



Meeting of the

# DEVELOPMENT COMMITTEE

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Wednesday, 15 December 2010 at 7.00 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 Peter Golds</b> <b>Councillor Ann Jackson</b> <b>Councillor Mohammed Abdul Mukit</b> <b>MBE</b> <b>Councillor Kosru Uddin</b> <b>Councillor Stephanie Eaton</b>	Councillor Tim Archer, (Designated Deputy representing Councillor Peter Golds) Councillor Shafiqul Haque, (Designated Deputy representing Councillors Carli Harper-Penman, Judith Gardiner, 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)
<b>[Note: The quorum for this body is 3 Members].</b>	

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, 15 December 2010

7.00 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.

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<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 10<sup>th</sup> November 2010.

**3 - 18**

### 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. **19 - 20**

Please note that the deadline for registering to speak at this meeting is

**4pm Monday 13<sup>th</sup> December 2010.**

- |             |                                                                         |                |                  |
|-------------|-------------------------------------------------------------------------|----------------|------------------|
| <b>6.</b>   | <b>DEFERRED ITEMS</b>                                                   | <b>21 - 22</b> | <b>Weavers;</b>  |
| <b>6 .1</b> | <b>Site at 60 to 61 Squirres Street &amp; 52 Florida Street, E2 6AJ</b> | <b>23 - 42</b> | <b>Weavers;</b>  |
| <b>7.</b>   | <b>PLANNING APPLICATIONS FOR DECISION</b>                               |                |                  |
| <b>7 .1</b> | <b>Cutty Sark House, Undine Road, London</b>                            | <b>43 - 86</b> | <b>Millwall;</b> |

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# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

### Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 10 NOVEMBER 2010**

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

**Members Present:**

Councillor Carli Harper-Penman (Chair)

Councillor Peter Golds  
Councillor Ann Jackson  
Councillor Mohammed Abdul Mukit MBE  
Councillor Kosru Uddin

**Other Councillors Present:**

**Officers Present:**

- Owen Whalley – (Service Head Planning and Building Control, Development & Renewal)
- Bridget Burt – (Senior Planning Lawyer, Legal Services, Chief Executive's)
- Ila Robertson – (Applications Manager Development and Renewal)
- Jerry Bell – (Strategic Applications Manager Development and Renewal)
- Zoe Folley – (Committee Officer, Democratic Services Chief Executive's)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Judith Gardiner.

**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
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Carli Harper Penman	7.1	Personal	Ward Councillor.
	7.2, 7,3	Personal	Had received representations from interested parties but had not reviewed them.
Mohammed Abdul Mukit	7.4	Personal	Ward Councillor
Ann Jackson	7.1	Personal	Resident of Ward concerned (Bow East)
	7.2, 7.3	Personal	Had received representations from interested parties but had not reviewed them.
Peter Golds	7.1,7.2, 7.3, 7.4 7.5.	Personal	Had received representations from interested parties.
Kosru Uddin	7.4	Personal	Had received representations from interested parties

### 3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 13 October 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

Nil items.

## 7. PLANNING APPLICATIONS FOR DECISION

### 7.1 Old Ford Methodist Church, 522 Old Ford Road, London, E3 2LY

Mr Owen Whalley, (Service Head, Planning and Building Control), presented details of the site and proposal regarding the Old Ford Methodist Church.

Ms Ila Roberson (Applications Manager Development and Renewal) presented the detailed report.

Ms Roberson detailed the merits of the application. In policy terms the scheme was acceptable. The scheme would provide much needed accommodation for vulnerable people and a community centre with no adverse impacts. The scheme would also be subject to a car free agreement to mitigate impact.

In terms of the concern that the proposal would create anti social behaviour, there was no evidence to support this.

In response to Members questions, it was reported and that the outdoor terraces would be screened to mitigate impact and that the waste storage facility was adequate and, if necessary, could accommodate larger household items.

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

1. That planning permission for demolition of existing building and redevelopment of site to provide 8 flats, 1 house, community areas and an office suite be **GRANTED** subject to:

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

- a) Affordable Housing (8 x 1 bedroom units and 1 x 3 bedroom units)
- b) 100% Car Free Development
- c) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

#### Conditions

- 1 Full planning permission – 3 year time limit
- 2 Drawings – to be built in accordance with the approved drawings
- 3 Approval of samples/details/particulars prior to commencement of works
  - All facing materials
  - Detailed sections of roof storey, clock tower and overhang
- 4 Hours of operation of Community Use (D1):-
  - 08.00 to 21:00 Monday – Friday, and;
  - 09.00 to 21.00 on Saturdays and Sunday.
- 5 Details of cycle parking to be provided prior to occupation and it will be secured in perpetuity.
- 6 Energy report to be provided prior to commencement of works and complied with.
- 7 Code for Sustainable Homes details to be provided prior to commencement of works and secured in perpetuity.
- 8 Retention of obscure glazing and screening to outdoor terraces and window in communal hallway in perpetuity.
- 9 Archaeology Report prior to commencement of works
- 10 Hours of Construction 8-5 Monday to Friday and 9-1 Saturday and no work on Sunday or public holidays
- 11 Refuse secured in perpetuity
- 12 Management Plan - details to be submitted prior to the occupation of the building
- 13 *Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal*

#### Informatives

- 1 Associated S106 agreement
- 2 Guidance on cycle parking design

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

3.4 That, if by 22nd December 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is granted delegated power to refuse planning permission.

## **7.2 Land between 32-34 Repton Street, Limehouse, London, E14**

Mr Owen Whalley, (Service Head Planning and Building Control, Development and Renewal), presented details of the site and proposal regarding the Land Between 32 - 34 Repton Street.

The Chair invited statements from persons who had previously registered to address the Committee.

Mr Shanur Khan spoke against the scheme. He expressed concern at the impact on Blount Street, spoke of safety issues, loss of car parking space, access to properties, open space overcrowding and loss of sunlight.

He considered that the car free proposal was unfair and would discriminate against the families living there as they required cars for family life. This was the third time this application had been considered. The first was withdrawn, another was rejected and then refused at appeal. Since that time, there had not been any further consultation with tenants. The impact on the housing waiting list would be minimal.

Mr Khan also expressed concern at the additional pressures on services. The health centres and schools were already over subscribed and could not cope with this addition pressure. Nobody in the estate supported it.

Mr Peter Exton spoke in support. He considered that Gateway Housing Association had developed a housing needs strategy and that, by utilising this scheme, could directly accommodate local families on the housing waiting list. The funding was time sensitive, and that a refusal may compromise the scheme. He pointed out that the previous application was supported by Officers and the Planning Inspectorate. However, the only reason it was refused at appeal was due to the issue around the Car Free agreement. The applicant was now happy to sign a car free agreement.

Jerry Bell (Strategic Applications Manager Development and Renewal) presented the detailed report. He drew attention to the reasons for the previous refusal. He clarified that the Planning Inspectorate had considered that the scheme was acceptable, however had refused it solely due to the absence of a car free agreement. Therefore, subject to the car free agreement, the development had overcome all the earlier concerns and should be approved.

Mr Bell addressed the issues raised in objection. In summary it was considered that in terms of land use, design, highways and amenity issues the

scheme was acceptable, would have no adverse impacts and should now be agreed.

On a vote of 1 for 0 against and 4 abstentions, the Committee **RESOLVED**

1. That planning permission for construction of a new build residential block of three storeys on existing car park site to provide 3 x three bedroom flats with associated amenity space be **GRANTED** subject to the

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

1. Secure the development as car-free
2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
3. 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 carried out in accordance with the approved plans.
3. Details and samples of materials for all external elevations of the building.
4. Landscaping and boundary treatments including gates and fencing.
5. Highways agreement
6. Cycle parking
7. Parking layout (to include disabled spaces and charging points)
8. Contamination
9. Refuse provision
10. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives:**

1. This scheme is subject to a legal agreement.
2. Section 278 (Highways) agreement required under condition 6.
3. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

### **7.3 Cutty Sark House, Undine Road, London**

(Councillor Oliur Rahman requested to speak on this item. In accordance with the speaking procedures, the Chair ruled that the Councillor could not speak as he had not registered to do so by the required deadline.)

Update report Tabled.

Mr Owen Whalley, (Service Head Planning and Building Control Development and Renewal), presented the proposal regarding the Cutty Sark House, Undine Road, London.

The Chair invited statements from persons who had previously registered to address the Committee.

Mr David Merson address the Committee in objection. He commented that he was speaking on behalf of the Clippers Quay company who were objecting to the proposal. He expressed concern at the accuracy of the Officers report including the Section 106 Agreement. He requested that the application be deferred pending receipt of a proper report addressing the issues.

Mr Merson considered that there had been a failure to consult and that those most affected had not been listened to. There had been no representations in support. He considered that the quality of the scheme was questionable. That it would result in overcrowding and was out of keeping with the area. That it would have a serious detrimental affect on the conservation area, and that it was visually intrusive and would lead to a loss of privacy.

It would also have an unacceptable affect on local amenity including the children play area, which was much valued given the number of family units in the area.

There would be small cramped gardens, inadequate private amenity space. The ecology and environmental issues had not been properly addressed. The traffic and parking issues had not been addressed. The Car Free agreement would be unenforceable.

Councillor David Snowdon addressed the Committee in objection. He commented that he was speaking on behalf of the local residents. He considered that they were not opposed to development on this site in principle just this particular scheme. The residents had tried to engage with the developer to make the scheme more sympathetic. They had also carried out a lot of work with community groups to secure the best possible development for this site.

Councillor Snowdon also expressed concern at the quality of the build. He felt that the flat roofs would be out of keeping with the area, that the position of the balcony would create overlooking to the Mudchute Farm area. He commented on the concerns from the farm regarding litter and noise.

Councillor Snowdon also expressed concern at the impact on the adjacent open space (which the government had indicated should be designated open land). The Section 106 agreement was also inadequate.

Peter Exton addressed the Committee in support of the application. He addressed the concerns about the impact on the adjacent land. The Applicant had carried out a lot of work to address the issues. The scheme would not

impinge on open space. If refused, the project may be re submitted as private development and that this may result in a loss of affordable housing.

Ms Ila Robertson (Applications Manager Development and Renewal) presented the detailed report. She comprehensively explained the proposal, the site and surrounding, the planning history, the material objections received in response to the consultation. The key issues concerning land use, design, density, amenity and highways impacts.

Ms Robertson considered that the level of affordable housing in the scheme would not have an adverse impact. The transport, sustainability, design and density issues were considered acceptable and accorded with policy. She also clarified the reasons why the unlawful wall could not be considered as permitted development.

In response to the presentation, Members discussed the following issues:

- Practicalities of enforcing the Car Free agreement given the number of family sized units.
- Adequacy of the financial contributions to mitigate impact on schools, libraries etc.
- Ecology issues.
- Loss of open space.
- Impact on Mudchute Farm and the surrounding open space.
- That the issues around the unauthorised wall be clarified.

In reply to the questions, Officers reported the following points:

- Clarified the S106 calculation/formula process designed to ensure the contributions were relevant to the scheme and mitigated impacts. The contributions must meet the statutory tests and guidance in government circulars.
- That the Car Free agreement would be robustly monitored. There was a known sound system in place for monitoring these agreements.
- That the land around the site is a development site and is not designated as open space by the development plan.
- That Mudchute Farm was some 80 meters away and was separated by roads and three DLR lines.
- That the issue of the unauthorised wall was being investigated by the Council's Enforcement Team.

Consequently on a vote of 3 for 1 against and 1 abstention, the Committee

## **RESOLVED**

1. That the planning permission for the demolition of existing building and erection of two buildings (1 x 4-storey and 1 x 5-storey) to provide 26 residential units and associated landscaping be **GRANTED** subject to:-

- A. The prior completion of a **legal agreement** to secure the following planning obligations:
- a) Twenty-six units (100% of the development) is secured as affordable housing, with a tenure split of 63% social rent to 37% intermediate in terms of habitable rooms.
  - b) A contribution of £148,300 towards mitigating the demand for local primary school places.
  - c) A contribution of £ 6,136 towards library facilities in the borough.
  - d) A contribution of £27,622 towards leisure facilities in the borough.
  - e) A contribution of £47,342 towards mitigating the demand for local open space.
  - f) 100% of development to be car free.
  - g) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal.

2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above and that, if within 6-weeks of the date of this committee (22<sup>nd</sup> December 2010) the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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

#### 4 **Conditions**

1. Three year time limit
2. Consent granted in accordance with Schedule of Drawings
3. Samples / pallet board of all external facing materials (including reveals and timber cladding) and typical details to be approved prior to commencement of works
4. Obscure glazing to all windows proposed within east flank elevation of western block.
5. Detail of landscaping scheme to include hard and soft landscaping, child play space, any gates, walls, fences and a Landscape Maintenance and Management Plan to be submitted, approved and implemented prior to occupation
6. Green and brown roofs to be implemented in accordance with plans
7. Details of cycle parking.
8. Construction Management Plan to be submitted, approved by the LPA and implemented prior to commencement
9. All residential accommodation to be completed to lifetimes homes standards plus at least 10% wheelchair accessible
10. Disabled parking bay to be designed and constructed in accordance with the standards described in the Department for Transport 'Inclusive Mobility' guidance.
11. All units shall have heat and domestic hot water supplied by Air Source Pumps.
12. Renewables shall be implemented in line with the Sustainability Report

13. Development shall achieve level 4 of the Code for Sustainable Homes
14. Development to be completed in accordance with submitted Flood Risk Assessment
15. Site investigation shall be carried out prior to commencement of development
16. If contamination is encountered at the site, development must cease and the contamination dealt with
17. Piling or other penetrative foundation designs must be approved by the LPA prior to commencement of development
18. Bat survey to be carried out prior to commencement of development and any re-siting of bat nest to take prior to commencement
19. Hours of construction (08.00 until 17.00 Monday to Friday; 09.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
20. Schedule of Highway Works to be completed prior to occupation
21. Details of noise transmission/attenuation measures prior to commencement
22. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

## 5 Informatives

1. Section 106 required
2. Section 278 required
3. Wheel cleaning facilities during construction
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

**Note:** Councillor Peter Golds voted against the recommendations.

## 7.4 Site at 60-61 Squirries Street & 52 Florida Street, London, E2 6AJ

Update Report tabled.

Mr Owen Whalley, (Service Head, Planning and Building Control Development and Renewal), presented details of the site and proposal for the erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building

The Chair invited statements from persons who had previously registered to address the Committee.

Mr Will Vote, spoke in objection to the scheme. He considered that there would be a loss of sunlight, direct overlooking to the nearby private amenity space including habitable rooms, overdevelopment. The drawings for the western and southern elevation in the report were inaccurate as they omitted key buildings. He considered that the Ivy screening would be impossible to maintain.

In addition, the scheme falls below the Council's private amenity space standards and the proposed measures to compensate this in the report were



inadequate. He also considered that the fire escape plans were inadequate. He also considered that the proposal would lead to overdevelopment.

Mr Russell Vaught spoke in objection to the scheme and commented that his property would be seriously affected by the scheme. Since the developer had purchased the free hold of the building, residents had been subjected to a continuous stream of ever growing unacceptable planning applications.

Since the previous application, the external floor space had been increased and the internal floor space had decreased. There would be more rooms with less amenity space

There would be serious overlooking to his property and most of the neighbouring properties. The terrace would be completely overlooked. There would be a serious impact on day light contrary to planning policy.

Councillor Anna Lynch spoke in objection to the application as a ward Member for the local ward (Weavers). She commented that she was present to represent the local residents. She considered that this represented aggressive and unnecessary overdevelopment. The residents had been continually subject to ever increasing unsuitable proposals. The plans for the ivy screening were inadequate would not adequately screen the extension. She had visited the site and had witnessed the problems first hand. Therefore the application should be refused.

Mr Charles Moran (Applicant's agent) spoke in support of the application. The Committee granted a similar application for this site. This was merely an amendment and it followed the principles of this scheme. Therefore there would be no new impacts. In fact it marked an improvement on the previous scheme.

The application included measures to protect neighbours privacy. The windows on the upper floor would be set back to protect privacy. The Architect had reviewed the ivy screening and was confident that it could be fully maintained.

Jerry Bell (Applications Manager, Development and Renewal) presented the detailed report. Mr Bell explained the details of the scheme, the difference between this and the previous scheme, addressed the key issues raised in response to the consultation regarding loss of amenity space, employment, density, design, access, waste arrangements, loss of daylight, overlooking and privacy. Mr Bell also outlined the scope of the Section 106 Agreement.

Overall Officers and the relevant Council experts had considered that the scheme was acceptable and complied with all relevant planning policies and therefore should be granted.

In response, Members expressed concerns over the following issues:

- The assertion that the plans omitted key buildings.
- The impact on the surrounding residents.

- Overlooking to the nearby gardens, habitual rooms, loss of privacy.
- Difficulties in enforcing the Car Free Agreement.
- Loss of daylight. The availability of the daylight/sunlight report.

In reply, Officers drew attention to the submitted plans showing all adjacent buildings and those significantly beyond. Accordingly, the plans did in fact show all affected buildings. It was also confirmed that the daylight/sunlight report could be made available as it was a public document. Environmental Health were satisfied with the assessment.

Mr Bell also clarified the distance between the scheme and the nearest residential properties. The concerns of the residents had been taken into account. There would be no adverse impacts. The design was in keeping with the surrounding area.

Councillor Jackson moved an amendment to the conditions requiring that windows in the properties be obscured to address overlooking issues which was agreed.

However, in view of the concerns, the Committee were minded to refuse the application and as a result:

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

That the Officer recommendation to grant planning permission for the erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building be **NOT ACCEPTED**.

The Committee indicated that they were minded to refuse the planning application because of concerns over:

- Overdevelopment of site.
- Impossibility of enforcing the Car Free Agreement.
- Overlooking of nearby residential properties.
- Loss of daylight

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

## **7.5 Christchurch Primary School, 47A Brick Lane, London, E1 6PU**

Update Report Tabled.

Mr Owen Whalley, (Service Head Planning and Building Control, Development and Renewal) presented details of the site and proposal regarding the Christchurch Primary School.

The Chair invited statements from persons who had previously registered to address the Committee.

Mr Russell Wheeler spoke in objection to the application as a local resident and on behalf of the Spitalfields Society.

He considered that the scheme would be spread over two sites and may be constructed in two phases. He considered it was this second phase of the scheme that was really the contentious one.

Mr Wheeler questioned whether this second phased was really necessary and if it was, this meant that the first stage alone was inadequate. However if the first phase was adequate on its own, the Society would be happy to withdraw their objection.

Mr Wheeler feared that the scheme would create an unnecessary community facility at the expense of much needed community space. The gardens should be reserved for community use.

Ms Christine Whaite addressed the Committee in objection. She commented that she was the Chair of The Friends of Christ Church Spitalfields and a local resident.

She considered that the Christ Church was a Designated Heritage Asset and that the churchyard, was a Heritage Asset as defined by Planning Policy.

The Society supported the Primary School in seeking to improve its facilities. however, the current application was not properly formulated. For example, it only provided for 6 classrooms when 8 were required in the Masterplan. It appeared to be depend on building next to the church. As a result the application must be dependent upon a further application.

The Society's objections were the same as those made against the original site proposal as raised by parties such as the GLC. At that time it was intended that the Churchyard would return to its role of a providing a public green space setting for the church.

She recommend there be no building at all to the south side of the church. That the churchyard be reinstated in full as public green space for benefit of the whole community to enjoy.

Mr Indigo Wolfe addressed the Committee on behalf of the Applicant. He stated he was from the Diocese of the School. He reported on the inadequacies of the existing facilities, and the need for the new facilities. That any further scheme would be subject to a separate application and process.

Ms Kaz Man also spoke in support of the application. She reported that the scheme would deliver much needed larger class rooms, National Curriculum Standard PE and Dance facilities, full cooked meals in a new kitchen, better storage facilities, good access arrangements. She also advised that the school provided a range of initiatives to promote learning. Refusing the

scheme may put these scheme in jeopardy due to lack of facilities. She believed that the applicant had developed the best possible solution within the restraints.

Ms Ila Robertson (Applications Manager Development and Renewal) presented the comprehensive report. Ms Robertson explained the details of the scheme, the outcome of the public consultation, addressed the objections around design, loss of open space and the impact on the surrounding area.

Ms Roberson drew attention to the supporting comments, stressing the need for the new facilities. Any delay in the scheme may compromise the funding for the project being secured.

Officers also reported that any additional proposals to develop other parts of the site would need to be subject to a separate planning application and would be assessed on their individual merits in accordance with the planning procedures.

In response to the presentation, Members sought clarification as to the time limit on the funding for the scheme and whether there was an operational kitchen at the school at present. Officers confirmed that the funding would expire in March 2011 and at present meals were either brought in or prepared externally.

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

1. That planning permission and listed building consent for remodelling, restoration and extension to existing primary school including the provision of 6 classrooms, a full size main hall, full service kitchen, group rooms, meeting rooms, staff rooms and storage be **GRANTED**.

2 That the Corporate Director Development & Renewal is delegated power to impose conditions [and informatives] on the planning permission and listed building consent to secure the following matters:

3 **Conditions for full planning application**

1. Time Limit – three years
2. Development to be carried out in accordance with the approved plans
3. Ventilation details/ extraction system details/location of the flue
4. Contaminated Land
5. Archaeological watching brief on the development when all excavation of footings or other below ground works take place
6. No construction or storing of materials within the root protection area of the trees.
7. Construction management plan
8. Construction Hours (8am – 6pm Monday to Friday, 9am – 1pm Saturday only)

**4 Informatives**

1. This planning application should be read in conjunction with listed building consent PA/10/01684

**5 Conditions for listed building consent**

1. Time limit
2. Development to be carried out in accordance with the approved drawings
3. Materials to be submitted

**6 Informatives**

1. This Listed Building Consent should be read in conjunction with planning application PA/10/01683

The meeting ended at 9.20 p.m.

Chair, Councillor Carli Harper-Penman  
Development Committee

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# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 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 at least five clear working days 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 one clear working day 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 and whether they wish to speak in support of or in objection to the application. 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 also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 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 Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- 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.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.



# Agenda Item 6

<b>Committee:</b> Development	<b>Date:</b> 15 <sup>th</sup> December 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
10 <sup>th</sup> November 2010	PA/10/1479	Site at 60 to 61 Squirres Street & 52 Florida Street, E2 6AJ	Erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building.	<p>The Committee indicated that they were minded to refuse the planning application because of serious concerns over:</p> <ul style="list-style-type: none"> <li>• The proposal by virtue of its height, scale and bulk would result in overdevelopment of the site.</li> <li>• The proposal would result in undue overlooking and loss of privacy to nearby properties.</li> <li>• The proposal would result in unacceptable loss of daylight and sunlight to nearby properties.</li> <li>• It would not be possible to enforce a car free agreement.</li> </ul>

## 3. CONSIDERATION OF DEFERRED ITEMS

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

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

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

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

**4. PUBLIC SPEAKING**

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

**5. RECOMMENDATION**

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

# Agenda Item 6.1

<b>Decision Level:</b> Development Committee	<b>Date:</b> 15 December 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Shay Bugler		<b>Ref No:</b> PA/10/1479	
		<b>Ward(s):</b> Weavers	

## 1. APPLICATION DETAILS

**Location:** Site at 60 to 61 Squirres Street & 52 Florida Street, E2 6AJ

**Existing Use:** Residential

**Proposal:** Erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building.

**Drawing Nos:**

- Design and access report by PH+ Architects dated July 2010
- Impact Statement by PH+ Architects dated July 2010
- Daylight & sunlight report by Building Research Establishment Ltd dated 2008 & 2010

Drawing numbers: 2(01)01; 2(02)20; 2(02)01; 2(03)00; 2(03)01; 2(04)00; 2(04)01; 2(04)02; 2(12)00; 2(12)01; 2(12)02; 2(13)00; 2(13)01; 2(14)00; 2(14)01; 2(14)02; 2(19)00; 2(19)01; 2 (27)00 Rev A

**Applicant:** PH+ Architects  
**Owner:** Event Investments Ltd  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. BACKGROUND

2.1 This application for planning permission was reported to the Development Committee on 10<sup>th</sup> November 2010 with an officer recommendation for approval. A copy of the case officers' report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached at appendix 1 and appendix 2 to this item.

2.2 After consideration of the report and the update report, the committee resolved that it was minded to refuse planning permission on the following grounds:

- The proposal by virtue of its height, scale and bulk would result in overdevelopment of the site.
- The proposal would result in undue overlooking and loss of privacy to nearby properties.
- The proposal would result in unacceptable loss of daylight and sunlight to nearby properties.
- It would not be possible to enforce a car free agreement.

- 2.3 In accordance with Rule 10.2 of the Constitution, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out in the following sections of the report.
- 2.4 As noted in the final bullet point in section 2.2 of the report, the committee resolved that members were minded to refuse planning permission on the basis that it would not be possible to enforce a car free agreement. However, concerns over process and procedures in relation to enforcing car free agreements cannot form a reason for refusal and is therefore not included in the reasons for refusal set out in section 3.1 of the report.

### **3.0 Recommendation**

- 3.1 It is recommended that planning permission is refused for the following reasons:

1. The proposal by virtue of its height, scale and bulk would result in overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the proposal is therefore contrary to policies 3A.3 of the London Plan (2008); policies SP02 & SP10 of the adopted Core Strategy (2010); 'saved' policy DEV1 of the Council's Unitary Development Plan (1998) and policies DEV2 & HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure developments are suitably located and provide an acceptable standard of accommodation.

2. The proposed development would result in unacceptable loss of daylight and sunlight to nearby residential properties and as such is contrary to policy SP10 of the adopted Core Strategy (2010); 'saved' policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy DEV1 of Council's Interim Planning Guidance which seek to ensure that development does not have an adverse impact upon the amenity value to neighbouring properties.

3. The proposed development would result in undue overlooking and loss of privacy to nearby residential properties and as such is contrary to policy SP10 of the adopted Core Strategy (2010); 'saved' policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy DEV1 of Council's Interim Planning Guidance which seek to ensure that development does not have an adverse impact upon the amenity value to neighbouring properties.

### **4.0 IMPLICATIONS OF THE DECISION**

- 4.1 Following the refusal of the application there would be a number of possibilities open to the Applicant. These would include (though not be limited to):

1. Resubmission of an amended scheme to overcome reasons for refusal;
2. The applicant could appeal the decision and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

*" Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council".*

3. There is a financial implication which may arise from an appeal against the Council's decision. Whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of "unreasonable behaviour."
4. The Council would vigorously defend any appeal.

## **5.0 APPENDICIES**

Appendix One - Committee Report to Members on 10<sup>th</sup> November 2010  
Appendix Two – Addendum Report to Members on 10<sup>th</sup> November 2010

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<b>Development Committee</b>	<b>Date:</b> 10 <sup>h</sup> November 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Shay Bugler		<b>Ref No:</b> PA/10/1479	
		<b>Ward(s):</b> Weavers	

## 1. APPLICATION DETAILS

- 1.1 **Location:** Site at 60 to 61 Squirres Street & 52 Florida Street, E2 6AJ
- Existing Use:** Residential
- Proposal:** Erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building.
- 1.2 **Drawing Nos:**
- Design and access report by PH+ Architects dated July 2010
  - Impact Statement by PH+ Architects dated July 2010
  - Daylight & sunlight report by Building Research Establishment Ltd dated 2008 & 2010
  - Drawing numbers: 2(01)01; 2(02)20; 2(02)01; 2(03)00; 2(03)01; 2(04)00; 2(04)01; 2(04)02; 2(12)00; 2(12)01; 2(12)02; 2(13)00; 2(13)01; 2(14)00; 2(14)01; 2(14)02; 2(19)00; 2(19)01; 2 (27)00 Rev A
- Applicant:** PH+ Architects  
**Owner:** Event Investments Ltd  
**Historic Building:** N/A  
**Conservation** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy Development Plan Document (2010); Unitary Development Plan (1998), Interim Planning Guidance (2007), associated supplementary planning guidance and Government Planning Policy Guidance and found that:
- The building height, scale, bulk and design is acceptable and in line with policies SP02 & SP10 of the adopted Core Strategy (2010); DEV1 of the Council's Unitary Development Plan (1998) & policy DEV2 the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design and suitably located.
  - The proposal does not result in an undue loss of daylight and sunlight or loss of privacy to surrounding properties. The proposal therefore complies with the requirements of policy SP10 of the adopted Core Strategy (2010); DEV2 in the Unitary Development Plan 1998 and DEV1 in the Interim Planning Guidance (2007) which seeks to protect the amenity of adjoining residential occupiers.

### **3.0 RECOMMENDATION**

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

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

- 1) car free agreement
- 2) Future occupiers to have access to the off street cycle storage area

3.2 Any other planning obligations (s) considered necessary by the Corporate Director of Development & Renewal

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

- 1) 3 year time limit
- 2) Details of materials to be submitted and approved
- 3) Development to be built in accordance with the approved plans
- 4) Maintenance of the ivy cladding
- 5) Hours of construction
- 6) Construction Management Plan to be submitted and approved and implemented prior to commencement
- 7) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 3.4
- 1) Associated Section 106 'car free' agreement
  - 2) Adequate arrangement of construction works (contact Building Control)
  - 3) Any other informative(s) considered necessary considered by the Corporate Director Development & Renewal

### **4.0 PROPOSAL AND LOCATION DETAILS**

Proposal

4.1 The proposal is for the erection of a 2 x 2 bedroom duplex residential unit on the roof space of an existing 4 storey building. It is proposed to locate the living /dining rooms on the lower floor and the bedrooms on the upper floors of the duplex units.

4.2 When the development is constructed, it is proposed to clad the solid concrete external walls with metal material. A fully pre grown ivy plant screen would then be attached to most of the metal cladding and would visible on the external face of the development.

4.3 The application is based on similar principles as the previously consented scheme for the site (ref no: PA/08/1400). The key difference between the extant permission and subject scheme are as follows:



Consented	Proposed
The consented scheme was for two residential units comprising 1 x 1 bed & 1 x 2 bed.	The subject proposal is for two units comprising 2 x 2 bed units
The overall volume of the consented scheme was 407m <sup>3</sup>	The proposed volume of the subject proposal is 490m <sup>3</sup> .
The area of the two consented units was 63m <sup>2</sup> and 55m <sup>2</sup> respectively.	The area of the two proposed units are 73 m <sup>2</sup> and 85 m <sup>2</sup> respectively.
The consented development made provision for 37sqm of private amenity space for the 2 units (15m <sup>2</sup> & 22m <sup>2</sup> of private amenity space for the respective two units).	The subject proposal makes provision for 15.6 sqm of private amenity space (7m <sup>2</sup> and 8.6m <sup>2</sup> of private amenity space for the respective 2 bed units).

- 4.4 The extension of the existing shared stairway at 52 Florida Street would provide access to the proposed units.

### Site and surroundings

- 4.5 The subject site is located on the roof space of an existing 4 storey building at the corner of Squirries Street and Florida Street. The immediate surrounding buildings are occupied by residential and live/work uses. The adjoining properties to the south and west of the site comprise of two storey buildings with pitched roofs. A health centre is located to the east of the site which comprises of a single storey building with a pitched roof. Opposite the site to the north is a 6 storey residential development (known as Johnson House). The site is not located within close proximity to any listed buildings and not located within a conservation area. The surrounding area is predominantly characterised by residential development.
- 4.6 The site a Public Transport Accessibility Level (PTAL) of 5 (where 1 is poor and 6a is high) which means it is highly accessible by public transport where 1 is poor and 6a is high. It is located within close proximity to Bethnal Green Road, a main artery consisting of mainly commercial premises but providing easy links within the wider city. A wide number of bus routes (for example the N8, 388 & D3) serve the local area well. In addition, Liverpool street, Old street, Bethnal Green and Shoreditch stations are all located within approximately 15 minute walking distance from the site.

### Relevant Planning History

- 4.7 The following planning decisions on this subject site are relevant to the application:
- PA/10/262 A planning application was withdrawn on 25/06/2010 for the erection of 2 x two-bed duplex residential units to the top of an existing four-storey flatted building.
- PA/08/1400 Planning permission was approved on 24/03/2010 for the erection of a two storey roof top development to provide 2 residential units (1 x 1 bed and 1 x 2 bed).
- PA/08/174: Planning permission was withdrawn on 08/04/2008 for the erection of two additional storeys providing 2 x 2 bedroom flats.
- PA/06/295: Planning permission was approved on 7<sup>th</sup> March 2007 for the erection of single storey roof extension to provide 2 x 1 bedroom flats.

## 5.0 POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for

Determination” agenda items. The following policies are relevant to the application:

## 5.2 Spatial Development Strategy for Greater London (consolidated London Plan 2008)

Policies	3A.1	Increasing London’s supply of housing
	3A.3	Borough housing targets
	4A.11	Living roofs and walls
	4B.1	Design principles for a compact city
	4B.2	Promoting world class architecture and design
	4B.6	Sustainable Design and construction

## Adopted Core Strategy Development Plan Document (2010)

S09	High quality sustainable housing
SP02	Urban living for everyone
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP09	Making connected places
SP10	Creating distinct and durable places
SP11	Energy
SP12	Delivering place making

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

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV56	Waste Recycling
	HSG13	Standard of Dwelling
	HSG16	Amenity

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

Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV 15	Waste and recycling storage
	HSG17	Amenity
	CP31	Biodiversity

## 5.5 Planning Standards

Planning Standard 1: Noise

## 5.6 Supplementary Planning Guidance/Documents

- Design Out Crime
- Sound Insulation
- Residential Space

## 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

## 6. CONSULTATION RESPONSE

6.1 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:

### 6.2 LBTH Highways

- The applicant should enter into a car/permit free agreement whereby future occupiers of the residential units are prevented from obtaining resident parking permits.

(Officers comment: The applicant would be required to enter into a car/permit free agreement. This would be secured in the Section 106 Agreement).

- The footway and carriageway on the surrounding highway must not be blocked during the construction and maintenance of the proposed development.
- No skips or materials shall be kept on the footway or carriageway on the surrounding highway at any time during construction.
- All construction vehicles should only load/unload/park at locations and within the times permitted by existing on-street restrictions.

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

### 6.3 LBTH Environmental Health

- Construction hours should be restricted to 8am-6pm Monday to Friday; 8am-1pm and Saturday and no work on Sundays and bank holidays

(Officers comment: The above construction hours would be secured by way of condition)

- An acoustic report examining the noise impact of the proposed development should be submitted to ensure the building design and construction provides reasonable resistance to sound from other parts of the same building.

(Officers comment: It is considered that an acoustic report is not required as the proposed residential use is compatible with other residential live/work use. Noise mitigation measures would be dealt with by building control regulations).

### 6.4 LBTH Daylight and Sunlight officer

- The submitted daylight and sunlight report demonstrates that the development would have no impact on the neighbouring properties or itself.

### 6.5 LBTH Cleansing

The applicant should provide details of the existing refuse/recycling storage facilities be assessed.

(Officers comment: The applicant has provided a plan showing the location of the existing bin store and the proposed separate refuse and recycling bin storage areas. This is considered to be acceptable).

## 7.0 LOCAL REPRESENTATION

7.1 A total of 116 neighbouring properties within the area shown on the map appended to this report were notified of the application and invited to comment. The application has also been publicised in East End Life and on site. The following representations were received from neighbours and local groups in response to notification and publicity of the application.

No of individual responses: 7            Objecting: 6            Supporting: 0  
No of petitions received: 1 objecting containing 26 signatories

The following issues were raised in the representations that are material to the application and they are considered in the next section of this report.

### 7.2 Employment

- The proposal results in the loss of employment floorspace.

(Officers comment: The proposal does not involve the change of use of an existing employment use or demolition of an existing employment use. As such, the proposal does not result in the loss of employment generating floorspace).

### 7.3 Density

- The proposal would result in overdevelopment of the site.

(Officers comment: Typically high density schemes may have an unacceptable impact on the following:

- access to sunlight and daylight
- loss of privacy and outlook
- lack of good quality amenity space
- increased sense of enclosure
- increased traffic generation

The proposal does not present any of the above symptoms of overdevelopment. Although there is a minor deficiency in the quantum of private amenity space, the quality of amenity space is acceptable. This is discussed further in sections 8.10-8.11).

### 7.4 Design

- The proposed ivy cladding is not an appropriate material as it is difficult to maintain.
- The overall design would fail to enhance the site.

(Officers comment: Design matters and the proposed ivy cladding are discussed in sections 8.5-8.9 of the report).

### 7.5 Access

- There is no disabled access for visitors or tenants.

(Officers comment: There is no planning policy requirement to provide wheelchair access to this development. Notwithstanding, each of the duplex units has been designed to allow a clear width of 900mm between the stair wall and handrail to allow a stair lift to be retrospectively fitted if required).

## 7.6 Amenity

*noise*

- The proposed development would generate unnecessary noise and would be disruptive to nearby residents who work from home.

(Officers comment: It is considered that the proposal would not result in undue noise disruption to surrounding residents. Hours of construction would be restricted to ensure residential amenity to surrounding properties is adequately protected. Moreover, residential and live work uses are compatible in land use terms and can co exist without generating unacceptable noise disturbance).

## 7.7 Daylight and sunlight

- The proposal would result in the loss of daylight and sunlight to adjoining properties
- The proposal would result in the loss of privacy and overlooking to adjoining properties
- The proposal would result in direct overlooking to property to adjoining properties.

(Officers comment: Amenity matters are considered in sections 8.13- 8.21 of the committee report.

## 7.8 Increase waste in the area

- The proposal would increase the amount of waste in the area.

(Officers comment: As noted in section 6.5 of the report, the applicant has provided a plan showing the location of the existing bin store and the proposed separate refuse and recycling bin storage areas which are considered to be acceptable).

## 7.9 Housing

- The proposal does not provide affordable housing.

(Officers comment: The applicant is not required to provide affordable housing on site. Developers are only required to provide affordable housing when 10 or more units are proposed).

## 7.10 Structural implications

- The proposal would disrupt the party wall membrane and is not structurally sound.

(Officers comment: The structural soundness of the existing building to accommodate the proposed roof extension is not a planning policy consideration. It is a matter to be dealt with by Building Regulations).

## 7.11 Other representations received

- The freeholder is not equipped to adequately maintain the existing contracts with residents at 52 Florida Street.
- The proposal would decrease the value of properties to surrounding properties.
- The proposal would amount to a non viable commercial structure.

7.12 All objection letters are available for members to view at the committee meeting.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

1. Land use
2. Design
3. Amenity
4. Transport
5. Sustainability

### **Land use**

8.2 The application site has no specific land use designation identified within the Unitary Development Plan (1998) (as saved September 2007) ("UDP") or Interim Planning Guidance FOR THE PURPOSE OF Development Control (2007) ("IPG").

8.3 In accordance with policies SP02 of the adopted Core Strategy, the Council seeks the maximum provision of additional housing in the borough. This policy notes that the Council seeks to *"deliver approximately 43, 275 new homes (equating to 2, 885 per year) from 2010-2025 in line with the housing targets set out in the London Plan"*. In addition, the Council's Housing Strategy (2009-2012) provides detailed information on the Council's Housing needs, including the requirement to provide high quality housing in the borough. On the basis of housing targets, it is considered that the site is appropriate for residential development.

8.4 The character of the area is increasingly residential and the site is located close to good transportation links, good access to public open space directly opposite the site on Florida Street and located within close proximity to a local shopping parade on Bethnal Green Road. It is considered that the proposal would provide for valuable city fringe residential accommodation to the area.

### **Design**

8.5 Policies SP02 & SP10 of the Core Strategy seeks to ensure that developments are designed to the highest quality standards and incorporates principles of sustainable design. These principles are also reflected in policies DEV1 of the UDP and DEV 2 of the IPG. The policies indicate that development should be attractive, durable and respect the local context and townscape including the character, bulk and scale of the developments in the surrounding area.

8.6 There is no single local vernacular which characterises the area. The general street scene provides for a variety of design, forms and massing. The buildings in the immediate area range from 2 to 6 storeys in height and primarily articulated in brick and/or render cladding. Given its prominent corner site location, the proposed height, scale and bulk of the proposal is acceptable. Moreover, the proposed contemporary and innovative design would add positively to the appearance of the site and the surrounding area. Importantly, the principle of a roof extension has already been approved on site in the previous planning consent as noted in section 4.7 of the report.

8.7 As noted in sections 4.2 of the report, the materials proposed to the external face of the proposal include metal cladding and attached to this cladding is a fully grown ivy screen. It is considered that the materials would add to the visual interest of the site. The applicant would be required to submit full particulars of the proposed materials (fenestration details, ivy screen & metal cladding)

to be approved prior to the commencement of work on site. In addition, the applicant would be required to maintain the ivy screen at all times to ensure that the external appearance is acceptable. This would be secured by way of condition.

- 8.8 The proposed bedrooms are located on the lower floors and living/dining area on the upper floors of the duplex units. The openings on the elevations allow for views out of windows and all habitable room sizes meet the Councils minimum room size standards and would receive good levels of daylight. As such, it is considered that the internal amenity value of both units is acceptable and in accordance with HSG13 of the UDP which seeks to ensure that all new housing development has adequate provision of internal residential space in order to function effectively.
- 8.9 Overall, the proposed extension is considered to be acceptable to the surrounding buildings and streetscape in accordance with SP02 & SP10 of the adopted Core Strategy (2010); policy DEV1 in the UDP & DEV2 in the IPG which seeks to ensure developments are of good design quality and contribute positively to the surrounding area.

## **Amenity**

### Private amenity space

- 8.10 Policy SP02 of the adopted Core Strategy & policy HSG 16 of the UDP stipulate that new developments should include adequate provision for private amenity space. Policy HSG17 of the IPG sets out the minimum provision for private amenity space. The policy outlines that a 2 bedroom unit should make provision for 10sqm of private amenity space.
- 8.11 The two proposed units make provision for 7m<sup>2</sup> & 8.6m<sup>2</sup> of private amenity space. The proposal falls below the Councils standards by 30% and 14% respectively. Notwithstanding, officers consider that the proposed private amenity space is acceptable as the external terrace areas provide good quality space and receive good quality daylight and sunlight. Future occupiers would also enjoy good outlook from the terrace areas. On balance, it is considered that the deficiency in the quantum of private amenity space is offset by the quality of the amenity space provided on site and the increase in internal area. Officers consider that a reason for refusal based on the quantum of private amenity space provided could not be sustained.

### Daylight & Sunlight

- 8.12 Policy SP10 of the adopted Core Strategy seeks to protect residential amenity and “*promotes well being (including preventing loss of privacy and access to daylight and sunlight)*”.
- 8.13 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.14 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.15 A Daylight and Sunlight assessment has been prepared by Building Research Establishment Limited (BRE consultants) and accompanies this application.
- 8.16 The Vertical Sky Component test was undertaken to assess the impact the proposal has on daylight levels to nearby properties.

- 8.17 The percentage of the sky visible from the centre of a window is known as the Vertical Sky Component. This involves using a skylight indicator, which calculates the Vertical Sky Component at the centre point of each affected window. Diffuse daylight will be adversely affected if after a development is completed, the Vertical Sky Component is both less than 27% and less than 0.8 times its former value.
- 8.18 Objections were received from residents on the grounds that the proposal would result in loss of daylight at 52 Florida Street. The Daylight assessment confirms that the live work units at flats no's A, B, C, D, E, F, G (or 1), H (or 2), J (or 3), K or 4), L (or 5) & M (or 6) at 52 Florida Studio's pass the VSC tests. These flats are within the immediate vicinity of the subject site. Given that all the units immediately to the south and west of the site pass the VSC tests, the proposal would not result in an undue loss of daylight and sunlight to other nearby properties. The Council Environmental Health officer has confirmed that the development will not have an adverse impact on neighbouring properties or on the development itself.
- 8.19 The proposal adequately complies with BRE guidelines, policy SP10 of the Core Strategy; policy DEV 2 of the UDP & DEV 1 of the IPG which seeks to protect residential amenity against undue loss of daylight and sunlight.

#### Overlooking

- 8.20 Objections were received on the grounds that the proposal would result in overlooking to surrounding properties to the west and south of the site. There are no windows proposed on the lower floors of the duplex units on the southern and western elevations. In addition, a solid wall of 2.7 metres in height is proposed to the western and southern elevations behind the ivy screen. This would ensure that there is no direct overlooking from the lower floor external decking areas to the west and south of the proposed development.
- 8.21 There are windows proposed on the western and southern elevations on the upper floor elevations. However, the windows to bedrooms on the western elevation are set back approximately 2.5 metres from the boundary of 52 Florida Street. Given this separation distance and angle of the windows, the proposal would not result in directly overlooking to the habitable rooms or private amenity space to adjacent properties. The proposal therefore adequately complies with policies SP10 of the Core Strategy; DEV 1 of the IPG and DEV 2 of the UDP which seeks to protect privacy of residents.

#### Transport

- 8.22 The proposed site has a Public Transport Accessibility level of 5 which means it is in an area with very good transport accessibility. As noted in section 4.6 of this report, a wide number of bus routes including 388, N8 & D3 serve the local area well. In addition; Liverpool Street, Old Street, Bethnal Green and Shoreditch High Street stations are all located within 15 minute walking distance from the site.
- 8.23 No on-street or off street car parking is proposed. The proposals therefore represent a car free development. Off street parking has reached saturation level and it is recommended that any grant of permission is subject to a section 106 'car free' legal agreement.

#### Cycle parking

- 8.24 Planning Standard 3: Parking of the IPG sets out the requirement for cycle parking spaces for new development. The policy requirement is 1 cycle space per residential unit. There are no cycle parking spaces proposed on site. The applicant has advised that the owner/freeholder of the proposal site is also the owner/freeholder of the existing car park which includes a cycle storage



area located behind the building. The applicant also notes that future occupiers would have access to this off street cycle store area. This matter would be secured in the Section 106 Agreement.

## **Sustainability**

### **Biodiversity**

8.25 As well as introducing visual interest to the area, the proposed use of the ivy screen attached to the metal cladding has the added value of introducing biodiversity benefits to the site. SP04 of the Core Strategy seeks to: “*promote and support new development that provides green roofs, green terraces and other measures to green built environment*”. In addition, the borough seeks to: “*ensure development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity*”

The proposal provides a high quality eco friendly environment for the following reasons:

- Ivy is an evergreen plant that will provide a year round green screening. Ivy also provides a valuable year round habitat for wildlife.
- Ivy provides good nesting environments and berries for birds, especially during winter. Redwings, wood pigeons, collared doves, robins and black caps birds all feed on these.
- The creation of a green vertical garden brings a number of environmental and ecological benefits including; control of air humidity; filtration of dust and pollutants; rainwater retention therefore reducing water run off; reducing the heat island effect; aiding biodiversity and creating a natural habitat for plants and birds.

8.26 As such, the proposal adequately complies with policy SP04 of the Core Strategy which seeks to enhance opportunities for biodiversity.

### **Climate change**

8.27 Policy SP11 of the Core Strategy seeks to ensure the built environment adapts to the effects of climate change and notes that climate change will affect the borough in a number of ways and adaptations required to address these effects include providing new green open spaces and greening of the built environment.

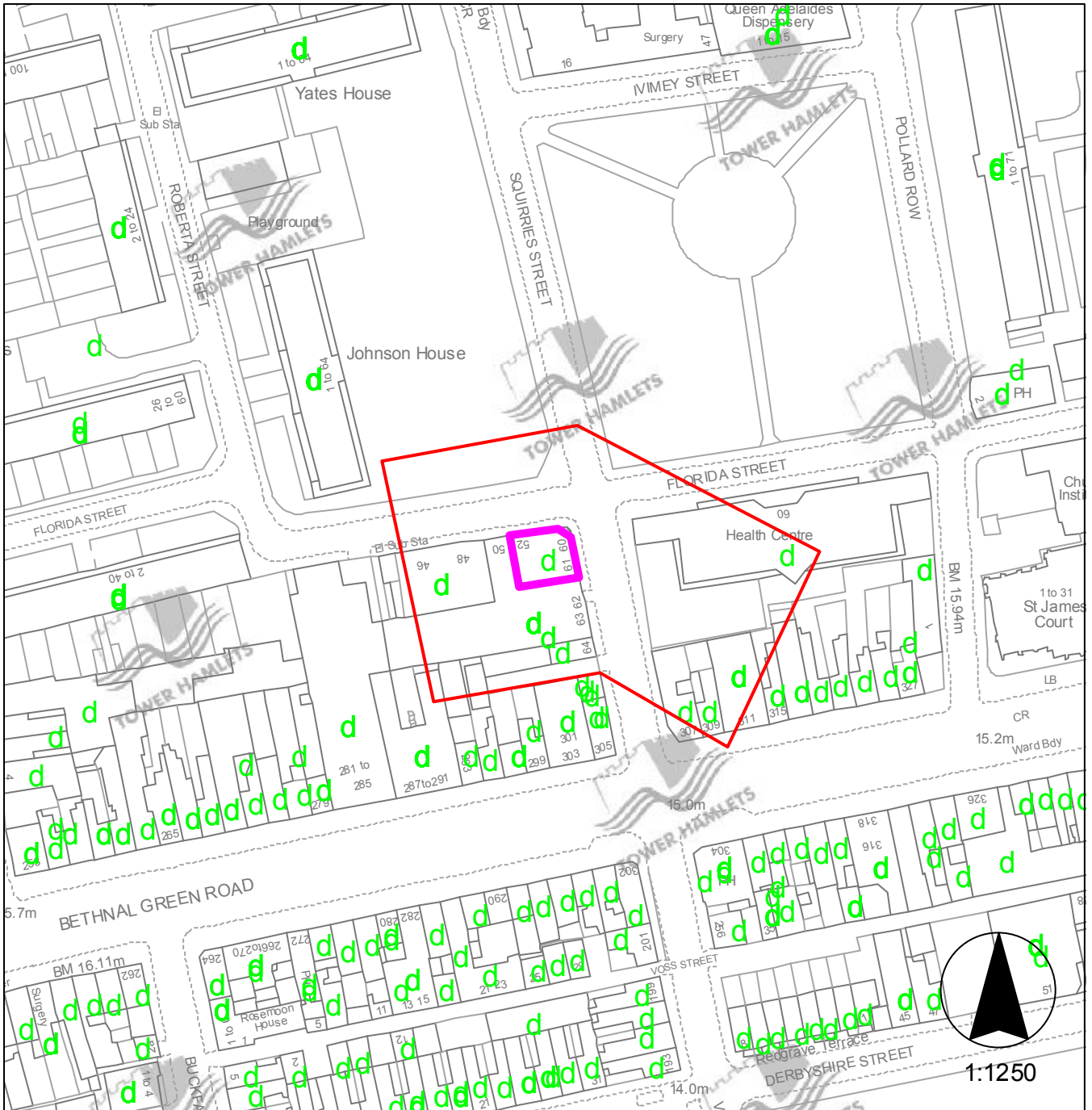
8.28 It is considered that the integration of a green ivy screen in this development is beneficial towards mitigating climate change and enhancing biodiversity. The proposal therefore accords with policy SP11 of the Core Strategy.

## **9.0 Conclusions**

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



# Site Map



**Legend**

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

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



## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	7.4
<b>Reference number:</b>	PA/10/1470
<b>Location:</b>	Site at 60 to 61 Squirres Street & 52 Florida Street, E2 6AJ
<b>Proposal:</b>	Erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building.

### 1.0 Clarifications

- 1.1 In table 4.1 of the report, the proposed areas of the two units are 73 m<sup>2</sup> and 83 m<sup>2</sup> respectively.
- 1.2 In paragraph 4.2, the word 'concrete' should be removed. As such, the first sentence should read "When the development is constructed, it is proposed to clad the solid external walls with metal material".
- 1.3 In paragraph 4.5, Johnson House which is located to the north of the site is 11 storeys in height and not 6 storeys in height.
- 1.4 In paragraph 8.6, the 3<sup>rd</sup> sentence should read " The buildings in the immediate area range from 2-11 storeys in height and primarily articulated in brick and/or render cladding"
- 1.5 In paragraph 8.8, the first sentence should read " The proposed living/dining areas are on the lower floors and the bedrooms are on the upper floors of the duplex units", as correctly identified in paragraph 4.1 of the report.

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# Agenda Item 7.1

<b>Committee:</b> Development	<b>Date:</b> 15 <sup>th</sup> December 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal  <b>Case Officer:</b> Daniel Buffa		<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/10/01486  <b>Ward(s):</b> Millwall	

## 1. APPLICATION DETAILS

**Location:** Cutty Sark House, Undine Road, London

**Existing Use:** Residential 8 x private units

**Proposal:** Demolition of existing building and erection of two buildings (1 x 4-storey and 1 x 5-storey) to provide 25 residential units and associated landscaping.

**Drawing No's:**

- 1210\_DWG\_PL\_001
- 1210\_DWG\_PL\_011
- 1210\_DWG\_PL\_100 rev PL02
- 1210\_DWG\_PL\_101 rev PL05
- 1210\_DWG\_PL\_102 rev PL02
- 1210\_DWG\_PL\_103 rev PL02
- 1210\_DWG\_PL\_104 rev PL02
- 1210\_DWG\_PL\_105 rev PL02
- 1210\_DWG\_PL\_020 rev PL01
- 1210\_DWG\_PL\_200 rev PL01
- 1210\_DWG\_PL\_201 rev PL01
- 1210\_DWG\_PL\_202 rev PL01
- 1210\_DWG\_PL\_203 rev PL01
- 1210\_DWG\_PL\_210 rev PL01
- 1210\_DWG\_PL\_300 rev PL01
- 1210\_DWG\_PL\_400 rev PL01
- 1210\_DWG\_PL\_401 rev PL01
- 1210\_DWG\_PL\_402 rev PL01
- 1210\_DWG\_PL\_403 rev PL01
- 1210\_DWG\_PL\_404 rev PL01
- 1210\_DWG\_PL\_405 rev PL01
- 1210\_DWG\_PL\_406 rev PL01
- 1210\_DWG\_PL\_407
- 1210\_DWG\_PL\_408
- 1210\_DWG\_PL\_500 rev PL01

**Supporting docs:** Design and Access Statement, reference 1210\_REP\_PL\_001, dated July 2010;  
Noise Assessment, dated 18<sup>th</sup> June 2010;  
Flood Risk Assessment, dated 25<sup>th</sup> June 2010;

Statement of Community Involvement, dated July 2010;  
Transport Statement, dated 15<sup>th</sup> June 2010;  
Residential Travel Plan Framework, dated 15<sup>th</sup> June 2010;  
Arboricultural Survey and Constraints, dated 2<sup>nd</sup> September 2010;  
Planning Statement, dated July 2010;  
Ecology Survey, dated 29<sup>th</sup> June 2010  
Daylight and Sunlight Study (Neighbouring Properties), dated 5<sup>th</sup> July 2010;  
Daylight and Sunlight Study (Within Development), dated 5<sup>th</sup> July 2010;  
Air Quality Assessment, dated 23<sup>rd</sup> June 2010;  
Conservation Statement, dated July 2010; and  
Sustainability Report, dated June 2010

**Applicant:** Gateway Housing Association & LTC  
**Owner:** Gateway Housing Association & LTC  
**Historic Building:** N/A  
**Conservation Area:** Adjacent to Chapel End Conservation Area

## **2. BACKGROUND AND REASON FOR RE-REFERRAL TO MEMBERS**

- 2.1 Members will be aware that on 10<sup>th</sup> November 2010 this Committee assessed this development in terms of land use, design, density, housing, amenity and transport impacts. These matters were all found to be acceptable and Members resolved to grant planning permission, subject to conditions and completion of a satisfactory Section 106 Agreement. The previous committee report and the addendum report are appended to this report
- 2.2 At that meeting the construction of a 2m high wall on the adjoining site to the west, owned by Clippers Quay Management Company (CQMC), was discussed. Construction of the wall, which is located alongside the western boundary of the application site, had commenced prior to the meeting. However, based on a plan of the wall that CQMC provided to the Council before the committee meeting, Officers stated at the meeting that the proposed wall was unlawful and that enforcement action to secure its removal had commenced.
- 2.3 Construction of the wall has continued since the committee meeting and CQMC has subsequently amended its design to enclose the majority of the adjoining site. As such the wall is likely to be permitted development.
- 2.4 The introduction of the wall represents a material change in circumstances, albeit a minor one, following this Committee's resolution to grant planning permission for the development. This material change has required the applicant to make minor revisions to the plans, which in turn necessitates reconsideration by Members. This is a cautious approach to dealing with what is a minor change to a scheme that has already gained Members' approval, but one that is supported by case law.



### 3 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

3.1 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 adopted Core Strategy (2010), Unitary Development Plan 1998 (as saved September 2007), Interim Planning Guidance for the purposes of Development Control (2007), associated supplementary planning guidance, the London Plan 2008 (consolidated with alteration since 2004) and Government Planning Policy Guidance and has found that:

- The proposal makes efficient use of the site with a residential density range that accords with policy 3A.3 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP02 of the adopted Core Strategy (2010) and policy HSG1 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek the maximum intensity of use compatible with local context.
- The proposal provides an acceptable amount of affordable housing and mix of units overall and as such complies with policies 3A.5 and 3A.9 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP02 of the adopted Core Strategy (2010), saved policy HSG7 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies HSG2 and HSG3 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure that new developments offer a range of housing choices.
- The proposal would have no detrimental impact upon the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure, given the compliance with relevant BRE Guidance and proposed separation distances and as such accords with policy SP10 of the adopted Core Strategy (2010), saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies DEV1 and DEV2 of Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- Transport matters, including parking, access and servicing, are acceptable and accord with policy 3C.23 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP09 of the adopted Core Strategy (2010), saved policies T16 and T18 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and accord with policies 4A.3 to 4A.7 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP11 of the adopted Core Strategy (2010) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to promote sustainable development practices.
- The proposed development will provide appropriate contributions towards the

provision of affordable housing, education facilities and communities, leisure and cultural facilities in line with Government Circular 05/05 and tests contained in section 122 of the Community Infrastructure Levy Regulations 2010, policy SP13 of the adopted Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policy IMP1 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

#### **4. RECOMMENDATION**

4.1 That the Committee resolve (as it has previously) to **GRANT** planning permission subject to:

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

- a) Twenty-five units (100% of the development) is secured as affordable housing, with a tenure split of 64% social rent to 36% intermediate in terms of habitable rooms.
- b) A contribution of £148,300 towards mitigating the demand for local primary school places.
- c) A contribution of £ 6,136 towards library facilities in the borough.
- d) A contribution of £27,622 towards leisure facilities in the borough.
- e) A contribution of £47,342 towards mitigating the demand for local open space.
- f) 100% of development to be car free.
- g) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal.

4.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above and that, if within 6-weeks of the date of this committee (26<sup>th</sup> January 2010) the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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

#### **4.4 Conditions**

1. Three year time limit
2. Consent granted in accordance with Schedule of Drawings
3. Samples / pallet board of all external facing materials (including reveals and timber cladding) and typical details to be approved prior to commencement of works
4. Obscure glazing to all windows proposed within east flank elevation of western block.
5. Detail of landscaping scheme to include hard and soft landscaping, child play space, any gates, walls, fences and a Landscape Maintenance and Management Plan to be submitted, approved and implemented prior to occupation
6. Green and brown roofs to be implemented in accordance with plans
7. Details of cycle parking.
8. Construction Management Plan to be submitted, approved by the LPA and implemented prior to commencement

9. All residential accommodation to be completed to lifetimes homes standards plus at least 10% wheelchair accessible
10. Disabled parking bay to be designed and constructed in accordance with the standards described in the Department for Transport 'Inclusive Mobility' guidance.
11. All units shall have heat and domestic hot water supplied by Air Source Pumps.
12. Renewables shall be implemented in line with the Sustainability Report
13. Development shall achieve level 4 of the Code for Sustainable Homes
14. Development to be completed in accordance with submitted Flood Risk Assessment
15. Site investigation shall be carried out prior to commencement of development
16. If contamination is encountered at the site, development must cease and the contamination dealt with
17. Piling or other penetrative foundation designs must be approved by the LPA prior to commencement of development
18. Bat survey to be carried out prior to commencement of development and any re-siting of bat nest to take prior to commencement?
19. Hours of construction (08.00 until 17.00 Monday to Friday; 09.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
20. Schedule of Highway Works to be completed prior to occupation
21. Details of noise transmission/attenuation measures prior to commencement
22. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### 4.5 **Informatives**

- 4.6
  1. Section 106 required
  2. Section 278 required
  3. Wheel cleaning facilities during construction
  4. Any other informative(s) considered necessary be the Corporate Director Development & Renewal

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

#### **Proposal**

- 5.1 This application involves the demolition of the existing block known as Cutty Sark House, which comprises 8 x 2-bed flats. In its place two separate buildings would be erected, comprising 25 residential units (2 x 1-bed, 9 x 2-bed, 6 x 3-bed, 6 x 4-bed and 2 x 5-bed). The eastern block would be some 5-storeys high, with the fifth-storey set back from the rest of the building. It measures a maximum of 12m in width, 46m in depth and 15.4m in height. The western block is four-storeys in height and measures 10.2m in width, 23m in depth and 12.3m in height.
- 5.2 At the northern end of the site is a disabled car parking bay and cycle storage. Landscaping is proposed around the site. The facing materials proposed are reclaimed stock brick, untreated timber cladding and anodised aluminium framed windows.

#### **Site and Surroundings**

- 5.3 This 0.245 hectare site is roughly triangular in shape. At present the site accommodates a single four-storey hipped roof block, comprising 8 x 2-bed self-contained flats. Around the

block there is an area of tarmac which is laid out as 9 car parking spaces. The remainder of the site is grassed.

- 5.4 The site is bounded to the south by the adopted Spindrif Avenue and to the northwest by Undine Road, which is a private unadopted estate road. Located to the west is a site housing a gas governor and to the east the site is bounded by Docklands Light Railway Limited (DLRL) land.
- 5.5 Further to the south of the site, on the opposite side of Spindrif Avenue, lies the Chapel House Conservation Area. The conservation area is predominantly low rise and residential in nature, with most buildings being no more than two storeys in height. It has something of a 'garden city' feel. To the north of the site is the Clippers Quay residential estate where building heights are typically three to four storeys.
- 5.6 The site is located just some 20m to the west of Mudchute DLR station and has a Public Transport Accessibility Level (PTAL) of 3, indicating average public transport accessibility.

### **Planning History**

- 5.7 The following planning decisions are relevant to the application:
- PA/01/01155 Erection of two new blocks - 3 storey Block B and 4 storey Block C – and their use as 1 x one-bedroom, 12 x two-bedroom & 1 x three-bedroom flats together with 22 car parking spaces and associated landscaping. Appeal against non-determination dismissed 05.07.2004
- PA/03/01475 Erection of two new blocks - 3 storey Block B and 4 storey Block C – and their use as 1 x one-bedroom, 12 x two-bedroom & 1 x three-bedroom flats together with 22 car parking spaces and associated landscaping. Appeal against non-determination dismissed 05.07.2004
- PA/09/02521 Demolition of existing building and erection of two buildings, one four storey and one four storey with setback, to provide 30 residential units with ancillary car parking and landscaping. Application withdrawn 29.01.2010.

## **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:

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment
PPG17	Planning for Open Space, Sport and Recreation
PPG24	Planning and Noise

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

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.9	Affordable Housing Targets
3A.17	Protection of Social Infrastructure
3A.23	Health Impacts
3A.24	Education Facilities
3C.1	Integrating Transport and Development
3C.2	Matching Development with Transport Capacity
3C.22	Improving conditions for Cycling
3C.23	Parking Strategy
3D.10	Open Space Provision in UDPs
3D.13	Children's and Young people's play space
3D.14	Biodiversity and Nature Conservation
4A.3	Sustainable Design and Construction
4A.7	Renewable Energy
4A.14	Sustainable Drainage
4A.19	Improving Air Quality
4B.1	Design Principles for a Compact City
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Sustainable Design and Construction
6A.4	Planning Obligations Priorities

#### 6.4 Core Strategy (2010)

Policies:	SP02	Urban Living for Everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a blue and green grid
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking
	SP13	Delivery and implementation

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

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV50	Noise
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrian needs in new Development
	OS9	Children's Playspace

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

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity for Utility Infrastructure
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Affordable Housing

## 6.7 Supplementary Planning Guidance/Documents

Residential Space Standards  
Designing Out Crime Parts 1 and 2

## 6.8 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

## 7. CONSULTATION RESPONSE

7.1 Please refer to the attached original committee report for a summary of consultation responses (Appendix 1).

## 8. LOCAL REPRESENTATION

8.1 A total of 130 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: 58      Objecting: 58      Supporting: 0

No of petitions received: 1 objecting containing 57 signatories

8.2 The following local groups/societies made representations:

- Mudchute Park & Farm
- Clippers Quay Management Company (CQMC)

8.3 Please refer to the attached original committee report for a summary of local representations (Appendix 1). It should be noted that the minor change to the scheme does alter any of the representations received and, therefore, re-consultation of neighbours was not considered necessary.

## **9. MATERIAL PLANNING CONSIDERATIONS**

9.1 As discussed above in Section 2 of this report, minor amendments to the scheme that Members resolved to grant planning permission for have been necessitated by the continued construction of a wall along the boundary of the application site. The amendments to the scheme have an impact on the internal configuration of the western block and the mix of intermediate units.

### **9.2 Internal configuration**

The amendments to the scheme necessitated by the CQMC wall are minor in nature and all internal. Essentially the wall will impact upon the centrally located ground floor unit in the western block, in terms of sunlight and daylight provision and quality of outlook. To overcome this, the applicant has removed the affected unit from the scheme and expanded the two adjoining units into the vacated space. Additional cycle parking has also been provided. This means that 1 x 2-bed unit would be removed from the scheme and the two enlarged units would change from 3-bed to 4-bed units. This results in a change to the overall mix of units that is discussed below. The deleted unit was a shared ownership unit that provided no private amenity space. The internal reconfiguration has no impact on the external appearance of the scheme that this committee resolved to grant permission for.

9.3 The CQMC wall will have a negligible impact upon the other two ground floor units within the western block. These are both duplex units and the wall will have no impact at all upon the first floor rooms. The ground floor habitable rooms of the units will receive adequate sunlight, daylight and outlook from north or south facing windows. Thus, despite the proposed wall, it is considered the amended scheme would ensure that all proposed units are satisfactory in terms of amenity. The scheme remains compliant with policy SP10 of the adopted Core Strategy, saved policy DEV2 of the adopted Unitary Development Plan and policy DEV1 of the Interim Planning Guidance.

### **9.4 Mix of dwellings**

9.5 The amendment to the scheme has altered the breakdown of the proposed intermediate units. Core Strategy policy SP02 requires an overall target of 30% for family housing and IPG policy HSG2 sets a target of 25% family accommodation for market and intermediate housing. No market housing is provided. The amended breakdown of the intermediate units in comparison to the scheme that this committee resolved to grant planning permission for is as follows:

	Resolved to grant	Amended
2-bed	4 (40%)	3 (33.3%)
3-bed	6 (60%)	4 (44.5%)
4-bed	0	2 (22.2%)

9.6 Whilst the amendment results in the loss of one unit the overall mix is improved by the introduction of two 4-bed units. A healthy proportion of family housing is provided and the unit mix remains acceptable.

9.7 Please refer to the attached original committee report (Appendix 1) and addendum report (Appendix 2) for an assessment of all other planning considerations.

### **9.8 Conclusions**

9.9 This amended scheme remains largely unaltered from the scheme that this Committee resolved to grant planning permission for on 10<sup>th</sup> November 2010. The minor amendments to the plans are a pro-active and well considered response to the potential completion of a 2m high wall along the boundary of the site. The amendments ensure that with or without completion of the wall the proposed units will all receive sufficient sunlight and daylight and quality of outlook. The amendments introduce no new grounds by which it would be reasonable to refuse the application.

9.10 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.



## APPENDIX 1 – Original Committee Report

<b>Committee:</b> Development	<b>Date:</b> 10 <sup>th</sup> November 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal  <b>Case Officer:</b> Daniel Buffa		<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/10/01486  <b>Ward(s):</b> Millwall	

### 1. APPLICATION DETAILS

**Location:** Cutty Sark House, Undine Road, London

**Existing Use:** Residential 8 x private units

**Proposal:** Demolition of existing building and erection of two buildings (1 x 4-storey and 1 x 5-storey) to provide 26 residential units and associated landscaping.

**Drawing No's:** 1210\_DWG\_PL\_001  
1210\_DWG\_PL\_011  
1210\_DWG\_PL\_100 rev PL02  
1210\_DWG\_PL\_101 rev PL04  
1210\_DWG\_PL\_102 rev PL02  
1210\_DWG\_PL\_103 rev PL02  
1210\_DWG\_PL\_104 rev PL02  
1210\_DWG\_PL\_105 rev PL02  
1210\_DWG\_PL\_020 rev PL01  
1210\_DWG\_PL\_200 rev PL01  
1210\_DWG\_PL\_201 rev PL01  
1210\_DWG\_PL\_202 rev PL01  
1210\_DWG\_PL\_203 rev PL01  
1210\_DWG\_PL\_210 rev PL01  
1210\_DWG\_PL\_300 rev PL01  
1210\_DWG\_PL\_400 rev PL01  
1210\_DWG\_PL\_401 rev PL01  
1210\_DWG\_PL\_402 rev PL01  
1210\_DWG\_PL\_403 rev PL01  
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1210\_DWG\_PL\_405 rev PL01  
1210\_DWG\_PL\_406 rev PL01  
1210\_DWG\_PL\_407  
1210\_DWG\_PL\_408  
1210\_DWG\_PL\_500 rev PL01

**Supporting docs:** Design and Access Statement, reference 1210\_REP\_PL\_001, dated July 2010;

Noise Assessment, dated 18<sup>th</sup> June 2010;  
Flood Risk Assessment, dated 25<sup>th</sup> June 2010;  
Statement of Community Involvement, dated July 2010;  
Transport Statement, dated 15<sup>th</sup> June 2010;  
Residential Travel Plan Framework, dated 15<sup>th</sup> June 2010;  
Arboricultural Survey and Constraints, dated 2<sup>nd</sup> September 2010;  
Planning Statement, dated July 2010;  
Ecology Survey, dated 29<sup>th</sup> June 2010  
Daylight and Sunlight Study (Neighbouring Properties), dated 5<sup>th</sup> July 2010;  
Daylight and Sunlight Study (Within Development), dated 5<sup>th</sup> July 2010;  
Air Quality Assessment, dated 23<sup>rd</sup> June 2010;  
Conservation Statement, dated July 2010; and  
Sustainability Report, dated June 2010

**Applicant:** Gateway Housing Association & LTC  
**Owner:** Gateway Housing Association & LTC  
**Historic Building:** N/A  
**Conservation Area:** Adjacent to Chapel End 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 adopted Core Strategy (2010), Unitary Development Plan 1998 (as saved September 2007), Interim Planning Guidance for the purposes of Development Control (2007), associated supplementary planning guidance, the London Plan 2008 (consolidated with alteration since 2004) and Government Planning Policy Guidance and has found that:

- The proposal makes efficient use of the site with a residential density range that accords with policy 3A.3 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP02 of the adopted Core Strategy (2010) and policy HSG1 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek the maximum intensity of use compatible with local context.
- The proposal provides an acceptable amount of affordable housing and mix of units overall and as such complies with policies 3A.5 and 3A.9 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP02 of the adopted Core Strategy (2010), saved policy HSG7 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies HSG2 and HSG3 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure that new developments offer a range of housing choices.
- The proposal would have no detrimental impact upon the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of

enclosure, given the compliance with relevant BRE Guidance and proposed separation distances and as such accords with policy SP10 of the adopted Core Strategy (2010), saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies DEV1 and DEV2 of Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.

- Transport matters, including parking, access and servicing, are acceptable and accord with policy 3C.23 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP09 of the adopted Core Strategy (2010), saved policies T16 and T18 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and accord with policies 4A.3 to 4A.7 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP11 of the adopted Core Strategy (2010) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to promote sustainable development practices.
- The proposed development will provide appropriate contributions towards the provision of affordable housing, education facilities and communities, leisure and cultural facilities in line with Government Circular 05/05 and tests contained in section 122 of the Community Infrastructure Levy Regulations 2010, policy SP13 of the adopted Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policy IMP1 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

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

- h) Twenty-six units (100% of the development) is secured as affordable housing, with a tenure split of 63% social rent to 37% intermediate in terms of habitable rooms.
- i) A contribution of £148,300 towards mitigating the demand for local primary school places.
- j) A contribution of £ 6,136 towards library facilities in the borough.
- k) A contribution of £27,622 towards leisure facilities in the borough.
- l) A contribution of £47,342 towards mitigating the demand for local open space.
- m) 100% of development to be car free.
- n) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal.

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above and that, if within 6-weeks of the date of this committee (22<sup>nd</sup> December 2010) the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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

3.4 **Conditions**

23. Three year time limit
24. Consent granted in accordance with Schedule of Drawings
25. Samples / pallet board of all external facing materials (including reveals and timber cladding) and typical details to be approved prior to commencement of works
26. Obscure glazing to all windows proposed within east flank elevation of western block.
27. Detail of landscaping scheme to include hard and soft landscaping, child play space, any gates, walls, fences and a Landscape Maintenance and Management Plan to be submitted, approved and implemented prior to occupation
28. Green and brown roofs to be implemented in accordance with plans
29. Details of cycle parking.
30. Construction Management Plan to be submitted, approved by the LPA and implemented prior to commencement
31. All residential accommodation to be completed to lifetimes homes standards plus at least 10% wheelchair accessible
32. Disabled parking bay to be designed and constructed in accordance with the standards described in the Department for Transport 'Inclusive Mobility' guidance.
33. All units shall have heat and domestic hot water supplied by Air Source Pumps.
34. Renewables shall be implemented in line with the Sustainability Report
35. Development shall achieve level 4 of the Code for Sustainable Homes
36. Development to be completed in accordance with submitted Flood Risk Assessment
37. Site investigation shall be carried out prior to commencement of development
38. If contamination is encountered at the site, development must cease and the contamination dealt with
39. Piling or other penetrative foundation designs must be approved by the LPA prior to commencement of development
40. Bat survey to be carried out prior to commencement of development and any re-siting of bat nest to take prior to commencement?
41. Hours of construction (08.00 until 17.00 Monday to Friday; 09.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
42. Schedule of Highway Works to be completed prior to occupation
43. Details of noise transmission/attenuation measures prior to commencement
44. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.5 **Informatives**

- 3.6
  5. Section 106 required
  6. Section 278 required
  7. Wheel cleaning facilities during construction

8. Any other informative(s) considered necessary be the Corporate Director Development & Renewal

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

##### **Proposal**

- 4.1 This application involves the demolition of the existing block known as Cutty Sark House, which comprises 8 x 2-bed flats. In its place two separate buildings would be erected, comprising 26 residential units (2 x 1-bed, 10 x 2-bed, 8 x 3-bed, 4 x 4-bed and 2 x 5-bed). The eastern block would be some 5-storeys high, with the fifth-storey set back from the rest of the building. It measures a maximum of 12m in width, 46m in depth and 15.4m in height. The western block is four-storeys in height and measures 10.2m in width, 23m in depth and 12.3m in height.
- 4.2 At the northern end of the site is a disabled car parking bay and cycle storage. Landscaping is proposed around the site. The facing materials proposed are reclaimed stock brick, untreated timber cladding and anodised aluminium framed windows.

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

- 4.3 This 0.245 hectare site is roughly triangular in shape. At present the site accommodates a single four-storey hipped roof block, comprising 8 x 2-bed self-contained flats. Around the block there is an area of tarmac which is laid out as 9 car parking spaces. The remainder of the site is grassed.
- 4.4 The site is bounded to the south by the adopted Spindrift Avenue and to the northwest by Undine Road, which is a private unadopted estate road. Located to the west is a site housing a gas governor and to the east the site is bounded by Docklands Light Railway Limited (DLRL) land.
- 4.5 Further to the south of the site, on the opposite side of Spindrift Avenue, lies the Chapel House Conservation Area. The conservation area is predominantly low rise and residential in nature, with most buildings being no more than two storeys in height. It has something of a 'garden city' feel. To the north of the site is the Clippers Quay residential estate where building heights are typically three to four storeys.
- 4.6 The site is located just some 20m to the west of Mudchute DLR station and has a Public Transport Accessibility Level (PTAL) of 3, indicating average public transport accessibility.

##### **Planning History**

- 4.7 The following planning decisions are relevant to the application:
- PA/01/01155 Erection of two new blocks - 3 storey Block B and 4 storey Block C – and their use as 1 x one-bedroom, 12 x two-bedroom & 1 x three-bedroom flats together with 22 car parking spaces and associated landscaping. Appeal against non-determination dismissed 05.07.2004
- PA/03/01475 Erection of two new blocks - 3 storey Block B and 4 storey Block C – and

their use as 1 x one-bedroom, 12 x two-bedroom & 1 x three-bedroom flats together with 22 car parking spaces and associated landscaping. Appeal against non-determination dismissed 05.07.2004

PA/09/02521 Demolition of existing building and erection of two buildings, one four storey and one four storey with setback, to provide 30 residential units with ancillary car parking and landscaping. Application withdrawn 29.01.2010.

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment
PPG17	Planning for Open Space, Sport and Recreation
PPG24	Planning and Noise

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

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.9	Affordable Housing Targets
	3A.17	Protection of Social Infrastructure
	3A.23	Health Impacts
	3A.24	Education Facilities
	3C.1	Integrating Transport and Development
	3C.2	Matching Development with Transport Capacity
	3C.22	Improving conditions for Cycling
	3C.23	Parking Strategy
	3D.10	Open Space Provision in UDPs
	3D.13	Children’s and Young people’s play space
	3D.14	Biodiversity and Nature Conservation
	4A.3	Sustainable Design and Construction
	4A.7	Renewable Energy
	4A.14	Sustainable Drainage
	4A.19	Improving Air Quality
	4B.1	Design Principles for a Compact City
	4B.3	Enhancing the Quality of the Public Realm
	4B.5	Creating an Inclusive Environment
	4B.6	Sustainable Design and Construction
	6A.4	Planning Obligations Priorities

### **5.4 Core Strategy (2010)**

Policies:	SP02	Urban Living for Everyone
	SP03	Creating healthy and liveable neighbourhoods

SP04	Creating a blue and green grid
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking
SP13	Delivery and implementation

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

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV50	Noise
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrian needs in new Development
	OS9	Children's Playspace

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

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity for Utility Infrastructure
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Affordable Housing

## 5.6 Supplementary Planning Guidance/Documents

Residential Space Standards  
Designing Out Crime Parts 1 and 2

## 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

## 6. CONSULTATION RESPONSE

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

### 6.2 Docklands Light Railway Limited (DLRL)

- Proposal includes fencing within 5m exclusion zone, which is unacceptable. Fencing should be removed from scheme
- **(Officer Comment - DLRL has to give the land owner 14 days prior notice before enforcing its exclusion zone and the proposed fencing is fully demountable. Obviously in the case of emergency access to the DLR would be gained by any means necessary, without the relevant notice period. However, when DLRL were asked whether or not the land in question played any role in the emergency plans for Mudchute Station no such confirmation was given. The development is located some distance from the DLR line - the proposed eastern block is the closest and is located some 25m from the lay-by line and 40m from the main line itself. Furthermore, between the site and the DLR line is a tall, robust fence and substantive vegetation, which would take much longer to circumvent than the proposed demountable fencing. On balance, it is not considered a refusal could be substantiated on the grounds that the rear fencing of the eastern block breaches the DLRL exclusion zone);**
- Noise from DLR should be mitigated against
- **(Officer Comment – a condition in respect of noise transmission has been recommended);**
- DLRL request surveys before and after development to assess level of impact on DLRL's radio signal.
- **(Officer Comment – No evidence of potential impact supplied);**
- Request S106 contribution of £20,000 for departure information system
- **(Officer Comment – This is not relevant to the development, therefore it does not comply with the Community Infrastructure Regulations 2010 tests and has not been sought).**

### 6.3 Environment Agency

No objection subject to conditions relating to:

- Compliance with Flood Risk Assessment and implementation of green roof;



- Potential contamination at the site;
- Details of any piling to be approved prior to commencement of development  
(**Officer Comment** – *the requested conditions will be included if consent is granted*).

#### 6.4 English Heritage

Determine application in line with national, regional and local guidance.

#### 6.5 London Fire and Emergency Planning Authority (LFEPA)

- The plans do not allow comment on Fire Brigade issues
- (**Officer Comment** – *the layout of the site has not altered markedly since application PA/09/02521. The LFEPA had no objection to that scheme and it is considered the Fire Brigade could easily access the site in case of emergency*).
- Assume water supplies in this area will be adequate for fire fighting purposes.

#### 6.6 Thames Water

To date no comments have been received.

#### 6.7 Tower Hamlets Primary Care Trust

To date no comments have been received.

#### 6.8 National Grid

To date no comments have been received

#### 6.9 LBTH Highways

- The scheme should be car-free and details of cycle parking should be agreed prior to approval
- (**Officer Comment** – *a car free development will be secured in a legal agreement; cycle parking can be adequately dealt with by condition*);
- Servicing/refuse arrangements are unclear. If refuse is to be collected from Undine Road agreement must be sought from landowner. Travel Plan suggests residents will utilise home deliveries, but no loading bay is allocated. Use of Spindrif Avenue for servicing would not be supported; distance from refuse store to road is more than 10m (**Officer Comment** – *The Council's Cleansing Section has not commented on the proposal. Precise details of refuse storage can be dealt with by condition*);
- Work on the highway subject to a S278 agreement
- **Officer Comment** – *can be secured by condition*).

#### 6.10 LBTH Education Department

S106 contribution of £148,300 sought.

(**Officer Comment** – *The contribution has been agreed by the developer*)

#### 6.11 **LBTH Communities, Localities and Culture**

- S106 contribution of £47,342 sought to mitigate impact on open space.
- S106 contribution of £6,136 sought to mitigate impact on libraries.
- S106 contribution of £27,622 sought to mitigate impact on leisure/community facilities (**Officer Comment** – *these contributions have been agreed by the developer*).

#### 6.12 **LBTH Biodiversity**

To date no comments have been received

#### 6.13 **LBTH Environmental Health**

To date no comments have been received

#### 6.14 **LBTH Landscaping**

To date no comments have been received

### 7. **LOCAL REPRESENTATION**

7.1 A total of 130 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: 58      Objecting: 58      Supporting: 0  
No of petitions received: 1 objecting containing 57 signatories

7.2 The following local groups/societies made representations:

- Mudchute Park & Farm
- Clippers Quay Management Company (CQMC)

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:

#### **Design**

- Flat roof design out of keeping with surroundings/proposed materials incongruous;
- Massing, bulk and scale too much for site and surrounds, the two buildings are too close to one another and appear visually as one block, development too close to Undine Road;
- Overdevelopment/density too high. Loss of open space/impinges upon openness of area;
- Design not harmonious with adjacent conservation area or townscape nature of

locality.

- Detracts from nearby Metropolitan Open Land and Sites of Nature Conservation;
- Development should occupy same footprint as existing building, but be built higher;
- Proposed development must take account of proposed security office and related flat on adjacent site;

**(Officer Comment – Please refer to section 8.11-8.13, and 8.19-8.20 of the report for further discussion on the above points).**

### **Amenity/Impacts**

- Additional pressure on infrastructure (schools, healthcare, utilities);
- Insufficient amenity space and child play space - application relies on private local park, which is not acceptable;
- Overlooking, loss of outlook/views, loss of light;
- Flood risk must be addressed and proposal does not comply with air quality standards;
- Noise from DLR will impact upon proposed development – submitted noise assessment is flawed.
- Additional noise disturbance from increased number of residents
- Current site is badly maintained and an eyesore. This would be worse with 26 properties on the site. Open refuse store unacceptable given vermin and foxes in area;

**(Officer comment – Please refer to section 8.32, 8.61, 8.66-8.67, 8.71, 8.79, 8.82, 8.85, 8.109 and 8.118 of the report for further discussion on the above points).**

### **Housing**

- No need for new housing locally at present and there is enough social housing in the area already;
- Existing block should be refurbished;
- Dwellings not HCA compliant, do not meet Lifetime Home standards or Mobility Housing Standards.

**(Officer Comment – Please refer to section 8.4 and 8.47 of the report for further discussion on the above points).**

### **Transport/highways/parking**

- Car free schemes do not work. Car parking should be provided, particularly given provision of family housing;
- Proposal would exacerbate already busy local roads and public transport already congested. The development offers no loading bays, which will cause obstructions to the roads. Vehicular access unsafe;
- Riverboat travel prohibitively expensive for occupants of social rented units.

**(Officer Comment – Please refer to section 8.95 and 8.105 of the report for further discussion on the above points).**

### **Ecology**

- Site should be allocated as Metropolitan Open Land and trees on site should be

maintained;

- Impact on wildlife generally. There are numerous protected bird species in the area, including robins. A bat survey should be carried out before planning permission is even considered.

**(Officer Comment – Please refer to section 8.111-8.112 of the report for further discussion on the above points).**

### **Health and safety/security**

- Many people pass the site on route to station – could be dangerous during construction. Noise nuisance during building work
- **(Officer Comment – these matters can be dealt with by way of a Construction Management Plan which is a recommended condition);**
- Plans would cause security issues for Clippers Quay. Children will play in Clippers Quay land and this will lead to anti-social behaviour
- **(Officer Comment - there is no evidence to substantiate this argument. It is not considered that there are any problems with the design of the development that would lead to increased anti social behaviour and criminal activity is a matter for the police);**
- Nearby open water a danger to children
- **(Officer Comment - there is no reason why the open water would be a greater danger to children occupying the proposed development than children already living nearby.**
- Proximity of the building to the gas governor could prove a safety risk
- **(Officer Comment – National Grid has been consulted on this matter but has not responded).**

### **Other matters**

- Proposal would contravene a Parliamentary Undertaking to landscape part of the site and the land cannot be developed. Area should be zoned as Metropolitan Open Land;
- Siting of proposal likely to lead to trespass and illegal parking on CQMC Land
- **(Officer Comment – there is a legal right of way over Undine Road. Any trespass is a matter for the courts. Illegal parking of CQMC land is a private matter for them to enforce against);**
- Impact on property values
- **(Officer Comment – this is not a planning matter)**
- Loss of right of way to DLR station
- **(Officer Comment – there is no public right of way through the site at present, even if it is used as such);**
- Applicants do not own all of the site
- **(Officer Comment – submitted information suggests the site is all in the applicants ownership and in any event even if an applicant does not own all or any of the site they can still apply for planning permission to develop the site);**
- Inaccuracies in the submission
- **(Officer Comment – there may be some minor mistakes in the submission, such as stating the development is located within PTAL4 and over-stating the sizes of some of the private amenity space. It is, however, possible to fully assess the proposal).**
- Compromises development potential of the CQMC gas governor site
- **(Officer Comment – adjoining site is undeveloped at present and there is no current planning application in);**

- Consultation by developer inadequate
- **(Officer Comment – the developer has submitted evidence of local consultation that is considered adequate).**

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

- The Council did not erect a site notice along Undine Road
- **(Officer Comment - A site notice was put up along Spindrift Avenue, the application was advertised in East End Life and significant neighbour consultation was carried out. A large number of responses to the consultation have been received and it is considered the Council has wholly fulfilled its consultation obligations)**

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design
3. Density
4. Housing
5. Amenity for future occupiers
6. Impact upon amenity of neighbours
7. Transport Impacts
8. Other planning matters

### 8.2 Land Use

8.3 The existing four-storey residential block on the site is unremarkable and unprotected. The site has no specific designation under the adopted Unitary Development Plan (1998) (as saved September 2007) (“UDP”) and the area surrounding the site is predominantly residential in character.

8.4 The provision of additional housing is a key aim of national, regional and local planning policy and the proposal to retain and maximise residential use at the site is acceptable in principle and accords with policies 3A.1, 3A.3 and 3A.5 of the London Plan 2008 (Consolidated with Alterations since 2004) (“London Plan”) and policy SP02 of the adopted Core Strategy (2010) (“CS”), which seek to maximise the supply of housing.

### 8.5 Design

8.6 Good design is central to the objectives of national, regional and local planning policy. Chapter 4B of the London Plan refers to ‘Principles and specifics of design for a compact city’ and specifies a number of policies aimed at achieving good design. These policies are reflected in CS policy SP10, saved policies DEV1, DEV2 and DEV3 of the UDP; and Interim Planning Guidance for the purposes of Development Control (2007) (“IPG”) policies DEV1 and DEV2.

8.7 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also

require development to be sensitive to the capabilities of the site.

8.8 In general terms, the form of the two blocks is relatively simple. The blocks are both roughly rectangular in shape and would be constructed of stock brick and untreated timber cladding, with large aluminium framed openings. The elevations are interesting without being busy and the design is an improvement on the existing uninspiring block.

8.9 Layout, height and scale

8.10 There have been numerous objections to the scheme stating that the proposal represents overdevelopment of the site. As will be discussed below the density of the development is considered acceptable, but working out the density of a scheme in policy terms is an arithmetical exercise and is not the only criteria for working out whether or not a scheme constitutes overdevelopment.

8.11 Other buildings in the area are predominantly two-storeys in height with pitched roofs, but there are other examples of four-storey buildings nearby, built in the same style as the existing Cutty Sark House, which is itself, of course, a four-storey hipped roof building.

8.12 The western block would be the visually more dominant of the two as it is located closer to the bend in Spindrift Avenue and is one storey taller. This is the part of the site that can best accommodate the height and the simple form of the buildings prevents them appearing unduly bulky in relation to their surroundings.

8.13 Whilst the buildings are positioned close to one another, with only 6.6m separation between them at the top end of the site, views are available between the buildings and the site layout provides a well defined pedestrian route through the site, which is clearly separated from the residential entrances. The buildings are set back some 6m from Spindrift Avenue, which provides sufficient breathing space and prevents the buildings appearing over-dominant. The set back from Undine Road is less, a minimum of 1.5m from the buildings themselves. However this is sufficient to prevent the buildings feeling too close or oppressive so as to be considered unacceptable.

8.14 Within the context of the site, which is bounded by open land to the east and west, the layout, height and scale of the scheme are, on balance, considered acceptable and to comply with CS policy SP10, saved UDP policy DEV1 and IPG policy DEV2.

8.15 Openness of site/impact upon the Conservation Area

8.16 To the south of the site is the Chapel House Conservation Area. In assessing planning applications adjacent to conservation areas the Council must assess the impact the development is likely to have upon the setting of that conservation area. Indeed, the previous appeal on the site was partly dismissed for this reason.

8.17 PPS5 provides guidance on the approach to development in and adjacent to conservation areas. This document includes the advice that new buildings need not copy their older neighbours in detail, as a variety of styles can add interest and form a harmonious group. National guidance is carried through to the local level by CS policy SP10. IPG policy CON2 re-asserts that development in or affecting the setting of conservation areas should preserve or enhance the distinctive character or appearance of that area in terms of scale,

form, height, materials, architectural detail and design.

- 8.18 Policy HE10 of PPS5 states that the wider benefits of development must be considered when assessing applications that affect the setting of a heritage asset. In this case the heritage asset is the Chapel House Conservation Area and the wider benefits of the development are the provision of 26 affordable homes.
- 8.19 The proposal is clearly not a carbon copy of development in the Chapel House Conservation Area, and nor need it be. What is carried through with this scheme, however, is the use of brick as the primary facing material and the clean, strong lines. The flat roofs proposed are not typical locally, but neither would they appear as incongruous and the separation of the blocks is enough to retain sufficient openness so as not to impinge upon the setting of the conservation area. The proposed blocks are certainly better designed than the existing single block.
- 8.20 The proposal covers the full width of the site, but for a 0.5m set-in from its western boundary. As such the proposal relies somewhat on adjacent land – to the east owned by the DLRL and to the west by Clippers Quay Management Company – to give it something of an open setting in the street scene. However, those sites are currently undeveloped and this scheme must be assessed on its own merits given the existing circumstances of the site and surrounds. It is therefore considered that the site would retain a sufficiently open feel.
- 8.21 On balance, and taking into account the wider benefits of provision of 26 affordable homes, it is considered the proposal would retain a sufficient degree of openness so as not to impinge upon the site or surrounding area or harm the setting of the adjacent Chapel House Conservation Area. As such the proposal complies with CS policy SP10, IPG policy CON2 and advice and guidance in PPS5.
- 8.22 Permeability and security
- 8.23 Saved UDP policy DEV1 and IPG policy DEV4 require development to consider the safety and security of users. Regard should also be given to the principles of Secure by Design. However, these matters must also be balanced against the requirements to promote site permeability and inclusive design.
- 8.24 The proposal provides a pedestrian route and courtyard through the site but still allows for sufficient defensible space to the front of the residential units to prevent any loss of security.
- 8.25 The Crime Prevention Officer mentioned that the scheme should be open at ground floor level to maximise views to and from the development. This matter can be addressed through landscaping and boundary treatment conditions, to prevent planting and fencing obscuring views of the buildings.
- 8.26 A further point raised by the Crime Prevention Officer was that boundary fencing to the rear gardens of the eastern block should be sufficiently high to prevent easy unlawful access to the properties. This matter can be easily addressed by a boundary treatment condition.

8.27 Subject to conditions, it is considered that the layout of the development will allow for a permeable and secure site. The proposal is therefore considered to accord with the requirements of saved UDP policy DEV1 and IPG policy DEV4.

## 8.28 **Density**

8.29 National planning guidance, set out in PPS1: Sustainable Development and PPS3: Housing, stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan policy 3A.3, which requires development to maximise the potential of sites, and policy 4B.1, which details design principles for a compact city. CS policy SP02 and IPG policy HSG1 also seek to maximise residential densities on individual sites, subject to acceptable environmental impacts and local context.

8.30 Table 3A.2 of the London Plan, which is associated with policy 3A.3, sets density ranges for areas, which are dependent on their setting and Public Transport Accessibility Level (PTAL). This site is located within an urban setting and the PTAL is 3, indicating average accessibility to public transport.

8.31 In areas of PTAL 3 the target density range set by Table 3A.2 is 200-450 habitable rooms per hectare. The application site area is some 0.245 hectares and 98 habitable rooms are proposed. The density of the development therefore equates to 400 habitable rooms per hectare.

8.32 This is comfortably within the set density range and overall the development would make the most efficient use of the land. The proposed mitigation measures, including financial contributions towards local education, open space, libraries and leisure, ensure that the development has no significant adverse impacts on local infrastructure and accords with London Plan policy 3A.3, CS policy SP02 and IPG policy HSG1.

## 8.33 **Housing**

8.34 This section of the report considers the acceptability of the housing provision on the site in terms of affordable housing, mix of tenures, mix of dwelling sizes and provision of wheelchair units. The application proposes a total of 26 residential units

### 8.35 Affordable Housing

8.36 London Plan policies 3A.8 and 3A.9 state Boroughs should seek the maximum reasonable amount of affordable housing. CS policy SP02 sets an overall strategic target for affordable homes of 50% and requires all sites providing 10 or more homes to provide 35%-50% affordable homes.

8.37 The scheme provides 100% affordable housing, which exceeds the level set by CS policy SP02. 100% affordable housing provision is not necessarily appropriate on all sites, but in this case, given the large amount of private housing locally and the proposed tenure mix, which is discussed below, 100% affordable housing provision is acceptable.

### 8.38 Tenure mix – social rent : intermediate ratio



8.39 London Plan policy 3A.9 and CS policy SP02 seek a tenure split within the affordable housing units of 70:30 in favour of social rented units. In terms of habitable rooms the proposed tenure split is 63% for social rent and 37% for intermediate shared ownership.

8.40 The proposal, therefore, falls short of the required percentage of social rented units. However, given the scheme provides 100% affordable units a slightly higher percentage of intermediate accommodation than would usually be required will help to provide a mixed and balanced development. The tenure mix is thus considered acceptable and complies with the aims of London Plan policy 3A.9 and Core Strategy policy SP02.

#### 8.41 Mix of dwelling sizes

8.42 The Council's housing studies have identified that there is a significant deficiency of family housing within the borough. This shortfall is reflected in Council policy which seeks to ensure development provides a range of dwelling sizes, including an appropriate amount of family accommodation.

8.43 Core Strategy policy SP02 requires that 45% of social rented units should be for families. IPG policy HSG2 sets targets for the breakdown of the social rented units. The proposed unit breakdown, in comparison to policy, is as follows:

- 2 x 1-bed units (12.5%) against a policy target of 20%;
- 6 x 2-bed units (37.5%) against a policy target of 35%;
- 2 x 3-bed units (12.5%) against a policy target of 30%;
- 4 x 4-bed units (25%) against a policy target of 10%; and
- 2 x 5-bed units (12.5%) against a policy target of 5%.

Whilst there is an under provision of 3-bed units, overall the proposal provides 50% family housing, in excess of the policy target. The overall mix of social rented units is satisfactory and complies with the aims of Core Strategy policy SP02 and IPG policy HSG2.

8.44 Core Strategy policy SP02 requires an overall target of 30% for family housing and IPG policy HSG2 sets a target of 25% family accommodation for market and intermediate housing. No market housing is provided. The breakdown of the proposed intermediate units is as follows:

- 4 x 2-bed (40%);
- 6 x 3-bed (60%).

Whilst this does not represent a truly even split of unit types, it does offer a healthy proportion of family housing and when the whole scheme is viewed in the round it provides an appropriate mix of units.

#### 8.45 Lifetime Homes/Wheelchair provision

8.46 London Plan policy 3A.5, Core Strategy policy SP02 and IPG policy HSG9 all require housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.

- 8.47 This scheme provides three wheelchair accessible units (11%) and provides a designated disabled car parking space. Furthermore, each unit has been designed to comply with Lifetime Homes standards. A letter of objection claimed that the proposed development would not meet these standards but a condition will be used to ensure that all of the units are fully Lifetime Homes compliant.
- 8.48 The scheme is acceptable in terms of provision of wheelchair accessible units and Lifetime Homes standards and therefore complies with London Plan policy 3A.5, Core Strategy policy SP02 and IPG policy HSG9.
- 8.49 **Amenity for future occupiers**
- 8.50 Standard of accommodation
- 8.51 London Plan policies 4B.1, Core Strategy policy SP10 and saved UDP policy DEV1 set out general principles of good design. London Plan policy 3A.6 seeks quality in new housing provision. UDP policy HSG13 requires new development to make adequate provision of internal residential space. Supplementary Planning Guidance: Residential Space sets minimum space standards for new development.
- 8.52 Internal floorspace
- 8.53 The Area Schedule within the submitted Design and Access Statement shows that in all cases the flats and maisonettes meet or exceed the internal space requirements of the adopted supplementary planning guidance.
- 8.54 Daylight/sunlight
- 8.55 The submitted 'Daylight and Sunlight Study (Within Development)', dated 5<sup>th</sup> July 2010, considers light levels within the proposed development. Windows on the ground and first floor only were tested, on the basis that if these rooms pass BRE requirements then so will those on upper floors. This reasoning is considered acceptable. The study shows that all rooms will receive sufficient natural light to pass BRE ADF targets, and therefore levels of internal lighting within the proposed development are considered acceptable.
- 8.56 Since the study was commissioned the western block has been moved in from the west edge of the site by 0.5m and provision made for a 1m high fence. This minor change is not significant enough to result in the need to revise the study.
- 8.57 Privacy
- 8.58 A key concern with the withdrawn scheme (PA/09/02521) was the inter-visibility between habitable rooms in the proposed blocks, which at the northern end of the site are separated by just 8m. This matter has been addressed by reworking the layout of the units in the western block so that no habitable rooms have windows in the east elevation facing towards the eastern block. Consequently there is now no direct overlooking between the proposed units and an adequate level of privacy is provided
- 8.59 The amended plans, which set the western block in from the west boundary by 0.5m and provide boundary fencing, ensure that the ground floor units of those blocks would not be

unduly overlooked by people walking across the adjoining site.

8.60 Noise and Vibration

8.61 The application is accompanied by a Noise Assessment produced by SKM Enviros, dated 18<sup>th</sup> June 2010. This notes that the site predominantly experiences noise from movements of the adjacent Docklands Light Railway. The report further notes that with appropriate attenuation measures it is possible to attain an internal noise level at or below the relevant British Standard. A condition will be drafted and attached to the decision, if granted, to ensure such attenuation measures are incorporated into the development.

8.62 Residential Amenity Space

8.63 Saved UDP policy HSG16 requires that new development should make adequate provision of amenity space. IPG Policy HSG7 sets minimum space standards for the provision of private, communal and child play space in new developments. London Plan policy 3D.13 on the provision of child play space is also relevant.

8.64 IPG policy HSG7 states that ground floor family units (3-bed and above) should provide 50m<sup>2</sup> private amenity space and ground floor non-family units should provide 25m<sup>2</sup> private amenity space. On the upper floors family/non-family units should provide 10m<sup>2</sup> and 6m<sup>2</sup> private amenity space respectively.

8.65 The breakdown of units is as follows:

Category	HSG7 Policy Standard	Number of units	Policy Requirement (sq.m)	Proposed provision (sq.m)
Ground floor units with 3 or more beds	50	8	400	412
Ground floor units with less than 3 beds	25	1	25	0
Other one-bed units	6	2	12	14
Other 2 or more bedroom units	10	15	150	176
<b>TOTAL</b>		<b>26</b>	<b>587</b>	<b>602</b>

8.66 In overall terms the private amenity space provision complies with policy requirements. A more in depth look at the figures shows that some of the ground/first floor family maisonettes provide less than 50m<sup>2</sup> private amenity space and some provide well in excess of 50m<sup>2</sup>. However, the larger social rented family units have the largest gardens and the shortfall below policy requirements for the smaller family units is on balance acceptable, particularly given the close proximity of Millwall Park.

- 8.67 One ground floor 2-bed flat and one first floor 2-bed flat provide no amenity space at all. The originally submitted plans showed detached private amenity space areas for both of these units, however, the plans were amended at the request of Officers to remove these areas as they would have been remote from the properties, and in all probability would become neglected. Two further 2-bed units provide 7m<sup>2</sup> private amenity space, against a policy target of 10m<sup>2</sup>. All other flats are provided with private amenity space that exceeds policy requirements.
- 8.68 On balance, given the larger family units have the largest private gardens and the close proximity to Millwall Park, the provision of private amenity space is considered adequate and to comply with the aims of saved UDP policy HSG16 and IPG policy HSG7.
- 8.69 Several letters of objection mentioned that the proposal provided insufficient child play space. IPG policy HSG7 requires development of 10 units or more to provide 50m<sup>2</sup> communal amenity space for the first 10 units, plus a further 5m<sup>2</sup> for every 5 additional units thereafter. Where 10 or more child bed spaces are provided 3m<sup>2</sup> child play space should be provided for every child bed space.
- 8.70 The communal amenity space proposed is set out below:

	LBTH Policy Requirement	Proposed within scheme
Communal Open Space	70 sq.m	270m <sup>2</sup>
Child Play Space	60 sq.m	

- 8.71 The above figure of 270m<sup>2</sup> reflects the proposed soft landscaped communal areas within the development, discounting the paths and routes through the site. There is no specific area designated for child play space on the site, but this matter could be adequately dealt with in a landscaping condition.
- 8.72 Overall the provision of communal amenity space is in excess of IPG policy HSG7 and is considered acceptable.
- 8.73 **Impact upon amenity of neighbours**
- 8.74 Daylight and Sunlight
- 8.75 Policy SP10 of the Core Strategy and saved policy DEV2 of the UDP seeks to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions. Policy DEV1 of the IPG states that development should not result in a material deterioration of sunlight and daylighting conditions for surrounding occupants.
- 8.76 The submitted 'Daylight and Sunlight Study (Neighbouring Properties)', dated 5<sup>th</sup> July 2010, considers the impact of the development on existing properties surrounding the development site.

- 8.77 Daylight is normally calculated by three methods – the vertical sky component (VSC), No Sky Line (NSL) and the average daylight factor (ADF). The submitted study shows that a small amount of neighbours will suffer from a very minor loss of light. Nevertheless, all affected rooms still meet BRE VSC, NSL and ADF targets. Given this compliance, the impact of the development on daylight to neighbouring properties is considered acceptable.
- 8.78 Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight). The submitted report demonstrates that all neighbouring windows and open spaces will receive sufficient sunlight to comply with BRE guidance.
- 8.79 The submitted study shows that the development will have a minor impact on some neighbours in terms of loss of light. However, the study also demonstrates that these losses do not exceed recommendations given in BRE guidance. Given the minor nature of the impact upon sunlight/daylight and the compliance with BRE guidance any impact is acceptable in terms of CS policy SP10, UDP policy DEV2 and IPG policy DEV1.
- 8.80 Overlooking/loss of privacy
- 8.81 Policy SP10 of the CS, saved UDP policy DEV2 and IPG policy DEV1 seek to protect residential amenity in terms of overlooking/loss of privacy.
- 8.82 A number of objections received mention that the development would overlook neighbouring properties. The proposed development would be located a minimum of 21m from No.1 Undine Road and 15m from Nos.1-8 Falcon Way, the closest properties to the development. Given the orientation of the proposed blocks and the reasonable separation distances, it is not considered that the proposal would have a material impact in terms of overlooking between habitable rooms.
- 8.83 The proposal is therefore considered acceptable in terms of overlooking and complies with CS policy SP10, saved UDP policy DEV2 and IPG policy DEV1.
- 8.84 Noise disturbance
- 8.85 Saved UDP policy DEV50 states that the Council will consider the level of noise from a development as a material consideration. Given that the proposal is wholly for residential use within a predominantly residential area, there would be no undue noise impacts arising from the proposed use
- 8.86 Some disturbance is inevitable during the construction phase of the development, however. A conditioning limiting work to standard hours will be included on the decision to ensure any such disturbance is not unreasonable.
- 8.87 **Transport Impact**
- 8.88 The site has a Public Transport Accessibility Level (PTAL) of 3, indicating average public transport accessibility. The site is located just 20m to the west of Mudchute DLR station,

which offers good links to the rest of the Isle of Dogs, Canary Wharf and London generally.

- 8.89 National guidance on transport provision is given in PPG13: Transport. London Plan polices 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23. CS policy SP09 and IPG policies DEV16, DEV17, DEV18 and DEV19 (2007) in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
- 8.90 Saved UDP policy T16 (1998) requires that consideration is given to the traffic impact of operational requirements of a proposed use and saved UDP policy T18 (1998) seeks to ensure priority is given to the safety and convenience of pedestrians.
- 8.91 The application is supported by a Transport Statement and a Residential Travel Plan Framework produced by CampbellReith, both dated 15<sup>th</sup> June 2010.
- 8.92 Car parking
- 8.93 Many of the objectors to the application mentioned that the development should provide car parking spaces. In line with Council policy no car parking has been provided, but for one disabled bay to the north of the site. The developers will sign up to a S106 car free agreement if planning permission is granted preventing occupiers of the development from obtaining a car parking permit.
- 8.94 Several of the objectors mentioned that whilst car-free agreements are admirable in principal, they rarely function well in practice, as residents of 'car-free' developments often own cars and park illegally.
- 8.95 This is a matter best dealt with through enforcement. It is for the Council to control parking on the adopted highway of Spindriff Avenue, and the Clippers Quay Management Company to control parking on the privately owned Undine Road.
- 8.96 Given the location of the site, so close to Mudchute DLR, it is considered that a car-free development is appropriate for the site and would comply with CS policy SP09 and IPG policy DEV19.
- 8.97 Cycle Parking
- 8.98 The application proposed 40 cycle parking spaces. These are provided within the rear gardens of the residential dwellings, in the basement of each building and towards the north of the site. The precise type of stand has not been confirmed, but this matter can be adequately dealt with by way of condition.
- 8.99 The proposed cycle parking provision complies with London Plan policy 3C.22 and is considered acceptable.
- 8.100 Servicing/deliveries
- 8.101 There is no provision for the parking of servicing/delivery vehicles on the site. Therefore, servicing would have to take place from the surrounding highways network, as is the case in most locations. It is unlikely that vehicles would park on the bend of Spindriff Avenue, so the best place for servicing would be from the privately owned Undine Road.

- 8.102 Several objectors have mentioned that rights to use Undine Road for these purposes would not be given. However, no information has been provided to demonstrate that such use of Undine Road is not allowed, and regardless, this is a matter for the developer to agree with the owner of the road.
- 8.103 Servicing and deliveries from the surrounding road network are considered safe and acceptable in planning terms.
- 8.104 Impact on local transport infrastructure
- 8.105 The proposal is only for 26 residential units and it is not considered it would have any undue impact upon the capacity of the local road or public transport networks.
- 8.106 **Other planning matters**
- 8.107 Air quality
- 8.108 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work. The application has been accompanied with an Air Quality Assessment prepared by ACCON UK, dated 23<sup>rd</sup> June 2010. The study considers these potential impacts.
- 8.109 The study concludes that development of the site should not be constrained by air quality matters. Given the site is in an existing residential area, it is not considered there are likely to be air quality problems with the development. Any excessive dust or debris during the construction phase can be controlled by conditioning a construction management plan.
- 8.110 Biodiversity
- 8.111 Several objectors mentioned that many different species of bird are found locally, along with foxes and bats. The submitted Ecology Survey, dated 29<sup>th</sup> June 2010, states that a bat survey should be undertaken before work at the start commences. It is considered this matter can be adequately dealt with by way of condition, and appropriate action taken if/when bats are found on site.
- 8.112 The application proposes a green and brown roof. It is considered that the green and brown roof will maintain the ecological value of the application site and the surrounding area and therefore accords with London Plan policy 3D.14.
- 8.113 Renewable Energy and Energy Efficiency
- 8.114 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation.
- 8.115 The proposals aim to reduce carbon dioxide emissions by 28.64%. Air Source Heat

Pumps and photovoltaic panels are proposed to help the development achieve Code for Sustainable Homes Level 4. Conditions will be attached to ensure Code 4 is achieved.

8.116 Flood Risk

8.117 The site is located within flood zone 3. The application has been accompanied by a Flood Risk Assessment produced by Hyder, dated 25<sup>th</sup> June 2010, which the Environment Agency were consulted on.

8.118 Amongst the measures taken to prevent flood risk are setting the ground floors of the proposed buildings at or above 3.56 AOD and inclusion of a green roof. The Environment Agency has no objections to the scheme, subject to conditions, which will be included on the decision notice.

8.119 Subject to the relevant conditions the proposal complies with advice given in Planning Policy Statement 25: Development and Flood Risk, London Plan policies 4A.12 and 4A.13, saved policies U2 and U3 of the adopted Unitary Development Plan and policy DEV21 of the Council's Interim Planning Guidance and is considered acceptable.

8.120 S106 Contributions

8.121 Policy SP13 of the Core Strategy, policy DEV4 of the adopted UDP and Policy IMP1 of the Tower Hamlets Core Strategy and Development Control Plan September 2007 say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

Section 122 of the Community Infrastructure Levy Regulations 2010 states that any s106 planning obligations must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as education, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

The proposed heads of terms are:

8.122 Financial contributions

- a) A contribution of £148,300 towards mitigating the demand for local primary school places.
- b) A contribution of £47,342 towards mitigating the demand for local open space.
- c) A contribution of £27,622 towards leisure facilities in the borough.
- d) A contribution of £ 6,136 towards library facilities in the borough.

8.123 Non-financial contributions



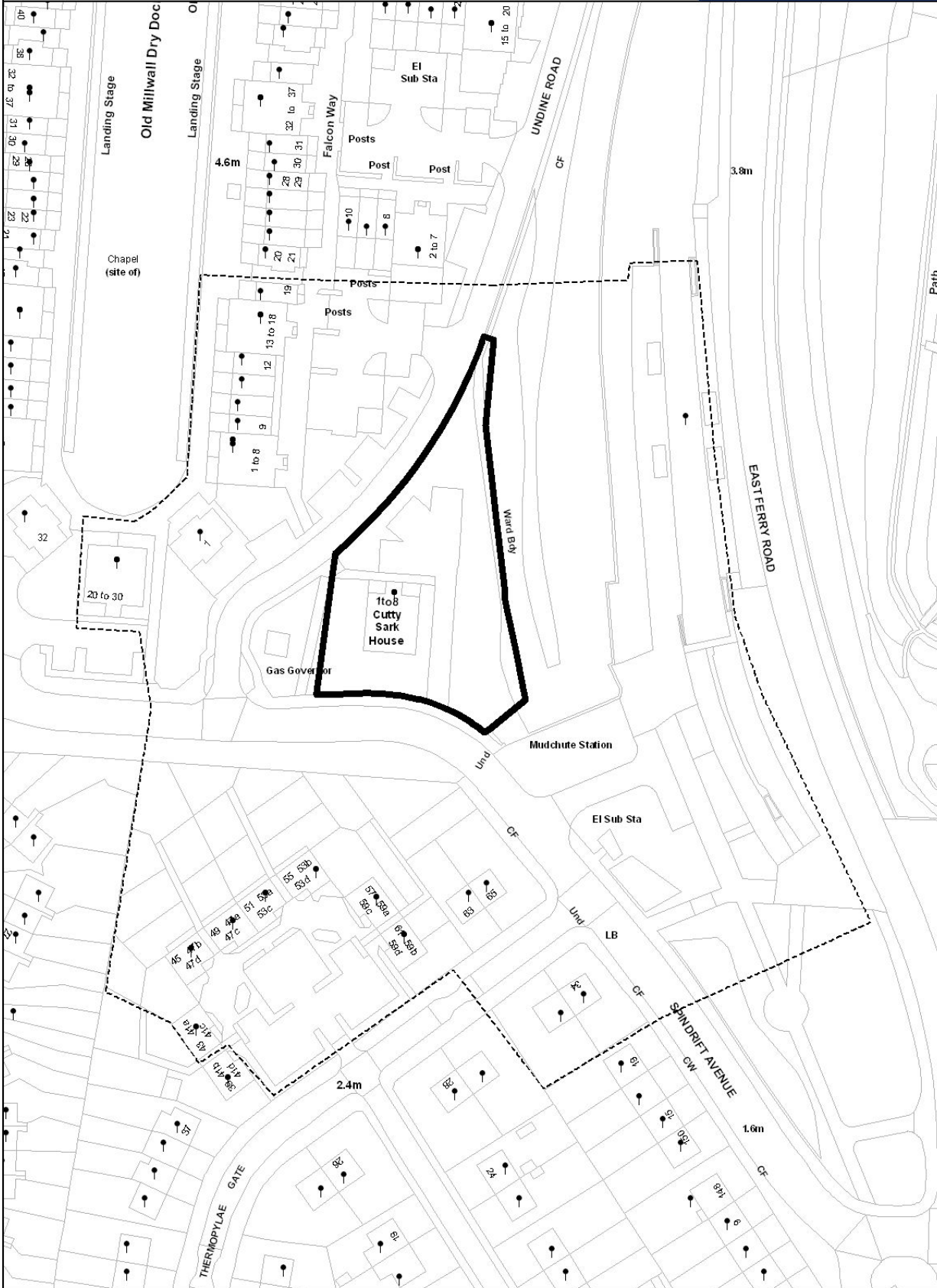
- 8.124 a) Twenty-six units (100% of the development) is secured as affordable housing, with a tenure split of 63% social rent to 37% intermediate in terms of habitable rooms.  
b) 100% of development to be car free.
- 8.125 Objections to the application have been received stating that the development would put an unacceptable strain on local infrastructure. However, it is considered that the above contributions would sufficiently mitigate any such impact.
- 8.126 For the reasons identified above it is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the tests of circular 05/05 and the tests in the Community Infrastructure Regulations 2010.
- 8.127 **Other matters**
- 8.128 Designation as Metropolitan Open Land
- 8.129 Several objections received mentioned that the site should be designated as Metropolitan Open Land. At present it is not designated as such, and this application must be determined on the current designation. Furthermore, as set out in policy 3D.10 of the London Plan, for a parcel of land to be designated as Metropolitan Open Land, it must satisfy the following criteria:
- Contributes to the physical structure of London by being clearly distinguishable from the built-up area;
  - Include open air facilities, especially for leisure, recreation sport, arts and cultural activities and tourism which serve the whole or significant parts of London;
  - Contain features of historic, recreational, nature conservation or habitat interest, of value at a metropolitan or national level;
  - Form part of a green chain and meets one of the above criteria.
- 8.130 The site is separated from Mudchute Park and Farm by the DLR line, so does not form part of a green chain, and is simply not large enough or used in a way that would warrant inclusion in the first three categories.
- 8.131 For this reason it is not considered that significant weight can be given to possible future designation of the land as Metropolitan Open Land.
- 8.132 Parliamentary Undertaking on part of the site
- 8.133 A large number of objections received mentioned that there is a Parliamentary Undertaking on the site stating that when the DLR was extended a strip of land to the east of the site was to be landscaped. The objectors feel that this obligation has never been fully discharged.
- 8.134 When dismissing the previous appeals on this site, the Inspector noted that *'the status of the DLR undertaking to the Council is a matter that both parties accept as being*

*satisfactorily resolved and thus not material to the consideration of these appeals*'. It remains the case that the matter has been resolved to the satisfaction of the Council, and it can be afforded only little weight during the consideration of this application.

#### 8.135 **Conclusions**

- 8.136 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	

## APPENDIX 2 – Addendum to original Committee Report

### BOROUGH OF TOWER HAMLETS

# DEVELOPMENT COMMITTEE

10<sup>th</sup> November 2010 at 7:00 pm

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## UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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### INDEX

Agenda item no	Reference no	Location	Proposal
7.3	PA/10/01486	Cutty Sark House, Undine Road, London	Demolition of existing building and erection of two buildings (1 x 4-storey and 1 x 5-storey) to provide 26 residential units and associated landscaping.
7.4	PA/10/1470	Site at 60 to 61 Squirres Street & 52 Florida Street, E2 6AJ	Erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building.
7.5	PA/10/01683 & PA/10/1684	Christchurch Primary School, 47A Brick Lane, London, E1 6PU	Remodelling, restoration and extension to existing primary school including the provision of 6 classrooms, a full size main hall, full service kitchen, group rooms, meeting rooms, staff room and storage.

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<b>Agenda Item number:</b>	7.3
<b>Reference number:</b>	PA/10/01486
<b>Location:</b>	Cutty Sark House, Undine Road, London
<b>Proposal:</b>	Demolition of existing building and erection of two buildings (1 x 4-storey and 1 x 5-storey) to provide 26 residential units and associated landscaping.

## 1.0 Point of clarification.

- 1.1 Further to publication of the Committee report, a formal consultation response has been received from National Grid. The Council has also received four additional written representations to the scheme from neighbours or their representatives. Three are in objection and one provides comment only.

## 2.0 Additional information received.

- 2.1 National Grid has no objection to the application.

- 2.2 The additional neighbour representations relate to the following matters:

- Construction of a wall along the western boundary of the site
  - Proximity of the development to the Gas Governor
  - Designation of site as Metropolitan Open Land
  - Servicing/refuse arrangements
  - Openness of site
  - Lifetime Homes/disabled car parking provision
  - Opposition of the local community to the scheme
- 2.3 • A security wall is currently being constructed along the boundary between the Gas Governor site and the application site, which the report takes no account of. This wall will compromise the amenity of the occupiers of the ground floor units of the western block.

**(Officer comment:** *From assessment of a site plan submitted by a representative of the Clippers Quay (Millwall) Management Company Limited, it appears that the wall currently under construction would not constitute permitted development and no planning application has been submitted to the Council. Case law shows that in order for a fence or wall to constitute permitted development under Part 2 of the General Permitted Development Order, it must fulfil the function of enclosure. From the site plan sent to the Council it is clear that the proposed wall would not perform such a function. As such the Planning Enforcement Team has been asked to investigate the alleged breach of planning control. Regardless, two of the affected ground floor units (at the northern and southern ends of the block) are duplex units and would have only one habitable room impacted by the wall. Both*

*of those rooms enjoy other natural light and outlook sources, either to the north or south of the building. Thus only one unit would be materially affected by construction of the wall. Given that construction of the boundary wall as proposed would appear to be unlawful, little weight can be given to its potential impact upon the proposed development).*

- 2.4 • No response has been received from National Grid and to approve the scheme without a response could compromise the safety of future residents.
- **(Officer comment:** *A consultation response has now been received from National Grid, stating that they have no objections to the scheme)*
- 2.5 • The report misconstrues the issues concerning the Parliamentary Undertaking and Metropolitan Open Land (MOL) – the argument is not that the site should be MOL, but that it is MOL.
- **(Officer comment –** *As a matter of fact the site is not designated as MOL and for the reasons stated in the main report it is highly unlikely to gain such a designation).*
- 2.6 • The report does not adequately deal with the issues of servicing or refuse collection. Servicing would not be allowed from Undine Road.
- **(Officer comment –** *Undine Road could function perfectly well for the purpose of servicing the proposed residential units. Whether or not the applicant has, or would be granted, legal rights to use it for such purposes, is not a matter for the Local Planning Authority. In planning terms the use of Undine Road for servicing arrangements is acceptable).*
- 2.7 • The proposed security wall and the 0.5m set-in from the western boundary shown on the amended plans will have an impact upon the openness of the site not considered in the report.
- **(Officer comment –** *The assessment in the Committee Report has been made on the basis of the amended plans, which show the 0.5m set-in. Regardless of whether or not the proposed security wall is lawful and fully constructed, it is considered the Cutty Sark House development would retain an acceptably open setting).*
- 2.8 • Disabled parking bays are not shown on the plans and the scheme is not Lifetime Homes compliant.
- **(Officer comment -** *The proposed disabled bay is shown on the amended ground floor plan. It is located to the north of the site. A condition will ensure scheme is fully Lifetime Homes compliant).*
- 2.9 • Two public meetings have been held recently where this scheme has been discussed. There is strong opposition to the scheme from the local community.

- *(Officer comment -The Council is fully aware of the staunch opposition to the scheme from some sections of the local community. However, the application has been assessed on its planning merits)*

### 3 **RECOMMENDATION**

- 3.1 The additional representations have been considered and the officer's recommendation remains unchanged.

## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	7.4
<b>Reference number:</b>	PA/10/1470
<b>Location:</b>	Site at 60 to 61 Squirres Street & 52 Florida Street, E2 6AJ
<b>Proposal:</b>	Erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building.

### 1.0 Clarifications

- 1.1 In table 4.1 of the report, the proposed areas of the two units are 73 m<sup>2</sup> and 83 m<sup>2</sup> respectively.
- 1.2 In paragraph 4.2, the word 'concrete' should be removed. As such, the first sentence should read "When the development is constructed, it is proposed to clad the solid external walls with metal material".
- 1.3 In paragraph 4.5, Johnson House which is located to the north of the site is 11 storeys in height and not 6 storeys in height.
- 1.4 In paragraph 8.6, the 3<sup>rd</sup> sentence should read " The buildings in the immediate area range from 2-11 storeys in height and primarily articulated in brick and/or render cladding"
- 1.5 In paragraph 8.8, the first sentence should read " The proposed living/dining areas are on the lower floors and the bedrooms are on the upper floors of the duplex units", as correctly identified in paragraph 4.1 of the report.



Agenda Item number:	7.5
Reference number:	PA/10/01683 & PA/10/1684
Location:	Christchurch Primary School, 47A Brick Lane, London, E1 6PU
Proposal:	Remodelling, restoration and extension to existing primary school including the provision of 6 classrooms, a full size main hall, full service kitchen, group rooms, meeting rooms, staff rooms and storage.

### 1.0 Additional information received.

- 1.1 Two additional letters have been received. These both relate to the removal of the temporary at the western end of the site. The letters are in support of the removal of the building but state that a new building should not be built in its place.

*(Officer response: These concerns do not relate to the current application and are therefore not considered to influence the officer's recommendation for the proposal.)*

One of the letters also raises concerns regarding the loss of classrooms that would occur if this development were approved.

*(Officer response: This has been addressed in point 7.3 of the committee report)*

### 2.0. Typographical Error

- 2.1 Within point 3.2 of the report the sentence should read:

That the Corporate Director Development & Renewal is delegated power to impose conditions [and informatives] on the planning permission and listed building consent to secure the following matters:

As such the **recommendation** is amended as follows:

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission and listed building consent
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions [and informatives] on the planning permission and listed building consent to secure the following matters:
- 3.3 **Conditions for full planning application**

1. Time Limit – three years
2. Development to be carried out in accordance with the approved plans
3. Ventilation details/ extraction system details/location of the flue
4. Contaminated Land
5. Archaeological watching brief on the development when all excavation of footings or other below ground works take place
6. No construction or storing of materials within the root protection area of the trees.
7. Construction management plan
8. Construction Hours (8am – 6pm Monday to Friday, 9am – 1pm Saturday only)

#### 3.4 **Informatives**

1. This planning application should be read in conjunction with listed building consent PA/10/01684

#### 3.5 **Conditions for listed building consent**

1. Time limit
2. Development to be carried out in accordance with the approved drawings
3. Materials to be submitted

#### 3.6 **Informatives**

1. This Listed Building Consent should be read in conjunction with planning application PA/10/01683