

Committee: Development Committee	Date: 16 th November 2011	Classification: Unrestricted	Agenda Item Number: 7.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Angelina Eke	Ref No: PA/11/00834
	Ward: Bethnal Green North

1. APPLICATION DETAILS

Location: Regents Wharf, Wharf Place, London E2 9BD
Existing Use: Lower ground floor car parking area.
Proposal: Erection of a new one bedroom dwelling within part of the basement parking area.

Drawing No's/Documents: 191-PI-01(ZA); 191-PI-02(ZA); 191-PI-03(ZA); 191-PI-04(ZA); 191-PI-05(ZA); 191-PI-06(ZA); 191-PI-07(ZA); 191-PI-08(ZA); Design and Access Statement plus Impact Statement, prepared by Gridline

Applicant: Lord H Selman
Ownership: Lord H Selman and 24 listed leaseholders.
Historic Building: N/A
Conservation Area: Regents Canal

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 (1) The loss of off-street basement car-parking is acceptable as there is considered to be adequate remaining provision, and because the loss of car-parking broadly accords with the aim of Core Strategy policy SP09, which seeks to promote sustainable modes of transport.
- (2) The creation of an additional residential unit on this site accords with the aim of Core Strategy (2010) policy SP02 and policies 3.3 and 3.4 of the London Plan 2011, which seek to encourage housing supply through optimising the use of under utilised sites for housing.
- (3) The development would have no significant detrimental impacts on the amenity of surrounding occupiers in terms of increased overlooking, loss of amenity space or increased disturbance. The proposal therefore accords with policy SP10 of the Core Strategy (2010), saved policy DEV2 of the Unitary Development Plan (1998) and policy DEV1 of the Council's Interim Planning Guidance (2007), which all seeks to safeguard the amenity of surrounding neighbours.
- (4) The proposed one bed flat would offer an acceptable standard of accommodation for future occupiers and as such accords with policy 3.5 of the London Plan 2011 and SP02 of the Core Strategy 2010, which seek to ensure quality in new housing.
- (5) The external alterations, including new windows and staircase, are appropriate in terms of design and materials to the canal-side setting of the site. The proposal would preserve the character of the Regents Canal Conservation Area and would accord with the requirements of LP policy 7.4, Core Strategy policy SP10 and saved UDP policy DEV1, which seek to ensure that development is acceptable in terms of design and appearance.

(6) Transport matters, including parking, access and servicing are acceptable and accord with policies 6.1 and 6.3 in the London Plan 2011; saved policies T16 and T18 in the Council's Unitary Development Plan (1998), policies SP08 and SP09 of the Core Strategy Development Plan Document (2010) and policies DEV16, 17 and DEV19 of the Council's Interim Planning Guidance (October 2007), 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 conditions.

3.2 That the Corporate Director of Development & Renewal is delegated power to impose conditions [and informative] on the planning permission to secure the following:

3.3 Conditions

1. Full planning permission –three year time limit
2. Development to be built in accordance with the approved plans
3. Sample of the proposed external facing materials of the canal elevation
4. A survey of the condition of the waterway wall and method statement for repairs
5. Details of risk assessment and method statement for works adjacent to waterway
6. Car Free Agreement
7. Car parking layout to be provided
8. Details of provision one cycle parking space to be provided
9. Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application seeks to construct a one bedroom flat within part of a basement car parking area serving the existing residential development at Regents Wharf. The flat would be accessed via a new external staircase, which would lead down from a terrace area between the rear of Regents Wharf, and the canal. The flat would have a single aspect overlooking the canal. Three new windows would be installed in place of the existing car-park vents.

Site and Surroundings

4.2 The application site forms part of the basement car park to Regents Wharf, a three storey residential development within a larger complex accessed from Wharf Place.

4.3 Regents Wharf has a long frontage along the Regents Canal. Parts of the upper floors of the Regents Wharf building are stepped back from the canal to form two amenity terrace areas.

4.4 The upper terrace is shared by the occupiers of Regents Wharf. This terrace includes landscaped planting and areas for sitting out, allowing residents to enjoy attractive views across the canal. This terrace also provides pedestrian access to the main entrances of the flats of Regents Wharf.

4.5 At lower level is a smaller terrace, which also appears to be used for sitting out and for barbeques. This lower terrace can be accessed from the upper terrace, or directly from the basement car-park. It appears the terrace can also be used by residents as a convenient way of accessing the basement car-parking.

- 4.6 To the west is a residential development known as Potters Lodge. North of the site is Regent's Canal, with Wharf Place and associated parking to the south. The site is located within the Regent's Canal Conservation Area. The building is not Listed. The Regent's Canal is a Site of Importance for Nature Conservation.
- 4.7 The midpoint of the canal forms the boundary with the London Borough Hackney.
- 4.8 The site also falls within the HSE Consultation Middle Zone due to its proximity to the Bethnal Green Gas Holder.

Planning History

- 4.9 A previous application for a similar development has been considered on this site (LBTH Reference PA/09/2272). This scheme proposed the conversion of two areas of basement car-park to create two flats. Flat One was a single bed unit; Flat Two was a 2 bedroom unit. Flat two is in the same location as the flat which forms part of this proposal. Flat One was located just to the South.
- 4.10 The Council refused the application on 26th April 2010 for two main reasons, which are summarised below:-
- Loss of part of existing communal amenity space for Regent's Wharf development.
 - Unacceptable level of daylight for Flat 2 (This related to the second bedroom, which faced onto an internal corridor, and as such did not have adequate internal light).
- 4.11 The Council also raised concerns about inaccuracies on the plans, the lack of information about Highway requirements and arrangement of the basement car-park.
- 4.12 An appeal was lodged against this decision. The appeal was dismissed by the Secretary of State on 28th January 2011. However, the Inspectors decision letter did not support the Council in all its reasons for refusal.
- 4.13 The main areas of concern identified by the Inspector were:-
- Flat One would be accessed directly from the lower terrace. There would be a conflict between the use of this terrace as an amenity space, and its role as an access to the flat. This would result in an unacceptable standard of amenity for future occupiers of Flat 1, and would compromise the use of the lower terrace as an amenity space.
 - Flat Two would offer an unacceptable standard of accommodation for future occupiers because the smaller bedroom has no external window.
- 4.14 The Inspector considered that:-
- The access arrangements for Flat 2 were unlikely to result in any significant loss of privacy for the occupiers of the existing building.
 - There was no certainty that the space used to accommodate the proposed development would otherwise be used for vehicle parking (noting that it did not necessarily follow that because the space was there, it was available for the exclusive use of residents of Regent's Wharf), and that there was no objection to its loss.
 - the staircase and other alterations would have minimal impact on the character and

appearance of the Regents Canal Conservation Area.

- 4.15 The reasoning given by the Inspector in relation to this appeal is a material consideration that should be given weight in the assessment of the current application. A full copy of the appeal decision is included at Appendix One.
- 4.16 The current scheme seeks to overcome the reasons identified by the Inspector for dismissing the previous appeal.
- 4.17 The main differences between the previous scheme, and the current application are:-
- Complete removal of the one bedroom flat. This overcomes the potential loss of the use of the lower amenity deck, and the conflict between the use of the lower amenity terrace and the entrance to Flat One.
 - Removal of 2nd bedroom from Flat 2. This ensures that all habitable rooms benefit from an external window, and thus an acceptable standard of accommodation.

Other relevant planning decisions include:-

- 4.18 BG/90/00234 Erection of three storey building comprising 20 no. flats with car parking in basement and on street level - granted 7th November 1991.

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:

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

3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing developments
6.3	Addressing effects of development on transport capacity
6.9	Cycle/Walking
7.4	Local character
7.3	Designing out crime
7.15	Reducing noise and enhancing soundscape
7.30	London's canal's and other rivers and water spaces

Adopted Core Strategy (2010)

Policies:	SP02	Urban living for everyone
	SP09	Creating attractive and safe streets and spaces
	SP08	Making connected places
	SP10	Creating distinct and durable places

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV9	Control of Minor Works
	DEV27	Alterations works within a conservation area
	DEV12	Provision Of Landscaping in Development
	DEV50	Noise
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type

HSG13	Internal Space Standards
HSG16	Housing Amenity Space
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Parking for Motor Vehicles and Planning Standard 3: Parking

Interim Planning Guidance for the purposes of Development Control

Policies:	DEV1	Amenity
	DEV2	Design
	DEV15	Waste and Recycling Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	HSG2	Housing Mix
	CON2	Conservation areas

Supplementary Planning Guidance/Documents

SPG:	Residential Standards
SPG:	Designing Out Crime

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	'Planning and the Historic Environment '
PPG10	Planning and Waste Management
PPG13	Transport
PPG24	Noise

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

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

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

London Borough of Hackney

6.3 No objections received

(Health and Safety Executive)(Statutory Consultee)

6.4 Do not advice against the proposed development.

British Waterways (Statutory Consultee)

6.5 No objections subject to conditions to secure a survey of the condition of the waterway wall, a method statement and a schedule of repair works.

Officer comment: Conditions to secure the survey, method statement and schedule of repair works would be imposed on any permission.

Environment Agency (Statutory Consultee)

6.6 No objections received.

LBTH Highways

- 6.7
- Inadequate information has been provided regarding the applicant's intention to re-use the car parking area.
 - Information provided details net gain of 12 spaces - not clear where these will be accommodated and what impacts are envisaged on manoeuvrability for cars following the implementation of the scheme.
 - Cycle parking required.
- 6.8 *Officer comment: Currently there is no formal demarcation of car-parking spaces within the basement area. A condition would be imposed on any permission requiring details of a car-parking layout to be submitted. This would allow the Authority to ensure that adequate vehicle manoeuvring space is retained. A condition requiring details of cycle parking would also be imposed on any permission.*

7. LOCAL REPRESENTATION

7.1 A total of 66 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 37 Objecting: 37 Supporting: 0

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

7.3 Land Use

- Plenty of new houses in the area
- The proposal will result in an increase in the density of the development resulting in overcrowding.
- The proposal does not comply with the Council's policies

(Officer Comment - This will be dealt with in the land use section of the report)

7.4 Design

- Material change to the canal frontage
- The installation of steel steps with a partial roof will result in an alien form and material to the canal side

(Officer comment – This will be dealt with in the design section of the report)

7.5 Amenity

- Loss of amenity and reduction in the communal garden space/circulation areas
- Inadequate refuse facility
- No increased infrastructure
- Hoarding in the parking area
- The flat in the basement will have flooding
- The installation of steel staircase will result in noise nuisance
- The noise from cars will affect the amenity of the occupant

(Officer comment – This will be dealt with in the amenity section of the report)

7.6 Highways

- Loss of car parking spaces which are in use

(Officer Comment – This will be addressed in the highway section of this report)

7.7 Other Matters:

- Inadequate ventilation and fire safety
- The owner was meant to extend the bin stores, but this has never happened
- There are essential infrastructure/services and access is required to these areas, which will be denied if the flat is built.
- There are implications with regard to Building Control in terms of emergency access and existing ventilation grilles
- Non compliance with Enforcement and breach of conditions notice linked to PA/06/01087 which was never properly complied with.

7.8 *(Officer Comment – It is considered that the provision of ventilation and fire safety measures will be addressed as part of the Building Control application.*

7.9 *In respect of the concern that the previous breach of conditions linked to PA/06/01087, the Council's Planning Enforcement Team has confirmed that the previous enforcement notice relating to the creation of new bin store provision has been complied and the enforcement file related to this issue is now closed.*

7.10 *In respect of the concern that essential infrastructure servicing will be compromised by the proposal, there is no evidence to suggest that this will be the case as the proposal will occupy a small element of the overall car parking space and the servicing arrangements will be retained).*

7.11 The following issues were raised in representations, but they are not considered to be material to the determination of this application:

- The proposal will result in a devaluation of property values.
- The new dwelling is a money making attempt by the developer to increase rental income.

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

- The elevation plans do not accurately depict the existing Regents Wharf building nor do they show all the buildings adjacent to the proposed development, the proposal does not show the western edge of Regents Wharf and therefore it is not possible to assess the impact of flats 13-20 which is adjacent to the new development

7.13 *(Officer Comment: Whilst it is acknowledged that the submitted drawings do not*

accurately show the existing Regents Wharf development, it is considered that the revised information submitted is adequate to assess the planning merits of the proposal. The proposed external changes are confined to the front elevation by the canal edge and do not involve any extensive works to the principle elevation of Regents Wharf.)

- 7.14 • The proposed development is within 150m of Regents Canal and therefore British Waterway is a statutory consultee
- 7.15 *(Officer Comment - British Waterways has been consulted and raises no objections to the proposal subject to conditions).*

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Loss of car parking
2. Principle of residential use
3. Design
4. Amenity
5. Highways

Loss of car parking

- 8.2 The key objectives of PPG13 'Transport' is to promote the use of alternative modes of travel and to reduce the reliance on travelling by car. This policy aim is reinforced in Policy SP09 of the Core Strategy 2010 (CS) and saved Policy T16 of the Unitary Development Plan (UDP) 1998.
- 8.3 The application site forms part of the existing lower ground floor parking area which forms part of the Regents Wharf development. The application seeks planning permission to convert three of the parking bays immediately adjacent to the canal to create a one bedroom flat. The design and access statement confirms that the existing parking spaces are underused, although this claim has been refuted by local residents objecting to the proposal.
- 8.4 The partial loss of the basement car parking space within the existing residential development is broadly supported in policy terms as the site has good access to public transport. The basement area is not formally laid out with demarcated parking spaces, so it is unclear what the total capacity of the car-park currently is. However, it is clear from the plans that a significant proportion of the existing car-parking would remain. Furthermore the amount of car-parking lost is less than was proposed in the previous appeal scheme, and the Inspector did not raise any objection to its loss.
- 8.5 In overall terms there is no land-use objection to the loss of parking area.

Principle of residential use.

- 8.6 Policies 3.3 and 3.4 of the London Plan (LP) support the increase in housing supply through optimising the development potential of Brownfield sites and utilising alternative delivery mechanisms including through conversions and other windfall sites.
- 8.7 The additional residential unit is acceptable and it would help meet the Council's identified need for housing. Whilst objector concerns have been expressed about the high density nature of the existing housing development, it is considered that the proposal would accord with Policies 3.3 and 3.4 of the LP, Policy SP02 (1c) and SP02 (5a) of the CS and national guidance set out in PPS3, which encourages more effective use of under utilised sites and buildings for new housing.

Design and Impact on Conservation Area

- 8.8 Policy 7.4 in the London Plan specifically states that the Mayor will seek to promote integrated designs for the built environment of high quality. Policy 7.30 of the LP also encourages development proposals along canal networks and other water spaces where such proposals respect their local character and canal setting.
- 8.9 Saved policy DEV1 of the UDP encourages high quality design in all new developments in terms of design, bulk, scale and use of materials. New developments should be sensitive to the site context, harmonizing with the surrounding area, relate to adjacent buildings and appropriate to the development capacity of the site. These objectives are followed through in Policy DEV2 of the Interim Planning Guidance 2007 (IPG) which reinforces the need to use high quality materials and finishes that contribute to the legibility and permeability of the urban environment and enhancement of the area. Furthermore, the design should take into consideration the safety and security of the development.
- 8.10 The character of the area is dominated by its canal side setting. Over the years, older warehouses have been converted into residential use. The area immediately adjoining the application site is residential in character.
- 8.11 The proposal would lead to the removal of the external ventilation grilles on the canal frontage and replacement with three external windows. A new brick stairwell with low profile metal railings would be provided to serve the new unit.
- 8.12 The introduction of the external staircase, and other alterations, are appropriate in the context of the canal setting. A condition would require submission of final details and samples of finishes, and with this safeguard the development would have an acceptable impact on the appearance of the building, and would preserve the character and appearance of the Regents Canal Conservation Area.
- 8.13 British Waterways was consulted on the proposal and have raised no objections subject to conditions regarding a conditions survey of the canal wall, method statement and schedule of works being submitted for detailed approval.
- 8.14 It is considered that the proposal including alteration works to the basement area is acceptable in design and conservation terms and appropriate to the canal setting. As such the proposal would not be out of character in this part of Regents Canal Conservation Area, which accords with saved Policy DEV1, DEV9, DEV27 of the UDP, policy CON2 of the IPG and Policy SP10 of the CS and advice set out in PPS5: 'Planning and the Historic Environment'. These policies seek to ensure that developments are of an appropriate design that is sympathetic to the setting and would preserve and enhance the conservation area.

Amenity

- 8.15 Policy SP10(4) of the CS along with saved policy DEV2 in the UDP and policy DEV1 of the IPG seek to ensure that development where possible protects and enhances the amenity of existing and future residents.

Impact on other existing occupiers

- 8.16 In the previous appeal decision, the Planning Inspector accepted that there would be a degree of privacy loss to east facing windows serving the existing ground floor flats. However, it was noted that windows linked to the ground floor flat already front onto the upper terrace and which enabled residents descending the stairs to see into habitable rooms. The application proposes a new enclosed stairwell to the proposed flat, which would minimise the incidence of overlooking into the east facing rooms. Therefore, whilst the new scheme would introduce a greater level of overlooking over and above which currently exists, it is not considered that the privacy loss would be so significant in order to be a sustainable

ground for the refusal of the current scheme.

- 8.17 The scheme will not have any significant impact on the use of upper and lower amenity terrace areas. The area of space which will become private amenity space for the occupants of the flat does not form part of the main areas of communal amenity space for the existing residents. The loss of this space (approximately 14 square metres) would not result in any significant loss of amenity provision for existing residents, and the development is acceptable in terms of Core Strategy policy SP02 and UDP policy 0S7, which seek to protect open space.
- 8.18 In overall terms the introduction of one additional flat is unlikely to have any significant impacts on the occupiers of existing development in terms of loss of privacy, loss of amenity space, or increased noise or disturbance. The proposal is therefore acceptable in policy terms.

Amenity of Future Occupiers

- 8.19 The proposed one bedroom flat has a floorspace of approximately 60 square metres. The flat is well laid out, and all habitable rooms benefit from adequate natural light and ventilation.
- 8.20 The proposed layout of the one-bedroom flat ensures that all rooms have good access to natural light and ventilation. The proposed flat would benefit from an amenity area (approx. 14sqm) adjacent to the canal. This is considered to offer an acceptable standard of amenity provision for the future occupiers
- 8.21 In overall terms the proposed flat would offer a good standard of accommodation for future occupiers, and would meet the requirements of policy 3.5 of the London Plan SP02 of the Core Strategy, and policies HSG13 and HSG16 of the UDP.

Highways

- 8.22 Policies 6.1 and 6.3 of the LP, seek to integrate transport and development and promote sustainable modes of transport, by encouraging patterns and forms of development which reduce the need to travel by car, and seek to improve walking and cycling capacity.
- 8.23 In respect of local policy, the CS, policies SP08 and SP09 broadly seek to deliver an accessible, efficient and sustainable transport network. UDP saved policy T16 states that the consideration of planning applications will take account of the operational requirements of the proposed use.
- 8.24 Strategic policies SP08 and SP09 of the CS, saved UDP policies T16 and T18 and policies DEV16, DEV17 and DEV19 of the IPG, outline that in respect of new development, consideration should be given to the impact of the additional traffic which is likely to be generated, the need to provide adequate cycle parking and the need to minimise parking and promote sustainable development.
- 8.25 The application site lies within a Controlled Parking Zone wherein parking restrictions apply, it would therefore be appropriate to impose a condition to prevent future occupiers of the proposed development from obtaining a resident's parking permit. This arrangement would ensure that the proposal would not add to pressure on on-street parking spaces, which is acceptable to the Council's Highway Development Team.
- 8.26 The information submitted does not provide a layout of the remaining basement parking area, or detail the proposed use of the rectangular shown to the South of the proposed flat. A condition would be imposed requiring the submission of this detail to ensure that adequate

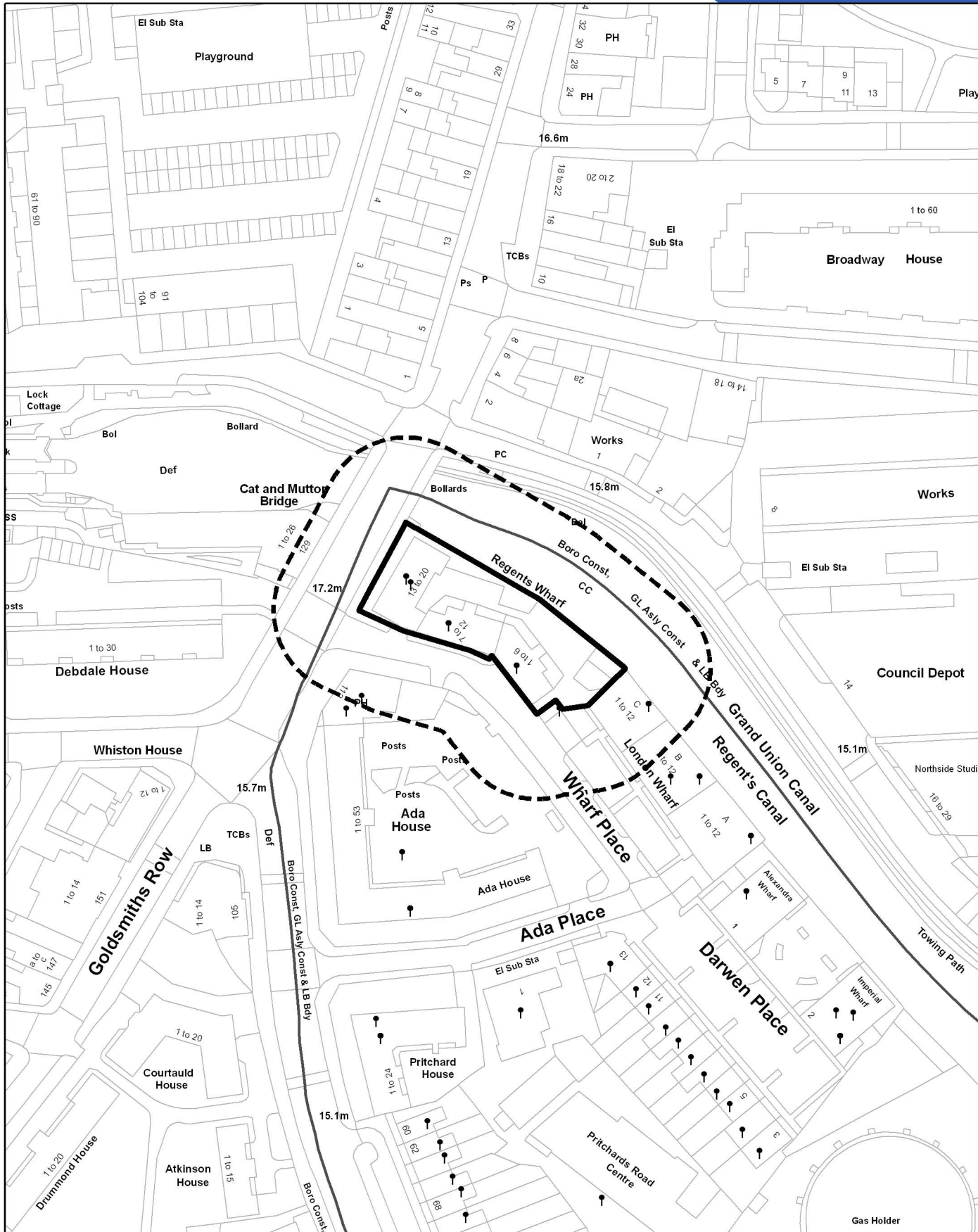
parking and circulation areas are retained.

- 8.27 A condition would also be imposed requiring details of the provision of a cycle parking space for the new development.
- 8.28 Overall, it is considered that the transport matters, including parking, access and servicing, are acceptable and in line with policies 6.1 and 6.3 in the London Plan saved policies T16 and T18 in the Unitary Development Plan, policies SP08 and SP09 of the Core Strategy and policies DEV16, 17 and DEV19 of the Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.

Conclusions

- 8.29 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

Locally Listed Buildings

Land Parcel Address

Consultation Area

Statutory Listed Buildings



1:1,250