

Meeting of the

# DEVELOPMENT COMMITTEE

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Wednesday, 2 July 2008 at 7.30 p.m.

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## A G E N D A

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### VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Shafiqul Haque Vice-Chair: Councillor Denise Jones	
Councillor Shahed Ali Councillor Lutfa Begum Councillor Fazlul Haque Councillor Alexander Heslop Councillor Tim O'Flaherty Councillor Ahmed Adam Omer Vacancy	Councillor Helal Abbas, (Designated Deputy representing Councillor Shafiqul Haque, Fazlul Haque, Alex Heslop, Denise Jones and Ahmed Omer) Councillor Stephanie Eaton, (Designated Deputy representing Councillor Tim O'Flaherty) Councillor Waiseul Islam, (Designated Deputy representing Councillor Shafiqul Haque, Fazlul Haque, Alex Heslop, Denise Jones and Ahmed Omer) Councillor Azizur Rahman Khan, (Designated Deputy representing Councillor Tim O'Flaherty) Councillor Rania Khan, (Designated Deputy representing Councillor Rania Khan) Councillor Abdul Matin, (Designated Deputy representing Councillor Tim O'Flaherty) Councillor Harun Miah, (Designated Deputy representing Councillor Shahed

Ali)  
Councillor Abjol Miah, (Designated Deputy representing Councillor Shahed Ali)  
Councillor Abdul Munim, (Designated Deputy representing Councillor Shahed Ali)  
Councillor Oliur Rahman, (Designated Deputy representing Councillor Lutfu Begum)  
Councillor Salim Ullah, (Designated Deputy representing Councillors Shafiqul Haque, Fazlul Haque, Alex Heslop, Denise Jones and Ahmed Omer)

**[Note: The quorum for this body is 3 Members].**

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Louise Fleming, Democratic Services, Tel: 020 7364 4878, E-mail: [louise.fleming@towerhamlets.gov.uk](mailto:louise.fleming@towerhamlets.gov.uk)

# LONDON BOROUGH OF TOWER HAMLETS

## DEVELOPMENT COMMITTEE

Wednesday, 2 July 2008

7.30 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
<b>3. UNRESTRICTED MINUTES</b>		
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 4 <sup>th</sup> June 2008.	3 - 8	
<b>4. RECOMMENDATIONS</b>		
To RESOLVE that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting.		
<b>5. PROCEDURE FOR HEARING OBJECTIONS</b>		
To note the procedure for hearing objections at meetings of the Development Committee.	9 - 10	
<b>6. DEFERRED ITEMS</b>	11 - 12	
<b>7. PLANNING APPLICATIONS FOR DECISION</b>	13 - 14	
<b>7 .1 Site adjacent to 373 Commercial Road, London E1</b>	15 - 36	St Dunstan's & Stepney Green
<b>7 .2 Site at South of 7 Holyhead Close, London</b>	37 - 88	Bromley-By- Bow
<b>7 .3 14 Fieldgate Street and 7-9 Plumbers Row, London E1</b>	89 - 106	Whitechapel



# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

### Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

**What constitutes a prejudicial interest?** - Please refer to paragraph 6 of the adopted Code of Conduct.

**Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-**

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.30 P.M. ON WEDNESDAY, 4 JUNE 2008**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Shafiqul Haque (Chair)

Councillor Alexander Heslop  
Councillor Denise Jones  
Councillor Tim O'Flaherty

Councillor Helal Abbas  
Councillor Harun Miah

**Other Councillors Present:**

Councillor Ohid Ahmed

**Officers Present:**

Megan Crowe – (Planning Solicitor, Legal Services)  
Michael Kiely – (Service Head, Development Decisions)  
Terry Natt – Strategic Applications Manager  
Jen Pepper – (Affordable Housing Programme Manager)  
Simon Ryan – (Case Officer)  
Bridget Burt – (Legal Services)

Louise Fleming – Senior Committee Officer

**1. ELECTION OF VICE-CHAIR**

The Committee RESOLVED that Councillor Denise Jones be elected Vice-Chair of the Development Committee for the 2008/09 municipal year.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Shahed Ali, Fazlul Haque and Ahmed Omer. Councillor Helal Abbas deputised for Councillor Fazlul Haque and Councillor Harun Miah deputised for Councillor Shahed Ali.

**3. DECLARATIONS OF INTEREST**

Councillors made declarations of interest in the items included on the agenda as follows:

<b>Councillor</b>	<b>Item</b>	<b>Type of interest</b>	<b>Reason</b>
Helal Abbas, Alex Heslop, Denise Jones, Tim O'Flaherty, Shafiqul Haque and Harun Miah	8.1	Personal	Received a letter from cite of London College endorsing the scheme proposed.
Helal Abbas	8.1	Personal	Relative lives in the vicinity of the site
Shafiqul Haque	8.1	Personal	Owns a property approx 500-600 metres from the application site
Denise Jones	8.1	Personal	Non-Executive Member of the PCT (a consultee on the application)

#### **4. UNRESTRICTED MINUTES**

The minutes of the meeting held on 7<sup>th</sup> May 2008 were agreed as a correct record.

#### **5. RECOMMENDATIONS**

The Committee RESOLVED that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Corporate Director of Development and Renewal along the broad lines indicated at the meeting.

#### **6. PROCEDURE FOR HEARING OBJECTIONS**

The Committee noted the procedure and those who had registered to speak.

#### **7. DEFERRED ITEMS**

The Committee noted that there were no deferred items.

#### **8. PLANNING APPLICATIONS FOR DECISION**

##### **8.1 80 Back Church Lane, London E1 1LX**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing three-storey educational building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level at 80 Backchurch Lane, London E1 1LX.



Mr Alamin Latif spoke on behalf of the residents in objection, on the grounds of the impact on parking and traffic, loss of privacy, overlooking and noise and dust during construction.

Mr Nigel Bennett spoke on behalf of the applicant. He informed the Committee that officers had been consulted on the design of the proposal. The applicant would be prepared to meet with residents to discuss any concerns. Parking and traffic problems would be mitigated by the proposed Car Free agreement. The proposal would upgrade the area and was in line with policy.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application. He outlined the benefits of the scheme, which included family sized affordable housing and open space which exceeded policy requirements.

Members asked a number of questions relating to parking, density, open space, the materials to be used; and the proximity to neighbouring buildings in terms of overlooking and loss of daylight/sunlight.

Mr Natt clarified that the density had been calculated on the footprint of the existing building. The recalculated density was 1200 habitable rooms per hectare, which was a reduction in density. A car free agreement had been proposed, therefore there would be no increase in parking on the site. Screening would be provided to mitigate and potential overlooking and a condition would require the applicant to submit details of materials for approval. The distance between Everard House to the south was in excess of 20m, which exceeded the minimum requirement of 18 metres. Public open space was available at nearby Goodman's Field and Aldgate Union.

Members expressed concern relating the disruption experienced by residents during construction and sought reassurances that mitigation and enforcement measures were in place to deal with any problems. The Committee was advised that such issues would be dealt with by the Construction Management Plan.

On a vote of 4 for, 1 against and 1 abstention, the Committee RESOLVED that planning permission for the demolition of existing three-storey educational building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level at 80 Backchurch Lane, London E1 1LX be GRANTED subject to

- A Any direction by The London Mayor.
- B The prior completion of a legal agreement to secure the following planning obligations:
  - a) Affordable housing contribution of 37.8%
  - b) Education contribution - £86, 394
  - c) Health care contribution - £76,076

- (Total financial contribution of £162,470)
- d) Other obligations comprising a car-free agreement and a commitment to use Local Labour in Construction
  - e) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- C That the Corporate Director, Development & Renewal be delegated authority to negotiate the legal agreement as indicated above.
- D That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following:

#### Conditions

- 1) Permission valid for 3 years
- 2) Hours of Construction (8.00am to 6.00pm Monday to Friday; 9.00am to 13.00pm on Saturdays and not at all on Sunday or Bank Holidays)
- 3) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
- 4) Submission of samples/details/full particulars of materials, landscaping & external lighting
- 5) Details of refuse and recycling facilities and servicing required
- 6) Submission of desktop study report for land contamination
- 7) Construction management plan to be submitted and agreed
- 8) Details of sound insulation measures to be submitted and agreed
- 9) Provision of 59 cycle parking spaces for the residential occupiers of the scheme, plus cycle parking for educational floorspace
- 10) Site surface drainage to be drained within site and not onto the public highway. Details to be submitted and approved.
- 11) No doors at ground floor level to open outwards onto public highway
- 12) Air Quality Assessment required to be submitted and agreed
- 13) All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible
- 14) Energy efficiency measures to be submitted and agreed
- 15) Sustainability Strategy to be submitted and agreed
- 16) Details of any plant and machinery to be submitted and agreed in writing
- 17) Any other planning conditions considered necessary by the Corporate Director Development & Renewal

#### Informatives

- 1) Section 106 of the Town and Country Planning Act 1990
- 2) Contact Environmental Health regarding contamination and sound insulation
- 3) Section 278 (Highways) Agreement required

- 4) Contact Highways Act 1980, due to balconies overhanging public highway
  - 5) During construction consideration must be made to other developments within the area and the impact on traffic movements on Back Church Lane and Boyd Street
  - 6) Applicant to include in the Construction Management Plan details of a contact for residents during construction.
  - 7) Any other informatives considered necessary by the Corporate Director Development & Renewal
- E That if within 3 months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

The meeting ended at 8.03 p.m.

Chair, Councillor Shafiqul Haque  
Development Committee

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# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

#### Provisions in the Council's Constitution (Part 4.8) relating to public speaking:

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be notified by letter that the application will be considered by Committee at least three clear days prior to the meeting. The letter will explain these provisions regarding public speaking.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant committee from time to time (see below).
- 6.3 All requests to address a committee must be made in writing or by email to the committee clerk by 4pm on the Friday prior to the day of the meeting. This communication must provide the name and contact details of the intended speaker. Requests to address a committee will not be accepted prior to the publication of the agenda.
- 6.4 After 4pm on the Friday prior to the day of the meeting the Committee clerk will advise the applicant of the number of objectors wishing to speak.
- 6.5 The order of public speaking shall be as stated in Rule 5.3, which is as follows:
  - An objector who has registered to speak
  - The applicant/agent or supporter
  - Non-committee member(s) may address the Committee for up to 3 minutes
- 6.6 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.7 Following the completion of a speaker's address to the committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.8 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the chair, committee members may ask questions of a speaker on points of clarification only.
- 6.9 In the interests of natural justice or in exceptional circumstances, at the discretion of the chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.10 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

#### Public speaking procedure adopted by this Committee:

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- For objectors, the allocation of slots will be on a first come, first served basis.
- For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the chair will ask the Committee if any member wishes to speak against the recommendation. If no member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.

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# Agenda Item 6

<b>Committee:</b> Development	<b>Date:</b> 2 <sup>nd</sup> July 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Deferred items	
<b>Originating Officer:</b> Michael Kiely		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

## 2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**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:
Application, plans, adopted UDP. draft LDF and London Plan	✓	Eileen McGrath (020) 7364 5321

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# Agenda Item 7

<b>Committee:</b> Development	<b>Date:</b> 2 <sup>nd</sup> July 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Michael Kiely		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the adopted London Plan 2004 (as amended by Early Alterations December 2006)
- 3.2 Other material policy documents include the Council's Community Plan, Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### **4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

#### **5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.

# Agenda Item 7.1

<b>Committee:</b> Development	<b>Date:</b> 2 <sup>nd</sup> July 2008.	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.1
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<b>Report of:</b> Interim Corporate Director of Development and Renewal	<b>Title:</b> Applications for planning permission, conservation area consent and listed building consent
<b>Case Officer:</b> Benson B. Olaseni	<b>Ref No:</b> PA/07/3286, PA/07/3287 and PA/07/3288
	<b>Ward:</b> St Dunstan's and Stepney Green

## 1. APPLICATIONS DETAILS

**Location:** Site adjacent to 373, Commercial Road, London, E1.

**Existing Use:** Vacant nightclub building adjoining listed buildings

**Proposals:** A. PA/07/3286 Application for Planning Permission comprising of:

Demolition of a vacant single-storey nightclub building adjacent to the George Tavern (PH) and re-development of site by erection of a five-storey building to provide commercial use (Class B1 Use) at ground floor and 11 flats consisting of 6 x 1 bedroom flats and 5 x 2 bedroom flats on the upper floors with cycles and domestic refuse provision. (The proposed 11 flats development scheme would comprise 100% affordable housing units).

B. PA/07/3287 Application for Conservation Area Consent for:

Demolition of a vacant single-storey nightclub building attached to the listed George Tavern Public House and 2a Aylward Street listed building within Commercial Road Conservation Area.

C. PA/07/3288 Application for Listed Building Consent for:

External alterations and refurbishment works to the eastern flank wall of the George Tavern (PH) and works to rear building adjoining Aylward Street including the erection of a new party wall to facilitate the demolition of a vacant single-storey Stepney's Nightclub building and erection of a five-storey mixed-use building to provide commercial and residential uses.

**Drawing Numbers**

PL 50 – Site Plan, PL51 – Existing Plan Level 1, PL 52 – Existing Plan Level 2, PL 53 – Existing Plan Level 3, PL 54 – Existing Basement Level, PL 55 –

Existing Elevations, PL 56 – Existing Flank Wall & Sections, PL 57 – Existing Level 1 Proposed Demolition, PL 58 – Existing Level 2 Proposed Demolition, PL 59 – Existing Demolition Elevations, PL 60A – Proposed Plan Level 1, PL 61A – Proposed Plan Levels 2, 3 & 4, PL 62A – Proposed Plan Level 5, PL 63 – Proposed Elevation to Commercial Road, PL 64 – Proposed Elevation to Aylward Street, PL 65 – Proposed Elevation to Jubilee Street, PL 66 – Proposed Elevation to Exmouth Estate, PL 67 – Section to light well and flank wall of (PH) and PL 68 – Existing Site Survey.

**Documents:** Design and Access Statement by Baily Garner, dated December 2007, number. 21088, Environment Noise Report by BRE, dated 19<sup>th</sup> February 2008, number 242801 plus Glazing Specifications dated 12<sup>th</sup> March 2008 reference 7109-242801, Daylighting and Sunlighting Report by Calford Seaden dated February 2008, reference K/08/00741/C7/0004 PSD/hmt and Refuse Strategy with Appendix A3 size sketch by Baily Garner dated 5<sup>th</sup> March 2008.

**Applicant:** SWAN HOUSING ASSOCIATION  
**Ownership:** The Applicant  
**Historic Building:** Grade 2 Listed  
**Conservation Area:** Commercial Road

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

The Local Planning Authority has considered the particular circumstances of these applications against the Council's saved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (UDP), the Council's Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- 2.1. **A.** Application for Planning Permission is contrary to above policies for the following reasons:
1. The height and scale of the proposed building at five-storeys appears over dominant and out of scale with the adjoining Grade 2 listed buildings when viewed from the rear, As such the proposal is contrary to saved policy DEV1 (1) and DEV37 of the London Borough of Tower Hamlets (1998) Unitary Development Plan and DEV2 and CON1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure new developments are designed to take account, be sensitive in terms of design, bulk, scale and respect the local character and setting of adjacent listed buildings.
  2. The adjoining beer garden along Aylward Street currently in use is considered to be incompatible with the proposed residential scheme given its proximity. The beer garden use would result in unacceptable noise nuisance to future occupiers of the proposed scheme. . As such, the proposal is contrary to Saved Policy DEV2 of the Unitary Development Plan 1998 and DEV1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure, protect and improve the amenity of surrounding existing and future residents and building occupants of the Borough from unacceptable level of noise nuisances.

3. The proposed five– storey building would result in an unacceptable increased sense of enclosure to the occupiers of upper floors of the George Tavern Public House at 373 Commercial Road, by reason of bulk, scale and proximity contrary to saved Policies DEV1 and DEV2 of the Unitary Development Plan and DEV1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to prevent over-development of sites and development that causes demonstrable harm to the amenity of neighbours.
  4. The proposed five–storey building would result in a material loss of daylight to the occupiers of the George Tavern at 1st and 2<sup>nd</sup> floor level by reason of the height and proximity of the development to these rear windows of adjoining building at 373 Commercial Road. As such, the proposal is contrary to the Unitary Development Plan (UDP) Saved Policies DEV2 (2), and DEV1 (d) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to safeguard and ensure that neighbouring buildings are not adversely affected by loss of daylight or the deterioration of daylighting and sunlighting conditions.
  5. The proposed housing mix, at 55% one bedroom (6 units), 45% two bedroom flats (5 units) does not accord with the housing types and sizes identified to meet local needs, which require 45% family size accommodation (three bedroom units and above). The proposal is thus contrary to Saved Policy HSG7 of the Tower Hamlets Unitary Development Plan (1998) and Policy CP21 and Policy HSG2 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007), which seek to ensure that housing accommodation in new residential developments include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community objectives.
  6. The proposed development by reason of insufficient access to daylight would result in the creation of sub-standard residential accommodation, specifically the bedrooms in the eastern wing of the development to the detriment of the residential amenity and quality of life of future occupiers of those flats. As such, the proposal is contrary to Saved Policy DEV2 (2) of the Unitary Development Plan 1998 and DEV1 (d) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that the residential amenity, daylighting and sunlighting conditions of future occupiers is not compromised.
  7. The submitted domestic refuse strategy including servicing arrangements would create an obstruction to traffic and impede on the smooth operation of the London Buses contrary to UDP policy T16 operational requirements for proposed use, policies DEV15 and DEV17 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that all development proposals includes adequate space for servicing and appropriate collection arrangements.
  8. The proposed scheme provides an inadequate amount of private open space for use by the proposed residential flats, to the detriment of the amenity of the prospective occupiers. It is therefore, considered that the proposal is contrary to the Saved Policy HSG16 of the Unitary development Plan 1988, policies CP25 and HSG7 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that all new developments provides high quality an adequate provision of usable amenity space for future occupiers/residents,
- 2.2 **B.** Application for Conservation Area Consent is contrary to above policies for the following reasons:

1. The detailed plans submitted with PA/07/3286 for the re-development of the application site are unacceptable and there is no planning permission for the re-development of the site. As such the demolition of the Stepney's Nightclub building is contrary to the advice given in Planning Policy Guidance Note "Planning and Historic Environment". Paragraph 4.27 of PPG15 advises that consent for demolition should not be given unless there are acceptable and detailed plans for any re-development.
  2. Demolition of the Stepney's Nightclub building in the absence of an approved scheme for redevelopment would fail to preserve or enhance the character and appearance of the Commercial Road Conservation Area contrary to the Saved Policy DEV28 of the Unitary development Plan 1988, policy CON2 (3) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to ensure that the setting and the character of Conservation Areas is not harmed by inappropriate demolition of buildings in the Borough.
- 2.3 **C.** Application for Listed Building Consent is also contrary to above policies for the following reasons:
1. The proposed external alterations and refurbishment works to the adjoining Grade 2 listed buildings as detailed in the submitted Design and Access Statement, including removal of the chimney breasts, the blocking-up of doors and windows, the loss of original windows openings at the George Tavern and at no.2 Aylward Street rear property all involve irreversible work to the original external and interior fabric of the Listed Buildings. As such, these works are contrary to save policy DEV 37 of the Unitary Development Plan 1998, policy CON1 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to preserve the special architectural or historic interest of listed buildings, and where appropriate, alterations should endeavour to retain the original plan form, and retain and repair original external and internal architectural features.

### 3. **RECOMMENDATION**

- 3.1 That the Committee resolve to **REFUSE** the following applications:-
- A. PA/07/3286 Application for Planning Permission;
  - B. PA/07/3287 Application for Conservation Area Consent; and
  - C. PA/07/3288 Application for Listed Building Consent for the reasons outlined in Section 2 of the report.

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

#### **Proposal**

- 4.1 Three applications are being reported to Members of the Development Committee for consideration.
- 4.2 **A. (PA/07/3286)** - Application for planning permission comprising of the demolition of a vacant single-storey nightclub (Stepney's Nightclub) building adjacent to the George Tavern (PH) and re-development of site by erection of a five-storey building to provide commercial use (Class B1 Use) at ground floor and 11 flats consisting of 6 x 1 bedroom flats and 5 x 2 bedroom flats on the upper floors with cycles and domestic refuse provision.
- 4.3 The ground floor will consist of 142sq.m of B1 office space, bicycles and refuse storage

facilities including lift provision.

- 4.4 The proposed 11 flats development scheme would comprise 100% affordable housing units, on the upper floors (levels 2, 3 and 4) as shown on drawing number PL61 A.
- 4.5 **B. (PA/07/3287)** - Application for conservation area consent for the demolition of a vacant single-storey nightclub building attached to the listed George Tavern Public House and 2a Aylward Street within the Commercial Road Conservation Area.
- 4.6 **C. (PA/07/3288)** - Application for listed building consent for external alterations and refurbishment works to the eastern flank wall of the George Tavern (PH) and works to rear building adjoining Aylward Street including the erection of a new party wall to facilitate the demolition of a vacant single-storey Stepney's Nightclub building and erection of a five-storey mixed-use building to provide commercial and residential uses.
- 4.7 Summary of the proposed alterations and refurbishment works to the two listed buildings adjoining the application site are listed and analysed in the proposed alterations works and development impact on listed buildings section of this report.

### **Site and Surroundings**

- 4.8 The application site is located within the designated Commercial Road Conservation Area.
- 4.9 The application site area measures some 258sq.metres approximately and comprises a vacant single storey building known locally as Stepney's Nightclub. The site itself is located on the north side of Commercial Road and to the east by Exmouth Housing Estate open space. A vacant two-storey listed building no. 2a Aylward Street previously in workshop use is at the rear of the application site fronting Aylward Street and to the west, the site is bounded by the flank wall elevation of the George Tavern (PH), a three storey listed building currently in use as a public house with a live music licence.
- 4.10 The application site is within the curtilage of two listed buildings namely the George Tavern and the building at no. 2a Aylward Street, E1. All these properties abut each other within the designated Commercial Road Conservation Area. Given this reasons, a separate conservation consent application (PA/07/3287) and listed building consent application (PA/07/3288) have been submitted to facilitate this planning application proposal.
- 4.11 The site is well served by public transport and has a mid-range public transport accessibility level (PTAL) of 3. This figure is between poor 1a and 6b excellent accessibility rating.

### **Planning History**

- 4.12 The applicant has submitted a number of historical photographs which show how the surrounding street context of the George Tavern Public House has changed over the years. The photographic evidence shows the street pattern of mid 1970's when there were three-storey period terraced shops building immediately to the east of the George Tavern. The three-storey shop building was subsequently demolished and replaced in the mid 1980's by the current single-storey Stepney's Nightclub building – the application site for demolition.
- 4.13 There is photographic evidence also of the application site as a vacant site, following the demolition of the three-storey period shops terraced building in 1974.
- 4.14 However, in the mid 1980's, the George Tavern PH, 2a Aylward Street and Stepney Nightclub properties collectively used to be owned by a single owner.

- 4.15 The following planning decisions are relevant to the application:
- 4.16 There are no specific or relevant planning decisions solely for the current application site. However, from the 1990's onwards, the following planning, listed and conservation approvals have been granted for the whole of the site known as 373 Commercial Road, E1.
- 4.17 PA/98/00797 (Granted on 30<sup>th</sup> July 2001) Demolition of existing discotheque building adjacent to the George Tavern PH and erection of three storey extension plus mansard for 14 flats consisting of 2 x 2 bedrooms flats, 12 x 1 bedroom flats with a ground floor restaurant plus associated car parking. **(Planning Application Proposal).**
- 4.18 PA/98/00798 (Consent granted 30<sup>th</sup> July 2001) Demolition of extension to the George Tavern (PH) and erection of 3 storey building with mansard containing 14 flats and a ground floor restaurant plus associated car parking. **(Conservation Consent Application).**
- 4.19 PA/02/1628 (Withdrawn 1<sup>st</sup> May 2003 incomplete Section 106 agreement). Demolition of a single storey (Stepney's Night Club) building and erection of a four storey building containing 16 flats, with refuse and bicycle storage area. Conversion of first, second and third floors of George Tavern Public House to form 4 flats, and ground floor to remain as a bar. **(Planning Application Proposal).**
- 4.20 PA/02/1629 (Withdrawn on 1<sup>st</sup> May 2003). Demolition of a single storey (Stepney's Night Club) building and alterations to George Tavern Public House in connection with the provision of 20 flats. **(Listed Building Consent).**
- 4.21 PA/07/14 (Withdrawn on 20/2/2007). Demolition of existing nightclub to facilitate the construction of a five storey building to provide 14 affordable housing units, 9 x 1 bedroom and 5 x 2 bedroom flats for rental and shared ownership. **(Planning Application Proposal).**
- 4.22 PA/07/15 (Withdrawn on 20/2/2007). Demolition of existing nightclub to facilitate the construction of a five storey building to provide 14 affordable housing units, 9 x 1 bedroom and 5 x 2 bedroom flats for rental and shared ownership. **(Listed Building Consent).**

## 5. POLICY FRAMEWORK

5.1 The relevant policy and guidance against which to consider the planning application is contained within the following documents:-

- London Borough of Tower Hamlets Unitary Development Plan (1998 - Saved UDP Policies) and Supplementary Planning Guidance;
- Interim Planning Guidance: LBTH Core Strategy and Development Control Plan (October 2007);
- London Plan (February 2008) and Supplementary Planning Guidance ;
- Adopted LBTH Community Plan.

5.2 The Council sought to adopt the Local Development Framework (LDF) as interim planning guidance, following the withdrawal of the LDF (Core Strategy from submission).

The LDF was withdrawn on 4th October 2007.



Following this, the status of the Interim Planning Guidance (IPG) is outlined below.

The Core Strategy and Development Control Plan comprise Interim Planning Guidance for the purposes of development control in Tower Hamlets. This document has been developed to be consistent with national and regional planning policy, including the London Plan, and provides a mechanism for implementing this guidance at a local level. The Core Strategy and Development Control Plan provides policies which seek to respond to identified local needs, issues and opportunities.

This document has been subject to extensive public consultation and a sustainability appraisal.

Therefore, the Interim Planning Guidance October 2007 Policies CP22 Affordable Housing and HSG2 Housing Mix are material considerations with regard to the current PA/07/3286 planning proposal.

### **5.3 Unitary Development Plan (UDP as saved September 2007).**

#### Saved UDP Policies.

- DEV1 – Design Requirements.
- DEV2 – Environmental Requirements.
- DEV3 – Mixed Use Development.
- DEV28 – Demolition of Buildings in Conservation Areas.
- DEV37 – Alterations to Listed Buildings.
- DEV51 – Contaminated Land.
- EMP1 – Encouraging New Employment Uses.
- HSG7 – Dwelling Mix.
- HSG16 – Amenity Space.
- T16 – Traffic impact of development proposals.

### **5.4 Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) document.**

#### Relevant Core Strategy Policies.

- CP1 – Creating Sustainable Communities.
- CP3 – Sustainable Environment.
- CP4 – Good Design.
- CP19 – New Housing Provision.
- CP20 – Sustainable Residential Density.
- CP21 – Dwelling Mix and Type.
- CP22 – Affordable Housing.
- CP25 – Housing Amenity Space.
- CP40 – A Sustainable Transport Network.
- CP49 – Listed Buildings Protection.

#### Relevant Development Control Policies.

- DEV1 – Amenity.
- DEV2 – Character and Design.
- DEV3 – Accessibility and Inclusive Design.
- DEV5 – Sustainable Design.
- DEV10 – Disturbance from Noise Pollution.
- DEV12 – Management of Demolition and Construction.
- DEV15 – Provision of Storage and Waste Collections.
- DEV17 – Transport Assessments.

HSG2 – Housing Mix.  
HSG3 – Affordable Housing.  
HSG7 – Housing Amenity Space.  
HSG10 – Calculating Provision of Affordable Housing.  
CON1 – Listed Buildings.  
CON2 – Conservation Area.

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

Designing Out Crime.

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

PPS1 – Delivering Sustainable Development.  
PPS3 – Housing.  
PPG13 – Transport.  
PPG15 – Planning and the Historic Environment.  
PPG24 – Planning and Noise.

## 5.7 **Community Plan.**

The following Community Plan Objectives relates to the application.  
A better place for living safely;  
A better place for living well;  
A better place for creating and sharing prosperity;  
A better place for learning, achievement and leisure and;  
A better place for excellent public services.

## 6. **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application. Their responses are summarised below:

### **LBTH Highways**

6.3 The subject site is shown to be in an area with a PTAL accessibility rating of 3 which is considered to be moderate. Therefore the proposal should be subject to a car free legal agreement.

6.4 Cycle storage provided should be secure at 1 stand per 250sqm with a minimum requirement of two stands.

6.5 No objection to the collection of refuse from Commercial Road provided that Transport for London (TfL) has no objection to the proposed servicing arrangements.

6.6 OFFICER COMMENT: It is considered that the lack of car-parking on site is acceptable, subject to the scheme being car-free. The applicant's agent has confirmed his client's acceptance of this restriction subject to planning approval. With regard to refuse provision, servicing and collection arrangements, TfL objected to the proposed arrangements and this matter is discussed in more detail under the highway safety, servicing and refuse provision section of this report at paragraphs 8.39 to 8.47.

## **TRANSPORT FOR LONDON (TfL)**

- 6.7 With regards to the servicing issue of the proposed site, TfL Directorate of Road Network Development (DRND) did not support the proposed servicing arrangement for the mix-use scheme and offers the following comments:
- 6.8 TfL DRND considers that the proposed refuse collection would create an obstruction to traffic and a potential danger to all road users. In addition, it is considered that the alternative proposal of undertaking refuse collection at the bus stop nearby would impede the smooth operation of London Buses and cause disruption to bus passengers.
- 6.9 With regards to the issue of extending the current situation of undertaking refuse collection on Commercial Road, TfL considers this would only be allowed where impacts to the TLRN would be minimal, however this is not the case for this site. It must also be noted that some of the existing properties have no other means of servicing access apart from having their refuse collection be undertaken at their Commercial Road frontage, which is however not desirable. Therefore TfL considers that the proposed development should be designed to ensure that adverse impacts be minimised, and not to intensify the existing situation.
- 6.10 Therefore TfL requests that all servicing (includes refuse collection) for the proposed development be undertaken away from the Transport for London Road Network (TLRN).
- 6.11 In conclusion, TfL is not in a position to **support** the proposal in its current form until a acceptable strategy which allow servicing to take place away from the TLRN be developed and approved by TfL.
- 6.12 OFFICER COMMENT: The submitted refuse strategy arrangement including provision, servicing and collection of refuse from the application site is addressed in more detail under the highway safety, servicing and refuse provision section of this report.

### **LBTH Licensing**

- 6.13 No objections received.

### **LBTH Crime Prevention Officer**

- 6.14 Concerned about noise leading to anti-social behaviour and ensuring that anti-theft measures are included in the design.
- 6.15 OFFICER COMMENT: The matters raised above have been addressed in more detail under the security and safety section of this report. A planning condition to address these matters is considered appropriate should members be minded to approve the proposal.

### **LBTH Environmental Health**

- 6.16 **Noise:**  
EH's review of the applicants noise survey report shows that it is deficient in identifying all the relevant noise sources so that development complies with British Standard criteria
- 6.17 **Daylight:**  
During a site visit/meeting with the agent, a 45 degree line drawing in relation to existing/proposed, this has not been provided. The Eastern wing of the proposed scheme has no opening and the addition of balconies with enclosed walls will result in sub-standard accommodation. It appears that the applicant's daylight and sunlight report which

recommends additional windows, have not been incorporated into the scheme.

**6.18 Sunlight:**

Observation of drawing no:PL/61 and the D/S report shows that at Level 2, there is impact on the habitable rooms of pub windows at 1st/2nd floor (George Tavern), and the kitchen on the 1st floor of the proposed scheme.

6.19 In conclusion, with this type of application, it is normal practice to provide VSC/ADF for the habitable rooms on the proposed scheme to ascertain the likely impact from the George Tavern. This has not been addressed.

6.20 Environmental Health Officer is not able to recommend planning permission in this format.

6.21 OFFICER COMMENT: On 25<sup>th</sup> April 2008, the applicant's agent provided further information regarding glazing specification for consideration. This matter is discussed in full and in more details under the amenity, daylighting and sunlighting section of this report.

**LBTH Housing**

6.22 No objections was raised in principle with the submitted mix-use proposal and dwelling mix of 6 x 1 bed and 5 x 2 beds subject to an agreement to make up the shortfall of non-family housing provision on this site with additional family accommodation on the adjacent site, over and above the requirement for family accommodation normally arising on that site.

6.23 OFFICER COMMENT: The above comments by Housing Officers are based on the pre-application discussions between the applicant and the Council's social housing officers prior to the submission of this application. The housing issues raised are discussed in full and in more details under the housing mix and affordable housing section of this report.

6.24 The planning development control section can only take the shortfall of the non-provision of family housing on application site into account, if a sufficiently detailed proposal is included as part of the current planning application, which has not been provided for consideration.

**7. LOCAL REPRESENTATION**

7.1 A total of 252 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The applications have also been publicised in East End Life and Site Notices placed on site. The number of representations received from neighbours and local groups in response to notification and publicity of the applications were as follows:

No of individual responses:	119	Objecting:	112	Supporting:	3
No of petitions received:	3	objecting containing	463	signatories	
		1 supporting containing	57	signatories	

7.2 The owner of George Tavern PH has set up a web-site specifically to campaign for the retention of the public house. The web-site invited viewers to forward a pro-forma mail of "Save the George Tavern" to the Council including objecting to the re-development of the adjoining site – the application site.

7.3 The current and on-going campaign has attracted and continued to attract the support of personalities from the world of the media. The campaign has also been written up and supported by many national newspapers.

7.4 As a result of the "Save the George Tavern" web-site campaign, significant objections have

been received on behalf of owner the George Tavern PH. These objections have been received in the forms of letters and pro-forma electronic mail. In total 112 objections have been received, 18 in a letter format (16%) and the rest with e-mailed addresses.

7.5 The following local groups/societies made representations:

- The Exmouth Estate Residents' Board; and
- Sidney Estates Tenants and Residents Association.

7.6 The above local groups welcomed the proposal to demolish the single storey Stepney's Nightclub and the re-development of the site for commercial and residential uses. In support of the proposal, the above groups commented that when Stepney's Nightclub was in use, it created so many problems for the local residents within the surrounding area and since its closure; the building has become a derelict eyesore. The surrounding residents via the supporting petition have also stated that the area in general will benefit greatly if approval is granted for affordable home as the new building will contribute to a better environment in which to live.

7.7 The following issues were raised in representations that are material to the determination of these applications, and they are addressed in the next section of this report:

#### **Land Use**

- Incompatible neighbouring use;
- Proposed residential scheme adjacent to a public house with a live music licence is not appropriate;

#### **Design Issues**

- Adverse effect on the setting and appearance of the adjoining Great 2 listed buildings;
- Proposed development is incongruous and out of keeping in relation to its surrounding context;
- The height, bulk, scale and design quality will negatively impact upon the context of the surrounding area, including the character and setting of Commercial Road Conservation Area;
- The 19<sup>th</sup> century shops and houses which adjoined The George prior to the development of Stepney's Nightclub were on ground, first and second floors only;
- At levels 2, 3, 4 and 5 of the proposal, there are kitchen windows which look directly into a light well, no elevation plan or design statement to explain the new light well formation;
- No revised design statement following amendment and submission of revised drawings PL61A and PL62A;

#### **Amenity**

- Proposal would lead to negative impact on adjoining George Tavern PH amenity;
- Significant adverse effect on the natural light to the habitable windows on the eastern flank wall elevation of The George Tavern PH;
- Currently these windows received 360 degree of natural lighting;
- This important part of the George Tavern business is likely to be lost as a result of the current design of the proposed development;
- The proposed kitchen windows at each level on the west elevation of the new build appears to face directly into habitable upper bedrooms at The George Tavern; this arrangement would reduce and adversely impact on current occupier's privacy and amenity;
- The revised plan omitted where any extractor fan servicing the kitchens will have its outlets;
- The mitigation measures submitted to overcome noise generated from a public house

with a live music licence are insufficient to minimise the disturbance likely to be caused to future occupiers of the new residential development;

#### **Other**

- This development may undermine the long term viability of the George as pressure from new residents regarding noise and disturbance may result in its relocation or closure;
- The proposed residential use may affect the George licensing application to vary its opening hours in future;
- A refusal of licensing application in turn would affect the viability of the George as a commercial enterprise;

7.8 The following issues were raised in representations, but they are not material to the determination of these applications:

- Non planning representations centred around the community spirit of the George and personal experiences of the venue. Other representations concerned licensing issues, retention of the pub, party wall issues, and opportunities for local businesses

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the Committee must consider are:

- Land Use;
- Housing Mix and Affordable Housing;
- The design/relationship of new build with adjoining listed buildings;
- The amount and quality of amenity space provision.
- Amenity
- Demolition in Conservation Area;
- Proposed alterations works and its impact on adjoining listed buildings;
- Highway Safety, Servicing and Refuse Provision;
- Security and Safety Design; and
- Other Planning Matters.

#### **Land use.**

8.2 The proposed scheme includes the demolition of an existing Stepney's Nightclub single-storey building on the site, to provide a mix-use commercial and residential accommodation.

8.3 The principle of re-developing the application site for mixed-use purposes is not considered to be in conflict with adopted Unitary Development Plan (UDP) policies. Paragraphs 4.12 to 4.22 of this report refers to the planning history of the application site and shows previous three-storey period terraced shops building on site prior to demolition plus unimplemented mixed-use schemes with planning permissions, conservation and listed building consents. Some of the approvals in principle were later withdrawn because of incomplete planning obligations by previous developers.

8.4 There is no presumption that the existing single-storey Stepney Nightclub building should be retained. It is however important that any replacement is of a high quality design that enhances the area. Such replacement building should be similar to the previous height, bulk, scale and design quality of the 19<sup>th</sup> century three-storey period terraced shops building which adjoined the George Tavern prior demolition. It is considered that a lower height building similar to three-storey immediately to the east of the George Tavern would have a positive impact upon the context of the surrounding area, including the character and setting of

#### Commercial Road Conservation Area.

- 8.5 It is recognised that the re-development of the application site is acceptable and long overdue. The demolition of existing single-storey building was first consented in principle in July 2001. Therefore a combination of office and residential uses as proposed is acceptable in principle and should be welcomed. It is in no-one's interest for the application site building to remain vacant, in its current boarded-up and neglected state provided its redevelopment conform to adopted and saved planning policies.
- 8.6 In line with previous approvals, the presence of 142sq.m of B1 office space on the ground floor of the proposed scheme would assist in providing employment opportunities whilst increasing commercial activity at street level. Therefore, the proposal satisfies the requirements of UDP saved policy EMP1 regarding criteria for the re-development of sites for employment uses. In addition, this commercial element would provide the opportunity for local people to establish business enterprises within this stretch of Commercial Road, E1.

#### **Housing Mix and Affordable Housing.**

- 8.7 The scheme is proposing a total of 11 flats consisting 6 x 1 beds and 5 x 2 beds, The development scheme would comprise 100% affordable housing provision.
- 8.8 Policy CP21 of the Interim Planning Guidance seeks all new housing developments to contribute to the creation of mixed communities by offering a range of housing choice including a mix of dwelling sizes, family housing and accessible homes.
- 8.9 Saved Policy HSG7 of the Unitary Development Plan (UDP) states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP does not provide and prescribed targets.
- 8.10 The Mayors Housing strategy and PPS 3 all support the need to provide a good housing mix in response to local housing needs surveys.
- 8.11 There is no family sized three-bedroom housing within the proposed scheme. The Council's Housing Needs survey has indicated that the application area (**St Dunstan's and Stepney Ward**) continues to have an acute shortage of family-sized housing. Therefore, the proposed dwelling mix and type (6 x1 and 5 x 2) flats do not provide family accommodation and contrary to the above development plan policies requirements.
- 8.12 It is therefore considered that the proposed residential mix should include family-size accommodation, since there is no practical reason why it could not be provided. Moreover, the provision of family units within the site will assist in improving and addressing the family dwellings shortages identified in the Council's Housing Need Survey.
- 8.13 In the absence of an agreement to make up the shortfall of the non-provision of family housing with this scheme elsewhere in the Borough, the proposal is considered to be contrary to the above policies which inter alia seek to ensure that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings to meet the Council's Housing Needs.

#### **The design/relationship of new build with adjoining listed buildings.**

- 8.14 The Council Design and Conservation team and a number of objectors consider that the proposal is unacceptable in terms of height, scale, massing and bulk and would result in an unacceptable impact upon the character and appearance of the adjoining listed buildings

including the setting of the Commercial Road conservation area. Furthermore, they consider that it would set an unacceptable precedent and relationship with the surrounding smaller scale listed buildings. While the proposed development will certainly be visible and prominent along Commercial Road, the rear height is considered not acceptable. The proposed five-storey building height in particular at the rear is considered to be excessive given its location and its relationship with no 373 Commercial Road.

- 8.15 The submitted scheme for the re-development of the application site in terms of design, its height at five-storey and its relationship with the adjacent listed buildings – The George Tavern public house (PH), is not sympathetic in planning terms. For example, the east elevation of the listed PH consists of windows and abuts the proposed building west facing. It is considered that the proximity and design of the west and north elevations of the proposed development, does not relate satisfactorily to the east of the adjoining listed buildings. The treatments of the elevations also need to be redesigned to overcome the daylight, sunlight and privacy objections raised by the occupiers of the public house.
- 8.16 In conclusion it is considered that the design of the scheme has not been considered in response to the character of the Conservation Area and its relationship with adjoining listed buildings. As such, it is considered that the proposal is contrary to UDP saved policy DEV1 and DEV37; and DEV2 of the Interim Planning Guidance. These policies require development to be sensitive to the development capabilities of the application site and not resulting in over-development. These policies also seek to ensure new developments are designed to take account and be sensitive in terms of design, bulk, and scale and respect the local character of the Commercial Road Conservation Area, and the setting of the adjoining listed buildings.

#### **The amount and quality of amenity space provision.**

- 8.17 Policies HSG16 of the UDP and Policy CP25 of the Interim Planning Guidance provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme. Both HSG16 and CP25 reinforces the need to provide high quality and usable private external space fit for its intended user, to be an important part of delivering sustainable development and improving the amenity and liveability for Borough's residents.
- 8.18 It is considered that the amount of amenity space and balconies provision with the application scheme is inadequate. Therefore, the proposal is contrary to save policy HSG16 in the UDP and Policy CP25 of the Interim Planning Guidance (October 2007), which requires that all new developments to provide high quality an adequate provision of useable amenity space for future occupiers.

#### **Amenity – daylight and sunlight assessment/noise/overlooking and privacy**

##### Daylight/sunlight assessment on adjoining George Tavern public house:

- 8.19 In assessing daylight test for a development, Building Research Establishment (BRE) guideline paragraph 2.2 states that comparison should be made between existing and proposed site.
- 8.20 The applicant has submitted a Daylight and Sunlight report which looked at the impact upon the daylight, sunlight and overshadowing implications of the proposal and on adjoining neighbouring properties, and to ensure the proposal is in accordance with the above BRE guidelines.



- 8.21 The daylight and sunlight report findings do not satisfy the BRE requirements for the following reasons:
- 8.22 The submitted drawing no: PL/61, together with the applicant's sunlight and daylight report shows that there is a detrimental impact on the habitable rooms of pub windows at 1<sup>st</sup> and 2nd floors of the George Tavern. The officer reinforced the need for a 45 degree line drawing in relation to existing building and proposed scheme. The officer also considered that with this type of application, it is normal practice to provide VSC/ADF calculations for the habitable rooms on the proposed scheme to ascertain the likely impact from the George Tavern. This has not been addressed by the applicant's agent following a request to do so.
- 8.23 On the eastern wing of the proposed scheme, the bedrooms at each level from 1<sup>st</sup> floor upwards are provided with balconies enclosed on both sides by 3 metres depth approximately. These provide the only source of light to those bedrooms. Given this layout arrangement including the non-provision of secondary window openings on the eastern elevation of the development, the proposal would result in a sub-standard level of residential accommodation.
- 8.24 On balance, the shortfall against BRE recommendations are material given that the both the application property and the adjoining George Tavern would not benefit from adequate natural light in accordance with the requirements of saved UDP policies DEV1 and DEV2, policies DEV1 and DEV2 of the Interim Planning Guidance (2007). Both policies seek to ensure a good standard of design and to safeguard and ensure that neighbouring buildings are not adversely affected by loss of daylight or the deterioration of their day lighting and sun lighting conditions.

Noise:

- 8.25 Environmental Health has raised the following concerns in response to an acoustic report submitted by the applicant (summarised).
- 8.26 Whilst the glazing specification and acoustic vents to mitigate Road traffic noise is acceptable, they consider that there is potential conflict between the pub use including existing beer garden in Aylward Street, and the amenity of future residential occupiers of the proposed building. Environmental Health does not consider that Building control regulations are sufficient to mitigate against the potential noise nuisance, particularly with regards loud music.
- 8.27 Moreover, during a recent site-visit (8<sup>th</sup> May 2008), it was identified that there are other noise sources that have not been taking into account by the submitted noise assessment. These are 6 condenser units and a beer chiller unit which are mounted on the roof of the application site. Environmental Health Officers have serious concern about the noise impact and nuisance that these units generates which has not been assessed in the submitted noise report nor its effects on the future proposed residents.

Overlooking and Privacy:

- 8.28 The distances between facing windows of upper floors habitable rooms at the rear of no 373 Commercial Road and the proposed new building measure some 4 metres approximately at levels 2 and 3 as shown on drawing number PL61A. This distance falls far short of the 18 metres required in UDP paragraph 4.9.

The result of the 4 metres unacceptable distances is that the proposal results in:

- an unacceptable sense of enclosure to the occupiers of no 373 Commercial Road by reason of the bulk, height and proximity of the proposal to rear upper floors habitable rooms.
- a material loss of light to the occupiers of no 373 Commercial Road by reason of the bulk, height and proximity of the proposal to rear upper floors habitable rooms, and
- an unacceptable degree of overlooking and loss of privacy to adjacent occupiers.

8.29 As such, this proposal is considered unacceptable in amenity terms and contrary to UDP saved policy DEV2, which seeks to protect residential amenity.

#### **Demolition in Conservation Area.**

- 8.30 Saved UDP policy DEV28 lists criteria against which demolition proposals will be considered, one of which is the suitability of any proposed building.
- 8.31 Policy CON2 (3) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007) resists demolition of buildings that contribute to the character and appearance of the Conservation Area. However where this is not the case, one relevant criterion against which applications will be assessed on is the merits of any alternative proposals for the site
- 8.32 In PPG15: Planning and the Historic Environment, the Government Guidance Note advises that the general presumption should be in favour of retaining buildings that make a positive contribution to the character or appearance of a conservation area. Such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In less clear-cut cases – for instance, where a building makes little or no such contribution – the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any re-development of such sites.
- 8.33 It is considered that, there is no architectural merit to retain the existing single-storey Stepney Nightclub building. It is however important that the proposed replacement building should be of a high quality design that enhances the area. In this case, the replacement building should be similar to the previous height, bulk, scale and design quality of the 19<sup>th</sup> century three-storey period terraced shops which adjoined the George Tavern listed building, prior to the demolition of the 19<sup>th</sup> century building. It is considered that a lower height building similar to three-storey immediately to the east of the George Tavern would have a positive impact upon the context of the surrounding area, including the character and setting of Commercial Road Conservation Area.
- 8.34 Demolition of the Stepney's Nightclub building in the absence of an approved scheme for redevelopment would fail to preserve or enhance the character and appearance of the Commercial Road Conservation Area contrary to the Saved Policy DEV28 of the Unitary development Plan 1988, policy CON2 (3) of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007). These policies seek to ensure that the setting and the character of Conservation Areas is not harmed by inappropriate demolition of buildings in the Borough.

#### **Proposed alterations works and its impact on adjoining listed buildings.**

- 8.35 Saved UDP policy DEV37 states that proposals to alter listed buildings will be expected to preserve the special architectural or historic interest of the building, whilst policy CP49 of the Core Strategy and Development Control interim planning guidance 2007 reinforces the

above UDP policy DEV37 criteria with additional policy statement that the Council will protect and enhance the historic environment of the Borough, including the character and setting of Statutory listed buildings in the Borough.

- 8.36 In PPG15: Planning and the Historic Environment, the Government Guidance Note states that in judging the effect of any alteration or extension, it is essential to have assessed the elements that make up the special interest of the building in question. These elements are often just as important in simple vernacular and functional buildings as in grander architecture.
- 8.37 The George Tavern with no.2a Aylward Street was established in 1654, while present buildings are mid 19<sup>th</sup> century. The George itself is a three-storey Grade 2 listed building, roof not visible with window openings facing all four elevations.
- 8.38 Summary of the proposed alterations and refurbishment works to the adjoining listed buildings are as follows:
- The re-drawing of site boundaries to achieve clear separations between application site, the adjoining Public House and no. 2a Aylward Street vacant workshop building;
  - Works to the 3 smaller eastern flank wall windows to the Public House;
  - No works to the two larger windows serving habitable rooms on the 1<sup>st</sup> and 2<sup>nd</sup> floors of Public House;
  - Works to the centre window on the flank wall of Public House would still allow ventilation and light via the proposed light well;
  - Projecting piers and chimneys to be removed;
  - Removal of roof access door from rear of workshop building at 2a Aylward Street;
  - Removal and brick-up of 3 windows at 1<sup>st</sup> floor on the south facing at 2a Aylward Street;
  - Removal of the attached chimney flue to rear of 2a Aylward Street;
  - The opening up and insertion of 3 windows (traditional timber sash windows) at 1<sup>st</sup> floor level on the northern elevation at 2a Aylward Street.
- 8.39 The applicant's intention is that the above listed alterations and refurbishment works would enable the adjoining George Tavern Public House and 2a Aylward Street buildings to be serviced independently of the application site.
- 8.40 However, the proposed alterations works and its impact on adjoining listed buildings have been considered by the Council's Conservation Officer and the following detrimental impact has been established namely that the alterations works would not preserve the special architectural and historic interest of the listed buildings and would be detrimental to the setting of the Commercial Road Conservation Area for the following reasons.
- 8.41 The site comprising the George Tavern (main building) and the extension building behind at no. 2 Aylward Street have been one property for hundreds of years. For many of these years the area occupied by the application site (the former Stepney's Nightclub) was also a part of this same piece of land. The unified site which includes Aylward Street extension has always been joined to the main building, the cellar is only accessed from it, the ground floor toilets of the main building are included within the extension and the first floor of the main building is only accessed through the extension, this integrals internal arrangement should remain.
- 8.42 The re-drawing of site boundary as proposed can not be translated in a practical division nor appropriate given the listed status of these buildings as the proposed works will not retain the original plan form of these listed buildings contrary to Council's policies and requirements of PPG15 Guidance Note.

8.43 There are also a number of other elements of the proposals that are less respectful of the listed buildings, namely:

**a)** The proposed works to the adjoining Grade 2 listed buildings as detailed in the submitted Design and Access Statement, consisting of works to remove the chimney breasts, the blocking-up of doors and windows, the loss of original windows openings at the George Tavern and at no.2 Aylward Street rear property all involve irreversible work to the original external and interior fabric of the listed buildings;

**b)** The removal of the chimney breast from the south wall of the Aylward Street elevation is unnecessary, it is a part of the historic fabric, is of interest and should remain;

**c)** If built as proposed, the new north wall against the Aylward Street building would render the re-use of these existing windows impossible, and would remove the chimney attached to the listed building;

**d)** It is considered that the width of the space between the Aylward Street building and the proposal development at rear should be at least three (3) metres to allow the original ground floor windows to operate successfully;

**e)** The proposed light well will retain limited light for most of the windows in its proximity, however, the loss of any window is to be avoided as these original windows form part of the fabric of the listed buildings;

**f)** It is not reasonable or necessary to propose the removal of the small buttress as it forms part of the listed building, it is not therefore appropriate to remove it, its removal would be contrary to paragraphs 3.12 and 3.13 of PPG15, which seek to prevent the destructiveness of a building's special and historic interest.

#### **Highway Safety, Servicing and Refuse Provision.**

8.44 Saved UDP policy T16 provides that development proposals should be considered against the traffic that is likely to be generated.

8.45 Policy DEV17 – Transport Assessment of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007) reinforced the above UDP policy T16 traffic criteria with additional policy statement that all development is required to include adequate space for servicing and appropriate circulation routes.

8.46 The application site is along a Red Route under the management of Transport for London (TfL). The site has a Public Transport Accessibility rate of 3. There are good pedestrian links to a number of public transport modes. The nearest bus stops to the site are located directly opposite on the west bound and on the east bound about 20 metres away from the site itself.

8.47 Following consultation, concerns have been raised by TfL on the transport grounds as shown and detailed in paragraphs 6.7 to 6.11 of this report.

8.48 Transport for London's (TfL) objection to the proposal as detailed above is supported by the Council's Officers for the following reasons.

8.49 Servicing the proposal off Commercial Road is not satisfactory or appropriate in planning terms, moreover the servicing of new developments should not be from the public highway such as the A13 Commercial Road network.

8.50 The proposed refuse strategy arrangement by the applicant entailed that refuse facilities for the proposed 11 flats will be in the form of 4no. 360litre Eurobins for non-recyclables and 2no. 360litre Eurobins for recyclables. These bins would be located within the bin-store as shown on drawing number PL60A. On collection days the refuse vehicle would make use of

the nearest and existing bus stop on Commercial Road, which is within 20 metres of the bin store as shown on submitted sketch appendix A. This arrangement is not satisfactory as a planning condition can not be imposed to ensure that all future refuse vehicle makes use of the existing bus stop on Commercial Road on collection days as suggested.

- 8.51 In addition, the disposal of domestic refuse and its collection point 20 metres away at the proposed bus stop collection point is not ideal, nor adequate and convenient, as this would create an obstruction to traffic and impede the smooth operation of the London Buses. (See comments from TfL paragraphs 6.7 to 6.11 of this report). Therefore the position of bins store provision off Commercial Road is not satisfactory. It is also considered that the proposed servicing arrangement would be unduly inconvenient and unacceptably onerous on the Council's cleansing staff.
- 8.52 As such the location of the refuse storage area is considered inconvenient, impractical and not satisfactory contrary to UDP policy T16 operational requirements for proposed use, policies DEV15 and DEV17 of the Interim Planning Guidance: Core Strategy and Development Control Development Plan (October 2007), which seek to ensure that all development proposals includes adequate space for servicing and appropriate collection arrangements.

#### **Security and Safety Design.**

- 8.53 In accordance with saved policy DEV1 of the UDP 1998 and DEV4 of the Interim Planning Guidance, requires all development to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 8.54 The Metropolitan Police have raised a number of design issues with the scheme regarding the safety and security of the development. As these issues appear to be more detailed design matters, it is suggested that the development can be conditioned appropriately to consider secured by design principles in consultation with the Metropolitan Police and the Design and Conservation Department for an approved scheme.

#### **Other Planning Matters.**

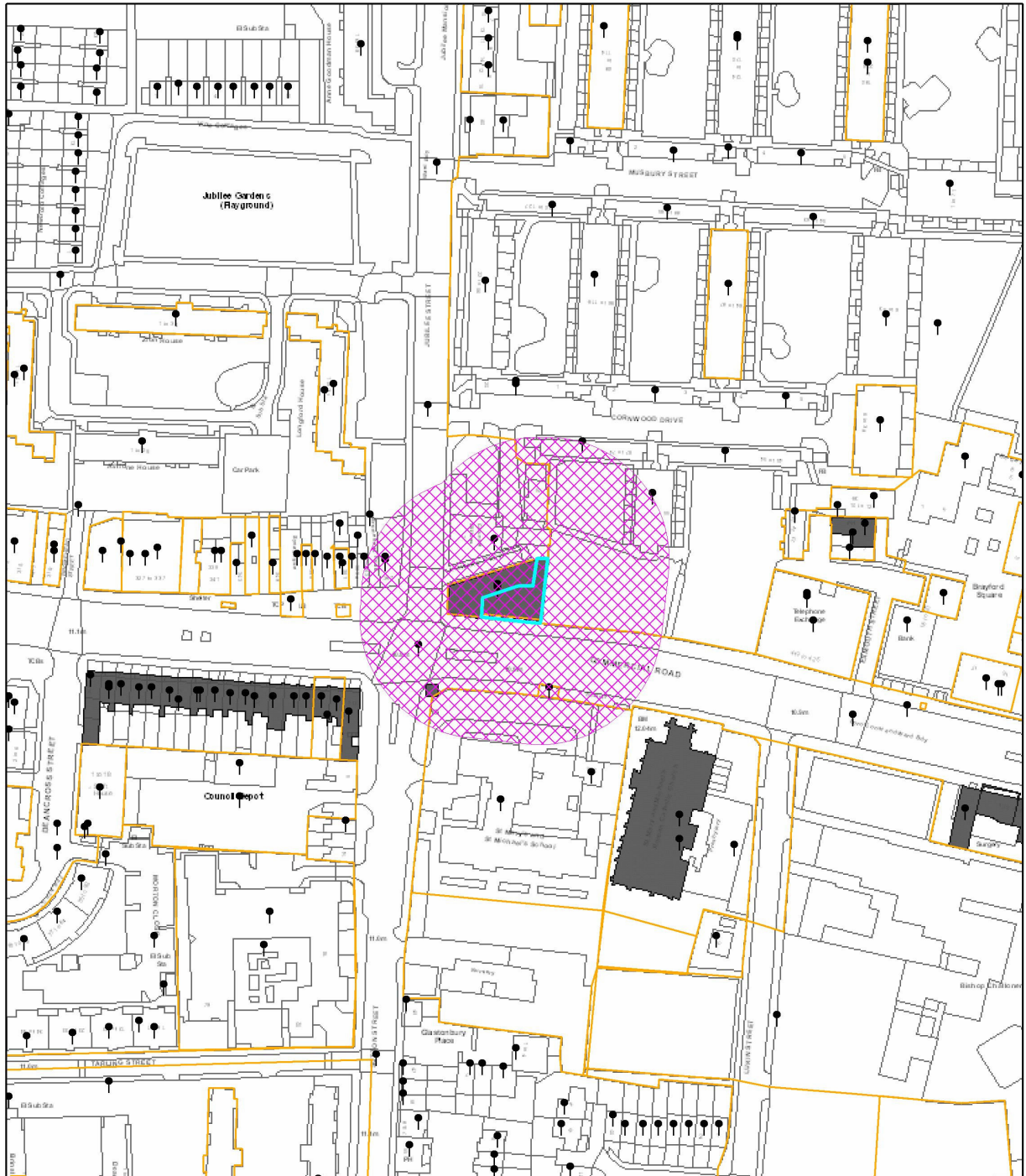
- 8.55 The owner of the adjoining property to the west of the application site has suggested during a site-visit (8<sup>th</sup> May 2008) that they may seek to construct an enclosure over the beer garden in Aylward Street in the future.
- 8.56 OFFICER COMMENT: This is not an issue that the Council can give any weight to given that no planning application for consideration has been lodged for this future intended proposal and no existing unimplemented planning permission exists for such an enclosure. As such no further regard will be given to this matter raised during officer's recent visit.
- 8.57 Recently, an application to upgrade the George Tavern Public House and no. 2 Aylward Street buildings was made. The Secretary of State, after consulting with English Heritage, the Government's statutory adviser, has decided not to upgrade the buildings.
- 8.58 OFFICER COMMENT: The statutory list of buildings of special architectural or historic interest of the Borough will be updated as a result of the principal reasons given in paragraph 8.67 regarding the above listed buildings remaining at Grade II.

#### **Conclusions**

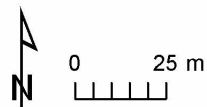
- 8.59 All other relevant policies and considerations have been taken into account. Planning

permission, conservation area consent and listed building consent should be REFUSED for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the reasons as set out in the RECOMMENDATION at paragraph three of this report.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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

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# Agenda Item 7.2

<b>Committee:</b> Development	<b>Date:</b> 2 <sup>nd</sup> July 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report</b> Corporate Director of Development and Renewal  <b>Case Officer:</b> Jason Traves		<b>of:</b>	<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/08/112  <b>Ward(s):</b> Bromley by Bow

## 1. APPLICATION DETAILS

<b>Location:</b>	Site at South of 7, Holyhead Close, London
<b>Existing Use:</b>	Former railway cutting, currently used as a car park with landscaped area to the north
<b>Proposal:</b>	Construction of 59 residential units (affordable housing).
<b>Drawing No's:</b>	A2669CS/2.3/501A, 502, 503A, 504, 505A, 506, 510 (location plan 01.12.07), 510 (Western Elevation – Campbell Road frontage 01.12.07), 511, 512, 513, 121G, 122J, 123A, 124A, 125A, 126A, 127A, 128A, 129A, 130A, 131A, 132A, 133A, 134A, 135A, 136A A2669CS/3.1/001, 002 A2665/ph5/SK/115, 116, 117, 118, 119, 120 A2669/Ph5/3.3/01 Daylight study: A2669CS/2.3/125, 126, 127; A2669/Ph5/4.1/2100A, 2110A; A2669/Ph5/4.3/1900, 1901 Design and Access Statement
<b>Applicant:</b>	PRP Architects
<b>Owner:</b>	Swan Housing Group
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

(1) The scheme provides additional affordable housing resulting in an increase in provision across the entire Crossways estate of 62.5%. The scheme also provides an additional nine (9) family units. Therefore, scheme contributes to satisfying housing need in accordance with Policies CP22 Affordable Housing and HSG4 of the LBTH Interim Planning Guidance (2007) which seeks to secure appropriate amounts and mix of affordable housing to satisfy housing in the borough.

(2) There are no significant impacts to neighbours or to the character and appearance of the area, it being noted that there is no change to the building design, relationship with neighbours, potential environmental impacts as well as access and servicing arrangements which was previously considered to be acceptable and granted permission in application Ref.

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### LOCAL GOVERNMENT ACT 2000 (Section 97) 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:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

No. PA/06/1852. As such the proposal complies with Policies DEV1 and DEV 2 of the LBTH Unitary Development Plan (saved 2007) as well as DEV1 and DEV2 of the LBTH Interim Planning Guidance (2007) as well as which seek to ensure that development is appropriate to the site, the area, has sufficient amenity and poses no impact to neighbours or to the natural/built environment.

### 3. RECOMMENDATION

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

A. The prior completion of a **legal agreement** to secure the following planning obligations:

- a) The prior completion of a Supplementary Legal Agreement to the satisfaction of the Chief Legal Officer, to secure the obligations as related to PA/03/01683 approved on the 5<sup>th</sup> August 2005, relating to the wider Crossways Masterplan (Crossways estate, Rainhill Way, including 1 – 43 Holyhead Close, London E3) which is provided in **Appendix A**.

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions [and informatives] on the planning permission to secure the following matters:

#### **Conditions:**

- 1) Time limit - three years.
- 2) Build to Lifetime Homes Standards and 10% wheelchair adaptable.
- 3) Any other condition(s) considered necessary by the Head of Development Decisions.

#### **Informatives**

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.

3.4 That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

### 4. PROPOSAL AND LOCATION DETAILS

#### **Proposal**

4.1 The subject application relates to the western portion of the building approved as part of Phase 5 of the Crossways estate which was given outline approval on 5<sup>th</sup> August 2005 (PA/03/1683). The outline permission involved refurbishment and modification of existing housing stock as well as the construction of new residential blocks.

4.2 A detailed planning application for Phase 5 (PA/06/1852) was approved on 10<sup>th</sup> January 2007 with a total of 232 dwellings. This was more than proposed as part of the outline application. The purpose was to maximise direct cross funding of affordable housing and site infrastructure. Nevertheless, the application was consistent with the massing and siting established within the existing outline planning consent.

4.3 The subject application proposes to change the tenure of 59 units in the Phase 5 building

from market to social rent. The building design, relationship with neighbours, potential environmental impacts as well as the access and servicing arrangements are unchanged.

4.4 In addition, floorplan changes have altered the dwelling mix. This has reduced the number of units overall whilst creating an additional 9 x 3 bed flats. A comparison between the approved and proposed scheme is provided in the tables below.

4.5 **Approved PA/06/1852**

	Market Sale	Social Rent	Shared Ownership
Studios	0	0	0
1 Bedroom flat	30	0	0
2 Bedroom flat	33	0	0
3 bedroom flat	0	0	0
4 Bedroom flat	0	0	0
<b>Total Units</b>	<b>63</b>	<b>0</b>	<b>0</b>
<b>Total Affordable Units</b>		<b>0</b>	

**Proposed PA/08/112**

	Market Sale	Social Rent	Shared Ownership
Studios	0	0	0
1 Bedroom flat	0	22	0
2 Bedroom flat	0	28	0
3 bedroom flat	0	9	0
4 Bedroom flat	0	0	0
<b>Total Units</b>	<b>0</b>	<b>59</b>	<b>0</b>
<b>Total Affordable Units</b>		<b>59</b>	

4.6 In terms of the proposal's effect upon the provision of affordable and family housing across the entire estate, the following summary is provided below:

4.7 **Approved (Entire Crossways Estate) – 714 units**

Affordable Housing: 54.6%

Split: 86/14

Family housing: 17.2% (Comprising Sale 0%, Social 38.4%, s/o 8%)

**Proposed (Entire Crossways Estate) - 710 units**

Affordable Housing: 62.5%

Split: 88/12

Family housing: 18.6% (Comprising Sale 0%, Social 35%, s/o 8%)

**Site and Surroundings**

4.8 The application site comprises a portion of land within the Phase 5 of the Crossways Estate. This application site has an area of 0.21Ha. This site is within the overall Phase 5 area of 0.96ha and comprises sites 6A, 6B, 7 and 16, which form the western portion of the wider

Crossways Regeneration Scheme approved via planning permission (PA/03/01683).

- 4.9 The site is located on Campbell Road within 200 metres to the south of Bow Road. The site is a previous railway cutting, which is currently taken up by the construction activity for the Crossways Estate regeneration.
- 4.10 An existing DLR tunnel is located to the east of the site. Presently located above this tunnel is Holyhead Close, which is being demolished as part of the development. Located further to the east is the wider Crossways Estate
- 4.11 Immediately to the south of the site is a railway viaduct which accommodates both London underground and C2C services.
- 4.12 Located on the opposite side of Campbell Road is a mixture of development including, residential and commercial uses as well as the Cherry Trees School. Bow Church DLR Station is located approximately 200 metres to the north of the site and Devon's Road DLR Station is located approximately 300 metres to the south. Bow Road Underground Station (Hammersmith & City and District lines) is located approximately 300 metres to the north west. There is a bus stop located on Campbell Road adjacent to the site.

### **Planning History**

- 4.13 Outline planning was granted permission on the 5<sup>th</sup> August 2005. The application was for demolition of 1-43 Holyhead Close as well as refurbishment, including cladding, of three tower blocks, and sub-division of larger flats therein to increase the number of units from 276 to 296 units (PA/03/01683). Also, new development of 363 units of housing for sale and for rent, in blocks up to 6 storeys high, on land within the estate including designated housing amenity land. The proposal included a new access road and a new community centre, with associated parking and landscaping.
- 4.14 On 10 January 2007, the Development Committee resolved to grant planning permission for the erection of buildings up to six storeys to provide 232 flats (PA/06/1852).
- 4.15 Application for the refurbishment and extension of ground and first floors of Priestman Point to provide a new community centre was approved 11 January 2007 (PA/06/02095).
- 4.16 Application for construction of buildings ranging from three to six storeys to provide 104 dwellings at the southern portion of the Crossways Estate was withdrawn 27 January 2007 (PA/04/01131).
- 4.17 Application for the erection of 2 No. containers to house temporary boilers to serve Hackworth Point was withdrawn on 02 February 2007 (PA/06/2316).
- 4.18 On 24 September 2007, the Planning Inspectorate dismissed 2 x planning applications (PA/06/886 & PA/06/1865) as well as an enforcement appeal for development of Site 11 Crossways Estate (Co-joined appeals Refs. Nos. APP/E5900/A/07/2041336, APP/E5900/A07/2042697/NWF, APP/E5900/C/07/2042018).
- 4.19 On 18<sup>th</sup> February 2008, the Planning Inspectorate dismissed application PA/07/898 for development of Site 11 (Appeal Ref. No. APP/E5900/A/07/2055314/NWF).

## **5. POLICY FRAMEWORK**

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

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

Proposals: -

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV28	Development Adjacent to Conservation Areas
	HSG7	Dwelling Mix and Type
	HSG 13	Standard of Dwellings

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

Proposals: Draft Crossrail boundary

Core Strategies:	CP1	Creating Sustainable Communities
	CP19	New Housing Provision
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP46	Accessible and Inclusive Environments
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Varying the Ratio of Social Rent to Intermediate Housing
	HSG5	Estate Regeneration Schemes
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing

## **Supplementary Planning Guidance/Documents**

Residential Space Standards

## **The Mayor's Spatial Development Strategy for Greater London, The London Plan (Consolidated with Alterations since 2004) 2008**

2A.7	Areas for Regeneration
2A.9	The suburbs: Supporting Sustainable Communities
3A.1	Increasing London's Supply of Housing
3A.2	Borough Housing Targets
3A.5	Housing Choice
3A.7	Large Residential Developments
3A.9	Affordable Housing Targets
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.5	Creating an Inclusive Environment
4A.3	Sustainable Design and Construction
5C.1	The Strategic Priorities for North East London

## **Mayor of London's Lower Lea Valley Opportunity Area Planning Framework**

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG16	Archaeology and Planning
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise

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

A better place for living safely

A better place for living well

A better place for creating and sharing prosperity

## 6. CONSULTATION RESPONSE

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

### 6.2 LBTH Highways

A supplementary s106 agreement is needed for highway improvements works and s278 agreement under the Highways Act 1980 to cover any damage to the highway.

(Officer Comment: The application is for a change in tenure mix and reduction in unit yield only. The development is otherwise unchanged from the outline application for the Crossways Estate and the detailed application for phase 5, namely PA/06/1852. Therefore, it would be inappropriate to require additional highway improvements contributions. Similarly, a planning informative in respect of s278 works, namely, repairs to the road network, do not reasonably relate to the scheme. It is noted the s106 for the outline planning permission for the entire crossways estate already requires the developer to complete a S278 agreement on each phase of the development. The developer cannot allow occupation of the buildings in that phase until the agreement is completed. Therefore there is no further requirements necessary for this application.)

### 6.3 Thames Water

The Authority recommends standard informatives for waste and water management

### 6.4 Metropolitan Police Crime Prevention

The Authority responded and advised that they have no comments to make.

### 6.5 TFL

- Cycle parking is consistent with TFL standards;
- Parking ratio of 42% is below 1:1 ratio of London plan although recommend a ratio not higher than 26%;
- Accessible parking to be provided based on UDP and Interim planning guidance standards;
- A travel plan should be produced for the application; and
- Construction Methodology Plan, Construction Management Plan and Construction Logistic Plan to be submitted to and approved by TFL.

(Officer Comment: The car parking arrangements including accessible parking are unchanged from the outline permission and detailed application PA/06/1852. Therefore, these matters and any conditions of approval are unrelated and therefore not appropriate or required. It is noted that A Travel Plan was secured as part of the s106 planning agreement for the outline application for the entire Crossways scheme. Additionally, planning conditions imposed on the outline application secured the requirement for a Code of Construction Practice as well as conditions regarding traffic, site parking and deliveries during the construction phases. Therefore, there is no further requirements necessary for this application.)

### 6.6 Crossrail

The Authority advises that they have considered the scheme and have no comments to make.

**6.7 National Air Traffic Safety (NATS)**

The Authority has no safeguarding objection to the scheme.

**6.8 Olympic Delivery Authority (ODA)**

The Authority advises that they do not have any comments to make on the application.

**6.9 English Heritage (Statutory Consultee)**

The Authority advises that they do not have any comments to make on the application.

**7. LOCAL REPRESENTATION**

7.1 A total of 2 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 2 Against: 2 In Support: Nil

7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

- Housing mix

7.3 The following issues were raised in representations, but they are not material to the determination of the application:

- Success of the regeneration of the crossways estate
- Comments about the level of crime, health and quality of life in this area and a view that this is due to a lack of space and insecurity
- The need for a youth centre

7.4 The issues were raised in representations, and are addressed below:

- Anti-social behaviour i.e. dumping of litter (Officer comment: this is not a planning consideration)
- Overcrowding (Density was considered as part of the outline permission PA/03/1683 and detailed application for Phase 5 PA/06/1852. The current application is for a change of tenure and reduces the number of units)
- Congestion and car parking (The traffic and parking arrangements are unchanged from application PA/06/1852 which was considered acceptable).

**8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The principle of the scheme was previously established in the outline application for the entire Crossways estate regeneration (PA/03/1683). Also, the building design, relationship with neighbours, potential environmental impacts as well as the access and servicing arrangements are the same as the previous application which was previously considered to be acceptable in application PA/06/1852 which the Development Committee resolved to grant on 10<sup>th</sup> January 2007.

**Housing**

8.2 Section 4 of this report outlined the changes proposed by this application. In summary the application proposes the following:

- Change in tenure for 59 flats from market to social rent;
- Floor plan changes result in an overall reduction from 66 to 59 units;
- Floorplan changes resulting in a new mix which provides an additional 9 family sized units.

8.3 These changes are discussed in more detail below.

#### Affordable Housing

8.4 UDP policy requires affordable housing on schemes greater than the 10 ten units. Policy CP22 'Affordable Housing' requires 35% affordable housing based on habitable rooms. Currently, 54.6% affordable housing is provided across the entire Crossways estate. The subject application would further improve on this resulting in a provision of 62.5% affordable housing. The increased affordable housing provision is supported.

8.5 Affordable housing provision is further split into social rented and shared ownership tenures. A split of 80:20 is nominated in the LBTH Interim Planning Guidance. Policy HSG 4 'Varying the Ratio of Social Rented to Intermediate Housing' in the interim Planning Guidance expressly states that variations from this can be considered on large sites where there is already a large provision of affordable housing. The consolidated London Plan 2008 indicates a Londonwide requirement of 70:30 split pursuant to Policy 3A.9 'Affordable Housing Targets'. Although, the consolidated London Plan also states that boroughs should consider the particular circumstances of the area when considering what is an appropriate balance between social rent and shared ownership tenures.

8.6 The outline permission for the Crossways estate approved an 87:13 split. The subject scheme would result in a split across the entire estate of 89:11. No objection is raised on the basis that the outline scheme was found to be acceptable and approved despite this non-compliance. This change is not considered to be a concern following discussions with the LBTH Housing Team. Overall, the proportion of affordable housing provision is considered acceptable.

#### Family Housing

8.7 Family sized housing is a requirement in all three housing tenures (market, social-rent, and shared-ownership) although varying amounts are required in each.

8.8 CP21 'Dwelling Mix and Type' of the Interim Planning Guidance 2007 requires family housing in all three tenures. For intermediate housing the policy requires 25% family housing. In the social-rent housing tenure, 45% is required. In the market housing, 25% is required. Therefore a total provision of 30% is required across the whole scheme.

8.9 The proposal results in a reduced percentage of family housing in the social rent tenure from 38.5% to 35%. This is due to 1 and 2 bed flats also being converted to the social rent tenure. Nevertheless, the scheme is proposing nine (9) additional family sized units which are reflected in the total provision of family housing which increases from 17.2% to 18.6%. These family units are created by consolidating 1 and 2 bedroom flats together. Note that there is no change to family housing provision in the market and shared ownership tenures. The overall increase in family accommodation is supported.

#### Wheelchair Housing and Lifetime Homes

8.10 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be design to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or "easily adaptable".

8.11 A 'Code for Sustainable Homes Statement' was submitted with the application, which states that all units in the scheme are accessible in accordance with Lifetime Homes Standards. An appropriately worded condition of approval is recommended to ensure the development is



constructed in accordance with these standards. The Scheme is considered to have address policy in this regard and is therefore acceptable.

#### Floor Space

- 8.12 Policy HSG16 'Housing Amenity Space' of the adopted UDP 1998 and Supplementary Planning Guidance (SPG) 'Residential Space' (adopted 1998) sets the minimum space standards for residential developments.
- 8.13 The additional 3 bedroom units being created as part of the floorplan changes satisfy the Council's minimum floorspace standards and are therefore acceptable.

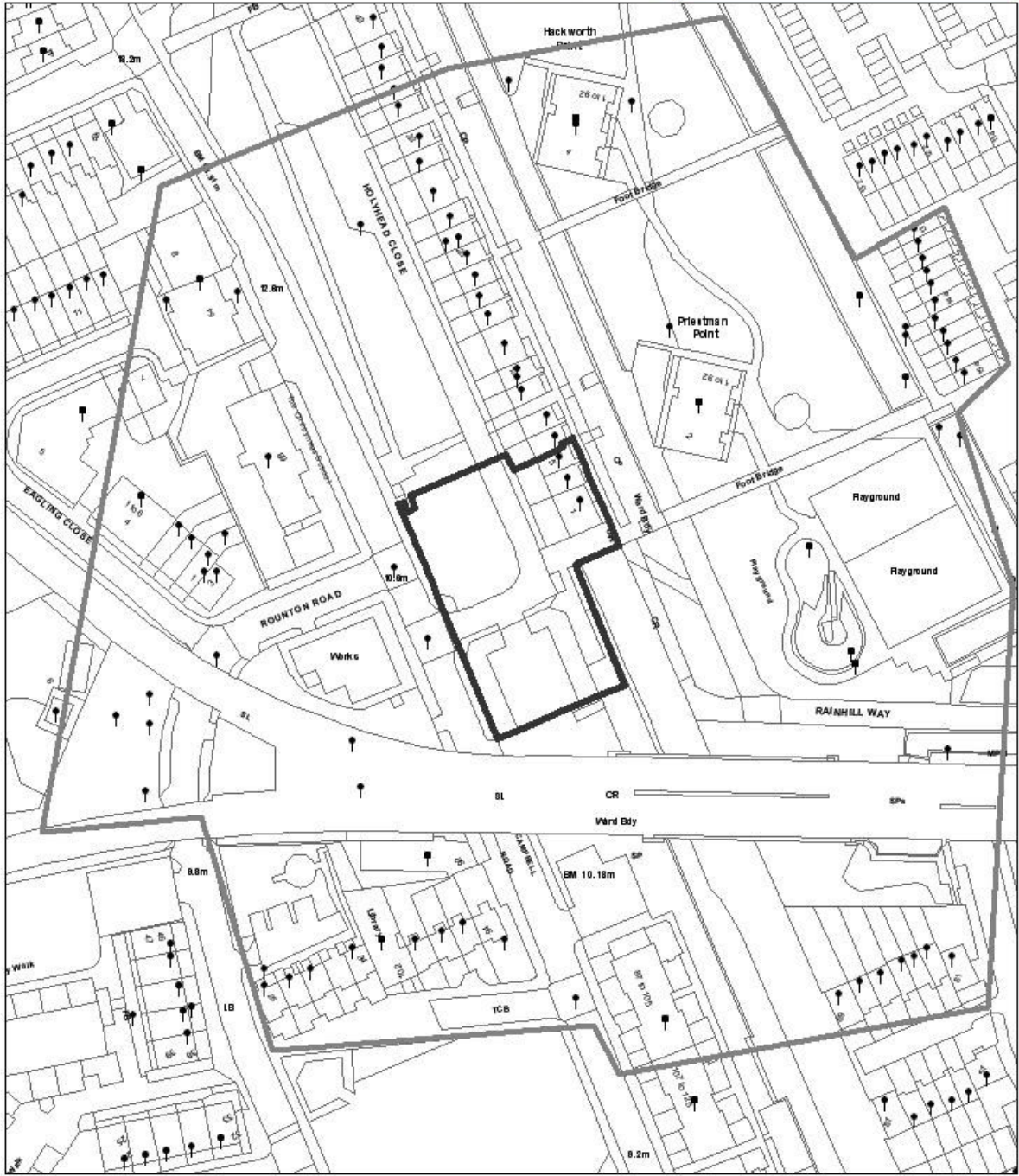
### **9. Conclusions**

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

### **List of Appendices**

- A. Application PA/03/1683
- B. Application PA/06/1852

# Planning Application Site Map



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



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

## Crossways Estate Phase 5

<b>Committee:</b> Development Committee	<b>Date:</b> 15 September 2004	<b>Classification:</b> Unrestricted	<b>Report Number:</b>  <b>DC039/045</b>	<b>Agenda Item Number:</b>  7.8
<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Natasha Hayes		<b>Title:</b> Town Planning Application  <b>Location:</b> CROSSWAYS ESTATE, RAINHILL WAY, LONDON, E3  <b>Ward:</b> Bromley By Bow/ Mile End East		

1. **SUMMARY**

1.1 **Registration Details**

**Reference No:** PA/03/01683

**Date Received:** 08/12/2003

**Last Amended Date:** 20/01/2004

1.2 **Application Details**

**Existing Use:**

Residential Estate comprising three tower blocks and 22 houses, housing amenity land including ball court, designated open space (allotments) land rear of Campbell Road.

**Proposal:**

Outline Application for demolition of 1-43 Holyhead Close; refurbishment, including cladding, of three tower blocks, and sub-division of larger flats therein to increase total from 276 to 315 units. New development of 357 units of housing for sale and for rent, in blocks up to 6 storeys high, on land within the estate including designated housing amenity land. The proposal will include a new access road, a new community centre, with associated parking and landscaping.

**Applicant:**

London Borough of Tower Hamlets (in partnership with Swan Housing Association)

**Ownership:**

LBTH and various leaseholders within Crossways Estate

**Historic Building:**

No

**Conservation Area:**

Western edge of site within the Tomlins Grove Conservation Area.

2. **RECOMMENDATION:**

2.1 That the Development Committee **grant** outline planning permission, subject to the satisfactory completion of a legal agreement pursuant to Section 106 of the Town & Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 2.4 below; the reserved matters, conditions, and informatives outlined in sections 2.5 and 2.6 below;

- 2.2 That if the Committee resolve that planning permission be granted, that the application first be **referred to the Mayor of London** pursuant to the Town & Country Planning (Mayor of London) Order 2000, as a departure application of over 150 new residential units.
- 2.3 That if the Committee resolve that planning permission be granted, that the application first be **referred to the Secretary Of State** pursuant to the Town & Country Planning Direction 1999. Annex 1, paragraph 3(a), as a departure application of over 150 new residential units.

### **Legal Agreement**

- 2.4 To be entered into by the developer on acquiring an interest in the land, to secure the following:
- (1) Provision of affordable housing;
  - (2) Preparation and implementation of a Travel Plan, in consultation with Transport for London (TFL);
  - (3) Completion of a car free agreement.
  - (4) The use of local labour in the construction of the development.

### **Conditions**

1. Time Limit – reserved matters;
2. Full Particulars of following reserved matters to be submitted for each phase of the development for approval:
  - a) the design of the buildings;
  - b) the external appearance of the buildings;
  - c) the landscaping of the site;
3. Soil Investigation & mitigation;
4. Tree retention, protection, relocation, and replacement;
5. Planting to be carried out in first planting season & 5 years maintenance;
6. Detailed drawings showing all highway improvements and new infrastructure, including the new Campbell Road junction, the appropriate sections of the new estate road, and proposed new pedestrian & cycle routes shall to be submitted to and approved in writing by the local planning authority prior to the commencement of the development.
7. Detailed drawings showing the parking layout (limited to a maximum of 355 car parking spaces), including parking for persons with disabilities, motor cycle and cycle storage to be submitted to and approved in writing by the local planning authority prior to the commencement of the development.
8. The following shall be submitted with the detailed application for each phase of the development:
  - a) Access Statement;

- b) Sunlight/daylight assessment in accordance with BRE guidelines;
  - c) Eco-homes report on sustainable design and construction;
  - d) Report on Lifetime Homes standards and wheelchair housing provision;
9. The landscaping details submitted pursuant to conditions 2c and 5b shall comply with the recommended mitigation measures of the 'Wind Environment Report - June 2004' that accompanied the application, and shall include details of biodiversity enhancements to be implemented as recommended in 7.2 of the 'Ecological Survey & Assessment Report – November 2003' that accompanied the application;
  10. Construction hours restricted to: Mon-Fri 0800hrs-1800hrs, Sat 0800hrs-1300hrs. Not on Sundays or Public Holidays;
  11. Full details of sound insulation and vibration isolation to be submitted for approval prior to commencement of works;
  12. Layout of habitable rooms shall place habitable rooms away from noise sensitive facades wherever possible;
  13. In relation to sites 6 and 7, evidence must be submitted to demonstrate that the flats to be built directly over the Docklands Light Railway (DLR) tunnel can be structurally isolated from the DLR tunnel to mitigate any unacceptable noise and vibration impacts, to the satisfaction of the local planning authority.

If such evidence can not be provided, detailed drawings shall be submitted showing alterations to the layout so that no residential flats are to be built directly on top of the DLR tunnel. This part of the development shall be completed only in accordance with the alteration(s) thus approved.

The applicant shall ensure Transport for London is consulted on the above details.

14. Submission of a Strategic Sustainability Report;
15. Wheel cleaning during construction;
16. Air Quality Management Plan shall be submitted to and agreed in writing by the Local Planning Authority (LPA) prior to commencement of works;
17. Details of the route for construction traffic shall be submitted to and agreed in writing by the LPA prior to commencement of works;
18. Details of on site parking and delivery arrangements during the construction phases shall be submitted to and agreed in writing by the LPA prior to commencement of works;
19. A Code of Construction Practice shall be submitted for approval prior to commencement of development, and shall be complied with during construction;
20. Preparation of/compliance with an Environmental Management Plan.
21. Detailed design and method statements for all the ground floor structures to be provided - Crossrail consultation;
22. Applicant to provide further information on the viability and requirement for a GP service or primary health facility on the estate, for which potential accommodation is allocated on the lower two floor of Hackworth Point.

## 2.6 **Informatives**

- a) Subject to a Planning Obligation Agreement;
- b) Construction Waste;
- c) Consideration to use of low emission vehicles during construction;
- d) Consideration should be given within the detailed design of sites 7 and 8 to provision of a new direct access from the estate to Bow Church DLR station.
- e) Your attention is brought to the detailed comments provided by the DLRL (letter dated 27 July 2004) and Network Rail (letter dated 8 July 2004) regarding construction related requirements in relation to the operation of the relevant transport network.
- f) Cross London Rail Links Ltd (1 Butler Place, London, SW1H 0PT, tel 020 7941 7600) has indicated its preparedness to provide guidelines in relation to the proposed location of the Crossrail structures and tunnels, ground movement arising from the construction of the running tunnels, and noise and vibration arising from the running tunnels. Applicants are encouraged to discuss the guidelines with the Crossrail Engineer in the course of preparing detailed design and method statements.
- g) Stopping Up Order may be required from the Highways Authority in relation to Rainhill Way;
- h) In relation to condition 2 (a), the Council will expect to see high quality external materials used for cladding of the existing towers and construction of the new build element.
- i) In relation to condition 8 (c), the Council expects to see a 'good standard' of sustainable design and construction in accordance with the BRE Eco-homes standards;
- j) In relation to condition 8 (d) the Council recognises that constraints of the existing site and towers may limit full compliance with the relevant standards, however the applicant should demonstrate how they propose to meet these standards as far as achievable.

## 3. **BACKGROUND**

- 3.1 The Crossways Estate and the area in general have been in decline for some time and this is reflected by the poor physical state of the buildings and the associated social problems.
- 3.2 In 1999 Tower Hamlets Housing Directorate commissioned initial appraisals which found the blocks to be in sound structural condition, but in need of full refurbishment. The same year a feasibility study was commissioned to look at options available for the Crossways Estate. Following identification of a 'preferred option' the applicant then undertook an extensive consultation process with residents and stakeholders, the current proposals being the result.
- 3.3 A draft Planning & Development Framework was drawn up by the Planning Projects section in August 2002 to provide the brief for the detailed master planning of the estate and as an expression of the Council's desired outcomes for the area.

- 3.4 The applicant is the London Borough of Tower Hamlets, in partnership with Swan Housing Association, the RSL who will take over management of the estate post ballot if successful. The applicant has attracted regeneration funding into the area through a range of programs, including SRB 6 funding for the infrastructure works that will contribute to the regeneration of the Crossways Estate. The applicant has emphasised the significance of any delays in obtaining outline permission in terms of securing substantial regeneration funding. This funding will come from Council's own capital programme, the Housing Corporation, London Development Agency, Regional Housing Board (ODPM) and the Housing Corporation.
- 3.5 It Outline Planning Permission is sought to create around 670 new, refurbished, or converted homes within a high quality and secure environmental setting. The construction period is anticipated at around 5 years.

#### **4. PLANNING POLICY FRAMEWORK**

- 4.1 The following Unitary Development Plan **proposals** are applicable to this application:

(1) Land East Of 23-27 (Odd) Campbell Rd, E3

- 4.2 The following Unitary Development Plan **policies** are applicable to this application:

DEV1 Design Requirements	DEV25 Conservation Areas
DEV2 Environmental Requirements	DEV29 Dev Adjacent to Conservation Areas
DEV4 Planning Obligations	DEV39 Dev Affecting Setting of Listed Building
DEV12 Landscaping	DEV50 Noise
DEV12 & 15 Trees	DEV51 Contaminated Land
HSG1 Housing targets	HSG9 Density
HSG2 New Housing Developments	HSG13 Internal space
HSG3 Affordable Housing	HSG16 Amenity Space
HSG7 Dwelling mix & type	HSG17 Housing Amenity Land
HSG8 Mobility & wheelchair standards	HSG18 Improve quality of Council properties
T9 Strategic Restraint	T17 Transport Planning Standards
T15 Transport Systems	T21 Pedestrian routes
OS1 Safeguarding of Public Open Space	OS8 Allotments
OS2 Improve Quality of Open Space	OS9 Childrens Playspace
OS7 Loss of Open Space	OS13 Youth Provision
EMP6 Employing Local People	SCF10 Community Buildings
SCF4 Primary Health Care facilities	SCF11 Meeting Places

- 4.3 The following New Unitary Development Plan 1st Deposit Draft **proposals** are applicable to this application:

(1) Rainhill Way Amenity Space – Housing Amenity Land.  
 (2) Crossways – Housing Development Opportunities.

- 4.4 The following New Unitary Development Plan 1st Deposit Draft **policies** are applicable to this application:

UD1 Scale & Density  
UD2 Architectural Quality  
UD3 Inclusive Design  
UD4 Design Statements/Access Statements

UD5 Safety & Security  
UD11 Landscaping  
UD22 Conservation Areas

ENV1 Amenity  
ENV3 Noise & Vibration  
ENV5 Demolition & Construction  
ENV6 Sustainable Construction Materials  
ENV7 Air Pollution  
ENV8 Energy Efficiency

ENV9 Development on Contaminated Land  
ENV11 Waste Disposal & Recycling  
ENV15 Protection of Biodiversity  
ENV18 Tree Protection  
ENV26 Protection of Open Space  
ENV28 Access to Open Space

HSG1 Housing Provision  
HSG2 New Housing Developments  
HSG4 Affordable Housing  
HSG5 AH Ratio & Mix  
HSG7 Retention of Affordable Housing

HSG8 Dwelling Mix & type  
HSG9 Housing Density  
HSG10 Lifetime Homes & Mobility Housing  
HSG12 Amenity Space

SF1 Social Facilities

TRN1 Transport & Development  
TRN2 Public Transport Schemes  
TRN4 Safeguarding Transport Schemes  
TRN5 The Road Network  
TRN6 Parking & Servicing

TRN7 Transport Assessment  
TRN8 Travel Plans  
TRN9 Linkages  
TRN10 Pedestrian Permeability  
TRN11 Bicycle facilities

4.5 The following Community Plan **objectives** are applicable to this application:

- (1) A better place for living safely - reduction in crime and improved safety.
- (2) A better place for living well – quality affordable housing and access to health care.
- (3) A better place for learning, achievement and leisure – improved education for children and mature aged students, excellent and accessible arts and leisure facilities.

## 5. **CONSULTATION**

5.1 The following were consulted regarding this application:

(1) **Environmental Health**

*Noise & Vibration:* Facades overlooking railways will be exposed to noise and vibration levels falling into Noise Exposure Category D of PPG24, other facades overlooking the road are likely to fall into category C. Planning Permission should normally be refused unless designed so that habitable rooms are not located on facades which fall into Category D. Vibration isolation of buildings may be necessary.

Further details of the vibration isolation and insulation of the building foundations, facades, roof, windows, and doors, including materials to be used is required. Careful consideration of the building façade layout will be



required to reduce road and railway noise impact. Consideration should be given to the internal layout to ensure habitable rooms are placed on quieter facades. Noise levels in amenity areas are likely to be excessive. A high degree of sound insulation will be required to all walls and roofs on the façade of the railway and all glazing in habitable rooms, along with sound attenuating ventilation.

*Contaminated Land:* Agree with the recommendations of the Contaminated Land Issues report to carry out additional intrusive investigations to be undertaken at the site and a quantitative risk assessment of the results of the investigation. Suggested condition for contaminated land investigation and remediation.

*Air Quality:* The proposed development during pre and post construction is likely to generate additional vehicle trips and subsequently increased congestion. In accordance with the Air Quality Action Plan conditions are recommended in relation to an Air Quality Assessment report, Ecohomes, Energy Statement, car parking provision, sustainable transport methods, use of low emission vehicles during construction, a Code of Construction Practice.

(2) **Conservation & Urban Design Team**

Generally supportive of the regeneration proposals. The proposed site footprinting is satisfactory in providing a defined urban edge along the site boundary. Concerns lie primarily with the level of safety and surveillance across the site. Although proposed access roads do improve the circulation and surveillance of the site, the treatment of the central towers is paramount to the success/ viability of the entire estate site. Street furniture and landscape design should be used to improve natural surveillance. The viability of this community centre will depend on who it is to be used by and how it is managed. Attention is needed to maintain the quality of facades needing to deal with noise exposure from the railway lines. Acknowledges that the Crossways Estate has difficult site characteristics to deal with and that recommended changes to the scheme have been addressed.

(3) **Cleansing Officer**

Standard refuse storage requirements provided. Suitable access and facilities for turning of refuse collection vehicles must be made where appropriate. Consideration should be given to the provision of recycling facilities.

(4) **Landscape Section**

No comments received.

(5) **Corporate Access Officer**

Initial comments in relation to accessibility have been addressed. Full Access Statements should be provided as part of the further detailed applications.

(6) **Crime Prevention Officer - E14 areas**

Comments were received from the Met Police on the original plans and a subsequent meeting was arranged to discuss the security issues. Below are

the main points raised by the Met Police during this meeting.

- Site 12 - concern at the maintenance of the through route and the danger of crime due to loitering in this area. Suggested closing the gap with the new buildings, or the construction of two houses to overlook the space could be beneficial. If the route is to stay, landscape solutions may help.
- Site 5 – concern that the play and carpark provision would be sufficiently well overlooked and secure.
- Open Space and Play areas – emphasised the need to ensure security of play areas. Recommended the enclosure and defined use of open space to avoid abuse. Careful landscape treatment is required to ensure spaces are properly used.
- Car Parking – accepted that if well managed and secure, private underground parking was viable in the borough. Preferred courtyard parking to on-street parking.
- Lighting vs. Trees – need for careful attention to the relationship between trees and lighting. Consideration to be given to the provision of pedestrian lighting in addition to roadway lighting.

Many resultant design changes were made in the revised layout to address the concerns raised. Consultation with the Met Police will be ongoing throughout the detailed design and construction of the development.

(7) **Head of Traffic**

Satisfied with the Traffic Impact Assessment in principle. Will need to see the detailed final proposals in relation to access arrangements, services, parking, pedestrian and cycle routes, to comment on their suitability.

(8) **Education Dept**

Current surplus places are available in local primary schools which should just accommodate the proposals, however there is little capacity to absorb more secondary pupils.

(9) **Strategic Social Services**

No comment received.

(10) **Network Rail (formerly Railtrack)**

Need to be satisfied that Network Rails infrastructure will not be affected by the proposal, both during construction and after completion. Asked that their comments be included as an informative to the developer.

(11) **Docklands Light Railway**

Discussions ongoing with the developer as more detailed designs are produced. Because of the sensitive nature of these proposals in relation to the DLRL railway, they would like to see their comments passed on to the developer and included on any decision notice. These comments relate to construction, safety, and operational issues; access and egress to Bow Church Station as part of detailed designs; transport assessment requirements, and noise mitigation measures under PPG24.

(12) **London Regional Transport**

No response received.

(13) **Greater London Authority**

- As a strategically important priority area for action and regeneration, the broad thrust of the proposals are strongly supported by strategic planning policy. The proposals represent a welcome modernisation and improvement of housing stock in a run-down estate, which suffers from poor environmental quality and public safety.
- The overall net gain in housing provision and affordable housing provision is welcomed and accords with strategic planning policy. The proposals will enhance housing choice and should ensure a more mixed and balanced community;
- The applicant needs to agree details of any permanent works adjacent or above the DLR. A condition should be placed on any permission to ensure TFL are consulted as details become available.
- Disappointing that the detailed issues of design and landscaping have been relegated to reserved matters and therefore difficult to draw firm conclusions on design quality;
- Concern that little weight given to the noise impact of the DLR. Further information is needed to show how the applicant will address noise and vibration issues. Concern that addressing those issues may require a fundamental reconsideration of the built form of the estate;
- States that TFL has not yet had a chance to review the results of the impacts on the junction of Campbell Road and Bow Road, as provided by the Traffic and Transport Impact Assessment. If adverse impacts are demonstrated then appropriate mitigation is expected. TFL welcomes reference to an Outline Travel Plan and supports objective to reduce dependence on the private car. No mechanism identified in the assessment to develop the proposed initiatives;
- A Strategic Sustainability Report has been commissioned to advise the regeneration team on issues of sustainability. Highly regrettable that this report has not been submitted at this stage. This should be supplied before the application is referred back to the Mayor for a decision. The local authority should ensure that the BREEAM assessment is carried out at the detailed stage to ensure the development meets at least a 'good standard' of sustainable design and construction;
- The proposed layout could be a significant improvement on the existing pattern and could bring significant safety and design benefits, however the DLR noise impact, access, transport, and sustainability issues identified in their report need to be addressed if the scheme is to be acceptable in strategic planning terms.

(14) **Housing Strategy Group**

The Social Housing Group supports the regeneration scheme devised for the estate and supports the additional housing proposed.

(15) **Transport for London - Street Management**

Comments contained within the GLA observations.

(16) **Crossrail**

No objections raised in principal. Required that conditions relating to submission and approval of design and method statements for all ground floor structures, foundations, basements, and other structures below ground

level, be placed on any permission granted.

**(17) Arts, Sports and Leisure Services**

No comments provided in relation to the outline application.

Comments from the Head of Leisure in relation to the Crossways Estate regeneration proposals were reported to the Policy Implementation Committee (PIC) on the 17<sup>th</sup> April 2002 by the Corporate Director of Housing. This report stated that Leisure Services had accepted in principal the reduction in open space in relation to this project, with the proviso that new high quality recreational areas and open spaces must be provided within the scheme.

5.2 Responses from neighbours were as follows:

No. Responses: 16    In Favour: 0                      Against: 15                      Petition: 0

5.3 The application has been advertised in the local press and by site notices as a major development and as a departure from the Unitary Development Plan proposals. In addition, notice of the proposal was sent to adjacent occupiers within a 40 metre radius of the site boundary. The responses are summarised as follows:

5.4 Resident of 19 Holyhead Close has occupied one of the dwellings to be demolished for over 30 years and objects to the proposals on the grounds that he has carried out many improvements to his property over the years. Also that he is a keen gardener and does not wish to move from a house to a flat.

5.5 Resident of 57 Mallard Point has concerns about the increase in the number of people living in the area and the associated impact on infrastructure and services. Would like assurances that there is funding for the whole project, concern that the works are not left in an incomplete state due to lack of funding or increasing costs as has happened elsewhere. Concern as to the human cost of moving current residents during refurbishment of the tower blocks.

5.6 13 letters of objection were received from residents within the adjacent Regent Square development, including one from the residents management group for Regents Square 'Eastways Management Ltd'. The grounds for objection and other comments are summarised below:

- Impact on property values, rental income, and associated financial implications;
- Loss of privacy and views;
- Loss of sunlight and daylight;
- Increased density of development;
- Increase in population resulting in overcrowding;
- Impact on infrastructure and services such as health & dental facilities, schools, water & drainage, recreation land, roads & public transport;
- Increased noise and disturbance;
- Increased litter pollution;
- Adverse impact on the security of existing residents due to significant increase in population;
- Believe the emphasis is on quantity of housing not quality;
- Loss of established mature trees which provide greenery, bird habitats, and privacy;
- Lack of play space for children;

- Loss of existing public footpath adjacent Regents Square, which is used by many, including children to play football and ride bikes.
  - Close proximity of new buildings and feeling of being 'hemmed in';
  - Concern that the land which includes garages as part of Regent Square is denoted as Site 18 a 'possible future phase';
  - Land ownership queried relating to a narrow strip of land to rear of the gardens of Site 3C, and concern that it is likely to be used as dumping ground and site for anti-social behaviour;
  - Security concerns in relation to proposed underground car parks;
  - Inadequate parking facilities and access problems to Campbell Road;
  - Concern that area may become a rat-run for traffic;
  - Concern about management and ongoing maintenance of the new community centre;
  - Little consideration within proposals for caring for the elderly within the community;
  - Concern about access by emergency services to the estate and rear of Regents Square;
- 5.6
- Construction impacts over a long period such as noise, pollution and debris;
  - Long term pollution impacts due to an increase in private vehicles;

Other Comments/Queries:

- Prefer to see tower blocks demolished and redevelopment of area with low-rise accommodation and more open space.
  - Focus should be on improving existing housing in terms of maintenance and security;
  - Existing green areas should be redesigned for better security and greater use;
  - Need to reduce narrow alleyways and maintain good lighting to discourage anti-social behaviour;
  - What provision for disabled access and prams?
- 5.7
- Following the amendments made to the scheme, re-consultation was carried out with adjacent residents. Five letters were received from residents with the following additional comments or grounds objections:
- Overshadowing and overlooking concerns remain;
  - Pleased that narrow alley on site 3C, adjacent Regents Square, has been removed. Would like to know how the LBTH land ownership of this strip has been confirmed. Concern that arrangements for maintenance of the boundary wall be agreed.
  - Security issues and underground car parks remain of concern. Would like to know if cost of security to underground car park would be borne by residents through Council Tax;
  - Concern upheld that recreation area will be insufficient for the numbers of children within the proposed development;
  - Provision of health care facilities remains a primary concern;
  - Inadequate infrastructure provision (schools, transport, shops, services);
  - Pleased to see some trees retained along western boundary of the site. Would like to see replacement trees that are similarly mature trees where possible and mature trees pruned rather than removed wherever possible;
  - Concern that the number of new dwellings planned for the estate is too many;
  - Rainhill Way is a public footway and should be retained as it is;
  - Concern about access for emergency services;
- 5.8
- The grounds of objection outlined above are addressed within the main body of the report.

**6. ANALYSIS**

**6.1 Site Description**

- 6.1.1 The Crossways Estate is located south of Bow Road, adjacent and over the Docklands Light Railway. The existing development rests in a former railway cutting below the level of the surrounding streets and the towers are accessed by a series of access bridges. The Estate presently comprises three tower blocks, Mallard, Hackworth and Priestman, each comprising of 92 flats of one, two, and three bedrooms. In addition, Holyhead Close provides a further 22 three bedroom houses in low-rise block directly over the DLR tunnel. The existing estate provides a total of 298 homes, 50 on street parking spaces and 22 private garages, with associated open space and play areas.
- 6.1.2 The estate was built in the early 1970's and is now in poor condition, making it unpopular with prospective tenants. Ground levels vary considerably across the Estate. There is a difference of around 7 metres between the ground level at the base of the towers and the apex of Campbell Road. A long depression along the middle of the estate and prevents vehicular access between the tower blocks and Campbell Road due to the change in level. The tower blocks and ball court sit at the bottom of the depression and pedestrian access to the tower blocks from Campbell Road is currently provided by high level walkways.
- 6.1.3 Crossways Estate is well located for public transport, directly adjacent the Bow Church DLR, 10 minutes walk from Bow Road tube, with numerous Bus Routes along Bow Road and Campbell Road. Tesco superstore is a 15 minute walk and at Stroudley Walk there is a post office, convenience store and GP surgery.

## **6.2 Application proposal**

- 6.2.1 The proposals involve the following:
1. Refurbishment and conversion of the existing tower blocks. This includes increasing the number of smaller one and two bed units within the towers, which are seen as less suitable for family accommodation;
  2. Demolition of 22 houses above the DLR tunnel in Holyhead Close;
  3. New build blocks of houses, flats, and maisonettes constructed throughout the estate to provide replacement and additional residential accommodation;
  4. Construction of a new community centre at the base of Priestman Point;
  5. Creation of a new access route from Campbell Road, redesign of play spaces and landscaping of the open space areas within the estate, new pedestrian and cycle links, and restructuring of the estates parking provision.
- 6.2.2 Despite revisions made to the scheme throughout the assessment process, local residents still have concerns regarding the density of the proposed development and its potential impact on the amenity and infrastructure of the local area. These issues are discussed in further detail below.

## **6.3 Land use**

- 6.3.1 The national policy context in relation to density and the efficient use of urban land, contained within PPG3 and PPG13, now places a strong emphasis on higher densities in urban areas. With poor quality open space, poor site access, and high levels of crime and antisocial behaviour, the subject site presents an important regeneration opportunity.
- 6.3.2 The regeneration proposals contained within this outline application aim to increase existing density levels in line with national guidance and the adopted London Plan. At the same time improving the existing housing stock and providing improved pedestrian, cycle, and vehicle access into and through the site, with safer and

higher quality outdoor space and play areas.

- 6.3.3 The element of the scheme which constitutes a departure from the land use proposals of the LBTH Unitary Development Plan (UDP) is that shown on Site 7 of the Masterplan Layout - Drawing No. A266912.1/001. This part of the scheme involves building along the southern edge of a triangular area in the north-west corner of the estate, which is identified on the current UDP Proposals Map as Public Open Space for Allotments.
- 6.3.4 It appears that the site has never been used as allotments, and its designation under the emerging Draft UDP has changed to Housing Amenity Land. A small area towards the northern end of this site appears to have been fenced off for use as additional private garden space, presumably by the occupiers of the Campbell Road properties through adverse possession.
- 6.3.5 The subject open space area is around 4000sqm and located at a low level within a former railway cutting. Its location, topography, and lack of natural surveillance mean it is poorly used and is not considered to have a significant amenity value. The proposals to build new houses/flats along the southern edge of this space would involve a footprint area of around 500sqm, a relatively small area of the subject open space. The proposals will also mean that the remaining open land would be better overlooked, landscaped to improve its amenity value, and would provide more defined and usable public and private amenity space.
- 6.3.6 Additionally, the proposed block along the southern edge of this space forms an important part of the new bridge over the DLR tunnel, which involves housing blocks either side of a new site access onto Campbell Road. This contributes to the objective of creating a new urban context that addresses and negates the effects of the existing level changes on the site.
- 6.3.7 The regeneration benefits of the proposal, including the increase in the quantity and quality of affordable housing provision, as well as the estate-wide regeneration initiatives in relation to access and security, represent significant social benefits that justify this small reduction in open space. As such, whilst the proposals may constitute a departure from plan policy, it is considered that there are exceptional circumstances to justify approval in this case.

#### **6.4 Density, Dwelling Mix & Type**

- 6.4.1 The subject site is a residential estate with a housing density level of 278 HR/h. The site has a Public Transport Accessibility Level (PTAL) of 5/6a indicating good public transport links. In such areas densities of up to 700HR/h are considered appropriate. The proposals will result in an overall increase of 374 units, and a new density level of 534HR/h. This is considered to be consistent with current Central Government guidance, the adopted London Plan, and the emerging policies within the draft Unitary Development Plan (UDP).
- 6.4.2 The proposals involve increasing the number of one and two bed units within the towers, with a higher proportion of two, three, and four bed flats, maisonettes, and houses within the low rise new build development. The accommodation schedule from existing to proposed is as follows.
- Existing: 69 x 1bed (23%), 69 x 2bed (23%), 160 x 3bed (54%).
  - Proposed: 234 x 1bed (35%), 349 x 2bed (51%), 79 x 3bed (12%), 15 x 4bed (2%).

The affordable housing element provides the following mix:

- 167 x 1bed (46%), 104 x 2bed (28%), 79 x 3bed (22%), 15 x 4bed (4%).

6.4.3 This mix is considered to provide accommodation types to meet a wide range of housing needs. It is important to note that almost all of the existing family units on the estate are within the tower blocks. A major benefit of the regeneration proposals is the re-providing family accommodation within low rise blocks or houses with private gardens. The proposals are considered to be in accordance with UDP housing policies HSG7 and HSG16.

6.4.4 The provision of a substantial number of private homes for sale within the estate will improve the mix of residents and provide a more diverse range of tenures, which is important to ensure the long term sustainability of the estate. In addition, sale of the private units will help to fund the new affordable housing units along with infrastructure improvements on the estate. These factors will contribute importantly in addressing the current high levels of crime and anti-social behaviour on the estate, and should lead to a better standard of living environment for all in accordance with the goals of the LBTH Community Plan.

6.4.5 Concern was raised by some objectors that the increased numbers of people living on the estate as a result of the proposals would lead to impacts of overcrowding, increased noise and disturbance, and increased litter pollution. Density issues are addressed earlier in this section, however it should be re-iterated that the proposals for the Crossways Estate are designed to respond to current local, strategic and central government planning guidelines in relation to housing provision requirements to address the extreme shortages of affordable housing in London. Further to this, the following points are made in response to the grounds of objection:

- It is not considered that increasing the quantity of housing on the site is at the expense of quality. The regeneration proposals involve many improvements and enhancements to the existing living environment on the estate, as discussed earlier in the report.
- Security improvements on the estate should also benefit those within adjacent developments.
- The refuse arrangements for the existing tower blocks will be refurbished and made more accessible for the borough's collection vehicles. New blocks are likely to involve either underground refuse systems or individual wheelie bins depending on the unit type.
- Any potential increase in noise and disturbance as a direct result of increased numbers of residents is not likely to be unacceptable within a central London location such as this.

## **6.5 Affordable Housing**

6.5.1 The proposals involve refurbishment of existing affordable homes that have reached the end of their serviceable life. In addition they would provide new build affordable housing mixed with a substantial proportion of private accommodation. As a percentage of the total development including new, refurbished, and converted homes, around 54% will be affordable. As a percentage of the total number of new build homes only, around 40% will be affordable. This is considered to be in excess of the current UDP affordable housing policy HSG3 and complies with the London Plan and emerging policies of the draft UDP.

## **6.6 Amenity Issues**

6.6.1 The Noise and Vibration report submitted in support of the application states that habitable rooms will not be located on the southern elevations of Sites 5, 6, and 11.



Noise exposure to habitable rooms on other elevations will be mitigated using high performance glazing and trickle vents. In terms of train vibration, the report states that train vibration velocities measured for DLR, London Underground Line, and commuter trains are generally within recommended guidelines, however at Site 5 vibration levels marginally exceed recommended comfort levels. Vibration isolation measures will be required.

#### 6.6.2

The concerns expressed by Environmental Health and the Greater London Authority (GLA) concerning the potential problem of vibration and noise from adjacent railways are noted. It is agreed that the Council would not wish to encourage the construction of new dwellings with as bad an environmental quality as the existing in relation to noise. Nevertheless, it is considered that the issue of rail noise/vibration can be dealt with through the imposition of appropriate conditions. These will require further evidence to demonstrate that an acceptable level of noise can be achieved within the new residential units through the implementation of appropriate vibration and sound insulation measures, in addition to the careful layout of internal rooms to minimise noise/vibration impacts. The buildings at Site 5 and Site 11 will also be designed to act as 'barrier blocks' to reduce noise levels to the rest of the estate and outdoor amenity areas. Hence it is not considered that a refusal of the scheme is justified in this instance.

6.6.3 Concerns were expressed by adjacent residents, within the adjacent private development of Regents Square, adjoining Site 3C, in relation to potential impact on their sunlight, daylight, privacy, and outlook as a result of the proposals. The application has been assessed in consideration of the concerns raised and in accordance with policy DEV2 of the UDP.

6.6.4 The applicant has submitted sections through all existing and proposed blocks, which shows the 25 degree line drawn from the ground floor windows of existing blocks. The 25 degree method is based on guidance set out in 'Site Layout for Daylight and Sunlight, a Guide to Good Practice' published by the Building Research Establishment (BRE). The greater any transgression of the 25 degree line the greater the potential that daylight and sunlight to the subject window will be impacted to an unacceptable level.

6.6.5 The sections illustrate that in most cases the 25 degree line is either not breached or has a very marginal breach, hence no significant or unacceptable impact is expected. In cases where substantial breaches were originally found, resultant changes to the height and massing of the proposed buildings has been carried out to mitigate the potential impact.

6.6.6 As part of the submission of further detailed applications and reserved matters, the applicant will be required to carry out detailed BRE tests for Vertical Sky Component (VSC) and Annual Probable Sunlight Hours, to ensure any impact in relation to the detailed design is acceptable.

6.6.7 The layout of the new build blocks has been designed to maintain a reasonable distance between existing and proposed windows, to minimise overlooking impacts wherever possible. Policy DEV2 of the UDP suggests that a distance of around 18 metres between directly facing windows to habitable rooms will mitigate any potential loss of privacy. In relation to Regents Square, the windows on the rear elevation of the block on Site 3C would be at least 18m or more from the opposite rear elevation of the existing houses. Only where the block turns the corner at the northern end does it come closer (approximately 15m). This 3 storey house will be orientated north-south and will not require any windows in the side (flank) elevation facing Regents Square.

- 6.6.8 The retention of many existing mature trees within what will be the new rear gardens of the proposed buildings will maintain a level of screening and privacy between existing and proposed dwellings. The applicant's state that they recognise the development of site 3C is of particular concern to residents of Regents Square. It is proposed that the detailed planning application for this phase of housing will make special consideration to minimising any overlooking within the framework of the outline proposals.
- 6.6.9 Whilst private views are not a material planning consideration as such, any loss of outlook which results in a 'sense of enclosure' to a particularly detrimental and unacceptable level, are material reasons for refusing a planning application. Taking into account the set back between the proposed new build blocks from existing buildings, with private gardens in between, together with the proposed height of blocks, it is not considered that the proposals would result in an unacceptable 'sense of enclosure' from the existing properties.

## **6.7 Recreation, Landscaping and Open Space**

- 6.7.1 Government guidance contained within PPG17 places a high level of importance to the retention of recreational and amenity open space in urban areas. Particular emphasis is put on the need for children and elderly people to have access to open space near where they live.
- 6.7.2 The existing areas of open space on the Crossways Estate are generous, but are badly maintained, under used, and have inherent safety and security problems. A major failing identified on the current estate is the poor quality of recreation and play provision. It is recognised however, that the current openness of the estate allows for nature, dog walking, and spontaneous play on grassed areas.
- 6.7.3 The regeneration proposals will result in a loss in the overall quantity of open space amenity land within the Crossways Estate. However, the overall open space strategy for the estate is to improve the quality of open space and recreational facilities. In order to provide a more secure and sustainable provision, the proposals involve localised play areas in well overlooked, secure locations. A new scheme of external lighting will form part of the landscaping proposals to ensure the new access routes and amenity spaces are well lit for safety and security purposes.
- 6.7.4 A new ball sports court will be located adjacent Priestman Point and will replace the existing courts at the southern end of the site. This will be accessible via the new community centre, to ensure it does not become subject to mis-use. Many localised play areas will be provided within the new estate layout to replace the existing isolated playground at the southern end of the site.
- 6.7.5 The proposals include a linear park aligned with the new access road and the three towers, acting as a green corridor through the site. The proposals aim to retain as many of the existing mature trees as possible, whilst new planting and landscaping will be carried out to provide a robust and sustainable landscape treatment which responds to the new urban layout.
- 6.7.6 The proposals involve carefully defined spaces within the estate for specific users, as outlined within the 'Recreation & Leisure Study'. The new layout would aim to balance communal areas, private gardens and public open spaces. Whilst the proposals do not strictly accord with UDP policies HSG17 and OS7, it is considered that a strong argument can be made to justify the reduced level of open land within the estate based on improving the quality of new recreational areas, play space, and outdoor amenity areas. The proposals involve bringing about wider regeneration benefits, improving the balance of the housing mix, and providing a

greater proportion of family units in low rise blocks with private gardens

## **6.8** Trees

6.8.1 The proposed new estate layout and infrastructure will necessitate the removal of many mature trees within the Crossways Estate. Whilst regrettable, it is recognised that the removal of these trees is necessary to accommodate a viable new estate layout and improved access, and to achieve the broader long term regeneration of the area.

6.8.2 There are two 'broad leaved lime' trees subject to a TPO on Campbell Road and identified on the masterplan layout. Whilst these are not directly affected by the outline of the proposed new building on site 16, their proximity to the new building and their location near the proposed new access routes intersection with Campbell Road, may necessitate their removal through the detailed design.

6.8.3 The applicant has confirmed that pruning and lopping of trees will be considered prior to felling, and this should apply importantly to the TPO trees mentioned above. The proposals include the planting of many more new trees on the site than those to be removed. The applicant also proposes to use larger girth trees for new and replacement planting, rather than saplings, to be protected and managed after planting to ensure successful establishment. Several biodiversity enhancements are proposed as part of the new landscaping scheme for the estate. Conditions will be used to secure the above.

## **6.9** **Transport, Parking, and Access**

6.9.1 Poor pedestrian and vehicle access to the existing estate, and its location within a former railway cutting, mean it is both visually and physically isolated from the surrounding area. The existing road network within the estate provides a single through route, Rainhill Way, which connects with Bromley High Street to the north and Devons Road to the south.

6.9.2 A new estate access road leading from Campbell Road, replacing the existing pedestrian bridge, is intended to significantly improve permeability and access to the site. It will be designed as a wide tree-lined boulevard offering a high quality ambience. The road will need to bridge the DLR tunnel and will be designed and constructed in consultation with the DLR and TFL. The new access road will create a level access from Campbell Road and the development of a new junction with Campbell Road.

6.9.3 The new access road will continue into the estate to form the new main estate road. This will curve between Mallard Point and Hackworth Point toward the South, and slope down at a gradient of 1 in 20 to the existing lower level of the site. The new access road will be flanked by new housing, which will be perceived as being located at normal ground level. The existing site level changes will be hidden within the cross-section of the new buildings and within private garden areas. The new access route will link the north and south access points of the estate.

6.9.4 The scheme also aims to improve existing pedestrian links to the site through increased surveillance and appropriate landscaping. It has not been possible to create localised ramp access to Bruce Road between Sites 3A and 3B, and 3B and 3C, due to width restrictions. However, as requested by the Council's Access Officer, public steps in these locations will be designed to allow ease of use by the ambulant and sensory disabled and young or elderly pedestrians. Flats and houses will be constructed with level entrance thresholds, with paving and floor finishes chosen to maximise ease of use for special needs residents and visitors as well as

the young and old.

- 6.9.5 The site is ideally located to take advantage of existing and proposed sustainable transport links. It is hoped that a new direct access route from the estate to the Bow Church DLR station can be achieved through the detailed design of the relevant phase of the development.
- 6.9.6 A Traffic & Transport Impact Assessment (TIA) has been submitted to address the issues arising from the regeneration proposals. This report concludes that the impact on Campbell Road as a result of the regeneration proposals would not be significant. In terms of the potential impact on Bow Road as a result of any increase in traffic flows, it is expected that this can be accommodated by existing junction capacity. With the introduction of a new access road to the estate from Campbell Road, traffic flows on Devons Road, Bromley High Street, and Bruce Road are expected to fall.
- 6.9.7 Concern has also been raised that the new route through the estate would lead to the creation of a 'rat-run'. The TIA report suggests this is unlikely as there would not appear to be any benefit in terms of shorter journey time to such a move. In any case, it is felt that with the introduction of a 20mph zone within the estate, backed up by speed restraint features would reduce the attractiveness as a through route for non-estate traffic.
- 6.9.8 Car ownership levels within the estate are around 28%, compared to the London average of 62%. The proposals involve a redesign of the current car parking provision on the estate. 355 car parking spaces will be provided overall, around 50% provision, through new on street and underground parking areas. The underground parking areas will have secure entrances, CCTV and 24 hour security to ensure their safety in use. They will not be for public use and will be operated on a permit basis. The security and management of the underground parking areas will be privately financed by Swan Housing and will not be subsidised by the Local Authority via Council Tax.
- 6.9.9 The proposed parking provision is in line with current government guidance and Council's emerging Draft UDP, which aim to reduce dependence on the private motorcar. In order to limit the impacts on surrounding streets, the applicant has agreed to enter into a car free agreement which would prevent any residents of the development from obtaining a residents parking permit from the Council. Provision secure cycle storage will be required by condition as part of the detailed applications for the site. An outline Travel Plan has been submitted to implement further methods of encouraging more sustainable methods of transport.
- 6.9.10 An existing paved pedestrian area within the estate runs adjacent to the eastern boundary shared with Regents Square. An issue of objection raised by residents of Regent Square was the loss of this pedestrian footway, which they believe to be a public right of way. It is noted that the new urban layout will include new roads, pedestrian and cycle routes. The existing pedestrian path would be replaced as such by a new access route around 25m to the west. If public right of way does exist over the subject footway, a stopping up order will be required under the Highways legislation, with associated public consultation requirements.

## **6.10 Infrastructure and Services**

- 6.10.1 Many objections raised concern about the ability of the existing infrastructure to cope with/absorb the increased numbers of people to be accommodated within the proposals. The issues in relation to infrastructure, facilities, and services are discussed below.

- 6.10.2 A number of public transport options lie within easy walking distance of the estate including several bus routes, Bow Church DLR station, and Bow Road underground station. Hence, the impact on any one public transport system as a result of the proposals is unlikely to be significant. In addition, capacity will be upgraded over time with the DLR carriage extensions and enhancements to bus and tube services.
- 6.10.3 The applicant states that their consulting engineers have commenced discussions with utility companies and these have not revealed any capacity problems at this stage. If capacity problems do come to light, upgrading costs are commonly borne by the developer.
- 6.10.4 Concern has been raised at the current limited availability of medical services in the local area able to support the new housing proposals. This has led Swan Housing Association to open a dialogue with the Bromley by Bow Centre medical team, the Primary Care Trust (PCT) and the director of the Lift Project in the borough. Swan's discussions with the PCT aim to establish the Crossways Estate within a strategic mapping exercise currently being undertaken to identify health facility requirements in the area and provide a joint solution for new health facilities within this part of the borough. Potential space has been identified and allocated within the lower two floors of Hackworth Point, should such a facility be required on the estate.
- 6.10.5 In relation to local school places, the LBTH Education department has commented that there is some available capacity. In any case, it is expected that the Education department will be able to assess this issue in light of their strategic plans for education provision in the borough.
- 6.10.6 The ground floor area of Priestman Point with a floor area of up to 200m<sup>2</sup>, will be used as a management office for Swan Housing Association together with a community room. It is proposed that the community room be used for teaching/training for local residents and will offer access to personal computers. Residents will also be able to use the space for community activities and events. It is considered that the central location of the proposed community centre within the estate will encourage inclusiveness.

## **6.11 Conservation & Urban Design**

- 6.11.1 The residential terraces fronting Campbell Road, to the north-west of the Crossways Estate, are listed buildings within the Tomlins Grove Conservation Area. There is some concern about the proposed scale of buildings on Site 7 and Site 16 of the layout plan. It is noted that the existing terraces are of a modest domestic character and this should carefully be taken into consideration in the proposed scale of new development. This issue will be considered in more detail with the submission of detailed elevations for this phase of the scheme. The applicant has been made aware that the Council will be looking for a particularly high standard of design for this part of the scheme, which takes into account the above issues.
- 6.11.2 As an outline planning application, no detailed elevations or plans have been provided. However, through preparation of an application for the first detailed phase of development the applicant has provided further information which address some of the main design issues. These are in relation to the provision of dual aspect of units, design and layout of residential entrances, provision of balconies, strong architectural features to corners, use of high quality materials, and demarcation between public and private space. Conditions will be used to ensure external materials to be used on new buildings and cladding of the existing towers are of a high quality.

## **6.12 Construction and Phasing**

- 6.12.1 The operations during construction will be subject to various conditions and requirements, including compliance with both an Environmental Management Plan and Code of Construction Practice. Detailed phasing and sequencing of the works will be developed by the contractor in consultation with the residents and other parties in order to maintain continuing access and safety and to minimise disruption and disturbance to residents. It is considered that the construction impacts in terms of noise, dust, refuse, and access can be controlled and minimised through appropriate conditions.
- 6.12.2 The applicant and Swan Housing have stated they are fully committed to undertaking and completing the proposed regeneration. The construction will be carried out in phases, which are outlined in the submitted phasing plan. It is expected that the process will take around six years to complete.
- 6.12.3 The programming and planning of the regeneration of the estate will be based on the need to minimise disturbance to residents. The decanting process will wherever possible be limited to a single move into a new or refurbished dwelling. Negotiations relating to re-housing and/or compensation are being undertaken with individual leaseholders and tenants by Swan Housing.

## **6.13 Sustainability Issues**

- 6.13.1 A Strategic Sustainability Report has been produced to address the detailed sustainability issues relating to the regeneration proposals. This report will be submitted along with other additional information to be supplied to the GLA prior to referral back to the Mayor. Specific proposals are contained within this report and are to be adopted within the scheme design and construction.
- 6.13.2 These include measures such as new build housing to be constructed to Ecohomes 'Very Good' standard; buildings designed to optimise passive solar design and achieve high insulation levels; a detailed study to assess the appropriateness of installing a combined heat and power system on site (CHP); parking provision set at a level to ensure good public transport links are utilised to minimise local traffic levels; integration of Council recycling strategies; construction processes to optimise the use of sustainably sourced timber and recycled materials; and, development of an ecology and bio diversity plan for the estate.

## **6.14 Objections**

- 6.14.1 The majority of the grounds for objection have been addressed within the above body of the report. Other objection issues are addressed below:
- 6.14.2 Objections received in relation to land ownership issues have been addressed through subsequent revisions to the scheme. In terms of the potential future phase, which involved land currently occupied by garages forming part of Regents Square, this phase has been omitted from the plans. In relation to the narrow strip of land between site 3C and the rear of Regents Square, ownership has been confirmed by the applicant through obtaining the title details. It appears from the title that the subject narrow strip of land does form part of the land parcels that make up the Crossways Estate. Hence, the revised plans showed this land incorporated into the private rear gardens of site 3C to avoid its mis-use, another concern raised by objectors.

6.14.3 Concerns were also raised in relation to access by emergency vehicles to the estate and the rear of Regents Square. It is considered that the new street layout and site access will increase accessibility for emergency services. The proposals involve the more traditional layout of blocks with back to back private gardens. Access by emergency vehicles is available via the front of properties, as is the case for most terraced housing throughout London. The proposals have been presented to the London Fire Brigade who have indicated their support. In general, the risk of disturbance and danger to residents and neighbours would be substantially reduced by the new layout.

6.14.4 Objections in relation to property values and rental incomes are not considered to be a material consideration in relation to this application. The proposals do not involve any serious impingement on existing properties likely to result in any direct loss of property value. If the regeneration proposals are successful in achieving their aims of providing a safer and more sustainable urban environment for the Crossways Estate, adjoining sites are more likely to benefit from the proposals in terms of property prices.

## **6.15 Planning Obligations**

6.14.1 Policy DEV4 of the Adopted UDP states that the Council will seek appropriate planning obligations, in accordance with the advice and various tests (set out in Circulars 1/97 and 8/93, and PPG1) which dictate what constitutes an 'appropriate' planning obligation, i.e. that they should be:-

- relevant to land-use planning.
- directly related to the proposed development.
- fairly and reasonably related in scale and kind to the proposed development.
- should only be sought where they are necessary to make a proposal acceptable in land-use planning terms.

6.14.2 The heads of agreement set out in paragraph 2.4 of this report are considered to be reasonable and necessary, having regard to the above tests. Consideration has also been given to the fact that this is a social housing regeneration project, for which any units for private sale will be used to cross-subsidise new and refurbished affordable housing on the estate.

## **7. SUMMARY**

7.1 The applicant is currently putting together a report to address queries and issues raised within the GLA Planning Report dated 2 August 2004 for the Crossways Estate. This reports and additional documents will be submitted to the GLA, prior to second stage referral.

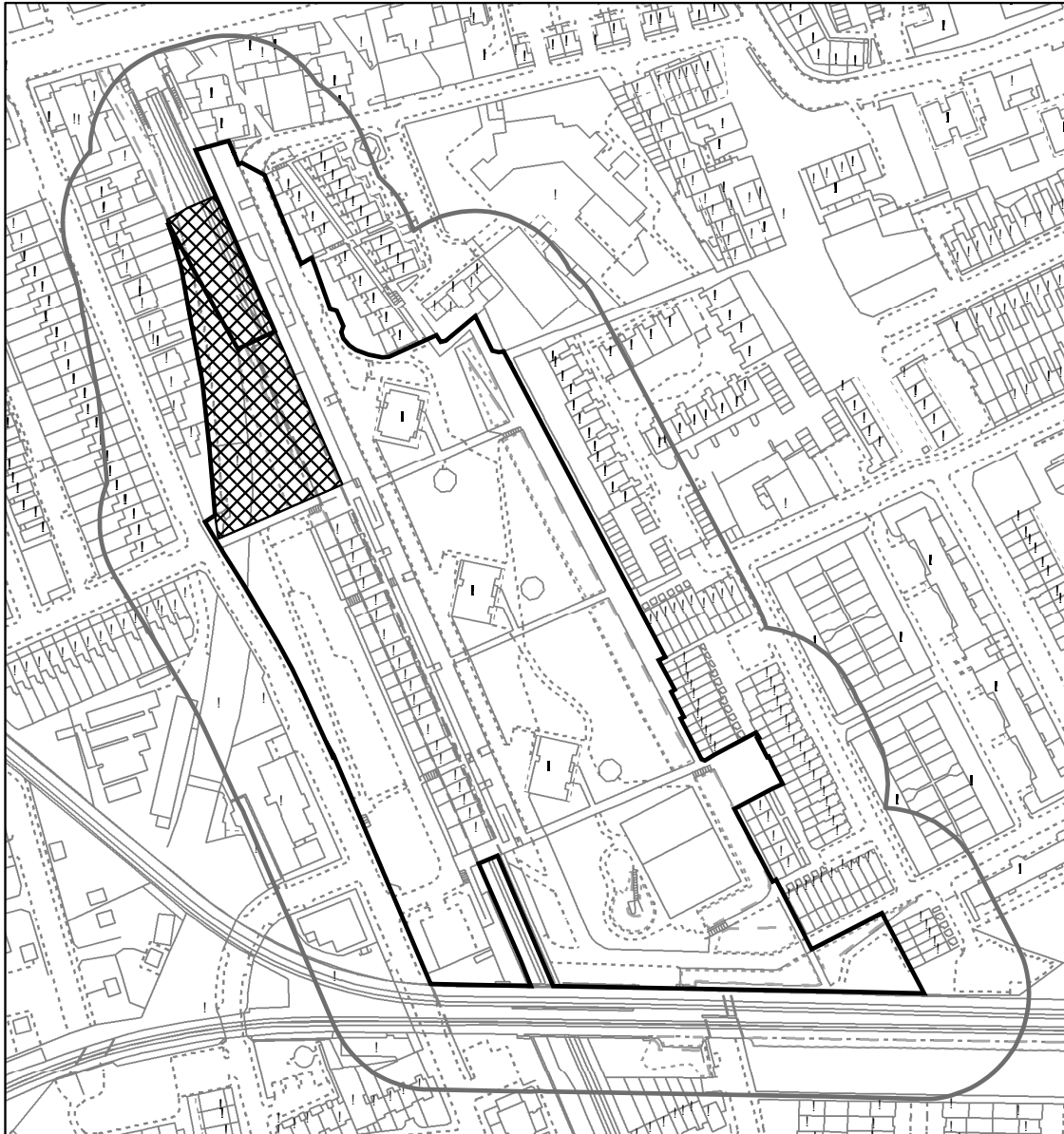
7.2 The scheme represents a major regenerative opportunity for this part of the Borough. The proposal would improve and increase affordable housing on the site, and improve the existing mix with new private housing. Whilst involving a reduction in the amount of open land and loss of some existing recreational facilities, the proposals will result in improved, accessible, safe and usable open space and recreational facilities and would contribute towards the successful regeneration of the estate. New access routes and infrastructure improvements would link the estate more effectively with surrounding residential areas.

- 7.3 Whilst mindful of the various complexities of the site, it is considered that the broad parameters of the regeneration proposals as provided within this outline application are acceptable. Section 106 legal agreements, conditions, and reserved matters will be used to ensure the issues raised within this report are appropriately addressed at the detailed design and construction stage.
- 7.4 In conclusion, the Committee is recommended to grant outline planning permission.



# Site Map

Scale 1:2,500



0 50 100 Metres

Map For:

## CROSSWAYS ESTATE RAINHILL WAY LONDON E3

### Legend

- ! Land Parcel Address
- ▭ Planning Application Site Boundary
- ▨ Public Open Space
- - - Consultation Area



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<b>Committee:</b> Development	<b>Date:</b> 10 <sup>th</sup> January 2007	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.3
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Rachel Blackwell		<b>Ref No:</b> PA/06/01852	
		<b>Wards:</b> Bromley by Bow/Mile End East	

## 1. APPLICATION DETAILS

<b>Location:</b>	Crossways Phase 5, Campbell Road, Bow E3
<b>Existing Use:</b>	Former railway cutting, currently used as a car park with landscaped area to the north
<b>Proposal:</b>	Erection of buildings up to six (6) storeys to provide 232 flats
<b>Drawing Nos:</b>	A2669CS/2.3/124 (Sept 06), A2669CS/2.1/030 (Sept 06), A2669CS/2.1/031 (Sept 06), A2669CS/2.1/032 (Sept 06), A2669CS/2.1/033 (Sept 06), A2669CS/2.1/034 (Sept 06), A2669CS/2.1/035 (Sept 06), A2669CS/2.1/036 (Sept 06), A2669CS/2.1/037 (Sept 06), A2669CS/2.1/038 (Sept 06), A2669CS/2.1/039 (Sept 06), A2669CS/2.1/040 (Sept 06), A2669CS/2.1/041(Sept 06), A2669/2.3/125 (Sept 06), A2669/2.3/126 (Sept 06), A2669/2.3/127 (Sept 06), A2669/2.3/128 (Sept 06), A2669/2.3/129 (Sept 06) A2669CS/3.1/001(Sept 06), A2669CS/3.1/002 (Sept 06), A2669CS/2.3/102 (Sept 06), A2669CS/2.3/103 (Sept 06), A2669CS/2.3/104 (Sept 06), A2669CS/2.3/105 (Sept 06), A2669CS/2.3/106 (Sept 06), A2669CS/2.3/107 (Sept 06), A2669CS/2.3/108 (Sept 06), A2669CS/2.3/109 (Sept 06), A2669CS/2.3/110 (Sept 06), A2669CS/2.3/111 (Sept 06), A2669CS/2.3/112 (Sept 06), A2669CS/2.3/113 (Sept 06), A2669CS/2.3/114 (Sept 06), A2669CS/2.3/115 (Sept 06), A2669CS/2.3/116 (Sept 06), A2669CS/2.3/117 (Sept 06), A2669CS/2.3/118 (Sept 06), A2669CS/2.3/119 (Sept 06), A2669CS/2.3/120 (Sept 06), A2669CS/2.3/121 (Sept 06), A2669CS/2.3/122 (Sept 06), A2669CS/2.3/123 (Sept 06) Planning (Design and Access) Statement Traffic Impact Assessment Sustainability and Energy Strategy
<b>Applicant:</b>	Swan Housing Association C/- PRP Architects
<b>Owner:</b>	Swan Housing Association
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	Adjacent to the Tomlins Grove Conservation Area

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstance of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated Supplementary Planning Guidance, the London Plan and Government Planning Policy Guidance and has found that:

- a) In principle the redevelopment of the site to provide 232 units is acceptable, subject to an appropriate supplementary planning obligations agreement and conditions to

mitigate against the impact of the development and minimise any adverse impact to future occupiers of the development. These obligation and conditions will also relate the development to the overall Crossways Masterplan approved via permission PA/03/01683; and

- b) It is considered that the redevelopment of the site for 232 units would not have an adverse impact upon the amenity of surrounding properties. A number of conditions are recommended to secure submission of details of material, landscaping, external lighting, sound insulation and to control noise and hours of construction.

### 3.0 RECOMMENDATION

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

- a) The prior completion of a **Supplementary Legal Agreement** to the satisfaction of the Chief Legal Officer, to secure obligations as related to PA/03/01683 approved on the 5<sup>th</sup> August 2005, relating to the wider Crossways Masterplan (Crossways estate, Rainhill Way, including 1-43 Holyhead close, London E3).

3.2 That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following:

#### Conditions

- 4) Time limit - three years.
- 5) Details of external materials, including the submission of a sample board to be submitted.
- 6) Details of access arrangements:-
  - i) Level access way at the ramp approach;
  - ii) Raised safety strips either side of the vehicle ramp;
  - iii) Underground car park layout;
  - iv) Entry barrier to the ramped access to car park;
  - v) Clarification required as to how vehicles entering via the ramp, denied access will be able to exit without having to reverse back up the ramp.
  - vi) Pedestrian visibility splays;
  - vii) Provision of 232 cycle spaces;
  - viii) Access to garage structure.
- 7) Submission of an Air Quality Assessment.
- 8) Details of any external lighting.
- 9) Details of a Secured by Design Statement (SBD) demonstrating safety and security measures.
- 10) Details of existing trees to be removed retained or relocated and proposed replacement trees.
- 11) Should the existing trees protected by the Tree Preservation Order (TPO) be damaged, suitable replacement planting should be carried out.
- 12) Details of hard and soft landscaping treatment with details of landscaping along the railway corridor to be submitted to Network Rail.
- 13) Landscape management plan.
- 14) Provision of refuse store(s) and recycling facilities.
- 15) Investigations and remediation measures for land contamination.
- 16) Details of post completion vibration testing is carried out on the building foundation.
- 17) Hours of construction (8.00am and 6.00pm Mondays to Fridays and 9.00am and 1.00pm Saturdays).
- 18) Power/hammer driven piling/breaking out of materials (10.00am and 4.00pm Monday to Friday).

- 19) Details of the route to be used for construction traffic.
- 20) Details on in site parking and delivery arrangements during the construction phases.
- 21) Submission of a code of construction practice.
- 22) Submission on an environmental management plan.
- 23) Submission of a full method statement detailing alterations to ground levels.
- 24) Details of noise mitigation measures for the upper floor units to be submitted.
- 25) Any other condition(s) considered necessary by the Head of Development Decisions.

### **Informatives**

- 2) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
- 3) The proposed development will result in buildings that will abut the public highway, Mr Martin Waugh of Structures and Bridges should be consulted.
- 4) The District and Hammersmith and City Lines pass close to the south end of the application site. The application drawings suggest that the nearby building (Block A) can probably be constructed without endangering the railway however it would be prudent for the applicant to contact Mr J Lee Assistant Infrastructure Protection Manager at London Underground (020 7027 9557) to discuss the construction process and related matters.
- 5) In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving network through on or off site storage. Please contact Thames Water on 0845 850 2777.
- 6) There are public sewers crossing this site, therefore no building will be permitted within 3 metres of the sewers without Thames Waters approval. Please contact Thames Water on 0845 850 2777.
- 7) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8) Crossrail would like to be appraised on a regular basis regarding the progress of the proposed works. The developer should make Crossrail aware of any 'features' in the ground that may be discovered during demolition or construction phases.
- 9) With regard to comments of DLR please refer to their letter of the 1<sup>st</sup> December 2006 (Reference 01.12.06 GEN008.5.RB) detailing comments in relation to the application.
- 10) Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land. The primary concern is the safe running of the operational.
- 11) Additional or increased flows of surface water must not be discharged onto Network Rail land nor into Network Rail's culverts or drains. In the interests of long term stability of the railway, soakaways should not be constructed within 10m of the boundary with the operational railway.
- 12) In order to ensure the proposed development can be constructed and maintained without encroachment onto the operational railway line all buildings and structures should be set back at least 2m from the boundary with the operational railway or at least 5m for overhead power lines.
- 13) With regard to condition 12 (Decontamination), you should contact the Council's Environmental Health Department, Mulberry Place (AH), 4<sup>th</sup> Floor, PO Box 55739, 5 Clove Crescent, London, E14 1BY.
- 14) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department, Mulberry Place (AH), 4<sup>th</sup> Floor, PO Box 55739, 5 Clove Crescent, London, E14 1BY.
- 15) You should consult with the Council's Highways Development Department Mulberry Place (AH), 4<sup>th</sup> Floor, PO Box 55739, 5 Clove Crescent, London, E14 1BY regarding any alterations to the public highway.

- 3.3 That if by the 10<sup>th</sup> July 2007 the supplementary legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

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

##### **Background**

- 4.1 An outline planning application (PA/03/01683) for the estate regeneration was submitted to the Council in December 2003. Outline permission was granted on the 5<sup>th</sup> August 2005. Since the granting of permission the owner of the site, Swan Housing, has been further developing the business plan to maximise the level of direct cross funding from the private sale element of the scheme to finance the affordable housing and site wide infrastructure elements. This has led to an increase in the number of dwellings to be constructed as part of the new build phase (Phase 5).
- 4.2 Due to the increase in unit numbers LBTH advised the developer that a new planning application for phase 5 would be required. The new application is generally consistent with the massing and siting parameters established within the existing outline planning consent for the wider estate.

##### **Proposal**

- 4.3 An application has been made for full planning permission to redevelop land located on the western edge of the Crossways Estate between the DLR tunnel and Campbell Road to the west.
- 4.4 The development will comprise the construction of 5 to 6 storey buildings containing residential development. The development is proposed to incorporate 232 residential units, including 226 private units and six (6) affordable units, with 110 car parking spaces, 15 motorcycle spaces and 74 cycle spaces provided within a sub basement level.
- 4.5 The proposed buildings would comprise part 5, part 6 storey elements with a predominantly 5 storey form to Campbell Road and a stepped back 6<sup>th</sup> storey massed to the eastern portions of the site. These heights are generally consistent with the approved outline scheme.
- 4.6 Given the sloping nature of the site and the variation in levels, the buildings provide a one storey variation between blocks C and D, thereby maintaining a similar relationship to Campbell Road.
- 4.7 Each of the blocks are clearly defined with entrances accessed from Campbell Road. Between protruding blocks the frontage is recessed to create landscaping.
- 4.8 At the centre of the building the vehicle access passes through a two storey high space underneath a three storey bridge of accommodation above.
- 4.9 The new Crossways access road approved as part of the outline planning permission for the wider estate is located opposite Tomlins Grove in between blocks F and G. This access road does not form part of this application.
- 4.10 To the east of the site the blocks rise to 6 storeys and then step down creating a series of roof top terraces with views over the wider Crossways Estate.
- 4.11 At the east end of blocks F and G the proposals extend over the DLR tunnel which is currently occupied by walkway access areas and part of Holyhead Close. Two blocks of

three storeys are proposed to be erected on new bridging structures at this location.

4.12 The levels of the site vary substantially from both north/south, and east/west. The majority of the site is currently at a lower level than Campbell Road and the top of the DLR tunnel to the east of the site. At the southern portions of the site the new building would be located at ground level, as Campbell Road rises towards the north of the site. An undercrofted area forms a basement providing parking for motor vehicles and bicycles, bulk storage, building plant, and substation. The area above this lower level would incorporate a communal garden.

4.13 It is proposed to retain part of the existing brick boundary wall to Campbell Road. A new brick wall and metal railings with hedging behind would be used to provide security and privacy to gardens, courtyards and private areas.

4.14 Located to the north of the site is an open space area. It is proposed to retain this area of open space as part of the development.

The proposal differs from the outline scheme in the following ways:

- 4.15
- The curving front elements have been redesigned as a series of orthogonal elements which are more consistent with surrounding developments.
  - The amount of articulation in the front elevation has been increased to provide more visual interest and reflect the rhythm of properties on Campbell Road.
  - The building footprint has been set back from Campbell Road to allow for additional landscaping and articulation.
  - The four storey element to the north of the site has been setback to improve the relationship between the proposal and the adjoining property.
  - The three storey elements over the DLR tunnel no longer extend beyond the tunnel edge to the east in order to address structural constraints.

### **Site and Surroundings**

4.16 The application site comprises land at Phase 5 Crossways Estate, Campbell Road, Bow. The site has an overall area of 0.96ha and comprises sites 6A, 6B, 7 and 16, which form the western portion of the wider Crossways Regeneration Scheme approved via planning permission (PA/03/01683).

4.17 The site is located on Campbell Road within 200 metres to the south of Bow Road. The site is a previous railway cutting, which is currently occupied by a car park and landscaped area, which forms the car park for residents within the existing Crossways Estate.

4.18 The existing Crossways Estate constructed in the 1970s currently relies upon access via a series of elevated walkways with roads and open spaces located at a lower level. This has resulted in:

- Poor pedestrian access;
- Varying site levels;
- Poor integration with the surrounding area;
- High levels of crime and anti social behaviour;
- Poor quality open space;
- Lack of on site facilities;
- Poor condition of buildings; and
- Poor quality of housing.

4.19 An existing DLR tunnel is located to the east of the site. Presently located above this tunnel is Holyhead Close, which is proposed to be demolished as part of the development. Located

further to the east is the wider Crossways Estate.

- 4.20 Immediately to the south of the site is a railway viaduct which accommodates both London underground and C2C services.
- 4.21 Located on the opposite side of Campbell Road is a mixture of development including, residential and commercial uses as well as the Cherry Trees School.
- 4.22 The Tomlins Grove Conservation Area is located to the north west of the site, which contains a unified group of terrace properties, which are fine examples of early and later 19<sup>th</sup> century properties.
- 4.23 There are a number of existing trees located on the site. Two trees located to the north west of the site adjacent to the Campbell Road frontage are subject to a Tree Preservation Order. It is proposed to retain these trees as part of the development proposal for the site. A majority of existing vegetation will be removed.
- 4.24 The site has a public transport accessibility level of 4 (where 6b is the highest). Bow Church DLR Station is located approximately 200 metres to the north of the site and Devons Road DLR Station is located approximately 300 metres to the south. Bow Road Underground Station (Hammersmith & City and District lines) is located approximately 300 metres to the north west and can be reached in about 5-10 minutes by foot. There is a bus stop located on Campbell Road adjacent to the site, which operates the D8 bus service (Stratford to Crossharbour).

### **Planning History**

- 4.25 The following planning decisions are relevant to the application:

- PA/03/01683 Outline Planning permission was issued on the 5<sup>th</sup> August 2005 for Demolition of 1-43 Holyhead Close; refurbishment, including cladding, of three tower blocks, and sub-division of larger flats therein to increase the number of units from 276 to 296 units. New development of 363 units of housing for sale and for rent, in blocks up to 6 storeys high, on land within the estate including designated housing amenity land. The proposal will include a new access road and a new community centre, with associated parking and landscaping.
- PA/04/01131 An application was made on the 9<sup>th</sup> August 2004 for construction of buildings ranging from three to six storeys to provide 104 dwellings at the southern portion of the Crossways Estate. No decision to date.
- PA/06/00886 An application was refused on the 29<sup>th</sup> September 2006 for a retrospective application for the construction of 2 no. houses and 8 no. flats.
- PA/06/01865 An application was made on the 13<sup>th</sup> October 2006 for the construction of one, two storey house, one three storey house and eight flats in a four storey block. No decision to date.
- PA/06/02095 An application was made on the 22<sup>nd</sup> November 2006 for the refurbishment and extension of ground and first floors of Priestman Point to provide a new community centre. No decision to date.

## **5. POLICY FRAMEWORK**

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

## **Unitary Development Plan**

Proposals:	101	Campbell Road – Road widening
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV13	Design of Landscape Scheme
	DEV14	Tree Preservation Orders
	DEV15	Retention & Replacement of Mature Trees
	DEV16	Works to Trees Subject to Tree Preservation Orders
	DEV28	Development Adjacent to Conservation Areas
	DEV50	Noise
	DEV51	Soil Tests
	DEV55	Development & Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
	HSG1	Provision for Housing Development
	HSG2	Location of New Housing
	HSG3	Affordable Housing
	HSG7	Dwelling Mix & Type
	HSG8	Mobility Housing
	HSG9	Density in Family Housing
	HSG10	Density of New Housing Development
	HSG13	Standard of Dwelling
	HSG16	Housing Amenity Space
	T15	Location of New Development
	T17	Planning Standards (Parking)
	T21	Pedestrian Needs in New Development
	T24	Cyclists Needs in New Development

## **Emerging Local Development Framework**

Proposals:	CP43	Draft Crossrail Boundary
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix & Type
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP30	Improving the Quality and Quantity of Open Space
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
Policies:	DEV1	Amenity
	DEV2	Character & Design



DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-use Schemes
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG5	Estate Regeneration Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
CON2	Conservation Areas

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

Designing Out Crime  
Sound Insulation  
Residential Space  
Landscape Requirements

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

Policy 4A.7 Energy Efficiency and Renewable Energy  
Policy 4A.8 Energy Assessment  
Policy 4A.9 Providing for Renewable Energy  
Policy 4A.10 Supporting the provision of Renewable Energy  
Policy 4A.14 Reducing Noise  
Policy 4B.1 Design Principles for a compact city  
Policy 4B.2 Promoting world class architecture and design  
Policy 4B.3 Maximising the potential of sites  
Policy 4B.4 Enhancing the Quality of the Public realm  
Policy 4B.5 Creating an inclusive environment  
Policy 4B.6 Sustainable Design and construction  
Policy 4B.7 Respect Local context and communities  
Policy 4C.2 Context for sustainable growth

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

PPG1 Generally Policy and Principles  
PPG3 Housing  
PPG13 Transport  
PPG24 Planning & Noise  
PPS1 Delivering Sustainable Development  
PPS22 Renewable Energy

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

## 6. CONSULTATION RESPONSE

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

### **LBTH Environmental Health**

#### 6.2 Contaminated land

Condition this application to ensure the developer carries out a site investigation to investigate and identify potential contamination.

#### Noise

All the facades facing both mainline and DLR rail lines should be protected from external noise using glazing and ventilation systems listed as "Type 1" in the supporting document submitted

The isolation proposed may not be sufficient, and no structural information has been submitted to indicate that the foundation will mitigate noise and vibration that might result. It is recommended that post completion vibration testing is carried out on the building foundation, and the results submitted to Environmental Health to review before any further works.

### **LBTH Sustainability Officer**

6.3 No reply received.

### **LBTH Highways Development**

6.4 In summary:

The proposed vehicle accesses and servicing arrangements for the site are deficient and need to be reviewed.

An additional vehicular access to the development is proposed off Campbell Road for the undercroft parking of 110 spaces, unnecessary additional vehicular accesses should be resisted because it creates more potential conflict points between vehicles/vehicles and pedestrians/vehicles.

#### Sightline assessment

No information/plans have been submitted to show whether the new proposed access road visibility sightlines achieve the required guidance distances along both sides of Campbell Road.

#### Servicing arrangements

Service vehicles must be able to turn into the new proposed access road from Campbell Road without infringing onto the opposing lanes of traffic of both the access road and Campbell Road.

Access points for refuse vehicles should not be further than about 25m from dustbin collection points in houses and 9m from refuse storage chambers in flats.

#### Parking Assessment

In view of the existing provision parking should be kept to a minimum which means no more parking than the current provision. The proposed City Car Club should be enhanced to compliment the reduced parking and thus any increased demand for car use.

#### Car park layout

At least 6.0m of level access way at the ramp required.

The existing garage structure is being retained therefore appropriate access is required.

#### Other matters

The applicant will be liable for the total cost of any measures/improvements which as a result of the development are required/proposed on the public highway to improve road safety and including commuted maintenance payment (15 years). This will require the developer to enter into a legal Agreement with LBTH.

Officer comment: A number of conditions are recommended to ensure that the development is satisfactory.

#### **LBTH Housing Strategy Group**

- 6.5 The detailed planning application is satisfactory, and in line with the Borough's requirements. The Crossways Estate as an overall scheme represents a major regeneration opportunity for this part of the Borough.

#### **LBTH Corporate Access Officer**

- 6.6 No objection to the application.

#### **LBTH Energy Efficiency Unit**

- 6.7 Various comments made in relation to the energy proposals submitted.

#### **London Underground**

- 6.8 No comments to make on the application.

#### **Network Rail**

- 6.9 No objection subject to relevant conditions and informatives.

#### **Metropolitan Police**

- 6.10 Secured by design (SBD) principles are required for this scheme, as per the other schemes within this development.

#### **Thames Water**

- 6.11 No objection subject to standard conditions and informative.

#### **Crossrail**

- 6.12 No comments on the application as submitted. However the following points are made:

- Crossrail would like to be appraised on a regular basis on the progress of the works.
- Crossrail would like to visit the site during the works.
- The developer should make crossrail aware of any features in the ground that may be discovered during demolition or construction phases.

## **DLR**

- 6.13 The DLR provided a number of comments regarding the protection of DLR property during demolition and construction.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 315 neighbouring properties within the area shown on the map appended to this report were notified of the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	0	Objecting:	0	Supporting:	0
No of petitions received:	0				

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the Committee must consider are:
1. Residential Density
  2. Design & Layout
  3. Amenity
  4. Housing
  5. Energy Efficiency
  6. Noise
  7. Vegetation
  8. Transport & Car Parking
- 8.2 As discussed throughout this report this scheme was approved in outline (PA/03/01683) as part of the wider Crossways Estate Regeneration Scheme in 5<sup>th</sup> August 2005.
- 8.3 Since the granting of permission the owner of the site, Swan Housing, has been further developing the business plan to maximise the level of direct cross funding from the private sale element of the scheme to finance the affordable housing and site wide infrastructure elements. This has led to an increase in the number of dwellings to be constructed as part of the new build phase (Phase 5).
- 8.4 The provision of a substantial number of private homes within the estate will seek to improve the mix of residents and provide a more diverse range of housing tenures. The sale of the market units within Crossways Phase 5 will assist in the funding of new affordable housing units along with the infrastructure improvements on the estate. These improvements will seek to assist in addressing current high levels of crime and antisocial behaviour on the estate and result in an improved living environment in accordance with the objectives of the LBTH Community plan and planning policies.
- 8.5 The new application is generally consistent with the massing and siting parameters established within the existing outline planning consent for the wider estate. The proposal currently under consideration by Council contains 232 units as opposed to the 184 approved

via the original outline permission. The increase in unit numbers has led to a minor variation in the setbacks of the buildings. The building heights will not be altered. In many instances the variation results in an increase in communal amenity impacts in comparison to the outline scheme.

### **Residential Density**

- 8.6 UDP policy HSG9 has largely been superseded by the density policies of the London Plan 2004 and Policy HSG1 of the Local Development Framework – Core Strategy and Development Control Submission Document. These both include the implementation of a density, location and parking matrix, which links density to public transport availability as defined by PTAL (Public Transport Accessibility Level) scores which are measured on a scale of 1 (low) – 6 (high).
- 8.7 It is acknowledged that the site is well served by public transport with a PTAL '4'. For 'urban site's with a PTAL range of 4 to 6, the appropriate density of 450-700hr/ha would allow for dense development, with a mix of different uses and buildings of three to four storeys. The proposed density of 725 hr/ph only marginally exceeds the greater level of the density range, indicating that although the development has a high density, in terms of the proposed development's role in the regeneration of the wider Crossways Redevelopment it seeks to contribute to the provision of housing styles and types on offer and provide a high standard of accommodation for future occupants. In addition the site is well served by public transport, open space and local facilities and is capable of sustaining this level of development.

### **Design & Layout**

- 8.8 It is considered that the proposal would conform with the design and environmental policies DEV1 and DEV2 of the 1998 UDP and Policy DEV2 of the Local Development Framework – Core Strategy and Development Control Submission Document, which requires the bulk, height and density of development to positively relate to surrounding building plots and blocks, and the scale of development in the surrounding area.
- 8.9 The proposed height and footprint including the massing, bulk and form of the buildings are generally consistent with the existing outline approval. The original curving front elevation has been redesigned as a series of orthogonal elements, which feature a staggered setback assisting in the articulation of the building and creating spaces within the front setback for the incorporation of landscaping, which will soften the appearance of the buildings and improve the relationship to surrounding development, including the Tomlins Grove Conservation Area to the north west.
- 8.10 The building materials and finishes of the proposed building have been chosen to provide a more attractive character to that of the existing estate.
- 8.11 A number of the units within the scheme that are labelled as 2 bed, 4 person units fall short of the Council's Supplementary Planning Guidance – Space Standards. It should be noted that if these units were 2 bed, 3 person units they would comply with the Supplementary Planning Guidance. Of those that do not comply all are within 10% of the requirement thereby ensuring a high standard of amenity for future occupants. The development also incorporates communal open space in terms of landscaped gardens. It is therefore considered that a refusal of the application on this basis could not be sustained.
- 8.12 Overall it is considered that the detailed design of the proposal is generally consistent with the existing consented scheme with an improved relationship to Campbell Road the adjacent conservation area and surrounding development. It is recommended that a "sample board" for all proposed external finishes be provided as a condition of approval to ensure that high quality materials are used which should result in a high standard of

development.

### **Accessibility & Inclusive Design**

- 8.13 The proposed development and its public and private spaces incorporate inclusive design principles and can be safely, comfortably and easily accessed and used by as many people as possible in accordance with UDP policies DEV1 and 2 and policy DEV 3 of the Local Development Framework – Core Strategy and Development Control Submission Document.
- 8.14 The development is oriented to the street with both defined and accessible entries which should provide a high standard of amenity for future occupants and visitors to the site.
- 8.15 Due to a variance in levels the site currently exhibits poor pedestrian and site access which has led to a poor quality environment, a high level of crime and anti social behaviour.
- 8.16 The Crossways regeneration scheme, which includes the proposed development of Phase 5 seeks to improve accessibility and permeability throughout the site and with the surrounding area. The proposed units are designed to incorporate lifetime homes standards.
- 8.17 The proposed development of Phase 5 has previously been approved in outline via permission PA03/01683, this included the provision of an access road providing vehicle and pedestrian access from Campbell Road to Holyhead Close to the east, improved access to public transport and surrounding services. These key linkages throughout the estate are proposed to be maintained as part of the proposed scheme and are subject to agreement between the developer and Council Highways Engineers.

### **Safety & Security**

- 8.18 UDP Policies DEV1 and 2 and Policy DEV 4 of the Local Development Framework – Core Strategy and Development Control Submission Document seek to ensure that safety and security within development and the surrounding public realm are optimised through goods design and the promotion of inclusive environments.
- 8.19 The subject site is currently a location with a high incidence of crime and antisocial behaviour. It is considered a 'no go' area for many residents within the Crossways Estate and from the wider area. The promotion of safety and security within the development is therefore paramount to the design of the proposed scheme.
- 8.20 Building entrances within the development are designed to be safe and accessible with each entry being readily visible from the Campbell Road and central access road frontage thereby providing a high standard of safety and security for future occupants.
- 8.21 Windows and balconies within the development are oriented towards Campbell Road and the Crossways internal access road, as well as open space areas within the development, which should ensure natural surveillance of the public domain.
- 8.22 Public and private spaces within the development are clearly delineated through the provision of fencing and landscaping treatments.
- 8.23 The Metropolitan Police have been consulted on the application. It is recommended that a secured by design statement be submitted as a condition of approval to ensure that safety and security measures on the site are implemented and effectively managed, these would include, lighting, surveillance systems, graffiti resistance and to ensure that private areas within the development are safely and effectively secured.

## **Amenity**

- 8.24 UDP Policy DEV2 and policy DEV 1 Amenity of the Local Development Framework – Core Strategy and Development Control Submission Document seeks to ensure that development seeks where possible to protect and enhance the amenity of existing and future residents as well as the amenity of the public realm.
- 8.25 It is considered that the proposed development should not result in overlooking or loss of privacy to surrounding development. The proposal is massed centrally on the site and features a staggered footprint or varied setbacks to both the Campbell Road frontage and the rear (east) site boundary where it abuts site 2.
- 8.26 Given the central siting of the buildings on the site, habitable room windows of dwellings within the development be located in excess of 18 metres from adjoining development thereby minimising potential for loss of privacy and overlooking of surrounding properties.
- 8.27 The proposed communal gardens located above the DLR tunnel will be suitably landscaped with trees and shrubs and incorporate an ecological buffer strip to ensure that potential overlooking impacts to future residents within site 2 at Holyhead Close are minimised.
- 8.28 In relation to sun and daylight the applicant has undertaken a daylight study which indicates that the development would generally improve the daylight received by surrounding properties in comparison to the proposed consented scheme, given the proposed staggered setbacks.

## **Housing**

- 8.29 Adopted UDP Policy HSG3 seeks an affordable housing provision on sites capable of providing 15 or more units in accordance with the Plan's strategic target of 25%. Policy 3A.8 of the London Plan states that Boroughs should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and the Borough's own affordable housing targets.
- 8.30 The Local Development Framework – Core Strategy and Development Control Submission Document Policy CP22 seek 50% affordable housing provision from all sources across the Borough with a minimum of 35% affordable housing provision on site's capable of providing 10 or more dwellings. Policy HSG10 confirms that affordable housing will be calculated in terms of habitable rooms with the exception of where this yields a disparity of 5% or more compared to calculation in terms of gross floor space.
- 8.31 Policy HSG5 of the Local Development Framework – Core Strategy and Development Control Submission Document states that where proposed housing on estate regeneration sites includes market housing, the Council may consider varying its requirement for contributions towards additional affordable housing where it can be sufficiently demonstrated that the provision of market housing on the estate regeneration site is necessary in order to cross subsidise the works being undertaken to bring existing dwellings on site up to a decent homes plus standard.
- 8.32 Council Housing officers confirmed that from a Housing perspective, the detailed planning application is satisfactory, and in line with the Borough's requirements. The scheme represents a major regeneration opportunity for this part of the Borough.
- 8.33 Whilst Phase 5 is almost exclusively homes for sale, proceeds from the receipts are to cross subsidise works elsewhere on the estate, which include building new and improving existing social rented housing, and improving the estate's infrastructure. The overall scheme was detailed in the outline planning permission granted in August 2005. This application is in line with that outline planning application for the whole estate. It is important to note that there

will be an overall net gain of social rented housing due to the scheme.

- 8.34 The overall scheme is to provide affordable housing, to improve communal and private amenity spaces, landscaping and parking, and to provide a new strategic access road to connect the estate with the wider community. The scheme includes the refurbishment of existing tower blocks, the demolition of homes directly over what is now a live railway (the DLR) and the erection of further new dwellings.
- 8.35 As well as providing for a wider range of housing needs than what was possible with the existing housing, provision for shared ownership and outright sale will improve the mix of residents and provide a more diverse range of tenures to assist with the long term sustainability of the estate.
- 8.36 Further to the Section 106 engrossments of 5<sup>th</sup> August 2005, where the Affordable Housing Unit Mix had been approved for the project's outline planning permission, the breakdown for the new proposals still allow for an affordable unit proportion of 50.38% (64% in terms of bedrooms rather than units). This meets the targets of LBTH 'minimal reasonable' (35%) and the GLA (50%). In terms of the property sizes 53% of the new build Social Housing Grant assisted homes for the overall scheme are family sized units of 3 bedrooms or more.

### **Energy Efficiency**

- 8.37 The Local Development Framework – Core Strategy and Development Control Submission Document contains a number of policies to ensure the environmental sustainability of new development. Policy DEV6 requires major development to incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site. In addition all new development is required to include a variety of measures to maximise water conservation (Policy DEV7), incorporate sustainable drainage systems (Policy DEV8) and construction materials (Policy DEV9). In addition all new development is required to make sufficient provision for waste disposal and recycling facilities (Policy DEV15).
- 8.38 The applicant has submitted a sustainability and energy strategy which outlines the proposed and potential energy efficiency and renewable energy measures within the scheme consistent with the London Renewables toolkit and Part L of the Building Regulations.
- 8.39 A full renewable energy technology options appraisal has been undertaken for the proposed development as part of the wider sustainability strategy for the estate. Energy efficient measures are proposed as follows:
- Enhanced building fabric performance
  - Efficient lighting and appliances
  - Controlled external lighting
  - Drying space for clothes
  - User guidance on energy efficiency
- 8.40 A hybrid system of 16 small urban wind turbines and 252m<sup>2</sup> of photo-voltaic panels have accordingly been designed into the proposals, optimising both solar and wind availability.
- 8.41 The applicant states that the production of onsite electricity from turbines and PV panels will result in a reduction in NO<sub>x</sub>, SO<sub>x</sub> and particulate matter from inefficient centralised grid electricity generation as well as a reduction in CO<sub>2</sub> emissions by 44,096 kgCO<sub>2</sub>/annum equivalent to 10% of the developments anticipated CO<sub>2</sub> emissions. Suitable planning conditions can ensure that this undertaking is upheld.

### **Noise**

- 8.42 UDP Policy DEV50 and DEV10 of the Local Development Framework – Core Strategy and



Development Control Submission Document. Seek to ensure that appropriate attenuation measures are used for development that is likely to either generate or be subject to noise and or vibration pollution.

- 8.43 The site is located in close proximity to a number of noise sources, including the DLR, National Rail/London Underground Services, Crossrail and Campbell Road and it is proposed to construct several units above the existing DLR tunnel to the east of the site. These noise sources may have the potential to generate unreasonable levels of noise and vibration, which may impact upon the amenity enjoyed by future occupants.
- 8.44 The applicant has submitted a noise and vibration assessment for the proposed development which includes the following mitigation measures to address noise and vibration issues:-
- Glazing
  - Ventilation
  - Materials of construction
  - Separation of buildings from the tunnel structure to avoid vibration
  - Isolation of piles above the Crossrail tunnels
  - The applicant will require DLR consent for any works within 5m of the DLR railway
- 8.45 These mitigation measures have been assessed by Council's Environmental Health Department and it is considered that all facades facing both mainline and DLR rail lines should be protected from external noise using glazing and ventilation systems as listed in the supporting documents submitted.
- 8.46 It is recommended that post completion vibration testing is carried out on the building foundations, and the results submitted to Environmental Health to review. This can be addressed via relevant conditions of approval.

### **Vegetation**

- 8.47 The construction of the proposed building will involve the removal of many trees across sites 6, 7 and 9 of the Crossways Estate. The removal of these trees is necessary to accommodate the new building layout, including improved access throughout the estate. The loss of these trees would be compensated by the implementation of planting envisaged in the relevant landscape plan for the development.
- 8.48 There are two 'broad leafed lime trees' protected by a Tree Preservation Order (TPO) located to the north of the site adjacent to the Campbell Road frontage (Site 16). These trees would be located adjacent to Block G of the proposed building. Should these trees be damaged in any way suitable replacement planting should be carried out featuring similar tree species. It is recommended that this planting be addressed in the conditions of approval should permission be granted.

### **Transport & Parking**

- 8.49 Both the UDP and the Local Development Framework – Core Strategy and Development Control Submission Document contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, lorries and supports movements by walking, cycling and public transport.
- 8.50 In accordance with Policy DEV17 the applicant has submitted a transport assessment which demonstrates the impacts of the development upon the local transport network and details a number of appropriate mitigation measures.
- 8.51 The junction and access road into the Crossways development have been approved via the previous permission PA/03/01683 and do not form part of this application. These access

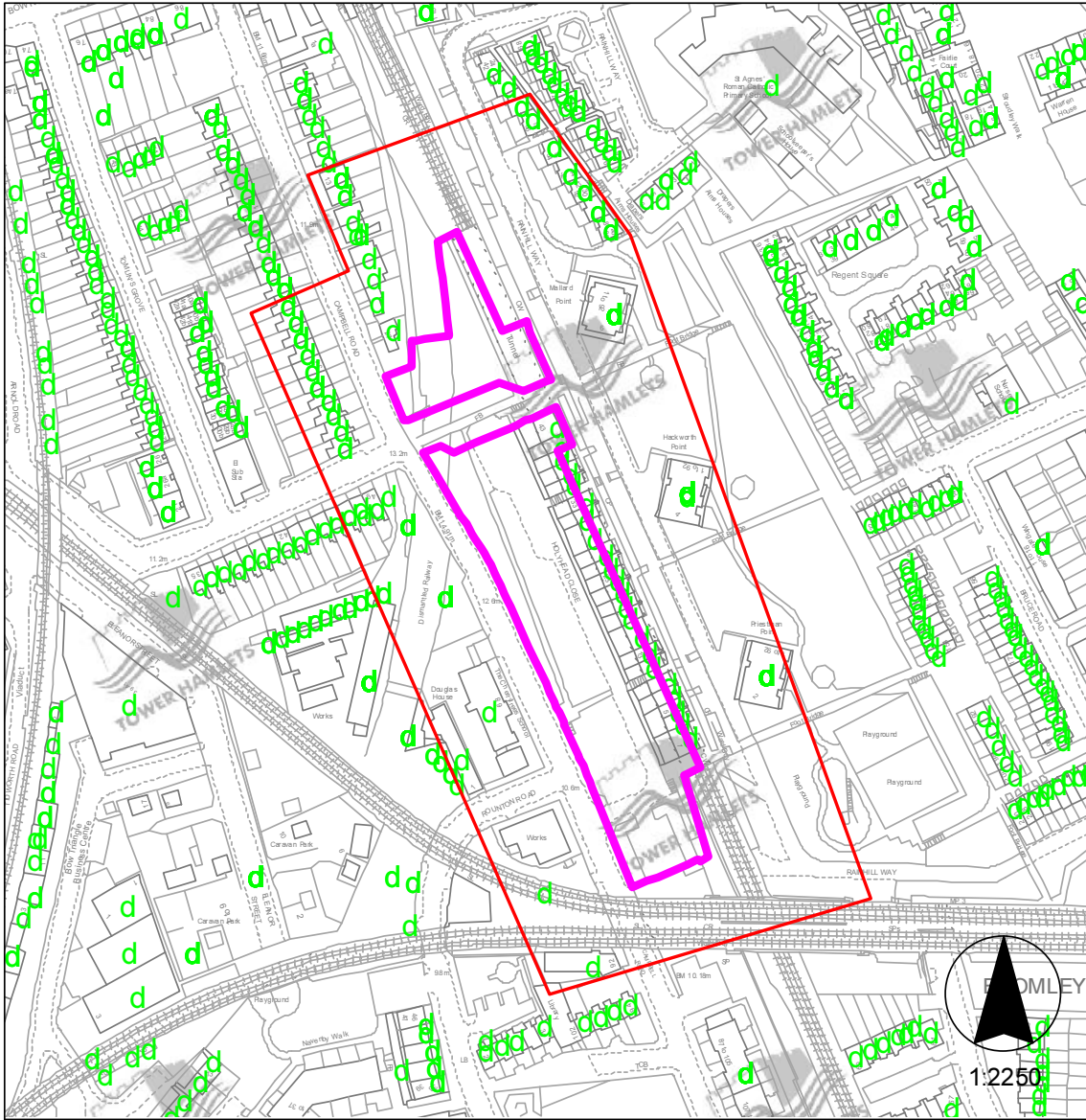
arrangements are subject to the requirements of a separate Section 278 Agreement and are currently the subject to negotiations between Council officers and the developer.

- 8.52 The access to the parking area containing 110 parking spaces would be via a ramp (gradient 1:10) to the south of the estate access junction. This access has also been approved via the previous permission PA/03/01683 and seeks to maintain the general siting and principles of this access previously approved.
- 8.53 The car parking provision of 110 spaces is in excess of the maximum standards defined in the London Plan and Local Development Framework – Core Strategy and Development Control Submission Document. It is noted that as there are no disabled spaces identified on the plans submitted it is recommended that 11 spaces be identified within the development as a condition of approval to ensure that the 10% threshold. Similarly the development is deficient in cycle spaces with only 64 spaces provided on site. It is recommended that cycle spaces be increased to 232 spaces in accordance with the Local Development Framework – Core Strategy and Development Control Submission Document
- 8.54 The Council's Highways engineer has accessed the access and proposed car parking configuration and states that:
- There should be at least 6.0m of level access way at the ramp approach to the back edge of the footway to prevent roll-back of vehicles down the ramp and possible excelled/abrupt emerging of the vehicle at the hump point of gradient transition to counter the roll-back which is potentially dangerous for pedestrians.
  - There should also be at least 0.5m wide raised safety strips either side of the vehicle ramp to protect the building walls and pedestrians who would otherwise walk on the vehicle ramps.
  - Any proposed underground car park layout should be in accordance with and submitted with the appropriate policies to support the proposed design.
  - The proposed entry barrier to the ramped access to car park should be sited at least 6m (8m for a service vehicle) from the back edge of the footway to ensure that pedestrians and traffic on the public highway are not obstructed and that pedestrians do not walk along the busy carriageway of Campbell Road while a vehicle is waiting for access clearance. Clarification is required with regard to how the applicant will address vehicles wanting to enter via the ramp and denied access will be able to exit without having to reverse back up the ramp.
  - For pedestrian safety reasons, it is necessary to maintain areas known as pedestrian visibility splays within which unobstructed visibility is available for both drivers and pedestrian to see each other thereby enabling either to see a potential hazard in time and for the driver to take appropriate action of stopping. These splay areas measuring 1.5m by 1.5m, with no obstruction more than 0.6m high are located either side of where a proposed vehicle access meets the back edge of the footway. Pedestrian visibility splays should be provided at all vehicle access locations which could be potential conflict points between pedestrians/vehicles and vehicles/vehicles such as at both ends of a car ramp, access road junctions, parking bays, etc. The splay areas should be physically protected and shown on the deposited plans.
  - The existing garage structure is being retained therefore the minimum clear distance i.e. forecourt depth, between rows of grouped garages should be 7.3m to allow for access, which may be reduced to 6.5m when 3m wide garages are used.
- 8.55 The above issues can be dealt with via relevant planning conditions. The viability of amending the scheme via condition has been discussed with the applicant and it is considered that these amendments can be accommodated.

## **9.0 CONCLUSIONS**

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

# Site Map



## Legend

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

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

# Agenda Item 7.3

<b>Committee:</b> Development	<b>Date:</b> 2 <sup>nd</sup> July 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.3
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Ila Robertson		<b>Ref No:</b> PA/08/00195	
		<b>Ward(s):</b> Whitechapel	

## 1. APPLICATION DETAILS

<b>Location:</b>	14 Fieldgate Street and 7-9 Plumbers Row, London, E1
<b>Existing Use:</b>	Vacant
<b>Proposal:</b>	Demolition of existing buildings and structures on site and redevelopment for mixed use purposes comprising a new nine storey building for commercial (Class A1/B1) at ground floor level: student accommodation at upper floors; nine residential units; car parking, access and servicing and landscaping arrangements.
<b>Drawing Nos:</b>	Ground Floor Plan – Drawing No.30-000 Rev 3, First Floor Plan – Drawing No. 30 – 001 Rev 3, Second Floor Plan - Drawing No.30-002 Rev 2, Third Floor Plan - Drawing No.30-003 Rev 2, Fourth Floor Plan - Drawing No.30-004 Rev 2, Fifth Floor Plan - Drawing No.30-005 Rev 2, Sixth Floor Plan - Drawing No.30-006 Rev 2, Seventh Floor Plan - Drawing No.30-007 Rev 2, Eighth Floor Plan - Drawing No.30-008 Rev 2, Roof Plan - Drawing No.30-009 Rev 2, Site Plan - Drawing No.30-100 Rev 2, West Elevation – Plumbers Row – Drawing No. 30 – 500 Rev 3, North Elevation – Fieldgate Street – Drawing No. 30 – 501 Rev 3, East Elevation – Service Road – Drawing No. 30 – 502 Rev 3, West Elevation – Plumbers Row – Drawing No. 30 – 510 Rev 3, North Elevation – Fieldgate Street – Drawing No. 30 – 511 Rev 3, East Elevation – Service Road - Drawing No. 30 – 512 Rev 3, Section C-C – Drawing No. 30 – 602 Rev 3, Section D-D – Drawing No. 30 – 603 Rev 3
<b>Applicant:</b>	14 Fieldgate Street Ltd
<b>Owner:</b>	EDF Energy Networks
<b>Historic Building:</b>	Adjacent the Grade II Listed Bell Foundry
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal is in line with the Mayor's and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (2008) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- The provision of student housing is acceptable in principle as it will fulfil a proven need for student accommodation and is situated in a suitable location. As such, the proposed use is in line with policies 3A.25 of the London Plan (2008), policy HSG14 of the UDP 1998 and policy CP24 of the Interim Planning Guidance (October 2007)

which seek to ensure the provision of specialist and student housing..

- The commercial use on the ground floor (Class A1 or B1) is acceptable in principle as it will provide a suitable provision of employment. It will also provide a useful service to the community and future residents of the development. As such, it is in line with policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (2007), which seek to ensure services are provided that meet the needs of the local community.
- The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.
- The building height, scale, bulk and design is acceptable and in line with Planning Policy Guidance 15, policies 4B.11 and 4B.12 of the London Plan (2008), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV 27, CON2 and CON5 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- The quantity and quality of housing amenity space is considered to be acceptable and in line with PPS3, policy 3D.11 of the London Plan (2008) policy HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2 and CFR5 the Council's Interim Planning Guidance City Fringe Area Action Plan (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan (2008) policy 3C.1, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.
- Sustainability matters, including energy, are acceptable and in line with policy 4A.7 of the consolidated London Plan (2008), and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.
- Contributions have been secured towards the provision of improved open space and public realm and are in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

A. The prior completion of a **legal agreement** to secure the following planning obligations:

- a) **£100,000** to improvements to Altab Ali Park
- b) **£50,000** to local environmental and highway improvements
- c) **£75,000** to local community facilities
- d) Green Travel Plan

- e) Maximising Employment of Local People
- f) Car free development
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

**Conditions**

- 1) Time Frame
- 2) Construction Hours
- 3) Contaminated Land
- 4) Car /Cycle parking
- 5) Energy Strategy
- 6) Materials/ Detailing
- 7) Landscaping
- 8) Highway Works
- 9) Secured by Design Statement
- 10) Details of green roof and options for inclusion of bird/ bat bricks
- 11) Inclusive Access
- 12) Archaeological advice
- 13) Construction Management Plan
- 14) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

**Informatives**

- 1) Section 106 agreement required.
- 2) Section 278 (Highways) agreement required
- 3) Construction Environmental Management Plan Advice
- 4) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.3 That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

**4. PROPOSAL AND LOCATION DETAILS**

**Proposal**

- 4.1 The application seeks permission for the demolition of existing buildings and structures on site and redevelopment for mixed use purposes comprising a new nine storey building for 1,183sqm of commercial (Class A1/B1) at ground floor level: 9,633sqm of student accommodation at upper floors, nine residential units (comprising five x one bedroom and three x three bed room), car parking, access and servicing and landscaping arrangements.
- 4.2 The student accommodation comprises 339 bed spaces, with 86 being in cluster units of five/six sharing kitchen and bathroom facilities and 253 individual studio units with individual amenities. The student housing is orientated either to the northern boundary or to the south around an internal courtyard.

## Site and Surroundings

- 4.3 The site is located on the prominent corner of both Fieldgate Street and Plumbers Row. To the north of the site is Mosque Tower and Terrace that form part of the East London Mosque. To the east of the site on the opposite side of Plumbers Row is the two storey Grade II\* Listed Bell Foundry. To the south of the site is 17-19 Plumbers Row which is an eight storey mixed use scheme under construction. To the west of the site are commercial uses located within two storey buildings and known as at 77-101 Greenfield Road.
- 4.4 The existing site features three main buildings ranging in one to two storeys in height with the remainder of the site formed for secure car parking.
- 4.5 There are a number of existing amenity and support services within the area and the site is in close proximity to the Whitechapel Road shopping parade and markets.
- 4.6 In terms of built heritage, the site is not located within a Conservation Area and none of the buildings on the site are listed. However, it is directly adjacent both the Grade II\* Bell Foundry and eastern boundary of the Whitechapel High Street Conservation Area.
- 4.7 The site has good access to public transport and other amenities, benefiting close proximity to the Aldgate Tube Station (approximately 500m to west) and Whitechapel Tube Station (approximately 600m to east) and several bus networks operate along Whitechapel and Commercial Roads.

## Planning History

- 4.8 The following planning decisions are relevant to the application:

PA/04/01524 17-19 Plumbers Row - Demolition of existing buildings and construction of a building up to eight storeys to provide commercial space on lower and ground floor with 58 residential apartments above was approved on the 12<sup>th</sup> December 2005 on the directly adjacent site to the south.

## 5. POLICY FRAMEWORK

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

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

Proposals:	AAIP	Area of Archaeological Importance
Policies:	DEV1	General Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV12	Landscaping
	EMP1	Employment Growth
	HSG14	Special Needs Housing
	HSG16	Amenity Space
	T16	Traffic Priorities

### Interim Planning Guidance for the purposes of Development Control

Proposals:	AAP	City Fringe Area Action Plan
	AAIP	Area of Archaeological Importance
Core Strategies:	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design



	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP19	New Housing Provision
	CP21	Dwelling Mix
	CP24	Specialist needs and Specialist Housing
	CP38	Energy Efficiency and Production of Renewable Energy
	CP41	Integrating Development with Transport
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV13	Landscaping
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV22	Contaminated Land
	EE2	Redevelopment /Change of Use of Employment Sites
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG7	Housing Amenity Space
	CON1	Listed Building

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

Designing Out Crime  
Residential Space

### **Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (London Plan February 2008)**

2A.1	Sustainability Criteria
3A.3	Maximising the Potential of Sites
3A.13	Special Needs and Specialist Housing
3A.25	Higher and Further Education
3C.1	Integrating Transport and Development
3C.3	Sustainable Transport in London
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.7	Renewable Energy
4B.1	Design Principles for a Compact City
4B.2	High Quality Design
4B.3	Quality of Public Realm

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

## **6. CONSULTATION RESPONSE**

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

### **6.3 London Borough of Tower Hamlets – Environmental Health**

#### Noise and Vibration

All habitable rooms in Noise Category C must have sound attenuating glazing and ventilators recommend condition to ensure this.

Construction hours, noise levels and vibration should be appropriately limited by condition.

#### Contaminated Land

A potential pathway for contaminants may exist on site and will need further characterisation to determine associated risks. It is recommended that a condition is included to allow for further investigations.

#### Daylight/ Sunlight

The identified failures are below BRE standards and concerns are raised (OFFICER COMMENT: Daylight and sunlight are discussed in section 8.4 of this report).

### **6.4 London Borough of Tower Hamlets – Highways**

The scheme satisfactory and meets LBTH highway requirements and appropriate control processes are scheduled to be in place when the development is complete. Any doorways over public highway and with public accessible areas should either be inward opening or egress within the site.

Require a S278 to secure relevant highways work. An informative should be added to ensure this is secured.

S106 contribution for £50,000 for highway improvement works around the Junction of Fieldgate Street and Plumbers Row. Improvement works will include relocating the CCTV, resurfacing of the carriageway around the site

### **6.6 London Borough of Tower Hamlets – Crime Prevention**

Provision for gates on the access road from Plumbers Row and the rear service yard is required.

(OFFICER COMMENT: Plans have been amended to include this. A condition is recommended to ensure it is implemented).

No reference to secured by design or crime prevention in the submitted statement. All student based new build in the borough is being built to SBD standards. A failure here would mean residents of this building were more vulnerable to crime and the fear of crime (OFFICER COMMENT: Recommend inclusion of a condition requiring submission of evidence that is complies with these standards prior to the commencement of works on site).

### **6.7 London Borough of Tower Hamlets – Parks**

Request a £100,000 contribution towards improvements at Altab Ali Park. (OFFICER COMMENT: The applicant has agreed a contribution of £100,000 towards the redevelopment proposals at the park as part of the s106 negotiations).

### **6.8 English Heritage Archaeology**

No objection subject to the inclusion of an archaeology condition.

## 6.9 English Heritage Design – (Statutory Consultee)

This is a significant development on a sensitive site in close proximity to the Grade II\* listed Church Bell Foundry. Our concerns centre on the impact of the proposal on views of the listed Foundry, particularly from the junction of Whitechapel Road and Plumbers Row.

Originally the northern part of Plumbers Row, nearest to Whitechapel Road, was once very narrow. However, the widening of the junction has opened up views of the both the foundry and the large curved site from Whitechapel Road.

Recent development has altered the scale, the character and appearance, of this area. In particular the eight storey building known as Mosque Tower to the north and an eight storey building to the south of the site.

It is important that the curved facade is carefully considered in order that a heavy and overbearing appearance is avoided.

## 7. LOCAL REPRESENTATION

7.1 A total of 273 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 4                      Objecting: 4                      Supporting: 0

7.4 The following local groups/societies made representations:

- London Muslim Centre
- Mosque Tower Residents Association

7.5 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

- Noise from arrival and departure of student residents.
- Loss of daylight/ sunlight.
- Design and massing of the building is inappropriate
- Loss of privacy across Plumbers Row
- Building is too high
- Construction noise, pollution and traffic impacts
- Proposed development will cause additional traffic and road congestion

7.6 The following issues were raised in representations, but they are not material to the determination of the application:

- Increased drug and alcohol usage (Officer comment: There is no evidence that the proposed use will lead to an increase in the amount of drug or alcohol usage)
- No benefit to local community. (Officer comment: Although difficult to ascertain, there is no evidence the proposal will not benefit the local community)

## 8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are:

1. Land use
2. Conservation and design
3. Amenity
4. Open Space
5. Access/ Highways
6. Other Matters

## 8.2 Land use

### Student Housing

- 8.2.1 The Unitary Development Plan saved Policy HSG14 states that the Council will seek to encourage the provision of housing to meet the needs of residents with special housing needs. It goes on to state that: *“Such housing should be appropriately designed and suitably located for groups with special needs...including students”*.
- 8.2.2 Paragraph 5.29 of saved policy HSG14 of the Unitary Development Plan states that the Council will *“consider student housing in a variety of locations providing there is no loss of permanent housing or adverse environmental effects.”* It also notes that: *“Additional provision could release dwellings elsewhere in the Borough in both the public and the private rented sector”*.
- 8.2.3 Policy CP24 of the Interim Planning Guidance states that the Council will promote special needs and specialist housing by focusing purpose built student housing ... *in close proximity to the London Metropolitan University at Aldgate.”*
- 8.2.4 London Plan policy 3A.25 states that the Mayor will ensure that the needs of the education sector are addressed and will support the provision of student accommodation, subject to other policies contained in the London Plan.
- 8.2.5 The Councils Interim Planning Guidance notes that student housing should be focused around the borough’s existing higher educational establishments or within close proximity, being 5 minutes walking distance, from London Metropolitan University. Given the site is located in close proximity to London Metropolitan University, being approximately 500m from Aldgate, the proposal accords with this policy.
- 8.2.6 Both the London Plan and Unitary Development Plan seek to support the provision of student accommodation in providing appropriate housing choices for residents yet they provide no indication as to the most appropriate locations for student accommodation but are thus flexible in their approach. It is therefore considered that the proposal accords with these policies and provides an appropriate location for student accommodation being in close proximity to higher education institutions and public transport.
- 8.2.7 It is noted that the applicant has provided a letter of support for the proposal from the London Metropolitan University.
- 8.2.8 Overall, it is considered that there is an identified need for student accommodation and the site is situated in an appropriate location, with good transport links and being within easy walking distance of the main University campus at Aldgate. Furthermore, it is considered to be an efficient use of brownfield site and would not result in a loss of any permanent housing. It therefore accords with both the London Plan and Council policy.

### Employment Uses

- 8.2.9 The existing site provides 2,500sqm of employment generating floor space in the form of car rental shop with associated parking, an art supply shop and warehousing uses

employing approximately 20 people on site.

- 8.2.10 Saved Policy EMP1 of the Unitary Development Plan encourages the redevelopment and upgrading of employment sites already or last in employment use, to produce more employment opportunities for all sectors of the community.
- 8.2.11 Policy CP11 of the Councils Interim Planning Guidance states that the Council will seek to protect viable employment sites (not specifically allocated for employment uses) which may form part of a mixed use development. Further, the Council will seek to retain sites for employment:
- Where the site is well-located in relation to the strategic or local highway networks; or rail or water transport;
  - Where the site benefits from high public transport accessibility and/or are on the edge of town centres;
  - Where there is current or future demand for them as employment uses; and where sites are viable for the existing employment use.
- 8.2.12 Policy EE2 in the Interim Planning Guidance (October 2007) generally resists development resulting in a loss of employment except in certain circumstances. The proposal seeks to re-provide 1,183sqm of commercial floor space on the ground and 9,633sqm of student accommodation on the upper levels. It is considered that increased employment opportunities will arise from both the commercial and student housing components of the proposal, with approximately 65 jobs anticipated.
- 8.2.13 In line with saved policy EMP1 of the Unitary Development Plan, and policy EE2 in the Interim Planning Guidance (October 2007), the proposal is not considered to result in a loss of employment and provides good quality replacement employment floor space, likely to generate an appropriate density of jobs for this location. As such, this proposal is acceptable in employment terms.

#### Residential Uses

- 8.2.14 The proposal seeks consent for the provision of nine residential units in part of the building fronting Plumbers Row. The nine units would comprise of 5 -one bedroom units and 3-three bedroom units.
- 8.2.15 The applicant has demonstrated that the proposed residential units are of an acceptable size and quality. The site is located within an existing residential context with units prevalent at adjoining mixed use developments to both the south along Plumbers Row and as part of the East London Mosque to the North. It is considered that the site is an acceptable location for residential uses.
- 8.2.16 It is considered that the site is appropriate for a mix-use development and that the proposal is in accordance with the Councils vision of providing balanced sustainable communities.

### **8.3 Conservation and Design**

#### Site Layout

- 8.3.1 Policy DEV2 in the Interim Planning Guidance (October 2007) requires that the design and layout of proposed development should achieve the following:
- Respect the local character and setting of the site;
  - Reinforce local distinctiveness and contribute to a sense of place;
  - Produces a public realm that is integral to the development;
  - Ensure the public realm is comfortable and useable for pedestrians;

- Creates visual interest and building articulation;
- Contributes to the legibility and permeability of the urban environment;
- Ensure the use of high quality materials and finishes; and
- Ensure the development is comfortable and appropriate for the needs of all users.

- 8.3.2 The layout of the existing buildings, in its current condition, makes little contribution to the urban environment. The proposed redevelopment seeks to regenerate the site, providing defined edge to the corner and a strong identity for the visible site.
- 8.3.3 The layout provides cutaways along the site edge from second floor of the building to allow for suitable internal layouts and orientation of the cluster units. Given the impact such a design feature may have on the appearance of the building careful consideration of the external detailing has been undertaken by Council officers and is discussed in detail at section 8.3.9 – 8.3.18 of this report.
- 8.3.4 The internal layout of the scheme is designed around three cores, allowing for small cluster units and avoiding long corridors. This layout also allows the building to reduce energy usage and be economic to run.
- 8.3.5 The main entrance for the student housing is located along the northern boundary, which then provides access into the main communal amenity space.
- 8.3.6 In addition, the site is located in close proximity to Altab Ali Park. The applicant intends to contribute £100,000 via S106 contributions towards redevelopment works at the park. The Council Parks Team has advised that the contribution would go towards improving facilities for visitors and users of the Park, by allowing for works to improve the paths, site boundaries and entrances, provision of additional site furniture, planting and other similar facilities for users.
- 8.3.7 It is considered that the innovative design solution would reinforce local distinctiveness and contribute to a sense of place in the area especially given the existing site situation.
- 8.3.8 Overall, it is considered that the design and layout of the scheme as discussed above seeks to provide a high quality response to the constraints of the site. The proposed commercial component will seek to provide an active frontage to the ground floor around the site boundary. It is considered that given the visibility of the site that particularly attention needs to be given to the external appearance of the building. This will be discussed further in section 8.3.9 -8.3.18 of the report.

#### Height, Bulk and Massing

- 8.3.9 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in saved policies DEV1 and DEV2 of the UDP 1998 and the Interim Planning Guidance (October 2007).
- 8.3.10 Policy CP4 of the Interim Planning Guidance (October 2007) states that LBTH will ensure development creates buildings and spaces of high quality, design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the Interim Planning Guidance (October 2007) reiterates DEV1 of the UDP 1998 and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.3.11 The general bulk and massing for the proposed building would allow for the definition and regeneration of a prominent corner site that is currently under utilised. The proposal seeks

to use cutaways into the elevation along the boundary edge to allow for better internal layout. However, Council Officers were of the opinion that the massing needs to respond in a way that allows for definition of the corner along the elevation. In response, the applicant has included with screens which whilst being permeable to ensure light egress for future residents allow for the massing to express the curve of the corner.

- 8.3.12 The building respects the emerging heights and sits well with the Listed Building given the width of the intersection between Fieldgate Street and Plumbers Row. However, this places greater weight on the external appearance of the building given both how visible the site is and the proximity to the Listed Foundry. To this end the applicant has provided sufficient evidence to ensure the quality of finishes and external appearance. Further, Councils officers have attached a condition requiring the approval of external materials prior to the commencement of works on site to ensure a high quality finish. The condition will require submission of a materials palette, window details and treatment to ground floor, including precedent studies, and images of sample materials. It will also require submission of schematic details for the mounting of the mesh cladding and landscaping, details for any corner signage proposed for shops/ building.
- 8.3.13 On balance, in accordance with London Plan guidance on quality design, and the Interim Planning Guidance (October 2007), the proposal scores merit for its response to the context, evolution of form, distinct character and the efficient use of a brownfield site that would contribute to the economy and regeneration of the area. The height of the building is considered to be acceptable given emerging precedents. The massing is considered acceptable subject to the screen and treatment of the elevation being carefully detailed with high quality materials.

*External Appearance and Relationship to Adjacent Listed Buildings*

- 8.3.14 The proposed student blocks would be a contemporary addition that would add interest to the area, creating a distinctive architectural impression. The proposed materials are considered appropriate. However, as noted above, to ensure the highest quality finishes are achieved, conditions requiring details of materials will be imposed.
- 8.3.15 The proposal has been assessed by the Council's Design and Conservation officers who are supportive of the scheme. It is acknowledged that, whilst the proposed scale and massing is greater than the present context, it would sit comfortably in emerging context for the area.
- 8.3.16 English Heritage has advised that the curved façade should be carefully considered in order that a heavy and overbearing appearance is avoided. To this end, the applicant has submitted computer generated images indicating the appearance of the building within the streetscene. This has been examined by the Council's conservation and design officers and considered acceptable, subject to conditions requiring the submission of sample materials to be used on elevations, particularly those facing the Church Bell Foundry. Upon receipt of these samples, it is proposed to consult Council Conservation and Design officers and English Heritage with regard to their acceptability.
- 8.3.17 The proposal takes into account and respects the local character and setting of the development site, through:
- the provision of a scale and form of development that is appropriate for this area;
  - a distinctive architectural impression that reinforces local distinctiveness and contributes to a sense of place;
  - Ensuring the public realm is comfortable and useable for pedestrians;
  - Conditions requiring details of building materials and external finishes;
  - the provision of flexible employment space to create activity; and
  - The provision of good quality purpose built and fully managed student

accommodation.

- 8.3.18 Overall, it is considered that the proposal represents a design, massing and scale which achieves a positive response to the sites context, including its relationship with the adjacent listed Foundry. On the basis of the above, the proposal generally satisfies the requirements of both the adopted Unitary Development Plan and Interim Planning Guidance (October 2007) and is considered acceptable.

Accessibility & Inclusive Design – Safety & Security

- 8.3.19 Saved policies DEV1 and DEV2 in the UDP 1998 and policy DEV3 of the Interim Planning Guidance (October 2007) seek to ensure that development incorporates inclusive design principles and can be safely, comfortably and easily accessed and used by as many people as possible. It is considered that the design and layout of public and private spaces within the development acceptable, it is recommended that a condition is included to ensure that access points are suitably designed.
- 8.3.20 Policy 3A.5 in the London plan requires 10% of new dwellings to be designed to be wheelchair accessible – this should also extend to student housing. The applicant has advised that 19 accessible rooms which is 5.6% of the total 339 rooms. Given this is below the 10% standard it is recommended that a condition is included on any permission requiring 10% provision.
- 8.3.21 The proposed nine residential units are required to achieve 100% compliance with lifetime homes standards. It is recommended that a condition is used to secure this.
- 8.3.22 Further Unitary Development Plan Policies DEV1 and DEV2 and Policy DEV4 of the Interim Planning Guidance seek to ensure that safety and security within development and the surrounding public realm are optimised through good design and the promotion of inclusive environments.
- 8.3.23 The redevelopment of this site would increase activity within the area, especially at night were the site is currently under utilised. Policy DEV4 in the Interim Planning Guidance (October 2007) states:

*'The safety and security of development and the surrounding public realm should be optimised, without compromising the achievement of good design and inclusive environments, by:*

*a) Ensuring building entrances are located and designed to be visible, safe and accessible;*  
*b) Creating opportunities for natural surveillance of the public realm, including streets and open spaces, by:*

- i. designing development to face the street;*
- ii. Providing windows in development to overlook streets and open spaces;*
- iii. Providing active frontages adjoining the public realm; and*
- iv. Providing an appropriate mix of uses within the development'.*

The proposal is considered to meet the above criteria and would add activity and natural surveillance from the windows throughout the site. The site would be fully managed and has 24 hour security. A condition requiring Secure By Design statement is recommended is permission is granted to ensure all aspects of the design have been carefully considered.

- 8.3.24 There is no evidence that the presence of students in an area would cause an increase in crime. It is unlikely that the development would result in adverse behaviour. Moreover, given the full management of the accommodation, it is considered any issues of adverse behaviour as a result of the proposed accommodation can be addressed if they did arise.



## 8.4 Amenity

- 8.4.1 Policy 4B.9 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.
- 8.4.2 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Furthermore, Policy DEV1 of the IPG states that development is required 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.
- 8.4.3 The applicant submitted a Daylight and Sunlight report, prepared by GIA, which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.

### Daylight and Sunlight results

- 8.4.4 The standards for measuring daylight and sunlight are guided by Building Research Establishment (BRE) guidance. Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes and importantly the rooms actual use.
- 8.4.5 The change in sky visibility or VSC method only provides an indication as to whether there will be changes in lighting levels. It does not necessarily reveal whether the predicted quantity and quality of light is adequate, following the construction of a new development. However, the ADF method provides a means for making such an analysis.
- 8.4.6 The ADF will consider the amount of light necessary for the rooms use and activities generally undertaken with that room it then gives a minimum percentage for each room. These percentages are 2% for kitchens (though for a kitchen to be considered as habitable the room must be over 13sqm), 1.5% for living rooms and 1.0% for bedrooms. Any other room i.e. bathroom or hallway are not considered to be habitable and are therefore not relevant for assessment under BRE standards.
- 8.4.7 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south or, in other words, windows that receive sunlight. The amount of sunlight on a window should not be less than 5% of annual probable sunlight hours during the winter months 21<sup>st</sup> September to 21<sup>st</sup> March. This will ensure that the window will appear reasonably sunlit.
- 8.4.8 The site is located in an area which has residential uses to the north and south with predominantly commercial uses to the west and east.
- 8.4.9 The following residential properties that were considered to include habitable rooms were assessed for daylight and sunlight:
- Mosque Tower and Terrace
  - 17-19 Plumbers Row
  - 18 Plumbers Row
- 8.4.10 Mosque Tower and Terrace  
The Mosque Tower and terrace sits north of the site across Fieldgate Street. Six rooms have been identified within this development as being most likely to suffer loss of daylight.

Of the six, two pass the BRE guidelines noted above (1.42 & 1.33), three just fail (0.95, 0.89 & 0.83) and there is one failure (0.68) which falls below the expected ADF level. On the basis that these rooms currently enjoy uninterrupted daylight access, the minimal number of rooms overall that are affected and the inner city urban context in which the site is located, the loss of daylight to these rooms would not sustain a refusal.

8.4.11 With respect to Sunlight, the applicant has undertaken design changes to the scheme that result in an improvement in the Annual Probable Sunlight Hours from below the BRE guideline of 4 to meet the BRE guideline of 5 on those windows most affected by the development. As a result, the sunlight access for the Mosque Tower is considered acceptable

8.4.12 17-19 Plumbers Row

This scheme is a consented scheme and has been considered for both daylight and sunlight access. All rooms within this development will retain appropriate daylight and sunlight access, well above the relevant BRE guidelines.

8.4.13 18 Plumbers Row

Across all windows at 18 Plumbers Row, there is no demonstrable loss in the amount of daylight or sunlight when compared to the current. i.e. The proposal will not make the situation worse in terms of daylight and sunlight access.

Overlooking and loss of privacy

8.4.14 The building's design includes some louvers, and the distance across Plumbers Row, it is not considered the proposed building would result in any adverse overlooking impacts or loss of privacy on the future residents at 17-19 Plumbers Row.

8.4.15 The proposed student blocks have been designed and orientated to minimise any unacceptable direct overlooking internally. It is considered that the proposal would not cause any unacceptable harm to the amenity of future occupiers of the building.

Sense of enclosure/outlook

8.4.16 Unlike, sunlight and daylight assessments, this impact cannot be readily assessed in terms of a percentage or measurable loss of quality of light. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Nevertheless, whilst it is acknowledged that the development will result in additional building form on an existing low rise site it is not considered that this would result in an increased sense of enclosure given the stepping nature of the building to the south and existing separation distances.

Noise and vibration

8.4.17 It is noted that objectors have raised concerns about noise from future students. There is no evidence to suggest that the student residents would cause more noise than any other residents. It is not considered the students would cause unacceptable noise disturbance, especially in conjunction with proper management of the site that would address any unacceptable anti social behaviour and noise.

8.4.18 Officers understand that the size of the proposed development creates concern about construction noise, debris from the site and traffic. In these circumstances, the Planning Department proposes to include a condition ensuring a stringent construction environmental management plan to this scheme to minimise noise and disturbance to nearby residents caused by construction noise, debris and traffic.

## **Open Space**

- 8.4.19 The scheme provides a total of 9 residential units and 339 student housing bedspaces. However, there are no minimum standard of open space that relate specifically to student housing and it cannot be assessed with regard to the standard Housing policies including affordable housing, housing density and open space requirements. However, it is noted that the scheme does include a large internal courtyard, communal lounge areas and access to the first floor sedum roofs.
- 8.4.20 With respect to the 9 residential units, Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space. Each flat has a balcony of sqm off the living area/bedroom.
- 8.4.21 The site is located in a high density city fringe are and it is not surprising there is little provision of open space for the residential flats. To counter this, the applicant has agreed Contributions to park of £100,000. On the basis that this central urban location with restricted opportunity to provide the standard amounts of open space required by the SPG, the provision of a relatively small amount of open space for these 9 units is consistent with other residential properties in the area and the application would not warrant refusal on this basis.

## **Access/Highways**

- 8.5.1 The site is in a location of good public transport accessibility (PTAL 6a) and has good links to areas with high public transport accessibility and is in close proximity to a range of local facilities, thereby encouraging more walking and reducing the reliance on private car use.
- 8.5.2 In particular the Aldgate Tube Station (approximately 500m to west) and Whitechapel Tube Station (approximately 600m to east) and several bus networks operate along Whitechapel and Commercial Roads. It is therefore considered that the site is located in a highly accessible location which would be of benefit for future residents.

## Car parking and Cycle Parking

- 8.5.3 The site will provide 3 spaces. Highways have advised that one of these spaces should be for disabled use and 189 cycle parking spaces. This provision meets the standards set out by TFL and the Council's IPG. It is recommended that a condition is included to ensure the above is implemented.
- 8.5.4 According to policy 3C.23 of the London Plan, on-site car parking provision for new developments should be the minimum necessary to ensure there is no overprovision that could undermine the use of more sustainable non-car modes. This in part, is to be controlled by the parking standard in Annex 4 of the London Plan and UDP policies. It is considered that the proposal accords with this standard.
- 8.5.5 It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there will be no overspill parking from the development. Most of the residents will therefore be committed to using public transport services and alternative modes for all journeys. As noted above, the provision of public transport to the site is of a good level.
- 8.5.6 In addition, a s106 agreement for the preparation, implementation and maintenance of a green travel plan will be secured.

### Servicing and Refuse Provisions

- 8.5.7 It is recommended that a service management plan should be provided and secured by condition to ensure that the service areas identified above are secured and appropriately managed given the size of the development.
- 8.5.8 Provision for the storage and collection of refuse for the residential and non-residential uses has been provided for. It is recommended that a condition be included to ensure that this provision is adequate.

### 8.6 **Other Matters**

#### Archaeology

- 8.6.1 PPG15 Archaeology and Planning advises on procedures for dealing with archaeological remains and discoveries. Policy 4B.10 of the London Plan relates to historic conservation
- 8.6.2 The site is not located within an Archaeological Priority Zone as specified within the UDP and the IPG. English Heritage has reviewed the proposal and given the previous archaeological evaluations of the site under the previous schemes they do not consider it necessary for a condition to be included on the scheme.

#### Sustainability

- 8.6.3 The London Plan energy policies policy 2A.1 and 4A.3 to 4A.11 aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Energy Efficiency is addressed in policy DEV6 which reiterates the Mayor's target of 20% of new development's energy to come from renewable energy generated on site and a reduction of 20% of emissions. Policies DEV7, DEV8, DEV9 and DEV11 seek sustainable developments through water quality and conservation, sustainable drainage, sustainable construction materials and air pollution and air quality.
- 8.6.4 The applicant has submitted an energy statement to indicate that it will reduce carbon dioxide emissions through design measures to meet minimum requirements of building regulations. The proposed scheme will include a 70kWe CHP system and solar water heating panels to supply energy efficiently to the development to serve the student housing and residential units respectively.
- 8.6.5 The changes between the baseline scheme and the energy efficient scheme with CHP and renewable energy sources will lead to an overall 23% reduction in carbon dioxide emissions.
- 8.6.6 Furthermore, the statement states the residential development will achieve a code level 3 – code for sustainable homes. To ensure this is delivered Council's Energy Officer recommends that a condition is included on any permission to secure an assessment confirming compliance.
- 8.6.7 Overall it is considered that condition be included to ensure that the final Energy Strategy is submitted for approval by the LPA and that the system is secured in perpetuity.

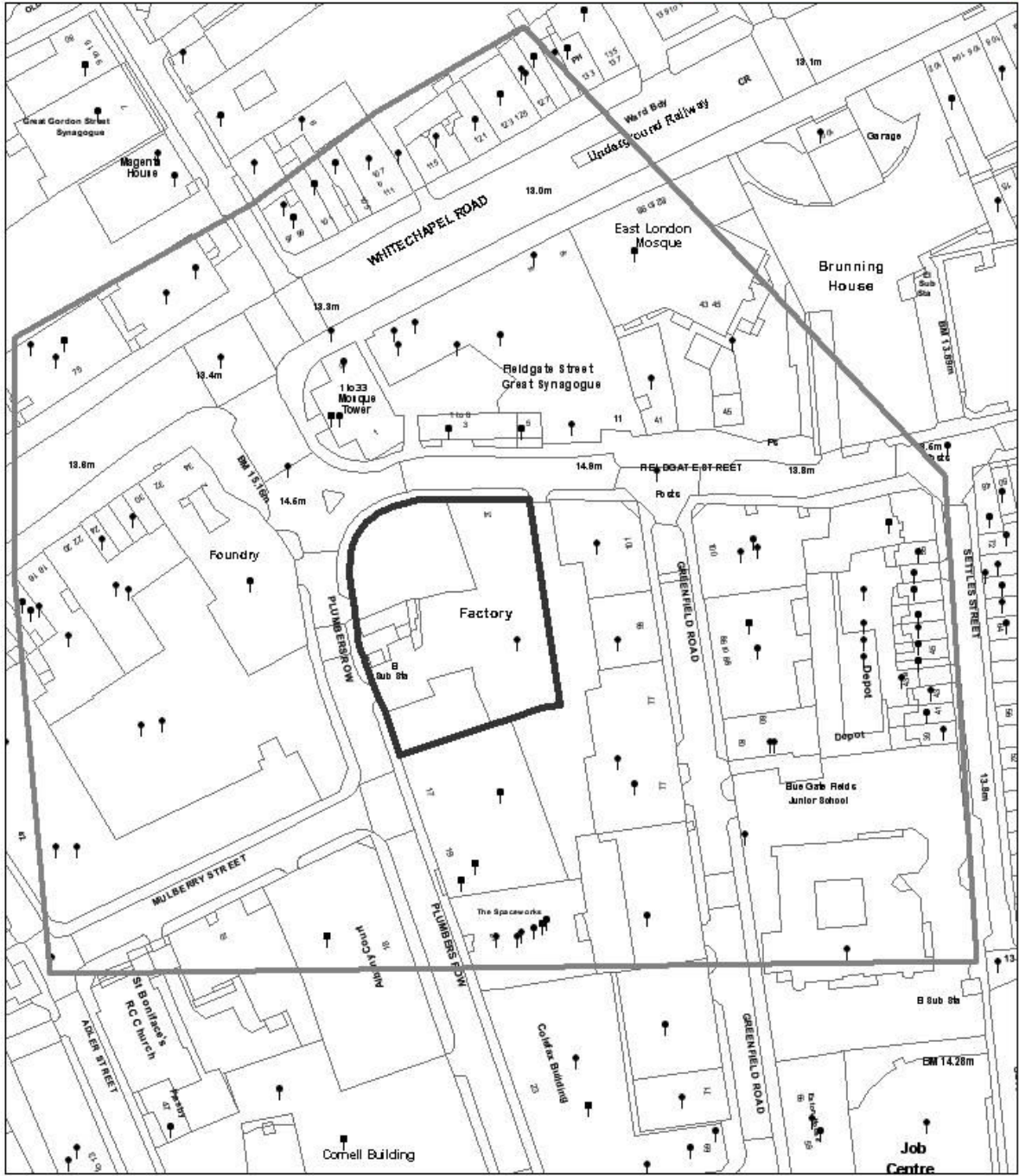
#### Community Centre

- 8.6.8 In order mitigate against impacts on local services, It is recommended that £75,000 be secured through the s106 agreement for the local community centre located at the Brady Arts & Community Centre in Hanbury Street.

## **9.0 CONCLUSIONS**

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

# Planning Application Site Map



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



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

14 Fieldgate St

# Agenda Item 7.4

<b>Committee:</b> Development	<b>Date:</b> 2 <sup>nd</sup> July 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.4
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<b>Report of:</b> Interim Corporate Director of Development and Renewal	<b>Title:</b> Application for variation Condition 6 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006
<b>Case Officer:</b> Amy Cooper	<b>Ref No:</b> PA/08/00545
	<b>Ward:</b> Weavers (February 2002 onwards)

## 1. APPLICATION DETAILS

<b>Location:</b>	Outbuilding Rochelle Centre, Arnold Circus, London
<b>Existing Use:</b>	
<b>Proposal:</b>	Variation of Condition 6 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (The cafe use hereby permitted shall not be carried out other than between the hours of 9.00am to 6.00pm Mondays to Saturdays and shall not take place on Sundays or Public Holidays) to enable the cafe to open, a maximum of 8 Sundays per year, between 9.00am and 6.00pm.
<b>Drawing Nos/Documents:</b>	1. Un-numbered Site Plan 2. Un-numbered Location Plan 3. Letter from Rochelle School dated 18 March 2008.
<b>Applicant:</b>	Mr James Moores
<b>Ownership:</b>	Mr James Moores
<b>Historic Building:</b>	Grade II
<b>Conservation Area:</b>	Boundary Estate

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The proposed variation of condition to allow the cafe to open 8 Sundays per year from 9am - 6pm would have no adverse impacts upon the surrounding Boundary Estate conservation area or the amenities of neighbouring residential properties and therefore would adhere to Saved Policies DEV1, DEV2, DEV50 and HSG15 of the Tower Hamlets UDP 1998, together with policy DEV2 of the Interim Planning Guidance (2007), which seek to protect the amenities of the residents of the Borough.
- 2.2 The proposed variation of condition to allow the cafe to open 8 Sundays per year from 9am - 6pm would not result in an unacceptable level of traffic generation, and therefore would adhere to Saved Policy T16 of the Tower Hamlets UDP 1998, together with policies DEV17 and DEV19 of the Interim Planning Guidance (2007), which seek to ensure new developments do not prejudice the safety of users.

## 3. RECOMMENDATION

- 3.1 That the Committee resolve to GRANT variation of Condition 6 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (The cafe use hereby permitted shall not be carried out other than between the hours of 9.00am to 6.00pm Mondays to Saturdays and shall not take place on Sundays or Public Holidays) to enable the cafe to open, a maximum

of 8 Sundays per year, between 9.00am and 6.00pm planning permission.

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

##### **Proposal**

- 4.1 This scheme proposes the variation of Condition 6 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (The cafe use hereby permitted shall not be carried out other than between the hours of 9.00am to 6.00pm Mondays to Saturdays and shall not take place on Sundays or Public Holidays) to enable the cafe to open, a maximum of 8 Sundays per calendar year, between 9:00am and 6:00pm.
- 4.1.1 As noted in covering letter submitted with the application, the applicants' (A Foundation) work with the Friends of Arnold Circus and North Brick Lane Residents Association on community projects and events in the area. A Foundation considers the canteen at Rochelle Centre is a central part of their ability to contribute to and support the local community and events.
- 4.1.2 The Rochelle Centre provides subsidised studio spaces for artists and creative industries, together with a project and exhibition space.
- 4.1.3 It is common for arts exhibitions to take place on Sundays, hence why permission is sought to open the cafe for a maximum of 8 events per calendar year.

##### **Site and Surroundings**

- 4.2 The application site, 'The Rochelle Centre' is comprised of two Grade II listed buildings which lie within the Boundary Estate Conservation Area. The main building is located nearest to Arnold Circus and the second building fronts Club Row. The cafe for which this application relates is centred within the site, and has a floor area of approximately 68 square metres.

##### **Planning History**

- 4.3 The following planning decisions are relevant to the application:

PA/04/1790	Full planning application for external alterations to outbuilding in connection with provision of ancillary café for the occupiers of the main Rochelle Old College building and Club Row building only with cooking extract system linked to the main Rochelle Old College Building. Approved 16 January 2006.
PA/04/1791	Listed Building Consent for external and internal alterations to outbuilding to create cafe ancillary to the main Rochelle Old College building and Club Row building with cooking extract system linked to the main Rochelle Old College building. Approved 16 January 2006.
EN/07/0098	Alleged use of Cafe as a restaurant and also as a catering business in breach of Planning Permission PA/04/01790 Condition 3. No enforcement notice was issued, however a letter was sent to the owner on 30 April 2007 advising of the conditions of permission ref: PA/04/1790.
PA/07/1669	Variation of Condition 3 (use only to be ancillary to functions of the Rochelle Centre) of planning application PA/04/01790, dated 16th January 2006, to allow canteen to provide external catering.



Variation of Condition 6 (opening hours) of planning application PA/04/01790, dated 16th January 2006, to extend opening hours of the canteen from 11am to 6pm on Sunday and from 6pm to 11pm on Monday to Friday. Application was withdrawn.

- PA/08/544 Removal of Condition 3 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (The accommodation hereby approved for cafe purposes shall not be used or occupied otherwise than as ancillary in connection with the existing principle Rochelle Centre building's uses). Recommended for refusal.
- PA/08/829 Erection of two new buildings to adjoin the existing roof building in order to create an additional 3 x B1 (office) units (311m<sup>2</sup> in total). Application currently being considered.
- PA/08/830 Conversion and refurbishment of existing roof building to provide office accommodation. Application currently being considered.

## 5. POLICY FRAMEWORK

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

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

Proposals		Not Subject to site specific proposals
Policies:	DEV1	Design Requirements (OVERDEVELOPMENT)
	DEV2	Amenity
	DEV50	Noise
	HSG15	Residential Amenity
	T16	Traffic Priorities for New Development

### Interim Planning Guidance for the purposes of Development Control

Proposals:		Not Subject to site specific proposals
Core Strategies:	CP1	Creating Sustainable Communities
	CP7	Job Creation and Growth
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV17	Transport Assessment
	DEV19	Parking for Motor Vehicles
	CON1	Listed Buildings
	CON2	Conservation Areas

### Supplementary Planning Guidance/Documents

Not subject to Supplementary Planning Guidance/Documents

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

Policy3A.3	Efficient use of stock
Policy3C.22	Parking Strategy
Policy4B.1	Design principles for a compact city
Policy4B.2	Promoting world class architecture and design
Policy4B.5	Creating an inclusive environment
Policy4B.6	Sustainable design and construction
Policy4B.7	Respect local context and communities
Policy4B.10	London's built heritage
Policy4B.11	Heritage conservation

**Government Planning Policy Guidance/Statements**

PPG1	General Policy and Principles
PPS1	Urban Design
PPG15	Planning and the Historic Environment

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

**6. CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

**LBTH Environmental Health** - No objections received

**LBTH Highways** - No objections received.

**7. LOCAL REPRESENTATION**

7.1 A total of 198 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 2            Objecting: 2            Supporting: 0  
No of petitions received: 1 objecting containing 70 signatories from 53 properties

7.2 The following local groups/societies made representations:

- Boundary Estate TRA.

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

- Increase in traffic, parking problems and congestion, generated by both suppliers and the general public.
- Noise associated with visitors to the canteen, and general operation (i.e., kitchen, machinery, refuse disposal, staff).
- Intensification of use, with increased levels of activity resulting in a detrimental impact on surrounding properties. Complaints regarding number of people visiting the cafe in the past.
- Use out of character with predominantly residential nature of the conservation area
- Failure to comply with Council policy.

7.4 The following issues were raised in representations, but they are not material to the

determination of the application:

- Criticism of inconsistencies and content of applicants' supporting documents (Some minor inconsistencies were noted, however these are not material to the determination of the scheme. Your officers have drawn out the relevant planning matters relating to the scheme and expanded upon them in Section 8 of this report)

7.5 The following procedural issues were raised in representations, and are addressed below:

- Complaint regarding failure to erect site notice (One site notice was erected for both this application and associated reference PA/08/544 on 24 April 2008)
- Enforcement History - Objector noted the Councils' enforcement department had been previously involved with this property due to an alleged breach of Condition 3 of full planning ref: PA/04/1790. It is also noted the enforcement department sent a letter advising of the breach but did not pursue formal action (Addressed in section 8.4 of this report).

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the Committee must consider are:

1. Amenities of neighbouring residential occupiers
2. Generation of traffic

### **Issue 1**

#### Amenities of neighbouring residential occupiers

- 8.2 The application being considered proposes to vary Condition 6 of full planning ref: PA/04/1790 to allow the cafe to open from 9am - 6pm, for a total of 8 Sundays per year.
- 8.3 Given the sites' location in a predominantly residential area, the amenity of nearby residential occupiers is an issue in terms of potential noise intrusion and general disturbance.
- 8.4 Policy DEV2 of the Tower Hamlets UDP (1998) and Policy DEV1 of the Interim Planning Guidance (2007) seek to ensure development will not result in an unduly detrimental loss of amenity for neighbouring properties. Policy DEV50 of Tower Hamlets' UDP (1998) seeks to ensure development will not result in an unduly detrimental increase in noise levels, and policy HSG15 of Tower Hamlets' UDP (1998) seeks to ensure development within in residential areas is appropriate, and will not result in an unduly detrimental loss of amenity for residents.
- 8.5 The issue is whether the proposal represents an intensification of the use to a degree where it is no longer compatible with the surrounding residential uses.
- 8.6 The cafe has capacity for 36 people inside, and a maximum of 20 people on the lawn outside. Walton House is a 5/6 storey building to the east of the subject site. Several of the flats on the upper storeys overlook the subject site. Clifton and Sanford Houses are also 5/6 storey buildings, located to the west of the subject, with some flats overlooking the subject site.
- 8.7 The centre of the outdoor area is some 52 metres from Walton House, and 32 metres from the northeast corner of Clifton House. It is considered that this is an acceptable distance to

ensure amenity will not be impeded upon through opening for 8 Sundays per year.

- 8.8 As noted in the applicants' submitted statement, deliveries are made during normal working hours only, and there is no glass recycling after 6pm. All equipment is kept serviced and maintained to ensure safety and good performance, e.g., of the extraction system.
- 8.9 The Councils Environmental health section were consulted regarding this application, and given the hours of opening are restrictive (9am - 6pm), no adverse comments were made.
- 8.10 Given the small scale nature of the cafe, together with the restrictive hours and Sunday opening limited to a maximum of 8 Sundays' per year, it is considered that the variation of condition is acceptable in terms of safeguarding the amenities of surrounding residential properties.

## **Issue 2**

### Traffic Generation

- 8.11 Additional Sunday trading hours for the canteen raises an issue regarding increase in visitors to the site.
- 8.12 Policy T16 of Tower Hamlets' UDP (1998) together policy DEV19 of the Interim Planning Guidance (2007) seek to ensure developments will not prejudice the free flow of traffic, and highway safety.
- 8.13 The streets surrounding the site a designated residents only parking, and the site has good access to public transport with a PTAL of 5. The Councils Highways section had no adverse comments to make in respect of the proposal.
- 8.14 The capacity of the cafe will not be increasing, and the venue is only proposed to open for 8 Sundays per year. It is therefore considered the variation of condition 6 would be unlikely to result in an unacceptable increase in traffic generated.

### **Other Planning Issues**

#### Intensification of use, out of character with residential nature of conservation area; established complaints regarding occupancy

- 8.15 The use of the cafe is established, having been in operation since 2005. It is therefore not considered by your officers that allowing the cafe to open for 8 Sundays per year will have a detrimental effect on the character of the surrounding area.
- 8.16 Objectors consider the cafe has accommodated in excess of 100 people on the site in the past. The occupancy rate as confirmed by the applicant on site is a maximum of 36 people in the cafe, and 20 outside on the grass. The applicants have confirmed that the London Fire and Civil Defence Authority consider the premises too small in size to require a fire safety certificate limiting the number of patrons. Whilst there is no condition on the original permission restricting the number of visitors to the café, it is however considered that should additional patrons visit the site, the restricted hours of operation together with high PTAL will limit the impact on highway safety, congestion and the amenities of nearby residential occupiers.

### Enforcement

- 8.17 In 2007 a complaint was received by the Councils' enforcement department with relation to a

breach of Condition 3 of full planning permission: PA/04/1790 which stated the use of the cafe should be ancillary to the Rochelle Centre. A letter dated 30 April 2007 was sent to the owner, reminding them of the requirements of the conditions. However, it was not considered expedient, or practical to take action against the applicants.

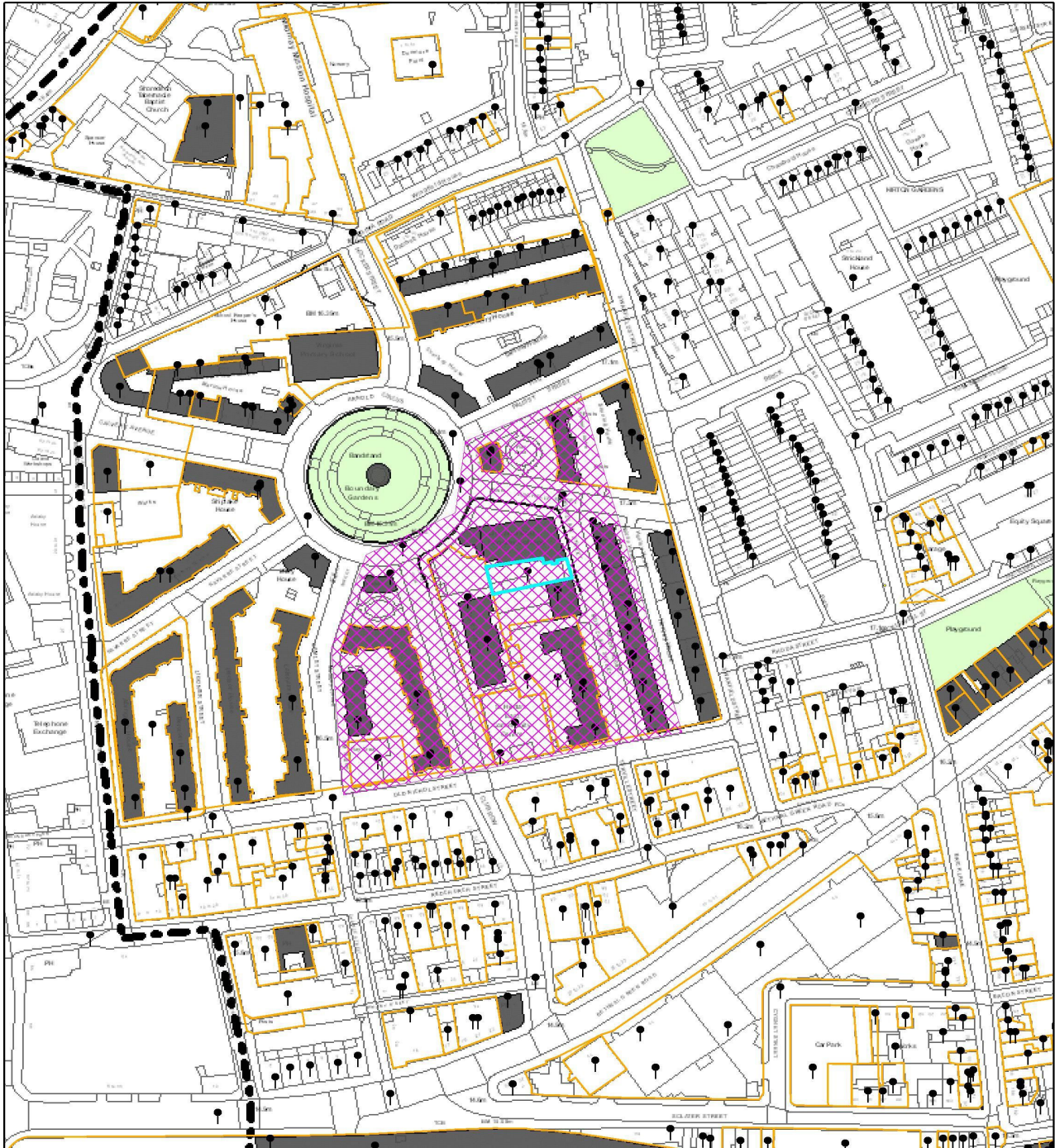
Failure to comply with Council policy

8.18 As noted above, the application is broadly compliant with Council policy.

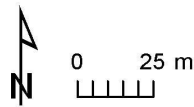
**9.0 Conclusions**

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

# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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