



Meeting of the

DEVELOPMENT COMMITTEE

Tuesday, 10 January 2012 at 7.00 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Shiria Khatun	
Councillor Kosru Uddin Councillor Craig Aston Councillor Md. Maium Miah Councillor Helal Uddin Councillor Marc Francis	Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Kabir Ahmed, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Anwar Khan, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Ann Jackson, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis)

[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

Tuesday, 10 January 2012

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.

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 14th December 2011.

3 - 10

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. **11 - 12**

The deadline for registering to speak at this meeting is **4pm 6th January 2012.**

6. DEFERRED ITEMS

Nil Items. **13 - 14**

7. PLANNING APPLICATIONS FOR DECISION 15 - 16

7 .1 Carriageway and Footway Opposite 70-74 Cadogan Terrace, E9 (PA/11/02440) 17 - 26 Bow East

7 .2 101-109 Fairfield Road, London (PA/11/00890) 27 - 54 Bow East

8. OTHER PLANNING MATTERS 55 - 56

8 .1 Appeals Report 57 - 64

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 7.00 P.M. ON WEDNESDAY, 14 DECEMBER 2011

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

Members Present:

Councillor Shiria Khatun (Vice-Chair)
Councillor Kosru Uddin
Councillor Md. Maium Miah
Councillor Marc Francis
Councillor Helal Uddin
Councillor Craig Aston

Other Councillors Present:

Councillor Gloria Thienel
Councillor Abdul Asad
Councillor Alibor Choudhury

Officers Present:

Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Jen Pepper	– (Affordable Housing Programme Manager, Development and Renewal)
Pete Smith	– (Development Control Manager, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Benson Olaseni	– (Deputy Team Leader, Development and Renewal)
Mandip Dhillon	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
	–

Please note that the order of business was varied by resolution of the Committee, however for ease of reference the decisions taken are set out below in the order detailed on the agenda.

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Helal Abbas.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
Councillor Md. Maium Miah	8.2	Personal	Lived in the Ward concerned. Had received correspondence from interested parties.
Kosru Uddin	8.2	Personal	Had received correspondence from interested parties. Council Representative on the Thames Gateway Development Corporation Planning Committee.
Marc Francis	7.1	Personal	Ward Member for Bow East Had received correspondence from interested parties.
	8.2	Personal	Had received correspondence from interested parties.
Helal Uddin	8.2	Personal	Had received correspondence from interested parties.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 16th November 2011 be agreed as a correct record and signed by the Chair.

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, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

Nil Items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Old Ford Lock, 51 Dace Road, London (PA/11/01263)

Pete Smith (Development Control Manager, Planning Services) introduced the report concerning Old Ford Lock, 51 Dace Road, London

The Chair then invited registered speakers to address the meeting.

Francis Luke spoke in objection to the application. Mr Luke reported that he lived near the Old Ford lock around 35 meters from the proposed mast. He considered that the area was largely residential. The view that it was largely industrial was out of date. Over 1000 people lived in the area and the signals from the mast would travel directly over them. Whilst the permission was for a year, the applicant could seek to extend it or could attempt to stay their longer

on their own accord. The residents would then be subjected to a lengthy enforcement process trying to get the mast removed. The application should be rejected.

In reply to Members about the perceived health risks, Mr Luke considered that it was a large mast. He felt sure that the signals would affect him and his family.

Mr Bryan Passmore spoke on behalf of Vodafone, the applicant. He reported that the mast would cover the west of the Olympic Stadium. The Olympics were expected to produce an unprecedented demand for information. The coverage was required to delivery this. The mast would be shared by a number of operators. The applicant had held regular meetings with LOCOG to facilitate the project. Alternative sites around the Olympic Park and the surrounding area had been looked at and discounted as they did not offer adequate coverage. This was the only suitable location within the search area. It would preserve and fit in well with the area.

In reply to Members, Mr Passmore considered that this was a complex project. It was necessary to begin work on the project in January 2012 to allow enough time to properly install the mast.

Mandip Dhillon (Planning Officer) presented the detailed report. Ms Dhillon explained the site and surrounding uses, including the location of the residential properties. She also highlighted the outcome of the local consultation generating 23 objections. The applicant had carried out a full assessment of the area and were of the view that there were no other suitable sites in the defined search area other than the site proposed. Officers did not consider that the scheme would affect pedestrian access, given the reductions in the foot path and that it would impact on the conservation area. There was a condition to ensure that the mast would be removed no later than 31st December 2012 and that at which time, the site would be reinstated to its former standard.

In terms of the health issues, the applicant had submitted an up to date radiation certificate to demonstrate that the radiation levels were safe as required by policy. Therefore the scheme was satisfactory on these grounds. Officers also clarified the need for the preparation time to allow for the mast to be installed and tested before use.

In response, Members sought assurances that the time limit was enforceable given experiences with temporary permissions elsewhere overrunning. To avoid this, it was asked if the time period for the permission could be reduced to the lowest practical.

Accordingly, Councillor Marc Francis moved an amendment to the recommendation, seconded by Councillor Kosru Uddin reducing the time period for the permission to 1st March 2012 to 31st October 2012 (from 1st January 2012 to 31st December 2012). On a vote of 5 in favour 0 against and 1 abstention, this was **AGREED**.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission be **GRANTED** for the installation of a 25m temporary lattice mast, complete with 12 antennas and four dish antennas, associated radio equipment cabinets within a secure compound, for a period not exceeding 1st March 2012 to 31st October 2012 (as amended by the Committee) subject the imposition of the conditions and informatives set out in the report; and
2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.

8. OTHER PLANNING MATTERS

8.1 Appeals Report

Pete Smith, (Development Control Manager) presented the report. The report provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions.

RESOLVED

That that details and outcomes of the appeals as set out in the report be noted.

8.2 Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14

Special Reasons for Urgency Agreed.

Pete Smith (Development Control Manager, Planning Services) introduced the report concerning Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14. Mr Smith reminded Members that the application fell within the planning functions of the London Thames Gateway Development Corporation (LTGDC) therefore it was not for decision by the Authority.

However the Council, as a statutory consultee, had been invited to make observations on the application. The Committee were therefore asked to consider and endorse Officers recommendations on the application to form the Council's observations.

The Chair then invited registered speakers to address the meeting.

Cliff Prior spoke in objection to the proposal. He stated that 650 residents of the area had signed the petition against the scheme. The proposal was far too great for the site, twice in excess of policy requirements. The number of family sized homes and room sizes were also inadequate and fell short of

policy requirements. There would be inadequate amenity space. The scheme was out of character. The right to light report shows breaches in the minimum levels. Mr Prior referred to other new developments in the area. In his opinion only two of which included affordable housing. Together with these developments, the proposal would create a sense of overdevelopment.

There were also no parking or deliveries spaces or room for reversing. The site had a poor Public Transport Accessibility Level (PTAL). Unauthorised parking was a problem in this area and often a source of hostility. Therefore, this proposal would put additional pressure on parking and could generate further conflict.

In reply to Members, Mr Prior commented on the consultation undertaken with residents. He was of the opinion that everyone who lived by the site objected to the scheme. According to the report, a number of the units exceeded the affordability threshold. Therefore were not affordable.

Dr. Mubeen Khan spoke in objection to the scheme. He also expressed concern over lack of parking, overshadowing, density, and loss of trees. He referred to a previous permission for the site. He expressed concern that the original use and Section 106 Agreement could be changed. He questioned the policy and exceptional circumstances justifying this. There was also a lack of children's facilities in the area and often fights over car parking spaces given the car free nature of area. Currently the green spaces were used by children. However the Applicant was now requesting that some of the amenity space (roof terraces) could only be used by the private units reducing community space.

Councillor Gloria Thienel spoke in opposition to the scheme welcoming the opportunity to voice her views at the Committee. She expressed objection at the design, overdevelopment of the area as the population had already reached its maximum potential. It would block views to Greenwich. The new development would also place additional pressure on existing infrastructure, (schools, health services etc) already stretched to full capacity. There would be little improvements in such services to cope with this. The Councillor asked the Committee to oppose the application.

Tim Holtham spoke in support of the scheme. The developers had engaged extensively with the local community as well as LBTH and the Greater London Authority in preparing the plans since 2010. There was a need for additional housing in the Lower Lea Valley area. A region identified in the London Plan as an area to provide more affordable housing. Its population was also set to rise as recognised in Council policy. Therefore, the proposal would assist in meeting these demands. The plans also sought to mitigate impact on views and amenity. Parking would be kept to a minimum in line with policy. Mr Holtham also highlighted the plans for amenity space. Overall the scheme would provide much needed new homes, be environmentally friendly and sustainable and make a positive contribution to the area.

In response to Members, Mr Holtham acknowledged that there was a mixed response to the consultation. Whilst most of the surrounding residents

were opposed to the scheme, those living further away were quite supportive. The applicant was currently still in discussions with LTGDC about the affordability of the social housing. The feedback from residents had been taken into account in designing the scheme. As a result it had been designed to address the objections as far as possible. A key safeguard was the adequate distances between buildings and the fact that the roof terrace would be set back to prevent overlooking and loss of sunlight. The design was in keeping with the area. The architectural quality was very high.

Mr Jerry Bell (Strategic Applications Manager, Planning Services) presented the detailed report. He reminded Members that the request for observations was originally dealt with by Officers under delegated powers in line with the Council's Constitution. However at the request of Members and residents, Officers had since reviewed this decision and had decided to take the request to Committee for open discussion.

Whilst Officers had already formally responded, should the Committee agree differently, their response would be withdrawn and replaced by the Committees.

Mr Bell explained in detail the scheme including the layout, the location and nature of the surrounds, the current use of the site and the location of the community space. Mr Bell explained the benefits of the scheme including 35% affordable units in line with policy. Overall officers were of the view that the scheme in principle was acceptable but were recommending a number of additional conditions as set out in the report.

In response, the Committee raised a number of questions covering the following issues:

- The decision to deal with the matter under delegated powers.
- Adequacy of the affordable housing given the breaches in policy.
- Affordability of the rents for such units (particularly the 4 bed unit) given it exceeded the accepted threshold.
- Lack of family sized units.
- The density in view of the modest PTLA rating.
- Inadequate information.
- That some of properties fell short of the Space Standards in the London Plan.
- Clarification of the loss of light to surrounding properties.

Officers then responded to the questions from Members.

The request was initially dealt with under delegated authority as Officers considered that the scheme did not raise any Borough wide issues of significance. However on request, the Service Head had decided to exercise discretionary powers in taking the matter to Committee for open discussion. In considering the density range, it was necessary to take into account the overall impact of the scheme when considering its acceptability. Whilst there

would be some impact, it was not considered great enough to refuse the scheme.

In relation to the affordable rents, the figures in the report were correct. The adjusted figures were £279 for three beds and £242 for 4 beds. This anomaly (in the rents for four beds being lower than three) was due to location. Officers also confirmed that a sun/daylight report had been submitted. They explained the results of the testing on the properties affected. Whilst there would be some reduction in light, the impact was considered acceptable in line with the required standards.

Overall the shortfalls of the scheme were not considered great enough to warrant a refusal. Given this and the need for affordable housing in the area, Officers were of the view that in principle the scheme was acceptable.

In response, the Committee welcomed the opportunity to make observations on this application. Members also requested that a threshold be set for referring requests for observations on planning applications to the Committee. It was **Agreed** that this be referred to the Constitutional Working Party for consideration.

On a unanimous vote it was **RESOLVED**

- (1) That the Development Committee formally object to the application made by the London Thames Gateway Development Corporation (LTGDC) at Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14 for the Erection of 12 storey residential building (measuring 42.6m AOD in height) including basement storage/plant area to provide 26 residential dwellings and associated works comprising access, landscaping, car parking and other works
- (2) That such formal objection be made on the grounds of:
 - Overdevelopment in the form of loss of day light/sunlight.
 - Increased overshadowing.
 - The proposed density of the scheme given the low Public Transport Accessibility Level rating.
 - Concerns over the provision of affordable housing given the proposals fell short of policy requirements.
 - That a number of the proposed units fell below the space standards required in policy.
 - Inadequate details regarding: sunlight, overshadowing, landscaping, energy, water use, air quality, waste, noise and vibration.
 - Inadequate consultation.

The meeting ended at 8.50 p.m.

Chair,
Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 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 sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 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.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 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 Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- 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.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Development	Date: 10 th January 2012	Classification: Unrestricted	Agenda Item No: 6.
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		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: 10 th January 2012	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		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 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 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 and the draft National Planning Policy Statement.
- 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

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

Development Plan unless material planning considerations support a different decision being taken.

- 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 Core Strategy and 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 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, 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: 10 th January 2012	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Russell Simpson		Ref No: PA/11/02440	
		Ward(s): Bow East	

1. APPLICATION DETAILS

Location:	Carriageway and Footway opposite 70-74 Cadogan Terrace, E9
Existing Use:	Public carriageway
Proposal:	Installation on the footway and carriageway of a Barclays Cycle Hire docking station, containing a maximum of 24 docking points for scheme cycles plus a terminal.
Drawing Nos:	<ul style="list-style-type: none">- Location plan 05-610696 Rev A- General Arrangement plan 05-610696-GA Rev A- Existing layout 05-610696-EX Rev A- Terminal drawing: CHS_2_T Rev 5- Docking point elevation: CHS-DP-03 Rev 3- Terminal Foundation Design CHS-CFC03- Docking Point Foundation Design CHS-CFC01- Design and Access Statement (including Impact statement)- Tree Survey Report BS5837:2005 SFM 05-610696
Applicant:	Transport for London
Owners:	London Borough of Tower Hamlets
Historic Building:	N/A
Conservation Area:	Victoria Park Conservation Area

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 Core Strategy 2010, London Borough of Tower Hamlets Unitary Development Plan 1998, associated supplementary planning guidance, the London Plan 2011 and Government Planning Policy Guidance and has found that:

1) The proposed cycle docking station would contribute to the provision of a sustainable means of public transportation across the borough and is sited so as to not impede pedestrian flow or cause a highway safety hazard. It is not considered that the loss of four parking spaces is significant as there is sufficient parking available in the surrounding area. As such the proposal complies with policy SP08 of the adopted Core Strategy, saved policies DEV17 and T18 of the adopted Unitary Development Plan and policy DEV16 of the Interim Planning Guidance. These policies seek to promote safe and sustainable transport across the borough.

2) The proposal is sensitive to its surroundings in terms of scale, design and use of materials and would not result in excessive visual clutter. The proposal therefore complies with policy SP10 of the adopted Core Strategy and saved policies DEV1 and DEV17 of the adopted Unitary Development Plan and CON2 of the Interim Planning Guidance. These policies all seek development that is sensitive to its surroundings and/or preserves the

character and appearance of conservation areas.

3) The proposal would not result in any significant harm to the amenity of neighbours in terms of noise and disturbance and as such complies with policy SP10 of the Core Strategy, saved policy DEV2 of the adopted Unitary Development Plan and policy DEV1 of the Interim Planning Guidance. These policies all seek to protect the amenity of neighbours.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to conditions.

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:

3.3 Conditions

1. Time Limit
2. Implemented in accordance with the approved plans
3. Cycle Station to be removed if it becomes redundant
4. Compliance with approved Arboriculture Report
5. Carry out Stage 3 Safety Audit

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application proposes the installation on the carriageway of a Barclays Cycle Hire docking station, containing a maximum of 24 docking points for scheme cycles plus a terminal.

4.2 Each docking station comprises a terminal and bicycle docking points.

4.3 The terminal controls the locking and release of cycles, enables payment of user tariffs and provides a map of the local area. The terminal has a maximum height of 2.4m. The terminal is constructed from cast aluminium. The terminal is blue and grey in colour and has a graffiti resistant coating.

4.4 The TfL logo is not illuminated. The screen and way-finding maps are only illuminated on-demand.

4.5 The docking points measure 0.8m in height. Each docking point is secured to a square foundation box, which is coloured grey to blend with adjacent pavement/carriageway surface. The docking points are constructed in cast aluminium alloy with a powder coated gloss finish.

4.6 No advertisements are included on the terminal or on the docking points.

Background

4.7 This application is part of the continuation of the London roll out of the Mayor of London's cycle hire scheme. The scheme provides public access to bicycles for short trips and requires a network of docking stations to be located strategically across central London to ensure comprehensive coverage. The scheme allows people to hire a bicycle from a docking station, use it as desired, and return it to either the same docking station or another

docking station.

- 4.8 Docking stations are spaced approximately 300 – 500 metres apart within nine London Boroughs and the Royal Parks. When complete the network will provide about 14,400 docking points and 8,000 cycles for hire.
- 4.9 The success of the scheme relies on the appropriate distribution of bicycles across the network, and the availability of vacant docking points at the end of each hire. In total TfL propose that approximately 150 docking stations will be located within the London Borough Tower Hamlets.

Site and Surroundings

- 4.10 The application site is located on the western side of Cadogan Terrace. The site is located within the Victoria Park Conservation Area.
- 4.11 The part of the carriageway on which the docking station would be located currently provides four residential parking bays.
- 4.12 The surrounding area is predominantly residential in nature, comprising terraced houses. To the west of the site lies Victoria Park, a large area of open space that caters for a range of leisure activities. A short distance to the north east is Hackney Wick Overground Station.
- 4.13 The site is located on the footway and carriageway opposite Nos 70-74 Cadogan Terrace. The carriageway is approximately 4.6 metres in width and carries a low volume of vehicular traffic.
- 4.14 The footway adjacent to the site is approximately 2 metres wide and carries a low pedestrian footfall as it leads only to the car parking bays to the south. To the north of the site is a raised table pedestrian crossing that links to a gate into Victoria Park. The back of the footway is marked by a fence for Victoria Park. The footway contains a lamp column.

Planning History

- 4.15 There is no relevant planning history associated to the site.

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

NPPF Draft National Planning Policy Statement (2011)

5.3 London Plan 2011

Policies: 6.9 Improving Conditions for Cycling

5.4 Adopted Core Strategy (2010)

Policies: SP08 Making Connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places

5.5 Unitary Development Plan 1998 (as saved September 2007)

Policies: DEV1 Development requirements
DEV2 Environmental Requirements

DEV12	Landscaping and Trees
DEV17	Street Furniture
T16	Transport and Development
T18	Pedestrians

5.6 Interim Planning Guidance for the purposes of Development Control

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV13	Landscaping and Tree Preservation
	DEV16	Walking and Cycling Routes and Facilities
	CON2	Conservation Areas

Emerging Policy

- 5.7 Managing Development DPD Proposed Submission Version
- | | |
|------|--|
| DM20 | Supporting a Sustainable Transport Network |
| DM23 | Streets and the Public Realm |

- 5.8 **Community Plan** The following Community Plan objectives relate to the application:
 A better place for living well
 A better place for learning, achievement and leisure

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 - Transportation & Highways

- 6.2 No objections.

LBTH Arboricultural Officer

- 6.3 No objections

LBTH Development, Design and Conservation

- 6.4 No comments

7. LOCAL REPRESENTATION

- 7.1 A total of 40 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was also displayed and the application was advertised in East End Life.

- 7.2 The total 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:	13	Objecting:	7	Supporting:	6
No of petitions received:		1 objecting containing	20 signatories		
		0 supporting containing	0 signatories		

- 7.3 The following issues were raised in objection to the scheme that are addressed in the next section of this report:

- **Loss of car parking bays**

7.4 **(Officer Comment):** *It is not considered that the loss is significant as there is sufficient parking available in the surrounding area. In addition the benefits of the docking station and cycling as an alternative and sustainable form of transport are considered to outweigh the loss of car parking in this location.*

- **Poorly located away from public transport**

7.5 **(Officer Comment):** *The Cycle Hire Scheme is, in itself, creating a new public transport service for London. One of the important location criteria for cycle hire docking stations is the contribution towards a network of docking stations.*

- **Nuisance**

7.6 **(Officer Comment):** *As set out in Sections 1.6 and 5.3 of the Planning, Design and Access Statement, the docking station has been designed to enable quick and quiet use of both the terminal and docking points by users. Members can use their key readers at the docking points, meaning they only need to be at the docking station for a very minimal amount of time. The design of the docking mechanism, coupled with the separation distance between the site and nearby residents, is considered to satisfactorily preserve their residential amenity. The release and re-docking of the cycles is expected to occur without any discernable noise. The scheme network has also been designed to maximise the natural redistribution of cycles.*

- **Danger to cyclists**

7.7 **(Officer Comment):** *The docking station will be located on the footway and carriageway away from high footfall pedestrian paths. TfL carried out an independent Stage 1&2 Road Safety Audit for this site in March 2011 and no safety issues were raised. Furthermore, Stage 3 Road Safety Audits are carried out on all docking stations after they become operational to ensure there are no safety implications. This is considered to be an optimum site within the immediate area for providing a docking station whilst maintaining clear traffic paths and avoiding areas of pedestrian congestion.*

- **Impact on Victoria Park Conservation Area and Locally Listed Buildings**

7.8 **(Officer Comment):** *As the cycle hire scheme is rolled out across London the terminals and docking points are becoming more familiar. The design of both is functional, yet simple and understated and it is not considered to adversely affect the setting of the Victoria Park Conservation Area or the neighbouring locally listed buildings.*

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are the principle of development, design, highways and amenity:

Principle of Development

8.2 The need to encourage cycling and other forms of transport is recognised in Planning Policy Statement (PPS) 1: Delivering Sustainable Development. London Plan policy 6.9 and LBTH Core Strategy policy SP08 support the extension of the Cycle Hire Scheme.

8.3 The proposal would improve the cycle hire scheme by providing extended coverage across the Borough. The docking station contributes to the delivery of a sustainable and low emissions form of transport, and is acceptable in principle.

Design

- 8.4 Core Strategy policy SP10 seeks to ensure the delivery of distinct and durable places. UDP policies DEV1 and DEV17 set design criteria for new development.
- 8.5 The design of both is functional, yet simple and understated and it is not considered to adversely affect the setting of the Victoria Park Conservation Area or the neighbouring locally listed buildings. It is therefore acceptable in terms of Core Strategy policy SP10 and Interim Planning Guidance CON2.

Transport & Highways

- 8.6 Core Strategy policy SP09, and UDP policies T16 and T18 seek to prioritise the safety and convenience of all highway users, and encourage sustainable forms of transport.
- 8.7 The docking station would provide a total 24 docking points and a terminal totem which would be located towards the northern end of the station.
- 8.8 The location of the proposed docking station would not significantly affect the movement of vehicles or pedestrians through the area given that the station would be located on the carriageway and low footfall footway, replacing existing parking bays. It is acknowledged that the development involves the loss of 4 parking spaces. However, the benefits of the docking station in terms of the provision of an alternative and sustainable form of transport are considered to outweigh the loss of parking in this location.
- 8.9 The location of the proposed docking station would not significantly add to any street clutter nor would it impede the movement of vehicles or pedestrians. The proposal is therefore acceptable in terms of London Plan policy 6.9, Core Strategy policy SP10 and DEV16, and UDP policies DEV1 and DEV17.

Amenity

- 8.10 Policy SP10(4) of the adopted Core Strategy (2010), 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.
- 8.11 The docking station is located on the western side of the Cadogan Terrace, which is on the opposite side of the road from the terraced housing (approximately 12m in distance from the properties).
- 8.12 The docking station will be available for use 24 hours a day, seven days a week. It is anticipated, however, that the main period of use will be during daylight hours.
- 8.13 Releasing and re-docking the bicycles occurs with little discernable noise. Registering at the terminal is a process similar to topping up an Oyster card and has no material noise impact. The proposed docking stations will become a focus of activity, increasing the comings and goings at the site. However, it is not anticipated that cycle scheme users will spend a prolonged period at the docking station and, as such, will not result in any harmful amenity impacts in terms of noise, overlooking or general disturbance.
- 8.14 There have been concerns about docking stations attracting vandalism or antisocial behaviour. However, the docking stations are not vastly different to other items of street furniture, which provide an overarching public benefit, such as bus stops. The site is in an area that benefits from natural surveillance and amenity impacts are considered acceptable in terms of Core Strategy policy SP10, saved UDP policy DEV2 and IPG policy DEV1.

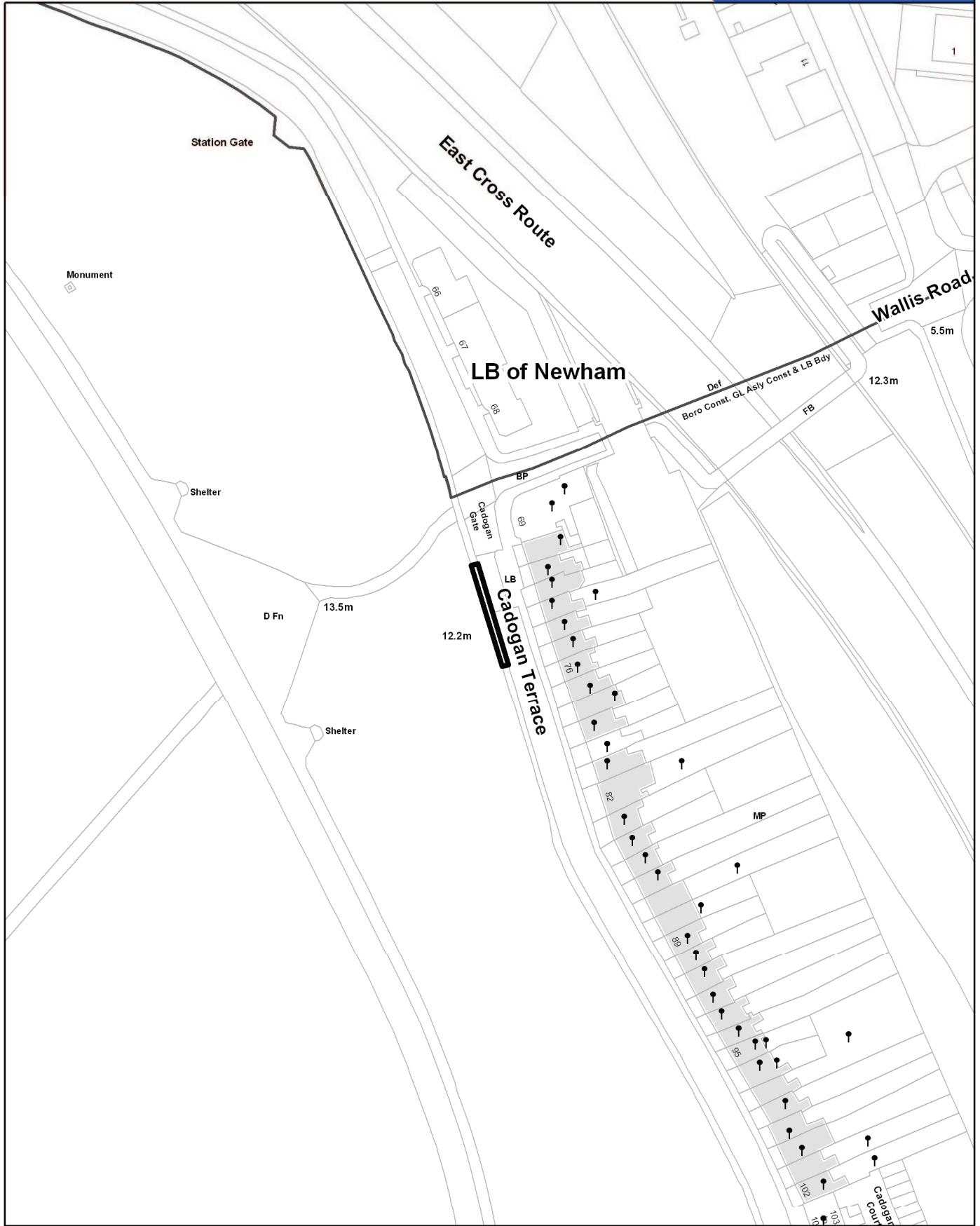
9.0 CONCLUSIONS

- 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.

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Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	 0 30 m 1:1,250
Consultation Area	Statutory Listed Buildings		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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Agenda Item 7.2

Committee: Development	Date: 10 th January 2012	Classification: Unrestricted	Agenda Item Number: 7.2
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Mary O'Shaughnessy	Ref No: PA/11/00890
	Ward: Bow East

1. APPLICATION DETAILS

Location: 101-109 Fairfield Road, London

Existing Use: Vacant Site.

Proposal: Erection of a six storey building to provide 49 residential units (26 x 1 bedroom, 12 x 2 bedroom, 7 x 3 bedroom, 4 x 4 bedroom), together with the provision of cycle parking, bin stores and roof top amenity space.

Drawing Nos/Documents: Drawings:
B-F-001, B-F-002, B-F-003, B-F-101, B-F-102 REVB,
B-F-103 REVB, B-F-104 REVA, B-F-105 REVA, B-F-
106 REVA, B-F-107 REVA, B-F-108 REVA, B-F-020
REVB, B-F-021 REVA, B-F-022 REVA, B-F-121
REVB, B-F-122 REVB, B-F-123, BLA-F-500 REVC, B-
F-124, B-F-123 REVA, BLA-F-510 REVC, BLA-F-511
REVC & BLA-F-512.

Documents:
Design and Access Statement, prepared by BLA
Architects, April 2011,
Planning and Impact Statement, prepared by DTZ,
April 2011,
Daylight, Sunlight & Shadow Report, prepared by BVP,
18 April 2011,
Overshadowing Addendum Report, prepared by BVP, 1
June 2011,
Draft Travel Plan, prepared by First Plan, April 2011,
Transport Statement, prepared by First Plan, April
2011,
Energy Assessment, prepared by ENG Design, 28 July
2011,
Code for Sustainable Homes Pre-Assessment
Summary Report, prepared by Watkins Payne, May
2011,
Contamination Assessment, Phase I and Phase II,
prepared by Bureau Veritas, December 2004,

Applicant:	101-109 Fairfield Road LLP
Ownership:	Fairfield Road Developments LTD
Historic Building:	Opposite Grade II Listed Building.
Conservation Area:	Adjacent to Fairfield Road Conservation Area

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 Core Strategy 2010, 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:
- 2.2 The loss of employment floor space is acceptable due to the emerging residential character of the area. The site is inappropriate for the re-provision of commercial space due to the proximity to existing residential properties. The site is not designated for industrial uses in the London Plan (2011), the adopted UDP (1998) or the IPG (2007). The scheme therefore accords with strategic policy SP06 of the Core Strategy (2010), saved policy EMP1 of the adopted UDP (1998), policy EE2 of the IPG (2007). These policies consider appropriate locations for industrial floor space.
- 2.3 The proposed residential development is appropriate in terms of design, bulk and scale. The design of the new building is in keeping with the surrounding properties in terms of general building line, height and use of materials. This accords with strategic policy SP10 of the Core Strategy 2010, saved policy DEV1 of the adopted Unitary Development Plan 1998 and DEV2 of the Interim Planning Guidance 2007. These policies seek to ensure appropriate design within the Borough which respects the local context.
- 2.4 The proposal provides an acceptable amount of affordable housing and mix of units, in light of the viability of the scheme. As such, the proposal accords with policies 3.8, 3.10, 3.11, 3.12, 3.13 of the London Plan 2011, strategic policy SP02 of the Core Strategy 2010, saved policy HSG7 of the Unitary Development Plan 1998, and policies HSG2 and HSG3 of the Interim Planning Guidance 2007 which seek to ensure that new developments offer a range of housing choices.
- 2.5 The scheme provides an acceptable standard of accommodation in respect of layout and space standards. As such, the scheme accords with strategic policy SP02 of the Core Strategy 2010, saved policies DEV1, DEV2 and HSG13 of the Unitary Development Plan 1998, and policies DEV1 and DEV2 of the Interim Planning Guidance 2007 which seek to provide an acceptable standard of accommodation.
- 2.6 The proposed amount of amenity space is acceptable and accords with policy 3.6 of the London Plan 2011, strategic policy SP02 of the Core Strategy 2010, saved policy HSG16 of the Unitary Development Plan 1998 and policy HSG7 of the Interim Planning Guidance 2007 which seek to improve amenity and liveability for residents.
- 2.7 The proposal would not give rise to any undue impacts in terms of loss of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of strategic policy SP10 of the Core Strategy 2010, saved policy DEV2 of the Unitary

Development Plan 1998 and policy DEV1 of the Interim Planning Guidance 2007 which seek to protect residential amenity.

- 2.8 Transport matters, including parking, access and servicing, are acceptable and in line with policies, 6.7, 6.9, 6.10, 6.11, 6.12 and 6.13 of the London Plan 2011, strategic policy SP09 of the Core Strategy 2010, saved policies T16 and T19 of the Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Interim Planning Guidance 2007 which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.9 Sustainability matters, including energy, are broadly acceptable in that the applicant has followed the London Plan Energy Hierarchy and accords with, policies 5.1 – 5.9 of the London Plan 2011 and strategic policy SP11 of the Core Strategy 2011. These policies seek to promote sustainable development practices.
- 2.10 Contributions have been secured towards the provision of affordable housing, education improvements; healthcare provision, highway improvements, open-space improvements and employment and skills training. This accords with Regulation 122 of Community Infrastructure Levy; Government Circular 05/05; strategic policies SP02 and SP12 of the Core Strategy 2010, saved policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

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

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

- a) **30% Affordable Housing** on a habitable rooms basis proposed with the following tenure mix –
5 units at affordable rent (4 x 4 bedroom, 2 x 2 bedroom and 2 x 1 bedroom)
4 units at shared equity (4 x 1 bedroom)

(Equating to a 81:19 ratio between affordable rent and shared equity (intermediate housing))
- b) **£67,351** – towards the provision of health services within the area
c) **£88,980** – towards the provision of educational facilities within the area
d) **£21,500** – towards the provision of highway improvements within the area
e) **£137,501** – towards the provision of Open Space, Leisure and/or Community Facilities within the area
f) **£26,261** towards employment, skills, training and enterprise within the area.
g) Car Free
h) Commitment to use Local Labour and Employment Initiatives
i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total Financial Contributions: **£341,593**

- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.4 **Conditions**

1. Time Limit – three years
2. Development to be carried out in accordance with the approved plans
3. Samples of external materials and details of windows and balconies to be submitted for approval
4. Contaminated land – details to be submitted for approval.
5. Hard and soft landscaping, details including children's play facilities, management arrangements.
6. Post completion assessment to demonstrate development achieves Code for Sustainable Homes Level 3.
7. Development to be carried out in accordance with cycle parking drawings.
8. Development to be carried out in accordance with the refuse details drawings.
9. Scheme of highways works.
10. Construction management plan
11. Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only).
12. Development to comply with lifetime homes standards.
13. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.5 **Informatives**

1. Permission is subject to a S106 Agreement
2. Compliance with Environmental Health Legislation

- 3.6 That, if within one month of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. **PROPOSAL AND LOCATION DETAILS**

Background

- 4.1 The Council granted planning permission on 22 July 2009 (PA/09/00177) for the "*Demolition of existing building and erection of a six storey building to provide 46 residential units (2 x studio, 21 x 1 bedroom, 11 x 2 bedroom, 8 x 3 bedroom, 4 x 5 bedroom), together with the provision of a pedestrian link between Fairfield Road and Primrose Close, cycle and bin stores and roof top amenity space.*"
- 4.2 The main difference between the 2009 approval and this development is the removal of the pedestrian link which has been designed out by way of introducing additional residential units at ground floor level. It is noted that in 2009 local residents were concerned about the creation of a pedestrian link between Fairfield Road and Primrose Close. An amending condition was attached requiring details of how the pedestrian link would be satisfactorily designed out. The current proposal seeks to address this issue by removing the walk through and creating three additional units at ground floor level.
- 4.3 In terms of bulk, scale, massing and materials this development and the approved development are broadly the same.
- 4.4 In terms of housing there are several differences between the 2009 approved scheme and the current application in terms of number of units, affordable housing offer and housing mix. These are:-
- Number of residential units has increased from 46 to 49,
 - Level of affordable housing has decreased from 35.3% to 30%

- Number of 3 bedroom units has decreased from eight to seven.
- The 4 x five bedroom units reconfigured to provide 4 x 4 bedroom units

This is explained in the table 1 below. An assessment of the affordable housing offer is discussed at paragraphs 8.18 to 8.36 of this report.

Table 1: Housing Comparison between 2009 scheme and 2011 scheme

	Market Sale		Intermediate		Social Rent	Affordable Rent	Totals	
	2009	2011	2009	2011	2009	2011	2009	2011
Studio	2	0	0	0	0	0	2	0
1 Bed	20	20	0	4	1	2	21	26
2 Bed	8	10	2	0	1	2	11	12
3 Bed	5	7	2	0	1	0	8	7
4 Bed	0	0	0	0	0	4	0	4
5 Bed	0	0	0	0	4	0	4	0
Totals	35	37	4	4	7	8	46	49

Proposal

- 4.5 The proposal is for the redevelopment of 101-109 Fairfield Road by the erection of a building between 4 and 6 storeys in height comprising 49 residential units. The development would provide 26 x 1 bedroom units, 12 x 2 bedroom units, 7 x 3 bedroom units and 4 x 4 bedroom units.

Site and Surroundings

- 4.6 The site is located on the western side of Fairfield Road. The surrounding area is undergoing significant change and it is emerging as a predominately residential area. The site is neither listed nor located in a conservation area. However, it is opposite the Fairfield Road Conservation Area which encompasses the eastern side of Fairfield Road. A little further to the East, on the opposite side of the road there are Grade II Listed buildings forming part of the Bow Quarter.
- 4.7 The site is an irregular shaped plot, narrowing to the north of the site. It measures 1017 square metres. There was a two-storey industrial building on site which has recently been demolished.
- 4.8 To the south of the site is a residential development of 6 storeys in height. To the north of the site is an industrial building which is two storeys in height. To the west of the site is Primrose Close, which runs perpendicular to Fairfield Road. The properties adjacent to the site are 2 storeys in height and the rise to 4 storeys adjacent to Morville Street.

Planning History

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

PA/04/01581 An application was withdrawn by the application on 14 February 2005 for the "Demolition of existing buildings and erection of a seven storey building to provide 49 flats"

PA/09/00177 The LPA granted planning permission on 22 July 2009 for the "Demolition of existing building and erection of a six storey building to provide 46

residential units (2 x studio, 21 x 1 bedroom, 11 x 2 bedroom, 8 x 3 bedroom, 4 x 5 bedroom), together with the provision of a pedestrian link between Fairfield Road and Primrose Close, cycle and bin stores and roof top amenity space.”

The pedestrian link was to be designed out by virtue of condition three which required details of the means of preventing access through the site to Primrose Close.

- PA/11/00729 The LPA granted planning permission for a non-material amendment to the approved scheme on 6 June 2011 - “Non-material amendment sought in respect of internal reconfiguration and minor external alterations to planning permission dated 22/07/09, ref: PA/09/00177.”
- PA/09/009997 The LPA granted planning permission on 24 August 2009 for the change of use of unit 10 – “Change of use from business use (Use Class B1) to shop (Use Class A1).”
- ENF/10/00022 An enforcement notice was served by the Council on 26.04.2010 in respect of the unauthorised uses within the building which included a Shisha (Smoking) Club, Pool Hall, Café, Art Gallery, Bar, Boxing Club, Residential Dwelling and place of worship. The enforcement notice has been complied with and the unauthorised uses have ceased.

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
- PPS5 Planning and the Historic Environment
- NPPF Draft National Planning Policy Framework

The London Plan Spatial Development Strategy for Greater London (July 2011)

- 5.3 Policies:
 - 3.3 Increasing housing supply
 - 3.4 Optimising housing potential
 - 3.5 Quality and design of housing developments
 - 3.6 Children and young people’s play and informal recreational facilities
 - 3.7 Large residential development
 - 3.8 Housing Choice
 - 3.9 Balanced and mixed communities
 - 3.10 Definition of affordable housing
 - 3.11 Affordable housing targets
 - 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 - 3.13 Affordable housing thresholds
 - 4.4 Managing industrial land and premises
 - 5.1 Climate change mitigation
 - 5.2 Mitigating carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.4 Retrofitting

5.5	Decentralised energy in development proposals
5.7	Renewable energy
5.8	Innovative energy technologies
5.9	Overheating and cooling
5.10	Urban greening
5.11	Green roofs and development site environs
5.21	Contaminated land
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.10	Walking
6.12	Road network capacity
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.8	Heritage assets and archaeology

Core Strategy 2010

5.4	Strategic Policies	SP02	Urban living for everyone
		SP06	Delivering successful employment hubs
		SP08	Making connected places
		SP09	Creating attractive and safe streets and spaces
		SP10	Creating distinct and durable places
		SP11	Working towards a zero-carbon borough
		SP12	Delivering placemaking
		SP13	Planning Obligations

Unitary Development Plan 1998 (as saved September 2007)

5.5	Policies:	DEV1	Design Requirements
		DEV2	Environmental Requirements
		DEV3	Mixed Use Developments
		DEV4	Planning Obligations
		DEV12	Provision of Landscaping in Development
		DEV45	Development in Areas of Archaeological Interest
		DEV50	Noise
		DEV51	Soil Tests
		DEV55	Development and Waste Disposal
		DEV56	Waste Recycling
		EMP1	Encouraging new employment uses
		EMP8	Encouraging small business growth
		HSG7	Dwelling Mix and Type
		HSG13	Standard of Converted Dwellings
		HSG16	Provision of Housing Amenity Space
		T16	Traffic Priorities for New Development
		T18	Pedestrians and the Road Network
		T21	Pedestrian Needs in New Development
		OS9	Children's Play Space

Interim Planning Guidance for the purposes of Development Control

5.6	Policies	DEV1	Amenity
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DEV2	Character and Design
DEV3	Accessible and Inclusive Design
DEV4	Safety and Security
DEV10	Disturbance from Noise Pollution
DEV13	Landscaping and Tree Preservation
DEV15	Waste Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles and Planning Standard 3: Parking
DEV22	Contaminated Land
EE2	Redevelopment / Change of Use of Employment Sites
HSG1	Determining Residential Density
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
CON1	Listed Buildings
CON2	Conservation Areas
CON4	Archaeology and Ancient Monuments

Supplementary Planning Guidance/Documents

- 5.7 SPG Residential Space Standards

Emerging Policy

- 5.8 Planning Obligations Supplementary Planning Document Engagement Document August 2011
- 5.9 Managing Development DPD Proposed Submission Version

DM3	Delivering Homes
DM4	Housing Standards and Amenity Space

Community Plan

- 5.9 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 the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:

English Heritage Archaeology (Statutory Consultee)

- 6.3 English Heritage received the evaluation report for the above site prepared by Museum of London Archaeology in relation to the discharge of condition 8 attached to the 2009 consent. This shows that there has been a considerable amount of ground disturbance prior to the present buildings, including an earlier cellar. A single shred of 17th century pottery was recovered from a re-deposited layer, but no further archaeological finds were observed.

The London Borough of Tower Hamlets is advised that no further archaeological work is

necessary under this application.

Olympic Delivery Authority (Statutory Consultee)

6.4 No objection.

Tower Hamlets Primary Care Trust (PCT)

6.5 The PCT have provided comments and have requested a capital contribution of £67, 351. The revenue request would be £268,193.

6.6 **[Officer Comment:** Officers consider that given the other S106 requirements the Council would only be justified in requesting the capital amount of £67,351.]

LBTH Highways

6.7 The refuse arrangements are acceptable in highways terms.

6.8 Cycle parking – amended drawings were provided to address the initial concerns about the level of cycle parking. The level of cycle parking now accords with policy.

6.9 The development should be secured as car free and condition to secure a S278 should be applied in line with the previous approval.

6.10 £21,500 is requested to mitigate the demand of the additional population on the surrounding highway network.

6.11 **[Officer Comments:** Through discussion with the applicants amended drawings have been provided to address queries of the Highways Officer. A S278 agreement will be controlled via condition, car and permit free development and the contribution towards highway improvements will be secured via S106.]

LBTH Communities Localities and Culture (CLC)

6.12 CLC have assessed the impact of the proposed population increase and consider the following contributions are required in order to mitigate the increased population on existing open space, library and Idea Stores and Leisure and Community Facilities:

- Open space contribution of £80,242
- Library/Idea Stores contribution of £12,600
- Leisure and Community Facilities contribution of £44,659

6.13 **[Officer Comment:** The requested contributions have been secured in the S106.

LBTH Education

6.14 A contribution towards 6 additional primary school places would be required. The cost per place is £14,830 and this would equate to a request for £88,980.

6.15 **[Officer Comment:** The requested contribution has been included in the S106.

LBTH Environmental Health – Health and Housing

6.16 The internal noise levels for all living rooms and bedrooms must meet at least the good internal design range LAeqt dB as defined in Table 5 of BS 8233:1999. Information will need

to be provided to show how this will be met.

- 6.17 [**Officer Comment:** The applicant will be advised of the need to comply with the relevant environmental health legislation via an informative.]

LBTH Environmental Health – Contaminated Land

- 6.18 To date no comments have been received.

LBTH Waste Policy Department

- 6.19 To date no comments have been received.

7. LOCAL REPRESENTATION

- 7.1 A total of 215 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:	2	Objecting:	2	Supporting:	0
No of petitions received:	0				

- 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:
- 7.3 Concern about the proliferation of recently built accommodation on Fairfield Road. If the application is approved it would increase the residential burden in the area whilst depriving an opportunity to create more space for commercial units.
- 7.4 [**Officer Comment:** Fairfield Road is an area which has and continues to undergo substantial change. It is now emerging as a predominantly residential area. Given, the scale of the development mitigation has been sought in order to offset the impact of the increase in population.]
- 7.5 The residents of Springwood Close have submitted a letter of objection. They are concerned about overlooking from the proposed balconies and gardens overlooking their gardens. This would also result in noise disturbance from people using their balconies. They are concerned about the use of railings which would not be secure and could allow easy access to the properties along Springwood Close. Finally, they note that there have been noise problems with the existing building and do not want this to continue with a new building.
- 7.6 [**Officer Comment:** Please refer to the amenity section of this report for a full discussion of these concerns.]

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. Land Use
 2. Density
 3. Housing
 4. Design

5. Amenity
6. Highways
7. Energy and Sustainability
8. Other Planning Matters

Land Use

- 8.2 The Core Strategy 2010, (CS), within the annex has a series of maps and vision statements for each of the places. The site is located within 'Bow place'. It notes that development within Bow will be based around a rejuvenated market and lively town centre which will benefit from being adjacent to Fish Island, the Olympic Park and the regeneration of the Lea River Area. It also promotes this as a place for families. The application site has no specific designations in the adopted Unitary Development Plan, 1998 (UDP) or the Interim Planning Guidance, 2007 (IPG). The Leaside Area Action Plan, 2007 (AAP) which forms part of the Councils Interim Planning Guidance locates the site in the sub-area Bow Church. It outlines that the area is predominately residential in nature.
- 8.3 The site provided 1550 square metres of light industrial floor space (Use Class B1). The application proposes the redevelopment of the site to provide a high quality residential scheme with a range of unit sizes including a proportion of family housing.
- 8.4 Strategic policy SP06 of the CS, seeks to maximise and deliver investment and job creation in the borough. Part 5 sets out the strategy for managing industrial land in Strategic Industrial Locations (SIL) and Local Industrial Locations (LIL). Fairfield Road is not a designated SIL or LIL. Policies EMP1 and EMP8 of the UDP seek employment growth and the development of small businesses within the borough.
- 8.5 Policy EE2 of the IPG seeks to protect sites in employment use and sets out criteria to be considered when a reduction of employment floor space is proposed.
- 8.6 The site has been vacant since 2005. There was a period in 2009 and 2010 when the site was occupied on a short term basis for various unauthorised uses. Enforcement action was taken by the Council and these uses have ceased and the site is currently vacant.
- 8.7 It is considered that this area of Fairfield Road, which was previously industrial in nature, is now emerging as a residential area. To the south Fairfield Road is characterised by low rise residential development. Historically to the north of the Bow Junction Railway Bridges the land uses were predominantly industrial, however, the area is now characterised by residential developments with limited industrial uses remaining. Several, of the sites surrounding 101-109 Fairfield Road which were previously in employment use have been granted planning permission for residential uses, examples include, 123 Fairfield Road and 94 Fairfield Road. It is considered that due to the sites isolation within an emerging residential area it is no longer a suitable location for employment floor space.
- 8.8 In addition, the Councils Industrial Land Study (2006) outlines that there was little pressure on manufacturing floor space with this type of floor space making up on average of 36% of total Stock in London between 2000 – 2003. This is further reflected in the recorded vacancy rate of 11.6% for 2003. It should also be noted that within the vicinity of the site is the Fish Island sub area, which is designated as an SIL area.
- 8.9 It is not considered the site is appropriate for the re-provision of some commercial space within the proposed scheme. This is due to the residential nature of the surrounding area and the fact that it is not considered an employment use would be successful.
- 8.10 Whilst, it is acknowledged that this application will result in the loss of employment floor

space it should be noted that the isolation of the site within this emerging residential area, the capacity of the building to function long term as employment floor space and the provision of employment floor space within Fish Island all demonstrate that in this instance the loss of employment floor space is justifiable. Overall the scheme will result in the provision of an acceptable level of affordable housing including a number of family units and this will contribute to meeting the Boroughs Housing need.

- 8.11 To conclude, it is considered that the principle of a residential scheme was established when the Council granted planning permission in 2009. Furthermore, given the site is not designated for industrial uses in the London Plan (LP), the CS, the UDP or the IPG, it is considered on balance that the provision of a residential scheme is acceptable. The scheme is therefore considered to be in line with strategic policy SP06 of the CS, saved policy EMP1 of the UDP and policy EE2 of the IPG. A residential-led development of this brownfield site is supported.

Density

- 8.12 National planning guidance in PPS1: Sustainable Development and PPS3: Housing, stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4 – which requires development to maximise the potential of sites, policy 7.6 – which details design principles for a compact city and strategic policy SP02 (2) of the CS, which seeks to ensure new developments optimise the use of land that the density levels of housing correspond to public transport accessibility levels and the wider accessibility of the location. Finally, IPG policy HSG1 provides detailed guidance listed below and seeks to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.13 In calculating the density of this site reference has been made to table 3.2 of policy 3.4 of the LP. The site has a moderate Public Transport Accessibility Level (PTAL) (4). The site is identified as falling within an ‘urban’ area. For sites within an urban area with a PTAL range of between 4-6 the appropriate density is 450 -700 habitable rooms per hectare. The proposed density would be 1400 habitable rooms per hectare (net site area), which is higher than the recommended standard.
- 8.14 In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and IPG policy is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity. It should be noted that this is a guide and in some instances a higher or lower density may be more appropriate when considering the local context. Solely exceeding the recommended range is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that the high density value was symptomatic of an overdevelopment of the site.
- 8.15 Policy HSG1 of the IPG seek to maximise residential densities on individual sites taking into consideration:
- the density range appropriate for the setting of the site,
 - local context and character,
 - amenity,
 - design,
 - housing mix and type,
 - access to town centre,
 - provision of adequate open space including private, communal and public open space,
 - impact on the provision of services and infrastructure, and;

- the provision of other (non-residential) uses on site.

8.16 In assessing this application against the criteria contained within policy HSG1 of the IPG it is considered that the density range at 1400 habitable rooms per hectare would be appropriate for the setting of the site because:

- the proposal would be in keeping with the local context and character – this is discussed in detailed within the design section of this report,
- the overall impact on amenity would be acceptable – this is discussed in detailed within the amenity section of this report,
- the proposed design would be acceptable – this is discussed in detailed within the design section of this report,
- the housing mix and type would be acceptable – this is discussed in detail within the housing section of this report,
- access to town centre would be acceptable,
- provision of adequate open space including private, communal and public open space would be acceptable – this is discussed in detail within the housing section of this report, and;
- impact on the provision of services and infrastructure would be acceptable and mitigated against through S106 contributions.

8.17 In numerical terms the proposed density indicates an overdevelopment of the site, However, when the scheme is fully assessed against design criteria, amenity criteria and highways criteria the proposal is considered acceptable and in line with policy. Finally, it is noted that the density is broadly in keeping with the density of the scheme approved in 2009. The density was 1370 habitable rooms per hectare.

Housing

8.18 This section of the report considers the acceptability of the housing provision proposed in terms of key issues including affordable housing provision, provision of family sized units, wheel chair housing, lifetime homes, internal floor space standards and provision of amenity space.

Affordable housing:

8.19 The application proposes 49 residential units with the total number of habitable rooms being 140. Of these 4 maisonettes and 4 flats would be Affordable Rented (2 x 1 bed and 2 x 2 bed flats, and 4 x 4 bed maisonettes) and 4 flats would be for intermediate housing (4 x 1 bed) provided as shared equity low cost home ownership. The tenures proposed are further described at paragraphs 8.21 – 8.23 below. By habitable room the scheme provides a total of 30% affordable accommodation. There is a split of 81:19 between the affordable rent and shared equity tenures. This is explained in the table 2 below:

Table 2: Housing Tenure and Mix

	Market Sale		Shared Ownership		Affordable Rent		Totals	
	Units	Hab. Rooms	Units	Hab. Rooms	Units	Hab. Rooms	Units	Hab. Rooms
1 Bed	20	40	4	8	2	4	26	52
2 Bed	10	30	0	0	2	6	12	36
3 Bed	7	28	0	0	0	0	7	28
4 Bed	0	0	0	0	4	24	4	24
Totals	37	98	4	8	8	34	49	140

8.20 Under a new national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now includes Social Rented, Affordable Rented and Intermediate Housing.

8.21 **Social rented housing** is defined as:
 Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.

8.22 **Affordable rented housing** is defined as:
 Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.

8.23 **Intermediate affordable housing** is defined as:
 Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include Affordable Rented housing.

8.24 Policy SP02 requires developments to provide 35% affordable housing (subject to viability), and a split of 70:30 between the social rent and intermediate housing tenures. In light of the changes to PPS3 the Council is reviewing the policy position in relation to the provision of affordable housing.

8.25 As part of this review process, on 7th December Officers reported a proposed submission draft of the Managing Development Plan Document to Cabinet. Policy DMP3 of this draft plan sets out that Council policy is moving towards a recommended tenure split of 35% social rent, 30% intermediate and 35% affordable rent. The direction of travel for housing policy indicated in this document is a material consideration that can be afforded some weight. However, adopted policy, and site specific viability considerations are seen as being of more importance to the acceptability of the housing tenure mix on this site.

8.26 This scheme proposes Affordable Rent and Shared Equity units. To assist in the assessment of what constitutes an affordable rent level Tower Hamlets has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses.

8.27 The POD research established what Affordable Rents at 80% of market value would be for the E3 area which is set out in table 3 below. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties.

Table 3: POD research for E3 area comparing 80% rent level against what is affordable

	80 % Market Rent	Adjusted Affordable Rent levels (market rent %)	Proposed rents for this scheme (market rent %)
1 bed	£185	£150 (65%)	£129 (56%)
2 bed	£248	£170 (55%)	£149 (48%)

3 bed	£306	£191 (50%)	n/a
4 bed	£379	£237 (50%)	£175 (37%)

- 8.28 The Affordable Rents proposed for this scheme are set out in table 3 above and in percentage terms these equate to 37% of local market rent levels for the 4 beds, 48% of local market rent levels for the 2 beds, and 56% of local market rent levels for the one beds..
- 8.29 The proposed levels of rent are below the Adjusted Affordable rent levels calculated in the POD research and are therefore more affordable to local people. They remain higher than target social rents which are currently between 27% and 38% of market rent for this area. This scheme is being delivered without the benefit of social housing grant and it has been shown that target social rent units cannot be produced in this scheme, especially for the 4 bed family units without substantially lowering the overall number of affordable units.
- 8.30 The four one bedroom intermediate units provided would be a shared equity product. In this product the home owner would purchase 75% of the equity of the flat on first occupation. The sale of this equity would be advertised by the RSL owner via the Council's Zone Agent First Steps, as with other shared ownership products. The remaining 25% equity is retained by the RSL, although no rent would be payable by the home owner and they would have the option to "staircase" up to full ownership in the future.
- 8.31 This product does require a higher initial payment by the purchaser than other shared ownership products (typically a shared ownership product would only require a minimum purchase of 25% equity). In this case the market value of a 75% equity share will range from £195,000 to £206,250 - depending on the size of the flat. Officers consider that this level of payment would be affordable within the context of the London Plan 2011 definition of intermediate housing. This defines intermediate housing as being affordable to applicants with incomes in the range of £18,100 to £61,400, although the units would only be suitable for applicants with incomes towards the upper end of this range.
- 8.32 The advantage of this approach is that it generates additional income into the scheme at the first sale of the equity units. This income enables the rent levels for the eight affordable rent units to be kept low.
- 8.33 Since the submission of the application officers have negotiated with the applicant in respect of the affordable housing offer. The initial offer was 24% by habitable room and this has been increased to 30% by habitable room.
- 8.34 The applicant has provided a viability toolkit which has been reviewed by an external consultant. Officers consider that the level of affordable housing provision is acceptable in light of scheme viability. Furthermore, whilst the scheme provides a low number of affordable units overall, the combination of shared equity sales which subsidise rent levels in the large family units, two bed and one bed units for affordable rent is considered to be acceptable.

Dwelling mix:

- 8.35 Policy SP02 requires 30% of development to be 3 bedroom units or larger but within the affordable rented sector 45% should be for families. In this case a total 11 family sized units are provided (7 x 3 bed and 4 x 4 bed), which equates to 22.44% across the scheme. Within the affordable offer one third of the units would be large family sized dwellings.
- 8.36 It is considered that on balance, given the large size of the 'Affordable Rent' homes which

are in demand within the borough, the overall level of family housing provision would be acceptable. As such, it is considered that there is suitable mix of units within the scheme and it would provide for a wide range of occupants, therefore promoting a mixed and balanced community.

Wheelchair Housing and Lifetime Homes:

- 8.37 Part 6c of strategic policy SP02 requires that all new developments comply with accessibility standards including Lifetime Homes. Policy DEV3 of the IPG outlines that new development is required to incorporate inclusive design principles. Policy HSG9 of the IPG requires that at least 10% of all housing should be wheelchair accessible and new housing should be designed to Lifetime Homes standards.
- 8.38 The submitted Planning Statement outlines that all new dwellings would be built to 'Lifetime Homes' standards. Six of the 2 bed flats (12% of all units) will be accessible, including one at ground floor which will be for Affordable Rent..
- 8.39 The Housing Officer has assessed the proposed accessible units and is concerned given that five of the units are located at the upper levels which are accessed by only one lift. As such, this constraint affects the accessibility of the units. However, given the scale of the development it is not possible to secure a second lift to address this issue. Furthermore, it is not possible to ensure all the ground floor units are accessible. However, as a result of discussions with the applicant it has been possible to secure a better design and layout for the family units which ensures these will achieve Lifetime Homes standards. There is the possibility of adapting these family units to have a ground floor bedroom if there is a need within the borough for a family with a member with a disability. On balance it is considered when the constraints of the site are considered that the provision of housing which achieves Lifetime Homes standard would be acceptable.

Residential Space Standards:

- 8.40 The SPG Residential Space Standards (1998) and saved policy HSG13 of the adopted UDP set out the minimum space standards for all new housing developments. 47 of the 49 units comply with the SPG. Of the two units which fail both fail marginally. Unit C9 and D9 which both measure 63 square meters and the standard for a 2B4P unit is 70 square metres.
- 8.41 Since the application was submitted for consideration the LP has been adopted and Table 3.3 of policy 3.5 introduces new minimum space standards which are higher than the Councils SPG. As such, when the units are considered against these standards 29 of the units do not comply with minimum standards. On balance, given the extant permission on the site and that these standards have been adopted since the scheme was submitted it is not considered that this merits refusal of the application in this instance.

Amenity Space:

- 8.42 Part 6d of strategic policy SP02 of the CS and saved policy HSG16 of the UDP provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme. These policies reinforce the need to provide high quality and usable private external space fit for its intended user, as an important part of delivering sustainable development and improving the amenity and liveability for Borough's residents. The SPG Residential Space Standards (1998) and Table DC2 which forms part of HSG7 of the IPG sets out amenity space provision standards.

Private Amenity Space:

- 8.43 All of the units have private amenity space in the form of gardens or balconies. Whilst, most of the units do not comply with the standards set out in table DC2 of the IPG it is considered that on balance this would not merit refusal of the scheme. It is considered that the quality and usability of the private amenity spaces would be acceptable and the large family units all have rear gardens. Furthermore, the scheme includes roof top communal amenity space.

Communal Amenity Space:

- 8.44 In respect of communal amenity space in reference to table DC2 of the IPG there would be a requirement for 250 square meters of communal amenity space. Overall, the development would include the provision of 222 square meters of amenity space at roof top level which includes 'door step' child play space. Whilst, numerically the level of amenity space is below standard in light of the extant permission, the constraints of the site and the fact that it is intended to secure high quality space via the imposition of a condition, the overall provision is acceptable.

Child Play Space:

- 8.45 In respect of child play space the London Plan SPG seeks to provide 10 square metres of well designed play and recreation space for every child in new housing developments. It does identify that appropriate and accessible facilities within 400 metres for 5-11 year olds or within 800 metres for 12 plus age groups may be acceptable alternatives in lieu of provision on site. The IPG requires three meters square per child bed space.
- 8.46 The development would have a child yield of 14.41 and this would equate to a need to provide between 43.23 square meters and 144.1 square meters of child play space within the development. In line with the London Plan SPG, the applicant intends to provide 'door-step' child play space for under 4's within the site which would form part of the proposed communal amenity space area.
- 8.47 In numerical terms this would be in line with the IPG requirement but fall short of the LP requirement. However, the LP guidance allows for the provision of appropriate and accessible facilities within 400 meters for 5-11 year olds or within 800 meters for 12 plus age groups. The nearest park is Grovehall park which has both play areas and ball games areas. This park is to the south of Bow Road and is approximately 488 metres away. Whilst, Bow Road acts as a barrier the park is just above the distance recommended for 5-11 years olds and below the distance recommended for 12 plus age group.
- 8.48 On balance it is considered that the level of child play space would be sufficient when consideration is given to existing provision within the area. It is not considered that non-compliance with the LP numerical standard would in this instance merit refusal of the scheme. However, it is considered essential that the proposed 'door-step' play space is child friendly and well designed. If planning permission were granted, it is recommended that this matter be controlled via the landscaping condition.

Design

- 8.49 Part 4 of strategic policy SP10 of the CS seeks to ensure that buildings and neighbourhoods promote good design principles by respecting local context and townscape; including the character, bulk and scale of the surrounding area.
- 8.50 Furthermore, saved policy DEV1 of the 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, they should also be sensitive to the development capability of the site, maintain the continuity of street frontages and take into account existing building lines, roof lines and street patterns. Furthermore, the design should take into consideration the safety and security of the development.

- 8.51 Finally, policy DEV2 of the IPG seeks to ensure that new development amongst other things, respects the local context, including character, bulk and scale of the surrounding area, 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.
- 8.52 The building which was previously on the site at 101 – 109 Fairfield Road was two storey high and of a functional industrial appearance. It detracted from the character and appearance of Fairfield Road. It has now been demolished, as permitted under the terms of the previous permission.
- 8.53 The proposed replacement building would be between 4 and 6 storeys in height. There would be a total of 49 residential units including a mix of 1 bed, 2 bed, 3 bed and 4 bed flats and maisonettes.

Height, scale, bulk and appearance

- 8.54 The proposed height, scale, bulk are considered acceptable. The scale of buildings in the surrounding area varies. Directly, to the west of the site, Primrose Close is a small scale residential development which varies from two storeys directly adjacent to the site and rises to four storeys adjacent to Morville Street. Directly, to the south of the site 87 – 97 Fairfield Road is six storeys in height. Directly, to the north of the site there is a two storey industrial building. To the east of the site on the opposite side of Fairfield Road, the Match Factory buildings are much larger in scale.
- 8.55 Along Fairfield Road, the proposed building is a maximum of 6 storeys adjacent to 89-97 Fairfield Road to the south and drops to five storeys in height adjacent to 111 Fairfield Road to the North.
- 8.56 The rear elevation which faces the smaller scale Primrose Close is six storeys in height adjacent to 10 Primrose Close to the south. The southern section adjacent is narrower in depth and provides private gardens at ground floor level. The building drops to four storeys in height adjacent to 13 Primrose Close to the north. At this point the separation distance between the two storey properties within Primrose Close is less and the reduction in height respects this relationship.
- 8.57 The Fairfield Road elevation is considered acceptable in terms of design. The proposal complements the adjacent 87 – 97 Fairfield Road and contributes to the character and appearance of Fairfield Road. The building is divided vertically into three elements on both the front and rear elevations. At ground floor level, the southern element of the building provides four, five bedroom maisonettes which are accessed from Fairfield Road. The building line is partially set back to provide defensible space at ground floor level. At the upper levels, balconies over hang the lower floors. The central spine of the building has a deeper-plan. This depth results from the way that this element of the building incorporates recessed balconies within its volume. Finally, the northern element of the building is reduced in height to five storeys to Fairfield Road and four storeys to Primrose Close and is again set back with projecting balconies.
- 8.58 The Primrose Close elevation is considered acceptable in terms of design and contributes

to the character and appearance of Primrose Close. At the rear, the vertical division of the building into three elements is also visible. The block to the south of the central spine is much shallower in depth. The central spine is wider in depth, containing recessed balconies. The northern element of the building is four storeys in height adjacent to Primrose Close and the fifth storey is set back. This ensures the building relates to the adjacent two storey properties in Primrose Close.

- 8.59 In terms of height, bulk, scale and massing the building is in keeping with the 2009 approved scheme. The main differences include the removal of the under-croft by the addition of additional units at ground floor level and alterations to the fenestration and balcony treatments. These alterations are considered acceptable and in keeping with the overall design rationale for the scheme.
- 8.60 It is considered that the proposed building is acceptable in terms of design, height, bulk, scale and massing. The scale and appearance of the building, respects the surrounding area and the adjacent sites. The building does not appear over dominant when viewed from Fairfield Road as it is in line with the adjacent properties.

Materials

- 8.61 In principle, the proposed materials are considered acceptable subject to the submission of full details and samples. This will be controlled via condition. It is proposed that the building uses a single primary material, high quality brickwork for its external walls. The proposed use of buff brick would integrate with the recently built neighbouring buildings on the western side of Fairfield Road.
- 8.62 There are two main types of balconies. Within the central element of the building, the balconies and loggias are recessed. The treatment of these balconies and loggias involves the use of frameless structural glazing. Whilst, the projecting balconies are to be made painted steel railings to contrast the use of structural glazing for the balustrades forming the loggias.
- 8.63 In respect of the window and balcony detail, detailed drawings at a scale of 1:20 would be required via condition in order to ensure the detailed design of these elements of the proposal contributes to the overall design of the building.
- 8.64 To conclude, the proposed materials appear satisfactory and in keeping with the character and appearance of the surrounding area. However, in order to ensure the high quality materials and detailing these matters will be controlled via condition.

Impact on the setting of the Fairfield Road Conservation Area

- 8.65 The application site lies to the west of the Fairfield Road Conservation Area and is opposite to a number of Grade II Listed buildings. As such, the proposed development will have an impact on the setting of this conservation area and the listed buildings.
- 8.66 PPS5: Planning and the Historic Environment, part 3 of strategic policy SP10 of the CS and policy CON2 of the IPG outline that development which would affect the setting of a conservation area should preserve or enhance the special architectural or historic interest of the Conservation Area. Furthermore, part 3 of strategic policy SP10 of the CS and policy CON1 of the IPG outlines the desirability of preserving the setting of a Grade II listed building, when considering applications for buildings that affect the setting of a listed building.
- 8.67 The Fairfield Road Character Appraisal states that "*The Fairfield Road Conservation Area*

presents a varied townscape, reflected in the widely differing ages and characteristics of its buildings.” The Bryant and May Match Factory, sets the character of the Northern part of the Conservation Area which is adjacent to the application site. The large buildings date from 1861 and are the most important surviving industrial complex in East London. The buildings are Grade II Listed.

- 8.68 The previous building on-site has now been demolished. The redevelopment of the site to provide a residential led scheme would contribute positively to the setting of the Fairfield Road conservation area.
- 8.69 As discussed under design above, the scale of the building is comparable to existing buildings in the area and is appropriate to the character of this area of the Conservation Area. Furthermore, the proposed building is in keeping with the building line and the proposed use of materials is in keeping with the character and appearance of Fairfield Road. The proposed development preserves the character of the adjacent buildings within the Fairfield Road Conservation Area.
- 8.70 The Bryant and May Match Factory which is Grade II Listed, lies to East of the site on the opposite side of Fairfield Road. Due to the distances between the two buildings and the fact that the proposed development respects the Grade II Listed building in terms of height, bulk and scale it is considered that the proposed development would not have an adverse impact on the setting of the Grade II Listed building. This is in line with Council and National Policy.

Amenity

- 8.71 Part 4 a and b of strategic policy SP10 of the CS, 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 polices seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or have a material deterioration of daylight and sunlight conditions.

Impact on Residential Properties – Sunlight

- 8.72 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.73 The submitted report assessed the impact on the Staten Building – to the east of the site, Moreland Cottages – to the east of the site and Primrose Close – to the west of the site. In respect of all of the windows tested in terms of sunlight availability they would all continue to be in compliance with BRE criteria.

Daylight:

- 8.74 There are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the NSL test may also be taken into account.
- 8.75 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures

should not exhibit a reduction beyond 20% of the former value.

- 8.76 In respect of the Staten Building nine windows were tested in respect of VSC and all passed the VSC test. In respect of the Moreland Cottages two windows were tested and both passed the VSC test. In respect of Primrose Close six windows were tested all passed the VSC test. Given, the windows tested passed the VSC test this accords with BRE Guidance and no further testing is required.

Overshadowing:

- 8.77 An updated shadow analysis was provided by the applicant taking account of changes to the BRE Guidance 2011 which has changed the overshadowing test. As such, it is required that on the 21 March that amenity spaces receive sunlight for a minimum of two hours.
- 8.78 A shadow analysis was conducted to the front of the Staten Building even though there is no amenity zone in front of these buildings. The analysis confirms that sunlight availability at the face of the ground floor windows will remain extremely good. As the Moreland Cottages stand slightly to the south of the proposed development overshadowing is not relevant. Furthermore, there is no amenity zone in front of this property.
- 8.79 In reference to Primrose Close, similar to the existing building, the proposed development will cast a shadow onto the first gardens either side of Primrose Close but only in the morning hours. Even before midday the shadow will coincide with the long axis of the proposed development and the properties in Primrose Close will receive sun on the ground without hindrance from the proposed development.

Sense of Enclosure, Outlook, Privacy and Overlooking:

- 8.80 It is not considered that the proposed scheme would have an adverse impact on the outlook of residents to the east, north and south of the site.
- 8.81 Residents to the west of the site are separated from the property by minimum distance of approximately 28.5 metres and as such are not considered to be impacted upon in terms of outlook, sense of enclosure, privacy or overlooking because of the separation distances involved. The same can be said of residential properties to the south the site as there are no windows along the northern flank wall of 87-97 Fairfield Road.
- 8.82 To the southwest of the site is Primrose Close which comprises numbers 1 – 13 which face in a south-eastern direction and numbers 2 – 10 which face in a north-western direction. The main elevations look onto each other. The side elevations of numbers 13 and 10 look onto the application site. However, these are small windows which do not appear to serve habitable rooms. As such, it is not considered that the proposed development will have an adverse impact on the residents of Primrose Close in terms of outlook from their properties.
- 8.83 In reference to sense of enclosure, the separation distance between the flank wall of number 10 Primrose Close which is the nearest residential façade at the southern side of the site and the proposal is between approximately 12.3 metres and 14 metres. The flank wall of Number 13 Primrose Close which is at the northern edge of the site does not directly face the proposed development. Here the separation distance is approximately 5.2 metres.
- 8.84 It is considered that as the properties in Primrose Close are facing in a south-eastern and north-western direction the impact of the proposed development is minimised. Furthermore, where the development is closest to the properties in Primrose Close at the northern edge of the site the bulk and mass of the scheme has been reduced. At the front elevation along

Fairfield Road the property is reduced to five storeys and at the rear elevation the property is reduced to four storeys. This reduces the impact of the proposed development and as such it is considered that the development will not have an adverse impact on the residents of Primrose Close in terms of outlook and sense of enclosure.

- 8.85 In respect of overlooking there would be no direct overlooking between habitable room windows because of the layout of Primrose Close. In relation to the proposed balconies and loggias at the upper floors and the proposed roof terrace, it is considered that they would not result in an unacceptable level of overlooking in this urban environment. The properties in Primrose Close are perpendicular to the proposed development and as such, there would be no direct overlooking from the balconies. In reference to the communal garden at roof level this is set back from the property line and would not result in an increase in overlooking.
- 8.86 Residents within Springwood Close have raised concerns about overlooking and loss of privacy. Springwood Close is located to the south-west of the application site. The minimum separation distance between 5 Springwood Close and the application site boundary would be approximately 18.5 meters. The gardens at ground floor level would have boundary fencing to a height of two meters. This would be a standard height within an urban environment and would not result in a lack of privacy. At first floor level there would be no balconies within the southern section of the building. At second, third and fourth floor level there would be two protruding balconies at each level. It is assumed residents are concerned about the height of these balconies and the elevated view into their gardens. However, given, the size of the balconies which would be 4.3 square meters, the separation distance and the urban environment it is not considered that an unacceptable level of overlooking and loss of privacy would be experienced.

Conclusion:

- 8.87 It is not considered that the proposal would have an adverse impact on the amenity of surrounding residents. As such the proposal is in line with strategic policy SP10 of the CS, saved policy DEV2 of the UDP policy DEV1 of the IPG. These policies seek to ensure that the privacy and amenity of residents is protected from development.

Highways

- 8.88 Policy 3C.1, 3C.2, 3C.3 and 3C.23 of the LP, seek to integrate transport and development and promote sustainable modes of transport, by encouraging patterns and forms of development which reduce the need to travel by car, seeking to improve walking and cycling capacity and allowing development in suitable locations.
- 8.89 Strategic policies SP08 and SP09 of the CS, saved UDP policies T16 and T18 and policies DEV16, DEV17 and DEV19 of the IPG, outline that in respect of new development, consideration should be given to the impact of the additional traffic which is likely to be generated, the need to provide adequate cycle parking and the need to minimise parking and promote sustainable development.
- 8.90 The application is supported by a Transport Statement (Ref: 11060, April 2011, prepared by First Plan) and a draft Travel Plan, (Ref: 11060, April 2011, prepared by First Plan).
- 8.91 The site is located within a PTAL range of 4 which indicates a moderate access to public transport. The site is in close proximity to Bow Church DLR Station and Bow Road Underground Station. There are also several bus routes adjacent to the site. The LBTH Highways comments are discussed in section 6 of this report. Overall they are satisfied with the proposal and any concerns raised during the consultation have been addressed

through the submission of further information.

- 8.92 The proposed residential units would be secured as car free. This would be secured via a section 106 agreement. This is in line with policy and would promote sustainable modes of transport and reduce stress on the surrounding highway network.
- 8.93 The provision of cycle parking in line with Council standards would be controlled via condition.
- 8.94 In order to mitigate the impact that the increase in population would have on the surrounding highway network a contribution of £21,000 has been sought to allow the Highway Authority to implement traffic calming measures along Fairfield Road.
- 8.95 In conclusion it is considered that in respect of transport matters the proposed development would be acceptable and in line with policy.

Energy and Sustainability

- 8.96 Policies 5.1 – 5.9 of the London Plan sets out the Mayor's Energy Hierarchy, its objectives being reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used and generated from renewable sources.
- 8.97 Policy 5.2 sets the targets for the reduction of carbon dioxide emissions over the target Emission Rate (TER) outlined in the national Building Regulations. For 2010-2013 the target is a reduction of carbon dioxide emissions of 25% over TER i.e. Code for Sustainable Homes Level 4. Part C requires the submission of detailed energy assessment and more detail of what is required in the statement is listed in part D of the policy.
- 8.98 Policy 5.3 sets out the requirement for developments to demonstrate that sustainable design standards are an integral part of the proposal.
- 8.99 The latter London-wide policies are reflected in policies SP11 of the CS.
- 8.100 The submitted energy report has been reviewed by the Energy Team and the found that it was not sufficiently detailed for the scale of development. A further report has been submitted and reviewed and whilst the revised report has improved on the original proposals for CO2 emission reductions it still falls significantly short of the requirements of the LP and the targets set out in my previous advice.
- 8.101 Policy 5.2 of the London Plan seeks a minimum 25% reduction in CO2 emissions; however the proposals are currently only proposing a reduction of 12.60%.
- 8.102 As part of the viability discussions, the cost of implementing a scheme which would achieve Code for Sustainable Homes 4 or 3 was discussed. Officers took on board the conflict between the need to provide more affordable housing on this site and the need to comply with energy policy and consider that a higher level of affordable housing would be a better solution in this instance. Furthermore, the energy strategy is similar to the 2009 permission.

Other Planning Issues

- 8.103 Section 106 Contributions:
- 8.104 Strategic policy SP13 of the CS and saved Policy DEV4 of the UDP state that the Council will seek planning obligations or financial contributions to mitigate for the impact of the development.

8.105 The Community Infrastructure Levy Regulations 2010, state that any S106 planning obligation must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

8.106 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

8.107 To mitigate for the impact of this development on local infrastructure, education and community facilities the following contributions accord with the Regulations and have been agreed. The total financial contribution would be **£341,593**

8.108 The proposed heads of terms are:

Financial contributions:

- 8.109
- a) A contribution of **£67,351** towards **health**, to mitigate the impact of the additional population upon existing health facilities within the immediate vicinity of the site.
 - b) **£137,501** towards **open space, leisure and/or community facilities**, to mitigate the impact of the additional population upon existing open space, leisure and community facilities within the immediate vicinity of the site.
 - c) A contribution of **£88,980** towards education, to mitigate the impact of the additional population upon existing education facilities within the immediate vicinity of the site.
 - d) A contribution of **£21,500** towards highway improvements within the area to mitigate the impact of the additional population upon the highway network within the vicinity of the site.
 - e) A contribution of **£26,261** towards employment, skills, training and enterprise to mitigate the impact of the loss of employment floor space and create opportunities.

Non-financial contributions:

- 8.110
- a) 12 units which equates to 42 habitable rooms (30% of the development) is secured as affordable housing, with a tenure mix of 81:19 between 'Affordable Rent' and 'intermediate'.
 - b) 100% of development to be car free.
 - c) Local Labour in Construction

8.111 The above contribution have been secured and negotiated in line with the draft S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the tests of circular 05/05 and the relevant statutory tests.

Site Contamination:

8.112 Saved UDP policy DEV51 and IPG policy DEV22 requires applications to be accompanied by an assessment of Ground Conditions to assess whether the site is likely to be contaminated. A land contamination assessment has been submitted as part of the application. This is the same report that has been previously reviewed by the LBTH Environmental Health Contaminated Land Officer. Overall, they were satisfied with the

contents of the report subject to the submission of further information regarding water sampling results. It is considered that inline with the 2009 consent this matter should be controlled via condition.

Refuse Storage:

- 8.113 The proposed refuse storage appears acceptable and in line with saved policy DEV15 and planning standard 2 of the IPG.

Archaeology:

- 8.114 The site is located in an area of archaeological importance or potential. However, English Heritage, have advised that they are satisfied no further archaeological remains remain.

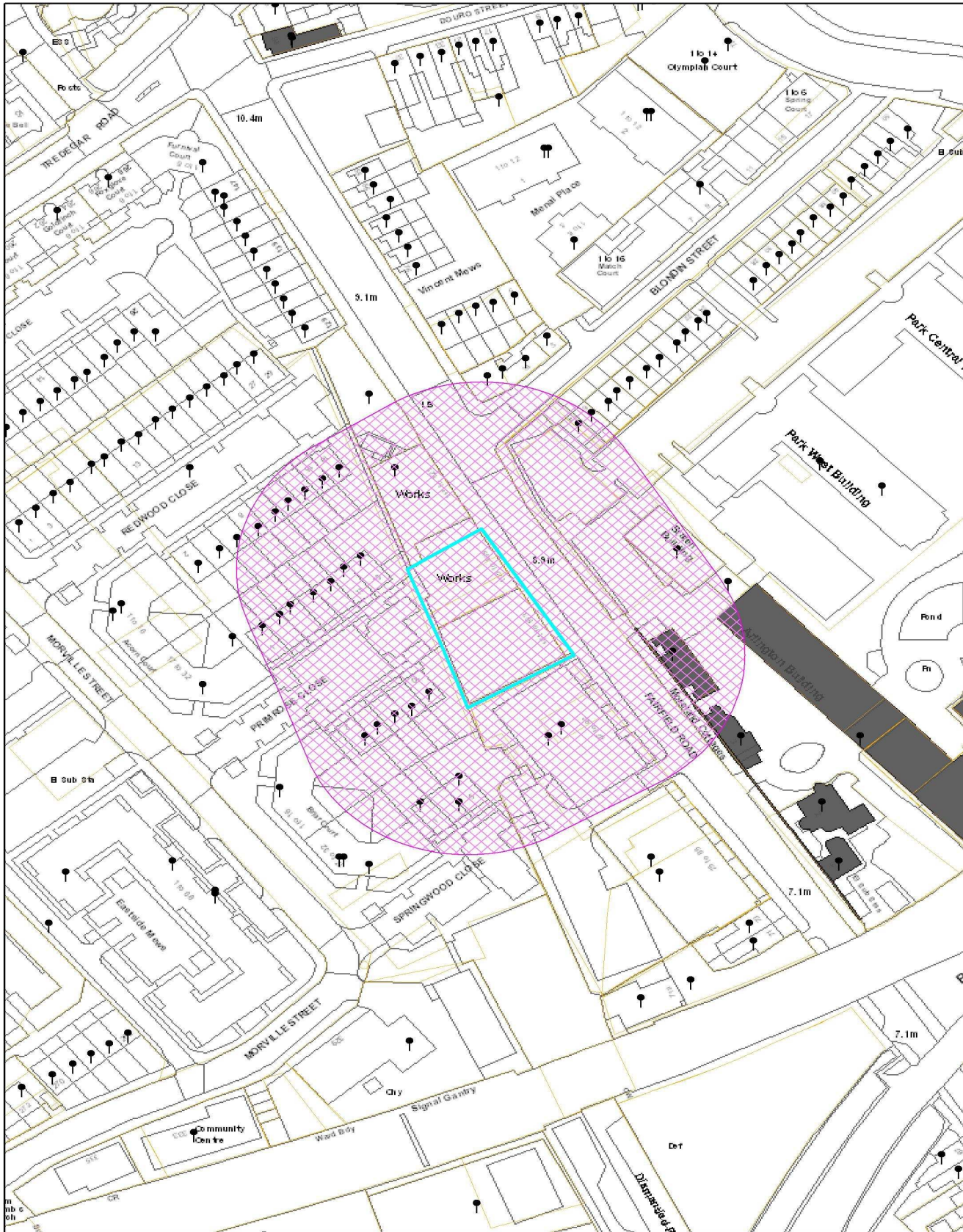
Landscaping:

- 8.115 The proposed development includes the creation of a communal roof garden and private and semi private amenity spaces at ground floor level. As such, it is essential that these areas of the development are landscaped satisfactory and maintained for perpetuity. A condition will be placed requiring full details of a landscaping management plan.

Conclusions

- 8.116 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.

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Agenda Item 8

Committee: Development	Date: 10 th January 2012	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Owen Whalley		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: 10 January 2012	Classification: Unrestricted	Agenda Item Number: 8.1
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Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

Application No:	PA/11/00641
Site:	88 Waterman Way, London, E1W 2QW
Development:	Erection of a side and rear extension along with excavation of a new basement.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 The main issues in this case were as follows:

- The impact of the development on the character and appearance of the

- area;
 - The impact of the development on the living conditions of the appeal property with regard to the provision of amenity space;
 - The impact of the development on the living conditions of 87 Waterman Way.
- 3.3 The appeal property is an end of terrace 2 storey dwelling and occupies a reasonably prominent position along the approach into Waterman Way. The planning inspector noted a clear and consistent rhythm of the street scene at this point. Whilst he acknowledged that the proposed extensions would utilise similar materials and architectural details, the Planning inspector was concerned that the proposed extensions would appear overly dominant and would have significantly altered the form and appearance of the original dwelling. He concluded that the existing symmetry would have been disrupted and would have failed to respect the local context.
- 3.3 Whilst the Planning Inspector was also concerned about the level of residual amenity space (30sq metres) which he concluded was not adequate for the resulting 4 bedroom dwelling, he was satisfied with the impact of the extension on the immediate neighbour. Whilst he accepted that there would have been some loss of daylight, he did not feel that it would have been so significant as to warrant a refusal of planning permission on that ground.
- 3.4 The appeal was DISMISSED.

Application No:	PA/11/01439
Site:	77 Chambord Street, London E2 7NJ
Site:	Erection of a second floor roof extension (mansard roof).
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.5 This application proposed a second floor roof extension. And the main planning issue was the impact of the proposed development on the character and appearance of the area
- 3.6 The appeal property is a 1980s two storey dwelling, positioned within a staggered terrace of six properties. Despite the variety of neighbouring properties, the Planning Inspector concluded that there was a strong degree of continuity to the horizontal lines of various building groups. He considered that the mansard style of roof extension would have broken through the otherwise consistent ridge line to the terrace in a form that would have been unrelated to the dwelling itself. He concluded that the proposed extension would have appeared incongruous and significantly disruptive to the pattern and reasonably harmonious form of the surrounding development.
- 3.7 The appeal was DISMISSED.

Application No:	PA/11/01494
Site:	605 Commercial Road, London E14 7NT
Development:	Display of an internally illuminated poster display unit.
Decision:	REFUSE (delegated decision)

Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED

3.8 This appeal related to the continued display of a 48 sheet hoarding – albeit an internally illuminated advertisement display. The main issue in this case was the effect of the continued display on the amenities of the surrounding area.

3.9 The advertisement is currently being displayed on the wooden structure against the flank wall of 605 Commercial Road. The property lies within the York Square Conservation Area. The Planning Inspector shared the Council's view that the advertisement is out of scale, overly dominant and out of scale with the host building. He concluded that it failed to preserve or enhance the character and appearance of the conservation area

3.10 The appeal was DISMISSED.

Application No: ENF/10/00030
Site: 79 Commercial Street, London E1 6BD
Development: Appeal against service of a Discontinuance Notice in respect of a 48 sheet hoarding.
Council Decision: ISSUE NOTICE (delegated decision)
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED

3.11 The main issue in this case was whether the continued display of the advertisement would have been substantially injurious to amenity. The test in relation to discontinuance action is whether there is substantial injury. The Planning Inspector shared the Council's concern a regards the harmful visual impact. He considered the advertisement to be most obtrusive and visually harmful. He was particularly concerned that the advertisement cut across the window sills to the 2nd floor window and the arched frame art first floor level. He concluded that the advertisement failed to preserve or enhance character and appearance of the Wentworth Street Conservation Area.

3.12 He felt that the only thing that would resolve the issue was to remove the hoarding.

3.13. The appeal was DISMISSED and the Discontinuance Notice re-instated.

Application No: PA/11/01890
Site: 24 Marshfield Street, London E14 3HQ
Development: Erection of a single storey rear extension
Decision: REFUSE (delegated decision)
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED

3.14 This appeal related to a retrospective application for planning permission for a single storey rear extension. The main issues involved the impact of the development on the character of the area and the living conditions of the neighbouring property (23 Marshfield Street) in terms of daylight and visual impact.

- 3.15 The appeal premises is a three storey end of terrace property and the rear extension extends the full width of the property with a shallow mono-pitched. Whilst the Planning Inspector was generally content with the elevational treatment and design of the extension, he was concerned with the overall depth of the extension and its proximity to the boundary with 23 Marshfield Street which he considered to be overly dominant, creating an unacceptable sense of enclosure. Furthermore, whilst he felt that the loss of light was only slight, he concluded that this further added to his concerns over the un-neighbourly impact of the single storey rear extension.
- 3.16 The appeal was DISMISSED. The Council's planning enforcement team are now in the process of seeking to instigate enforcement action against the unauthorised structure.

Application No:	PA/11/01409
Site:	Former St Andrews Hospital site – Block D – Devas Street, London, E3 3NT
Development:	Display of 2 shroud hoardings (30mx15m) with external lighting for a period of 24 months.
Council Decision:	REFUSE (Delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.17 This advertisement relates to the Barratts redevelopment of St Andrews Hospital. The main issue in this case was the impact of the two advertisements, displayed on the two PVC scaffold shrouds, on the visual amenities of the area. The Planning Inspector considered that insufficient consideration had been afforded to the positioning of the shrouds and he was concerned that they will be perceived as massive and unattractive billboards, inappropriately positioned on the face of scaffolding. He was even more concerned about the form of illumination and the effect of the illumination of the residential amenities of neighbouring occupiers.

- 3.18 The appeal was DISMISSED.

Application No:	PA/11/00879/00878
Site:	27A Mile End Road, E1 4TP
Development:	Applications for planning permission and listed building consent for the erection of a first and second floor rear extension and alterations to provide 5x1 bed flats and 2x2 bed flats and use of the ground floor for retail, professional services, restaurant or business use.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED (partial award of costs against the Council)

- 3.19 The main issues in this case were as follows:

- The impact of the proposed extensions on the appearance of the listed

- building and the character and appearance of the wider conservation area;
 - Whether the proposed development would result in an over-concentration of restaurants, bars and take-aways in the locality and its effects upon the health of local people;
 - The effects of the development on the living conditions of nearby residents.
- 3.20 The Planning Inspector referred to a previous planning permission and listed building consent for a very similar form of development and he was satisfied that the extensions proposed would not harm the historic value of the listed building. He was also satisfied with the proposed flue arrangements, especially as it was proposed to be clad in matching brickwork.
- 3.21 As regards the issue of over-concentration of restaurants and the encouragement of healthy eating strategies, the Planning Inspector was not persuaded that the creation of a restaurant would unbalance the mix of uses within the street or lead to an over-concentration of restaurants such that harm would result in terms of the mix of uses in the vicinity. Furthermore, he considered that there was no substantive evidence to support the Council's concern that the appeal scheme would affect the ability of local people to adopt healthy lifestyles.
- 3.22 The Planning Inspector noted that most activity associated with the ground floor uses would taken place onto Mile End Road and he was satisfied that with the imposition of hours of use conditions, there will be limited scope for disturbance in the locality. He was also satisfied that with the imposition of appropriate conditions, the proposed ventilation system should not materially harm the amenities of neighbouring residents.
- 3.23 The appeal was ALLOWED.
- 3.24 As regards the costs application, the Planning Inspector concluded that the Council raised no substantive evidence to demonstrate why the proposed restaurant should have an adverse impact upon local people, particularly in terms of their ability to adopt healthy lifestyles. He felt that the council had acted unreasonably in this regard. However, in awarding a partial award of costs, the Planning inspector noted that the appellant only addressed the Council's concerns briefly and that this was not an unduly onerous task. It is therefore likely that the cost awarded against the Council will be very limited.

Application No:	ENF/11/00010
Site:	27-29 Westferry Road, London E14 8JH
Development:	Appeal against an enforcement notice in respect of the use of the land as a motor vehicle park
Council Decision:	INSTIGATE ENFORCEMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED AND ENFORCMENT NOTICE UPHELD

- 3.25 The main issue in this case was the effect of the unauthorised use on the free flow of traffic and highway safety and on the living conditions of neighbouring residents. The site was being used for the parking of coaches without the necessary planning permission.

- 3.26 The Planning Inspector noted that there was insufficient space for the coaches to turn on site and the vehicles would be required to reverse either onto or off the highway. He also noted that the site had no formal access onto the highway in the form of a dropped kerb.
- 3.27 Whilst he acknowledged that the number of vehicle movements would not be substantial, he agreed with the Council that these movements would disrupt the free flow of traffic and would not be in the interest of highway and pedestrian safety. The Inspector was less concerned about the amenity impacts of the use – as the use of the site could be satisfactorily controlled through the use of conditions. However, it was clear that the use was unacceptable from a highway safety point of view.
- 3.28 The appeal was DISMISSED and the Enforcement Notice UPHELD.

4. NEW APPEALS

- 4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

Application Nos:	PA/11/02645
Sites:	83-89 Mile End Road London E1 4JU
Development:	Display of a illuminated fascia sign and projecting box sign.
Council Decision:	Refuse (delegated decision)
Start Dates	7 December 2011
Appeal Method	WRITTEN REPRESENTATIONS

- 4.2 This application was refused on grounds that the proposed adverts were out of scale with other advertisements found within the terrace and failed to preserve or enhance the character and appearance of the Stepney Green Conservation Area.

Application No:	PA/11/02736
Sites:	land bounded by Commercial Road, Braham Street, Whitechapel High Street, Colchester Street and Leman Street, London, E1
Development:	Retention of six poster panel advertisement hoardings for a 24 month period.
	1. Standard 96 Sheet (12m by 3m) located on Commercial Road elevation.
	2. Standard portrait size (7.5m by 5m) located on Commercial Road elevation.
	3. Standard 96 Sheet (12m by 3m) located on corner of Commercial Road and Whitechapel High Street elevation.
	4. Standard 96 Sheet (12m by 3m) located on Whitechapel High Street elevation.

**5. Standard 48 Sheet (6.3m by 3.3m)
located on Whitechapel High Street
elevation.**
**6. Standard portrait size (7.5m by 5m)
located on Lemn Street elevation.
Refuse (delegated decision)
7 December 2011
WRITTEN REPRESENTATIONS**

Council Decision:
Start Date
Appeal Method

- 4.3 Advertisement consent was refused on grounds of overall, advertisement clutter and the over-dominant and visually obtrusive nature of the advertisements, failing to preserve or enhance the character of the Whitechapel High Street Conservation Area.

Application No: PA/11/00953
Site: 17 Bethnal Green Road London E1 6LA
Development: Change of Use from bed and breakfast accommodation to 3x2 bed flats with external alterations
Council Decision: Refuse (delegated decision)
Start Date 7 December 2011
Appeal Method WRITTEN REPRESENTATION

- 4.4 In this case, officers were concerned about the loss of historic features, which would have been to the detriment of the character and appearance of the property and the Redchurch Street Conservation Area.

Application No: PA/11/01710
Site: Western corner of Commercial Road and Butchers Row, E1
Development: Removal of existing hoardings and replacement with the installation of 1 large scrolling internally illuminated LED display panel measuring 10m x 5m (facing Commercial Road) only.
Council Decision: Refuse (delegated decision)
Start Date 6 December 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.5 Whilst advertisement consent was granted in this particular instance, it was for a purely limited period and the appeal relates to the temporary nature of the advertisement display.

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