

Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 27 August 2008 at 7.30 p.m.

A G E N D A

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 Lutfa Begum Councillor Fazlul Haque Councillor Alexander Heslop Councillor Harun Miah 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 Abjol Miah, (Designated Deputy representing Councillor Harun Miah)

Councillor Abdul Munim, (Designated Deputy representing Councillor Harun Miah)

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: Amanda Thompson, Democratic Services, Tel: 020 7364 4651, E-mail:amanda.thompson@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 27 August 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.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 30th July 2008.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 8

4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To note the procedure for hearing objections at meetings of the Development Committee. **9 - 10**

6. DEFERRED ITEMS 11 - 12

6 .1 151-157 Gosset Street, London, E2 6NR 13 - 58 Weavers

7. PLANNING APPLICATIONS FOR DECISION

7 .1 94 Fairfield Road, London, E3 2QP 59 - 82 Bow East

7 .2 Jubilee Place, Heron Quay, London, E14 4JB 83 - 90 Millwall

7 .3 West India Dock Pier, Cuba Street, London, E14 91 - 102 Millwall

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, 30 JULY 2008

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

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Fazlul Haque
Councillor Alexander Heslop
Councillor Denise Jones (Vice-Chair)
Councillor Harun Miah
Councillor Tim O'Flaherty

Other Councillors Present:

Officers Present:

Megan Crowe	– (Legal Services Team Leader, Planning)
Stephen Irvine	– (Development Control Manager, Planning)
Michael Kiely	– (Service Head, Development Decisions)
Laura Webster	– (Planning Officer)
John Williams	– (Service Head, Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ahmed Omer.

The Committee noted that Councillor Harun Miah had replaced Councillor Shahed Ali as the Respect Group nominee to the Development Committee.

2. DECLARATIONS OF INTEREST

Councillor Fazlul Haque declared a personal interest in item 7.1 as a ward member for Weavers Ward.

Councillor Denise Jones declared a personal interest in item 7.1 as she had received e-mails regarding the application from residents and one of the objectors, Ms Kathy Darby, was known to her.

Councillor Timothy O'Flaherty declared a personal interest in item 7.1 as a ward member for Weavers Ward.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 2nd July 2008 were agreed as a correct record.

4. RECOMMENDATIONS

The Committee RESOLVED that:

- 1) 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; and
- 2) in the event of any minor changes being needed to the wording of the Committee's decision (such as to vary or add conditions or reasons for refusal) prior to the decision being issued, authority is delegated to the Corporate Director Development and Renewal to do so, provided always that the Corporate Director must not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

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

6. DEFERRED ITEMS

There were no deferred items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 151-157 Gosset Street, London E2 6NR

Mr Michael Kiely, Service Head Development Decisions, introduced the site and proposal for the demolition of existing buildings and construction of 51 residential units within buildings rising from two to six storeys together with associated cycle parking and accessible landscaped roof garden at 151-157 Gossett Street, E2. Mr Kiely drew the Committee's attention to his tabled update report which set out three additional objections received after the preparation of the agenda.

Ms Sara Dixon spoke in objection to the proposal, stating that whilst the local community welcomed redevelopment of the site, the current proposal was too large and would have an unacceptable impact on the adjacent Conservation Area. The proposed density was well above guideline figures, room sizes were too small, the mix of dwellings provided too few family-sized units and there was a lack of amenity space.

Ms Kathy Darby spoke in objection to the proposal, stating that the proposed development was too large for the site and would give rise to unacceptable overshadowing to the adjacent Conservation Area and a loss of privacy for

neighbouring properties. Warner Green was a public park and should not be considered as amenity space for the development. There would also be a loss of creative industry and employment uses.

Mr Mark Gibney spoke on behalf of the applicant. He considered that the concerns previously raised by the Committee had been addressed. The height had been reduced from 10 to 6 storeys, the footprint was smaller, providing more amenity space, the density was reduced and the mix of accommodation adjusted to provide more affordable housing and family-sized units. Room sizes complied with minimum standards and Housing Corporation requirements. The site was not within the Conservation Area and was currently vacant and in a state of disrepair. The Committee had not previously objected to the loss of creative industries and there was not a significant demand for live/work units in this location.

Mr Stephen Irvine presented a detailed report on the application. He advised the Committee that the proposed development would enhance the adjacent Conservation Area and the 6 storey building would provide a stepped approach between the 11 storey Yates House and the neighbouring 2 storey buildings. Although the proposed density still exceeded the suggested density range for the site, the design was such as to avoid the adverse impacts typically arising from high density developments. In relation to overlooking and loss of light/privacy the applicants had amended the proposals which were now acceptable in this regard and in terms of the proposed housing mix and amenity space.

Members of the Committee expressed concerns that the proposed proportion of family-sized units for sale was still too low and at the potential overshadowing that the development would cause. They also asked a number of questions about the impact on the nearby Conservation Area, the demand for industrial units, loss of open space, materials to be used, overlooking, parking issues and children's play space.

Mr Irvine responded to Members' questions as follows:-

- The proposals would enhance the Conservation Area. The existing buildings were in disrepair, many of the previous industrial uses were not authorised and the premises did not meet health and safety standards.
- There was not a high demand for industrial accommodation in this location and the site was more suitable for housing which would give rise to less adverse impact on surrounding residential areas.
- The development would not have an adverse effect on open space and the amenity space proposed was considered adequate.
- Mr Irvine gave details of the materials to be used and stated that these would be the subject of a condition.
- The roof gardens had been set back and a number of windows moved to avoid any direct overlooking.
- The development would be car-free and residents would not be able to apply for a resident's parking permit.

- In relation to play space, this was not provided but the site was within 200m of a formal playground and 400m from Ravenscroft Park.

Councillors raised further queries on the distance from the site to the Conservation Areas, the Council's recommended minimum distance between buildings and whether there was a possibility of a legal challenge to a decision on the grounds set out in the additional objection at paragraph 1.3 of the update report.

Mr Irvine responded that the proposed development was 10 metres from the Conservation Area to the north and 6 metres at the nearest point to the East. The standard recommended distance between buildings was 18 metres but this development was designed to fit in with the character of the adjacent Conservation Areas in which buildings were closer together.

Ms Megan Crowe, Legal Services Team Leader, advised that a successful legal challenge was not likely as the consultation period had closed on 29th July and all representations received before the end of that period had been put before the Committee.

On a vote of 3 against and 1 abstention, the Committee indicated that it did not support the officer's recommendation to grant planning permission for the demolition of existing buildings and construction of 51 residential units within buildings rising from 2 to 6 storeys together with associated cycle parking and accessible landscaped roof garden at 151-157 Gosset Street, London E2 6NR.

The Service Head, Development Decisions advised the Committee that the application would therefore be deferred and the subject of a further report to the next meeting, which would address potential grounds for refusal. Members indicated that they were concerned about the following matters:

- a) the percentage of family-sized homes included in the market element of the proposed development is insufficient; and
- b) the proposed building would give rise to adverse overshadowing implications for the neighbouring residential properties.

(Note (1) Councillor Denise Jones could not vote on this application as she had not been present for the whole consideration of the item)

(Note (2) Councillors Fazlul Haque, Timothy O'Flaherty and Denise Jones each declared a personal interest in the above item as listed at minute 1)

7.2 Land at rear of 106-128 Aylward Street, London

Mr Michael Kiely, Service Head Development Decisions, introduced the site and proposal for the erection of an end of terrace two storey, three bedroom

dwelling house with wheelchair access to first and second floor levels and accommodation in the roof including a rear dormer on land at the rear of 106-128 Aylward Street, London.

Ms Claire Filby spoke in objection to the proposal. She considered that the address given for the site was inaccurate, the design would have an adverse impact on the locality, the cumulative effect of a number of proposed developments in the area would have a significant damaging effect and the development would cause a loss of light and space to neighbouring properties. Ms Filby felt that a further parking space should not be included and stated that local residents were against the development.

Mr Michael McSweeney, architect for the applicant, spoke in support of the application. He stated that the proposals addressed the concerns previously raised by Members. The building was smaller, its height reduced to that of the adjoining terrace and the design features reflected those of the adjacent properties. The proposed on-street parking was a dedicated 'disabled' bay as the house would be a wheelchair accessible unit.

Ms Laura Webster, Planning Officer, presented a detailed report on the application. She advised the Committee that the design was in keeping with the surrounding street scene and existing Victorian terrace. The proposed dormer was set well down and not over-dominant. Permitted development rights would be removed so that any future alterations would require planning permission. There was no parking within the proposed scheme and the on-street disabled space shown would be subject to highways approval. Overall Ms Webster advised that the proposal was acceptable.

Councillors asked questions regarding whether other properties in the locality had or could have dormer roofs, the implications of possible refusal of highways permission for the parking bay and any possible effect on the value of the neighbouring property.

Ms Webster advised that a dormer window would normally be acceptable if the design was not over-dominant. In many cases if the size did not exceed 40 cubic metres planning permission would not be required. The provision of the on-street parking bay was not a planning consideration but highways approval would normally be forthcoming subject to appropriate location. In relation to property values, Mr Kiely advised that this was not a material planning consideration.

On a vote of 5 for and 1 abstention the Committee RESOLVED that planning permission for the erection of an end of terrace 2 storey 3 bedroom dwelling house with wheelchair access to first and second floor levels and accommodation in the roof including a rear dormer be GRANTED subject to:

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

Conditions

1. Permission valid for 3 years.
2. Details and samples of materials for all external elevations of the building
3. Archaeological investigation.
4. Investigation and remediation measures for land contamination (including water pollution potential).
5. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays.
6. Hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
7. Details of refuse arrangements to show storage to the front of the property
8. Removal of Permitted Development Rights
9. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

1. Section 278 (Highways) agreement required.
2. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

The meeting ended at 8.45 p.m.

Chair, Councillor Shafiqul Haque
Development Committee

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

Committee: Development	Date: 27 th August 2008	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): 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. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
30/07/08	PA/08/00681	151-157 Gossett Street, London, E2 6NR	The demolition of existing buildings and construction of 51 residential units within buildings rising from two to six storeys together with associated cycle parking and accessible landscaped roof garden.	to allow officers to address Members' concerns as follows: i) the percentage of family sized homes included in the market element of the proposed development is insufficient; and ii) the proposed building would give rise to adverse overshadowing implications for the neighbouring properties.

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred application is for consideration by the Committee. The original report along with any update reports are attached.

6.1 PA/08/00681: 151-157 Gossett Street, London, E2 6NR

- 3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6

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

4. PUBLIC SPEAKING

- 4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

- 5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

Agenda Item 6.1

Committee: Development	Date: 27 th August 2008	Classification: Unrestricted	Agenda Item No: 6.1
Addendum Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/08/00681	
		Ward(s): Weavers	

1. APPLICATION DETAILS

Location:	151-157 Gosset Street, London, E2 6NR
Existing Use:	Vacant Industrial
Proposal:	Demolition of existing buildings and construction of 51 residential units within buildings rising from two to six storeys together with associated cycle parking and accessible landscaped roof garden.
Drawing Nos:	6006 – D 1002-rev02, 6006 – D 4100-rev09, 6006 – D 4101-rev05, 6006 – D 4102-rev04, 6006 – D 4103-rev04, 6006 – D 4104-rev04, 6006 – D 4105-rev04, 6006 – D 4106-rev02, 6006 – D 4700-rev04, 6006 – D 4701-rev04, 6006 – D 4702-rev07, 6006 – D 4703-rev04, 6006 – D 4500-rev01, 6006 – D 4501-rev00, 6006 – D 4900-rev11, 6006 – D 4901-rev11.
Applicant:	Barratt Homes (East London Division)
Owner:	Shougre Ahmed
Historic Building:	N/A
Conservation Area:	N/A (However, the site is adjacent to Jesus Hospital Estate Conservation Area).

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 Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.2 • The proposal is in line with Mayor and Council's policy, as well as government guidance, which seeks to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3 • The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- 2.4 • The loss of the employment use on site is acceptable because the site is unsuitable for

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

continued industrial use due to its location, accessibility, size and condition. As such, the proposal is in line with employment policies 3B.4 and 3B.8 of the London Plan (Consolidated with Alterations since 2004) and policies CP9, CP11, CP12, CP19 and EE2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and CFR1 of Council's Interim Planning Guidance City Fringe Area Action Plan (2007), which consider appropriate locations for industrial employment uses.

- 2.5 • 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 policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide an acceptable standard of accommodation.
- 2.6 • The quantity and quality of housing amenity space and the communal/child play space strategy is considered to be acceptable. As such, the amenity space proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12, HSG16, and OS9 of the Council's Unitary Development Plan 1998 and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents, without adversely impacting upon the existing open space..
- 2.7 • The safety and security of the scheme is acceptable and in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.8 • The building height, scale, bulk and design is acceptable and in line Planning Policy Guidance 15, policies 4B.1, 2, 3 and 5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), 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): Core Strategy and Development Control, which seek to ensure developments minimise parking and promote sustainable transport option.
- 2.10 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.11 • The proposed development will provide appropriate contributions towards the provision of affordable housing, health care, education facilities and open space 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:
- 3.2 A. Any **direction** by **The Mayor**
- 3.3 B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
1. Affordable housing provision of 35% of the proposed habitable rooms with an 80/20 split between rented/ shared ownership to be provided on site
 2. A contribution of £51,000 to mitigate the demand of the additional population on health care facilities.
 3. A contribution of £98,736 to mitigate the demand of the additional population on education facilities.
 4. Provide £50,000 towards open space improvements at Warner Green to relieve the pressure that may arise from the new dwellings.
 5. A total contribution of £61,619 towards upgrading part of Durant Street adjacent to the development site, including:
 - the relocation of bollards and construction of shared surface on the south of Durant Street to permit vehicular turning;
 - the repaving/upgrade of the pavement on the east side of Durant Street; and
 - carriageway resurfacing and public realm improvement on Durant Street.
 6. Completion of a car free agreement to restrict occupants applying for residential parking permits, apart from disabled users.
 7. TV reception monitoring and mitigation;
 8. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
- 3.4 That the Head of Development Decisions is delegated power to impose conditions on the planning permission to secure the following:

Conditions

1. Permission valid for 3 years
2. Details of the following are required:
 - Samples of materials for external fascia of building;
 - A 1:20 scale north elevation that includes all specifications, fencing, rainwater pipes, external details (including samples);
 - 1:10 typical details for windows, balcony, and elevation bay where interface between timber panels and brickwork is visible (including samples);
 - 1:5 details for roof railing, top storey metal cladding detail (including samples); and
 - Detailed landscape plan for roof-top amenity space (including samples).
3. Landscape Maintenance and Management Plan. Native species should be implemented
4. Parking – 0 car parking spaces and a minimum of 66 cycle spaces
5. Archaeological investigation
6. Investigation and remediation measures for land contamination (including water pollution potential)
7. Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and

- Surface water control measures.
8. Details of the site foundations works
 9. Construction Environmental Management Plan, including an Air Quality measures
 10. Sustainable design measures and construction materials, including of energy efficiency and renewable measures.
 11. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays. No work on Sundays or public holidays.
 12. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
 13. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
 14. Preparation of a Travel Plan
 15. Details of Refuse Management Plan
 16. Highway works surrounding the site to be submitted to and approved by the Council.
 17. Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

1. Section 106 agreement required.
2. Section 278 (Highways) agreement required.
3. Site notice specifying the details of the contractor required.
4. Construction Environmental Management Plan Advice.
6. Environment Agency Advice.
7. Environmental Health Department Advice.
8. Metropolitan Police Advice.
9. Thames Water Advice.
10. Highways Department Advice.
11. Advertising signs and/or hoardings consent.

3.5 That, if by 27th November 2008 the 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.

4.0 BACKGROUND TO THIS REPORT

4.1 This application was presented before the members of the Development Committee on the 30th July 2008. The original report, recommending approval of this proposal subject to conditions, is attached as **Appendix 1**. Attached as **Appendix 2** is a copy of the Development Committee 'decisions on planning applications' of the 30th July 2008 meeting. Further, attached as **Appendix 3**, is a copy of the Development Committee minutes of the 30th July 2008 meeting.

4.2 At this meeting, the Committee indicated that it did not support the officer's recommendation to grant planning permission for the proposed development.

4.3 The Service Head, Development Decisions advised the Committee that the application would therefore be deferred and the subject of a further report to the next meeting, which would address potential grounds for refusal. Members indicated that they were concerned about the following matters:

1. The percentage of family-sized homes included in the market element of the proposed development is insufficient; and
2. The proposed building would give rise to adverse overshadowing implications for the neighbouring residential properties.

4.4 Further, members informally raised concern over the separation distance between the

northern elevation of the development and the adjacent dwellings on Wellington Row.

5.0 PLANNING ADVICE

Housing Mix

- 5.1 The planning department are of the opinion that it is unlikely that the member's indicated reasons for refusal are defensible for the following reasons:
- 5.2
1. The proper application of policy HSG2 of the Integrated Planning Guidance (IPG) is not to regard the percentages as rigid criteria, but as guidelines. It is significant in this regard that policy CP21 refers to the percentages as targets. Furthermore, such an approach accords with general approach to making planning decision in which competing factors must be weighed against each other. An approach which treats these policies as providing guidelines as opposed to rigid criteria sits more comfortably within the wider policy matrix in which the decision has to be taken.
 2. The Council has previously approved developments of a comparable nature with smaller percentages of family sized accommodation in the market element. In this circumstance, it would be unreasonable for the Council to rigidly apply this policy in light of recent decisions.
 3. To treat the numbers as rigid criteria would be inconsistent with the Committee's treatment of the density of the Development. The Committee took no express issue with the proposed density earlier.
 4. When considering this application, the simple point must be made that overall the Development exceeds the contribution of family units required by policy and that, although there is a shortfall of family units in the market element, that short fall is not considered to be material given the Development's overall performance.
 5. It is arguable that, by demanding a significantly larger percentage of family units in the social rented segment, the policies themselves indicate that more weight ought to be placed on the percentage of family units in the social rented segment as opposed to the market segment.

Daylight, Sunlight and Overshadowing

- 5.3 The applicants' Daylight and Sunlight report prepared by Delva Patman Associates concludes that the only adverse impacts in terms of daylight were in relation to three windows out of 108 tested by VSC analysis and in relation to one window out of 277 tested by 'no-sky contour' analysis. The windows that failed were identified at 115 Wellington Row. Delva Patman Associates were requested to carry out an average daylight analysis (ADF) in relation to that property. The results of that analysis confirmed that the impact was negligible and complied with the BRE guidelines.
- 5.4 The development was also found to have a negligible impact on the sunlight adequacy to neighbouring habitable rooms in sunlight terms, in accordance with the BRE guidelines. Further, the assessment looked at the degree of overshadowing caused by the development which was also found to be acceptable in accordance with the BRE guidelines.
- 5.5 This is an area in which an objective analysis has been carried out against set national guidelines. There is no further or conflicting evidence on this point. The planning department considers that there is no basis on which to argue against the conclusion that the overall impact of the Development is negligible in these terms.

Separation Distance

- 5.6 Members had informally raised concerns with the separation distance between the development and Wellington Row. The Committee was advised that the application was revised to address the planning departments concerns on this issue. Windows on the ground and first floor of the northern elevation have been moved so as not to directly face windows in 115 Wellington Row. As a result of which the potential for overlooking has been reduced.
- 5.7 In considering this matter the underlying policy thrust is to preserve privacy and the professional advice of the Planning Department is that there is no material harm in this regard having amended the plans. Furthermore, any harm that is caused by the relationship between the northern elevation and 115 Wellington Row is to be judged in the urban context of the Development as a whole.

Other reasons for refusal

- 5.8 In considering any further potential grounds of refusal, the planning department are of the opinion that no material harm arises from the proposals and would not propose any other grounds of refusal.
- 5.9 In conclusion, given the general merits of the Development, none of the proposed reasons for refusal are considered by officers as likely to be upheld on appeal. On that basis, the officers' recommendation remains unchanged.

6.0 Conclusions

- 6.1 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.

Committee: Development	Date: 30 th July 2008	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/08/00681	
		Ward(s): Weavers	

1. APPLICATION DETAILS

Location: 151-157 Gosset Street, London, E2 6NR
Existing Use: Vacant Industrial
Proposal: Demolition of existing buildings and construction of 51 residential units within buildings rising from two to six storeys together with associated cycle parking and accessible landscaped roof garden.
Drawing Nos: 6006 – D 1002-rev02, 6006 – D 4100-rev09, 6006 – D 4101-rev05, 6006 – D 4102-rev04, 6006 – D 4103-rev04, 6006 – D 4104-rev04, 6006 – D 4105-rev04, 6006 – D 4106-rev02, 6006 – D 4700-rev04, 6006 – D 4701-rev04, 6006 – D 4702-rev07, 6006 – D 4703-rev04, 6006 – D 4500-rev01, 6006 – D 4501-rev00, 6006 – D 4900-rev11, 6006 – D 4901-rev11.
Applicant: Barratt Homes (East London Division)
Owner: Shougre Ahmed
Historic Building: N/A
Conservation Area: N/A (However, the site is adjacent to Jesus Hospital Estate Conservation Area).

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 Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.2 • The proposal is in line with Mayor and Council's policy, as well as government guidance, which seeks to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3 • The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- 2.4 • The loss of the employment use on site is acceptable because the site is unsuitable for

**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

continued industrial use due to its location, accessibility, size and condition. As such, the proposal is in line with employment policies 3B.4 and 3B.8 of the London Plan (Consolidated with Alterations since 2004) and policies CP9, CP11, CP12, CP19 and EE2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and CFR1 of Council's Interim Planning Guidance City Fringe Area Action Plan (2007), which consider appropriate locations for industrial employment uses.

- 2.5 • 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 policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide an acceptable standard of accommodation.
- 2.6 • The quantity and quality of housing amenity space and the communal/child play space strategy is considered to be acceptable. As such, the amenity space proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12, HSG16, and OS9 of the Council's Unitary Development Plan 1998 and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents, without adversely impacting upon the existing open space.
- 2.7 • The safety and security of the scheme is acceptable and in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.8 • The building height, scale, bulk and design is acceptable and in line with Planning Policy Guidance 15, policies 4B.1, 2, 3 and 5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), 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): Core Strategy and Development Control, which seek to ensure developments minimise parking and promote sustainable transport option.
- 2.10 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.11 • The proposed development will provide appropriate contributions towards the provision of affordable housing, health care, education facilities and open space 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:

3.2 A. Any **direction** by **The Mayor**

3.3 B. The prior completion of a **legal agreement**, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following:

1. Affordable housing provision of 35% of the proposed habitable rooms with an 80/20 split between rented/ shared ownership to be provided on site
2. A contribution of £51,000 to mitigate the demand of the additional population on health care facilities.
3. A contribution of £98,736 to mitigate the demand of the additional population on education facilities.
4. Provide £50,000 towards open space improvements at Warner Green to relieve the pressure that may arise from the new dwellings.
5. A total contribution of £61,619 towards upgrading part of Durant Street adjacent to the development site, including:
 - the relocation of bollards and construction of shared surface on the south of Durant Street to permit vehicular turning;
 - the repaving/upgrade of the pavement on the east side of Durant Street; and
 - carriageway resurfacing and public realm improvement on Durant Street.
6. Completion of a car free agreement to restrict occupants applying for residential parking permits, apart from disabled users.
7. TV reception monitoring and mitigation;
8. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.

3.4 That the Head of Development Decisions be delegated authority to impose conditions on the planning permission to secure the following:

Conditions

1. Permission valid for 3 years
2. Details of the following are required:
 - Samples of materials for external fascia of building;
 - A 1:20 scale north elevation that includes all specifications, fencing, rainwater pipes, external details (including samples);
 - 1:10 typical details for windows, balcony, and elevation bay where interface between timber panels and brickwork is visible (including samples);
 - 1:5 details for roof railing, top storey metal cladding detail (including samples); and
 - Detailed landscape plan for roof-top amenity space (including samples).
3. Landscape Maintenance and Management Plan. Native species should be implemented
4. Parking – 0 car parking spaces and a minimum of 66 cycle spaces
5. Archaeological investigation
6. Investigation and remediation measures for land contamination (including water pollution potential)
7. Full particulars of the following:

- Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
8. Details of the site foundations works
 9. Construction Environmental Management Plan, including an Air Quality measures
 10. Sustainable design measures and construction materials, including of energy efficiency and renewable measures.
 11. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays. No work on Sundays or public holidays.
 12. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
 13. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
 14. Preparation of a Travel Plan
 15. Details of Refuse Management Plan
 16. Highway works surrounding the site to be submitted to and approved by the Council.
 17. Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

1. Section 106 agreement required.
 2. Section 278 (Highways) agreement required.
 3. Site notice specifying the details of the contractor required.
 4. Construction Environmental Management Plan Advice.
 6. Environment Agency Advice.
 7. Environmental Health Department Advice.
 8. Metropolitan Police Advice.
 9. Thames Water Advice.
 10. Highways Department Advice.
 11. Advertising signs and/or hoardings consent.
- 3.5 That, if by 30th October 2008 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Head of Development Decisions be delegated authority to refuse planning permission.

4. PROPOSAL

- 4.1 The applicant seeks to respond to reasons for refusal on the previous planning application which comprised the erection of buildings rising from 2 to 10 storeys to provide a total of 66 units.
- 4.2 The application comprises the demolition of the existing buildings and the erection of buildings rising from 2 storeys to 6 storeys to provide a total of 51 units. The scheme was originally proposing 52 units, however, to address design comments raised by the Council, the scheme has been amended which has resulted in the loss of one unit.

Site and Surroundings

- 4.3 The application site, which extends to 0.13 hectares, is located on the corner of Gosset Street, Durant Street and Wellington Row and is currently occupied by two industrial buildings which stand between one and two storeys in height.
- 4.4 The main building which fronts onto Gosset Street previously housed a bakery. The other building was utilised by a variety of industrial uses, including creative industries. Both buildings are now vacant and appear to be occupied by squatters.
- 4.5 The part of Durant Street adjacent to the proposed building is currently closed to vehicular through traffic at the junction with Wellington Row. Notwithstanding, Durant Street remains a

public road and does not fall within the application site boundary.

- 4.6 The surrounding area is residential in character. The predominant dwelling types are flats and houses which vary greatly in terms of their mass, scale and design. In particular, Yates House, located directly to the south of the site, is an 11 storey, 1960s Council block.
- 4.7 To the east of the site is a grassed area, Warner Green. To the east of Warner Green is a four storey development. To the North of the site is Wellington Row which comprises a row of two storey terraced properties. The northern side of Wellington Row, as well as Warner Green, fall within the Jesus Hospital Estate Conservation Area.
- 4.8 The site itself adjoins an area of amenity space to the west, as well as a five storey residential development which runs along the southern side of Wellington row.

Relevant Planning History

4.10 The following planning decisions are relevant to the application:

- 4.11 PA/07/1959 Application for the demolition of existing buildings and construction of 66 residential units within buildings rising from 3 to 10 storeys together with associated landscaping works; was refused for the following reasons:
1. The proposal, by reason of its height and massing, would fail to either preserve or enhance the character and setting of the Jesus Hospital Estate Conservation Area; and
 2. The proposed dwelling mix, by reason of the limited number of family accommodation units in the market element, does not accord with local and London-wide policy and need requirements set out for mixed tenure developments. As such, the proposed mix is unacceptable.
- 4.12 TH/2989/11272/PM Change of use of premises to light industry
(6 December 1979)
- 4.13 TH/2989/14397/PM/DJ Change of use from public highway to vehicle parking and loading area including erection of single storey extension and boundary fence (Part of Durant Street, by 151 – 157 Gosset Street) (OFFICER COMMENT: This application does not appear to have been implemented in accordance with the conditions of development, where the Highways Departments have confirmed that Durant Street is a public road)

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:
- 5.2 **Unitary Development Plan (as saved September 2007)**
Proposals: Not subject to site specific proposals
The proposed development falls within the background area of the view of St Paul’s Cathedral from Westminster Pier.

Policies: Environment Policies

DEV1 Design Requirements
DEV2 Environmental Requirements

DEV3	Mixed Use development
DEV4	Planning Obligations
DEV12	Provision of Landscaping in Development
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
HSG7	Dwelling Mix
HSG13	Internal Standards for Residential Developments
HSG16	Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Pedestrian
T21	Existing Pedestrians Routes

5.3 Interim Planning Guidance for the purposes of Development Control (Oct 2007)

Proposals: As above

Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP9	Small Businesses
	CP10	Strategic and Local Industrial Locations
	CP11	Sites in Employment Use
	CP12	Creative Industries
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP36	Water Environment and Waterside Walkways
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP50	Views

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV7	Water Quality
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
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
EE2	Redevelopment /Change of Use of Employment Sites
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
OSN2	Open Space
CON2	Conservation Area
CON5	Views
CFR1	Spatial Strategy
CFR2	Transport
CFR3	Health
CFR4	Education
CFR5	Open Space
CFR6 & 7	Infrastructure
CFR38	Residential
CFR39	Design
CFR40	Public Realm

5.4 Supplementary Planning Guidance/Documents

Designing Out Crime
Residential Space
Landscape Requirements
Archaeology and Development

5.5 The London Plan (consolidated with alterations since 2004) - the Mayor's Spatial Development Strategy

2A.1	Sustainability Criteria
2A.5	Opportunity Areas
3A.1	Increasing London's Supply of Housing
3A.2	Borough Housing Targets
3A.3	Maximising the potential of sites
3A.5	Housing Choice
3A.6	Quality of new housing provision
3A.7	Large residential developments
3A.8	Definition of Affordable Housing
3A.9	Affordable Housing Targets
3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
3A.18	Protection and Enhancement of social infrastructure and

	community facilities
3B.4	Industrial Locations
3B.8	Creative Industries
3C.1	Integrating Transport And Development
3C.23	Parking Strategy
3D.13	Children and Young People Play Strategies
4A.4	Energy Assessment
4A.7	Renewable Energy
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an Inclusive Environment
4B.11	Built Heritage
4B.12	Heritage Conservation
4B.16	London View Protect Framework
4B.17	View Management Plans
4B.18	Assessing Development Impact On Designated Views
5C.1	The Strategic Priorities For East London

5.6 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG15	Planning and the historic environment
PPS22	Renewable Energy
PPG24	Planning & Noise

5.7 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 Cleansing

6.2 The cleansing department has no objections. However, they raise the following points for clarification:

- Why are there two alternative bin stores? Both seem ok, but one has the exact number required (9) and the other has 10 but with a different layout inside the chamber. The alternative proposal is considered to be more appropriate as it has the correct number, although they wouldn't object to one extra, and the layout has a better configuration between the recycling and refuse containers
- The applicant will need to ensure that the collection point is free of parking and has a level surface or dropped kerb. Will the doors/gates at the exit point be secure?

6.3 (Officer Comment: A drop kerb has been provided which will be kept free of parking as there are parking restrictions currently in place. The bin store has also been amended to provide 9 bins as requested).

LBTH Crime Prevention Officer

- 6.4 The recess to the private and affordable block entrances may cause safety and security concerns and needs to be designed out.
- 6.5 The design of the ground floor balconies and railings should be designed to prevent opportunities for non-residents to climb to upper first floor balconies and for seating. In accordance with Secure by Design Standards (SBD), all the balconies should incorporate PAS 23/24 doors, BS 7950 windows, laminated glass to 6.8mm (not 6.4mm), window locks and window restrictors.
- 6.6 There is no mention of height of boundary railings, particularly to the North and West elevations
- 6.7 (Officer Comment: The applicant has amended the scheme to address the lobby entrance issue by moving it forward to reduce the amount of recess. The applicant has confirmed that they will comply with the SBD standards in all accessible locations, which are likely to be at ground floor level. In terms of providing defensible space, the units on the corner of Durant Street and Gosset Street have been setback to provide defensible space for new residents. The Crime Prevention Officer has confirmed that the amended plans have dealt with all of his concerns).

LBTH Education

- 6.8 The education department identified a requirement for a contribution towards 8 primary places @ £12,342 = £98,736.

LBTH Energy Efficiency Unit

Energy Comments

- 6.9 The energy demand assessment of the development has been calculated using SAP2005 calculation method and the non-regulated energy use has been included from BREDEM-12 calculation to represent the whole energy use by the development. Passive design and energy efficiency measures proposed for this development results in 5.25% carbon dioxide emissions reduction.
- 6.10 A combined heat and power (CHP) system or a communal heating system has been assessed not to be suitable for this development as the development is relatively small (52 residential units). Air Source Heat Pumps (ASHP) have been selected to provide domestic hot water and heating (via wet central heating system). Individual ASHP are proposed for each dwelling and are predicted to provide a 20.31% carbon dioxide emissions reduction.
- 6.11 ASHP work in the same way as Ground Source Heat Pumps (GSHP), where it utilises the outside air and converts it in to heat energy. Therefore ASHP can be regarded as a renewable energy source.
- 6.12 The energy strategy proposed reduces carbon dioxide emissions by 25.51% from the baseline. As such, the energy strategy was found to be satisfactory.

Sustainable Design and Construction Comments

- 6.13 As a condition of Housing Corporation funding, the affordable units are required to meet Eco Homes 'Very Good' rating. To demonstrate compliance with Sustainable Design and Construction policy, the applicant has agreed to meet Eco Homes 'Very Good' rating across the whole development. An Eco Homes pre-assessment has been submitted demonstrating the development achieves an Eco Homes 'Very Good' rating across the whole development.

Eco Homes is a certification scheme where the final assessment is verified by the awarding body (i.e. Building Research Establishment) with certificates. It is therefore recommended the Eco Homes assessment is accepted with a condition to provide confirmation and evidence of certification that the development has achieved the required Eco Homes 'Very Good' rating, prior to the occupation of the building.

LBTH Ecology

- 6.14 No response.
- 6.15 (OFFICER COMMENT: This matter has been addressed later in the report. Notwithstanding, the site is void of vegetation).

LBTH Environmental Health

Contaminated land

- 6.16 No comment.
- 6.17 (Officer Comment: In line with the previous scheme, the development must be conditioned to ensure the developer carries out a site investigation to investigate and identify potential contamination)

Air Quality

- 6.19 The scheme should be conditioned appropriately
- 6.20 (OFFICER COMMENT: The scheme will be conditioned appropriately)

Noise

- 6.21 No objection.
- 6.22 (OFFICER COMMENT: This matter has been addressed later in the report)

Sunlight

- 6.23 No response.
- 6.24 (OFFICER COMMENT: This matter has been addressed later in the report).

LBTH Highways

- 6.25 All doors along the frontage of the development must not open out onto the highway for pedestrian safety reasons. The developer must make changes to the substation doors in order to accommodate this requirement.
- 6.26 (Officer Comment: The plans have been amended accordingly)
- 6.27 A section 106 car free agreement will apply to all future occupiers. A section 106 agreement will ensure that residents do not have access to residential parking, promote sustainable transport options and minimise any impact on the public highway.
- 6.28 (Officer Comment: This has been secured through the section 106 agreement)
- 6.29 Section 106 contribution of £61,619, including:

- Relocation of bollards and construction of shared surface on the South of Durant Street to permit vehicular turning;
- Repaving/upgrade of the pavement on the east side of Durant Street; and
- Carriageway resurfacing and public realm improvement on Durant Street

LBTH Landscape

6.30 No comment.

6.31 (OFFICER COMMENT: LBTH Landscape comments on the previous scheme required the conditioning of the scheme to provide a management plan with suitable on-going maintenance arrangements for the roof-top terrace. As such, this has been conditioned appropriately).

Environment Agency (Statutory)

6.32 No objection, subject to condition.

English Heritage – Archaeology

6.33 No response

6.34 (OFFICERS COMMENT: An archaeology condition has been attached to the application).

London Borough of Hackney

6.35 No objection.

London Fire and Emergency Authority

6.36 No information has been given that addresses Access and Water Supplies. Further information is required to ascertain if the proposal will provide a 'Dry Rising Main'.

6.37 (Officer Comment: The applicant liaised further with the fire authority and upon further assessment the fire authority advised that there are no additional or alterations required to the existing fire hydrants nor is a dry rising main required).

6.38 The existing closure of Durant Street may have an impact on the servicing of the development.

6.39 (Officer Comment: The Fire Authority has since advised that where Durant Street is blocked off at the junction with Wellington Row and is an existing situation this specific matter falls outside the scope of their consultation).

Thames Water Utilities

6.40 No objection was raised regarding sewerage and water supply infrastructure capacity to service the development. Recommended a number of conditions and informatives to ensure that foul and/ or surface water discharge from the site and water pressure is appropriately addressed.

Tower Hamlets PCT

6.41 No comment.

6.42 (OFFICER COMMENT: On the previous scheme, the PCT indicated that the application site would require a contribution of £306,716 towards primary care needs of residents. The PCT

were requested to provide further evidence to justify the reasonableness of their request. However, this had not been provided. The contribution requested by the PCT consisted of £62,200 towards capital planning contribution and £244,516 towards revenue planning contribution. In the absence of justification from the PCT, the planning department recommended to the Committee that the revenue planning contribution could not be justified. As such, the applicants proposed contribution of £66,000, which exceeded the capital planning contribution, was considered acceptable by the Planning Department and the Development Committee. Based on these figures, a prorate value of £51,000 towards capital contribution is considered acceptable, particularly in light of recent planning approvals).

7. LOCAL REPRESENTATION

7.1 A total of 351 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:	Objecting: 133	Supporting: 0
No of petitions received:	0	

7.2 The following local groups/societies made representations:

- Jesus Hospital Estate Residents' Association

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

Land Use

- The proposed density is too high and will negatively impact on social and physical infrastructure of the area (i.e. roads, public open space, transport, schooling, medical, etc);
- Lack of affordable housing unit;
- Loss of creative industry and employment uses; and
- The application should not include the part of Durant Street adjacent the site, or Warner Green.

Design

- The height, mass, bulk and scale, including the roof design and external materials, will have an unacceptable impact upon the context of the surrounding area, including the character and setting of the adjacent Jesus Green Conservation Area;
- Inadequate provision of amenity space and child play space;
- The height and design quality of Yates House should not be regarded as a design precedent for a tall building on the proposed site;
- The small footprint of the site cannot accommodate a housing development of this scale;
- The roof garden;
- The development is built right up to the site boundary; and
- Small unit sizes and poor design.

Amenity

- Loss of daylight and sunlight;
- Overshadowing;
- Loss of privacy/ overlooking;
- Safety concerns due to higher densities;
- Increased noise;
- Increased disruption due to construction;
- Impact on views/ outlook; and
- Sense of enclosure.

Highways

- There is no provision for car parking spaces;
- Impact on footpaths/cycle route;
- Limited access to the waste facility; and
- The TA doesn't address the construction process.

Other

- Inadequate consideration given to sustainability.

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

- The motive for the development is to maximise profits
- Flaws in the applicants public consultation process
- The site is only vacant because of the developer's direction
- The conservation area is often used for filming. An unsympathetic development may cause this industry to look else where, depriving the area of valuable income.
- Insufficient time to consider the application

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use;
- Design;
- Amenity;
- Highways; and
- Other

Land Use

Principle of Residential Development

8.2 The proposed scheme includes the demolition of the existing industrial uses on the site, to provide a residential development. In accordance with polices 3A.1, 3A.3 & 3A.5 of the consolidated London Plan (2008), the Mayor is seeking the maximum provision of additional housing in London. The London Plan housing target (December 2006) for Tower Hamlets from 2007 to 2016 is 31,500 new homes, subject to the provision of adequate social and physical infrastructure and contributing to sustainable communities (CP19 of the Interim Planning Guidance).

8.3 The Site is designated for residential development according to the Weavers sub-area within the Interim Planning Guidance City Fringe Area Action Plan. Accordingly, the site is

considered to be appropriate for residential use, particularly, considering the surrounding land use is residential. The proposed development responds to a defined local and strategic need for new housing and will make a valuable contribution to local and strategic housing objectives. It therefore meets the requirements of London Plan and Interim Planning Guidance (IPG).

- 8.4 The community response to the proposed change of use from employment to residential has been varied. Whilst a number of residents welcome the change in use there are also a number of residents who are opposed to the change. Careful consideration must therefore be given to the proposed loss of employment, which has been assessed below.

Loss of Employment

- 8.5 According to paragraph 35 of PPS4, land and buildings currently or last used for industrial purposes will be assessed to see if it is a vital local industrial land resource which must be maintained.
- 8.6 Policy 3B.4 of the London Plan states that the release of surplus employment land for other uses should be managed in the light of strategic and local assessments of demand. Chapter 10 (supporting paragraph 10.4) of the IPG identifies that the Council has rationalised industrial land within the Borough, of which the site is not allocated.
- 8.7 Further, the Sub Regional Development Framework for East London advises that particularly in East London, there is more provision for economic activity than is necessary to meet future demand. In terms of future land required for industry and warehousing, the document also considers that in East London, some 500 ha of industrial land can be released to other uses between 2001 and 2016 (paragraph 131, p 35).
- 8.8 The Site is not a Strategic Employment Site according to the London Plan or in a Local Employment Location for employment in the UDP. There is no specific land use designation for the Site according to the proposals map of both the Unitary Development Plan and the Interim Planning Guidance. Further, the retention of industrial use on the site is not considered appropriate when considering policy CP11 of the Interim Planning Guidance. In fact, the Interim Planning Guidance City Fringe Area Action Plan designates the site for residential development, not mixed use development.
- 8.9 The Planning Statement submitted by the applicant states that the site is a vacant industrial premises, previously used as a bakery and timber yard. Under the previous application, following representations raised by the public, it was identified that the existing buildings were sublet out to a number of creative industry uses on an informal basis. Notwithstanding, I have been advised that all tenants no longer operate from the premises and it is understood that squatters are currently utilising the premises.
- 8.10 Policy 3B.8 of the London Plan and policies CP12 and CFR1(g) of the Interim Planning Guidance and City Fringe Area Action plan (Respectively) seek to retain and protect existing creative industry clusters. Specific sites are not identified within the London Plan though it recognises that the City Fringe is an important creative industry cluster area for London. According to the Interim Planning Guidance and City Fringe Area Action plan, the site is not located within a creative industry cluster.
- 8.11 In accordance with policies CP11 and EE2 of the Interim Planning Guidance, a change of use is permitted where the applicant has shown that the site is unsuitable for continued employment use due to its location, accessibility, size and condition.
- 8.12 A report has been submitted that shows that the current demand/supply dynamics for industrial stock would support the loss of the site from an employment use and that there are better alternative locations for existing and potential tenants requiring industrial-related floor

space. Further, a health and safety audit of the joinery site which confirmed that the activities undertaken do not meet health and safety standards. The building was found to be un-fit for purpose. This would conflict with policy CP9 of the IPG which seeks to promote small businesses in appropriate locations that are of high quality.

- 8.13 In view of the above comments and the fact that the site is not designated for industrial uses in the London Plan, UDP or the IPG, it is not considered that there are any land use reasons that would sustain a reason for refusal in this instance. It must be noted that when the previous scheme on this site was presented to the Development Committee last year, the Committee did not object to the scheme on land use grounds.
- 8.14 The Council has received representations from residents objecting to the loss of creative industries. However, whilst the site may have been historically used for industrial uses and in considering the arguments made above, the planning department is of the opinion that there is insufficient policy justification for the refusal of the scheme based on the loss of the existing industrial uses from the site.
- 8.15 In light of the Mayor's objective to increase the provision of residential accommodation within London, the development of this site for residential housing is considered acceptable.

Density

- 8.16 The Site has a net residential area of approximately 0.13 hectares. The proposed residential accommodation would result in a density of approximately 392 units per hectare and 1192 habitable rooms per hectare (hr/ha). In comparison to the density of the previous scheme, the proposed density represents a reduction of 216 habitable rooms.
- 8.17 In accordance with TfL's public transport accessibility level (PTAL) map, the site appears to be on the border of PTAL level 3 and 4. According to policy 3A.3 of the London Plan, and the Interim Planning Guidance City Fringe Area Action Plan (CFAAP), the suggested density range for this site is 300 – 1100 habitable rooms per hectare (hr/ha).
- 8.18 In general numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's Interim Planning Guidance is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.
- 8.19 Residents have considered that this application results in an unacceptable increase in density and overdevelopment of the site. However it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an impact on the following areas:
- Access to sunlight and daylight;
 - Small dwelling units;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation;
 - Detrimental impact on social and physical infrastructure;
 - Visual amenity;
 - Lack of open space; and
 - Poor housing mix.

These issues are all considered in detail later in the report and were considered to be acceptable.

- 8.20 Policies CP20 and HSG1 of the Interim Planning Guidance seek to maximise residential densities on individual sites; taking into consideration:

- the local context and character;
- residential amenity;
- site accessibility;
- housing mix and type;
- achieving high quality, well designed homes;
- maximising resource efficiency;
- minimising adverse environmental impacts;
- the capacity of social and physical infrastructure and open spaces; and
- to ensure the most efficient use of land within the Borough.

8.21 On review of these issues, a high density mixed use development can be supported in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable for the following reasons:

- The proposal is of good design quality and responds appropriately to its context.
- The proposal is not considered to result in any adverse symptoms of overdevelopment.
- The proposals housing mix, including dwelling size and type and affordable housing, is acceptable.
- A number of contributions towards affordable housing, health, education and open space have been agreed to mitigate any potential impacts on local services and infrastructure.
- The development is located within an area with reasonable access to public transport services, open space and other local facilities. The site also has good access to cycle pedestrian linkages. Further, Thames Water has confirmed there is adequate sewerage and water capacity to meet the needs of the development.
- A planning condition will look at ways to improve the use of sustainable forms of transport through a travel plan. Also, a section 106 agreement will be implemented to prohibit any overspill parking from the residential development as well as monitor and mitigate any potential impact on TV reception.

8.22 Again, it must be noted that when the previous scheme on this site was presented to the Development Committee last year, the Committee did not object to the scheme on density grounds.

Housing

- Housing Mix

8.23 The scheme is proposing a total of 51 residential units.

8.24 Policy HSG7 of the 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.

8.25 Pursuant to policy 3A.5 of the London Plan the development should:

“offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation”.

8.26 The GLA housing requirements study identified within the Mayor’s Housing SPG provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is

inappropriate to apply the identified proportions crudely at local authority level or site level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.

8.27 Paragraph 20 of Planning Policy Statement 3 states that

“key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people”.

8.28 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2006, which reflects the Borough’s current needs, inline with the London Plan SPG for Housing:

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total units in scheme	units	%	LDF %	units	%	LDF %	units	%	LDF %
1 bed	20	2	18.2	20	2	50	37.5	16	44.4	37.5
2 bed	15	2	18.2	35	1	25	37.5	12	33.4	37.5
3 bed	13	4	36.3	30	1			8		
4 bed	1	1	9.1	10	0			0		
5 Bed	1	1	9.1	5	0			0		
6 Bed	1	1	9.1	0	0	25	25	0	22.2	25
TOTAL	51	11	100	100	4	100	100	36	100	100

8.29 Policies CP21 and HSG2 and of the Interim Planning Guidance 2006 identify that there is a significant deficiency of family housing, particularly within this part of the Borough. However, the policies identify that family housing is needed mostly within social rented housing. The scheme exceeds the Council’s targets for family units in the affordable rented mix, providing 63.6% against a target of 45%.

8.30 Notwithstanding this, the Development Committee considered the previous scheme’s dwelling mix, by reason of the limited number of family accommodation units in the market element, to be unacceptable in accordance with local and London-wide policy and need requirements. As such, the applicant has also increased the provision of family housing to 25% in the intermediate and 22.2% in the market housing components to address the concerns raised by the previous Development Committee.

8.31 The scheme provides a slightly higher provision of 1 bed units from the policy guidance targets. Notwithstanding, it is accepted that the consequence of the high proportion of family accommodation will result in a higher percentage of 1 bed units.

8.32 On balance, where the scheme provides a suitable range of housing choice and meets the needs of family housing in both the affordable and private housing components, the proposed housing mix is considered to comply with national guidance, the London Plan and the Interim Planning Guidance in creating a mixed and balanced community.

- **Affordable Housing**

- 8.33 Policies 3A.7 and 3A.8 of the London Plan states that borough's 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 in line with the Borough's own affordable housing targets.
- 8.34 Policy CP22 of the Interim Planning Guidance states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision.
- 8.35 The scheme provides a total of 15 affordable units and 35.48% on a habitable room basis.
- 8.36 As such, the scheme is compliant with the Council's policy and is considered to be acceptable. Again it is to be noted that the previous scheme provided a total of 35% affordable housing, which the Development Committee deemed to be acceptable.

Social Rented/ Intermediate Ratio

- 8.37 The following table summarises the affordable housing social rented/ intermediate split proposed against the London Plan and Interim Planning Guidance:

Tenure	Habitable Rooms	London Plan	IPG
social rent	44 (80%)	70%	80%
shared ownership	11 (20%)	30%	20%
total	55(100%)	100%	100%

- 8.38 Where the scheme is proposing an 80:20 split, it is compliant with the Interim Planning Guidance. Accordingly, the ratio is considered acceptable.

DESIGN

- 8.39 The site is on the edge of Jesus Hospital Estate Conservation Area. The present development does little to make an active contribution to the urban environment. In fact, a number of residents are in support to the demolition of the existing development. However, there is objection to the proposed development, where the residents are of the opinion that the proposed buildings do not reflect the scale, grain or character of the surrounding area.
- 8.40 As mentioned earlier in this report, the Development Committee refused the previous scheme where they considered that the development, by reason of its height and massing, would fail to either preserve or enhance the character and setting of the Jesus Hospital Estate Conservation Area contrary to PPG15 and policies CP49 and CON2 of the Interim Planning Guidance (2007).
- 8.41 The applicant has sought to address the Committees concerns, in particular, through the reduction in height from 10 storeys to a maximum of 6 storeys, as well as amending elevation detailing. The Council's Development and Renewal Department, including the Design and Conservation team, are now of the opinion that the buildings height, scale, bulk and quality of design is appropriate for this location. This opinion is examined in detail below.

Design Merits

- 8.42 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 policies DEV1 and 2 of the UDP and the IPG.

8.43 The design of the scheme has been considered in response to the character of the Conservation Area. As such, the following policies and guidance notes will also need addressing.

8.44 Paragraph 4.14 of Planning Policy Guidance (PPG)15 states that

“the desirability of preserving or enhancing the conservation area should, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area”

8.45 Supporting paragraph 4.20 states that,

“as to the precise interpretation of 'preserve or enhance', the Courts have held that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed”.

8.46 The intent of PPG15 is established within the relevant policy of the Interim Planning Guidance. Policy CON2(2) states that development proposals that would affect the setting of a conservation area will only be granted where it would preserve or enhance the special architectural or historic interest of the Conservation Area.

8.47 In considering the above mentioned policy and guidance, the character and appearance of the Jesus Hospital Estate Conservation Area must be identified.

8.48 The Jesus Hospital Estate was designated a conservation area in 1985. The character of the Conservation Area is very uniform in character and appearance: it largely comprises long two-storey terraced houses, constructed in the 1860s from yellow brick. The terraces are not set back but directly abut the pavement line. Much of the character of the terrace is gained from its overall uniformity and rhythm, its height, bay, width, arched window heads, consistent setback, matching materials and details.

8.49 The Jesus Hospital Estate Conservation Area contains three main areas of significant public open space, namely Jesus Green, the Ion Square Gardens and Warner Green Open space- the gardens to the south and eastern edge of the Conservation Area, terminating at Gosset Street.

8.50 The settings of Conservation Area is affected by nearby and distant tall buildings. The closest is Yates House (11 storeys). This is dominant in views south down Durant Street. It is also visible, but less dominant, in views from Ion square Gardens and Jesus Green.

8.51 To respond to concerns raised by the Development Committee on the previous scheme, the 10 storey tower has been removed and the building reduced in height to a maximum of 6 storeys to reflect the height of the surrounding buildings. The design massing approach, to divide the site in three distinct massing blocks and addressing site edge is welcome as a general concept to allow transition in building height and minimise impact on the terrace along Wellington Row. In massing terms, the approach has been successful and presents appropriate scale for the immediate site context. In local views in and out of Conservation Area, the proposed scale, materials and massing is acceptable. At the immediate edge of

Wellington Row, the massing concept will present positive edge with residential entrances echoing the character of the terrace opposite.

- 8.52 The LBTH design and conservation officer has confirmed that the development principles, including massing, height, appearance, and the roof-top amenity area, are sympathetic to the character of the Conservation Area and are therefore, in accordance with the Council's policy guidance.
- 8.53 Concerns were raised over the design of the ground floor bedrooms on the corner of Durant and Gosset Streets. To address potential safety issues, the applicant was requested to provide a "defensible" space at ground floor level. Also, to avoid potential safety concerns to the main entrance lobby, the recessed door was considered inappropriate. The applicant has subsequently amended the scheme which resulted in the loss of one unit at ground level.
- 8.54 The design officer has confirmed that the applicant's amendments provide adequate defensible spaces at ground level. Also, the amended elevations for units at the junction of Wellington Row and Durant Street, which introduce vertical proportions to windows, are now considered acceptable. Subject to the conditioning of all external materials and details, including a detailed landscape plan for the roof-top amenity space, the design officer considers the scheme to be acceptable.
- 8.55 Paragraph 4.16 of PPG15 states that

"while conservation (whether by preservation or enhancement) of their character or appearance must be a major consideration, this cannot realistically take the form of preventing all new development: the emphasis will generally need to be on controlled and positive management of change...to ensure that any new development accords with the area's special architectural and historic interest".

- 8.56 The scheme is considered to achieve an appropriate balance between conservation and redevelopment. In consideration of the existing industrial development on the site, the scheme provides a positive contribution to the character and appearance of the Conservation Area.

Strategic View Corridor

- 8.57 The proposed development falls within the background area of the view of St Paul's Cathedral from Westminster Pier. However, the height of the development is well beneath the 52.1m height limit defined by the Mayor's London View Management Framework SPG. The scheme will therefore have no impact.

Permeability

- 8.58 The development is not publicly accessible but the proposal does enhance the permeability of the area by creating active frontage along Durant Street and Wellington Row, and through the introduction of s106 improvements works along Durant Street.

Safety and Security

- 8.59 In accordance with 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.
- 8.60 The Metropolitan Police raised a number of design issues with the scheme regarding the safety and security of the development. The applicant has made a number of changes to the scheme mentioned earlier in this report. In response, the Metropolitan Police has advised that all of their concerns have been addressed. The scheme is therefore considered

acceptable.

Amenity Space

- 8.61 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not be an unacceptable increase in pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below:

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	16	50sqm of private space per family unit	800
Non-family units	35	50sqm plus an additional 5sqm per 5 non-family units;	85
Child Bed spaces (in accordance with Council's calculation)	18	3sq.m per child bed space	54
Total			939

- 8.62 Policy 3D.8 of the London Plan seeks to protect and promote London's open spaces. Further, supporting Paragraph 3.300 states that

"as London becomes more compact and intensive in its built form, the value of these spaces will increase". The Mayor intends to "realise the full potential of those spaces that are currently undervalued...This includes both spaces that are private and those that are accessible to the public".

- 8.63 Following is an assessment against the residential amenity space requirements under policy HSG7 of the emerging LDF Core Strategy document.

Units	Total	Minimum Standard (sq.m)	Required Provision (sq.m)
1 Bed	17	6	102
2 Bed	13	6	78
3 Bed	9	10	90
TOTAL	39		270
Ground Floor Units			
1 Bed	3	25	75
2 Bed	2	25	50
3 Bed	4	50	200
4 Bed	1	50	50
5 Bed	1	50	50
6 Bed	1	50	50
Total	12		475
Grand Total	51		745
Communal amenity (including child play space)		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	91sq.m (50sq.m plus 41sqm).
Total Housing Amenity Space Requirement			836sqm

- 8.64 The development is proposing a total of 1029.5sqm of amenity space. Due to the small footprint of the site, the communal amenity space is to be provided at roof level. This area

measuring 538sqm in area and is accessible to the intermediate and private residents only. This is considered an appropriate design approach given the constraints of the site.

- 8.65 In terms of private amenity, the applicant has advised that a total of 491.5sqm of private amenity space is proposed, including either private roof terraces or balconies, to each unit.
- 8.66 London Plan Policy 3A.18 seeks the protection and enhancement of social infrastructure, including child play and recreation facilities. As such, all residential development is expected to provide child play space. No formal play space is proposed as part of this application. Notwithstanding, Policy 3A.18 acknowledges that such facilities could be provided within easy reach by walking and public transport of the population that use them.
- 8.67 According to paragraph 16 of PPS3, matters to consider when assessing design quality of housing developments include the extent to which the proposed development *“provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies”*. Further, according to paragraph 11.8 of the Mayor's SPG for Housing, when assessing needs of children and young people, *“full account should be taken of their need for play and informal recreation facilities within walking distance of their home”*.
- 8.68 The city fringe location of the site and the Mayor's policies encourages the maximisation of housing densities. The site is heavily constrained, given its size and location. As such, the entire ground floor footprint is used for development. The provision of ground floor amenity space would effectively make the site undevelopable, which would be in conflict with PPS3 which seeks to make effective use of land by re-using land that has been previously developed.
- 8.69 The subject site is located within 200 metres of a formal play ground within Ion Square Gardens to the north and within 400m to Ravenscroft Park to the west. The subject site is also located adjacent to Warner Green to the east and a smaller green space to the west. Further, the total open space provision exceeds the minimum requirement of the housing SPG of the UDP and the emerging LDF policy. Also, whilst the development does not provide formal child play space areas, child play areas are located within close proximity to the development. Also, the social rented town houses have been provided with large private terraces. The applicant is also proposing to contribute to open space improvements within the area as part of a s106 agreement.
- 8.70 In the previous planning application, there was a total provision of 823sqm of amenity space for 66 units. The Development Committee did not object to this provision. Whilst there is a reduction in unit numbers within the proposed scheme, the total amenity provision far exceeds the policy expectations and provides a 12.5% increase in amenity space area from the previous scheme. Further, the previous s106 contribution towards open space equated to £758 per unit. The current proposed figure is approximately £980 per unit, which represents an increase by approximately 13%.
- 8.71 The Mayor's and Council's open space policies seek to protect and enhance open space provision. As such, the amenity space provision is considered acceptable subject to a detailed landscape design condition and s106 contribution towards open space and public realm improvements to mitigate any potential adverse impact upon the surrounding open space areas.

Accessibility and Inclusive Design

- 8.72 The development will be car free. However, the applicant will be seeking parking permits for disabled occupiers only. They accept that there will be a first come first served basis of issuing permits.

- 8.73 The access statement indicates that 10% of the units will be wheelchair accessible, which will be located at ground level. Further, the applicant has advised that all units will be designed to meet Lifetime Homes standards. The development should be conditioned appropriately if the Council is minded to approve the application.
- 8.74 As mentioned above, due to the small footprint of the site, the roof top communal amenity space is accessible for the intermediate and private residents only. As a result, this may raise potential accessibility issues. In response, the applicant has identified that due to the constraints of the site, a separate core for the residents of the social rented units to access this area is unfeasible and would affect the delivery of affordable housing as proposed on the site. Also, the use of the private core to access this area would create management issue for the life of the development which would also be unfeasible.
- 8.75 It has been identified above that the developer will be providing large private amenity spaces for the affordable town house units. All units will be provided with private balconies and also, the open space strategy will include off-site financial contributions to mitigate any potential impacts. It is to be noted that policy 4B.5 of the London Plan does not state that developments are required to be easily useable by all residents. Further, it could be argued that the communal open space area is not part of the development's mainstream activities where policy HSG16 of the UDP and the UDP Housing SPG does not specifically require developments to provide communal open space. On balance, given the Council's need for affordable housing and the constraints of the site, the non-compliance in this situation is not considered to be a sustainable reason for refusal.

Amenity

Daylight /Sunlight Access

- 8.76 The applicant submitted a Daylight and Sunlight report, prepared by Delva Patman Associates, which looked at the impact upon the daylight, sunlight and overshadowing implications of the on neighbouring residential properties, and to ensure the statutory requirements are met on site, in accordance with the BRE guideline.

(a) Daylight Assessment

- Impact on Adjacent Residents

- 8.77 The daylight analysis identified that the majority of neighbouring buildings are left with adequate daylight for their room use and therefore meet the required standard against the Vertical Sky Component (VSC) and no-sky contour assessment. The assessments concluded that the reduction in daylight is less than 20% from the existing and this is therefore considered acceptable in accordance with the BRE guideline.

- 8.78 However (VSC) failures for three windows at 115 Wellington Row were showing minor to moderate adverse impact. As such, a further ADF assessment of these windows was requested by the Council. The ADF assessment was considered to be acceptable in accordance with the BRE guideline.

- Impact on future residents of the development

- 8.79 The No Sky Line Report for the proposed scheme identified that the majority of the proposed units will experience adequate daylight for their room use in accordance with the no-sky contour assessment of the BRE guideline. Whilst there are a small number of rooms that do not meet the BRE guidelines, only 2 rooms are regarded as moderate to adversely affected. The windows that will receive levels of daylight below the BRE guideline levels are principally setback beneath balconies, which in themselves have high amenity value.

(b) Sunlight Assessment

- 8.80 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.
- 8.81 The assessment confirmed that whilst the development will have a degree of impact upon the adjacent resident's existing access to sunlight. However, both the annual and winter sunlight hours are above the recommended minimum levels and therefore meet the required BRE guideline standard.
- 8.82 On balance, it is acknowledged that there will be a loss of daylight/sunlight to a small number of existing neighbouring buildings as a result of the proposal. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.
- 8.83 National, strategic and local planning policy of relevance to the site's redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the units across the scheme comply with the daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal should be supported.

(c) Shadow Analysis

- 8.84 The BRE report advises that for a garden area or amenity area to appear adequately sunlit throughout the year, no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st of March.
- 8.85 The shadow analysis shows the where the primary amenity space is provided on the roof top, it will not experience any permanent shadow above the BRE guideline. The scheme therefore complies with this guidance. Further, the analysis shows that whilst there will be some additional transient overshadowing in the afternoon, Wapping Gardens will not experience any overshadowing from the development until 1pm on the 21st of March and therefore complies with the BRE guideline.
- 8.86 Also, the assessment looked at the degree of overshadowing to the amenity areas to the rear of 115 Wellington Row and the rear of Durant Street properties. The results indicate that although there will be some additional transient overshadowing in the morning as a result of the proposed development the shadow cast by the proposal moves off the amenity area by 11am and is therefore acceptable.

Noise

- 8.87 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.14).
- 8.88 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states

that the impact of traffic noise on new housing developments is to be considered.

- 8.89 The Council's Environmental Health Officer has no objection to the proposed scheme subject to appropriate conditioning. An Environment Construction Management Plan will be required to minimise potential disruption and noise and safety impacts to residents during the construction stage and operational stage, if the Committee was minded to approve the scheme.

Privacy

- 8.90 According to Policy DEV2 of the UDP, new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline and is interpreted as a perpendicular projection from the face of the habitable room window.
- 8.91 In this regard, the development is not considered to have an impact on the adjacent residential buildings. To the west, south or east of the site, the development is either setback over 18 metres or is off-set from adjacent habitable rooms.
- 8.92 The development could have potentially had an unacceptable impact on the privacy of adjacent habitable rooms to the north at 115 Wellington Row where the separation distance is approximately 10 metres. However, the scheme has been amended following concerns raised by the Council to off-set windows in the north elevation to avoid direct overlooking into the adjacent windows. The applicant has raised that the proposed townhouses will reinstate the original character of the street, where buildings are built right up to the pavement. On balance, given that the overall impact upon the adjacent dwellings is minor, the development is considered to comply with planning policy.
- 8.93 Members of the public have objected to the scheme due to potential loss of privacy caused by the use of the roof top amenity area. However, there is no policy guidance that prohibits overlooking from amenity areas. Given the height and location of the amenity space there will be no direct overlooking of adjacent windows if we were to apply the above mentioned guidance. To the east and west of the site there is ground level open space. To the south, there is a separation distance of approximately 40 metres to Yates House.
- 8.94 The stepped-back design and elevation of the roof garden will obscure direct overlooking of buildings along Wellington Row and gardens to the rear of buildings on Durant Street. The building to the west of the site has no windows in the east elevation that can be overlooked. There are windows in the southern elevation, though these are at 90 degrees to the western elevation of the proposed building, hence there will be no direct overlooking. The impact is therefore considered to be negligible in policy terms. Notwithstanding, the scheme should be conditioned to provide landscaping that obscures any potential overlooking opportunities, particularly upon the building to the west.

Sense of Enclosure/ Outlook/ Views

- 8.95 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 may result in an increased sense of enclosure and/or loss of outlook, on balance this proposal is not considered to create an unacceptable impact given the city fringe urban context, the historical character of the area and the reduction in height from the previous scheme. A reason for refusal based on these grounds is not considered to be sustainable.

Access and Transport

Access

- 8.96 As mentioned above, the site appears to fall on the boundary of PTAL level 3 and 4. There are good pedestrian links to a number of public transport modes. The nearest bus stops to the site are located on Bethnal Green Road (approximately 500 metres) and are served by routes 8 and 388. The nearest mainline railway station is Cambridge Heath, which is approximately 750 metres walking distance. The nearest LUL station is Bethnal Green underground station, and is approximately 850 metres walking distance. The site is also located in close proximity to a Tower Hamlets strategic cycle route which runs in a north-south direction along Squirries Street (to the south), part of Gosset Street and Warner Place (to the east of Warner Green).
- 8.97 The site's transport accessibility is considered to be good, and is appropriate for car free development as proposed. The proposal will remove traffic including goods vehicles from the area which are currently associated with the existing industrial practice on site. As such, the development should improve the safety and amenity of this street.
- 8.98 It is important to note that despite concerns raised by the community, Durant Street does not fall within the application site boundary. Whilst Durant Street is a no-through road, it is still a Council Highway. This area is currently used by pedestrians and cyclists and will continue as such. The proposed improvement works through s106 contributions to this area will assist in improving the quality and accessibility of this space, which will include:
- Relocation of bollards and construction of shared surface on the South of Durant Street to permit vehicular turning;
 - Repaving/upgrade of the pavement on the east side of Durant Street; and
 - Carriageway resurfacing and public realm improvement on Durant Street.
- 8.99 The Highways department has advised that the bollards within Durant Street are to be relocated to the south at the junction with Gosset Street. Currently vehicles can enter and exit Durant Street in a forward gear due to a turning head provided within the existing site boundary. However, where the proposed development removes this and given the narrow width of Durant Street to the north, the bollards are to be relocated to the south where Durant Street widens. Vehicles will be able to enter and exit Durant Street from Wellington Row in a forward gear due to the alteration. Where the scheme is car free, trips will be minimal apart from intermittent domestic servicing of the site and use of the existing parking spaces on Durant Street.
- 8.100 Residents have raised the issue that Durant Street is a cycle route and that the pedestrian and vehicular traffic generated by the development would not be compatible with this use. It must be noted that the IPG does not identify Durant Street as a cycle route. The development will therefore not have an adverse impact upon strategic cycle routes in this area. Notwithstanding, Durant Street is currently sign posted as a local cycle route. Durant Street will continue to be publicly accessible and the current through route for cyclists and pedestrians will not be affected. Apart from any intermittent domestic service trips to the site, where the scheme will be car free, it will not introduce any significant impact from vehicles upon these movements then what currently is associated with the existing industrial use and car parks. In fact the impact will be reduced with the removal of the industrial use as raised above. Also, the proposed s106 contributions will improve the pedestrian use of Durant Street.
- 8.101 The public has also raised concern regarding the impact caused during construction of development. To address this, the scheme has been conditioned to provide a Construction Management Plan, to mitigate any potential impacts upon the surrounding residents.

Parking

- 8.102 The development will be car free in accordance with the London Plan and the Interim Planning Guidance. Residents have raised concern that there is inadequate provision for car parking spaces. They believe that this will have a negative impact on the area which currently experiences problems from lack of parking. However, London Plan policy 3C.23 and IPG policy DEV19 seek to minimise parking and promote sustainable transport option. The IPG encourages car free developments.
- 8.103 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 to prevent any impacts from overspill.
- 8.104 All of the residents will 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. Further, the development is proposing 66 cycle parking spaces within a secured weather proof storage space, which far exceeds the Council and TFL guidance.
- 8.105 On balance, given that the London Plan and the IPG encourages car free developments and encourages the use of alternative forms of transport other than the car, the planning department is of the opinion that there is insufficient policy justification to sustain a refusal on these grounds.

Servicing and Refuse Provisions

- 8.106 The refuse strategy for the site will be undertaken at ground level, with access gained from an off-street collection area provided off Wellington Row. The collection point in Wellington Row and access arrangement within the site was considered to be acceptable to the Cleansing Department.

Other

Biodiversity

- 8.107 The development site is not designated for its ecological importance. Proposed amenity areas and landscaping will improve the biodiversity potential of this site. The scheme should be conditioned to include native species in the landscaping scheme.

Flooding/ Water Resources

- 8.108 Policy U3 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.
- 8.109 The site is not located in a flood risk area. Notwithstanding, appropriate mitigation measures should be enforced via planning conditions if permission was granted to address drainage matters.

Sustainability

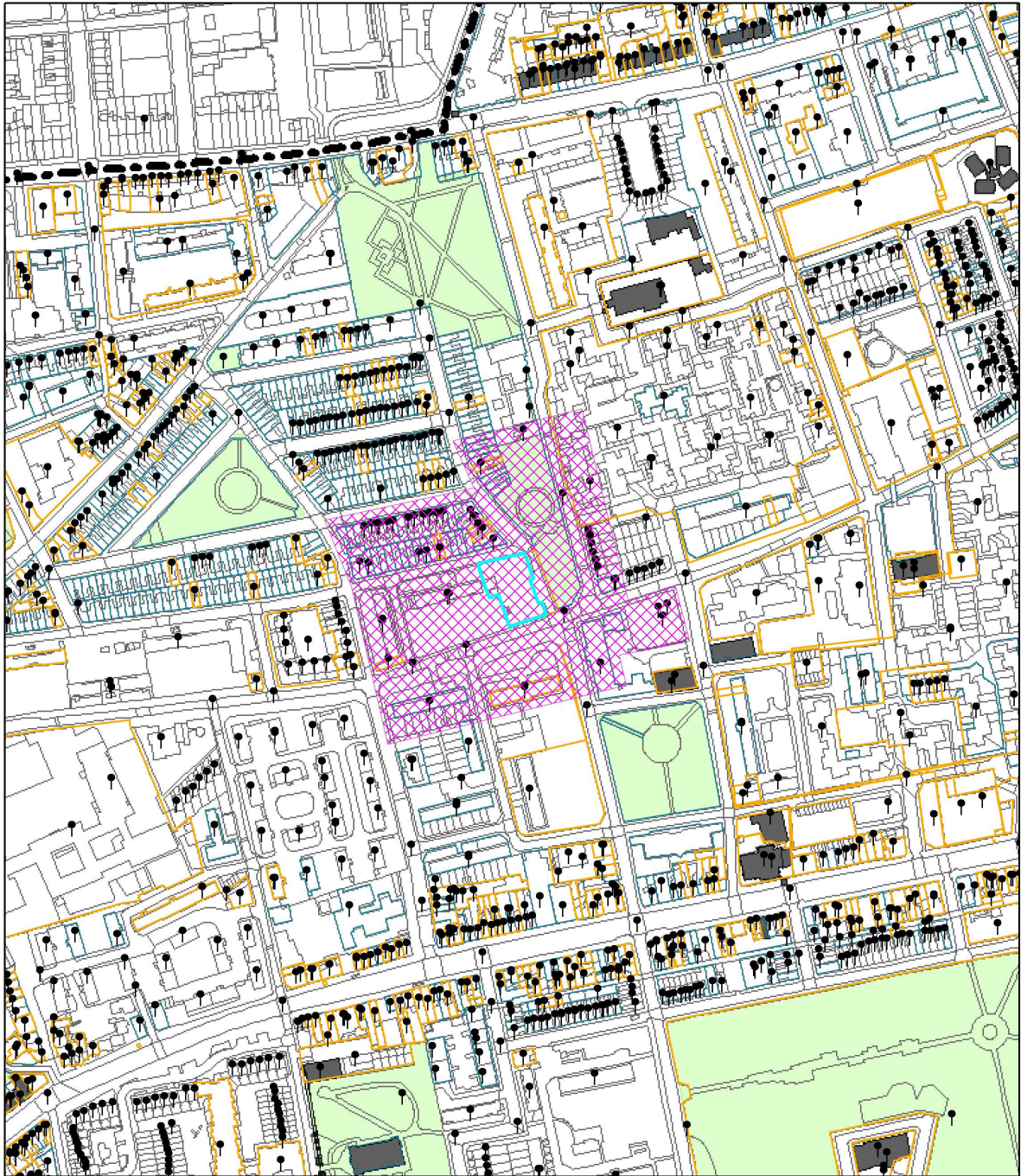
- 8.110 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.


- 8.111 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.
- 8.112 The applicant submitted an energy and sustainability strategy. In response to comments made by the Council, the applicant is proposing the following:
- 8.113
- Passive design and energy efficiency measures proposed for this development results in 5.25% carbon dioxide emissions reductions.
 - A combined heat and power (CHP) system or a communal heating system has been assessed not to be suitable for this development as the development is relatively small (52 residential units), Air Source Heat Pumps (ASHP) have been selected to provide the domestic hot water and heating (via wet central heating system) requirements. Individual ASHP are proposed for each dwelling and is predicted to provide a 20.31% carbon dioxide emissions reduction.
 - ASHP work in the same way as Ground Source Heat Pumps (GSHP), where it utilises the outside air and converts it in to heat energy. Therefore ASHP can be regarded as a renewable energy source.
 - The energy strategy proposed reduces carbon dioxide emissions by 25.51% from the baseline.
- 8.114 The Council's Energy Efficiency Unit has confirmed that the scheme complies with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London Plan and LBTH IPG. The proposal is therefore acceptable.

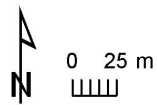
9. Conclusions

- 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.

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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DEVELOPMENT COMMITTEE**HELD AT 7.30 P.M. ON WEDNESDAY, 30 JULY 2008****DECISIONS ON PLANNING APPLICATIONS****1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Ahmed Omer.

The Committee noted that Councillor Harun Miah had replaced Councillor Shahed Ali as the Respect Group nominee to the Development Committee.

2. DECLARATIONS OF INTEREST

Councillor Fazlul Haque declared a personal interest in item 7.1 as a ward member for Weavers Ward.

Councillor Denise Jones declared a personal interest in item 7.1 as she had received e-mails regarding the application from residents and one of the objectors, Ms Kathy Darby, was known to her.

Councillor Timothy O'Flaherty declared a personal interest in item 7.1 as a ward member for Weavers Ward.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 2nd July 2008 were agreed as a correct record.

4. RECOMMENDATIONS

The Committee RESOLVED that:

- 1) 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; and
- 2) in the event of any minor changes being needed to the wording of the Committee's decision (such as to vary or add conditions or reasons for refusal) prior to the decision being issued, authority is delegated to the Corporate Director Development and Renewal to do so, provided always that the Corporate Director must not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

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

6. DEFERRED ITEMS

There were no deferred items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 151-157 Gosset Street, London E2 6NR

On a vote of 3 against and 1 abstention, the Committee indicated that it did not support the officer's recommendation to grant planning permission for the demolition of existing buildings and construction of 51 residential units within buildings rising from 2 to 6 storeys together with associated cycle parking and accessible landscaped roof garden at 151-157 Gosset Street, London E2 6NR.

The Service Head, Development Decisions advised the Committee that the application would therefore be deferred and the subject of a further report to the next meeting, which would address potential grounds for refusal. Members indicated that they were concerned about the following matters:

- a) the percentage of family-sized homes included in the market element of the proposed development is insufficient; and
- b) the proposed building would give rise to adverse overshadowing implications for the neighbouring residential properties.

7.2 Land at rear of 106-128 Aylward Street, London

On a vote of 5 for and 1 abstention the Committee RESOLVED that planning permission for the erection of an end of terrace 2 storey 3 bedroom dwelling house with wheelchair access to first and second floor levels and accommodation in the roof including a rear dormer be GRANTED subject to:

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

Conditions

1. Permission valid for 3 years.
2. Details and samples of materials for all external elevations of the building
3. Archaeological investigation.
4. Investigation and remediation measures for land contamination (including water pollution potential).
5. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays.

APPENDIX 2

6. Hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
7. Details of refuse arrangements to show storage to the front of the property
8. Removal of Permitted Development Rights
9. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

1. Section 278 (Highways) agreement required.
2. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

Martin Smith
CHIEF EXECUTIVE

(Please note that the wording in this document may not reflect the final wording used in the minutes.)

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LONDON BOROUGH OF TOWER HAMLETS (APPENDIX 3)

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON WEDNESDAY, 30 JULY 2008

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

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Fazlul Haque
Councillor Alexander Heslop
Councillor Denise Jones (Vice-Chair)
Councillor Harun Miah
Councillor Tim O'Flaherty

Other Councillors Present:

Officers Present:

Megan Crowe	– (Legal Services Team Leader, Planning)
Stephen Irvine	– (Development Control Manager, Planning)
Michael Kiely	– (Service Head, Development Decisions)
Laura Webster	– (Planning Officer)
John Williams	– (Service Head, Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ahmed Omer.

The Committee noted that Councillor Harun Miah had replaced Councillor Shahed Ali as the Respect Group nominee to the Development Committee.

2. DECLARATIONS OF INTEREST

Councillor Fazlul Haque declared a personal interest in item 7.1 as a ward member for Weavers Ward.

Councillor Denise Jones declared a personal interest in item 7.1 as she had received e-mails regarding the application from residents and one of the objectors, Ms Kathy Darby, was known to her.

Councillor Timothy O'Flaherty declared a personal interest in item 7.1 as a ward member for Weavers Ward.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 2nd July 2008 were agreed as a correct record.

4. RECOMMENDATIONS

The Committee RESOLVED that:

- 1) 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; and
- 2) in the event of any minor changes being needed to the wording of the Committee's decision (such as to vary or add conditions or reasons for refusal) prior to the decision being issued, authority is delegated to the Corporate Director Development and Renewal to do so, provided always that the Corporate Director must not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

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

6. DEFERRED ITEMS

There were no deferred items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 151-157 Gosset Street, London E2 6NR

Mr Michael Kiely, Service Head Development Decisions, introduced the site and proposal for the demolition of existing buildings and construction of 51 residential units within buildings rising from two to six storeys together with associated cycle parking and accessible landscaped roof garden at 151-157 Gossett Street, E2. Mr Kiely drew the Committee's attention to his tabled update report which set out three additional objections received after the preparation of the agenda.

Ms Sara Dixon spoke in objection to the proposal, stating that whilst the local community welcomed redevelopment of the site, the current proposal was too large and would have an unacceptable impact on the adjacent Conservation Area. The proposed density was well above guideline figures, room sizes were too small, the mix of dwellings provided too few family-sized units and there was a lack of amenity space.

Ms Kathy Darby spoke in objection to the proposal, stating that the proposed development was too large for the site and would give rise to unacceptable overshadowing to the adjacent Conservation Area and a loss of privacy for

neighbouring properties. Warner Green was a public park and should not be considered as amenity space for the development. There would also be a loss of creative industry and employment uses.

Mr Mark Gibney spoke on behalf of the applicant. He considered that the concerns previously raised by the Committee had been addressed. The height had been reduced from 10 to 6 storeys, the footprint was smaller, providing more amenity space, the density was reduced and the mix of accommodation adjusted to provide more affordable housing and family-sized units. Room sizes complied with minimum standards and Housing Corporation requirements. The site was not within the Conservation Area and was currently vacant and in a state of disrepair. The Committee had not previously objected to the loss of creative industries and there was not a significant demand for live/work units in this location.

Mr Stephen Irvine presented a detailed report on the application. He advised the Committee that the proposed development would enhance the adjacent Conservation Area and the 6 storey building would provide a stepped approach between the 11 storey Yates House and the neighbouring 2 storey buildings. Although the proposed density still exceeded the suggested density range for the site, the design was such as to avoid the adverse impacts typically arising from high density developments. In relation to overlooking and loss of light/privacy the applicants had amended the proposals which were now acceptable in this regard and in terms of the proposed housing mix and amenity space.

Members of the Committee expressed concerns that the proposed proportion of family-sized units for sale was still too low and at the potential overshadowing that the development would cause. They also asked a number of questions about the impact on the nearby Conservation Area, the demand for industrial units, loss of open space, materials to be used, overlooking, parking issues and children's play space.

Mr Irvine responded to Members' questions as follows:-

- The proposals would enhance the Conservation Area. The existing buildings were in disrepair, many of the previous industrial uses were not authorised and the premises did not meet health and safety standards.
- There was not a high demand for industrial accommodation in this location and the site was more suitable for housing which would give rise to less adverse impact on surrounding residential areas.
- The development would not have an adverse effect on open space and the amenity space proposed was considered adequate.
- Mr Irvine gave details of the materials to be used and stated that these would be the subject of a condition.
- The roof gardens had been set back and a number of windows moved to avoid any direct overlooking.
- The development would be car-free and residents would not be able to apply for a resident's parking permit.

- In relation to play space, this was not provided but the site was within 200m of a formal playground and 400m from Ravenscroft Park.

Councillors raised further queries on the distance from the site to the Conservation Areas, the Council's recommended minimum distance between buildings and whether there was a possibility of a legal challenge to a decision on the grounds set out in the additional objection at paragraph 1.3 of the update report.

Mr Irvine responded that the proposed development was 10 metres from the Conservation Area to the north and 6 metres at the nearest point to the East. The standard recommended distance between buildings was 18 metres but this development was designed to fit in with the character of the adjacent Conservation Areas in which buildings were closer together.

Ms Megan Crowe, Legal Services Team Leader, advised that a successful legal challenge was not likely as the consultation period had closed on 29th July and all representations received before the end of that period had been put before the Committee.

On a vote of 3 against and 1 abstention, the Committee indicated that it did not support the officer's recommendation to grant planning permission for the demolition of existing buildings and construction of 51 residential units within buildings rising from 2 to 6 storeys together with associated cycle parking and accessible landscaped roof garden at 151-157 Gosset Street, London E2 6NR.

The Service Head, Development Decisions advised the Committee that the application would therefore be deferred and the subject of a further report to the next meeting, which would address potential grounds for refusal. Members indicated that they were concerned about the following matters:

- a) the percentage of family-sized homes included in the market element of the proposed development is insufficient; and
- b) the proposed building would give rise to adverse overshadowing implications for the neighbouring residential properties.

(Note (1) Councillor Denise Jones could not vote on this application as she had not been present for the whole consideration of the item)

(Note (2) Councillors Fazlul Haque, Timothy O'Flaherty and Denise Jones each declared a personal interest in the above item as listed at minute 1)

7.2 Land at rear of 106-128 Aylward Street, London

Mr Michael Kiely, Service Head Development Decisions, introduced the site and proposal for the erection of an end of terrace two storey, three bedroom

dwelling house with wheelchair access to first and second floor levels and accommodation in the roof including a rear dormer on land at the rear of 106-128 Aylward Street, London.

Ms Claire Filby spoke in objection to the proposal. She considered that the address given for the site was inaccurate, the design would have an adverse impact on the locality, the cumulative effect of a number of proposed developments in the area would have a significant damaging effect and the development would cause a loss of light and space to neighbouring properties. Ms Filby felt that a further parking space should not be included and stated that local residents were against the development.

Mr Michael McSweeney, architect for the applicant, spoke in support of the application. He stated that the proposals addressed the concerns previously raised by Members. The building was smaller, its height reduced to that of the adjoining terrace and the design features reflected those of the adjacent properties. The proposed on-street parking was a dedicated 'disabled' bay as the house would be a wheelchair accessible unit.

Ms Laura Webster, Planning Officer, presented a detailed report on the application. She advised the Committee that the design was in keeping with the surrounding street scene and existing Victorian terrace. The proposed dormer was set well down and not over-dominant. Permitted development rights would be removed so that any future alterations would require planning permission. There was no parking within the proposed scheme and the on-street disabled space shown would be subject to highways approval. Overall Ms Webster advised that the proposal was acceptable.

Councillors asked questions regarding whether other properties in the locality had or could have dormer roofs, the implications of possible refusal of highways permission for the parking bay and any possible effect on the value of the neighbouring property.

Ms Webster advised that a dormer window would normally be acceptable if the design was not over-dominant. In many cases if the size did not exceed 40 cubic metres planning permission would not be required. The provision of the on-street parking bay was not a planning consideration but highways approval would normally be forthcoming subject to appropriate location. In relation to property values, Mr Kiely advised that this was not a material planning consideration.

On a vote of 5 for and 1 abstention the Committee RESOLVED that planning permission for the erection of an end of terrace 2 storey 3 bedroom dwelling house with wheelchair access to first and second floor levels and accommodation in the roof including a rear dormer be GRANTED subject to:

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

Conditions

1. Permission valid for 3 years.
2. Details and samples of materials for all external elevations of the building
3. Archaeological investigation.
4. Investigation and remediation measures for land contamination (including water pollution potential).
5. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays.
6. Hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
7. Details of refuse arrangements to show storage to the front of the property
8. Removal of Permitted Development Rights
9. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

1. Section 278 (Highways) agreement required.
2. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

The meeting ended at 8.45 p.m.

Chair, Councillor Shafiqul Haque
Development Committee

Agenda Item 7.1

Committee: Development	Date: 27 August 2008	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal Case Officer: Amy Cooper		Title: Planning Application for Decision Ref No: PA/08/1088, PA/08/1089 & PA/08/1090 Ward(s): Bow East	

1. APPLICATION DETAILS

Location: 94 Fairfield Road, London, E3 2QP.

Existing Use: General Industrial (Use Class B2)

Proposal: **PA/08/1088** (Planning Permission)
Demolition of all existing structures on the site (excluding Pelican Cottage) and the erection of 86 new dwellings (11 x studio, 25 x 1 bedroom, 29 x 2 bedroom, 18 x 3 bedroom, 2 x 4 bedroom & 1 x 5 bedroom), including affordable housing, in a building extending to between 2 to 9 storeys in height, together with the provision of associated access, basement plant room, landscaping and infrastructure works. Alterations and partial demolition in connection with the refurbishment of Pelican Cottage.

PA/08/1089 (Listed Building Consent)
Alterations and partial demolition in connection with the refurbishment of Pelican Cottage.

PA/08/1090 (Conservation Area Consent)
Demolition of existing structures on the site (excluding Pelican Cottage).

Drawing No's: Drawing No. 993-0099 G; Drawing No. 993-0100 L ; Drawing No. 993-0101 C ; Drawing No. 993-0102 G ; Drawing No. 993-0103 B ; Drawing No. 993-0104 G ; Drawing No. 993-0105 B ; Drawing No. 993-0106 G ; Drawing No. 993-0107 B ; Drawing No. 993-0108 B ; Drawing No. 993-0109 ; Drawing No. 993-0122 ; Drawing No. 993-0130 C; Drawing No. 993-0140 ; Drawing No. 993-0200 H; Drawing No. 993-0201 G ; Drawing No. 993-0210 B ; Drawing No. 993-0211 D ; Drawing No. 993-0212 C ; Drawing No. 993-0213 ; Drawing No. 993-0214 A; Drawing No. 993-0250 E; Drawing No. SK080730-1.

Planning Statement, dated May 2008;
Transport Statement, dated May 2008;
Daylight/Sunlight Assessment, dated 29 May 2008;
Acoustic Assessment Report 2944/AAR, dated 15 November 2007;

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

Energy and Sustainability Statement, issue 6 dated 27 May 2008;
Draft Community Green Travel Plan, dated May 2008;
Air Quality Assessment, dated May 2008;
Conservation Area and Listed Building Assessment, dated May 2008;
Archaeological Desk Base Assessment, dated May 2008;
Toolkit Viability Report, dated June 2008;
Remediation Strategy, Version 1.1, dated May 2008.

Applicant: Bellway Homes (Thames Gateway North)
Owner: Bellway Homes (Thames Gateway North)
Historic Building: Pelican Cottage located on the southwest corner of the site – Grade II Listed
Conservation Area: Fairfield Road

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 proposal is in line with the Mayor 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 4B.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (October 2007).

(2) The loss of the employment use on site is acceptable because the site is unsuitable for continued industrial use due to its location, accessibility, size and condition. As such, the proposal is in line with employment policies 3B.2, 3B.3 and 3B.11 of the London Plan (Consolidated with Alterations since 2004), and policies CP11, CP19 and EE2 of the Council's Interim Planning Guidance (2007), which consider appropriate locations for industrial employment uses.

(3) Provision of 35% affordable housing based on habitable rooms accords with the required provision, with 24.4% family-sized housing across all tenures (market, social rent, and shared ownership) is in line with policy aspirations, and will contribute significantly towards addressing housing need in the borough and accords with policies CP21 and CP22 of the Interim Planning Guidance 2007, which seek to ensure adequate levels of affordable housing within the Borough.

(4) The density of the scheme would not result in the overdevelopment of the site and any of the symptoms that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and 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.

(5) The quantity and quality of housing amenity space and public open space is considered to be acceptable and in line with PPS3, policy 4B.3 of the London Plan (Consolidated with Alterations since 2004), policy HSG16 of the Council's Unitary Development Plan 1998 and policy OSN2 the Council's Interim Planning Guidance (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space

(6) The developments' height, scale, bulk and design is acceptable and in line with policies 4B.1 and 4B.5 of the London Plan, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2 and CON1 of the Council's Interim

Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located in relation to listed buildings.

(7) The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.

(8) Transport matters, including parking, access and servicing, are acceptable and in line with London Plan (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, 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 options.

(9) Sustainability matters, including energy, are acceptable in that the scheme will provide a 20.1% reduction in carbon emissions. This is in line with London Plan (Consolidated with Alterations since 2004) policies 4A.4 and 4A.7 and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.

(10) Contributions have been secured towards the provision of health care and education facilities, and, open space 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

(11) The building to be demolished has little or no positive contribution to the character and appearance of the surrounding Fairfield Road Conservation Area and for this reason would adhere to Saved Policy DEV28 of the Unitary Development Plan (1998) and Policy CON2 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.

3. RECOMMENDATION

3.1 Full Planning Permission ref: PA/08/1088

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 contribution of **£132,762** to mitigate the demand of the additional population on education facilities;
- A contribution of **£119,603** to mitigate the demand of the additional population on health care facilities;
- Affordable Housing provision at **35%** of habitable rooms with a 75/25 split between affordable rented/shared ownership to be provided on site;
- A contribution of **£54,044** to mitigate the demand of the additional population on open space facilities;
- Completion of a 'Car Free' agreement to restrict occupants applying for

residential parking permits;

- The submission and approval of a Travel Plan, to promote sustainable means of transport;
- Commitment towards utilising employment initiatives in order to maximise the employment of local residents in and post construction phase;
- The provision and maintenance of a Car Club space within the development;
- Developer to adhere to the code of construction practise.

3.2 B. That the Corporate Director Development & Renewal has delegated power to negotiate the legal agreement indicated above.

3.3 C. That the Corporate Director Development & Renewal has delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions:

- 1) Time limit for Full Planning Permission
- 2) Submission of material samples
- 3) Details of lighting within the site
- 4) Detailed Landscape plan
- 5) Hours of construction limits
- 6) Piling hours of operation limits
- 7) Renewables
- 8) Contaminated Land
- 9) Archaeological programme
- 10) Refuse and recycling
- 11) Construction management plan
- 12) Lifetime homes and 10% wheelchair accessible
- 13) Electric car charging point
- 14) Code for sustainable homes
- 15) Details of insulation of the ventilation system and any associated plant required
- 16) Air quality management
- 17) Secure by Design
- 18) Highway works
- 19) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Subject to S106 agreement
- 2) Contact Highways Department
- 3) 278 works surrounding the site
- 4) Wheel-washing facilities
- 5) Section 72 works
- 6) To be read in conjunction with PA/08/1090 and PA/08/1089

3.4 That, if by 29 August 2008 the 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.

3.5 Conservation Area Consent ref:PA/08/1090

That the Committee resolve to GRANT Conservation Area Consent subject to:

Conditions:

- 1) Time Limit
- 2) Works in accordance with approved plans
- 3) Hours of demolition

Informative:

- 1) To be read in conjunction with PA/08/1088 and PA/08/1089

3.6 Listed Building Consent ref:PA/08/1089

That the Committee resolve to GRANT Listed Building Consent subject to:

Conditions:

- 1) Time Limit
- 2) Submission of detailed drawings
- 3) Submission of samples

Informative:

- 1) To be read in conjunction with PA/08/1090 and PA/08/1088

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the redevelopment of 94 Fairfield Road, located at the northern tip of Fairfield Road, and bound by Tredegar Road to the North, Douro Street to the South, and Wick lane to the East. This would involve the demolition of all existing structures on the site (excluding Pelican Cottage) and the erection of a building extending to between 2 to 9 storeys, comprising 86 new residential units.
- 4.2 The proposal includes landscaping, public-open space, two disabled parking spaces, one car club parking space, and cycle parking spaces in three designated areas.
- 4.3 In detail the application proposes:
 - The erection of a 2 to 9 storey building, raising from 2 storeys on the Western elevation attached to Pelican Cottage, up to 9 storeys on the Eastern boundary, facing onto Wicks Lane and Tredegar Road.
 - Eighty six (86) residential units comprising 11 studio, 25 one bedroom, 29 two bedroom, 18 three bedroom, 2 four bedroom and 1 five bedroom unit.
 - Twenty-four (24) of the units to be affordable housing (35% of proposed habitable rooms).
 - Sixteen (16) of the affordable units are available for social rent and eight (8) for shared ownership. This equates to a 75:25 split between these two tenures by habitable room.

- Nine (9) wheelchair adaptable units are proposed.
- All eighty-six units (86) units proposed to accord with Lifetime Homes standards.
- Three (3) car-parking spaces are proposed on the Eastern site boundary, two of which being for disabled use, and the third for a permanent car club space. Ninety six (96) cycle parking spaces are provided within three cycle stores at ground floor level.
- A total of 1,536.4 square metres of amenity space. Of which 304sqm is private amenity, 821.9sqm shared amenity space, 437.5sqm public open space, and 79.5sqm play space.
- A communal heating system powered by a biomass boiler at basement level
- Allocated space at ground floor level for refuse and recycling facilities

Site and Surroundings

- 4.4 The subject site covers an area of 0.25 hectares and is broadly rectangular in shape. It lies at the northern edge of the Fairfield Road Conservation Area, and includes within its boundaries the Grade II Listed Pelican Cottage. Another derelict building is located on the northern boundary of the site, although this is not included within the Listing. The site also falls within an Archaeology Priority Zone.
- 4.5 At present the site is accessed from Fairfield Road via a mini roundabout and its last use was as a scrap metal processing yard with associated office and storage buildings.
- 4.6 The area surrounding the site comprises predominantly residential use. Immediately to the North of the site is the 'Heart of Bow' development on Tredegar Road, a flatted development which extends up to 10 stories in height. To the South are 2 storey Grade II Listed terraced properties on Douro Street.
- 4.7 The site has good access to public transport with a PTAL of 4. Bus and rail services are within walking distance of the site, providing links to Stratford and central London. Bow Church DLR station is located approximately 700 metres to the south of the site and Bow Road underground station is approximately 100 metres from the site.

Planning History

- 4.8 PA/06/1921 & PA/06/1930 – On 2 February 2006 a full planning application together with listed building consent was registered for the erection of a 2 – 7 storey building to accommodate 64 residential units, together with partial demolition and refurbishment of Pelican Cottage. The full planning application was withdrawn, however the listed building consent was granted on 22 December 2006.
- 4.9 PA/07/3114 & 07/3116 – On 24 January 2008 a full planning application together with listed building consent was submitted for the erection of a 2 – 9 storey building to accommodate 87 new dwellings, together with alterations and refurbishment to Pelican Cottage. Both of these applications were withdrawn.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Proposals: N/A

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV12	Provision Of Landscaping in Development
	DEV28	Demolition in Conservation Areas
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Soil
	EMP1	Promoting economic growth and employment opportunities
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Development Affecting Residential Amenity
	HSG16	Housing Amenity Space
	OS9	Children’s Playspace

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

Proposals: N/A

Core Strategies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP11	Sites in Employment Use
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing and Amenity Space
	CP29	Improving Education Skills
	CP30	Improving open-spaces
	CP38	Energy Efficiency and Production of Renewable Energy
	CP49	Historic Environment
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV22	Contaminated Land

EE2	Redevelopment/Change of Use of Employment Sites
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Ratio of Social Rent to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Affordable Housing
CON1	Listed Buildings
CON4	Archaeology and Ancient Monuments

Supplementary Planning Guidance/Documents

Residential Space Standards
 Archaeology and Development
 Designing Out Crime Parts and 2

Spatial Development Strategy for Greater London (London Plan) 2004

Polices	2A.1	Sustainability Criteria
	2A.4	Areas for Regeneration
	3A.1	Increasing London's Supply of Housing
	3A.4	Housing Choice
	3A.7	Affordable Housing Targets
	3A.8	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes
	3A.15	Protection and Enhancement of Social Infrastructure and Community Facilities
	3A.21	Education Facilities
	3A.23	Community Strategies
	3A.25	Social and Economic Impact Assessments
	3B.1	Developing London's Economy
	3C.2	Matching Development with Transport Capacity
	3C.22	Parking Strategy
	3D.10	Open Space Provision in UDPs
	4A.7	Energy Efficiency and Renewable Energy
	4A.8	Energy Assessment
	4A.9	Providing for Renewable Energy
	4A.14	Reducing Noise
	4A.16	Bringing Contaminated Land into Beneficial Use
	4B.1	Design Principles for a Compact City
	4B.3	Maximising the Potential of Sites
	4B.4	Enhancing the Quality of the Public Realm
	4B.5	Creating an Inclusive Environment
	4B.6	Sustainable Design and Construction
	5C.1	The Strategic Priorities for East London

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
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

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 Highways

6.2 Following amendments, no adverse comments raised. Site considered appropriate for car-free development, providing two x disabled spaces, and one x car club space, and the relocation of entrance to the site to the southern boundary is supported.

6.3 Section 72 works requested for the adoption of approximately 0.5 metres along the frontage of the development, to increase the footpath width to 2 metres.

6.4 Section 278 works for alterations to areas of public highway, including the removal of any existing crossovers and accesses into the site, and their reinstatement to the existing kerb level. The site also requires areas of maintenance to the footway surrounding the site

6.5 Existing entrance to the site located on the western boundary to be moved to the south eastern boundary, accessible from Douro Street. This arrangement is supported as it is likely to improve conditions of highway safety within the vicinity of the site.

LBTH Education

6.6 No adverse comments made. A financial contribution of **£135,762**, calculated on the basis of the proposed mix. The contribution will be pooled with others to fund the Local Authority's strategic provision of school places.

LBTH Energy Efficiency Unit

6.7 No adverse comments raised. Conditions recommended, as outlined from section 8.100 of this report.

LBTH Contaminated Land Officer, Environmental Health

6.8 Site investigation to date has found significant contamination, and additional remediation works are necessary. Conditions attached accordingly.

LBTH Air Quality Management

6.9 No objection to the scheme in principle. However condition securing additional information recommended.

LBTH Parks and Open Space

6.10 No adverse comments made. However an off-site improvements contribution of **£54,044** has been negotiated.

LBTH Biodiversity

6.11 No adverse comments made.

LBTH PCT

6.12 No adverse comments made. A financial contribution of **£119,603** has been negotiated, in order to accommodate additional pressure on the health service.

Crime Prevention Officer (Metropolitan Police)

6.13 Overall supports revised scheme. Some concern regarding brick wall to the west of the site, which could be used for people to sit on.

Olympic Delivery Authority

6.14 No adverse comments made. However, noted the Metropolitan Police should be consulted – as above.

TfL (Statutory Consultee)

- 6.15 No adverse comments received. TfL did however recommend that 2 disabled parking spaces be introduced into the scheme as opposed to the one initially proposed. It was also noted that the applicant should submit a Construction Logistics Plan to TfL prior to works commencing on site.

English Heritage (Archaeology) (Statutory Consultee)

- 6.16 No adverse comments made. There is likely to be important archaeological remains on the site, thus suggested conditions attached to secure a programme of archaeological work.

English Heritage (Historic Buildings) (Statutory Consultee)

- 6.17 The revised scheme is considered an improvement on the original submission. It was however recommended more be done with relation to the modelling of the block adjacent to Pelican Cottage. Detailed discussions and revisions have subsequently taken place regarding this aspect of the scheme, and the revised proposal is now considered appropriate.

Crossrail

- 6.18 No objection.

7. LOCAL REPRESENTATION

- 7.1 A total of 378 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: 7 Against: 7 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:

- Over-development.
- Social housing element will increase in crime and vandalism.
- Highway Safety – Blind spot on Tredegar Road heading West; Footpath on Tredegar Road not wide enough; Increase in vehicles visiting the site.
- Loss of light and outlook from Cuthbert Bell Tower, Christopher Bell Tower and Fabian Bell Tower (within the Heart of Bow development to the north of the subject site).
- Effect on public and wider services in the area.
- Out of character with surrounding area.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land-use
2. Density
3. Siting, Design and Appearance
4. Impact on character of Conservation Area and Listed Buildings
5. Housing
6. Amenity for future occupiers
7. Impact on amenity of neighbours
8. Highways Impacts

9. Sustainability and Energy

Land-use

- 8.2 The application site has no specific designations in the adopted Unitary Development Plan 1998 or the Interim Planning Guidance 2007.
- 8.3 Policy EMP1 of the Unitary Development Plan 1998, and policy EE2 of the Interim Planning Guidance 1998 note that employment growth will be encouraged through the re-use of derelict land and derelict buildings, and by the re-development and upgrading of sites already in employment uses.
- 8.4 The site being considered was last in use as scrap metal yard (general industrial), and therefore the policies EMP1 of the UDP and EE2 of the Interim Planning Guidance are relevant.
- 8.5 However, the subject site lies within a predominantly residential area, and it is considered a residential use on this site would be more appropriate given the nature of the surrounding area. The implementation of a general industrial use on the site would be likely to have a detrimental effect on the amenities of nearby residential occupiers.
- 8.6 Furthermore, it is considered the site is inappropriate for the re-provision of some commercial space within the proposed scheme, again due to the residential nature of the site.
- 8.7 In view of the above comments and the fact that the site is not designated for industrial uses in the London Plan, UDP or the Interim Planning Guidance, there are no land use reasons that would sustain a reason for refusal in this instance. The scheme is therefore considered compliant with policy EMP1 of the UDP 1998, together with policy EE2 of the Interim Planning Guidance 2007. A residential-led redevelopment of this brownfield site is supported.

Density

- 8.8 Policy 4B.3 'Maximising the Potential of Sites' of The London Plan, policy CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the Interim Planning Guidance outline the suggested densities for maximising intensity and efficient use of sites.
- 8.9 Given the site has a Public Transport Accessibility Level (PTAL) of 4, the indicative density provisions based on habitable rooms per hectare are as follows:
- London Plan: 450-700 in an area of accessibility index 4 and 300-450 in area of accessibility index 2-3
 - Interim Planning Guidance: 450-700 hrh in PTAL 4 and 200-450hrh in PTAL 1-3
- 8.10 The density proposed is equivalent to 960 habitable rooms per hectare which is above the indicative density range identified above. However, the density is not considered to be significantly in excess of the range in a PTAL 4 area. The nature of the site with good access to public transport, high quality design and sufficient amenity space as outlined within section 8.46 of this report, lends itself to a high density development. This is reinforced by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

"The council will resist any proposed housing development that results in an inefficient use or under-development of a site."

- 8.11 Furthermore, there are no symptoms of an excessive density such as overdevelopment, loss of amenity or reduced open space associated with the proposal, which would normally indicate a density in excess of that which the site can comfortably accommodate. These

conditions are explained in more detail in the remainder of section 8 of this report.

Siting, Design and Appearance

- 8.12 Policy DEV1 'Design Requirements' of the UDP 1998 indicates the need for development to be sensitive to the area, the capabilities of the site, consideration of street frontages, building lines, roof lines and street patterns, and to provide for safety and security. Within the Interim Planning Guidance CP4 'Good Design' buildings and spaces should be high quality, attractive, safe and well integrated. Policy DEV2 of the Interim Planning Guidance confirms that proposals should seek, amongst other things, contribute to a high quality, attractive environment, respond to context and contribute to vitality.
- 8.13 The design of the proposed scheme is comprised of three main conceptual ideas:
- 8.14 The Western end of the site has been designed to complement Pelican Cottage, with a 2 storey building set below the eaves of the Grade II Listed cottage. This element of the scheme has been articulated to ensure Pelican Cottage remains the dominant feature within the streetscene. The proportion of the cottage is repeated along this façade, with the linking element between the new and old creating a subsidiary element connecting the two structures.
- 8.15 The Southern boundary of the site lies along Douro Street, facing a row of Grade II Listed Victorian terrace houses. A new landscaped area is proposed along this edge to be used as public open space, which achieves an appropriate open frontage onto the existing houses. The built form then rises from West to East, with the façade broken up into horizontal bands formed by balcony boxes. This breaking up of the scale allows the form to step down to the terraced housing along Douro Street. Cantilevered and inset balconies also create shadow patterns to assist in creating the appearance of depth.
- 8.16 The 9 storey element to the East intended to represent a slimline element as a landmark response to its location. It is intended for this element together with the 'Yallops Yard' development to the north (comprised of Cuthbert Bell Tower, Christopher Bell Tower and Fabian Bell Tower) to form a visual gateway into Bow and give a distinct presence to the site. This block is articulated as three elements which vary in height. The southern element on Wick Lane comprises four stories in height and relates to the buildings further along the Lane, together with a recent approval of a four storey building at No.s 1-3 Douro Street to the South (PA/08/878 – granted 1 July 2008 under delegated powers).
- 8.17 The corner section to the North-East creates a join to the northern elevation, and is angled so as to align with Tredegar Bridge, and also increases privacy by turning away from the opposing block.
- 8.18 The Northern elevation proposes a rhythm of forms to break up the building, through the creation of bright red stair towers to provide visual interest along Tredegar Road. Sections of dark grey brickwork respond to the local environment and have upper levels set back to achieve a subsidiary top floor, with roof top amenity space emphasising the horizontal character of the building's form.
- 8.18 This three element conceptual approach is supported. It is considered to break up the bulk and mass of the development within the streetscene, whilst providing a high quality contemporary design.
- 8.19 By staggering the heights of the building from West to East, the built form is congruous with the general pattern of development in the immediate area, rising from two stories adjacent to Pelican Cottage up to nine stories across the road from the 'Heart of Bow' development.
- 8.20 Balconies are provided to flats, which have a steel structure painted in red to match the

feature coloured panels. Glass balustrades are proposed to create a sense of lightness and openness.

- 8.21 The entrances located off Douro Street are surrounded by a soft landscaped area. A linear splayed timber wall running east to west rests in line with Douro Street and forms defensible space for the ground floor flats.
- 8.22 Entrance ramps run north to south and sit adjacent to thick walls clad in shiny aluminium. These walls are intended to define the entrances to the building and break up the amenity space on the ground floor.
- 8.23 The general detailing and siting of the scheme is considered appropriate within the context of the surrounding area.

Neighbour Objections

- 8.24 As noted in Section 7 of this report, the nature of the proposal being out of character with the surrounding area was raised as a reason for objection.
- 8.25 For the reasons stated above, it is considered the proposed scheme will relate well to the surrounding built form.

Materials

- 8.26 Shiny white cladding is proposed to define the 9 storey element as a landmark building. The material is reflective, and proposed to form an external frame which encompasses and surrounds drawing attention to the building. On the outside the frame is proposed in white, however the reveal is red, bringing a contrast in colour to draw attention to the frame and give presence to it's internal edging.
- 8.27 Zinc colour cladding is proposed on both sides of the nine storey element. The northern elevation uses light coloured (blue-grey) pre-weathered zinc, which has set within it a curtain wall and a protruding façade of white render. The South and East elevations use a dark coloured zinc cladding with horizontal standing seams, intended to create texture and cast shadows along the building face.
- 8.28 Blue engineered brick is proposed on the south east corner of the site, designed to complement locally Listed Buildings, The colour and texture of the blue brick is in direct contrast to the taller landmark element, which rests atop the simple form of this element.
- 8.29 Whilst the general materials approach is supported, a sample board has not been submitted. Therefore is recommended a condition requiring samples is attached to any approval of permission.
- 8.30 The treatment adjacent to Pelican Cottage is addressed within the next section of this report.

Impact on Conservation Area and Listed Building

- 8.31 The scheme proposes alterations to the Grade II Listed Building Pelican Cottage, together with the demolition of a disused building on the site. Saved policies DEV1 and DEV37 of the UDP, together with policies DEV2, CON1 and CON2 of the Council's Interim Planning Guidance (2007) seek to ensure need development is appropriate to the special nature of the setting.
- 8.32 Pelican Cottage is a two storey, brick built structure of neo-classical design. Its diminutive scale, architectural character and location at an important junction are typical of a classical 'toll-house' or 'eye catcher' type. The simple plan form is enlivened by stock brick in Flemish bond, stucco detailing, multi-pane sash windows and simple, classical door-case now

concealed by a decorative wrought-iron porch.

- 8.33 Whilst the age of the building alone warrants its inclusion on the statutory list (presumed construction date is between 1831 and 1853), the Cottage has additional importance which underlines its original value, as a landmark building. At an intersection of roads, and forming a vista stop at the northern approach of Tredegar Road, the building has an enhanced, intrinsic value and adds to the distinctiveness, character and legibility of the area.
- 8.34 The amended application has been revised to address the comments raised by the Councils' Design Section, and English Heritage in respect of the impact on the setting of Pelican Cottage.
- 8.35 The single family houses within the scheme now knit in with the fabric of Pelican Cottage, in terms of both scale and proposed materials. This two storey element has a flat roof, to a height just below the eaves of Pelican Cottage. A recessed linking feature attached to Pelican Cottage serves to ensure the new addition is subsidiary to the Listed Building, ensuring that, whilst attached to the new building, the Cottage remains the dominant feature within the streetscene.
- 8.36 A grey render is proposed for the block adjoining Pelican Cottage. Whilst various other materials were considered including a stock brick to match the Listed Building, it was felt a material and colour which would complement the Cottage without competing with it would be preferable. The principle of grey render is considered acceptable, however it is recommended a condition securing the submission of a sample is attached to any permission granted, to allow detailed assessment of the materials.
- 8.37 Conservation Area Consent is sought for the demolition of a brick building which currently sits on the northern boundary of the site. The building has a floor area of approximately 63.8sqm, and is in a state of disrepair. The building itself is not considered to be of any particular merit, and does not contribute greatly to the character and appearance of the Conservation Area. With this in mind, the demolition of this building is considered acceptable.
- 8.38 Listed Building Consent is sought for alterations relating to restoration of original windows and general refurbishments to Pelican Cottage, together with the demolition of an unoriginal WC extension to the rear of the building. Pelican Cottage is currently in a state of disrepair, with the last occupants known to be squatters. A similar application was approved previously under planning ref: PA/06/1930. Design and Conservation officer considers the proposed works acceptable.

Neighbour Objections

- 8.39 As noted in Section 7 of this report, the nature of the proposal being out of character with the surrounding area was raised as a reason for objection.
- 8.40 It is however considered the current setting of Pelican Cottage is compromised by the previous scrap yard use, and the activities are not conducive to the long term future of the building. The proposed new building and alterations to Pelican Cottage are considered sensitive and appropriate, and will serve to preserve the character of the Listed Building and the Fairfield Conservation Area.

Housing

- 8.41 The application proposes 86 residential (Class C3) units in the following mix when split into market, social-rent, shared-ownership tenures:

	Market	Social Rent	Shared
--	---------------	--------------------	---------------

	Sale		Ownership
Studios	11	0	0
1 Bedroom	18	2	5
2 Bedroom	23	5	1
3 Bedroom	10	6	2
4 Bedroom (4 hab rooms)	0	1	0
4 Bedroom (7 hab rooms)	0	1	0
5 Bedroom	0	1	0
Total Units	62	16	8
Grand Total	86		
Total Affordable Units		24	
Total Habitable Rooms	156	63	21

8.42 This section of the report considers the acceptability of the housing provision proposed in terms of key issues including affordable housing provision, provision of family sized units, wheel chair housing, lifetime homes, floorspace standards and provision of amenity space.

Affordable Housing

8.43 UDP policy requires affordable housing on schemes greater than 10 ten units.

8.44 Based on habitable rooms, Policy CP22 'Affordable Housing' of the Interim Planning Guidance 2007 requires 35% affordable housing provision which this scheme achieves. Based on floor area the schemes provides 31% affordable housing which complies with policy HSG10 'Density of New Housing Development' which requires that the disparity between habitable room (the primary indicator) and floorspace is less than 5%.

8.45 The affordable housing provision is further split into social rented and shared ownership tenures. A split of 80:20 is suggested pursuant to Policy HSG 4 of the Interim Planning Guidance 2007, whilst The London Plan 2004 indicates a region wide requirement of 70:30 split pursuant to Policy 3A.7 'Affordable Housing Targets'. The scheme being considered provides a 75:25 split which is acceptable and considered to be generally in line with policy.

Family Housing

8.46 Family sized housing (+3 bedrooms p255 of the Interim Planning Guidance) is a requirement in all three housing tenures (market, social-rent, shared-ownership) although varying amounts are required in each.

8.47 For intermediate housing policy CP21 of the Interim Planning Guidance requires 25% family provision, and the scheme proposes 25%. In the social-rent housing 45% is required and 56% is provided. In the market housing, 25% is required and 16% is provided.

8.48 It is considered that the overall provision of affordable housing including the provision of family sized units is in line with policy aspirations. It is noted that the scheme provides more affordable housing than required based on habitable rooms and floor area. Furthermore, a financial viability assessment in the form of the GLA's Toolkit has been submitted justifying the financial viability of the mix as proposed. Importantly, the scheme exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7 as shown in the table below. Therefore the scheme is considered to be a positive step towards LBTH achieving key housing targets and better catering for housing need.

8.49 **Table: Family housing provision comparison**

Tenure	% Borough-Wide	% PA/08/1088
Social-rented	17.5	56
Intermediate (Shared ownership)	2.5	25
Market	4.7	16
Total	7.1	24.4

8.50 It is considered that the proposed provision of housing is acceptable. The affordable housing provision of 35% based on habitable rooms and 31% based on floor area exceeds the minimum criteria. The total provision of 24% family housing is in line with policy aspirations and represents a significant improvement upon the overall delivery of family housing in the borough as reported in the most recently published Annual Monitoring Report 2006/7.

Wheelchair Housing and Lifetime Homes

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

8.52 Nine units are to be wheelchair accessible, equating to 10% of the housing. The agent has confirmed that all units are to be designed to lifetime homes standards. A condition will secure appropriate levels of wheelchair and lifetime homes housing.

Floor Space

8.53 Policy HSG13 'Conversions and Internal Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance (SPG) 'Residential Space' (adopted 1998) set the minimum space standards for residential developments.

8.54 The total floor area of each flat complies with or exceeds the SPG requirements, and the same can be said for the area of individual rooms.

Amenity Space

8.55 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision. The Residential Space SPG 1998 sets the space criteria, as does policy HSG7 'Housing Amenity Space' of the Interim Planning Guidance.

8.56 The application proposes the following amenity space provision:

1,536.4sqm of amenity space overall, which includes:

- 304sqm of private amenity space in the form of private gardens and balconies.
- 821.9sqm of shared amenity space in the form of communal roof terraces
- 437.5sqm of public open space facing onto Douro Street
- 79.5sqm total play space located at ground and 4th floor levels

The Policy requirements are summarised in the tables below

8.57 Residential Space SPG 1998 requirements

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	21	50sqm of private space per family unit	1,050
Non-family units	65	50sqm plus an additional 5sqm per 5 non-family units;	115
Child Bed spaces (according to the ES calculations)	26	3sq.m per child bed space	78
Total			1, 243

Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	10	6	60
1 Bed	24	6	144
2 Bed	24	10	240
3 Bed	15	10	150
4 Bed	-	10	-
5 Bed	-	10	-
TOTAL	73		594
Ground Floor Units			
Studio	1	25	25
1 Bed	1	25	25
2 Bed	5	25	125
3 Bed	3	50	150
4 Bed	2	50	100
5 Bed	1	50	50
Total	13		474
Grand Total			1068
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	126
Total Housing Amenity Space Requirement			1194

- 8.58 As evident from the tables above, the total amenity space provision of **1534.4sqm** exceeds both UDP and Interim Planning Guidance standards.
- 8.59 Private amenity space for some individual units falls below the recommended minimum levels. However given the proposed overall area is well in excess of the required minimum, the proposed levels are considered acceptable. Further to this, the applicant has agreed to a financial contribution of **£54,044** for off site open space improvements in the local area as a means to mitigate against the apparent shortfall.
- 8.60 Overall the proposed units have sufficient floor area and amenity space provision in surplus of the Council's minimum requirements, and thus would provide a good level of amenity for future occupants.

Amenity for Future Occupiers and Users

- 8.61 The general consideration of amenity for future occupiers and users is identified in Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment' and 4B.6 'Sustainable Design and Construction' of The London Plan 2004, Policies DEV1 and CP1 of the Interim Planning Guidance as well as PPS1 and PPS3.
- 8.62 In addition to matters under the 'Housing' section of this report, the following details how the scheme accords with more specific amenity considerations and applicable policies;
- Separation distances in excess of 18m are provided between buildings to mitigate any issues in respect of privacy, overlooking and outlook. However it is noted the separation distance between Pelican Cottage and the proposed 5 bedroom house to the north is approximately 8.5 metres. This relationship is considered acceptable given there will be no directly facing primary bedroom windows, and availability of light is compliant with BRE guidance (refer section 8.63 of below).
 - The provision of secured cycle parking for residents and visitors in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
 - The provision of car parking including spaces for people with a disability in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
 - The consideration of renewable energy and sustainability in the design which to amenity, the details of which are discussed later under 'Sustainability'.
 - Internal floor areas are compliant with SPG: Residential Space.

Daylight and Sunlight

- 8.63 The amenity requirements that need to be satisfied in order for any development to be considered acceptable are specified in the BRE Guidance (1991).
- 8.64 With regards to daylight, this guidance requires an assessment of the amount of visible sky which is achieved by calculating the vertical sky component at the centre of the window. The vertical sky component should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. In the event that these figures are not achieved, consideration should be given to other factors including the layout of the dwellings and 'average daylight factor' and 'no sky penetration' for each room.
- 8.65 With regards to sunlight, there is a requirement to assess windows of surrounding properties where the main windows face within 90 degrees of due south. Rooms are considered to receive sufficient sunlight if the window can receive more than 25% of annual probable sunlight hours during winter months.
- 8.66 Pelican Cottage was last used as an office associated with the scrap metal yard, and is proposed to be converted to residential use as part of the scheme being considered. The majority of the rooms in Pelican Cottage do not face the site directly and consequently there is only an oblique restriction to light, such that all pass the Average Daylight Factors test. The two windows that do face the site serve a bedroom and kitchen. The bedroom passes the required Average Daylight Factors test, whilst the kitchen narrowly falls below. However it is noted that the kitchen does not achieve the required Average Daylight Factor in its current condition, and is therefore compliant with general guidance.
- 8.67 The three new houses proposed to the north of Pelican Cottage have also had their daylight and sunlight assessed. Average Daylight Factors tests are exceeded on all windows, and all rooms are therefore compliant with BRE guidance.
- 8.68 A shadow analysis has been conducted on the proposed amenity area within the site. BRE guidance states that a tested space should not have more than 20% of it's area in permanent shadow to be deemed well sunlit. The proposed area within the scheme remains well lit as the only restriction on light are the two storey houses on Douro Street and Pelican

Cottage together with the eastern block of the development.

- 8.69 Overall, the amenity of future occupiers and users of the scheme is satisfactorily addressed in accordance with Policy.

Neighbour Impacts

- 8.70 The consideration of potential impacts to neighbours is identified national, regional and local policies previously referred to in this report. It is noted that objections have been received from occupiers of the 'Heart of Bow' development to the north of the site on the grounds of loss of light and outlook.
- 8.71 Policy DEV1 (Section 9.7) of the Interim Planning Guidance 2007 suggests a minimum separation distance of 18 metres between windows of habitable rooms, in order to ensure levels of privacy and overlooking are not unduly detrimentally affected. A minimum of 18 metres and maximum of 31 metres separation has been proposed between existing residential properties to the North and South, and the building being considered. Therefore it is considered the scheme will not result in an unduly detrimental loss of privacy for neighbouring properties.
- 8.72 Impacts during construction such as noise, dust, vibration and general disturbance, and vehicular movements are temporary and not a material consideration. Nevertheless it is noted that these will be otherwise mitigated through the management of the construction process and any unreasonable or excessive impacts would be subject to investigation and enforcement action. Further to this, under the section 106 agreement the developer must adhere to the code of construction practise, which would serve to ensure the construction period would not result in an unduly detrimental loss of amenity for neighbouring occupants.

Daylight and Sunlight

- 8.73 The submitted daylight and sunlight report assessed the effects of the proposed development on the following properties:
- 5 – 37 Douro Street
 - Those properties in the 'Heart of Bow' development on Tredegar Road
 - The rear facing property on the John Bell Tower East
 - Shadow impact on the proposed amenity space in the development adjacent to Douro Street, and on the amenity space to 'Heart of Bow'.
- 8.74 Following an assessment of the ground floor of the individual dwellings, it was found that a reduction in daylight of more than 20% was evident with regard to the ground floor of No.s 5 – 37 Douro Street. However, having considered the circumstances, it was found that these dwellings achieved levels above the British Standard requirements of 1.5% Average Daylight Factor for living rooms and 50% room coverage by visible sky. In view of this, the assessment concluded that the rooms would remain sufficiently well lit.
- 8.75 In relation to the first floor, whilst many of the rooms would experience a reduction of more than 20%, the No Skyline and Average Daylight Factors tests were again applied, and showed that all bedrooms meet these standards. The British Standard requirement for bedrooms of 1% would be exceeded, and the No Sky Line cover in the lowest case 50% of the room. Therefore, the assessment concluded that the proposed development would satisfy the relevant daylight tests, and No.s 5 – 37 Douro Street would maintain a good level of internal lighting, in excess of the minimum guidelines set out by the BRE.
- 8.76 With regards to the 'Heart of Bow' development on Tredegar Road, the Vertical Sky Component for these properties demonstrates that all but three windows on the ground floor and two windows on the first floor will maintain in excess of 80% of their existing daylight. In those instances where the figure drops below 80% the retained percentages are 67.6%, 69.7% and 75.4% at ground floor level, and 73% and 78.6% at first floor. Application of the

Average Daylight Factors tests achieves 2.74% and 2.31% at the ground floor windows, and 2.7% and 4.33% at first floor, thus compliant with general guidance. Full compliance is also achieved in terms of sunlight, with in excess of 25% annual probable sunlight hours retained, and at least 5% of those being in winter. The taller elements of the 'Heart of Bow' scheme are sited some distance from the site, and all pass the Vertical Sky Component test, and would thus continue to receive adequate levels of sunlight and daylight.

- 8.77 The John Bell Tower East has residential flats in the corner of the building facing the site at third floor level and above. The windows facing the site are situated under balconies and consequently see reductions in light in excess of the BRE guidelines. However, as most light is received from high level, the primary constraint on light entering through this window is considered to be the balconies rather than the proposed development. Furthermore, these windows serve living rooms which have other secondary windows facing away from the site, and would thus continue to receive adequate levels of light. Therefore, the Average Daylight Factors are in excess of the BRE Guidelines.
- 8.78 A shadow analysis was conducted on the proposed amenity area within the front of the 'Heart of Bow' development. The analysis found that the amenity space will experience some shadowing between 9.00am and 10.30am at its eastern end, and also late in the afternoon, thus passing the test within the BRE Guidance.
- 8.79 It has therefore been established that the impacts of the proposed development, in terms of daylight and sunlight, will comply with the standards as specified in the BRE guidance. Whilst there are some situations contrary to the Vertical Sky Component test, further, more refined testing techniques including Annual Daylight have demonstrated that all rooms surrounding the development are compliant with the BRE guidance. The assessment concludes that the proposed development will result in an acceptable level of daylight/sunlight to existing properties in the surrounding area.

Neighbour Objection

- 8.80 As noted in Section 7 of this report, objections were received from neighbouring properties regarding a loss of light and outlook from their flats.
- 8.81 The analysis of the daylight and sunlight report above confirms that whilst there will be some loss of light to some flats, this is not considered to be to an unduly detrimental level, and are compliant with BRE guidance. The scheme is therefore considered acceptable in this respect.
- 8.82 A Councillor raised concerns with relation to the social housing element, and potential increase in crime/vandalism within the area. Policy stipulates that a social housing element should be provided in schemes of over 10 units. Further to this, the Metropolitan police have been consulted, and as noted in section 6.13 of this report, they feel the scheme achieves a good level of crime prevention through design. The applicant's have also agreed to a condition securing a Secure by Design Statement.
- 8.83 Further to this, there is no evidence which suggests a social housing element will result in an increase in crime and vandalism in the area.
- 8.84 The scale of development is considered appropriate in the context of the surrounding area. With this in mind, outlook from some neighbouring properties will be obscured should the development be approved. However, given the urban nature of the area it is not considered that levels of outlook will be obscured to an unduly detrimental level.
- 8.85 There are no significant privacy/overlooking impacts and any noise or general disturbance impacts are considered to be reflective of the residential use applicable to and compatible with the surrounding area. No significant impacts are identified in respect of vehicular access

and parking as discussed under sections 8.78 – 8.88 of this report. Any impacts to the capacity of service provision including education, health and transport will be mitigated by the provision of a s106 planning contribution.

Highways

- 8.86 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.5 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan, Policies ST25, ST28, ST30, EMP10 'Development Elsewhere in the Borough' of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the Interim Planning Guidance.
- 8.87 The application is supported by a Transport Assessment and Draft Community Green Travel Plan as produced by Mayer Brown (May 2008), providing consideration of the policy context, baseline conditions in respect of the local area, public transport and road network. The reports then consider trip generation, as well as consideration of an assessment of the implications in respect of walking/cycling, public transport and the road network. A travel plan is proposed. The report concludes that the site has a good level of accessibility to sustainable modes of transport, such that there is a reduced need to travel by car and facilities are available locally; that parking is consistent with Policy; and trips in different modes (walking, cycling, public transport) can be accommodated by the available infrastructure in the area.
- 8.88 The scheme proposes removing the existing access to the site, which is located on the Eastern boundary adjacent to a mini-roundabout. The access is proposed to be re-located to the South-Eastern boundary accessible from Douro Street. For servicing requirements a turning head is provided on site.
- 8.89 The scheme is proposed to be car free, an approach supported by the Highways Section given the PTAL of 4.
- 8.90 Two disabled car parking spaces are however proposed, in addition to one car club space.
- 8.91 Sufficient cycle parking has been proposed in three designated cycle storage areas.
- 8.92 The Council's Highways Section recommended a Section 72 to include the adoption of approximately 0.5m of land along the frontage of the development, which has been agreed by the applicants.
- 8.93 Section 278 works are also required with relation to works to the public highway including reinstating dropped curbs, and maintenance of footway surrounding the site. Further to this, the Highways section requested a condition securing a scheme of highways improvements necessary to facilitate the development. This has been agreed with the applicants also.
- 8.94 Visibility and pedestrian splays have been provided where necessary and are considered acceptable.
- 8.95 TfL were consulted on the application, and whilst they did not raise objection to the proposal, they did suggest the incorporation of an additional disabled space (to bring the total to two). As noted in section 8.82 above, this has been achieved.

Neighbour Objection

- 8.96 As noted in section 7 of this report, Highway safety was raised as a reason for objection through public consultation. Concern was particularly related to a blind spot on Tredegar Road heading West, width of footpath of Tredegar Road, and an increase in vehicles visiting the site.

- 8.97 As noted above, the scheme is proposed to be car free, apart from two disabled spaces, together with one car club space. Thus, the scheme will not result in a significant increase in vehicles to the site.
- 8.98 The entrance to the site currently located off the mini-roundabout is proposed to be moved to the South-Eastern boundary, and standard pedestrian and vehicular visibility splays have all been achieved in submitted plans. Therefore, it is considered the proposed scheme will not give rise to unsafe highways conditions.
- 9.99 As noted above a s72 agreement to secure 0.5 of land across the frontage of the property in order to widen the footpath and improve pedestrian safety has been agreed by the applicants.
- 8.10 The application is therefore considered acceptable with relation to Highways concerns, subject to the inclusion of appropriate conditions and a s106 Legal Agreement securing a Green Travel Plan.

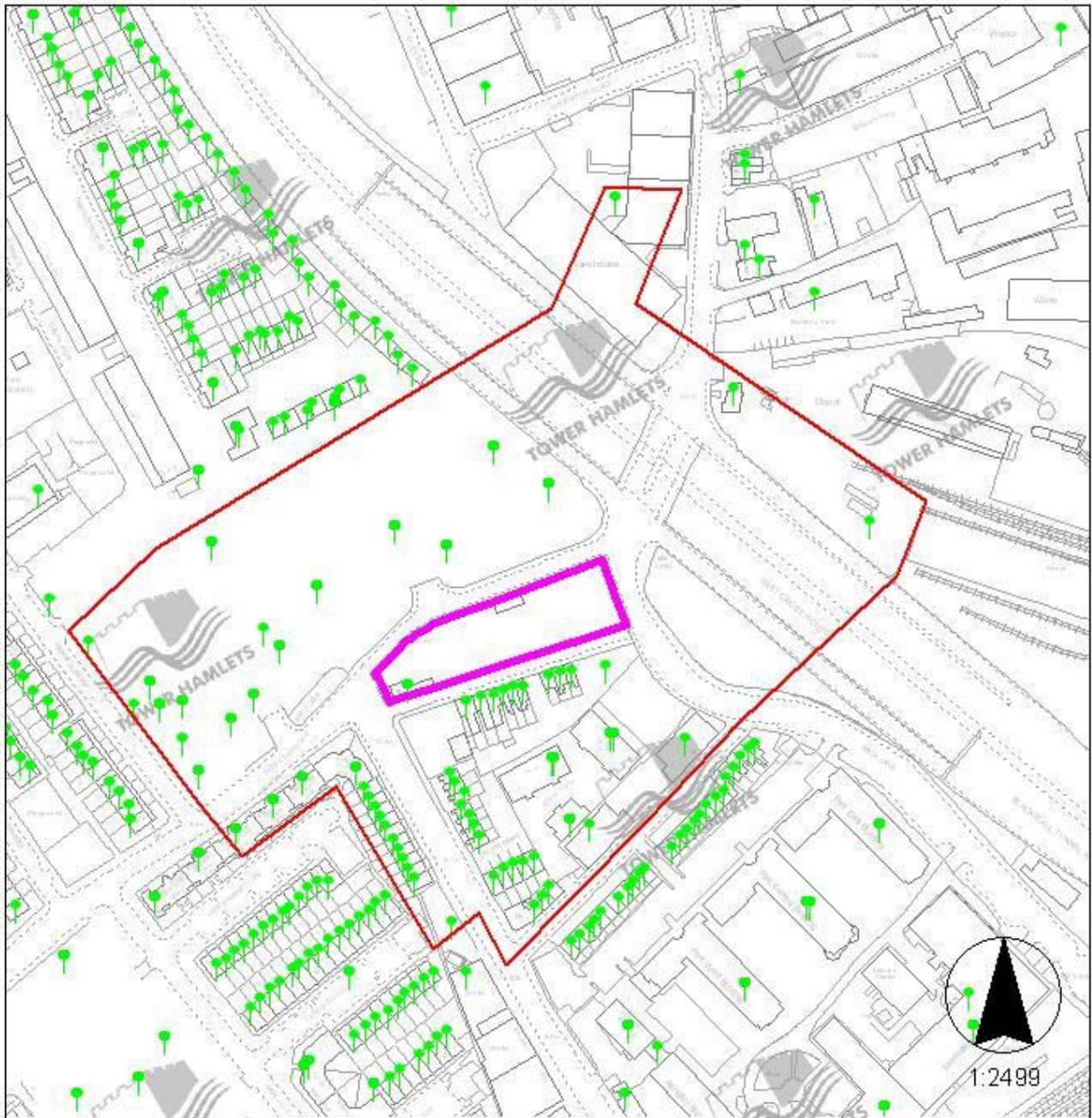
Sustainability and Energy

- 8.10 Local planning policy guidance relating to renewable energy, as contained in the Council's Interim Planning Guidance 2007 requires a minimum 10% carbon reduction through the provision of renewable energy, with the London Plan 2008 requiring a reduction of 20% in line with policy 4A.7.
- 8.10 An Energy and Sustainability Strategy was prepared for this application by Dixon deBoise which considers the potential options of achieving the 20% target figure.
- 8.10 Having considered several renewable options it was determined that biomass heating was the preferred option to achieve the renewable energy target for the site. As such, a biomass boiler is proposed at basement level, accessed for servicing purposes off Douro Street.
- 8.10 The provision of biomass heating via a centralised boiler will provide a carbon reduction of 20.1%, thus compliant with the London Plan. The size of the fuel storage area is sufficient to enable accommodation of one month's supply of fuel, together with a 15 day back up supply. The submitted strategy also identifies suppliers in the local area.
- 8.10 Other sustainability measures to be incorporated into the scheme include reduction in water usage and waste management.
- 8.10 The Council's Energy Officer considers the approach and method assessment to be satisfactory, and has requested conditions be attached to any approval securing further information with relation to efficiency measures and SAP calculations, and also details relating to the Code for Sustainable Homes.

9.0 Conclusions

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
-  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 LA096968

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Agenda Item 7.2

Committee: Development	Date: 27 August 2008	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Rachel McConnell	Ref No: PA/07/03151
	Ward: Millwall (February 2002 onwards)

1. APPLICATION DETAILS

Location:	Jubilee Place, Heron Quay, London, E14 4JB
Existing Use:	Car parking
Proposal:	The change of use of existing floorspace comprising service area (2,800 sq.m) and car park (9,684 sq.m) and the removal of existing car park and service floorspace to form Class A floorspace with ancillary service area, storage and mall circulation space, together with other works incidental to the application.
Drawing Nos/Documents:	733-50020 C, 733-50030 C, 733-50200 C, 733-59020 D, 733-59030 D, 733-59200 C, 733-51900 C, Retail Statement (Aug 2007), Transport Assessment (Aug 2007), Design and Access Statement (Oct 2007), Energy Statement (Issue 1), FRA 733-RP251
Applicant:	Heron Quays (RT3) T1 and Heron Quays (RT3) T2 Ltd
Ownership:	Owned by Applicant
Historic Building:	n/a
Conservation Area:	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:

- In principle the proposed provision of retail development is acceptable. This is in accordance with Policy 2A.8 in the London Plan: Spatial Development Strategy for Greater London (Consolidated with Alterations since 2004) and Policy RT4 in the Interim Planning Guidance (2007) which supports and encourages provision of retail and related town centre uses in the Borough's major centres.
- Given the proximity of the development to public transport routes, the reduction in car parking in the Canary Wharf estate is considered acceptable. This is in accordance with policy CP40 in the Interim Planning Guidance (2007) which promotes car free developments and schemes which minimise on site and off-site car parking provision in areas with good access to public transport.

- Given the nature of the proposal and location underground, it will not result in material harm to the amenity of residents. The proposal therefore meets the criteria set out in Policies DEV2 & DEV50 in the Unitary Development Plan and Policies DEV1 and DEV10 in the Interim Planning Guidance which seeks to protect the amenity of residents.

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) Access to Employment Initiatives
 - b) Local labour in Construction
 - c) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informative(s) to secure the following matters:

Conditions

1. Standard time limit
2. Construction method statement
3. Service Management Plan
4. Energy condition
5. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

1. Environment Agency Informative
2. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The change of use of existing floorspace comprising service area (2,800 sq.m) and car park (9,684 sq.m) and the removal of existing car park and service floorspace to form Class A floorspace with ancillary service area, storage and mall circulation space, together with other works incidental to the application.
- 4.2 There are currently 650 car parking spaces in Jubilee Place. The proposal will result in the change of use of 366 car parking spaces. Due to the existing floor to ceiling heights for the car park, the proposal utilises both levels of car parking for a single retail level. Servicing of the new retail will be from the existing dedicated bays which link to the existing retail.

Site and Surroundings

- 4.3 Jubilee Place is part of the Canary Wharf shopping complex. Jubilee Place is currently configured to provide a single subterranean retail floor running adjacent to the Jubilee Line Station with two levels of parking below. The lower car park level connects to the Jubilee Line with escalators linking the retail to Canary Wharf. The retail level is linked to the ground level above via a central mezzanine level sitting directly below a glazed pavilion.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Flood Protection Area
		Central Area Zone
		Water Protection Area
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	CAZ1	Location of Central London Core Activities
	EMP1	Encouraging New Employment Uses
	EMP6	Employing Local People

Interim Planning Guidance for the purposes of Development Control

Proposals:		Major Centre (Town Centres)
		Flood Risk Area
Core Strategies:	CP1	Creating Sustainable Communities
	CP3	Creating Sustainable Development
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP15	Provision of a Range of Shops and Services
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV15	Waste and Recyclables Storage
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV21	Flood Risk Management
	RT4	Retail Development and the Sequential Approach

Spatial Development Strategy for Greater London (London Plan)

	2A.1	Sustainability Criteria
	2A.8	Town Centres
	3B.1	Developing London's Economy
	3B.3	Mixed Use Development
	3B.11	Improving Skills and Employment Opportunities for Londoners

3C.1	Integrating transport and development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.24	Parking in Town centres
3D.1	Supporting Town centres
3D.2	Town Centre Development
3D.3	Maintaining and Improving Retail facilities
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy
4A.7	Renewable Energy
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainable
4A.18	Water Sewage and Infrastructure
4B.1	Design Principle for a Compact City
4B.5	Creating an inclusive environment
4B.6	Sustainable Design and Construction
6A.4	Priorities in Planning Obligations
6A.5	Planning Obligations

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres
PPS9	Biodiversity and Geological Conservation
PPS10	Planning for Sustainable Waste Management
PPG13	Transport
PPS22	Renewable Energy
PPS25	Development and Flood Risk

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 & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Energy

- 6.2 - If the application is treated as an existing building, energy policies requiring 20% improvement do not apply.
 - Advise that a 10% consequential improvement is made.

LBTH Highways

6.3 Request condition regarding submission of a service management plan.

British Waterways (Statutory Consultee)

6.4 No comments

Crossrail (Statutory Consultee)

6.5 No comments

London Underground Limited (Statutory Consultee)

6.6 No comments

London Fire and Emergency Planning Authority (Statutory Consultee)

6.7 The Authority's policy is to comply with Building Regulations Approved Document B5. Where these requirements cannot be met, individual cases will be assessed and judged on their own merits.

Docklands Light Railway (Statutory Consultee)

6.7 No contribution requested as can not be justified given the trips generated.

Environment Agency (Statutory Consultee)

6.8 No objection to the proposed development. Advise that prior written consent is required from the Environment Agency for any proposed works affecting or within 16 metres of the dock walls.

7. LOCAL REPRESENTATION

7.1 A total of 890 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: 1 Objecting: 1 Supporting: 0

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:

- Loss of car parking – existing car parking at capacity at weekend
- Further parking required in future given development of the area

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of Development
2. Design and Amenity
3. Parking and Highways
4. Energy and Renewable Technology
5. Other Issues

Principle of Development

8.2 Canary Wharf is defined as a Major Centre in the London Plan. Policy 2A.8 in the London Plan provides an over-arching approach to support and regenerate existing town centres. This is in accordance with PPS6: Planning for Town Centres sets out the Governments policy on planning for the future of town centres.

8.3 The adopted UDP (1998) designates the application site within the Central Area Zone which promotes commercial development. The application therefore accords with Policy CAZ1 of the UDP (1998) which seeks to develop the Central Activities Zone in order to foster

London's regional, national and international role

- 8.4 Policy RT4 in the Interim Planning Guidance supports the provision of retail and related town centre uses in the Borough's major centres. Canary Wharf is an established centre which currently incorporates some 55.049sq.m of retail floor space. Given the above, in principle the provision of additional retail development is acceptable and in line with GLA and Council policy which supports and encourages provision of retail and related town centre uses in the Borough's major centres.
- 8.5 A Retail Statement (RS) has been submitted with the application to demonstrate any impact on the surrounding area. The government and Mayor support a policy of new retail provision in existing town centres to ensure a competitive and accessible range of services. The RS and resulting recommendations aim to ensure new retail proposals will provide this, while not causing harm to existing town centres. Canary Wharf RS shows that the type of provision that being mainly comparison goods (occasional items such as clothes, white goods, etc..) at Canary wharf, will have little or no impact on local shopping provision, those being predominantly convenience goods (every day items such as papers, milk, breads etc). The RS also takes into consideration the wider impact on regional centres such as Surrey Quays and Stratford and has concluded that any impact will be dispersed across six identified regional centres.
- 8.6 It is considered that the proposal to extend the retail provision at Canary Wharf is in accordance with the broad principles of local and national policy.

Design and Amenity

- 8.7 Policy DEV1 in the Unitary Development Plan and DEV2 in the Interim Planning Guidance are concerned with the impact of the design of the development on the character of the Borough. The proposed retail development is located underground and will have little impact on the character of the Canary Wharf complex.
- 8.8 In terms of amenity, given that the proposal is located centrally within the Canary Wharf which is primarily an office location, the proposal will have no significant impact on residential amenity.

Parking and Highways

- 8.9 PPG13: Transport seeks to establish less reliance than previously existed on private car usage. Policy 3C.1 in the London Plan requires that high trip generating development is located in areas with high level of transport accessibility.
- 8.10 The site is located within an area of very good public transport accessibility (PTAL 5). The site is located approximately 50 metres from the Jubilee Line station which provides connections to the west to London Bridge and Waterloo, terminating at Stanmore. The Jubilee Line terminates at Stratford to the east. The closest DLR station is Heron Quays which is approximately 180 metres away. The area is also well served by local bus routes.
- 8.11 A Transport Assessment (TA) has been submitted with the application in support of the proposal concludes that the majority of new trips on the public transport will be outside the peak morning and evening periods and so there is not increase in capacity problems.
- 8.12 Given the proximity of the development to public transport routes, it is considered that the reduction in car parking is acceptable and in accordance with sustainability objectives. This is in accordance with policy CP40 in the Interim Planning Guidance (2007) which promotes car free developments and schemes which minimise on site and off-site car parking provision in

areas with good access to public transport. LBTH Highways have raised no objection to the loss of car parking.

Energy and Renewable Technology

- 8.13 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan (2008) sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG Oct 2007. In particular, policy DEV6 requires that:
1. All planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
 2. Major developments incorporate renewable energy production to provide at least 20% of the predicted energy requirements on site.
- 8.14 As detailed earlier in this report, the Council's Energy Efficiency department has advised that 10% consequential improvement is made.
- 8.15 In light of the above comments, a condition is to be attached to the planning permission requiring full details of the energy efficiency measures and preferred energy technologies to be submitted and agreed by the local planning authority. The condition also states that the energy technologies should reduce carbon dioxide emissions from the development by at least 10%.

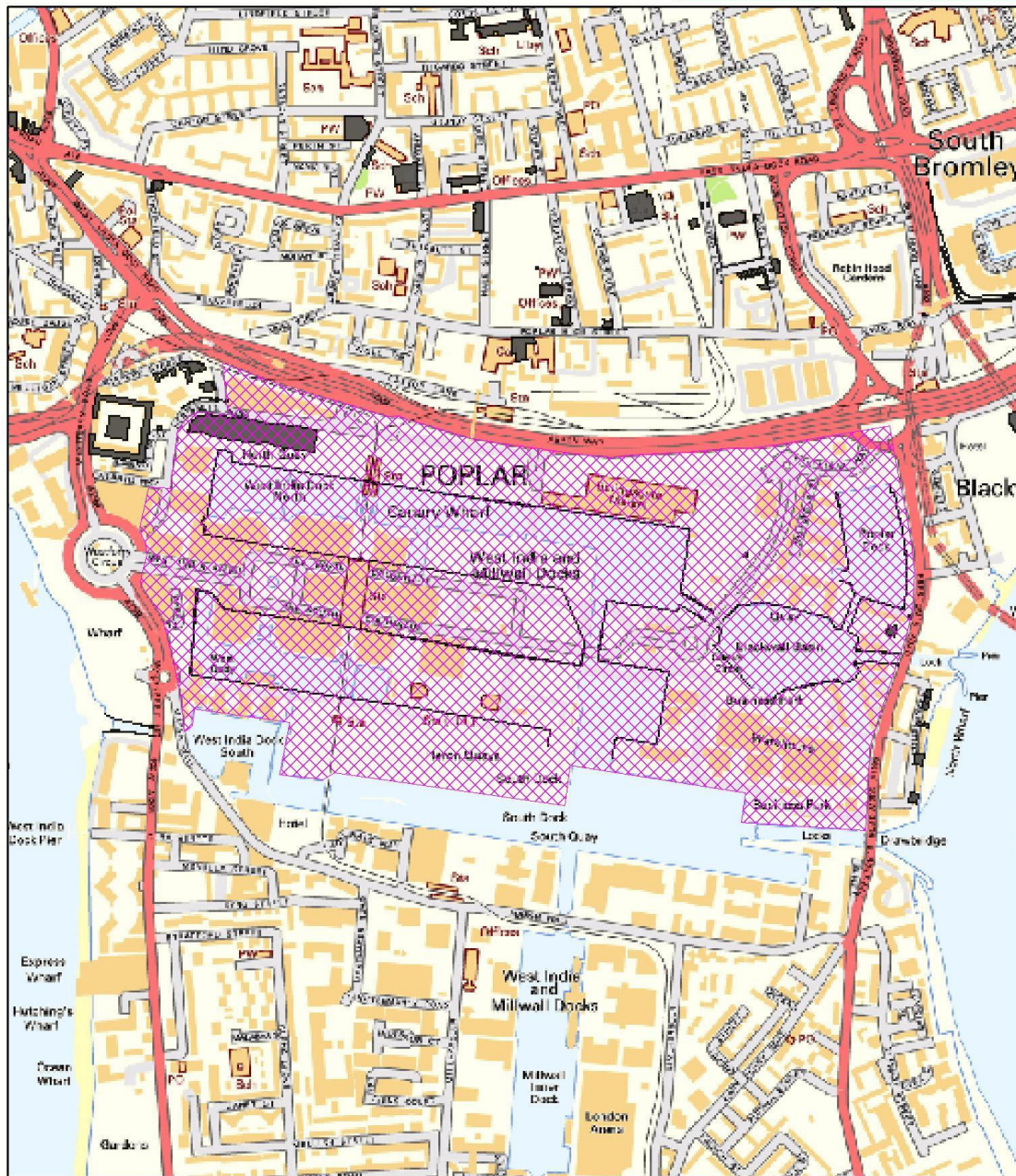
Other Issues

- 8.16 Given the scale of the redevelopment, the provision of employment generating uses as part of the proposed development, and pursuant London Plan policies 3B.1 and 3B.11, the developer should seek to ensure that local residents and businesses benefit from the job opportunities created by this proposal, in both the construction and operational phases of the development. Initiatives to create training and employment opportunities and to utilise the goods and services of SME's and local businesses should be formalised through a Section 106 agreement. The delivery of such initiatives will help to ensure the regeneration benefits of the proposed development are maximised for residents of the local community and that the Economic Development Strategy objective to 'Tackle Barriers to Employment' is supported.

Conclusions

- 8.17 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

Agenda Item 7.3

Committee: Development	Date:	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Rachel McConnell	Ref No: PA/08/01151
	Ward: Millwall (February 2002 onwards)

1. APPLICATION DETAILS

Location:	West India Dock Pier, Cuba Street, London
Existing Use:	Disused passenger pier
Proposal:	Change of use of pier to a residential mooring.
Drawing Nos/Documents:	05/08/01/1A, 05/08/01/2A, Existing structure sketch
Applicant:	Mark Williams
Ownership:	Sunset Moorings and PLA
Historic Building:	n/a
Conservation Area:	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 will not harm the visual amenity and will preserve the character of the area. This is in accordance with policy DEV2 in the UDP, policies DEV1 in the Interim Planning Guidance 2007 and Policy 4B.1 in the London Plan which seek to ensure the local context and character of communities are retained.
- The proposal does not result in material harm to the amenity of residents in particular with regard to noise. The proposal therefore meets the criteria set out in Policies DEV2 & DEV50 in the Unitary Development Plan and Policies DEV1 and DEV10 in the Interim Planning Guidance 2007 which seek to ensure
- Subject to the consent being granted for a temporary period, the proposal would not preclude the future use of the pier for transportation purposes. This is in accordance with the criteria set out in Policies 4C.7, 4C.12 and 4C.13 in the London Plan which seek to ensure greater use and enjoyment of the Thames.
- The proposal would have no significant impact on the surrounding transport network. The proposal therefore complies with Policy T16 in the Unitary Development Plan and Policy CFR2 of the Interim Planning Guidance which seek to ensure that development proposals do not have an unacceptable impact on the transport system.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** temporary planning permission and the Corporate Director Development and Renewal is given delegated power to impose conditions and informative(s) on the planning permission to secure the following

Conditions

- 3.2
1. Limit time period for 1 year
 2. Only one vessel to be moored at the site at any one time
 3. The vessel shall not be used for temporary sleeping accommodation or for holiday lets.
 4. No discharge of sewage into the river.
 5. Limit works to the vessel at the application site to minor maintenance only.
 6. Grampian condition to prevent residents from applying from parking permits.
 7. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 3.3
1. Works to pier may require planning permission
 2. River works license required from the PLA
 3. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Planning permission is sought for the change of use of the existing pier from passenger transportation (serving river buses) to a residential mooring, to enable a residential vessel to be permanently moored at West India Pier. In order to accommodate the vessel, the original pontoon would be brought out of storage and returned. Access to the moored vessel would be via the existing access ramp.
- 4.2 The vessel which is proposed to be moored at the pier has been used in the past as a passenger ferry. It has been converted to provide accommodation for a single family (4-berths). The vessel is 5.8 metres tall from bottom of mast to the waterline and 33.54 metres in length.

Site and Surroundings

- 4.3 West India Pier is situated to the western side of the Isle of Dogs, at the end of Cuba Street which is used as access to the residential developments at Millennium Harbour. An access way or brow, from which access to the existing pier is provided, leads directly off the Thames Path.
- 4.4 The Docklands River Bus served the pier until 1993 when the lack of passenger numbers saw its closure with the operator going into liquidation. The pier has been out of use ever since, but Canary Wharf Pier, a five minute walk away, has since been opened operating a commuter river bus service. West India Pier has an extensive history. Originally constructed back in the mid-1870's it was replaced in the late 1940's after being destroyed during World War Two. The pier can be used for river bus services without planning permission.

- 4.5 The pier projects approximately 35 metres from the river wall. At present the pier is part enclosed, but much of the protective material used to provide shelter has worn down or been removed. A small structure is in place on the riverside that was used as the main entrance point for the river bus.
- 4.6 The surrounding area is predominately residential. To the pier's immediate eastern side are the residential developments of Anchorage point (9 storeys) and the Waterman building (10 storeys) within Millennium Harbour. Anchorage Point is approximately 10 metres away from the entrance to the pier, and the Waterman Building is approximately 12 metres away. The Thames is tidal at this point.

Planning History

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

PA/02/1795 Repair and replacement of an existing pontoon and the permanent mooring of a 47-metre yacht to be used for the purposes of a yacht club house – refused 16 July 2003. The application was refused for the following reasons:

1. The proposed mooring of a yacht club would, by virtue of its close proximity to residential properties, on board restaurant use, potential noise and visitors associated with such a use, have a detrimental impact on the amenity of the adjoining residential properties contrary to Policy DEV49 (8) of the Tower Hamlets UDP 1998.

2. The permanent mooring of a yacht club/ restaurant boat would, by virtue of its size, mass and close proximity to residential properties, have a detrimental impact on the amenity of adjoining residential properties and setting of the waterside environment contrary to Policies DEV2 (1) and DEV49 (1) of the Tower Hamlets UDP 1998.

3. The applicants have failed to submit the following information to enable the council to fully assess the scheme against the adopted UDP policies;

- a) Transport assessment including details of disabled accessibility and servicing of the club to allow full assessment of the yacht clubs impact on the area.
- b) Detailed plans regarding the design, location and extent of replacement pontoon and of the proposed mooring.
- c) Details of proposals impact on hydrology of River Thames and potential impact on Nature Conservation area.

PA/05/01322 The installation of a pontoon to enable the mooring of a residential vessel and the change of use of the pier to provide access – temporary consent granted for 1 year on 30 November 2005.

Temporary consent was granted to assess the impact of the development following a trial period of 1 year.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

- 5.2 Proposals: Flood Protection Areas
Sites of Nature Conservation Importance
- Policies: DEV1 General Design
DEV2 Environmental Requirements
DEV4 Planning Obligations
DEV9 Minor Works
DEV46 Protection of Waterway Corridors
DEV48 Strategic Riverside walkways and New Development
DEV49 Moored vessels
DEV50 Noise
DEV55 Development and Waste Disposal
DEV56 Waste Recycling
DEV57 Development affecting nature conservation areas
DEV69 Efficient Use of Water
HSG1 Provision for housing development
HSG23 Residential Moorings
T16 Traffic priorities for new development

Interim Planning Guidance for the purposes of Development Control

- 5.3 Proposals: Site of Importance for Nature Conservation
Flood Risk Area
Blue Ribbon Network -Tidal Water
Public Open Space - waterfront
- Core Strategies: CP19 New Housing Provision
CP30 Improving the Quality and Quantity of Open Spaces
CP33 Sites of Importance for Nature Conservation
CP36 The Water Environment and Waterside Walkways
CP39 Sustainable Waste Management
CP40 A Sustainable Transport Network
CP41 Integrating Development with Transport
- Policies: DEV1 Amenity
DEV2 Character and Design
DEV7 Water Quality and Conservation
DEV10 Disturbance and Noise Pollution
DEV15 Waste and Recyclables Storage
DEV19 Parking for Motor Vehicles
OSN3 Blue Ribbon Network and Thames Policy Area

Spatial Development Strategy for Greater London (London Plan)

- 5.4 3C.1 Integrating Transport and Development
3C.3 Sustainable Transport in London
4B.1 Design Principles for a Compact City
4C.1 Strategic Importance of the Blue Ribbon Network
4C.6 Sustainable growth priorities for the Blue Ribbon Network
4C.7 Passenger and Tourism uses on the Blue Ribbon Network
4C.12 Support Facilities and Activities in the Blue Ribbon Network
4C.13 Moorings facilities on the Blue Ribbon Network
4C.16 Importance of the Thames

Government Planning Policy Guidance/Statements

- 5.5 PPS1 Delivering Sustainable Development
PPG13 Transport
PPG24 Planning and Noise

- Community Plan** The following Community Plan objectives relate to the application:
- 5.6 A better place for living safely
 A better place for living well
 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.

The following were consulted regarding the application:

LBTH Environmental Health

- 6.2 No objection.

LBTH Highways

- 6.3 No objections. With regard to access from Cuba Street there are "No waiting at any time restrictions" which will prevent the applicant from parking on Cuba Street.

A section 106 agreement is required to prevent the applicant for applying for a parking permit in the surrounding area.

Port of London Authority (Statutory Consultee)

- 6.4 – The PLA owns the river bed and foreshore to Mean High Water. The applicant has not served the relevant Notice on the PLA as Owner (OFFICER COMMENT: The correct ownership certificate has now been completed confirming that the applicant has served Notice on the PLA)
- Concerns raised under previous application about the potential effects of wash on commercial river traffic. Test have been undertaken and whilst the Harbour Master still has residual concerns, the PLA makes no further representations.
- Conditions should be imposed to secure appropriate disposal of black and grey water and limit works to the vessel at the application site to minor maintenance only.

TFL (Statutory Consultee)

- 6.5 No objection

The Inland Waterways Association (Statutory Consultee)

- 6.6 No objection. Advise would not like to see the loss of a potential river bus pier.

British Waterways (Statutory Consultee)

- 6.7 No objections. Would help meet the demand for moorings for London, and would be in accordance with Policy 4C.13 of the Consolidated London Plan 2008.

Environment Agency

- 6.8 No objection to the development.
- Advise that prior written consent is required for any proposed works or structures either affecting or within 16 metres of the tidal flood defence structure.
 - Contents of the holding tank must be disposed to the fowl sewer or tanked away.

7. LOCAL REPRESENTATION

7.1 A total of 437 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 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: 213 Objecting: 213 Supporting: 0

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:

Visual Amenity

- The boat will be out of character – was previously a passenger ferry;
- Residential boats moored along the Thames are unsightly;
- Out of character in the area;
- Not in keeping with upmarket area;

Amenity of Residents

- Vessel large – could accommodate a lot of people;
- Increased pedestrian activity and drug traffic;
- Access will create noise and disturbance to residents;
- Noise disturbance from:
 - residents
 - swell of the Thames
 - wash caused by passing boats;
 - use of generators/water pumps
- Fumes – from petrol, carbon etc;
- Loss of light;

Access and Servicing

- No parking on Cuba Street ;
- Access not practical;
- Rubbish collection not possible due to no parking on Cuba Street;
- No facilities for storage and disposal of household rubbish;
- Concerns regarding monitoring of foul water disposed of in the Thames;
- Pedestrians accessing the pier would obstruct the walkway.

Other Issues

- Potential future change of use;
- Suspect may become an entertainment vessel;
- Creates a precedent for residential moorings;
- Security concerns due to the proximity to Anchorage Point;
- Impact on wildlife;
- Additional moorings will slow down transport/businesses using the Thames;
- Remove existing pier – unsightly and safety hazard;
- Planning permission being sought without a licence from the PLA;
- No information submitted to assess the hydrology – imposition of speed limit?;
- Potential damage to moored boat from wash generated by river craft;
- Maintenance of vessel – previous permission unrealistic due to condition relating to houseboat without means of propulsion which would not allow the vessel to be moved;

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

- Loss of view (OFFICER COMMENT: Not a material planning consideration)
- Applicant refers to permanent address in Rotherhithe therefore does not intend to use boat as permanent residence (OFFICER COMMENT: The principle of the use for residential purposes is being applied for. The current address of the applicant is not a material planning consideration)

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

- Neighbourhood consultation prior to submission of the planning application not carried out (OFFICER COMMENT: The details of community consultation provided by the applicant refers to the previous planning application and not an independent consultation exercise)
- Information submitted regarding the proposed boat is insufficient (OFFICER COMMENT: The boat itself does not require planning permission. Sufficient information has been submitted detailing the size of the proposed vessel to fully assess the application)
- Applicant has requested live/work usage (OFFICER COMMENT: The planning application is for change of use to a residential mooring. The Applicant has confirmed that the only work will be on a computer which incidental to the use as residential)

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of Use
2. Design
3. Amenity
4. Highways

8.2 Planning permission was granted in 2005 for the change the use of the pier to a residential mooring for a temporary period of 1 year (Reference: PA/05/1322). Temporary consent was granted to assess the impact of the development following a trial period of 1 year. This permission was not implemented and has now expired.

8.3 Since the previous approval for use of the pier as a residential mooring, the London Plan (February 2004) has been updated and now referred to as The London Plan: Spatial Development Strategy for Greater London (Consolidated with Alterations since 2004). The Local Development Framework Submission Document November 2006 (LDF) was withdrawn and has been adopted as Interim Planning Guidance. Selected policies have been 'saved' from the Unitary Development Plan 1998.

Principle of Use

8.4 The most recent use of the pier was for passenger transportation. Policy 4C.7 the London Plan (Consolidated with Alterations since 2004) seeks to protect existing facilities for passenger and tourist traffic on the Blue Ribbon Network and promotes the use of the river to provide transport services.

8.5 Policy 4C.12 in the London Plan supports the provision of facilities for using and enjoying the Blue Ribbon Network (BRN), especially in areas of deficiency. The supporting text advises that activities considered vital to delivering greater use and enjoyment of the BRN include mooring sites. Policy 4C.13 in the London Plan relates specifically to mooring facilities and

states that new facilities maybe appropriate in areas of deficiency or to aid regeneration, where the impact on navigation, biodiversity and character is not harmful.

- 8.6 Policy HSG23 in the Unitary Development Plan advises that the Council will consider applications for temporary and permanent residential moorings providing other policy requirements are met.
- 8.7 Whilst it is acknowledged that the London Plan seeks to encourage the re-introduction of passenger services on the river including the protection of access to piers, the pier has not been used for passenger transport for 15 years. Given that that the policy position has not altered since the previous approval and that the pier is currently disused, it is considered that the change of use of the pier to a residential mooring for a temporary period would not compromise the future use for passenger services on the Thames. A temporary consent would provide an opportunity to reassess the situation and not preclude the future use of the pier for transportation purposes.
- 8.8 It is considered that a temporary consent for 1 year will provide sufficient time for the pier to be marketed for passenger transport to demonstrate whether there is demand for such provision. The onus will be on the applicant to demonstrate to the satisfaction of the Council that there is no demand in this locality to use the pier for passenger services before a permanent consent would be considered.
- 8.9 For the reasons above, it is considered that the proposal meets the criteria set out in Policies 4C.7, 4C.12 and 4C.13 in the London Plan which seek to ensure greater use and enjoyment of the Thames.

Design

- 8.10 Policy DEV1 in the Unitary Development Plan and DEV 2 in the Interim Planning Guidance are concerned with the impact of the design of the development on the character of the Borough.
- 8.11 Planning permission is not required for the particular vessel itself. However, it is considered that the vessel proposed is of a scale and design that is appropriate to the location. The vessel has been recently renovated which complies with criterion 1 of Policy DEV49 in the Unitary Development Plan which states that the vessel shall be in a good state of repair. The proposed vessel is an old passenger boat. It is considered that the vessel would draw on the heritage of the pier and provide a focal point of visual interest that is absent at present. The dolphins and pier are existing therefore do not require planning permission.

Amenity

- 8.12 Policy DEV2 in the Unitary Development Plan and Policy DEV1 in the Interim Planning Guidance require that the impact of development on the amenity of residents and the environment generally has been fully considered. Policy DEV50 in the Unitary Development Plan and DEV10 requires consideration to be given to noise generated from developments.

Overlooking/ Loss of privacy and sunlight/daylight

- 8.13 The entrance to the pier is approximately 10-12 metres away from the closest residential units. The vessel itself would be sited some 45 metres from neighbouring occupiers. The Unitary Development Plan recommends that an 18 metre separation is required between habitable room windows to protect the privacy of occupiers. The proposal meets the policy requirements.
- 8.14 Due to the distance that the vessel is to be positioned from Millennium Harbour, there would

No significant impact on existing sunlight and daylight levels to adjoining apartments subject to appropriate conditions restricting the size of the vessel that can be moored at the pier.

Noise

- 8.15 The River Thames is an active river where activity will generate some noise. The change of use of the Pier needs to be considered in the context of that environment.
- 8.16 Objection has been raised on the grounds of potential noise increases generated by the use. It is considered that the introduction of a residential mooring an area which is predominantly residential would not be inappropriate. It would be unreasonable to assume that the occupiers of the residential mooring would create unreasonable levels of noise. Notwithstanding this, such matters would be controlled by Environmental Health legislation.
- 8.17 The lawful use of the pier is for passenger transport which would allow the coming and going of boats. It is not considered that a residential vessel to be permanently moored would have a greater impact than the existing lawful use.
- 8.18 It is also considered that the introduction of a single residential vessel would not materially increase noise levels from wash and backwash above existing noise levels created by the river wall, pier and dolphins, particularly as the river wall would be closer to the residential properties than the vessel.

Smell

- 8.19 Sources of smell referred to by residents include exhaust fumes and odour from refuelling. Whilst both of these circumstances could occur under the lawful use for passenger transportation, it is considered that the open nature of the mooring allows adequate opportunity for the smells to be dispersed without affecting residents. The Council's Environmental Health Department were consulted on the application and no concerns were raised.

Visual Amenity

- 8.20 It is not the duty of the planning system to protect views except where the public interest would be adversely affected. In this case, the vessel would be moored a considerable distance away from residential property and the vessel would not restrict any public view of acknowledged importance. It is considered the vessel would be visually appropriate and that visual amenity would not be adversely affected. Policy supports the view that the Thames should be a vibrant and active river and not just a water feature held by new waterfront dwellers.
- 8.21 It is considered that the proposal will not result in material harm to the amenity of residents. The proposal therefore meets the criteria set out in Policies DEV2 & DEV50 in the Unitary Development Plan and Policies DEV1 and DEV10 in the Interim Planning Guidance.

Highways

- 8.22 There is limited access to the site by road. Cuba Street is a dead end, has no on-street car parking, with double yellow parking prohibition. It is therefore not possible to service the boat from Cuba Street, and the development would not impede the access to residents at Millennium Harbour or the pedestrian right of way along the Thames Path. It is recommended that a condition is imposed to require the applicant to enter into a Section 106 legal agreement to prevent the occupiers from applying for a parking permit in the surrounding area.

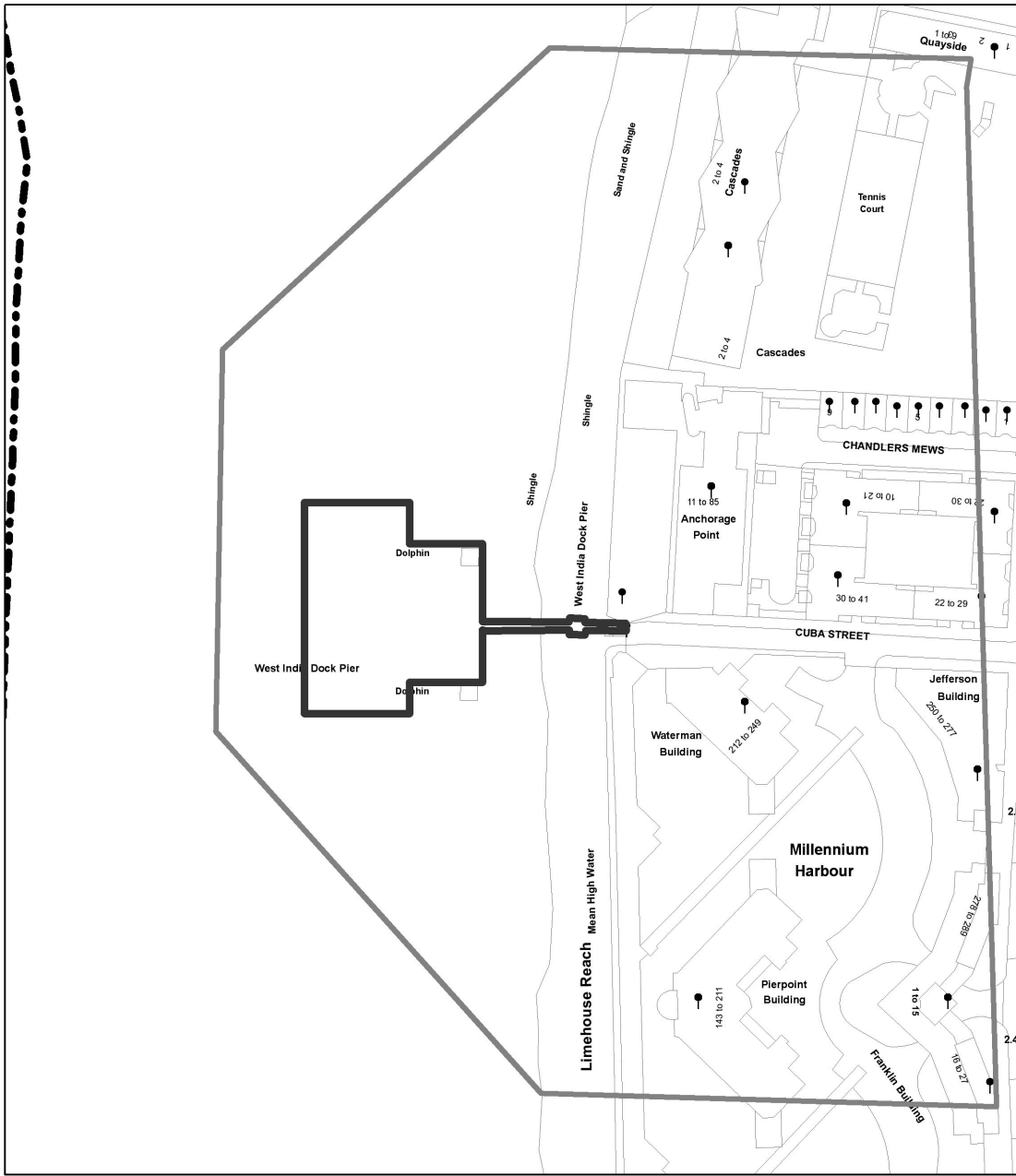
Other issues




- 8.23 The applicant has confirmed the following:
- the electricity and water is plumbed to the shore;
 - sewerage is to be held in black water tanks and pumped out in barges as required;
 - rubbish is to be collected by barge (Tidy Thames Services) or recycled as required;
 - there is secure storage on vessel, pier and pontoon;
 - all water (grey or black) is held in tanks – the grey water is used for toilet flushing via an aqua-cycle water treatment unit.
- 8.24 The above accords with the requirements set out in the London Plan (Section 1.176) which requires land-based support facilities for residential moorings. Matters relating to the pollution of the Thames which might occur through the use of the mooring are covered by legislation outside the remit of planning.
- 8.25 The PLA is responsible for navigational issues and for the continuing use of the moorings. The PLA state that they do not wish to make further representations regarding the potential effects of wash on the river traffic following tests being carried out.
- 8.26 Policy DEV46 resists development that will have an adverse impact on the water environment. Given than no objection has been raised by both the PLA and the Environment Agency on these grounds, it is considered that the proposal will not have an adverse impact on the ecological value and landscape value of the waterway.

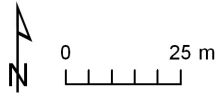
Conclusions

- 8.27 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



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