

Committee: Development	Date: 15 September 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Christopher Stacey-Kinchin	Ref No: PA/14/01582
	Ward: Island Gardens

1.0 APPLICATION DETAILS

Location:	The Odyssey, Crews Street, London, E14 3ED
Existing Use:	Private highway
Proposal:	Installation of freestanding electronically controlled vehicular and pedestrian entrance gates.
Drawings and documents:	Location Plan Block Plan 2 Swing Gates Option 2, DWG No. 100171-02 Supporting Planning Statement
Applicant:	Mr Thomas Griffin, Consort Property Management
Ownership:	Estates & Management Ltd
Historic Building:	None
Conservation Area:	None

2.0 EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2011) and its Revised Early Minor Alterations (REMA) 2013 and the National Planning Policy Framework and all other material considerations and has found that:
- 2.2 The applicant seeks permission to erect a freestanding electronic vehicular and pedestrian entrance gate at the entrance to the Odyssey estate on Crews Street.
- 2.3 The main issue for Members to consider is the resulting impact arising from the proposed security gate.
- 2.4 The main material planning considerations for members to consider are; whether the proposed security gate would restrict the movement of people on and off site,

creating a gated community; whether the proposal would restrict access to the riverfront which forms a part of the blue ribbon network; whether the proposal would cause unacceptable residential amenity conditions for those closer to the proposed location of the gates as a result of vehicles waiting by the gates to access the site; whether the proposal would have an unacceptable impact on the capacity and safety of the adjacent public highway; and whether the proposal would be an unsightly addition to the public realm and detract from the character and setting of the development.

- 2.5 In addition to the above, Members' attention is also drawn to the Section 106 Agreement which forms part of the original planning permission for the site (PA/98/01442) which states that access to the riverfront should be maintained for public use 24 hours a day.
- 2.6 Officers accept that a large number of residents have expressed concerns about the anti-social behaviour levels on site, however it is considered that it would be more appropriate for problems to be addressed by the managing agent and local police service, as opposed to erecting a security gate which is contrary to the Council's objectives of building inclusive and welcoming communities.
- 2.7 In conclusion, officers consider that the erection of a security gate is not acceptable for the reasons set out below, primarily because it would create a gated community; and restrict public access to the riverfront which is contrary to national, regional and local planning policies.

3.0 RECOMMENDATION

That the Committee resolve to **REFUSE** planning permission for the reasons below:

- a) The proposal would restrict full public access and inclusive access resulting in an unacceptable form of development that would fail to retain a permeable environment, by reason of creating a physical barrier and the loss of a legally secured publically accessible route to the riverfront which forms a part of the Blue Ribbon Network. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 7.2 and 7.27 of the London Plan (2011), policies SP04 and SP10 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to protect and improve existing access points to the Blue Ribbon Network and increase opportunities for public access and use of water spaces.
- b) The proposed gates and fixed means of enclosure by virtue of their height and scale would appear visually intrusive and result in an inappropriate form of development that would create a 'gated' community and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2011), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.
- c) The proposed security gate due to its location adjacent to the adopted highway would have an unacceptable impact on the capacity and safety of the adjacent

public highway. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2011), policy SP09 of the Core Strategy (2010), and policy DM20 of the Managing Development Document (2013). These policies require that development does not have any adverse impact on the capacity and safety of the transport network.

- d) The proposed security gate would introduce security measures at the site which are overbearing and would compromise the visual quality of the local environment and would be an unsightly addition to the public realm. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2011), policy SP10 of the Core Strategy (2010), and policy DM24 of the Managing Development Document (2013). These policies seek to ensure that design is sensitive to and enhances the local character and setting of the development.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The applicant seeks permission to erect a freestanding electronic vehicular and pedestrian entrance gate at the entrance to the Odyssey estate on Crews Street.
- 4.2 The proposed entrance gate measures 14m in width and 1.75m in height and is to be made from galvanized steel and finished in black.
- 4.3 Vehicular access to the site will be through a double gate opening inwards to the Estate site, and pedestrian access to the site will be through a single gate opening on the northern pavement directly adjacent to the site security office.
- 4.4 Entry will be controlled via a keypad system and will be limited to residents (and their guests) only.

Site and Surroundings

- 4.5 The application relates to the main entrance of The Odyssey, which is a residential development consisting of 419 units across a number of blocks ranging from three to fourteen storeys in height, comprising of 16 large family houses and 403 flats, made up of 1, 2, 3 and 4 bedroom units.
- 4.6 The application site for the location of the proposed gates would be on Crews Street which is a private road that runs between Westferry Road and the River Thames on the Isle of Dogs.
- 4.7 The main entrance to the Estate is on Crews Street where there is an existing unrestricted vehicular and pedestrian access point to the Estate. In addition to this, there are a number of secondary access points to the Estate, one on Claude Street, and one at either end of the riverfront walkway. All of these secondary access points now feature gates which appear to be constantly closed, and from officer's investigations, it does not appear as though any of these gates benefit from planning permission.
- 4.8 There are no statutory listed buildings or conservation areas in the immediate vicinity of the application site.

Planning History

- 4.9 PA/98/01442 – Erection of residential scheme comprising 419 units (reduced from 428) ranging from three to fourteen storeys (reduced from fifteen) in height, comprising 16 large family houses with gardens and the remainder being 1,2,3, & 4 bedroom flats. The scheme incorporates three retail units (179 sqm), gymnasium (158 sqm) and cafe (250 sqm) at ground floor level together with ancillary car parking (282 spaces), access arrangements and riverside walkway. (Revised application). (Permission granted 23/02/2000)
- 4.10 PA/01/01125 – Submission of details to Block D pursuant to Condition 2(b) and 2(c) of planning permission ref PA/98/1442 relating to hard and soft landscaping, including riverside walkway, and boundary railings. (Permission granted 11/10/2001)
- 4.11 PA/02/00557 – Approval of details for phase 3 pursuant to condition 2b and 2c of planning approval for residential development. (Application withdrawn 10/12/2002)

Adjacent sites

- 4.12 PA/03/01211 – (Cyclops Wharf) Erection of 2.1m high railings across entrance to Cyclops Mews and across Homer Drive (Claude Street end) with vehicular and pedestrian access provided. (Permission granted 31/10/2003)
- 4.13 PA/03/01212 – (Cyclops Wharf) Erection of 2.1m high railings with pedestrian access to Cyclops Wharf along western boundary/riverside walkway frontage. (Permission granted 31/10/2003)

5.0 POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

5.3 London Plan 2011 with Revised Early Minor Alterations published 11/10/2013

- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 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
- 7.14 - Improving air quality
- 7.27 - Blue ribbon network: supporting infrastructure and recreational use

5.4 Core Strategy 2010

SP04 - Creating a green and blue grid
SP09 - Creating attractive and safe streets and spaces
SP10 - Creating Distinct and Durable Places

SP12 - Delivering placemaking

5.5 **Managing Development Document 2013**

DM12 - Water spaces

DM20 – Supporting a sustainable transport network

DM23 - Streets and the public realm

DM24 - Place-sensitive design

DM25 - Amenity

5.6 **Supplementary Planning Documents**

N/A

6.0 **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

LBTH Transportation & Highways

6.3 The Council's Highways and Transportation team do not support the proposal as submitted, due to the fact that it will result in a loss of existing pedestrian access and will reduce permeability in the area. It was also raised that vehicles waiting to enter the private road will be forced to wait on the public highway which is not deemed acceptable, and in order to overcome this issue Highways and Transportation requested that the gates should be set back 6m from the boundary with the public highway so that vehicles can wait within the boundary of the private road.

Officer comment: This is discussed further under material planning considerations.

Crime Prevention Officer

6.4 The crime prevention officer felt that the proposed security gate would improve the quality of life for residents in the development as from his assessment he concluded that the application site has suffered from large amounts of anti-social behaviour and other criminal activity. He also recommended that entry be through fob access and not a keypad system which has greater potential to be compromised, and suggested that a maintenance plan be a condition if members were minded to grant permission for the proposal. In addition to the above, the crime prevention officer also recommended that the proposed gate in its current form at 1.75m in height is too small, and should be at least 2m in height if it is to suitably serve its purpose.

Officer comment: This is discussed further under material planning considerations.

LBTH Access Officer

6.5 The Council's Access officer objected to the proposal on the basis that the gate would be a potential barrier to people with impairments. Any proposal should ensure that security controls and card/fob readers are suitable for use by people with sensory impairments and dexterity impairments. A question was also raised which queried whether accessible parking and/or drop-off facilities would be provided at the gates.

Officer comment: The details requested above have not been included as part of the original planning submission.

LBTH Design Officer

- 6.6 The Council's Design officer objected to the proposed gate stating that it will create a sense of impermeable public realm from the streets and surrounding areas. It was noted that gates do exist in nearby estates, however further works such as those proposed will compromise the Borough's objective to create inclusive and mixed communities.

Officer comment: This is discussed further under material planning considerations.

7.0 LOCAL REPRESENTATION

- 7.1 A total of 426 letters were sent to neighbours and interested parties.

- 7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: Objecting: 17 Supporting: 95

- 7.3 The following issues were raised in objection to the proposal:

- There is a high volume of vehicular and pedestrian movement on and off site, including taxi drop off and pick up along with delivery lorries for the restaurant on site. The installation of a gate would exacerbate noise at the entrance to The Odyssey as vehicles would remain stationary with their engines running until the gate was opened. The opening and closing of the gate itself may also cause noise disturbances for adjacent residents.

Officer comment: This is discussed further under material planning considerations.

- The installation of gates will create an exclusion zone and form a barrier which will prevent surrounding residents and members of the public from accessing the river front, Thames path and on site amenity space. It will also lead to residents on the estate being somewhat cut off from the outside world.

Officer comment: This is discussed further under material planning considerations.

- Existing gates elsewhere on the development have not been maintained properly and have thus become 'squeaky' when they open and close which could be a nuisance to residents.

Officer comment: The condition of existing gates is a matter for the managing agent and is thus not a material planning consideration. However, if the proposal was recommended for approval, a planning condition could be imposed for gate maintenance to ensure that the amenity of the residential occupier is maintained.

- The application falls foul of a number of Tower Hamlets' planning policies.

Officer comment: This is discussed further under material planning considerations.

- Resident's leases state that they have the right to pass freely over the accessways in order to reach their apartments, and the erection of the security gates will impede this access.

Officer comment: This is a matter between the freeholder of the site and individual leaseholders and is thus not a material planning consideration.

- It is feared that some people will mistakenly ring resident's doorbells in order to gain access to the estate.

Officer comment: This is a matter for the managing agent and is thus not a material planning consideration.

- The proposed gates will merely move the anti-social behaviour problems elsewhere.

Officer comment: This is a matter for the police but is also discussed in detail within the main body of the report.

- Wheelchair users approaching the gate on the western side would be forced to cross in front of the gates which could potentially be dangerous.

Officer comment: This is discussed further under material planning considerations.

- The Yokoso Japanese & Korean restaurant on the ground floor of Orion Point will have access to it severely restricted by the installation of the gates, which is likely to have an adverse effect on the business.

Officer comment: The implications of the proposed gate on the restaurant have been noted due to the fact that the proposed location of the gate is the last open access point into the Odyssey estate, and the exclusion of non-residents from the area could significantly harm the restaurant's trade; and the viability of the permitted use.

- If a fire broke out on site which cut the power supply to the automatic gates, residents would struggle to exit the site in a timely manner.

Officer comment: This is a maintenance and management matter, and it would be the responsibility of the managing agent to ensure that suitable fire access and refuge points for residents are available through fire evacuation procedures developed in conjunction with the local fire brigade.

- The installation of gates would not be necessary if The Odyssey employed the appropriate number of staff to monitor the estate.

Officer comment: This is a matter for the managing agent and could be considered as part of discussions and engagement with a local crime prevention/neighbourhood safety officer from the local police station.

- If this application were to be approved it could potentially lead to a large number of similar estates also looking to install security gates.

Officer comment: This is one of officers' concerns which is addressed in the main body of the report.

- A vehicle entry barrier on its own would be more appropriate.

Officer comment: This is a matter for the managing agent for consideration and not for consideration for the subject proposal.

- Anti-social behaviour is part of living in London or any big city.

Officer comment: The comment is noted.

- The proposed gate will limit parking space on the street.

Officer comment: As this is a private road, LBTH Transportation and Highways have not raised concerns in relation to this point, however highways issues are discussed further under material planning considerations.

7.4 The following issues were raised in representations supporting the proposal:

- The installation of a gate will prevent anti-social behaviour (which can make residents feel unsafe, and in some instances can prevent residents from sleeping), enhance the security of the flats and prevent trespassing. Examples of ASB include; people making excessive noise late at night, drug dealing, groups of gangs causing physical damage on site, dog fouling and fighting.

Officer comment: This is discussed further in the main body of the report. Also see appendix. 1.

- The proposed gates would reduce the traffic speed of vehicles along Crews Street, which at present represents a hazard to young children on the estate.

Officer comment: Whilst this may be a possibility, there are other measures which can reduce the speed of vehicles within the estate.

- The installation of a gate will deter non-residents from gaining access to both the gym and the rubbish store.

Officer comment: Whilst this may be a possibility, there are other security measures and site management strategies which could be employed which should be discussed with the Crime prevention / Neighbourhood safety Officer and the Estate management.

- At present, some non-residents park in the areas reserved for emergency vehicles, which are apparently the only place on site where the emergency services have access to water to distinguish fire.

Officer comment: It is for the managing agent to manage and enforce the parking situation on site.

- The installation of gates will reduce the cost of the service management.

Officer comment: It is for the managing agent to set the rates of the service management fee, and it is thus not a material planning consideration.

- Groups of kids walk along the river wall which has a significant drop and climb down onto the river bank when the tide is out which is a health and safety issue.

Officer comment: There is already a wall that is over the 1.2m high wall along the River which would accord with the requirements of the British Standards.

- The installation of a security gate should not have a negative effect on anyone else and is in line with other complexes on Westferry Road.

Officer comment: Officers consider that the installation of a security gate will have an adverse effect on others and this is discussed further under material planning considerations.

- The proposed gates would be 50ft from the main road (Westferry Road), so would not cause any significant back up of traffic. Other nearby developments have gates which open right onto the road (e.g. Oceans Wharf and Millenium Harbour) and these do not cause any traffic problems.

Officer comment: LBTH Transportation and Highways considers that the proposal would have an adverse impact on the capacity and safety of the adjacent public highway and this is discussed further under material planning considerations.

- The anti-social behaviour log submitted under represents the level of crime that currently takes place on site.

Officer comment: This is discussed further in the main body of the report. Also see appendix. 1.

- The Odyssey site is a no through route, is not a public right of way and is already cut off from the Thames path, however many non-residents mistakenly believe they can access the Thames path through the site which leads to a lot of people and vehicles both entering the site, then having to turn around and exit the site again which contributes to an increase in pollution on the estate which is particularly unpleasant for residents who reside in the lower levels of the blocks.

Officer comment: The right to public access was secured through a Section 106 Agreement and therefore the public have a right to access through the estate as set out in that agreement.

- Due to issues surrounding car parking of non-residents on site, a car parking company is employed by the residents to clamp cars that take advantage of the parking within The Odyssey.

Officer comment: Due to the site being surrounded by a private road, the necessary means of monitoring and enforcing the use of the private roads should be managed by the estate management.

- The existing gate is wrongly placed and only gives security to some of the buildings.

Officer comment: The officers are currently investigating the existing gate on Claude Street to check whether it is in breach of the legal agreement / and or planning regulations.

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main application has been assessed against all relevant policies under the following report headings:

1. Crime
2. Accessibility/Permeability
3. Design
4. Amenity
5. Transportation
6. Conclusion

8.2 The application proposes no change of use at the site and therefore raises no land use implications.

Crime

8.3 The planning application proposes a security gate at the main entrance to the Estate on Crews Street to restrict access onto the site by non-residents. At present access to The Odyssey site is partially restricted as security gates already exist at either end of the riverfront walkway and at the entrance to the site on Claude Street even though the main entrance on Crews Street is currently an unrestricted access point onto the Estate. The application has been submitted to seek to address concerns raised by residents that the unrestricted access is the cause for anti-social behaviour and incidents of crime at the application site. Full details of the levels of crime are detailed below.

8.4 According to paragraph 69 of the NPPF the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

8.5 Policy 7.3 of the Adopted London Plan (2011) seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime do not undermine quality of life or cohesion. The policy goes on to highlight that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.

8.6 The Council's Core Strategy policy SP09 (2C) states that gated communities will not be supported. The supporting text for policy SP09 highlights evidence from the Urban Design Compendium 2 dated 2007 which states that a high quality urban environment and layout can help deliver social benefits, including civic pride, increased connectivity, social cohesion, reduced fears of crime and improved health and well-being. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.

8.7 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.

8.8 The principle of erecting a security gate to create a gated community is not supported by the National Planning Policy Framework (2012), the London Plan (2011) or Tower

- Hamlets planning policies. It is considered that only in exceptional circumstances should the Council make an exception to the policy position.
- 8.9 Whilst the comments received from the Metropolitan Police's Crime Prevention Officer are in support of the proposal, it should be considered that the Crime Prevention Officer's role is purely that of crime prevention, and officers recommendation to refuse the application takes into account a much broader set of considerations which in many instances discord with both national and local planning policies.
- 8.10 Whilst a crime log was submitted as part of the evidence in support of the application by the applicant (see appendix.1) and comments were received from the Crime Prevention Officer (discussed above), in order to assess whether the application site can be considered as an exception, a comparative study was undertaken by officers. This analysed all of the crime experienced both on the application site and in the previously administered wider Millwall ward (which includes the application site's part of the recently formed Island Gardens ward) which involved taking data available from the Metropolitan Police (website). See Figure 1 for the boundary area. It should be noted that the below statistics are a summary of all 'notifiable' crimes, and that the Metropolitan Police website defines a notifiable offence as an 'incident where the police judge that a crime has occurred. Not all incidents that are reported to the police result in a crime'.
- 8.11 The boundary area has a total of 10,821 households (according to www.neighbourhood.statistics.gov.uk), whilst The Odyssey has a total of 419 households (according to the original planning application). It can thus be derived from these figures that The Odyssey represents 3.8% of the total households within Millwall ward.
- 8.12 The comparative study has been undertaken by using crime statistics from the Metropolitan Police (website) for both the boundary area (see Fig.1 and Fig.3) and The Odyssey (see Fig.2 and Fig.3) over the past year (July 2013 – June 2014) which represent the most recent crime statistics currently available (true of August 2014).
- 8.13 Fig.3 illustrates (on a month by month basis) the total crime rate for the boundary area along with the average crime rate per property within the boundary area and the total crime rate for The Odyssey estate along with the average crime rate per property within The Odyssey estate. In addition to this Fig.3 also gives the breakdown (by type) of crimes reported on the Estate and then illustrates whether the average crime rate per property within The Odyssey estate was either above or below the average crime rate per property within the boundary area.

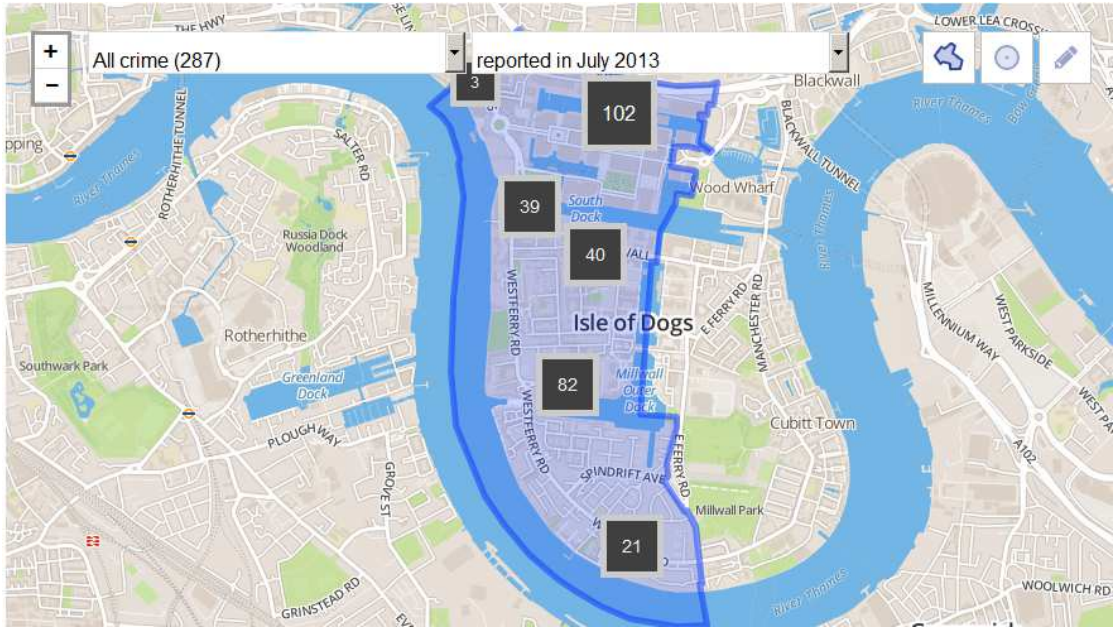


Fig.1 – Crime map of the boundary area (Millwall Ward 2013/14) (taken from www.police.uk)

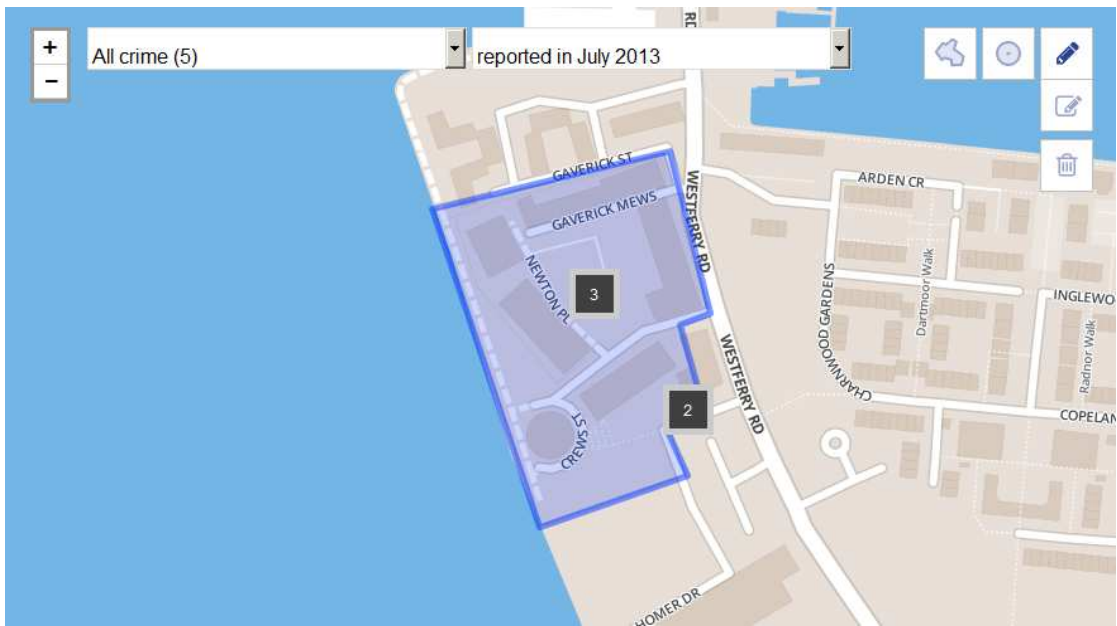


Fig.2 – Crime map of The Odyssey estate (taken from www.police.uk)

Time period	Boundary Area (No of properties - 10,821)		The Odyssey (No of properties - 419)		Breakdown of crimes at The Odyssey	Above/ Below (area average)
	Total crime	Crime per property	Total crime	Crime per property		
Jul-13	287	0.027	5	0.012	2 x Anti-social behaviour, 1 x Other theft, 1 x Shoplifting, 1 x Violence & sexual offences	Below
Aug-13	249	0.023	7	0.017	7 x Anti-social behaviour	Below
Sep-13	227	0.021	5	0.012	2 x Anti-social behaviour, 1 x Bicycle theft, 1 x Criminal damage & arson, 1 x Violence & sexual offences	Below
Oct-13	248	0.023	6	0.014	4 x Anti-social behaviour, 2 x Violence & sexual offences	Below
Nov-13	231	0.021	2	0.005	2 x Anti-social behaviour	Below
Dec-13	184	0.017	1	0.002	1 x Anti-social behaviour	Below
Jan-14	221	0.020	11	0.026	5 x Anti-social behaviour, 1 x Burglary, 1 x Criminal damage & arson, 1 x Public order, 3 x Violence & sexual offences	Above
Feb-14	179	0.017	6	0.014	2 x Anti-social behaviour, 1 x Criminal damage & arson, 2 x Public order, 1 x Violence & sexual offences	Below
Mar-14	208	0.019	3	0.007	1 x Anti-social behaviour, 1 x Other theft, 1 x Violence & sexual offences	Below
Apr-14	214	0.020	7	0.017	3 x Anti-social behaviour, 2 x Drugs, 2 x Violence & sexual offences	Below
May-14	231	0.021	6	0.014	3 x Anti-social behaviour, 1 x Drugs, 2 x Violence & sexual offences	Below
Jun-14	218	0.020	6	0.014	1 x Anti-social behaviour, 1 x Other theft, 1 x Shoplifting, 3 x Violence & sexual offences	Below

Fig. 3 – Crime statistics (taken from www.police.uk)

- 8.14 Fig.3 clearly illustrates that by and large the crime rate experienced on The Odyssey estate is below what would be expected for such a development given its size (in terms of numbers of households) and location within the context of the boundary area, as for 11 out of the 12 months surveyed the crime rate was below the average rate experienced across the boundary area.
- 8.15 Whilst officers do observe that there is an issue with crime on the Estate (most notably with anti-social behaviour issues), in light of the above evidence it cannot be considered that the crime rate experienced on The Odyssey estate is exceptional given its context, and therefore officers consider it would not be appropriate for the Council to make an exception to the policy position in this instance.
- 8.16 Whilst the effects of anti-social behaviour on site can have a negative impact on the amenity of residents, there is insufficient evidence to suggest that crime and anti-social behaviour levels are such that greater weight should be given to this argument in planning terms. In addition it should also be considered that the applicant has not

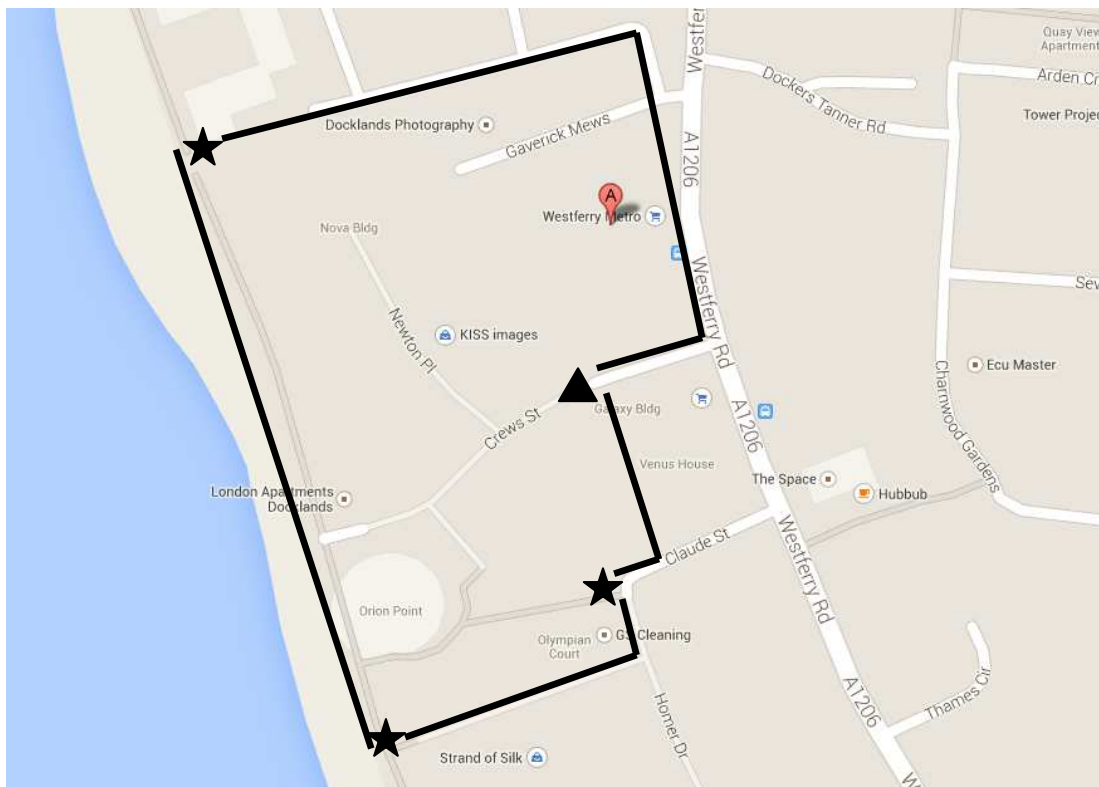
demonstrated or outlined any steps that have been taken by management or in association with the police to address the current issues with anti-social behaviour in the first instance without resorting to the gating of the estate. In light of the above, it is considered on balance that the negative implications of the proposal by virtue of its potential to contribute to the segregation of communities, far outweigh the perceived benefits of providing a gated entrance on Crews Street.

Accessibility/Permeability

- 8.17 According to paragraph 69 of the NPPF the planning system can play an important role in facilitating social interaction and inclusive communities. Paragraph 73 states that access to high quality open spaces and the opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. In paragraph 75 it is stated that all opportunities for the protection and enhancement of public rights of way and access should be taken in both the formation of planning policy and in planning decisions.
- 8.18 Policy 3.9 of the London Plan states that development should foster social diversity, repress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbours. Policies 7.1 – 7.5 set out that development should interface appropriately with its surroundings, improve access to the blue ribbon network and open space, be inclusive and welcoming with no disabling barriers and be designed so that everyone can use them without undue separation. Policy 7.27 states that development should protect and improve existing access points to the blue ribbon network.
- 8.19 The Council's Core Strategy policy SP04 (4E) seeks to improve the accessibility to and along waterspaces to maximise usability and promote these places for cultural, recreational and leisure activities. Policy SP09 (2C) states that the Council will not support developments that create gated communities which restrict pedestrian movement. Policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.20 The Council's Managing Development Document policy DM12 (3) states that development within or adjacent to the Blue Ribbon Network will need to identify how it will improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space. Policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network. Policy DM23 (1A, 1E & 1F) seeks to ensure that development should be well connected with the surrounding area and should be easily accessible for all people by; improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities; incorporating the principles of inclusive design; and ensuring development and the public realm are comfortable and useable. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement. Policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development. Policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or

create unacceptable levels of noise, odour or fumes during the life of the development.

- 8.21 The erection of a security gate which will restrict movement onto and off of the estate would be contrary to planning policies at a number of levels (see NPPF paragraph 75, London Plan 7.2, Core Strategy SP12 and Managing Development Document DM23). This proposal would result in a structure which would be intended to be a barrier to movement, and will subsequently restrict the movement of non-residents and to a lesser extent, residents of the Odyssey. The erection of a gate will not contribute towards the Council's objectives of creating a more well-connected Borough, as the proposed location for the gate is the last remaining open access point leading into the Odyssey estate and the riverfront beyond.
- 8.22 Both national and local planning policies put an emphasis on creating mixed and inclusive communities where social interaction between all members of society is encouraged (see NPPF paragraph 69, London Plan 3.9, Core Strategy SP09 and Managing Development Document DM23). This Council has made a clear stance in its planning policies that it is against the creation of gated communities, and any proposals to segregate communities will be strongly resisted.
- 8.23 The Odyssey development fronts onto the river Thames and the erection of this gate would restrict non-residents access to the waterfront which is contrary to both national and local policy (see NPPF paragraph 73, London Plan 7.27, Core Strategy SP04 and Managing Development Document DM12). These policies seek to ensure that existing access to the blue ribbon network is maintained and enhanced, and that any proposals to further restrict access to waterfront spaces and open space in general should be strongly restricted. Members should note that an agreement exists between the developer and the Council (set out in the original s.106) in terms of maintaining a permanent 24 hour public access route from Crews Street to the riverfront walkway. Officers are currently investigating the status of the existing gates which are located at either end of the riverfront walkway and at the alternative entrance to the site on Claude Street as these would be in breach of the original s.106 agreement which forms a part of the original planning permission for the site (PA/98/01442).
- 8.24 Considering the above, officers conclude that the erection of a security gate such as that being proposed would be contrary to national, regional and local policy, as the proposal would restrict full public access to the Blue Ribbon Network through the loss of a legally secured publically accessible route to the riverfront. The proposal would also create a 'gated' community which would be impermeable for non-residents which is against the general planning principle of inclusive communities.



— – Original Planning Permission Site boundary (fenced/non-permeable) PA/98/01442

★ – Existing gates (non-permeable)

▲ – (Application site) Unrestricted access point (permeable)

Fig 4. – Existing access arrangements on site

Design

- 8.25 According to paragraph 56 of the NPPF the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.26 Policy 7.1 and 7.4 of the London Plan states that development should promote a good quality environment, provide a character that is easy to understand and relate to and have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development should also improve an areas visual or physical connection with natural features.
- 8.27 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.28 The Council's Managing Development Document policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.

- 8.29 The proposed security gate is free standing and measures 14m in width and 1.75m in height and is to be made from galvanized steel and finished in black. Due to its overall scale and finish, along with its design which features posts that are 0.3m in width, it is considered that such an addition into the streetscape would be highly imposing and would thus dominate Crews Street.
- 8.30 The Council's planning policies seek to ensure that development is sensitive to and enhances the local character of an area (see Core Strategy SP10 and Managing Development Document DM24). Security gates such as that proposed are an unsightly addition to the public realm and would not enhance the character and setting of the proposal. LBTH Design officer objected to the proposal as it will create a sense of impermeable public realm from the streets and surrounding areas, and as such discords with the relevant planning policies.

Amenity

- 8.31 According to paragraph 17 of the NPPF local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.32 Policy 7.14 of the London Plan states that local planning authorities should put in place strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.
- 8.33 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution.
- 8.34 The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development.
- 8.35 Concerns have been raised from both those in favour and against regarding the potential amenity impacts of installing a security gate at the front entrance to the Odyssey. The Council's policies (see Core Strategy SP10 and Managing Development Document DM25) seek to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. It is considered by residents that the installation of a gate has the potential to cause some harm to those residents who live closest to the proposed location of the gate, primarily due to the increase in noise, odour and fumes caused by waiting vehicles (including delivery vehicles and refuse trucks) and the constant opening and closing of the gate at all hours. Whilst there are habitable rooms within proximity of the proposed gate, this is heavily dependent on the frequency and times of vehicle movements and the Councils Transport and Highways Team, and Environmental Health Team have not raised this as an issue. Given the uncertainty of the frequency and dependency of vehicles using the site, there will need to be a management strategy to ensure that residents' amenity is not significantly affected, therefore this is not recommended as one of the reasons for refusal as it could be managed by the Estate Management.

Transportation

- 8.36 According to paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 8.37 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.
- 8.38 The Council's Core Strategy policy SP09 (3) states that the Council will not support development which has an adverse impact on the safety and capacity of the road network.
- 8.39 The Council's Managing Development Document policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network.
- 8.40 The proposed gate is sited on the boundary where the public highway intersects with the private highway which forms a part of the Odyssey estate. LBTH Highways and Transportation department have objected to the proposal on the grounds that they are concerned that the proposal will have an unacceptable impact on the adjacent public highway network. In order for the scheme to be acceptable in Highways terms, the applicant would need to revise the proposal and set the gate back 6m from the boundary with the public highway so that vehicles can wait within the boundary of the private road before entering the estate. The Council's policies (see Core Strategy SP09 and Managing Development Document DM20) cite that development should not have an unacceptable impact on the capacity and safety of the transport network, and due to the fact that the installation of a gate in its current location would cause vehicles to wait on the public highway, it is considered that the proposal in its current state discords with policy on both safety and capacity grounds in this instance.
- 8.41 Both national and local planning policies seek to ensure development incorporates the principals of inclusive design and improves access wherever possible (see NPPF paragraph 75, London Plan 7.2, Core Strategy SP10 and Managing Development Document DM23). LBTH Access officer objected to the proposal on the grounds that the erection of any gate presents a barrier to those with impairments, and requested that in any circumstance, security controls and card/fob readers are suitable for those with impairments. LBTH Access officer also raised concerns as to whether accessible parking and/or drop-off facilities would be provided on the eastern (public) side of the gates for vehicles such as taxis dropping/picking up people who reside in the Estate. In addition to the above, there are also concerns surrounding pedestrian access for both impaired and non-impaired people, as those attempting to access and exit the site using the pavement to the south side of Crews Street, would be forced to cross the Street directly in front of the gate in order to use the pedestrian security gate which is considered unacceptable on safety grounds. In light of the above it is considered that the proposal in its current state discords with policy on access grounds.

Conclusion

- 8.42 Whilst Officers acknowledge the existing anti-social behaviour issues on site that cause harm to some residents of the Odyssey and have led to the applicant submitting this application, it cannot be overlooked that such a proposal discords with planning policy at all levels and for so many different reasons. In principle, Officers cannot consider the proposal to be acceptable as the proposal goes against the core principles of creating inclusive communities which is integral to the success of the Borough.
- 8.43 In light of the above, it is considered that the proposal would be contrary to national, regional and local planning policy as it restricts movement, creates a gated community, restricts access to the riverfront, causes harm to the amenity of surrounding residents, has an unacceptable impact on the public highway, does not incorporate the principles of inclusive design and is not sensitive to nor enhances the local character of the area.

9.0 HUMAN RIGHTS CONSIDERATIONS

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 9.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

- 9.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.0 EQUALITIES ACT CONSIDERATIONS

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

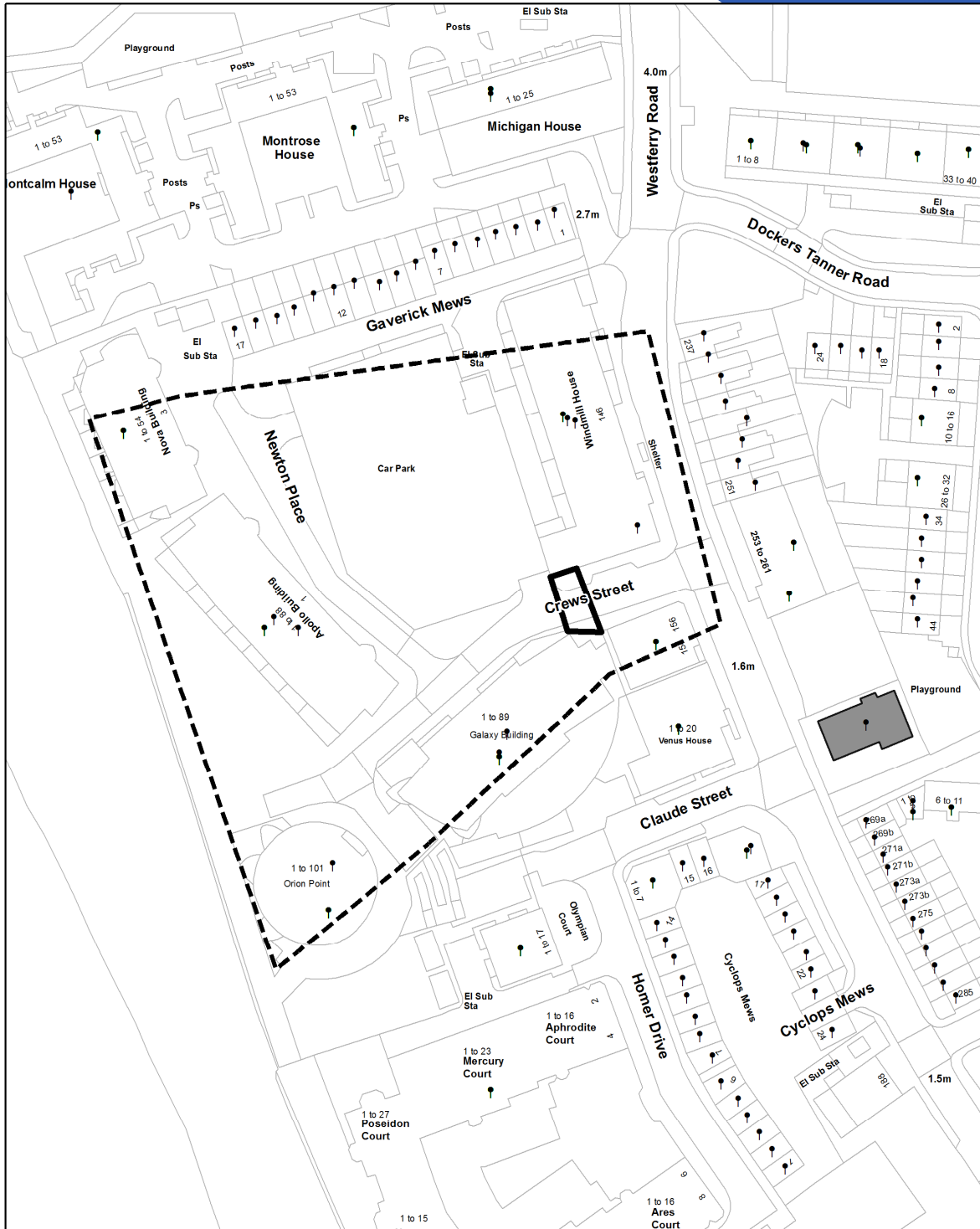
10.2 The report outlines that the Council's Access officer objected to the proposal on the basis that the gate would be a potential barrier to people with impairments and thus could be seen as a proposal that could discriminate against a section of the community, which does not fall in line with The Equality Act 2010. Were Members minded to not to follow officers' recommendation, Members need to satisfy themselves that the proposal is satisfactory and could be managed to prevent discrimination.

11.0 CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning permission should be REFUSED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

12.0 SITE MAP

Planning Application Site Map PA/14/01582



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	0	20 m
	Consultation Area		Statutory Listed Buildings				

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

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1:1,250

13.0 APPENDIX. 1

Crime log (submitted by applicant) 22.08.2014

13.1 31/7/2014 at 23:16 outside the Estate Office a resident was mugged and robbed of his phone and briefcase. The incident was reported to the Police and the CCTV footage was downloaded to disk.

29/7/2014 A resident reported a group of youths next to Orion at 4:am playing music and smoking drugs, the police were called.

29/7/2014 A constant nuisance who is a drunk man with a dog not on a leash (a Staffordshire bull terrier) was rummaging through a bin store, he was asked to move on my a resident and then became verbally abusive to the resident and subsequently a staff member.

28/7/2014 During the night several teenagers were on the river front drinking beer and smoking drugs and leaving there litter all over the river front. At the same time 3 younger youths were lurking around bike attached to a car park luckily a resident interrupted them.

25/7/2014 1:10 in the morning a youth was on the river front shouting.

17/7/2014 A homeless man was caught sleeping in an internal bin store directly next to residents flats, it turns out the police were after him for carrying a blade so we made them aware that he was sleeping here and they turned up and arrested him.

Crime log (submitted by applicant) 16.06.2014

13.2 16/11/2013 20 Galaxy resident called the office phone to complain about people making noise on Crews Street, they were asked to leave and after a little while they did.

23/11/2013 06:35, 65 Orion reported that his car cover has been stolen. 18:45, 98 Orion reported that his car cover has been stolen.

11/12/2013 Whilst locking up the bin store I discovered Krystian looking through the bins in Orion external bin store. I removed him from site and quizzed him regarding if he was the one that got locked in there 2 weeks ago and caused all the damage. He told me it was not him so he claims. I told him to not come back to the site rummaging through the bins or I will have to have him arrested. He left site as I found him looking very furtive.

23/12/2013 18 Apollo, Mr P Jones called the office to say a non-resident he believes it was an ex-employee, went into Orion bin store he called the office to tell Julian (concierge) that this was going on. By the Time Julian got up to the bin store the man had left site.

23/12/2013 18 Apollo, Mr P Jones called to report a man urinating in the flower bed by Apollo, he let Julian know but by the time Julian got there the man had already left site.

29/12/2013 The resident of 49 Nova Building complained about seeing our former cleaner Krystian within the building on the 6th floor. I went up there with her to verify he was there, unfortunately he wasn't around. I walked down the stairs from the 6th

floor and also checked in the cupboards. The resident still believed he was somewhere in the building.

16/1/2014 I was told by a resident of Orion that a person was going through the bins in Orion, I went up there and found it was Krystian going through the bins, I asked him to leave which he did straight away. I walked with him until he left the site. I decided to lock Orion bin store at 18:00 to discourage any more bin raiders.

06/3/2014 There were ten youths smoking cannabis in the basement car park, when they say they had been spotted they left immediately.

09/3/2014 The Estate office was alerted to a couple of teenagers getting drunk on the river front, they were swearing and being loud.

18/3/2014 There were ten youths smoking cannabis in the basement car park, when they say they had been spotted they left immediately, this isn't the first time it has happened it occurred on the 06/03/2014 as well.

08/4/2014 29 Orion resident called at 00:27am to report a car with people parked outside Orion, (car park opposite the Orion building) playing loud music. I went up there immediately after the call, and met a group of four teenagers all male just sitting inside their grey Lexus car reg A7 YAJ, playing music in their car loud, so I walked up to them and asked them to leave, as that was not acceptable on site. They did not argue, but drove off and left the site immediately. 29 Orion insisted that I log it in the anti-social behaviour log.