

Meeting of the

# DEVELOPMENT COMMITTEE

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Wednesday, 18 August 2010 at 5.30 p.m.

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## A G E N D A

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### VENUE

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

Members:	Deputies (if any):
<b>Chair: Councillor Carli Harper-Penman</b> <b>Vice-Chair: Councillor Judith Gardiner</b>	
<b>Councillor Shelina Aktar</b> <b>Councillor Peter Golds</b> <b>Councillor Ann Jackson</b> <b>Councillor Mohammed Abdul Mukit</b> <b>MBE</b> <b>Councillor Kosru Uddin</b>	Councillor Tim Archer, (Designated Deputy representing Councillor Peter Golds) Councillor Lutfa Begum, (Designated Deputy representing Councillors Carli Harper-Penman, Judith Gardiner, Shelina Aktar, Ann Jackson, Mohammed Abdul Mukit, MBE and Kosru Uddin) Councillor Shafiqul Haque, (Designated Deputy representing Councillors Carli Harper-Penman, Judith Gardiner, Shelina Aktar, Ann Jackson, Mohammed Abdul Mukit, MBE and Kosru Uddin) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Peter Golds) Councillor Gloria Thienel, (Designated Deputy representing Councillor Peter Golds) Councillor Ohid Ahmed, (Designated Deputy representing Councillors Carli Harper-Penman, Judith Gardiner, Shelina Aktar, Ann Jackson, Mohammed Abdul

Mukit, MBE and Kosru Uddin)

**[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, 18 August 2010

5.30 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 2. DECLARATIONS OF INTEREST

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

	PAGE NUMBER	WARD(S) AFFECTED
<b>3. UNRESTRICTED MINUTES</b>		

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 13<sup>th</sup> July 2010.

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.

### 5. PROCEDURE FOR HEARING OBJECTIONS

To note the procedure for hearing objections at meetings of the Development Committee. **13 - 14**

## **6. DEFERRED ITEMS**

There are no deferred items. **15 - 16**

## **7. PLANNING APPLICATIONS FOR DECISION 17 - 18**

**7 .1 Rochelle School, Arnold Circus, London, E2 7ES (PA/10/0037) 19 - 30 Weavers;**

**7 .2 Site at 1-3 Muirfield Crescent and 47 Milharbour, London (PA/10/01177) 31 - 62 Millwall;**

**7 .3 Radford House, St Leonards Road, London (PA/10/00774) 63 - 74 East India & Lansbury;**

**7 .4 71A Fairfield Road, London (PA/10/00742) 75 - 90 Bow East;**

## **8. OTHER PLANNING MATTERS 91 - 92**

**8 .1 Stone Alcoves to West of Cadogan Gate Entrance, Victoria Park, Bow, London (PA/10/00719) 93 - 100 Bow East;**

# 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 7.00 P.M. ON TUESDAY, 13 JULY 2010**

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

**Members Present:**

Councillor Carli Harper-Penman (Chair)

Councillor Judith Gardiner (Vice-Chair)

Councillor Shelina Aktar

Councillor Mohammed Abdul Mukit MBE

Councillor Kosru Uddin

Councillor Gloria Thienel

**Other Councillors Present:**

Nil

**Officers Present:**

Megan Crowe	- (Legal Services Team Leader, Planning)
Stephen Irvine	- (Development Control Manager, Development and Renewal)
Jerry Bell	- (Strategic Applications Manager Development and Renewal)
Jen Pepper	- (Affordable Housing Programme Manager, Development and Renewal)
Ila Robertson	- (Applications Manager Development and Renewal)
Shay Bugler	- (Strategic Applications Planner, Development and Renewal)
Alan Ingram	- (Democratic Services)

**NOTE:** At 7.00 p.m. the meeting was opened by the Vice-Chair, Councillor Judith Gardiner, who explained that the Chair had been delayed due to travel problems. She added that there would be a short adjournment to allow the Chair to arrive.

The Chair arrived at 7.07 p.m.

**COUNCILLOR CARLI HARPER-PENMAN (CHAIR) IN THE CHAIR**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Peter Golds, for whom Councillor Gloria Theniel deputised.

**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
Peter Carli Harper-Penman	8.1	Personal	She was the owner-occupier of a property in Bow Quarter which was adjacent to the site of the application.
Judith Gardiner	7.1 7.4	Personal Personal	She was a former Board member of Poplar HARCA. Ward Member for the area of the application.
Kosru Uddin	7.1	Prejudicial	He had been nominated to serve as a Board member of Poplar HARCA.

**3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 16 June 2010 be agreed as a correct record and signed by the Chair.

**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 meeting.

## 6. DEFERRED ITEMS

There were no deferred items.

## 7. PLANNING APPLICATIONS FOR DECISION

### 7.1 Site At Car Park Adjacent to 31 Arrow Road, London (PA/10/00849)

Mr Jerry Bell, Strategic Applications Manager, gave a detailed presentation as contained in the circulated report regarding the erection of six three-storey, five bedroom dwellinghouses at the car park site adjacent to 31 Arrow Road, London. He added that information concerning further objections to the scheme was set out in the addendum report tabled at the meeting. This also contained corrections to typographical errors in the main report. Mr Bell added that the main point at issue was that of management of car parking but this was not a material planning matter.

The Chair then invited Mr Muktar Miah, who had registered to speak in objection to the application, to address the meeting. Mr Miah not being present, the Chair indicated that it was not now appropriate for two registered speakers in support of the application to make comments.

At 7.30 p.m. Councillor Kosru Uddin, who had earlier declared a prejudicial interest in this item, left the meeting room and took no part in the debate nor voted on the application.

Mr Bell responded to queries from Members relating to affordable housing provision and parking arrangements by Poplar HARCA for new residents.

On a unanimous vote, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at the car park site adjacent to 31 Arrow Road, London, for the erection of six three-storey five bedroom dwellinghouses, subject to the conditions and informatives set out in the report.
- (2) That the Corporate Director Development & Renewal be delegated power to impose the conditions and informatives to secure the matters listed in the report.

### 7.2 Hammond House, Tiller Road, London, E14 (PA/10/00123)

At 7.37 p.m. Councillor Kosru Uddin rejoined the meeting.

Ms Ila Robertson, Applications Manager, made a detailed presentation of the proposals for the demolition of Hammond House, Tiller Road, London, E14 and development of a six-storey building with landscaping and boundary treatment. The matter had been initially considered by the Strategic Development Committee on 20 April 2010 but was now being submitted as a fresh item to address concerns raised by Members relating to:

- Impact on the levels of sunlight and overshadowing to Mellish Street.
- Clarification on the height of the proposed and existing buildings.
- Clarification on the provision of family accommodation, proposed and existing.

Ms Robertson commented on those issues, stating particularly that further daylight/sunlight assessments had shown that 8 out of 81 windows would see a marginal reduction in winter sunlight and none of the gardens in Mellish Street would have a loss of more than 20% sunlight. She further pointed out that, in addition to the 44 affordable units proposed on the site, East Thames Homes (the applicant) had also secured funding to purchase 12 family sized properties from the open market to allow for the decant of Hammond House residents. 11 properties had been purchased, with 10 Hammond House families already relocated. This comprised an additional affordable housing gain for the Borough. The height of the proposed building would be taller than existing by approximately 4.8 to 1.8 metres with the difference occurring where roof terraces were provided. It was felt that the design was of a high quality that would be a positive addition to the Tiller Road streetscape.

Members then asked questions relating to the following matters, which were answered by Ms Robertson: the possibility of refurbishing the existing building; the application of the car free policy to the scheme and the issue of visitors' parking permits; the overall number of habitable rooms to be provided and the floorspace of rooms in the proposed development.

On a vote of 4 for, with 2 abstentions, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at Hammond House, Tiller Road, London, E14, for the demolition of existing residential building and development of a six-storey building to provide 56 residential units (comprising 13 x one bedroom, 10 x two bedroom, 26 three bedroom, 6 x four bedroom and 1 x five bedroom) with landscaping and boundary treatment, subject to the prior completion of a legal agreement and to the conditions and informatives as set out in the report.
- (2) That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- (3) That, if by 17 August 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated power to refuse planning permission.
- (4) That the Corporate Director Development & Renewal be delegated power to impose the conditions and informatives on the planning permission to secure the matters listed in the report.

**7.3 16-24 & 48-50 Bow Common Lane and site at Land South of 12 Furze Street (PA/09/1656)**

The Chair asked that it be recorded that Councillor Marc Francis had intended to speak in favour of the application but was unable to attend the meeting due to other commitments. She added that Councillor Francis had not discussed the proposals with her.

The Chair then invited registered objectors to address the meeting.

Mr Clive Harrison, a resident of Bow Common Lane, spoke in objection to the application, indicating that the scheme would result in him and a neighbour being deprived of light and overlooking of a glass ceiling to the rear of his property would cause a loss of privacy. His home and garden would also be overlooked by roof terracing. The daylight and sunlight survey mentioned in the report did not include him and his neighbour. The previous planning permission granted on 21 November 2007 had related to 12-50 Bow Common Lane, rather than 16-50.

Mr Daniel Botting, a resident of Park View Court, spoke in objection to the application. He stated that he had moved to that part of the Borough as it did not have many tower blocks but the development would cause a sense of enclosure and loss of outlook, with a five storey block being built close to his home. The proximity of the proposed building, at 11m from his home, meant that Block A would completely obscure the view from his front room. This part of his objection had not been reflected in the report. There would be a massive impact on his property regarding daylight/sunlight and there would be a heavy impact from construction noise. He felt that this would reduce his quality of life and there would be a negative effect on the value of his property.

Mr Philip Villars, the applicant's agent, commented that a very comprehensive report had been prepared regarding the application and the scheme had been the subject of negotiations with Officers over a long period of time, with changes having been made to address residents' concerns. The daylight/sunlight survey showed that there had been adherence to all guidelines and the impact was shown as satisfactory. Overlooking of other properties had been reduced to a satisfactory level through the use of obscure glazing to balconies and windows. The distance from other properties had been amended on a number of occasions and was now also satisfactory. He added that the development would provide significant benefits through the provision of affordable housing.

Mr Nick Rees, the applicant's architect, stated that the design quality and principles of the development exceeded the Borough's aspirations. The general design had not changed since first approved in 2007, when the Committee had felt there was enough amenity space and this would be improved. The new public route between Bow Common Lane and Furze Street would be well overlooked for personal security and there would be improved synergy between the development and parkland on Furze Green.

Landscaped courtyards would be provided, with glazed balconies and there would be a generous cycle park provision.

Mr Jerry Bell, Strategic Applications Manager, gave a very detailed presentation of the proposals for the development of 129 housing units, commercial floorspace, a pedestrian and cycle pathway bicycle parking spaces and landscaping works at 16-24 & 48-50 Bow Common Lane and site at land south of 12 Furze Street, as contained in the circulated report and tabled update report. He indicated that there had been additional representations regarding sunlight/daylight and referred to the consultation procedures that had been undertaken. He confirmed that obscured windows in Block A would prevent overlooking and there were no windows facing 36 Bow Common Lane to protect privacy. Four four-bed housing units would be available for social renting and the amenity space would be above the level required in the Borough's policies. The S106 contributions were also very good.

Members then put forward questions, which were answered by Mr Bell, in connection with: the relation of objectors' properties to the various blocks of the development; proximity of the development to other properties; measures to address possible overlooking and loss of privacy; the sunlight/daylight survey; control of noise during construction; retention of employment levels in the site area; provision of disabled parking; the effects on families of a car free development; public transport assessment and use of S106 monies for local projects; highways improvement works to Bow Common Lane.

On a unanimous vote, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at 16-24 & 48-50 Bow Common Lane and site at land south of 12 Furze Street for the development of 129 units (comprising 65 x 1 bed, 44 x 2 bed, 16 x 3 bed and 4 x 4 bed) and 139 sq m of commercial floorspace Use Class B1 (office space), a pedestrian and cycle pathway, 142 bicycle parking spaces and landscaping works, subject to the prior completion of a legal agreement and to the conditions and informatives as set out in the report.
- (2) That if by 13 October 2010 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Corporate Director Development & Renewal be delegated power to refuse planning permission.
- (3) That the Corporate Director Development & Renewal be delegated power to impose the conditions and informatives on the planning permission to secure the matters listed in the report.

#### **7.4 Fulneck, 150 Mile End Road, London (PA/10/925) (PA/10/926)**

The Chair invited registered objectors to address the meeting.

Ms Shirin Uddin, a local resident, indicated that she was speaking on behalf of local people who felt that the development would have an enormous adverse

effect on their environment. There would be overcrowding and obstruction of natural sunlight, obstruction of airspace and views including increase in pollution and health hazards. The scheme would result in increased pressure on the local school, which was already oversubscribed, and on post office facilities. Concerns regarding the school included a negative effect on children's quality of education. There would be additional parking problems in the surrounding area. A proper community centre was also needed and there would be loss of privacy to existing properties due to overlooking. There should be no reduction in parking spaces to cater for the needs of more and larger families.

Mr S. Khan, a local resident, stated that there had been no effective consultation with local people about the application. The shared vehicle and pedestrian access caused great concerns for residents and particularly children. Educational provision would be insufficient and the proposed open space was insufficient for the community. Larger residences were required but the development would be overbearing and too big. Provision of commercial loading and unloading bays was inappropriate. There should be a reduction in cycle parking and increase in car parking.

Mr Mark Collins, the applicant, stated that the benefits of the proposal were significant and, although redevelopment of the existing block had been investigated, structural problems meant that it could not be refurbished to Decent Homes standards. Benefits to Stepney Green estate would result from more parking and there would be landscaping to the central green area and provision of play facilities, with a much more secure feel. There had been a large consultation day for residents, 33% of whom had attended and were overwhelmingly in favour of the proposals. There would also be eight large family units built to address the overcrowding problems in Fulneck House.

Mr Tim Gaskell, the applicant's representative, commented that the scheme would deliver much-needed housing for the area. Fulneck House was in poor condition and now not fit for purpose. Redevelopment of the site was needed to enable a fresh start. Better quality accommodation would be provided to modern standards. There would be landscaping improvements with new lawns, a children's play area for the whole estate and wild flower meadow. Jobs and local services would be provided. The new building was very well designed, of high quality and would enhance the Stepney Green Conservation Area.

Ms Ila Robertson, Applications Manager, introduced the report and tabled update report, making a detailed presentation of the application for demolition of Fulneck House, 150 Mile End Road, London, and erection of a part four, part six storey building comprising commercial floorspace, 78 residential units, car/bicycle parking, refuse/recycling facilities and access, landscaping and amenity proposals. She added that habitable rooms provision exceeded housing policy requirements. Some parking provision would be lost but a proportion of that had been used illegally for storage. The position regarding underground parking was clarified in the tabled update. Sunlight/daylight assessment of all affected properties had proved satisfactory and proximity to other buildings exceeded the 18m requirement, at about 30m. No habitable

rooms or windows were overlooked due to the use of obscure glazing and there would be no adverse noise emissions. Construction noise would be addressed through a management plan. There was a slight excess in terms of density but this had no adverse amenity impact. Financial contributions had been secured to mitigate impacts on health and education services. The provision of a community hall had not been required by Borough policies, but over £100,000 had been secured for cultural and community purposes. A management plan was also in place to limit the size of commercial units. In addition, pedestrian access had been widened and was now considered satisfactory.

Members then put questions, which were answered by Ms Robertson, in connection with: the need for commercial units in the scheme; possible business losses; how financial contributions could mitigate effects of population increase and health service impacts; effects on local school; usability of the playspace; commercial use along the Mile End frontage; provision of new employment; parking issues and the need to ensure take-up of underground spaces.

On a vote of 3 for, with 1 against and two abstentions, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at Fulneck House, 150 Mile End Road, London, for the demolition of existing block and erection of part four, part six storey building to provide 412 sq m commercial floorspace comprising retail (Use Class A1), financial and professional services (Use Class A2), restaurant/café (Use Class A3), business (Use Class B1) and/or non-residential institution (Use Class D1) to the ground floor, together with 78 residential units, car/bicycle parking, refuse/recycling facilities and access, landscaping and amenity proposals, subject to the prior completion of a legal agreement and to conditions and informatives as set out in the report.
- (2) That the Corporate Director Development & Renewal be delegated power to negotiate the legal agreement indicated above.
- (3) That, if within six weeks of the date of this Committee meeting the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated power to refuse planning permission.
- (4) That Conservation Area consent be **GRANTED** for the demolition and redevelopment works at Fulneck House, 150 Mile End Road, London, subject to the conditions set out in the report.
- (5) That the Corporate Director Development & Renewal be delegated power to impose conditions and informatives on the planning permission and Conservation Area consent to secure the matters listed in the report.

## 8. OTHER PLANNING MATTERS

**8.1 744 Wick Lane And 46-52 Fairfield Road, Fairfield Road, London, E3 (PA/10/00797)**

The Chair referred to her declaration of a personal interest earlier in the meeting and commented that she wished to declare a further personal interest in that she was Ward Councillor for the site of the application.

Mr Stephen Irvine, Development Control Manager, introduced the report relating to the application for a non-material amendment to approved planning permission for demolition of existing buildings and construction of new residential development with financial and professional services, car parking and landscaping at 744 Wick Lane and 46-52 Fairfield Road, London, E2.

Referring to a query concerning consultation for the application, Mr Irvine indicated that site notices had been posted as required.

On a unanimous vote, the Committee **RESOLVED**

- (1) That the application for a non-material amendment to approved planning permission ref. PA/04/1203 dated 16 March 2006 at 744 Wick Lane and 46-52 Fairfield Road, London, E3, be **APPROVED**.
- (2) That a Deed of Variation to the S106 agreement be entered into, to the satisfaction of the Chief Legal Officer, in accordance with the affordable housing proposal as outlined in section 1 of the report.
- (3) That the Corporate Director Development & Renewal be delegated power to negotiate the legal agreement indicated above.
- (4) That, if within three months of the date of this Committee meeting the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated power to refuse planning permission.

The meeting ended at 9.35 p.m.

Chair, Councillor Carli Harper-Penman  
Development Committee

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# DEVELOPMENT COMMITTEE **Agenda Item 5** 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 sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1<sup>st</sup> class post on Wednesday in the week prior to the meeting.
- 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.
- 6.3** All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4.00pm on Friday prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. 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** Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall give notice of their intention to do so to the Committee Clerk by no later than 4:00pm on the Monday prior to the day of the meeting.
- 6.5** 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.
- 6.6** The order of public speaking shall be as stated in Rule 5.3.
- 6.7** Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.8** 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.
- 6.9** 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.
- 6.10** 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.
- 6.11** 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> 18 <sup>th</sup> August 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director of Development and Renewal  <b>Originating Officer:</b>		<b>Title:</b> Deferred items  <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> 18 <sup>th</sup> August 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

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

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

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

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

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

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

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

#### **5. RECOMMENDATION**

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

# Agenda Item 7.1

<b>Committee:</b> Development	<b>Date:</b> 18 <sup>th</sup> August 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.1
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/10/00037
	<b>Ward:</b> Weavers (February 2002 onwards)

## 1. APPLICATION DETAILS

**Location:** Rochelle School, Arnold Circus, London, E2 7ES  
**Existing Use:**  
**Proposal:** Continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with ancillary off - site catering operation.

**Drawing Nos/Documents:** 1. Un-numbered Site Plan  
2. Un-numbered Location Plan  
3. 4SK.008  
4. Supplementary documents for Rochelle School  
5. Design and Access Statement  
7. Planning Impact Statement  
8. Management Plan

**Applicant:** Mr Anthony Bennett  
**Ownership:** Mr James Moores  
**Historic Building:** Grade II (the site is comprised of two Grade II listed buildings. The main building is located nearest to Arnold Circus and the second building fronts Club Row, the former school walls are also grade II Listed).  
**Conservation Area:** Boundary Estate

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this planning 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 for the purposes of Development Control (October 2007), Core Strategy Development Plan Document (Submission Version December 2009) associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) and Government Planning Policy Guidance and has found that:
- 2.2 Subject to conditions, the proposed independent café and ancillary catering facilities would not have an adverse impact upon amenities of neighbouring residential properties and therefore accords with Saved Policies DEV2, DEV50 and HSG15 of the Tower Hamlets Unitary Development Plan 1998, together with policy DEV1 of the Interim Planning Guidance (2007), which seek to

protect the amenity of residents of the Borough.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission and conservation area consent.
- 3.2 That the Corporate Director of Development and Renewal is delegated power to impose the following conditions [and informatives] on the planning permission to secure the following:

### **3.3 Conditions**

- 1) Development approved in accordance with the plans
- 2) Hours of operation  
Canteen: 9.30am to 4pm Monday to Fridays  
Off-site Catering: 7.30am to 11pm
- 3) Implementation of service management plan.
- 4) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

### **3.4 Informatives for Planning Permission**

- 3.5 1) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

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

### **Proposal**

- 4.1 This planning application is for the continued use of Rochelle Canteen (use class A3), independent of the Rochelle Centre with an ancillary off - site catering operation. The application form states that the use has been occurring since 2006.
- 4.2 A previous planning application was submitted and granted consent for an ancillary café at the application site. The consent was granted on 16/01/2006 under planning reference PA/04/1790. Condition 3 of the planning permission restricted the use of the café, it reads:
- 4.3 *'The accommodation hereby approved for café purposes shall not be used or occupied otherwise than as ancillary in connection with the existing principal Rochelle Centre building's uses.*
- Reason: As requested by the applicant and to safeguard the amenity of adjacent residential properties and the area generally. The local planning authority has had regard to the circumstances of the case and considers that use by way of separate occupants would not have been granted planning permission. '*
- 4.4 The main planning consideration during the above application would have been the whether an ancillary café for the occupiers of the main Rochelle Old College building and Club Row building was acceptable. The above condition was included as part of the approval.
- 4.5 This condition has not been adhered to, as the café that has occupied the premises



since 2006 is not ancillary. Arnold & Henderson caterers are currently based in the café and provide weekday lunches. Given, this is not what was sought for nor granted, this planning application has been submitted to regularise the situation.

### **Site and Surroundings**

- 4.6 The application site, 'The Rochelle Centre' is comprised of two Grade II listed buildings, which lie within the Boundary Estate Conservation Area. The main building is located nearest to Arnold Circus and the second building fronts Club Row. The café, the application site, is in the centre of the Rochelle Centre, and has a floor area of approximately 68 square metres.
- 4.7 It is concealed to an extent by Grade II listed brick walls, however some views of the canteen exist from the upper floors of neighbouring residential properties.
- 4.8 The vast majority of buildings around Arnold Circus are residential in nature, with some commercial uses at ground floor level on Calvert Avenue. Walton House is a 5/6 storey building to the east of the subject site and several of the flats on the upper storeys overlook the subject site. Clifton and Sanford Houses are also 5/6 storey buildings, located to the west of the subject, with some flats overlooking the subject site.
- 4.9 The Rochelle Centre consists of a mix of different uses including artists studios and small creative businesses (Use classes B1/D1). According to the applicant 44 people regularly work within the Rochelle Centre building.
- 4.10 The canteen building is a single storey structure within the compound of the site. The structure holds 36 covers with additional space externally used in the summer. The applicant suggests a maximum of 56 people could be accommodated in total.

### **Planning History**

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

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

This application was not determined, and has been closed for 'No Further Action'

- 4.16 PA/08/544 Removal of Condition 3 of Full Planning Permission Ref: PA/04/1790 dated 16th January 2006 (The accommodation hereby approved for cafe purposes shall not be used or occupied otherwise than as ancillary in connection with the existing principle Rochelle Centre building's uses).
- Application was refused on 03/07/2008 due to insufficient information to demonstrate the removal of the conditions would be acceptable. The reasons for refusal read as follows:
- 1. The removal of condition as proposed would have an adverse impact upon amenities of neighbouring residential properties and would therefore contravene Saved Policies DEV2, DEV50 and HSG15 of the Tower Hamlets UDP 1998, together with policy DEV1 of the Interim Planning Guidance (2007), which seek to protect the amenities of the residents of the Borough.*
  - 2. The proposed removal of condition is unacceptable as it would result in the inappropriate intensification of the use within a residential area, thus detracting from the character of the Boundary Estate Conservation Area. The proposal therefore fails to comply with saved policy DEV2 of the Tower Hamlets Unitary Development Plan 1998, and policy DEV1 and CON2 of Interim Planning Guidance 2007 which seek to ensure and protect the amenities of the residents of the Borough.*
- 4.17 PA/08/829 Erection of two new buildings to adjoin the existing roof building in order to create an additional 3 x B1 (office) units (311m<sup>2</sup> in total). Application approved on 15/07/2008
- 4.18 PA/08/830 Conversion and refurbishment of existing roof building to provide office accommodation. Application approved 15/07/2008
- 4.19 PA/09/804 Removal of condition 3 of planning permission PA/04/1790 dated 16/01/2006 to allow for the use of Rochelle Canteen kitchens for preparation of food for off-site consumption. Application was withdrawn on 26/06/2009
4. PA/10/183 Listed Building Consent for the erection of three new single storey roof extensions on the north, south and west elevations for office Class B1 Use and refurbishment of existing roof building. Granted consent on 03/04/2010
- 4.23 PA/10/89 Erection of a roof extension on the southern side of existing roof space for use as an office (Use Class B1).

Granted consent on 16/03/2010

- 4.24 PA/10/36 Change of use of the "Old College" Building within the Rochelle Complex from D1 (non - residential training and education centre) to mixed D1/B1 use (artists studios and small creative businesses).  
Granted consent 12/04/2010

## 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 1998 (as saved September 2007)

Proposals		Not Subject to site specific proposals
Policies:	DEV1	Design Requirements
	DEV2	Amenity
	DEV50	Noise
	HSG15	Residential Amenity
	S7	Special Uses
	T16	Traffic Priorities for New Development

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

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

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

	SO22	Protecting historical and heritage assets
	SO25	Placemaking

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

	3C.22	Parking Strategy
	4B.5	Creating an inclusive environment
	4B.6	Sustainable design and construction
	4B.7	Respect local context and communities
	4B.10	London's built heritage
	4B.11	Heritage conservation
	4B.12	Historic conservation-led regeneration

### 5.6 Government Planning Policy Guidance/Statements

	PPG1	General Policy and Principles
	PPS1	Urban Design
	PPS5	Planning and the Historic Environment

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

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

## 6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

6.3 **LBTH Environmental Health** – Comments have been received regarding the extraction system. The existing system is not causing nuisance and no change is proposed to the system, as such officers consider this acceptable.

In addition, Environmental Health have confirmed that whilst the area in general suffers from some anti-social behaviour, there have not been any complaints specifically regarding the canteen. As such, no objection is raised to this use.

6.4 **LBTH Highways** –

Welcome the provision of a 'Management Plan' which sets out exactly how the canteen is currently managed and operated.

6.5 The servicing described currently is low-key and using small vehicles, on-site, however it is imperative that any intensification of the use will trigger a review of the Management Plan alongside a planning application. It is recommended that the servicing is conditioned, possibly under the heading of 'Servicing/Management Plan'.

6.6 (Officer comment: has included a recommended condition requiring the applicant to implement the Management Plan and acknowledges that any future change in operation of the canteen (such as more deliveries, longer opening hours etc) would require an amendment to this Management Plan and, consequently, a fresh planning application.

## 7. LOCAL REPRESENTATION

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

No of individual responses:	Objecting: 89	Supporting: 67
No of petitions received:	0	

7.2 The letters of support include around 18 addresses and organisations outside the borough.

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

- Increase in traffic, parking problems and congestion, generated by both suppliers and the general public.

- Noise associated with visitors to the canteen, and general operation (i.e., kitchen, machinery, refuse disposal, staff).
- Intensification of use, with increased levels of activity resulting in a detrimental impact on surrounding properties.
- Use out of character with predominantly residential nature of the conservation area
- Failure to comply with Council policy.
- Previous refusals on the application site (for the same development).

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the committee must consider is whether or not the use of the Rochelle canteen as an independent canteen as opposed to an ancillary canteen would have a significantly amenity impact on residents of the Boundary Estate and if there was a impact whether it could be controlled via the imposition of conditions.

8.2 The key considerations are:

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

### **Amenity of neighbouring residential occupiers**

8.3 Saved policy DEV2 of the Tower Hamlets UDP (1998) and Policy DEV1 of the Interim Planning Guidance (2007) seek to ensure development will not result in an unduly detrimental loss of amenity for neighbouring properties. Policy DEV50 of Tower Hamlets' UDP (1998) seeks to ensure development will not result in an unduly detrimental increase in noise levels, and policy HSG15 of Tower Hamlets' UDP (1998) seeks to ensure development within residential areas is appropriate, and will not result in an unduly detrimental loss of amenity for residents.

8.4 Walton House is a 5/6 storey building to the east of the subject site. Several of the flats on the upper storeys overlook the subject site. Clifton and Sanford Houses are also 5/6 storey buildings, located to the west of the subject, with some flats overlooking the subject site.

8.5 The centre of the outdoor area is some 52 metres from Walton House, and 32 metres from the northeast corner of Clifton House. It is considered that this is an acceptable distance to ensure amenity will not be impeded upon during the operational hours.

8.6 It is noted the PA/08/544 to remove condition 3 (The accommodation hereby approved for cafe purposes shall not be used or occupied otherwise than as ancillary in connection with the existing principle Rochelle Centre building's uses) was refused on 03/07/2008 for the following reasons:

*1. The removal of condition as proposed would have an adverse impact upon amenities of neighbouring residential properties and would therefore contravene Saved Policies DEV2, DEV50 and HSG15 of the Tower Hamlets UDP 1998, together with policy DEV1 of the Interim Planning Guidance (2007), which seek to protect the amenities of the residents of the Borough.*

*2. The proposed removal of condition is unacceptable as it would result in the inappropriate intensification of the use within a residential area, thus detracting from the character of the Boundary Estate Conservation Area. The proposal therefore fails to comply with saved policy DEV2 of the Tower Hamlets Unitary Development Plan 1998, and policy DEV1 and CON2 of Interim Planning Guidance 2007 which seek to ensure and protect the amenities of the residents of the Borough.*

- 8.7 The previous application, seeking to remove the condition, did not provide enough evidence that the existing operations would not have impacts on residential amenity. At the time, it was also felt that the removal of the condition could lead to an unacceptable intensification of use, hence the two reasons for refusal.
- 8.8 In order to mitigate this, the applicant has drawn up a detailed management plan which sets out the details of the canteen operation. It includes information in relation to hours of operation, number of seats, details of deliveries, waste proposals and the nature of the off-site catering operation. The applicant is committed to adhering to this management plan which will be secured by planning condition.
- 8.9 The implementation of the Management Plan will ensure that no unacceptable impacts to residential amenity occurs.

Hours of operation

- 8.10 The proposed hours of operation are as follows:

Use	Monday to Friday	Saturdays	Sundays and Bank holidays
Canteen	9.30am to 4pm	Not applicable.	Not applicable
Off site Catering	7.30am to 11pm	Not applicable	Not applicable

- 8.11 The proposed hours of operation for the canteen between, Mondays to Friday, 9.30 to 4pm. These hours are outside the noise sensitive hours and are not considered by officers as being contentious. Furthermore, these hours are likely to be similar to the sites historic use as a school.
- 8.12 In addition to this, the earlier consent allowed the canteen use on Saturdays. Whilst the applicant chose not to use the canteen on Saturdays, it is still considered that the hours and proposed use is acceptable on Saturdays. Therefore the planning department would like to allow the canteen operations on Saturday's 9.30am to 4pm.
- 8.12 Given, the existing nature of the use, officers from the Environmental Health team have confirmed that no noise complaints have been registered. As such, the Environmental Health Department raise no objections to the use.
- 8.13 The applicant has submitted a management plan which outlines the functions of the café and off-site facilities.
- 8.14 In summary the management plan outlines the following:
  - 1. There are approximately 6 off-site events per month
  - 2. Food deliveries for the off-site events are made with normal canteen food

deliveries by the same supplier

3. Rubbish collections are made from the event.
  4. Any goods returns to the school are made before 10pm or the next morning.
  5. Loading is from the Club Row parking area within the School walls or the Arnold Circus entrance
- 8.15 A condition will be included on the consent to ensure that the applicant complies with the management plan which will ensure that the retention of the independent café does not have an adverse impact on the amenity of neighbouring properties.

#### Intensification of Use

- 8.16 The proposal does not involve any intensification of use; it simply seeks to regularise the existing operations. No changes are proposed to the current canteen / catering facilities (e.g. opening hours, physical expansion, alcohol sales, parties, types of foods, deliveries, servicing arrangements etc).
- 8.17 There are only a small number of covers at the canteen (up to 36 inside and a landscaped area outside which can cater for around 20 people) in good weather and this will not change.
- 8.18 The Management Plan, which accompanies the application, sets out all of the limits, restrictions and principles governing the café operation that the applicant abides by and will continue to abide by. As stated at paragraph 8.15 the implementation of the management plan will be conditioned.

#### Traffic Generation

- 8.18 Policy T16 of Tower Hamlets' UDP (1998) together policy DEV19 of the Interim Planning Guidance (2007) seek to ensure developments will not prejudice the free flow of traffic, and highway safety.
- 8.19 The streets surrounding the site are designated residents only parking, and the site has good access to public transport with a PTAL of 5. The Councils Highways section had no adverse comments to make in respect of the proposal in particular noting that the scale of vehicles and operations are not envisaged to have a detrimental impact on the vicinity
- 8.20 The applicant will be required to comply with the management plan, via the imposition of a condition, to ensure that this remains the case and that no intensification can occur without a new application being considered.

#### **Other Planning Issues**

##### Intensification of use, out of character with residential nature of conservation area;

- 8.21 The use of the cafe is established, having been in operation since 2005. It is therefore not considered that an ancillary café or an independent café will have a detrimental effect on the character of the surrounding area nor the Boundary Estate Conservation Area.

In particular, the Rochelle Centre currently caters for a variety of uses currently and the western side of Arnold Circus includes a number of different uses. It is considered that given the scale and intensity of use that it is an acceptable use within the area.

#### 8.22 Enforcement

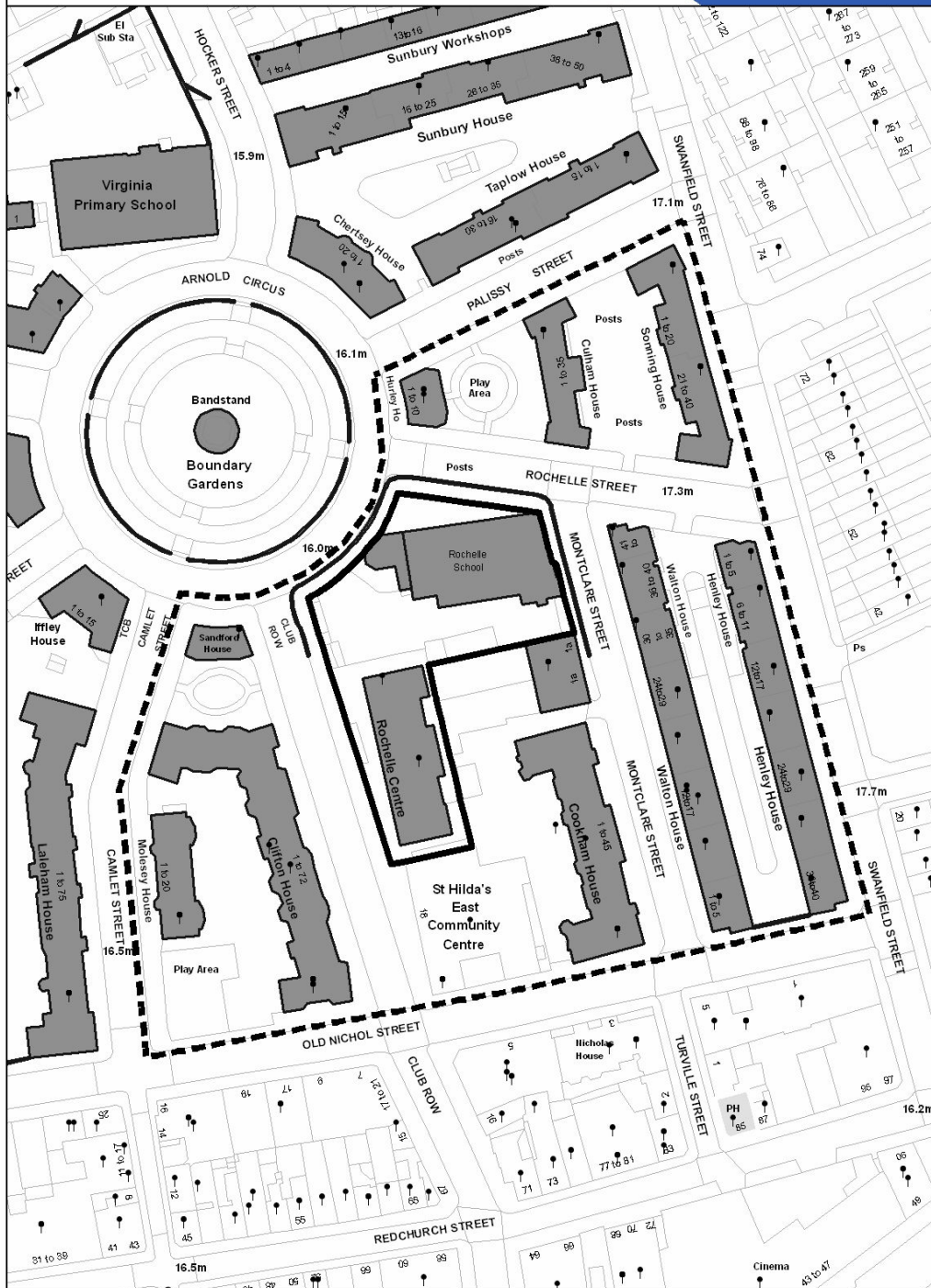
In 2007 a complaint was received by the Councils' Enforcement Department in relation to a breach of condition 3 of full planning permission: PA/04/1790 which stated the use of the cafe should be ancillary to the Rochelle Centre. A letter dated 30 April 2007 was sent to the owner, reminding them of the requirements of the conditions. However, it was not considered expedient, nor practical to take action against the applicants given an application to remove condition 3 is before the planning authority for consideration.

### **9.0 Conclusions**

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



# Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 30 m 1:1,250	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

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# Agenda Item 7.2

<b>Committee:</b> Development Committee	<b>Date:</b> 18 <sup>th</sup> August 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jane Jin		<b>Ref No:</b> PA/10/01177	
		<b>Ward(s):</b> Millwall	

## 1. APPLICATION DETAILS

<b>Location:</b>	Site at 1-3 Muirfield Crescent and 47 Milharbour, London
<b>Existing Use:</b>	Vacant office
<b>Proposal:</b>	Application to replace extant planning permission in order to extend the time limit for implementation of Planning Permission ref: PA/06/893 [Outline permission to provide 143 residential units in buildings up to 10 storeys in height with an A1 and A3 use at ground floor level with reconfiguration of existing basement car parking, associated servicing and landscaping].
<b>Applicant:</b>	Tameric Investments c/o - Sheppard Robson
<b>Owner:</b>	Royal Bank of Canada Linray Limited Newbridge (G.P) Limited and Gryphon Limited Regent House Properties Limited Glenart Limited EDF Energy PLC
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The principle of a residentially-led mixed use scheme is considered to be appropriate and in accordance with saved policy DEV3 of the Unitary Development Plan (1998), policies CP1, CP15 and CP19 of the Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose) and policy SP02 of the Core Strategy Local Development Framework (Submission Version 2009) which seek to deliver new housing and the creation of sustainable places.
- 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), policy HSG1 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose) and also policy SP02 of the Core Strategy Local Development Framework (Submission Version 2009) which seeks to ensure the use of land is appropriately optimised.
- 2.3 The retail (Class A1) and restaurant and café (Use Class A3) are acceptable as they will provide for the needs of the development and surrounding residents and would result in job opportunities for local residents. As such, it is in line with policies 3D.1, 3D.3 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), saved policies DEV1, DEV3, EMP1, EMP 6 and EMP8 of the Council's Unitary Development Plan 1998 and policies CP1, CP15,

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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		Jane Jin 020 7364 6573

DEV1 and RT4 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose), which seek to promote a diverse range of employment, retail and leisure uses and promote employment including opportunities for local people.

- 2.4 The building height, scale, bulk and design is acceptable and in line with the Council's design policies and regional and local criteria for tall buildings. As such, the scheme is 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 and policies DEV1, DEV2 and DEV3 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose), which seek to ensure buildings are of a high quality design and suitably located.
- 2.5 The 10-storey building within the development would form a positive addition to London's skyline, without causing detriment to local or long distance views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose) and policies 4B.1, 4B., 4B.8 and 4B.9 of the London Plan (2008) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 2.6 Subject to conditions requiring the submission of full details and samples materials and elevational treatments, the scheme is considered to enhance the street scene and local context, posing no significant adverse impact on the character, appearance and setting of the nearby Grade II listed building nor the character and appearance of the Lansbury Conservation Area, in accordance with PPS5, Policy 4B.1 and 4B.8 of the Mayor's London Plan (Consolidated 2008) as well as Policy DEV1 of the LBTH UDP (1998), policies CP4, CP48, CP49, and DEV2 of the Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose) and policy which seek to protect the appearance and setting of listed buildings and conservation areas.
- 2.7 The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3A.5, 3A.8, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), saved policy HSG7 of the Council's Unitary Development Plan 1998, policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose) and policy SP02 of the Core Strategy LDF (Submission Version 2009) which seek to ensure that new developments offer a range of housing choices.
- 2.8 Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose), which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.9 Financial contributions have been secured towards the provision of public art or craft, highways and transportation, open space, public realm, training and employment, community facilities, education and health care in line with Community Infrastructure Levy Regulations (2010), Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- 2.10 It is considered that the development complies with policies outlined in this report.

### 3. RECOMMENDATION

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

- A. All parties, including all mortgagees, with an interest in the site entering into a supplementary deed to link the obligations of the original permission to the new permission as secured under the **Deed of Variation** of the planning permission PA/06/893 by means of a **legal agreement** under **Section 106** of the Town and Country

Planning Act 1990 (as amended) to the satisfaction of the Assistant Chief Executive (Legal Services)..

Financial Contribution (as secured with Permission PA/06/893)

- a) £35,000 towards Public Art or Crafts on or around the Land;
- b) £219,505 towards the improvement and upgrade of transport and infrastructure; public realm; open spaces; employment and training; and securing community facilities;
- c) £308,550 towards the provision of additional education facilities in the vicinity;
- d) 734, 516 towards healthcare facilities

Non-Financial Contributions

- e) Affordable Housing;
- f) The provision of a public walkway through the site, along Muirfield Crescent, as part of the 'the East-West link' in the Millennium Quarter and Isle of Dogs Area Action Plan; and
- g) Car-free agreement (new obligation);

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

3.3 That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission.

**Conditions**

- 1) Time limit for outline planning permission
- 2) Outline permission- reserved matters
  - a. Appearance
  - b. Landscaping
  - c. scale
- 3) Submission of sample/details of materials, design of shopfronts, and any mechanical plants with noise attenuation measures.
- 4) Provision of car, motorcycle and cycle parking spaces.
- 5) Submission of detailed drawing showing means of access across the entire site.
- 6) Submission of a landscape scheme.
- 7) Submission of refuse/recycling enclosure details and waste management strategy.
- 8) Submission of a contamination report and remediation strategy.
- 9) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday).
- 10) Submission of a Construction Management.
- 11) Submission of an Air Quality Assessment.
- 12) Submission of a drainage strategy
- 13) Submission of details of sound/noise insulation and mitigation measures.
- 14) Submission of Energy efficiency
- 15) Submission of Decentralised energy feasibility study
- 16) Submission of Renewable Energy technology
- 17) Code of Sustainable Homes
- 18) Hours of operation for retail (A1) and café/restaurant (A3) uses.
- 19) Submission of details for flues/extraction system for A3 use.
- 20) Submission of a risk assessment and method assessment for works adjacent to the water.
- 21) Submission of details for CCTV, lighting and security lighting.
- 22) Submission of freight by water feasibility assessment.
- 23) 20% of vehicle parking spaces to incorporate electric car charging points
- 24) Approved plan numbers.
- 25) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

**Informatives**

- 1) Section 106 agreement required;
- 2) Definition of Superstructure;
- 3) Contact British Waterways;
- 4) Contact British Waterways – permission required for discharge of surface water;
- 5) Contact British Waterways – permission required for balcony overhangs;
- 6) Contact British Waterways – closure of towpaths;
- 7) Contact British Waterways – British Waterways' access; and
- 8) Section 278 agreement required

3.4 That, should the **Section 106** agreement not be completed by 3<sup>rd</sup> September 2010, the Head of Development Decisions may refuse planning permission on the grounds that in the absence of a legal agreement, the proposal fails to secure appropriate planning obligations to mitigate its potential impacts.

#### **4. BACKGROUND TO EXTENSION OF TIME APPLICATIONS**

- 4.1 An application to extend the time limit for implementation can be made if the relevant time limit of an extant planning permission has not expired on either 1<sup>st</sup> October 2009 and/or at the date of the application, and if the development has not yet been commenced.
- 4.2 The Greater Flexibility for Planning Permissions Guidance issued by Communities and Local Government states that the Council should take a constructive approach towards these applications and given that the principle of the development has already been agreed, the focus of the determination should be on adopted policies and other material considerations (including national policies on matters such as climate change) which may have significantly changed since the original grant of permission.
- 4.3 As it is with the subject application, where the original permission is accompanied by a S106 legal agreement, the Council need to consider whether a supplementary deed is required to link the obligations of the original to the new permission. It should also be noted that the Council has the power to impose and/or vary conditions.

#### **5 PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 5.1 On 10<sup>th</sup> July 2007, an outline planning permission (ref PA/06/00893) was granted with a condition stating that application for approval of the matters reserved by the conditions was to be made to the Local Planning Authority before expiration of three years from the date of the permission and the development shall be begun either the expiration of 5 years from the date of the permission or before the expiration of two years from the date of the approval of the last reserved matters, whichever is the later.
- 5.2 The applicant has indicated that there have been number of factors which have delayed the implementation of the planning permission. The main reason is due to the recent economic down turn and the limited availability of finance for new projects. In addition, there has been a change in ownership at the site and this has impacted on the continuity of their management team to progress with the development. This is the reason why applications for extension to the time limits for implementing planning permissions were introduced, in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that it can be more quickly implemented when economic conditions improve. The applicant has also confirmed that they are confident that there is improvement in the market which means that the project is now viable.
- 5.3 As such, the applicant seeks the extension of the time limit to submit applications for

approval of reserved matters and the implementation of the planning permission.

### **Site and Surroundings**

- 5.4 The site comprises a rectangular area roughly 0.45 hectares, abutting Millharbour to the west and the Millwall Inner Dock to the east. There is a two storey development to the north at 45 Millharbour which is used as a place of worship.
- 5.5 There are three office buildings on the site at present. Borrington House forms 47 Millharbour to the west, in the centre is Archway House at 1 Muirfield Crescent and Bellerive House at 3 Muirfield Crescent adjacent to Millwall Inner Dock.
- 5.7 There are a number of large developments which have been recently completed, under construction and consented in the surrounding area, which contribute to the rapidly changing urban and social environment.

### **Relevant Planning History**

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

PA/06/00893 In outline, redevelopment to provide 143 residential units in buildings up to 10 storeys in height (and no greater than 30m) with A1 and A3 use at ground floor level with reconfiguration of existing basement car park associated servicing & landscaping. This application was approved on 10/7/2007.

## **6. POLICY FRAMEWORK**

- 6.1 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:

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk

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

Policies:

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.9	Affordable housing targets
3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
3A.11	Affordable Housing thresholds
3B.3	Mixed use development
3C.3	Sustainable Transport
3C.17	Tackling congestion and reducing traffic
3C.22	Improving conditions for cyclists

3C.23	Parking Strategy
3D.8	Realising the value of open space and green infrastructure
3D.13	Children and young people's play and informal recreation strategies
4A.1	Tackling climate change
4A.2	Mitigating climate change
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.5	Provision of heating and cooling and power
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.9	Adaptation to climate change
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
4A.18	Water and sewerage infrastructure
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect local context and communities
6A.4	Planning Obligation Priorities

### **The London Plan Supplementary Planning Guidance (SPG)**

Accessible London: Achieving an Inclusive Environment  
Housing  
Sustainable Design and Construction  
Providing for Children and Young People Play and Informal Recreation  
Planning for Equality and Diversity in London

### **Tower Hamlets Unitary Development Plan (1998) (as saved 2007)**

Proposals:		Central Area Zone Flood Protection Areas
Policies:	CAZ1	Location of Central London
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV46	Riverside, Canalside, Docks and other water areas
	DEV48	Riverside Walkways and New Development
	DEV50	Noise
	DEV51	Contaminated Land
	EMP1	Employment Growth
	EMP3	Changing employment use to non B Class Use
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG16	Housing Amenity Space
	T16	Traffic Priorities for New Development
	T19	Pedestrians
	T21	Pedestrians Needs in New Development
	T26	Use of Waterways for movement of Bulky Goods
	OS9	Children's Playspace



U2 Development in Areas at Risk from Flooding  
 U3 Flood Protection Measures

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

Proposals:	ID23	Flood Risk Zone 2 and 3 Development Site – Residential (C3)
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job creation and Growth
	CP8	Central Activities Area
	CP11	Sites in Employment Use
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP25	Housing and Amenity Space
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	EE2	Redevelopment/Change of Use of Employment Sites
	RT4	Shopping Provision Outside of Town Centres
	HSG1	Determining Housing Density

	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
IODAAP	IOD1	Spatial Strategy
	IOD2	Transport and Movement
	IOD6	Water Space
	IOD7	Flooding
	IOD8	Infrastructure Capacity
	IOD10	Infrastructure and services
	IOD18	Employment uses in the Central sub-area
	IOD19	Residential uses in the Central sub-area
	IOD20	Retail and leisure uses in the Central sub-area
	IOD21	Design and built form in the Central sub-area
	IOD22	Site allocations in the Central sub-area

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

Residential Space Standards  
Designing out Crime

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

Policies:	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP07	Improving education and skills
	SP09	Creating attractive and safe streets and spaces
	SP11	Working towards a zero-carbon borough
	SP12	Delivering place making – Poplar Vision, Priorities and Principles

**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

### **Good Practice Guidance issued by Communities and Local Government**

The guidance 'Greater flexibility for planning permission: Guidance', published on 23<sup>rd</sup> November 2009 provides guidance on the use of measures and to augment policy and advise on the best way of achieving technical outcomes.

## **7. CONSULTATION RESPONSE**

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

### **LBTH Environmental Health**

#### Daylight, Sunlight and Microclimate

7.2 Since there is no change in the scale, height and bulk, but just to extend the time limit for

implementation for Planning Permission -PA/06/893 scheme, Environmental Health has no comments.

#### Health and Safety

7.3 No comments have been received.

#### Noise and Vibration

7.4 No comments have been received.

#### **LBTH Highways**

7.5 It is acknowledged that parking space provision is in accordance with the parking standards set out in LBTH's IPG, however the Isle of Dogs is becoming increasingly congested due to continued development and Highways would also like to see a car free development. From looking at the previous outline permission, it appears that a car/permit free agreement was not secured. In addition, the previous outline consent/permission notice requested a minimum of 63 cycle spaces through Condition 4. This does not accord with the parking standards set out in LBTH's IPG, whereby cycle parking should be provided at a rate of: - 1 space per residential unit for residents; - 1 space per 10 residential units for visitors to the residential units; - 1 space per 125sqm for A1; - 1 space per 50sqm, or 1 per 20 staff for staff and 1 per 20 seats for visitors (whichever is greater) for A3.

*(Officer's Comment: The Cabinet adopted the Interim Planning Guidance for the purpose of Development Control in October 2007, after the last permission was approved. Since there has been a change in policy for parking standards, Condition 4 will be amended to ensure that the cycle parking provision meets the current standards and to provide for 164 cycle parking spaces. This condition is in accordance with Circular 11/95: The use of Conditions for Planning Permissions.*

*With regard to the car-free agreement, a new obligation will be secured through the Deed of Variation. This obligation is necessary and reasonable which relate to the development, and is in accordance with Circular 05/05: Planning Obligations, and the Community Infrastructure Levy Regulations 2010.)*

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

7.6 No comments have been received.

#### **LBTH Design and Conservation**

7.7 There are no changes to the design therefore Design and Conservation have no comments to make.

#### **Environment Agency (Statutory Consultee)**

7.8 The Environment Agency objected to the proposal as there is no Flood Risk Assessment (FRA) submitted with the application.

*(Officer's Comment: The previous approval had FRA accompanying the application and EA did not raise any objection. However, since then, there have been changes made to the national policies and in this particular instance, the proposal was previously assessed against PPG 25 Development and Flood Risk, but now PPS25 applies. The main changes are that the role of EA in decision making have enhanced, and there are requirements for FRAs.*

*At the time of writing this report, the applicant is preparing the FRA in consultation with EA and therefore, this issue is likely to be resolved prior to determination at the Development Committee. The forthcoming Addendum Report will address this issue in detail).*

## **British Waterways (Statutory Consultee)**

- 7.9 British Waterways accepts that the application represents an extension of time for the previously approved scheme, and that British Waterways made few comments on this. However, since the last application was submitted, a reassessment of the impact of cumulative developments in the area have taken place, and after due consideration of the application details, the following comments are made.
- Landscaping and Off site improvements - the walkway should be resurfaced to match the adjacent surface treatment alongside Pan Peninsular, which we hope will be continued in between by the adjacent redevelopment proposals.
  - Refuse Management – we have experienced significant increase in refuse left in our dockside bins. Considering the increase in occupiers of the site following the development, and the associated burden on British Waterways’ maintenance of the area (such as for increased litter collection) we would request that the waterside area would be included in the management of the site’s public spaces.
  - Design and Layout – The building abuts British Waterways’ Millwall Inner Dock and its walkway, with a restaurant use on the ground floor. Half of the waterside elevation is taken up with service areas, which we assume will present a dead frontage to the adjacent public realm.

The following conditions should be imposed.

- Risk Assessment and Method Statement
- CCTV and lighting details
- Feasibility study for the use of waterborne freight

*(Officer’s Comment: There have not been any policy changes since the last approval with regards to developments along water front,. However, to ensure that refuse is contained within the application site a suitably worded condition will be added to include a management plan for site’s public spaces.*

*With regards to the Landscaping and offsite improvements, financial contribution was secured with the last approval for improvements to public realm and therefore the works can be carried out.*

*In relation to design comments, this is a matter which is reserved for consideration later in the process.*

*Two of the required planning conditions were previously included in the decision notice and will be re-instated, and the additional required condition will be imposed. This is in accordance with Circular 11/95).*

## **8. LOCAL REPRESENTATION**

- 8.1 A total of 469 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. No representations were received from neighbours or local groups in response to notification and publicity of the application.

## **9. MATERIAL PLANNING CONSIDERATIONS**

- 9.1 The main issues arising from the development which were judged to be acceptable in

principle within the previous application relate to the access and layout of the proposal. The Committee report for the previously approved scheme is attached as Appendix 1 of this report. In particular, planning issues which were considered are:

1. Land use
2. Impact on Local Context
3. Density
4. Housing
5. Open space
6. Amenity
7. Access and Transport
8. Access and Inclusive Design
9. Sustainable Development/Renewable Energy
10. Planning Obligations

Matters relating to design, external appearance and landscaping were reserved. Since the approval, changes to the Development Control system were introduced by the Government and the changes relate to the format of Outline Planning Applications and the information supplied within them. From August 2006 the reserved matters have changed to:

- a) Layout: - the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- b) Scale: - the height, width and length of each proposed in relation to its surroundings.
- c) Appearance: - the aspects of a building or place which determines the visual impression it makes, excluding the external built form of the development.
- d) Access: - this covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- e) Landscaping: - this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft landscape measures, for example, through planting of trees or hedges or screening by fence or walls.

Therefore, the matters which are now reserved relate to Scale, Appearance and Landscaping.

- 9.2 As mentioned, while the application is determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, the consideration to be had in this particular case relate any significant change in development plan policies and other material considerations since the grant of the original permission on 10<sup>th</sup> July 2007.
- 9.3 Since the grant of planning permission a number of relevant national and regional guidance and adopted policy as set out in the development plan have been updated. This include new PPS3 published on 9 June 2010 (which replaced PPG3), PPS25 published on 29<sup>th</sup> March 2010 (which replaced PPG25) and the updated London Plan Consolidated with Alterations since 2004, dated February 2008.
- 9.4 In relation to how Tower Hamlets' policies have changed, some policies were deleted by direction from the Secretary of State in September 2007. The remaining policies were saved. The LDF Core Strategy was submitted to the Secretary of State, following Full Council's approval, on 18th December 2009. The Core Strategy has now undergone examination and has been found sound by the Inspector, subject to a number of minor changes. As the Council received the Inspector's Final Report on 15<sup>th</sup> July 2010, this affects the weight applied to the draft document when determining planning applications prior to adoption by full Council.
- 9.5 The draft replacement London Plan and the Council's LDF are at their advances stages being adopted.

For the purpose of decision making, the statutory development plan documents which now pertain are:

- The London Plan Consolidated with Alterations since 2004, dated February 2008;
- The saved policies of UDP 1998;

It should also be noted that, given that the Core Strategy has now been found sound and legally compliant by the Inspector with recommendations only for minor changes, it is considered that the entire document, in accordance with the Inspector's amendments, has significant material weight prior to adoption.

### **Land Use**

- 9.6 The proposal would result in the loss of the existing employment generating uses on this site. However, the proposal would meet the Spatial Strategy for the Isle of Dogs as outlined in the Isle of Dogs Area Action Plan, as part of the emerging LDF. The application site falls within an area identified for New Housing Focus and the site has been allocated as a preferred use for residential development (site ID23), therefore the loss of employment floor space is acceptable in this instance. In addition, the proposal also provides retail spaces and the applicant has agreed to include local labour initiatives as part of the Section 106 obligation.
- 9.7 The proposed land use is considered to be beneficial to the area and follows the overall spatial plans for the Isle of Dogs. Development plan policy has not significantly altered since the grant of consent. It is worthwhile to note that the only change in policy is the deletion of Policy EMP2 which resisted the loss of employment generating uses.

### **Density**

- 9.8 The London Plan density matrix within policy 3A.3 suggests that densities within central sites with moderate transport links (PTAL 2-3) should be within the range of 300 – 650 habitable rooms per hectare. This approach is supported by policy HSG1 of the Interim Planning Guidance and policy SP02 (2) of the Core Strategy (Submission Version 2009) which seek to correspond housing density to public transport accessibility and proximity town centres.
- 9.9 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 9.10 Proposed density of the scheme is 971 habitable rooms per hectare. Whilst this is over the density range for a central site, 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:
- 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.
- 9.11 As previously decided, it is not considered that the proposed scheme give rise to any of the abovementioned symptoms of overdevelopment. Furthermore, the proposed density is more in keeping with the existing and emerging developments within the area. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and is

appropriate to the area context.

### **Housing (Affordable housing, Housing mix and standard of accommodation)**

- 9.13 The development provides for 143 residential units of which 55 units are affordable housing. This accumulates to 44% affordable housing based on the number of habitable rooms.
- 9.14 The Council's policy stance on affordable housing provision has not changed since the previous approval and the Borough's minimum affordable housing provision remains at 35%, measured by habitable rooms.
- 9.15 In terms of both unit numbers and habitable rooms, the affordable housing provision would far exceed policy expectation and therefore it would be reasonable to allow the applicants an extended time in order to allow greater possibility of implementation.
- 9.16 Policy CP22 of the Interim Planning Guidance 2007, state that the Council will require a social rented to Intermediate housing ratio split of 80:20 for all new affordable housing and the approved scheme provides 80% Social rented and 20% units as Intermediate. However, since the last approval, the Core Strategy has been found sound by the Inspector and therefore it carries more weight than the Council's IPG. The policy now requires the split to be 70:30, in favour of social rented. Given that the proposal would provide 44% of affordable housing provision, which exceeds policy standards, on balance, the proposed 80:20 split would be acceptable in this instance. The resulting residential accommodation is also considered to be of an appropriate standard, quality and amenity and the dwellings are provided with sufficient private and communal amenity space.

### **Impact on surrounding amenity**

- 9.18 The development is considered to have an appropriate relationship with existing adjoining properties. Subject to the original conditions and S106 agreement the resulting development is not considered to have an adverse impact on neighbouring residential amenity in terms of: noise and nuisance; loss of sunlight and daylight; or outlook.

### **Energy and sustainability**

- 9.19 It is the Council's and the Mayor's objective when considering major developments that there is an achievement of a significant and measureable improvement in energy efficiency and reduction in CO2 emissions. In this regard, adopted policy is that the feasibility of providing Combined Heat and Power (CHP)/Combined Cooling Heat and Power (CCHP) and community heating systems be explored. Furthermore, all developments are expected to demonstrate that their heating, cooling and power systems have been selected to minimise CO2 emissions. The London Plan requirement is that renewable energy technologies shall provide for no less than 20% on-site CO2 reduction, an increase of 10% since the grant of planning permission.
- 9.20 As the previously approval is an outline scheme, energy strategy measures within the design were not considered. A condition was imposed for further details to be submitted to ensure that the proposed renewable energy measures would be implemented. An amended worded condition will be imposed to ensure that an energy efficient building together with 20% renewable energy is delivered on site.

### **Other Planning Issues**

- 9.21 There has been no change in the policies relating to contaminated land, archaeology, transportation or servicing. The requirements of Council's highways are as before, and measures are secured by conditions.

- 9.22 Obligations and financial contributions have been secured under the original planning permission towards environmental, infrastructure and services required to mitigate potential impacts of the proposed development. The obligations and financial contributions are in line with the Community Infrastructure Levy Regulations 2010, policies IMP1 of the Council's IPG 2007 and DEV4 of the UDP 1998, which seek to ensure that legal agreements and contributions are: reasonable; necessary; relevant to planning; and related to the development.
- 9.23 Overall, having regard to the current adopted policies and other material considerations, it is considered that there are no significant changes which would indicate that the proposal is no longer policy compliant. However, there are updates to policy, in particular to sustainability policies, which require the Council to consider imposing new conditions and a new section 106 head of term in order to make the scheme acceptable in light of new policies and changed circumstances at the site and in its vicinity..

## 10.0 SUMMARY AND CONCLUSIONS

- 10.1 The proposal follows the overall Spatial Strategy for Isle of Dogs as outlined in the Development Plan. The proposal will re-develop an under-used site with a modern high quality, mixed used scheme which maximises the site potential and provides a contemporary development along this area of regeneration. The existence of an extant planning permission for the same scheme would act as a material consideration in determination of this case. There are no significant material changes in circumstances or in policy that would prohibit the use of the new procedures to extend the time element of the permission.
- 10.2 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.



# Agenda Item 7.2

<b>Committee:</b> Development	<b>Date:</b> 10 <sup>th</sup> January 2007	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Tim Porter		<b>Ref No:</b> PA/06/00893	
		<b>Ward(s):</b> Millwall (February 2002 onwards)	

**1. APPLICATION DETAILS**

**Location:** FROM 1 TO 3 MUIRFIELD CRESENT AND 47 MILLHARBOUR, MILLHARBOUR, LONDON

**Existing Use:** Office

**Proposal:** In outline, redevelopment to provide 143 residential units in buildings up to 10 storeys in height (and no greater than 30m) with A1 and A3 use at ground floor level with reconfiguration of existing basement car park, associated servicing & landscaping.

**Drawing Nos:** 3076-00-000 (Revision A), 3076-00-001 (Revision A), 3076-00-100 (Revision A), 3076-00-200 (Revision B), 3076-00-201 (Revision C), 3076-00-202 to 3076-00-209 inclusive (Revision B), 3076-00-300 (Revision B), 3076-00-300 (Revision A), 3076-00-301 (Revision A), 3076-50-100 (Revision A) and 3076-50-101 (Revision A)

**Applicant:** Rowan Asset Management Ltd C/ - DP9

**Owner:** Glengall Bridge Limited  
Royal Bank of Canada Trust Corporation  
Linray Limited  
Newbridge (G.P.) Limited and Gryphon Limited  
Regent House Properties Limited  
Glenart Limited  
London Electricity Group PLC  
Telecity UK Limited

**Historic Building:** N/A

**Conservation Area:** N/A

**2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

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

(a) In principle, the redevelopment of the site to provide 143 residential units in buildings up to 10 storeys in height (and no greater than 30m) with A1 and A3 use ground floor level is acceptable, subject to appropriate planning obligation agreements and conditions to mitigate against the impact of the development and minimise any adverse impact for future occupiers of the proposed development; and

(b) It is considered that the proposed use would not have an adverse impact on the residential amenity of surrounding properties. A number of conditions are recommended to

**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	<input type="checkbox"/>	Tim Porter 020 7364 5291

secure the submission of reserved matters and submission of details.

### 3. RECOMMENDATION

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

- A. Any **direction** by **The Mayor**
- B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
  - a) A contribution of £35,000 to public art
  - b) Affordable housing provision of 44% of the proposed habitable rooms with an 80/20 split between rented/ shared ownership to be provided on site in accordance with the mix specified in table 8.22 of this report
  - c) A contribution of £219,505 towards the improvement and upgrade of transport infrastructure, public realm and open spaces, the provision of training and employment and the securing community facilities to achieve the objectives of the Millennium Quarter Master Plan.
  - d) A contribution of £308,550 to mitigate the demand of the additional population on education facilities.
  - e) A contribution of £734,516 to mitigate the demand of the additional population on health care facilities.
  - f) The provision of a public walkway through the site (along Muirfield Crescent) as part of the 'the East-West link' in the Millennium Quarter and Isle of Dogs Area Action Plan.
  - g) The use of local labour in the construction.
  - h) 'Car Free' agreement, to prohibit residents of the development from applying for residents parking permits in the area

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

#### Conditions

- 1) Time limit for outline planning permission
- 2) Outline permission – reserved matters
  - a) Design of the buildings
  - b) External appearance of the building
  - c) Details of treatment of all open land within the site including both hard and soft landscaping
- 3) Details and samples of materials to be used on external surfaces of buildings
- 4) Details of provision for storage and disposal of refuse
- 5) Details of a scheme of external lighting and security measures
- 6) Details of lower floor elevations to retail units
- 7) Implementation of landscaping and maintenance
- 8) Details of noise insulation
- 9) Prevention of noise and disturbance from plant and machinery
- 10) Investigation and remediation measures for land contamination
- 11) Archaeology – investigation prior to commencement of works
- 12) Details to comply with recommendations in the Sunlight/Daylight report
- 13) Details of access for people with disabilities
- 14) Restricted working hours for construction (8am to 6pm Monday to Friday and 9am to 10m Saturday)
- 15) Submission of a Noise and Vibration Assessment and compliance with the approved Noise and Vibration Assessment

- 16) Submission of Air Quality Management Plan
- 17) Details of on-site construction parking and delivery arrangements
- 18) Details of foul and surface drainage system
- 19) Details of Sustainable development/ renewable energy initiatives.
- 20) Assessment and Method Statement outlining all works to be carried out adjacent to the water
- 21) Submission of a Code of Construction Practice

#### **Informatives**

- 1) Permission subject to a s106 agreement
  - 2) No additional floors for plant
  - 3) Request to comply with MQ Code of Construction Practice
  - 4) Consideration to be given to green roof systems
  - 5) Environmental Agency advice
  - 6) British Waterways advice
  - 7) Compliance with a post construction Environmental Management Plan
- 3.3 That, if by 10<sup>th</sup> July 2007 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**

##### **Proposal**

- 4.1 The proposal is for the redevelopment of the site to provide 143 residential units in buildings up to 10 storeys in height (and no greater than 30m) with A1 and A3 use at ground floor level with reconfiguration of existing basement car park, associated servicing & landscaping.
- 4.2 The planning application is submitted in outline, with design, external appearance and landscaping reserved for future consideration. The application therefore seeks approval of the following matters:
  - Access;
  - Siting;
  - Height and Massing;
  - Land use; and
  - Development Quantum

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

- 4.3 The site comprises a rectangular area roughly 0.45 hectares, abutting Millharbour to the west and the Millwall Inner Dock to the east. There is a two storey development to the north at 45 Millharbour which is used as a place of worship. To the south is the four storey Glengall Bridge West development which the site currently forms a part.
- 4.4 There are three commercial office buildings on the site. To the west of the site there is Bonnington House at 47 Millharbour, in the centre of the site is Archway House at 1 Muirfield Crescent and Bellerive House at 3 Muirfield Crescent adjacent Millwall Inner Dock. A basement car park extending across the entire Glengall Bridge site is accessed from Millharbour via a ramp at the north-west corner of the subject site. The northern area of the subject site features an open area of hard landscaping and a number of small buildings housing plant and machinery.
- 4.5 There are a number of large buildings both recently completed, under construction and consented in the surrounding area, which contribute to form a rapidly changing urban and social context. These include a recently built 15 storey residential block at 41 Millharbour to

the north of the site, beyond 45 Millharbour.

### **Planning History**

- 4.6 There is no planning history of relevance on the subject site, which was developed for its current use in the late 1980s as part of the first generation of new buildings in the former Enterprise Zone.

## **5. POLICY FRAMEWORK**

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

### **Unitary Development Plan**

Proposals:		Central Area Zones Flood Protection Areas
Policies:	CAZ1	Location of Central London
	CAZ2	Core Activities
	CAZ3	Requirements of Mixed Use Scheme
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Development
	DEV4	Planning Obligations
	DEV5	High Buildings
	DEV18	Art and Development Proposals
	DEV47	Development Adjacent Water Areas
	DEV48	Riverside Walkways and New Development
	DEV50	Noise
	EMP6	Employing Local People
	EMP9	Development in the CAZ
	HSG2	New Housing Development
	HSG3	Affordable Housing
	HSG7	Dwelling Mix
	HSG8	Access for People with Disabilities
	HSG9	Density
	HSG13	Internal Standards for Residential Developments
	HSG16	Amenity Space
	T16	Impact of Traffic
	T17	Parking Standards
	T19	Pedestrians
	T21	Pedestrians
	T23	Cyclists
	T26	Use of Waterways for movement of Bulky Goods
	S6	New Retail Development
	OS0	Children's Play Space
	U2	Tidal and Flood Defences
	U3	Flood Protection
	U9	Sewerage Network

### **Millennium Quarter Master Plan**

The Millennium Quarter Master Plan (MQMP) was agreed by the council's Policy and Implementation Committee on 13<sup>th</sup> September 2000 as interim policy pending the formal alteration of the UDP. The MQMP sets out the principles and guidelines for development, including delivery and implementation mechanisms. The Master Plan was subject to



extensive consultation with landowners, statutory authorities and the local community.

**Emerging Local Development Framework**

Proposals:	ID23	Residential (C3)
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
	CP8	Central Activities Area
	CP11	Sites in Employment Use
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP25	Housing Amenity Space
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	EE2	Redevelopment /Change of Use of Employment Sites
	RT4	Retail Development
	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 Affordable Housing
	IOD2	Transport and Movement
	IOD3	Health Facilities
	IOD4	Education Provision

IOD5	Public Open Space
IOD6	Water Space
IOD7	Flooding
IOD8	Infrastructure Capacity
IOD10	Infrastructure and Services
IOD19	Residential Uses
IOD20	Retail and Leisure
IOD21	Design and Built Form

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

Designing Out Crime  
Residential Space  
Landscape Requirements

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

3B.4	Mixed Use Development
3D.12	Biodiversity
4A.7	Energy Efficiency and Renewable Energy
4A.8	Energy Assessment
4A.9	Providing for Renewable Energy
4A.10	Supporting the provision of renewable energy
4A.14	Reducing Noise
4B.1	Design Principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Maximising the potential of sites
4B.4	Enhancing the Quality of the Public realm
4B.5	Creating an inclusive environment
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities
4B.9	Large scale buildings, design and impact

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

PPS1	Delivering Sustainable Development
PPG3	Housing
PPS22	Renewable Energy
PPG24	Planning & Noise

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

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

#### **6. CONSULTATION RESPONSE**

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

##### **LBTH Housing**

6.2 No objection.

##### **LBTH Head of Highways**

- 6.3 Further to the assessment undertaken concerning the traffic impact from the proposed developments trip generation, there are no objections.

The reduction in the number of car parking spaces from 97 to 36 is supported. The applicant will need to demonstrate on the deposited plans how they intend to ensure no unauthorised parking takes place over the spaces which are no longer proposed to be utilised (e.g. building physical measures).

It is a new development and therefore servicing of the development (both residential and commercial) must be from within the sites curtilage/private access road and not from the public highway i.e. Millharbour.

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

#### **LBTH Environmental Health**

- 6.4 Contaminated Land Officer

Recommended that a condition be imposed requiring an investigation to assess the nature and extent of contamination (or otherwise) and consider the most appropriate mitigation measures (if any).

#### Air Quality

Recommended the following:

- Condition requiring the undertaking of an air quality assessment
- Development should be 'car free'
- Increase in sustainable means of transport (e.g. cycle parking facilities)
- Ensure that the Code of Construction Practise (called Construction Method Statement in the ES) is approved by LBTH prior to the commencement of site works;

#### Noise and Vibration

A noise assessment has not been submitted. Notwithstanding this, the development should be conditioned appropriately to mitigate any potential impacts upon residents.

#### Sunlight/ Daylight

The ADF can be verified, and where this is an outline application it is acceptable. However, up to 20-30% difference can occur when the detailed design proposal is submitted. At that stage it will be necessary to use the actual room dimensions/usage to ensure the BRE Guidelines and BS8206 Criteria can be applied satisfactory.

#### **LBTH Education**

- 6.5 The mix shown derives a need for 25 additional primary school places @ £12,342 = £308,550. This sum is sought at 100%. The funds would be pooled with other contributions towards the provision of additional school places across the borough.

#### **Tower Hamlets Primary Care Trust**

- 6.6 The health contribution considered necessary to mitigate the demand of the additional population on health care facilities is £734,516.

#### **Environment Agency (Statutory Consultee)**

- 6.7 The Environment Agency objected to the proposal where the proposal was not accompanied by a flood risk assessment. (OFFICER COMMENT: The applicant has since submitted this



assessment of which the Agency was satisfied and has subsequently withdrawn their objection).

#### **British Waterways (Statutory Consultee)**

- 6.8 British Waterways raised no objection to this outline application subject to the results of a shadow analysis to ensure that a development of this scale would not have an unacceptable overshadowing impact on Millwall Inner Dock to the detriment of public amenity and ecology. (OFFICER COMMENT: British Waterways have indicated that they are satisfied that the proposed development would have no further overshadowing impact on the dock than the existing building and therefore have no objection).

### **7. LOCAL REPRESENTATION**

- 7.1 A total of 522 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.] A number of design changes were undertaken to address the Council's concerns and the application was subsequently re-advertised. 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				

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

#### Employment

- The proposal does not 'bring derelict sites and buildings into beneficial use' (Policy ST2 of the UDP) in accordance with the overall strategic objective of the Tower Hamlets Development Plan.
- The proposed change of use from business to residential does not 'facilitate the expansion and diversification of the local economy by encouraging economic activity and the availability of the skilled local labour force' (Policy ST15 of the UDP).
- The proposed change of use does not 'encourage development and other measures which promote job opportunities for local people' (Policy ST15 of the UDP).

#### Transport

- The existing transport facilities are insufficient to service the population increase (Policy ST19 of the UDP). The transport system cannot cope with another residential development in addition to the proposed developments in Millharbour.

#### Social and Community Facilities

- Objection applies to the objectives of promoting and protecting the arts, entertainment, open space, leisure and recreation (Policy ST37 to ST48 of the UDP).
- Social and community facilities will also be adversely impacted upon by the increased residential numbers (particularly the doctor and dental surgeries which are currently inadequate to meet the demand).

#### Amenity

- The development is likely to have a detrimental impact resulting in loss of sunlight, outlook and privacy to the adjacent building to the north (45 Millharbour).
- The retail element is poorly related both to the dock side and/or Millharbour.
- The layout of the residential units is insensitive, given the balconies along the northern elevation facing directly towards and overlooking No.45. The majority of these units are affordable with no access to sunlight.



- The long northern façade is an unattractive feature as viewed from No. 45 Millharbour.
- The proposed development has little regard to the wider context, particularly the proposed redevelopment of No. 45 Millharbour.
- Given the adverse impact upon No. 45, the poor layout of the flats and, in particular, the lack of any outlook or sunlight to the affordable housing on the north side, the application should be refused

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Impact on Local Context
3. Density
4. Housing
5. Open Space
6. Amenity
7. Access and Transport
8. Access and Inclusive Design
9. Sustainable Development/ Renewable Energy
10. Planning Obligations

### **Land Use**

- 8.2 This proposal would result in the loss of the existing employment generating users on this site. In accordance with Policy EMP2 however the proposed redevelopment would provide new employment opportunities with the proposed retail uses at ground level. A Section 106 obligation is recommended to include local labour initiatives such as Local Labour in Construction.
- 8.3 The loss of employment generating land is considered to be acceptable in line with the policies set out in the Millennium Quarter Master Plan (MQMP) and the emerging LDF. The use of this brownfield site for residential purposes would be entirely in line with current government guidance, particularly that arising from PPG3, and the London Plan.
- 8.4 The London Plan includes a target for providing new homes in this borough to meet the current shortfall in London. This location is considered to be appropriate to meet this demand given the high accessibility attributed to this area. This is particularly relevant in this case given its location to the south of 41 Millharbour, which was granted permission and constructed for approximately 350 residential units plus A1/A2/A3.
- 8.5 The MQMP is a material consideration for developments within this area. The site lies within the 'predominantly residential zone'. The proposed residential use of this site would therefore be in line with the principle in the MQMP.
- 8.6 Within the emerging Isle of Dogs AAP, the site is allocated for residential development (C3). The proposed development contains an appropriate mix of complementary retail uses and is thus in accordance with both the adopted UDP, MQMP and the emerging LDF.
- 8.7 Both the UDP and the Draft LDF Proposals Map include the site within the "Flood Protection Area". The Council has consulted with the Environment Agency in relation to tidal and flood defences, as required by Policy U2 of the UDP. In accordance with Policies U3 and U5, appropriate mitigation measures to protect against flooding, have been recommended by the Environment Agency. These will be enforced via planning conditions.

### **Impact on Local Context**

### Height, Scale, Bulk

- 8.8 In response to comments from the Council's Design and Conservation Team, revisions have been made to the height and massing of the scheme to create a more open environment at the northern end of the site and scope for greater articulation along the northern elevation. This will improve the relationship with potential future development to the north. This has resulted in a reduction in the height of the northern block from 10 to 6 storeys. The west to east intersecting fingers have been amended from 6, 8 and 10 storeys to 8, 9 and 10 storeys, resulting in a varied roofscape by removing the unbroken northern elevation. The changes also allow additional light to penetrate the site to the north.
- 8.9 Influencing the assessment of this scheme is the existing development on the site. In respect of height and scale the differences between the two schemes are follows:
- Height of the proposed western finger along Millharbour is approximately 24 metres (the existing Bonnington House is approximately 30m high).
  - Height of the proposed central finger is approximately 27 metres (the existing Archway House is approximately 24m high)
  - Height of the proposed eastern finger is approximately 30 metres (the existing Bellerive House is approximately 32.7m high)
- 8.10 Policy DEV 5 of the UDP defines a high building as one that exceeds 20 metres in height. The policy states that the Central Area Zone is considered suitable for high buildings. The policy states that in Central Area Zones permission may be given for high building development provided that:
- The proposal satisfies policies DEV1 and DEV 2; (Policies that seek to protect amenity, ensure development accords with the surrounding context and be sensitive to the character of the surrounding area in terms of design, bulk, scale, the use of materials and the development capabilities of the site);
  - The proposal will not harm the essential character of the area or important views; and
  - The building would identify and emphasise a point of visual significance, both locally and in relation to the urban scene, over the whole area from which it would be visible.
- 8.11 Policy DEV1 of the emerging LDF Core Strategy requires development to protect, and where possible improve the amenity of surrounding building occupants and policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk and form of development.
- 8.12 The emerging LDF defines a tall building as buildings generally exceeding 30 metres in height, or which are significantly higher than the surrounding buildings (usually 2 or more storeys higher), dependent on the scale of existing development and the character of the area. The development is not considered to be a tall building in accordance with the emerging LDF where:
- The development does not exceed 30 metres in height;
  - The height of the proposed development generally does not exceed the height of the existing commercial buildings on site except for the central building. However, this part of the proposed development does not exceed the height of the existing building by more than 2 storeys.
  - The area to the north and north-west of the site is characterised by tall buildings of greater heights;
  - The surrounding area is designated in the MQMP for tall buildings of similar or greater heights.
- 8.13 The site is designated as an area suitable for buildings of up to 11 – 15 storeys within the MQMP (equating to a height of between 33 and 45 metres for residential buildings). At a



height of 10 storeys, the proposed development is considered to conform with the stepping-down in height principle from north to south within the MQMP and the emerging Isle of Dogs Area Action Plan. The site is situated between the 15 storey development at 41 Millharbour, to the north and the 4 storey Glengall Bridge development to the south. The height of the development is also generally consistent with the height of the existing development on the site.

- 8.14 Although the detail design has been reserved, the plans and sections submitted for approval conform to the design guidelines contained within the MQMP, in terms of heights and setbacks on the dock edge and on Millharbour.

#### Siting

- 8.15 The key issue addressed by the proposed revisions to the scheme within the original application is the distance of the proposed development from the northern boundary of the site, and its relationship to any future residential development to the north at 45 Millharbour. In order to address these concerns, the building line was revised so that there is a setback of 9 metres along the majority of the northern boundary. This responds to the recommended distance of 18 metres between habitable windows contained within UDP policy DEV2 and will therefore result in an improved level of amenity for residents. The easternmost 'finger' of the building remains at 6 metres from the boundary, which is in line with the current position of the buildings on the site.
- 8.16 To enhance the relationship between the ground level retail units and adjacent residential dwellings, the retail area has been set back within a deeper recess from Muirfield Crescent, and a notional split between A1 (retail) and A3 (restaurant/ café) uses has been introduced. This has the effect of concentrating the active A3 uses towards the dock edge and away from the residential frontage, while the deeper recess allows for a generous covered outdoor seating area on two sides of the building.

#### **Density**

- 8.17 As a result of the changes to the form of the development, the revised layout has led to a reduction in the number of residential units in the scheme from 149 to 143.
- 8.18 The proposed density is 318 units per hectare (143 units/ 0.45ha) or 971 habitable rooms per hectare (437 habitable rooms/ 0.45ha). This substantially exceeds the guidance of 247 hrph provided by Policy HSG9 of the UDP 1998.
- 8.19 UDP policy HSG9 has largely been superseded by the density policies of the London Plan 2004 and Policy HSG1 of the LDF Core Strategy. These both include the implementation of a density, location and parking matrix, which links density to public transport availability as defined by PTAL (Public Transport Accessibility Level) scores which are measured on a scale of 1 (low) – 6 (high). Policy HSG1 of the LDF Core Strategy requires the local context and character to be taken into account.
- 8.20 The site is well served by public transport with a PTAL of 4. For 'central site's with a PTAL range of 4 to 6, the recommended density of 650-1100 hr/ph. Policy 4B.3 of the London Plan seeks to encourage the highest possible intensity of use compatible with the local context.
- 8.21 The MQMP seeks higher density development in this area. The proposal will contribute to significant improvements to the local infrastructure as well as provide new public realm and open space. The density is thus considered appropriate in this instance.

#### **Housing**

- 8.22 The scheme provides a total of 143 residential units. The table below summarises the overall

mix of units by type:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented			intermediate			private sale		
		units	%	target %	units	%	target %	units	%	target %
1 bed	44	6	13.6	20	4	36.4	37.5	34	38	37.5
2 bed	53	16	36.4	35	4	36.4	37.5	33	37	37.5
3 bed	37	13	29.6	30	3	27.2	25	21	25	25
4 bed	6	6	13.6	10				0		
5 bed	3	3	6.8	5				0		
<b>TOTAL</b>	<b>143</b>	<b>44</b>			<b>11</b>			<b>88</b>		

8.23 Policy HSG7 of the UDP specifies that new housing developments will be expected to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Emerging Policy CP21, CP22 and HSG2 of the LDF seeks to create mixed communities with 35% of units provided for social rent housing (grant free). The proposed mix is considered acceptable as demonstrated below.

8.24 The applicant has advised that residential accommodation will comply with the standards set out in UDP policy HSG13 and adopted SPG entitled Residential Space (1998).

Affordable Housing

8.25 Policy HSG3 of the UDP states that the Council will seek a reasonable provision of affordable housing consistent with the merits of each case and with the strategic target of 25%.

8.26 Policy CP22 of the emerging LDF Core Strategy document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision. Policy HSG9 of the Draft LDF Core Strategy document states that the amount of affordable housing will be calculated using habitable rooms as the primary measure.

8.27 The London Plan set out a strategic target that 50% of the new housing provision should be affordable.

8.28 The proposal provides 55 affordable housing units, which equates to the following:

- 44% on habitable room basis
- 38% on unit basis

8.29 In terms of both unit numbers and habitable rooms, the affordable housing provision would far exceed policy expectation.

Social Rented/ Intermediate Shared Ownership and Housing Mix

8.30 Policy CP22 of the emerging LDF Core Strategy document states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing. The proposal is considered to satisfy this policy as a split of 80% of the units are provided as social rented and 20% of the units as intermediate housing.

8.31 The affordable housing provision includes 44 socially rented units and 11 intermediate rented



units.

### Open Space

8.32 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. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided.

8.33 SPG Requirement

- 50sqm of private space per family unit
- 50sqm plus an additional 5sqm per 5 non-family units;

Proposal Generates

- 46 family units (46 x 50) = 2300sqm
- 97 non-family units (97 + 50) = 147sqm
- This equates to a total requirement for 2447sqm in accordance with the SPG

8.34 Following is an assessment against the residential amenity space requirements under policy HSG7 of the emerging LDF Core Strategy document:

Units	Total	Minimum Standard (sq.m)	Required Provision (sq.m)
1 Bed	43	6	258
2 Bed	53	10	530
3 Bed	34	10	340
4 Bed	5	10	50
5 Bed	3	10	30
<b>TOTAL</b>	<b>138</b>		<b>1208 sqm</b>
<b>Ground Floor Units</b>			
1 Bed	1	25	25
3 Bed	3	50	150
4 Bed	1	50	50
<b>Total</b>	<b>5</b>		<b>225</b>
<b>Grand Total</b>	<b>143</b>		<b>1433</b>
<b>Communal amenity</b>	50sqm for the first 10 units, plus a further 1sqm for every additional unit		<b>183sq.m</b> (50sq.m plus 133sqm).
<b>Total Housing Amenity Space Requirement</b>			<b>1616sqm</b>

8.35 Housing amenity space is provided in the form of private and communal gardens, and balconies and roof terraces. The ground floor space includes a mix of hard and soft landscaping. The application has secured an appropriate contribution to open space as part of the Millennium Quarter Contributions Framework.

8.36 The proposal provides the following housing and communal amenity space:

- 1733sqm of communal amenity area.
- 3289sqm of private open space is provided ranging from 12sq m for 1-bed units to 90sq m for units on the upper floors with external terraces. The average provision is 23sq m per residential unit across all tenures.
- Ground floor units with 3 or more bedrooms are provided with approximately 30sq m of

private amenity space. Whilst this is below the proposed standard within the LDF, it is considered acceptable given the generous communal open space area provided.

- 8.37 The applicant has established that the development has the potential for 104 child bed spaces. This results in a requirement to provide 312sq m of child playspace on-site. Of the several areas of open space within the site, the ground level courtyard is most appropriate to provide an area of child playspace. The proposal provides a limited area of child play space on-site (65sqm within the ground level courtyard). The space is provided within a secure private courtyard accessed from Muirfield Crescent with natural surveillance from the surrounding residential units. The child play space does not equate to the full requirement, however when considered as part of the overall provision of private and communal amenity space within the scheme, it is considered that this is the optimum level of provision.

### **Amenity**

#### Sunlight/ Daylight

- 8.38 In terms of both the existing and future residents amenity in neighbouring developments the scheme has been designed to minimise any impact and comprehensive assessments have been undertaken. These assessments have been reviewed in detail by the council's officers and advisors and it is considered that the development would not adversely impact on the amenities of neighbouring occupiers.

#### Flooding

- 8.39 The applicant submitted a Flood Risk Assessment to resolve the Environment Agency (EA) objection in relation to flood risk assessment. This has now been largely resolved including a matter of detail regarding the access to the dockside for maintenance and repair work. Overall therefore it is considered that the proposals would meet the Council's adopted environmental policies, emerging LDF policies and would not significantly impact on neighbouring amenities.

### **Access and Transport**

#### Access

- 8.40 Access to the site by vehicles is provided at two points. Vehicular access to the basement parking area, for cars, motorcycles and bicycles is provided from is via the existing ramp from Millharbour at the northwest corner of the site. All servicing and refuse collection is provided via Muirfield Crescent, utilising the existing service route for the Glengall Bridge development in which servicing vehicles enter at the southern end of Millharbour and exit at the northern end immediately adjacent to the south of the site.
- 8.41 The pedestrian environment will be improved through the opening up of the site and the creation of new routes and vistas. Double height Class A units would provide an active frontage along the dock edge. There is a 5 metre setback at ground floor which could be used as additional seating for cafes and restaurants. Muirfield Crescent will also be enhanced by creating active retail frontages on the ground floor.
- 8.42 The development supports the aspirations for pedestrian movement and open spaces within the MQMP by maintaining an east-west pedestrian route along the southern boundary of the Site, connecting Millharbour to the dock edge. This would be secured through the s106 agreement. Whilst landscaping is a reserved matter, appropriate conditions will be included for lighting, signage and the inclusion of quality materials along the pedestrian route.

#### Parking

- 8.43 The existing commercial offices are entitled to use 97 car parking spaces within the basement carpark. In accordance with advice from the Highways Department, the applicant has amended the scheme to provide the 143 residential units with 36 carparking spaces at basement level. This equates to 0.25 spaces per unit, or 25% of the Council's adopted maximum standard of 1.1 spaces per unit (or 50% of the emerging LDF maximum standard). It is recommended that the S106 agreement include a clause to ensure that no controlled parking permits are issued to the new residents of the development off site and thus alleviating additional pressure on the surrounding streets. Overall, the car parking provisions support current Government guidance on encouraging trips by other means.
- 8.44 A physical barrier to divide the car parking spaces allocated to the new residential units from those used by the existing commercial occupiers has been added. The following are also proposed in the basement:
- 6 disabled carparking spaces;
  - 4 residential motorcycle spaces; and
  - 60 residential cycle parking spaces and three Class A cycle parking spaces

#### Public Transport

- 8.45 The Site is located within an area of good public transport accessibility. The Site is located within walking distance of two Docklands Light Railway (DLR) stations, while being in either a short bus/DLR ride away from the Canary Wharf underground station to the north. A number of bus routes are easily accessible within 300m of the Site on Westferry Road, while there are good pedestrian and cycle links to and from the Site in all directions, particularly to the north along Millharbour and the dock edge, and to the east across Glengall Bridge.

#### **Access and Inclusive Design**

- 8.46 Policy HSG8 of the UDP requires the Council to negotiate some provision of dwellings to wheelchair standards and a substantial provision of dwellings to mobility standards. Policy HSG9 of the emerging LDF requires all new residential development to meet the Lifetime Homes Standard and that 10% of the proposed new housing is design to wheelchair/ mobility standards. The applicant has advised that 10% of the residential units are designed with sufficient space to be convertible and to meet the wheelchair housing standards.

#### **Sustainable Development/ Renewable Energy**

- 8.47 Policy DEV6 of the emerging LDF Core Strategy Document requires that all new development should incorporate energy efficiency measures. The London Plan expects 10% of the sites heat or electricity demands to be met by renewable energy sources where feasible.
- 8.48 The proposed scheme is at outline stage and therefore does not consider renewable energy measures within the design. An appropriate condition will be included to ensure the implementation of the proposed renewable energy measures.

#### **Planning Obligations**

- 8.49 Policy DEV4 of the adopted UDP and Policy IMP1 of the Emerging LDF state that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed. The Millennium Quarter Master Plan Planning Contributions Framework establishes a requirement for essential infrastructure works to ensure that the impacts of the development are mitigated.
- 8.50 The scheme would be subject to a Section 106 agreement relating principally to a financial contribution of £219,505 (index linked from April 2002 at a rate of £1,535 per unit) for

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Millennium Quarter infrastructure and arrangements, including the upgrade of transport infrastructure, public realm and open spaces, the provision of training and employment and the securing community facilities to achieve the objectives of the Millennium Quarter Master Plan.

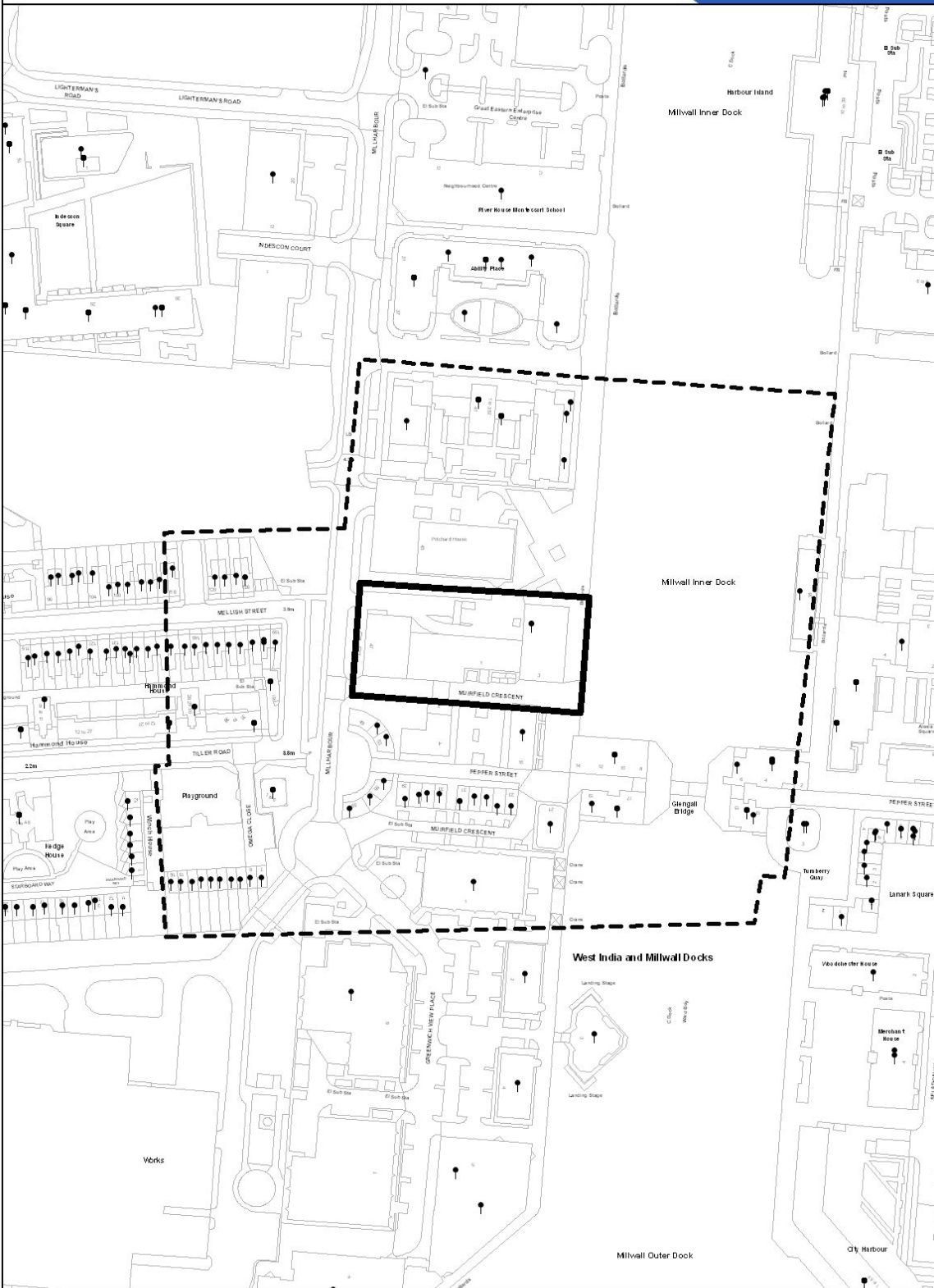
- 8.51 A contribution towards the provision of public art/ craft on site of £35,000 is also sought. The issues of health and education are a priority in the Borough. In addition to the above, a supplementary contribution towards health and education is sought. A separate contribution towards health (£734,516) was calculated using the HUDU model. A separate contribution towards education (£308,550) was also calculated based on the anticipated child yield generated by the development.
- 8.52 The Secretary of State advises that planning obligations should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development to be reasonable in all other respects. The applicants have agreed to the planning obligations to mitigate against the impact of the proposed development set out in Section 3.1B of this report. It is considered that the planning obligations recommended in Section 3.1B of this report are appropriate in this case and accord with government guidance.








## **9.0 Conclusions**

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



# Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:2,500
 Consultation Area	 Statutory Listed Buildings	0 30 m 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

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# Agenda Item 7.3

<b>Committee:</b> Development	<b>Date:</b> 18 <sup>th</sup> August 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.3
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Nasser Farooq		<b>Ref No:</b> PA/10/00774	
		<b>Ward(s):</b> East India and Lansbury	

## 1. APPLICATION DETAILS

**Location:** Radford House, St Leonards Road, London  
**Existing Use:** Residential Building  
**Proposal:** Erection of a mansard roof extension to existing building to provide three flats comprising one x one bedroom and two x two bedroom flats.

**Drawing Nos:** 100 P1, 101 P2, 102 P2, 103 P3, 104 P1, 105P2 and 106P3.

**Applicant:** Radford House Partnership  
**Ownership:** Applicant  
**Historic Building:** N/A  
**Conservation Area:** Langdon Park Conservation Area

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this planning 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 for the purposes of Development Control (October 2007), Core Strategy Development Plan Document (Submission Version December 2009) associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) and Government Planning Policy Guidance and has found that:
- 2.2 The proposed mansard extension to form additional housing is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 4B.3 of the London Plan, policy HSG1 of the Council's Interim Planning Guidance (2007), Core Policy SP01(1) of the Core Strategy Submission Version December 2009, PPS3: Housing, which seeks to ensure that development proposals achieve the highest possible intensity of use compatible with the local context of the site and to promote the delivery of housing through the use of brownfield sites.
- 2.3 The proposed mansard extension is not considered to adversely affect the amenity of neighbouring residential properties in terms of a loss of privacy, increased sense of enclosure and loss of daylight and sunlight. As such, it is considered to be in accordance with saved policy DEV2 of the Council's Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties are protected and maintained.

- 2.4 Subject to conditions, it considered that the proposed mansard is considered acceptable in terms of design and appearance on the host building. The proposed mansard design is also considered to preserve the character of the Langdon Park Conservation Area. As such, the proposal is in accordance with saved Policies DEV1 and DEV30 of the Unitary Development Plan (1998) policies SO22 of the Core Strategy Submission version 2009, and CON2 of the Interim Planning Guidance (2007) and PPS5: Planning and the Historic Environment. These policies seek to ensure that development either preserves or enhances the boroughs conservation areas
- 2.5 Subject to conditions transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.

### **3.0 RECOMMENDATION**

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

#### **Conditions**

1. Permission valid for 3 years.
2. Development in accordance with plans
3. Details and samples of materials for all external elevations of the building.
4. Landscaping and boundary treatments.
5. Car free agreement
6. Cycle parking
7. Refuse provision
8. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives:**

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

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

### **Proposal**

- 4.1 Erection of a mansard roof extension to existing building to provide three flats comprising one x one bedroom and two x two bedroom flats.

### **Site and Surroundings**

- 4.2 The application site is a three storey building located on the western side of St.Leonards Road opposite the junction with Zetland Street.

- 4.3 The site is not listed. However, it is located within the Langdon Park Conservation Area.
- 4.4 In the immediate area, are blocks of three storey flats in Chadbourn Street and Clutton Street, the two storey houses to the north of Zetland Street and the two storey property that immediately adjoins the application site. These buildings exhibit varying types, heights and roof styles.

### **Planning History**

- 4.5 PA/09/353 - the Council refused planning permission for the erection of a two storey extension to provide five additional apartments (2 x 1 bed flats, 2 x 2 bed flats and 1 x 3 bed flats) above the existing three storey building (refused on 27/04/2009) and an appeal was dismissed on 03/08/2009 (reference APP/E5900/A/21045653).
- 4.6 Whilst the appeal was dismissed on the impact on its negative impact on the Conservation Area, the planning inspector suggested that there is *'little wrong with the principle of extending the height of Radford House because it is lower than most of the adjoining and nearby buildings, or to the introduction of a mansard type of roof due to the existing different types of roof style, to my mind, the addition of a further two floors would create a form of development that would dominate No.253, the nearby three storey flats and the two storey houses.'*
- 4.7 This opened up the possibility of a single storey addition and led to a revised application which was submitted under reference PA/09/2644.
- 4.8 PA/09/2644 – This application for the erection of an additional roof storey to existing building to provide three flats comprising one x one bedroom and two x two bedroom flats was also refused on 23/03/2010 on design grounds. The proposed extension was to follow the existing build line. Officers considered that this would have a similar impact on the Conservation Area as the earlier application (PA/09/353) and so the application was refused.
- 4.9 An informative was placed on the decision notice for PA/09/2644 stating *'A single storey mansard type extension may be considered a more appropriate form of development. You are advised to contact the case officer should you wish to resubmit another application to discuss this further.'*
- 4.10 Whilst no further discussions took place between the council officers and the applicant, this application for a mansard extension was submitted taking into account the advice given by the Planning Inspectorate and Council Officer's

## **5. POLICY FRAMEWORK**

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

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

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements

HSG13	Internal Standards for Residential Developments
HSG16	Amenity Space
T16	Impact of Traffic

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

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

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

SP02(1)	Housing
SO22	Protecting historical and heritage assets

**5.5 Supplementary Planning Guidance/Documents**

Designing Out Crime  
Residential Space  
Landscape Requirements

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

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

**5.7 Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPG3	Housing

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

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

**6. CONSULTATION RESPONSES**

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

6.2 The following were consulted regarding the application:

### **LBTH Highways Department**

- 6.3 The site has a PTAL rating of 3 which demonstrates that an average level of public transport service is available within the immediate vicinity of the site.
- 6.4 The site is considered suitable in this instance for a car and permit free agreement whereby future occupants of the residential units are to be prevented from obtaining resident parking permits. Any Planning Permission should therefore be subject to a Section 106 car free agreement.
- 6.5 Developments without off-street site car parking are required to provide one space for people with disabilities or demonstrate they can park with ease to use the development. This has not been catered for in the design.
- 6.6 The Applicant is proposing to provide 14 cycle spaces in the rear courtyard area. This level of provision is acceptable to Highways. The Applicant should be informed that all cycle spaces should meet the required minimum LBTH standards and that Sheffield stands are LBTH's preferred type of parking stand. All cycle parking facilities should be provided in an accessible, well-lit, safe, sheltered and secure location.

## **7. LOCAL REPRESENTATION**

7.1 A total of 67 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 0            Objecting: 0            Supporting: 0  
No of petitions received: 1 containing 22 signatories in objection.

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

1 petition was received in objection to the proposal. The following issues were raised in the letters of objection:

- Overcrowding

*[Officer comment: this is discussed in the amenity section of the report]*

- Excessive height of the proposed roof extension and resulting shadowing

*[Officer Comment: These issues are discussed in the design section of this report.]*

- Car parking issues

*[Officer Comment: These issues are discussed in the highway section of this report, and if planning was granted a condition requiring a car free agreement would be placed.]*

- Noise and pollution

*[Officer Comment: Given the residential nature of the area, additional residential units are not envisaged to have any adverse noise or pollution impacts on the amenity of neighbouring properties.]*

- Too many planning applications within the vicinity

(Officer Comment: This is discussed within paragraphs 8.34 -8.36 within this report)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

Land Use  
Design  
Highways  
Car parking

### **Land Use**

- 8.2 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 identified in policy SP02(1) of the Core Strategy Submission Document (December 2009) indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 8.3 The site is considered to be an appropriate location to meet this demand given the immediate vicinity and existing building are predominantly residential. No objection is raised in principle to the additional residential units proposed.

### **Housing**

- 8.4 The proposal would involve the creation of 3 additional flats, 1 x 1 bed flats and 2 x 2 bed flats. The proposed mix is considered acceptable and would be in line with saved policy HSG7 of the adopted Unitary Development Plan (1998) and CP21 of the Interim Planning Guidance (2007). This policy seeks to ensure that housing developments provide a mix of unit sizes.
- 8.5 It is acknowledged that the application is not providing any family sized units. However, given the application is for an additional three units, a request for family sized accommodation is not justified.
- 8.6 The proposed units measure 44sq m for the one bed, 61sq m for the two bed and 70sq metres for the remaining two bed unit. In reference to minimum space standards the overall sizes of the rooms are considered acceptable and in line with saved Policy HSG13 of the Unitary Development Plan (1998) which seeks to ensure an acceptable standard of accommodation.
- 8.7 The proposal does not involve the provision of private amenity space. This would be contrary to saved policy HSG16 of the adopted UDP (1998) and policy HSG7 of the Interim Planning Guidance (2007). These policies seek to ensure provision of private amenity space for residents of the Borough.
- 8.8 However, the proposal does involve improvements of the area to the rear of the building including a scheme for hard and soft landscaping, which would be secured by condition. Furthermore, given the location adjacent to Langdon Park it is considered that it would not be reasonable to refuse the application on this ground especially given earlier applications were not refused for this reason and the inspector did not raise concerns about this point



## Design

- 8.9 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.

### Bulk and scale

- 8.10 The site is currently occupied by a three storey residential block of flats with a flat roof which faces St. Leonards Road. To the west of the site there is a row of three storey residential properties which face Chadbourn Street. At the end of Chadbourn Street, are the DLR tracks. To the south of the site on the opposite side of Chadbourn Road, there is a 5 storey block of flats that faces onto Langdon Park.
- 8.11 The proposal is for the erection of an additional storey to create three additional apartments, as the applicant seeks to address the previous reason for refusal. The proposed mansard extension would be constructed out of slate, with timber windows and doors to match the existing property. At the rear elevation there would be an extension to the existing stair-core in order to house a lift to serve the entire building.
- 8.12 In terms of design, the proposed mansard is considered a more acceptable form of design that results in a subordinate addition to the host building. This approach is supported by Council Officer's and is inline with the comments made by the planning inspector on the earlier two storey proposal.
- 8.13 The planning inspectorate stated at paragraph 4 of appeal APP/E5900/A/21045653 that:

*Whilst I can see little wrong with the principle of extending the height of Radford House because it is lower than most of the adjoining and nearby buildings, or to the introduction of a mansard type of roof due to the existing different types of roof style, to my mind, the addition of a further two floors would create a form of development that would dominate No.253, the nearby three storey flats and the two storey houses.*

- 8.14 To conclude, it is considered that in terms of design the bulk, scale and use of materials of the proposed mansard is considered an acceptable addition to the host building. As such, the proposal is considered in accordance with saved policies DEV1 and DEV9 of the adopted Unitary Development Plan (1998), and DEV2 of the Interim Planning Guidance (2007). This policy seeks to ensure that development is sensitive to the host building in terms of bulk and scale.

### Conservation and Design:

- 8.15 Saved policy DEV30 of the adopted UDP (1998) which outlines that an additional roof storey may be allowed in conservation areas except where they would harm the appearance and character of a group of buildings where the existing roof line is predominately uniform in character.
- 8.16 The Conservation and Design Officer was consulted in relation to this proposal and

the previous application. They have advised that Radford House lies in the Langdon Park Conservation Area. It is a three storey neo-Georgian building of considerable charm, constructed of gault bricks with red brick detailing. Radford House makes an important contribution to the character of the conservation area and is consistent with it. It forms an attractive grouping with the adjacent corner building, a neo-Georgian building of two storeys and attic.

- 8.17 It is considered that given the varied types of buildings within the vicinity the proposed additional storey is not considered to destroy the character of the area or the group of buildings.
- 8.18 The proposed slate and timber windows would be conditioned to ensure they are acceptable on the host building and the Langdon Park Conservation Area.
- 8.19 As such, subject to conditions, it considered that the proposed mansard is considered acceptable in terms of design and appearance and would preserve the character of the Langdon Park Conservation Area. This is in accordance with saved Policies DEV1 and DEV30 of the Unitary Development Plan (1998) policies SO22 of the Core Strategy Submission version 2009, and CON2 of the Interim Planning Guidance (2007) and PPS5: Planning and the Historic Environment. These policies seek to ensure that development either preserves or enhances the boroughs conservation areas.

### **Amenity**

#### Sunlight/ Daylight

- 8.20 Saved policy DEV2 of the Unitary Development Plan 1998 seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. This is reinforced by DEV1 of the Interim Planning Guidance October 2007 which requires development to protect, and maintain the amenity of adjacent residents.
- 8.21 Given the scale of the proposed mansard extension and orientation of adjoining buildings, it is not considered that the mansard would have a significant impact on the sunlight/ daylight afforded to neighbouring properties.

#### Overcrowding

- 8.22 The submitted petition opposing the development cited overcrowding as one of the reasons for objecting to the development. The Council considers that the introduction of one x 1 bedroom unit and two x 2 bedroom units is not going to have a significant impact on in terms of overcrowding within the vicinity to warrant a refusal of the application. Furthermore, given the inspectors comments on the earlier application, it is not considered a reason for refusal on this basis can be sustained.

#### Overlooking/Privacy

- 8.23 The proposed mansard will not create any additional overlooking/ privacy issues that do not exist already, given it maintains the existing build line.
- 8.24 As such, overall in terms of amenity the proposal would accord with saved policy DEV2 of the Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance which seeks to protect and maintain residential amenity.

### Overshadowing

- 8.25 The submitted petition opposing the development cited overshadowing as one of the reasons for objecting to the development. Given the scale and orientation of adjoining properties a mansard extension (with sloping roof tiles) is not considered to result in significant overshadowing to adjoining properties.

### **Highways**

#### Parking

- 8.27 Policies 3C.1 and 3C.23 of the London Plan (Consolidated with Alterations February 2008 and saved policies T16 and T19 of the Council's Unitary Development Plan 1998 seek to ensure developments minimise parking and promote sustainable transport options.
- 8.28 This reflected in policies CP40 and DEV19 of the Interim Planning Guidance which seek to minimise the use of cars in areas of high public transport and as a result recommends a condition to prevent parking permits being issued to the new residents of the development.
- 8.29 The site has a PTAL rating of 3 which indicates an average level of public accessibility. However, two bus stops are located in close proximity to the site on Zetland Street and St Leonards Road and the Langdon Park DLR station is located within walking distance of the site.
- 8.30 Given the objections received regarding car parking, the high subscription of parking within the vicinity and the level of public transport, it is considered that the three additional units should be subject to a car-free agreement. It is considered that this would mitigate any potential impact on the highway.
- 8.31 In terms of bicycle provision, the development proposes fourteen cycle spaces located within the curtilage of the site, this provides cycle facilities for the existing residential units and the proposed units. This is welcomed and in-line with the Interim Planning Guidance and the London Plan. Any planning permission would be conditioned to ensure that these spaces are provided and retained.

#### Servicing and Refuse Provisions

- 8.32 Provision for the storage of refuse and recyclable for the residential use has been provided for via an enclosed area at the Chadbourn Street entrance. These are suitably located to allow the collection of refuse. However, the design of the enclosure has not been provided and this will be conditioned to ensure acceptability.

#### 8.33 **Other**

##### Too many planning applications within the vicinity

- 8.34 The submitted petition highlighted, planning fatigue from the number of applications within the vicinity. However, it is considered that this alone is not a justifiable reason for refusal.
- 8.35 In terms of the impacts of additional applications, it is considered that the main

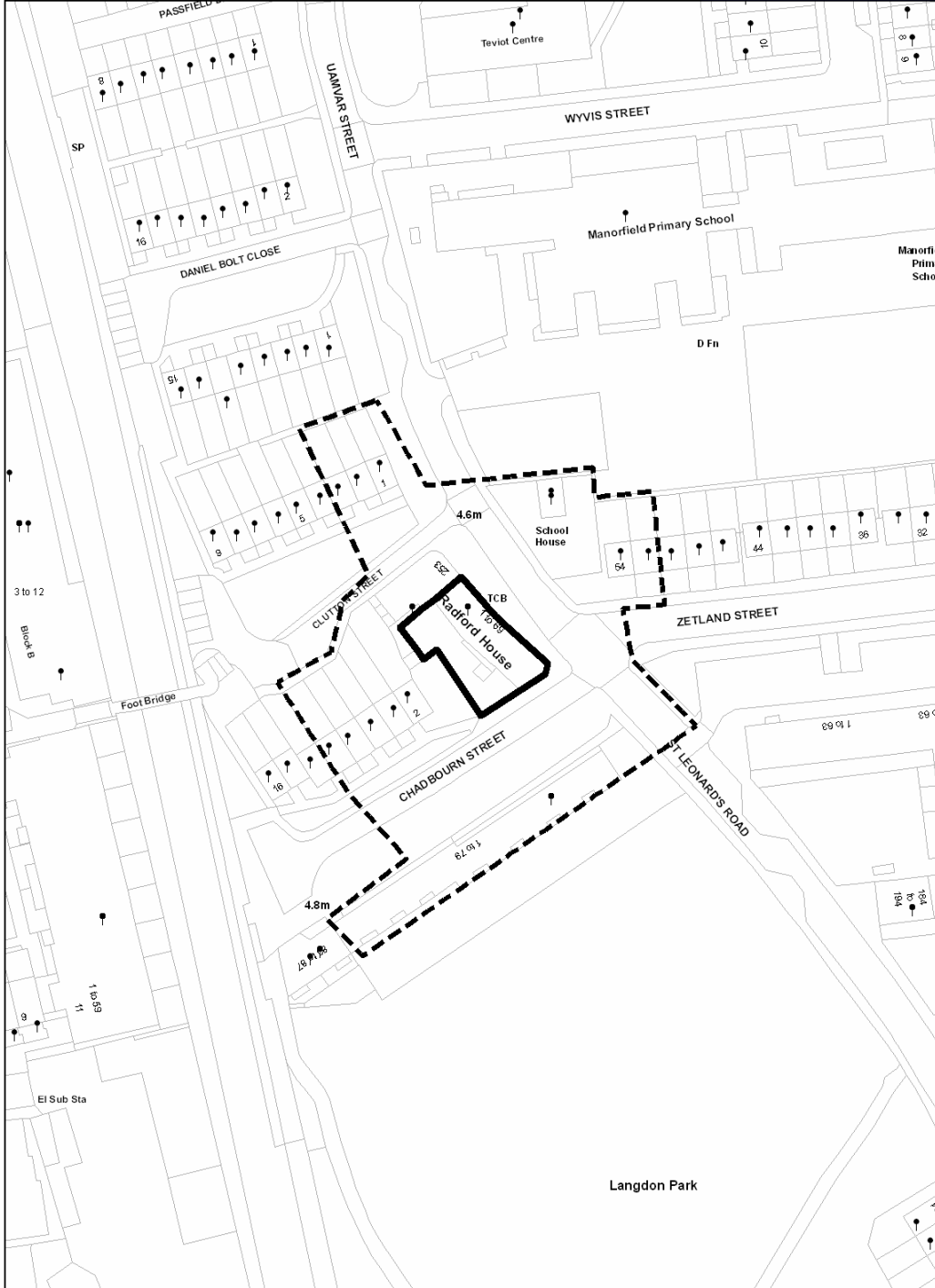
impact would be on the highway, with additional flats and additional vehicular ownership. It is proposed a car free condition would mitigate this impact.

- 8.36 In terms, of impacts on other areas such as health, education etc, given the proposal is for three residential units it is not considered that this impact would be significant to warrant any mitigation or refusal of the application. Furthermore, this was not raised as an issue by the planning inspectorate.

### **Conclusions**

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

# Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

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# Agenda Item 7.4

<b>Committee:</b> Development	<b>Date:</b> 18 <sup>th</sup> August 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.4
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Mary O'Shaughnessy	<b>Ref No:</b> PA/10/00742
	<b>Ward:</b> Bow East

## 1. APPLICATION DETAILS

<b>Location:</b>	71A Fairfield Road, London
<b>Existing Use:</b>	
<b>Proposal:</b>	Retention and alteration of existing part 3 part 5 storey building which contains 8 residential units.
<b>Drawing Nos/Documents:</b>	Drawings: jw372_100, jw372_101, jw372_102, jw372_103 REVA, jw372_104, jw372_105, jw372_106 and jw372_107.  Documents: Design Statement, 11 <sup>th</sup> September 2009, prepared by JDW architects, incorporating: Design and Access Statement  Impact Statement REVA, 11 <sup>th</sup> September 2009, prepared by JDW architects, incorporating: Daylight/Sunlight Report, 5 <sup>th</sup> February 2010 prepared by Drivers Jonas.
<b>Applicant:</b>	Hannah O'Brien
<b>Ownership:</b>	As above
<b>Historic Building:</b>	Not applicable
<b>Conservation Area:</b>	Adjacent to Fairfield Road 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, (UDP), the Council's Interim Planning Guidance, 2007, (IPG) and the Core Strategy Submission Version December 2009, (CS), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The proposed part 3 part 5 storey residential development is considered appropriate in terms of design, bulk and scale. The design of the new building is in keeping with the surrounding properties in terms of general building height and use of materials. This is in line with saved policy DEV1 of the adopted UDP (1998), policy DEV2 of the Interim Planning Guidance (2007) and policy SP10 of the Core Strategy Submission Version December 2009. These policies seek to ensure appropriate design within the Borough which respects local context.

- 2.3 The proposal is considered appropriate in relation to the residential amenity of the site in terms of daylighting and sunlighting, sense of enclosure, outlook, overlooking and privacy. This is in line with saved policy DEV2 of the adopted UDP (1998) and DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- 2.4 In reference to transport matters, including provision of cycle parking, access, servicing the creation of a car free development, the proposal is considered acceptable and in line with policies 3C.1, 3C.2, 3C.21 and 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, T16, T19 of the adopted UDP (1998), policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance (2007) and policy SP09 of the Core Strategy Submission Version December 2009. These policies seek to ensure developments can be supported within the existing transport infrastructure.
- 2.5 The proposal provides an increase in the supply of housing with an acceptable mix of units. As such, the proposal is in line with policies 3A.1, 3A.3 and 3A.5 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the adopted Unitary Development Plan (1998), policies CP21 and HSG2 of the Interim Planning Guidance (2007) and policies SO7, SO8, SO9 and SP02 of the Core Strategy Submission Version December 2009, which seek to encourage new housing and ensure that new developments offer a range of housing choice.

### **3. RECOMMENDATION**

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

#### **Conditions**

- 1 Time Limit condition – 6 months
- 2 Development to be carried out in compliance with approved drawings.
- 3 Retention of opaque glazing and cedar louver system to be implemented within 3 months
- 4 Contaminated Land Report to be submitted within 3 months.
- 5 Development to be carried out in compliance with submitted noise report within 3 months.
- 6 Restriction of use of roof of three storey element as terrace.
- 7 Landscaping to be implemented and retained in perpetuity within 3 months.
- 8 Car free development scheme to be submitted within 3 months.
- 9 No on-site car parking.
- 10 Refuse to be provided within 3 months and retained for perpetuity.
- 11 Cycle parking to be provided within 3 months and retained for perpetuity.

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



Development & Renewal

### **Informatives**

1 Associated Section 106

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

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

### **Proposal**

- 4.1 The proposal is for the retention and alteration of the existing part three part five storey building which has been constructed on site and was the subject of enforcement action by the Council.
- 4.2 On 18<sup>th</sup> January 2006 the Council granted planning permission for the demolition of the existing building on site and the erection of a part three part five storey building comprising of eight residential flats. During the course of construction the applicant varied the design of the building in order to comply with the requirements of Network Rail. However, they failed to make an application to alter the approved building. As such, the building currently on the site is not authorised and the purpose of this application is to remedy this situation. The full planning history is discussed further in the planning history section of this report at paragraphs 4.7 – 4.11.

### **Site and Surroundings**

- 4.3 The application site is located on the western side of Fairfield Road. Access is provided from Fairfield Road along a roadway between 71 Fairfield Road to the north and the railway line to the south.
- 4.4 The site is landlocked at the rear, with the railway line to the south, a vacant site with trees to the west, and parking associated with a residential development to the north and 71 and 73 Fairfield Road which are residential properties to the east.
- 4.5 On the opposite side of Fairfield Road to the east of the Site are a group of Grade II listed buildings. The application site is not located within a Conservation Area, however to the east and south is the boundary of the Fairfield Road Conservation Area.
- 4.6 The character of Fairfield Road is currently changing from an industrial area to a residential area. There is a mix of Victorian properties to the south with larger residential developments to the north of Fairfield Road.

### **Planning History**

- 4.7 The following planning decisions are relevant to the application:
- 4.8 PA/04/01757 The Local Planning Authority (LPA) granted planning permission on 18<sup>th</sup> January 2006 for the "Demolition of existing building and construction of a part 3 and part 5 storey building to provide 8 flats."
- 4.9 PA/06/01436 Conditions 3a, 3b, 3c, 4, 8 and 9 attached to this planning permission were discharged by the LPA on 14<sup>th</sup> March 2007.

- 4.10 EN/08/00101 During the course of construction, the LPA opened an enforcement investigation in order to investigate if the building was built in accordance with the approved plans. Following a site visit it was evident that the applicant had altered the design, bulk and massing of the building and that it had not been built in accordance with the approved plans.

The LPA served a Temporary Stop Notice on 30<sup>th</sup> June 2008.

The LPA served an Enforcement Notice on 30<sup>th</sup> July 2008.

The Council entered into pre-application discussions with the applicant and architect following the issue of the Enforcement Notice in order to discuss options available in respect of retaining the building.

- 4.11 PA/09/01491 An application for the "Retention and alteration of existing part 3 part 5 storey building which contains 8 residential units" was submitted to the LPA and was withdrawn by the applicant on 14<sup>th</sup> December 2009. The submitted Daylight and Sunlight Report was not adequate to allow Officers to make an assessment of the impact of the scheme as built on the amenity of the adjacent residential occupiers.

## 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:

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

- 5.2 PPS5 Planning and the Historic Environment

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

- 5.3 Policies:
- |       |                                       |
|-------|---------------------------------------|
| 3A.1  | Increasing London's supply of housing |
| 3A.3  | Maximising the potential of sites     |
| 3A.5  | Housing Choice                        |
| 3A.6  | Quality of new housing provision      |
| 3C.1  | Integrating transport and development |
| 3C.3  | Sustainable transport in London       |
| 3C.21 | Improving conditions for walking      |
| 3C.22 | Improving conditions for cycling      |
| 3C.23 | Parking Strategy                      |
| 4B.1  | Design principles for a compact city  |

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

- 5.4 Policies:
- |       |   |
|-------|---|
| DEV1  | Design Requirements                     |
| DEV2  | Environmental Requirements              |
| DEV12 | Provision of Landscaping in Development |
| DEV50 | Noise                                   |
| DEV51 | Soil Tests                              |
| DEV55 | Development with Waste Disposal         |
| DEV56 | Waste Recycling                         |
| HSG7  | Dwelling Mix and Type                   |
| HSG13 | Standards of Converted Dwellings        |
| HSG15 | Preservation of Residential Character   |
| HSG16 | Housing Amenity Space                   |

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

- 5.5 Core Strategies: CP4 Good Design
- CP19 New Housing Provision
- CP21 Dwelling Mix and Type
- CP25 Housing Amenity Space
- CP40 A Sustainable Transport Network
- Policies: DEV1 Amenity
- DEV2 Character and Design
- DEV10 Disturbance from Noise Pollution
- DEV13 Landscaping and Tree Preservation
- DEV15 Waste and Recyclable Storage
- DEV16 Walking and Cycling Routes and Facilities
- DEV17 Transport Assessments
- DEV19 Parking for Motor Vehicles
- DEV22 Contaminated Land
- HSG2 Housing Mix
- HSG7 Housing Amenity Space
- CON2 Conservation Areas

**Core Strategy Submission Document December 2009**

- 5.6 Urban living for everyone SO7, SO8, SO9 and SP02
- Creating attractive and safe streets and spaces SO20, SO21 and SP09
- Creating distinct and durable places SO22, SO23 and SP10
- Delivering placemaking SO25 and Bow Vision Statement

**Supplementary Planning Guidance/Documents**

- 5.7 SPG Residential Space Standards

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

- 5.8 A better place for living safely
- A better place for living well

**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:

**LBTH Environmental Health – Daylight and Sunlight**

- 6.3 The Environmental Health Daylight and Sunlight Officer advised that the daylight/sunlight report prepared by Drivers Jonas dated 05/02/10 has been assessed. The impact on 71 and 73 Fairfield Road in terms daylight/sunlight has been reviewed and the contents of the report are acceptable.

**Network Rail**

- 6.4 Network Rail advised that the alterations to the building will not encroach toward Network Rails operational land and a 1.5 metre gap has been left between the building and the viaduct. Therefore Network Rail has no objection to the principal of the development and advises the potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of PPG24

and the local planning authority should use conditions as necessary.

### **Crossrail**

6.5 To date no comments have been received.

## **7. LOCAL REPRESENTATION**

7.1 A total of 90 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	2	Objecting:	2	Supporting:	0
No of petitions received:	1	objecting containing	34	signatories	
		0	supporting		

7.2 A letter of objection was received from the local ward Councillor.

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

7.4 The building was not built in accordance with the approved plans which granted planning permission in 2006 and the amended drawings should not be approved.

7.5 Impact in term of daylight and sunlight on the residents of 71 and 73 Fairfield Road. Concern about the Daylight and Sunlight Report and the fact that nobody visited the property.

7.6 The proximity of the proposed development and the impact in terms of overlooking on the residents of 71 and 73 Fairfield Road.

7.7 The increased mass of the building in comparison with the 2004 approval and the impact this has in terms of sense of enclosure on existing residents at 71 and 73 Fairfield Road.

7.8 [**Officer Comment:** *Daylight and Sunlight, Overlooking and Sense of Enclosure are discussed at paragraphs 8.24 – 8.41 of this report within the Amenity section.*]

7.9 Parking provision on site – there are currently eight cars parked on site, this is not in line with policy.

7.10 [**Officer Comment:** *This matter is discussed within the Highways section of this report at paragraphs 8.42 – 8.48.*]

7.11 The alterations to the plans are cosmetic measures which are not acceptable. How will the LPA control the retention of the cedar panels and ensure overlooking does not become an issue.

7.12 [**Officer Comment:** *This matter is discussed within the Design section of this report at paragraphs 8.3 – 8.14 and the Amenity section of this report at paragraphs 8.24 – 8.41. It is noted that the retention of the cedar panels and obscure glazing would be controlled via condition.*]

7.13 There is rubbish strewn around the site because the condition in respect of the bin stores was not complied with and the landscaping details were never implemented.

- 7.14 [**Officer Comment:** Landscaping is discussed within paragraphs 8.22, 8.42 and 8.47 and refuse is discussed within paragraph 8.46 of this report. The retention of the bin stores and the implementation of landscaping will be controlled via condition.]
- 7.13 The following procedural issues were raised in representations, and are addressed below:
- 7.14 The LPA did not take timely and appropriate Enforcement Action.
- 7.15 [**Officer Comment:** Please refer to the Planning History section of this report which sets out the action taken by the Enforcement Team. This does not include the correspondence and meetings which also took place. Officers' consider that the LPA acted appropriately and when expedient took the necessary enforcement action.]
- 7.16 Why were residents not involved in discussions in respect of amendments to the scheme?
- 7.17 [**Officer Comment:** The LPA carried out the necessary public consultation in compliance with Statutory Guidelines. It is also noted that Officers' were aware of resident's concerns during the course of these discussions.]

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design
- Housing
- Amenity
- Highways
- Other

### **Land Use**

- 8.2 The principle of a residential use at this location was established when the LPA granted planning permission in January 2006. Fairfield Road contains a mix of industrial and residential uses and it is considered that the principle of a residential use at this location is acceptable.

### **Design**

- 8.3 Saved policy DEV1 of the adopted Unitary Development Plan (UDP) outlines that 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, they should also be sensitive to the development capability of the site, maintain the continuity of street frontages and take into account existing building lines, roof lines and street patterns. Furthermore, development should take into consideration the safety and security of the development.
- 8.4 Policy CP4 and DEV2 of the Interim Planning Guidance (IPG) seek to ensure that new development amongst other things, respects the local context, including character, bulk and scale of the surrounding area, ensuring the use of high quality materials and finishes, contribute to the legibility and permeability of the urban environment, and contribute to the enhancement of local distinctiveness.
- 8.5 These policies are reinforced by the aims of policies SO22, SO23 and SP10 of the Core

8.6 The LPA approved planning permission for the construction of part three part five storey building under planning reference PA/04/01757. For clarity this scheme shall be referred to as the '2006 scheme' as this was the year when it received planning permission. The building which is currently on site will be referred to as the 'as built scheme' and the plans currently under consideration will be referred to as the 'proposed scheme'.

8.7 Following an enforcement investigation it was evident that the building on site was not built in accordance with the approved plans.

8.8 The main differences between the '2006 scheme', the 'as built scheme' and the 'proposed scheme' are set out in Table 1.

8.9 Table 1: Comparison between three schemes

	<b>'2006 scheme'</b>	<b>'as built scheme'</b>	<b>'proposed scheme'</b>
<b>Height</b>	Part three part five storey	Part three part five storey	Part three part five storey
<b>Ground Floor</b>	<ul style="list-style-type: none"> <li>• Oriel window (eastern elevation)</li> <li>• Private amenity space</li> <li>• Communal amenity space</li> <li>• No on-site car parking</li> </ul>	<ul style="list-style-type: none"> <li>• No oriel window (eastern elevation)</li> <li>• No private amenity space</li> <li>• No communal amenity space</li> <li>• On-site car parking</li> </ul>	<ul style="list-style-type: none"> <li>• Oriel window (eastern elevation)</li> <li>• Private amenity space</li> <li>• Communal amenity space</li> <li>• No on-site car parking</li> </ul>
<b>First Floor</b>	<ul style="list-style-type: none"> <li>• Oriel window (eastern elevation)</li> <li>• Balconies (northern elevation)</li> </ul>	<ul style="list-style-type: none"> <li>• No oriel window (eastern elevation)</li> <li>• No balconies (northern elevation)</li> </ul>	<ul style="list-style-type: none"> <li>• Oriel window (eastern elevation)</li> <li>• No balconies and louvers introduced (northern elevation)</li> </ul>
<b>Second Floor</b>	<ul style="list-style-type: none"> <li>• Oriel window (eastern elevation)</li> <li>• Balconies (northern elevation)</li> </ul>	<ul style="list-style-type: none"> <li>• No oriel window (eastern elevation)</li> <li>• No balconies (northern elevation)</li> </ul>	<ul style="list-style-type: none"> <li>• No oriel window (eastern elevation)</li> <li>• No balconies and louvers introduced (northern elevation)</li> </ul>
<b>Third Floor</b>	<ul style="list-style-type: none"> <li>• Set back from eastern (front) elevation of between 3.7 and 9.8 metres</li> </ul>	<ul style="list-style-type: none"> <li>• Set back from eastern (front) elevation of 2.7 metres</li> </ul>	<ul style="list-style-type: none"> <li>• Set back from eastern (front) elevation of 2.7 metres</li> </ul>

	<ul style="list-style-type: none"> <li>No set-back from railway line to the south</li> <li>Flat roof</li> </ul>	<ul style="list-style-type: none"> <li>French doors and roof terrace</li> <li>Set-back from railway line to the south of 2.6 metres</li> <li>Pitched roof</li> </ul>	<ul style="list-style-type: none"> <li>French doors replaced with window with opaque glazing. No roof terrace.</li> <li>Louvers introduced (northern elevation)</li> <li>Set-back from railway line to the south of 2.6 metres</li> <li>Pitched roof concealed behind parapet</li> </ul>
<b>Fourth Floor</b>	<ul style="list-style-type: none"> <li>Set back from eastern (front) elevation of between 3.7 and 9.8 metres</li> <li>No set-back from railway line to the south</li> </ul>	<ul style="list-style-type: none"> <li>Set back from eastern (front) elevation of 2.7 metres</li> <li>Set-back from railway line to the south of 2.6 metres</li> </ul>	<ul style="list-style-type: none"> <li>Set back from eastern (front) elevation of 2.7 metres</li> <li>Window with opaque glazing</li> <li>Louvers introduced (northern elevation)</li> <li>Set-back from railway line to the south of 2.6 metres</li> </ul>

8.10 Table 1 provides a detailed comparison between the three schemes setting out the main differences. In design terms the 'as built' scheme was not considered acceptable. This was because design features which formed part of the '2006 scheme' had been omitted.

8.11 Following discussion with officer's the 'proposed scheme' has been submitted to the Council for consideration. The proposed building is similar in terms of design and appearance to the scheme approved in 2006. The introduction of a cedar louvre system adds interest to the northern elevation and the introduction of a parapet to conceal the pitched roof to adjacent to the railway line to the south is considered acceptable in design terms. Furthermore, the oriel window to the eastern elevation would now form part of the design.

8.12 The main alteration in respect of the '2006 scheme' and the current proposal is to the bulk and massing of the building. In accessing the bulk and massing of the proposed scheme reference is made to the character and appearance of the surrounding area. 71 and 73

Fairfield Road to the east of the proposed building are two storeys in height plus a basement level. Directly to the north of these properties is a six storey mixed use development. It is considered that in respect of bulk and massing the erection of a part three part five storey building in this location would be in keeping with the character and appearance of the surrounding area in respect of bulk, scale and massing.

- 8.13 The details of the cedar louver system as set out in the detailed drawings are considered satisfactory.
- 8.14 It is considered that the proposed building in respect of design, bulk, scale, massing and use of materials would be acceptable and in keeping with the character and appearance of the surrounding area in line with Council policies.

## **Housing**

### Housing Mix

- 8.15 The Borough is in short supply of suitable family sized accommodation (3-6 units) as demonstrated in the Strategic Housing Market and Needs Assessment (2009) which forms part of the CS evidence base. 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. These aims are reiterated within policies SO7, SO8 and SP02 of the CS.
- 8.16 The 2006 scheme was for the provision of 8 residential units comprising 1 x 3 bed and 7 x 2 bed. The proposed scheme is for the provision of 8 residential units comprising 2 x 3 bed and 6 x 2 bed.
- 8.17 The increase in provision in family housing is welcome and is in line with policy. The proposed housing mix is considered acceptable.

### Residential Space Standards

- 8.18 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 size table 1 below sets out the overall unit sizes. It is noted that four of the units do not meet the minimum space standards. It is necessary to balance the numerical standards against the overall layout of the units, the fact that they are occupied and the level of provision of communal amenity space. In this instance, it is not considered that this would justify refusal of the scheme.



#### 8.19 Table 2: Residential Space Standards

<b>Flat No.</b>	<b>Target Size</b>	<b>Actual Size</b>
1 ( 3 bed 4 person)	70	60
2 ( 2 bed 3 person)	57	61
3 ( 2 bed 3 person)	57	60
4 ( 2 bed 3 person)	57	67
5 ( 2 bed 3 person)	57	68
6 ( 2 bed 3 person)	57	50
7 ( 2 bed 3 person)	57	50
8 ( 3 bed 5 person)	84	75

#### Amenity Space

- 8.20 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.
- 8.21 There are two residential units at ground floor level and these both have private amenity space which is welcome. The proposed residential units at the upper floors do not include the provision of private amenity space. It is noted that the 2006 scheme included the provision of private amenity space in the form of recessed balconies. Given, the form of the building, the addition of balconies would result in overlooking to the adjacent residential property. As such, the constraints of the building as built would not allow for the provision of private amenity space in the form of balconies.
- 8.22 The submitted drawings include a landscaping scheme for the communal areas of the development which includes hard and soft landscaping at ground floor level. In order to ensure that the proposed landscaping is implemented this matter would be controlled via condition. (This matter is also referred to at paragraphs 8.42 and 8.44.)
- 8.23 It is not considered that the lack of provision of private amenity space for six of the proposed residential units would be justified in this instance given that the proposal includes a communal amenity area and given the constraints of the existing building form.

#### **Amenity**

- 8.24 Saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that adjoining buildings are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or a material deterioration of daylighting and sunlighting conditions.

The submitted daylight and sunlight report assessed the daylight and sunlight levels for the existing residential properties at 71 and 73 Fairfield Road, prior to the construction of the building on site with the '2006 scheme' and the 'proposed scheme'. For the purposes of this report, officers have compared the 'proposed scheme' against the figures prior to the erection of a building on site.

#### Impact on Residential Properties – Sunlight

- 8.25 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months. The Sunlight figures have been compared between the 'proposed scheme' and the '2006 scheme'.

### 71 Fairfield Road

- 8.26 In respect of 71 Fairfield Road, the figures for Annual Probable Sunlight Hours (APSH) for winter and summer are acceptable and in line with BRE Guidance. All of the windows either receive a minimum of 5% APSH for winter and 25% APSH overall or there has been no change as a result of the erection of a building on site.

### 73 Fairfield Road

- 8.27 In respect of 73 Fairfield Road, four windows were tested. In respect of APSH and winter levels two were above BRE guidance. However, the lower ground floor window and one of the windows tested at ground floor level fall below BRE guidance.
- 8.28 The winter APSH figures drops from 2% to 0% for the lower ground floor window and from 4% to 0% for the ground floor window. To conclude of the four windows tested, two would not meet the guidance set out within BRE guidance. It is considered that a balanced view of the level of failure needs to be taken given the urban nature of the site and the fact that 73 Fairfield Road is a dwelling house which is dual aspect. On balance it is not considered that the 'proposed scheme' should be refused on the basis of the failure of two windows in respect of APSH for winter sunlight given the dwelling house as a whole would have acceptable sunlight levels for winter and summer.

### Daylight

- 8.29 The submitted study includes the results of BRE Vertical Sky Component, No-Sky Line and Average Daylight Factor tests. The Daylight figures have been compared between the 'proposed scheme' and the results prior to the erection of a residential building on site.
- 8.30 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.31 In respect of VSC and NSL, at 71 and 73 Fairfield Road, where losses occur between the '2006 scheme' they are less than 20% of the former value and this in line with BRE Guidance and Council policy.

### Overshadowing

- 8.32 BRE Guidance states that open spaces should receive no less than 40% of available annual sunlight hours on the 21<sup>st</sup> March. Furthermore, any additional loss must be within 20% of the former conditions.
- 8.33 In respect of 71 Fairfield Road, the garden would receive 20% sunlight in March. There is no change between the baseline figure (prior to the construction of a residential building on site) and the current situation and this in line with BRE guidance.
- 8.34 In respect of 73 Fairfield Road, the garden would receive 76% sunlight in March which is above BRE guidance and acceptable.

## Conclusion

- 8.35 The Environmental Health Daylight and Sunlight Officer, has reviewed the submitted Daylight and Sunlight Report and has raised no objections. He carried out a site visit with the Daylight and Sunlight Consultant in order to ensure that the proposed calculations were carried out correctly. It is considered that the 'proposed scheme' would have a negligible impact when considered against the results prior to the erection of a residential building on site and the report demonstrates that the windows and rooms tested are broadly in line with BRE Guidance and Council policy.

## Sense of Enclosure, Outlook, Privacy and Overlooking

- 8.36 Firstly, in respect of 71 and 73 Fairfield Road, it is not considered that the proposed development would have an adverse impact on the existing residents in respect of sense of enclosure, outlook, privacy and overlooking.
- 8.37 In respect of sense of enclosure and outlook, the minimum separation distance at ground, first and second floor level is approximately 13.9 metres and this increases at third and fourth floor level to approximately 16.6 metres. Consequently, it is not considered that the proposed building would have an adverse impact on the existing residents in respect of sense of enclosure. It is also noted that 71 and 73 Fairfield Road are dwelling houses which are dual aspect and benefit from views onto the site and across Fairfield Road.
- 8.38 In respect of privacy and overlooking, it is noted that the minimum separation distance would be approximately 13.9 metres. At ground and first floor level there would be no direct overlooking because the design of the proposed scheme reinstates oriel windows which were part of the '2006 scheme'. At second floor there are no windows along the eastern elevation. At third and fourth floor level the building line is set back to create a separation distance of approximately 16.6 metres; furthermore these windows would have opaque glazing which would prevent direct overlooking and loss of privacy. The retention of this opaque glazing would be controlled via condition. To ensure that the roof of the three storey element of the building would not be used as a roof terrace, the French doors have been removed. This matter would also be controlled via condition.
- 8.39 In respect of the windows along the northern elevation, a cedar louver system has been attached in order to prevent direct overlooking and loss of privacy for the residents to the north of the site.
- 8.40 To conclude, it is considered that the proposed development would not have an adverse impact on the adjacent residents in respect of amenity and would be in line with Council policy.

## Noise

- 8.41 It is noted that Network Rail, have stated that the necessary acoustic remediation should be controlled via condition in order to ensure that the amenity of future residents would not be adversely affected by the adjacent railway line. The previous decision notice had a condition which stated the development had to be carried out in line with the submitted noise report. This is considered acceptable and the matter would be controlled via condition again. This is in line with saved policy DEV50 and HSG15 of the adopted UDP and DEV10 of the IPG which seek to protect residential amenity.

## **Highways**

- 8.42 Policy CP40 of the IPG seeks to ensure that the Council will create a sustainable transport network in the Borough which would seek to minimise car travel and support walking, cycling and public transport. Saved UDP policies T16, T17 and T18 and policies DEV16, DEV17 and DEV19 of the IPG, which outline that in respect of new development consideration, should be given to the impact of the additional traffic which is likely to be generated. Furthermore, policies 3C.1, 3C.2, 3C.21, and 3C.23 of the London Plan and policy SP09 of the CS reflect these policies.
- 8.43 The site has a combined PTAL range of 4 and 5. The '2006 scheme' secured the development as car free with a Grampian condition requiring a Section 106 Car Free Agreement. This would prevent occupiers of the building from applying for on-street car parking permits. The 'proposed scheme' would also be secured as a car free development which is welcome and in line with policy.
- 8.44 However, the occupiers currently use the hard landscaped section of the development to park their cars. In order to ensure that there would be no car parking within the site by residents it is proposed to attach a condition restricting the use of the site for car parking. Furthermore, as discussed at paragraphs 8.22 and 8.44 the implementation of the proposed landscaping plan would be controlled via condition.
- 8.45 The level of cycle parking provision within the scheme is acceptable and a condition would be used to ensure the retention of these spaces if planning permission were to be granted.

## **Other Planning Issues**

### Refuse Storage

- 8.46 The proposed refuse storage appears acceptable and in line with saved policy DEV56 of the adopted UDP and policy DEV15 of the IPG and planning standard 2. In order to ensure that it will be retained in perpetuity this matter will be controlled via condition.

### Landscaping

- 8.47 The proposed landscaping scheme is considered acceptable and includes both hard and soft landscaping. Residents raised concerns about the removal of trees during the course of construction and the lack of any landscaping within the current scheme. It is considered that the submitted landscaping plan which includes the provision of trees would be acceptable. Furthermore, in order to ensure that the proposed landscaping plan would be implemented this matter would be controlled via condition. This is in line with saved policy DEV12 of the UDP and policy DEV13 of the IPG. (This matter is also referred to at paragraphs 8.22 and 8.42.)

### Contaminated Land

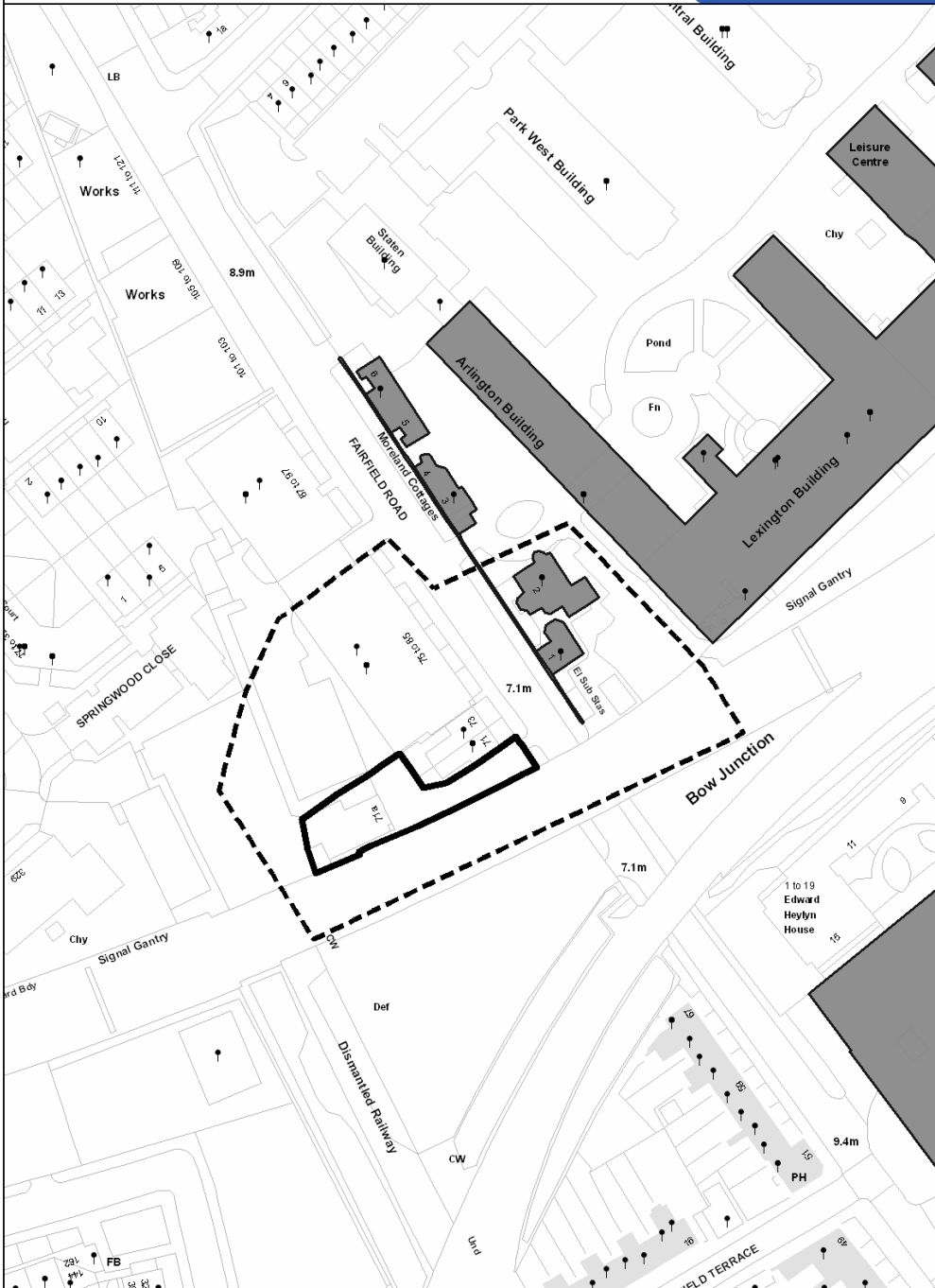
- 8.48 It is noted that the previous application had a condition requiring the submission of a contaminated land report which has not been complied with. It is considered that a land contamination condition should be attached to this consent in order to ensure any necessary remediation is carried out. This is in line with saved policy DEV51 and DEV55 of the adopted UDP and policy DEV22 of the IPG.

## **Conclusions**

- 8.49 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	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

# Agenda Item 8

<b>Committee:</b> Development	<b>Date:</b> 18 <sup>th</sup> August 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 (Service Head Planning and Building Control)		<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> 18 <sup>th</sup> August 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 Consent
<b>Case Officer:</b> Richard Murrell	<b>Ref No:</b> PA/10/00719 <b>Ward:</b> Bow East

## 1. APPLICATION DETAILS

**Location:** Stone Alcoves to West of Cadogan Gate Entrance, Victoria Park, Bow, London.

**Existing Use:** Park

**Proposal:** Cleaning, and re-pointing two stone alcoves. Lifting and re-laying of paving. Replacement of timber seating. Treatment of stonework with anti graffiti coating.

**Drawing No./Documents:** Drawing Numbers:

2816P/6601  
2816P/6602  
2816P/6603  
2816P/4751

Documents:  
Design and Impact Statement dated April 2010

**Applicant:** London Borough Tower Hamlets (Directorate of Communities, Localities and Culture)

**Ownership:** London Borough Tower Hamlets  
**Historic Building:** The Stone Alcoves are Grade II Listed

Victoria Park is included on the Register of Parks and Gardens of Special Historic Interest at Grade II.

**Conservation Area:** Victoria Park

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, Core Strategy LDF (Submission Version) and Government Planning Policy Guidance and has found that:
- 2.2 The proposed works would result in the sensitive restoration and repair of the Grade II Listed Alcoves, which are currently in a state of disrepair and as such, accord with the aims of saved policy DEV37 of the adopted Tower Hamlets Unitary Development Plan 1998, policies CP49 and CON1 of the Interim Planning Guidance October 2007 and policies 4B.11 and

4B.12 of the London Plan (Consolidated with Alterations since 2004 ) February 2008, and the guidance set in PPS5 Planning and the Historic Environment, which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

### **3. RECOMMENDATION**

3.1 That the Committee resolve to refer the application to the Secretary of State with the recommendation that were it within its authority to do so this Council would be minded to grant Listed Building Consent and that the Head of Planning and Building Control is granted delegated power to recommend to the Secretary of State conditions to secure the following matters:-

#### **3.2 Conditions**

1. Time Limit;
2. Details methodology of cleaning works including monitoring of trial clean;
3. Details of re-pointing, including sample trials;
4. Details of anti-graffiti coating, including sample trials, and a fabric impact assessment to ensure proposal does not inhibit moisture evaporation;
5. Sample of proposed materials for seating; and
6. Any other condition considered necessary by the Director of Development and Renewal.

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

#### **Background**

- 4.1 The Council's Directorate of Communities, Localities and Culture have developed a project for the comprehensive restoration and improvement of Victoria Park. The project includes both the improvement of the parks existing historic assets and the introduction of new facilities to meet user requirements. The restoration project is currently part of a bid process for Heritage Lottery funding.
- 4.2 Where appropriate various applications for planning permission, conservation area consent and listed building consent have been submitted to the Council. These applications are detailed in the planning history section of this report.
- 4.3 This application for Listed Building Consent is required for proposed restoration works to the Stone Alcoves. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.
- 4.4 The Council cannot determine applications for Listed Building Consent for works to buildings 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.
- 4.5 The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Listed Building Consent, were it empowered to do so

itself.

### **Site and Surroundings**

- 4.6 Victoria Park is a fine example of the English landscape park tradition. It is set out with sweeping lawns, informal tree plantings and irregular lakes. The formal axial road pattern adopted on the park's western periphery drew inspiration from the more formal terraces fringing the Royal Parks of West London. Roads in the area are broad and tree-lined, or fringed with the landscaped front gardens, all reflecting and contributing to the park setting.
- 4.7 Plans for the park were originally prepared by Sir James Pennethorne, and it was laid out in the early 1840s. The park was not formally opened, but was taken over by 'the people' in 1845. About 24 acres were added to the park in 1872, more or less bringing it to its present 217 acres.
- 4.8 Victoria Park is designated as Metropolitan Open Land and a Grade II Listed Historic Park. The park is also designated as a Site of Nature Conservation Importance. The Hertford Union Canal runs along the park boundary and forms part of the Blue Ribbon Network. Routes on the Strategic Cycle Network, and the London Cycle Network Plus run through the Conservation Area from west to east.
- 4.9 The Stone Alcoves are located in the eastern section of the park close to Cadogan Gate. The Alcoves are Grade II Listed. The two Alcoves are similar in appearance. The Alcoves are approximately 3.5m in height and 3.5m in width and are octagonal in shape. Wooden seating runs around the inside face of each Alcove. The Listing description states that the Alcoves originally formed part of an earlier London Bridge built in 1760 by Sir Robert Taylor and George Dance the Younger. The bridge was demolished in 1823. In 1860 Mr Benjamin Dixon, a timber merchant of Limehouse, offered the Alcoves to the Park.
- 4.10 This application seeks Listed Building Consent for the repair and restoration of the alcoves. The proposed works are detailed more fully in the Design section of this report.

### **Planning History**

- 4.11 A suite of planning applications has been submitted to facilitate works required in the Victoria Park Masterplan. To date these comprise:-
- 4.12 PA/09/02554 Installation of items of play equipment over 4m high.  
Approved: 14 January 2010
- 4.13 PA/09/02555 Installation of new gates and railings at Cadogan Gate Entrance and St Marks Entrance. Formation of new entrance and installation of gates to Grove Road.  
Approved: 14 January 2010
- 4.14 PA/09/02556 Re-instatement of Chinese pagoda and two bridges to the restored island within the west lake. Restoration of east lake.  
Approved: 15 February 2010
- 4.15 PA/09/02558 Relocation of existing bandstand within east side of park.

Approved: 14 January 2010

- 4.16 PA/09/02748 'Sports Hub' - Erection of single storey building to provide changing facilities, manager's office and public w.c.'s.

Approved: 11 February 2010

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

Approved: 11 February 2010

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

Approved: 11 February 2010

- 4.19 PA/09/2557 Demolition of toilet block, sports storage block, deer shelter and one o'clock club buildings.

Approved: 23 February 2010

## 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 Alterations of Listed Buildings

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

Core Strategies: CP49 Historic Environment

Policies CON1 Listed Buildings

CON3 Protection of Historic Parks and Gardens

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

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

### 5.5 Supplementary Planning Guidance/Documents

None relevant

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

4B.11 London's Built Heritage

4B.12 Heritage Conservation

4D.14 Biodiversity

### 5.7 National Planning Guidance

PPS5 Planning for the Historic Environment

PPS9 Biodiversity

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

A better place for living safely

A better place for living well

## 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 English warmly welcome the overall Listed Building Consent, but have concerns about the use of anti-graffiti coats that can inhibit moisture evaporation. Recommend that a thorough fabric impact analysis is undertaken as part of the process and conditions to this effect are included on any consents.

### **Garden History Society (Statutory Consultee)**

6.4 No comments received

### **Natural England (Statutory Consultee)**

6.5 No comments received.

## 7. LOCAL REPRESENTATION

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

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

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

## 8. MATERIAL PLANNING CONSIDERATIONS

8.1 When 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.

8.2 The main issue for Members' to consider is whether the proposed restoration works are appropriate in this respect.

### **Design and impact on features of historic interest**

8.3 London Plan (Consolidated with Alterations since 2004) 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 built assets.

8.4 Saved policy DEV37 of the Unitary Development Plan 1998 (UDP) states that proposals to alter listed buildings or structures will be expected to preserve the special architectural or

historic interest of the building. In particular, it requires that alterations retain and repair original architectural features and that any works are undertaken with traditional materials.

- 8.5 Policies CP49 and CON1 of the Interim Planning Guidance October 2007 (IPG) state 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 two stone alcoves are falling into a state of disrepair. The stonework has become discoloured and subject to graffiti. The wooden seating within the Alcoves is poorly constructed and in places damaged. The application proposes the following works to restore and repair the Alcoves:-

#### Cleaning

- 8.7 The Alcoves would be cleaned to remove graffiti and dirt. The intention is to give the Alcoves a more even appearance, without 'over-cleaning'. The scheme proposes several different cleaning methods that might be utilised. A condition would require the submission of a finalised methodology of the cleaning works, and allow for the observation of the results of small areas of trial cleaning.

#### Re-Pointing

- 8.8 Stonework Joints would be re-pointed to ensure on-going stability of stonework and to protect from water-ingress. A condition would require sample trials of the re-pointing to be carried out and approved.

#### Anti-Graffiti Coating

- 8.9 The scheme proposes the application of a anti-graffiti coating to the Alcoves. This would allow the removal of any future graffiti without the need for specialist equipment. English Heritage have raised concerns about the use of an anti-graffiti coating as it can inhibit moisture evaporation. In line with the recommendation of English Heritage, a condition would require additional detail of the proposed anti-graffiti coating and a fabric impact analysis prior to these works taking place.

#### Re-laying of the stone paving

- 8.10 The application proposes taking up the existing stone paving and re-laying on a mortar bed. The slabs would be re-laid to ensure that water does not pond within the Alcoves.

#### Seat Replacement

- 8.11 The application proposes to construct a replacement wooden seat within each Alcove. The seat would be constructed from a European Hardwood and would be finished in a graffiti resistance coating. The seat would be supported by existing mortices cut into the stonework. The uprights would be dowelled into the stone slab floor. A condition would require the submission of material samples and full details of the proposed seat.

#### Design conclusion

- 8.12 The proposed works would result in the sensitive restoration and repair of the Grade II Listed Alcoves, which have fallen into a state of disrepair. Conditions would secure the use of appropriate materials and the detailed methodology of the execution of the works. With the imposition of these conditions the proposal would accord with the aims of saved policy

DEV37 of the adopted Tower Hamlets Unitary Development Plan 1998, policies CP49 and CON1 of the Interim Planning Guidance October 2007 and policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004) February 2008 and the guidance set out in PPS5 Planning and the Historic Environment, which seek to ensure works to Listed structures preserve features of special historic and architectural interest.

### **Conclusions**

- 8.13 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.

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