



Application for Planning Permission

[click here for case file](#)

Reference	PA/19/02040
Site	North and South Passage, Ironmongers Place, London, E14
Ward	Island Gardens
Proposal	Variation of condition 4 of planning permission PA/13/01547 dated 10/10/2013, for the installation of new gates and barriers to a private footpath in a private housing development. Variation to allow the gates to remain permanently locked.
Summary Recommendation	Refuse planning permission
Applicant	Westferry Road Management Company Ltd.
Architect	The JTS Partnership
Case Officer	Matthew Wong
Key dates	<ul style="list-style-type: none">- Application registered as valid on 19/09/2019- Letters sent to neighbours on 30/09/2019.- Site visit on 12 November 2019.

EXECUTIVE SUMMARY

The application site is a north/ south walkway which runs between Westferry Road and Sherwood Gardens in the Isle of Dogs.

Application PA/13/01547 granted permission for the installation of gates and barriers within the walkway and this permission was implemented. Condition 4 of the permission required that the gates remain unlocked at all times.

The current proposal seeks to vary condition 4 of that planning permission, to allow the gates to be locked and pedestrian access along the walkway to be stopped.

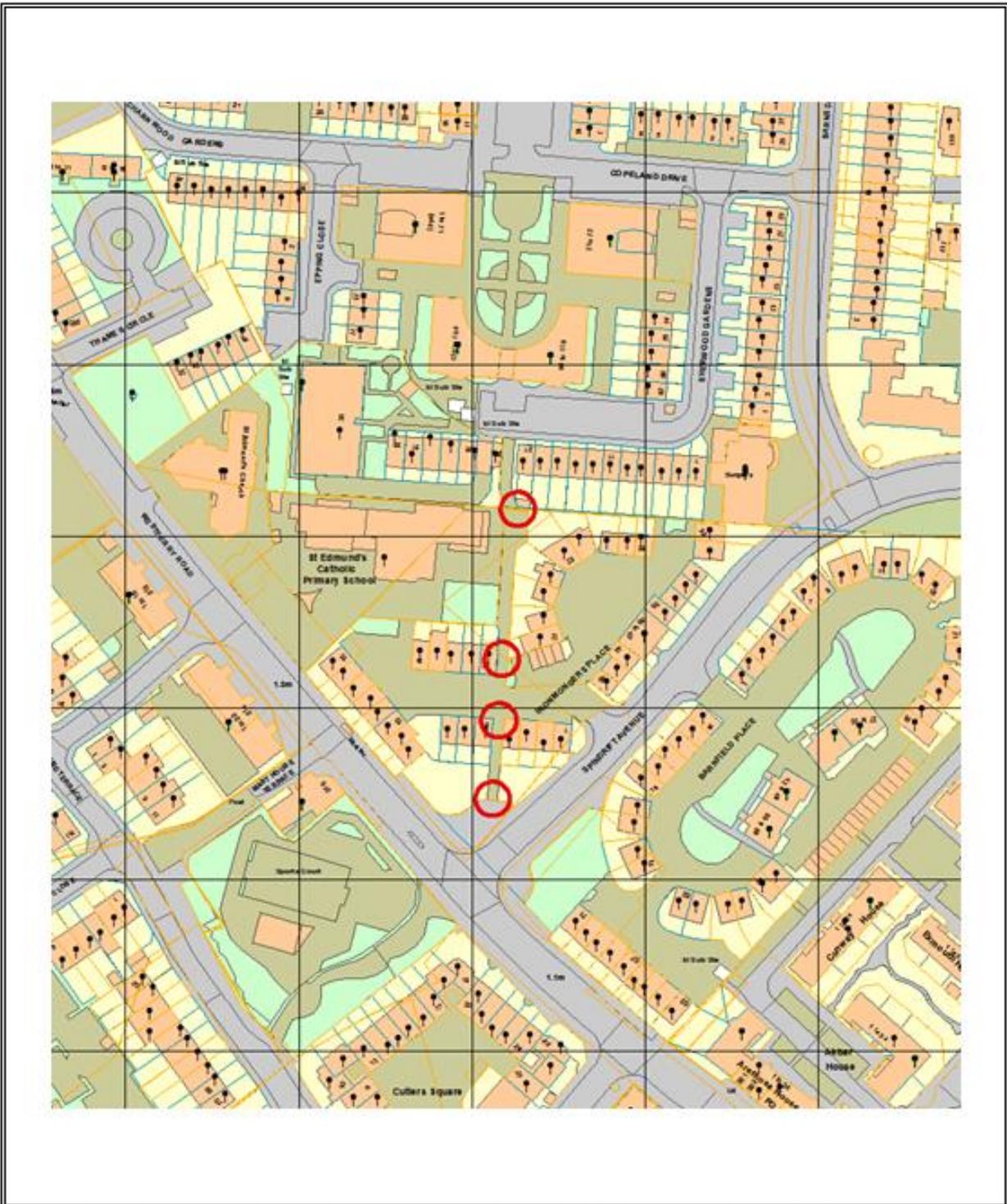
Officers recommend refusal of the proposal. The application is reported to the Development Committee because there have been than 20 individual representations in support of the development.

This application has been considered against the Council's approved planning policies contained in the London Borough of the Tower Hamlets Local Plan 2031 (January 2020) as well as the London Plan (2016), the National Planning Policy Framework and all other material considerations.

We have also considered the application against the Draft London Plan (2019) as this carries substantial weight.

The proposal is considered to be unacceptable as it would result in the loss of a safe, convenient and traffic free access way, which would disadvantage those less able pedestrians, would provoke less sustainable transport choices and would lead to the creation of underused spaces which may result in antisocial behaviour and a lack of social cohesion, contrary to policies D.DH2, S.DH1, D.DH8 and S.TR1 of the Tower Hamlets Local Plan (2020).

SITE PLAN



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-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point
-  Locally Listed Buildings
-  Statutory Listed Buildings

Planning Applications Site Map PA/19/02040

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



**London Borough
of Tower Hamlets**

Scale : 50m grid squares

Date: 21 February 2020

AERIAL VIEW OF THE SITE



1. SITE AND SURROUNDINGS

- 1.1 The application site relates to a walkway within the Ironmongers Place development, which is located to the south-west of the Isle of Dogs. The development was approved through PA/86/00686 on 15/10/1986 by the London Docklands Development Corporation (LDDC) as a private residential scheme.
- 1.2 The walkway has a north/ south orientation. At its northerly most point, it is accessed from Sherwood Gardens. It then runs southwards and opens out onto Ironmongers Place, which dissects the path. It then continues southwards from Ironmongers Place and opens out at the corner of Spindrif Avenue and Westferry Road. There are as such two distinct sections of the path, to the north and to the south of Ironmongers place.
- 1.3 In 2013, planning permission was granted for the construction of two gates and two sets of barriers within the walkways (ref PA/13/01547). This permission was duly implemented and two gates were installed, one at the northern end adjacent to Sherwood Gardens and another at the southern end adjacent to Spindrif Avenue. The gates are approximately 1750mm - 1800mm high and comprise of brick piers at either end with fixed, metal infill panels containing vertical posts. Condition 4 of the consent required that the gates remain unlocked at all times.
- 1.4 Two sets of physical barriers have also been constructed within the walkways, in locations immediately to the north and south of Ironmongers Place. The barriers do not close off access to the passages, rather they act as physical obstacles to ensure cyclists and those on vehicles have to dismount before traversing through.
- 1.5 Approximately 500 metres to the east of the site is the Mudchute Docklands Light Railway Station. The site is not located within a conservation area, nor are there any locally or statutorily listed buildings within the surrounding area. The site is within the Isle of Dogs and South Poplar Opportunity Area.
- 1.6 The predominant land use within the immediate surrounding area is residential, however to the west of the site is the St Edmund's Catholic Primary School and the Saint Edmunds Church. The main arterial road through the Isle of Dogs is Westferry Road which is located to the south of the development site. On the southern side of Westferry Road is the Mudchute Concrete Skatepark. Westferry Road contains a number of commercial and retail uses.
- 1.7 The walkway is protected through a Section 106 Agreement which was entered into on 15/10/1986 between the owner of the site, the Council and the LDDC. The agreement gives specific reference to the passage and its formal adoption as a walkway, under Section 35 of the Highways Act 1980. Clause 4 of the agreement states that the Walkway (passage) must remain open to the public at all times unless with the written agreement with the Council. The Agreement also states that the walkway must remain accessible by all and shall permit easy passage by wheelchairs.

2. PROPOSAL

- 2.1 The applicant seeks to amend condition 4 pursuant to permission PA/13/01547.
- 2.2 Condition 4 of that consent reads:

"The proposed gates hereby approved must not be locked at any time.

Reason: In order to ensure the proposed development is accessible to all users in accordance with policy SP10 of the adopted Core Strategy (2010) and policy DM24 of the Managing Development Document (2013)."

- 2.3 The applicant seeks to vary condition 4 in order that both gates may be permanently locked (or locked at the discretion of the applicant). The effect of the change would be that the walkways could not be accessed either from Spindrift Avenue or from Sherwood Gardens.
- 2.4 It is the applicants' submission that locking the gates is necessary firstly, to prevent antisocial behaviour within the walkways and secondly, because the walkways are in a state of disrepair and should be shut while they are repaired.

3. RELEVANT PLANNING HISTORY

Planning Applications:

- 3.1 PA/13/01547: Planning Permission granted on 10/10/2013 for the Installation of new gates and barriers to a private footpath in private housing development.

Enforcement:

- 3.2 ENF/19/00136: Complaint received in 2018 that the gates to either end of the walkway had been locked. A Compliance Officer attended the site and observed that Condition 4 of PA/17/01547 had been breached. A breach of condition notice was served on 17 May 2019. On hold awaiting the outcome of this application.

4. PUBLICITY AND ENGAGEMENT

- 4.1 Upon validation of the application, the Council sent consultation letters to 21 nearby occupiers on 30th September 2019.

- 4.2 In support of the proposal to lock the gates, 22 letters have been received. The reasons for support can be summarised as follows:

- There are issues with criminal activity and anti-social behaviour within the passageway.
- The locking of the gates would help provide a secure and safe environment.
- The locking of the gates would assist in reducing amenity concerns relating to litter and noise.

- 4.3 Objecting to the proposal to lock the gates, a petition containing 53 signatories has been received. The reason for objection can be summarised as follows:

- The passageway provides useful access to local schools, amenities and reduces walking time.
- The use of the passageway assists accessibility for the elderly, infirm, disabled and people with young children.
- The level of anti-social behaviour does not necessitate the passageway being locked.

5. CONSULTATION RESPONSES

LBTH Transportation and Highways:

- 5.1 Objection to the proposal to lock the gates. There is no justification for the proposal which would prevent public pedestrian access to the walkways, which are public rights of way under Section 35 of the Highways Act 1980. Any proposal to close off the walkways would, in

addition to planning permission, require a stopping up order and an amendment to the original S106. The maintenance issues are a matter for the applicant to address.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 On the 15th January 2020, Tower Hamlets Council voted to formally adopt our new Local Plan 'Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits'. The policies contained therein now carry full weight.

6.2 Planning decisions must be taken in accordance with relevant policies in the Development Plan, unless there are material considerations which indicate otherwise.

The Development Plan documents relevant to the determination of this application comprise:

- The London Plan (March 2016)
- Tower Hamlets Local Plan 2031 (January 2020)

6.3 The key Development Plan policies relevant to the proposal are:

Amenity (Noise and Disturbance)

London Plan: 7.6

TH Local Plan: S.DH1, D.DH2, D.DH8

Transport (Cycle Parking, Sustainable Travel, Waste and Servicing)

London Plan: 6.3

TH Local Plan: D.TR2, S.TR1

6.4 The new draft London Plan

On the 9th of December, the Mayor published his 'intend to publish' version of the London Plan. This version of the Plan is now being considered by the Secretary of State, who may, on or before 16th March 2020, issue a direction to the GLA to amend the Plan if required. The Plan cannot be published (adopted) until any such direction has been addressed. It is anticipated therefore that the final Plan will be published circa April 2020. The policies in this emerging document, given its advanced stage, carry substantial weight.

6.5 The key emerging London Plan policies relevant to the determination of this application are:

Amenity & Inclusive Design D3, D5

Transport T5, T6

Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- The Isle of Dogs and South Poplar Opportunity Area Planning Framework (2019)

7. PLANNING ASSESSMENT

7.1 It should be noted firstly that no physical alterations are proposed either to the gates themselves, or to the barriers within the walkways. As such, the assessment below focuses on the considerations relating to the proposed locking of the two gates.

- 7.2 It should also be noted here that the Officers' recommendation is to Refuse Planning Permission. The following paragraphs will explain how the proposal fails to comply with relevant National, Regional and Local Planning Policies.
- 7.3 The key issues raised by the proposed development are:
- i. Accessibility and Connectivity
 - ii. Anti-Social Behaviour
 - iii. Equalities and Human Rights

Accessibility and Connectivity

- 7.4 Paragraph 29 of the NPPF states that people should be given a real choice about how they travel and that transport related policies should always favour sustainable modes of transport wherever possible.
- 7.5 Local Plan Policy D.DH2 (Attractive streets, spaces and public realm) states that development is required to improve and enhance connectivity, permeability and legibility, ensuring a well-connected, joined up and easily accessible street network and wider network of public spaces. It notes that this shall be achieved through maintaining existing public routes and incorporating the principles of 'secured by design'. It also notes the importance of maintaining pedestrian desire lines and resisting the creation of gated communities to promote social cohesion.
- 7.6 Policy S.DH1 (High quality design) seeks to ensure that spaces are designed to be convenient for wheelchair users, elderly people with reduced mobility and families with young children.
- 7.7 The locking of the two gates would result in the loss of a key traffic free pedestrian and cycle north/ south route on the Isle of Dogs. It should be noted the walkway actually connects with a further pedestrian route, which continues north from Spindrif Avenue. The loss of these routes would mean that walkers and cyclists would have to use longer, trafficked routes to get to their destination. This would disadvantage those more vulnerable sections of society who are less able to walk longer distances including the elderly, those with prams and disabled persons. Removing the most direct and accessible route would also result in a generally less pleasant and less appealing pedestrian journey, potentially persuading people to make less sustainable transport choices.
- 7.8 The application site has a PTAL rating of 2, in light of the site's limited access to London's public transport network. The passage provides important links from the wider area to the Westferry Road area and beyond. Westferry Road is the key arterial road through the Isle of Dogs where most of the area's commercial and retail facilities are located. The passage currently presents as the most direct and efficient way of travel from the northern end of the subject site through to Westferry Road. This further highlights the need for public access routes, specifically pedestrian and cycle links to be maintained in this location.
- 7.9 In relation to 'Secured by Design', it should also be noted that, even with both gates locked as proposed, it would still be possible to walk both north and south along the walkways, from Ironmongers Place, almost to the end of each walkway until the locked gates are encountered. To come upon a locked gate at the end of an alleyway would not make for a safe or secure pedestrian environment, contrary to Local Plan policy D.DH2.
- 7.10 The proposal would also be contrary to Local Plan policy S.DH1 in that it would produce the perception of a 'gated community' to the detriment of social cohesion. This policy also provides reference to designing out concealment points and leftover spaces.

- 7.11 In addition, it has been noted earlier in this report that the walkway has been adopted as a public walkway pursuant to Section 35 of the Highways Act 1980 and given effect through a Section 106 Agreement. Council's Highways and Transportation team object to the locking of the gates given its allocation as a public walkway and the benefits it provides to the local community.
- 7.12 To summarise, the proposal would acceptably undermine the safe, convenient and accessible movement of pedestrians and cycles within this part of the Isle of Dogs. It would lead to less sustainable transport choices and an unacceptable impact on the safety of persons using the walkways, contrary to policies D.DH2 and S.DH1 of the Local Plan policies.

Anti-Social Behaviour

- 7.13 Development is required to protect and where possible enhance or increase the extent of the amenity of existing occupants.
- 7.14 Part B of para 91 of the NPPF states that decisions should ensure that communities are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 7.15 Local Plan policy D.DH2 relates to how development should be designed and managed to ensure a reduction in anti-social behaviour. The policy seeks to ensure 'secure by design' principles are incorporated into schemes to improve safety and the perception of safety for pedestrians and other users.
- 7.16 The applicant contends that the walkways contain anti social behaviour and that neighbouring residents are subject to undue noise and disturbance due to people 'loitering' within the walkways. Residents have also raised concerns in this regard. The applicant considered that locking of the gates would reduce occurrences of anti-social behaviour and crime within and around the subject passageway.
- 7.17 To support the applicant's contention, a 'Crime Statistics' Report has been submitted, which indicates levels of crime in and around the site from the period of October 2016 to October 2019. Graphs have been included which show levels of crime over three periods of time – firstly from before the gates were locked between October '16 and January '18, secondly while the gates were (unlawfully) locked between Feb '18 and May '19 and thirdly after June '19, when the gates were unlocked. The Report concludes that incidences of crime were greater prior to Feb '18, before the gates were locked. It is also noted however, that the results appears to indicate no real increase in crime since Enforcement Action was taken and the gates were once again unlocked.
- 7.18 To better understand the potential correlation between the impact the locking and unlocking of the gates had on instances of crime, a review has been undertaken of the crime statistics of the wider Island Gardens Precinct during the same dates. As per the below table, there was a similar overall reduction in crime across the surrounding area when compared to the areas specified within the submitted report:

Dates:	Total Crime:
October 2016 – January 2018 (gates unlocked)	1439
February 2018 – May 2019 (gates locked)	1342

[Source: www.police.uk](http://www.police.uk)

- 7.19 Given the similarities in the overall crime rate reduction across the whole Island Gardens Precinct and that of the Ironmongers Development, the reduction in crime in and around the subject development during 2018 and May 2019 cannot be directly attributed to the locking of the gates. The wider Island Gardens area experienced a general reduction in crime during the same dates, suggesting there were alternative causes. It therefore cannot be accurately ascertained that the proposed locking of the gates would cause a reduction in anti-social behaviour.
- 7.20 To the contrary, as described in the 'Connectivity' section above, it is considered that locking the gates may in fact lead to an increase in antisocial behaviour within the walkways, given that they would still be accessible from Ironmongers Place but not used regularly and properly as pedestrian thoroughfares. Any attempt to reduce anti-social behaviour should be consistent with planning policies which encourage activated areas, natural and passive surveillance. These methods would assist in reducing anti-social behaviour whilst also ensuring socially connected communities.

8 Conclusion

- 8.1 It is considered that locking the gates would have a neutral or harmful impact on the residential amenities of the neighbouring occupiers by way of noise and disturbance caused by users of the walkway, in that the walkways would become concealed and underused spaces with little passive surveillance, contrary to Local Plan policy D.DH2.
- 8.2 In addition, the proposal would result in an unacceptable loss of a safe, traffic free and accessible pedestrian and cycle route, which would disadvantage those less able and would provoke less sustainable transport choices, contrary to Local Plan policies D.DH2 and S.DH1.

9 Human Rights & Equalities

- 9.1 From a human rights and equality standpoint, the proposal raises concern in relation to the potential impacts on those with disabilities or physical impairments. As the gates are proposed to be locked, access through and around the development area would be encumbered.
- 9.2 Disability is a protected characteristic under the Equality Act 2010 and public authorities have an equality duty to integrate consideration of equality and good relations into its decision making processes. The proposed development has the potential to result in adverse impacts upon equality and social cohesion and this has not been adequately addressed through the application.

10 RECOMMENDATION

That the proposed variation of Condition 4 from Planning Permission PA/13/01547 is recommended for refusal the following reason:

The proposed locking of the gates at the northern and southern ends of the walkway would result in an unacceptable loss of a safe, convenient and traffic free access way, which would disadvantage those less able pedestrians, would provoke less sustainable transport choices and would lead to the creation of underused spaces which may provoke antisocial behaviour and a lack of social cohesion, contrary to policies D.DH2, S.DH1, D.DH8 and S.TR1 of the Tower Hamlets Local Plan (2020).

Appendix 1 – List of drawings

Drawings:

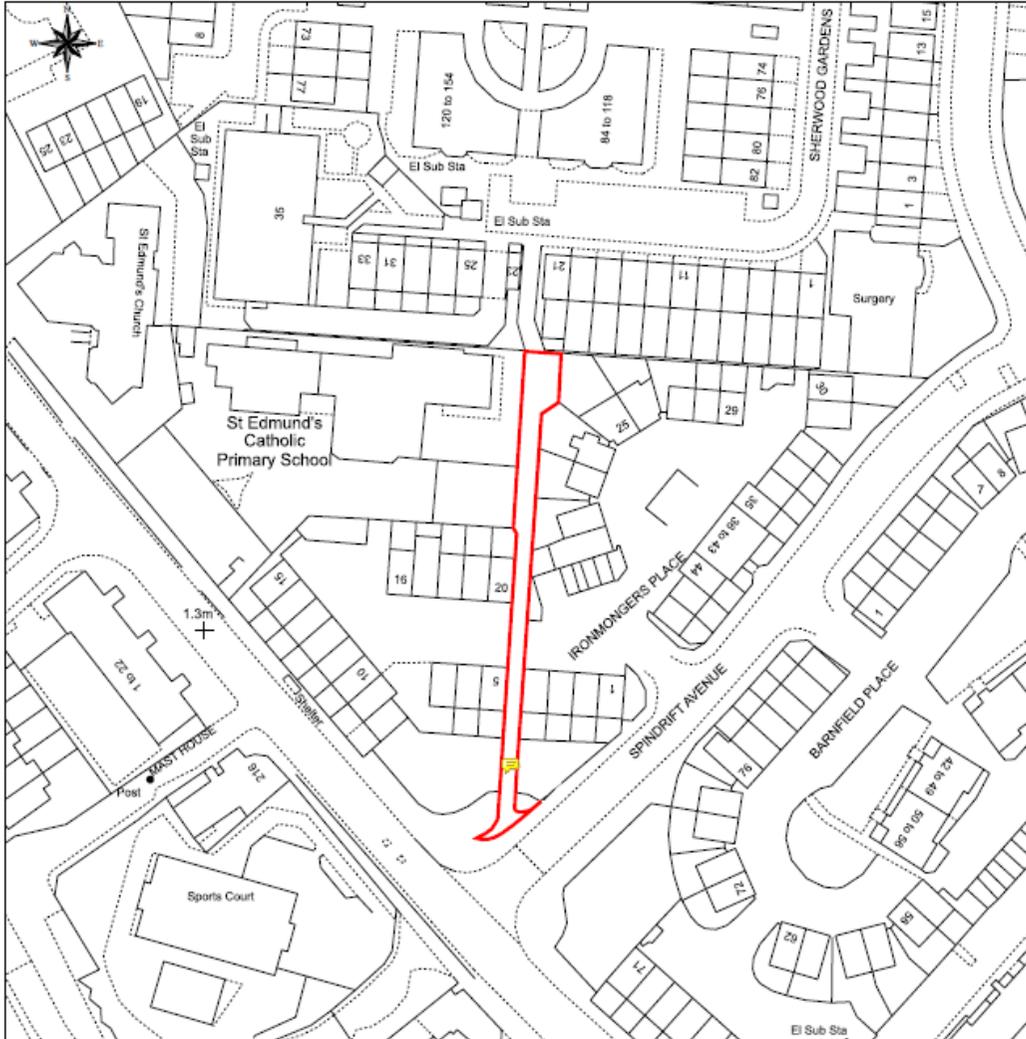
- 9060/103-00
- 101
- 100
- sDNA/264/100 rev a
- sDNA/264/201 rev a
- sDNA/264/202 rev a
- sDNA/264/203 rev a
- sDNA/264/204 rev a

Documents:

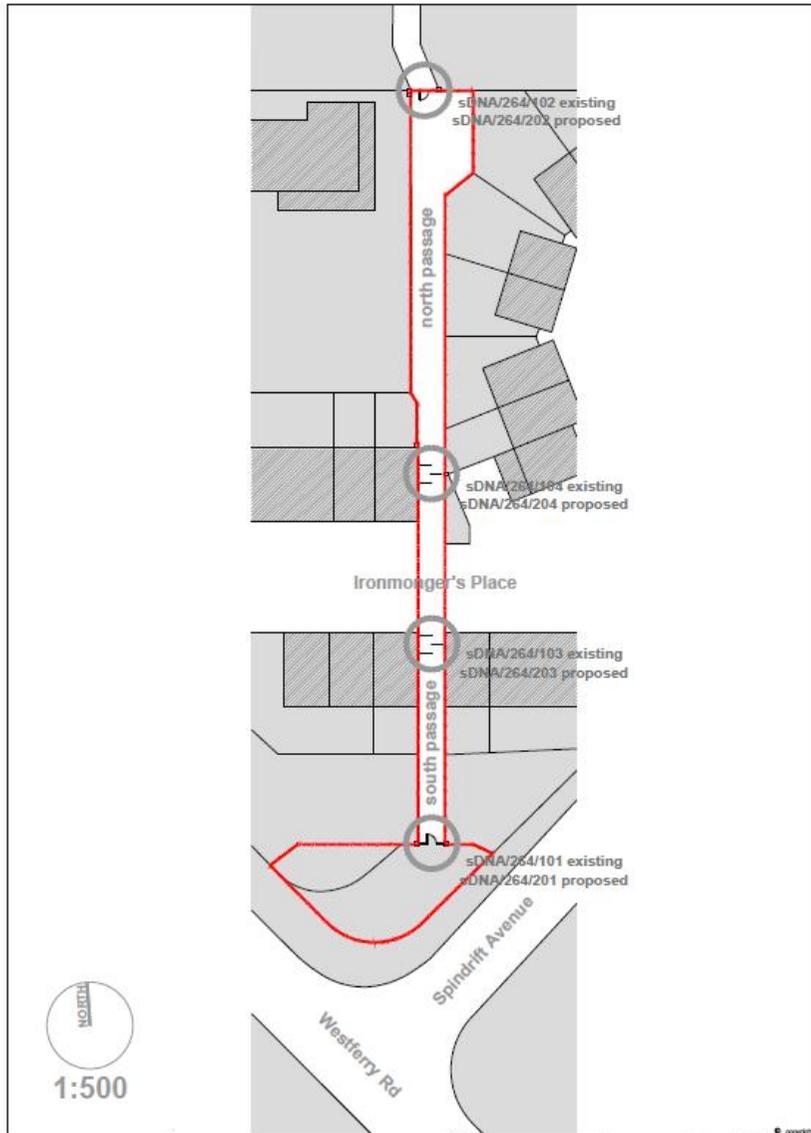
- Risk Assessment Dated 8th Jan '18
- 'Crime Statistics ref HMG//9060
- Letter ref HMG/mac/9060 dated 20/1/20
- Cover Letter dated 19th sept '19

Appendix 2 – Selected Plans and Elevations

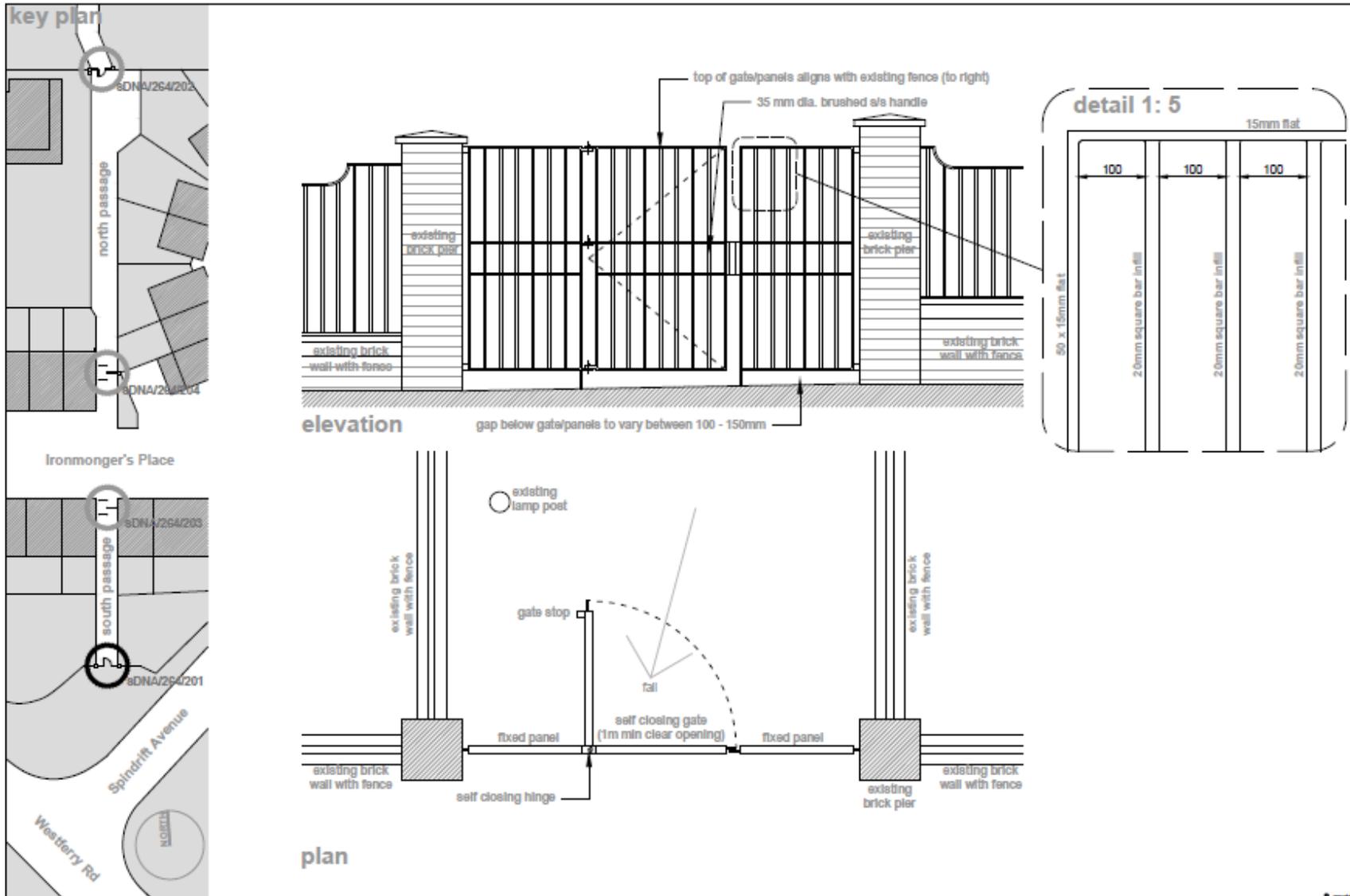
Existing Location Plan:



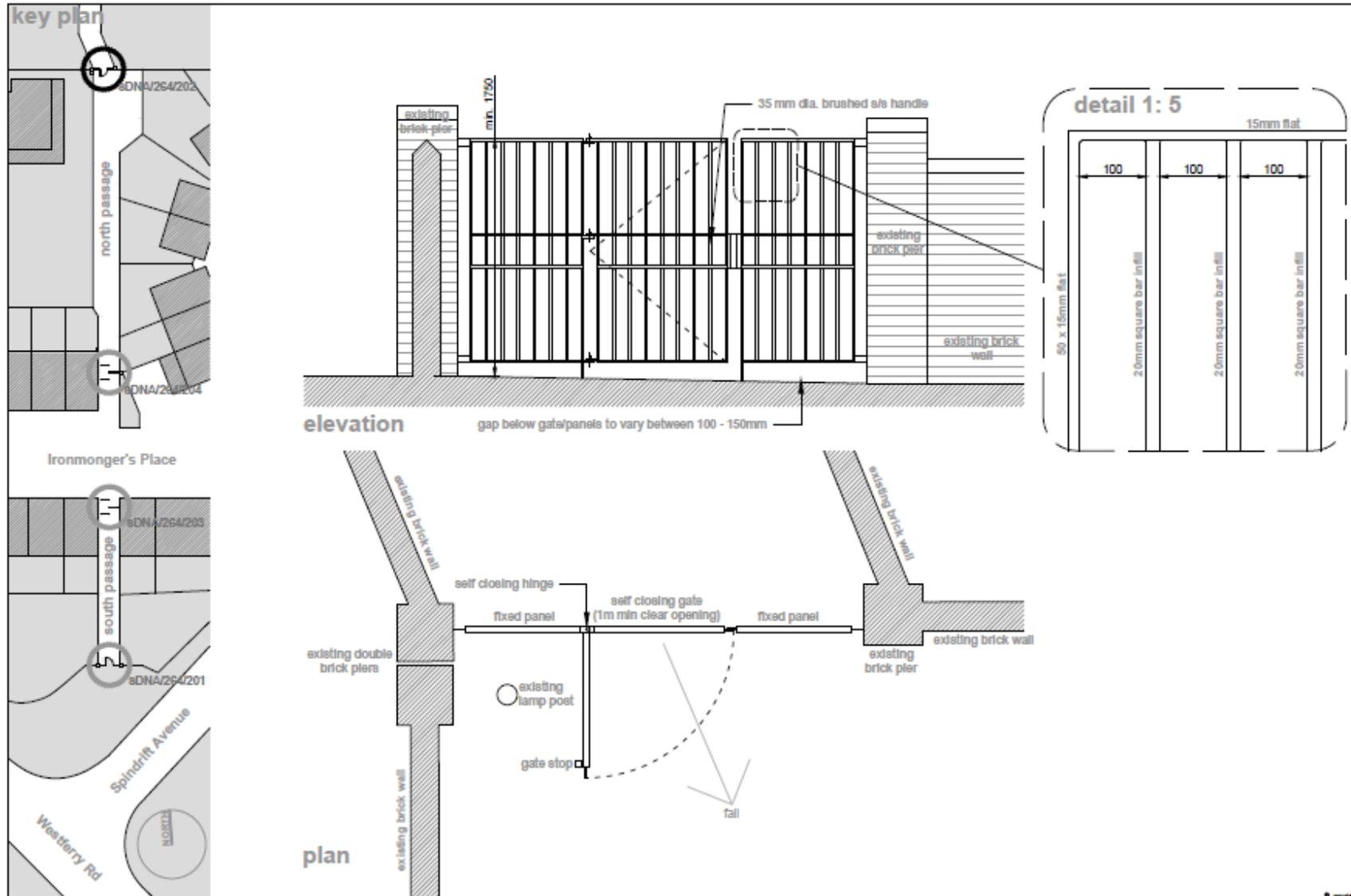
Proposed Plan:



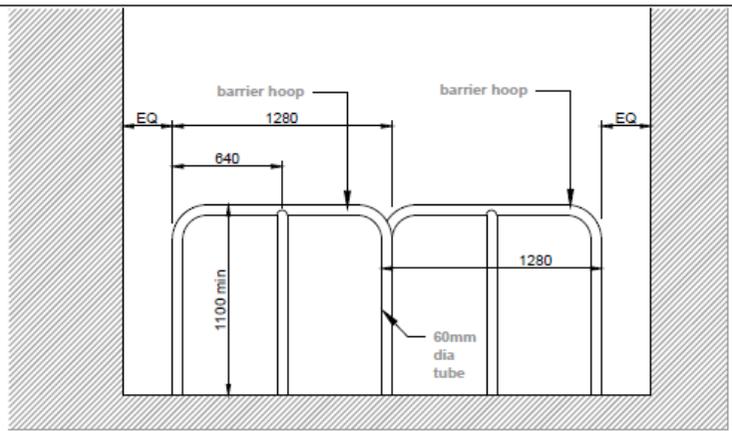
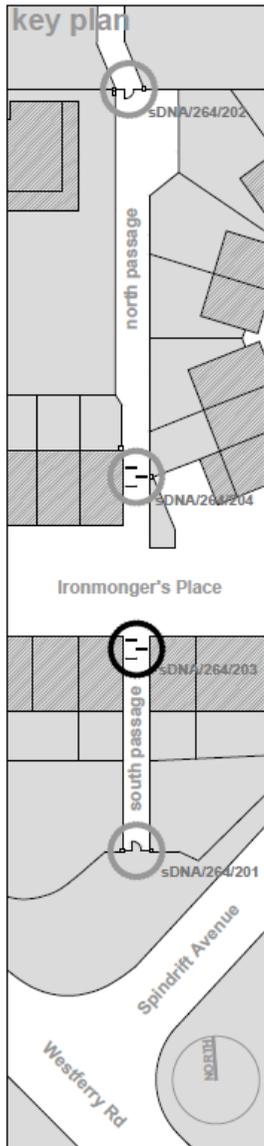
Existing gates at the southern end of passage:



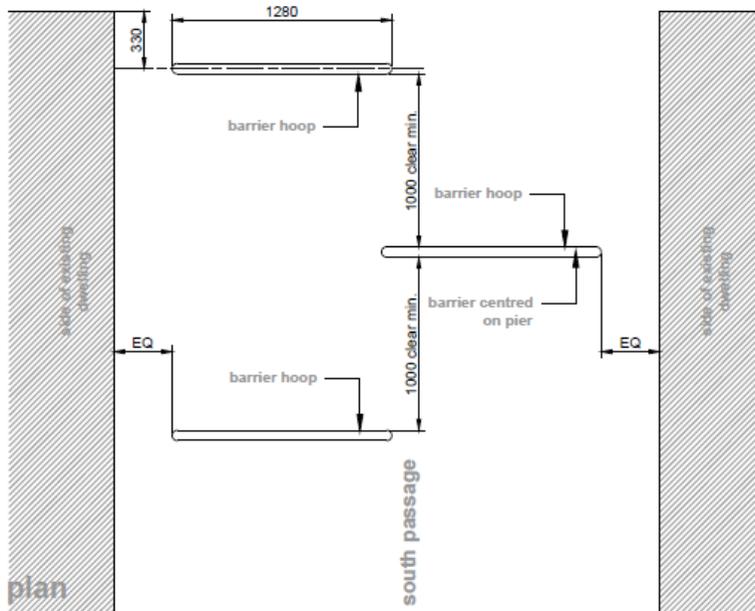
Existing gates at the northern end of passage:



Existing barriers located towards the vehicular road of Ironmongers place within the passageway:



elevation



plan

Appendix 3 – Site Photos

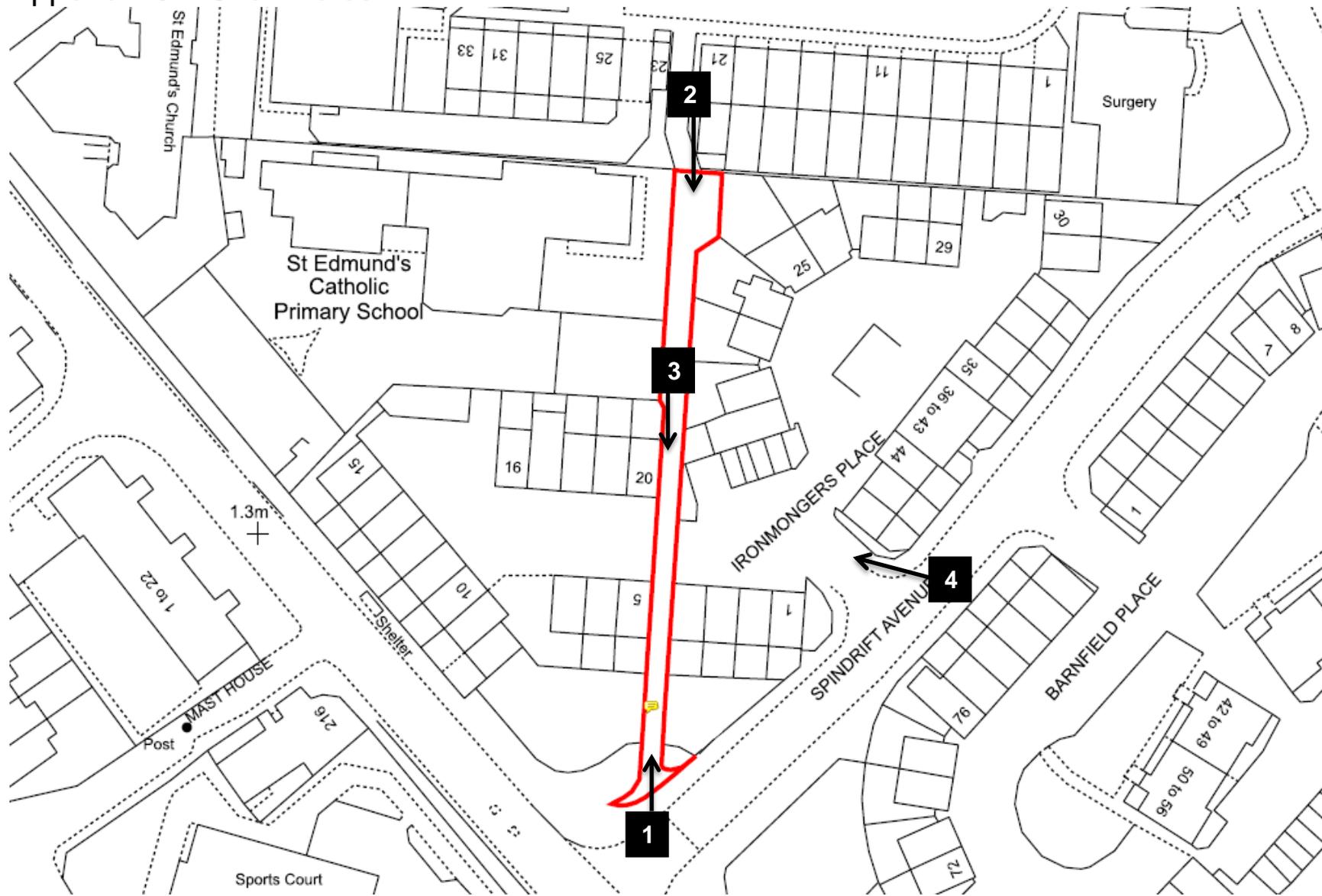


Photo 1 – Looking north at the approved gates at the southern entrance of the passage:



Photo 2 – Looking south at the approved gates located at the northern end of the passage:



Photo 3 – Looking south at the approved barriers located within the passage:



Photo 4 – Looking west from Spindrifft Avenue towards the vehicular entrance of the Ironmongers Place Development:

