

<b>Committee:</b> Development Committee	<b>Date:</b> 9 <sup>th</sup> April 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Esha Banwait	<b>Ref No:</b> PA/15/00117
	<b>Ward:</b> Stepney Green

## 1. APPLICATION DETAILS

**Location:** Footway Adjacent to Ansell House on Mile End Road, E1

**Existing Use:** Sui Generis

**Proposal:** Relocation of an existing Barclays Cycle Hire Docking Station comprising of a maximum of 44 docking points by 45m to the east as a consequence of the proposed Cycle Superhighway 2 Upgrade Works.

**Drawing and documents:** Drwg no. 610573 - Location Plan 2 Sidney Street; Tree Report Requirements; CHS\_2\_T; CHS\_DP\_03; 610573 – GA; TDE-FW-01-PL; TDE-FW-T-PL; 610573-EX; Planning, Design and Access Statement (January 2015)

**Applicant:** Transport for London

**Ownership:** Transport for London

**Historic Building:** N/A

**Conservation Area:** Stepney Green Conservation Area

## 2. EXECUTIVE SUMMARY

2.1 This report considers an application for the proposed relocation of Barclays Cycle Hire Docking Station by approximately 75m to the east of its current location. This application results from Transport for London's Supercycle 2 Upgrade project and as part of this upgrade, the formation of a dedicated cycleway along Bow Road. This cycle route upgrade project has necessitated the relocation of a series of cycle hire docking stations between Aldgate to the west and Bow Roundabout to the east.

2.2 This application has attracted a total of 1 written objection and 1 petition containing 39 signatories. The main concerns raised by objectors relate to amenity impacts and anti-social behaviour. Careful consideration has been given to these concerns, as well as other material planning considerations.

2.3 As explained within the main report, the proposal is considered acceptable with relation the Development Plan.

### **3.0 RECOMMENDATION**

3.1 That the Committee resolve to GRANT planning permission subject to the following conditions:

#### **3.2 Conditions on planning permission**

(a) Three year time limit

(b) Development to be built in accordance with the approved plans

(c) In the event the cycle hire docking station becomes redundant, the station shall be removed as soon as is reasonably practical and the land on which the station is sited shall be restores to its original state, or to any other condition as may be agreed in writing with the local planning authority.

(d) The proposed development will accord with British Standards 3998 (2010) and 5837 (2012) with excavation in close proximity to tree root protection area hand dug.

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

### **4.0 PROPOSAL AND LOCATION DETAILS**

#### **Site and Surroundings**

4.1 The application site is on the southern footpath at the corner of Mile End Road and Sidney Street, outside Ansell House. Ansell House is a six storey residential building that is reasonably setback from the front property boundary. Ansell House extends approximately 149m in length parallel to Mile End Road. The site is located on the footpath that forms part of a major intersection of Mile End Road, Cambridge Heath Road, Sidney Street and Whitechapel Road, generally comprising a mixture of shops, offices (Use Class B1 and B2) and residential dwellings.

4.2 The application site does not contain a listed building, however it is located within the Stepney Green Conservation Area.

#### **The Proposal**

4.3 The application proposes the following:

(a) Relocation of an existing Barclays Cycle Hire Docking Station by approximately 75m south east of its current location on south pavement of Mile End Road outside the eastern block of Ansell House. The proposed relocation site will be located 160m east of the Mile End Road, Sidney Street, Whitechapel Road and Cambridge Heath Road junction.

(b) The cycle hire docking station will be a total 35m in length and will be setback 0.6m from the Ansell House property boundary (fence-line) located to the south. The cycle hire docking station will be setback 6.3m (maximum distance) from

the existing London Plane trees along the south pavement of Mile End Road in close proximity to the kerb line.

- (c) The cycle hire docking station is split up in two parts, part one comprising a total of 12 docking points (total 9m in length) and part two comprising of a terminus and 32 docking points (total 26m in length). This is to avoid any interference with the existing entrances into the private courtyards located in the foreground of Ansell House. A separation distance of 5m on both sides of the entrance has been proposed.
- (d) The cycle hire docking station will be 0.79m in height (maximum) and the terminus being the tallest element will be 2.4m (h) x 0.5m (w) comprising of a way-finding map and payment/registration functionality.

## **Background**

- 4.8 This application has been submitted as a consequence of Transport for London's Cycle Superhighway 2 Upgrade project and as part of this upgrade the formation of a dedicated cycleway along Whitechapel Road, Bow Road and Mile End Road. This cycle route upgrade project has necessitated the relocation of a series of the Transport for London's Barclays Cycle Hire Docking Stations between Aldgate to the west and Bow Roundabout to the east.
- 4.9 The cycle hire scheme provides public access to bicycles for short trips and requires docking stations to be located strategically across central London to ensure comprehensive coverage. The scheme allows people to hire a bicycle from a docking station, use it as desired, and return it to either the same or another docking station.
- 4.10 In order to ensure that there is no disruption or reduction to the Cycle Hire service along this route, 10 sites are being bought forward to replace the sites which are to be lost or reduced as part of the proposed Cycle Superhighway 2 Upgrade.

## **Relevant Planning History**

- 4.11 **PA/11/01417 (Original Permission):** Full planning permission for the installation of Barclays Cycle Hire Docking Station containing a maximum of 47 docking points for scheme cycles plus a terminal, permitted 28th July 2011.

## **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 Guidance/Statements**

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

### **5.3 Spatial Development Strategy for Greater London – March 2015, Consolidated with alterations since 2011 (LP)**

- 6.1: Strategic Approach to London's Transport  
6.9: Cycling

- 7.4: Local Character
- 7.5: Public Realm
- 7.8: Heritage Assets and Archaeology

#### 5.4 **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

##### **Site Designations**

Stepney Green Conservation Area

- SP08: Making Connected Places
- SP09: Creating Attractive and Safe Streets and Spaces
- SP10: Creating distinct and durable places

#### 5.5 **Managing Development Document (adopted April 2013) (MDD)**

- DM20: Supporting a sustainable transport network
- DM23: Streets and the public realm.
- DM24: Place Sensitive Design
- DM25: Amenity
- DM27: Heritage and the historic environment

#### 5.6 **Other Relevant Documents**

- The Stepney Green Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)
- Whitechapel Masterplan

### **CONSULTATION RESPONSE**

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

5.8 The following were consulted regarding the application:

#### **Internal Consultees**

##### **Highways and Transportation**

5.9 No objections to the proposed works.

##### **Design and Conservation**

5.10 No objections.

##### **Senior Aboriginal Trees Officer**

5.11 No comments received.

#### **External Consultees**

##### **Transport for London**

5.12 No comments.

## Neighbours Representations

- 5.13 A total of 238 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 1 letter of representation and 1 petition containing 39 signatories were received objecting to the proposal.

### Reasons for Objection:

- 5.14 The proposed relocation being in close proximity to the residents of Ansell House resulting in overlooking into the habitable rooms of dwellings in particular those located on ground floor.

**[Officer's response:** This is assessed in the material planning considerations section of the report under 'amenity'.]

- 5.15 Increase in noise level due to the proposed relocation of the cycle hire docking station to be situated in close proximity to the residential dwellings in Ansell House.

**[Officer's response:** This is assessed in the material planning considerations section of the report under 'amenity']

- 5.16 Consideration should be given for alternative locations to be situated closer to the kerbline or to the north pavement of Mile End Road in order to maximise the separation distance between the cycle hire docking station and the residents of Ansell House.

**[Officer's response:** Other potential relocation sites were considered before TfL settled on the proposed location. The Cambridge Heath Road and Whitechapel Road intersection to the west of the subject site, forms part of the Whitechapel Markets, and as a consequence limited physical space is available to accommodate a 44 docking point cycle hire station at that location. The pavement at the corner of the Cambridge Heath Road and Mile End Road is cluttered with services and street furniture, hence limited relocation opportunities were found along the north pavement of Mile End Road.

The proposed location along the south pavement of Mile End Road outside the eastern block of Ansell House was chosen as the preferred location as it comprises of a wide footway where conflict with pedestrian flow can be avoided. Additionally, the proposed location was strategically chosen as it is setback from the existing series of London Plane trees planted along the southern pavement in order to avoid any impacts on the tree roots along with other underground service lines]

- 5.17 Increase in anti-social behaviour along the southern pavement of Mile End Road.

**[Officer's response:** This is assessed in the material planning considerations section of the report under 'crime'.]

- 5.18 Property devaluation due to the presence of a cycle hire docking station being located in close proximity to Ansell House.

**[Officer's response:** Property devaluation is not a material planning consideration]

- 5.19 Lack of consultation with the residents of Ansell House by TfL.

[**Officer's response:** Public Consultation was undertaken by London Borough of Tower Hamlets who is the responsible local planning authority for the planning permission sought for the proposed relocation works.]

## **6.0 MATERIAL PLANNING CONSIDERATIONS**

6.1 The main planning issues raised by the application that the committee must consider are:

- Land Use
- Design
- Amenity
- Highways
- Other issues

### **Land Use**

6.2 The existing site comprises footpath, and the principle of the incorporation of cycle hire docking station in the vicinity has already been established with the existing cycle station to the north of Bow Road. The need to encourage cycling and other forms of transport is well understood in planning policy and is set out in Policy 6.9 of the London Plan, policy SP08 (2) of LBTH's adopted Core Strategy and policy DM20 of the Managing Development Document. Accordingly, it is considered that the introduction of a replacement Cycle Hire Docking Station in the proposed location is acceptable in land use terms.

### **Design**

6.21 Policies DM23 and DM24 of the Managing Development Document seek to ensure that the development is sensitive to the local character and environment and provides for safe, secure and permeable environment. Additionally, DM27 seeks for development to protect and enhance the Borough's heritage assets, their setting and their significant as key elements of developing the sense of place of the borough's distinctive places.

6.22 The design and finishing materials of the docking station and terminal will remain unchanged, finished in grey and blue, as exhibited on all docking stations throughout the borough.

6.23 The docking station will 0.8m in height (maximum), a total of 35m in length, a maximum 2m in width and will be split into two parts. Part one comprising of 12 cycle docking points (9m in length) and part two comprising of 32 cycle docking points and one terminus (26m in length). The separation distance between both parts will be 12.7m in order to avoid any interference with the existing entrance into the private courtyard area of Ansell House.

6.24 It is noted that that proposed site is in close proximity to several London Planes planted along the kerb line of Mile End Road. The proposal does not involve the removal of any nearby trees and the excavation to the pavement will not exceed 45cm. The applicant has agreed that the works will be undertaken in compliance with British Standard 5837:2012. Based upon that standard there is no reason to suppose the works will adversely damage the root zone to any surrounding street trees.

- 6.25 Therefore, the main issue is whether the design of the docking station is appropriate, and whether the provision of additional street furniture results in a cluttered streetscape.
- 6.26 The proposed relocation site on the south pavement outside the eastern block of Ansell House is considerably wide (approximately 12.5m in width) compared to the existing site and is generally cleared of any street furniture or clutter. Having considered that the total width of the cycle hire docking station will not exceed 2m, the proposed relocation is not considered to impose undue clutter to this section of the pavement or streetscape.
- 6.27 Given the proposal involves a relocation of an existing cycle hire docking station, this element already forms part of the existing streetscape of the southern pavement of Mile End Road and the Stepney Green Conservation Area. Therefore, the proposal would appear as a congruous addition to the streetscape, and would not cause harm to the special character and appearance of the conservation area.
- 6.28 The proposal relocation generally accords with policy 6.9 of the London Plan and policies DM23, DM24 and DM27 of the Managing Development Document and is therefore not considered to result in street clutter or detrimentally alter the prevailing streetscene of Mile End Road.

### **Amenity**

- 6.29 Policy SP10 of the adopted Core Strategy and policy DM25 of the Managing Development Document seek to protect residential amenity.
- 6.30 The Cycle Hire Docking Station is proposed to be relocated outside the eastern block of Ansell House which is a large residential property comprising of over a hundred flats that are located in close proximity to a major highways intersection. Although the existing site is already located outside the western block of Ansell House, the proposed relocation site abuts the Ansell house property boundary outside the eastern building block, placing the cycle hire docking station in closer proximity to the residents of Ansell House. The proposed relocation site will be setback 0.6m from the fence line of Ansell House which separates the private courtyard from the public realm.
- 6.31 The cycle hire docking station does not comprise of any significantly tall vertical structures as the majority of the structure will not exceed 0.8m in height. It is noted that the tallest element of the cycle hire docking station will be the terminus being 2.4m in height.
- 6.32 The layout of Ansell House is such that the majority of the building is setback at least 13m from the property boundary along with a landscaped private courtyard area in the foreground which creates a reasonable buffer from the public realm. A fence of approximately 2m in height runs along the northern perimeter of the property which will assist in screening the proposed cycle hire docking station to some extent.
- 6.33 However, it is noted that the part of the eastern building block is setback approximately 3m from the property boundary, and as a result would be separated from the proposal by approximately 3.6m. The northern elevation of this building block comprises two medium sized windows per floor which look onto the busy Mile End Road carriageway.

- 6.34 Considering the size of the windows located on the northern elevation of the eastern part of Ansell House, the presence of an approximately 2m tall fenceline and the total height and scale of the cycle hire docking station, levels of overlooking are not considered to be unduly detrimental. Furthermore, the docking station is within the public realm, where there is an existing expected level of activity as existing.
- 6.35 With regards to any anticipated light pollution, the TfL 'Cycle Hire' logo located on the top of a terminus will not be illuminated at any time. Additionally, the registration/payment screen, way-finding maps and information located on the terminus will only be illuminated on demand during poor light conditions. This level of illumination is anticipated to be similar to that at bus stops. Given the proposed low level and on-demand illumination there would be no significant impacts on neighbouring amenity.
- 6.36 Additionally, given that the application site is in proximity to a major highway intersection along Mile End Road, the streetscape and the setting of the application site is already affected by a degree of background motorised traffic noise transmitted along Mile End Road, it is not considered the operation of the docking station will give rise to any unduly detrimental amenity impact to residential neighbours.
- 6.37 The proposed cycle hire docking station is therefore considered acceptable in terms of neighbour amenity, in accordance with policies SP10 of the Core Strategy, and DM25 of the Managing Development Document.

### **Highways**

- 6.38 No objection has been raised by Transport for London the highway authority for Mile End Road or by LBTH Highways Team.
- 6.39 The pavement exhibits relatively generous width in this location and it is therefore not considered the cycle hire docking station will impede upon the permeability and safe flow of pedestrians.
- 6.40 Given the setback of approximately 10m from the existing kerbline, the proposed location of the cycle hire docking station is unlikely to interfere with vehicle sightlines from the carriageway of Mile End Road.

### **Other Issues**

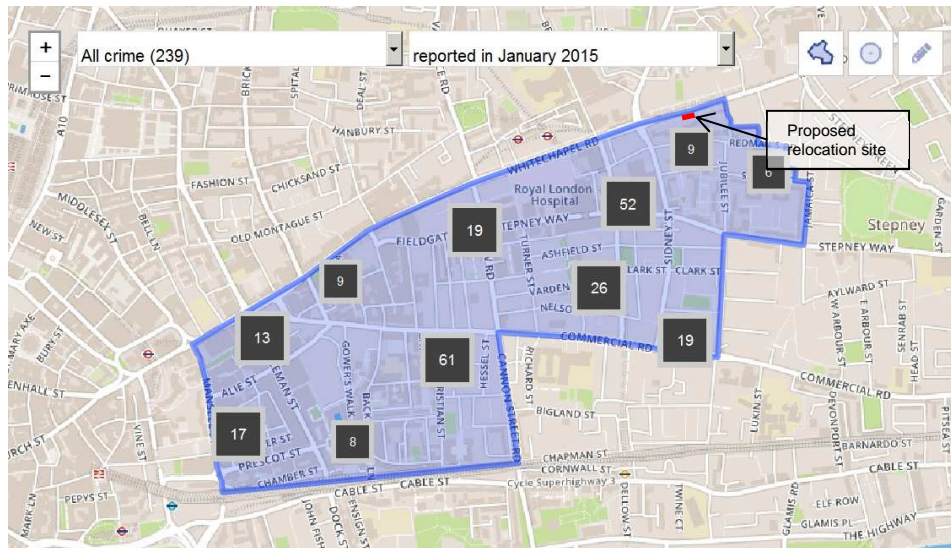
#### Crime

- 6.41 One reason for objection from residents related to increasing anti-social behaviour as a consequence of the rollout of Cycle Hire Docking Stations along Mile End Road.
- 6.42 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.
- 6.43 Policies 7.3 of the London Plan, SP09 of the Core Strategy and DM23 of the Managing Development Document seek to create safe, secure and appropriately

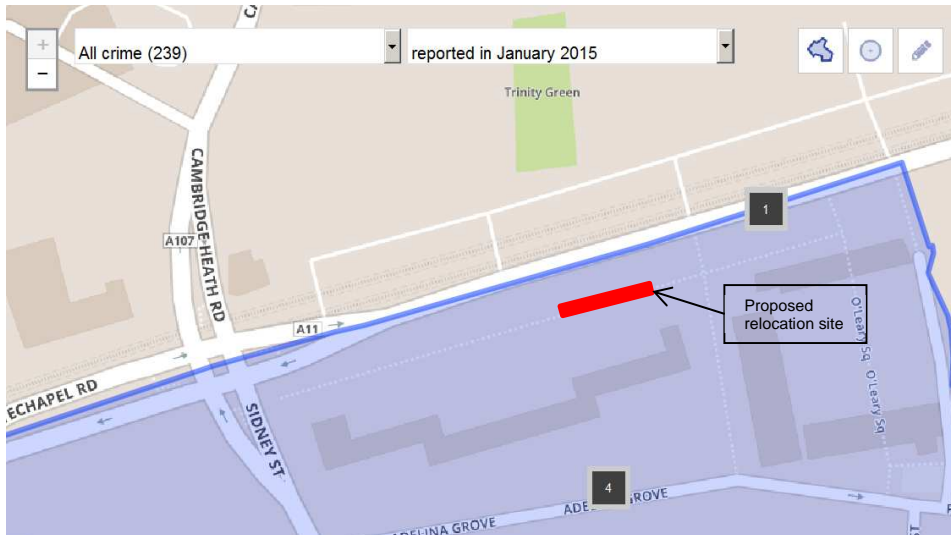


accessible environments where crime and disorder and the fear of crime do not undermine quality of environments.

- 6.44 An investigation on recorded crimes has been undertaken by using crime statistics from the Metropolitan Police website for the Whitechapel boundary area (fig. 1) and Ansell House including the pavement area surrounding Ansell House (fig. 2) which represent the most recent statistics of reported crimes currently available (true of January 2015).



**Figure 1:** Crime map of the boundary area (Whitechapel Ward 2015) (taken from [www.police.uk](http://www.police.uk))



**Figure 2:** Crime map for application site – south pavement of Mile End Road outside Ansell House (taken from [www.police.uk](http://www.police.uk))

- 6.45 There are no crimes recorded specifically relating to the application site which involve the existing or the proposed location of the cycle hire docking station which forms part of this planning application.
- 6.46 Transport for London who are the responsible Highway Authority for the application site and the immediately surrounding area advised that there have been 5 reports of antisocial behaviour since the scheme began in July 2010. However, here is no

evidence of anti-social behaviour or criminal damage reported at the existing cycle docking station on the south pavement of Mile End Road outside Ansell House.

- 6.47 Having considered the proposed location, which is reasonably close to its current location, it is not considered that there is evidence to suggest that anti-social behaviour is likely to be present at the subject site. The site is well-lit, with significant natural surveillance, inherent with the site location on Mile End Road, and on that basis, it is not considered that the proposal gives rise to unacceptable crime-related concerns.

## **7.0 Human Rights Considerations**

- 7.1 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:-

- 7.2 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 Conventions rights are likely to relevant including:

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the 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's interest (Convention Article 8); and
- Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole"

- 7.3 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.

- 7.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 7.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.

- 7.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 7.7 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.
- 7.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

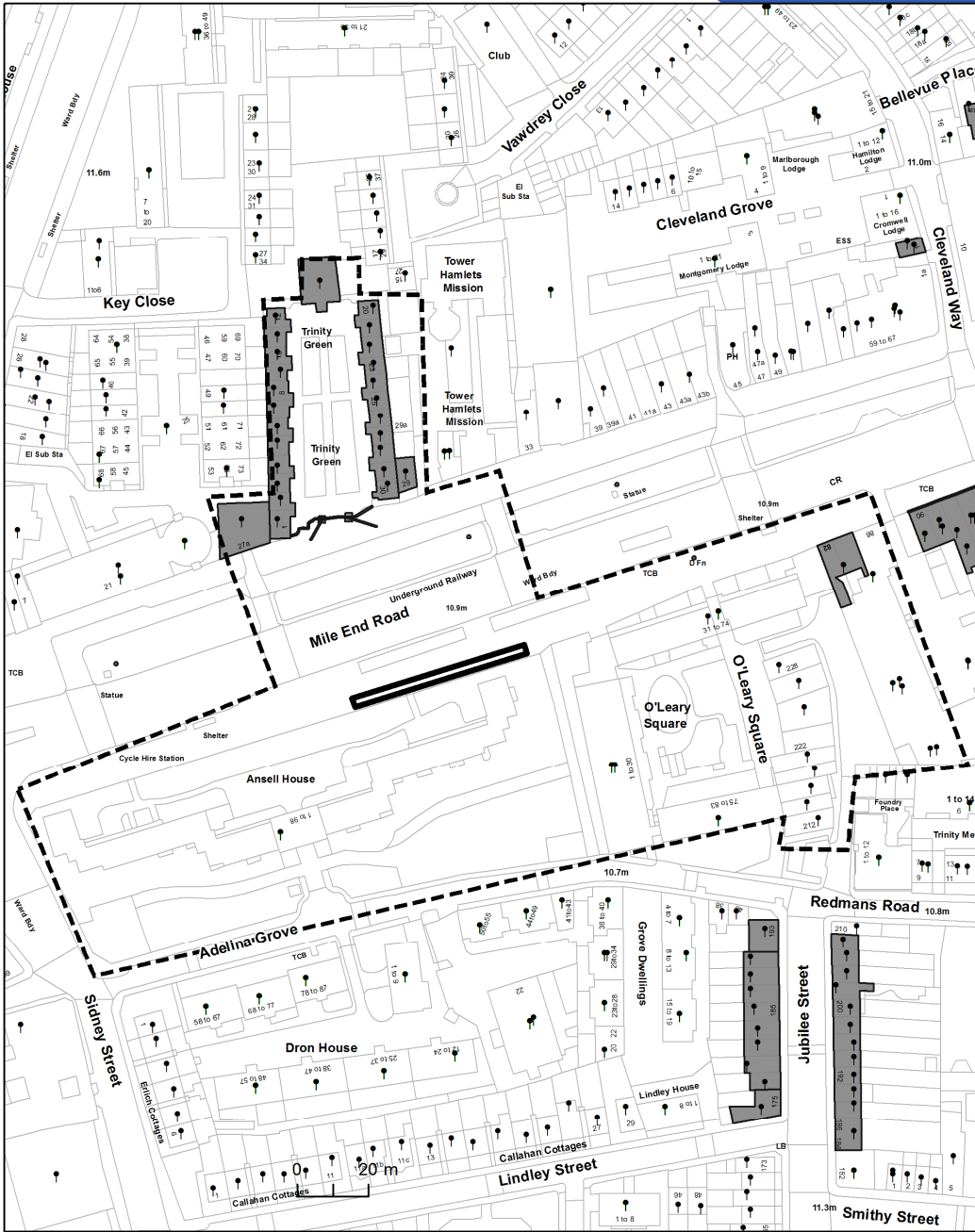
## **8.0 Equalities**







- 8.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

## **Conclusion**

- 8.4 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.

**Planning Application Site Map**  
**PA/15/00117**



- |   |                                    |   |                            |   |                     |
|---|------------------------------------|---|----------------------------|---|---------------------|
|  | Planning Application Site Boundary |  | Locally Listed Buildings   |  | Land Parcel Address |
|  | Consultation Area                  |  | Statutory Listed Buildings |  | OSLine              |

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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