

Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 22 August 2012 at 7.00 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Shiria Khatun	
Councillor Kosru Uddin Councillor Craig Aston Councillor Md. Maium Miah Councillor Anwar Khan 1 Vacancy	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 Helal Uddin, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun) Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun) Councillor Bill Turner, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun)

[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

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LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 22 August 2012

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

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 Monitoring Officer.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the extraordinary meeting on 25th June 2012 and the ordinary meeting of Development Committee held on 10th July 2012.

PAGE NUMBER	WARD(S) AFFECTED
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5 - 20

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. **21 - 22**

The deadline for registering to speak at this meeting is 4pm Monday 20th August 2012.

6. DEFERRED ITEMS

23 - 24

6 .1 Ability Place, 37 Millharbour, London (PA/12/00023) **25 - 44** **Millwall**

7. PLANNING APPLICATIONS FOR DECISION

45 - 48

7 .1 4-6 Spey Street, London E14 6PT (PA/12/01088) **49 - 56** **East India & Lansbury**

7 .2 Land at Commercial Road, Basin Approach, London (PA/12/00925) **57 - 90** **Limehouse**

7 .3 Carriageway and footway adjacent to numbers 582-586 Old Ford Road, London, E3 (PA/12/00358) **91 - 100** **Bow East**

7 .4 Forecourt/ servicing yard of Railway Arches, 244-246 Ratcliffe Lane, London E14 7JE (PA/11/02704) **101 - 112** **Shadwell**

8. OTHER PLANNING MATTERS FOR DECISION

113 - 114

8 .1 Professional Development Centre, English Street, London, E3 4TA (PA/12/01672) **115 - 122** **Mile End & Globe Town**

8 .2 Bromley Public Hall, Bow Road, London E3 (PA/12/00787) **123 - 130** **Bromley-By-Bow**

8 .3 Planning Appeals Report **131 - 142**

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or
John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.15 P.M. ON MONDAY, 25 JUNE 2012

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

Members Present:

Councillor Helal Abbas
Councillor Shiria Khatun
Councillor Kosru Uddin
Councillor Md. Maium Miah
Councillor Craig Aston

Other Councillors Present:

Councillor Marc Francis

Officers Present:

Jerry Bell	– (Strategic Applications Manager, Development and Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Mary O'Shaughnessy	– (Planning Officer, Development and Renewal)
Nasser Farooq	– (Planning Officer, Development and Renewal)
Michael Rowan	– (Head of Parks and Open Spaces, Communities Locality and Culture)
Stephen Murray	– (Head of Arts and Events, Communities Localities & Culture)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

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1. ELECTION OF VICE-CHAIR 2012/13

It was proposed by Councillor Helal Abbas, seconded by Councillor Kosru Uddin and **RESOLVED**

That Councillor Shiria Khatun be elected Vice-Chair of the Development Committee for the remainder of the Municipal Year 2012/2013.

2. APOLOGIES FOR ABSENCE

Apologies were submitted on behalf of Councillor Anwar Khan.

3. DECLARATIONS OF INTEREST

No declarations of interest were reported.

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. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS (DC001/012/13)

The Committee considered the terms of reference report.

At the request of the Committee, Officers agreed to review the arrangements for the August 2012 meeting to see if, working load permitting, it could be rescheduled to facilitate the Ramadan period.

RESOLVED

That the Terms of Reference, Quorum, Membership and dates of meetings of the Development Committee for the Municipal Year 2012/2013 be noted as set out in the report.

7. DEFERRED ITEMS

Nil Items.

8. PLANNING APPLICATIONS FOR DECISION

8.1 Victoria Park, London (PA/12/01007)

Update Report Tabled.

Jerry Bell (Strategic Applications Team Leader) presented the report regarding Victoria Park, London (PA/12/01007).

The Chair invited statements from persons who had previously registered to address the Committee.

Patrick Hennigan spoke in objection to the proposal. He considered that this was the first time that he had received anything about events in Victoria Park. Residents have suffered for years with such events. The events only appeared to be held in the summer preventing people from properly enjoying the park. He objected to the impact on access routes. Particularly the Gun Makers Gate access which he considered was a much needed access route to the one o'clock club community centre. He also considered that the roadway through the park was an ancient right of way.

Overall, visitors would experience great difficulties in accessing the park and the community centre due to the constraints including the hoardings as well.

He referred to the mud levels at the park. Indeed, last Friday, he had to help three families with young children across the mud in the park. The mud levels were unbelievable. As a result, the park was an unsuitable location for the event.

He also objected to the impact from the trucks. He considered that given their weight, they would sink into the public pavement. He questioned why it was not proposed that they run on the hard pavements and that the vehicles weight should be restricted to 7 ½ tons not 30 tons as proposed.

Councillor Marc Francis also spoke in objection. He noted the above concerns about access. However he wished to concentrate on the hours of operation.

He drew attention to the representations from residents and ward Councillors that were taken to the Licensing Committee. He stressed that whilst they felt it essential they be addressed, they were not opposed to the principle of the event as it they welcomed the aim of widening access to Olympic events. They also recognised the one off nature and need for the event.

He referred to the petition sent to the Licensing Committee signed by 200 residents. He asked that the Development Committee strengthen further the restrictions imposed by the Licensing Committee. These were: that the hours for sale of alcohol be restricted to 10pm; live music to 9pm and the closing

times to 11pm between Sunday to Thursday. He also proposed conditions to facilitate access through the park and that the noise levels be limited further.

Patrick Loy (Live Nations) addressed the Committee in support of the application. He referred to the consultation letter sent by the event organisers to all residents right at the start of the process based on information supplied by LBTH. It was also proposed that a further letter would be sent out next week if granted with details of the support hotline for residents for the event and details of the Traffic Management Order for the road closure. He explained the plans to maintain access through the park. However he was happy to take up Mr Hennigans specific concerns. In relation to mud and rutting, the last 3 events at the park were held under exceptional weather circumstances and were not Live Nations events. It was proposed to use hard standing and vehicle tracks to prevent damage to the park grounds. There would be a programme of reinstatement after the event.

He considered that the concerns around the hours of operation (as raised by Councillor Francis) had already been thoroughly addressed by the Licensing Committee in considering the premises application. Full details of the delivery and servicing plans could now be provided. The applicant fully welcomed the cycle scheme (8.2 of this agenda) for the event that would relieve pressure on the public transport and road network.

In reply to Members about mud damage from vehicles, Mr Loy listed the products to be used to prevent this. This included metal roadways that left no trace on the grounds. In response to an earlier closing time, he stressed the need for the proposed closing times to allow complete coverage of events with flexibility for overrun as agreed by the Licensing Committee. An earlier closing time that ended coverage prematurely could compromise the credibility of the facilities. The schedule was governed by the LGOG timetable.

Nasser Farooq (Planning Officer) presented the detailed report assisted by a power point presentation. Also in attendance was Stephen Murray (Head of Arts and Events,) and Michael Rowan (Head of Parks and Open Spaces) to provide further advice.

Mr Farooq explained the scheme for use of the park between 18th July 2012 and 17th August 2012. He explained the site location, designation of the area, the 'soft finishing times' to ease entrances and exits and the nature of the events proposed. He explained the conditions to protect the sports pitches from permanent damage and the plans for the users affected to use alternative pitches. He also explained the conditions imposed by the Licensing Committee including those on capacity to allay the concerns.

Overall, given the support for the scheme in policy and its temporary nature, the scheme was considered acceptable and should be granted.

In response, Members noted the scrutiny undertaken of the plans by the Licensing Sub- Committee that had addressed many of the concerns under the Licensing regime.

They also raised questions regarding the following matters:

- The risk of damage to the grass.
- The impact on the sports pitches and users.
- The agents responsibility for repair works.
- The involvement of Officers in preparing the plans.

Officers addressed each point raised. They explained the operation of the metal tracks and how they would protect permanent damage to the grass. One taken up, the grass should return to its natural green state in a short space of time. They explained the measures to ensure the applicant fully reinstated the park grounds. Responsibility for this clearly rested with them. They described the measures for ensuring this including the holding of a bond (similar to a deposit for damage) and beyond this contractual obligations. Officers would carry out before and after inspections of the park to agree a programme of restoration.

The grounds comprised a number of summer and winter sports pitches. It was understood that only a small number of sports clubs used these pitches during the application period, based on Sport England information. Besides there were plans for the groups affected to relocate to other pitches locally during the period so that they could continue participating in their sports.

Officers had engaged extensively with Live Nations over the past two years. They have had considerable input into the plans and the conditions. Part of their role was to ensure the conditions were fully enforced. To facilitate this, there would be an on site Officer presence at all times at the event.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission (PA/12/01007) Victoria Park, London at be **GRANTED** subject to:
 - A. Any **direction** by **The Mayor of London**
2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission set out in the report.

8.2 Victoria Park, near St Marks Gate Entrance, Cadogan Terrace, London

Update Report Tabled.

Jerry Bell (Strategic Applications Team Leader Manager) presented the report regarding Victoria Park, near St Marks Gate Entrance, Cadogan Terrace, London

Mary O'Shaughnessy (Planning Officer) presented the detailed report assisted by a power point presentation.

She explained the plans for the temporary cycle facility at Victoria Park between July 2012 to September 2012 in support of the Olympic Games. She explained the site location, opening hours and the proposed structures including the lighting towers and the surrounding enclosures.

She explained the measures to prevent light spillage from the towers and conflict between cyclists and pedestrians.

No letters of objections had been received from the public consultation and the Council's experts had not raised any objections.

In summary, the scheme would alleviate pressure on the public transport system and roads during the games. Therefore, given its temporary nature and the restrictions it was considered acceptable and should be granted.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission PA/12/00799 at Victoria Park, near St Marks Gate Entrance, Cadogan Terrace, London , London at be **GRANTED** subject to:

A. Any **direction** by **The Mayor of London**

2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission set out in the report.

The meeting ended at 7.00 p.m.

Chair,
Development Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 10 JULY 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Kosru Uddin
Councillor Anwar Khan

Councillor Peter Golds

Other Councillors Present:

None.

Officers Present:

Jerry Bell	– (Strategic Applications Manager, Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Benson Olaseni	– (Deputy Team Leader, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Amy Thompson	– (Strategic Applications Planner, Development and Renewal)
Jen Pepper	– (Affordable Housing Programme Manager, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Shiria Khatun, Md. Maium Miah and Craig Aston for whom Councillor Peter Golds was deputising.

Apologies for lateness were submitted on behalf of Councillor Kosru Uddin.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
Helal Abbas	6.1	Personal	Ward Member
	7.2& 7.4	Personal	Had received emails from objectors concerning the applications.
Peter Golds	6.1	Personal	Committee member at the last meeting on 10 th May 2012 where the application was considered.
	7.1	Personal	Ward Members for the adjacent ward and lived by the area. Therefore was very familiar with area.
Anwar Khan	6.1	Personal	Live in ward concerned.
	7.2	Personal	Had received representations from the Councillors and residents, however had disregarded them.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 10th May 2012 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.

(Councillor Kosru Uddin arrived at the meeting at 7:05pm and reported that he had no declarations of interest to make).

6. DEFERRED ITEMS

6.1 4 Wilkes Street, London E1 1QF (PA/11/02495)

Update Report Tabled.

The 3 Members that voted on this item were Councillors Helal Abbas, Peter Golds and Kosru Uddin.

Councillor Anwar Khan did not vote on this item having not been present at the previous meeting (10th May 2012 Committee) where this item was considered.

The voting was in accordance with paragraph 11.4 of the Council's Development Committee procedure rules.

Jerry Bell (Applications Manager) introduced the proposal regarding 4 Wilkes Street, London E1 1QF.

Richard Murrell (Planning Officer) presented the report giving a brief presentation of the scheme.

He drew attention to the reasons for refusal drafted by Officers based on the reasons given by the Committee at the 10th May 2012 meeting.

He also highlighted the additional information submitted by interested parties since the 10th May 2012 meeting.

This included:

- A report from the applicant addressing the concerns raised at the 10th May 2012 meeting (Appendix 3)
- A letter from objections requesting that two additional/alternative reasons for refusal be approved to strengthen the Committees decision (Appendix 4 as listed in paragraph 4.5.)
- A further report from the applicant addressing the above letter from objectors (summarised in the update report before Members).

Councillor Peter Golds moved that the two reasons for refusal submitted by objectors in paragraph 4.5 of the report be included in the reasons for refusal. This was seconded by Councillor Anwar Khan. On a unanimous vote this was AGREED.

On unanimous vote the Committee **RESOLVED**

That planning permission (PA/11/02495) at 4 Wilkes Street, London E1 1QF be **REFUSED** for the reasons set out at paragraph 3.3 of the report and the reasons set out in paragraph 4.5.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Ability Place, 37 Millharbour, London (PA/12/00023)

Jerry Bell introduced the proposal regarding Ability Place, 37 Millharbour, London.

Holger Wessling spoke in objection. He stated that he was speaking on behalf of the Ability Place Residents Association. The residents had strongly objected to the scheme as detailed in the consultation response in the report. There were concerns over impact on amenity space, loss of light and of the construction work on occupants of Ability Place. The anticipated impact of which was unacceptable. He doubted that a site visit took place to fully assess the impact of the scheme. The scheme put the needs of the 7 additional penthouses ahead of the 500 plus units. It was a political decision. There were no benefits for the community. Only the developer and the additional units.

Richard Washington spoke in support of the application. He considered that the report fully address the concerns raised by the objectors regarding loss of privacy and also loss of amenity space. The light and overshadowing impact fell within acceptable levels despite minor failings as demonstrated in the technical report. There was a condition to implement a construction plan to ensure the impact from this phase was acceptable.

In response, Members queried the plans to provide compensation to residents for loss of amenity during the construction phase. They asked for specific details of the plans. (For example to mitigate for any dust impact, the need to close windows during construction).

Mr Washington confirmed that there was a code of conduct required by a condition which would control this. (The Construction Management Plan). However he could not provide the exact details of this.

Regarding the consultation, Mr Washington confirmed that the applicant did consult with local residents.

Amy Thompson (Planning Officer) presented the detailed report assisted by a power point presentation. She explained the consultation carried out by the Council and the applicant. The latter included the distribution of leaflets and meetings with residents to discuss the concerns. She explained in detail the proposed plans. The separation distances complied with policy with no directly facing habitable rooms. As a result the scheme protected privacy. Despite some loss of light, the light levels met the key tests. All windows would receive adequate light.

Given the benefits and lack of impact, the scheme should be granted.

Members then raised questions/comments around the following issues:

- The lack of affordable housing.
- The benefits to the existing occupants of Ability Place.
- The impact on services charges arising from the works to the amenity space.
- The loss of amenity space given the high density and shortage of such space in the area. It was commented that the loss of just a small area of amenity space in such circumstances was a major loss.
- The measures to control the construction work and potential health risks from it. For example the dust damage to the occupants below that could include children.
- The absence of a Council policy for incremental development.

In reply, Officers explained the threshold in policy for providing affordable housing. The number of new housing units fell under this threshold. Therefore, none was sought in compliance with policy. Nevertheless the plans would provide much needed additional housing that would help ease the housing shortage.

Officers described the impact on amenity space. The proposed space was of a much better quality than the existing space. Given this and the provision of the additional units, Officers felt that on balance, the benefits outweighed any loss.

Officers could not comment on the impact on services charges. However it was understood that the levels of which would be reviewed to take into account the loss of amenity space during the construction phase. The proposal would be car free.

It was required that a detailed Construction Management Plan be submitted prior to construction to mitigate the impact of construction. It was also required

that this be subject to approval by the Council's relevant experts prior to construction taking place.

In addition, there were measures within Environmental Health legislation to prevent any health risks from the construction phase. Any concerns about such issues could be taken up by Environmental Health under this law.

On a vote of 3 in favour 0 against and 1 abstention the Committee **RESOLVED**

1. That the Officer recommendation to grant planning permission (PA/12/00023) at Ability Place, 37 Millharbour, London be **NOT ACCEPTED**

The Committee indicated that they were minded to refuse the planning permission because of Members' concerns over the following:

- Given the existing high density of the site, the proposal represents an overdevelopment of the site resulting in a loss of communal amenity space.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

7.2 1-26 Emmott Close, London, E1 4QN (PA/12/00706)

Update Report Tabled.

Jerry Bell (Applications Manager) introduced the report.

Pieter Zitman spoke in objection. He drew attention to the 30 representations in objections from residents, which he stated were from Emmott Close. He referred to the letter from the Twentieth Century Society regarding the proposed PVC windows and a letter from Councillor Amy Whitelock sent to Committee members criticising the consultation process with residents. In his mind, it was done just to secure the developers position. The existing building, built in the 1970s was an elegant building and the windows allowed in a good quality of light. PVC windows would restrict natural light into the flats, be high maintenance, would only last 15 years compared to wooden frames that would last a lifetime and were more costly. He disputed the cost assessment in the report. Indeed, he had recently received a letter from the Wates Group saying that they were only an estimate.

He also considered that front doors of all units should be part of the works.

In response to Members about the local consultation, Mr Zitman considered that residents had sent a number of representations to get the applicant to

speak to them but with little response. The applicant had only held one meeting where they primarily pushed their case. In relation to the costing, Mr Zitman referred to expert advice indicating that wood window frames were less expensive than in the report and PVC windows.

Mr Gary Tidmarsh spoke in support of the scheme. The scheme was in line with the applicant's wider programme of works for blocs of flats in the area. The site had no designation. Therefore the proposed windows in this context were acceptable and would vastly improve the appearance of the building. In view of the objections, the Council had asked that the applicant reconsider all options, including the maintenance of wooden window frames. It was found that none of the alternative options were feasible given the costs and the high maintenance requirements. The scheme proposed was the best scheme available on such grounds. The applicant had undertaken consultation with residents. They had held events with residents where no objections to the plans were raised. Residents had also been given the opportunity to influence the design of the front doors, as part of the consultation.

In reply to Members about the links with the Decent Homes Programme and the consultation, Mr Tidmarsh stated that every resident affected had been given the opportunity to comment. None of the residents from the other blocs in the Ocean Estate subject to refurbishment plans had raised any objections to the plans. It was proposed to refurbish the windows of all units but not the doors of the leaseholder units.

In relation to the costs, Members were advised that the service charge impact was not a material consideration.

Benson Olaseni (Planning Officer) presented the detailed report assisted by a power presentation. He explained in detail the planned refurbishments. He considered that the PVC windows were appropriate in this location given the site had no designation. He referred to the cost assessment that supported the scheme. There were conditions to regulate the hours of works. The applicant had also given an undertaking that no work be undertaken in the Olympic period to allay those concerns.

He also explained the number of applications approved in the surrounding area for similar works raising no objections.

Overall the plans would significantly improve the appearance of the building, complied with policy therefore should be granted.

On a vote of 3 in favour and 1 against with 0 abstentions, the Committee **RESOLVED**

1. That planning permission (PA/12/00706) be **GRANTED** at 1-26 Emmott Close, London, E1 4QN subject to conditions.
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.

7.3 Unit A, Thames House, 566 Cable Street, London, E1W 3HB (PA/12/00462)

Update Report Tabled.

Jerry Bell introduced the report

Benson Olaseni (Planning officer) presented the detailed report assisted by a power presentation.

He explained in detail the plans including the outcome of the consultation as set out in the committee report. He addressed the concerns around anti social behaviour, noise and parking that were not considered to have an undue impact. Furthermore, there were a series of conditions to protect amenity and the highways impact.

The scheme would bring the site back into use with job opportunities for local residents. It complied with policy so subject to conditions should be granted.

Members questioned the impact on parking in the vicinity, particularly around the nearby Troxy nightclub given the likelihood that its customers would use the taxi rank.

In reply, Officers confirmed that there would be no on site parking under the application. Accordingly Officers drew attention to the incorrect reference to on street parking on the circulated map and it was agreed that a revised map be submitted to omit this. Officers also referred to the parking controls in the vicinity to regulate parking in the surrounding areas. However, the issues around parking at other sites fell outside the remit of this application. Therefore the Committee could not influence this as part of the application.

On a vote of 2 in favour 0 against with 2 abstentions the Committee **RESOLVED**

1. That planning permission (PA/12/00462) be **GRANTED** at Unit A, Thames House, 566 Cable Street, London, E1W 3HB subject to conditions and the submission of an amended site plan omitting details of the car parking spaces
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.

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

7.4 Site at 58-64 Three Colts Lane and 191-205 Cambridge Heath Road, London (PA/11/03785)

Update Report Tabled.

Jerry Bell introduced the report regarding site at 58-64 Three Colts Lane and 191-205 Cambridge Heath Road, London (PA/11/03785)

Benson Olaseni (Planning Officer) presented the detailed report assisted by a power presentation.

He explained in detail the proposals and the key differences between the scheme and the previous scheme approved by the committee in July 2011. The key changes related to the housing mix (as detailed in the tables in the report) the parking plans and height. The plans continued to comply with policy, was in keeping with the area in terms of material and design and would provide new job opportunities. The outcome of the light assessment also met the required standards. The s106 package was subject to a successful viability assessment carried out by independent experts.

Mr Bell read out a statement submitted by Councillor Sirajul Islam requesting that the contributions for community benefit be ring fenced for projects in the LAP 2 area in accordance with the request he made at the July 2011 Committee meeting.

In response to questions, Officers confirmed the process for allocating s106 funding. The Council pooled the funding and allocated it according to need. Where necessary, it may be allocated towards addressing a specific local impact from a development. Members were sympathetic to Councillor Islam's request and noted that it would be taken on board in accordance with this process.

On a unanimous vote the Committee **RESOLVED**

1. That planning permission (PA/11/03785) be **GRANTED** at Site at 58-64 Three Colts Lane and 191-205 Cambridge Heath Road, London subject to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the report.
3. That the Corporate Director Development & renewal is delegated power to negotiate the legal agreement indicated above.

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

4. 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.
5. That, if within 3 months 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.

8. OTHER PLANNING MATTERS

8.1 100 Minorities, London EC3N 1JY (PA/12/00844)

Jerry Bell introduced the report

On a unanimous vote the Committee **RESOLVED**

That the officers' views on the application be agreed for the reasons set out in section 2 of the report

8.2 Planning Appeals Report

Jerry Bell presented the report

On a unanimous vote the Committee **RESOLVED**

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

9. UPDATE REPORT

The meeting ended at 9.20 p.m.

Chair, Councillor Helal Abbas
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: 22 nd August 2012	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director 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. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
10 th July 2012	PA/12/00023	Ability Place, 37 Millharbour, London	Two storey extension at 13th floor level to provide seven duplex apartments (1 x 1 bed, 4 x 2 bed and 2 x 3 bed) and replacement private amenity space at roof level (16th floor).	The Committee indicated that they were minded to refuse the planning permission because of Members' concerns over the following: Given the existing high density of the site, the proposal represents an overdevelopment of the site resulting in a the loss of communal amenity space.

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.
- Ability Place, 37 Millharbour, London PA/12/00023
- 3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

Application, plans, adopted UDP, Interim Planning Guidance and London Plan

Eileen McGrath (020) 7364 5321

4. PUBLIC SPEAKING

- 4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

- 5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

Agenda Item 6.1

Committee: Development Committee	Date: 22 nd August 2012	Classification: Unrestricted	Agenda Item Number:
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Nasser Farooq		Ref: PA/12/00023	
		Ward: Millwall	

1 Application Details

Location	Ability Place, 37 Millharbour, London
Existing Use:	Residential Development
Proposal:	Two storey extension at 13th floor level to provide seven duplex apartments (1 x 1 bed, 4 x 2 bed and 2 x 3 bed) and replacement private amenity space at roof level (16th floor).
Drawing no's	PL 001, PL 002, PL 003, PL100, PL101, PL102, PL103, PL104, PL200A, PL201 A, PL202, PL203, PL204, P-4011-202 D.
Documents	Design and Access Statement prepared by BUJ architects Impact Statement dated January 2012 prepared by BUJ architects. Construction Management Plan March 2012
Applicant: Ownership:	Avon Estates (London) Limited As above
Historic Building:	N/A
Conservation Area:	N/A

2. BACKGROUND

- 2.1 This application was reported to Development Committee on 10th July 2012. The Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the erection of a two storey extension at 13th floor level to provide seven duplex apartments
- 2.2 Officers recorded that Members were minded to refuse planning permission for the following reasons:
- 2.3
1. Overdevelopment of the site given the high density of the site and
 2. The loss of amenity space.

3.0 PROPOSED REASONS FOR REFUSAL

- 3.1 Officers interpreted Members' reasons/concerns and drafted reasons for refusal to cover the issues raised.
- 3.2 Officer's consider that the loss of amenity space can be considered as a symptom of overdevelopment of the site and as such have amalgamated the two suggested reasons for

refusal. The reason for refusal is suggested as follows:-

- 3.3 The proposed development by reason of its high density constitutes an overdevelopment of the site, the symptoms of which results in a loss of amenity space at roof level. As such, the proposed development fails to accord with policies 3.4 and 3.5 of the London Plan, policy SP10 of the adopted Core Strategy (2010) and saved policy DEV1 of the Unitary Development Plan (1998) and policy DM4 of the Managing Development DPD (submission version 2012). These policies seek to resist development proposals which exceed the London Plan densities, ensure development proposals do not result in over-development and seek to protect residential amenity including amenity space.

4. ADDITIONAL REPRESENTATIONS

- 4.1 Since the publication of the Committee Report the Council has received one additional representation from a local resident endorsing the reasons for refusal, and additional information from the applicant querying the amount of amenity to be lost as a result of the proposal.
- 4.2 The information received from the applicant suggests that the net loss of amenity space is 55sqm as opposed to the 103sqm cited within section 8.29 of the case officers reports. In response to this suggestion, officers have been on site and measured the existing amenity space (measured at 624sqm) and compared it to what is proposed (measured at 521sqm).
- 4.3 The resulting difference is 103sqm as outlined in the case officer's report.

5. CONCLUSION

- 5.1 Officer's consider that the above reason for refusal can be defended at appeal given the existing density of the site significantly exceeds the recommended density levels set in the London Plan and that the proposal results in a loss of amenity space for existing residents.

IMPLICATIONS OF DECISION

- 5.2 Should Members decide to re-affirm their previous resolution and refuse planning permission there are a number of possibilities open to the Applicant. These would include (though not limited to):-
- Resubmit an amended scheme to attempt to overcome the reasons for refusal.
 - Lodge an appeal against the refusal of the scheme. The Council would defend any appeal against a refusal.

6. OFFICER RECOMMENDATION

- 6.1 Officers have proposed a detailed reason for refusal based on the resolution of Members at the meeting on the 10th of July 2012 and these are set out at paragraph 3.3 of this report.
- 6.2 Notwithstanding the above, there has been no change in circumstances of policy since the referral of the appended report to Members on the 20th July 2012. Officers consider that on balance the proposal is acceptable for the reasons set out in paragraph 2 of the appended report and therefore officer's recommendation remains unchanged.

7. APPENDICIES

- 7.1 Appendix One – Report to Development Committee 10th July 2012

7.1 Appendix One – Report to Development Committee 10th July 2012

Committee: Development Committee	Date: 10 th July 2012	Classification: Unrestricted	Agenda Item Number:
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Nasser Farooq		Ref: PA/12/00023	
		Ward: Millwall	

1 **Application Details**

<u>Location</u>	Ability Place, 37 Millharbour, London
Existing Use:	Residential Development
Proposal:	Two storey extension at 13th floor level to provide seven duplex apartments (1 x 1 bed, 4 x 2 bed and 2 x 3 bed) and replacement private amenity space at roof level (16th floor).
Drawing no's	PL 001, PL 002, PL 003, PL100, PL101, PL102, PL103, PL104, PL200A, PL201 A, PL202, PL203, PL204, P-4011-202 D,
Documents	Design and Access Statement prepared by BUJ architects Impact Statement dated January 2012 prepared by BUJ architects. Construction Management Plan March 2012
Applicant:	
Ownership:	As above
Historic Building:	N/A
Conservation Area:	N/A

2. **SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Managing Development DPD (submission version 2012), Interim Planning Guidance (October 2007), the London Plan 2011 and Government Planning Policy Guidance and has found that:
- 2.2 The proposal is considered acceptable in land use terms as it would provide additional housing for the borough in accordance with policy 3.3 of the London Plan and policy SP02 of the Core Strategy 2010.
- 2.3 On balance, the building height, scale, bulk and design is acceptable, in accordance with Policies: DEV1 and DEV2 of the Council's Unitary Development Plan 1998; DM26 of the Development Management DPD (submission version 2012), and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality design and

suitably located.

- 2.4 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, DM4 of the Development Management DPD (submission version 2012), policy SP02 of the Core Strategy 2010 and policy 3.5 of the London Plan 2011 which seek to provide an acceptable standard of accommodation.
- 2.5 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policy DM4 of the Development Management DPD (submission version 2012), and policy SP02 of the Core Strategy 2010, which seek to improve amenity and liveability for residents.
- 2.6 On balance, it is not considered that the proposal would give rise to any unacceptable impact in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Development Management DPD (submission version 2012), and policy SP10 of the of the Core Strategy 2010 which seek to protect residential amenity.
- 2.7 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Development Management DPD (submission version 2012), and policy SP08 and SP09 of the Core Strategy 2010 which seek to ensure developments minimise parking and promote sustainable transport options.

3. RECOMMENDATION

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

Conditions

1. Time Limit for outline permission.
2. Development in accordance with plans
3. Materials to match existing
4. Landscape Management Plan
5. Provision of 7 additional cycle spaces
6. Code for sustainable homes level 4.
7. Car free agreement
- 8 . Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only).
9. Construction Management Plan
10. Development to comply with lifetime homes standards.
11. Details of 10% wheelchair housing to be submitted.
12. Construction management plan.
13. The development shall comply with the requirement of 'Secured by Design'.
14. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.3 Informatives

- 3.4 1. It is likely that the Council will seek affordable housing in any future planning applications that provide additional housing units in accordance with emerging Development Management Policies.
- 3.5 2. You are advised to protect the amenity of existing residents during the construction of the

development

- 3.6 3. Flood evacuation plan (as per Environmental Agency's consultation response)
- 3.7 4. Informative regarding Thames water (see consultation responses)
- 3.8 5. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Two storey extension at 13th floor level to provide seven duplex apartments (1 x 1 bed, 4 x 2 bed and 2 x 3 bed) and replacement private amenity space at roof level (16th floor).

Site and Surroundings

- 4.2 The application site is known as Ability Place and is located within the Millennium Quarter, south of Canary Wharf and within the Isle of Dogs.
- 4.3 The site consists of 514 residential units, of which 151 are affordable residential units. In addition retail, commercial and office units are located at ground floor level.
- 4.4 The surrounding area consists of a number of new developments including Pan Peninsula and Lanterns Court.

Planning History

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

- PA/04/00551 Erection of a 14-22 storey building comprising 512 apartments, 917 sq.m retail/commercial floorspace with four basement levels providing car parking spaces, bicycle spaces and motor-cycle parking.
Approved on 17/12/2007
- PA/06/534 Creation of two additional flats within consented scheme, Ref: PA/04/551
Approved on 27/09/2007
- PA/08/02657 Change of use of ground floor A1/A2/B1 commercial unit to D2 private gym / health club for use by residents of the block.
Approved on 07/02/2007

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:

Core Strategy Development Plan Document 2025 (adopted September 2010)

- Policies SP02 – Urban living for everyone
- SP03 – Creating healthy and liveable neighbourhoods
- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP10 – Creating distinct and durable places
- SP11 – Working towards a zero-carbon borough
- SP12 – Delivering placemaking

Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV50	Noise
	DEV56	Waste recycling
	HSG7	Dwelling mix and type
	HGS16	Housing amenity space
	T16	Traffic priorities for new development.

Managing development DPD (Submission Version 2012)

Policies	DM3	Delivering Homes
	DM4	Housing standards and amenity space
	DM11	Living buildings and biodiversity
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM29	Achieving a zero carbon borough and addressing climate change

Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV10	Disturbance from noise pollution
	DEV11	Air pollution and air quality
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	DEV19	Parking for motor vehicles
	HSG3	Affordable housing provision in individual private residential and mixed use schemes

London Plan 2011 (Spatial Development Strategy for Greater London)

	3.3	Increasing housing supply
	3.5	Quality and design of housing design
	3.6	Children and young people's play and informal recreation facilities
	3.8	Housing choice
	5.1	Climate change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	5.5	Decentralised energy networks
	5.6	Decentralised energy in development proposals
	5.7	Renewable energy
	5.11	Green roofs and development site environs
	5.13	Sustainable drainage
	5.17	Waste capacity
	6.9	Cycling
	6.11	Walking

6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.5	Public realm
8.2	Planning obligations

National Planning Policy Framework

Community Plan

The following Community Plan objectives relate to the application:

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

6. CONSULTATION RESPONSE

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

LBTH Environmental Health

- 6.3 Noise needs to be taken into consideration, but shouldn't be the determining factor of this application.
- 6.4 Premises must comply with relevant statutory requirements including the Housing Act 2004
- 6.5 *Officer comment: the above comments are noted and they are controlled under the Building Regulations.*

LBTH Highways

- 6.6 The site is in an area of average (PTAL 3) public transport accessibility and high parking occupancy. Parking stress is typically considered to be present at levels of 80% and above. This site is therefore suitable for a car-and-permit free agreement which must be applied with any planning permission.
- 6.7 8 cycle parking spaces are provided in the basement; although acceptable in quantity they are too closely spaces - 1m should be allowed between stands.
- 6.8 Highways raise no objection.
- 6.9 Further comments in relation to the construction management plan.
The Construction Management Plan is acceptable, except that it doesn't demonstrate how or where the construction vehicles leave the site.
- 6.10 *Officer comment: The provision of cycle spaces will be conditioned. Additional conditions are recommended to ensure the scheme is car-free and the submission of a construction management plan that meets all necessary requirements.*

Environmental Agency

- 6.11 Environment Agency have no objections to the proposal and welcome the proposed green

roof space. It is recommended that a flood warning and evacuation plan be drawn up for the additional apartments.

- 6.12 *Officer comment: An informative will be placed advising the applicant to draw up a flood warning and evacuation plan.*

Thames Water

- 6.13 Thames Water does not have any objection to the above planning application.
- 6.14 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6.15 *Officer comments: the above have been noted and an informative is recommended in line with the comments.*

7. LOCAL REPRESENTATION

- 7.1 A total of 877 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 the 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:

7.2 No of responses: 110 Objecting: 110 Supporting: 0
Petitions Against: 1 containing 242 signatures

- 7.3 The following planning issues were raised in representations:

Amenity concerns:

- Loss of privacy
- Loss of light and increase in shadowing
- Loss of amenity during construction
- Visual Impact

(Officer comment: these issues are discussed in the material planning section of the report)

Impact on wildlife habitat

(Officer comment: the loss of wildlife habitat, by virtue of building over the existing roof will be temporary and will be retained in the form of a new roof post completion.)

No affordable Housing

(Officer comment: This is discussed in the land use section of the report.)

Design concerns

- Impact on visual amenity of the building
- Decrease of amenity space

(Officer comment: the design implications of the development are assessed within the design section of this report under material planning considerations.)

Highways

- Adverse impact on parking and traffic

(Officer comment: the highway/parking implications of the development are assessed within the highway section of this report under material planning considerations.)

Other issues raised

- Adverse impact on the local community

(Officer comment: The impact of the proposal on existing residents is assessed within the amenity section of the report)

- Loss of view

(Officer comment: the loss of a view is not normally considered to be material planning consideration and it is not considered that there is any special circumstances which would justify treating it as such in this case)

- Loss of Mobile phone signals

(Officer comment: no evidence has been provided to suggest the erection of two additional storeys will result in a significant impact on mobile phone/ internet reception in the area)

- Possible further applications.

(Officer comment: The local planning authority is duty bound to consider all planning applications and should the Council receive an application for an additional storey, it will be assessed in accordance with the development plan of the time.)

- Breach of lease agreements
- Right of first refusal- under the Landlord and Tenant Act 1987

(Officer comment: the above issues are considered to be a private issue between leaseholders and freeholders.)

- No formal consultation by the applicant.

(Officer comment: There is currently no mandatory requirement for public consultation to be carried out by the applicant, although the application has been submitted with a document outlining the level of consultation that has taken place.)

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use/ Housing.
2. Design and appearance
3. Impact upon the neighbouring occupants
5. Quality of accommodation provided
6. Highways
7. Energy and sustainability

Principle of the use

Residential

8.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within Planning Policy Statement 3, Strategic Objectives 7, 8 and 9 of the Core Strategy, policy SP02 of the Core Strategy and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units. In relation to these policies it is considered that the principle of residential use on the site is established and supported.

Density

8.3 Policies 3.4 of the LP and SP02 of the Core Strategy seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport accessibility levels (PTAL) and the wider accessibility of that location. Table 3.2 of policy 3.4 of the London Plan provides guidelines on density taking

account of accessibility and setting

- 8.4 The site is considered to be in a 'Central Zone' defined as areas with predominantly dense development. For central sites with a PTAL range of 4 to 6, table 3.2 of the London Plan, suggests a density of between 650-1100 habitable rooms per hectare.
- 8.5 The site area for the entire development is approximately 0.49 hectares, resulting in a density of 2606 habitable rooms per hectare. The additional units increase the density to 2614 habitable rooms per hectare. This marginal increase in density, when taking into account the existing density is considered acceptable.
- 8.6 It is important to note that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan and Policy SP02 of the Core Strategy which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Affordable housing

- 8.7 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing, and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 8.8 Policy SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.9 The scheme as completed provides 514 residential units with 151 affordable units (which equates to 35%). The breakdown is provided below.

	Studio	1 bed	2 bed	3bed	Total
Affordable		56	54	20	130
Intermediate		10	9	2	21
Private	37	143	183	0	361
Total	37	209	246	22	514

- 8.10 The addition of 7 units without affordable housing resulting in a total of 521 flats is considered to fall outside of the above affordable housing policies and the Councils objectives of trying to secure affordable housing to meet a significant demand within the borough. Emerging policy DM3(4b) of the Managing Development DPD is seeking to rectify this by stating that affordable housing will be calculated 'based on the total housing provided on all sites and within all phases where a single development is proposed on more than one site and/or within different phases'. However, given this is an emerging policy officer's consider that previous appeal decisions have shown that it is not sufficiently progressed its way through the adoption process to give weight to a refusal of the scheme on this ground.
- 8.11 At this point in time, the original development has been completed and the provision of affordable housing has been provided. Therefore it is considered that the current scheme has to look solely at the 7 units proposed. Should the applicant subdivide the 7 units or proposed additional units, than it is suggested that this position should be revisited in light of the adopted policies of that time.

Dwelling mix

- 8.12 In total, the applicant is proposing 1 x 1bed, 2 x 3bed and 4 x 2 bed units. In this case 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 in accordance with the requirements of policy SP02 of the adopted Core Strategy (2010)

Floorspace Standards

- 8.13 Policy HSG13 in the Unitary Development Plan 1998 requires all new development to provide adequate internal space. This is further supported by policy SP02 in the Core Strategy (2010). Policy 3.5 of the London Plan (2011) sets the minimum standards that should be applied to new residential dwellings. This is reinforced by policy DM4 of the Managing Development DPD (submission version 2012).
- 8.14 All seven of the proposed units, exceed the minimum floorspace standards as set out in the above policies.

Amenity Space

- 8.15 Policy HSG7 in the Interim Planning Guidance (2007), SP02 (6) in the Core Strategy (2010) and DM4 of the Managing Development DPD (submission version 2012) seek adequate external amenity space for new dwellings
- 8.16 All the proposed units are afforded with private amenity space in accordance with the above policies.

Design and Appearance

- 8.17 Good design is central to objectives of the London Plan and is specifically promoted by the policies contained in Chapter 7. Saved policy DEV1 in the UDP and Policy DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.18 These principles are further supported by policy SP10 in the Core Strategy (2010) and policy DM24 of the Managing Development DPD (submission version 2012).
- 8.19 London Plan policies 7.6 and 7.7 seek to ensure tall buildings are of an appropriate design and located to help create attractive landmarks and act as a catalyst for regeneration. These aims are further supported by policy SP10 of the adopted Core Strategy, policy DM26 of the Managing Development DPD (submission version 2012), and DEV27 in Interim Planning Guidance (October 2007)
- 8.20 The applicant is seeking to add two additional storeys and provide 7 duplex apartments with the rooftop garden replaced in a smaller form.
- 8.21 The location of the additional storeys is shown in the following drawing.



8.22 The fifteenth floor mimics the cladding of the floors below and is considered to blend into the building, whilst the sixteenth floor has a light weight glazed appearance which mirrors that found on the top floors of the two wing towers.

8.23 Existing and proposed views of the additional floors are shown in the following photos.

8.24



Existing View from North-East of Building

8.25



Proposed View from North-East of Building



8.26



Existing View from North-West of Building

8.27



Proposed View from North-West of Building

8.28 Officer's consider that the additional mass of the building (taking into account the setbacks provided) to be acceptable but consider that and any further increase in the height of the central core beyond that currently proposed could result in an overly bulky building that does not tie in with the appearance of the approved development and could lead to the loss of it's design characteristics.

8.29 The proposed garden measures around 103sq metres smaller in size than the existing garden. However, it is considered to be suitably high-quality measuring 479sqm. This is considered acceptable on balance given the additional residential accomodation provided.

A landscape management plan is recommended to ensure this area is delivered and maintained to a high quality.

- 8.30 On balance, the building height, scale, bulk and design is acceptable, in accordance with Policies: DEV1 and DEV2 of the Council's Development Plan 1998; DM26 of the Development Management DPD (submission version 2012), and SP10 and SP12 of Core Strategy 2010 which seek to ensure buildings and places are of a high quality design and suitably located.

Impact upon the neighbouring occupants

- 8.31 Policies DEV2 of the UDP and DM25 of the Development Management DPD (submission version 2012) seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Daylight/sunlight

- 8.32 A technical study of the impacts upon daylight and sunlight has been submitted with the application which looks at the impact of the development on the existing properties. The residential properties most likely to be affected are the apartments located opposite the site at Lanterns Court, and within the development on Floors 11 to 15 of Block A and C where they have a view of block B.
- 8.33 The report demonstrated that the impact of the development on 41-43 Millharbour and Lanterns Court was negligible given the distances involved and the location of the additional storey. The report did demonstrate however that the proposed development would have an impact on the amenity of existing residents of Ability Place in particular those located at floors 11 to 15. The location of the windows tested for daylight and sunlight impact is shown in the following plan of the fourteenth floor.

8.34

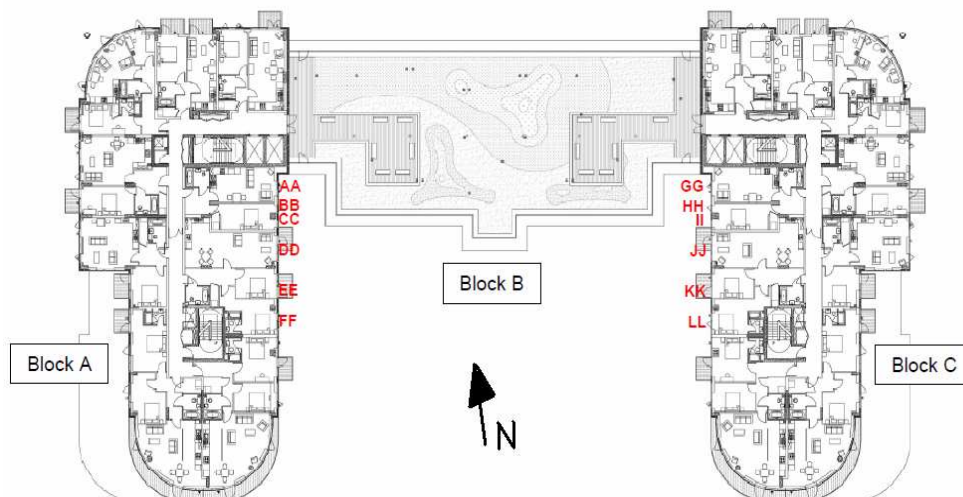


Figure 11 Plan of existing 14th floor, based on plan provided by BUJ Architects. This layout is replicated on the 15th floor. The blocks and the window positions analysed have been labelled.

Daylight

- 8.35 Daylight is calculated by two methods - the Vertical Sky Component (VSC) and No Sky Line (NSL). 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 less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including NSL. 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, or there will be a discernable loss of daylight.

- 8.36 The daylight and sunlight report submitted with the application considers the VSC. The report demonstrates that the reduction in VSC to the flats on the 11th, 12th and 15th floors within the development all are within the 20% allowance as recommended by the BRE Guidance. It is therefore considered that the perceptible reduction in sky is unlikely to impact on the amenity of these properties.
- 8.37 With regards to the 13th and 14th Floors, the report demonstrates that properties on both floors will see greater than 20% reductions in VSC. The greatest of these reductions are on Flats/ Windows labelled 'AA', 'BB', 'GG', 'HH' in the above figure. The report also considers the reduction of VSC when balconies to the development are removed. This is allowed under the new BRE guidance as balconies can skew results, leading to darker rooms than would generally occur.
- 8.38 When removing the balconies, the greatest impact of the development would be on window 'AA' at thirteenth floor level which sees a reduction in VSC of 28%. Window 'GG' of the same floor would receive a reduction of 27% and window 'AA' of the 14th Floor would see a reduction of 23%. The reduction in windows to all the other flats would be below the 20% tolerance levels.
- 8.39 As part of the test, the three windows which failed the VSC were tested for No-Sky Line. This measurement looks at the percentage of the rooms with a view of the sky before and after the development. This assessment reveals that these windows would lose between 5 and 12% of skyline to the rooms. These levels of reduction are usually considered acceptable in urban environments.

Loss of sunlight

- 8.40 The report also looks at the loss of sunlight hours to the existing residents of floors 11 to 15 and within the block located within 90 degrees due south.
- 8.41 Given the orientation of the building and the location of the additional floors, the report outlines that none of the existing windows tested would lose sunlight hours during the winter and the majority of these rooms will receive a loss of between 2-4% during the summer. Two properties would receive a greater loss during summer hours. Window GG on the 13th floor would receive a reduction of 14% and window GG on the 12 floor would see a reduction of 9%.
- 8.42 Overall on balance, it is considered that the loss of sunlight and some lost of Skyline is unlikely to have a demonstrably adverse impact on the amenity of existing residents.

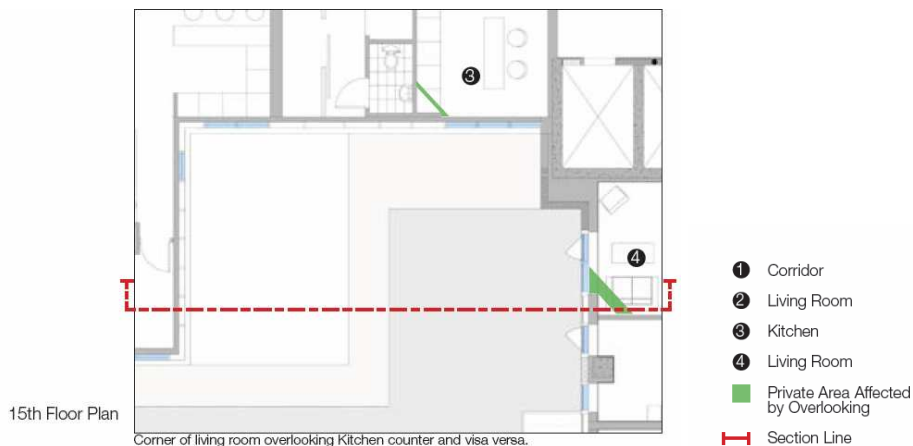
Visual amenity / sense of enclosure/ shadowing

- 8.43 With regards to visual amenity and sense of enclosure, these issues are subjective and officers consider by virtue of its design, the proposed development would not lead to a significantly adverse impact.
- 8.44 Given the location of the additional floors to the north of the existing flats and the setback proposed, it is considered the proposal will not have an adverse shadowing impact on local residents.

Privacy

- 8.45 It is not considered that any loss of privacy or overlooking would occur as a result of the storeys, as they would follow an existing arrangement, and would also be set back. Whilst

some views would exist into windows, given the siting of the development, these would be at perpendicular angles and not considered to result in an unacceptable level of privacy. This relationship is shown in the following diagram.



8.46 Overall, on balance, it is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Development Management DPD (submission version 2012), and policy SP10 of the of the Core Strategy 2010 which seek to protect residential amenity

8.47 Given the location of the flats at high level, the report demonstrates that the proposed units would receive a good level of sunlight and daylight.

Highways

Parking

8.48 The parking policies are to be found in the London Plan, the Interim Planning Guidance and the Managing Development DPD, these are as follows:

- London Plan 2011 the standards are 1 – 1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats.
- Interim Planning Guidance standards are up to 0.5 spaces per unit.
- The Managing Development DPD has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.

8.49 At the current time, the London Plan is the only adopted policy document from those listed above and is therefore officers consider it should be given the most weight.

8.50 The approved development provides 266 car parking spaces, with a car free agreement in place to restrict residents from applying to park on the local highway. Within this application, no additional parking is proposed.

8.51 The Council's Highways officers have advised of the high parking stress in the immediate area and given the moderate Public Accessibility Level of 3 have recommended that the application be subject to a car free agreement similar to the original agreement. This would ensure the proposal does not adversely impact on the local highway network.

Cycle parking

8.52 The applicant is providing 8 additional cycle spaces, this is considered to be acceptable. Details of the type of cycle stands would be requested by condition in order to ensure they are suitably designed.

Construction Management Plan

- 8.53 The applicant has provided a construction management plan which outlines how the proposal would be implemented. This has been viewed by Highways who consider it to be generally acceptable. A number of objections have been received from residents from the existing block raising concerns over their amenity during the course of construction. It is acknowledged that the proposal is likely to adversely impact on residential amenity by virtue of having a crane located and the general construction noise etc, however it is considered that this alone, is not a reasonable reason for refusal.

Waste storage and collection

- 8.54 Refuse arrangements will continue as existing and this is considered acceptable.

Energy and Sustainability

- 8.55 The London Plan 2011 Section 5 and the Council's Core Strategy Policies SO3, SO24 and SP11 Seek to mitigate climate change and minimise carbon dioxide emissions. Emerging Managing Development DPD Policy DM29 requires developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions. The Managing Development DPD (submission version 2012) Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.56 The applicant has not provided any information on the sustainability features or energy strategy to demonstrate the CO2 savings achievable on site. Further details are required from the applicant to ensure compliance with the emerging Development Plan DPD and London Plan requirements.
- 8.57 Given the building is as existing, it is considered that the construction is likely to follow the existing building. However, a condition is recommended for the applicant to aim for Code for Sustainable Homes Level 4 in order to be energy compliant.

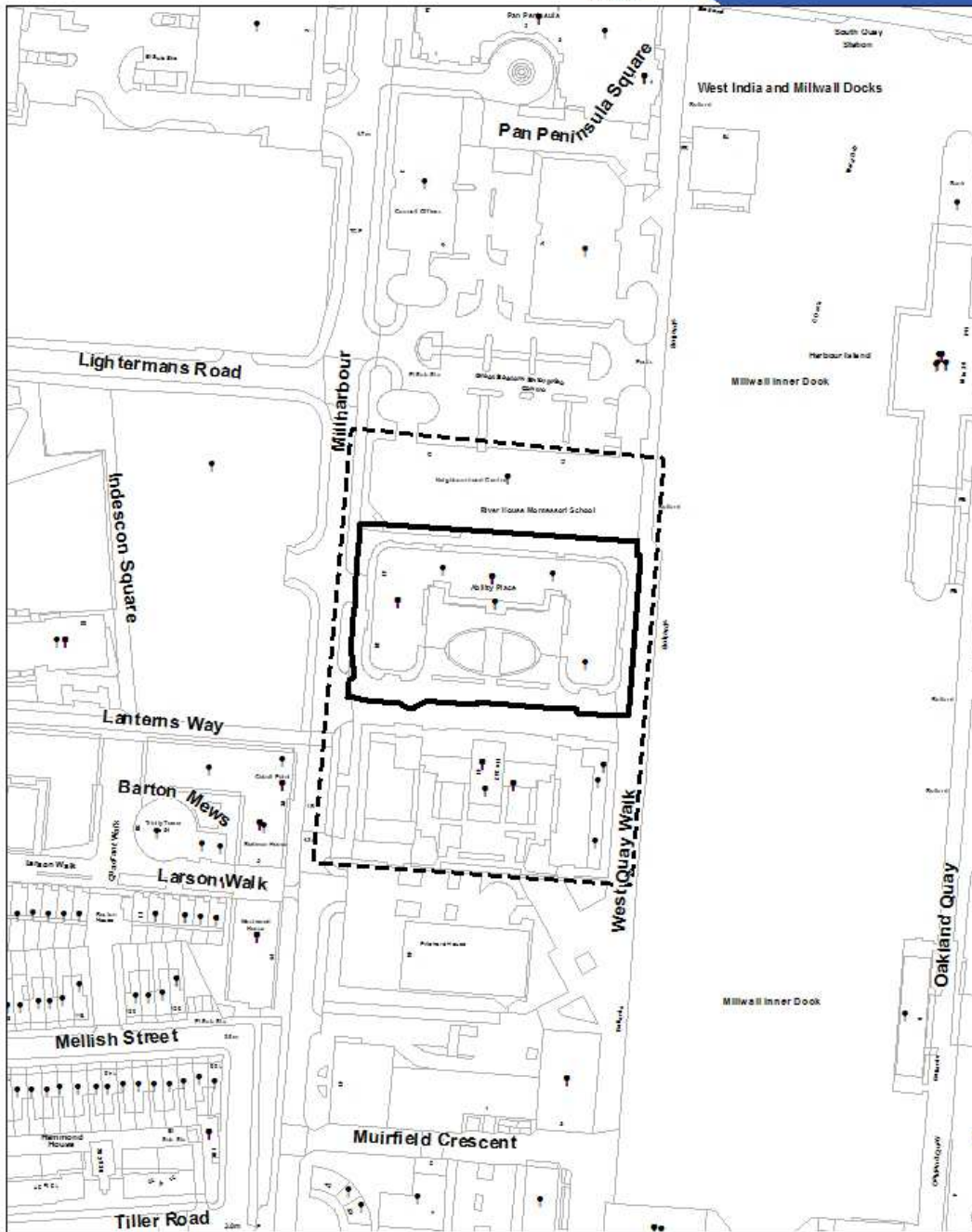
Other Planning Issues

- 8.58 The applicant has provided a Wind Assessment, Television Reception Impact Assessment and a Flood Risk Assessment. Officers consider the contents of these reports to be acceptable and in relation to Flood Risk in particular, consider that the proposal would not have an adverse impact.

9.0 Conclusions

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

Planning Application Site Map



- Planning Application Site Boundary
 - Consultation Area
 - Locally Listed Buildings
 - Statutory Listed Buildings
 - Land Parcel Address
- 0 30 m 1:1,750

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

Committee: Development	Date: 22 August 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), Managing Development DPD – Submission Version 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the 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, local finance considerations, so far as material to the application, and any other material

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

considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

- 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 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.11 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.

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Agenda Item 7.1

Committee: Development	Date: 22 nd August 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal Case Officer: Iyabo Johnson		Title: Planning Application for Decision Ref No: PA/12/01088 Ward(s): East India and Lansbury	

1. APPLICATION DETAILS

Location:	4-6 Spey Street, London E14 6PT
Existing Use:	A1 retail unit
Proposal:	Retrospective application for refrigeration/extraction units and associated timber fencing and grilles to eastern (rear) elevation
Drawing Nos:	§ CAL0304 12 (Site Location Plan) § CAL0304 12 (Current Change of Use from Betting Shop to Butchers Store) § CAL0304 (Air conditioning units)
Supporting Documents:	§ Design, Access and Planning Supporting Statement by AAH Planning Consultants. Dated April 2012. Ref AAH/4103/12PLA § Noise Impact Assessment Report by KP Acoustic Ltd. Dated 26 June 2012. Ref 9186.NIA.01 § Flood Risk Assessment by AAH Planning Consultants. Dated April 2012. Ref: ENV/0903/12FRA
Applicant:	Mr. Halim Abdul
Owner:	Sohail Raja
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development: Development Plan Document (Submission Version May 2012), the London Plan 2011 and the National Planning Policy Framework and has found that:

1. The proposal is considered to be an appropriate scale and design within this location and is therefore in accordance with saved policies DEV1 and DEV9 of the Unitary Development Plan (1998) policy DEV2 of the Council's Interim Planning Guidance (2007) and policy DM24 of the Managing Development: Development Plan Document (Submission Version May 2012). These policies seek to ensure that development is of a high quality design and respects its local context and maintains the visual integrity of the surrounding street scene.

2. The proposal would not have an unacceptable impact on the residential amenity of nearby properties in terms of noise and disturbance. As such, the proposal is in line with saved policies DEV2 and DEV50 of the Unitary Development Plan (1998), policies DEV1 and DEV10 in the Interim Planning Guidance (2007) and policy DM25 of the Managing Development: Development Plan Document (Submission Version May 2012) which seek to

protect the amenity of residents within the borough.

3. RECOMMENDATION

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

Conditions on Planning Permission

- 3.2
1. Time Limit
 2. Application in accordance with submitted plans
 3. Noise level to not exceed 10dB above lowest background noise
 4. Full details of screening equipment

Informative on Planning Permission

- 3.3 N/A

4. PROPOSAL AND LOCATION DETAILS

The Proposal

- 4.1 The Applicant is seeking planning permission for the retention of six refrigeration and extraction units positioned on the rear elevation of the retail unit at 4-6 Spey Street.
- 4.2 The current scheme differs from that originally submitted in respect of the screening. Currently, the six refrigeration and extraction units are enclosed by a metal cage structure finished in black paint. The Applicant has since revised the proposal to include a timber panelled enclosure, following on from advice from the case officer.
- 4.3 There are six units in total. Three of these are of the same size and measure 1030mm (L) x 380mm (D) x 700mm (H). These are associated with vegetable storage, a dairy cabinet and the integral freezer room. Two more cabinets are related to a drink chiller and cold room measure 850mm (L) x 340mm (D) x 610mm (H). The sixth and largest unit measures 1120mm (L) x 450mm (D) x 1255 mm (H) and is connected to a combi-freezer.
- 4.4 The Applicant has submitted a Noise Impact Assessment in support of the application.

Background

- 4.5 The premises was previously in use as a betting shop (use class A2), prior to its recent conversion to a convenience store/butcher (use class A1). The change of use from A2 to A1 is permitted development under the General Permitted Development Order 1995 (as amended).

Site and Surroundings

- 4.6 The application site is located on eastern side of Spey Street, to the east of St. Leonard's Road. The site is situated within a parade of five shops on the edge of a post-war housing estate consisting mainly of three storey blocks.
- 4.7 The site is located adjacent to the south eastern boundary of the Langdon Park Conservation Area and is immediately opposite two Grade II listed structures (the former St. Michael's and Angels Church and the St. Leonard's Road War Memorial.)
- 4.8 The rear elevation on which the units are attached is immediately beneath an overhanging balcony/walkway serving the residential units over the first and second storeys. The rear elevation faces a servicing road with some car parking bay and an enclosed area of open

space.

4.9 The application site lies within Flood Risk Zone 3.

Planning History

4.10 PA/11/00117

Retention of recently installed shop front and shutters plus associated alterations
Withdrawn by the Applicant

ENF/12/00046

Works carried out without approval of application PA/12/00117

Applicant Mr. Abdul advised to submit planning applications for the retention of the new shop front and refrigeration units on rear elevation

PA/12/01087

Retrospective permission for new shop front

Application pending decision under delegated authority

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 Adopted Core Strategy 2025 Development Plan Document (September 2010)

SP10 Creating Distinct and Durable Places

5.3 Unitary Development Plan 1998 (as saved September 2007)

DEV1 Design Requirements
DEV2 Amenity
DEV9 Control of Minor Works
DEV50 Noise

5.4 Managing Development Development Plan Document Submission Version May 2012

DM24 Place Sensitive Design
DM25 Amenity

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

DEV1 Amenity
DEV2 Character and Design
DEV10 Disturbance from Noise Pollution

5.6 Government Planning Policy Guidance/Statements

NPPF 2012 National Planning Policy Framework

5.7 Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

A Great Place To Be
Safe and Supportive Communities

6. CONSULTATION RESPONSE

6.1 LBTH Environmental Health (Health and Housing)

No concerns

6.2 LBTH Environmental Health (Noise and Vibration)

No objection was raised. The Environmental Health Officer reviewed the Noise Impact Assessment and was satisfied with its contents.

7. LOCAL REPRESENTATION

7.1 14 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 been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 6 Objecting: 6 Supporting: 0
No of petitions received: 1 objecting containing 42 signatories

Representation Comments

7.2 § Objection to the commencement of works prior to granting of planning permission

(Officer Comment: Following allegations of a breach of planning control from a local resident, the Council's Enforcement Team visited the site and advised the Applicant that retrospective planning permission for both the refrigeration units and the new shop front would need to be sought. The Applicant was advised that failure to secure planning permission would result in further enforcement action and that the units and shop front would have to be removed.)

7.3 § Anti-social construction hours and the resultant adverse effect on residential amenity

(Officer Comment: *If planning permission is granted, a condition limiting the hours of any further construction should be imposed.*)

7.4 § Concerns about disposal of waste

(Officer Comment: *The subject application relates only to the rear refrigeration units which will not generate any waste or effluent. The premises new use as a butcher shop is a permitted change and not subject to planning controls; therefore any waste disposal issues arising from the new use are not subject to planning regulations. However, an officer from the Council's Clean and Green department has advised that the proprietors of the butcher store are required to procure a contract for the removal and disposal of waste containing animal by-products. The Council provide a Commercial waste service, but this does not include the collection of animal by-products. Waste from animal by products is required to be kept in separate bins located within the property and not on the street. It is the responsibility of the Council's Trade Waste Enforcement Team to investigate any alleged breaches of these procedures.*

7.5 § The application wrongly states that the site is vacant

(Officer Comment: *The site is not vacant; however this does not affect the assessment of the application).*

7.6 § The application has not addressed the change of use.

(Officer Comment: *The premises was previously in use a betting shop (use class A2), prior*

to its recent conversion to a convenience store/butcher (use class A1). The change of use from A2 to A1 is permitted development under the General Permitted Development Order 1995 (as amended).

§ Un-social trading hours

7.7

(Officer Comment: As the trading hours are not subject to existing controls, this is not a matter than can be addressed through Planning. Instead, the Council's Environmental Health section should investigate the matter further.

§ Anti-Social Behaviour in vicinity of application site

7.8

(Officer Comment: There is no evidence to suggest that the proposed development will lead to anti-social behaviour. This issue was previously brought to the attention of the Council's Planning Enforcement Team through a Members Enquiry. The officer referred the matter to the Council's Community Safety Service who are now aware of problems with anti social behaviour in this area.

§ Concerns about noise pollution

7.9

(Officer Comment: The submitted Noise Impact Assessment by KP Acoustics Ltd (Report 9186.NIA.01) sufficiently demonstrates that the units will not have an adverse noise impact on residential occupiers living at first floor level given the volume of the noise emissions and the type of acoustic screening being proposed. The Council's Environmental Health Officer has reviewed the report and is satisfied with its contents. This issue is discussed in further detail in the "Material Considerations" section of this report.

§ Concerns about trading hours

7.10

(Officer Comment: The hours of trading at the site are not subject to any planning controls. Therefore this issue will need to be considered by the Council's Environmental Health section.

8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are, design and amenity.

Design

8.2 The application proposal is to retain six refrigeration and extraction units positioned at ground floor level on the rear elevation of 4-6 Spey Street.

8.3 The units are currently enclosed by a cage structure however; the application proposes to replace this with two timber enclosures, one housing a team of four units and the other housing a team of two.

8.4 The timber enclosures are formed from 10mm thick timber panels with a louvered side providing necessary ventilation. The louvered side of the enclosure is to be acoustically treated to minimise the transmission of noise. The enclosure surrounding the team of four units measures approximately 2.5m in height from ground level to the underside of the overhanging balcony at first floor. The enclosure surrounding the team of two units measures approximately 2m in height.

8.5 There are sight lines to the units from the car park to the rear of the property. In view of this, the applicant was encouraged to seek a higher quality means of enclosing the units. The proposed timber enclosures are considered to be a more sympathetic solution in design terms than the existing fencing and will therefore minimise the visual impact of the units on

the host building and surrounding area. Further, as this type of equipment is normally associated with the rear elevation of commercial properties, this location is considered to be acceptable.

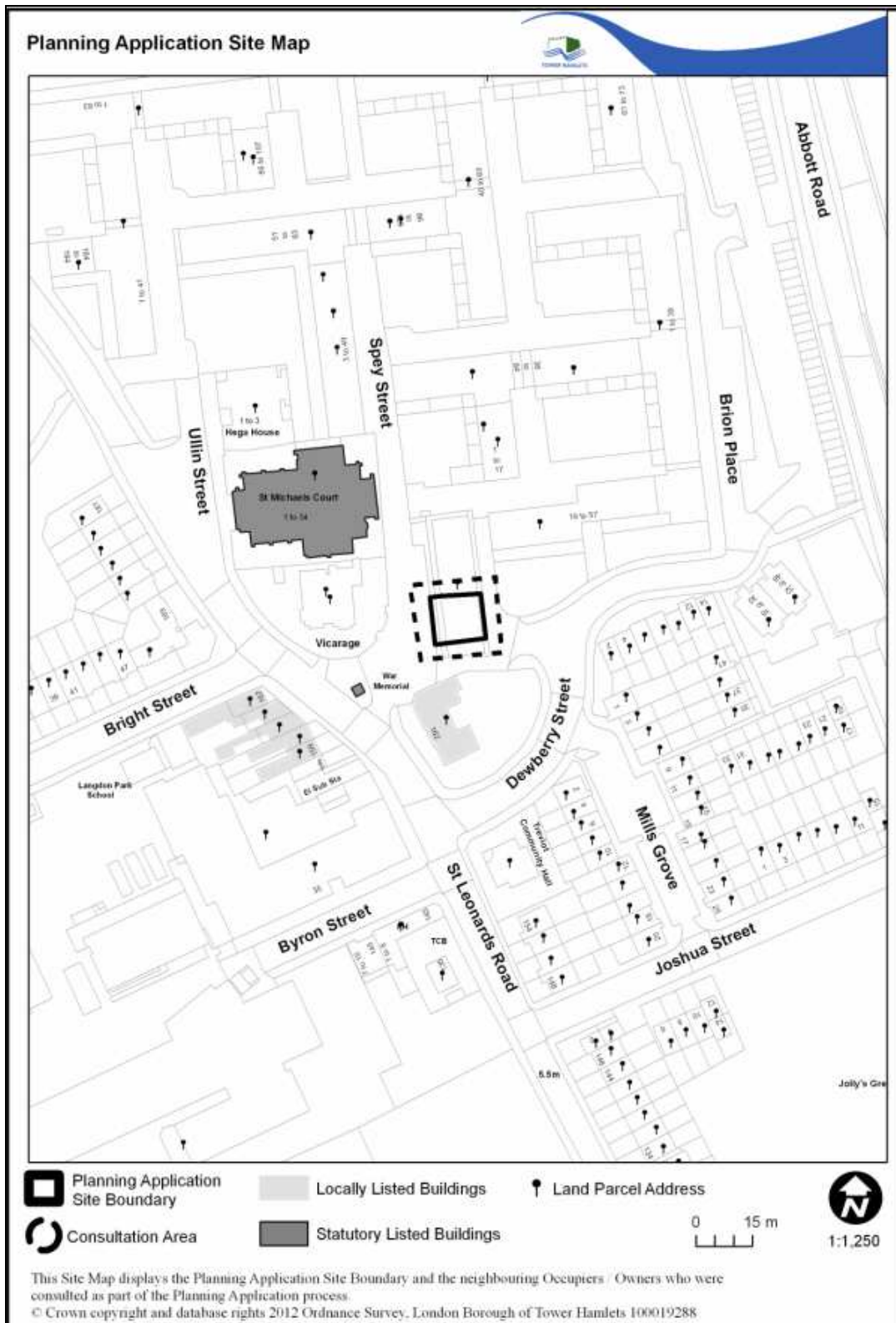
- 8.6 On balance, it is considered that the proposed refrigeration and extraction units together with the timber enclosures are acceptable in terms of design, scale and appearance. The units and the enclosures will be visually appropriate to the host property and the surrounding streetscape. The proposal is therefore acceptable in terms of saved policies DEV1, DEV9 and DEV27 of the Unitary Development Plan (1998), policies DEV2 and CON2 of the Council's Interim Planning Guidance (2007), policy SP10 of the adopted Core Strategy (2010) and policy DM24 of the Managing Development: Development Plan Document (Submission Version May 2012) which seek to ensure that development is of high quality and sensitive to the character and visual integrity of the surrounding area.

Amenity

- 8.7 Policy SP10(4) of the adopted Core Strategy (2010), policy DM25 in the Managing Development: Development Plan Document (Submission Version May 2012), policy DEV2 in the Unitary Development Plan (1998) and policy DEV1 of the Council's Interim Planning Guidance (2007) seek to ensure that development where possible protects and enhances the amenity of existing and future residents.
- 8.8 The units are in operation 24 hours a day.
- 8.9 The Applicant has submitted a Noise Impact Assessment in support of the application. This demonstrates that the transmission of noise to the nearest sensitive windows are within both the Council's and national environmental health standards.
- 8.10 These regulations state that at the façade of the nearest sensitive property, the noise generated by the plant must not exceed 10dB below the minimum external background noise during the operating period. The background noise level at the nearest sensitive residential property was measured at 27dB. The noise generated by the units was measured to be 17dB which is within the 10dB margin.
- 8.11 The details of the Noise Impact Assessment have been assessed by the Council's Environmental Health Team who have been satisfied that there will be no adverse amenity issues arising from the proposal.
- 8.12 To ensure that the units do not adversely impact upon residential amenity, a condition will be attached to ensure the noise generated by the units does not exceed 10dB below any background noise at any time.
- 8.13 Subject to this condition, it is considered that the proposal meets the aims of policy SP10(4) of the Adopted Core Strategy 2010, saved policies DEV2 and DEV50 of the Unitary Development Plan (1998), policy DEV1 of the Council's Interim Planning Guidance (2007) and policy DM25 of the Managing Development: Development Plan Document (Submission Version May 2012). These policies seek to ensure and safeguard residential amenities from unacceptable levels of noise nuisance.

CONCLUSION

- 8.14 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 7.2

Committee: Development Committee	Date: 22 nd August 2012	Classification: Unrestricted	Agenda Item Number:
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Nasser Farooq		Ref: PA/12/00925	
		Ward: Limehouse (February 2002 onwards)	

1 Application Details

<u>Location</u>	Land at Commercial Road, Basin Approach, London.
Existing Use:	Derelict site former industrial uses. Most recently been used for the storage of materials in relation to the development of the adjoining site.
Proposal:	Erection of buildings between 3 and 9 storeys in height to provide 52 dwellings, including affordable housing, together with the provision of landscaping works, disabled parking and infrastructure works.
Drawing no's	1274_0001, 1274_0100 F, 1274_0101 F, 1274_0104 H, 1274_0106 G, 1274_0108 H, 1274_0050, 1274_0051, 1274_0210 F, 1274_0211 D, 1274_0212 D, 1274_0213 D, 1274_0301, 1274_0302, 1274_0303, 1274_0304 and 1274_0305.
Documents	<p>-Air Quality Assessment dated April 2012 prepared by Mayer Brown.</p> <p>-Daylight/ Sunlight report dated 29th March 2012, prepared by Savills</p> <p>-Design and Access Statement dated March 2012, prepared by RMA Architects reference 1274_001</p> <p>-Energy Statement Second Submission dated 26th July 2012, prepared by Hodkinson Consultancy</p> <p>-Heritage Statement dated March 2012, prepared by Waterman Energy, Environmental & Design Limited.</p> <p>-Noise and Vibration Assessment rev B, dated April 2012 prepared by Mayer Brown including the following information:</p> <ul style="list-style-type: none"> • Foundation Assessment for Proposed Apartment Block prepared by RTL dated 29th June 2012 • Air-Borne Noise Mitigation Package prepared by Mayer Brown dated July 2012 • Acoustic Specification for Glazing dated 12/06/2012. • Appendix 6 Hydraulic Accumulator Tower Foundation Assessment and Sketches <p>-Statement of Community Involvement dated March, 2012 prepared by HardHat.</p> <p>-Sustainability Statement V.3 dated March 2012, prepared by Hodkinson Consultancy.</p> <p>-Supporting Planning Statement dated March 2012, prepared by Savills</p>

-Transport Assessment dated April 2012, prepared by Mayer Brown

Applicant: Bellway Homes Ltd (Thames Gateway)

Ownership: British Waterways

Historic Buildings: Within the development:
Grade II Listed viaduct to the south
Grade II Listed tower to the south east

Adjacent to the site:
Grade II Listed Viaduct to the north-east
Grade II Listed terrace to the north (683-691 Commercial Road)
Grade II Listed terrace to the west of the site (604-608 Commercial Road)

Conservation Area: South-eastern part of the site falls within the St Anne's Church Conservation Area
The site is adjacent to Lowell Street Conservation Area
The site is also near the Regents Canal and Narrow Street Conservation Areas.

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 Managing Development DPD (Submission version 2012), the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.2 The proposal is in line with the Mayor of London and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (Submission version 2012) which seeks to ensure the use of land is appropriately optimised.
- 2.3 The proposed development is acceptable in terms of design and appearance. As such, the scheme is in line with policies 7.1 and 7.6 of the London Plan 2011, Policy SP10 of the adopted Core Strategy (2010), policies DM24 and DM26 of the Managing Development DPD (Submission version 2012), and saved policy DEV1 of the Council's Unitary Development Plan 1998, which seek to ensure buildings are of a high quality design and suitably located.
- 2.4 Subject to conditions requiring the submission of full details and material samples the scheme is considered to enhance the street scene and local context, posing no significant adverse impact on the character, appearance and setting of the Grade II listed structure and buildings within the vicinity of the site, nor the character and appearances of the St Anne's Church, Lowell Street, Regents Canal and Narrow Street Conservation Areas. As such, the proposal is in accordance with government guidance set out in the National Planning Policy Framework, Policies 7.8 and 7.9 of the Mayor's London Plan (2011) as well as Policy SP10 of the adopted Core Strategy (2010), saved policy DEV1 of the Unitary Development Plan

- (1998) and policies DM23, DM24 and DM27 of the Managing Development DPD (submission version 2012), which seek to protect the appearance and setting of listed buildings and conservation areas.
- 2.5 The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3.8, 3.10, 3.11, 3.12, 3.13 of the London Plan 2011, saved policy HSG7 of the Council's Unitary Development Plan 1998, policy DM3 of Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document 2010 which seek to ensure that new developments offer a range of housing choices.
 - 2.6 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, DM4 of the Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document 2010 and policy 3.5 of the London Plan 2011 which seek to provide an acceptable standard of accommodation.
 - 2.7 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policy DM4 of the Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document (2010), which seek to improve amenity and liveability for residents.
 - 2.8 The proposal would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission version 2012), and policy SP10 of the of the Core Strategy Development Plan Document 2010 which seek to protect residential amenity.
 - 2.9 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Managing Development DPD (Submission version 2012), and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.
 - 2.10 The development, thorough a series of methods including a CHP plant communal gas fired boiler and Photovoltaic Panels would result in a satisfactory reduction in carbon emissions and also seeks to secure the code for sustainable homes level 4 which is in accordance with policy SP11 of the Core Strategy and the energy hierarchy within the London Plan (2011) policies 5.2 and 5.7, and policy DM29 of the Managing Development DPD (Submission version 2012), which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.
 - 2.11 Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; health care provision and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy 2010; saved policy DEV4 of the Council's Unitary Development Plan 1998; and policy SP02 and SP13 of the Core Strategy Development Plan Document 2010, 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:

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

3.3 Financial contributions

- a) **£9,149** towards employment initiatives for the construction phase.
- b) **£13,356** towards Idea stores and Library facilities.
- c) **£41,092** towards Leisure and/or Community Facilities
- d) **£170,851** towards the provision of education.
- e) **£85,058** towards public open space
- f) **£69,099** towards the provision of health and wellbeing.
- g) **£1,590** towards sustainable transport
- h) **£26,000** towards Bus Stop improvements along Commercial Road
- i) **£8,324** for the 2% monitoring fee.

Total Contribution financial contributions **£424,519**

3.4 Non-financial contributions

- j) Minimum of 36% affordable housing, measured in habitable rooms comprising of:
 - 3 x one bed and 4 x two bed shared ownership
 - 1 x one bed and 5 x two bedroom units at affordable rent (set at pod level)
 - 5 x three bed units at social rent
- k) Car free development.
- l) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- m) An expectation that 20% of total value of contracts which procure goods and services are to be achieved using firms located within the borough.
- n) Retention of public access to the Hydraulic Tower
- o) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

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

3.7 **Conditions**

- 1. Three Year time limit for full planning permission
- 2. No development within 100m of Crossrail boring machine.
- 3. No development until detailed construction drawings are approved.
- 4. Development in accordance with plans

5. Details of materials
6. Details of lighting to the arches, defensible space, Balcony Screening, Entrance drawings and railings and gates.
7. Boundary Plan
8. Landscape details and management plan
9. Contaminated land – details to be submitted for approval.
10. Details of ramp access
11. Details of noise mitigation measures including to communal amenity space
12. Secure by design.
13. Compliance with Energy Statement detailed energy strategy
14. Installation of a heat network
15. Installation of Photovoltaic Panels.
16. Detail of measures to meet Code for Sustainable Homes Level 4.
17. Details of deliver and service management strategy
18. Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only).
19. Scheme of highways works.
20. Development to comply with lifetime homes standards.
21. 10% wheelchair housing retained.
22. Provision of refuse facilities in accordance with drawing
23. Provision/retention of cycle spaces
24. Provision of disabled spaces
25. Construction management plan.
26. The development shall comply with the requirement of ‘Secured by Design’.
27. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.8 **Informatives**

1. This development is to be read in conjunction with the s106 agreement
2. Developer to enter into a s278 agreement for works to the public highway (Commercial Road Managed by Transport for London)
3. Developer to contact Council’s Building Control service.
4. Developer to contact Network Rail prior to commencement of development.
5. Developer to contact Crossrail prior to commencement of development.
6. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

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

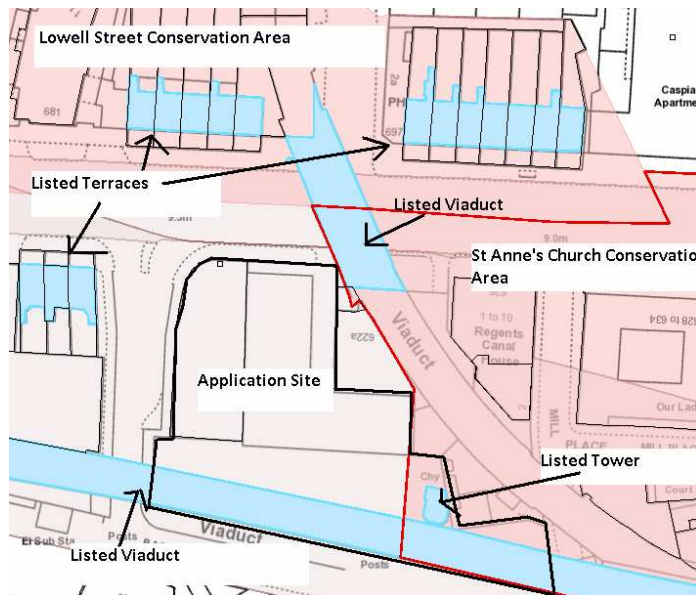
4. **PROPOSAL AND LOCATION DETAILS**

Proposal

- 4.1 The application seeks planning permission for the residential development of the site, through the erection of a three to nine storey building.
- 4.2 A total of 52 residential units are proposed.

Site and Surroundings

- 4.3 The site bounded to the north by Commercial Road and to the west by Basin Approach. It is broadly rectangular, narrowing as it extends towards to the south east.
- 4.4 At the southeast corner, where St Anne's Church Conservation Area extends into the site, there is a Grade II listed structure which falls within the site. This is a mid nineteenth century former Hydraulic Accumulator Tower, octagonal in shape, linked with a chimney stack which is also octagonal in shape.
- 4.5 The site is currently used as a storage compound, with stockpiled materials, partially demolished structures and unsightly advertising hoardings.
- 4.6 Crossing Commercial Road to the north east of the site is the Grade II listed wrought iron Lattice Bridge, part of a former railway route, built c. 1880. The northern abutment of the bridge contains a drinking fountain, also Grade II listed.
- 4.7 A number of industrial units are located within the arches under the bridge to the east of the site. Further east past the Lattice Bridge is a 5 storey residential property called Regents Canal House.
- 4.8 Immediately to the north of the site across Commercial Road sits a terrace of three storey plus basement houses which are Grade II Listed (683-691 Commercial Road) these fall within the boundary of the Lowell Street Conservation Area (this extends north from the centre of the road).
- 4.9 Further west of the site on the southern side of Commercial Road exists a Grade II Listed terrace (604-608 Commercial Road).
- 4.10 To the south of the listed terrace at 604-608 Commercial Road and across Basin Approach exists a recently completed residential development between two and nine storeys in height.
- 4.11 In addition to the above conservation areas, the Narrow Street Conservation Area is located 38m to the south- east of the Hydraulic Accumulator Tower and Regents Canal Conservation Area is located 53m to the west of the site.
- 4.12 The following map shows the location of the application site in relation to these heritage assets.



Map 1: Showing application site in relation to the heritage assets

Planning History

4.13 The following planning decisions are relevant to the application:

PA/03/00606 Application for Outline Permission for the redevelopment of the site to provide a mixed-use scheme in a total of 8 buildings of between 2 and 16 storeys in height, comprising of Use Classes A1, A2, A3 and B1 (3070.93sq.m), Class C1 hotel (205 rooms, 7066.18sq.m), Class C3 residential dwellings including key worker housing (187 units for private sale, 67 key worker units, 3790.41sq.m), Class D1 creche (442.15sq.m) and leisure facility (1040.41sq.m); alteration to existing vehicular access, alteration to highway to provide new coach lay-by, creation of new pedestrian access, creation of new access to Limehouse DLR Station, provision of new steps from Commercial Road to the Grand Union Canal towpath, associated car parking (139 spaces) and amenity space.
Withdrawn 04/09/2003

PA/08/2207 Erection of buildings between two and nine storeys to provide 34 dwellings (5 x studio, 10 x one bedroom, 13 x two bedroom, 5 x three bedroom and 1 x five bedroom units) and 493 sqm of commercial floorspace (Flexible uses for Use Class A3 (restaurant), Use Class B1 (office), Use Class D1 (non-residential institutions), or Use Class D2 (assembly and leisure). Associated landscaping and infrastructure works.
Approved on 04/02/2009
n.b This consent has been implemented.

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 Core Strategy Development Plan Document 2025 (adopted September 2010)

Policies	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP09	Creating attractive and safe streets and places
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking

5.3 Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV50	Noise
	DEV51	Soil tests
	DEV56	Waste recycling
	HSG7	Dwelling mix and type
	HGS16	Housing amenity space
	T16	Traffic priorities for new development.

5.4 Managing development DPD (Submission Version 2012)

Policies	DM3	Delivering Homes
	DM4	Housing standards and amenity space
	DM11	Living buildings and biodiversity
	DM15	Local job creation and investment
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM29	Achieving a zero carbon borough and addressing climate change

5.5 Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV10	Disturbance from noise pollution
	DEV11	Air pollution and air quality
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	DEV19	Parking for motor vehicles

- HSG3 Affordable housing provision in individual private residential and mixed use schemes
- HSG10 Calculating the provision of affordable housing.

5.6 London Plan 2011 (Spatial Development Strategy for Greater London)

- 3.3 Increasing housing supply
- 3.5 Quality and design of housing design
- 3.6 Children and young people’s play and informal recreation facilities
- 3.8 Housing choice
- 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
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.9 Cycling
- 6.11 Walking
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An inclusive environment
- 7.4 Local character
- 7.5 Public realm
- 7.15 Reducing noise and enhancing soundscapes
- 8.2 Planning obligations

5.7 Planning Obligations Supplementary Planning Document (Adopted Jan 2012)

5.8 National Planning Policy Framework

Community Plan

The following Community Plan objectives relate to the application:

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

6. CONSULTATION RESPONSE

- 6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:
- Environmental Health - Contaminated Land
- 6.3 A condition on this application is recommended to ensure the developer carries out a site investigation to investigate and identify potential contamination and remediation.
- 6.4 *(Officer comment: A condition is recommended to this effect)*
- Environmental Health- Noise & Vibration
- 6.5 This site falls within an area which is exposed to high levels of noise and vibration, including ground borne noise which has not been taken into consideration by the applicant. As such environmental protection require agreement on the noise mitigation measures required to protect future occupants, including adequate acoustic ventilation.
- Following receipt of additional information, Environmental Health has advised that suitable mitigation measures are in place such as high performance glazing which will reduce the levels of noise to the rooms serving the development
- 6.6 *(Officer comment: Crossrail have requested a condition requiring full details of the construction drawings prior to the implementation of the development. Officers consider that full details can be dealt with via conditions to ensure the mitigation details are implemented)*
- 6.7 Environmental Protection Health and Housing Team
Housing comments have been received regarding the size of units and compliance with the London Plan. These have been noted.
- 6.8 Landscape Section
No comments received
- 6.9 *(Officer comment: A landscape condition is recommended to ensure the landscaping proposed is of sufficiently high quality)*
- Crime Prevention Officer
- 6.10 There appear to be a number of areas on the ground floor that may make climbing easier (ground floor balconies/walls etc), and these need to be looked at in finer detail to design the problem out.
- 6.11 There are some ground floor windows that do not have any form of external defensible space and a secure by design condition is recommended for this scheme.
- 6.12 *(Officer comment: The plans have been amended to ensure defensible space is provided for all the units and a secure by design condition is recommended should planning permission be granted)*
- Transportation & Highways
- 6.13 Public Transport Accessibility is very good to excellent, between levels 5-6.

- 6.14 Three disabled parking spaces, 52 Sheffield-stand residential & visitor cycle parking spaces, and one regular space for delivery vehicles are proposed. A further 52 Sheffield-type spaces are conveniently provided with level access at the ground floor of each of the cores. The total number of cycle spaces are 104. These are all acceptable in design and number. A condition is recommended to ensure the arches are well lit.
- 6.15 With its high PTAL level of 5, the site is suitable for a car-and-permit-free agreement. Furthermore, in the nearest on-street parking there are areas of parking stress, particularly at the 7 spaces in Mill Place were 100% occupied.
- 6.16 As the site is distant from an LBTH maintained public highway, a s278 is not appropriate in this case.
- 6.17 Refuse is to be stored at the base of the core blocks, and from the notation of a further refuse area under the arches near the access, it would appear the refuse is to be moved across the site to be ready for waste collections. This is acceptable.
- 6.18 A Construction Management Plan will be required prior to implementation, and a condition to require the applicant to maintain and retain all the parking spaces shown on the ground floor plan for that purpose only.
- 6.19 *(Officer comment: These comments have been noted. Conditions to secure details of lighting to the arches, as well as a Construction Management Plan are recommended should consent be granted)*

Access to Employment

- 6.20 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. LBTH will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 6.21 To ensure local businesses benefit from this development the Employment and Enterprise section expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. LBTH will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place.
- 6.22 The Council will seek to secure a financial contribution of £9,149 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.
- 6.23 *(Officer comment: These requests have been secured within the s106 package)*

Communities, Localities & Culture

- 6.24 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities.
- 6.25 A total contribution of £13,356 is required towards Idea Stores, Libraries and Archives
A total contribution of £41,092 is required towards Leisure Facilities
A total contribution of £85,058 is required towards Public Open Space.

A total contribution of £1,590 is required towards Smarter Travel.
A total contribution of £18,895 is required towards public realm improvements.

- 6.26 *(Officer comment: These requests have been secured within the s106 package, with the exception of the public realm improvements. This is not considered necessary as the pavements around the site are either privately owned or maintained by Transport for London)*

Corporate Access Officer

- 6.27 The gate into the development must be inclusively designed and may need to be hands free automated if required.
- 6.28 The wheelchair adaptable units do not all appear to have a space in the corridor for storage recharging of a second wheelchair or sufficient storage, detailed plans at 1:50 showing furniture layouts are required
- 6.29 *(Officer comment: the details for the gates will be secured by condition. The detailed drawings have been submitted and are considered acceptable)*

Energy Efficiency Unit

- 6.30 The revised energy strategy is considered acceptable, subject to conditions securing the delivery of the strategy.
- 6.31 *(Officer comment: The requested conditions are recommended to the planning permission)*

Waste Management

- 6.32 Waste storage arrangements are satisfactory as described in the design and access statement. The distance of the bin store from the collection point should not be more than 10 Meters and all the collection points.
- 6.33 *(Officer comment: Refuse is to be collected from Basin Approach within 10m from the collection point)*

Crossrail Limited

- 6.34 The site of this planning application is identified within the limits of land subject to consultation under the Safeguarding Direction.
- 6.35 The implications of the Crossrail proposals for the application have been considered and the detailed design of the proposed development needs to take account of the construction of Crossrail.
- 6.36 Crossrail recommend a number of conditions to secure the safety of the tunnel beneath the site.
- 6.37 *(Officer comment: These conditions are recommended on the consent)*

Docklands Light Railway

- 6.38 DLR's Guidance for Developers should be a condition should the application be consented.
- 6.39 Any works beneath the railway would need to be approved by DLRL, so that maintenance and repair access to the brick viaduct is not reduced.

- 6.40 Lastly, vehicular access beneath the viaduct would need to be height restricted, to prevent impact damage from high vehicles on the historical viaduct.
- 6.41 DLRL supports this maximised use of public transport and seek a contribution from the developer of £80,000 to fund the installation of an Electronic Status Update Board at Limehouse station – the closest station.
- 6.42 *(Officer comment: An informative will be attached advising the applicant to contact DLR prior to the commencement of the development to discuss their requirements. With regards to the £80,000 contribution, officers do not consider this meets the test for the set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010)*

English Heritage

- 6.43 The scale of the development is appropriate in relation to Commercial Road and the setting of the Accumulator Tower is very distinctive. English Heritage query whether there scope to reduce the height of the eastern section of the proposed development to allow more visual space around the listed tower.
- 6.44 Recommend that the application is determined in accordance with local policy.
- 6.45 *(Officer comment: The application has been recommended in accordance with the Councils development plan, with regards to the request to reduce the height of the six storey element. It is considered that this is not necessary and this is discussed further in the design section of the report)*

English Heritage Archaeology

- 6.46 There are no archaeology implications from the proposal.
- 6.47 (Officer comment: This is noted)

Environment Agency

- 6.48 No objections to the proposal. An informative is recommended advising the applicant to ensure any proposed piling methods do not pose a pollution risk to controlled waters.
- 6.49 *(Officer comment: Whilst Environmental Agency have requested an informative, it is considered that this is necessary to be conditioned. A condition requiring a Piling Method Statement prior to any piling taking place is therefore recommended)*

Limehouse Community Forum

- 6.50 No comments received.

Network Rail

- 6.51 No comments received.

Thames Water

- 6.52 The proposed development will not have an adverse Impact on the Thames Water Sewage Network

- 6.53 Prior approval from Thames Water Developer Services will be required where the developer proposes to discharge to a public sewer.
- 6.54 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.
- 6.55 Thames Water recommend an informative advising the applicant of the water flow rate and a condition requesting details of the design and depth of foundations for any piling methods.
- 6.56 *(Officer comment: these comments have been noted. The proposed condition requested regarding the design and depth of the foundations will be conditioned as will the relevant informative be placed)*

Transport for London

- 6.57 It is understood that no general car parking will be provided, with the exception of three disabled parking spaces and 1 servicing bay; this is welcomed by TfL.
- 6.58 TfL requests that future residents will be exempted eligibility for local parking permits with the developer enters into a 'car free' agreement with the local authority.
- 6.59 The proposed provision of cycle parking exceeds the minimum London Plan standards, this is welcomed by TfL.
- 6.60 It is recommended that a Residential Travel Plan be produced to promote sustainable travel by future residents.
- 6.61 *(Officer comment: Given the provision of cycle spaces within the development, the high public transport accessibility level and the s106 agreement to secure the development as car-free, it is considered sufficient measures are in place to promote sustainable modes of transport)*
- 6.62 A delivery & servicing plan (DSP) should be submitted and be secured by conditions/ obligations.
- 6.63 The developer shall enter into a S278 Agreement with TfL under Highways Act 1980 to improve/ make good of the footway along the site's boundary on A13 Commercial Road to TfL's satisfaction prior to the occupation of the site. TfL requests this should be secured by condition/obligation.
- 6.64 Boundary treatment plan must be submitted for agreement with and approved by TfL prior to construction commences on site and be subject to condition.
- 6.65 TfL requests that a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) be secured by conditions/ obligations.
- 6.66 *(Officer comment: Conditions based on the above have been recommended)*
- 6.67 TfL will be looking to seek a total of £26K toward the upgrade of two bus stops on Commercial Road just west of the application site
- 6.68 *(Officer comment: The bus stop contribution is considered necessary to the consent and will be*

secured within the S106 agreement)

7. LOCAL REPRESENTATION

- 7.1 A total of 372 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.
- 7.2 The Council received 18 letters in objection to the development from local residents raising the following issues:
- 7.3 - Daylight/ Sunlight /Loss of view and shadowing impacts on Regents Canal
(Officer comment: The application has been accompanied with a technical Daylight/Sunlight report which demonstrates that the proposal will have an acceptable impact in terms of Daylight/ Sunlight. This is discussed further within this report)
- 7.4 - Loss of views of St Dunstan's Church from the Grade II listed Hydraulic Accumulator Tower
(Officer comment: The London Docklands Development Corporation installed an internal staircase within this tower in the 1990s. Since this date the tower has been used twice a year as a viewing platform. Objectors contend that the six storey element of the scheme in particular would restrict views from the tower to the St Dunstan's Church. Whilst loss of view is not normally a material planning consideration, consideration and weight has been given to this ground of objection in these circumstances. However, the overriding benefits of the proposal are considered to outweigh this partial loss of view. Furthermore, it should also noted that views from this tower to St Dunstan's church are not protected views)
- 7.5 - Arch to the south of the tower should be reserved for public access and enjoyment of the tower.
(Officer comment: There is a single arch located to the south of the tower which has no particular usage. The request made by the objectors has been passed onto the owners of the site for their consideration. However, given planning permission is likely to be required for this change of use, any application (should one be submitted) will need to be considered on it's own merits. With relation to the current planning submission, it is not considered necessary to request this.)
- 7.6 - Loss of views from existing residential properties
(Officer comment: Amenity impacts of the proposal are discussed within the amenity section of this report. Loss of views is not normally considered a material planning consideration)
- 7.7 - Thames Water unable to provide water to the premises.
(Officer comment: Thames water have advised that they are able to provide water to the premises and have requested an informative on the permission advising of the flow rate.)
- 7.8 - Privacy issue
(Officer comment: The privacy impacts of the proposal are considered further in the amenity section of this report)
- 7.9 - Noise pollution
(Officer comment: The privacy impacts of the proposal are considered further in the amenity

section of this report)

Procedural Issues:

- 7.10 - Lack of notification
(Officer Comment: The application was advertised by press notice, site notice and by letters to local residents as shown in the map appended to this report. This is in accordance with the Council's statutory duties and the Council's statement of community involvement)
- 7.11 - No mention of the Crossrail line running underground.
(Officer Comment: The applicant is aware of the proposed Crossrail Tunnel underneath the site, and Crossrail have raised no objections subject to the imposition of conditions.)
- 7.12 The Council also received an objection from the Greater London Industrial Archaeology Society (GLIAS) raising the following issues:
- Loss of view
(Officer comment: this relates to views from St Dunstan's Church as discussed above. Officers conclude the impact of the six storey element of the scheme is acceptable in terms of enhancing the appearance of the Grade II listed Tower. This is discussed further in the Design section of this report)
 - Landscaping inappropriate to the arches
(Officer comment: Full details of landscaping will be conditioned to ensure acceptability)
 - No objections are raised to the nine storey element of the scheme
 - GLIAS support the development as 'Car-free'
 - GLIAS support the use of traditional stock brick
(Officer comment: The comments are noted)

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. Principle of the Land Use and Density
 2. Design and appearance
 3. Amenity Impacts
 4. Dwelling mix and affordable housing
 5. Quality of proposed accommodation
 6. Highways
 7. Energy and sustainability
 8. Planning obligations

Principle of land use and density

Land Use

- 8.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the Core Strategy and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units.

- 8.3 Core Strategy 2010 (Core Strategy) policy SP02 sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. An important mechanism for the achievement of this target is reflected in London Plan 2011 (London Plan) policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.
- 8.4 The site does not have an allocation in the Unitary Development Plan nor the Managing Development DPD (submission version 2012). Taking this into account, and given the surrounding area is predominantly residential in character, it is considered that this development would be an acceptable use of previously developed land and would be in accordance with the above planning policies.

Density

- 8.5 The London Plan density matrix within policy 3.4 suggests that densities within urban sites with good transport links should be within the range of 450-700 habitable rooms per hectare. This is reinforced by policy HSG1 of the Interim Planning Guidance and policy SP02 (2) of the Core Strategy (2010) which seek to correspond housing density to public transport accessibility and proximity town centres.
- 8.6 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.7 The proposed density when taking into account the arches to the south which provide some of the associated infrastructure (cycle spaces, disabled spaces and refuse storage) is around 550 habitable rooms per hectare. This falls comfortably within the recommended guidelines.
- 8.8 Furthermore, as discussed further below, it is not considered that the proposed scheme gives rise to any of the symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and meets the recommended guidelines.

Design and Appearance

- 8.9 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Chapter 7. Saved policy DEV1 in the UDP and Policy DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.10 These principles are further supported by policy SP10 in the Core Strategy (2010) and policy DM24 of the Managing Development DPD (submission version 2012).
- 8.11 London Plan policies 7.6 and 7.7 seek to ensure tall buildings are of an appropriate design and located to help create attractive landmarks and be a catalyst for regeneration. These aims are further supported by policy SP10 of the adopted Core Strategy, policy DM26 of the Managing

Development DPD (submission version 2012), and DEV27 in Interim Planning Guidance (October 2007).

- 8.12 London Plan policy 7.9 and policy SP10 in the Core Strategy (adopted 2010) seek to preserve the character and appearance of conservation areas and the setting of heritage assets. These policies are reinforced by policy DM27 of the Managing Development DPD (submission version 2012) and policies CON1 and CON2 in the Interim Planning Guidance (October 2007)

The Proposed Scheme

- 8.13 The application proposes the erection of a building between three and nine storeys in height with associated works including disabled parking and cycle spaces in the arches to the south.
- 8.14 The proposed scheme has been designed to respect the context of the surrounding area, which comprises a wide variety of housing typologies, such as the three-storey plus basement terraced housing fronting Commercial Road, and the taller residential buildings to the south and west of the site. The site's relationship with the listed viaducts and Hydraulic Tower are also an important consideration which has been taken into account.
- 8.15 Fronting Commercial Road and along Basin Approach, the building is proposed to be three storeys in height with a setback fourth storey, and the building is set back from the pavement edge to align with the adjacent listed terrace and provide defensible space for the proposed ground floor units.
- 8.16 To the south the building rises in height to nine storeys before falling to around six storeys in height nearest to the Listed Hydraulic Accumulator Tower.
- 8.17 The nine storey element is marginally higher (3 metres) than the adjoining tall building consented under PA/08/02207.
- 8.18 The building entrances are well positioned and the proposed ground floor units have adequate defensible space. The proposal creates an internal courtyard play area for the development and a roof terrace at fourth floor level. The level of amenity space provision is discussed in greater detail within the Amenity section of this report.
- 8.19 In terms of built form, the siting, mass and bulk of the development is considered to be an appropriate response to the scale of the adjoining development. With regard to the setting of the listed Hydraulic Tower, the building line has been set back to create an enhanced view of the Tower which currently does not exist. The side of the building is to be aligned with trees which will have an effect to draw attention to the listed tower.

Design and appearance

- 8.20 A number of materials are proposed for the external façade of the building.
- 8.21 The proposed development is to be primarily of yellow stock brick, with metal rainscreen cladding complemented with aluminium windows with PPC panels. The staircases are to be constructed with silver coloured timber faced rainscreen panels and the internal courtyard is to be faced in white render, making full use of its reflective properties.

- 8.22 The proposed materials are consistent with those found in the surrounding area and the proposed bronze metal rainscreen panels for the setback elements and part of the nine storey building help add some architectural detailing to the development.
- 8.23 The use of these varied materials would create a distinctive building within the streetscene which contributes positively to the locality.

Impact upon heritage and listed building

- 8.24 As outlined above, the sites location is within an area of high heritage value surrounded by a number of listed buildings within the St Anne's Conservation Area, and adjacent to the Lowell Street Conservation Area.
- 8.25 There is one Grade II Listed Monument within the site - the Hydraulic Tower built C1855. This was the first hydraulic pumping station on the Regents Canal Dock and is now used twice a year as a viewing tower.



Photo showing Listed tower to the left (taken from within the site)

- 8.26 The site is currently used as a storage compound, with stockpiled materials, partially demolished structures and unsightly advertising hoardings, which does not form an attractive setting for the Grade II Listed tower located within the site or for surrounding listed structures and conservation areas.
- 8.27 It is considered that the development has been sensitively designed taking into account the importance of these heritage assets. The proposed stock brick and three storey height facing Commercial Road preserve and enhance the settings of the listed terraces adjacent and opposite the site.
- 8.28 The proposed tapering of the six storey building away from the Hydraulic Accumulator Tower would enhance its setting and improve permeability into the site. This is shown in the following plan.



Part ground floor plan showing tapering of building in relation to the listed tower.

- 8.29 Conditions have been recommended requiring full details of all external materials, landscaping treatments and elevation details to ensure the highest possible and the most appropriate level of design quality.
- 8.30 Overall, the proposed redevelopment of the site results in a high quality well designed building, which would preserve and enhance the character and appearance of the St Anne's Conservation Area and improve the setting of the adjoining Lowell Street Conservation Area.
- 8.31 Furthermore, the proposed design would improve the setting of the Hydraulic Accumulator Tower, the neighbouring listed terraces as well as the listed structures in the vicinity of the site.

Design Conclusion

- 8.32 The proposal provides a high quality development that would contribute to an identified housing need. The design approach is not considered to pose an adverse impact on the character, appearance and setting of the Grade II listed structure and buildings within the vicinity of the site, nor the character and appearance of the St Anne's Church and the Lowell Street Conservation Areas.
- 8.33 The proposed height of the development responds to its local context in accordance with London Plan policies 7.6 and 7.7, policy SP10 of the adopted Core Strategy and policy DM26 of the Managing Development DPD (submission version 2012) which seek to ensure building heights are suitably designed to be of high quality and appropriate height and scale to their context.

Security and Safety

- 8.34 Policy 7.3 of the London Plan, policy DEV1 of the UDP and policy DEV4 of the IPG seek to ensure that developments are safe and secure.
- 8.35 No details of how the development will meet the secured by design standards have been provided. In order to ensure that the development maximises the safety of residents, details of how the development meets secured by design standards should be submitted for approval

and it is recommended that this is required by condition.

- 8.36 With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the London Plan and policy DEV1 of the UDP.

Amenity

- 8.37 Adopted policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and DM25 of the Development Management DPD (submission version 2012) seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon residents visual amenities and the sense of enclosure it can create.

Privacy

- 8.38 It is not considered that any loss of privacy or overlooking would occur as a result of the north or south or east facing habitable windows given the separation distances in excess of 20m and given the sites are separated by Commercial Road and the elevated viaducts. Furthermore, the separation distances are in excess of the minimum privacy distance outlined within policy DEV2 of the Unitary Development Plan and DM25 of the Managing Development DPD (submission version 2012), which seek a separation distance of 18 metres.
- 8.39 With regards to the development to the west of the site, given this is located around 14m from the site, is separated by Basin Approach and has no habitable rooms facing this site it is considered that the proposal will not give rise to any adverse privacy concerns.
- 8.40 Within the northern part of the block there are some windows and balconies which have a western aspect. These face out over a single storey warehouse building and not across to Reservoir Studios. It is therefore not considered that there would be any loss of privacy caused by these windows.

Daylight/sunlight

- 8.41 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy and policy DM25 of the Managing Development DPD (submission version 2012) also seek to ensure development are designed to provide appropriate living conditions in term of daylight and sunlight received by the proposed development.
- 8.42 A technical study of the impacts upon daylight and sunlight has been submitted with the application which looks at the impact of the development on the neighbouring properties.

Daylight and Sunlight (Impacts)

- 8.43 Daylight is normally calculated by two methods - the Vertical Sky Component (VSC) and No Sky Line (NSL). 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 less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including NSL. 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, or there will be a discernible loss of daylight.

- 8.44 The report demonstrates that properties to the north east and west all receive a minor loss of daylight of less than 10% of their former values under the Vertical Sky component method. Given a loss of 20% is considered to be a noticeable loss of daylight, a 10% loss is in accordance with BRE Guidelines and is considered acceptable.
- 8.45 The greatest loss of daylight is to the ground floor of the two towers (31-63 and 64-96 Limehouse Basin) located to the south of the development. These are impeded by the existing railway line and would lose around 13% of VSC. Again, given this is below the recommended guidelines, it is not considered that losses in daylight would be discernible to existing neighbouring properties.

Overshadowing

- 8.46 Within the development, the applicant has providing a transient overshadowing assessment which looks at the likely showing of the proposal on the surrounding area within three key dates:
- 21st March (this is when the sun is at mid point in the sky)
 - 21st June (this is when the sun is at it's highest point in the sky)
 - 21st December (this is when the sun is at it's lowest point in the sky)

8.47 *21st March*

On 21st March, the report highlights the proposed development would have some shadowing impacts on the adjoining development at 602 Commercial Road early in the morning. However, given that there is no prolonged over shadowing as a result of this development it is considered acceptable.

- 8.48 The report illustrates the shadow will not cross Commercial Road to the north on 21st March and as such there will not be any shadowing impacts to the listed terrace to the north.

8.49 *21st June*

The report demonstrates that the shadowing impact of the proposal on 21st June is likely to be similar to 21st March outlined above. However, given the sun is at it's highest point in the sky the shadowing will be confined to the early morning and late evening.

21st December

- 8.50 The resulting shadowing on 21st December is likely to be the greatest than at any time during the year, given the sun is at its lowest point in the sky. The report illustrates that 602 Commercial Road is already shadowed by the development to the south early in the morning and as such the shadow has little impact on this development.

- 8.51 From 11am to 2pm the proposed development is envisaged to cause shadowing to the Grade II listed terrace to the north of the site. However, in relation to the overall shadowing this impact is relatively minor and considered acceptable.

Visual amenity / sense of enclosure

- 8.52 These issues are considered to be subjective. Following an assessment of the application,

officers consider that given the separation distances involves between the application site and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or sense of enclosure.

- 8.53 In conclusion, it is considered that there would be no significant detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

Dwelling mix and affordable housing

Affordable housing

- 8.54 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 8.55 Policy SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.56 Consideration has also been given to the recent government announcements that HCA grant funding has been drastically cut and to the changes made to the national definition of the affordable rented product which offers eligible households dwellings at a rent of up to 80% of local market rents. The definition of affordable housing has therefore changed and as outline below in more detail now includes social rented, affordable rented and intermediate housing.
- 8.57 Part 1 of Policy DM3 of the Managing Development DPD (submission version 2012) sets out the Council's approach to the new affordable rent product. The policy reaffirms the Core Strategy target for 70% of new affordable housing to be for Social Rent and 30% for Intermediate. Where it can be demonstrated that it is not viable to provide this level of Social Rent housing then Affordable Rent will be accepted. The policy confirms that the delivery of larger family homes should still be prioritised for Social Rent.
- 8.58 The subtext to Policy DM3 of the Managing Development DPD (Paragraph 3.3) provides further detail on what acceptable Affordable Rent levels are likely to be for the Borough as a whole. This has been informed by research carried out for the Council by POD (2011) which takes into account local socio economic circumstances. In practice, rental levels on each individual scheme will be need to be agreed with Council to reflect the particular local housing market of that area and the needs of the borough.
- 8.59 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.
- 8.60 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.

- 8.61 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.
- 8.62 The application proposes 52 residential units with the total number of habitable rooms being 154. Of these, 28 flats would be affordable housing. By habitable room the scheme provides a total of 35.7% affordable accommodation comprising 78% affordable/social rent and 22% intermediate. This is explained in the table below:

	Market Sale		Intermediate Housing		Affordable/Social Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
1 Bed	7	14	3	6	1	2	11	22
2 Bed	23	69	4	12	5	15	32	96
3 Bed	4	16	0	0	5	20	9	36
Totals	34	99	7	18	11	37	52	154

- 8.63 Of the 11 rented units, these are broken down as follow:
- 6 x one and two bedroom units at Affordable Rent at POD Levels
(1 Bed £152.70 inclusive of service charges)
(2 Bed £168.17 inclusive of service charges)
 - 5 three bedroom units at Affordable Social Rent levels.
- 8.64 Given the application proposes 35.7% affordable housing, with the 5 affordable family sized units at social rent, and the remainder at POD levels within the affordable rent tenure, the proposed development is in accordance with the requirements of the Councils Housing policies as outlined above.
- Dwelling mix
- 8.65 In total 9 family sized units are provided, around 17% of all the accommodation. Policy SP02 requires 30% of developments to be 3 bedroom units or larger, but within the social rented sector 45% should be for families.
- 8.66 In this case, 45% of the units within the rented tenure would be family sized. Whilst the overall 17% provision of family sized accommodation is not policy compliant, it is considered that given the spatial constraints of the site with noise sensitive facades, the provision of affordable housing has been maximised at the lower, more accessible areas of the development
- 8.67 It is considered that there is a 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

- 8.68 The London Plan requires that 10% of all housing developments are suitable for wheelchair users. In this case five units within the ground floor across all tenures are proposed to be wheelchair accessible. This is recommended to be conditioned as part of the consent.

Quality of accommodation

Internal space

- 8.69 Policy 3.5 of the London Plan sets out minimum internal space standards which are recommended for all residential developments. The Mayor's design guide also gives advice on the quality of the internal space. For examples storage areas should be provided, separate living rooms and kitchens are encouraged as are dual aspect flats.
- 8.70 Each of the flats meets the minimum standards within the London Plan. All the flats are dual aspect and have separate storage facilities. Which is encouraged within the Major's housing design guide.

Daylight and Sunlight

- 8.71 The report tests the Average Daylight Factor (ADF) for each of the lower ground floor flats which represent the worst case scenario.
- 8.72 The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.
- 8.73 With regards to the "Internal Daylight" within the proposed development, rooms at ground and first floor within the proposed development have been analysed in terms of light levels received, given that they represent the worst case scenario. It is suggested that out of the 48 rooms analysed, 30 rooms would comfortably meet BRE requirements. 8 of the 18 rooms which are below BRE requirements are bedrooms which are considered less of a priority in terms of daylighting than living areas. Despite this, 5 of these bedrooms would achieve ADF greater than 0.70%, and thus marginally short of the 1% suggested minimum.
- 8.74 The ten remaining windows are combined Kitchen/Living and Dining areas, six of which are located at ground floor level and four at first floor level. The worst three rooms are particularly constrained by the orientation of the development and would receive ADF levels of 0.15%, 0.67% and 0.51% respectively. The remaining failures are 0.75% and above with a further 5 receiving an ADF above 1.34%.
- 8.75 When considering these outputs, it is important to assess the layout of the units in order to understand the amenity value of the units as a whole. All of the affected rooms are served by balconies and private amenity space. The balconies provide additional alternative amenity, but are also responsible for inhibiting the daylight levels received to the windows below, thereby

reducing the ADF value achieved by the rooms. This obstruction is one of the reasons for these rooms falling below the BRE target value. Therefore, there is a clear trade-off in relation to the reduced daylight potential for these windows as a result of the balconies and the additional alternative amenity which they provide. A more flexible approach is therefore required to the levels of daylight for these windows and the rooms they serve. Furthermore, 51 of the 52 units are dual aspect, therefore benefiting from daylight from other facades. It is also considered that Daylight conditions will improve across each additional floor as the units receive more access to the sky.

- 8.76 It is considered that given the urban location, scale and density of the development, that daylight levels within proposed development would overall be acceptable in accordance with the BRE guidelines. It should be noted that given the urban context the application site is in, and because the majority of the units (63% at ground and first floor) are capable of achieving the minimum daylight standards, the proposal would still provide satisfactory means of accommodation for future occupiers.

Privacy

- 8.77 The development is considered to afford sufficient privacy to the occupants of the proposed units. A distance of 18m is proposed between the two facing wings of the proposed building. This is in accordance with the 18m minimum distance required for directly facing habitable rooms.
- 8.78 Privacy screens are recommended to as conditions to ensure those balconies which are located in close proximity are suitably screened.

Noise and vibration

- 8.79 The application site sits within an area characterised by high noise exposure given Commercial Road is located to the north, and the Docklands Light Railway is to the south. In addition, the proposed Crossrail railway line is proposed to run directly beneath the site.
- 8.80 A noise and vibration assessment has been submitted with the application to understand the impact these would have on the proposed development. This has been reviewed by the Councils Environmental Health Team, who have confirmed that suitable glazing is proposed to ensure a reduction in noise to the proposed rooms serving the development is to an acceptable level.
- 8.81 Officers consider that this matter can be controlled via the conditions ensuring the relevant mitigation measures are in place to ensure the proposed development will not adversely impact on the amenity of future residents.

Air Quality

- 8.82 Policy 7.14 of the London Plan, policy SP03 of the Core Strategy and policy DEV11 of the IPG seek to ensure that air quality is protected. Air pollution has an impact on human health, biodiversity, crops and forests, materials, buildings and cultural heritage. Air Quality testing has identified that the whole of the London Borough of Tower Hamlets has poor air quality. As such, London Borough of Tower Hamlets is an air quality control zone.

- 8.83 An air quality assessment has been submitted with the application which outlines the mitigation measures proposed by the development. These include:
- A Construction Environmental Management Plan (CEMP)
 - A Construction Method Statement (CMS).

The Council's Air Quality officer considered these measures acceptable and they will be conditioned as part of the Construction Management Plan/ Construction Logistics Plan to ensure they are implemented.

Play Areas and External Amenity Space

- 8.84 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy, policy HSG16 of the UDP and policy HSG7 of IPG and promote the good design and the provision of amenity spaces within developments. Furthermore, policy 3.6 of the London Plan, policy SP02 of the Core Strategy, policy O9 of the UDP and policy HSG7 of the IPG require the provision of appropriate child play space within residential developments.
- 8.85 Outdoor amenity space is provided in a number of forms within the development. An area of communal amenity space is provided on the first floor podium level and on the roof of the north and south blocks. In addition 51 of the 52 units have private amenity space.
- 8.86 Private amenity space is expected to be provided at a rate of 5sqm for 1 bedroom flats with an additional 1sqm for each additional occupant. This is set out in the Mayor's housing design guide and within policy DM4.
- 8.87 Based on the above policy a total of 343sqm of private amenity space should be provided for the private amenity. This application proposes around 503sqm, which is well in excess of the policy requirements.

Outdoor space – communal.

- 8.88 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 52 units the minimum communal amenity space required would be 92sqm. The total communal amenity space proposed is 308sqm. This is significantly above the minimum requirements in policy terms.
- 8.89 The provision of communal amenity space is subdivided into three areas, a roof top provision of around 100 sqm, a provision of around 60sqm close to the tower at ground floor level and the remaining in a communal courtyard area.
- 8.90 Details of the landscaping for the proposed amenity areas is recommended to be secured by condition.
- 8.91 The roof top amenity spaces would receive good levels of sunlight. The ground floor communal area is likely to be shaded by the 9 storey building to the south, however given the site constraints and the over provision of amenity space this is considered acceptable.

Child play space

- 8.92 In addition to general amenity space, for developments which create more than 10 child bed spaces, 10sqm of child play space should be provided per child. In this case a total of 210sqm should be available for children's play space.
- 8.93 The application has limited area at ground floor for child play space, which is also double counted as amenity space, equating to around 60sqm. This is centrally located and well overlooked by the development. Given the over provision of communal amenity space and private amenity space, this provision is considered acceptable on balance. Further details will be conditioned as part of the recommended Landscape condition.

Highways

Parking

- 8.94 The site has a Public Transport Accessibility Level (PTAL) of 6a which is 'very good'.
- 8.95 There are parking policies to be found in the London Plan, the Interim Planning Guidance and the Managing Development DPD, these are as follows:
- London Plan 2011 the standards are 1 – 1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats.
 - Interim Planning Guidance standards are up to 0.5 spaces per unit.
 - The Managing Development DPD has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.
- 8.96 Both the highways team and Transport for London support the car free approach. The proposed three disabled parking spaces in the arches are considered to be acceptable.
- 8.97 Within the legal agreement a clause is included to ensure that no occupants are able to apply for on-street parking permits (subject to the operation of the Council's permit transfer scheme), therefore not adding to the parking pressure in the locality.

Cycle parking

- 8.98 A total of 52 cycle parking spaces are proposed within each block and another 52 spaces are proposed in the arches with a total of 104 spaces. This is in excess of the requirement of one space per unit.

Servicing

- 8.99 Policies 6.1, 6.11 and 6.14 of the London Plan, policies SP08 and SP09 of the Core Strategy, policies T16 and T26 of the UDP and policy DM22 of the Managing Development DPD (submission version 2012) seek to minimise the impacts on the highway network and promote efficient and sustainable arrangements for deliveries and servicing.
- 8.100 Full details of a service management plan will be secured via the imposition of a condition.

Waste storage and collection

- 8.101 Policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG require developments to make suitable waste and recycling

provision within the development.

- 8.102 Four separate storage areas are proposed for refuse and recycling. The Council's Waste Management team have reviewed the waste storage provision and consider that it will be acceptable for the level of estimated waste and recycling that would be generated by the development.
- 8.103 To ensure that the waste storage areas are retained it is recommended a condition of consent is imposed if permission for the development is granted. With such a condition imposed ensuring that the waste storage facilities are retained for the lifetime of the development, it is considered that appropriate provisions for waste and recycling facilities are provided within the development in accordance with policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG.
- 8.104 Overall, the proposed development will not have an unduly detrimental impact upon the safety and free flow traffic, and is in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Managing Development DPD (Submission version 2012), and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.

Energy and Sustainability

- 8.105 Policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policy DM29 of the Managing Development DPD (submission version 2012) require development to incorporate energy efficient design and utilise low carbon and renewable energy technology in order to minimise the carbon emissions associated with the development.
- 8.106 The applicant has employed an energy strategy approach in accordance with the GLA energy hierarchy. To achieve the required 35% the applicant proposes to use Photovoltaic Panels and a CHP. The total carbon emission savings for this development would be 35% on the baseline figures.
- 8.107 The applicant has also confirmed that they are working towards securing code for sustainable homes level 4. Final certificates confirming this will be conditioned.
- 8.108 Overall the proposed Energy Strategy is in accordance with policy SP11 of the Core Strategy and the energy hierarchy within the London Plan (2011) policies 5.2 and 5.7, and policy DM29 of the Managing Development DPD (Submission version 2012), which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.

Environmental Health

Contaminated Land

- 8.109 The site has been subject to former industrial uses and as such there is the potential that the land may contain contaminants and remediation work may be required before development can commence on the site. A condition has been recommended by Environmental Health to deal with this issue.

Planning Obligations

- 8.110 Regulation 122 of the Community Infrastructure Levy Regulations 2010, brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- (a) The obligation is necessary to make the development acceptable in planning terms;
 - (b) The obligation is directly related to the development; and
 - (c) The obligation is fairly and reasonably related in scale and kind to the development.
- 8.111 The Council's Saved Policy DEV4 of the adopted UDP and Policy SP13 of the adopted Core Strategy say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.112 The amounts have been negotiated in line with the planning obligations SPD and heads of terms are as follows:
- Employment and skills training*
- 8.113 A financial contribution of **£9,149** has been secured towards improving access for Tower Hamlets residents to employment through enhancement of skills and training and enterprise. This figure includes a total for the construction and the end user phase of the development.
- Libraries and Ideas Stores*
- 8.114 A contribution of **£13,356** has been secured towards improvements to Idea Stores and Libraries. The proposed development will increase demand on these services and there is a need to develop these facilities further to align with population growth.
- Leisure and community facilities*
- 8.115 A contribution of **£41,092** has been secured towards Leisure and/or Community Facilities. The proposed development will increase demand on leisure and community facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth.
- Education*
- 8.116 The Council's Education department have requested contribution towards education within the Borough. A contribution of **£170,851** towards education school places has been secured.
- Health*
- 8.117 Financial contribution of **£69,099** which would contribute towards the development of health and wellbeing centres has been secured.
- Sustainable Transport*
- 8.118 A financial contribution of **£1,590** towards the provision of a sustainable transport network within the Borough has been secured.
- Public Open Space*
- 8.121 A financial contribution of **£85,058** towards the provision of improvements to public open space in the Borough has been secured.

Bus Stop Improvements

- 8.122 A financial contribution of **£26,000** towards the provision of improvements to bus stops in the vicinity of the site has been secured.

Monitoring fee

- 8.123 A monitoring fee of **£8,324** which is 2% of the total figure as been secured.

Affordable Housing

- 8.124 A 36% provision of affordable housing should be secured which consists of a mix of intermediate, social rented and affordable rent units in accordance with the housing section of the report.

Car Free

- 8.125 The development would also be secured as car free, with the exception of the three disabled car parking spaces.

Employment and Enterprise

- 8.126 In respect of the development 20 percent of the non-technical jobs created through the construction and end user phase should be advertised exclusively to local residents through the job brokerage service and the Developer should seek to award 20% of the total value of contracts procured for goods and services during the construction phase to firms located within the borough.

Retention of access to the Hydraulic Tower

- 8.127 The applicant has agreed to retain public access to the hydraulic tower as per existing arrangements between the applicant and GLIAS.

Other Planning Issues

Biodiversity

- 8.128 In line with policy SP04(3) The Council is required to protect and enhance the biodiversity value within development proposals. The applicant is proposing two brown roofs to increase the Biodiversity value of the site.

- 8.129 Subject to the implementation of the brown roofs, it is considered that the proposed development would enhance the Biodiversity of the site. As such, the proposal would accord with policy SP04 of the adopted Core Strategy (2012)

Cill

- 8.130 This development is liable for a charge under the Community Infrastructure Levy (CIL) Regulations (2010), as amended. This charge has been calculated based on the new floor space being created (4292sqm new floor space) as detailed in the submitted CIL Additional form.

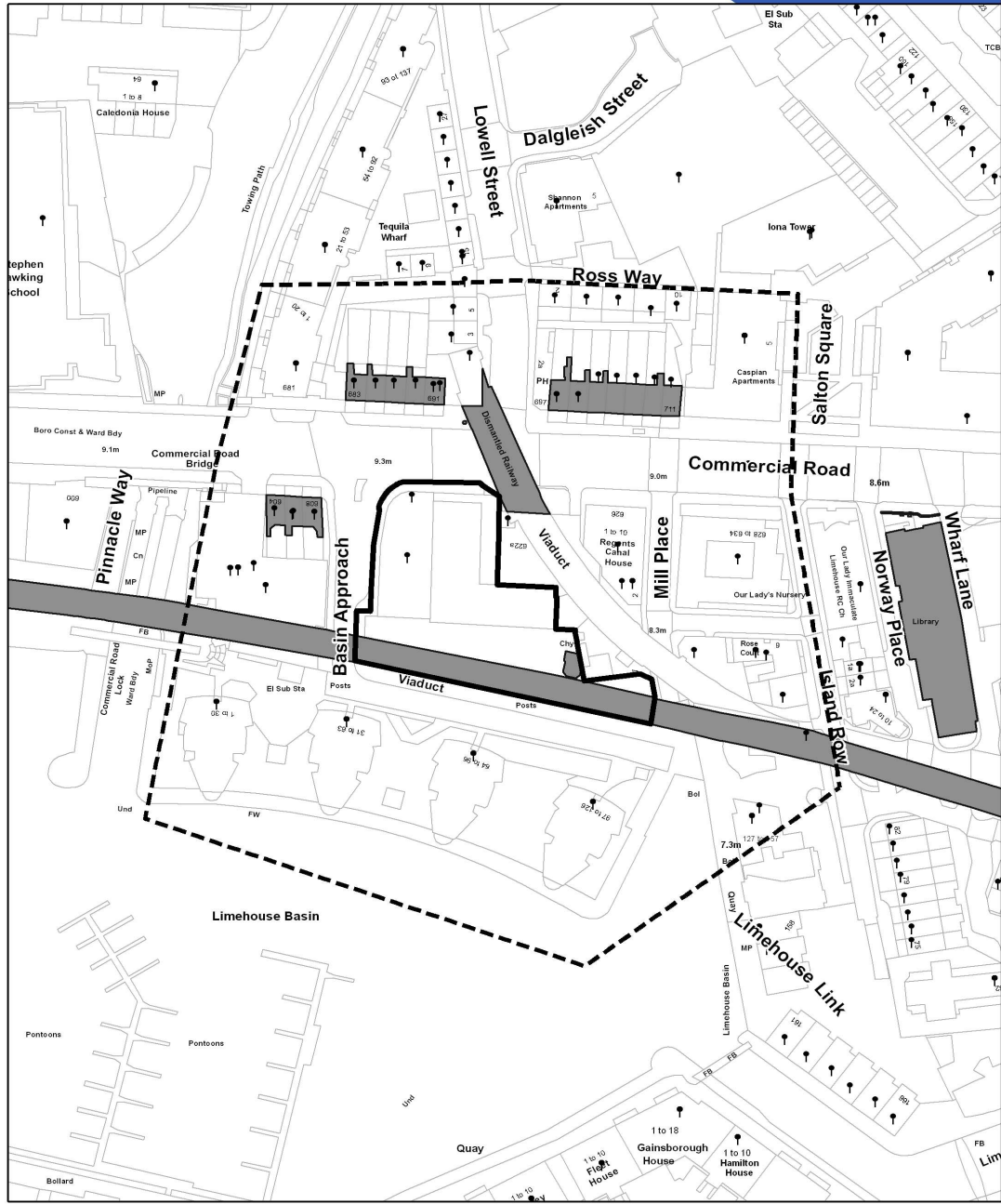
- 8.131 The CIL contribution based on the above is £150,246. This charge is payable upon commencement of the chargeable development and is in respect of the London Mayoral Community Infrastructure Levy (CIL). The Greater London Authority and Transport for London are responsible for setting the London Mayoral CIL charge and the London Borough of Tower

Hamlets is responsible for collecting money on their behalf.

9.0 **Conclusions**

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

Planning Application Site Map



Consultation Area	Locally Listed Buildings	Land Parcel Address
Planning Application Site Boundary	Statutory Listed Buildings	1:1,500

0 15 m

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

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Agenda Item 7.3

Committee: Development	Date: 22 nd August 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal Case Officer: Angelina Eke		Title: Planning Application for Decision Ref No: PA/12/00358 Ward(s): Bow East	

1. APPLICATION DETAILS

Location:	Carriageway and footway adjacent to numbers 582-586 Old Ford Road, London, E3
Existing Use:	Public carriageway and Footway
Proposal:	Installation on the carriageway and footway of a Barclays Cycle Hire docking station, containing revisions to create a maximum of 18 docking points for scheme cycles plus a terminal (Amended)
Drawing Nos:	§ Location plan: 05-610655_L Rev 2 § General Arrangement plan: 05 -610655 _GA Rev 2 § Existing Layout: 05-610655 -EX § Terminal drawing: CHS_2_T Rev 5 § Docking point design: CHS-DP-03 Rev 3 § Carriageway foundation design: CHS-CFC01 and CHS-CFC03
Supporting Documents:	§ Planning, Design & Access Statement (including Impact Statement) dated February 2012 - ref 05/610655. § Archaeological Impact Assessment, prepared by Mott Mc Donald, 05/610655: Version A dated September 2011
Applicant:	Transport for London (TFL)
Owner:	London Borough of Tower Hamlets
Historic Building:	N/a
Conservation Area:	N/a

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (submission version May 2012), the London Plan 2011 and the National Planning Policy Framework and has found that:

- i) The proposed cycle docking station would provide a sustainable means of public transportation across the borough and is sited so as not to impede pedestrian flow or cause a highway safety hazard. As such, the proposal complies with policy SP08 of the adopted Core Strategy, Policies DM22 and DM23 in the Managing Development DPD 2012, 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.
- ii) 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.

- iii) 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, policy DM25 in the Managing Development DPD 2012, 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 the following conditions:

Conditions on Planning Permission

- 3.2
 - 1. Time Limit
 - 2. Application in accordance with submitted plans.
 - 3. Cycle Station to be removed if it becomes redundant
 - 4. Stage 3 Safety Audit to be carried out

Informative on Planning Permission

- 3.3 N/A

4. PROPOSAL AND LOCATION DETAILS

The Proposal

- 4.1 Transport for London ('the applicant') is seeking planning permission for the installation of a new docking station and terminal. This application has been submitted following the withdrawal of a previous planning application registered under PA/11/02638 for the Installation on the carriageway and footway of a Barclays Cycle Hire docking station, containing a maximum of 26 docking points for scheme cycles plus a terminal.
- 4.2 The current scheme differs from the previous one in that the proposed docking station has reduced site coverage. The number of docking points has been reduced to take account of concerns expressed by officers on highway grounds including objections raised by residents during the consultation process.
- 4.3 The original application submitted sought permission for the installation of a maximum of 21 bicycle docking points plus a terminal on the footway and carriageway of Old Ford Road adjacent to the residential properties at No.'s 582-588 Old Ford Road. The current revised scheme is for 18 docking points.
- 4.4 The TfL roundel logo located at the top of each face of the terminal is not illuminated, although the information screen and way-finding maps can be illuminated as required to improve visibility for users in poor lighting conditions.
- 4.5 The docking points will be approximately 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.
- 4.7 Two street bollards plus a tree pit located at the eastern end of the application site will be

removed and the existing kerb will be re-aligned.

Background

- 4.8 This application is part of the continuation of the central London roll out of the Mayor of London's cycle hire scheme. The scheme provides public access to bicycles for short trips and requires 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 required and return it to either the same docking station or another docking station.
- 4.9 The success of the scheme relies on the appropriate distribution of bicycles across the London 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 of Tower Hamlets.

Site and Surroundings

- 4.10 The application site is located on the southern side of Old Ford Road on the public carriageway opposite the junction with Wendon Street. The wider area is predominantly residential in character, although there is a small row of ground floor retail shops on the northern site of Old Ford Road.
- 4.11 The application site does not adjoin any listed buildings and is not located within a conservation area.
- 4.12 The application site lies within an Area of Archaeological Importance.

Planning History

- 4.13 PA/11/02638: Installation on the carriageway and footway of a Barclays Cycle Hire docking station, containing a maximum of 26 docking points for scheme cycles plus a terminal. The application was withdrawn on 01/12/2011.

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

6.9 Cycling

5.3 Adopted Core Strategy 2025 Development Plan Document (September 2010)

SP08 Sustainable modes of transport
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places

5.4 Unitary Development Plan 1998 (as saved September 2007)

DEV1 Design Requirements
DEV2 Amenity
DEV42 Archaeology and ancient monuments
DEV44 Archaeology and ancient monuments
T18 Pedestrians

5.5 Managing Development Plan Document Submission Version May 2012

DM22	Parking
DM23	Streets and the Public Realm
DM24	Place Sensitive Design
DM25	Amenity

5.6 **Interim Planning Guidance for the purposes of Development Control (October 2007)**

DEV1	Amenity
DEV2	Character and Design
DEV17	Siting and design of street furniture

5.7 **Government Planning Policy Guidance/Statements**

NPPF 2012 National Planning Policy Framework

5.8 **Community Plan – One Tower Hamlets**

The following Community Plan objectives relate to the application:

A Great Place To Be
 Healthy Communities
 Safe and Supportive Communities

6. CONSULTATION RESPONSE

6.1 **Transport for London (Street Management)**

No objections

6.2 **English Heritage (Archaeology)**

No objection was raised. The comments received state that the proposal is unlikely to have an affect on any significant heritage assets of archaeological interest due to the relatively small ground impact.

6.3 **LBTH Highways**

No objection was raised. The Transport and Highway Team welcome the introduction & installation of cycle hire docking stations in Tower Hamlets and believes they will promote the use of sustainable modes of transport and ease the pressure on public transport across London. The location of the proposal has been carefully identified by officers from Tower Hamlets and Transport for London, which reinforces the support for the scheme. The Council’s Parking Team welcome the revisions made

7. LOCAL REPRESENTATION

7.1 64 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 been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 7 Objecting: 6 Supporting: 0
 No of petitions received: 1 objecting containing 250 signatories

Representation Comments

7.2 § Objection to the siting of the docking points outside of the residential properties

(Officer Comment: “The siting of the proposal has been fully assessed in conjunction with

the Borough's Highway Team and it is considered that the principle of providing a docking station in this predominantly residential location is acceptable in land use terms"

§ Difficulty with providing access for ambulance parking and restrictions to wheelchair access for wheelchair bound residents

(Officer Comment: *In respect of the concern raised by a resident about the difficulties that may arise for ambulance parking, it is considered that the siting of the docking stations and location of the terminal would not impede access arrangements for emergency vehicles such as an ambulance. The proposal allows for the retention of a stretch of yellow line, which would be sufficient for both unloading/loading facilities and around the retained disabled parking bay, which is also sufficient for short stay parking for emergency vehicles)*

§ Loss of parking spaces

(Officer Comment: *The siting of the docking station requires the removal of four resident permit holder car parking spaces. The Council's Highway and Transportation Team have been consulted on this aspect and have commented that the proposed loss of parking spaces would not be significant as there is sufficient on street parking available in the immediate locality. On balance, therefore, 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.)*

§ Loss of play space for children

(Officer Comment: *The application proposal does not affect any dedicated play space in this locality.)*

§ Negative Impact on amenity through unacceptable noise

(Officer Comment: *It is not considered that the proposed docking station would result in unacceptable levels of noise intrusion. Amenity related matters are discussed in detail in sections 8.8 – 8.11 of this report.)*

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 the government guidance set out in the National Planning Policy Framework (2012), London Plan policy 6.9 and LBTH Core Strategy policy SP08 and policies DM22 and DM23 of Managing Development: Development Plan Document (Submission Version May 2012), all of which support the extension of the Cycle Hire scheme.

8.3 The application proposal seeks to promote public access to bicycles for short trips and requires docking stations to be located strategically across central London to ensure comprehensive coverage. The proposed siting of the scheme will allow residents in the immediate locality 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 nearby. The proposed facility 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. Overall the scheme would provide improved coverage of a sustainable and low emission mode of transport and thus the principle of the scheme within this predominantly residential is acceptable in land use terms.

Design

- 8.4 The application proposal is to install a docking station to accommodate 18 docking points for the cycle hire scheme. The proposal includes a terminal which is four sided with a maximum height of 2.4 metres. The terminal will be located at the western end of the site, with the terminal's circulation area on the footway and carriageway.
- 8.5 The proposal will have an overall length of approximately 15.7 metres and the width will not exceed 2.0 metres. The docking points will be arranged in a single linear format on the carriageway.
- 8.6 The design of both the docking points and terminal will be functional, yet simple and understated. In terms of site coverage, the proposal would not adversely affect the character of the area, function of spaces in the vicinity, or impede access to any adjoining public utility.
- 8.7 Overall, the proposed docking station plus terminal point would not significantly add to any street clutter nor would it impede the movement of vehicles or pedestrians. Its location and design are considered to be safe and secure given the setting of the proposal within the predominantly residential area. It is considered that there would be no significant design or visual impacts arising from the scheme. This meets saved policy DEV1 and DEV17 of the UDP, Core Strategy policy SP10.

Amenity

- 8.8 Policy SP10(4) of the adopted Core Strategy (2010), Policy DM25 in the Managing Development: Development Plan Document (Submission Version May 2012), 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.
- 8.9 The docking station will be available for use 24 hours a day, seven days a week. It is considered, however, that the main period of use will be during daylight hours.
- 8.10 Releasing and re-docking the bicycles will occur with little discernable noise. Registering at the terminal is a process similar to topping up an Oyster card and as such, it is unlikely to have any significant noise impacts. 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 prolonged periods at the docking station and, as such, the siting of the proposal is unlikely to have any harmful amenity impacts in terms of noise, overlooking or general disturbance.
- 8.11 Docking stations are not vastly different to other items of street furniture, which provides an overarching public benefit, such as bus stops. The site is in an area that benefits from natural surveillance and the amenity impacts arising from the proposal are considered acceptable and accord with Core Strategy policy SP10, Policy DM25 in the Managing Development: Development Plan Document (Submission Version May 2012), saved UDP policy DEV2 and DEV10 and Policy Interim Planning Guidance (2007).

Transport and Highways

- 8.12 Policy 6.9 of the London Plan, policy SP09 of the Core Strategy, Policies DM22 and DM23 in the Managing Development: Development Plan Document (Submission Version May 2012) and policy DEV16 of the Interim Planning Guidance (2007) seek to promote better facilities and a safer environment for cyclists.
- 8.13 Old Ford Road is a borough highway with low vehicular and pedestrian footfall. The

carriageway has a current width of 7 metres, whilst the footway adjacent to the site measures approximately 2.0 metres in width. The application proposal will require the removal of four existing resident permit holder parking spaces. The Council's Transport and Highway Team (which includes the Parking Section) was consulted on the proposal and raised no objections to the siting of the docking station and terminal or the proposed loss of the four parking spaces required to facilitate the scheme. On balance the loss of the existing parking facilities is acceptable given that there is sufficient alternative parking nearby the site, and the scheme promotes sustainable forms of transport.

- 8.14 An empty tree pit is located at the eastern end of the site and it will be necessary to remove this and realign the kerb at the eastern end of the docking station to facilitate the scheme. The existing disabled bay will be retained. A section of single yellow line will be created between the proposed docking station and an existing disabled parking bay to ensure that existing servicing arrangements for the retail shops opposite are maintained.
- 8.15 Objectors have expressed concern that the siting of the docking station will impede wheelchair access to and from the site and restrict access for emergency vehicles. The revisions to the current scheme are acceptable to the Highway and Transportation Team. The Council's Parking Team also welcomes the modifications as this increases the stretch of yellow line to 7.3 metres, which is satisfactory to accommodate the operational needs for the nearby retail units and provide sufficient circulation space to accommodate short stay parking arrangements for the wheelchair user.
- 8.16 TfL carried out an independent Stage 1&2 Road Safety Audit for this site in March 2011 and no adverse safety concerns were raised. In addition to this, Stage 3 Road Safety Audits are undertaken on all docking stations. This usually takes place within 1 month of the docking stations becoming operational and as such, this should ensure that no problems arise with the operational use sites. A condition has been imposed to ensure that the Safety Audit is also carried out once the site is operational. If any new safety issues are identified, TfL has advised that they will look to rectify the problem, and where appropriate temporarily suspend the use of the docking stations, until a solution can be found.
- 8.17 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 loss of on-street car-parking capacity is acceptable in this location, as the proposal would benefit the area by promoting more sustainable forms of transport. The proposal is therefore acceptable in terms of Policy 6.9 of the London Plan, Policies DM22 and DM23 of Managing Development: Development Plan Document (Submission Version May 2012), Core Strategy policy SP09 and saved UDP policies DEV1 and DEV17 of the Interim Planning Guidance (2007).

ANY OTHER ISSUES

- 8.18 The application site is located within an Archaeological Priority Area. Mott McDonald was commissioned to undertake a desktop assessment on behalf of TFL for the application site. Their investigations conclude that the proposal would not have any significant impacts on archaeological heritage, which accords with saved Policies DEV42 and DEV44 of the UDP including national guidance set out in National Planning Policy Framework. English Heritage was consulted and raised no objection to the proposal.

CONCLUSION

- 8.19 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

Consultation Area

Statutory Listed Buildings



1:1,250

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 7.4

Committee: Development	Date: 22/08/2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Mumtaz Shaikh		Ref No: PA/11/02704	
		Ward(s): Shadwell (February 2002 onwards)	

1. APPLICATION DETAILS

- Location:** Forecourt/ servicing yard of Railway Arches, 244-246 Ratcliffe Lane, London E14 7JE
- Existing Use:** Retail shops (Use Class A1) within the railway arches with a forecourt/ servicing yard in front of the shops. The servicing yard has 2 vehicular accesses providing entry and exit point to the site.
- Proposal:** Change of use of part of the existing forecourt/servicing yard to a hand car wash (Sui Generis) for only the retail customers of the site. Installation of a lightweight canopy over the car wash bay and new refuse, waste and recycling compound.
- Drawing Nos:**
- Site Location Plan JJA/1013 November 2010.
 - 1013/04 Revision B - Proposed Elevation and Layout Plan dated 18/06/2012
 - 1013/05 Revision A - Block Plan, Cross Section and Street Scene Elevation dated 31/01/2012
- Supporting Documents:**
- Design and Access Statement Revision A dated 21/06/2012
 - Impact Statement Revision A dated 21/06/2012
 - Design Statement Revision A dated 21/06/2012
 - Photograph and details for "Challenger" Painted Steel Static Hot Pressure Cleaner and Vacuum Cleaner Photograph and details.
 - Sound Tests for H13/90 Hot Pressure Cleaner
 - John James (the applicant's agent) e-mail dated 11/07/2012 and 13/07/2012
- Applicant:** Mr Mohammed and Raj Ali
Owners: Mr Mohammed and Raj Ali
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Managing Development: Development Plan Document (Submission Version May 2012), Interim Planning Guidance (2007) and associated supplementary planning guidance, the London Plan and Government Planning Policy

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

Guidance and has found that:

- 2.2 The proposed hand car wash comprising 1 car wash bay for the existing retail shop customers is in accordance with policies DEV2 and DEV50 of the Unitary Development Plan, in terms of general activity and noise disturbance to nearby residents.
- 2.3 The installation of a lightweight canopy over the car wash bay and new refuse, waste and recycling compound would have no adverse visual impacts upon the character and appearance of the area. As such, there would not be a conflict with Core Strategy Policy SP10, policies DM24 of the Managing Development: Development Plan Document (Submission Version May 2012), saved policy DEV 1 of Tower Hamlets Unitary Development Plan (1998) and DEV 2 of the Interim Planning Guidance (2007) , which seek to ensure good design within the Borough.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** temporary 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

- 3.4 1) This permission shall be for a limited period of 1 year only, expiring 1 year from the date of the decision notice. On or before that date the use hereby permitted shall be discontinued and any building or works carried out under this permission shall be removed and the land re-instated (subject to any further planning permission being granted before the expiry).

Reason: To enable the Local Planning Authority to review the suitability of the development in the light of circumstances prevailing at the end of the above period and in the interests of the amenities of the area, in accordance with saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998), Policy DEV10 of the Interim Planning Guidance (2007) and Policy SP03 adopted Core Strategy (2010) and Policy DM25 of the Managing Development: Development Plan Document (submission version May 2012).

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule to this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

3) The use allowed by this permission shall not take place other than between the hours of: -

09:00 to 19:00 Mondays to Saturdays
10:00 to 16:00 Sundays or Bank Holidays

Reason: To safeguard the amenity of adjacent residents and the area generally in accordance with the requirements of saved policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, which seek to preserve residential amenity.

4) Notwithstanding the plans hereby approved, on-site surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority prior to the operation of the jet wash. Such details shall show that drainage of water shall be contained within the site and not drain on to the public highway.

Such approved details shall be implemented and maintained for the use of the jet wash.

Reason: To protect the quality of controlled waters and to control any surface water run-off

into public highway.

5) There shall be no advertisement /signage advertising the approved hand car wash to the general public outside the development site and any advertisements / signage on the development site itself must be aimed at attracting the customers of the retail shops on the site only.

Reason: To ensure that the proposed hand car wash is used only for the customers of the existing retail shops within the site, to minimise the impact on the amenities of the local residents in the area and to ensure the proposed use is not prejudicial to the free flow of traffic on the adjoining highways.

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

Informative:

1) Thames Water has recommended that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The proposal involves the following: 44sq.m. of the existing 400sq.m. of service yard.

- Change of use of part (i.e. ~ 44sq.m.) of the existing (400sq.m.) forecourt/servicing yard to a new hand car wash facility (sui generis) to provide hand car wash service for only the customers of the retail shops within the site and utilising existing vehicular access/egress point of the site.
- Installation of a cantilevered car wash canopy over the car wash bay comprising colour coated steel frame with fabric roof.
- Erection of a new refuse, waste and recycling compound.
- The car wash is to be managed by the applicant who is also the leaseholder and occupier of the existing retail shops on the site.

4.2 Site and Surroundings

4.3 The application site (comprising retail shops and forecourt/servicing yard served with 2 vehicular accesses) is located in the railway arches under Limehouse DLR Station, accessed from Ratcliffe Lane to the south of the station. The site is prominent and is situated on the north side of Ratcliffe Lane at the junction with Branch Road (which is a TfL road carrying high volume of traffic).

4.4 The site is bounded by Limehouse DLR station on the north, Ratcliffe Lane and John Scurr House (a residential Block of flats) on the south, Bekesbourne Street on the west and Branch Road on the east.

4.5 Ratcliffe Lane is a small lane between Branch Road and Butchers Row comprising mix of residential and commercial units.

4.6 The application site/arches are not listed. However, the viaduct to the east of the application arches is Grade II Statutory Listed structure. The site is also located within the York Square Conservation area.

4.7 Planning History

4.8 The site has long planning history. However, the following is most relevant to the proposal:

4.9 **WP/91/00174** – On 25th March 1993, full planning permission was granted for a *change of use to a garden centre*.

4.10 **PA/11/01411** - On 2nd September 2011, full planning permission was granted for the *installation of new shop front with an awning and roller shutter to existing railway arches and associated landscaping works to the forecourt*.

4.11 **PA/11/01412** - On 2nd September 2011, advertisement consent was granted for the *Display of one internally illuminated fascia sign measuring 16m x 0.6m located above new shop front at the railway arches*.

4.12 The application site which was originally a garden centre, following the planning permission granted for the above ref: **PA/11/01411 & PA/11/01412** was refurbished and changed to retail shops for which planning permission was not required as the previous and new use both falls within the same use classes order.

4.13 **ENF/12/00022** - During the course of the current application ref: PA/11/02704 being assessed, drainage work for the proposed hand car wash within the application site commenced. The unauthorised works was brought to the attention of the Council's Enforcement Officer in February 2012, which resulted in an investigation where the applicant was advised that any further work would be at their own risk and may be subject to further enforcement action if permission was not granted. The applicant agreed to stop the work until the necessary consent is secured.

4.14 Recent site visit (i.e. on 18/06/2012) confirms that no further works has taken place on site since February 2012.

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 Policy:

- National Planning Policy Framework

5.3 London Plan 2011:

- 6.12 - Road Network Capacity
- 7.4 - Local Character
- 7.15 - Reducing Noise and Enhancing Soundscapes

5.4 Adopted Core Strategy (September 2010)

- SP03 - creating healthy and liveable neighbourhoods
- SP04 - Creating Green and Blue Grid
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durables places

5.5 Unitary Development Plan (as saved policies 1998)

- DEV1 - Design Requirements
- DEV2 - Environmental Requirements
- DEV9 - Control of Minor Works Within the Borough

- DEV27 - Conservation Areas
- DEV50 - Noise
- T16 - Traffic Priorities for New Development

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

- DEV1 - Amenity
- DEV2 - Character and Design
- DEV10 - Disturbance from Noise Pollution
- DEV17 - Transport Assessments
- CON2 - Conservation Areas

5.7 **Managing Development: Development Plan Document (Submission Version May 2012):**

- DM20 - Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environment

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 (LBTH) - Transportation and Highways

6.3 Comments on the Original Plans submitted

Initially, LBTH Transportation was concerned that there will be too much intensity of use in a small service yard area by the intended servicing vehicles for the permitted retail units, the car parking and the car-wash + vehicles. There is also concern about the spill-over onto the highway of waiting vehicles due to proximity of the site adjoining Branch Road (which is part of Transport for London Road Network).

However, following confirmation from the applicant's agent that the two small retail units on site would only be used as retail shops and not wholesale. The retail units will be serviced by a single Ford 4 wheel transit van for deliveries and collection purposes and that there would be no bulk deliveries by suppliers in large vehicles. The other traffic to and from the site will be only from the retail units customers collecting /picking up produce purchased at the stores in private cars. There will be no permanent vehicle parking facilities on site and the proposed provision of a single hand carwash bay will only be for the use of the customers of the retail shops on the site which can be conditioned if required.

LBTH Transportation is now satisfied with this arrangement and suggests that temporary 1 year planning permission for hand car wash can be granted, this will allow adequate time to monitor and review the proposal.

Officer's Comments - If the recommendation for the application is to grant consent. It would be subject to temporary planning permission for 1 year to monitor and review the proposal.

London Borough of Tower Hamlets - Environmental Health (EH) - Noise and Vibration

- 6.4 Initially LBTH Environmental Health raised concern over the noise impact of the proposal. However, following further response received from the applicant's agent on the above noise issues raised by EH. EH is now satisfied that the proposal can be considered acceptable subject to temporary planning permission granted for 1 year with no signage for hand car wash in and around the application site.

Transport for London (TfL)

- 6.5 "TfL does not believe the proposal would have an unacceptable impact on the Transport for London Road Network (TLRN)." As such, they have confirmed following the review of the documentation for the planning application, and that Transport for London does not object to the planning application.

Thames Water

- 6.6 A letter has been received from Thames Water saying that Thames Water has its own proposals for use of the land adjoining the application site as part of the Thames Tunnel project. The letter requests the Borough to be mindful of the potential consequences of its implication on Thames Tunnel proposals at this location. It further says that the land at the junction of Bekesbourne Street and Radcliffe Lane would be required to site an electrical and control kiosk for the works proposed to the Holloway Strom Relief CSO in Bekesbourne Street.

Officer's Comments – Thames Water intended future plan for the land adjoining the application site is noted. The temporary planning approval for 1 year will not be prejudicial to the future plan of Thames Water which would be subject to Dockland Light Railway approval.

Dockland Light Railway (DLRL)

- 6.7 Dockland Light Railway did not raise any objections to the proposed change of use to hand car wash facility.

Strategic Planning

- 6.8 LBTH Plan delivery section has a regeneration programme for the area in which the proposed forms a part. However, it is considered that if temporary 1 year planning permission is granted for the proposed hand car wash use on the application site, it will not prejudice the future regeneration programme for the area.

7. LOCAL REPRESENTATION

- 7.1 This application has been subject of two consultation exercises.

On 10/11/2011, a total of 74 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was displayed and the application was also advertised in the local News Paper "East End Life".

On 28/06/2012, further re-consultation in respect of revised plans/information was carried out.

In total 105 representations have been received of which 94 are in favour and 10 objection letters and 1 petition (containing 64 signatures) are objecting to the proposal.

- 7.2 The objections to the proposal are raised on the grounds of current issues faced by the residents in Ratcliff Lane and these mainly relate to the following:

- Car repair problems on the road side and pavement causing difficulty for other cars to pass through the Ratcliffe Lane.
- Ratcliffe Lane being a one-way street is often used by cars the wrong way to cut through traffic going into the Rotherhithe tunnel.

- Ratcliff Lane is also experiencing large number of car traffic, car speeding, car parking, limited residents parking, pedestrian safety and noise problems.

The residents are worried that if the proposal is allowed it would exacerbate the existing problems in Ratcliffe Lane and would also give rise to additional problems such as increase in pollution, passers-by sprayed by chemicals and water from car wash, dirty water coming out from car wash forecourt, chemical used by car wash entering drains and late opening hours.

7.3 Officer's Comments – *The issue raised above would be considered in more detail under various sections of the Material Planning Considerations of this report.*

7.4 In total 94 letters of support have been received from residents in John Scurr House in Ratcliffe Lane and other Street/Road/Avenue/Garden/Place/Square located in the borough.

In summary the ground for support are as follows:

- The site has been derelict for sometime and is in desperate need of regeneration/modernisation.
- The residents have experienced different unauthorised businesses opening up on the site.
- The site has been used by local drug addicts and alcoholics which is a danger to the children and the local community.
- As such the proposed car wash will benefit everyone in the area.

7.5 The majority of the support for this application has come from the residents living outside the consultation area for this application.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main issues in consideration of this application involves:

- Land Use
- Noise
- Highways
- Design
- Amenity

8.2 The Proposed Land Use Of the Site

The site at present comprises retail units, raised platform and a forecourt to be used as a service yard for the shops. The permitted use of the site is therefore retail (Use Class A1) with the forecourt to be used as an ancillary service yard for the retail shops. The proposed hand car wash to occupy part of the west side of the servicing yard (i.e. near the raised platform) would change its use to "sui generis".

The revised plan (drawing no. 1013/04 revision B received on 17/07/2012) indicates that the proposed car wash facility (comprising car wash bay with all car wash facilities within it and refuse, waste and recycling compound) would occupy approximately 44sq.m. of the existing 400sq.m. of service yard. This indicates that only a small amount of the servicing yard would change to the proposed hand car wash service use, whilst the remaining service yard is considered to be sufficient to meet the servicing needs of the retail shops, which would be served by small transit size vehicles.

The application site according to the Council's Managing Development: Development Plan Document (Submission Version May 2012) policy DM23 (2) indicates that the site falls within emerging Limehouse Station Transport interchange Area (TIA) Renewal Plan. Therefore, the aim and objectives of the plan in the short term (i.e. within 3 years) is to develop a plan in co-

operation with Design for London (DfL), Transport for London and Network Rail to promote sustainable transport option for all journeys, including local shopping trips, reducing traffic pollution and carbon emissions from unnecessary motorised vehicles trips and related activities in the area.

As such, the proposed hand car wash due to its small size (44m²) and its ancillary function is considered appropriate in this instance for a temporary period of one year. This will allow the Local Planning Authority to assess the full impact of the proposal on the application site, the public realm and the area in line with emerging Limehouse station TIA Renewal Plan, amenity of the neighbouring occupiers and adjoining highways. Furthermore, a condition will be attached to control the hours of operation of the proposed hand car wash.

8.3 **Noise**

Saved policies DEV2 and DEV50 of the Unitary Development Plan 1998 and policy DM25 of the Managing Development: Development Plan Document (Submission Version May 2012) seeks to protect the borough and local areas from noise.

The site is located within and in close proximity to noise generating land uses with the exception of a John Scurr House (a residential block of flats) on the south side of the application site.

The vehicles to be cleaned will be private cars and small commercial vehicles. It is anticipated that the single bay operation that will only handle 1 vehicle at a time.

With regards to the noise objections raised by the local residents, it should be noted that the site is surrounded by the noise generating land uses such as Lime House DLR station above, Branch Road (a very heavily traffic Road), Ratcliffe Lane and Bekesbourne Street (residential road) with various commercial uses.

With regards to noise generation, the proposed car wash operation would be operated manually comprising 1 car wash bay. It will utilise some mechanical equipment; a static cold pressure cleaner unit and a commercial vacuum cleaner, and the maximum sound output has been considered satisfactory by the Council's Environmental Noise and Vibration Officer. Therefore the hours of car wash operation will ensure that the proposed use does not amount to exacerbating the existing noise level. This sound level should be considered in the context of the existing urban environment comprising nearby intensive noise highway network and railway station on the busy DLR line. It is considered that the noise level of the proposed car wash operation will not therefore adversely affect the local residents.

8.4 **Transportation/Highways**

The application site at present has 2 vehicular accesses on Ratcliffe Road frontage of which the one that is closer to the Branch Road junction (i.e. on the east side) will provide vehicular entry into the site and the one further away from Branch Road (i.e. on the west side) will provide exit out of the site. The proposed hand car wash would utilise the existing 2 vehicular access for the entry and exit in the manner it is currently used by the existing retail shops on the site.

The revised plan (drawing no. 1013/04 revision B received on 17/07/2012) indicates that the proposal would provide one car wash bay and it is now to be located on the west side (i.e. against the raised platform) of the servicing yard/forecourt of the existing retail units on the site. The new car wash bay would be 4m wide x 8m long and would retain 4.2m space between the car wash bay and the side boundary of the site fronting Ratcliffe Lane to allow passage for the vehicles to exit the site through the existing vehicular access on the west side of the site.

The revised plans car wash on Transportation/Highways grounds are considered to be acceptable and satisfactory and its use would not give rise to any significant servicing and

congestion problems within the site.

8.5 **Design**

Canopy

The proposed car wash facility will comprise a fabric covered lightweight galvanised steel framed enclosure open on 3 sides with a vertical fabric screen on the boundary fence side to prevent water spray from spreading through the fence onto the highway. The proposed canopy would have maximum ridge height of 3m and free-standing support structure with open eaves would have a height of 2.4m. The scale of this element is entirely consistent with the significant scale of the viaduct and the station structures and buildings against which the new canopy structure will be set. The proposed canopy would be located behind the existing security fence to the boundary of the site with the viaduct and station setting behind which characterises the built-up urban scale of the site and its setting. The proposed canopy is not considered to have any significant impact on the general appearance of the site and the locality.

8.6 **Amenity**

In respect of residential amenity number of objections has been received from residents of John Scurr House and residents living in the immediate area of the application site. The objections raised to are on the grounds that the proposed hand car wash would add to the following existing situation on Ratcliffe Lane:

- Car repair problems on the road side and pavement causing difficulty for other cars to pass through the Ratcliffe Lane.
- Ratcliffe Lane being a one-way street is often used by cars the wrong way to cut through traffic going into the Rotherhithe tunnel.
- Ratcliffe Lane is also experiencing large number of car traffic, car speeding, car parking, limited residents parking, pedestrian safety and noise problems.

With regards to increase in pollution objections raised by the resident of Ratcliffe Lane (including John Scurr House). It is the Council's aims and objectives under the Transport Interchange Area Renewal Plan, in conjunction with Design for London (DfL), Transport for London and Network Rail to promote sustainable transport option for all journeys, including local shopping trips, reducing traffic pollution and carbon emissions from unnecessary motorised vehicles trips and related activities in the area.

At present Ratcliffe Lane has parking restrictions imposed by single and double yellow lines and parking bay restrictions. Therefore any breach of these parking restrictions would be subject to highway penalties and would discourage unauthorised parking on the road.

The proposal has been consulted with the Transport for London and Council's Transportation/Highways officer and they have no objection to the proposed Hand Car Wash. It is suggested that the proposal shall be granted a temporary planning permission for 1 year so that its impact on amenities of the local residents and area can be assessed.

Given the mitigation that will be provided by the planning conditions listed in paragraph 3.4 of this report, the proposed development would not result in an unduly detrimental loss of amenity for the neighbouring residential occupiers. The proposal is in accordance with policies DEV2 and DEV50 of the Unitary Development Plan, in terms of general activity and noise disturbance to nearby residents. The erection of the canopy and metal railings along the site boundary would have no adverse impacts upon the character and appearance of the area and as such, the development is in accordance with Core Strategy Policy SP10, policies DM24 of the Managing Development DPD (submission version May 2012), and saved policy DEV 1 of Tower Hamlets Unitary Development Plan (1998), which seek to ensure good design within the Borough.

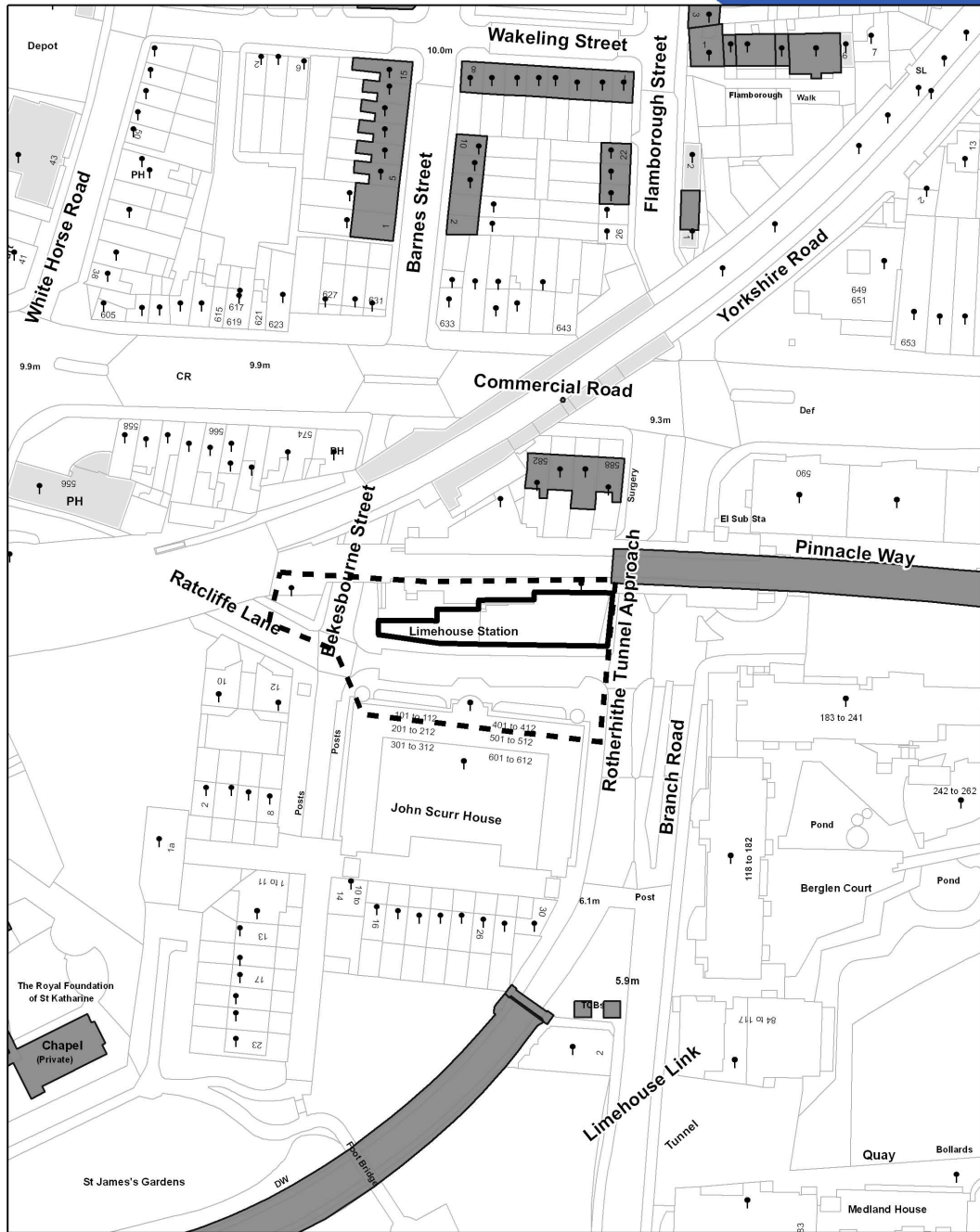
Other Issues

Officers consider that from an enforcement and monitoring perspective there is some difficulty in trying to restrict the use of the hand car wash for the customers of the retail shops on the application site only (as intended by the applicant). Notwithstanding this, it can be controlled to some degree by preventing the applicant advertising the hand car wash outside the application site, and a condition to this effect can be attached to the permission if granted. The proposed car wash without the advertising outside the application site and because of its location on the west side of the site against the raised platform and enclosed by boundary fencing and gates, would not be so readily visible/inviting for the passers-by on the adjoining highway to enter the site for a hand car wash.

9.0 CONCLUSIONS

- 9.1 All other relevant policies and considerations have been taken into account. Temporary Planning permission for 1 year should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	1:1,250 0 15 m
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 8

Committee: Development	Date: 22 nd August 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: 22 nd August 2012	Classification: Unrestricted	Agenda Item:
Report of: Corporate Director of Development and Renewal		Title: Listed Building Application	
Case Officer: Nasser Farooq		Ref No: PA/12/01672	
		Ward: Mile End and Globe Town	

1.0 APPLICATION DETAILS

1.1 **Location:** Professional Development Centre, English Street, London, E3 4TA

Existing Use: The Professional Development Centre (PDC) which provides a base for school-focused activities and training for teachers and managers.

Proposal: Listed Building Consent for the refurbishment, repair and alteration of existing buildings together with the provision of external canopies in order to provide new primary school & nursery facilities to create an annex site for Bonner Primary School.

Documents:

- Design and Access Statement dated May 2012 prepared by Camal Architects and Designers
- Heritage Statement dated May 2012 prepared by Camal Architects and Designers

Drawing Nos: 001A, 010A, 020A, 050A, 051A, 052A, 053A, 100A, 101A, 102A, 103A, 110A, 111A, 112A, 113A, 150A, 151A, 152A, 160B, 161A and 162A.

Applicant: Tower Hamlets- Children, School and Families Directorate.

Owner: LBTH

Historic Building: Grade II Listed.

Conservation Area: Ropery Street 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 London Borough of Tower Hamlets Unitary Development Plan, the adopted Core Strategy Development: Development Plan Document 2025, the Managing Development: Development Plan Document (submission version 2025) the Council's Interim Planning Guidance (2007) and associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

2.2 1. The proposed works contribute to the long-term preservation of the

building by the various repair and replacement works and preserve the special character and appearance of the grade II listed building. As such, the proposal accords with the aims of policy 7.8 of the London Plan (2011), policy SP10 of the adopted Core Strategy (2010), saved policy DEV37 of the adopted Tower Hamlets Unitary Development Plan (1998), and policy DM27 of the Managing Development Submission Version (2012), which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

RECOMMENDATION

3. That the Committee resolve to refer the application to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out below.
 - 3.1
 1. Time Limit.
 2. Completed in accordance with approved drawings.
 3. Details of all Joinery and guttering
 4. Cross-section drawings
 5. Details of the proposed colour to the conservatory structure.
 6. All materials/ finishes to match existing unless specified on submitted drawings.

4. BACKGROUND

- 4.1 This application for Listed Building Consent is required for proposed works to the Professional Development Centre (PDC) as part of it's reversion back to a school. The building is Grade II Listed, and is owned by the Council. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.
- 4.2 The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Listed Building Consent, were it empowered to do so itself.
- 4.4 There is also an concurrent planning application for the external works and proposed canopies. This application can be determined by the Council under its scheme of delegation. A recommendation to approve the planning application has been made and a decision should go out post this committee date.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 Listed Building Consent for the refurbishment, repair and alteration of existing buildings together with the provision of external canopies in order to provide new primary school & nursery facilities to create an annex site for Bonner Primary School.

Site and Surroundings

- 5.2 The application site is a former public elementary school site consisting of a large
- 5.3 4-5 storey main building built around 1904 and a smaller 2 storey education building built earlier in 1874. The main building referred to as Block A in the application is currently utilised as a Professional Development Centre (PDC). Block B is primarily used as a storage area.
- 5.4 Both buildings are grade II listed.
- 5.5 English Street running perpendicular to the northern boundary of the site provides the main access to the PDC although other access gates exist to the southern boundary of the site at Ropery Street
- 5.6 The site is also located within the Ropery Street Conservation Area which was designated in 1987. The Conservation Areas main characteristic is the uniform group of terraces, dating back to the mid-late 19th century.
- 5.7 Residential properties are located to the north, south and west of the site. Tower Hamlets Cemetery is located to the east of the site across Southern Grove Road.

Relevant Planning History

- 5.8 PA/12/01671

This is the associated full planning application. A decision will be made following this committee.

- 5.19 In addition to this application, the earliest applications on the site are from 1991 and there have been a number of planning and listed building applications since 2000. However, these were for relatively minor works which are not relevant to the current proposals.

6. POLICY FRAMEWORK

- 6.1 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:

6.2 Spatial Development Strategy for Greater London (London Plan 2011)

7.8 Heritage assets and archaeology

6.3 Core Strategy Development Plan Document (adopted 2010)

Policies: SP10 Creating distinct and durable places

6.4 Unitary Development Plan 1998 (as saved, 2007)

Policies: DEV1 Design requirements
DEV37 Listed Buildings

6.5 Managing Development DPD (Submission version 2012)

DM27 Heritage and the historic environment

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

Policies: DEV2 Character and Design
 CON1 Listed Buildings

6.7 Government Planning Policy Guidance/Statements

NPPF National Planning Policy Framework

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

A better place for living well

7. CONSULTATION RESPONSE

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

English Heritage

7.2 English Heritage welcomes the proposed works which will help to convert the buildings back to full school use. In particular English Heritage welcomes the proposals with regards to the principal classroom spaces which seek to retain the impressive proportions whilst undertaking essential repairs

7.3 It is important that suitable conditions are attached to any permission with regard to the requirement for details of the works.

7.4 *Officer comment: the comments made by English Heritage have been noted, and conditions have been recommended to ensure the details of the works and new materials are sympathetic to the historic fabric of the Listed Building.*

8. LOCAL REPRESENTATION

8.1 A total of 146 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. No letters of representation have been received in support or objection to the proposals.

N.B Two objection's have been received from the concurrent planning application. However, these relate primarily to land use involving the conversion from a Professional Development Centre back to a school. Given, both uses fall within the same use class (D1) and as such, there are no land use considerations in these applications.

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any

features of special interest.

- 9.2 The main issue for Members' to consider is whether the proposed works are appropriate in this respect.

Design and Impact on the Listed Building.

- 9.3 London Plan (2011) policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 9.4 Adopted Core Strategy Policy SP10 seeks to protect and enhance the boroughs Heritage Assets.
- 9.5 Saved policy DEV37 of the Unitary Development Plan 1998 (UDP) states that proposals to alter listed buildings or structures will be expected to preserve the special architectural or historic interest of the building. In particular, it requires that alterations retain and repair original architectural features and that any works are undertaken with traditional materials. This is further reinforced by policy DM 27 of the Managing Development DPD and Policy CON1 of the Interim Planning Guidance October 2007 (IPG).

External Works

- 9.6 The external works consist of the erection of three canopies in the playground around block B. These measure around 4m by 5m and around 2.7m in height.

Block A

- 9.7 The main internal alterations to Block A consist of additional toilets, partitions, openings and doors. These are required to modernise the facility for its potential use.
- 9.8 Externally, new fenestration and doors are proposed to the ground floor entrance on the west elevation. The windows and doors to be removed are non-original. The proposed fenestration matches the rest of the building and will ensure a consolidated appearance.

Block B

- 9.9 Externally a new entrance lobby measuring 5m in width by 4m in depth with a height of around 2.7m, This will be affixed to the Grade II listed building and will provide sheltered entrance into the school and also to a classroom which is externally accessed in the current arrangements.
- 9.10 Internally, new toilets, new access lift and stairs are proposed. These will make greater use of the first floor. A site visit revealed that the staircase is to be located in a location where one existed previously.
- 9.11 Other works include new door openings and doors. All the above works are necessary to modernise the building for its proposed use as a nursery.
- 9.12 All these works have been subject to detailed discussions with the Councils Listed

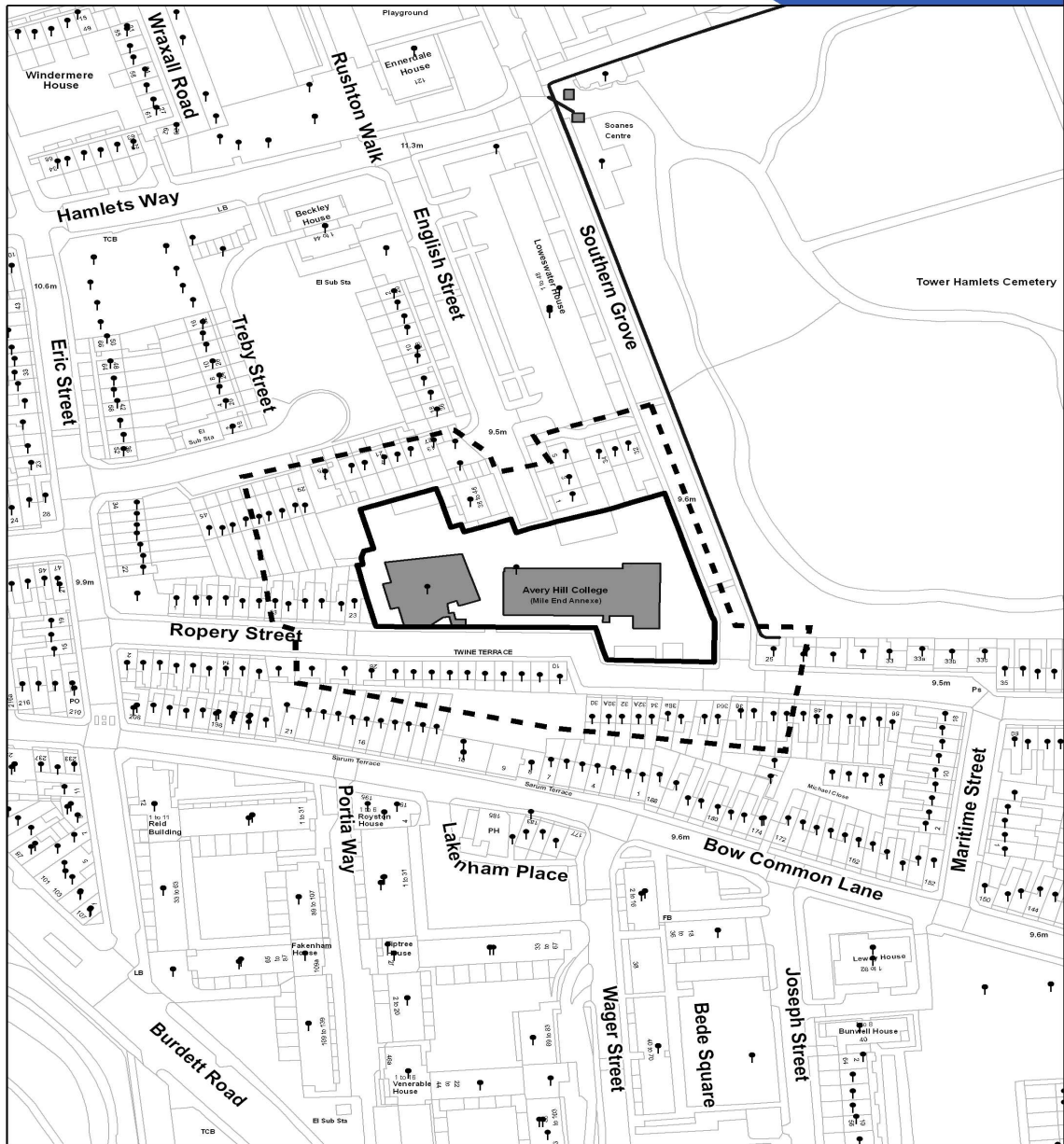
Building Officer and English Heritage including site meetings, both are supportive of the works which are proposed in a sensitive manner.

- 9.13 Overall, the proposed works contribute to the reversion of the buildings back to their former use. The proposed canopies, entrance lobby and fenestration are considered to preserve the special character and appearance on the Grade II Listed Buildings. As such, the proposal accords with the aims of policy 7.8 of the London Plan (2011), policy SP10 of the adopted Core Strategy (2010), saved policy DEV37 of the adopted Tower Hamlets Unitary Development Plan (1998), and policy DM27 of the Managing Development Proposed Submission Version (2012), which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

10.0 CONCLUSION.

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


Planning Application Site Map



-  Planning Application Site Boundary
-  Consultation Area

-  Locally Listed Buildings
-  Statutory Listed Buildings

-  Land Parcel Address

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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 8.2

Committee: Development	Date: 22 nd August 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Application for Listed Building Consent Ref No: PA/12/00787	
Case Officer: Angelina Eke		Ward(s): Bromley By Bow	

1. APPLICATION DETAILS

Location:	Bromley Public Hall, Bow Road, London E3
Existing Use:	Registry Office (B1)
Proposal:	Works to 5 no. ground floor panelled doors consisting of the removal of the top two timber panels and replacement with two glazed toughened glass panels (with bevelled edges) in order to improve visibility and the security to the office rooms.
Drawing Nos:	§ A3 sheet showing the proposal plus floor plan of the proposal
Supporting Documents:	§ Existing doors at Bromley Public Hall § Photograph of existing door § Annotated photographs of existing doors § Schedule of works in email format dated 17 th April 2012
Applicant:	London Borough of Tower Hamlets
Owner:	London Borough of Tower Hamlets
Historic Building:	Grade II Listed
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Proposed submission version 2012), the London Plan 2011 and the National Planning Policy Framework and has found that:

- (a) The works proposed would have no significant impact upon the fabric and integrity of the listed building, which accords with Policy SP10 of the adopted Core Strategy (2010), saved policies DEV1 and DEV37 of the Unitary Development Plan (1998), policies DM24 and DM27 of the Managing Development DPD Submission Version May 2012 and policies DEV2 and CON1 of the Council's Interim Planning Guidance (2007) and advice given in the National Planning Policy Framework. These policies seek to ensure that alterations to listed buildings do not have an adverse impact on the character, fabric and preserve the special historic character of the listed building.

3. RECOMMENDATION

3.1 That the Committee resolve to refer the application to the Government Office for The West Midlands with the recommendation that the council would be minded to grant Listed Building Consent subject to conditions as set out below:

3.2 1. Time Limit

2. Application in accordance with submitted plans.
3. All works to match the existing works

Informative on Listed Building Consent

3.3 N/A

BACKGROUND

This application for Listed Building Consent is required for proposed works to the Bromley Public Hall to improve surveillance to the office/public spaces. The building is a Grade II Listed, and is owned by the Council. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.

The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.

The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Listed Building Consent, were it empowered to do so itself .

4. PROPOSAL AND LOCATION DETAILS

The Proposal

- 4.1 The application proposal seeks listed building consent for alterations to five existing timber panelled doors at ground floor level to improve surveillance to the office/public spaces.

Site and Surroundings

- 4.2 Bromley Public Hall is a two storey detached grade II listed building on the southern side of Bow Road. The building dates from mid 19th century and was listed on 27th September 1973. The building is used as a Registry office (Class B1).
- 4.3 The original building was constructed in brown London stock bricks and the façade facing Bow Road is stone faced with balustrade parapet to roof and to the first floor. The main roof is not visible from the street level and is constructed with hip roof in slate finish. The roof is concealed behind the stone balustrade parapet.
- 4.4 The main stone-faced symmetrical facade facing Bow Road consist of ten windows that are paired. The central bay consists of a central arch and the porch is accessed through a series of steps. Architectural features such as Corinthian pilasters are present between the first floor windows and composite pilasters between those of ground floor windows on either side of the main entrance.
- 4.5 The northern curtilage of the site adjoins Fairfield Road Conservation Area, although the site itself is not located within the conservation area.

Relevant Planning History

- 4.6 Under PA/11/00341, listed building consent was granted for internal works to be carried out at basement, first floor and second floor level. Provision of works to include installation of new internal timber staircase to extend from first floor to second floor, removal of partitions at basement and second floor. Installation of internal shutters, reconfiguration of kitchen

and associated general works.

4.7 Under planning references PA/89/00014 Planning permission was granted on 04/07/1989 for building to provide accommodation for the registrar of births, deaths & marriages on the basement and ground floors, together with a continuing use of the Main hall for reception meetings new staircase for disabled access to all floors by lift and toilet facilities new extension to west elevation

4.8 Under planning references PA/99/01160 Listed Building Consent was granted on 14/01/2000 for alterations in connection with the conversion of first floor hall to create a marriage and waiting room.

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

N/a

5.3 Adopted Core Strategy 2025 Development Plan Document (September 2010)

SP10 Creating Distinct and Durable Places

5.4 Unitary Development Plan 1998 (as saved September 2007)

DEV1 Design Requirements
DEV37: Alterations to Listed Building

5.5 Managing Development Plan Document Submission Version May 2012

DM24 Place Sensitive Design
DM27 Heritage and Historic Environment

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

DEV2 Character and Design
CON1 Listed Building

5.7 Government Planning Policy Guidance/Statements

NPPF 2012 National Planning Policy Framework

5.8 Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

A Great Place To Be
Safe and Supportive Communities

6. CONSULTATION RESPONSE

English Heritage

6.1 No objection was raised.

7. LOCAL REPRESENTATION

- 7.1 13 neighbouring notification letters were sent out to the properties shown on the map appended to this report, a site notice was posted adjacent to the site on 14th June 2012 and a press notice published 18th June 2012. No objections have been received to date.

No of individual responses: 0 Objecting: 0 Supporting: 0
No of petitions received: 0

8 MATERIAL PLANNING CONSIDERATIONS

- 8.1 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.

The main issue for Members' to consider is whether the proposed works are appropriate in this respect.

Land Use

- 8.2 The application building is a Council's own building used as a Registry office. The proposal raises no land use implications.

Design

- 8.3 The historic environment can enhance the quality of life for those who live and work in the area. Paragraph 132 in the National Planning Policy Framework makes it clear that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation.
- 8.4 Adopted Core Strategy policy SP10 encourages development that preserves and enhances development, the heritage value of a building, and the immediate and surrounding environment. Policy DEV24 of the Managing Development DPD Submission Version May 2012 promotes the use of high quality materials and finishes. Where proposals involve alterations to a heritage asset, Policy DEV27 of the Managing Development DPD Submission Version May 2012 seek to ensure that such works do not adversely affect the character, fabric or setting of the heritage asset.
- 8.5 Saved Policy DEV 1 of the Unitary Development Plan (UDP), requires new development to take account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. In terms of heritage buildings, Saved policy DEV37 of the adopted UDP requires alterations to listed building to preserve the special architectural and historic interest of the building. This policy specifically requires that alterations retain original external and internal architectural features where appropriate employing the use of traditional materials.
- 8.6 Policy DEV2 and CON1 of the Interim Planning Guidance (2007) reiterate the aims to preserve and enhance the character and appearance of designated consideration areas.
- 8.7 The application seeks listed building consent for minor alteration works to five existing timber panelled doors, which form part of the office accommodation. The office rooms linked to the doors are used in connection with interviewing members of the public, who also use the rooms to view and inspect public records. At present the visibility and surveillance into these office rooms are limited.
- 8.8 The provision of glazing to infill the top two timber panels of each of the doors will enable greater permeability of the public areas. The proposal does not affect the existing beading or

moulding details on the doors as these are to be re-used.

- 8.9 English Heritage and the Council's Design and Conservation Team were consulted about the proposal. No adverse comments were raised.
- 8.10 The alteration works proposed to the internal doors will not have a detrimental impact on the fabric of the listed building. As such the works accord with policy SP10 of the adopted Core Strategy (2010), saved policies DEV1 and DEV37 of the Unitary Development Plan (1998), policies DM24 and DM27 of the Managing Development DPD Submission Version May 2012 and policies DEV2 and CON1 of the Council's Interim Planning Guidance (October 2007) including government guidance within the National Planning Policy Framework. These policies and guidance seek to ensure that alterations works to heritage assets do not adversely impact on the special character and interest of a listed building or its setting.

Amenity

- 8.11 The application proposal has no impacts on amenity

Transport and Highways

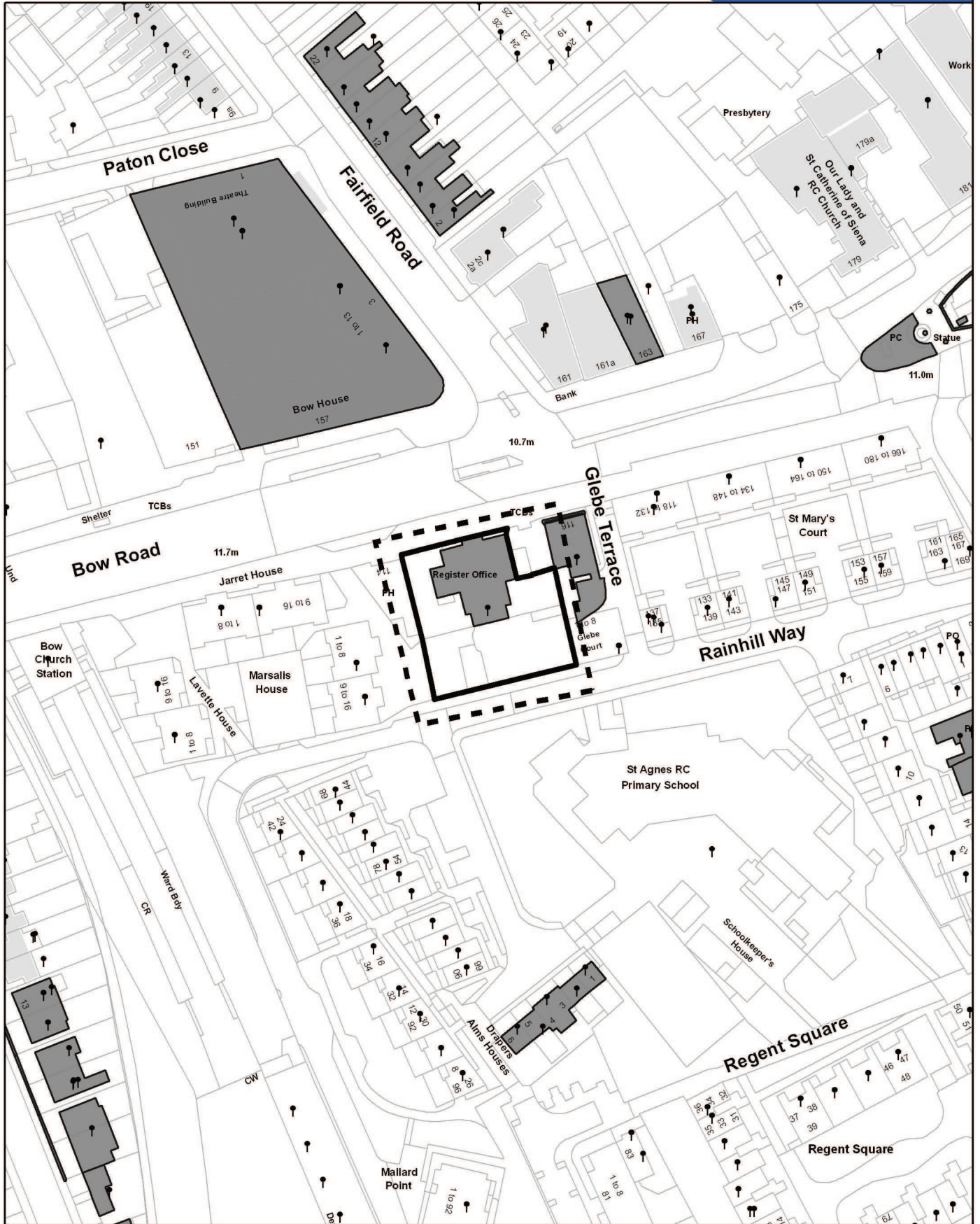
- 8.12 The application has no highway implications.

CONCLUSION

- 8.13 All other relevant policies and considerations have been taken into account The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent for the reasons set out in the summary of material planning considerations and the details of this 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

Consultation Area

Statutory Listed Buildings



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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 8.3

Committee: Development	Date: 22 August 2012	Classification: Unrestricted	Agenda Item Number:
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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/11/02150

Site:

745 Roman Road E2 0HU

Conversion of existing building to provide 4x1 bed flats along with the erection of a mansard roof extension.

Decision:

**REFUSE PLANNING PERMISSION
(delegated decision)**

Appeal Method:

WRITTEN REPRESENTATIONS

Inspector's Decision

DISMISSED

- 3.2 The appeal property is a three storey plus basement building which forms part of a terrace of similar properties, located within the Globe Road Conservation

Area. The Planning Inspector agreed with the Council's view that the proposed roof extension would have preserved the character and appearance of the conservation area and considered the main issues to be

- Whether the proposed flats would provide acceptable living conditions
- The affect of the proposal on overall housing supply
- Whether the proposal provided adequate cycle storage

- 3.3 On the first issue, whilst the Inspector acknowledged that the flats might be occupied by single persons, he was very concerned about the quality of the space provided and that occupation by two people would have made the flats even more cramped.
- 3.4 In terms of housing supply, the Inspector was concerned that the proposal only provided for 1 bed units and he did not accept the appellants argument the property was not suited to family occupation.
- 3.5 Finally, based on the poor level of information provided by the appellant, the Inspector was not satisfied that there was adequate space for cycle storage.
- 3.6 The appeal was DISMISSED. This is a worthwhile outcome in that it post dates the introduction of the National Planning Policy Framework and gives an indication of Inspector's willingness to take fully account of local circumstances and policy when that policy is up to date and suitably relevant.

Application No:	PA/11/02677
Site:	110 Whitechapel Road E1 1JE
Site:	Proposed variation of condition controlling hours of use of a restaurant.
Council Decision:	REFUSE PLANNING PERMISSION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.6 This appeal is a 4 storey terraced property situated on the south side of Whitechapel Road, within the Whitechapel Market Conservation Area. The current condition imposed limits hours of use up until 23.00 hours on any day and the appellant applied to vary the hours until 01.30 hours on Fridays and Saturdays and until 00.30 hours on Sunday through to Thursday
- 3.7 The argument in this case revolved around consistency of approach (in terms of hours of use along this part of Whitechapel Road) and the Planning Inspector recognised that the Council was trying to strike a suitable balance between allowing beneficial commercial uses of premises whilst protecting the amenity and conditions of residents living nearby. The Inspector was content that the previously imposed condition met the balance requirement and did not give the appellant any scope to operate later into the evening and into the early morning on a trial period. He felt that local residents deserved some peace and quiet once local traffic died down later in the evening.
- 3.8 The appeal was DISMISSED. This again is a worthwhile decision and shows that the Council's approach, in terms of hours of use, even in town centres where a mix of commercial and residential uses predominate, is a recognised

as a suitable approach in planning terms.

Application No:	PA/11/03756
Site:	R/O 2-5 Hadrian Close, Old Ford, Bow E3
Development:	Display of a single internally illuminated advert panel
Decision:	REFUSE ADVERTISEMENT CONSENT (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.9 The main issue in this case was the impact of the proposed advertisement on the character and appearance of the area. The proposed advert would have been positioned on the outside bend on the busy East Cross Route. Whilst the Inspector accepted that the area was predominantly commercial in character, he noted that there were residential uses to the west. He concluded that the proposed advertisement would have been inappropriately intrusive and would have not "added appropriate colure and interest to a drab area" as suggested by the appellat

3.10 The appeal was DISMISSED.

Application No:	PA/11/02645
Site:	83-89 Mile End Road E1 4UJ
Development:	Installation of an externally illuminated fascia sign and an externally illuminated projecting sign with trough lighting.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRSENTAIONS
Inspector's Decision	DISMISSED

3.11 This property (known as Wickham House) is located within the Stepney Green Conservation Area and the main issue in this case was whether the proposed adverts would have preserved or enhanced the character and appearance of the conservation area.

3.12 The Inspector recognised that Wickham House is a unique, prominent and attractive building and that there are listed buildings present on the opposite side of Mile End Road. She felt that the size, material and fluorescent illumination with the extent of projection of the facia sign were unsympathetic to the age and design of Wickham House and detrimental to the character and appearance of the conservation area. She also felt that the signage would have unbalanced the appearance of the building as a whole and would have lent the ground floor facade an incongruous appearance.

3.13 The appeal was DISMISSED.

Application No:	PA/11/01678
Site:	123 Commercial Road E1 1RD
Development:	Conversion of first and second floor into self contained flats together with mansard roofs over 123 and 125 Commercial Road.

Decision:	APPEAL AGAINST NON DETERMINATION (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	SPLIT DECISION (Part ALLOWED - Part DISMISSED)

- 3.14 This appeal was made against the failure of the Council to determine the application within the required period. Whilst the Council was generally satisfied with the proposed conversion of the property, it was the proposed mansard extensions that were more on an issue for your officers. The property is located within the Myrdle Street Conservation Area.
- 3.15 The Inspector concluded that the mansard roof, which was proposed to straddle both 123 and 125 Commercial Road, would have failed to recognise the distinction between both these properties. He felt that the new roof would have significantly altered the architectural appearance of the property and would have overwhelmed the parapets of the buildings, seriously damaging their contribution to the character and appearance of the conservation area. He recognised the need for additional housing units, but did not feel that this outweighed the harm that would have been caused by the proposed mansard roof extensions.
- 3.16 The Inspector was satisfied on the planning merits of the conversion of the existing first and second floors as two self contained flats.
- 3.17 The appeal was part DISMISSED, part ALLOWED. Whilst local planning authorities can only produce "SPLIT" decisions in the case of applications for advertisement consent, the Planning Inspectorate is able to take such decisions in all cases. Whilst the Inspector considered the proposed conversion to be acceptable, it was always the form, design and principle of the proposed mansard roof extensions that were of concern to the Council.

Application No:	PA/11/02466
Site:	527 Roman Road, E3 5EL
Development:	Retention of double glazed uPVC windows
Council Decision:	REFUSE (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.18 This appeal related to four first floor windows on the front elevation of the appeal property, located within the Roman Road Market Conservation Area. The main issue was whether the replacement windows were harmful to the character and appearance of the conservation area.
- 3.19 The Inspector recognised that the appeal property commands a prominent position within the street and positively continues to the overall character and appearance of the conservation area. The Inspector felt that the use of uPVC in itself has a detrimental effect on the overall appearance of the building and the conservation area character.
- 3.20 The appeal was DISMISSED. The Council's Planning Enforcement Team will now seek to have the uPVC windows removed, with appropriate timber windows re-instated.

Application No:	PA/11/02255
Site:	61 Johnson Street E1 0AQ
Development:	Demolition of two storey end of terraced house and erection of new 5 storey development to provide 8 residential units.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.21 The main issues in this case were as follows:

- The impact of the development on the character and appearance of the area;
- Impact of the development on the amenity of neighbouring residential occupiers (privacy, daylight and outlook);
- The quality of living conditions for future occupiers of the development
- Sustainability policy compliance
- Impact of the development on the ability to operate the adjacent railway safely and efficiently

3.22 Whilst the Inspector acknowledged that there were taller buildings further south along Johnson Street, he felt that the existing terrace of housing in the vicinity of the appeal site provided a pleasing and intimate character. He was concerned that the proposed development would have significantly increased the height and bulk of the development and the sense of intimacy would have been lost he also conclude that the proposed 5 storey building would have created an abrupt jump in scale at both ends of the remaining terrace

3.23 He was also concerned about the proposed roof terrace, balconies and windows which would have overlooked Coburg Dwellings on Hardinge Street at a distance of some 12 metres. Given the overall height of the proposed development and the proximity and orientation of the proposed building, he was very concerned about the loss of daylight to the neighbouring properties along with an overbearing relationship, resulting in loss of outlook and privacy.

3.24 For similar reasons as outlined above, the Inspector was far from satisfied that the future residents of the development would enjoy adequate living conditions (especially privacy) he was also concerned about overall flat sizes and concluded that the development would have resulted in cramped forms of living accommodation. He was also concerned about the lack of evidence submitted to satisfy him that the close proximity to the elevation DLR tracks would have been acceptable and could have been suitably mitigated through the use of conditions.

3.25 In terms of sustainability and the relationship between the property and the DLR, the Planning Inspector did not have sufficient information for the appellant to determine whether the development was satisfactory in relation to policy requirements and objections received. He therefore had no basis to confirm that the development was not contrary to relevant policies.

3.26 The appeal was comprehensively DISMISSED.

Application No:	PA/11/02684
Site:	Site to the NE junction of Corbet Place and Hanbury Street, E1 6QL
Development:	Change of Use from warehouse to bar/restaurant and retention of existing premises as a bar/restaurant
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

- 3.27 By way of background, planning permission (2 years temporary) was granted back on November 2004, which had since expired. The Planning Inspector therefore determined that application as a proposed change of use, notwithstanding that the effects of the use were known – as the bar use had continued without the necessary planning permission.
- 3.28 Crucially, the Planning Inspector concluded that as the emerging Development Management DPD had still to be properly examined and in particular, the policy which allocates percentages to A3, A4 and A5 uses, he place limited weight on these emerging policies. The Inspector acknowledged that a balance needed to be struck between the importance of the Spitalfields evening economy and the impact of this activity on the amenities of residential occupiers in the vicinity of the site. The Inspector concluded that any antisocial behaviour within the area cannot be attributed to the appeal site alone and he referred to an email from the local police which stated that the site was not a venue that often comes up on their radar. He also noted that Corbet Place was not a late night venue – with the premises closing at 23.00 and that the position of Corbet place within the Truman Brewery complex may well limit its direct impact on local residents
- 3.29 The Inspector acknowledged the Council's concerns over percentages and the cumulative impact of further A3, A4 and A5 uses in the area. He argued that if these emerging policies were adopted, the number of such uses could be controlled following assessment of their individual merits. He noted the previous planning permission for the use and the continuation of the use over a number of years without objections.
- 3.30 Conditions imposed sought to control hours of use – up until 23.00 hours, restricted music and amplified music so as to be audible from the nearest residential properties and restricted the use of the open area to the south for sitting out, drinking or dining.
- 3.31 The appeal was ALLOWED. Whilst this decision is somewhat disappointing – the Planning Inspector looked specifically at the merits of this individual proposal and the history of the use of the site since the November 2004 planning permission. The issue will be further clarified following the Examination in Public into the emerging Managing Development Development Plan Document which is due to take place in September 2012.

Application No:	ENF/10/00513
Site:	124-126 Brick Lane E1 6RU
Development:	Appeal against enforcement action – erection of a ground floor extension.
Council Decision:	AUTHORISE ENFORCEMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS

Inspector's Decision**DISMISSED (Enforcement Action UPHELD)**

3.32 The property is included in the Brick Lane and Fournier Street Conservation Area. The Inspector was concerned that the extension the subject of the enforcement action could be visible from Hanbury Street. The extension consists of a raised deck which is enclosed by a back wall of the main restaurant on one side with crude plastic sheeting. He was satisfied that the extension strikes a discordant note as it is a totally inharmonious addition to the main building failing to preserve the character of the conservation area and the building itself. The Inspector was also satisfied that the period the Council required the structure to be removed (1 Month) was acceptable.

3.33 The appeal was DISMISSED and the Enforcement Notice UPHELD.

Application No:	ENF/10/00787
Site:	2 Midlothian Road E3 4SE
Development:	Appeal against Enforcement Action in respect of a rear and side extension
Council Decision:	INSTIGATE ENFORCMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED (Enforcement Action UPHELD)

3.34 The main issue in this case was whether the extensions were visually appropriate taking account of the character and appearance of the existing building and the designation of the site as Metropolitan Open Land.

3.35 The Inspector noted that the rear and side extensions of the property is partly supported by wooden posts along with rather flimsy wooden panelling, glazed sections and open sections. He concluded that in view of its poor design, height and materials, the extension is a markedly unsympathetic and at odds with the character and appearance of the existing building. He was also concerned that there were clear views of the structure when approaching from the north and from the paths leading through Mile End Park. He also concluded that the development is a harmful effect to the character of the immediate surroundings and to the location of the site on Metropolitan Open Land.

3.36 The appeal was DISMISSED and the Enforcement Notice UPHELD.

Application No:	PA/11/03394
Site:	197 East India Dock Road E14 0ED
Development:	variation of condition in respect of hour of use – allowing opening until 02.00.
Council Decision:	REFUSE – (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATION
Inspector's Decision	DISMISSED

3.37 THE Council had previously granted temporary planning permission to vary the hours of use of this establishment (back in January 2011) (allowing opening until 01.00 hours on Friday and Saturday nights and midnight – Sunday to Thursday. The application the subject of the appeal was to allow opening until 02.00 hours, seven days a week – in line with a recently approved Premises

Licence application. The main issue associated with this appeal was the impact of early morning opening on the amenities of neighbouring residential occupiers.

3.38 The appeal premises is currently in use as a restaurant and hot food take-away use, situated on the north side of East India Dock Road – on the fringe of the Crisp Street District Centre. The Planning Inspector was concerned about noise associated with the use, especially when background noise levels reduce after 23.00. he noted also that other restaurants and take-aways in the immediate vicinity advertise to close around 23.00 and 22.20 hours. He was concerned that noise from customers themselves in the street and from their associated transport would be likely to create unacceptable levels of noise and disturbance during the proposed extended hours of operation.

3.39 The Inspector noted the decision of the Council in terms of the Premises Licence (which granted a licence into the early hours) but the Planning Inspector acknowledge that this decision was made under different legislation and attached limited weight to this matter as a material consideration. During the appeal process, the appellant requested consideration of a further temporary planning permission or reduced hours. In both situations, the Planning Inspector considered that the originally imposed condition (up until midnight) should be maintained.

3.40 The appeal was therefore DISMISSED.

Application No:	PA/11/02790
Site:	Flamingo House, 163 Gosset Street, London E2 6NR
Development:	Erection of 4 dormer windows and a roof extension to create an additional habitable room to top floor flat.
Council Decision:	REFUSE – (Delegated Decision)
Appeal Method:	WRITTEN REPRESENTATION
Inspector's Decision	DISMISSED

3.41 The main issue in this case was the impact of the proposed development on the character and appearance of the property and the streetscene.

3.42 The appeal property is a two storey detached building situated at the junction of Gosset Street and Warner Place. There is a wide variation in the design of the dwellings including temporary appearance of the adjoin terrace. The Planning Inspector was concerned that the proposed development would have comprised alterations to the roof which would have increased its height, size and bulk and would have resulted in a roof that would have been disproportionate to the scale and character of the remainder of the property. He did not feel that the double level of dormer windows would have been characteristic of other buildings within the surrounding area.

3.43 The appeal was DISMISSED

Application No:	PA/11/03814
Site:	A12 – East Cross Route/Wick lane Road Bridge, London E3 2SD
Development:	Display of a LED landscape display unit (18mx4m).

Council Decision:
Appeal Method:
Inspector's Decision

REFUSE – (Delegated Decision)
HEARING
DISMISSED

3.44 The main issue in this was the impact of the proposed display on the character and appearance of the area. The site of the proposed advertisement was the Wick lane road bridge and would have faced north bound traveller on the A12. The Planning Inspector noted that the bridge, as currently viewed, welcomes open vistas into the distance and was concerned that the proposed advert would have closed off a significant proportion of the views and would have unduly enclosed the bridge and would have had an overwhelming impact on pedestrians and other road users. In conjunction with the other two existing hoarding, close to the A12 slip road, he concluded that the proposed sign would have had a cluttering effect on the streetscene and on views beyond of the Olympic stadium.

3.45 For these reasons, the appeal was DISMISSED.

Application No:
Site:

PA/12/00035

Development:

**Pavement, corner of Mansell Road
and Whitechapel High Street E1 8DX
Display of a tri-sided portrait digital
advertisement display unit.**

Council Decision:
Appeal Method:
Inspector's Decision

REFUSE – (Delegated Decision)
HEARING
DISMISSED

3.46 The main issue in this was the impact of the proposed display on the character and appearance of the area. The appeal site is located within a commercial area of the Borough adjacent to a crossroads and the boundary of the City of London and the proposed advert would have been displayed at the corner of the pavement close to the back edge of the carriageway.

3.47 The Planning Inspector noted that there were a number of existing hoardings in the area but acknowledged that they were all flush with the front elevations of neighbouring buildings and were not overly prominent. He was concern that the proposed sign would be totally out of proportion with existing street furniture elements ad was also convened that the location of the sign would have overwhelmed pedestrians and concluded that the display would have dominated the streetscene and would have obscured views of the nearby listed building at 46-47 Aldgate High Street and would have had a significant adverse impact on its setting. He also concluded that the proposed sign would undermine the objectives of High Street 2012 and the Aldgate Masterplan.

3.48 The appeal was DISMISSED.

Application No:
Site:
Development:

PA/11/01436/01437

**160 Commercial Road E1 1NL
Demolition of existing building and
replacement with a four storey
building plus basement to provide
two retail units (Use Class A1) and
there residential units (2x2 bed and
1x1 bed).**

Council Decision:

REFUSE – (Delegated Decision)

**Appeal Method:
Inspector's Decision**

**WRITTEN REPRESENTATIONS
DISMISSED**

- 3.49 The main issue in this case was whether the demolition of the existing building and the proposed replacement would have preserved or enhanced the character and appearance of the Myrdle Street Conservation Area and whether the proposed development would have made adequate provision for the storage of refuse prior to collection.
- 3.50 The Planning Inspector noted that the existing building to be demolished, whilst have been altered in the past, retained many of its original feature which had been previously highlighted as having historic interest. Within the varied context of the conservation area character, the Planning Inspector concluded that the appeal premises makes a positive contribution to and blends in with the character and appearance of the conservation area. He concluded that the complete demolition of the non-designated heritage asset would amount to substantial harm to the conservation area. The Planning Inspector was far from convinced that demolition was the only viable option.
- 3.51 In terms of the replacement building, the Inspector was not satisfied that the replacement building would have sat comfortably with the design of neighbouring buildings. The different floor to ceiling heights would have prevented any visual association between the storeys, proportions and window arrangements. He concluded that the replacement building would have appeared incongruous and would not have reinforced local character. He concluded that the character and elevational design of the replacement building would have failed to respect, preserve or enhance the character and appearance of the conservation area and the immediate streetscene.
- 3.52 In terms of refuse storage, the Planning Inspector felt that proper refuse storage arrangements should have reasonably been incorporated into a new build scheme. He therefore agreed with the Council that the refuse storage arrangements would have been inadequate.
- 3.53 The appeal was comprehensively DISMISSED.

4. NEW APPEALS

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

<i>Application Nos:</i>	<i>PA/11/00354</i>
<i>Sites:</i>	<i>369A Roman Road E3 5QR</i>
<i>Development</i>	<i>Change of use of the ground floor and basement to create 2x1 bed residential units</i>
<i>Start Dates</i>	<i>27 July 2012</i>
<i>Appeal Method</i>	<i>WRITTEN REPRESENTATION</i>

- 4.2 The Council refused planning permission on the grounds of the loss of a commercial use within the Roman Road District Centre which would be detrimental to the vitality and viability of the shopping area. The Council was also concerned about the introduction of lightwells to the proposed basement accommodation which would fail to preserve or enhance the character and appearance of the Driffield Road Conservation Area and was also concerned

about the failure of the proposed development to provide the required levels of external amenity space for future residential occupiers.

Application No: PA/11/03666
Sites: 13 Durham Road E1 0NP
Development: Replacement of all windows front and rear of the property with hardwood double glazing painted white.
Council Decision: Refuse (delegated decision)
Start Date 18 July 2012
Appeal Method WRITTEN REPRESENTATIONS

- 4.3 Listed building consent was refused as the proposed double glazed windows were not considered sympathetic to the special historic character of the building. The windows were not appropriate in terms of detailed design or material and detract from the appearance of the Grade II Listed Building.

Application No: PA/11/03375
Site: Poplar Business Park, 10 Prestons Road
Development Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 8,104 sq metres business accommodation (Use Class B1), 392 residential units (Use Class C3), associated parking and landscaping.
Council Decision: Refuse (Committee Decision- 12 April 2012)
Start Date 18 July 2012
Appeal Method PUBLIC INQUIRY

- 4.4 The application was refused planning permission by the Council on grounds of inadequate affordable housing provision and overdevelopment through the inability of the development to properly mitigate the impact of the development against on local infrastructure requirements. The appeal is due to be considered by public inquiry – likely to be scheduled around October-November 2012.

Application No: PA/11/02169
Site: 68-70 Manilla Street
Development Change of use from B1(c) light industrial to a car park to provide parking spaces for approximately 30 car parking spaces, utilising existing site entrance.
Council Decision: Refuse (delegated decision)
Start Date 21 June 2012
Appeal Method WRITTEN REPRESENTATIONS

- 4.5 The Council refused planning permission for the proposed use, on the grounds that the proposal would have resulted in an increase in the provision of off street car parking and an increase in car use which is not considered to be a sustainable mode of transport nor would it encourage the use of sustainable modes of transport within the borough.

Application No: PA/12/00643

Site: **267 East India Dock Road E14 0EG**
Development: **Display of a wall mounted internally illuminated advertisement hoarding board on east facing flank wall of building.**
Council Decision: **Refuse (Delegated decision)**
Start Date **8 June 2012**
Appeal Method **WRITTEN REPRESENTATIONS**

- 4.6 This application was refused on grounds that the proposed illuminated advertising panel, by reason of its siting, scale, size, elevated appearance and illuminance would have constituted a visually intrusive, over dominant and discordant feature on the building elevation and the locality, detrimental to the overall character and appearance of the area generally.

Application No: **PA/11/02230**
Site: **6 Durward Street**
Development: **Erection of a single storey extension at roof level of existing building and conversion of the property to provide 3 new residential units comprising 1 x 1 bed and 2 x 2 bed and associated works.**
Council Decision: **Refuse (delegated decision)**
Start Date **21 May 2012**
Appeal Method **WRITTEN REPRESENTATIONS**

- 4.7 This planning application was refused on grounds of inappropriate design of the proposed roof extension which would be harmful to the character and appearance of the Whitechapel Market Conservation Area. Planning permission was also refused as the development would have resulted in the loss of existing communal amenity space available for existing occupiers.