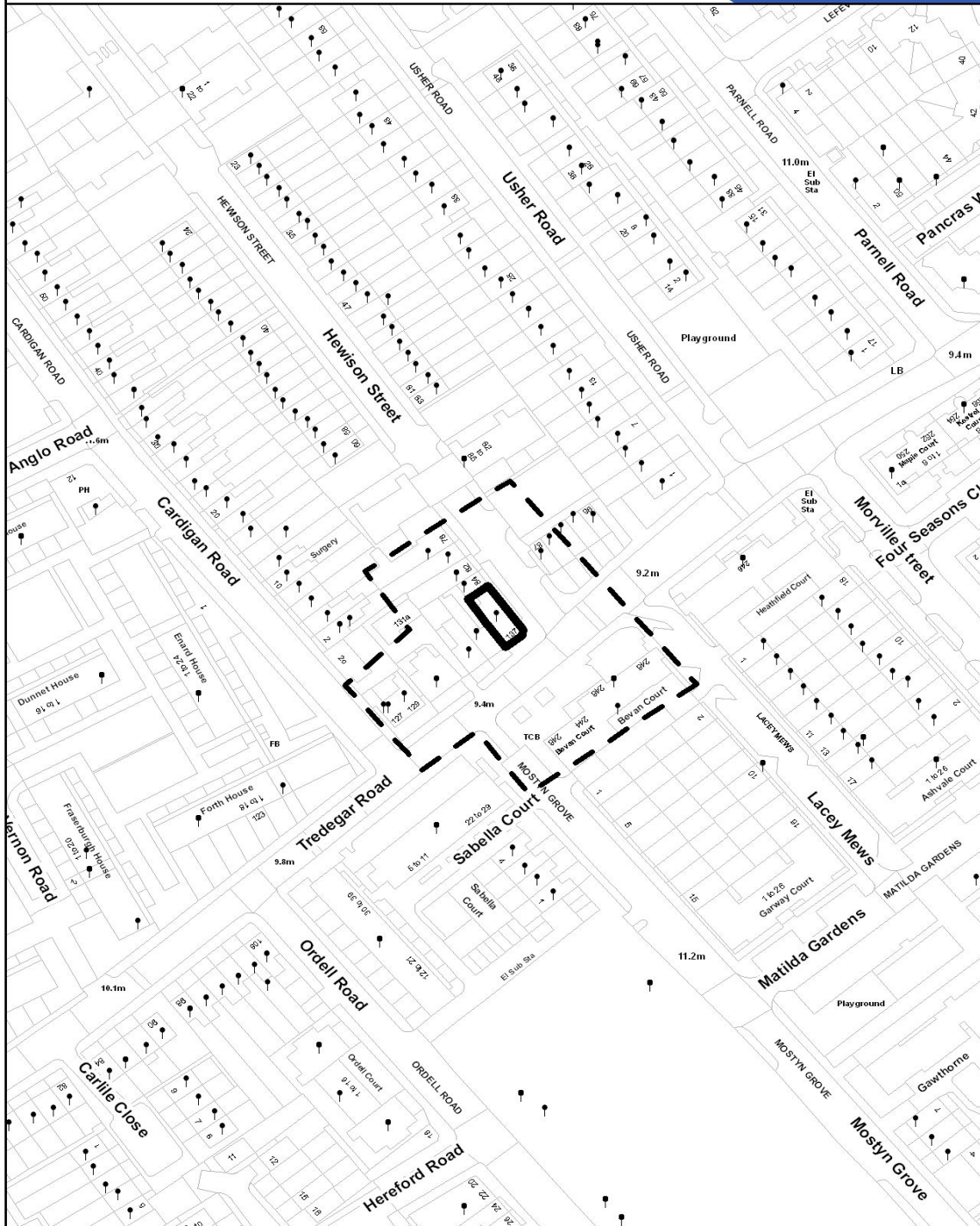
Other Planning Issues

- 8.24 No means of storage and collection of refuse generated by the proposed A3 use has been provided to prevent an environmental nuisance. As such, the proposal is contrary to policy DEV55 of the Tower Hamlets Unitary Development Plan (1998) which requires that developments which are likely to generate significant quantities of waste include adequate arrangements for its collection and storage.
- 8.25 With regard to the Council's healthy eating objectives, it should be noted that there are no adopted planning policies at the national, regional or local level which require consideration to be given to healthy eating. As such, limited weight has been given to this matter and it is not considered that refusal on this basis could be sustained.

Conclusions

- 8.26 All other relevant policies and considerations have been taken into account. Planning permission should not be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



Planning Application Site Boundary



Statutory Listed Buildings



Consultation Area



Land Parcel Address



1:1,500

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 Stationary Office (c) Crown Copyright.
London Borough of Tower Hamlets LA100019288

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Agenda Item 8

Committee: Development	Date: 4 th March 2010	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal Originating Officer: Owen Whalley		Title: Other Planning Matters Ref No: See reports attached for each item Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See individual reports

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Agenda Item 8.1

Committee: Development	Date: 4th March 2010	Classification: Unrestricted	Agenda Item Number:
Report of: Corporate Director of Development and Renewal Case Officer: Kathryn Phillipson		Title: Listed Building Application (Council's own development) Ref No: PA/09/2134 (TH11904) Ward: East India and Lansbury	

1. APPLICATION DETAILS

- 1.1 **Location:** Lansbury Lawrence Nursery School, Cordelia Street E14

Existing Use: Nursery school

Proposal: Internal and external alterations and refurbishments to the nursery school buildings including some demolition. Connecting and enlarging the two buildings on Cordelia Street by infilling a small yard and raising the roof of the lower building. Re-location of pupils toilets in south block from within classrooms to a single central area

- 1.2 **Drawing Nos.** LL-001/P1, 002/P3, 003/P5, 004/P4, 005/P1, 011/P1 and 012/P2

Supporting Documents: Photographs of existing kitchen, toilets, medical room and classrooms (LL-006/P1, 007/P1, 008/P1, 009/P1 and 010/P1)

Applicant: LBTH Children's Services
Owner: LBTH
Historic Building: Grade II,
Conservation Area: Lansbury

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

a) Subject to appropriate conditions regarding detailed design, the proposed extension, alterations and works of refurbishment to the school are acceptable in terms of their scale, form and design. The proposal therefore complies with PPG15, saved policies DEV27 and DEV37 of the Tower Hamlets Unitary Development Plan 1998 (saved 2007) and policies DEV2, CON1 and CON2 of the Interim Planning Guidance: Core Strategy and Development Control Submission Document 2007, which seek to ensure that alterations to listed buildings preserve their special architectural and historic

interest and that minor alterations do not have a detrimental impact on the character and appearance of conservation areas.

b) Subject to appropriate conditions regarding detailed design the proposed works to the school would not be detrimental to the character and appearance of the conservation area, in line with PPG15, saved policies DEV1 and DEV17 of the UDP 1998 (saved 2007) and policies CP49, DEV2 and CON2 of the Interim Planning Guidance 2007: Core Strategy and Development Control Submission Document 2007, which seek to ensure high quality design in the Borough and development which preserves and enhances conservation areas.

3. RECOMMENDATION

3.1 That the Committee resolve to refer the application to the Government Office for London with the recommendation that were it within its authority to do so this Council would be minded to grant Listed Building Consent and that power is delegated the Head of Planning and Building Control to recommend to the Secretary of State conditions and informatives to secure the following matters:

3.2 1. Development to be implemented within three years

2. Details of the following to be submitted and approved before work commences:

a) revised drawings to show the north elevation of the proposed infill set back from the building line of the two existing buildings

b) detailed drawings of the junction between the retained roof of the original 'blue class' building and the proposed extension

c) bricks (including sample panels to show bond, mortar and pointing) roofing, coping, roof lights and windows for proposed parents/dining room. Re-use salvaged bricks.

d) retention, cleaning and re-use of terrazzo lavatory partitions and omission of encasement panels.

e) internal finishes for new toilet areas.

f) all new work and work of making good to original fabric to match original in terms of materials, detailed execution and finished appearance

3.3 Informatives .

Listed building consent would be required for the incorporation of security fencing above the altered building and you are advised that such structures are considered detrimental to the character and appearance of the conservation area.

4. PROPOSAL, LOCATION AND BACKGROUND DETAILS

Proposal:

- 4.1 The Council seeks listed building consent for internal and external alterations and refurbishments to the nursery school buildings including some demolition. Connecting and enlarging the two buildings on Cordelia Street by infilling a small yard and raising the roof of the lower building. Re-location of pupils toilets in south block from within classrooms to a single central area.
- 4.2 The council is prohibited from granting itself listed building consent . Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity. Statutory publicity consisting of site notices displayed for 21 days, a notice in the local press and consultation of English Heritage has been carried out, as has the consultation of local occupiers. The responses are set out at Section 6 below.

Site and surroundings:

- 4.3 The Lansbury Lawrence Primary School and Nursery School share a large campus bounded by Cordelia Street, Kerbey Street, Ricardo Street and Bygrove Street. This is just north-west of Chrisp Street Market shopping centre and at the north end of the Lansbury Conservation Area. Across the streets on all sides is low and medium rise housing. This application relates only to the nursery, which occupies the north west corner of the site and is separated from the main school by wire fences.

Relevant History:

- 4.4 The nursery was originally the Elizabeth Lansbury Nursery and the school was the Susan Lawrence Primary. As noted by English Heritage they were built in the early 1950s as part of the Lansbury Estate. There have been a number of subsequent planning permissions and listed building consents relating to alterations and extensions, the relevant one to this case being the construction of a parents' room extension to the nursery's north block, permitted in 1984. This is included in the current application

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for 'Planning Applications for Determination' agenda items. The following policies are relevant to the application:
- 5.2 **Government Planning Policy Guidance**
PPG15 preserve and enhance character and appearance of Conservation Areas and
special historic and architectural character of listed buildings and their settings.
- 5.3 **Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (London Plan 2008)**

4B.11 maintain the contribution of the built heritage to London's environmental quality.
- 5.4 **Unitary Development Plan 1998 (as saved 2007)**

Policies

- DEV1 all development to take account of character of surrounding area in terms of design, scale and materials and take account of building and roof lines and street patterns
- DEV2 residential amenity
- DEV9 resist minor alterations which would adversely effect the appearance of the building or visual integrity of the street
- DEV27 impact of minor alterations in conservation area on the building in question and on the conservation area
- DEV37 alterations to listed buildings to preserve special architectural or historic interest of the building, including retention of original plan form, repair of original features and use of traditional materials

5.5 Interim Planning Guidance for the purposes of Development Control (2007)

Core Strategies

- CP49 protect and enhance the historic environment including character and setting of listed buildings and conservation areas

Policies

- DEV1 protect amenity of residents and public realm
- DEV2 development to take account of local character and protect and enhance historic environment, particularly listed buildings, conservation areas and their settings; high quality design and materials
- CON1 alterations to listed buildings not to have adverse impact on character, fabric and identity of the building and to use appropriate design, scale, detailing and materials
- CON2 development in conservation areas to preserve/enhance distinctive character in terms of scale, form, height, materials, architectural details and design.

5.6 Community Plan 2008/09

A great place to live
A safe and supportive community
A healthy community
One Tower Hamlets

6. CONSULTATION RESPONSE

- 6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

English Heritage

- 6.2 This school, built in 1951-2 is a key part of the Lansbury Estate Conservation Area. it was a pioneering facility designed by Yorke, Rosenberg and Mardall and was the first post-war nursery school in London. It is an important listed building which demonstrates historical, aesthetic and communal value. The following general observations are made and the Council is urged to address the issues therein.

- 6.3 The western end of the low key Cordelia Street façade has previously been altered to the detriment of the appearance of the building. We would advise that the proposed infilling of the recess/gap should be carefully considered. Some form of slight recess at this point may help articulate the façade and help to overcome problems with bonding brickwork etc.

(officer comment – this option discussed on site, revised drawings can be required by condition)

- 6.4 We would advise that particular attention should be paid to the type of brick, brick bond and pointing profile of the proposed new external work so that it matches the original brickwork.

(officer comment – suitable conditions recommended)

- 6.5 The school toilet areas incorporate many original features. They were built with hard wearing finishes such as terrazzo and given the fact that they are almost sixty years old, they have stood up well to the rigours of daily use. It is important that the new facilities incorporate finishes of equal quality. We would particularly urge that the proposed finishes over the retained terrazzo cubicles are omitted and that the terrazzo is cleaned.

(officer comment - recommend appropriate condition)

- 6.6 The opportunity should be taken to review the existing roof security measures which detract from the appearance of the building.

(officer comment – these fences should have listed building consent, informative regarding detrimental effect recommended)

7. LOCAL REPRESENTATION

- 7.1 A total of 38 neighbouring addresses were consulted by letter, site notices were posted and a press notice published. No responses have been received.

8. MATERIAL PLANNING CONSIDERATIONS

Land use:

- 8.1 There are no land use issues relevant to the consideration of the listed building application. The small loss of outdoor space is dealt with in the parallel planning application.

Amenity:

- 8.2 The proposals would have no impact on the amenity of local residents.

Design and Conservation:

- 8.3. The nursery school is a collection of linked single storey buildings set in a curtilage which includes playgrounds and garden areas. The entrance (west) façade faces Bygrove Street and is set back from the road and almost hidden from view by high hedges. The south elevation is separated and largely hidden from Ricardo Street by playground, trees and part of the Primary

School and the east elevation faces the adjoining school and is not visible from the street. The north elevation however runs close to the site boundary with a 45m frontage along the south side of Cordelia Street.

- 8.4 This frontage is in three parts. The largest part is an original building containing a classroom and kitchen. This long low building emphasises its horizontality by the use of three building elements layered one above the other - stock brick wall, strip windows and shallow mono-pitch copper clad roof, currently somewhat marred by the addition of a security fence, intended in part to prevent the roofing being stolen. West of this is the 1980s parents' room and a store. These are flat roofed structures the same height as the eaves of the classroom but with a blank façade to the street. The bricks are clearly intended to blend but are visibly lighter/cleaner. Beyond them is the remaining section of the 2.3m garden wall the buildings replaced.
- 8.5 Separating the 1950s and 1980s buildings is a 1.5m gap with a gate from the street. This is a small yard giving access to the school kitchen but closed by a wall at the south end. The current proposal seeks to build over this yard, demolish the west wall of the 1950s building and the east wall of the 1980s building and combine the parents' room and the school kitchen to provide a large room doubling as parents room and school dining room.
- 8.6 The principle of the alterations is not considered unacceptable. The classroom area would remain intact, the kitchen has no important original features and the changes inside would not alter the appearance of the important external elevations. The 1980s building has no historic or architectural merit. However, in order to achieve this improvement to school facilities two buildings of different design have to be physically joined, and the proposal includes not only building across the gap but raising the height of the 1980s building and the infill structure by 0.8m on all but the south side, to create a parapet wall which would hide a membrane covered roof and roof lights raised above the roof surface.
- 8.7 This will have an impact on the street elevation by increasing the bulk of the plainer building; involves detailing a suitable interface between the pitched roof and the new wall and would require very careful choice of bricks to avoid drawing inappropriate attention to what should be a subsidiary building by a multiplicity of brick colours, textures and bonds. English Heritage and Council Officers are in agreement that one thing which could be done to help retain the visual integrity of the 1950s building would be to set the infill back from the building line to keep the ghost of the gap. This would also make it easier to deal with the inevitable difference in materials and increase the separateness of the higher building. Revised drawings and more details of the junction between the buildings should be sought as well as full details of all materials including roof lights.
- 8.8 There are internal alterations to the classroom in the north building, to provide a larger medicine room, a new store and a smaller toilet area. The reversible partition walling is not considered to be detrimental to the character of the building. The child size toilets are of historic interest in that they are contemporary with the school building and benefited from the same attention to detail and use of quality materials, such as the terrazzo partitions. Toilets elsewhere in the nursery are to be relocated (see below) but in this classroom they will remain in their original position. English Heritage urge the retention

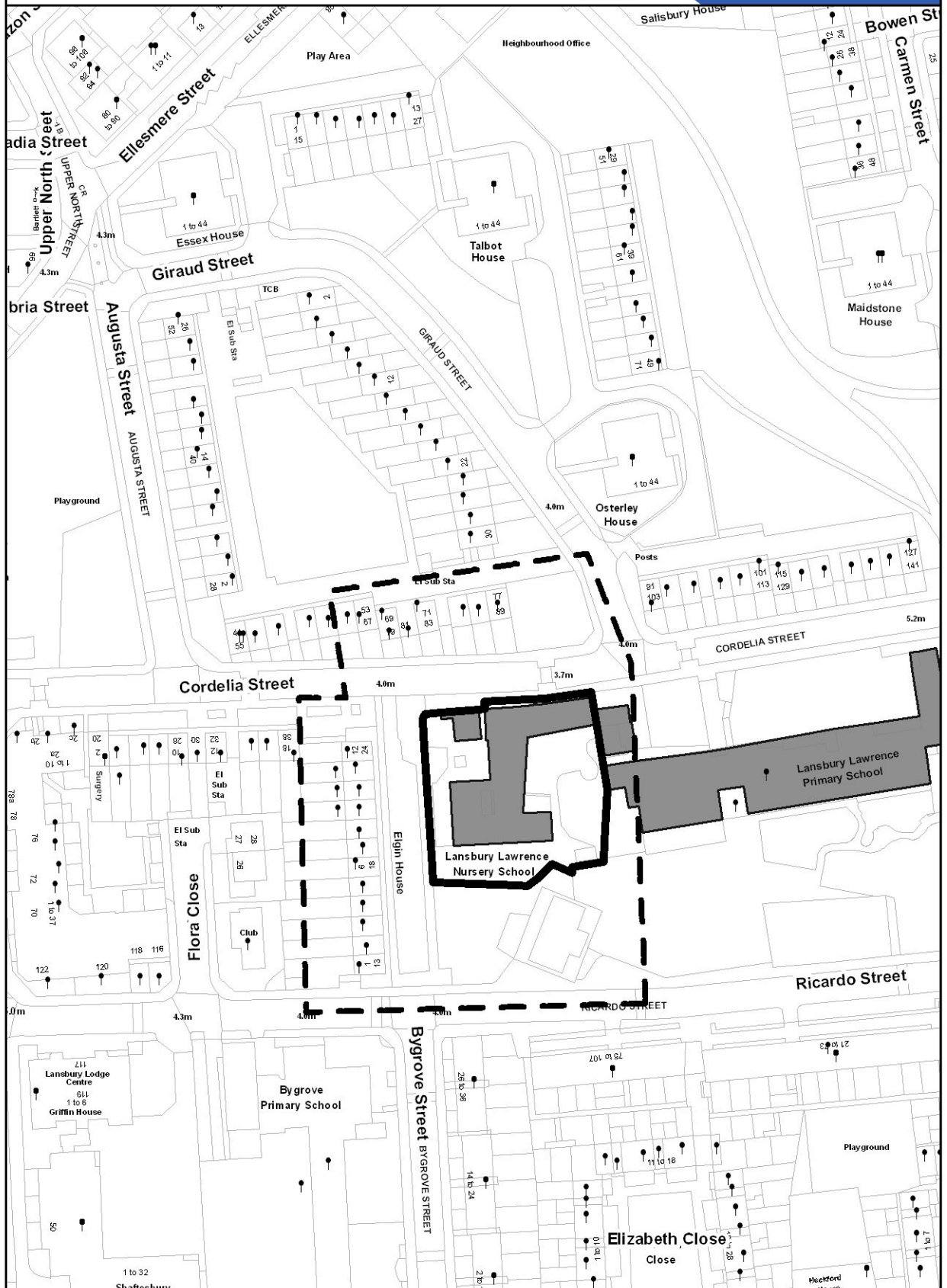
and renovation of an example of the original facilities and this is the appropriate location. Conditions are recommended to ensure this.

- 8.9 Apart from replacing sliding glass doors to the playground on the south elevation with outward opening glass doors plus a fixed panel, and the replacement of doors to the entrance garden on the north elevation with very similar new ones, the works to the south part of the building are all internal. There is no objection to these external alterations subject to the materials matching the existing.
- 8.10 This part of the building contains two large classrooms. each of which has internal rooms within rooms for storage and for pupil toilets. The proposal is to remove the toilet areas to provide better space in the classrooms and to provide new pupil, staff and visitor toilets in a central cluster which still provides direct access to separate facilities from each classroom. This involves the use of what was originally a light well, and still has windows into it, but is now roofed over. The proposal retains the form of the well but partitions it into two halves and blocks the windows.
- 8.11 The removal of the partition walls within the classrooms and the works to create the new toilet area do not impact on the external appearance of the building or on its primary internal layout and are not therefore considered to be detrimental to the character or appearance of the listed building. However, as mentioned above, it is considered desirable, and also sustainable, to retain quality materials from these facilities and re-use them elsewhere. As noted by English Heritage it is important that new toilet area finishes should be of high quality and a details should therefore be conditioned.

9. CONCLUSIONS

- 9.1 All relevant policies and considerations have been taken into account The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



Planning Application Site Boundary



Consultation Area



Statutory Listed Buildings



Land Parcel Address

0

30 m



1:1,500