

Meeting of the

# DEVELOPMENT COMMITTEE

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**Wednesday, 31 March 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 Choudhury</b>	
	<b>Alibor</b>
<b>Councillor Helal Abbas</b> <b>Councillor Fazlul Haque</b> <b>Councillor Shiria Khatun</b> <b>Councillor Harun Miah</b> <b>Councillor Tim O'Flaherty</b> <b>Councillor Muhammad Salique</b> <b>Councillor Rupert Eckhardt</b>	<b>Abdullah</b>  Councillor Shahed Ali, (Designated Deputy representing Councillors Shafiqul Haque, Helal Abbas, Alibor Choudhury, Fazlul Haque, Shiria Khatun and Muhammad Abdullah Salique) Councillor Stephanie Eaton, (Designated Deputy representing Councillor Tim O'Flaherty) 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)  
Councillor Peter Golds, (Designated Deputy representing Councillor Rupert Eckhardt)  
Councillor Tim Archer, (Designated Deputy representing Councillor Rupert Eckhardt )  
Councillor Shirley Houghton, (Designated Deputy representing Councillor Rupert Eckhardt)

**[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, 31 March 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 4<sup>th</sup> March 2010.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 12

### 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>13 - 14</b>	
<b>6.</b>	<b>DEFERRED ITEMS</b>	<b>15 - 16</b>	
<b>7.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>17 - 18</b>	
<b>7 .1</b>	<b>Walburgh House, Jamiatal Ummah School, 56 Bigland Street, London, E1 2ND (PA/09/0299)</b>	<b>19 - 44</b>	<b>Shadwell;</b>
<b>7 .2</b>	<b>Sites Either Side of 2 to 48 Broomfield Street, London (PA/10/00124)</b>	<b>45 - 66</b>	<b>East India &amp; Lansbury;</b>
<b>7 .3</b>	<b>Whatman House, Wallwood Street, London, E14 (PA/10/00119)</b>	<b>67 - 88</b>	<b>Mile End East;</b>
<b>7 .4</b>	<b>Site At Car Park Adjacent to 31 Arrow Road, Arrow Road, London (PA/09/2523)</b>	<b>89 - 106</b>	<b>Bromley-By-Bow;</b>
<b>8.</b>	<b>OTHER PLANNING MATTERS</b>	<b>107 - 108</b>	
<b>8 .1</b>	<b>Greenwich Foot Tunnel, London, E14 (PA/10/00213)</b>	<b>109 - 116</b>	<b>Blackwall &amp; Cubitt Town;</b>

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

### Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.55 P.M. ON THURSDAY, 4 MARCH 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 Shiria Khatun

Councillor Harun Miah

Councillor Tim O'Flaherty

Councillor Peter Golds

Councillor Muhammad Abdullah Salique

**Other Councillors Present:**

**Officers Present:**

Stephen Irvine – (Development Control Manager, Development and Renewal)

Jerry Bell – (Strategic Applications Manager Development and Renewal))

Ila Robertson – (Applications Manager, Development and Renewal)

Bridget Burt – (Senior Planning Lawyer, Legal Services Chief Executives)

Zoe Folley – (Committee Officer, Democratic Services Chief Executive's)

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**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillor Rupert Eckhardt for whom Councillor Peter Golds was deputising.

**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
Shafiqul Haque	7.2	Personal	Correspondence received from concerned parties.  Resides in the ward concerned.
Shiria Khatun	7.3, 8.1  7.3	Personal  Personal and Prejudicial	Ward Councillor  Resides in the area concerned.  Board Member of Poplar HARCA (Applicant)
Muhammad Abdullah Salique	7.2	Personal	Resides in the area concerned.

### 3. UNRESTRICTED MINUTES

**RESOLVED** that the unrestricted minutes of the meeting held on 3<sup>rd</sup> February 2010 be confirmed as a correct record of the proceedings subject to the inclusion of the following Councillors in the list of 'other Councillors present':

Councillor Lutfur Rahman  
Councillor Abdal Ullah  
Councillor Rofique U Ahmed  
Councillor Ohid Ahmed.

A Member also requested that in future, wards be correctly recorded in reports.

### 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**

Nil Items.

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

### **7.1 Brick Lane Arches, London (PA/09/02087 and PA/09/02062)**

The item was withdrawn from the agenda by the Applicant.

### **7.2 83-89 Fieldgate Street, London E1 1JU (PA/09/02660)**

Mr Stephen Irvine, (Development Control Manager, Development and Renewal), introduced the application regarding 83-89 Fieldgate Street, London.

Ms Ila Roberson (Applications Manager, Development and Renewal) presented the detailed report. The application sought to provide additional seating for the existing restaurant located on the ground floor including alterations to the existing shop front.

The previous application (PA/09/01407) was refused and this application sought to overcome the reasons for that refusal. Since that time, officers had worked with the applicant to obtain an acceptable scheme.

In relation to the consultation, 214 neighbouring properties were notified and invited to comment on the proposal. To which a petition containing 128 signatures and 3 responses objecting to the proposal were received.

A key concern was that the proposal would result in increased noise nuisance and disturbance at the premises. However it was considered that the application would address the existing issues at the premises through, amongst other things, the removal of the external seating, the provision of a dedicated function area and a dedicated internal lobby where patrons could wait to be seated. It was emphasised that there was no proposed change to the number of seating at the restaurant. LBTH Environmental Health had reviewed the application and considered that it was acceptable.

Ms Robertson also addressed the concerns about the adequacy of the ventilation system.

In conclusion it was considered that given the number of seats in the restaurant would remain as at present and the mitigation measures proposed, the scheme was acceptable and the impact was satisfactory. As a result Members considered that the application should be approved.

On a vote of 5 for and 0 against, it was –

### **RESOLVED**

1. That planning permission be granted for the conversion of part basement floor (currently used as storage area) and first floor (currently used as residential) into seating area for the existing restaurant located on the ground floor including alterations to existing shopfront subject to:
2. That the Corporate Director Development & Renewal be delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions**

1. Permission valid for 3 years.
2. Full implementation of the service management plan
3. Retention of the waiting areas
4. Removal of the redundant extract ducts
5. Condition restricting hours of operation
6. In accordance with the approved drawings.
7. 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 Development & Renewal

### **7.3 Site at Land Bounded by Cordelia Street, Carron Close and Chrisp Street, London E14 (PA/09/02657)**

Mr Stephen Irvine, (Development Control Manager, Development and Renewal) introduced the report, regarding the Site at Land Bounded by Cordelia Street, Carron Close and Chrisp Street.

Mr Jerry Bell (Strategic Applications Manager, Development and Renewal) presented the detailed report. Officers considered that the height, scale and design of the proposal was acceptable and in line with relevant planning policy. The application would provide high quality affordable housing including social rented units and a good provision of open space. In fact there would be a marginal increase in open space. Planning contributions had been secured towards education, healthcare, leisure, open space and highways.

Councillor Shiria Khatun left the meeting at 8:15 pm for the consideration and voting on this application.

On a unanimous vote, it was –

### **RESOLVED**

1. That planning permission be granted for the demolition of existing residential buildings on site and construction of buildings between three and nine storeys to provide 117 residential units, 300 sqm of commercial floorspace comprising retail, restaurant, business and non-residential institution (Use Classes A1, A3, B1 and D2). Provision of open space improvements and car parking subject to

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

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

#### Financial Contributions

a) Provide a contribution of **£130,973** towards the provision of future health and social care facilities.

b) Provide a contribution of **£221,156** towards the provision of primary school places.

c) Provide a contribution of **£63,239** towards the provision of Leisure facilities.

d) Provide a contribution of **£59,998** towards the provision of Open Space.

e) Provide a contribution of **£100,000** towards highways improvements.

#### Non-financial Contributions

d) Affordable Housing (40%)

f) Car Free Development for all new units

g) Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.

- h) Travel Plan to encourage sustainable travel to and from the development by residents.
  - i) Construction Logistics Management Plan
  - j) Servicing Management Plan
  - k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.
4. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
5. 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. Time Limit
2. Accordance with the approved plans
3. Contaminated land survey
4. Full landscaping details including playspace details to be approved
5. Proposed disabled parking to be implemented prior to occupation of the units and retained.
6. Location and appearance of photovoltaic panels to be approved
7. Samples / pallet board of all external facing materials to be approved
8. Extraction or ventilation equipment to be approved
9. Hours of operation for the commercial use (8:00-21:00 Mons-Sun)
10. Delivery hours for commercial use (8:00-19:00 Mon-Sat, 10:00-18:00 Sun)
11. Hours of construction (08.00 until 18.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
12. Control of hammer driven piling or impact breaking development works (Only 10:00 – 16:00 Monday to Friday. No works Saturday, Sunday or bank holidays).
13. Impact piling method statement to be approved
14. All residential accommodation to be completed to lifetimes homes standards
15. At least 10% of homes wheelchair accessible or easily adaptable
16. Code for Sustainable Homes Assessment (level 3)
17. Heat Network to be operational prior to occupation
18. Photovoltaic panels to be installed prior to occupation
19. Air Quality details to be approved prior to commencement
20. Scheme of Highways improvements (S.278 agreement)
21. Surface Water Drainage details to be submitted and approved
22. Details of any fencing / boundary treatments prior to erection

Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

**Informatives**

1. Contact Thames Water
  2. Contact Building Control
  3. S278 Highways Agreement and Oversailing license
  4. Highways Informatives
  5. Any other informative(s) considered necessary by the Corporate Director Development & Renewal
6. That, if by 26<sup>th</sup> March 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

Councillor Shiria Khatun rejoined the meeting at 8:20 pm for the consideration of the remaining items of business.

#### **7.4 137 Tredegar Road, London E3 2EA (PA/09/02084)**

Addendum Update Report Tabled.

Mr Stephen Irvine, (Development Control Manager, Development and Renewal), introduced the application for change of use.

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

Mr Omar Khahraman the Applicant's agent speaking in support of the application presented the reasons why the planning permission should be granted. He reported that the Applicant had already invested a substantial amount of funding into the scheme. His client had sought professional advice hence had carefully gone through all of the previous concerns raised in November 2009. He considered that the proposal would provide the local community with seven jobs. He considered that the application now contained provisions to deal with the concerns around pollution and odour. He considered that the ventilation system proposed was adequate and the noise assessment complied with the BSI requirements. The noise levels would fall below ten decibels. There would be a carbon energy filter. The application would be prepared to install a second carbon energy filter if necessary. In relation to noise disturbance, the premises had CCTV, the staff would discourage patrons from parking outside. The application would also display signs asking people to leave quietly. He considered that there would be no adverse traffic issues as the road outside was relatively quiet. He urged the Committee to support the application.

Councillor Marc Francis, speaking in objection to the application, reported on the reasons why he objected to the conversion. He stated that whilst there was a policy to reduce obesity in young people, which was welcomed, his objection was not so much based on that, but on the specific concerns stated in the report regarding noise nuisance, increased parking and traffic congestion. He expressed concern at the impact on the Roman Road Market Conservation Area and the nearby residents of the area. He also considered

that the ventilation and storage systems were inadequate. He considered that the application should be refused.

Ms Robertson (Applications Manager Development and Renewal) presented the detailed application. Ms Roberson addressed the issues raised in representations to the application regarding impact on the surrounding residential area.

Ms Robertson also drew attention to the premises close proximity to the Roman Road Market Conservation Area. The proposal would fail to enhance the conservation area. It would also result in an unacceptable increase in noise and disturbance to residential occupiers through increased activity. LBTH Environmental Health did not consider that the proposed extraction flue would neutralise the odours from the premises. It would also be visible from the Conservation Area.

Members queried how the application differed from the two previous rejected applications which was answered by officers. Mr Irvine also clarified the scope of the pre application negotiations.

Members considered that the proposed conversion would attract traffic in an area that was already congested, would result in an unacceptable increase in noise disturbance and pollution. For the reasons set out in the report, Members considered that the planning permission should be refused as per officers recommendations.

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

### **RESOLVED**

That planning permission be refused for the change of use of retail shop (Use Class A1) to restaurant (Use Class A3) and installation of fume extraction system.

## **8. OTHER PLANNING MATTERS**

### **8.1 Lansbury Lawrence Nursery School, Cordelia Street, London E14 (PA/09/02134)**

Ms Ila Roberson (Applications Manager, Development and Renewal) presented the application.

On a unanimous vote it was –

### **RESOLVED**

1. That the application for internal and external alterations and refurbishments to the nursery school buildings including some demolition, connecting and enlarging the two buildings on Cordelia

Street by infilling a small yard and raising the roof of the lower building and the re-location of pupils toilets in south block from within classrooms to a single central area be referred to the Government Office for London with the recommendation that were it within its authority to do so the Council would be minded to grant Listed Building Consent and that power be delegated to the Head of Planning and Building Control to recommend to the Secretary of State conditions and informatives to secure the following matters:

2. 1. Development to be implemented within three years
2. Details of the following to be submitted and approved before work commences:
  - a) revised drawings to show the north elevation of the proposed infill set back from the building line of the two existing buildings
  - b) detailed drawings of the junction between the retained roof of the original 'blue class' building and the proposed extension
  - c) bricks (including sample panels to show bond, mortar and pointing) roofing, coping, roof lights and windows for proposed parents/dining room. Re-use salvaged bricks.
  - d) retention, cleaning and re-use of terrazzo lavatory partitions and omission of encasement panels.
  - e) internal finishes for new toilet areas.
  - f) all new work and work of making good to original fabric to match original in terms of materials, detailed execution and finished appearance
- 3.3 Informatives .  
Listed building consent would be required for the incorporation of security fencing above the altered building and you are advised that such structures are considered detrimental to the character and appearance of the conservation area.

The meeting ended at 8.30 p.m.

Chair, Councillor Shafiqul Haque  
Development Committee

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# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

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

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

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# Agenda Item 6

<b>Committee:</b> Development	<b>Date:</b> 31 <sup>st</sup> March 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> 31 <sup>st</sup> March 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 Committee	<b>Date:</b> 31 <sup>st</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.x
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Shay Bugler		<b>Ref No:</b> PA/09/2499	
		<b>Ward(s):</b> Shadwell	

## 1. APPLICATION DETAILS

- 1.1 **Location:** Walburgh House, Jamiatal Ummah School, 56 Bigland Street, London, E1 2ND
- 1.2 **Existing Use:** Second level school and associated library and prayer facilities
- 1.3 **Proposal:** Demolition of existing buildings and erection of an eight storey building plus three basement levels, including an open play area and terrace and erection of a new building to provide a two form entry secondary school, community centre, student accommodation, funeral facilities, library, multi-purpose sports hall, gymnasium, retail unit, cafeteria, crèche, health facility, basement level car parking; cycle storage and refuse storage facilities.
- 1.4 **Drawing Nos:** 640/1024 Rev C; 640/1025 Rev C; 640/1033 Rev B; 640/1051 Rev B; 640/1052 Rev B; 640/1053 Rev B; 640/1061 Rev B; 640/1062 Rev B; 640/1063 Rev B; 640/1064 Rev B;
- 1.5 **Supporting Documents**
- Structural Assessment of potential for reuse of existing building by Campbell Reith consulting engineers dated November 2009
  - Transport Assessment by ML Traffic Engineers (Version 1) dated November 2009
  - Document entitled "Response to a meeting with Borough Council of Tower Hamlets" by ML Traffic Engineers dated 24<sup>th</sup> February 2010
  - Energy Statement prepared by Eight Associates dated 10<sup>th</sup> February 2010
  - Energy Statement addendum by Eight Associates dated 3<sup>rd</sup> March 2010
  - Planning & Regeneration Statement prepared by CgMs consulting dated November 2009
  - Design & Access Statement prepared by PA Architects Ltd dated November 2009
  - Impact Statement by CsMs consulting dated November 2009
  - Appendices to Impact Statement prepared by CsMs dated November 2009
  - Cycle & motor cycle parking provision dated 23<sup>rd</sup> February 2010 by PA Architects Ltd

- 'Transport (Travel) Survey of the existing Darul Ummah dated 23<sup>rd</sup> February 2010 by PA Architects

- 1.6 **Applicant:** Dawatul Islam for Darul Ummah Community Centre  
 1.7 **Owner:** Dawatul Islam  
 1.8 **Historic Building:** N/A  
 1.9 **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 Plan 2008 (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 (as saved September 2007) and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007) for the purposes of Development Control (October 2007): Core Strategy Development Plan Document 2025 (Submission version December 2009), and Government Planning Policy Guidance and has found that:
- 2.2 The proposed demolition of the existing building is acceptable as it is not listed or located within a Conservation Area. As such, planning consent for the demolition is not required.
- 2.3 The proposal will provide a valued facility for local residents which will provide numerous benefits in terms of education, social and community facilities, whilst respecting the existing residential activity adjoining the site. It is therefore considered to be in accordance with saved policy SCF11 of the Unitary Development Plan 1998, policies CP27 and SCF1 of the Interim Planning Guidance October 2007 and policies SP03 and SP07 of the Core Strategy Development Plan Document 2009 which seek to support community services and facilities where they do not affect or detract from the amenity of adjoining residential occupiers.
- 2.4 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 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.5 Subject to conditions requiring the submission and approval of details and samples of finishing materials and landscaping, it is considered that the building height, scale, bulk and design is acceptable and in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1, DEV2, DEV3 of the Council's Interim Planning Guidance (October 2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document 2009 which seek to ensure buildings and places are of a high quality of design and suitably located.
- 2.6 The amenity of adjoining residents will be maintained, subject to conditions controlling the opening hours being implemented, including a prohibition on amplified noise. In addition, there is no undue loss of light, privacy, increased sense of enclosure or overlooking created. As such, the proposal accords saved



policies DEV2, DEV50 and HSG15 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance October 2007 and policy SP03 of the Core Strategy Development Plan Document 2009 which seek to safeguard the amenity of residential occupiers of the Borough and to minimise noise disturbance.

- 2.7 Subject to conditions requiring the submission and approval of further transport studies, it is considered that the activity would not adversely impact the adjoining local road network given the accessibility of the site by public transport and that the centre is aimed at local residents. Therefore, the proposal accords with saved policy T16 of the Unitary Development Plan 1998, policies CP41 and DEV17 of the Interim Planning Guidance October 2007 and policies SP08 and SP09 of the Core Strategy Development Plan Document 2009 which seek to ensure development reduces the need to travel and encourages alternative sustainable means of transport to ensure no adverse impacts on the safety or capacity of the transport network.
- 2.8 Sustainability matters, including energy, are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan, policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007) and policies SP04, SP05 and SP11 of the Core Strategy Development Plan Document 2009, which seek to promote sustainable development practices.
- 2.9 Contributions have been secured towards the provision of highway works; open space improvements and library and archive facilities are in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.2 B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
- £30, 000 for the pedestrian improvement measures in the area
  - £10,000 for traffic management and traffic order changes
  - £10, 000 for street lighting works/improvement
  - £5,000 towards Parking Management Plan
  - £105,000 towards open space improvements including contribution to Gosling Gardens park which is located opposite the site
  - £3, 640 towards libraries and archives

#### Non-financial Contributions

- 'Car free' agreement
- Local labour in construction
- Travel Plan required
- Requirement to provide access to community facilities for members of the public
- Code of Construction practice

- 3.3 Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Head of Development Decisions is delegated power to impose conditions on the planning permission to secure the following

3.5 **Conditions**

1. Permission valid for 3 years.
2. Submission of samples / details / full particulars of:
  - a. Façade design and detailing;
  - b. facing materials, glazing,
3. Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
4. Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
5. Contaminated land: desk study, site investigation, risk assessment and mitigation
6. Hours of opening – 06.00 – 22.30 hours Monday to Friday and 09.00 – 21.00 hours on Saturdays and Sundays (for all uses)
7. No amplified call to prayer
8. Submission of Service Management Plan
9. Submission of details of cycle parking
10. Submission of Construction Logistics & Management Plan
12. Details of two car parking space to be installed with an electric vehicle recharging point.
13. Details of waste arrangements and their collection should be conditioned.
14. Secure by Design Statement required
15. Details in the approved Energy Strategy shall be implemented
16. Details of refuse & recycling facilities for each use
17. Details of design of ventilation shafts
18. Details of noise mitigation measures
19. Management Strategy for the building
20. Installation of a heat networking supplying all spaces within the development
21. Details of energy cooling strategy
22. Details of BREEM Assessment
23. Schedule of highway improvement works
24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.6 **Informatives**

1. Section 106 agreement required.
  2. Section 278 (Highways) agreement required.
  3. Site notice specifying the details of the contractor required.
  4. Construction Environmental Management Plan Advice.
  5. Environmental Health Department Advice.
  8. Metropolitan Police Advice.
  9. Transport Department Advice.
- 3.7 That, if by 31<sup>st</sup> June 2010 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

4. **PROPOSAL AND LOCATION DETAILS**

- 4.1 The proposal involves the demolition of the existing building and erection of a 8 storey building plus 3 basement levels to incorporate the following:

<b>FLOOR LEVEL</b>	<b>LAND USES</b>
Basement level 3	Multi-purpose Hall Male/female changing areas Community Cafeteria Garden Court Kitchen
Basement level 2	Gymnasium Activity studio Cafeteria Female changing area
Basement level 1	Car parking /service parking Cycle stores Male WUDU Funeral reception area Access ramp to street level
Ground floor level	Main prayer hall Entrance Concourse Main school access Shop Funeral facility Iman's area
First	Female prayer hall Female WUDU Female Youth Room Creche Play Space Concourse Terrace Residential access entrance
Second	Library Heathcare facility Project Rooms Stores
Third	Secondary school
Fourth	Secondary School
Fifth	Open space/play area
Sixth	Student accommodation
Seventh	Student accommodation

Access to uses

- 4.2 Access to the basement levels are from Bigland Street on the eastern boundary

to the site.

- 4.3 The main entrance to the proposed building is on the corner of Bigland Street and Tillman Street.
- 4.4 The ground floor concourse entrance provides access to the educational, prayer halls and community facilities with a lift leading to the school at third, fourth and fifth floors.
- 4.5 The student accommodation is accessed from a separate entrance on the south side of the building. This facility will accommodate 34 female students.

### **Site and Surroundings**

- 4.6 The site is located in Shadwell on the South side of Bigland Street. The surrounding area is predominantly residential in character. The context of the form of development in the vicinity is established by 4 storey flats to the immediate east, south and north of the site. To the west of Tillman Street is the 22 storey high development of Luke House with an attached 2 storey building used as the local housing office.
- 4.7 Opposite the site is a park, Gosling Gardens, which extends back from the street and then across, westwards, to the boundary of the more recent development of Bigland Green Primary School situated to the north west. Further north, adjacent to Bigland Green Primary, is Mulberry Secondary Girls school with an attached leisure centre. To the west of Luke House there is a hard surface games area for a variety of sports uses.
- 4.8 The application site encompasses the area previously occupied a former London School Board School.
- 4.9 The site has a Public Transport Accessibility Level (PTAL) rating of 6a. As such, the site is highly accessible. The site is located close to Aldgate East and Whitechapel underground stations and within walking distance to Shadwell DLR. In addition, the site is located approximately 250m of distance from bus services on Commercial Road and Cannon Street.

### **Relevant Planning History**

- 4.10 Ref no: PA/98/1365: The conversion of existing laboratory block into 1 bedroom caretakers flat and change existing workshop into a tuckshop plus an extension to enlarge the schools WC provisions. This was approved on 08/03/1999

## **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 **The London Plan 2008 (consolidated with alterations since 2004) - the Mayor's Spatial Development Strategy**

3A.24	Education facilities
3C.23	Parking strategy
3A.17	Addressing the needs of London's diverse population
3A.18	Protection and enhancement of social infrastructure and community facilities
3A.3	Maximising the potential of sites
3A.13	Special needs and specialist housing
3A.21	Locations for health care
3A.18	Protection and Enhancement of social infrastructure and community facilities
3A.21	Locations for Health Care
3A.25	Higher and further education
3C.1	Integrating Transport and Development
3C.3	Sustainable Transport in London
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
4A.3	Sustainable Design & construction
4A.4	Energy Assessment
4A.6	Decentralised energy heating, cooling and power
4A.7	Renewable Energy
4A.19	Improving air quality
4A.20	Reducing noise and enhancing soundscapes
4A.22	Spatial policies for waste management
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an Inclusive Environment

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

Proposals: Not subject to site specific proposals

Policies: Environment Policies

ST45	Education and training
ST46	Encourage education and training provision at accessible locations
ST37	Enhancing Open Space
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV50	Noise
DEV51	Contaminated Land
EMP1	Encouraging New Employment Uses
EMP6	Needs of Local People
HSG6	Separate Access
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes

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

Policies	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating green and blue grid
	SP05	Dealing with waste
	SP09	Making connected places
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Vision, priorities and principles for Stepney

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

Policies:	CP4	Good design
	CP27	High quality social and community facilities to support growth
	CP29	Improving education and skills
	CP30	Improving the quality and quantity of open spaces
	CP38	Energy efficiency and production of renewable energy
	CP39	Sustainable waste management
	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV12	Management of demolition and construction
	DEV13	Landscaping and tree preservation
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for motor vehicles
	DEV22	Contaminated Land
	OSN2	Open space
	SCF1	Social and community facilities
Proposals:	C12	Development Site (Specific uses have not yet been identified)
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP41	Integrating Development with Transport
CP46	Accessible and Inclusive Environments	
Policies:	Development Control Policies	
	DEV1	Amenity

DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV22	Contaminated Land
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
CON1	Setting of a Listed Building
CON2	Conservation Area

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

Designing Out Crime  
Residential Space  
Landscape Requirements  
Archaeology and Development

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

PPS1	Delivering Sustainable Development
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control (2004)
PPG24	Planning & Noise

#### 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  
A better place for learning, achievement and leisure  
A better place for excellent public services

### 6. **CONSULTATION RESPONSE**

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

#### **LBTH Cleansing**

6.2 No comments were received from LBTH Cleansing department.

#### **LBTH Education**

- 6.3 LBTH Education officers has expressed concern on traffic and transport impact on Bigland Street. The increase in size of Jamiatul Ummah School will have an impact on travel at key points in the school day for both this school and Bigland Green Primary School which has approximately 470 pupils.

*(Officers comment: The applicant is currently undertaking further studies on trip generation and its overall impact on traffic. This will be addressed in the update report)*

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

- 6.4 The Sustainable & Energy Strategy is acceptable subject to the following conditions:
- Details of energy cooling strategy
  - Details of BREEM Assessment

*(Officers comment: The applicant will be required to submit the above details for approval prior to the commencement of works on site. This will be secured by way of condition).*

#### **LBTH Environmental Health**

##### Noise & vibration

- 6.5 The Impact Statement states that adequate noise insulation measures is required to ensure good levels of wall insulation to prevent unacceptable levels of noise emanating from activities within the centre. However details of this have not been submitted to the Council.

*(Officers comment: The applicant will be required to submit details of noise insulation measures. This will be secured by way of condition)*

##### Code of Construction Practice:

- 6.6 A detailed code of construction practice should be provided by the applicant as well as an agreement for COPA(1974) section 61 with LBTH Environmental Health (COCP) so as protect the amenity of residents of the adjoining/nearby properties.

*(Officers comment: The applicant will be required to submit a code of construction practice to the Council. This will be secured in the S106 Agreement)*

##### Daylight & Sunlight

- 6.7 The Daylight & Sunlight officer has assessed the submitted Daylight & Sunlight report and is satisfied that the Development will not result in unacceptable loss of daylight and sunlight levels to surrounding properties).

#### **LBTH Highways**

- 6.8 The Transport Assessment does not sufficiently address the following Highways matters:



- Service and delivery management
- Cycle parking
- Trip generation & its associated impact on traffic matters

*(Officers comment: The applicant shall be required to submit details on cycle parking, servicing & delivery management prior to the commencement of works on site. This will be secured by way of condition.*

*The applicant is currently undertaking further studies on trip generation and its overall impact on traffic. This matter will be addressed in the update report).*

### **Transport for London (Statutory)**

- 6.9 Transport for London note that the scheme is not referable to the Greater London Plan and that the site is “relatively remote from the TLRN (A13) and is not directly above the East London Line tunnels of DLR”. TFL do not wish to formally comment further of the scheme.

### **Environmental Agency**

- 6.10 The Environmental Agency has confirmed that they do not have any formal objections to the principle of the proposed development but notes the following with respect to ground quality and land contamination:

#### Groundwater Quality

- 6.11 The construction of the building with a deep basement extends through the silts, and into the London Clay. Best practice needs to be applied to avoid any contaminants being introduced into the shallow aquifer, or the Ground Water flow being disrupted for any reason.

*(Officers comment: The Environmental Agency have not requested to condition groundwater quality details. The applicant is advised to contact the Environmental Agency to discuss the matter of groundwater quality further. This advice will be attached as an informative to the decision notice).*

### **Land Contamination**

- 6.12 It is recommended that the requirements of PPS23 and the Environment Agency Guidance on Requirements for Land Contamination Reports and EA Land Contamination: A Guide for Developers should be followed.

*(Officers comment: The applicant is required to submit a land contamination study. This will be secured by way of condition)*

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 334 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours were as follows:

No of responses:	Objecting: 5	Supporting: 328
No of petitions:	Objecting: 0	Supporting: 0

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

## **Objections**

### Amenity

- 7.2 An eight storey building will cast a greater shade over Chapman House. This would adversely impact on daylight levels to this property.

*(Officers comment: A daylight & sunlight report was submitted as part of the formal application. The report confirms that the extent of overshadowing to the rear gardens at Chapman House is less than 20%. As such, it complies with BRE guidelines. The proposal will not have an adverse impact in terms of overshadowing or loss of daylight).*

- 7.3 The proposal will result in excessive noise, loss of light and loss of a green area.

*(Officers comment: With reference to noise, details of noise mitigation measures will be submitted and approved in writing prior to the commencement of work on site. This will be secured by condition. With reference to loss of daylight, the proposal would not result in an due loss of daylight to surrounding properties as demonstrated in the Daylight & Sunlight report and verified by the Councils Daylight & Sunlight officer. With reference to "a loss of a green area", there is no loss of a green area on site. Therefore, the proposal will not result in the loss of green open space).*

### Design & land use

- 7.4 The scale of development does not relate to its context and will result in overdevelopment of the site.

*(Officers comment: It is not considered that the scale of development would not lead to overdevelopment of the site. The scale of the development responds to the surrounding content and provides a valuable social and community facilities accessible to all members of the public)*

- 7.5 With reference to historic buildings, a recent English Heritage document concludes that refurbishment rather than demolition is usually the most sustainable option of historic school buildings.

*(Officers comment: English Heritage have not made a recommendation to retain the existing building on site)*

- 7.6 The existing site should not be demolished for the following reasons:

- The site contains a cookery centre, designed by Robson, which is a pioneering example of such additions, that were intended to provide

practical and vocational training for children.

- The existing building is one of the earliest surviving " Queen Anne" board school in London. It is of national importance as various " Queen Anne" styles were used by Robson and Bailey for practically all the board schools built in London between 1874 and 1904.
- In the playground there is a little single storey building which is possibly the sole surviving example from Robson's first generation of purpose built cookery centres for girls.
- The building is of historical value and should be saved for the enjoyment of the community it serves and for the benefit of future generations.
- The retention of historic school buildings is a far more sustainable option than demolition and redevelopment which takes no account of the embodied energy in the hard-wearing materials used for historic buildings.
- The building is an important landmark for the area and represents a remarkably complete board school site.
- The former lower Chapman Street School building is an early example of a London Board school. Between 1870 and 1902 hundreds of Board Schools were built in London with the intention of providing primary education for all children. The former lower Chapman Street Board School is a local landscaping and has architectural interest and should be preserved.

*(Officers comment: The existing building is not nationally or locally listed building. Neither English Heritage or the Council has deemed the building necessary to be listed. In addition, the building is not in a Conservation Area. As such, the Council does not have planning powers to retain the building. Notwithstanding, the existing building is in poor condition and does not contribute to the appearance of the area. It is considered that the proposal scheme will enhance the appearance of the area whilst providing a valuable social and cultural community facility for the public).*

7.7 The existing building should not be demolished for the following reasons:

- The assertion by the applicant that the conversion of the existing building would not be feasible and would result in an inefficient use of space is unsubstantiated and implausible.
- The building itself has been passed as fit to be adapted for a new purpose and can be safely renovated as the building itself is in fine shape and open for these changes.
- Victorian and Edwardian schools can provide very good working environments with their large, airy rooms allowing in fresh air and natural light.

7.8 *(Officers comment: The applicant has not provided a viability assessment to demonstrate that the refurbishment of the existing building would be*

feasible. However, the applicant has submitted a Structural Assessment which examines the potential for reuse of the existing building. The report concludes that:

a):” The existing buildings are currently perceived to be in a satisfactory state of repair. However, they are not, or are unlikely to comply with current Building Regulations requirements in a number of key area, principally in respect of thermal losses through the fabric, fire resistance, and air tightness. In addition the current provisions for disabled persons access need to be improved and the services installations throughout the building need to be assessed and replaced/upgraded to meet with current standards and to suit the proposed configuration of the redeveloped school.

b): Retention of the existing building imposes substantial constraints on the size and layout of accommodation which can be provided on the site, and in addition requires substantial structural and fabric alterations to be undertaken to upgrade the building to current standards”.

*It is considered that the existing building does not provide a high quality working environment for students. The replacement of the existing building will provide a new facility which meets the requirements of the school and local community in a much more efficient and comprehensive manner than the refurbishment and extension of the existing structure).*

### Highways

- 7.9 The proposal will result in a substantial increase in traffic to the surrounding area. Extra parking will lead to further congestion.

*(Officers comment: Details of the trip generation assessment will be addressed in the update report. Notwithstanding, there are no new additional car parking spaces proposed. The site has a PTAL rating of 6a which means that the site is highly accessible. As such, it is not considered that the proposal will result in a substantial increase in road traffic to the area).*

- 7.10 The change in road line in front of the building on Bigland Street site should be addressed as this causes highways problems.

*(Officers comment: There is no evidence to suggest that the layout of the building would cause highways concerns)*

### Support

- 7.11 As noted in section 7.1 of the report, the proposed scheme received 328 letters of support. The scheme is supported on the following grounds:
- 7.12 The new building will improve learning & sports facilities.
- 7.13 The existing school building is in poor condition and has no playground facilities. The proposed development provides much needed community facilities

including new play facilities; refurbished gym, school and Mosque.

- 7.14 The new building will be modern, open and welcoming to all its local residents and the member of public.
- 7.15 The new building will have state of the art technology and more courses will be offered to 2<sup>nd</sup> level students.
- 7.16 The proposal will offer a modern outlook which will compliment the recent modernisation of Shadwell area.
- 7.17 The proposal provides a much needed comprehensive centre.
- 7.18 (Officers comment: All representations (both letters of objection & support have been taken into consideration in the assessment of the application)

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

- Demolition of existing building
- Land Use
- Design
- Amenity
- Highways
- Energy & Sustainability

### Demolition of existing building

- 8.2 The existing building was originally used as a board school and over the years became used as a day school and place of worship. Planning permission is required to demolish a building only if the building is listed or falls within a Conservation Area. The existing building is not listed nor is it in a conservation area. As such, planning permission for the demolition of the existing building is not required.
- 8.3 The demolition of the existing building and replacement with the proposed development will result in a high quality multi functional building which provides a valuable community facility to all as discussed in the following sections of the report.
- 8.4 English Heritage not formally consulted on the proposed redevelopment of the site as the building is not listed. As such, English Heritage is not a Statutory consultee for this application. Notwithstanding, English Heritage has noted that " As the Government's statutory adviser on the historic environment with responsibility for listing, the Secretary of State asked us whether the building holds special architectural or historic interest".

*(Officers comment: English Heritage have not formally responded as yet. As such, the views of English Heritage on the architectural and historic value of the building are unknown at present).*

### Land use

### *Secondary school*

- 8.5 The principle of a secondary school use has already been established on site. The proposal will facilitate the expansion of the Jamiatal Ummah Secondary school from its present student population of approximately 150 students to 300 students. The current school is a single form entry; the proposal is for a two form entry with A level intake.
- 8.6 Saved policy ST45 of the UDP (1998) seeks to ensure that sufficient buildings are available to meet all existing and future educational needs arising in the Borough. Saved policy ST46 of the UDP encourages educational and training provision at locations which are accessible to the Borough's residents. Policy CP29 of the Interim Planning Guidance (2007) seeks to improve education and skills within the Borough through educational and training initiatives and adequate education facilities. These policies are, in turn, are supported by policy SP07 of the Core Strategy DPD which seeks to improve education and skills by supporting developments which encourage local enterprise.
- 8.7 Policies ST47, ST48 & ST49 (Education & Training) stipulates that the Council will encourage education and training at locations accessible to the boroughs residents, with measures to support the skills requirements of residents and businesses and to maximise the benefits offered by educational facilities.
- 8.8 Policy EDU3 of the UDP advocates that permission for new or extended schools and nurseries will be considered favourably where the Council is satisfied that there is a need for the proposal and that it is on a site which is easily accessible by public transport and accords with other UDP policies relating to Environment, Transport, Economy & Employment. Policy EDU5 of the UDP states that the dual use of education facilities for social, sports, cultural and recreational use will be allowed where there is no adverse impact on the amenity of nearby residents. CP29 of the IPG (Oct 2007) refers to the support for education providers which address the skills requirements through adequate education facilities.
- 8.9 The proposal site has a PTAL rating on 6a. As such, the site is very accessible by public transport. The expansion of the school addresses the requirements of the local community. The Socio Economic Assessment submitted by the applicant illustrates that there is a significant requirement for additional school places post 2015, whether a low of high increase in population occurs.
- 8.10 It is considered that a larger secondary school with improved facilities (social, sports, cultural) on site would benefit the local community. In addition, the use would not have an adverse impact on the amenity of local residents.
- 8.11 The proposal therefore adequately complies with policies ST47, ST48, ST49, EDU3 & EDU 5 of the UDP; policy CP29 of the IPG (Oct 2007) & SP07 of the Core Strategy Document (Submitted version dated December 2009) which seeks to ensure that education facilities are easily accessible and offer a benefit to the community.

### Student accommodation

- 8.12 The proposed third level student accommodation is located on the sixth and

seventh floors. The student accommodation is designed for 34 (female students). The applicant notes that "the provision of female only student accommodation is regarded as an important element of the proposed development. It is seeking to make available accommodation to female students wishing to attend universities and colleges in London but currently unable to do so because there is very limited female accommodation available".

- 8.13 Pursuant to the Mayor's Policy 3A.25, the Mayor and boroughs should work with the LDA and higher education sectors to ensure that housing needs are met including the provision of student accommodation. In general, Policy HSG 14 of the LBTH UDP 1998 as well as Policy CP24 of the Interim Planning Guidance encourage student housing in the borough. Policies CFR1 of the City Fringe AAP identify that the Aldgate is appropriate for student accommodation, given the presence of London Metropolitan University (LMU) and the potential consolidation of its activity to this area. The site is located within close proximity to LMU. As such, the proposed specialised student accommodation for 34 students on the subject site is appropriate and acceptable.

#### Social and community facilities

- 8.14 Apart from a secondary school and student accommodation use, the proposal makes provision for the following social and community facilities:
- a) library
  - b) community centre
  - c) health care facility
  - d) crèche
  - e) multi purpose sports hall
  - f) gymnasium
  - g) retail unit
  - h) cafeteria
  - i) prayer hall and funeral facilities
- 8.15 Policy 3A.18 Protection and enhancement of social infrastructure and community facilities seeks to ensure facilities which include services for young people, older and disabled people, sports and leisure facilities, libraries, schools, nurseries and childcare facilities, community halls, meeting rooms and places of worship are being met wherever possible and are within easy reach by walking and public transport for the population that uses them.
- 8.16 Policy 3A.17 of the London Plan seeks to ensure that the needs of diverse groups are identified. The policy states that the spatial needs of these groups are met wherever possible, both through general policies for development and specific policies relating to the provision of social infrastructure including healthcare and social care, the public realm, play space and open space, inclusive design and local distinctiveness, community engagement, access to employment/skills development opportunities. This policy should have particular relevance to the additional guidance set out in the 'Planning for equality and diversity in London' SPG which accompanies the London Plan. This guidance has particular reference to the existing disparities experienced by London's older people, children, women and black, Asian and minority ethnic groups. The document aims to ensure an inclusive London that builds upon its diversity. In the case of this application, it is considered that this policy is relevant in the case of the redevelopment of Walburgh House Jamiatal Ummah School in providing 2 prayer halls and funeral facilities for the local community.

- 8.17 Policy CP27 of the Interim Planning Guidance (2007) and policy SP03 of the Core Strategy SPD (2009) build upon policy 3A.17 of the London Plan, and support the provision of high quality social and community facilities. The policies specifically support the multiple use of social and community facilities, for a mix of sporting, social, cultural and recreation uses, provided there are no adverse impacts on the amenity of residents and the facility is accessible. Again, the proposal is supported by these policies.
- 8.18 With specific reference to the health care facility, the proposal conforms with policies ST49, ST50 and SCF4 of the UDP as the health care facilities are highly accessible and do not adversely impact on residential amenity.
- 8.19 With reference to the recreational facilities, as there will be an increase in the number of students attending the second level school, the need for high quality recreational space will increase. The sports facility and gym proposed is accessible to all members of the public outside of school hours. This will be secured in the S106 Agreement. The new facility will act as an important meeting facility for people in the area. The proposal complies with policies ST38 & ST39 of the UDP which seeks to ensure that sports facilities are provided in appropriate locations and are accessible to all.
- 8.20 The proposal conforms to policy SCF1 of the Interim Planning Guidance (2007), as it is considered that the proposal continues to ensure that community facilities have a high level of accessibility.
- 8.21 In light of the above, it is considered that the proposal social and community uses are supported by the aforementioned policies within the London Plan, Interim Planning Guidance and saved Unitary Development Plan and is therefore acceptable in principle.



## **Design**

- 8.22 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG and policies SP10 and SP12 of the Core Strategy DPD (2009).
- 8.23 Policies DEV1 and DEV2 of the UDP, policy CP4 of the IPG October 2007 and policy SP10 of the Core Strategy DPD (2009) stipulates that the Council will ensure developments create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.24 The Council's Principal Urban Designer has reviewed the proposal and has raised no concerns regarding the bulk, height and mass of the building. The form and scale of the development is a direct response to the community uses proposed. The modern design will enhance the appearance of Bigland Street. In addition, the design approach of using different materials to reflect the different uses articulate the building well and adds to the overall design quality.
- 8.25 The layout of the development is supported by officers. The main entrance to the proposed building is on the corner of Bigland Street and Tilman Street. The building is set in from the back of the pavement at this point to create an open forecourt in front of the building. The entrance to the building will include an arch extending from ground to overhanging third and fourth floor levels. Design features such as the arch at the entrance on the ground floor, adds to the visual interest of the development.
- 8.26 Further details and samples of materials will be provided. Conditions have been added to secure the submission and approval of materials. Notwithstanding this, it is considered that the proposal complies with the aforementioned policies in paragraph 8.22 to 8.23 of the report.

## **Amenity**

### Daylight /Sunlight Access

- 8.27 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.28 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.29 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development

upon itself and on neighbouring residential properties.

#### 1. Daylight Assessment

- 8.32 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.
- 8.33 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.
- 8.34 The results of the assessment demonstrate that the majority of the neighbouring windows and rooms assessed within the existing properties will comply with the BRE VSC and ADF guidelines. The Councils Daylight and Sunlight Officer notes that whilst certain properties (2 Burwell House, 8 to 20 Morris Street & 1-19 Pace Place), do not fully comply with VSC guidelines, these properties achieve adequate daylight levels in accordance with ADF tests set out in the BRE guidelines. This is considered to be acceptable. Overall, the daylight levels achieved complies with BRE guidelines.

#### Sunlight

- 8.35 The BRE guide recommends that main living room windows should receive at least 25% of the total annual probable sunlight hours, including at least 5% of the annual probable sunlight hours during the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March. Sunlight availability will be adversely affected if both the total number of sunlight hours falls below these targets and is less than 0.8 times the amount before the development.
- 8.36 The daylight and sunlight report notes that isolated windows at 59 Timberland Road, 62 to 88 Bigland Street, 8 to 30 Morris Street and 1 to 9 Pace Place do not fully comply with the BRE direct sunlight requirements. Notwithstanding this, the windows at 62 to 88 Bigland Street and 8 to 30 Morris Street are set back beneath overhanging balconies. Therefore, this limits the amount of sunlight that is received and even before the development. It is widely understood that the majority of the recessed windows do not meet the minimum BRE requirements. Windows that are in a similar location (i.e those that are not recessed) pass both the total and winter sunlight hours test.
- 8.37 The overall sunlight values achieved for all other properties remains acceptable. Given the urban context of the site, it is considered that a reason for refusal based on the minor loss of sunlight to a small number of properties could not substantiate a reason for refusal.

#### Overshadowing

- 8.38 The BRE guide recommends that for an open space to appear adequately lit throughout the year, no more than 49% and preferable no more than 25% of its

area should be prevented from receiving any sunlight at all on 21<sup>st</sup> March.

#### Sense of Enclosure

- 8.39 Unlike, sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective.
- 8.40 Notwithstanding, it is considered by officers, that, given the location and orientation of the proposed buildings, it is not considered that the proposals would not result in an unacceptable sense of enclosure to neighbouring residential occupiers.

#### Noise

- 8.41 Saved policy DEV2 of the UDP, policy DEV1 of the IPG October 2007 and policy SP03 of the Core Strategy DPD 2009 state that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. Saved policy HSG15 of the UDP seeks to protect residents from undue noise disturbance from development.
- 8.42 An increased number of visitors may result in raised levels of noise and disturbance to nearby residents. The hours of operation for the social and community uses will be conditioned so as to ensure that surrounding residential amenity will be protected from late /early noise concerns.
- 8.43 With specific reference to the prayer hall use, it is understood that the last prayer would not normally finish later than 11pm, which would not be considered to be unusually late and cause significant disturbance to residents. A condition is suggested to prevent the amplified call to prayer. The opening hours will also be controlled by condition. These have been agreed by the applicant.
- 8.44 The Council's Environmental Health department, consider that subject to the attachment of appropriate conditions and informatives, the proposed building would create not result in an undue loss of amenity to nearby residents. As such, it is considered that the proposal accords with the abovementioned policies.

#### **Highways**

- 8.45 Both the UDP (1998) and the IPG (Oct 2007) contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, and supports movements by walking, cycling and public transport.

#### Access

- 8.46 All proposed uses on site are accessed from Bigland Street. The main entrance to the proposed building is on the corner of Bigland Street and Tilman Street. The building is set in from the back of the pavement at this point to create an open forecourt in front of the building. The entrance to the building will include an arch extending from ground to overhanging third and fourth floor levels. The main community facilities are located on basement levels 1 to 3, on the ground floor, first and second floors, with lift access to all levels. The access

arrangements for the different uses are considered to be acceptable.

### Parking

#### *Car parking*

- 8.47 Currently, there is provision for 10 car parking spaces on site. The new proposal makes provision for 10 car parking spaces. As such, the proposal does not increase the number of car parking spaces on site. This approach is supported by officers. Of the 10 car parking spaces provided, 4 will be disabled car parking places. This is considered acceptable. In addition, the provision of 3 motorcycle parking spaces is supported by officers.

#### *Cycle Parking*

- 8.48 The applicant is currently assessing cycle parking requirements against IPG policy standards. The provision of cycle parking spaces will be addressed in the update report.

### Servicing

- 8.49 Currently the building receives service vehicles once a week making deliveries of school related products (books) & office supplies.
- 8.50 The expansion of the school, and other related activities will increase service deliveries. The major source of increased service deliveries is expected to be in relation to the cafeteria use. Following initial comments from LBTH Highways, the applicant has removed on street servicing which is supported by officers. The site will now be serviced on site. However, insufficient information has been provided in relation to the servicing requirements for all uses proposed. As such, the applicant is required to submit a Service Management Plan by way of condition. Nevertheless, the principle of on site servicing is acceptable).

### Refuse & recycling facilities

- 8.51 The movement of refuse bins on collection days needs to be managed by the development. The area where refuse bins are to be located on collection day needs to be identified for all uses and needs to be off the public highway. Details of location and management of refuse and recycling facilities for each use shall be submitted and approved in writing by the LPA. This will be secured by way of condition.
- 8.52 The applicant is currently preparing a response to the outstanding matters raised by LBTH Highways with regard to layout; trip generation and its associated impact. All outstanding matters will be reported in the presented in the update report.
- 8.53 Subject to conditions, the proposal is likely to meet highways policies DEV1 and T16 in the UDP 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007 and policy SP08 in the Core Strategy (Submission Document- Dec 2009). However further information has been requested to ensure acceptability in line with policy requirements. This information will be submitted by the applicant and additional

comments will be circulated at the committee meeting.

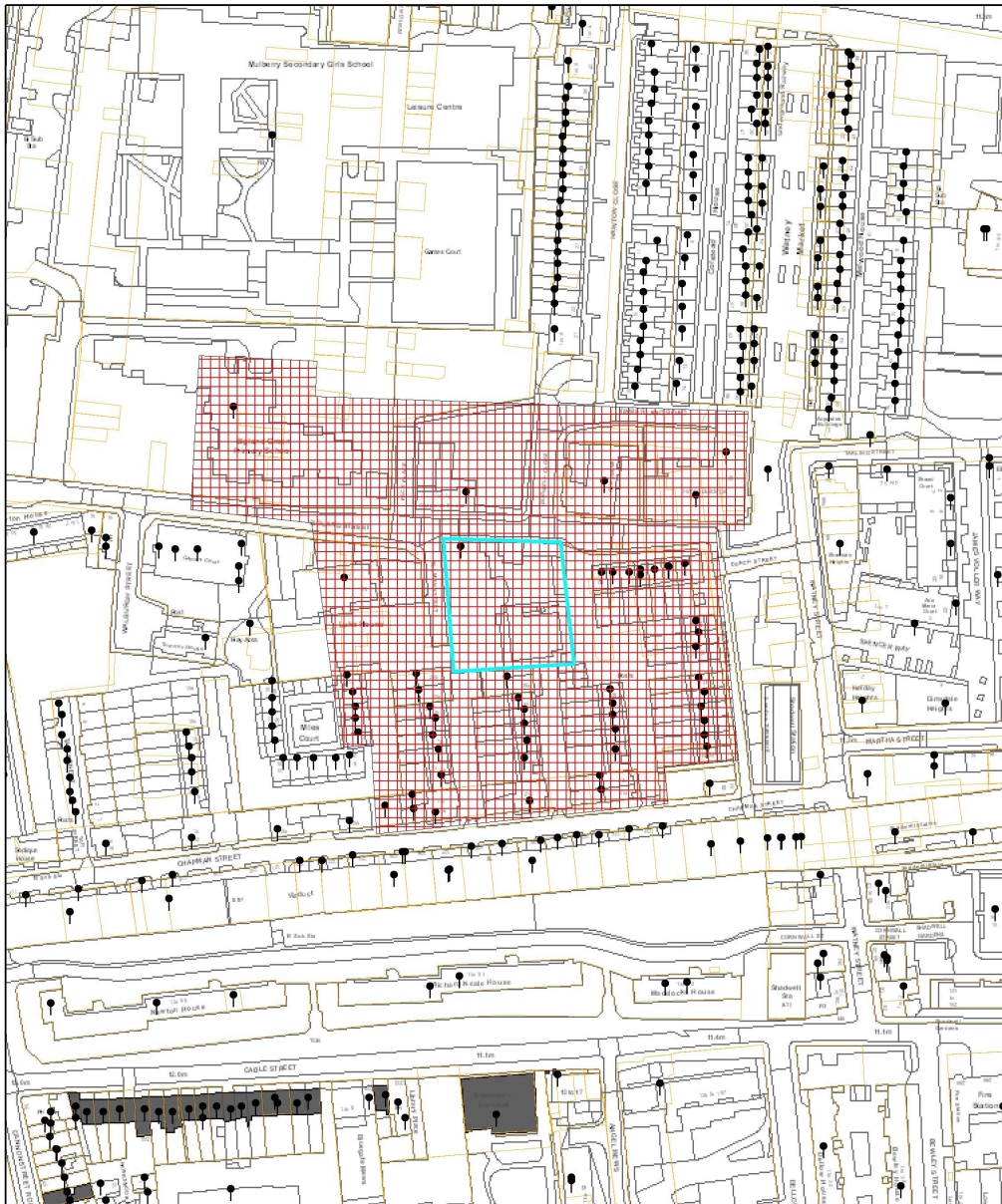
### Sustainability

- 8.54 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.
- 8.55 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.
- 8.56 LBTH Energy officer notes that the Sustainable Energy Strategy is considered appropriate for the development and the London Plan energy hierarchy has been followed appropriately. The use of combined heat/power and photovoltaics to result in a 29%. This is supported by officers.
- 8.57 A 'BREEAM' assessment has been undertaken against the BREEAM for Education 2008 assessment criteria. This has been undertaken as it '*most closely reflects the building type*'. The proposed development achieves a BREEAM rating of 'Excellent' against the Education 2008 criteria. It is recognised that a standard BREEAM assessment methodology is not available for this scheme and a bespoke assessment is required. LBTH will seek the development to achieve an 'Excellent' rating under the Bespoke criteria.
- 8.58 LBTH Energy team recommend that the following conditions be attached to the decision notice:
- a): The installation of a heat network supplying all spaces within the development to ensure reduction in carbon dioxide emissions.
  - b): Details of cooling strategy to ensure the reduction in carbon dioxide emissions in accordance with policies 4A.1 and 4A.6 of the London Plan 2008 (Consolidation with alterations since 2004) which seek to mitigate climate change and minimise carbon dioxide emissions
  - c): Details of BREEM Assessment to ensure the highest levels of sustainable design.
- 8.59 The reason for attaching conditions 'a' & 'b' above is to ensure a reduction carbon dioxide emission in accordance with Policies 4A.1 and 4A.6 of the London Plan 2008 (Consolidated with Alterations since 2004) which seeks to mitigate climate change and minimize carbon dioxide emissions.
- 8.60 The reason for attaching condition 'c' above is to ensure the highest levels of sustainable design and construction in accordance with Policies 4A.3 of the London Plan 2008 (Consolidated with Alterations since 2004) and DEV 5 of the London Borough of Tower Hamlets Interim Planning Guidance for the purpose of Development Control (October 2007) which seek the highest standards of sustainable design and construction principles to be integrated into all future developments.

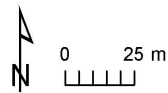
## **9. Conclusions**

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

# Planning Application Site Map



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



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

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# Agenda Item 7.2

<b>Committee:</b> Development	<b>Date:</b> 31 <sup>st</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<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/10/00124	
		<b>Ward(s):</b> East India and Lansbury	

## 1. APPLICATION DETAILS

- 1.1 **Location:** Sites either side of 2 to 48 Broomfield Street, London.
- 1.2 **Existing Use:**
- 1.3 **Proposal:** Demolition of existing domestic garages and erection of two buildings from 2 to 6 storeys in height to provide 23 residential units (comprising 7 x one bedroom, 6 x 2 bedroom, 7 x three bedroom and 3 x 5 bedroom units) either side of 2 to 48 Broomfield Street, together with associated disabled parking and landscaped amenity space.

These are divided as follows:

'Block A' - To the north of 60 Broomfield Street. Existing garages to be demolished and proposal is to erect three x two storey 5 bedroom houses.

'Block B' - To the south of 2 Broomfield Street at corner of Broomfield Street and Upper North Street. Proposal is to erect a five storey building with a 6th floor setback to provide 20 residential units on an existing car parking area.

- 1.4 **Drawing Nos/Documents:** 5234-1000A, 5234/1010, 5234/1011, 5234/1020, 5234/1021, 5234/1022A, 5234/1050F, 5234/1051E, 5234/1052E, 5234/1053E, 5234/1054/E, 5234/1055E, 5234/1057, 5234/1060F, 52334/1210B, 5234/1211B, 5234/1211A, 5234/1213, 5234/1400A, 5234/1401A, 5234-9000E, 5234/9100.  
Daylight and Sunlight report K/09/0519/C7 PSD/hmt/g28 dated October 2009.  
Planning & Regeneration Statement, Impact Statement and Statement of Community Involvement January 2010-03-17  
Renewable Energy Statement reference 36655 issue 1  
Transport Statement January 2010.

- 1.5 **Applicant:** Poplar Harca
- 1.6 **Ownership:** Owned by Applicant
- 1.7 **Historic Building:** n/a
- 1.8 **Conservation Area:** n/a

## **2. RECOMMENDATION**

- 2.1 That the Committee resolve to REFUSE planning permission for the reasons outlined below:
- 2.2 The design and layout of the proposed buildings (both A and B) results in an unsafe environment for future and existing residential occupiers, given the poor configuration of the built form, layout of entrances, location of refuse and the lack of defensible space. As such the proposal is contrary to saved policy DEV1 of the Unitary Development Plan 1998, Adopted SPG Designing Out Crime, policy DEV4 of the Interim Planning Guidance October 2007 and policies 4B.1 and 4B.6 of the London Plan Consolidated Plan February 2008. These policies seek to ensure that development is designed to maximise the feeling of security and safety for those who will use the development and the surrounding area.
- 2.3 The design, layout and fenestration detail of the proposed building (Block B) is considered to poorly relate to the existing streetscene, by not following existing street lines, having large blank facades and small windows. As such, the proposal is contrary to saved policy DEV1 of the Unitary Development Plan 1998, Policy DEV2 of the Interim Planning Guidance and policies 4B.1 and 4B.6 of the London Plan Consolidated Plan February 2008, and the principles of the vision of Poplar as outlined in the emerging Core Strategy 2009. These policies seek to ensure that development is appropriately designed within the context of its surroundings, follow existing buildlines and be sensitive to the setting of Bartlett Park.
- 2.4 The proposed disabled car parking spaces have no turning facilities and rely on reversing into the highway. This constitutes a poor design and has highway safety implications. Therefore, it is not considered that it accords with policies 3C.23 and 4B.5 of the London Plan Consolidated with Alterations since 2004 (February 2008) and policies CP41, CP42, DEV16 and DEV19 of the Interim Planning Guidance (October 2007) which seek to ensure that vehicular access points are suitably located and designed to ensure safe access routes for pedestrians, cyclists and vehicles.
- 2.5 It is considered that the design and location of the refuse facilities is considered unacceptable given it is poorly designed close to the junction of Upper North Street and Broomfield Street and is not suitably located within the development. The location further reduces active frontages along Broomfield Street and poses potential highway safety implications during the collection of refuse. As such the development fails to accord with the requirements of saved policies DEV1, DEV2 and DEV55 of the adopted Tower Hamlets Unitary Development Plan 1998, policies 4B.3 and 4B.6 of the London Plan and policies DEV2, DEV4 and DEV15 of the Unitary Development Plan, which seek an acceptable standard of design and one that creates safe and secure environment and refuse storage which is suitable and securely located.
- 2.6 The substantial depth of (4m) of the proposed dwelling in Block A will result in an unacceptable loss of outlook and would increase the sense of enclosure to the occupiers of 48 Broomfield Street. As such, the proposal will harm the amenity of adjoining residents and therefore fails to meet the criteria of saved Policy DEV2 in the Unitary Development Plan (1998) and DEV1 in the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) which seek to protect the amenity of residents.
- 2.7 The balconies and windows of the south east elevation of Block B (first floor to

fourth floor), are considered to be poorly designed and located, as they result in privacy issues for future occupiers of the development. As such, the proposal it is considered to provide a poor standard of accommodation that is contrary to saved Policy DEV2 in the Unitary Development Plan (1998) and policy DEV1 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) which seek to protect the amenity of existing and future residents.

### **3. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 3.1 The proposal seeks consent for the demolition of existing domestic garages and erection of two buildings from 2 to 6 storeys in height to provide 23 residential units (comprising 7 x one bedroom, 6 x 2 bedroom, 7 x three bedroom and 3 x 5 bedroom units) either side of 2 to 48 Broomfield Street, together with associated disabled parking and landscaped amenity space.
- 3.2 These are dividend into two locations. These will be referred to as 'Block A' and 'Block B' within the body of this report.

#### **Site and Surroundings**

- 3.3 Both sites are located within the Lansbury Estate, within the East India and Lansbury Ward and are located approximately 83 metres apart.

#### Site A

- 3.4 Site A is located on the south side of Broomfield Street adjacent to No. 48 Broomfield Street (south side) and measures approximately 480 sq.m in size.
- 3.5 It is located opposite Nos. 62-88 Broomfield Street and adjacent to the Broomfield Street children's play area.
- 3.6 Site A is used as 10 garages. It appears they are mainly used as storage.
- 3.7 The proposal site abuts the gable ends of No. 48 and No. 60 Broomfield Street, a four storey block of maisonettes.
- 3.8 The properties to the north of Site A are recent development, two and four storeys in height approved in 1998 (Planning reference PL/97/0014)

#### Site B

- 3.9 Site B is approximately 784sq.m. in area and is located on the corner of Broomfield Street and Upper North Street. To the west of Site B, across Upper North Street is Bartlett Park.
- 3.10 The north-eastern boundary of the site is formed by the gable ends of No. 2 and No. 20 Broomfield Street, a four storey block of maisonettes, and to the south-east by a public footpath providing pedestrian access to Busbridge House, an 11 storey block of flats.
- 3.11 Site B currently provides 7 garages and 6 parking spaces, including one that is

allocated as a contractor's bay.

3.12 In addition, site B also contains a small area of grass, some shrub planting and a few semi-mature trees.

3.13 The applicants Planning and Regeneration Statement states 12 garages are currently let (including Site A and Site B).

### **Planning History**

3.14 There is no relevant planning history.

## **4. POLICY FRAMEWORK**

4.1 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:

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

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport
PPS22	Renewable Energy
PPG24	Planning and Noise

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

2A.1	Sustainability Criteria
2A.2	Spatial Strategy for Development
2A.7	Areas for Regeneration
3A.1	Increasing London's Supply of Housing
3A.2	Borough Housing Targets
3A.3	Maximising the Potential of Sites
3A.5	Housing Choice
3A.6	Quality of New Housing Provision
3A.7	Large Residential Developments
3A.8	Definition of affordable Housing
3A.9	Affordable Housing Targets
3A.10	Negotiating Affordable Housing
3A.11	Affordable Housing Thresholds
3A.15	Loss of Housing and Affordable Housing
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of London's Infrastructure
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.20	Improving Conditions for Busses
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
4A.2	Tackling Climate Change
4A.3	Mitigating Climate Change
4A.4	Sustainable Design and Construction
4A.5	Energy Assessment

4A.6	Provision of Heating and Cooling Networks
4A.7	Decentralised Energy; Heating, Cooling and Power
4A.9	Renewable Energy
4A.12	Adaptation to Climate Change
4A.13	Flooding
4A.16	Flood Risk Management
4A.19	Water Sewerage and Infrastructure
4B.1	Reducing Noise
4B.3	Design Principles for a Compact City
4B.5	Enhancing the Quality of the Public Realm
4B.6	Creating an Inclusive Environment
4B.8	Safety, Security and Fire Prevention and Protection

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

Policies:	ST23	Quality of Housing Provision
	ST26	Protect existing residential accommodation
	ST28	Restrain Private Car
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV12	Landscaping
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	HSG7	Dwelling Mix
	HSG13	Internal Standards for Residential Developments
	HSG15	Preserving Residential Character
	HSG16	Amenity Space
	T16	Impact of Traffic
	T18	Pedestrians

#### 4.5 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

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

SP02(1)	Housing
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#### 4.7 Supplementary Planning Guidance/Documents

Designing Out Crime  
Residential Space  
Landscape Requirements

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

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

**5. CONSULTATION RESPONSE**

- 5.1 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**

- 5.2 Through the submitted Transport Statement, the Applicant has confirmed that they are willing to enter into a Section 106 Agreement whereby future occupants of the proposed residential units will not be eligible to apply for on-street parking permits. This approach is welcomed by the Highway Department and any Planning Permission should therefore be subject to a Section 106 car/permit free Agreement. Officer Comment: Should planning permission be granted it would be subject to a section 106 agreement including an obligation that the development will be car free.
- 5.3 No information has been provided detailing how many of the parking spaces are currently let. The letter also indicates that according to Poplar Harca's records, there will be 13 car parking spaces available to let on the wider Estate after the proposed development has been completed. The locations of these spaces have not been identified.
- 5.4 Further justification is required for the loss of the existing parking facilities including evidence of the existing occupancy and leasing arrangements of the parking spaces and garages that are to be removed as part of the development proposals.
- 5.5 Two disabled parking spaces are to be provided off the circular estate road to the south of Site B. Whilst the principle of this provision is welcomed, the orientation of the parking spaces will require vehicles to reverse onto or from the estate road which is not appropriate.
- 5.6 It is stated within the submitted Transport Statement that a total of 22 cycle parking spaces are to be provided on Site B (1 space for each of the 20 residential units proposed and a further 2 visitor spaces) and that the cycle parking for the houses on Site A will be contained within the units themselves (Officer Comment: Should planning permission be granted this would be conditioned)
- 5.7 The proposed arrangement of cycle spaces at Block B looks tight and concerns are raised over the accessibility and usability of the proposed parking stands.
- 5.8 Whilst the provision of separate and designated visitor cycle parking is welcomed, the proposed location for the visitor parking is not considered to be secure and the stand is not covered. As a result, it is unlikely that this facility will be utilised.

5.9 Servicing Arrangements:

Within Section 3.12 of the submitted Transport Statement, it is argued that residential units generate a very low demand for servicing. As a result, the Applicant proposes that all servicing activity will be undertaken from an on-street position. Once a trip generation assessment has been undertaken, the likely number of servicing trips associated with the proposed development can be established.

5.10 The Applicant should be advised of the safety implications of doors opening outwards. Although they are located within a private area they may still constitute danger to a pedestrian. Where possible they should either open inward or be embedded within the building.

5.11 Refuse Arrangements:

Highways have concerns over the location of the refuse store located in the north west corner of Site B, as refuse vehicles would be required to stop in close proximity to the junction of Upper North Street/Broomfield Street, potentially in part on the existing raised table, preventing vehicles from egressing onto Upper North Street.

Other Comments:

5.12 The development proposals may potentially impact upon the visibility for vehicles on Broomfield Street at the junction of Upper North Street/Broomfield Street. However, the impact of the proposed development can not be fully understood until the Applicant has provided visibility splays for a vehicle on Broomfield Street at the junction with Upper North Street.

5.13 The visibility splays are to be produced in accordance with the guidance set out in Manual for Streets and the Applicant should be informed that no structures or obstructions above the height of 0.6metres may fall within the visibility splays.

## **LBTH Environment Health**

### Daylight/ Sunlight

5.14 The Design/Access statement which included the Daylight/Sunlight Report by Calfordseaden for Poplar Harca dated October 2009 has been reviewed for both Block A and Block B. It is not considered that there would be any adverse daylight and sunlight impacts, to justify a refusal of the application on these grounds.

### Noise and Vibration :

5.15 A PPG24 Noise Survey will be required for Site A & Site B to ascertain the level of Traffic Noise including the glazing specification needed to mitigate the noise so as to meet BS8233:1999 criteria (Officer comment: this could be dealt with via condition and is further controlled under Building Control Regulations.)

### Contaminated Land

5.16 The sites and surrounding areas have been subjected to former industrial uses, which have the potential to contaminate the area. Given ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks (Officer Comment: This would be conditioned, should planning permission be granted, as requested by the Environmental Health)

**Housing Strategy Group:**

- 5.17 This scheme provides 36% affordable social rented units by habitable room.
- 5.19 We would like to ensure that the comments of our crime prevention officer are incorporated to ensure secure by design.
- 5.20 Clarification is needed on the roof amenity space in Block B and how this space will be accessed by the residents in the maisonettes.

**Education Development Team:**

- 5.21 The proposed dwelling mix has been assessed for the impact on the provision of primary school places. The mix is assessed as requiring a contribution towards the provision of 4 additional primary school places @ £12,342 = £49,368. This funding will be pooled with other resources to support the local authorities programme for the borough of providing additional places to meet need.  
Officer Comment: If planning permission were granted it would be subject to a section 106 agreement and one of the obligations would be a contribution for £49368.00 towards additional primary school places in the borough.

**Building Control**

- 5.22 Based on an initial review of the plans, Building Control have the following comments with regard to Block B -
  - i) bike stores located off the exit route from the staircase would probably be unacceptable unless separated by a vented lobby
  - ii) a communal roof terrace large enough to have a potential occupancy of over 60 persons may require an alternative exit.

**Horticultural Officer:**

- 5.23 No comments (Officer comment: final details of landscaping would be conditioned, should planning permission be granted)

**Secure by Design Officer:**

Site A

- 5.24 The design of the site A buildings appear to make the existing adjoining block in Broomfield Street become a recessed elevation, with hidden views, which will reduce public safety.

Site B

- 5.25 Main entrance on Bloomfield Street is too recessed and not safe for residents or visitors.
- 5.26 The location of the cycle stores and bin stores reduces active frontages and would add to the fear of crime along Broomfield Street
- 5.27 The Estate road elevations are fine if kept low and open to view, but there is insufficient defensive planting/areas for the ground floor residents. Low walls/railings



here will have to be designed to reduce them being used as seating.

- 5.28 Generally, boundary borders that protect semi-private or private areas should have 2.4 metre high fences/walls - 1.8m doesn't provide enough height to either deter or prevent climbing. Type B & C designs here look fine. Defensive railings to define private and public areas should be low and designed not to be seating to maximise views/active frontages. This is discussed further in the design section of the report.

### **London Fire and Emergency Service**

- 5.29 If existing water supplies are maintained; the provision of water supplies for use by the fire service should be adequate. These specific matters would be discussed further at Building Control consultation stage.

## **6. LOCAL REPRESENTATION**

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

- 6.2 We have received a petition from Tower Hamlet Homes containing 336 signatures in support of the application, a further 22 letters in support have been received. In opposition, a petition containing 96 signatures and 15 letters.

No of individual responses: 37      Objecting: 15      Supporting: 22  
No of petitions received: 1 petitions opposing the development containing 96 signatories in total  
1 in support of the development containing 336 signatories.

- 6.3 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:

#### In opposition to the development

##### Block A and Block B

- Increase in parking, exacerbating an existing problem.
- Increase in noise
- Loss of light
- Loss of privacy
- Construction noise and increase in dust, during the implementation of the development.
- Overcrowding

#### In support of the development

- The proposal will help meet the needs of over 23,000 people registered in Tower Hamlets.
- Development will help reduce overcrowding across Poplar

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

- Loss of views (Officer comment: loss of views to Bartlett Park are not a material planning consideration)

## **7.0 MATERIAL PLANNING CONSIDERATIONS**

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

Land Use  
Design  
Energy  
Housing  
Amenity  
Highways

### **Land Use**

- 7.2 The subject sites are unallocated on the Unitary Development Plan (1998). They currently provide garages and car parking spaces.
- 7.3 In accordance with policies 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.
- 7.4 The site is considered to be an appropriate location to meet this demand and immediate vicinity is also predominantly residential. As such, no objection is raised in principle to the use of the site for residential purposes. However, this is dependent to an extent on highway issues resulting from the loss of garage and parking facilities.

### Loss of green area at Block B

- 7.5 The proposal provides amenity area for the residential properties at ground floor level around the site. This on balance does not result in a net loss of green area and is considered acceptable.

### **Design**

- 7.6 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.
- 7.7 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.

- 7.8 Policies CP20 and HSG1 of the Council's Interim Planning Guidance (2007) encourages the highest density development appropriate to the location. The site has transport links, with Langdon Park DLR within walking distance, and has a PTAL score of 2. In areas of PTAL 1-3 the Council's policies support a density of 200-450 hrph. The sites have a combined area of 0.126 hectares and the application proposes a development of 83 habitable rooms, providing 657 habitable rooms per hectare. This exceeds the Council's policy, however could be acceptable subject to other planning
- 7.9 In general numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity. Furthermore, it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- 7.10
- Poor mix of units
  - Lack of family sized units
  - Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure;
- 7.11 These issues are all considered in the report and were considered to be acceptable. Moreover, policy 3A.2 of the London Plan encourages Boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG seek to maximise residential densities on individual sites, taking into consideration:
- 7.12
- the local context and character;
  - residential amenity,
  - site accessibility;
  - housing mix and type;
  - well designed homes;
  - maximising resource efficiency;
  - minimising adverse environmental impacts;
  - the capacity of social and physical infrastructure and open spaces;
  - and to ensure the most efficient use of land within the Borough.
- 7.13 On review of these issues, a high density development can be supported in this location in accordance with London Plan, UDP and IPG policies.
- 7.14 The vision for Poplar, as set out in page 108 of the emerging Core Strategy (December 2009) states *'Regenerating Poplar into a great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park.'*
- 7.15 This will be achieved by the following principles (page 108)
- Provide for lower- and medium-density, lower-rise family housing around Bartlett Park and its surrounds
  - New Buildings to be responsive and sensitive to the setting of Bartlett Park.

## Block A

- 7.16 The proposal for Block A is to erect three, five bedroom houses. These are proposed to be two storeys in height with a pitched roof.
- 7.17 Half-width front and rear projections are also proposed. The front projections extend further than the maisonettes of 48 Broomfield Street by 8 metres according to drawing 5234/1210B (site plan).
- 7.18 The amenity implications of this projection are discussed further in amenity section of the report.
- 7.19 In terms of materials, dark brickwork is proposed to the main building with the projections proposed to be faced of white render. Clay tiles are proposed to the roof.
- 7.20 The proposed dwellings are accessed via Broomfield Street, with the kitchen located towards the front of the property and the living room located to the rear. Two bedrooms are also proposed at ground floor level. The living room provides access to a rear garden.
- 7.21 The main design issue with Block A is its half width, 4m projection. The result is a large blank wall, 4 metres in depth, which would be visible from the street, in particular from the end facing Bartlett Park and Upper North Street. In terms of design, this is not considered acceptable solution and does not respect existing build lines.
- 7.22 The building line to the front also makes the properties at 2 to 48 Broomfield Street appear recessed and creates hidden areas, most notably between the proposed dwelling adjoining 48 Broomfield Street. This is considered to have an adverse impact in terms of public safety and is a view shared by the Councils Secure by Design Officer in his comments contained in paragraph 6.24.

## Site B

- 7.23 The proposal for site B is to erect a part five, part six storey building. The adjoining building to which the site adjoins is four storeys in height. The proposal seeks to erect a five storey building which steps up to six storeys, before decreasing back into a five storey building.
- 7.24 It is considered, that the transition from existing block of terraces, to the new block is not carefully considered as existing fenestration lines are not followed in order to create a gradual transition between the existing and proposed building.
- 7.25 In addition to this, no windows are proposed on the side elevation of the six storey element of the proposal facing Broomfield Street. As a result, when viewing the building from the northern end of Broomfield Street, the result is a large blank façade. This is not considered to be an acceptable design solution.
- 7.26 The rear elevation follows the same heights as the front elevation. However, it is characterised with small window openings. These are most notable on the six storey portion of the proposal, and is further emphasised with the six storey element of the proposal projecting further than the rest of the building. This approach does not add any interest to the design of the building.

- 7.27 The south west elevation fronting Upper North Street and facing the park also has small window openings. This elevation is a key elevation, with views to and from the park. However, the proposed design does not reflect its adjacency to the park and provides no visual interest.

#### Layout

- 7.28 Access to the residential units is via a single storey structure, which sits right on the edge of the footpath. This structure projects approximately 5m further than the building line and does not relate well to either the proposed building or the existing streetscene. The Councils Secure by Design Officer has advised that this entrance is too recessed (at 1.5m) and is therefore not safe for residents or visitors.
- 7.29 Separate access is also proposed to the ground floor maisonette, which follows the build line of the existing building. This is considered acceptable.
- 7.30 The proposed ground floor units are all accessed via an internal lobby, whilst the majority of the elevation facing Broomfield Street consists of a cycle store (located within the main entrance, a refuse store and a low wall serving the garden of the one bedroom property).
- 7.31 The location of the refuse store in particular creates a poor relationship to the street and is not considered to be an acceptable design solution. The refuse storage could be incorporated within the building and not as an external storage area in the manner proposed.
- 7.32 The locations of the refuse store and cycle spaces reduce the active frontages and would add to the fear of crime along Broomfield Street. This, along with the blank facades and front projections, all result in a development considered unacceptable. This is the view shared by the Councils planning and design officers and the Metropolitan Police.
- 7.33 Cycle storage could also be considered on the upper floor levels where there is scope for it adjacent to the lift.
- 7.34 In terms of layout, access to the plot 20 on Block B (the proposed three bed, five people maisonette) is unclear. The plans show access to the unit is via the adjoining development. This is not considered acceptable and is seen to exclude this maisonette from the rest of the development. Furthermore, no access is provided to the lobby of the main building where the central lift is located.
- 7.35 Concerns were also raised by Council Officers with regards to the boundary treatments, with walls reaching 1.8m high considered unacceptable in the manner proposed. Their size is considered to present a poor relationship with the surrounding area, creates dead facades and a poor outlook for users and pedestrians.
- 7.36 Taking the above into consideration, it is considered that the design, layout and fenestration detail of the proposed building (Block B) is considered to poorly relate to the existing streetscene, by not following existing street lines, having large blank facades and small windows. As such, the proposal is contrary to saved policy DEV1 of the Unitary Development Plan 1998, Policy DEV2 of the Interim Planning Guidance and policies 4B.1 and 4B.6 of the London Plan Consolidated Plan February 2008, and the principles of the vision of Poplar as outlined in the emerging Core Strategy 2009. These policies seek to ensure that development is

appropriately designed within the context of its surroundings, follow existing building lines and are sensitive to the setting of Bartlett Park.

- 7.37 In addition to this, the design and layout of the proposed buildings (both A and B) results in an unsafe environment for future and existing residential occupiers, given the poor configuration of the built form, layout of entrances, location of the refuse store and the lack of defensible space. As such, the proposal is contrary to saved policy DEV1 of the Unitary Development Plan 1998, Adopted SPG Designing Out Crime, policy DEV4 of the Interim Planning Guidance October 2007 and policies 4B.1 and 4B.6 of the London Plan Consolidated Plan February 2008. These policies seek to ensure that development is designed to maximise the feeling of security and safety for those who will use the development and the surrounding area.

## Housing

- 7.38 This section of the report considers the acceptability of the housing provision proposed in terms of key issues including affordable housing provision, provision of family sized units, wheel chair housing, lifetime homes, floor space standards and the provision of amenity space.
- 7.39 The application proposes 23 residential units (Class C3) in the following mix when split into private, intermediate, and socially rented tenures:

Table 1: Affordable Housing

Unit size	Total units in scheme	affordable housing						market housing		
		social rented			intermediate			private sale		
		units	%	target %	units	%	target %	units	%	target %
Studio	0	0	0	0	0	0	25	0	0	25
1 bed	7	0	0	20	0	0	37.5	7	38.9	25
2 bed	6	0	0	35	0	0	37.5	6	33.3	25
3 bed	7	2	40	30	0	0	25	5	27.8	25
4 bed	0	0	10	0	0					
5 bed	3	3	60	5	0			0		
<b>TOTAL</b>	<b>23</b>	<b>5</b>	<b>100</b>	<b>100</b>	<b>0</b>	<b>100</b>	<b>100</b>	<b>18</b>	<b>100</b>	<b>100</b>

### Affordable Housing

- 7.40 Policy 3A.9 of the London Plan (2008) states that Borough's should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable as well as the Borough's own affordable housing targets.
- 7.41 Policy CP22 of the IPG (2007) seeks that for schemes providing more than 10 units

there is a target of 50% affordable housing provision with a minimum requirement of 35% affordable housing.

- 7.41 Policy HSG2: Housing Mix, of the IPG (2007) specifies an expected unit mix. The policy seeks that a range of dwellings with differing layouts should be provided to widen housing choice.
- 7.42 Policy 3A.10 of the London Plan (2008) and policy HSG3 of the IPG (2007) specify that Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential mixed-use schemes. Amongst other things, consideration should be given to the Council's affordable housing target and individual site circumstances.
- 7.43 The proposal is for the creation of 23 units and falls within the threshold for providing affordable housing. The proposal provides 37.5% affordable housing. The offer would comprise of 5 affordable units.
- 7.44 The affordable housing provision is further split into social rented and shared ownership tenures. A split of 80:20 is suggested pursuant to Policy HSG4 of the IPG (2007), whilst the London Plan (2008) indicates a regions wide requirement of 70:30 split pursuant to Policy 3A.7. The scheme provides a split of 100:00 is proposed.
- 7.45 Whilst it is acknowledged that the scheme does not meet the detailed requirements of the IPG with regard to the mix of social rented and shared ownership, there is an overall shortage of family social rented family units across the borough. In light of the shortage and the resultant demand, this scheme can be supported. If planning permission was to be granted, the affordable housing would be secured by way of a section 106 agreement.

#### Housing Mix

- 7.46 The Borough is in short supply of suitable family sized accommodation (3-6 units) as demonstrated in the Housing Needs Study (2004). Saved policy HSG7 of the adopted UDP requires new developments to provide a mix of unit sizes including a substantial proportion of family housing. Policy CP21 Dwelling Mix and Type of the IPG seeks new developments to contribute to the creation of mixed communities by offering a range of housing choices including a mix of dwelling sizes, family housing and accessible homes. Furthermore, policy CP19 New Housing Provision of the IPG seeks that new housing developments contribute to the Borough's housing need in particular contributing to family housing.
- 7.47 Family sized housing (3-5 bedrooms) is a requirement in all three housing tenures (private, intermediate and socially rented) although varying amounts are required by each)
- 7.48 Overall the scheme delivers 10 family sized housing across the scheme, equating to 43%. This is in line with Council policy requirements.
- 7.49 Residential Space Standards  
The SPG Residential Space Standards (1998) and saved policy HSG13 of the adopted UDP set out the minimum space standards for all new housing developments. In terms of unit sizes of the 23 units all meet the minimum space standards.

7.50 Wheelchair Housing and Lifetime Homes

Policy DEV3 of the IPG outlines that new development is required to incorporate inclusive design principles. Policy HSG9 of the IPG requires that at least 10% of all housing should be wheelchair accessible and new housing should be designed to Lifetime Homes standards.

- 7.51 The submitted Planning Statement outlines that lifetimes home standards have been incorporated into the design of all units on the site and more than 10% of the units are accessible to wheelchair users. It is considered that this matter could be controlled via condition.

Amenity Space

- 7.52 Saved policies HSG16 of the adopted UDP and Policy CP25 of the IPG provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme. Both HSG16 and CP25 reinforces the need to provide high quality and usable private external space fit for its intended user, to be an important part of delivering sustainable development and improving the amenity and liveability for Borough's residents.

- 7.53 The SPG Residential Space Standards (1998) sets the space criteria, as does policy HSG7 of the IPG (2007). The application proposes the provision of 300sqm square metres of amenity space. However, scaling off the drawings one is only able to obtain a figure of 350sqm. The policy requirements are summarised in the tables below:



7.54 **Table 3: Interim Planning Guidance Amenity (2007) Space Standards**

Units	Total	Minimum Standard (sq.m)	Required Provision (sq.m)
1 Bed	7	25 sqm at ground floor level 6 sqm for 1 <sup>st</sup> floor and above	61
2 Bed	6	25 sqm at ground floor level 10 sqm for 1 <sup>st</sup> floor and above	75
3 Bed	7	50 sqm at ground floor level 10 sqm for 1 <sup>st</sup> floor and above	150
4 Bed	0	50 sqm at ground floor level 10 sqm for 1 <sup>st</sup> floor and above	0
5 Bed	3	50 sqm at ground floor level	150
<b>TOTAL</b>	<b>23</b>		<b>436</b>
<b>Communal amenity</b>		50sqm for the first 10 units, and 5sqm for every 5 additional units.	<b>60sq.m</b> (50sq.m plus 10sqm).
<b>Total Housing Amenity Space Requirement</b>			<b>496sqm</b>

7.55 The allocations of amenity spaces is as follows:

7.56 Block A

Two of the three proposed dwellings have amenity area of 49 sq m. The remaining unit has an amenity area of 57 sq m. These spaces are considered acceptable in accordance with the requirement of the interim planning guidance which gives a minimum of 50 sq m for family sized units.

7.57 With regards to Block B, a communal area of 54.5 sqm is proposed at roof level of Block B. Whilst this falls short of the minimum of 60sq m, it is considered a refusal on these grounds cannot be sustained, since increasing the size of the roof terrace make the scheme unacceptable in design terms.

7.58 The amenity space of the individual units are outlined as follows:

7.59 Table 3: Outlining residential amenity space for Block B.

Type	ground	1st	2 <sup>nd</sup>	3rd	4 <sup>th</sup>	5 <sup>th</sup>	Total	Required	Conform
1 bed	1						8	25	No
1 bed		1					7	6	Yes
1 bed			1				7	6	Yes
1 bed				1			7	6	Yes
1 bed					1		7	6	Yes
1 bed					1		8.3	6	Yes
1 bed						1	14.6	6	Yes
2 bed	1						79	25	Yes
2 bed		1					7.2	10	No
2 bed			1				7.6	10	No
2 bed				1			7.6	10	No

2 bed					1		7.6	10	No
2 bed						1	20	10	Yes
3 bed	1						59.8	50	Yes
3 bed	1						100	50	Yes
3 bed		1					11.3	10	Yes
3 bed			1				11.3	10	Yes
3 bed			1				11.8	10	Yes
3 bed				1			11.8	10	Yes
3 bed					1		11.8	10	Yes
Total							394	276	Yes

- 7.60 In reference to Child Play Space in accordance with the London Plan, it is necessary to provide child floor space.
- 7.61 As set out on the paragraph 4.21 of the London Plan Supplementary Guidance on Children’s Play space, the provision is in addition to any communal requirement.
- 7.62 The level of private amenity space for individual units is above the minimum levels. However, the scheme does not provide any child play space on the site. However, given all the family size units have private amenity space located at ground floor level and the location of Bartlett Park within walking distances of both sites, it is considered a reason for refusal cannot be sustained on these grounds.
- 7.63 Overall, the scheme provides a sufficient amount of amenity space. As such, the proposal accords with saved policy HSG16 of the UDP, policy HSG7 of the IPG. These policies seek to ensure that residential development provides sufficient communal amenity and that the quality and usability of the space is high.

## Energy

- 7.64 The Applicant has submitted a renewable energy statement for the development, which has been reviewed by Council Officers. The applicant is proposing a 31.11% in carbon savings. However, no renewable energy technologies are proposed. Further justification for this approach would be needed be provided to support the proposal. Nether the less, the Council, consider that this could be dealt with via condition.

## Amenity

### Sunlight/ Daylight

- 7.65 DEV1 of the Interim Planning Guidance requires development to protect, and where possible improve the amenity of surrounding building occupants and policy DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions.
- 7.66 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.

7.67 The applicant submitted a Daylight and Sunlight report which assesses the impact on the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties. This report has been reviewed by the Councils Environmental Health Daylight and Sunlight Officer and its contents have been considered acceptable.

7.68 The following properties were assessed for daylight and sunlight impacts as they were the closest and most likely to be affected.

7.69 11-14 Broomfield Street  
62-88 Broomfield Street  
2 Broomfield Street  
Busbridge House

a) *Daylight Assessment*

7.70 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.

7.71 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:

- 1.5% for living rooms; and
- 1% for bedrooms and habitable rooms.

7.72 The daylight analysis identified that the neighbouring residential properties assessed will receive more than the BRE standards require in terms of ADF to all habitable rooms.

Sense of Enclosure/ Loss of Outlook

7.73 This impact cannot be readily assessed in terms of a percentage or measurable loss of quality of outlook. However, the main issue with regards to the loss of outlook is the impact of Block A on 48 Broomfield Street.

7.74 As outlined in the design section, the front projections of Block A extend further than the properties at Broomfield Street by approximately 4 metres. This results in an unacceptable design and also results in an increase sense of enclosure and loss of outlook to number 48 Broomfield Street.

7.75 As such, it is considered the substantial depth of (4m) of the proposed dwelling to Block A will result in an unacceptable loss of outlook and would increase the sense of enclosure to the occupiers of 48 Broomfield Street. As such, the proposal will harm the amenity of adjoining residents and therefore fail to meet the criteria of saved Policy DEV2 in the Unitary Development Plan (1998) and DEV1 in the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) which seek to protect the amenity of residents.

Privacy

7.76 In terms of Block A, the properties to the rear are located 9m away from the proposed dwellings, Given the urban context of the site and similar distances existing within the vicinity, it is considered that on balance this distance is

acceptable. As such, a refusal on these grounds would be difficult to sustain.

- 7.77 However, with regards to Block B, locations of the balconies raise significant privacy issues in terms of overlooking into habitable rooms. This is prevalent on the south east elevations and is not considered acceptable in terms of design.

## **Highways**

### Loss of Parking

- 7.78 Whilst the loss of parking has not been sufficiently justified, on balance, given the nature of the development to provide housing and a number of affordable units (in particular the high number of family sized units) it is considered that the loss of parking is acceptable.
- 7.79 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, a condition to prevent parking permits being issued to the new residents of the development would be secured via a section 106 agreement.
- 7.80 In terms of bicycle provision, the development proposes 22 residential cycle spaces at Block B with additional spaces for each unit at Block A. This is in-line with the Interim Planning Guidance and any planning permission would be conditioned to ensure that cycle spaces are provided and retained.

### Disabled parking

- 7.81 Two disabled parking spaces are to be provided off the circular estate road to the south of Site B. Whilst the principle of this provision is welcomed, the orientation of the parking spaces will require vehicles to reverse onto or from the estate road which is not appropriate and has highway safety implications.
- 7.82 As such, it is considered the proposed disabled car parking spaces have no turning facilities and rely on reversing into the highway. This constitutes a poor design and has highway safety implications. Given the lack of separation or definition in the layout for different user groups in either the design or layout of the space. Therefore, it is not considered that it accords with policies 3C.23 and 4B.5 of the London Plan Consolidated with Alterations since 2004 (February 2008) and policies CP41, CP42, DEV16 and DEV19 of the Interim Planning Guidance (October 2007) which seek to ensure that vehicular access points are suitably located and designed to ensure safe access routes for pedestrians, cyclists and vehicles.

### Refuse

- 7.83 The proposed location of the refuse store for Block B is considered unacceptable and concerns have been raised, as refuse vehicles would be required to stop in close proximity to the junction of Upper North Street/Broomfield Street, potentially in part on the existing raised table, preventing vehicles from egressing onto Upper North Street. Given similar design concerns also exist over the location of the refuse it is considered that this matter cannot be controlled via condition.
- 7.84 As such, it is considered that the design and location of the refuse facilities is considered unacceptable given it is poorly designed close to the junction of Upper North Street and Broomfield Street and is not suitably located within the development. The location further reduces active frontages along Broomfield Street

and poses potential highway safety implications during collection. As such the development fails to accord with the requirements of saved policies DEV1, DEV2 and DEV55 of the adopted Tower Hamlets Unitary Development Plan 1998, policies 4B.3 and 4B.6 of the London Plan and policies DEV2, DEV4 and DEV15 of the Unitary Development Plan, which seek the provision of high quality design which seek an acceptable standard of design that creates safe and secure environment and refuse storage which is suitable and securely located.

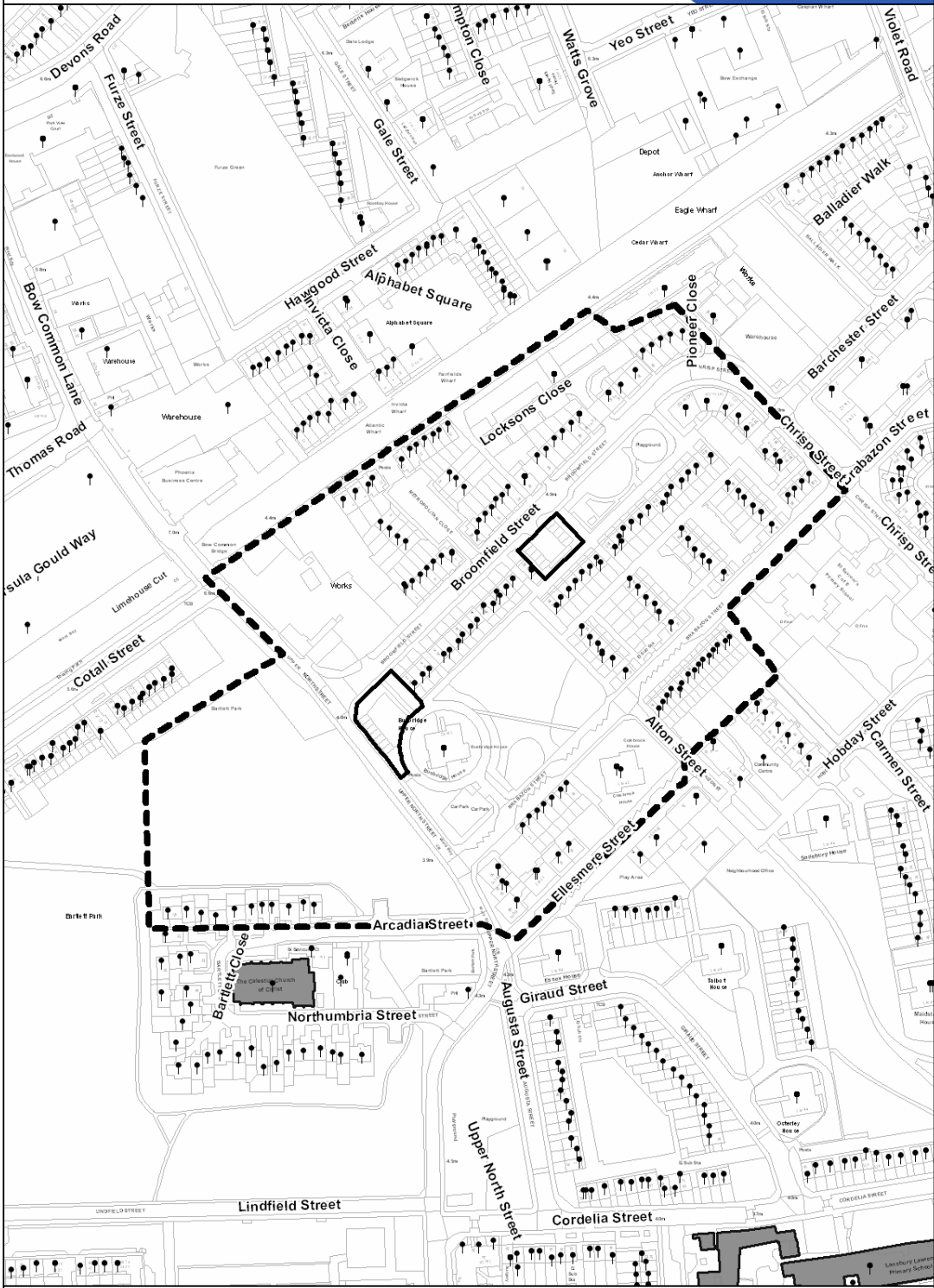
#### Servicing.






- 7.85 The concerns over servicing from the Highways department have been noted. However, it is considered that given the residential use proposed which is not considered to require a large number of servicing, it is considered that a refusal on these grounds could not be substantiated.

#### **Conclusions**

- 8.0 All other relevant policies and considerations have been taken into account. Planning permission should be refused 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	

1:2,750

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. London Borough of Tower Hamlets LA100019288

# Agenda Item 7.3

<b>Committee:</b> Development Committee	<b>Date:</b> 31 <sup>st</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.x
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b>  Shay Bugler		<b>Ref No:</b> PA/10/119  <b>Ward(s):</b> Mile End East	

## 1. APPLICATION DETAILS

- 1 **Location:** Whatman House, Wallwood Street, London, E14
- 1.2 **Existing Use:** 8 studio flats, open space and car parking
- 1.3 **Proposal:** Demolition of existing two storey building and construction of two new blocks; one of 4 storeys and one part 4 and part 6 storeys in height to provide 38 residential units (comprising 11 x 1 bed, 17 x 2 bed, 7 x 3 bed and 3 x 4 bed), associated open space improvements, car parking layout revisions and infrastructure works.
- 1.4 **Drawing Nos:** A5220B10-2-0-000; A5220B10-2-0-001 Rev B; A5220B10-2-0-002 Rev B; A5220B10-2-0-003 Rev B; A5220B10-2-0-004 Rev A; A5220B10-2-0-005; A5220B10-2-0-006; A5220B10/2-0-007 Rev A;  
A5220B10-2-3-000 Rev A; A5220B10-2-3-002; A5220B10-2-3-003; A5220B10-2-3-004; A5220B10-2-3-005; A5220B10-2-3-006; A5220B10-2-3-007; A5220B10-2-3-008 Rev A;  
A5220B10-2-3-009; A5220B10-2-3-010 Rev A; A5220B10-2-3-011; 0A5220B10-2-3-012; A5220B10-2-3-013; A5220B10-2-3-020; A5220B10-2-3-021; A5SS0B10-2-3-022; A5220B10-2-3-023; A5220B10-2-3-024; A5220B10-2-3-025; A5220B10-2-3-026; A5220B10-2-3-027; A5220B10-2-3-028; A5220B10-2-3-029; A5220B10-2-3-030; A5220B10-2-3-031; A5220B10-2-3-032; A5220B10-2-3-033; A5220B10-2-3-034; A5220B10-2-3-035; A5220B10-2-3-036; A5220B10-2-3-037; A5220B10-2-3-038; A5220B10-2-3-039; A5220B10-2-3-040; A5220B10-2-3-041; A5220B10-2-3-042; A5220B10-2-3-043; A5220B10-2-3-044; A5220B10-2-3-045; A5220B10-2-3-046; A5220B10-2-3-047; A5220B10-2-3-048;
- 1.5 **Supporting documentation**
- Town Planning Statement prepared by Savills dated 11/01/2010
  - Impact Statement prepared by Savills dated 11/01/2010
  - Design and Access Statement prepared by PRP Architects dated 11/01/2010
  - Air Quality Assessment by WSP Environmental UK dated September 2009

- Tree Survey prepared by Haydens dated 11/01/2010
- Landscaping Strategy prepared by Outerspace dated 11/01/2010
- Energy & Sustainability Statement prepared by Daedalus Environmental dated 11/01/2010
- Document entitled "Response to LBTH Energy and Sustainability comments" prepared by Richard Hodgkinson Consultancy dated 11/01/2010
- Transport Statement prepared by Intermodal Transport dated 11/01/2010
- Environmental Site Investigation Report by Resource & Environmental Consultants Ltd dated February 2008
- Daylight & Sunlight Assessment prepared by Delva Patman dated 11/01/2010

- 1.6 **Applicant:** Urban Living (Poplar Harca and Bellway Homes Thames Gateway)
- 1.7 **Owner:** Poplar Harca
- 1.8 **Historic Building:** The site does not contain a historic building.
- 1.9 **Conservation Area:** The site is not located within a Conservation Area.

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (Oct. 2007), associated supplementary planning guidance, the London Plan Consolidated (2008) 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 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) and SP02 of the Core Strategy submission document (December 2009) which seeks to ensure this.
- 2.3 The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007) & SP02 of the Core Strategy submission document (Dec 2009) which seek to ensure that new developments offer a range of housing choices.
- 2.4 The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007) & SP02, SP09, SP10, SP12, SP03 & SP04 of the Core Strategy Development Plan Document (Submission version dated December 2009), which



seek to provide an acceptable standard of accommodation.

- 2.5 The development would enhance the streetscape and public realm through the provision of a public realm, public open space and improved pedestrian linkages. Furthermore, the quantity and quality of housing amenity space and the communal/child play space strategy is also considered to be acceptable. As such, the amenity space proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies ST37, DEV1, DEV12, HSG16, T18 and OS9 of the Council's Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) & SP04 of the Core Strategy Development Plan (submission version dated December 2009) which seek to improve amenity and liveability for residents whilst creating a more attractive environment for those who live and work here.
- 2.6 The building height, scale, bulk and design is acceptable and in line with policies 4B.1, 4B.2, 4B.3 and 4B.5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998; policies DEV1, DEV2, DEV3, DEV4 & DEV 27 of the Council's Interim Planning Guidance (2007) & policies SP02, SP10 & SP12 of the Core Strategy Development Plan document (submission version) Dec 2009 which seek to ensure buildings are of a high quality design and suitably located.
- 2.7 Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) & policy SP09 of the Core Strategy Development Plan Document (submission version dated December 2009), which seek to ensure there are no detrimental highways impacts created by the development.
- 2.8 Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV 9 of the Council's Interim Planning Guidance (2007) & SP11 of the Core Strategy Development Plan Document (submission document dated Dec 2009) which seek to promote sustainable development practices.
- 2.9 Contributions have been secured towards the provision of affordable housing, health & education in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), SP13 of the Core Strategy Development Plan Document 2005 (submission version Doc '09) which seek to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.

### 3.0 **RECOMMENDATION**

That the Committee resolve to GRANT planning permission subject to:

- 3.1 B. The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
  1.
    - Affordable housing provision of 51% of the proposed habitable rooms with a 87/13 split between rented/ shared ownership to be provided on

site.

2.
  - A contribution of £46, 584 to mitigate the demand of the additional population on health care facilities.
3.
  - A contribution of £74, 052 to mitigate the demand of the additional population on education facilities.

#### Non financial

4.
    - Local labour in construction
  5.
    - Travel Plan
  6.
    - 'Car free' agreement
- 3.2 That the Corporate Director of Development and Renewal is delegated powers to negotiate the legal agreement indicated above.
- 3.3 That the Head of Development Decisions is delegated power to impose conditions on the planning permission to secure the following:

#### Conditions

- 3.3 That the Committee resolve to GRANT planning permission planning permission
1. Time limit
  2. Submission of samples/details/full particulars of materials
  3. Details of landscaping strategy
  4. Hours of Construction (8.00am to 6.00pm Monday to Friday 8.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
  5. Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
  6. Secure all residential units should meet a code level 3 for Sustainable Homes by design statement
  7. Car parking management strategy
  8. Detail of electric vehicle charging points
  9. Motor cycle stands to be provided
  10. Travel Plan
  11. Construction Management Plan
  12. Contaminated land: desk study, site investigation, risk assessment and mitigation
  13. Secure by design statement
  14. Details of refuse & recycling facilities for each use
  15. Extract ventilation details for internal kitchens, bathrooms and toilets in the proposed plans.
  16. Heat and domestic hot water details
  17. Code level 3 for Sustainable Homes
  18. Schedule of highways works condition
  19. Noise survey
  20. Any other condition(s) considered necessary by the Head of Development Decisions
- 3.4 Informative
1. Section 106 agreement required (car free & affordable housing)

2. Section 278 (Highways) agreement required.
  3. Site notice specifying the details of the contractor required.
  4. Construction Environmental Management Plan Advice.
  5. Environmental Health Department Advice.
  8. Metropolitan Police Advice.
  9. Environmental Agency advice.
- 3.5 That, if by 31<sup>st</sup> June 2010 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

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

- 4.1 The application proposal involves the demolition of the two storey residential building and construction of two new residential buildings consisting of 38 new dwellings. The larger, main block is located in the southeast corner of the site, fronting Wallwood Street and Thomas Road, and extending between 4 and 6 storeys. The smaller, second block is 4 storeys in height and fronts the northern boundary of the site.
- 4.2 The current proposal has been submitted following the withdrawal of the previous application (Ref no: PA/09/1956) on 7<sup>th</sup> January 2010. The previous application was withdrawn due to an administrative error pertaining land ownership on site. It transpires that Poplar Harca were not the sole landowners of the application site. Part of the previous site was owned by the Council.
- 4.3 The application proposed is in the main identical to the withdrawn scheme. The only amendment to the previous scheme was the re-siting of the main block by approximately 1.6 metres to the north of its previous position. The smaller block to the northern boundary is unchanged. The application site is now in the sole ownership of Poplar Harca.

#### **Site and Surroundings**

- 4.4 The application site covers an area of approximately 0.599 ha. The site borders Wallwood Street to the east, Thomas Road to the South, Butler House and Argyle Point to the west. It is currently occupied by a 2 storey residential building (Whatman House) consisting of 8 studio flats, open space and car parking bays used by the adjacent residential buildings, Butler House and Argyle Point.
- 4.5 The site is located immediately to the west of the Brickfield Gardens Conservation Area, though no part of the development is within a Conservation Area. The site is located in a Major Projects Consultation Zone of the Olympic Delivery Authority, the Burdett Road Major Road Consultation area, and an area requiring Wind Turbine Development City Airport Consultancy. The site does not include any listed or locally listed buildings and is not located in an Area of Archaeological Importance.

#### **Relevant Planning History**

- 4.6 Ref no: PA/09/1956: Demolition of existing two storey building and construction of two new blocks; one of 4 storeys and one part 4 and part 6 storeys in height to provide 38 new residential homes and associated open space improvements, car parking layout revisions and infrastructure works. This application was withdrawn by the applicant on the 07/01/20010.

- 4.7 Ref no: PA/98/862: Refurbishment of existing dwellings including new pitched roofs, overcladding, windows, balconies, staircase and lift enclosures, revised refuse provisions, external works including new garages, new parking arrangements and landscaping. This was approved on 06/11/1998

**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 Spatial Development Strategy for Greater London (consolidated with alterations since 2004)**

- 2A.1 Sustainability Criteria
- 3A.1 Increasing London’s Supply of Housing
- 3A.2 Borough Housing Targets
- 3A.3 Maximising the potential of sites
- 3A.5 Housing Choice
- 3A.6 Quality of new housing provision
- 3A.7 Large residential developments
- 3A.8 Definition of Affordable Housing
- 3A.9 Affordable Housing Targets
- 3A.10 Negotiating affordable housing in individual private residential and mixed-use schemes
- 3A.17 Addressing the needs of London’s diverse population
- 3B.1 Developing London’s Economy
- 3B.10 Environmental Improvements
- 3C.17 Tackling congestion and reducing traffic
- 3C.19 Local transport and public realm enhancements
- 3C.21 Improving conditions for walking
- 3C.23 Parking Strategy
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection
- 4B.8 Respect and local character and communities
- 4A.1 Tackling climate change
- 4A.4 Energy Assessment
- 4A.5 Provision of heating and cooling
- 4A.6 Decentralised energy: Heating, cooling and power
- 4A.7 Renewable energy
- 4A.14 Sustainable drainage
- 4A.19 Improving air quality

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

Proposals:	Proposal	Opportunity Site (Mixed uses, including predominately residential).
Policy	DEV1 DEV2 DEV4 DEV50 DEV51 DEV55	Design Requirements Environmental Requirements Planning Obligations Noise Contaminated Land Development and Waste Disposal

HSG7	Dwelling Mix
HSG15	Residential Amenity
HSG16	Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes
OS7	Loss of Open Space
OS9	Child Play Space
S7	Special Uses
ST37	Enhancing Open Space

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

Policies:	S01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating green and blue grid
	SP05	Dealing with waste
	SP09	Making connected places
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Vision, priorities and principles for Stepney

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

Proposals Development site including Residential C3 and Public open space

Core Strategies:

CP1	Creating Sustainable Communities
CP2	Equal Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix
CP22	Affordable Housing
CP25	Housing Amenity Space
CP30	Improving the Quality and Quantity of Open Space
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP41	Integrating Development with Transport
CP43	Better Public Transport
CP46	Accessible and Inclusive Environments
CP47	Community Safety

Policies:	DEV1	Amenity
	DEV2	Character & Design

DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV 16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
OSN2	Open Space

#### 5.6 Government Planning Policy Guidance/Statements

PPG1	General Policy and Principles
PPS3	Housing
PPG13	Transport
PPS1	Delivering Sustainable Development
PPS22	Renewable Energy
PPSG24	Planning & Noise

#### 5.7 Community Plan The following Community Plan objectives relate to the application:

A better place for excellent public services

#### 5.8 Supplementary Planning Guidance/Documents

Designing Out Crime  
Residential Space  
Landscape Requirements

### 6. CONSULTATION RESPONSE

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

#### **LBTH Highways**

##### Parking

- 6.2 A condition should be attached to the planning consent which requires a “car free” agreement to prevent residents from applying for car parking permits on the estate.

*(Officers comment: The applicant will be required to enter into a “car free” agreement. This will be secured in the S106 Agreement)*

- 6.3 A Car Parking Management Strategy (CPMS) containing enforcement measures should be conditioned to ensure that future residents of the new build development do not occupy available spaces of existing residents.

*(Officers comment: The applicant will be required to submit a Car Parking Management Strategy. The CPMS must be approved in writing prior to the occupation of the first residential unit. This will be secured by condition)*

- 6.4 The scheme should make provision for electric vehicle charging facilities (20% of total car parking provision).

*(Officers comment: The applicant will be required to submit details of the electric vehicle charging facilities. This will be secured by way of condition).*

- 6.5 Details of cycle parking facilities, location, maintenance and its retention should be conditioned.

*(Officers comment: Details of cycle parking facilities have been identified in the submitted plans and are considered acceptable. As such, it not considered necessary to submit details of cycle parking facilities).*

- 6.6 Of the proposed 24 car parking spaces, it is considered that some should be allocated as disabled spaces in accordance with policy (10% minimum).

*(Officers comment: The proposal makes provision for 27 car parking spaces of which 3 will be disabled parking spaces. As such, the proposal achieves a minimum of 10% policy requirement in accordance with the IPG).*

- 6.7 The Transport Statement mentions that the displaced off-street car parking spaces would be relocated to on-street car parking on Wallwood Street. This could result in an unacceptable increase in demand on existing permit bays.

*(Officers comment: The applicant has confirmed that any residents seeking to park in the on-street bays on Wallwood Street would have to apply for permits through the Council, who control the provision).*

- 6.8 The applicant is required to submit a Travel Plan.

*(Officers comment: The applicant will be required to submit a Travel Plan. This will be secured in the S106 Agreement).*

- 6.9 A Construction Management Plan shall be submitted and approved in writing prior to the commencement of works on site.

*(Officers comment: The applicant will be required to submit a Construction Management Plan. This will be secured by way of condition).*

### **Transport for London**

6.11 Transport for London has not provided comments on this application. However, in the previous , almost identical application (ref no: PA/09/1956), the following comments were made and should be considered:

6.12 The use of CCTV would be recommended as an additional security measure.

*(Officers comment: The applicant will be required to submit a Secure by Design Statement which shall include CCTV details. This will be secured by way of condition).*

6.13 TfL supports the proposed reduction of car parking by 16 spaces and provision of 3 disabled spaces.

6.14 Similar to LBTH Highways team, TfL recommend that future occupiers of the site be excluded eligibility for local parking permit. TfL also recommends that a Travel Plan and Construction Management Plan be submitted to the Council for assessment.

*(Officers comment: A Travel Plan will be secured in the Section 106 Agreement and the Construction Management Plan will be secured by condition.)*

### **LBTH Environmental Health**

#### LBTH Daylight & Sunlight

6.15 LBTH Daylight & Sunlight officer has confirmed that the submitted Daylight & Sunlight report is satisfactory.

#### LBTH noise

6.16 The hours of building works shall be confined to 08.00 hours to 18.00 hours (Mon to Fri)  
and 08.00hrs to 13.00 hrs (Sat only) with no Sunday or Bank Holiday working or at any other time.

*(Officers comment: Hours of construction shall be conditioned).*

6.17 An acousticians background noise survey report should be submitted setting out details of the prevailing background noise levels together with details of the proposed glazing configuration for prior approval to ensure compliance with PPG24.

*(Officers comment: A noise survey shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of works on site. This shall be secured by condition).*

6.18 LBTH contamination officer



A condition shall be attached to the planning application which requires the applicant to submit a contamination report which includes the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

*(Officers comment: The applicant will be required to submit a land contamination assessment. This will be secured by way of condition).*

### **LBTH Energy Efficiency Unit**

6.19 The Energy and Sustainability Strategy is acceptable subject to the following conditions:

- all residential units of the development shall have heat and domestic hot water supplied by high efficiency individual gas boilers
- all residential units should meet a code level 3 for Sustainable Homes

*(Officers comment: The above will be secured by way of condition)*

## **7. LOCAL REPRESENTATION**

7.1 A total of 699 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The applicants also held a public consultation

No. of individual responses:	3	Objecting:	1	Supporting:	2
No of petitions	1			Supporting:	1

7.2 The following issues were raised in representations received by the general public:

### Objections

#### *Land Use*

7.3 The proposal will result in overdevelopment of the site.

*(Officers comment: The proposal does not present any symptoms of over development of the site. This is discussed further in section 8.3-8.9 of the report).*

7.4 The proposal is out of scale with other developments in the area.

*(Officers comment: The site is bound on the eastern side by Wallwood Street, and a 4 storey residential block. To the south of the site is Thomas Road is a 3 storey light industrial /trade units. In addition, there is a 7 storey mixed use Limehouse development on the corner to Burdett Road, currently under construction. Immediately to the west of the site is Butler House, an 11 storey building. As such, the proposal is not considered to be out of scale with the prevailing form and scale of development in the area).*

7.5 The proposal reduces the existing open space to a minimum.

*(Officers comment: The proposal provides sufficient amount of communal open space and accords with Council policy. This will be discussed further in section 8.30-8.34 of the report).*

- 7.6 There is insufficient provision of social rented housing provided on site.

*(Officers comment: The proposal makes provision for 51% affordable housing by habitable rooms which exceeds the Councils target requirement of 35% of the GLA's requirement of 50%. The proposal provides an additional 8 social rented units which is supported by officers).*

### Supports

- 7.6 The scheme will provide additional needed residential dwellings and would also improve the amenity/open space and facilities for local people and children.
- 7.7 There is a need for larger and better built family homes on the Borough.
- 7.8 The scheme will provide more family homes of a high standard in an area where many residents of various social landlords live in over crowded conditions.
- 7.9 The new scheme makes the immediate area a safer and more attractive place to live.

1 petition of support was received with 296 signatures

- 7.10 This scheme will help meet the increasing housing needs of over 23,000 people registered in the London Borough of Tower Hamlets, including the many overcrowded families with children whose personal development is suffering.

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application are as follows:

1. Land Use
2. Density
2. Design and Layout
3. Housing
4. Amenity
- 5: Highways and Transport
6. Sustainability and Renewable Energy

### **Land Use**

- 8.2 The proposal is solely for residential (C3 use) development. Given the existing use on site, the demolition of existing residential development and the construction of 38 new dwellings is acceptable in land use terms.

### **Density**

- 8.3 Policies 3A.1, 3A.2 and 3A.3 of the London Plan encourage Boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG & SP02 of

the Core Submission Document (Dec 2009) seek to maximise residential densities on individual sites; taking into consideration the local context and character; residential amenity, site accessibility; housing mix and type; achieving high quality, well designed homes; maximising resource efficiency; minimising adverse environmental impacts; the capacity of social and physical infrastructure and open spaces; and to ensure the most efficient use of land within the Borough.

- 8.4 Policy 3A.3 of the London Plan Consolidated (2008) including table 3A.2 sets the density matrix for a site with PTAL rating of 4 of between 450 to 700 habitable rooms and dwellings per hectare.
- 8.5 Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Loss of privacy and outlook;
  - Small unit sizes
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure;
- 8.6 The proposed development would have a density of 543 habitable rooms per hectare. The combined density of the site including the proposed scheme (38 units/122 habitable rooms), Butler House (67 units/183 habitable rooms) and Argyll Point (30 units/90 habitable rooms) has been calculated as 659 hrph. This is based upon 135 units and 395 habitable rooms divided by the overall site area (including Argyll Point) of 0.599 hectares.
- 8.7 The proposal does not exhibit any of the above symptoms of overdevelopment.

## **Design**

### Bulk and Massing

- 8.8 Good design is central to all the objectives of the London Plan (Feb 2008). Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP. DEV 1 and 2 of the IPG and policy SP03, SP04, SP09, SP10 of the Core Strategy Submission document (Dec 2009).
- 8.9 Policy CP4 of the IPG (Oct 2007) will ensure development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and SP10 of the Core Strategy DPD (2009) states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.10 The proposal comprises of two separate blocks. The main block is positioned parallel to Wallwood Street and turns into the corner onto Thomas Road. It extends to part four and part six storeys in height. The proposal also includes a separate four storey building adjacent to the northern boundary of the site. The proposed scale and massing of the building has been designed to provide a transition in scale and massing between Butler House (10 storeys) and Fitzroy House ( 4 storeys) which is considered appropriate in

design terms.

- 8.11 The main building is orientated in a north to south direction, which reflects the siting of neighbouring buildings. The scale and massing of the proposed development is consistent with the prevailing scale of existing and proposed development in the surrounding area. The proposed contemporary design is of high quality and will enhance the character and appearance of the area.
- 8.12 Details of proposed materials will be secured by way of condition.
- 8.13 Overall, the height, scale, bulk & design is acceptable and in line with planning policy policies 4B.1, 4B.2, 4B.3 & 4B.5 of the London Plan (Consolidated with alterations since 2004); policies DEV 1& DEV 2, DEV 3, DEV 4 of the Council’s IPG (Oct 2007) & SP02, SP10 & SP12 of the Core Strategy Submission Document which seeks to ensure buildings are of a high quality and suitably located.

## Housing

### Housing Mix

- 8.14 The scheme is proposing a total of 38 residential units. The dwelling and tenure mix is set out below:

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total units in scheme	units	%	LDF %	units	%	LDF %	units	%	LDF %
Studio	0	0	0	0	0	0	0	0	0	0
1 bed	11	3	21.4	20	1	33	37.5	7	33	37.5
2 bed	17	5	35.7	35	2	66	37.5	10	47.6	37.5
3 bed	7	3	21.4	30			25	4	19	25
4 bed	3	3	21.4	10				0		
5 Bed				5						
<b>TOTAL</b>	<b>38</b>	<b>14</b>	<b>100</b>	<b>100</b>	<b>3</b>	<b>100</b>	<b>100</b>	<b>21</b>	<b>100</b>	<b>100</b>

- 8.15 Paragraph 20 of Planning Policy Statement 3 states that

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

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

*“offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families*

*with children and people willing to share accommodation”.*

- 8.17 “Saved” policy HSG7 of the Unitary Development Plan (1998) states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings between 3 and 6 bedrooms. The UDP does not provide prescribed targets.
- 8.18 Policy CP21, CP22 & HSG2 of the IPG and policy SP02 of the Core Strategy Development Plan Document (2009) seek to create mixed communities. A mix of tenures and unit sizes assist in achieving these aims.

*Family housing*

8.19	<i>Tenure</i>	<i>% Policy requirements</i>	<i>% as proposed</i>	<i>% annual monitoring report 2009</i>
	<i>Social rented</i>	45	43	35
	<i>Intermediate</i>	25	0	7
	<i>Market</i>	25	19	3
	<i>Total within scheme</i>	30	26	11

- 8.20 The table above illustrates that the scheme exceeds the average provision for family housing across all tenures in the Borough.
- 8.21 With specific reference to family housing, policy HSG2 of the IPG, family housing is characterised by 3 or more rooms. The family housing in the social rented, intermediate and private sale components should be 45%, 25% and 25% respectively. In addition, HSG2 stipulates that 30% of all units should be family sized.
- 8.22 The proposal provides approximately 43% family accommodation by unit numbers within the social rented tenure which is in general conformity with Council policy. The proposal makes provision for 19% family units in the market tenure. The Housing Department finds the level of family accommodation in the market housing mix (approximately 19%) to be acceptable. The proposal does not make any provision for family units within the intermediate tenure. However, the scheme makes provision for 26% family sized accommodation which is broadly policy compliant. The deficiency of family units against policy HSG2 is offset by the provision of 51% affordable housing which is a key housing priority as identified in LBTH Housing Strategy (2009-12).

*Affordable housing*

- 8.23 Policy 3A.9 of the London Plan Consolidated (2008) sets out a strategic target that 50% of the new housing provision in the borough should be affordable.
- 8.24 The proposal is compliant with Core Policy CP22 “Affordable Housing” of the LBTH Interim Planning Guidance (Oct. 2007) which states the Council will seek a minimum of 35% affordable housing provision on developments proposing 10 new residential dwellings or more with a social rented to intermediate housing ratio of 80:20.
- 8.25 The proposal makes provision for an uplift of 51% affordable housing by habitable rooms. At present, there are 6 unoccupied affordable studio units on site. This amounts to 6 habitable rooms. Therefore, the overall provision for affordable housing is 46% by habitable rooms. This comprises an overall tenure split of an approximate 85:15% split of social rented to shared ownership units respectively. The tenure split calculations are

also based on habitable rooms. The mix is supported by officers given the increasing demand of social rented units in the borough.

- 8.26 On balance, the scheme provides a suitable range of housing choices and complies with housing policy set out in the London Plan consolidated (2008), Unitary Development Plan (1998) and the LBTH Interim Planning Guidance (Oct. 2007) in creating a mixed and balanced community.

### **Amenity**

#### *Daylight/ Sunlight*

- 8.27 The applicant has submitted a Sunlight/ Daylight Study that demonstrates acceptable compliance with BRE guidelines and is in accordance with UDP "saved" policy DEV2 as the design would preserve acceptable daylight/ sunlight levels to the surrounding residential properties. The overall daylight/sunlight values achieved for all of the properties around the site are acceptable and the only matter where there is not full compliance with the BRE Guidelines is in terms of some minor losses to sunlight hours. However, even where there are losses to sunlight, the overall annual sunlight to those particular windows remains satisfactory.

#### *Amenity Space Provision*

- 8.28 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds.
- 8.29 Following is an assessment against the residential amenity space requirements under policy HSG7 of the Interim Planning Guidance (2007)

- 8.30 Private & Communal Amenity Space Provision Requirement for Whatman House:space

<b>Units</b>	<b>Total</b>	<b>Minimum Standard (sq.m)</b>	<b>Required Provision (sq.m)</b>
1 Bed	10	6	60
2 or greater Beds	20	10	200
<b>TOTAL</b>	<b>30</b>		<b>260</b>
<b>Ground Floor Units</b>			
3 or greater Beds	4	50	200
3 less than 3 beds	4	25	100
<b>Total</b>	<b>8</b>		<b>300</b>
<b>Grand Total</b>	<b>38</b>		<b>560</b>
<b>Communal Amenity Space Provision Requirement</b>		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>78sq.m</b> (50sq.m plus 28sq.m).
<b>Total Housing Amenity Space Requirement</b>			<b>638sq.m</b>

- 8.31 The existing area of communal amenity space within the site boundary around Butler House and Argyll Point is approximately 1, 986m<sup>2</sup>. The proposal will result in an additional 389 of shared amenity space provided on site. This shared amenity space comprises communal space and child playspace. The policy requirement for communal amenity space is 78sqm. As such, the quantum of communal amenity space complies with policy requirement and supported by officers.
- 8.32 Currently there is no children's playspace on the site to serve residents living in Butler House or Argyle Point. Applying the Councils policy 3m per child bed space generates a requirement of 43m<sup>2</sup> of child playspace. GLA policy of 10m per child bed space generates a requirement of 247m<sup>2</sup> of child space. The proposed scheme will provide a minimum of 311sqm of child playspace. The proposal therefore complies with both the GLA and IPG requirements for child playspace.
- 8.33 The proposal makes provision for 491m<sup>2</sup> of private amenity space. Council policy seeks 560 sqm of private amenity space. The shortfall of private amenity space by 67sqm is offset by a surplus of 64m<sup>2</sup> of communal amenity space and is considered acceptable. Furthermore, the scheme makes provision for 'private communal' roof terrace amenity space in the main building at Whatman House which provides 300m<sup>2</sup> of amenity space for residents of this building. The private communal amenity space can only be accessed by residents who occupy the main building at Whatman House. Furthermore, the quantum of private amenity space is offset by the over provision of high quality communal and child playspace.
- 8.34 On balance, the quantum and quality of amenity space is in compliance with the intent of HSG16 of the UDP and HSG2 of the Interim Planning Guidance.

### **Highways and Transport**

- 8.35 The London Plan, UDP & IPG contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel and supports movements by walking, cycling and public transport. This is further supported by policy SP09 in the Core Strategy (Submission Version 2009)
- 8.36 Both the Unitary Development Plan (1998) and the LBTH Interim Planning Guidance (Oct. 2007) contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, lorries and supports movements by walking, cycling and public transport. This is further supported by policy SP09 of the Core Strategy DPD. In accordance with core policy CP41 in the LBTH Interim Planning Guidance (Oct 2007), the Council seeks to focus high density development in areas of high public transport accessibility.
- 8.37 The site has a high PTAL rating of 4. Increased residential development is appropriate on this site due to its good public transport accessibility.

#### *Access and Servicing*

- 8.38 Vehicular access to the site is proposed from Wallwood Street through the provision of a single access/egress point in a similar position to the existing northern access into Wallwood Street. Access would be controlled through an automatic bollard system operated by a key/fob system. This is acceptable on highway grounds.
- 8.39 The proposed servicing strategy comprises the management company moving the bins from the refuse stores in the new development and from outside Butler House to a holding area. This holding area is located at the northern end of the main building to allow collections from Wallwood Street. This is considered acceptable.

#### *Car Parking*

- 8.40 According to policy 3C.23 of the consolidated London Plan (1998), on-site car parking provision for new developments should be the minimum necessary to ensure there is no overprovision that could undermine the use of more sustainable non-car modes. This in part, is to be controlled by the parking standard in Annex 4 of the London Plan and UDP policies.
- 8.41 The retention of 27 car parking spaces is considered to be acceptable in policy terms.
- 8.42 Parking standards for residential is 0.5 spaces per dwelling (no parking allowance for visitors) as set out in the Councils Interim Planning Guidance. The proposal does not increase car parking spaces on site which is in accordance with the Interim Planning Guidance (2007) and the London Plan (2008). Furthermore, the proposed car free development should alleviate concerns associated with traffic generation, congestion. And additional on street parking.
- 8.43 Provision of 3 disabled car parking spaces out of 27 car parking spaces is in accordance with the required 10% disabled parking set out in Planning Standard 3 of the LBTH Interim Planning Guidance (Oct 2007). The details of the car parking provisions will be secured by condition.

#### *Cycle Parking*

- 8.44 The London Plan does not designate cycle parking standards. Annex 4 of the London Plan



states that developments should provide sufficient secure cycle parking and supporting facilities in accordance with PPG13. It also acknowledges that TFL has indicative guidance on cycle parking standards.

- 8.45 PPG13 does not adopt a minimum figure for cycle spaces, rather requires that convenient and secure cycle parking is provided in developments at least at levels consistent with the cycle strategy in the local transport plan.

#### Planning Standard

- 8.46 Planning Standard 3 of the Interim Planning Guidance (Oct 2007) stipulates that 1 cycle space should be provided for each new residential unit. The number of cycle spaces proposed is 40 which therefore exceed the policy requirement for cycle parking spaces. The details of the cycle spaces will be secured by condition.

#### Sustainability

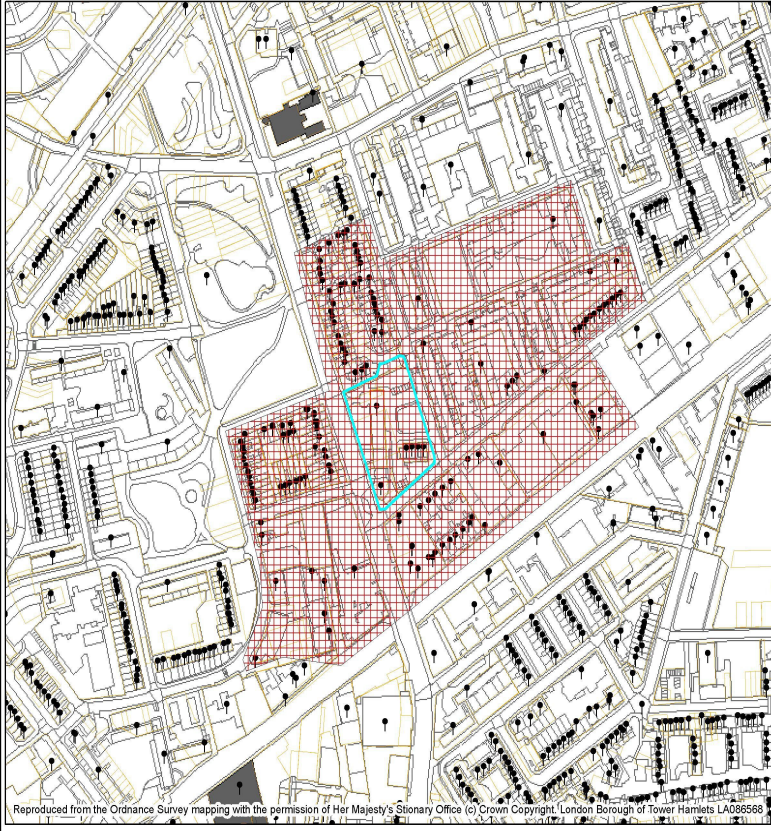
- 8.47 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible.
- 8.48 Policy 4A.1 seeks developments to reduce the carbon emissions of carbon dioxide by 20%. This policy advocates that developments should increase the proportion of energy generated from renewable sources and demonstrate the expected energy savings from the energy efficiency and renewable energy measures incorporated in the development, including the feasibility of CHP/CCHP and community heating. Policy 4A.6 requires all developments to demonstrate that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.
- 8.49 Combined Heat Power (CHP) and community heating have been discounted on a cost basis with the high capital cost and increased running costs cited as unviable. It is noted that space heating and hot water will be provided by individual high efficiency gas boilers. The inclusion of PV panels & a high efficiency gas boiler are proposed to reduce CO2 emission by 20% (14, 606 kg/yr).
- 8.50 A draft Code for Sustainable Homes assessment has been provided demonstrating that the design currently achieves a Code Level 3 rating (score 60:15). As the proposed development is of relatively small scale it is acknowledged that achieving the required credits for ENE 1 for Code Level 4 (44% reduction) is not considered feasible. It is therefore considered that in this instance a Code Level 3 standard is appropriate.
- 8.51 Subject to conditions relating to heat, domestic hotwater and sustainable homes, it is considered that sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV 9 of the Council's Interim Planning Guidance (2007) & SP11 of the Core Strategy Development Plan Document (submission document dated Dec 2009) which seek to promote sustainable development practices.

#### 9 Conclusions

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

permission should not 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.

Validating Officer's Site Map



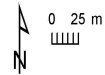
Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright, London Borough of Tower Hamlets LA086568

Validating Officer's Checklist:

1. Validate the site boundary.  
By checking: It is in the right plocaion.  
It is the same shape as the Site Plan.  
It is based on OS lines (where applicable).
2. Does the Planning Application affect the setting of any Statutory Listed Buildings. If YES mark which Listed Building(s) on the map.  
(Refer to note below).  
 Yes  
 No
3. Define the appropriate consultation area on the map for the Planning Application.
4. Write any missing addresses on the map marking which property they refer to.

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

Please Note: Where a building is shown as listed it is to be noted that everything within the curtilage of the listed building (either attached or unattached) is also listed (except unattached structures built after 1948). This should be carefully borne in mind when assessing the extent of listing. The shaded boundaries may therefore not show all that is listed.



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# Agenda Item 7.4

<b>Committee:</b> Development	<b>Date:</b> 31 <sup>st</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Kamlesh Harris		<b>Ref No:</b> PA/09/2523	
		<b>Ward(s):</b> Bromley by Bow	

## 1. APPLICATION DETAILS

**Location:** Site At Car Park Adjacent to 31 Arrow Road, Arrow Road, London

**Existing Use:** Car park / open-space / pedestrian passage

**Proposal:** Erection of six three storey five bedroom dwellinghouses.

**Drawing Nos:** PL(00)01, PL(00)02, PL(00)03A, PL(00)04B, PL(00)05B, PL(00)06B, PL(00)07A, PL(00)08A, PL(00)09, PL(00)10 and PL(00)11;

**Documents**

- Archaeological Desk-based Assessment Dated October 2009
- Daylight and Sunlight Report dated 21<sup>st</sup> October 2009; additional information received via email dated 12 January 2010
- Design and Access Statement, revised February 2010
- Report on Sustainable Energy Proposals dated October 2009
- Geotechnical Investigation dated October 2009
- Impact Statement dated November 2009

**Applicant:** Poplar HARCA

**Owner:** Poplar HARCA

**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:

1. The loss of the existing car-parking spaces and amenity land is acceptable as the proposal would provide additional housing, maximise the potential of the

site and encourage the use of sustainable forms of transport. As such the proposal accords with the objectives of policies 2B.1, 3A.3 and 4B.1 of the London Plan (consolidated with alterations since 2004) 2008 and policies 0S7 and DEV1 of the adopted Tower Hamlets Unitary Development Plan, which seek to maximise the supply of housing, reduce reliance on the car and ensure development is compatible with the local context of the site.

2. The erection of six, five bedroom dwellinghouses, would increase the supply of larger housing units in the Borough and accords with an identified housing need. The proposed dwellinghouses would offer an acceptable standard of accommodation with access to adequate amenity space. The proposal therefore accords with London Plan (consolidated with alterations since 2004) 2008 policy 3A.5 and saved policies HSG7, HSG13 and HSG16 of the adopted Tower Hamlets Unitary Development Plan 1998, which seek to ensure a mix of unit sizes, and a good standard of new housing provision.
3. The erection of a terrace of dwellings, incorporating elements of traditional architectural detailing and stock brickwork respects the form of existing development in the area. As such the proposal accords with the aims of saved policies DEV1 and DEV9 of the adopted Tower Hamlets Unitary Development Plan 1998, which seek to ensure development is sensitive to the character of the area in terms of design, scale, bulk and use of materials.
4. The scale of development, and separation distances to neighbouring properties, is such that the proposal would not result in any significant loss of daylight, sunlight, privacy or an increased sense of enclosure to the occupiers of neighbouring residential properties. As such the proposal accords with the aims of saved policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, which seeks to preserve residential amenity.
5. The proposed development retains a north-south pedestrian link through the site. The scheme makes no provision for off-street car-parking, would be subject to a car-free agreement and makes provision for cycle parking. As such the proposal would accord with the requirements of saved policies T16 and T18 of the adopted Tower Hamlets Unitary Development Plan 1998, which seek to maximise convenience for pedestrians and ensure the operational traffic associated with a development is taken into account.

### **RECOMMENDATION**

3. That the Committee resolve to **GRANT** planning permission subject to conditions and informatives.
  - 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:
    - 3.2 **Conditions**
      1. Implementation within 3 years.
      2. Development completed in accordance with approved plans
      3. Completion of Contaminated Land Study
      4. Details and samples of all external facing materials used on proposed dwellings
      5. Details of pedestrian passage including materials and security lighting
      6. Details of cycle parking. Retention thereafter.

7. Details of proposed solar panels
  8. Details of compliance with lifetimes homes standards
  9. Car-free development
  10. Scheme of Highway Improvement Works
  11. Limitation on hours of construction:  
8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays.
  12. Removal of permitted development rights for new dwellings
  13. Retention of pedestrian passage, no fences or gates to be constructed.
- 3.3 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 **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 The application proposes the erection of a terrace of six new five bedroom dwellinghouses. The dwellinghouses would front Arrow Road. The terrace would comprise a rectangular block 31.5m long x 11.5m deep. The terrace would be a maximum of 3 storeys (8.8m) in height. The 3<sup>rd</sup> storey is stepped in from the front and rear line of the terrace.
- 4.2 The dwellinghouses are designed as a modern interpretation of a traditional terrace. The terrace would predominately be finished in a Yellow Stock facing brick. The recessed 3<sup>rd</sup> floor would be finished in a dark coloured fibrecement slate. The roof itself would be a 'green' roof of living plants. Windows would be set in reveals and frames would be powder coated a charcoal colour. Steel railings (1.4m high) would enclose the front gardens of the dwellings, and 2.4m high timber fencing to the side and rear.
- 4.3 At the western end of the site a 4.8m wide passage would be retained providing access from Arrow Road to the side entrance into 31b Arrow Road, and on to Henshall Point.
- 4.4 The ground floor of each dwellinghouse would comprise a kitchen, livingroom and bathroom. The two upper floors would provide 5 bedrooms, an additional bathroom and storage space.
- 4.5 The dwellinghouses would have a 1.25m deep front garden, and a 5m deep back garden. A south facing (overlooking Arrow Road) terrace is provided at second floor level. The dwelling at the eastern end of the terrace would also have an area of garden to the side.
- 4.6 Cycle storage would be provided in the rear garden. The application does not propose any car-parking spaces.

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

- 4.7 The application site has an area of 560 square metres and is roughly rectangular in shape. The site has a 41m frontage along Arrow Road, and at the maximum is

approximately 18m deep.

- 4.8 The site can be broken down into three main areas. The first of these is a 28 space car-park. There is a separate entrance and exit to the car-park from Arrow Road. The car-park provides residential car-parking spaces and is owned and managed by Poplar HARCA, who currently issue 15 residents with parking permits.
- 4.9 The second area is the northern part of the site, which comprises a narrow strip (approximately 39m long x 2.5m deep) of grassland. This strip forms part of the larger area of amenity space around the base of the Henshall Point and Dorrington Point tower blocks.
- 4.10 The third part of the site is a pedestrian passageway located at the Western End. The path links Arrow Road to Henshall Point, and the other tower blocks behind. This path also provides access to 31b Arrow Road – an end of terrace dwelling that is accessed from the flank.
- 4.11 The area surrounding the site is predominately residential. Arrow Road itself is an attractive street of 2 storey terrace dwellings.
- 4.12 To the West the site abuts 31/31b Arrow Road. This end of terrace property was constructed in the 1980s. The property has a deep plan form and covers the majority of the plot. An east facing courtyard allows light into the centre of the building, and is located on the boundary with the application site.
- 4.13 To the North the site abuts the grassed area of amenity space that surrounds the base of Henshall Point, Ballinger Point and Dorrington Point – multi-storey residential tower blocks. Henshall Point is the closest of these blocks to the new development. It would be separated by a distance of approximately 10m from the proposed house numbered H1 on the submitted plans.
- 4.14 To the East the site abuts the rear gardens of 4 - 12 Edgar Road, a terrace of 2 storey dwellings with habitable rooms in the loft space.
- 4.15 The site is approximately 45m from Bromley High Street which leads on to the main thoroughfare of Bow Road. The site has a public transport accessibility level of 5, which is categorised as 'high'. The closest stations are Bow Church (DLR) and Bow Road (District Line).
- 4.16 The site is not in a Conservation Area, nor is it close to any Listed Buildings. In common with many parts of the Borough the site is located in an area with a history of ground contamination. The site has no other specific designations in the Unitary Development Plan or any other emerging Council planning policy.

#### **Planning History**

- 4.17 There are no previous planning applications relevant to this proposal.

### **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:	ST1	Deliver and Implementation of Policy
	ST23	Quality Housing Provision
	ST28	Restrain Private Car
	DEV1	General design and environmental requirements
	DEV2	Development requirements
	DEV4	Planning Obligations
	DEV12	Landscaping in development
	DEV50	Noise
	DEV55	Waste recycling facilities
	HSG7	Housing Mix and Type
	HSG13	Residential Space Standards
	HSG15	Preserving Residential Character
	HSG16	Amenity space
	T16	Pedestrians
	T18	Pedestrians

### 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
	CP40	A sustainable transport network
	Policies:	DEV1
DEV2		Character & Design
DEV3		Accessibility and inclusive design
DEV5		Sustainable Design
DEV15		Waste and Recyclables storage
DEV19		Parking for Motor Vehicle
HSG7		Housing Amenity Space
PS2		Refuse and Recycling Provision

### 5.4 Supplementary Planning Guidance/Documents

Designing Out Crime  
Residential Space  
Landscape Requirements

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

3A.1	Increasing London's Supply of Housing
3A.2	Borough Housing Targets
3A.3	Maximising the Potential of Sites
3A.4	Housing Choice
3C.1	Integrating Transport and Development
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

### 5.6 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing

**5.7 Community Plan:**

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

**5.8 Core Strategy 2025: Development Plan Document**

- S07: Deliver Housing Growth
- SP02: Housing Delivery
- SP04: Protecting Open Space
- SP09: Street Hierarchy

**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:

**Crime Prevention Design Advisor**

- 6.2
- Objected to the introduction of an alleyway to the east of the site, due to the existing alleyway on the west side of the existing car park area.
  - Advised for proposed railings at front to be blunted rods to prevent seating and the rear fences to private gardens should be 2.4m to help reduce climbing.
  - Recommended windows to overlook alleyway to House 1 – on the west plus provision of defensible space along same elevation to protect wall.

6.3 *(Officer comment: The proposal was revised to remove the alleyway on the eastern side of the site. Detailed design of fences would be considered during discharge of conditions.)*

**LBTH Environment Health (Contaminated Land)**

- 6.4
- No comments received.

6.5 *(Officer comment: The site is located in an area with a history of ground contamination. The application has been accompanied with a Contaminated Land study which includes the results of a desk top study and intrusive investigations. A condition would be imposed on any permission requiring any necessary further site investigation and completion of remediation works).*

**LBTH Environmental Health (Noise)**

- 6.6
- No comments received.

6.7 *(Officer comment: The site is not located in an area close to any particular sources of external noise. Noise impacts on neighbours during construction would be controlled by conditions controlling hours of work.)*

**LBTH Environmental Health (Daylight and Sunlight)**

- 6.8
- Submitted daylight / sunlight assessment has been reviewed and no objection is raised.

6.9 *(Officer comment: Amenity issues are discussed in more depth in the main body of the report.)*

## **LBTH Highways**

6.10 The Highways Officer commented as follows:

- 6.11
- Site has a PTAL of 5, which demonstrates that a good level of public transport service is available within the immediate vicinity of the site.
  - Additional information requested detailing number of spaces currently used in car-park, together with information on how these spaces are allocated and managed.
  - Unable to recommend approval of application until this information provided.
  - Request conditions requiring: Car-free development, details of cycle parking, forecourt drainage to occur within site, S278 agreement, footpaths / carriageway not to be blocked during construction.

6.12 *(Officer comments: Further information has been provided by the Applicant in response to these questions. Any additional comments from the Council's Highway Section will be reported to committee in an update. The loss of car-parking spaces is discussed in more detail under the Land-Use and Highways section of this report. Details of cycle parking would be required by condition. The drainage and construction matters raised would be conveyed to Applicant by way of informative.)*

## **Olympic Delivery Authority**

6.13 - No objection.

## **7. LOCAL REPRESENTATION**

7.1 A total of 172 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:

7.2 No of individual responses: 2            Objecting: 2            Supporting: 0  
No of petitions received: 1-of support containing 291 Signatories.  
1- of support containing 43 letters  
1- of objection containing 28 form letters  
1- of objection containing 101 signatories

7.3 The letters and petitions of objection raised the following planning issues:-

- Loss of daylight / sunlight / privacy (in particular to Henshall Point and Edgar Road);
- Loss of car-parking, no detail of re-provision;
- Lack of provision new car-parking;
- Loss of playspace (car-park is used by children during daytime);
- Loss of openspace;
- Smaller housing units needed;
- Playground should be provided instead.

7.4 The petitions of support raised the following planning issues:

- Additional housing needed to reduce overcrowding

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

- Poplar HARCA has not discussed the development and no consultation has taken place with regards to car parking spaces; landlord does not listen to local residents.

7.6 *(Officer comment: The planning application has been subject to statutory consultation. The submitted Statement of Community Involvement details the steps taken by the developer to advise the local community of the proposals. This has included the circulation of leaflets and a drop-in discussion forum.)*

## 8.0 MATERIAL PLANNING CONSIDERATIONS

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

Land Use  
Design  
Housing  
Amenity  
Highways

### **Land Use**

8.2 The land use issues relate to the loss of the existing car-park and the small strip of open-land, and the principle of providing new housing.

8.3 Loss of car parking spaces

Policies 3C.1 and 3C.23 of the London Plan (Consolidated with Alterations since 2004) 2008 and saved policies T16 and ST28 of the Council's Unitary Development Plan 1998 seek to ensure developments minimise parking and promote sustainable transport options.

8.4 Interim Planning Guidance policy CP40 states that the council will seek to minimise car travel and support walking, cycling and the use of public transport.

8.5 The site is currently used as a car-park. The car-park is marked out with 28 spaces for residents / residents visitors. The car-park is owned and managed by Poplar HARCA (the applicant for this development). Poplar HARCA have advised that currently 15 residents have been issued with permits to park in the car-park.

8.6 The Council has been advised that Poplar HARCA has written to those residents with permits to use the Arrow Road car-park to offer alternative car-parking arrangements. Nine (9) residents have responded and stated that they would like to be issued with permits to park elsewhere on Poplar HARCA controlled land. Poplar HARCA have suggested that in the short-term alternative car-parking is likely to be provided within existing car-parks at Stroudley Walk, Warren House and Henshall Point. Poplar HARAC are also proposing to introduce additional car-parking spaces around Bromley High Street as part of other estate landscaping works.

8.7 It is recognised that residents place considerable value on access to safe and convenient car-parking spaces. However, it must also be recognised that the Council's adopted planning policies seek to promote more sustainable modes of transport, and discourage the use of the private car.

8.8 The Applicant has described what measures it will put in place to provide alternative car-parking for residents, and these are welcomed. Nevertheless, it should be

noted that the areas of land identified for replacement parking fall outside of the application site. It would therefore not be possible for the Council to insist on this re-provision taking place. In land-use terms the loss of car-parking accords with policy objectives to promote sustainable transport, and as such is acceptable.

#### Loss of amenity space

- 8.9 Saved policy OS7 of the adopted Tower Hamlets Unitary Development Plan states that planning permission '*will not normally be given for any development that results in the loss of public or private open space having significant recreation or amenity value*'. The policy does also state that housing amenity land can be laid out as individual gardens for adjoining homes by agreement with residents. The aims of this policy are reflected in policies CP30 and OSN2 of the Council's Interim Planning Guidance.
- 8.10 The application encroaches onto the area of amenity land to the North of the car-park. The proposal would involve the loss of approximately 85 square metres of existing communal amenity space. This space would be incorporated into the site to provide larger rear gardens for the new dwellings.
- 8.11 The application includes a wider alleyway leading along the Western edge of the site. Although, this link is not considered as amenity space, it will improve the quality of access to the existing amenity spaces at the base of Henshall Point and has value in this regard. The Applicant has also stated that further improvements to amenity space provision around Henshall Point, Ballinger Point and Dorrington Point will be undertaken to improve the quality of spaces in the area for existing residents. However, this falls outside the scope of the current application and could not be secured by planning condition or similar.
- 8.12 Officers consider that the loss of the amenity land is acceptable because:-
- i) the amenity space is being lost to provide private garden space,
  - ii) the proposal will improve the quality of the link to Henshall Point, and
  - iii) the proposal affects a relatively small amount of land, with the majority of land with significant amenity value retained.

#### 8.13 Principle of additional housing

Policies 3A.1 and 3A.2 of the London Plan (consolidated with alterations since 2004) 2008 seek the maximum provision of additional housing in London. Policy SP02 of the Core Strategy 2025 Development Plan Document sets Tower Hamlets a target to deliver 43, 275 new homes (2, 885 a year) from 2010 to 2025.

- 8.14 The application proposes to use the land to provide six new five bedroom dwellinghouses. The site is in a predominately residential area. The use of the site would respond to an identified priority on land-use in the Borough, is compatible with the character of the area and as such is acceptable.

#### **Design**

- 8.15 Saved Policy DEV 1 of the adopted Tower Hamlets Unitary Development Plan 1998 states that all development proposals should:-
1. Take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials;
  2. Be sensitive to the development capabilities of the site, not result in over development or poor space standards; be visually appropriate to the site and

- its setting;
3. Normally maintain the continuity of street frontage, and take into account of existing building lines, roof lines and street patterns;
  4. Provide adequate access for disabled people in respect of the layout of sites and the provision of access to public buildings;
  5. Be designed to maximise the feeling of safety and security for those who will use the development; and
  6. Include proposals for the design of external treatments and landscaping.
- 8.16 Policies DEV2 and DEV4 of the Interim Planning Guidance (October 2007) reinforce this position by requiring that all development is of a high quality design, is appropriate to local context and ensures that the safety and security of the development is maximised.
- 8.17 The proposal involves the erection of a three storey building to create six dwellinghouses. The six houses are similar in design and orientation; the ground floor will consist of a kitchen, lounge and utility area; a back door leads to the rear garden. The first floor will cater for three bedrooms and a bathroom and the second floor proposes two small bedrooms with a removable partition.
- 8.18 Each of the dwellings has a 1.25m deep front garden. This is enclosed with 1.4m high steel gates and railings. The rear gardens are 5m deep and enclosed with 2.4m high timber fencing. Each dwelling has a roof terrace at second floor level overlooking Arrow Road.
- 8.19 Proposed dwelling numbered H6 is located at the east end of the terrace, and would also include a side garden to the boundary with the dwellings fronting Edgar Road.
- 8.20 A 4.8m wide public pedestrian passage is retained (in a widened form) in-between proposed dwelling number H1 and 31/31a Arrow Road.
- 8.21 The development of terraced family dwellings is consistent with the existing form of development along Arrow Road. The proposed front building line follows the established line of development along Arrow Road. The development will remove the existing 'gap' along Arrow Road, it will re-enforce the traditional street pattern and is acceptable.
- 8.22 At three storeys the scale of the building is higher than the two storey dwellings found on the opposite side of Arrow Road, and further along to the West. However, the 3<sup>rd</sup> floor of the building has been recessed by 3.5m from the front of the building. This creates a strong parapet line, which ties in well with the parapet line of the existing built form along Arrow Road. The proposed block has been centered within the available site frontage along Arrow Road. This arrangement provides open-space, and a visual break, between the new and existing development and ensures the scale of the development is acceptable.
- 8.23 The proposal retains the pedestrian passage leading from Arrow Road to Henshall Point. This ensures the proposal does not reduce permeability in the area. The passage would be enlarged to 4.8m in width. This width, coupled with the short length of the passage, ensures that there is good visibility all the way through the passage from the road. A condition would be imposed on any permission requiring details of security lighting for this passage to ensure that it is a safe and inviting place, and with this safeguard this aspect of the development would be acceptable.
- 8.24 The design of the block appears as a modern interpretation of a traditional terrace.

The terrace is predominately finished in yellow stock brick, with the set back 3<sup>rd</sup> storey finished in a dark cement slate. The design sets the windows in deep reveals and includes a small front garden enclosed by railings. The use of a relatively traditional pallet of materials and the incorporation of good architectural detailing of a form found in the area ensures the development would sit well in the streetscene. A condition would require the submission of samples of materials and with this safeguard the appearance of the development would be acceptable.

- 8.25 The proposed development aims to achieve a high level of sustainability (Code Level 3). The six houses would have 'green' roofs and would be fitted with solar panels. The detail or location of the solar panels is not known. A condition would require the submission of this detail, and with this safeguard Officers are satisfied that the development would meet the requirements of Interim Planning Guidance Policy DEV5, which requires development to minimise energy use.
- 8.26 The General Permitted Development Order 1995 (as amended) allows householders to carry out various works, including the construction of extensions, outbuildings and roof alterations to their property without the need for planning permission. The design of these terraced dwellings, and the constraints of this site, would mean that some of these works could have an adverse impact on the appearance of the terrace or on the amenity of neighbours. To allow the Planning Authority to assess the suitability of any future alterations to these properties a condition would be placed on any permission removing 'permitted development' rights.

### **Housing**

8.27 Affordable Housing

Policy 3A.9 of the London Plan states that Boroughs should seek the maximum reasonable amount of affordable housing, taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Boroughs own affordable housing targets. Interim Planning Guidance policies CP22 and HSG3 seek to achieve 50% affordable housing from all sources across the Borough, and specify that individual developments should provide a minimum of 35% affordable housing. The Council has set a threshold of 10 units before housing developments would be required to include affordable units. Policy HSG4 of the Interim Planning Guidance states that the council will expect that social rented housing is the predominant form of affordable housing

- 8.28 The Applicant, Poplar HARCA is a Registered Social Landlord. The Applicant has stated that all six dwellings would be used to provide affordable housing in the social rent tenure.
- 8.29 The development is below the threshold for which the Council can insist on the provision of affordable housing, as such no S106 securing the provision of affordable housing is required.

### Mix of dwelling sizes

- 8.30 London Plan policy 3A.5 promotes housing choice including the provision of a range of dwelling sizes. Unitary Development Plan policy HSG7 requires new housing schemes to provide a mix of unit sizes including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Policies CP21 and HSG2 in the IPG specify that a mix of unit sizes should be provided to reflect local need and to contribute to the creation of balanced and sustainable communities.
- 8.31 The application proposes six x five bedroom dwellinghouses. This form of

accommodation is in short supply, particularly in the social rent tenure. The site is in a residential street, which is considered to be a good location for family housing. Given the shortage of larger family sized units in the Borough the proposed mix is acceptable.

#### Standard of accommodation and Amenity Space Provision

- 8.32 Saved policy HSG13 of the Unitary Development Plan, and advice in Supplementary Planning Guidance Note 1, set space standards for new residential development. Saved UDP policy HSG16 and IPG policy HSG7 set standards for the provision of amenity space for new residential development. London Plan policies 3A.5 and 3A.6 seek quality in new housing provision, and compliance with accessibility standards.
- 8.33 The internal layouts of the proposed houses are logical, with dedicated circulation allowing access to all rooms from a central hallway. Rooms benefit from appropriately positioned windows to provide adequate daylight and sunlight. The dwellings also have dedicated areas for storage indicated on the plans.
- 8.34 Supplementary Planning Guidance Note 1: Residential Space details minimum unit and room sizes for new development. A standard of 98 square metres is set for 3 storey dwellinghouses. The proposed dwellings have an internal floor area of 126 square metres.
- 8.35 The proposed bedrooms on the third floor are 4.7 square metres and 5.7 square metres in area. This is smaller than the 6.5 square metre minimum bedroom size specified in the Council's Supplementary Planning Guidance. However, it is noted that these rooms have been designed as a more flexible form of space, with a removable partition. The purpose of this is to allow the bedrooms to be merged into one larger bedroom, or to remain subdivided as separate bedrooms as family needs dictate, and this approach is considered acceptable.
- 8.36 Saved UDP policy HSG16 and IPG policy HSG7 require new residential development to provide adequate amenity space. A minimum of 50 square metres is specified for family sized dwellings. The development would provide a 25 square metres rear garden for dwellings H1-H5. Dwelling H6 has a larger rear/side garden of 98 square metres. Each dwelling would also have a 15 square metre south facing second floor roof terrace.
- 8.37 Given the constraints of providing amenity space in an urban location, the overall amount and quality of the amenity space provision is considered acceptable.
- 8.38 The scheme is under the 10 unit threshold that would require the provision of a wheelchair accessible unit. If planning permission is granted a condition would be imposed requiring compliance with Lifetimes Homes Standards to ensure compliance with London Plan policy 3A.5 and IPG policy HSG9.
- 8.39 In overall terms of the proposed dwellings would offer a good standard of accommodation for future occupiers.

#### **Amenity**

- 8.40 Saved policy DEV2 of the UDP and policy DEV1 of the IPG requires development to protect, and where possible improve the amenity of the surrounding area. Policy DEV2 seeks to ensure that the occupiers of adjoining buildings are not adversely affected by a material deterioration of their day lighting and sun lighting conditions, or by loss of privacy.



8.41 The impact of the development on the following neighbouring properties has been considered:-

31a/31b Arrow Road.

8.42 This end of terrace building is located to the west of the proposed development. The property has a deep plan form and covers the majority of the plot. The building is laterally divided, with 31a Arrow Road occupying the front of the building, and 31b Arrow Road occupying the rear. A courtyard cuts into the plan form of this building from the application site boundary. This courtyard acts as a light-well, and provides daylight into the centre of the building.

8.43 The flank wall of the building has an entrance door to 31b Arrow Road, and windows serving habitable rooms at first floor level. Windows in the courtyard serve a kitchen at ground floor level, and a bedroom at first floor level.

8.44 At the closest a distance of 4.8m would separate the development from the flank windows.

8.45 The submitted daylight assessment shows that the a 25° degree line drawn from the first floor flank passes above the parapet wall of the opposing part of the proposed development, and as such passes BRE guidelines.

8.46 The main window at ground floor level faces North (into the existing courtyard) of 31a Arrow Road, and serves a kitchen. At first floor level there is a North facing bedroom window. These rooms will suffer from some loss of light. However, given the orientation of the existing windows, and the use of rooms on the ground floor the impact is considered acceptable.

8.47 The courtyard area is already enclosed by a brick wall, and the development would not significantly increase any permanent overshadowing beyond that which this area suffers.

8.48 No windows are proposed in the western elevation, and as such the development would not result in any significant loss of privacy to the occupiers of these properties.

4 – 12 Edgar Road

8.49 These properties are located to the west of the proposed development. The properties are two storey dwellinghouses. There are windows serving habitable rooms located at ground floor and first floor level facing the application site. A distance of 11m separates the flank wall of proposed house H6 from the rear building line of 4 – 12 Edgar Road. A distance of 5m separates the proposed development from the shared boundary.

8.50 The submitted daylight / sunlight assessment assesses the impact of the development on the habitable room windows facing the site. The study demonstrates that the development would cause some loss of daylight / sunlight. However, the loss would not exceed BRE recommended guidelines (the worse affected window would be on the ground floor of 10 Edgar Road. This window would have a resultant BRE VSC of 1.5% above the 27% minimum specified in the guidelines.). The impact is therefore considered by the Council's Environmental Health Officer.

8.51 There are no windows in the proposed east elevation of H6, which ensures that

there would be no additional overlooking / loss of privacy to the occupiers of these properties.

#### 28 – 46 Arrow Road

- 8.52 These two storey dwellings are located on the opposite side (to the South) of Arrow Road from the application site. These properties are 14.75m from the two storey part of the proposed terrace block, and 16.35m from the proposed three storey stepped-back roof element.
- 8.53 The distance across Arrow Road, and position to the south of the proposed dwellings, is sufficient to ensure that the proposed development would have no significant impacts on these properties in terms of loss of daylight or sunlight.
- 8.54 There would be potential for additional overlooking of these properties from the proposed dwellings, in particular from the upper floor windows, and proposed 2<sup>nd</sup> floor roof terrace. Saved UDP policy DEV2 states that a separation distance of 18m should be provided between opposite habitable room windows. In this case the separation distance is equivalent to the separation between the existing terraces on either side of Arrow Road, it would not lead to any unreasonable loss of privacy and is acceptable.

#### Henshall Point / Ballinger Point

- 8.55 Henshall Point is a multi-storey residential tower block located to the North-west of the application site. The residential use of the building starts at first floor level, with the ground floor only used for entrance and servicing. There are habitable room windows at first floor level on the South and East elevations of the building.
- 8.56 At the closest, the distance between Henshall Point and proposed dwelling H1 is approximately 10m.
- 8.57 Ballinger Point is another residential tower block located directly to the North of the application site. A distance of over 20m separates this building from the proposed dwellings.
- 8.58 Henshall Point is located to the north-west of the proposed development, and it does not have any residential windows at ground floor level. Given the relative positions of the buildings the windows on the upper floors would not suffer from any significant reduction in daylight or sunlight.
- 8.59 The floor levels between the proposed dwellings and residential windows at first floor level in Henshall Point are such that it would not be possible to look directly from a window in proposed H1 into windows in Henshall Point. The separation distance is less than 18m, but no direct overlooking is possible, and on this basis there would be no significant loss of privacy.

#### Conclusion

- 8.60 In overall terms the impact on the amenity of neighbouring occupiers is considered acceptable and accords with the aims of saved policy DEV2 of the UDP, which seeks to preserve residential amenity.

#### **Highways**

##### Access

- 8.61 Saved policy T16 of the adopted UDP seeks to ensure that the operational traffic from a proposed use is taken account of when granting planning permission for a development. Saved policy T18 seeks to give priority to the safety and convenience

of pedestrians.

- 8.62 The proposed dwellings would be accessed by pedestrians directly from Arrow Road. No vehicle access is proposed. This is considered acceptable.
- 8.63 An existing pedestrian passage links Arrow Road to Henshall Point to the North (and provides access to 30a Arrow Road). The development proposes to retain this passage and increase its width to 4.8m. This would ensure that pedestrian permeability in the area is retained.
- 8.64 If planning permission is granted a condition would be imposed requiring the retention of this link, and prohibiting the erection of any fencing. This would ensure the permeability of the area is maintained and that the convenience of pedestrians is maximised. This would accord with the objectives of saved policy T18 of the adopted UDP, and is acceptable.
- 8.65 If planning permission is granted a condition would be imposed requiring the developer to agree a scheme of Highways works. This would ensure the removal of the two redundant crossovers that currently serve the car-park and any other necessary street reparation works.

#### Parking

- 8.66 Policy CP40 of the Interim Planning Guidance states that 'The Council will seek the creation of a sustainable transport network in Tower Hamlets which minimises car travel, lorries and supports movement by walking, cycling and public transport by promoting car free developments and those schemes which minimise on site and off site car parking provision in areas with good access to public transport'. Interim Planning Guidance Standard 3 states that maximum level of car-parking for new residential development should be no more than 0.5 spaces per unit.
- 8.67 The scheme does not propose any dedicated off-street car-parking. This accords with London Plan policy 3C.23 and IPG policy CP40, which seeks to minimise the provision of car-parking. As set out at sections 8.3 – 8.8 the loss of the existing spaces is considered acceptable in this instance given the need for family housing in the Borough.
- 8.68 In line with the Council's sustainability objectives if planning permission is granted the development would be subject to a 'car-free' condition to prevent future occupiers of the dwellings being eligible to apply for Council issued on-street car-parking permits.
- 8.69 The use of a car-free condition would ensure that the development does not lead to additional pressure for on-street parking in the area or cause additional congestion.
- 8.70 London Plan policy 3C.22 seeks to improve conditions for cycling and requires the provision of cycle parking in new residential development. Policy CP40 of the Interim Planning Guidance sets a standard of 1 cycle parking space per dwelling.
- 8.71 The application states that provision will be made for the parking of two bicycles in the rear garden of the dwellings. The Council's Highway section have requested confirmation of the detail of this provision, and this would be required by condition. With this safeguard the development would accord with policy requirements.

#### Servicing and refuse

- 8.72 Saved policy DEV55 of the UDP requires that adequate provision is made for waste and recycling storage in new development. The application proposes an enclosed store at the front of the dwellings. These are suitably located to allow for the collection of refuse. Refuse collection would take place as part of the existing arrangements for collection from the properties along Arrow Road. This is considered acceptable.

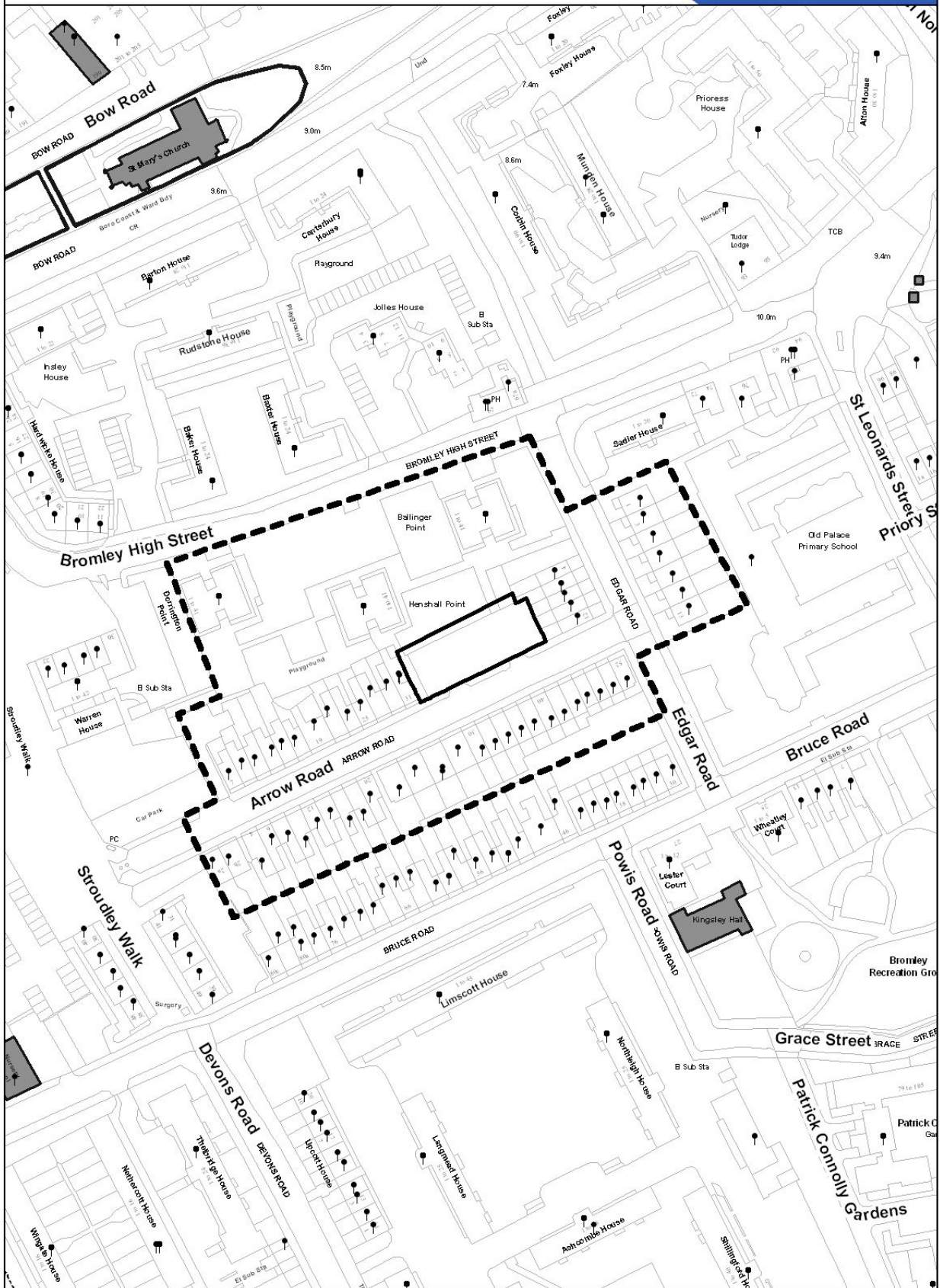
**Others**

- 8.73 The impact of the development on local infrastructure (e.g. School Places and GP surgeries) is considered too small to justify any form of additional financial contribution.

**9 Conclusions**

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

# Planning Application Site Map



Planning Application Site Boundary



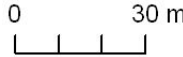
Statutory Listed Buildings



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

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# Agenda Item 8

<b>Committee:</b> Development	<b>Date:</b> 31 <sup>ST</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 8
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Other Planning Matters	
<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 matters other than planning applications for determination by the Committee. 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. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

## 4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

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LOCAL GOVERNMENT ACT 2000 (Section 97)  
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:  
See individual reports

Tick if copy supplied for register:

✓

Name and telephone no. of holder:  
See individual reports

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# Agenda Item 8.1

<b>Committee:</b> Development	<b>Date:</b> 31 <sup>st</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Listed Building Application
<b>Case Officer:</b> Ila Robertson	<b>Ref No:</b> PA/10/00213
	<b>Ward:</b> Blackwall and Cubitt Town

## 1. APPLICATION DETAILS

<b>Location:</b>	Greenwich Foot Tunnel, London, E14
<b>Existing Use:</b>	Public Foot Tunnel
<b>Proposal:</b>	Alterations and refurbishment of the Foot Tunnel including:  (a) Repair and refurbishment of original features (b) Replacement of glazed roof rotundas. (b) Replacement of cladding to lift shafts. (c) Installation of glass doors to lifts. (d) Installation of lighting, CCTV, PA Speakers and public help points. (e) Installation of LED's at internal perimeter of the rotunda.
<b>Drawing Nos/Documents:</b>	
<b>Applicant:</b>	London Borough of Greenwich
<b>Ownership:</b>	London Borough of Tower Hamlets and Greenwich
<b>Historic Building:</b>	Grade II Listed Building
<b>Conservation Area:</b>	Island Gardens

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007), the Core Strategy Submission Document December 2009, and Government Planning Policy Guidance and has found that:
- 2.2 It is considered that the proposed repair and refurbishment works will be sympathetic to the special character and historic interest of the foot tunnel and will enable the restoration of a number of original features in the tunnel. The works will allow for an improved safety, accessibility and environment for users. As such the proposal accords with saved policy DEV37 of the Unitary Development Plan 1998, policies CP49 and CON1 of the Interim Planning Guidance October 2007, policies 4B.11 and 4B.12 of the London Plan Consolidated with Alterations February 2008 and National Guidance in PPG15 Planning and the Historic Environment which seek to ensure that works to a listed building pay special regard to the desirability of preserving the building or its setting, or any features of special interest.

## 3. RECOMMENDATION

- 3.1 That the Committee resolve to refer the application to the Government Office for London with

the recommendation that the council would be minded to grant Listed Building Consent subject to conditions as set out below:

#### Conditions

1. Three year time limit.
2. Execution to match the adjacent original work.
3. Schedule of lighting works (including the type and colour of illumination) to the rotunda, lift shaft entrance/ staircase and tunnel.
4. Further Details of glazing to rotunda, design of the helpoints, repair and new works to the timber panels in the lift car (including glazing, handrails and ventilations grilles), and handrails (including fixings) and cladding to the lift shaft staircase.
5. Method statement for cleaning of glazed brickwork.
6. Method Statement for repair and refurbishment of brick work to the rotunda.
7. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

## 4. PROPOSAL AND LOCATION DETAILS

### Background

- 4.1 The works to the foot tunnel have been commissioned by the London Borough of Greenwich following a successful application for Community Infrastructure Funding. The aim of the refurbishment works is to encourage better accessibility, improved safety and an improved environment for users through the tunnel. The programme for the works are planned to tie in with the 2012 Olympic rehearsals.

### Proposal

- 4.2 The council is prohibited from granting itself Listed Building Consent to do works to a Listed Building that it owns. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 The proposed works include a large part of restoration and maintenance works which generally would not require listed building consent as they form part of the ongoing maintenance program for the structures. The principle area of works can be summarised into four main areas, being the rotunda/ top works, the stair and lift shaft, tunnel works and lift works.
- 4.4 The works to rotunda comprise of cleaning, replacement and repair of damaged features, repointing of brick work and the replacement of the glazing to the rotunda.
- 4.5 The stair and lift shaft works comprise of the replacement of the lift shaft cladding, new strip lighting fixtures, replacement of doors and ceiling gratings and new hand rails.
- 4.6 The works to the tunnel comprise of a new service console to serve the tunnel and a new lighting scheme.
- 4.7 The proposals also seek to refurbish the lift cars by repairing and replacing the timber wall and ceiling panels to the lift cars. A new lighting scheme is proposed for the cars with new handrails and ventilations grilles.
- 4.8 The improvements also include the installation of a new CCTV system, help points and PA system throughout the tunnel.

- 4.9 The applicant has confirmed that the foot tunnel would be open during the day and 24 hours on the weekend. However, during the weekday the hours will be restricted from 6am to 9pm. This would be a temporary arrangement and the part closure would be affective from April 2010 to March 2011.
- 4.10 Furthermore, the applicant has confirmed that during the above hours there will be two options available to users. The Thames Clipper Service will be available until approximately 1.00am providing access from Mast Pond Wharf Pier to Greenwich, which will accommodate cyclists and pedestrians. Secondly, the DLR service from Island Gardens to Cutty Sark will be available to 1am as well for pedestrians and cyclist with fold down bikes.

### **Site and Surroundings**

- 4.11 The foot tunnel is located at the bottom of the Isle of Dogs within the Island Gardens open space. The park forms part of the buffer zone for the World Heritage Site at Greenwich and the tunnel is Grade II Listed. The tunnel is accessed by both a spiral staircase and lift
- 4.12 The foot tunnel provides pedestrian and cycle access under the Thames River and is an important north to south link for local residents, commuters and tourists.
- 4.13 The tunnel is classified as a public highway therefore it is accessible 24 hours a day. A lift service is provided by an attendant at limited hours being 7am-7pm Monday to Saturday and 10am-5.30pm Sundays.

### **Planning History**

- 4.14 The following planning decisions are relevant to the application:
- 4.15 ID/90/00080 Listed Building Consent for the replacement of the lift and the lift enclosure approved on the 1<sup>st</sup> October 1990.

## **5. POLICY FRAMEWORK**

- 5.1 The following policies are relevant to the application:
- 5.2 **Unitary Development Plan 1998 (as saved September 2007)**  
Policies: DEV37 Works to a Listed Building
- 5.3 **Interim Planning Guidance for the purposes of Development Control**  
Core Strategies: CP49 Historic Environment  
Policies: CON1 Listed Buildings
- 5.4 **Spatial Development Strategy for Greater London (London Plan) (2008)**  
Policies: 4B.11 London's Built Heritage  
4B.12 Heritage Conservation
- 5.5 **National Guidance Documents**  
PPG15: Planning and the Historic Environment

## **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 No objection, considers that the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

**Historic Royal Parks (Statutory Consultee)**

6.4 No comments received.

**Transport for London (TfL)**

6.5 The foot tunnel provides an important link for both pedestrians and cyclists between the north and south sides of the Thames. The closure of the tunnel for improvements works, whilst welcome, will cause serious disruption to those wishing to use the facility. Therefore, alternative provisions to cross the river should be fully explored with an alternative route provided during the closure of the foot tunnel. (**Officer comment:** please refer section 4.9-4.10 and 7.4 of the report regarding the closure of the tunnel).

**LBTH Highways**

6.6 The refurbishment works will not have an adverse impact on the road network and indeed when completed the Tunnel could ease vehicular congestion through improving the attractiveness of crossing the River by non-car means.

6.7 It is recommended that the London Borough of Greenwich consult our Asset Management team in Highways before any the works commence on site.

**7. LOCAL REPRESENTATION**

7.1 A total of 63 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 London Life. 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:	0	objecting	
		0 supporting	containing

7.2 The following local groups/societies were consulted:

1. The Victorian Society
2. The Georgian Group
3. The Greenwich Society

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

1. Lighting to the tunnel would have adverse impacts on the special character of the tunnel.

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

1. Public access to the foot tunnel during the works. (**Officer Comment:** *In determining listed applications the Government advises that consideration should be limited to desirability of preserving the building or its setting, or any features of special interest. Consequently, concerns about access during construction cannot be considered. However, as set out in section 4.8-4.10 of the report the applicant has considered this as part of the proposals and any closures would be limited outside of the peak times).*
2. Investigations for providing two lifts at each end to improve accessibility of the lifts (**Officer Comment:** *As detailed above the Council is limited to what it can consider as part of assessing the application and the scheme must be considered as submitted. Notwithstanding, this it is considered that the provision of the two lifts at each end would be problematic in terms of the high amount of cycle users and would result in impacts on the historic fabric of the original lift shaft and lift cars which would not be appropriate).*

## 8. MATERIAL PLANNING CONSIDERATIONS

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

- Built Heritage and Design

### **Built Heritage and Design**

8.2 In determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.

8.3 Government has set out guidance in PPG15 – Planning and the Historic Environment to apply in determining listed building applications. This document sets out four main criteria that should be taken into account:

- (i) The importance of the building, its intrinsic architectural and historic interest, and rarity, in both national and local terms.
- (ii) The particular, physical features of the building which is of particular interest and value.
- (iii) The buildings setting and its contribution to the local scene.
- (iv) The extent to which the proposed works would bring substantial benefits for the community.

8.4 Saved policy DEV37 of the Unitary Development Plan 1998 (UDP) states that proposals to alter listed buildings will be expected to preserve the special architectural or historic interest of the building. In particular, it requires that alterations retain and repair the original internal architectural features and that any works are undertaken with traditional materials.

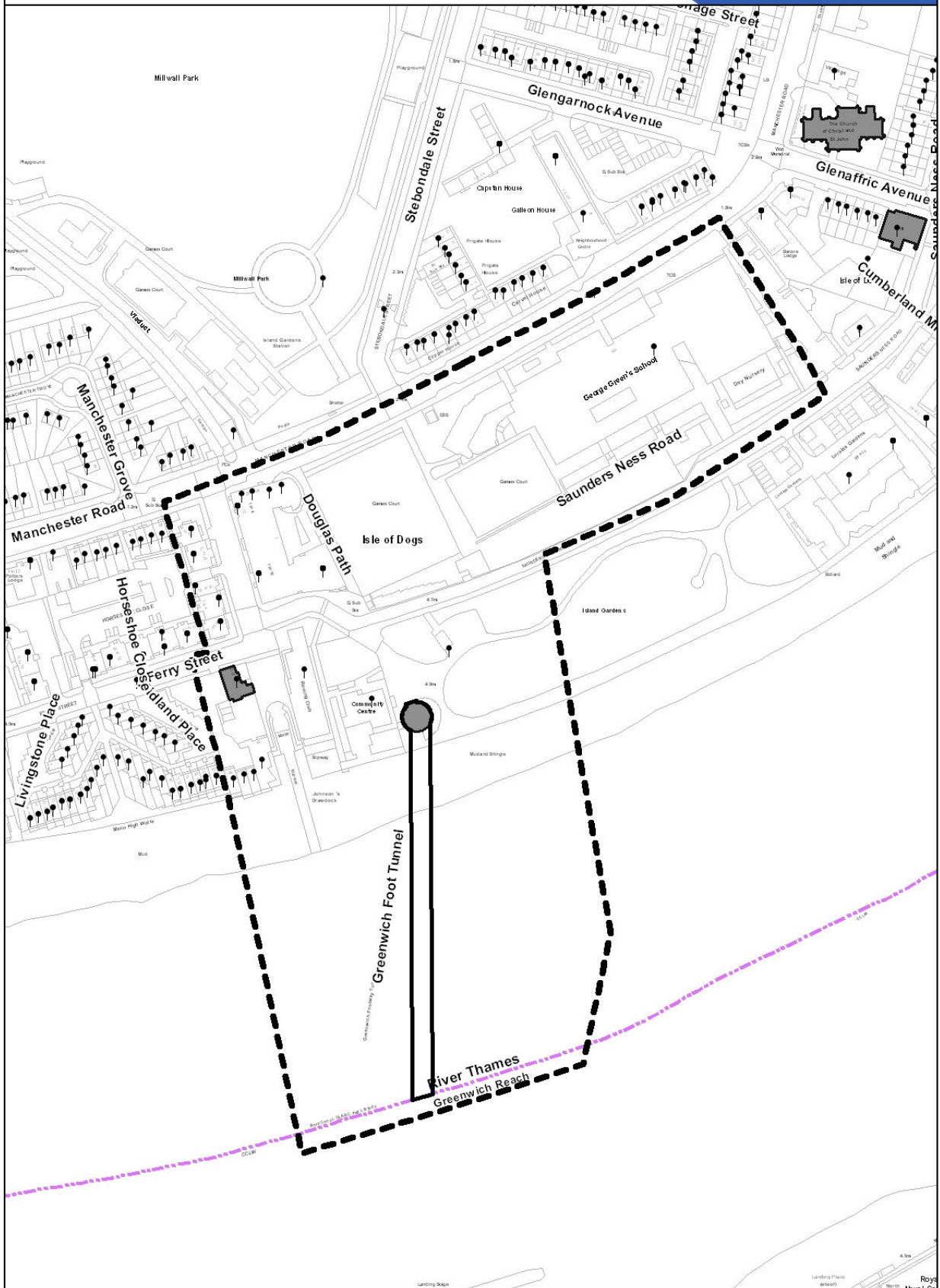
8.5 This position is continued within policies CP49 and CON1 of the Interim Planning Guidance October 2007 (IPG) which states that any works to listed buildings will only be supported if they do not have an adverse impact on the character, fabric or identity of the building and if they are appropriate in terms of design scale, detailing and materials.

- 8.6 The London Plan (Consolidated with Alterations) February 2008 policies 4B.11 and 4B.12 state that Boroughs should seek to enhance and protect the historic environment and promote the beneficial use of the built assets.
- 8.7 The proposed works to the tunnel are necessary to improve the appearance, accessibility and safety of the foot tunnel. The tunnel has not had improvement works completed on it for a considerable length of time and works would be a benefit to the users of the tunnel and to tourism within both our borough and in Greenwich.
- 8.8 It is considered that the works are generally minor in nature and would allow for the restoration and repair of a number of original features in the building. The new elements and repair are considered acceptable and appropriate for this important structure.
- 8.9 English Heritage has advised that they do not have any objection to the proposed works.
- 8.10 The Councils Conservation Officer has advised that the proposed works are acceptable and would be appropriate to the special character of the building subject to conditions.
- 8.11 In respect to concerns regarding the lighting of the proposals these have been reviewed by Council Conservation officers and it is agreed that the lighting scheme needs to be appropriate to the structure. As such it is recommended that the lighting scheme needs to be conditioned to ensure that the colour of illuminance and placing of lighting is appropriate.
- 8.12 It is recommended that a number of additional conditions are included on the consent to ensure that further details are provided about certain elements of the refurbishment and to ensure that the works are undertaken and executed to respect the historic fabric of the building.
- 8.13 Overall, it is considered that the proposed refurbishment works will be sympathetic to the special character and historic interest of the foot tunnel and associated structures. It is considered that the proposed repair and refurbishment works will be sympathetic to the special character and historic interest of the foot tunnel and will enable the restoration of a number of original features in the tunnel. The works will allow for an improved safety, accessibility and environment for users. As such the proposal accords with saved policy DEV37 of the Unitary Development Plan 1998, policies CP49 and CON1 of the Interim Planning Guidance October 2007, policies 4B.11 and 4B.12 of the London Plan Consolidated with Alterations February 2008 and National Guidance in PPG15 Planning and the Historic Environment which seek to ensure that works to a listed building pay special regard to the desirability of preserving the building or its setting, or any features of special interest.

### **Conclusions**

- 8.14 All other relevant policies and considerations have been taken into account. The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent 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



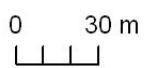
Statutory Listed Buildings



Consultation Area



Land Parcel Address



1:2,750

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

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