

<b>Committee:</b> Development Committee	<b>Date:</b> 12 <sup>th</sup> September 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Mandip Dhillon		<b>Ref No:</b> PA/12/01646	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** Site at the South West Junction of Glenworth Avenue and Saunders Ness Road, Glenworth Avenue, London

**Existing Use:** Vacant/Brownfield Site

**Proposal:** The erection of eight x three storey houses each containing three bedrooms inclusive of external amenity space and cycle parking.

**Drawing No's:** Drawings:

1a  
2b  
3b  
6a

Documents:

Photographs of surrounding area (un-numbered)

Contamination Assessment Report Ref 5899C

Flood risk Assessment dated October 2011

Planning and Impact Statement

Design and Access statement

Assessment for the presence of Japanese Knotweed, dated 8<sup>th</sup> August 2012.

**Applicant:** Mr R Horban

**Owner:** Mr R Horban

**Historic Building:** No

**Conservation Area:** No

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- The proposal makes efficient use of the site and provides an increase in the supply of housing within an acceptable density. As such the proposal accords with policies 3.3 and 3.4 of the London Plan (2011), HSG1 of the Council's Interim Planning Guidance

(2007) and objective S07 of the Core Strategy (2010), which seek the maximum intensity of use compatible with local context.

- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the urban context of the site and as such accords with saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy (2010), policy DM25 of the Managing Development DPD (Submission Version 2012) and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- The building height, scale, bulk, design and relationship of the proposed development with the surrounding built form is acceptable and accords with policies 3.5 of the London Plan (2011), policies DEV1, DEV2 of the Council's Unitary Development Plan (1998) and policies DEV1, DEV2, CON1 and CON2 of the Council's Interim Planning Guidance (2007), policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012) and policy SP10 of the Core Strategy (2010), which seek to ensure buildings are of a high quality design and sensitive to the setting of the adjoining Island Gardens Conservation Area and the Grade II\* listed St Johns Church.
- Transport matters, including parking, access and cycle parking, are acceptable and accord with policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development DPD (Submission Version 2012) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (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 the following:
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions:**

1. Time Limit 3 years
2. Compliance with approved plans and documents
3. Contaminated land survey
4. Samples / pallet board of all external facing materials
5. Details of refuse and recycling to be submitted and approved.
6. Detail of private amenity space, to include proposed landscaping and boundary treatment to be submitted and approved.
7. Construction Logistics and Management Plan
8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Detail of Highway Works to be submitted and approved
10. Cycle Parking details to be implemented on site
11. Car and permit free development
12. Permitted Development Rights (GPDO 1995 as amended) removed for 8 dwellinghouses.
13. Refuse and Recycling to be submitted and approved
14. Survey of site and adjoining area to identify Japanese knotweed and remediation

strategy

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

### **Informatives**

- 1) Section 278 / S72 required
- 2) Applicant advised to contact LBTH Building Control team.
- 3) No blocking of surrounding highway and carriageway.
- 4) No skips or construction materials shall be kept on the footway or carriageway.
- 5) Construction vehicles must only load/unload/park at locations within the permitted times by existing restrictions.
- 6) Environment Agency- The applicant is advise to incorporate flood mitigation measures within the proposed development such as:
  - Raising threshold levels (or installing a secondary defence) to reduce the risk of the property becoming inundated in the event of a flood. This can help protect the property from other sources of flooding such as surface water or sewer flooding.
  - Using flood resistance and resilience measures and construction techniques to help reduce the impact of flooding should it occur. Please refer to "Improving the Flood Performance of New Buildings: Flood Resilient Construction" (CLG 2007).
- 7) Thames Water- The applicant is advised to make proper provision for drainage o ground, water courses or a suitable sewer:
  - Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be requires, they can be contacted on 0845 850 2777.
  - Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8) The applicant is advised that if during the course of construction, identifiable remains are discovered at the application site (ie, urned burials or human skeletal remains) the applicant must cease works and obtain a burial licence from the Ministry of Justice.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The application proposes the erection of a terrace of eight townhouses fronting onto Saunders Ness Road. The three storey properties all comprise three bedrooms providing family accommodation. Each residential unit would have a private rear garden and a front garden fronting onto Saunders Ness Road. The proposals also include the provision of cycle parking within each residential unit.

### **Site and Surroundings**

- 4.2 The application site area extends to 980sqm and is located on the western side of Saunders Ness Road. The site lies at the junction of Saunders Ness Road and Glenworth Avenue, close to the main arterial road on the Isle of Dogs, Manchester Road. The application site has recently been cleared of much of its vegetation. Prior to this it comprised predominantly of trees and overgrown shrubs. Within the application site itself lies a structure which takes the appearance of a lighthouse. This is shown in the photograph below, Image 1.

Image 1



- 4.3 To the north of the site lies St Lukes Church of England Primary School and Nursery which is predominantly 1 to 2 stories in height immediately abutting Glenworth Road but rises to four stories in height within the school site. The residential properties to the east of the site comprise three storey town houses. To the south of the site lies a terrace of two storey residential properties. There have been a number of roof top extensions to this particular terrace taking the development to approximately three stories in height. To the west of the application site lies the Police Station which serves the local area, the building is three storeys in height. To the southwest of the site lies St Johns Church, the church is Grade II\* listed and the vicarage within the Church grounds is a locally listed building.
- 4.4 The Island Gardens conservation area lies immediately adjacent to the application site, along its southern boundary. The application site is located to the east of the designated Manchester Road retail parade. The site has a Public Transport Accessibility Level (PTAL) of 2. The closest station to the site is Island Gardens DLR to the south west of the site which is a short walk from the application site, approximately 400 metres. The site is close to numerous bus routes which run along the Manchester Road, all of which are a short walk from the application site.

### Planning History

- 4.5 The relevant planning history for this site includes:

Application Ref	Application Type	Description of Development	Decision and Date
PA/63/00269	Full Planning Application	Erection of a temporary structural engineering works and offices at the north east corner of the site	Granted 14/10/1963
PA/82/00428	Full Planning Application	Development of a community Garden	Granted 15/11/1982
PA/98/00833	Outline Planning Application	Erection of 8 three storey town houses.	Granted 17/06/99
PA/00/00742	Full Planning Application	Erection of 8 three storey town houses.	Granted 02/01/01
PA/01/01024	Full Planning Application	Erection of 8, three storey town houses. (Revised application to	Granted 06/02/02

		approved scheme dated 2nd March 2001, PA/00/742 with amendments to front elevation and new rear vehicular access to proposed basement car parking below decked garden level.)	
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## 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:

### Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development

### Core Strategy 2010

Strategic Objectives:	S07	Urban Living for Everyone
	S08	Urban Living for Everyone
	S09	Urban Living for Everyone
	SO14	Dealing with waste
	SO19	Making Connected Places
	SO20	Creating Attractive and Safe Streets and Spaces
	SO21	Creating Attractive and Safe Streets and Spaces
	SO22	Creating Distinct and Durable Places
	SO23	Creating Distinct and Durable Places
	SO25	Delivering Placemaking
Spatial Policies:	SP02	Urban Living for Everyone
	SP05	Dealing with waste
	SP08	Making connected Places
	SP09	Creating Attractive and Safe Streets and Spaces
	SP10	Creating Distinct and Durable Places
	SP12	Delivering Placemaking

### Managing Development Development Plan Document (DPD) Submission Version May 2012

Policies	DM3	Delivering Homes
	DM4	Housing standards and amenity space
	DM14	Managing Waste

DM20	Supporting a Sustainable transport network
DM22	Parking
DM23	Streets and the public realm
DM24	Place sensitive design
DM25	Amenity
DM26	Building Heights
DM27	Heritage and the historic environment
DM30	Contaminated Land

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

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV10	Disturbance from Noise Pollution
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV22	Contaminated Land
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG7	Housing Amenity Space
	CON1	Listed Buildings

### **Supplementary Planning Guidance/Documents**

Designing Out Crime Parts 1 and 2

### **Spatial Development Strategy for Greater London (London Plan) 2011**

Policies:	3.3	Increasing Housing Supply
	3.4	Optimising Housing Potential
	3.5	Quality and Design of Housing Developments
	3.9	Mixed and Balanced Community
	3.14	Existing Housing
	5.12	Flood Risk
	6.1	Strategic Approach
	6.3	Assessing Effects of Development on Transport Capacity
	6.9	Cycling
	6.10	Walking
	6.11	Smoothing Traffic Flow and Tackling Congestion
	6.13	Parking
	7.2	An Inclusive Environment
	7.3	Designing out crime
	7.4	Local Character
	7.5	Public Realm
	7.6	Architecture
	7.8	Heritage Assets and Archaeology

### **Government Planning Policy Guidance/Statements**

NPPF	National Planning Policy Framework
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**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

## **6. CONSULTATION RESPONSE**

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

### **Environment Agency (Statutory Consultee)**

- 6.2 No objection in principle. Whilst the site is not located in a Flood Risk Zone, the location of the site is in an area which is at risk of flooding in the event of a breach or failure of the River Thames, an informative will be imposed recommending the development includes flood mitigation measures.
- 6.3 *(Officer Comment: Informatives to cover the planning issues raised by the Environment Agency would be placed on any permission issued.)*

### **Natural England**

- 6.4 No response received. Details will be provided within an update report.

### **Defra**

- 6.5 No response received. Details will be provided within an update report.

### **English Heritage Archaeology**

- 6.6 During the course of this planning application, concerns were raised that the application site was consecrated ground and that a burial had taken place on the land. Officers have tried to verify this information, however following discussions with Christ Church in the Isle of Dogs, it was not possible to ascertain (due to no records being held at Christ Church) whether the land is in fact consecrated land or if a burial has taken place at the site.
- 6.7 Discussions with English Heritage Archaeology have identified that the responsibility of consecrated ground lies with the applicant and therefore the necessary information has been passed onto the applicant.
- 6.8 For information purposes, should identifiable remains be discovered during the course of construction (ie, urned cremation burials or human skeletal material (this does not include scattered ashes)) the developers will be required to obtain a burial licence from the Ministry of Justice which under separate legislation (the Burial Act) will ensure reinterment.
- 6.9 *(Officer comment: As the matters are the subject of separate legislation contained within the Burial Act, an informative will be added to any planning consent issued.)*

### **LBTH Conservation and Design**

- 6.10 No objections in principle. The site is not located in a conservation area and does not impact upon the heritage assets of the Grade II listed St Johns Church.
- 6.11 The lighthouse structure located within the application site is not of any historical/heritage value. It is a modern addition and therefore no objection is raised to its loss.
- 6.12 Officers welcome the relocation of the plaque which formed part of the previous planning consents which have been issued at this site.

### **LBTH Aboricultural Officer**

- 6.13 No objections raised to the proposed works.

### **LBTH Environmental Health- Contaminated Land**

- 6.14 No objection in principle to the proposals. The Environmental Health team have identified the presence of elevated concentrations of contaminants including metals and PAH's at the site. As such, it is requested that a condition is imposed on any planning consent issued to ensure the developer carries out a further site investigation prior to commencement of development to identify potential contamination and the necessary remediation is undertaken.
- 6.15 *(Officer Comment: An appropriate condition will be applied to any planning consent issued.)*

### **LBTH Cleansing/Waste Officer**

- 6.16 No objection in principle subject to a condition requiring details of the refuse and recycling facilities for each unit.
- 6.17 *(Officer comment: A condition will be imposed on any consent issued requiring details of refuse and recycling storage for each property.)*

### **LBTH Highways**

- 6.18 There is a high level of on-street parking based on occupancy levels close to the site, being generally above the 80% 'stress' level for night time parking. As such, the development should be secured as car and permit free.
- 6.19 Highways do not support any more than 1 car parking space within the development proposal, as per the car parking standards within the Managing Development DPD (submission version 2012).
- 6.20 Each residential unit comprises of an internal cycle store at ground floor level. Each property also comprises of a private front and rear garden which provides sufficient and secure space for the storage of bicycles.
- 6.21 The proposals indicate land between the building line and the public highway. The applicant should be notified all areas between the building line and the public highway must be drained within the site.
- 6.22 The applicant is proposing work to the highway to secure the basement level ramp which is considered acceptable in principle subject to the modification of the gradient.
- 6.23 Highways was unable to support the application as submitted, as the level of parking was excessive, and designs for the access ramp to the basement required modification.
- 6.24 *(Officer comment: The basement level car parking has been removed from the proposal. The applicant has agreed to deliver the scheme as car and permit free. There are no outstanding objections from the Highways team.)*

### **Thames Water**

- 6.25 No objection in principle subject to the imposition of two informatives regarding minimum pressure in the new proposal and prior approval should the developer propose to discharge into a public sewer.



6.26 (Officer comment: The above informatives will be added to any planning consent issued.)

## 7. LOCAL REPRESENTATION

7.1 A total of 29 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 at the application 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: 27      Against: 27      In Support: 0

### Objections Received

#### 7.2 Density and land use

- Number of properties proposed on the site appears to be very high
- Overdevelopment of site

(Officer Comment: The above issues are addressed within Material Planning Considerations under 'Land Use' and 'Housing'.)

#### 7.3 Amenity Impacts

- Impact of building works during construction phase
- Insufficient detail of the landscaping/private amenity area provided- potential impact upon noise generation on surrounding local residents

(Officer Comment: A condition is proposed to be imposed to restrict the hours of construction works and to seek details of landscaping and private amenity space. This is discussed further within Material Planning Considerations under 'Amenity'.)

#### 7.4 Highway Impacts

- Increase in traffic
- Impact on existing parking bays in the local roads
- Overspill of car parking onto local roads
- Vehicular access opposite the entrance into St Johns school, impacting upon the safety of pedestrians and the highway network (site line details not submitted)
- Vehicular access is out of character with the existing car access arrangements
- Basement excavation will impact upon drainage system

(Officer Comment: The proposal has been amended to remove the proposed basement and all associated car parking. The development will be secured as car and permit free. This will prevent any exacerbation of traffic on local roads. This also removes the vehicular access point on Glenworth Road. There are no proposed loss of parking bays as a result of this development. All other Highways impacts are discussed in more detail within Material Planning Considerations under 'Transportation'.)

#### 7.5 Design/Heritage

- Loss of existing lighthouse feature located within the site
- Design of proposed dwellings and main Saunders Ness Road facade are out of character with existing houses on Saunders Ness Road
- Inappropriate use of materials, out of character with the surrounding area
- Proposal appears overdominant and overbearing within the existing streetscape
- Loss of memorial plaque and Rowan Tree planted in memory of Nancy David
- Building line does not match the adjoining building line
- The development has a detrimental impact on the local listed building and the Island

- Gardens conservation area (located to the south of the site)
- Increased surface water run-off

*(Officer Comment: The above issues are addressed within Material Planning Considerations under 'Design, Impact on Heritage Assets')*

#### 7.6 Trees

- The trees on site are protected by Tree Preservation Orders
- The drawings do not refer to any trees on the existing site
- The site contains Japanese Knotweed
- Loss of Mature Trees at the site

*(Officer Comment: The above issues are addressed within Material Planning Considerations under 'Other')*

#### 7.7 Other

- The application site is consecrated ground

*(Officer Comment: The above issues are addressed within Material Planning Considerations under 'Other')*

## 8. MATERIAL PLANNING CONSIDERATIONS

8.1 The application has been fully considered against all relevant policies under the following report headings:

- 8.2
1. Land-use
  2. Housing
  3. Design, Impact on Heritage Assets
  4. Amenity
  5. Transportation
  6. Other

### **Land-use**

8.3 The application site has no specific designations in the adopted Unitary Development Plan 1998 (UDP), the Interim Planning Guidance 2007 (IPG) or the Managing Development DPD (Submission Version May 2012) (MD DPD). The application proposes a residential development comprising 8 residential dwellings provided as a single terrace of properties. Each property is proposed to be delivered with private amenity space to the rear and a front garden fronting Saunders Ness Road, providing defensible space onto the local streetscape.

8.4 The National Planning Policy Framework (NPPF) seeks to boost significantly the supply of housing. The application site is considered to be located in an accessible location, close to the Island Gardens DLR and local bus services. The density standards for such areas encourage developments to make the most efficient use of land through promoting density ranges of 200-450 habitable rooms per hectare (hr/ha). The application proposes a density of 571hr/ha. In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's IPG policy HSG1 is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.

8.5 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that a high density was symptomatic of overdevelopment of the site. Typically an overdeveloped site would experience shortfalls in one or more of the following areas:

- Access to sunlight and daylight
- Sub-standard dwelling units
- Increased sense of enclosure
- Loss of outlook
- Increased traffic generation
- Detrimental impacts on local social and physical infrastructure
- Visual amenity
- Lack of open space; or
- Poor housing mix

8.6 These specific factors are considered in detail in later sections of the report – and are found to be acceptable.

8.7 In the case of this proposal it is considered that:

- The proposal is of a high quality and delivers a positive relationship to Sanders Ness Road and Glenworth Avenue.
- The proposal does not result in any of the adverse symptoms of overdevelopment to warrant refusal of planning permission.
- The proposal provides good quality family homes, of an appropriate scale and all provided with private amenity space.
- The development is proposed to be delivered as car and permit free and will not lead to an increase in traffic generation in the local area.

8.8 In overall terms, officers are satisfied that the development makes the most efficient use of land. In terms of housing use it is noted that the surrounding area is residential in nature and would therefore provide a suitable environment for future residential accommodation. The provision of additional units at this location would assist in meeting the boroughs housing targets in accordance with policies 3.3 and 3.4 of the London Plan (2011), policies S07 and SP02 of the Core Strategy September (2010) and national planning guidance contained in the recently adopted NPPF.

## **Housing**

8.9 The application proposes 8 residential (Use Class C3) units at the application site. All accommodation is proposed as private sale accommodation, as this development is not of a scale to require the delivery of affordable housing.

8.10 The development proposes the delivery of 8 three-bedroom family homes. The Council's housing studies have identified that there is a significant deficiency of family housing within the Borough. This shortage is reflected in Council policy which seeks to ensure development provides a range of dwelling sizes.

8.11 Saved policy HSG7 of the UDP requires development to provide a mix of unit sizes and this is reflected in London Plan policy 3.8 which also requires development to offer a range of housing choice. Policy SP02 of the CS and MD DPD policy DM3 specifies the particular mix of unit sizes required across different tenures in the Borough.

8.12 The proposed housing mix provides single family dwellinghouses which mirror the accommodation provision along Saunders Ness Road. Whilst the accommodation mix may not provide the exact mix of unit sizes and types as required by policy, which also seeks non-family housing, on balance the development is considered in-keeping with the existing type and mix of housing in the immediate area and is considered to accord with planning policy in

the delivery of family accommodation in the local area, which is meeting an identified need in the borough.

### **Design, Impact on Heritage Assets**

- 8.13 Good design is central to the objectives of national, regional and local planning policy. Policy 3.5 of the London Plan provides guidance on the quality and design of housing developments and specifies a number of criteria aimed at achieving good design. These criteria are reflected in saved policies DEV1 and DEV2 of the UDP; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the emerging MD DPD and IPG policies DEV1 and DEV2.
- 8.14 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.15 Furthermore, policy DEV2 of the IPG, supported by policy SP10 of the CS and DM24 of the MD DPD seek to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.16 No substantial demolition works are proposed as a result of the current proposals, the works to demolish the existing structure on site are considered to be acceptable as the structure is a modern installation and of no heritage/historical value.
- 8.17 The application proposes a terrace of three storey townhouses fronting onto Saunders Ness Road. Whilst the adjoining buildings are of brick construction, many of these buildings are located within the Island Garden conservation area and the design is therefore appropriate within the context of the site designation. The application site however adjoins a conservation area and has sought to respect the height, bulk and scale of the existing properties, albeit the design of the proposed development differs from that of the adjoining residential developments. The materials proposed within the proposed development comprise ashlar effect render with a traditional slate roof finish. It is considered that this design is acceptable, providing a contemporary palette of materials whilst respecting the surrounding built form in terms of scale and massing.
- 8.18 The building line of the proposed development projects 0.8 metres forward of the building line of the adjoining residential terrace along Saunders Ness Road. There is a proposed gap of 3 metres between the flank walls of the existing property at 91 Saunders Ness Road and the proposed terrace. The rear elevation of the existing properties to the south of the application site would project 1.8 metres beyond the proposed rear elevation of the development. Given the set back of the building line, the proposal would not appear over dominant or overbearing on adjoining residential occupiers located to the south of the application site. It is considered that this gap between the properties and the minimal front projection would not impact upon the streetscene.
- 8.19 The design rationale is considered to respect the surrounding residential blocks by virtue of scale, massing and height. Large windows are proposed at ground floor level, set back behind the front gardens of the residential properties providing defensible space for each property at street level, following the existing street pattern of Saunders Ness Road and providing natural surveillance to the surrounding streets.
- 8.20 The flank elevation of the property, fronting onto Glenworth Road is also provided with fenestration and set back from the site boundary. The relationship of the proposed block in relation to Saunders Ness Road and Glenworth Avenue is considered to respect the existing streetscene of the surrounding area.

- 8.21 The design, scale, height and bulk of the proposed development is therefore considered to be acceptable and in accordance with saved policies DEV1, DEV2 and DEV3 of the UDP; policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the MD DPD (submission version 2012) and IPG policies DEV1 and DEV2.

#### Impact on Local Heritage Assets

- 8.22 The Island Gardens conservation area abuts the southern boundary of the site and the Grade II\* listed St Johns Church lies to the southwest of the application site. The proposed residential dwellings all propose an area of private amenity space to the rear of each property providing a buffer between the application site and the curtilage of the adjacent listed building. It is not considered that the proposals have an adverse impact on the heritage assets and setting of the Grade II\* listed church, especially as only oblique angled views would be achieved, partly obscured by the existing trees within the gardens of the church will also provide a buffer.
- 8.23 The proposals also seek the relocation of an existing Memorial plaque which is currently located within the application site. Alongside the erection of the memorial plaque, a Rowan tree was planted a number of years ago. There are no policy grounds on which it can be requested that the tree is relocated, however the applicants have agreed to plant a new Rowan tree near the relocated memorial plaque, which will now be positioned fronting onto Saunders Ness Road. Officers consider this to be an acceptable solution to ensuring that the Memorial plaque and a Rowan tree are re-provided within the site boundary.
- 8.24 The design, scale and relationship of the proposed terrace is considered to preserve the character of the Island Gardens conservation area which adjoins the site. The proposal would accord with policies CON1 and CON2 of the IPG, policy SP10 of the Core Strategy, policy DM27 of the MD DPD and national guidance contained within the NPPF.

#### **Amenity**

##### Daylight and Sunlight

- 8.25 Policies DEV2 of the UDP, DM25 of the MD DPD and SP10 of the CS seek to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions. Policy DEV1 of the IPG states that development should not result in a material deterioration of sunlight and daylighting conditions for surrounding occupants. These policies also seek to ensure the amenity of future occupants.
- 8.26 The adjoining residential property at 91 Saunders Ness Road has no windows within its northern flank elevation abutting the site. The building line of the proposed development along the front elevation projects 0.8 metres beyond that of the terrace comprising 91 Saunders Ness Road. The rear building line of the existing terrace at 91 Saunders Ness Road will project 1.8 beyond the rear building line of the proposed terrace of properties at the application site. Given this relationship, it is not considered that the application would result in a material loss of daylight and sunlight to the adjoining residential occupiers in Saunders Ness Road. The relationship and distances of the application and to other nearby neighbouring properties including the police station to the west, the school buildings to the north and the residential properties to the east of the site are such that they will not result in a material loss of daylight or sunlight to these properties, by reason of the separation distances between properties.
- 8.27 The proposed development would not have an adverse impact on neighbours and future residential occupiers in terms of loss of daylight and loss of sunlight. The proposal is acceptable and complies with UDP policy DEV2, CS policy SP10, DM25 of the MD DPD (submission version 2012) and IPG policy DEV1.

### Privacy

- 8.28 Saved UDP Policy DEV 2 and policy DM25 of the MD DPD (submission version 2012) requires that new development should be designed to ensure that there is sufficient privacy for neighbouring residents. These policies state that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 8.29 The application site achieves a separation distance of 21 metres between the proposed development and the existing residential blocks to the east of the site on Saunders Ness Road. There are no other directly facing habitable room windows on other elevations. As such it is not considered that these existing residents will experience a loss of privacy.
- 8.30 The proposal therefore accords with saved policy DEV2 of the UDP, policy SP10 of the CS, policy DM25 of the MD DPD and policy DEV1 of the IPG which seek to protect the amenity of future residents.

### Residential Floorspace Standards

- 8.31 London Plan policy 3.5 seeks quality in new housing provision and together with MD DPD policy DM4 and saved UDP policy HSG13, requires new development to make adequate provision of internal residential space.
- 8.32 The submitted drawings and details of the unit layouts show that the units meet the requirements of the space standards set out in policy 3.5, table 3.3, of the London Plan 2011 and policy DM4 of the MD DPD.

### Residential Amenity Space

- 8.33 Saved UDP policy HSG 16 requires that new development should make adequate provision for private amenity space, IPG Policy HSG7 and MD DPD policy DM4 set minimum space standards for the provision of private amenity space in new developments.
- 8.34 The application proposes the following private amenity space to the rear of each property:

Unit No.	Amenity space (sq.m)
No.1	36sqm
No.2	30sqm
No.3	30sqm
No.4	33sqm
No.5	30sqm
No.6	30sqm
No.7	30sqm
No.8	40sqm

- 8.35 The amenity space figures above exclude the amenity space which is provided to the front of the properties and along the sides of the corner plots. In quantitative and qualitative terms, the development provides quality private amenity space provision for family sized living accommodation and meets local policy requirements.
- 8.36 No information has been provided of the proposed landscaping within each residential property. Concerns have been raised by residents about hard landscaping being provided and the subsequent implications of noise generation and runoff. A condition is proposed to be imposed seeking details of the landscaping and boundary treatment details to ensure the amenity spaces provided are quality spaces incorporating permeable surfaces, and are secure areas for the future residents of these units.

### Noise/Disturbance

- 8.37 Saved Policy DEV50 of the UDP, policy DM25 of the emerging MD DPD and policy SP10 of the CS state that the Council will consider the level of noise from a development as a material consideration. This policy is particularly relevant to construction noise during the development phase. To ensure compliance with this policy conditions would be placed on any permission restricting construction works to standard hours.

### **Transportation**

- 8.38 National guidance on transport provision is given in PPG13: Transport. London Plan policies 6.1, 6.3, 6.9, 6.10, 6.13 IPG policies DEV16, DEV17, DEV18 and DEV19, emerging MD DPD policies DM20 and DM22 and CS policy SP09 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
- 8.39 Local Plan policies seek to ensure that consideration is given to the traffic impact of operational requirements of a proposed use and also seek to ensure priority is given to the safety and convenience of pedestrians.
- 8.40 It is noted that some residents considered that the level of car-parking is excessive and the basement car parking and access arrangements could lead to hazards at street levels. Concerns have also been raised with regard to the loss of on-street car parking bays.
- 8.41 The current proposals include no car parking. The basement which was originally proposed has been removed. The development will now be secured as car and permit free. The site is in an accessible location with good links to local buses and the DLR. The development would not therefore lead to an exacerbation of car parking in the area or an increase of vehicular traffic. As there are no dropped kerbs facilitating parking bays, there is also no loss of on-street parking bays in the local area.
- 8.42 Subject to the imposition of car and permit free agreements for all new dwellings the proposal accords with London Plan policies 6.1 and 6.13, MD DPD policy DM22 and IPG policy DEV19
- 8.43 The application proposes cycle parking facilities to be contained within each residential property, with each unit proposing a cycle store at ground floor level offering safe and secure cycle parking for future residential occupiers. The provision of secure cycle parking for each residential unit accords with London Plan policy 6.9 and IPG policy DEV16 and is acceptable. It is recommended that these stores are secured by condition.

### **Others**

#### Trees

- 8.44 Concerns have been raised with regard to the loss of mature trees within the application site. The application site does not contain any trees which are protected by a Tree Preservation Order and the site is not located within a conservation area. As such, the applicants are able to fell trees within the application site without seeking the consent of the local planning authority.
- 8.45 During the course of the application, much of the vegetation and tree coverage within the site was cleared. The concerns of the loss of trees at the site are noted, however the applicant has acted within their rights to clear to the site.

#### Japanese Knotweed

- 8.46 Officers were made aware that Japanese Knotweed may be located within the application site through a response to the consultation of neighbours. It is not a criminal offence to have Japanese Knotweed growing within your land/site. It is however an offence (under the Wildlife

and Countryside Act 1981) to “plant or otherwise cause to grow in the wild” Japanese knotweed. Japanese Knotweed is classed as ‘controlled waste’ and as such must be disposed of safely (Environmental Protection Act 1990). Whilst on-site, it was noted that the site was being cleared of vegetation and the local police were subsequently notified of the potential removal of Japanese knotweed, to ensure any waste was being disposed of appropriately.

- 8.47 A condition is proposed to be imposed to ensure appropriate survey work is undertaken and any Japanese knotweed is eradicated.

#### Consecrated Ground

- 8.48 Officers were advised that the application site was consecrated ground and that a burial had taken place on the land through local neighbour representations submitted. Despite attempts being made to verify this, officers have been unable to confirm this information, although investigations are on-going with the Christ Church in the Isle of Dogs. Officers are however aware of the memorial plaque which will be relocated within the site.
- 8.49 Consecrated land is land which is used for religious or sacred purposes which is intended to be used in perpetuity. Land can only be consecrated by a bishop, and once consecrated the land will be subject to the bishops jurisdiction, and a faculty is required to authorise development.
- 8.50 In addition to this, clergymen can carry out burials where land is not consecrated, but where land is blessed. Accordingly, it does not follow that because a burial has taken place in accordance with the rites of the Church of England, that the land is automatically consecrated.
- 8.51 In order to ensure that the applicants are aware of any potential site constraints, the applicants have been advised of the potential that the site may be consecrated ground and that a burial may have taken place. Pursuant to the Burial Act 1857 it is unlawful to remove a body or the remains of a body which have been interred without first obtaining a licence from the Secretary of State (to which conditions may be attached) except in cases where a body is removed from one consecrated place of burial to another by faculty. On the basis that a licence or faculty would be required if the information provided by the representation is correct, it is not considered necessary to duplicate this through the planning system by way of condition. However this is something that the applicant will need to resolve with the diocesan and they will need to apply for a licence if it is necessary. Officers would suggest that an informative should be imposed on any consent in order that if the site is sold on, any future developer is aware of the potential that the site is consecrated ground and that a burial may have taken place on the land.

#### **Localism Act (amendment to S70(2) of the TCPA 1990)**

- 8.51 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:
- 8.52 In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
  - b) Any local finance considerations, so far as material to the application; and
  - c) Any other material consideration.
- 8.53 Section 70(4) defines “*local finance consideration*” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to



- a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.54 In this context “grants” might include:

- a) Great Britain Building Fund: the £400m “Get Britain Building” Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

8.55 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

8.56 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012.

8.57 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.







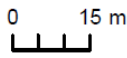
8.58 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £14,073 within the first year and a total of £84,441 over a rolling six year period.

## 9.0 **Conclusions**

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

# Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	 0 15 m	

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