

Committee: Development	Date: 16 th November 2011	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Nasser Farooq		Ref No: PA/11/01592 & PA/11/01593	
		Ward(s): Bethnal Green North	

1. APPLICATION DETAILS

Location:	Sotherby Lodge, Sewardstone Road, London , E2 9JQ
Existing Use:	Residential (10 residential units)
Proposal:	<u>Conservation Area Consent (CAC)</u> Demolition of the existing 3 storey building. <u>Full Planning Permission (FPP)</u> Erection of a part 5, part 6 storey building to provide 40 flats (15 x one bedroom, 16 x two bedroom and 9 x three bedroom).
Drawing Nos:	<u>FPP</u> 807_0202 B, 807_0230 K, 807_0203 D, 807_0201 N 807_241807_240 and accommodation schedule Rev M dated 19/03/08 <u>CAC</u> 115_De_P01
Applicant:	Estate and Lets 2 LLP
Owners:	Estate and Lets 2 LLP
Historic Building:	N/A
Conservation Area:	Victoria Park

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), saved policies of the Unitary Development Plan (1998), the Interim Planning Guidance (2007) associated Supplementary Planning Guidance, the London Plan (2011) and Government Planning Policy Guidance and has found that:

Conservation Area Consent:

- a) The proposed demolition works are acceptable in principle and meet the objectives of Saved Policy DEV28 of the Unitary Development Plan (1998) and Policy CON2 of the Interim Planning Guidance (2007) as well as PPS5 which seek to ensure appropriate demolition of buildings within conservation areas.

Full Planning Permission:

- a) The proposal is in line with the Development Plan policies, 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 and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- b) The proposed residential use is considered acceptable in principle as it would contribute to housing need within the borough, including the delivery of affordable housing and is situated in a suitable and accessible location. As such, the proposed use is in line with

policies 3.3 and 3.4 in the London Plan (2011), policy SP02 of the Core Strategy, saved policies HSG7 and HSG16 in the Unitary Development Plan (1998) and policies HSG2, HSG7 and HSG9 in the Interim Planning Guidance (October 2007) which seeks to meet the recognised housing needs within the Borough.

- c) The height, scale, bulk and design of the proposed development is considered to be acceptable within the context of the area, in accordance with policy 7.1, 7.4 and 7.6 of the London Plan (2011), policy SP10 of the adopted Core Strategy, saved policies DEV1 and DEV2 of the Unitary Development Plan (1998) and policies DEV1, DEV2 and DEV3 of the Interim Planning Guidance (October 2007) which seek to ensure buildings are a high quality design and suitably located.
- d) The proposal would preserve and enhance the character and appearance of the Victoria Park Conservation Area and is therefore considered acceptable in accordance with policy 7.8 of the London Plan (2011), adopted policy SP10 of the Core Strategy (2010), saved policy DEV1 in the Unitary Development Plan (1998) and DEV2 and CON2 in the Interim Planning Guidance (October 2007) which seek to ensure development preserves or enhances the character and appearance of conservation areas.
- e) The proposal would not have an unacceptable impact on the residential amenity of nearby properties in terms of loss of light, increased overlooking or noise. As such, the proposal is in line with policy SP10 of the Core Strategy, saved policy DEV2 of the Unitary Development Plan (1998) and policies DEV1 and DEV10 in the Interim Planning Guidance (October 2007) which seek to protect the amenity of residents.
- f) The proposal would not result in an unacceptable loss of car parking and would not create parking congestion within the surrounding road network and is therefore in accordance with policy 6.13 of the London Plan (2011) which seek to minimise parking provision in areas with good access to public transport.

3. RECOMMENDATION

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

3.2 All parties, including all mortgagees, with an interest in the site entering into a deed under s106 and/or s106A of the Town and Country Planning Act 1990 to transfer the planning obligations imposed in connection with the original permission to the new permission PA/11/01592, such deed to be to the satisfaction of the Assistant Chief Executive (Legal Services) and to secure the following:

- 3.3
 - a) 35% Affordable Housing
 - b) Car Free Agreement
 - c) Education contribution £61,710
 - d) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
(as secured with Permission PA/08/00153)

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

3.5 That, if by 16th February 2012, the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Corporate Director of Development and Renewal be delegated the authority to refuse planning permission on the grounds that in the absence of a legal agreement, the proposal fails to secure appropriate planning obligations to mitigate its potential impacts.

3.6 That the Corporate Director Development & Renewal is delegated power to impose

conditions and informatives on the planning permission and conservation area consent to secure the following matters:

Conservation Area Consent

- 3.6
- 1) Three year time limit for development to occur
 - 2) Development in accordance with approved plans.
 - 3) Construction contract to ensure FPP is implemented.

Full Planning Permission

3.7 Conditions

- 1) Three year time limit for development to occur
- 2) Development in accordance with approved plans.
- 3) Materials to be submitted and approved
- 4) Building works hours of operation (8am-6pm Mon-Fri, 8am-1pm Sat)
- 5) Energy and sustainability strategy to be approved
- 6) Contaminated Land.
- 7) Obscure glazing up to 1.8m in height from internal floor level in all proposed windows in the south east elevation facing Reynolds House and to all the roof terrace.
- 8) Details, location and method of refuse collection to be agreed prior to commencement of development
- 9) Protection of all adjacent trees covered by Tree Preservation Order
- 10) Landscaping details required
- 11) 10% Wheelchair accessible units to be provided
- 12) Highways S.278 Agreement

Any other condition(s) considered necessary by the Head of Development Decisions.

Informative:

- 1) Application read in conjunction with associated CAC.

4. BACKGROUND TO EXTENSION OF TIME APPLICATIONS

- 4.1 An application to extend the time limit for implementation can be made in respect of a planning permission granted on or prior to 1st October 2009, if the relevant time limit of an extant planning permission has not expired and if the development has not yet been commenced.
- 4.2 The Greater Flexibility for Planning Permissions Guidance issued by Communities and Local Government states that the Council should take a constructive approach towards these applications and given that the principle of the development has already been agreed, the focus of the determination should be on adopted policies and other material considerations (including national policies on matters such as climate change) which may have significantly changed since the original grant of permission.
- 4.3 As is the case with this application, where the original permission is accompanied by a S106 legal agreement, the Council need to consider whether a supplementary deed is required to link the obligations of the original to the new permission. It should also be noted that the Council has the power to impose and/or vary conditions.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 On 9th April 2008, an application for the 'Demolition of the existing 3 storey building and the erection of a part 5, part 6 storey building to provide 40 flats (15 x one bedroom, 16 x two bedroom and 9 x three bedroom)' was approved by the Development Committee (LBTH Ref PA/08/00153).
- 5.2 The planning permission was issued 18th September 2008 (following the completion of the S.106 Agreement) with a condition stating that the development should begin before expiration of three years from the date of the permission.
- 5.3 A separate application for conservation area consent for the demolition of the existing building was granted consent on 9th October 2007. The demolition of the building has not taken place within the three year demolition time period and the consent has consequently lapsed.
- 5.4 The applicant has indicated that there have been number of factors which have delayed the implementation of the planning permission and conservation area consent. The main reason stated involves the recent economic down turn and the limited availability of finance for new projects. This was the primary reason why applications for extension to the time limits for implementing planning permissions were introduced; in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn, so that it can be more quickly implemented when economic conditions improve.
- 5.5 As such, the applicant seeks the extension of the time limit to submit applications for approval of reserved matters and the implementation of the planning permission. The separate application for conservation area consent seeks consent for the demolition of the existing building.
- 5.6 It is proposed to demolish the existing 3 storey building known as Sotherby Lodge and redevelop the site with a part four and part six storey building comprising 40 residential units (15 x one bedroom, 16 x two bedroom and 9 x three bedroom units). The proposal provides for 35% affordable housing on a habitable room basis.

Site and Surroundings

- 5.7 The site is situated to the southern side of Sewardstone Road, opposite one of the entrances to Victoria Park. The site is a unique corner site with three street frontages and is bounded by Sewardstone Road, Approach Road and Bishops Way.
- 5.8 Whilst the surrounding area is predominantly residential in character, nearby uses include a hospital and a number of schools. The built form surrounding the site is a mix of two and three storey residential dwellings and five and six storey post war residential blocks of flats. To the south, directly adjoining the site, is a 6 storey post war residential block known as Reynolds House.
- 5.9 The property is a three storey brick building comprising 10 residential flats (2x1 bed and 8x2 bed units) and parking for approximately 6 cars. Whilst the existing building does not harm the conservation area, the existing car parking, landscaping and general maintenance of the site is poor and the building provides a poorly defined public realm.
- 5.10 The site has a public transport accessibility level (PTAL) of 3. The site is located approximately 550m away from Cambridge Heath over-ground station, approximately 800m away from Bethnal Green Underground station and approximately 250m away from the 309 and D3 bus routes (with buses every 6-10 minutes). It is therefore considered that public transport options are reasonably accessible and within a 10 minute walk.

Planning History

5.11 **PA/01/00496** - Demolition of existing block of flats and erection of a 4-6 storey building comprising 29 flats together with 29 car parking spaces at lower ground level and landscaping.

No decision reached – case is now closed

5.12 **PA/01/1059** - Demolition of block of flats in connection with proposed redevelopment of site. (Demolition within a Conservation Area)

No decision reached – case is now closed

5.13 **PA/07/1938** - Redevelopment of site consisting of a 6-8 storey building to provide 50 residential units (18 x 1 bed, 19 x 2 bed and 13 x 3 bed).

Withdrawn October 2007

5.14 **PA/07/2084** - Conservation Area Consent for demolition of existing 3 storey building to facilitate proposed redevelopment of the site.

Approved October 2007

5.15 **PA/08/00153**- Demolition of the existing 3 storey building. Erection of a part 5, part 6 storey building to provide 40 flats (15 x one bedroom, 16 x two bedroom and 9 x three bedroom). Approved 18th September 2008. This is the planning permission that is the subject of the current time extension.

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:

Adopted Core Strategy 2010

SP02	Urban Living for Everyone
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering place making
SP13	Planning Obligations

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	General design and environmental requirements
	DEV2	Development requirements
	DEV28	Demolition in Conservation Areas
	DEV 50	Noise
	DEV51	Contaminated land
	DEV55	Litter and Waste
	DEV56	Waste Recycling
	HSG7	Dwelling mix and type
	HSG13	Residential Space Standards
	HSG16	Amenity space
	T16	Traffic priorities
	T21	Improvement of pedestrian routes

Interim Planning Guidance for the purposes of Development Control

Proposals:		N/A
Policies:	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV10	Disturbance from noise pollution
	DEV13	Landscaping
	DEV15	Waste and Recyclables storage
	DEV16	Walking and Cycling
	DEV22	Contaminated Land
	HSG2	Housing mix
	HSG3	Affordable housing
	HSG7	Housing amenity space
	HSG9	Accessible and adaptable homes
	CON2	Conservation Areas

The London Plan (2011)

Policies	3.3	Increasing Housing Supply
	3.4	Optimising housing potential
	3.5	Quality and Design of housing developments
	3.6	Children and young people's play and informal recreating facilities
	3.8	Housing Choice
	3.9	Mixed and Balanced communities
	3.10	Definition of affordable housing
	3.11	Affordable housing targets
	3.12	Negotiating affordable housing on individual private residential and mixed use schemes
	3.13	Affordable housing thresholds
	5.1	Climate change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and Construction
	5.7	Renewable Energy
	6.1	Strategic Approach to Transport
	6.9	Cycling
	6.13	Road Network Capacity
	6.14	Parking
	7.1	Building London's neighbourhoods and communities
	7.2	An inclusive environment
	7.3	Designing out crime
	7.4	Local Character
	7.5	Public Realm
	7.6	Architecture
	7.8	Heritage Assets

Government Planning Policy Guidance/Statements

PPS1 Delivering Sustainable Development

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

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

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

7. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

London Borough of Tower Hamlets - Environmental Health

- 7.2 The site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. I understand ground works and soft landscaping are proposed and therefore, a potential pathway for contaminants may exist and will need further characterisation to determine associated risks.

(Officer comment: Whilst this was not conditioned in the earlier application, it is considered that this matter could be controlled via the imposition of a condition)

London Borough of Tower Hamlets - Highways

- 7.3 There has not been a material change in policy or highways that would merit an objection or concern. If approval is granted it should be subject to the conditions/recommendations made by my Highways colleague in 2008.

(Officer comment: this is noted. The original application was subject to a car free development and also contained highway works conditions, which are proposed to be reproduced in this consent)

London Borough of Tower Hamlets - Cleansing

- 7.4 Bin storage facilities are not clear on plans. It seems there are two bin stores, which for seem to hold 10 bins. Preference is for the bin close to Approach Road to be maintained and expanded and for bicycle storage to be at the far end. This will make collections easier and speedier and avoid the refuse vehicle making manoeuvres when collecting waste

(Officer comment: this matter was controlled via a condition in the 2008 application. It is considered that a condition can be imposed to address these comments)

London Borough of Tower Hamlets – Housing

- 7.5 As there have been no changes in the scheme and this scheme provides 35% affordable housing, we have no objection to the extension of time being granted, especially as the current S106 obliges them to provide social rented housing units

(Officer comment: These comments are noted, housing is discussed further in the material planning section of the report)

London Borough of Tower Hamlets – Education

- 7.6 No comments received

(Officer comment: the 2008 application was subject to an s106 education contribution of £61,710 to mitigate any impacts on the local education, section 106 matters are discussed further in the material planning consideration's section of the report.)

Transport for London

7.7 No observations to make

CABE

7.8 No comments received

Crime Prevention Officer

7.9 No comments received.

London Borough of Hackney

7.10 No comments received to date

8. LOCAL REPRESENTATION

8.1 A total of 305 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised on site via a site notice and in the East End Life. The total number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	0	Objecting:	6	Supporting:	0
No of petitions received:		1 objecting containing	34 signatories		
		0 supporting containing	0 signatories		

8.2 The following concerns were raised in representations about the development:

- Design, scale, height and density
- Overshadowing
- Out of context and detrimental impact on the Conservation Area
- Proposal not in accordance with policy SP02 of the Core Strategy.
- Building significantly larger than existing building
- Traffic problems
- Overshadow the entrance to the park

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main issues arising from the development which were judged to be acceptable in respect of the previous application relate to the access and layout of the proposal. In particular, planning issues which are considered relevant are as follows:

1. Land use
2. Design
3. Amenity
4. Highway and transportation issues

9.2 As previously highlighted, while the application is determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, the consideration to be had in this particular case relates any significant change in development plan policies and other material considerations since the grant of the original permission back in September 2008.

9.3 Since the grant of planning permission, a number of relevant national and regional guidance and adopted policy as set out in the development plan have been updated. This include new

PPS3 (Housing) updated on 9 June 2011 (which replaced PPG3), PPS5 (Heritage Assets) published on 29th March 2010 (which replaced PPG15) and the adopted London Plan 2011, which replaced the London Plan (consolidated with alterations since 2004) 2008.

- 9.4 The Council has also adopted its Core Strategy on September 2010.
- 9.5 For the purpose of decision making, the statutory development plan documents which now pertain are:
- The London Plan 2011;
 - The adopted Core Strategy 2010
 - The saved policies of UDP 1998;

In addition to these documents, policies contained within the Interim Planning Guidance (2007) represent material considerations.

The Council is currently in the process of finalising a Supplementary Planning Document (SPD) on s106 Contributions. The draft SPD was presented to the Tower Hamlets Mayor and Cabinet on 6th July 2011 and has been the subject of public consultation.

- 9.6 As a result of this endorsement, the draft document can be afforded some weight as a planning consideration, but its weight is lessened until such time as the SPD has been approved (once the outcome of public consultation has been formally considered and the SPD finalised).

Land Use

- 9.7 The current use of the site is residential and the principle of continued residential use of the site is considered acceptable. The Council's Development Plan policies have not significantly altered since the grant of the original consent and as such, there is no policy objection on the use of the site for residential purposes.
- 9.8 The proposal is therefore in accordance with policy 3.3 and 3.4 in the London Plan, as it is a suitable site for increased residential density.

Density

- 9.9 The London Plan density matrix highlighted by policy 3.4 suggests that densities within urban areas with moderate transport links (PTAL 2-3) should be within the range of 200-700 habitable rooms per hectare. This approach is supported by policy HSG1 of the Interim Planning Guidance and policy SP02 (2) of the Core Strategy (2011) which seek to correspond housing density to public transport accessibility and proximity of town centres.
- 9.10 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, impact on neighbours and associated amenity standards.
- 9.11 Proposed density of the scheme is 1,272 habitable rooms per hectare. Whilst this is over the density range for an urban site, it should be acknowledged that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;
- Increased traffic generation; and
- Impacts on social and physical infrastructure.

9.12 As with the previous application back in 2008, it is not considered that the proposed scheme gives rise to any of the abovementioned symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and is appropriate to the area context.

Housing

9.13 In accordance with polices 3.3 and 3.4 of the London Plan, the London Mayor is seeking the maximum provision of additional housing in London. The site is considered to be an appropriate location to meet this demand given the established residential use within this area and access to local services.

9.14 The table below shows the proposed housing mix:

	Market Sale		Shared Ownership		Social Rented		Total	
	Units	Habitable Rooms	Units	Habitable Rooms	Units	Habitable Rooms	Units	Habitable Rooms
1 bed	10	20	2	4	3	6	15	30
2 bed	14	42	-	-	2	6	16	48
3 bed	3	12	1	4	5	20	9	36
Total	27	74	3	8	10	32	40	114
Total %		65%		7%		28%		

9.15 The housing mix would provide for a mix of 1, 2 and 3 bedroom units in accordance with policy HSG7 in the UDP 1998 and policy HSG2 in the Interim Planning Guidance (October 2007). This mix of units result in 22.5% of the total units being suitable for families (three bed plus). Whilst this is not in accordance with Policy SP02 (5b) of the Core Strategy which requires 30%, given the number of units the scheme entails and compliance with other housing policies (see paragraph 8.16), this mix is considered acceptable.

9.16 The proposal would provide 13 affordable units equating to 35% on a habitable room basis in accordance with policy HSG3 in the Interim Planning Guidance (October 2007). The proposal would therefore meet housing need within the Borough and would provide a total of 9 family sized units in accordance with policy HSG7 in the UDP 1998 and HSG2 in the Interim Planning Guidance (October 2007) which seek to ensure the provision of family sized accommodation within the borough (defined as 3 or more bedrooms).

9.17 The proposal provides an acceptable provision of family sized accommodation. Within the social rented element, 5 family units would be provided. This equates to 46% of the total affordable housing. The proposal therefore meets the requirements of HSG2 in the Interim Planning Guidance (October 2007) and also policy SP02(5b) which requires 45% of new social rented units to be for families.

9.18 Overall, thirty-two of the proposed units would have private amenity space in the form of a balcony or terrace. All other units would have direct access to garden space. The scheme also proposes a communal terrace on the fifth floor for the use of all residents. The communal terrace provides amenity space in excess of 100sqm and is therefore in accordance with policy HSG7 in the Interim Planning Guidance (October 2007). It is considered that in conjunction with the close proximity of Victoria Park, the proposed units

would have adequate access to amenity space. The proposed units would have acceptable internal space standards in accordance with council guidance.

Demolition of Existing Building.

- 9.19 Since the granting of the conservation area consent in 2007, the Government has introduced Planning Policy Statement 5: Planning and the Historic Environment (PPS5). This is a material planning consideration in the determination of the extension of time application as well as the application for conservation area consent.
- 9.20 The Council's relevant policy concerning demolition in conservation areas is saved policy DEV28 of the Unitary Development Plan (1998).
- 9.21 Policy DEV28 states proposal for the demolition of buildings in conservation areas will be considered against the following criteria:
1. The desirability of preserving or enhancing the character or appearance of the area
 2. The condition of the building
 3. The likely cost of the repair or maintenance of the building
 4. The adequacy of efforts to maintain the building in use and:
 5. The suitability of any proposed replacement building.
- 9.22 The existing building is not considered to be of high architectural merit and whilst the building does not harm the character and appearance of the conservation area, it is not considered to contribute positively to the site and its surroundings. This is compounded by the appearance of the extensive car parking area and the limited prominence in relation to the grand entrance to Victoria Park
- 9.23 It is considered that a more prominent building could be accommodated at this important junction between Sewardstone Road and Approach Road.
- 9.24 As such, it is considered that the demolition of the existing building can be supported subject to a high quality, well designed scheme that enhances the site characteristics, close to one of the primary entrances to Victoria Park.
- 9.25 The demolition is considered acceptable subject to a suitable replacement scheme on the site. Therefore a condition will be attached to any conservation area consent granted, requiring that demolition shall not take place until permission has been granted for a replacement scheme on the site.
- 9.26 The proposal is therefore considered acceptable and in accordance with saved policy DEV28 in the Unitary Development Plan 1998.
- 9.27 Policy HE9.2 of PPS5 states that where an application leads to a total loss of significance, the local planning authority should refuse consent unless it can be demonstrated that the loss of significance is necessary in order to deliver substantial public benefits that outweigh the harm. A further exception can be justified where the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. Policy HE9.4 recognises that the greater the harm to the significance of the asset, the greater the justification will be needed for the loss. As previously advised, whilst the existing building does not harm the character and appearance of the conservation area, officers are of the view it does not positively contribute to character and appearance. Furthermore, the loss of the building needs to be balanced against the benefits of the proposed redevelopment, including the quality of the replacement building along with the capacity of the site to deliver affordable housing. This further justifies the loss of the existing building.
- 9.28 In this instance, the proposed development, which is considered acceptable in terms of

design, siting and location, along with the provision of 35% affordable housing would significantly outweigh any issues associated with the loss of the existing building.

- 9.29 It is therefore considered, that the proposed demolition of the existing building to maximise the development potential of the site, whilst also securing affordable housing is in accordance with the government guidance found in PPS5.

Design

- 9.30 Additional policies regarding design are now applicable since the granting of the original application in 2008 by virtue of adoption of the Core Strategy (2010) and the London Plan (2011).
- 9.31 Good design is central to all the objectives of the London Plan. Policy 7.4 of the London Plan states *'Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientations of surrounding buildings'*. These principles are also reflected in saved policies DEV1 and DEV2 of the UDP 1998 and the Interim Planning Guidance (October 2007).
- 9.32 The London Plan encourages the intensification of brownfield sites and policy 3.4 seeks to ensure developments maximise the potential of sites. The redevelopment of the site is considered to improve the appearance of the site, whilst providing a recognised housing need. The proposal is therefore considered an efficient use of a brownfield site.
- 9.33 This is emphasised further within policy SP10 of the adopted Core Strategy (2010) which seeks to preserve or enhance the Boroughs built heritage and historic environment.
- 9.34 Policy DEV2 of the Interim Planning Guidance (October 2007) reiterates DEV1 of the UDP 1998 and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 9.35 The Council's policy position on the design of the scheme has not changed by virtue of these policies.
- 9.36 The proposed building would be six storeys in total and would step down at the Bishops Way and Approach Road elevations. The approach to redevelopment of the site is a contemporary one. The materials proposed would be a mix of brick and natural finished zinc with timber detailing. The materials would respond to the natural environment of Victoria Park and would pick up reference from the brick buildings within the locality. The proposed building layout responds to the shape of the site by following the boundary of the site, providing a clearly defined street frontage. This is considered an acceptable approach.
- 9.37 Whilst the building would be higher than some of the neighbouring properties, it is considered that the design would be appropriate within the context of the area. The proposal takes cue from the surrounding post war buildings which are 5 and 6 storeys in height. The proposal would step back at the upper levels to define its corner element. The articulation of heights within the proposal will provide architectural interest to the design and would respect the surrounding built form in terms of height and scale.
- 9.38 The proposal would accommodate acceptable cycle and waste storage in accordance with DEV15 in the Interim Planning Guidance (October 2007).
- 9.39 The proposed bulk, mass and scale is considered appropriate in this location and would not appear overly dominant within the streetscene, nor would it over dominate the entrance to Victoria Park. The proposal would provide a contemporary addition that would rejuvenate the site and provide a high quality development whilst respecting the character of its surroundings. Subject to a condition requiring material samples to ensure a high quality

finish, the proposed materials are considered appropriate. The proposal is considered to preserve and enhance the character and appearance of the Victoria Park Conservation Area in accordance with policy SP10 of the adopted Core Strategy (2010) and policy CON2 in the Interim Planning Guidance (October 2007).

9.40 To this end, the proposal takes into account and respects the local character and setting of the development site, through:

- The provision of a scale and form of development that it appropriate for this area;
- High quality design;
- A condition requiring materials to be completed in accordance with the approved materials;
- Efficient use of a brownfield site; and
- The provision of good quality housing in accordance with identified need.

9.41 Overall, it is considered that the proposal represents a design, massing and scale which achieve a positive response to the sites context, including its relationship with surrounding buildings. On the basis of the above, the proposal satisfies the requirements of policy SP10 of the Core Strategy (2010), saved policy DEV1 of the adopted Unitary Development Plan and policy DEV2 of the Interim Planning Guidance (October 2007) and is considered acceptable.

Accessibility & Inclusive Design – Safety & Security

9.42 Saved policies DEV1 and DEV2 in the UDP 1998 and policy DEV3 of the Interim Planning Guidance (October 2007) seeks to ensure that development incorporates inclusive design principles and can be safely, comfortably and easily accessed and used by as many people as possible.

9.43 The proposal provides a level approach from the pavements. Moreover, it would provide for 10% wheelchair accessible units. This will be secured by condition.

9.44 Further saved Unitary Development Plan Policies DEV1 and DEV2 and Policy DEV4 of the Interim Planning Guidance seek to ensure that safety and security within development and the surrounding public realm are optimised through good design and the promotion of inclusive environments. Policy DEV4 in the Interim Planning Guidance (October 2007) seeks to ensure safety and security of development by incorporating principles such as ensuring building entrances are located and designed to be visible, designing development to face the street with active frontages and by creating opportunities for natural surveillance of the public realm.

9.45 The proposal has been designed to face the street and would therefore provide opportunities for natural surveillance. The entrance will be in line with the front of the building to reduce opportunity for loitering. As such, the proposed entrances have been designed to be visible and secure. The proposed design is considered to take into consideration secure design principles and meets the requirements of policy DEV4 in the Interim Planning Guidance (October 2007).

Amenity

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

9.47 The development is considered to have an appropriate relationship with existing adjoining properties. Subject to the original conditions, the resulting development is not considered to have an adverse impact on neighbouring residential amenity in terms of noise and nuisance,

loss of sunlight and daylight or outlook. Furthermore, these matters were considered in the 2008 application and there has not been a change in policy to consider otherwise.

- 9.48 Given the scale of the proposal, the open aspect of the site and distance from other neighbouring properties and windows, it is not considered there would be any unacceptable overshadowing or loss of light. It is not considered the proposal would cause unacceptable overshadowing to the entrance to Victoria Park. Windows closest to the development are within the flank elevation at Reynolds House. These windows appear to be secondary windows serving bathrooms or bedrooms. Given their current northern aspect and open aspect to either side, it is considered in conjunction with the distance of the proposal, there would not be an unacceptable loss of daylight and sunlight and a refusal could not be sustained on these grounds.
- 9.49 Given the location of the proposal, orientation and distance from neighbouring windows, there would be no unacceptable direct overlooking as a result of the development. It is not considered any of the balconies would give rise to unacceptable overlooking and loss of privacy. Windows to the south elevation would overlook the windows in Reynolds House. However, a condition requiring obscure glazing of all proposed south east facing windows overlooking Reynolds House should ensure that there is no unacceptable overlooking as a result of the development.
- 9.50 The proposed units would have acceptable internal space standards in accordance with Council guidance. Thirty-two of the proposed units would have private amenity space. The scheme also proposes a communal terrace on the fifth floor for the use of all residents. Whilst there is no child play space provided, given the close proximity of Victoria Park, it is considered the proposed units would have adequate access to amenity space and a refusal could not be sustained on these grounds.

Transport & Highways

- 9.51 Both the Unitary Development Plan and the Interim Planning Guidance contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, lorries and supports movements by walking, cycling and public transport.
- 9.52 There has been no change in the policies relating to transportation or servicing. The requirements of Council's highways are as before, and measures are secured by conditions.
- 9.53 In summary, the applicant has provided 40 cycle spaces (one per unit) and the development was previously approved as car free.

OTHER

Energy

- 9.54 A condition was imposed in the 2008 consent for further details on the energy and sustainability strategy to be submitted to ensure that the proposed development meets Council Policies. It is considered a similar condition requiring compliance with the London Plan (2011) would be sufficient to ensure the development is energy efficient and provides renewable energy.

S106 Contributions

- 9.55 Policy SP13 of the Adopted Core Strategy requires the Council to negotiate planning obligations in relation to propose developments.
- 9.56 According to circular 05/05 planning obligations must be:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

9.57 It is noted, that since the granted of the original planning permission in 2008, the Council has produced a supplementary planning document (SPD) which outlines current Council requirements on the level of contributions that are sought in planning applications.

9.58 The original planning permission secured the following planning obligations via a S.106 legal agreement.

- 35% Affordable Housing (including 5 social rented family sized units)
- Car Free Agreement
- Education contribution £61,710

9.59 The delivery of affordable housing, sustainable transport and education are listed as the Councils priorities when securing s106, as outlined in Policy SP13 of the adopted Core Strategy (2010).

9.60 The Council considers that these obligations meet the test for S.106 contribution and consider that they should be carried through to this extension of time application via a deed of variation.

9.61 Whilst it is acknowledged that the Council has produced a SPD on S.106, it is considered that a renegotiation of S.106 would be difficult to justify given this document has not been adopted and given the level of S.106 already secured.

9.62 It is also considered difficult to justify any introduction of additional heads of terms to those agreed in 2008 given the scheme has not changed.

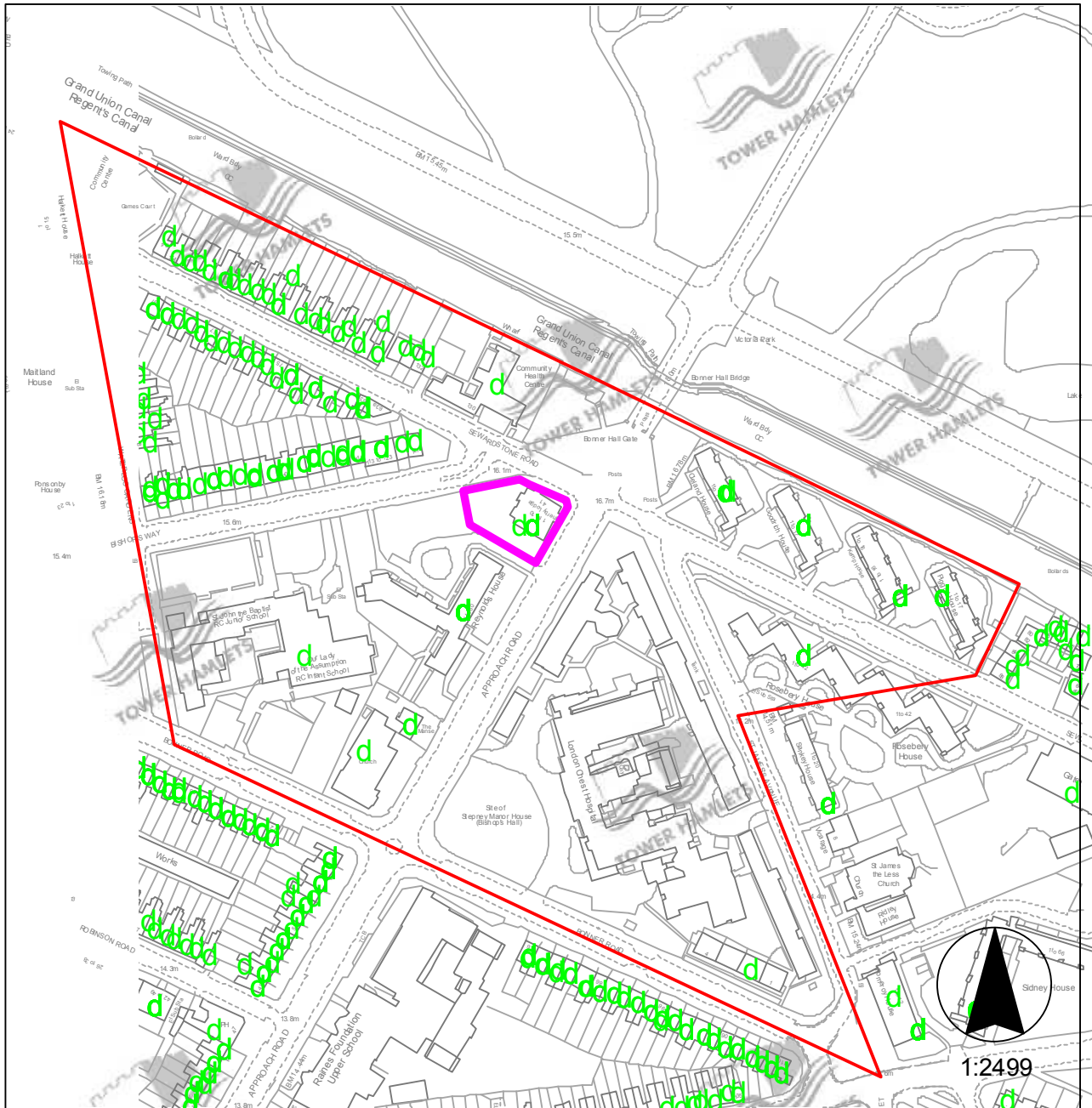
9.63 As well as this, given the original development was not implemented due to the economic downturn, it is considered that a further request for S.106 contributions would render the scheme unviable and against the objectives of the extension of time process.

10.0 CONCLUSIONS

10.1 The proposal will re-develop an existing site with a modern high quality, residential scheme which maximises the site potential and provides a contemporary development along this area. The existence of an extant planning permission for the same scheme acts as a material consideration in determination of this case. There are no significant material changes in circumstances or in policy that would prohibit the use of the new procedures to extend the time element of the permission.

10.2 All other relevant policies and considerations have been taken into account. Planning permission and conservation area consent 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.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568