

Meeting of the

# DEVELOPMENT COMMITTEE

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**Wednesday, 3 February 2010 at 6.30 p.m.**

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## A G E N D A

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### VENUE

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

<b>Members:</b>	<b>Deputies (if any):</b>
<b>Chair: Councillor Shafiqul Haque</b> <b>Vice-Chair: Councillor Alibor Choudhury</b>	
<b>Councillor Helal Abbas</b> <b>Councillor Fazlul Haque</b> <b>Councillor Shirley Houghton</b> <b>Councillor Shiria Khatun</b> <b>Councillor Harun Miah</b> <b>Councillor Tim O'Flaherty</b> <b>Councillor Muhammad Abdullah Salique</b>	Councillor Shahed Ali, (Designated Deputy representing Councillors Shafiqul Haque, Helal Abbas, Alibor Choudhury, Fazlul Haque, Shiria Khatun and Muhammad Abdullah Salique) Councillor Tim Archer, (Designated Deputy representing Councillor Shirley Houghton) Councillor Stephanie Eaton, (Designated Deputy representing Councillor Tim O'Flaherty) Councillor Rupert Eckhardt, (Designated Deputy representing Councillor Shirley Houghton) Councillor Peter Golds, (Designated Deputy representing Councillor Shirley Houghton) Councillor Clair Hawkins, (Designated Deputy representing Councillors Shafiqul Haque, Helal Abbas, Alibor Choudhury, Fazlul Haque, Shiria Khatun and Muhammad Abdullah Salique) Councillor Denise Jones, (Designated Deputy representing Councillors Shafiqul Haque, Helal Abbas, Alibor Choudhury, Fazlul Haque, Shiria Khatun and Muhammad Abdullah Salique)

Councillor Abjol Miah, (Designated Deputy representing Councillor Harun Miah)  
Councillor Abdul Munim, (Designated Deputy representing Councillor Harun Miah)  
Councillor M. Mamun Rashid, (Designated Deputy representing Councillor Harun Miah)

**[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: Zoe Folley, Democratic Services, Tel: 020 7364 4877, E-mail:[zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)

# LONDON BOROUGH OF TOWER HAMLETS

## DEVELOPMENT COMMITTEE

Wednesday, 3 February 2010

6.30 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 6<sup>th</sup> January 2010.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 10

### 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.

<b>5.</b>	<b>PROCEDURE FOR HEARING OBJECTIONS</b>	
	To note the procedure for hearing objections at meetings of the Development Committee.	<b>11 - 12</b>
<b>6.</b>	<b>DEFERRED ITEMS</b>	<b>13 - 14</b>
<b>7.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>15 - 16</b>
<b>7 .1</b>	<b>Land Between 154-192 Bruce Road, London, E3 (PA/09/02326)</b>	<b>17 - 28</b>
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# 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 6.30 P.M. ON WEDNESDAY, 6 JANUARY 2010**

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

**Members Present:**

Councillor Shafiqul Haque (Chair)

Councillor Alibor Choudhury (Vice-Chair)

Councillor Helal Abbas

Councillor Harun Miah

Councillor Muhammad Abdullah Salique

Councillor Shahed Ali

Councillor Rupert Eckhardt

**Other Councillors Present:**

Councillor Marc Francis

Councillor Peter Golds

Councillor Dulal Uddin

**Officers Present:**

- |                 |   |
|-----------------|---|
| Jerry Bell      | – (Strategic Applications Manager Development and Renewal)          |
| Bridget Burt    | – (Senior Planning Lawyer, Legal Services)                          |
| Ila Robertson   | – (Applications Manager, Development and Renewal)                   |
| Richard Murrell | – (Interim Deputy Team Leader, Development and Renewal)             |
| Paul Ward       | – (Senior Committee Officer, Democratic Services Chief Executive's) |
| Zoe Folley      | – (Committee Officer, Democratic Services Chief Executive's)        |

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Tim O'Flaherty, Fazlul Haque, Shirley Houghton and Shiria Khatun.

It was also noted that Councillor Rupert Eckhardt was deputising for Councillor Shirley Houghton and Councillor Shahed Ali was deputising for Councillor Shiria Khatun.

## 2. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:-

Councillor	Item(s)	Type of Interest	Reason
Helal Abbas	7.2	Personal	Ward Member
Shahed Ali	8.2	Personal	Former pupil
Shafiqul Haque	7.1 and 7.2	Personal	Correspondence received from concerned parties.
Harun Miah	7.1	Personal	Ward Member

## 3. UNRESTRICTED MINUTES

**RESOLVED** that the unrestricted minutes of the meeting held on 25<sup>th</sup> November 2009 be confirmed as a correct record of the proceedings.

## 4. RECOMMENDATIONS

The Committee **RESOLVED** 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

The Committee noted the procedure for hearing objections and those who had registered to speak at the hearing.

## 6. DEFERRED ITEMS

None.

Following this, Jerry Bell (Strategic Applications Manager, Development and Renewal) advised that paragraph 3.1 of page 11 (bullet point 2) should read 'the adopted London 2008 Plan (consolidated with amendments since 2004).



## **7. PLANNING APPLICATIONS FOR DECISION**

### **7.1 375 Cable Street, London E1 0AH**

Jerry Bell (Strategic Applications Manager, Development and Renewal) introduced the application which sought permission to discharge Condition 6 (Bicycle Parking Provision), Condition 7 (Refuse), Condition 8a (Detailed Drawings of Extract Flue), Condition 8b (Sample of Proposed Brick) and Condition 9 (Noise and Vibration Report) of Planning Permission (ref PA/07/3290) dated 9th April 2009.

In reply to a question from Members, Mr Bell advised that officers had the delegated authority to determine the application. However, due to the number of public objections and public interest in the application, officers considered that it would be in the public interests to present this application to the Committee for determination.

Ila Robertson (Applications Manager, Development and Renewal) presented the detailed report. Ms Robertson reported that planning permission for change of use of the premises to a hot food takeaway was granted by the Committee on 9<sup>th</sup> April 2009. There had been numerous conditions attached to the planning permission for which this application sought to discharge five of those conditions. There had been a public consultation on the original and discharge proposals to which the same 692 neighbouring properties had been notified with 229 objections received and 1 objecting petition containing 28 signatures. The objections centred around the following issues: cycle parking, refuse, design of the extract flue, noise and vibrations.

Planning officers had considered the submitted details and had concluded that they were acceptable and were in line with planning policy. The Council's Environmental Health, Highways and Cleansing Departments were consulted regarding the application and were of the view that it was satisfactory.

The Chair asked those registered to speak in objection to the application to address the Committee.

Ms Emma Davidson commented that planning permission in April 2009 had only been granted provided all the conditions were met. When residents were notified in June 2009 of this application they raised objections again which had still not been addressed. There was particular concern at the loss of cycling facility and the placing of the location bins, which would be directly under residents windows. There were also concerns about the location of and the changes to the design of the extract flue as this would have a negative impact on the surrounding residents in terms of noise and fumes. She also disputed the assertion that the minimum noise level complied with the minimum noise standards as the noise assessment was not carried out in the correct location and therefore the revised noise report was inaccurate and a new assessment was required. She considered that if the application to

discharge these condition was approved that there would be a loss of local amenity.

Mr Charles Copeland considered that the application now before the Committee did not satisfy the original conditions attached to the 9<sup>th</sup> April 2009 planning permission and that it would adversely affect the quality of life of residents. Therefore he considered that officers and Members were going back on their original decision, particularly as Councillor Heslop had stated that at the April 2009 meeting that he did not considered the premises to be in the right location for a fast food outlet and it was only granted due to the numerous conditions. He expressed concern about the location of the refuse bin under residents properties. He queried how bad it would smell in the summer. There was not one person in favour of the application which was borne out in the report. He considered that the Committee should retain the original conditions approved in April 2009.

Councillor Dulal Uddin speaking in support of the Applicant questioned the need for this application to be brought back to the Committee for variation after two years during which time the Appellant had been left in 'limbo'. He expressed concern at the delay in resolving these matters and considered that the matters should be resolved at this meeting.

Councillor Marc Francis speaking as an objector and also on behalf of the local MP Mr Jim Fitzpatrick considered that the proposals would have a detrimental affect on the local community. The application was refused in 2007 as it was contrary to UDP. The noise report contradicted planning policy, specifically the policies within the emerging Local Development Framework. He considered that the close proximity of the premises to local schools contributed to the problem of childhood obesity. He expressed concern over the loss of the cycling provision as this would increase traffic congestion. In relation to the plans for the refuse, this contradicted the principles of the original condition. The applicant had provided no reassurances as to the level of disturbance from the extract duct.

Councillor Peter Golds speaking as an objector stated that the application was contrary to planning policy and had no support from local residents. There were concerns over the plans to locate the refuse bin at the front of the unit given its close proximity to Fisher House and a local school. He asked would anyone like a refuse bin and a flue for cooking directly under their properties. In relation to the loss of the cycle provision, having cycling provision was intricate to the granting of the original conditions as there were double yellow lines on the highway so no one could park there and to do so would create significant problems. The premises used to operate as community shop which was welcomed. He urged the Committee to reject the discharge of the conditions.

Mr Bell stated that the application centred around if the conditions had been properly discharged and the Council's experts were advising that they had been. In relation to the flue the original recommendation was to build it at ground level but there were concerns that it would obstruct the pavement and pedestrians so it was now proposed to build it higher up the building.

Furthermore, the original application was for the flue to be enclosed in brick work, but this would be too bulky. The revised flue was to be enclosed in brick cladding was much more appropriate and more in keeping with the surrounding area and design of the building. The main entrance was located at the rear of the premises and it was therefore considered that it would be inappropriate to locate the refuse bin at the rear near the entrance as this would create problems. As there had to be a refuse bin, whilst offers did want cycle provision, the refuse bin took priority. The refuse bin would be moved to the rear of the building to avoid traffic delays on Cable street during collection. The bin would be covered and locked at all times.

In response to questions from Members, Mr Bell confirmed that when the shop was open the refuse was collected from the front of the building. Officers were confident that all conditions had now been met and therefore the Committee would need other reasons to refuse the discharge.

Mr Bell confirmed that there was a condition in the application stipulating where the bin could be stored. In relation to the odours emanating from the bin, Mr Bell confirmed that there were drawings submitted with the application to discharge the conditions that showed where the bins could be stored. This allowed the Council to take enforcement action if the bins were not kept in the location shown on those drawings. Officers in Environmental Services have enforcement powers and could exercise these powers if the odours from the bin becomes a statutory nuisance.

There was a need to ensure the adequate storage of refuse and this took precedence over the provision of cycling stands.

On a vote of 6 for and 1 against, it was

**RESOLVED** that planning permission be GRANTED to discharge conditions 6 (Bicycle Parking Provision), 7 (Refuse), 8a (Detailed Drawings of Extract Flue), 8b (Sample of Proposed Brick) and 9 (Noise and Vibration Report) of Planning Permission ref PA/07/3290 dated 9<sup>th</sup> April 2009.

At this point 7:15pm the meeting adjourned to allow people to the leave the public gallery. The meeting reconvened at 7.20pm.

## **7.2 23 Casson Street, London E1 5LA**

Jerry Bell (Strategic Applications Manager, Development and Renewal) introduced the item for the conversion of an existing 6 bedroom house into 4 flats consisting of 1 x 3 bedroom maisonette at ground and lower ground floor level, and 3 x 1 bedrooms flats at the upper floors. It also sought permission for the erection of a rear extension at lower ground floor level and creation of balconies at ground, first and second floor level at the rear.

Ila Robertson (Applications Manager, Development and Renewal) presented the detailed reported. Ms Robertson stated that 102 neighbouring properties had been notified with one petition in objection received which contained 21

signatures. There were concerns that there would be a loss of family housing increased car parking in the areas, increased refuse being disposed outside the property, loss of sunlight and privacy and an increase in noise and disturbance. The premises was currently a house but had twice been converted previously and it did comply with HSG12. Officers had investigated residents concerns and were of the view that that the proposals were appropriate in relation to the retention of suitable family housing and were in line with the saved policy which sought to ensure a suitable supply for family housing in the Borough. There would be no sunlight impact or additional noise nuisance.

The application would result in the retention of a three bedroom maisonette with sole access to a rear garden. There was no parking associated with the development as a car free agreement would be secured via condition for the three x one bedroom units. There was not a communal refuse store so refuse would be stored in the house/flats and put outside the development on refuse collection days. Balconies did overlook open space and some adjacent properties to the south but screen would be installed to minimise this.

Ms Robertson addressed the concerns around loss of privacy, specifically the overlooking to the south and the issues around noise and disturbance and loss of sunlight.

In reply to questions from Members, Ms Robertson stated that she had attended the site today and whilst the proposed balconies would overlook a children's playground and neighbouring properties to the east of the site, there were already properties there that overlooked the play areas and this development would not adversely affect that.

Councillor Abbas also expressed reservations at to the plans to divide the property into smaller units given there was a shortage of larger units in the area.

On a vote of 3 for and 2 against and 2 abstentions, it was

**RESOLVED** that planning permission be GRANTED for the conversion of the existing 6 bedroom house into 4 flats consisting of 1 x 3 bedroom maisonette at ground and lower ground floor level, and 3 x 1 bedrooms flats at the upper floors and the erection of rear extension at lower ground floor level and creation of balconies at ground, first and second floor level at the rear; and

That the Corporate Director Development & Renewal be delegated power to impose the conditions and informative on the planning permission set out in the report.

## 8. OTHER PLANNING MATTERS

Jerry Bell (Strategic Applications Manager) advised that the next three items on the agenda were reported to the Committee as the scheme of delegation required this even though any decision was limited to the referral of the

applications to the Government Office for London as the Council was prohibited from granted itself listed building consent.

### **8.1 Phoenix School, 49 Bow Road, London E3 2AD**

Richard Murrell (Interim Deputy Team Leader Development and Renewal) presented the application which sought listed building consent for the replacement of an existing roofed structure by the erection of a pavilion to provide new teaching space, play and storage areas, including library facilities within the School's courtyard. English Heritage and the Council's Conservation Section had been consulted and had no concerns.

On a unanimous vote it was

**RESOLVED** that the application for the erection of a pavilion detached from the main school building to provide new teaching space, play and storage areas plus a library facility be referred to the Government Office for London with the recommendation that the Council would be minded to grant Listed Building Consent subject to the conditions detailed in the report.

### **8.2 Harry Gosling Primary School, Henriques Street, London E1 1NB**

Richard Murrell (Interim Deputy Team Leader Development and Renewal) presented the application which sought consent to refurbish the interior of the school to allow for the relocation of two service provisions being the pupil referral unit and the city learning centre. English Heritage and the Council's Conservation Section had been consulted and had no concerns.

On a unanimous vote it was

**RESOLVED** that the application for internal refurbishment works comprising minor improvements, decoration and upgrading works, renewal of original features and removal of non-original internal additions be referred to the Government Office for London with the recommendation that the Council would be minded to grant Listed Building Consent subject to the conditions detailed in the report.

### **8.3 Boundary Gardens, Arnold Circus, London E2**

Richard Murrell (Interim Deputy Team Leader Development and Renewal) presented the application. The council was seeking listed building consent to repair, re-decorate and slightly alter the appearance of the bandstand at Boundary Gardens, to renovate the park railings and add benches and bins. The proposal also includes upgrading hard and soft landscaping. English Heritage and the Council's Conservation Section had been consulted and had no concerns.

On a unanimous vote it was

**RESOLVED** that the application for the bandstand alterations, to replace damaged ship-lap panelling around the structure with a timber post and rail enclosure; repair and restoration of roofing, ceiling slats, gutters and rain-water pipes; replace burnt sections of timber structure; clean and restore finial; repaint visible timber surfaces 'Deep Brunswick Green', install a ceiling mounted luminaire and

The gardens removal of low railing around bandstand; renovation of boundary railings and gates; renovation of terrace and stair railings including addition of new top rail and handrail; installation of timber benches and waste-bins attached to terrace railings; new hard and soft landscaping and water and electrical supplies, be referred to the Government Office for London with the recommendation that were it within its authority to do so this Council would be minded to grant Listed Building Consent and that the Head of Planning and Building Control be delegated power to recommend to the Secretary of State the conditions and informatives detailed within the report.

The meeting ended at 7.39 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

<b>Committee:</b> Development	<b>Date:</b> 3 <sup>rd</sup> February 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Deferred items	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. RECOMMENDATION

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

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT**

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

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# Agenda Item 7

<b>Committee:</b> Development	<b>Date:</b> 3 <sup>rd</sup> February 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

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

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the London Plan 2008 (Consolidated with alterations since 2004)
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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

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

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

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

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

#### **5. RECOMMENDATION**

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

# Agenda Item 7.1

<b>Committee:</b> Development	<b>Date:</b> 3 <sup>rd</sup> February 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Nasser Farooq		<b>Ref No:</b> PA/09/2326	
		<b>Ward(s):</b> Bromley By Bow.	

## 1. APPLICATION DETAILS

<b>Location:</b>	Land between 154 - 192 Bruce Road, London E3
<b>Existing Use:</b>	Hard standing area with trees.
<b>Proposal:</b>	Erection of one two storey and one three storey dwelling houses to provide one x two bedroom and one x three bedroom residential unit and landscaped public amenity space.
<b>Drawing Nos:</b>	000 P2, 001 P3, 002 P2, 003 P2 and 004 P2
<b>Applicant:</b>	Poplar Harca
<b>Owner:</b>	Applicant
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 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 policy HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure that development proposals achieve the highest possible intensity of use compatible with the local context of the site.
- 2.3 The proposed new dwellings are not considered to adversely affect the amenity of neighbouring residential properties in terms of a loss of privacy, increased sense of enclosure and loss of daylight and sunlight. It is considered to be in accordance with saved policy DEV2 of the Council's Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties are protected and maintained.
- 2.4 The height, scale, bulk and design (including materials) of the proposed dwellings is

considered acceptable and in compliance with saved policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV2 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.

- 2.5 The quantity and quality of housing amenity space is considered to be acceptable and in line with PPS3, policy 3A.15 of the London Plan, policy HSG16 of the Council's Unitary Development Plan 1998 and policy HSG7 of the Council's Interim Planning Guidance (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- 2.6 The loss of the two trees is considered acceptable given the support of the Council's Arborist and the replacement planting proposed. As such the proposal accords with saved policy DEV15 of the adopted Unitary Development Plan 1998 and policy DEV13 of the Interim Planning Guidance which seeks to ensure that any mature trees removed are replaced appropriately.
- 2.7 Subject to condition 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.
- 2.8 Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policy 3C.22, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.

### **RECOMMENDATION**

3. That the Committee resolve to **GRANT** planning permission subject to:
  - 3.1 That the Corporate Director Development & Renewal is delegated power 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. Details of landscaping including seating, railings, lighting and replacement trees.
4. Full details of lighting.
5. Cycle spaces to be provided and retained.
5. Car free agreement.
6. Removal of Permitted Development Rights for the dwelling houses.
7. In accordance with the approved drawings.
8. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

1. Any other informative(s) considered necessary by the Corporate Director

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

##### **Proposal**

- 4.1 The proposal seeks consent for the erection of one two storey and one three storey dwelling houses to provide one x two bedroom and one x three bedroom residential unit and a landscaped public amenity space and access route.

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

- 4.2 The application site is located on a hard standing between 154 and 192 Bruce Road and is located to the rear of properties 166 to 176 Bruce Road which front Bruce Road.
- 4.3 Bruce Road is an 'L' shaped road with an unusual street numbering pattern. The even numbered properties begin from Old Palace Primary School located at the junction of Bruce Road and St Leonards Road. They run east to west on the northern side of the road for approximately 360m. Then Bruce Road bends southerly at 90 degrees and the even numbers then continue until 154 Bruce Road, which the proposal site adjoins.
- 4.4 A walkway is located between this property and the following property which is 192 Bruce Road. The properties numbered 156-190 Bruce Road are located as a terrace which runs parallel to 154 and 192 Bruce Road.
- 4.5 The existing hard standing area between 154 and 192 Bruce Road provides access via a series of steps leading down to Rainhill Way.
- 4.6 There are two trees currently located on site of which one is a mature tree.

##### **Planning History**

- 4.7 There is no relevant planning history.

#### **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:

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

PPS1	Delivering Sustainable Development
PPG3	Housing

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

4B.1	Design Principles for a compact city
4B.3	Maximising the potential of sites
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities

**5.4 Unitary Development Plan (UDP)(as saved September 2007)**

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV15	Mature Trees
	HSG13	Internal Standards for Residential Developments
	HSG16	Amenity Space
	T16	Impact of Traffic

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

Core Strategies	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP19	New Housing Provision
	CP25	Housing Amenity Space
	CP46	Accessible and Inclusive Environments
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV13	Trees and Landscaping
	DEV19	Parking for Motor Vehicle
	HSG7	Housing Amenity Space

**5.6 Core Strategy Local Development Submission Document December 2009**

SP02(1) Housing

**5.7 Supplementary Planning Guidance/Documents**

Designing Out Crime  
Residential Space  
Landscape Requirements

**5.8 Community Plan:** The following Community Plan Objectives relate to the application.

A better place for living safely  
A better place for living well

**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**

6.3 The site is suitable for a car and permit free agreement whereby future occupants of the residential units are prevented from obtaining parking permits. Any planning permission should therefore be subject to a Section 106 car free agreement.



- 6.4 According to the documents submitted in support of this application, the applicant is proposing to provide a total of four cycle parking spaces for the proposed residential units (two spaces per unit) in the rear garden areas should be conditioned.
- 6.5 The proposed refuse and recycling storage areas adjacent to the front entrances with refuse collection to take place from Bruce Road in line with the arrangements for neighbouring properties. This would seem to involve a significant distance over which refuse/recycling would have to be carried/wheeled. (**Officer Comment:** *The proposal seeks the same arrangement as the existing properties along Bruce Road this is considered acceptable*).

#### **LBTH Environment Health**

- 6.6 Following the receipt of additional information in respect to the impacts on 192 Bruce Road it is not considered that there would be any adverse daylight and sunlight impacts.

#### **Horticultural Officer:**

- 6.7 Have no objections to works proceeding on the grounds of good arboriculture management.
- 6.8 Recommend a London plane tree of 16-18 cm stem girth as a suitable replacement to the felled trees.

#### **Secure by Design Officer:**

- 6.9 The initial concern is that the addition of these two new buildings would reduce the width of the current path from the Crossways site to such an extent that it would become an unattractive area to use/pass through.
- 6.10 The following suggestions are made to counter this:
- (a) The walls bordering the side of the properties gardens need to be sufficiently high, but this would reduce natural light and surveillance to this area. Therefore a suggestion is made to use metal railings rather than brick to prevent this.
  - (b) Consider rounding off the ends of each garden boundary (at both ends) to produce a 'flared' effect which would also increase lines of sight.
  - (c) Consider introducing high level lighting, using a clear white light to assist with natural surveillance.
  - (d) Ensure that the dwarf walls to the front of the properties are not able to be used for seating. This can be achieved using various toppings.
  - (e) The new seating area adjacent to the stairs leading to/from the Crossways development need to be well overlooked with sufficient high level lighting.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 61 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: 2                      Objecting: 2                      Supporting: 0

No of petitions received: 4 separate petitions opposing the development containing 211 signatories in total  
1 in support of the development containing 297 signatories.

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

- Location of the development being inappropriate for a dwelling house and not in keeping with the street.
- Impact on adjoining properties in terms of noise and pollution problems.
- Crime issues with an enclosed space.
- Loss of open space.
- Increase in housing is welcomed to support an increasing waiting area.

7.3 The following procedural and non material issues were raised in representations, and are addressed below:

- Lack of/inadequate community consultation undertaken by applicant. (Officer Comment: This objection relates to the consultation undertaken by Poplar HARCA which is non mandatory in terms of planning.)
- Removal of access through Rainhill Way (Officer Comment: this access is to remain)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

Land Use  
Design  
Amenity  
Highways

### **Land Use**

8.2 The subject site is unallocated on the Unitary Development Plan (1998). It is a hard standing place, designed to provide access to the steps leading downwards to Rainhill Way.

8.3 There have been several objections from local residents regarding the existing use of the site, as it appears to be used as a play area. However, this appears to be an informal arrangement.

8.4 In accordance with polices 3A.1 and 3A.2 of the London Plan, the Mayor is seeking the maximum provision of additional housing in London. Housing targets (December 2009) identified in policy SP02(1) of the Core Strategy Submission Document indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025, with infill development identified as an appropriate mechanism for delivery.

8.5 The site is considered to be an appropriate location to meet this demand given the high accessibility attributed to this area. The immediate vicinity is also

predominantly residential. No objection is raised in principle to the use of the site for residential purposes.

#### Loss of open space and trees

- 8.6 Given the site is not formally designated as a play area; an objection on the grounds of any loss of open space cannot be justified. In addition the site retains the access to Rainhill Way via the existing steps.

#### **Design**

- 8.7 Saved policy DEV1 of the Unitary Development Plan states all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials and being visually appropriate to the site and its setting in the street scene. The policy also requires that development is designed to maximise the feeling of safety and security for users.
- 8.8 Policy DEV2 and DEV4 of the Interim Planning Guidance October 2007 reinforce this position by requiring all development to be of high quality design, appropriate to local context and ensuring that the safety and security of development is maximised.
- 8.9 The adjacent terrace from 134 to 154 is three stories in height with a flat roof. The proposed three storey dwelling is located at the end of this terrace, with access provided on the side elevation. The proposed dwelling follows the existing parapet height of the adjoining terrace.
- 8.10 The adjacent terrace of 192-200 Bruce Road is two storeys in height with a flat roof. The proposed two storey dwelling is to adjoin this terrace matching the height of the existing parapet wall with access again provided on the side elevation.
- 8.11 The internal layout of the units is efficient as it allows for access to all rooms from a central hallway, and benefits from appropriately positioned windows to allow for adequate access to daylight and sunlight. Balconies and windows provide natural surveillance to the remaining access route.
- 8.12 The materials of both dwellings are proposed to match those of the existing terraces, details of which are proposed to be conditioned in order to ensure acceptability.
- 8.13 The design approach is not to replicate the design of the existing terraces but to create a new booked design to the terraces whilst retaining the access route. The Councils Urban design officer has supported this approach.
- 8.14 It is recommended that that the permitted development rights for the dwelling houses are removed to ensure that no extensions/ alterations can be made to the houses without the approval of the local planning authority.
- 8.15 The proposal maintains a 5.8m wide walkway leading to the stairs. The walls of the front gardens are 1 m high, which provides additional surveillance from Bruce Road and through to the front entrance. However, the wall to the side/rear gardens would be higher at 2m. It is recommended that the measures identified by the Crime Prevention officer for the boundary treatment are conditioned. This would ensure that the access route is safe and sufficiently overlooked.

- 8.16 A new seating area is also proposed to the side of the new dwelling adjoining the 154 Bruce Road and adjacent to the existing stairs leading downwards to Rainhill Way. The location and design of this is considered appropriate as the sitting area would have active surveillance from the dwelling houses.
- 8.17 Concerns have been raised regarding the safety implications resulting from the reduced pathway. The secure by design officer has provided measures to mitigate this concern, and as detailed in the report above a condition is recommended to ensure this landscape treatment is acceptable.
- 8.18 Overall, it is considered that the design and layout of the proposal maximises the development potential of the site without adversely affecting adjoining properties and providing an acceptable design response to the local context. The development thereby accords with the requirements of policy 4B.3 of the London Plan, saved policy DEV1 of the Unitary Development Plan 1998 and DEV2, and DEV4 of the Interim Planning Guidance which seek to ensure development is well designed by being respectful of local context and maximising the safety of users.

#### Loss of mature trees.

- 8.19 Saved policy DEV15 of the adopted UDP and policy DEV13 of the IPG seek to ensure that any mature trees removed are replaced appropriately.
- 8.18 The Councils Arboriculture Officer has raised no objection to the felling of the existing trees and has suggested a London Plan tree as a replacement.
- 8.19 Whilst the felling of the existing mature trees is not ideal, the roots of the tree currently disrupt the surface of the tarmac and would need to be removed for the development to be implemented. It should be noted that given the site is not located within a Conservation Area the Council is unable to prevent the removal of these trees.
- 8.20 However, in order to mitigate the loss of the existing trees, a condition is recommended to ensure that the trees are replaced and appropriate landscaping is provided in order to improve the environment.
- 8.21 In conclusion, the loss of the two trees is considered acceptable given the support of the Councils Arborist and the replacement planting proposed. As such the proposal accords with saved policy DEV15 of the adopted Unitary Development Plan 1998 and policy DEV13 of the Interim Planning Guidance which seeks to ensure that any mature trees removed are replaced appropriately.

#### **Amenity**

##### Sunlight/ Daylight

- 8.21 Saved policy DEV2 of the Unitary Development Plan 1998 seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. This is reinforced by DEV1 of the Interim Planning Guidance October 2007 which requires development to protect, and maintain the amenity of adjacent residents.
- 8.23 The form of the proposed buildings generally follows the building lines of the adjoining buildings, which is not considered to result in an adverse impact on the

amenity of adjoining properties.

- 8.23 However, the exception to this is the proposed two bedroom dwelling proposed adjoining 192 Bruce Road. This extends approximately 3.5m from the rear wall of 192 Bruce Road.
- 8.24 The Councils Environmental Health Officer initially raised concerns regarding the potential impact in terms of daylight and sunlight. However the applicant has provided additional information outlining that the proposal would not adversely affect the property in terms of Daylight and Sunlight.

#### Sense of Enclosure/ Loss of Outlook

- 8.25 Given the position and design of the proposal, the development would not create any unacceptable sense of enclosure or loss of outlook to habitable rooms adjacent to the site. As such, the proposal would accord with saved policy DEV2 of the Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance.

#### Noise

- 8.26 It also noted that concerns have been raised regarding noise and disturbance. Given the residential nature of the use and the area it is not considered that this would give rise to amenity issues

#### Amenity Space

- 8.27 Saved policy HSG16 of the Unitary Development Plan states that all development should have an adequate provision of amenity space. The supplementary planning guidance indicates that 50sqm should be provided for new dwelling houses.
- 8.28 The proposed 3 bedroom house has the provision of 69sqm of amenity space in the form of a front garden and rear garden. In addition, balconies are also proposed at first and second floor levels.
- 8.29 The proposed two bedroom dwelling house is proposed to have 45sqm of amenity space in the form of a front garden and side garden. A further 2.3sqm is proposed in the form of a balcony at first floor level.
- 8.30 Whilst it is noted that the two bedroom property falls 2.7 sq m short of the required 50 sq m, given the urban constraints it is considered that objections on this ground cannot be sustained. As such, it is considered that the amount and quality of the amenity space provided is acceptable and in accordance with the requirements of saved policy HSG16 of the Unitary Development Plan.

#### **Highways**

##### Access

- 8.31 The Site is located within an area of good transport, between Bow Church and Devon Road DLR stations. In addition, the site is within easy walking distance to Bow Road where there are numerous other transport options available.

##### Parking

- 8.32 In accordance with Policy CP40 of the Interim Planning Guidance October 2007 the

Council seeks to minimise the use of cars in areas of high public transport and as a result recommends a condition to prevent parking permits being issued to the new residents of the development.

- 8.33 In terms of bicycle provision, the development proposes 4 residential bicycles. This is in-line with the IPG and any planning permission would be conditioned to ensure that cycle spaces are provided and retained.

#### Servicing and Refuse Provisions

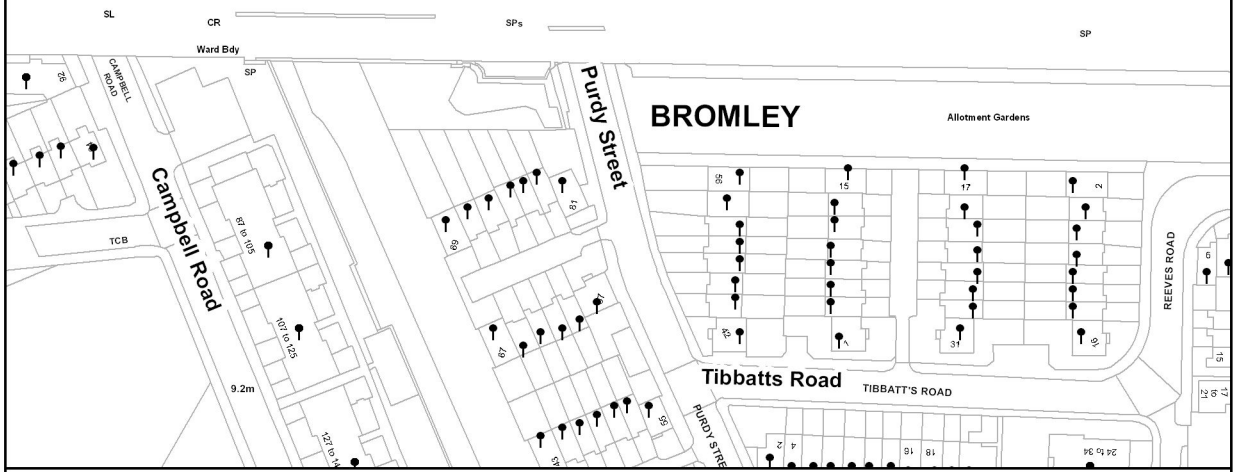
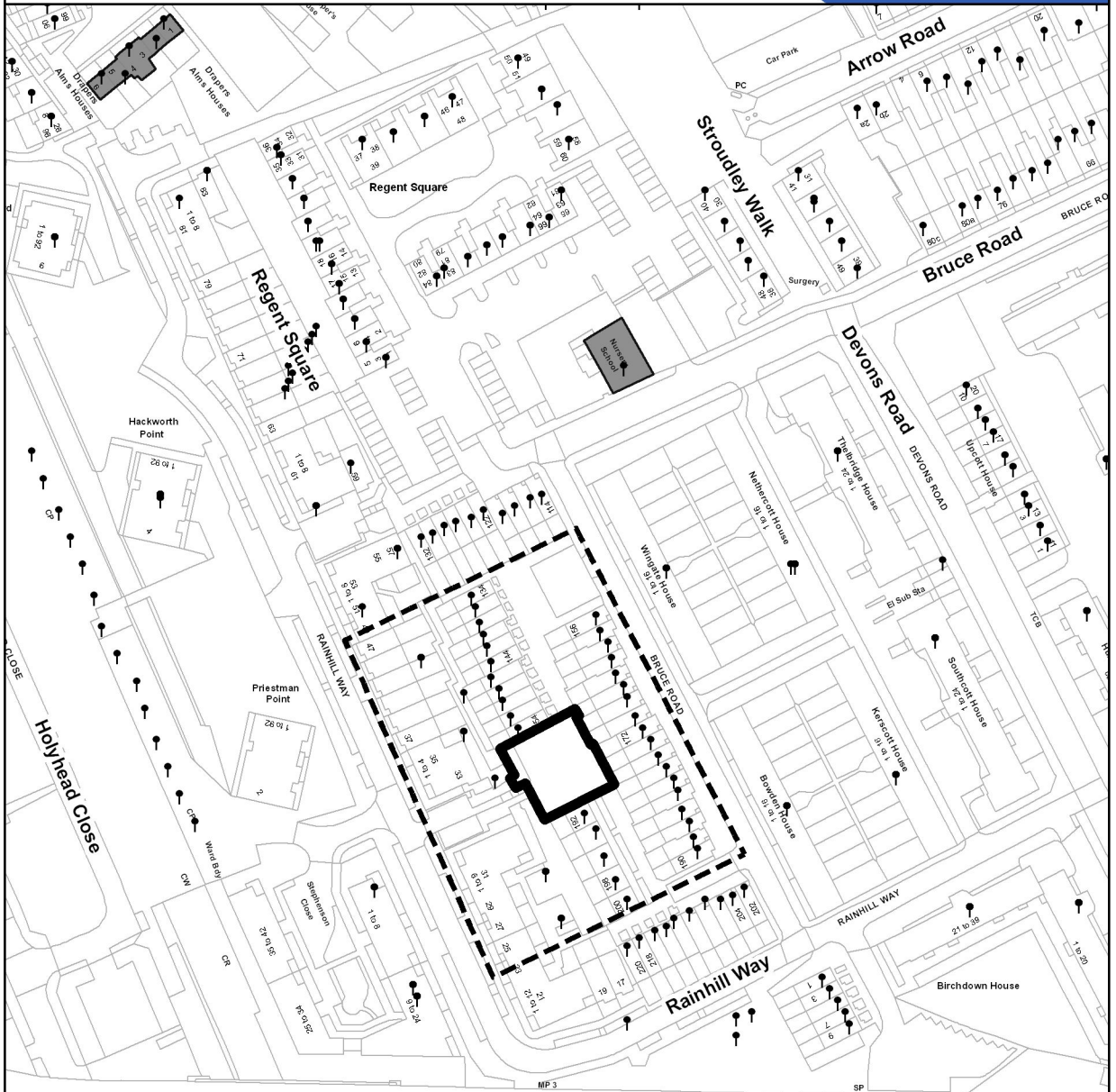
- 8.34 Provision for the storage of refuse and recyclable for the residential use has been provided for via enclosed areas in close proximity to Bruce Road. It is considered that existing refuse arrangements which serve properties 154 and 192 Bruce Road could be extended to provide refuse to the proposal site.

#### **Conclusions**

- 9.0 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
 Statutory Listed Buildings
 Land Parcel Address

Consultation Area
 0 30 m 1:1,750

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



# Agenda Item 7.2

<b>Committee:</b> Development	<b>Date:</b> 3 <sup>rd</sup> February 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision <b>Ref No:</b> PA/09/2548	
<b>Case Officer:</b> Nasser Farooq		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

<b>Location:</b>	Multi Storey Car Park, Selsdon Way, London
<b>Existing Use:</b>	Car park.
<b>Proposal:</b>	Construction of 5 x five-a-side floodlit all weather football pitches and ancillary facilities on the upper levels (5B, 6A, 6B, 7A and 7B) of the existing multi-storey car park.
<b>Drawing Nos:</b>	AP02 A, QAP03A, AP04 B, AP05B, AP06B, AP07B, AP08A, Travel Plan E/208233, Design and Access Statement, Planning Statement and Environmental Noise Assessment.
<b>Applicant:</b>	Powerleagues Fives LTD
<b>Owner:</b>	National Car Parks LTD, Bishopsgate Parking No.2 LTD and City Harbour Management Co. LTD.
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The re-use of the car parking building for five-a-side football pitches would provide a new leisure facility for both the local community in an area which has an open space deficiency and has been identified as requiring new leisure facilities. This accords with policy CP27 of the Interim Planning Guidance October 2007 which states that proposals for new leisure facilities must be designed and located to serve the diverse needs of the borough and policy SP03(4) of the Core Strategy Submission Document December 2009 which identified Cubitt Town as an area requiring new and improved leisure facilities.
- 2.3 Subject to conditions, the impact of the development in terms of outlook, privacy, noise and light pollution is considered appropriate in relation to the residential amenity of adjacent properties. This is in line with saved policies DEV1 and DEV2 of the adopted Unitary Development Plan (1998) and policies DEV1 and DEV2 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- 2.4 Subject to conditions transport matters, including parking, access and servicing, are

acceptable and in line with London Plan 2008 (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.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions**

1. Permission valid for 3 years.
2. Hours of operation
3. Green travel plan
4. Retention of the proposed 22 cycle spaces
5. Full implementation of mitigations recommendations for noise
6. Restriction in the level of lux of the roof lighting
7. Service management plan including refuse collection plan
8. Schedule of highway works
9. In accordance with the approved drawings
10. 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

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

#### **Proposal**

- 4.1 Construction of 5 x five-a-side floodlit all weather football pitches and ancillary facilities on the upper levels (5B, 6A, 6B, 7A and 7B) of the existing multi-storey car park.

#### **Site and Surroundings**

- 4.2 The site is an eight level car park located in the Isle of Dogs.
- 4.3 The NCP car park is bounded to the east by the DLR railway line, with Crossharbour DLR Station to the north of the site. Parallel to the DLR railway is East Ferry Road, which provides the access route to the car park via Selsdon Way.
- 4.4 The immediate area is a mixture of residential and business uses. Further east of East Ferry Road is the ASDA Superstore.

- 4.5 To the south west of the proposal site is the City Harbour residential development, which is located approximately 53m from the application site. City Harbour is a riverfront residential development up to eight storeys in height built as part of the LDDC regeneration of the Docklands in the 1980s and 1990s.
- 4.6 To the east of the site is located the Merchant House (also known as the Northern And Shell Tower). This building is up to eight storeys in height and is designated for office use.
- 4.7 To the north of the site is Lanark Square, which is a cul de sac type, modern development, of which Marina Point and Aegon House are the nearest residential buildings around 25m and 40m north of the car park respectively. They are separated from the site by Selsdon Way Road.
- 4.8 Marina Point is four storeys in height and Aegon House is larger in size at 8 storeys.
- 4.9 Further north of Lanark Square is the former London Arena Site, which is currently under construction for eight buildings ranging from 7 to 43 storeys to provide 1057 residential units, 25,838 sqm of Class B1 (offices), a 149 room hotel; a 10,238 sqm. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sq m, associated car parking, landscaping including new public open spaces and a dockside walkway.
- 4.10 South of the proposal site is a row of commercial buildings which are accessed from Selsdon Way and overlook the DLR railway to the east.

**Planning History**

- 4.11 Planning application PA/09/01270 for the same proposal as this application was withdrawn on 10/09/2009. The application was withdrawn due to concerns raised by Environmental Health regarding noise and light pollution resulting from the proposed facilities.
- 4.12 This proposal is a revised application seeking to overcome the initial concerns raised by Environmental Health.

**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:

**5.2 Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPG24	Planning and Noise

**5.3 Spatial Development Strategy for Greater London (London Plan) February 2008**

Policies	3C.1	Integrating transport and development
	3C.3	Sustainable transport in London
	3C.22	Improving conditions for cycling

3C.23	Parking Strategy
4B.1	Design Principles for a compact city
4B.3	Maximising the potential of site
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities

#### 5.4 Unitary Development Plan (UDP)(as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV50	Noise
	HSG15	Residential amenity.
	T16	Impact of Traffic

#### 5.5 Interim Planning Guidance for the purposes of Development Control (IPG)(Oct 2007)

Core Strategies	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP40	A sustainable Transport Network
	CP41	Integrating Development with Transport
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV15	Waste and Recyclables Storage.
	DEV16	Walking and Cycling routes and facilities
	DEV17	Transport Assessment
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
DEV21	Flood risk management	

#### 5.6 Core Strategy Local Development Submission Document December 2009

SP03(4)	Leisure Facilities
SP09(4)	Parking

#### 5.7 Core Strategy Evidence Documents

Baseline Report Green Grid Strategy for Tower Hamlets September 2009  
 Tower Hamlets Retail and Leisure Study Final Report January 2009  
 Tower Hamlets Capacity Assessment Baseline Report August 2009

#### 5.8 Community Plan: The following Community Plan Objectives relate to the application.

A better place for living safely  
 A better place for living well

## 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 Further information is requested for the amount of parking spaces occupied for local companies within the remainder of the car parking building. **(Officer Comment:** *The parking building would retain 327 parking spaces. Given the level of vacancy in the building at present, it is not considered that it is necessary to know the actual ownership allocations for the other levels of car parking in the building. This application solely relates to levels 5B to 7B and as detailed within paragraph 8.85 of the report the loss of the car parking spaces is in accordance with planning policy).*
- 6.3 Surveys at the entrance / exit to the car park should be undertaken in order to establish the base scenario. **(Officer Comment:** *The proposal results in the loss of existing car parking on site, as such it is considered that any vehicle trips on the site would decrease as a result of the proposal. Therefore, further studies are not considered necessary on this point).*

## Trip Generation

- 6.4 A vehicle trip generation exercise has been undertaken. A full multi-modal trip assessment is required in line with DfT and TfL Transport Assessment guidance.
- 6.5 As there are other 'Powerleague' sites, it is considered that trip rates should be based on surveys of other sites which are located in similar surroundings. This is often the best approach as it is site specific. **(Officer Comment:** *The expected patronage of the site would be similar to other sites in proximity to a Central Business District like Canary Wharf. Therefore, the example provided from the City of London at Liverpool Street Station is considered appropriate and relevant to the proposals at hand).*

## Impact Assessment

- 6.6 The site operates and experiences its peak usage outside of the hours of parking control both on public highway and within the City Harbour Controlled Parking Zone. Hence, any potential future impact on local amenity needs to be addressed with adequate measures in place. **(Officer Comment:** *The applicant has provided a parking assessment which identifies that the impact on the controlled parking zone and other areas around the site is acceptable. It is therefore unlikely that significant problems are to occur. However, to ensure that this is the case a Travel Plan condition is recommended to allow the Council to undertake further monitoring and secure mitigation should specific problems be identified).*
- 6.7 Normally a parking stress survey would be undertaken corresponding with the times of peak operation. This data would be provided alongside plans, associated with each time period, showing on-street parking control and locations of space capacity. **(Officer Comment:** *As stated above the existing parking assessment is considered appropriate and a travel plan condition would be secured to ensure that the centre is monitored once open).*
- 6.8 An assessment / audit of the current facilities surrounding the site need to be undertaken (e.g. crossing facilities, footways, surfacing, public transport infrastructure). This is important in establishing areas for potential improvement. **(Officer Comment:** *Given the size and nature of the proposal such an assessment is not considered necessary and is an assessment that should actually be undertaken by the Highways Authority not the applicant).*

### Parking

- 6.9 No specific parking is proposed to be provided on-site. In general, this would be acceptable in line with the implementation of a Travel Plan. It is considered that disabled parking be provided on site (**Officer Comment:** *The applicant has advised that there are existing disabled parking spaces in the parking building which would continue to be utilised for this purpose*).
- 6.10 The onus is on the applicant to demonstrate that there shall not be a detrimental impact on the local amenity as a result of the development. It is considered that the 'Powerleague' sites located in Liverpool Street and Old Street are not comparable to the application site. (**Officer Comment:** *The expected patronage of the site would be similar to other sites in proximity to a Central Business District like Canary Wharf. Therefore, the example provided from the City of London at Liverpool Street Station and Old Street is considered appropriate and relevant to the proposals at hand as there patronage is based on a Central Business District*).

### Coach and Mini-Bus Parking

- 6.11 Policy requires that full consideration be given to accommodating Coach / Minibus parking. This needs to be fully addressed. Information on the operation of other 'Powerleague' sites in relation to this should be provided. (**Officer Comment:** *The applicant has confirmed that minibus/ coach services are not normally utilised at power league sites that service commercial areas*).

### Cycle Parking

- 6.12 22 cycle spaces are proposed with access from street level via the lifts. Policy requires a minimum of 1 per 10 staff plus 1 per 20 peak period visitors. Further information is sought before accepting this level. (**Officer Comment:** *Refer paragraph 9.12-9.15 for discussion on this point*).
- 6.13 Details of cycle parking facilities, location, maintenance and its retention should be conditioned. Cycle parking facilities should be provided in an accessible, well-lit, safe, sheltered and secure location. (**Officer Comment:** *A condition to this effect has been recommended*).

### Servicing

- 6.14 A Service Management Plan (SMP) should be provided detailing fully how servicing of the site is to be provided for all uses proposed. A Service Management Plan (SMP) can be conditioned. (**Officer Comment:** *A condition to this effect has been recommended*).

### Travel Plan

- 6.15 A Travel Plan should be conditioned as part of approval and should cover all of the uses proposed. (**Officer Comment:** *A condition to this effect has been recommended*).
- 6.16 The Highways department have also requested a condition requiring the developer to enter into a 278 agreement for works onto the Highway. (**Officer Comment:** *A condition to this effect has been recommended*).

### **LBTH Environment Health**

- 6.17 The Environmental Noise Assessment Report for Powerleague by Sharps Redmore Partnership dated 5th November 2009 has been reviewed.
- 6.18 The most sensitive facades of Marina Point, Aegon House and City Harbour have been undertaken in terms of PPG 24, BS 8233:1999 and World Health Organisation guideline values.
- 6.19 The predicted levels for WHO guideline values in the noise report are acceptable. **(Officer Comment: Refer paragraph 8.53-8.55 of this report)**
- 6.20 The mitigation of impact/peak noise in the noise report is considered acceptable. **(Officer Comment: Refer paragraph 8.48-8.51 of this report).**
- 6.21 The traffic noise impact as a result of the proposed activities should be imperceptible and therefore have no adverse effect.
- 6.22 The summary, conclusions and recommendations of the submitted noise report are considered to be acceptable.
- 6.23 Environmental Health have no further objections provided all the recommendations identified in the noise report are applied as planning conditions to mitigate any possible noise nuisance to local residents. **(Officer Comment: These recommendations are recommended to be secured by condition and are discussed further at paragraph 8.56-8.57 of this report).**
- 6.24 Following review of the objections relating to the noise and light pollution further comments were sought from Environmental Health. The Environmental Health Officer responded as follows:
- 6.25 The Councils Environmental Health officer visited the site on the 15<sup>th</sup> October 2009 and again on the 30<sup>th</sup> October 2009. Following the site visit the following additional mitigation measures (detailed below) were requested to ensure that there was no adverse noise or light pollution impacts from the proposed use.
- 6.26 i) A 2 metres high barrier be incorporated in the northern/southern ends to further mitigate the noise.
- 6.27 ii) The louves in the north/south should be enclosed internally with a solid continuous barrier to further mitigate the noise.
- 6.28 iii) Neoprene strips to be installed behind the kick board to reduce the ball impact noise.
- 6.29 iv) No referees whistles to be used on the top floor pitch.

#### **LBTH Environment Agency**

- 6.32 There is no objection as the proposal has a low risk.

### **7. LOCAL REPRESENTATION**

- 7.1 A total of 214 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 and in the East End Life.

The site notices were installed in the following locations on 23<sup>rd</sup> December 2009 by officers:

1. Outside the NCP car park;
2. The gates serving the City Harbour development; and
3. The entrance to Lanark Square adjacent to Woodchester House, opposite Marina House.

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: 44      Objecting: 43      Supporting: 0  
No of petitions received: 1 (against containing 73 signatories).

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

- Noise disturbances and hours of operation (*see discussion of this issue at paragraphs 8.42-8.58 of this report*).
- Impact on visual amenity (*see discussion of this issue at paragraphs 8.59-8.64 of this report*).
- Light pollution (*see discussion of this issue at paragraphs 8.59-8.64 of this report*).
- Use of the function room as a licensed premises (*see discussion of this issue at paragraphs 8.67-8.69 of this report*)
- Increased vehicular activity, traffic noise and parking issues (*see discussion of these issues at paragraphs 8.70-8.88 of this report*)

7.3 The following further issues were raised in representations, and are addressed as follows:

7.4 Lack of job creation for local people (**Officer comment:** *With any proposal that includes the creation of employment floor space it is possible that local people would be employed on site. As such there is certainly the potential for job creation for local people. However, the planning system cannot demand this from an applicant and a reason for refusal on this basis cannot be substantiated.*)

7.5 Economic Competition (**Officer comment:** *This is not considered a relevant consideration for this application*).

7.6 Increase in anti-social behaviour (**Officer comment:** *This issue is typically not a planning issue as demonstrated by case law. However, given the nature and size of the proposal and the hours of operation it is considered unlikely that anti-social behaviour would result*).

7.7 Decrease in property value (**Officer comment:** *This is not considered a relevant consideration for this application*).

7.8 Additional 6 pitch: (**Officer comment:** *the current application is for five pitches. Any additional pitches proposed in the future would be subject to a separate planning application and full planning public consultation*)



- 7.9 Inadequate consultation period: (**Officer comment:** 220 consultation letters were sent to owners/occupiers on 14th December 2009. These gave residents until 5<sup>th</sup> of January 2010 to make representations. Given the consultation period was over the holiday period the case officer decided to delay the site notices until 23<sup>rd</sup> December 2009 which automatically extended the consultation period until 15<sup>th</sup> January 2010. This effectively gave a one month consultation period for the application and is considered to be an acceptable level of consultation which is longer than the statutory requirements)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

Land Use  
Design  
Highways  
Amenity

### **Land Use**

- 8.2 The subject site is unallocated in the Unitary Development Plan 1998 (UDP) or in the Interim Planning Guidance October 2007 (IPG).
- 8.3 The key consideration the consideration is whether the change of use of the upper three storeys of the NCP car park to five, five-a-side football pitches is considered acceptable.
- 8.4 The provision of open space is one of the major challenges to an inner city borough like Tower Hamlets. Consequently, the provision of new usable open space and leisure facilities needs to be created by innovative solutions such as re-using redundant land and buildings.
- 8.5 Policy CP27 of the IPG states that proposals for new leisure facilities must be designed and located to serve the diverse needs of the Borough. The policy identifies that the Council is committed to ensuring the adequate provision of new social and community facilities to support the needs of an increased population.
- 8.6 Based on the existing population the Isle of Dogs area currently has an open space deficit of 25ha. Given the approvals coming forward within developments in the London Arena, Millennium Quarter and Marsh Wall this figure would only rise. This highlights that the demand on the existing open space is high and the Council needs to be creative in meeting this challenge. Whilst, it is noted that the scheme does not provide a typical public open space, but rather private football facilities this would play an important role in reducing the demand placed on the existing open spaces in the local area.
- 8.7 Furthermore, the current Retail and Leisure Capacity Study January 2009 identifies that 28% of local respondents felt that the Crossharbour centre lacked a leisure facility. It is considered that the proposal would provide one such facility for the local area.
- 8.8 This response is highlighted by the fact that Cubitt Town which includes Crossharbour is identified by policy SP03(4) of the Core Strategy Submission

Document December 2009 (CS) as an area requiring new and improved leisure facilities.

- 8.9 The proposal would provide a new leisure facility for both the local community and Canary Wharf Business District in an area which has an open space deficiency and the needs new leisure facilities.
- 8.10 As such, it is considered that the proposal accords with policy CP27 of the IPG and policy SP03(4) of the CSSD which support new leisure facilities in particular within the Cubitt Town location.
- 8.11 Policy CP40 of the Interim Planning Guidance October 2007 and SP09(4) policy of the Core Strategy Submission document seek to retain sustainable modes of transport. Furthermore, Policy 3C.3 of the London Plan (Consolidated with alterations since 2004), which seeks to promote sustainable transport in London and reduce travel of cars.
- 8.12 The partially re-use of an underutilised car parking building would allow for the removal of redundant parking spaces in an area with high accessibility. This accords with Council policies which seek to minimise car travel and off street parking in areas with good access to public transport.
- 8.13 Concerns have been raised about the compatibility of the sports facility with the residential buildings in the area. The objectors state that the noise from football pitches would be detrimental to the amenity of residents. This is discussed further in the amenity section of the report.
- 8.14 In terms of land use the specific nature of football pitches is not too dissimilar to local parks which are located in residential areas and many developments which include the provision of community facilities.
- 8.15 An example of which is the planning consent which is currently being implemented at the former London Docklands Sport Arena, 36 Limeharbour. The London Arena site is located 100m north of the Selsdon Way Car park.
- 8.16 The planning permission under planning reference PA/06/02068 includes the provision of a 1,329 sq.m of D1/D2 community facility. The community facility also includes the provision of a single 5 a side football pitch located south of Building 7. This five aside football pitch adjoins residential properties located in building 5 at ground floor level.
- 8.17 It is therefore considered that in principle the nature of the use i.e. five a side football has already been agreed as a compatible residential use in the local area.

### **Design**

- 8.18 Saved policy DEV1 of the UDP states all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials.
- 8.19 The existing building was built as part of the office buildings to the south, as such the design and materials are very similar with the ground floor consisting of white panels and the upper storeys in brick.
- 8.20 The use of brick and windows on the elevations facing Selsdon Way gives an

appearance of a residential/ commercial building as opposed to a car parking building.

- 8.21 The east elevation consists of brick cladding with several louvers designed for ventilation. These louvers also evident in part on the north and south elevations of the building.
- 8.22 The proposed external changes relate to the roof and alterations to the louvers serving the proposed function room, they are discussed further in this report at paragraphs 8.27-8.29.

#### Internal alterations

- 8.23 Eleven cycle stands to allow storage for 22 cycles are located at level 5, with the bulk of the activity proposed at levels 6A and 6B. These levels form the location of the reception, shower facilities, two pitches and a function room (which is further discussed in the following section).
- 8.24 The proposed 5 five-a-side pitches measure as follows:

Level	Size of Pitch
5B	14m by 25m
6A	14m by 20m
6B	14m by 25m
7A	13m by 25m
7B	13m by 25m

- 8.25 Sports England guidance states that for a five a side pitch is typically 17m by 30.5m. However, given the limitations set by the existing building the proposed dimensions are considered appropriate and reasonable.
- 8.26 The pitches at the lower levels would be enclosed by the existing louvers and would be lit by strip lighting in protective casing. Consequently, the external appearance of the building would remain unchanged and it would not be evident that the building is actually in use as a leisure facility.

#### Function Room

- 8.27 The proposed function room measures 6.4m by 10.2m (61.2sqm) and is located internally at level 6b. The function room overlooks the DLR line to the east of the site. The proposal seeks to remove every other louver allowing views eastwards (overlooking the DLR). These external alterations are considered acceptable.

#### Roof level.

- 8.28 At the upper levels the five-a-side pitches would have four floodlights in each corner mounted on a 6m high post providing an average of 140 Lux of illumination. The visual amenity implications are discussed in the amenity section of this report.
- 8.29 The fencing around the pitches comprises hollow sections of steel frames fixed to the structure with solid kickboards at low level with nylon netting above. The pitch is surfaced in an all weather artificial material.

- 8.30 They are also to be enclosed by netting and a 2 metre high barrier incorporated in the northern/southern ends to further mitigate the noise (as requested by the Councils Environmental Health Officer). The details of these noise mitigation measures would be conditioned.
- 8.31 With regards to the pitches on the roof they are centrally located, and would not be visible at street level. This matter is dealt with further in the visual amenity section at paragraphs 8.59-8.64.

#### Access

- 8.32 Pedestrian and disabled access to the building would be as existing, which includes lifts and stairs to each level. The pitches, modular buildings and viewing areas would be linked by level landings and accessible ramps to meet requirements for disabled access.
- 8.33 Overall, the design is considered appropriate in the locality and considered to comply with policy DEV1 of Tower Hamlets Unitary Development Plan (1998).

#### **Amenity**

- 8.34 The saved UDP policies DEV2 and the IPG policy DEV1 place a particular emphasis on protecting the amenity of existing and prospective surrounding residential occupiers from new development.
- 8.35 The main issue in terms of amenity that the Development Committee must consider is whether the proposed change of use has an adverse impact on the amenity of residential properties at City Harbour, Aegon House and Marina Point and secondly whether these impacts can be mitigated via the imposition of conditions.
- 8.36 The previous application was withdrawn following advice from the Councils Environmental Health department as Environmental Health were concerned that the proposal may have an adverse impact on surrounding residents in terms of light pollution and noise associated with the proposed uses.
- 8.37 Further noise assessments were carried out by the applicant with the Environmental Health Officer present to address these concerns.

#### Hour of Operation

- 8.38 The hours of operation proposed are as follows:
- 8.39 Upper pitches (Rooftop level)  
Mon to Fri — 10.00am to 9.00pm  
Saturdays — 10.00am to 7.00pm  
Sundays — 10.00am to 7.00pm
- 8.40 Lower level pitches  
Mon to Fri — 10.00am to 22.00pm  
Saturdays — 10.00am to 7.00pm  
Sundays — 10.00am to 7.00pm
- 8.41 The hours of operation are set outside the noise sensitive hours of 11pm to 6am. However, it is considered prudent to condition these hours. This would further mitigate the impact of the proposal as outlined below.

Noise, disturbances and light pollution

- 8.42 The impact of noise from sport and recreation depend to a large extent on the frequency of use and the design of the facilities.
- 8.43 In order to assess noise exposure for residential dwellings the Interim Planning Guidance (2008) in Planning Statement 1: Noise, states that the appropriate standard to be used is BS 4142/1990. The applicant in this assessment has used BS 4142/1997 which has replaced the previous standard.
- 8.44 The Northern and Shell office block is located approximately 35 metres to the west of the nearest pitch, and elevated by around 10 metres. These offices have non opening windows, and are screened by the existing office block that forms part of the NCP building. Given the nature of the use, it is considered that the noise impact on this building is acceptable.
- 8.45 The nearest receptors were at Marina Point and Aegon House which are located approximately 25 and 40 metres to the north respectively and City Harbour which is located approximately 53 metres to the south west.
- 8.46 It is noted that the Environmental Health Officer was present at these assessments, which should address concerns raised regarding the integrity of the assessments carried out.
- 8.47 It should be noted that these predicted levels are based on league games with referee whistles and spectator noise. Measurements of non-league activity, without spectators and referees, results in noise levels around 7 dB lower than for league activity.
- 8.48 The table below assesses the proposed pitch activity noise against the existing background noise level.

8.49

<b>Receptor</b>	<b>Predicted Noise Level at receptor LAeq (dB)</b>	<b>Minimum Existing Background Noise Level LA (dB) up to 2130 hours</b>	<b>Difference (dB)</b>
<b>Marina Point</b>	<b>44</b>	<b>54</b>	<b>-10</b>
<b>Aegon House</b>	<b>40 to 48</b>	<b>54</b>	<b>-6</b>
<b>City Harbour</b>	<b>39</b>	<b>45</b>	<b>-6</b>

- 8.50 Assessment of proposed pitch activity noise against the existing background noise level therefore indicates that noise from the proposed activity is unlikely to adversely affect the amenity of nearby residential dwellings.
- 8.51 These assessments demonstrate that there is more existing background noise than what is predicted to be generated from the use of the pitches. Therefore it is

unlikely that noise complaints would be made.

8.52 Several objections have resulted from residents with regards to the background noise actually being higher given the increase in capacity of the DLR with the three car extensions. This is further likely to reduce the difference between existing and proposed noise levels in the assessments carried out above.

8.53 In addition, the Tower Hamlets Environmental Health department also requested a comparison to the existing background noise level (LA90) against the WHO standard which is detailed below.

8.54

<b>Receptor</b>	<b>Predicted Noise Level at receptor LAeq(1hour) (dB)</b>	<b>WHO Guideline Value LAeq16hour (dB) External*</b>	<b>Difference in (dB)</b>
Marina Point	44	50	-6
Aegon House	40 to 48	50	-2
City harbour	39	50	-11

8.55 The predicted noise levels at the nearest residential dwellings would be well within the World Health Organization guideline values for noise during the day and evening. It is concluded, therefore, that noise from pitch activity at the proposed development is unlikely to affect the amenity of local residents by reason of noise. The Councils Environmental Health Officer has confirmed that any impact is acceptable subject to the imposition of mitigation conditions.

8.56 The Councils Environmental Health officer has requested the following mitigation measures to ensure no noise leakage:

- (a) Installation of neoprene strips to be installed behind the 'kick boards' to reduce ball impact noise.
- (b) The louvers in the north and south elevations should be enclosed internally with a solid continuous barrier, thus further eliminates noise.
- (c) The installation of a high noise barrier at the northern/southern ends of the rooftop pitches.

It is recommended that these mitigation measures are secured by condition.

8.57 The Councils Environmental Health Officer has advised that no whistles be used on the pitches. However, this is considered onerous, given the results identified in the above tables was based on the worse case scenario which includes spectator noise and whistles.

8.58 In terms of patrons leaving the site in the evening it is not envisaged that they would cause a particular amount of noise and disturbances close to the residential

buildings. This is due to the pedestrian route taken to and from the site, with patrons leaving the site to walk along Selsdon Way towards East Ferry Road and Cross Harbour DLR.

- 8.59 Concerns have been raised about increased vehicle noise. However, given the existing nature of the car park and the fact that the proposal would result in a reduction in parking movements by 173 spaces, any impacts are considered unlikely. Furthermore, in terms of trip generation for the centre this is discussed further in the paragraph 8.83 below.

#### Light Pollution and Visual Amenity

- 8.60 In terms of visual amenity the majority of the site is concealed from the street and views would be limited as the pitches are largely obscured by other elements of the existing car park structure.
- 8.61 The pitches on the lower levels would be enclosed and therefore completely obscured from view.
- 8.62 The main views that would exist are from the residential buildings of Cityharbour, Aegon House and the Northern Shell building.
- 8.63 The proposed floodlighting on the top floor has been designed sympathetically, with surrounding properties in mind. The latest technology reduces light spillage through the use of flat glass light fittings.
- 8.64 Lighting to the pitches at the lower levels is to be protected strip lighting, mounted to the underside of the existing structural floor slab; this however would not be visible externally.
- 8.65 The light spillage has been reviewed by Councils Environmental Health Officer who has advised that there would be no adverse impacts. It is recommended that a condition be imposed restricting the lux level of the lights and the hours of operation.

#### Overlooking

- 8.66 Given the separation distances of in excess of the 18m outlined in the Unitary Development Plan (1998) in policy DEV2 it is considered that the proposal would not result in an unacceptable level of overlooking to residential properties.
- 8.67 Given the position of the proposal, the development would not create any unacceptable sense of enclosure or loss of out look to habitable rooms adjacent to the site.

#### Function Room

- 8.68 As detailed above the proposed function room measures 6.4m by 10.2m (61.2sqm) and overlooks the DLR line to the east of the site. Given the orientation of the room to the DLR line no overlooking to any residential properties would result.
- 8.69 Concerns have been raised about the use of the function room, however, it would not be a licensed premise for the sale and consumption of alcohol. The space is flexible enough to use for minor functions such as trophy presentations or children's parties, which Power league offer on all of their sites. However, given the size at

61.2sqm it would be limited to small groups.

- 8.70 It is noted that there is a “bring your own” reference made to the room in the transport statement. The applicant has confirmed that this was inserted to demonstrate that no servicing would be required as there would be no bar area. Bring your own does not refer to alcohol and no alcohol on site would be permitted by the operator.
- 8.71 Subject to conditions, the impact of the development in terms of outlook, privacy, noise and light pollution is considered appropriate in relation to the residential amenity of adjacent properties. This is in line with saved policies DEV1 and DEV2 of the adopted Unitary Development Plan (1998) and policies DEV1 and DEV2 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.

### **Access and Highways**

- 8.72 The Site is located within an area of good public transport accessibility with a PTAL rating of 5. This is due to the location of Crossharbour DLR Station location just north of the site and East Ferry Road which is served by numerous bus routes.
- 8.73 Crossharbour Station is a short distance from Canary Wharf which represents the target market for the centre and is the location of the Jubilee Tube Line. The DLR also extends south to Lewisham.

### **Parking**

- 8.74 Saved policy T16 of the Unitary Development Plan (1998) requires the operation requirements of proposed uses and the impact on traffic is acceptable.
- 8.75 In accordance with Policy CP40 the Council seeks to minimise the use of cars in areas of high public transport.
- 8.76 Policy CP41 of the Interim Planning Guidance seeks to integrate development with transport by encouraging a sustainable mix of land uses.
- 8.77 Both the London Plan and Council policies aim to promote the use of cycling and walking as a viable alternative to car use for both leisure and work activities.
- 8.78 Powerleague operates Travel Plans at a number of sites, which has formed the basis for this Travel Plan as it has been made from reviewing other operational successes / problems at other sites. Car sharing is an important part of reducing vehicle trips and has been implemented successfully at other sites. There are no traffic problems experienced at comparable sites in London such as Euston, London City and Old Street which are well connected to public transport.
- 8.79 A parking assessment has been submitted and the impact on the CPZ and other areas around the site assessed with any impacts deemed to be acceptable.
- 8.80 Robust trip rates have been generated to assess the potential trips by using existing Powerleague sites at Liverpool Street and Old Street. Whilst the Liverpool Street and Old Street centres are more central, they have a similar PTAL rating to the proposed NCP site. Furthermore, Canary Wharf is the core catchment for the site, which works in a similar way to the commercial catchment in the City of London.



- 8.81 Given the immediate area is privately owned the Council would not be able to control unauthorised parking in this location. However, a site visit showed that there are existing enforcement arrangements for cars parked in unauthorised locations.
- 8.82 The surrounding area is part of a controlled parking zone (CPZ). Zones D1 and D2 operate between 8:30am and 5:30pm Monday to Friday.
- 8.83 The Councils Highways department have raised concerns regarding impacts on the CPZ. However, the site itself is directly comparable to other existing Powerleague sites located within central London such as Liverpool Street and Old Street. Surveys have been undertaken at those sites, which have similar levels of PTAL rating and also provide no parking spaces on-site. The surveys found that over 95% of customers and staff traveled to the sites by sustainable transport methods.
- 8.84 Furthermore it is considered that the car park is used mainly by people employed within the local area and as such those users would be likely to remove their vehicles as the proposed site starts to be used in the evening, therefore this provides further parking spaces within the site should they be ever be required.
- 8.85 The main target market for the centre is the local office workers, specifically those in Canary Wharf. This means that the centre would operate with its peak between 6-9pm Monday to Friday and would only operate until 7pm on Saturday or Sunday evenings. Therefore, the proposed development is not expected to cause capacity problems on the roads that surround the site, due to the identified travel modes of potential users and the high public transport accessibility of the site.
- 8.86 Notwithstanding the discussion above the submitted Travel Plan also allows for the monitoring of parking in the surrounding area. The applicant has confirmed that should issues directly attributable to the development be raised then further mitigation measures such as provision of dedicated bays in the parking building could be secured. It is recommended that a condition to secure the travel plan is included to ensure this plan is implemented and monitored regularly.
- 8.87 As such, subject to conditions it is considered that the transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (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.

#### Cycle Spaces

- 8.88 The development proposes 11 Sheffield style cycle stands at level 5B which provide space for 22 cycle spaces. The Councils Interim Planning Guidance states that for D2 uses there should be a provision of 1 cycle space per 20 visitors.
- 8.89 The applicant has outlined based on full usage of all pitches (estimating 7 players per team) and less than 10 staff on site, the development only requires 5 cycle parking spaces to meet policy guidance. As such the provision of 22 cycle spaces in the form of 11 Sheffield stands is considered acceptable. It is recommended that a condition is included to secure these spaces if permission is granted.

#### Servicing and Refuse Provisions

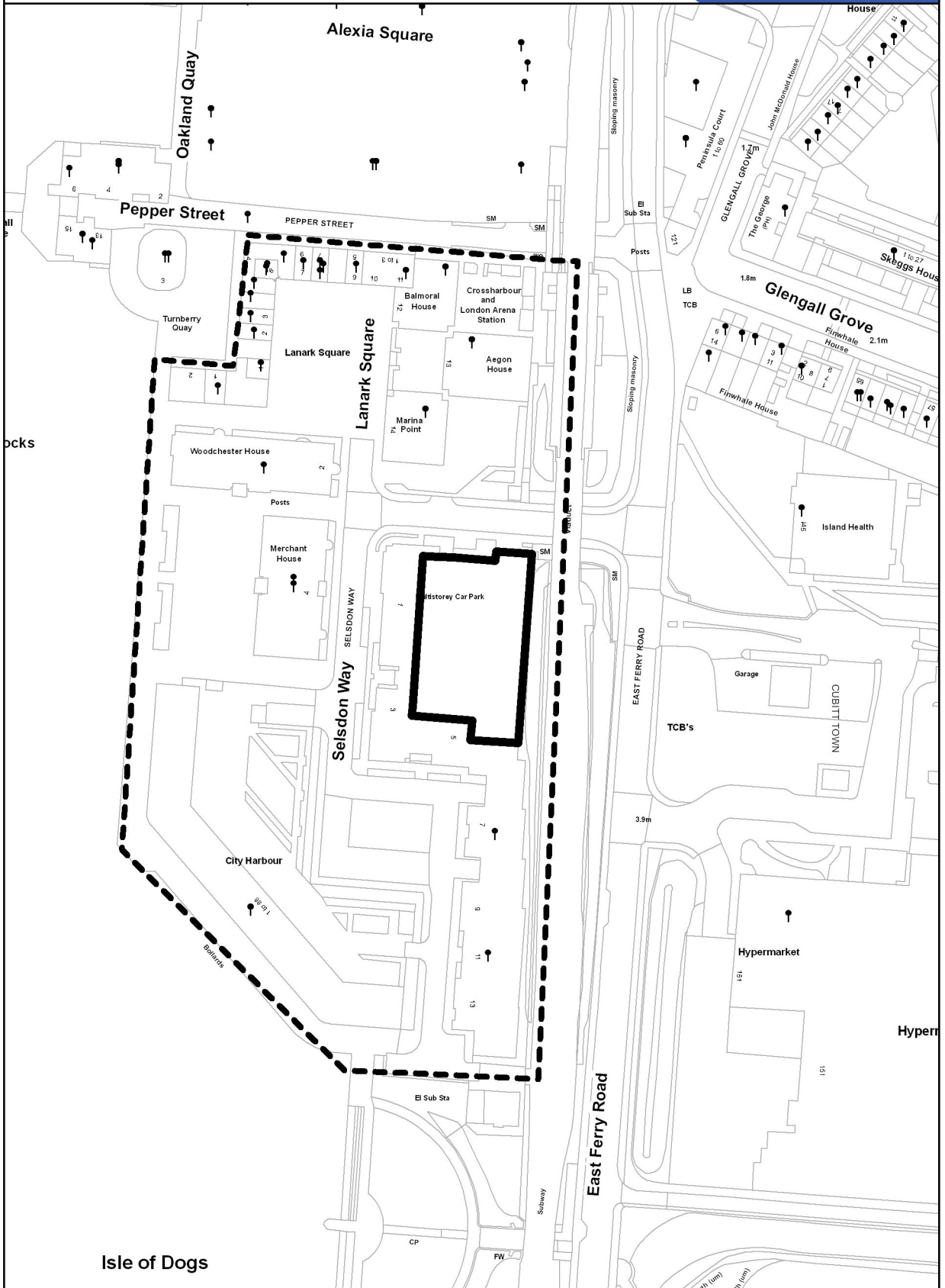
- 8.90 Refuse servicing is to take place from the ground floor. All waste is to be taken down to the ground floor by Powerleague staff via the existing lifts in the car park. The details of refuse servicing have not been provided and would be conditioned. However, given the nature of the proposal and size of the facility it is not considered that there would be an issue with regards to the storage of refuse subject to an appropriate condition.

### **Conclusions**

- 9.0 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



Statutory Listed Buildings



Consultation Area



Land Parcel Address



1:1,750

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

# Agenda Item 7.3

<b>Committee:</b> Development	<b>Date:</b> 3 <sup>rd</sup> February 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.3
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Nasser Farooq		<b>Ref No:</b> PA/09/2562	
		<b>Ward(s):</b> St Dunstan's and Stepney	

## 1. APPLICATION DETAILS

**Location:** Land between 32-34 Repton Street, Limehouse, London E14  
**Existing Use:** Car park.  
**Proposal:** Construction of a new build residential block of three storeys on existing car park site to provide 3 x three bedroom flats with associated amenity space. The proposal results in a net loss of 10 car parking spaces with the retention of 11 car parking spaces to be accessed from Blount Street.

**Drawing Nos:** P-038, P-39, P-040, P-041 and P-042.  
**Applicant:** Gateway Housing Association  
**Ownership:** 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:
- 2.2 The proposal change of use from a car park to housing 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, policy HSG1 of the Council's Interim Planning Guidance (2007), Core Policy SP01(1) of the Core Strategy Submission Version December 2009, PPS3: Housing, which seeks to ensure that development proposals achieve the highest possible intensity of use compatible with the local context of the site and to promote the delivery of housing through the use of brownfield sites.
- 2.3 The proposed building is not considered to adversely affect the amenity of neighbouring residential properties in terms of a loss of privacy, increased sense of enclosure and loss of daylight and sunlight. It is considered to be in accordance with saved policy DEV2 of the Council's Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties are protected and maintained.
- 2.4 The height, scale, bulk and design (including materials), of the proposed building is considered acceptable and in compliance with policy DEV1 of the Council's Unitary

Development Plan 1998 and policy DEV2 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.

- 2.5 The quantity and quality of housing amenity space is considered to be acceptable and in line with PPS3, policy 3A.15 of the London Plan, policy HSG16 of the Council's Unitary Development Plan 1998 and policy HSG7 of the Council's Interim Planning Guidance (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- 2.6 Subject to condition 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.
- 2.7 Subject to conditions transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 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.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 That the Corporate Director Development & Renewal is delegated power 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. Landscaping and boundary treatments including gates and fencing.
4. Car free agreement
5. Highways agreement
6. Cycle parking
7. Parking layout (to include disabled spaces and charging points)
8. Contamination
9. Refuse provision
10. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives:**

1. Section 278 (Highways) agreement required under condition 5.
2. S106 agreement required under condition 4.
3. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

## **Proposal**

- 4.1 Construction of a new build residential block of three storeys on existing car park site to provide 3 x three bedroom flats with associated amenity space. The proposal results in a net loss of 10 car parking spaces with the retention of 11 car parking spaces to be accessed from Blount Street.

## **Site and Surroundings**

- 4.2 The application site is located on a car park between 32 and 34 Repton Street, approximately 300m north of Commercial Road.
- 4.3 The immediate area is brick terraces dating from the 1990s. To the west of the site is 18-32 Repton Street which is a two storey, uniform terrace consisting of yellow brick finish with pitched roofs.
- 4.4 The terrace to the east of the site (numbers 34 to 46 Repton Street) is also of a similar two storey, pitched roof design. These properties also have uniform front dormers. The two end properties numbered 34 and 46 Repton Street (which adjoins the site) are three storeys in height.
- 4.5 To the south of the site is another set of similar terraces which follow the roof lines of 18-32 Repton Street and 34-46 Repton Street. They are accessed from Blount Street and Camdenhurst Street respectively.
- 4.6 To the immediate north of the application site is a flank wall of Causton Cottages which are accessed from Galsworthy Avenue.
- 4.7 The surrounding area is residential in nature.

## **Planning History**

- 4.8 Planning application PA/09/00939 was withdrawn on 11/08/2009. The description of the development read as follows:
- 4.9 Construction of a new build residential block of three storeys with an additional storey built in the roof space above and in place of existing car parking spaces to provide two 2 bedroom flats and 2 x 3 bedroom flats. The existing site has 18 car parking spaces plus two on an adjacent site (total 20) and the revised scheme has 14 spaces total for use by existing residents.
- 4.10 The scheme as submitted was withdrawn following concerns raised by the Council on design and highway grounds.
- 4.11 This application is a resubmission of the earlier scheme as the applicant is seeking to address these concerns.

## **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:

**5.2 Unitary Development Plan (as saved September 2007)**

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	HSG13	Internal Standards for Residential Developments
	HSG16	Amenity Space
	T16	Impact of Traffic

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

Core Strategies	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP19	New Housing Provision
	CP25	Housing Amenity Space
	CP46	Accessible and Inclusive Environments
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV5	Sustainable Design
	DEV19	Parking for Motor Vehicle
	HSG7	Housing Amenity Space

**5.4 Core Strategy Local Development Submission Document December 2009**

SP02(1) Housing

**5.5 Supplementary Planning Guidance/Documents**

Designing Out Crime  
Residential Space  
Landscape Requirements

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

4B.1	Design Principles for a compact city
4B.3	Maximising the potential of sites
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities

**5.7 Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPG3	Housing

**5.8 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 RESPONSES

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

6.2 The following were consulted regarding the application:

### **LBTH Highways Department**

6.3 The site has a PTAL rating of 5 which demonstrates that a good level of public transport service is available within the immediate vicinity of the site, mainly due to the proximity of the site to Limehouse Rail and DLR stations and the bus services which operate along Commercial Road.

6.4 The site is suitable for a car and permit free agreement whereby future occupants of the residential units are prevented from obtaining parking permits. Any Planning Permission should therefore be subject to a Section 106 car free agreement.

6.5 The existing site use as a car park has provision for eighteen parking spaces, with a further two spaces accessed via the parking mews off Blount Street. The revised parking layout provides eleven spaces on the development site, which represents a further reduction in the number of on-site parking spaces retained, in line with the findings presented within the car park utilisation survey. These spaces are for the sole use of the existing local residents and the applicant has confirmed that occupants of the proposed residential units will not be entitled to use the parking spaces.

6.6 The minimum circulation distances and swept path analysis drawings demonstrate the ability of both large and medium private cars to manoeuvre in and out of the proposed parking spaces. The drawings provided in support of the current application are considered acceptable by the Highways Department.

6.7 Developments with on-site car parking are required to provide two spaces or 10% of the total parking, whichever is greater, as accessible parking for people with disabilities, This has not been catered for in the design, however it is felt that two parking spaces could easily be marked up and designated for the use of disabled people . A condition to this effect is recommended if consent is granted. (**Officer Comment:** *A condition to require the disabled parking spaces is recommended*).

6.8 The provision of four cycle parking spaces is acknowledged and welcomed. However, LBTH policy states that Sheffield type stands are the preferred design and the majority of the cycle parking should be provided in this form. (**Officer Comment:** *A condition to ensure the cycle spaces are secured is recommended*).

6.9 LBTH require a minimum of one electric vehicle re-charging point per car parking. Highways will accept a minimum 20% of the parking bays to be installed with electric vehicle charging points. (**Officer Comment:** *A condition to require these charging points is recommended*).

6.10 From the plans submitted, it would appear that the bin storage area for the residential units is within the 10metre distance of the collection point which is acceptable.

6.11 There will be Section 278 requirements brought about by the construction of this development. This will include renewing the footways, kerbs and any damaged

carriageway along the frontage of the development.

Conclusions:

- 6.12 This revised application represents a much improved scheme from the one commented on as part of the previous submission.
- 6.13 The Councils Highways officer has outlined a list of conditions should the Committee be minded to grant planning permission.

**Secure by Design Officer:**

- 6.14 The buildings design, and the issues previously mentioned regarding seating at the front elevation, and the access into the building at the rear, appears acceptable. However, in terms of the car park to the rear it is considered that given the site is not permeable to pedestrians that the parking area should be gated to ensure the safety of users. (**Officer comment:** *It is recommended that gates to the parking area are conditioned as part of any consent in order to address these concerns*).

**LBTH Environment Health (Contaminated Land)**

- 6.15 No comments have been received. (**Officer comment:** *Given there is the possibility for contamination then it is recommended that a condition is included (if granted)*).

**LBTH Environmental Health (Noise)**

- 6.16 There are concerns regarding the stacking arrangement of the rooms in relation to the second floor apartment. The bathroom, shower room, kitchen and living room are directly above the bedrooms of the other two units. This stacking is likely to give rise to noise complaints about normal domestic activity from the residents of the 2nd floor apartment. (**Officer Comment:** *It is recommended that a noise insulation condition is included to ensure that there is suitable noise insulation between the units*).

**7. LOCAL REPRESENTATION**

- 7.1 A total of 101 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: 0            Objecting: 0            Supporting: 0  
No of petitions received: 1 containing 239 Signatories in objection.

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

- Proposal will have an adverse environment impact
- Change in the environment
- Increase in overcrowding
- Obstruct natural sunlight to adjacent properties
- Increase in pressure on schools and health centres

- Create vehicle congestion
- Loss of car parking spaces
- Infringe on right to privacy
- Inconvenience for residents when going to Commercial Road

7.3 The following are non material matters raised by the representations:

7.4 Alternative measures to secure site (**Officer Comment:** *The Council required to assess the proposal as submitted. However, as set out in paragraph 6.14 the measures to secure the parking area will be conditioned*).

7.5 Loss of free air (**Officer Comment:** *It is not considered the proposal will result in a loss of free air*)

## 8.0 MATERIAL PLANNING CONSIDERATIONS

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

Land Use  
Design  
Loss of access route  
Highways  
Car parking

### Land Use

8.2 The subject site is unallocated on the Unitary Development Plan (1998) and is currently used as a designated car park.

8.3 In accordance with polices 3A.1 and 3A.2 of the London Plan, the Mayor is seeking the maximum provision of additional housing in London. Housing targets (December 2009) identified in policy SP02(1) of the Core Strategy Submission Document indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025, with infill development identified as an appropriate mechanism for delivery.

8.4 The site is considered to be an appropriate location to meet this demand given the high public transport accessibility for the area. The immediate vicinity is also predominantly residential. No objection is raised to the change use of the site for residential purposes. Subject to other planning considerations.

8.5 In particular, the loss of car parking and accessibility through the site are discussed in the following sections of this report.

8.6 The proposal change of use from a car park to housing 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, policy HSG1 of the Council's Interim Planning Guidance (2007), Core Policy SP01(1) of the Core Strategy Submission Version December 2009, PPS3: Housing, which seeks to ensure that development proposals achieve the highest possible intensity of use compatible with the local context of the site and to promote the delivery of housing through the use of brownfield sites.

## Design

- 8.7 Saved policy DEV1 of the Unitary Development Plan states all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials and being visually appropriate to the site and its setting in the street scene. The policy also requires that development is designed to maximise the feeling of safety and security for users.
- 8.8 Policy DEV2 and DEV4 of the Interim Planning Guidance October 2007 reinforce this position by requiring all development to be of high quality design, appropriate to local context and ensuring that the safety and security of development is maximised.
- 8.9 The proposal involves the erection of a part two, part three storey building with a pitched roof to cover the full plot width of the car park. The adjoining properties have bathroom windows overlooking the site and it is proposed to set the rear part of the building in by 1m from each side to allow these windows to be opened.
- 8.10 The ground floor fronting Repton Street provides direct access to the three residential units, a secure cycle location and a pedestrian controlled access gates to the secure car park.
- 8.11 A front garden is proposed which follows the design and form of the adjoining terraces. The garden provides space for the storage of domestic waste.
- 8.12 Two of the three units are proposed to be located at ground floor level with three bedrooms location at first floor level, accessed via an internal staircases.
- 8.13 The third property is located predominantly at second floor level which contains two bedrooms, kitchen and a living/dining room. A smaller bedroom is located at second floor level. Access to this unit is provided by a separate secure staircase accessed from Repton Street.
- 8.14 The internal layout of the units is efficient as they allow access to all rooms from a central hallway, and benefit from appropriately positioned windows to allow for adequate access to daylight and sunlight. Balconies and windows provide natural surveillance to the retained parking spaces to the south of the development.
- 8.15 The adjoining terraces are constructed of yellow brick. The proposal is for red brick to contrast with those of the existing terrace, details of which are proposed to be conditioned in order to ensure acceptability.
- 8.16 Balconies are proposed at the rear of the site. They are centrally located at first and second floor level. The size and amenity implications are discussed in the amenity section of the report.

### Size of accommodation

- 8.17 The following table outlines the size of the residential units proposed.

<u>Type of accommodation</u>	<u>Size of unit</u>	<u>Recommended size (Unitary Development Plan)</u>	<u>Does it comply</u>
3 bed 6 person	93sq.m	86.5	Yes
3 bed 6 person	93sq.m	86.5	Yes
3 bed 6 person	100 sq.m	86.5	Yes

#### Loss of permeability

- 8.18 The sites current role as a car park provides direct access for residents to the north of Repton Street to Commercial Road to the South via Brenton Street.
- 8.19 Given Commercial Road is a major road with good transport links, it is envisaged that this route is likely to be popular and well used mainly by residents of Galsworthy Street which is directly north of the car park site.
- 8.20 Should planning permission be granted it would result in a loss of access through this site. This is one of the objections outlined in the submitted petition. The applicant has confirmed that there is no right of way thorough this site and the Councils geographical maps also indicate that Brenton Street has no designated route to Repton Street.
- 8.21 As such, it is considered that the proposal will not result in a significant loss in terms of permeable access to warrant refusal of the application given alternate routes exist in a short distance to Commercial Road. The route to east of Repton Street is Blount Street located approximately 33m from the car park site and to the west of the proposal site is Camdenhurst Street which is 35m away. Both streets provide direct access to Commercial Road.

#### Safety and Security

- 8.22 The applicant has been in constant discussions with the Councils Secure by Design officer with a view to achieving a Secure By Design certificate. The applicant has employed the measures requested by the Secure by Design Officer which include gates restricting the access to the car park south of the applicant site.
- 8.23 As such, it is considered that the proposal has been suitably designed to take safety and security in to consideration.
- 8.24 Overall, it is considered that the design and layout of the proposal maximises the development potential of the site without adversely affecting adjoining properties and providing an acceptable design response to the local context. The development thereby accords with the requirements of policy 4B.3 of the London Plan, saved policy DEV1 of the Unitary Development Plan 1998 and DEV2, and DEV4 of the Interim Planning Guidance which seek to ensure development is well designed by being respectful of local context and maximising the safety and security of users.

#### **Amenity**

##### Sunlight/ Daylight

- 8.25 Saved policy DEV2 of the Unitary Development Plan 1998 seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. This is reinforced by DEV1 of the Interim

Planning Guidance October 2007 which requires development to protect, and maintain the amenity of adjacent residents.

- 8.26 Due north of the application site is the flank wall of Causton Cottages and the proposed building follows the immediate building lines of adjacent properties. As such, it is considered that the proposal will not result in a loss of daylight or sunlight to neighbouring residential properties.

#### Sense of Enclosure/ Loss of Outlook

- 8.27 Given the position of the proposal, the development would not create any unacceptable sense of enclosure or loss of outlook to habitable rooms adjacent to the site.
- 8.28 A concern of the previous application was the location of the balconies. However the centrally located balconies would not result in any direct overlooking to the rear of properties 14-28 Camdenhurst Street and 21-35 Blount Street.
- 8.29 As such, the proposal would accord with saved policy DEV2 of the Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance which seeks to protect and maintain residential amenity.

#### Amenity Space

- 8.30 Saved policy HSG 16 of the Unitary Development Plan and policy HSG7 of the Interim Planning Guidance October 2007 require that all development should have an adequate provision of amenity space. The supplementary planning guidance indicates that 50 sq m should be provided for new housing developments.
- 8.31 Two of the proposed three dwellings benefit from a small front garden and a private garden measuring 25 sqm each. This amenity space is supplemented by an additional 5 sq m in the form of balconies at first floor level.
- 8.32 The third residential has a balcony providing 10 sq m of amenity space in the form of a balcony at second floor level.
- 8.33 Whilst it is noted that the proposed properties do not meet the recommended amenity space required for new development, given the quality and internal size of the units proposed (being three socially rented family sized units) it is considered that on balance this is considered acceptable.

### **Highways**

#### Access

- 8.34 The site is located within an area of good public transport accessibility. The Site is located within walking distance of Limehouse DLR and C2C Stations. The site is also located a short walking distance from Commercial Road where there is a good bus service.

#### Parking

- 8.35 Policies 3C.1 and 3C.23 of the London Plan (Consolidated with Alterations February 2008 and saved policies T16 and T19 of the Council's Unitary Development Plan 1998 seek to ensure developments minimise parking and

promote sustainable transport options.

- 8.36 This reflected in policies CP40 and DEV19 which seek to minimise the use of cars in areas of high public transport and as a result recommends a condition to prevent parking permits being issued to the new residents of the development.
- 8.37 The applicant has entered into discussions to make the development 'car-free' which will prevent the three dwellings from obtaining a vehicle permit. An objection was received on the grounds of the proposal increasing vehicle congestion. However, Subject to the imposition of a car free agreement, this would not be the case with the scheme reducing congestion.
- 8.38 Highways have requested electric charging bays and disabled parking spaces. Whilst, it is noted that the car parking spaces are the relocation of existing bays it is considered that the requirement to provide this would allow the development to be future proved in terms of new technologies for alternative fuel sources. Furthermore, in terms of the disabled spaces these are necessary to ensure those who may not have an alternative means of travel are catered for.
- 8.39 In terms of bicycle provision, the development proposes four cycle spaces located in a secure enclosure. This is in-line with the Interim Planning Guidance and any planning permission will be conditioned to ensure that these spaces are retained.

#### Servicing and Refuse Provisions

- 8.40 Provision for the storage of refuse and recyclable for the residential use has been provided for via an enclosed lockable area at the front of the dwellings. These are suitably located to allow the collection of refuse.

#### **Other**

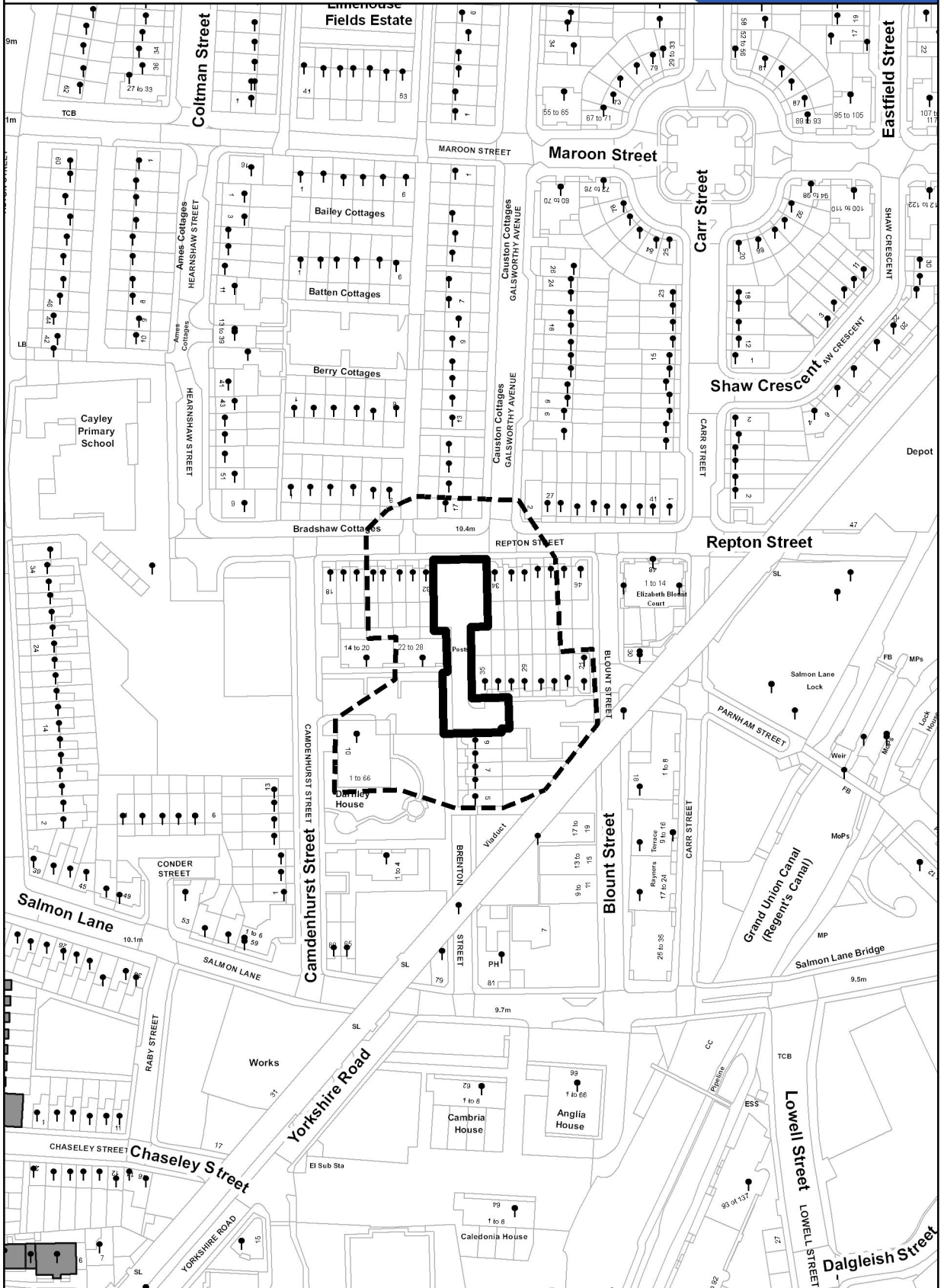
#### Increase in pressure on schools and health centres.

- 8.41 Given the proposal is for three residential units, the Council would not be able to seek financial contributions to mitigate any possible pressure on schools. Furthermore the Council would be unable to justify a refusal on these grounds.
- 8.42 Importantly, the provision of the new socially rented dwellings may allow a family that is already on the Tower Hamlets housing waiting list to be relocated. As such they may already be catered for in existing schools and health centres.

#### **Conclusions**

- 9.0 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



Statutory Listed Buildings



Consultation Area



Land Parcel Address

0 30 m



1:1,750

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



# Agenda Item 7.4

<b>Committee:</b> Development	<b>Date:</b> 3 <sup>rd</sup> February 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.4
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Richard Murrell	<b>Title:</b> Conservation Area Consent  <b>Ref No:</b> PA/09/02557 <b>Ward:</b> Bow East
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## 1. APPLICATION DETAILS

**Location:** Victoria Park, Bow, London.  
**Existing Use:** Park  
**Proposal:** Demolition of toilet block, sports storage block, deer shelter and one o'clock club building.

**Drawing No./Documents:** Drawing: 2816P/608, 2816/608/Panel A

Design and Impact Statement dated November 2009

Phase 1 Ecology Survey dated September 2009  
Bats in Buildings Survey Report dated September 2009

Bat Activity Survey dated September 2009

**Applicant:** London Borough Tower Hamlets (Directorate of Communities, Localities and Culture)  
**Ownership:** London Borough Tower Hamlets  
**Historic Building:** Victoria Park is included on the Register of Parks and Gardens of Special Historic Interest at Grade II.

None of the buildings subject to this proposal are individually Listed.

**Conservation Area:** Victoria Park

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.0 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, Core Strategy LDF (Submission Version and Government Planning Policy Guidance and has found that:

2.1 The five buildings scheduled for demolition have little architectural merit and are of no significant historical interest. The demolition of the buildings would facilitate the implementation of the Victoria Park restoration project and as such would enhance the character and appearance of the Victoria Park Conservation Area and the features of interest of the Grade II Listed Historic Park. The proposal would therefore accord with the objectives of policy DEV28 of the Council's Unitary Development Plan 1998, which seeks to ensure the character of Conservation Areas is not harmed by the inappropriate demolition of buildings.

### **3. RECOMMENDATION**

3.1 That the Committee resolve to **GRANT** Conservation Area Consent subject to the following conditions:-

#### 3.2 Conditions

1. Time Limit
2. No demolition to take place until after survey for the presences of bats, or other protected species.
3. After demolition sites to be restored to grassland, or any other treatment agreed in writing by the local planning authority.
4. Any other condition considered necessary by the Director of Development and Renewal.

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

#### **Background**

4.1 The Council's Directorate of Communities, Localities and Culture are currently developing a project for the comprehensive restoration and improvement of Victoria Park. The project includes both the improvement of the parks existing historic assets and the introduction of new facilities to meet user requirements. The restoration project is currently part of a bid process for Heritage Lottery funding.

4.2 Part of the restoration strategy includes the removal of some existing structures that have been built in a piecemeal fashion over time and are considered detrimental to the park landscape.

4.3 The park is designated as a Conservation Area. In a Conservation Area the substantial demolition of buildings with a volume in excess of 115 cubic metres requires Conservation Area Consent.

4.4 The purpose of the consent regime is to enable a local planning authority to refuse to allow the demolition of buildings of historic interest that contribute to the character and appearance of a designated Conservation Area.

4.5 The Council's scheme of delegation requires that where the Council is the applicant for Conservation Area Consent, the application must be brought before Members for a decision.

#### **Site and Surroundings**

4.6 Victoria Park is a fine example of the English landscape park tradition. It is set out with sweeping lawns, informal tree plantings and irregular lakes. The formal axial road pattern adopted on the park's western periphery drew inspiration from the more formal terraces fringing the Royal Parks of West London. Roads in the area are broad and tree-lined, or fringed with the landscaped front gardens, all reflecting and contributing to the park setting.

4.7 Plans for the park were originally prepared by Sir James Pennethorne, and it was laid out in the early 1840s. The park was not formally opened, but was taken over by 'the people' in 1845. About 24 acres were added to the park in 1872, more or less bringing it to its present 217 acres.

- 4.8 Victoria Park is designated as Metropolitan Open Land and a Grade II Listed Historic Park. The park is also designated as a Site of Nature Conservation Importance. The Hertford Union Canal runs along the park boundary and forms part of the Blue Ribbon Network. Routes on the Strategic Cycle Network, and the London Cycle Network Plus run through the Conservation Area from west to east.
- 4.9 The application seeks conservation area consent for the demolition of the following buildings:-
- One o'clock club buildings.  
Single storey brick built and painted white. The larger club building has a saw-tooth roof structure, glazed with roof lights. The smaller store building has a flat roof with clerestory windows on the west elevation.
  - Pools Playground Toilets  
Single storey brick built with tile roof.
  - Sports Store  
Single storey brick built structure.
  - Deer Shelter  
Single storey timber structure and associated chain-link fencing and fence posts.

### **Planning History**

- 4.10 A suite of planning applications has been submitted to facilitate works required in the Victoria Park Masterplan. To date these comprise:-
- 4.11 PA/09/02554 Installation of items of play equipment over 4m high.  
Approved: 14 January 2010
- 4.12 PA/09/02555 Installation of new gates and railings at Cadogan Gate Entrance and St Marks Entrance. Formation of new entrance and installation of gates to Grove Road.  
Approved: 14 January 2010
- 4.13 PA/09/02556 Re-instatement of Chinese pagoda and two bridges to the restored island within the west lake. Restoration of east lake.  
Under consideration.
- 4.14 PA/09/02558 Relocation of existing bandstand within east side of park.  
Approved: 14 January 2010
- 4.15 PA/09/02748 'Sports Hub' - Erection of single storey building to provide changing facilities, manager's office and public w.c.'s.  
Under consideration

4.16 PA/09/02749 'Eastern hub' - Erection of a single storey building to provide public w.c.'s, cafe, community meeting room and park manager's office.

Under consideration

4.17 PA/09/02750 'Victoria and Alexandra Shelter' - Conversion of existing ancillary park shelter, store and w.c.'s to an all weather facility with enclosed community room, public w.c.'s and ranger station.

Under consideration

## 5. POLICY FRAMEWORK

5.1 The following policies are relevant to the application:

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

Policies:	ST37	Maintenance and enhancement Boroughs Parks
	DEV1	Design Requirements
	DEV15	Retention Mature Trees
	DEV28	Demolition of Buildings in Conservation Areas
	DEV57	Development on site Nature Conservation Importance

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

Core Strategies:	CP49	Historic Environment
Policies	CON2	Conservation Areas
	CON3	Protection of Historic Parks and Gardens

### 5.4 Core Strategy 2025: Development Plan Document (Submission Version December 2009)

Policy SP12: LAP 5 & 6 – Making Victoria Park a 21<sup>st</sup> Century Open Space

### 5.5 Supplementary Planning Guidance/Documents

None relevant

### 5.6 Spatial Development Strategy for Greater London (London Plan) (2008)

None relevant

### 5.7 National Planning Guidance

PPG15	Planning and the Historic Environment
PPS9	Biodiversity

5.8 **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 learning, achievement and leisure

## 6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

**English Heritage (Statutory Consultee)**

6.3 Support the overall restoration project. No specific comments to make on the demolition proposals.

**Garden History Society (Statutory Consultee)**

6.4 No comments received

**Natural England (Statutory Consultee)**

6.5 Note the findings of the submitted Bats in Buildings report. Support recommendations for further surveys to be undertaken of any buildings which will be affected by proposals. Recommend that surveys should be undertaken prior to the grant of permission.

6.6 *Officer comment: Notwithstanding these comments, given the low probability of finding bats in the structures due to be demolished, the LPA are satisfied that on this occasion a condition can adequately be used to secure suitable further survey work for protected species prior to demolition.*

**7. LOCAL REPRESENTATION**

7.1 A site notice was displayed adjacent to the buildings subject to this application. An advertisement was also inserted in the East End Life newspaper. Given the size of Victoria Park and the distance to the closest residential properties it was not necessary to send neighbour notification letters.

The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

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

**8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The main issues for Members' to consider is whether the principle of the demolition of each building is acceptable i.e. whether the building contributes to the character of the conservation area or whether it has some other specific historic merit.

**Principle of Demolition**

8.2 Saved policy DEV28 sets criteria that should be applied when accessing the acceptability of the demolition of buildings in Conservation Areas. It states that the following criteria will be taken into account:-

1. The desirability of preserving or enhancing the character or appearance of the area,
2. The condition of the building,

3. The likely costs of the repair or maintenance of the building,
4. The adequacy of efforts to maintain the building in use, and
5. The suitability of any proposed replacement building.

8.3 The application seeks consent for the demolition of 5 buildings. These comprise:-

Two 'one O'clock club' buildings

8.4 The One O'clock Club is currently used on weekdays as a play facility for the under 5s. As part of the Victoria Park restoration project this function will be re-provided in the (restored) Victoria and Alexandra Shelter.

8.5 The One O'clock Club is located in two single storey brick built buildings. They are painted white. The larger club building has a saw-tooth roof structure, glazed with roof lights. The smaller store building has a flat roof with clerestory windows on the west elevation. The building was constructed in 1974.

8.6 After demolition (estimated to take place in Autumn 2010) the land the existing buildings occupy, together with the adjacent hard standings and walls would be made good, the site re-graded and re-designed as an informal meadow.

Pools Playground Toilets

8.7 The pools playground toilets comprise a small single storey brick building with a tiled roof. As part of the restoration project replacement toilet provision would be provided in a new 'Eastern Hub' – a larger multipurpose facility which would also provide a café, community meeting room and park manager's office.

8.8 The site of the existing toilets would be incorporated into landscape works as part of the masterplan proposals.

Sports Store

8.9 The sports store is a single storey building and is utilitarian in appearance. The building is isolated and unrelated to the existing sports pitch layouts. The site of the store would be incorporated into the landscape works as part of the masterplan proposals.

Deer Shelter

8.10 As part of the masterplan proposals the existing small herd of three female deer are to be relocated to a larger herd away from Victoria Park. The existing deer shelter, which comprises a single storey timber structure, and associated fencing will be removed. The land will be renovated and restored to an informal meadow.

Impact on character of Conservation Area / Historic Interest of Park

8.11 The buildings scheduled for demolition have little architectural interest and are of no significant historical interest. The demolition of the buildings would facilitate the implementation of the Victoria Park restoration project and as such would enhance the character and appearance of the Victoria Park Conservation Area and the Grade II Listed Historic Park. In this respect the proposals also accord with the requirements of criterion one of policy DEV28 of the Council's Unitary Development Plan.

8.12 Given that the buildings are not of any particular merit, criteria 2, 3 and 4 of policy DEV28 are not relevant - as they set tests for the demolition of buildings that have more intrinsic historic merit. Criterion 5 seeks to ensure the acceptability of any proposed replacement buildings

prior to demolition. The purpose of this is to make sure that vacant sites are not left to blight Conservation Areas. In this case the buildings in question are small structures located in a park. A condition would require the land to be restored to grass, which would ensure that the demolition does not have any adverse impacts on the Conservation Area.

**Other issues**

- 8.13 The application has been accompanied by report detailing the findings of a survey which assesses whether any of the buildings are likely to house bat roosts. The study notes that the buildings have a low to moderate potential to act as bat roosts. This is because they are generally of relatively modern construction, have few nooks and crannies where bats may hibernate and do not have accessible roof voids.
- 8.14 In line with the recommendations of the survey, a condition would be imposed on any grant of conservation area consent requiring the completion of further detailed survey work of each building prior to demolition - to ensure that no protected species are unintentionally disturbed. With this safeguard the demolitions are acceptable in terms of London Plan (consolidated with alterations since 2004) 2008 policy 3D.14, which seeks a proactive approach to the protection, promotion, and management of biodiversity.
- 8.15 The demolitions would not have any significant impacts on trees within the park and are acceptable in terms of policy DEV15 of the Unitary Development Plan, which seeks to protect mature trees during development proposals.

**Conclusions**

- 8.16 All other relevant policies and considerations have been taken into account. Conservation Area Consent 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.

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