

Committee: Development Committee	Date: 6th October 2004	Classification: Unrestricted	Report No. DC050/045	Agenda Item No. 7.6
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Report of: Corporate Director Development and Renewal	Title: Planning Application
Originating Officer: Ms K Phillipson	Location: Ayshford House and part of Viaduct Street E2
	Ward: Bethnal Green South

1. SUMMARY

1.1 Registration Details

Reference No: PA/02/1782
Map Ref: D5
Date Received: 20 Dec 2002
Last Amended Date: 30 June 2004

1.2 Application Details

Existing Use: Block of flats and redundant public highway)

Development: Refurbishment of 4 flats on upper floors and change of use of 2 ground floor flats to provide a library for study and promotion of organic gardening/tree husbandry and wildlife and a walk-in information centre about ecology. Physical alterations including rear extensions to each wing on all floors; enclosing rear balconies; stair tower extension to access new roof terrace; balustrade, tank room and solar panel on roof; conversion of 3 ground floor front windows to provide separate doors to flats and new units. Incorporation of public highway into the curtilage of Ayshford House to provide access road and car park (change of use)

Applicant: Ayshford House Regeneration

Ownership: LBTH

Historic Building/Conservation Area: N/A

2. RECOMMENDATION:

That the Committee agree that it is minded to Grant Permission (as the application is now the subject of an appeal against non-determination the Council is estopped from issuing a decision) subject to the following conditions:

1. Details of: -
 - a) materials,
 - b) hard and soft landscaping, walls/railings/fences/gates, lighting, street furniture
 - c) car park surfacing and layout
 - d) cycle parking
 - e) noise insulation between residential and public areas
2. alterations to original fabric to be in materials to match existing

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder and address where open to inspection
Application file, plans, UDP		Development Control, 0207.364.5338 41/47 Bow Road E3 2BS

3. hours of construction (standard)
4. hours of use for ground floor units 9am to 9pm or dusk (whichever earlier)
5. no flues, vents, telecoms etc. on east or south facades
6. restriction within the Use Classes - ground floor units only for the specific purposes described above
7. parking to be for residents and for staff of ground floor units only; sign to this effect to be displayed
8. maintenance of landscaping
9. a public footpath shall be maintained running east-west, to link the two areas of Weavers Fields Park north of Ayshford House separated by Viaduct Street, and this shall be open at all times when the park is open
10. A gate shall be provided at the north end of the site, in line with the south flank wall of 4 Viaduct Street

3. PLANNING HISTORY

- 3.1 1936 permission for construction of block of 6 flats
- 1964 GLC lays out first 6 acres of Weavers' Fields
- 1966 GLC resolves to lay out another 9.5 acres including works to the staff-yard adjoining Ayshford House which is being used for staff accommodation.
- 1996 permission for development of wedge of open space between Ayshford House and Adventure Playground for sheltered housing, involving demolition of Ayshford House to provide new open space to compensate for that lost (not implemented).
- 10.10.02 deemed planning permission to LBTH Leisure Services to demolish Ayshford House and incorporate its site and the redundant road into the park

4. CONSULTATION

- 4.1 **ADJOINING OCCUPIERS:** see map.
Site notice 7.01.2003

No objections have been received.

There is one individual letter of support from a resident of Wilmot Street.

Two petitions have been submitted, by the applicant, against the demolition of Ayshford House and in support of the rehabilitation proposal. The first accompanied the original application and comprises 260 individual standard letters. A further petition with 100 signatures was submitted by the applicant on 30th June 2004. A considerable proportion of the petitioners give addresses outside the Borough, outside London and outside the British Isles (e.g. 38 of the 100 signatures on the smaller petition are not from Tower Hamlets addresses)

4.3 OTHER DEPARTMENTS AND EXTERNAL ORGANISATIONS

Highways - No objections, gate must be moved to the correct road closure point i.e. the south flank wall of 4 Viaduct Street.

Environmental Health - noise insulation required between public uses and flats; standard comments re mechanical ventilation etc.

Cleansing - no comments received (waste storage is indicated and there is a large yard which could contain any necessary residential and trade refuse stores)

Horticulture and Recreation - object on the grounds that planning permission has already been obtained to demolish Ayshford House in Oct 2002. This permission was applied for on the basis that the building was uneconomical to repair. Furthermore, consultation with the local community indicated that they wished to see the land returned for use as a public open space

5. **RELEVANT POLICY INCLUDING UNITARY DEVELOPMENT PLAN**

The site is not affected by any **UDP proposals currently or on first draft revision.**

UDP policies

DEV1	design sensitive to the character of the area, disabled access, landscaping
DEV12	landscaping
ST26	To protect existing residential accommodation from changing to other uses except in exceptional circumstances where this may be the only means of improving the environment.
SG4	Change of use of residential buildings/land to other uses refused unless <ol style="list-style-type: none">1. it is desirable to retain existing buildings on the site and it has been demonstrated that they are incapable of renovation for continued residential use reasonable cost2. the external environment is very poor and beyond mitigation3. the site is identified on UDP proposals map for another use4. loss of housing is unavoidable to meet needs of local residential area for essential recreation, education or community facilities.
HSG5	encourage vacant and underused housing to be brought back into use
HSG13 and SPG	- residential space
HSG16	amenity space
ST46 & EDU9	encourage educational and training provision at accessible locations
SCF10	change of use to community buildings permitted subject to other policies
SCF12	new libraries in areas of deficit (aimed at Council library function)
ST28 & T9	restrain unnecessary use of private cars
ST32	new development should be where transport needs can be met by existing systems
T13	off street parking only allowed if for essential operational needs
T17 and Standard 3	- parking standards
T21	existing pedestrian routes to be retained and improved

First Deposit Draft

HSG3	changes of use resulting in net loss of residential will be refused except (inter alia) when proposal is to provide essential social or community facilities (including education)
SP9	encourage measures to address skills of Borough residents through education and training
TRN6	minimise on and off street parking except for essential servicing and disabled
TRN10	pedestrian permeability to be promoted within developments
TRN11	bicycle parking
UD2	architectural quality
UD3	accessibility - public transport, pedestrian and cycle travel priority over cars
UD15	alterations and extensions to be sympathetic to character of building

6. **ANALYSIS**

- 6.1 Ayshford House is a three storey block of six flats built in 1936 by a local property owner, for private renting, on the site of 34-40 Viaduct Street (four houses in a terrace the rest of which was later demolished for open space purposes). The application also includes some 66 metres of roadway. This was once public highway but most of it was 'stopped up' in 1963 and the last section at the north end in 2002. It is still surfaced and has the appearance of a public road but the section nearest to Ayshford House is gated off and used for car parking and the remainder remains to provide vehicular access to Ayshford House and the park. About 25m north of Ayshford House a pedestrian route through the park crosses the road using gates between the two areas of Weavers Fields Park which lie on either side of the road. As LBTH owns the land on both sides of the road they now own the redundant road.

- 6.2 Ayshford House was at some point acquired by the GLC and used to house park employees until transferred to LBTH on the demise of the GLC. Although remaining the property of the Parks Department it was allocated to the housing department for general needs housing until 1994, when structural investigations led to a view that the building was beyond economic repair and new lettings seem to have ceased. There was a proposal to use the flats for homeless families but by 1998 the block was occupied by one sitting tenant and several squatters and both the 1996 planning permission involving its demolition and the proposed occupation by the Homeless Families Unit had been abandoned. The tenant has been or is being re-housed.
- 6.3 The flats in the three storey block are 'balcony access' from the rear yard, via a small projecting stair tower. There are two flats per floor, all the same size. Kitchens and bathrooms are very small but there are 4 habitable rooms per flat and the overall space is sufficient for 4 persons. The block fronts onto the old road, separated by a strip of garden and railings from the pavement. There is a high brick wall around the other 3 sides of the site enclosing a large yard more than adequate to equate to a 50sq m garden for each flat. There is a flat roof which is not easily accessible.
- 6.4 The proposal involves extending back both the north and south wings of the building (by about 3m on ground and first and by 2m on the second floor) and enclosure of the balcony access. The upper floors would remain flats, much as they are now but with larger living rooms incorporating the glazed extensions (same number of habitable rooms) The stairs would be extended upwards to access the roof, to which it is proposed to add a glazed balustrade; a tank room; a solar panel and a roof garden for use by the residents of the flats. (N.B. this requires removal of chimneys)
- 6.5 The ground floor flats are shown, with relatively little internal alteration, one as an 'ecology centre' and one as a 'library' each with its own reception, refreshment and toilet facilities. Physical alterations at this level include the rear extension and also the creation of separate access to the upper floors and to each of the ground floor units direct from the street by adapting existing windows to form doors. Access to the rear yard would be from the ground floor only. The use is described on the application forms as 'public amenity space' which is a rather vague term. Further details supplied with the application describe the library as 'for study and promotion of organic gardening, tree husbandry and their relationship with wildlife' and the ecology centre as 'a walk-in information/education centre on ecology and associated subjects for visitors to Weavers' Fields' There is no further detail about proposed activities but creation of up to 8 jobs is suggested.
- 6.6 The whole of the redundant section of Viaduct Street is included in the application site, with the southern section, fronting Ashford House, indicated as car parking for 6 vehicles. The road is shown as re-surfaced covered in reinforced turf with a landscaped edge and a single resurfaced footway. Railings between the road and the existing park are indicated.
- 6.7 The only objection received with regard to this proposal is from Horticulture and Recreation (see above) the grounds of objection being that permission has previously been granted for demolition of the block and laying out of new open space on the site. However, as the Committee will be aware, every planning application must be considered on its merits and in the context of relevant policies and the existence of an alternative planning permission for the same site is not a material consideration.
- 6.8 The renovation and extension of the flats is in accordance with policies encouraging improvement of underused residential accommodation and the location in terms of environment and availability of local shops, services and public transport is good. The physical alterations to what is a very ordinary looking building area are acceptable in principle, subject to standard conditions requiring further submission of details of the works and the materials.

- 6.9 The change of use of the ground floor involves the loss of two flats. These have been empty for many years but policy is not normally to allow such a loss except in exceptional circumstances. The exception which is being sought here is that which allows changes of use if the new activity is recreation, education or community facilities essential to the local area. The proposed uses are intended to take advantage of the location in the park, which can be a practical example and source of ecology study material, and add a facility capable of complementing the park and attracting extra visitors to it.
- 6.10 The UDP and PPG 3 seek to retain residential accommodation or land whenever possible, and the UDP states that Tower Hamlets suffers from an acute shortage of housing and it is essential that there should be no net loss of existing housing. In the immediate area of Weavers Fields there has been some recent increase in social housing with three new houses in Seabright Street and the conversion of Weavers School to flats (special needs 'foyer' rather than general needs) which may be considered to offset the loss represented by this proposal.
- 6.11 It is not clear which if any 'Use Class' encompasses an ecology centre; libraries are D1. This category includes many other public buildings, such as health centres and places of worship, which would not be appropriate here so it is recommended that if permission is granted it is restricted by condition to the particular uses applied for.
- 6.12 Provision of dedicated parking is not required by current policies, particularly as Ayshford House is in a location well served by public transport. Policies are aimed at reducing the use of private cars and it is recommended that a condition of any permission should restrict the parking provision to residents of the flats and staff of the ground floor units with no parking being provided for visitors.
- 6.13 'Greening' the roadway is in line with Leisure Services' aspirations to use this land to connect two sections of the existing park. It is desirable that this part of the application site is not enclosed by railings and that it allows general public access. Certainly the existing east-west pathway must not be blocked. As required by the Highways Officer a gate marking the limit of the public highway is needed at the north end of the site. If the Council were to decide to sell or lease Ayshford House, this aspect could be dealt with as part of that process. All that is required to service Ayshford House is a right of way, vehicle and pedestrian, to the building from the nearest public highway, something which could be achieved without a change in ownership of the land or interruption to public access. Nevertheless, to safeguard the public route, a condition is recommended.
- 6.14 This is an interesting proposal which enables the retention of residential accommodation and could introduce a new use which, if successful, could attract more local people and other visitors to the park. Implementation of the project may not prove possible because of practical difficulties, but in terms of suitable uses for the building and general policy considerations conditional planning permission can be recommended.

7. EQUAL OPPORTUNITIES CONSIDERATIONS

- 7.1 New public areas will be generally accessible.

