



Meeting of the

DEVELOPMENT COMMITTEE

Thursday, 10 February 2011 at 7.00 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Carli Harper-Penman Vice-Chair: Councillor Judith Gardiner	
Councillor Peter Golds Councillor Ann Jackson Councillor Mohammed Abdul Mukit MBE Councillor Kosru Uddin Councillor Stephanie Eaton	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)
[Note: The quorum for this body is 3 Members].	

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Zoe Folley, Democratic Services, Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Thursday, 10 February 2011

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.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 12th January 2011.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 10

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

To note the procedure for hearing objections at meetings of the Development Committee.

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The deadline for registering to speak for this meeting is **4pm Tuesday 8th February 2011.**

6. DEFERRED ITEMS

Nil Items.

7. PLANNING APPLICATIONS FOR DECISION

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7 .1 Land Adjacent To Bridge Wharf, Old Ford Road, London

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**Mile End &
Globe Town;**

7 .2 Keeling House, Claredale Street E2

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**Bethnal
Green North;**

8. OTHER PLANNING MATTERS

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8 .1 Phoenix School, 49 Bow Road, London, E3 2AD

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Bow West;

8 .2 Planning Appeals December 2010 - January 2011

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All Wards;

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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, 12 JANUARY 2011

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

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Judith Gardiner (Vice-Chair)

Councillor Peter Golds

Councillor Ann Jackson

Councillor Kosru Uddin

Councillor Stephanie Eaton

Other Councillors Present:

Councillor Craig Aston

Councillor Oliur Rahman

Officers Present:

Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Pete Smith	– (Development Control Manager, Development and Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Mohammed Abdul Mukit MBE.

Apologies for lateness were received from Councillor Ann Jackson.

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
Judith Gardiner	7.1	Personal	Former Councillor of the Limehouse ward
Peter Golds	7.1	Personal	Had dealt with routine Members enquiries and had received representations from residents of the area.
Kosru Uddin	7.1	Personal	Lives in ward concerned

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 15th December 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 Site at land adjacent to railway viaduct, Gill Street, E14

It was noted that Councillor Ann Jackson could not vote on this item as she had not been present during the entire consideration of the application.

Owen Whalley (Service Head Planning and Building Control Development and Renewal) introduced the item.

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

Mr Geoff Sumnall spoke in objection. He had been asked by the Limehouse Community Forum to represent their concerns. The objections concerned loss of a community facility, open space and amenity issues.

He commented that the existing site provided a valuable area of open space. The new facility however would occupy 40% of the site. Therefore would result in a loss of open space, which was contrary to Council policy. In view of this he questioned whether the scheme could be relocated elsewhere.

He also objected to the access arrangements. Access would now be from an alternative point. Therefore would produce new movements along limited access routes.

Furthermore, the predicted number of visitors and vehicle activity at peak times would have a serious impact on the highway.

He considered that the plans to secure full community use should be agreed in consultation with the community before planning permission is granted. Otherwise this valuable community facility could be lost. He recommended that the application be refused.

Sister Christine Frost spoke in objection to the application. She stated that she was representing the SPLASH organisation. The key issue was the loss of the portacabins. Ms Frost stated that they were given to the community for community use in response to a local campaign to compensate for the loss of a community space.

Ms Frost considered that the portacabins had been used for a wide range of activities. (i.e. for children's parties, classes, Councillor's surgeries). She considered that women in particular found the existing facility very accessible and it was available to all faith groups. She queried whether the new community facility would be just as accessible to all groups. She questioned whether another site could be found for the existing community facility which was clearly run by and was for the community.

She feared that the community would lose a longstanding community facility.

Councillor Craig Aston spoke in objection to the application. He declared a personal interest in that he was the local ward Member and held his ward surgeries on this site. He also expressed concern over the loss of a community resource and resultant loss of community events there. He considered that the proposals didn't match the entire community's needs. He doubted the finding that the majority of visitors to the mosque would visit it by foot. Instead he feared that there would be traffic implications in the adjacent streets. The Council would be disposing of a valuable community resource for 'nothing'.

Mr Aun Qurashi (Applicant's Agent) spoke in support of the application. He drew attention to the Officers report. The report considered that the scheme would continue to provide a community facility with no adverse impacts and that it complied with policy. Therefore it should be granted.

Mr Qurashi considered that the community facility would be available for use to all community groups, and would provide a much better and larger community facility. It would be available at all times during opening hours save on Friday's during prayer. The only limitations would be anything incompatible with the mosque's activities. The majority of the site would be retained as green open space.

Ila Robertson (Applications Manager, Development and Renewal) presented the report. Ms Robertson explained the existing provision and uses and the new proposal. The application had been subject to a full public consultation exercise as set out in the report. Officers addressed the main issues raised in objections around design, amenity, highways impacts, loss of existing community facility and impact on open space.

Officers considered that the design complied with policy and was in keeping with the area. Overall it marked an improvement on the existing building with no adverse impacts on the surrounding area. In terms of amenity impact, the travel survey indicated that the vast majority of visitors to the mosque would arrive on foot and the area was a controlled parking zone, so there would be no adverse highways impact. The hours of operation would be conditioned. Furthermore there would be no loss of community floor space.

It was also noted that, whilst there would be a loss of estate grassed amenity land, this was not widely used for amenity purposes. On balance the loss of this space was considered acceptable given it would be for community use.

The applicant was happy to enter into an agreement securing wider community use of the hall by way of planning condition.

In summary the scheme complied with policy and therefore should be granted consent.

Officers also reminded the Committee that the issues around the disposal of the site were not relevant to this application and that the Committee should focus solely on the planning merits of the scheme.

In reply to the presentation, Members expressed concerns over loss of community space.

Accordingly, Members sought assurances that the community hall would be available to all community groups as at present. In particular they sought assurances that it would be accessible to women, all faiths groups and for a wide variety of events. They considered that steps should be taken to secure such diversity of access.

Members also questioned:

- The term 'incompatible uses'. Asked that this be clarified.
- The ratio of male/female facilities. Number of disabled facilities.
- Adequacy of the waste storage facilities especially during Ramadan. Could an additional condition be added to deal with the waste produced at such peak times.
- Whether there were any issues between the current mosque and the activities of the existing portacabins.
- Measures to mitigate the loss of mature trees.
- The differences in planning terms between community and religious use and also whether there would be any business activity.

Concerns were also raised that the amplified called to prayer could be very noisy to neighbouring properties. It was also feared that there would be an increase in traffic/parking issues at peak times on Fridays.

In response to the questions, Officers clarified the following points -

- The planning permission would only be for religious/ community uses. Any proposal to use it for business purposes would be a change of use and require new planning permission.
- The building was designed for use by all groups. No element of the design excluded any group.
- The number and location of the male, female and disabled facilities.
- The issues surrounding the awaited Management Plan. It was anticipated that the plan would identify and regulate hours and proposed usages. A key aim of which was to secure widespread community use of the hall equal to the existing provision.

With the permission of the Chair, Councillor Golds asked the Applicant to address the concerns around access to the community hall.

In reply, the applicant's agent Mr Qurashi addressed the Committee for a further 3 minutes. He considered that all community uses and all faith events would be welcomed to use the hall. There were no plans for amplified calls to

prayer. The proposed number of male/female facilities met the minimum requirement in building regulations.

Accordingly in view of the issues -

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

That planning permission for the construction of a new mosque and community centre be **DEFERRED** pending the following:

- That a Management Plan be developed and presented to the Committee to address the issues around diversity of access which should at least be equivalent to existing uses.
- That a further condition be added to any planning consent to address the issues around the management of food waste.

8. OTHER PLANNING MATTERS

8.1 Columbia Market Nursery School, Columbia Road, London, E2 7PG

Update Report tabled.

Owen Whalley (Service Head Planning and Building Control Development and Renewal) introduced this item regarding the Columbia Market Nursery School, Columbia Road, London. The Committee were reminded that the Council was prohibited from granting itself listed building consent.

Therefore it was recommended that the application be referred to the Government Office for London for decision with a recommendation to grant approval.

Ila Robertson (Applications Manager, Development and Renewal) presented the report. The application sought consent to complete works not completed prior to listing.

In relation to the consultation, English Heritage had submitted comments as listed in the update report. The Applicant was happy to accept their comments and the changes could be made through condition.

On a unanimous vote the Committee **RESOLVED**

That the application for the replacement of doors in main entrance; removal of window from rear entrance and replacement with doors be referred to the Government Office for London with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out in the report.

8.2 Langdon Park Secondary School, Byron Street, London E14 0RZ

Owen Whalley (Service Head Planning and Building Control Development and Renewal) introduced this item regarding the Langdon Park Secondary School.

On a unanimous vote the Committee **RESOLVED**

That the application for the demolition of part of a the dining building, single storage sheds and a boundary wall to facilitate the partial re-development of the site be referred to the Government Office for London with the recommendation that the Council would be minded to grant Conservation Consent subject to conditions as set out in the report

The meeting ended at 8.30 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 1st 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 7

Committee: Development	Date: 10 th February 2011	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2008 (Consolidated with alterations since 2004)
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

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

Brief Description of background papers:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

Development Plan unless material planning considerations support a different decision being taken.

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 7.1

Committee: Development	Date: 10th February 2011	Classification: Unrestricted	Agenda Item Number: 7.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Beth Eite	Ref No: PA/10/02510 Ward: Mile End and Globe Town

1. APPLICATION DETAILS

Location:	Land Adjacent To Bridge Wharf, Old Ford Road, London
Existing Use:	Vacant land
Proposal:	Erection of 2no. three storey, four bed houses.
Documents:	Impact Statement, Design and Access Statement, Arboricultural Impact Assessment by Marishal Thompson Group, Parking Survey Report by Stilwell Partnership
Drawing Nos:	2 (01) 00, 2 (03) 00, 2 (04) 00, 2 (05) 00, 2 (05) 01, 2 (05) 02, 2 (05) 03, 2 (09) 00, 2 (12) 00, 2 (12) 01, 2 (12) 02, 2 (12) 03, 2 (13) 00, 2 (14) 00, 2 (14) 01, 2 (14) 02, 2, (14) 03, 2 (20) 00, 2 (20) 01 and 2 (20) 02,
Applicant:	Renaissance Investments
Ownership:	As above
Historic Building:	N/A
Conservation Area:	Regents Canal & Victoria Park

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998 (as saved September 2007), the Council's Interim Planning Guidance for the purposes of Development Control (2007), the adopted Core Strategy (2010), associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) and Government Planning Policy Guidance and has found that:

- 2.1 The use of the site for residential purposes is considered acceptable in principle as it represents the re-use of previously developed land in accordance with PPS3, policy 3A.1 of the adopted London Plan (consolidated with alterations since 2004) and policy SP02 of the Core Strategy 2010 which all seek to deliver housing growth to meet general housing demand.
- 2.2 The design, scale and siting of the proposal is considered to be of a high quality which would be compatible with the surrounding pattern of development and would preserve the character and appearance of the Victoria Park and Regents Canal Conservation Area and would also provide a high quality living environment for the future occupants of the site in accordance with policies DEV1, DEV2, HSG7 and HSG16 of the Unitary Development Plan 1998, policies DEV1, DEV2, HSG2, HSG7 and CON2 of the Interim Planning Guidance 2007 and policies SP10 and SP12 of the Core Strategy 2010.

- 2.3 The development has been designed so as not to have any significant impact upon the amenities of the neighbouring occupants in terms of a loss of outlook, privacy and daylight and sunlight in accordance with policies DEV2 of the Unitary Development Plan 1998 and DEV1 of the Interim Planning Guidance 2007 and SP10 of the Core Strategy 2010.
- 2.4 There is not considered to be any significant impact upon the health and amenity value of the existing mature trees on the site and the provision of a green roof seeks to ensure the promotion of biodiversity on the site in accordance with policies DEV12 and DEV15 of the Unitary Development Plan 1998, policy DEV13 of the Interim Planning Guidance 2007, policy SP04 of the Core Strategy 2010 and policies 3D.14 and 4A.11 of the adopted London Plan (consolidated with alterations since 2004).
- 2.5 The development is considered to have a minimal impact upon the local highway network and would not contribute significantly to the on-street parking pressure in the locality. There is sufficient space for the storage of cycles within the development and the location of the refuse storage is acceptable in accordance with policies DEV56 and T16 of the Unitary Development Plan 1998, policies DEV15 and DEV16 of the Interim Planning Guidance 2007, policy SP09 of the Core Strategy and policy 3C.1 of the adopted London Plan (consolidated with alterations since 2004).
- 2.6 The development is considered to improve the relationship with the blue ribbon network in accordance with policy SP04 of the Core Strategy 2010 and policies 4C.8, 4C.10 and 4C.11 of the adopted London Plan (consolidated with alterations since 2004) which requires new developments to respond positively and sensitivity to the setting of the water spaces and improving the quality, usability and accessibility of the environment.

3. RECOMMENDATION

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

Conditions

- 1 Time limit
- 2 Development to be carried out in accordance with the approved plans
- 3 Samples of all external materials to be submitted
- 4 Details of the tree protection measures.
- 5 Details of the green roof
- 6 Risk assessment and Method statement outlining all works to be carried out adjacent to the water
- 7 Details of hard and soft a landscaping scheme shall be submitted
- 8 Details of a feasibility study shall be carried out to assess the potential for moving freight by water during the construction process
- 9 Details of the proposed lighting scheme for the development shall be submitted
- 10 A survey of the dock edge with a method statement and schedule of repairs and dredging works shall be submitted.

- 11 Restrictions on permitted development
- 12 Front doors to the dwellings should only open inwards
- 13 Boundary treatment details
- 14 S278 for highways works.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks permission for two detached houses which would be three storeys in height providing four bedrooms. They would be of a contemporary design with a flat roof, constructed predominantly of brick. They would have a staggered 'zig-zag' footprint and would be positioned at approximately 45 degrees to the road.
- 4.2 Due to the change in levels from the front to the rear of the site the houses would appear as 2.5 storeys from Old Ford Road and three storey from the rear. The garden areas would be at the lower level at the rear of the site, adjacent to Bridge Wharf.

Site and Surroundings

- 4.3 The application site is a vacant plot of land which is located to the north west of Bridge Wharf which is an inlet from Regents Canal that runs directly to the north east of the site. It is located within the Regents Canal conservation area and the Victoria Park Conservation area – the boundary running through the site.
- 4.4 The plot of land currently consists of an area of grass with some mature Willow trees located in the northern corner. The front of the site is obscured from view at present by a brick wall which varies in height from 1.8m to 2.6m and is located adjacent to the pavement.
- 4.5 Directly to the south of the site is a development known as Bridge Wharf. This is a residential development approved in 1992 which is part three, part 4 storeys in height and has a curved design. The three storey element of the development is located closest to the application site. There is a means of escape from Bridge Wharf to Old Ford Road which is located to the south west of the application site.
- 4.6 There is no one style to properties in the locality. To the north and directly opposite the application site is a four storey property which appears to be a converted public house. Along Old Ford Road to the east and west there are period properties which remain well maintained and attractive in appearance. To the east these are three storeys plus basement and to the west these are two storeys. Within close proximity of the site there are a number of high rise blocks of flats including the tower blocks of the Cranbrook Estate to the south, beyond the Bridge Wharf development.

Planning History

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

PA/06/00347 Provision of two residential moorings, each measuring 20 metres in length

by 4 metres width approximately, at Hammerhead Berth linked to Grand Union Canal. Withdrawn

- PA/06/00950 Provision of a single permanent residential mooring for a barge or canal boat (Sui generis use) measuring 20 metres in length by 4 metres width approximately, on the north-western side of the inlet, known as Hammerhead Berth on the Grand Union Canal.
Refused 1/12/2006
Allowed at appeal (APP/E5900/A/07/2046969) on 25/1/2008 – now expired.
- PA/08/00548 Erection of a part 4 part 5 storey building comprising of 9 residential units (4 x 1 bed, 1 x 2 bed and 4 x 3 bed) Withdrawn
- PA/09/00879 Erection of three, four storey, four bedroom houses. Withdrawn

5. POLICY FRAMEWORK

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

Core Strategy 2010 (adopted September 2010)

Policies	SP02	Urban living for everyone
	SP04	Creating a green and blue grid
	SP10	Creating distinct and durable places
	SP12	Delivering Placemaking

Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV12	Provision of landscaping in development
	DEV14	Tree Preservation Orders
	DEV15	Retention / Replacement of mature trees
	DEV56	Waste recycling
	HSG7	Dwelling Mix and type
	HSG16	Housing amenity space
	OS7	Loss of open space
	T16	Traffic priorities for new development

Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV13	Landscaping and tree protection
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	HSG2	Housing mix
	HSG7	Housing amenity space
	CON2	Conservation Areas

Supplementary Planning Guidance/Documents

Residential Space

Spatial Development Strategy for Greater London (London Plan)

	3A.1	Increasing London's supply of housing
	3A.2	Boroughs Housing Targets
	3A.6	Quality of new housing provision

3C.1	Integrating transport and development
3D.14	Biodiversity and nature conservation
4A.11	Living roofs and walls
4B.1	Design principles for a compact city
4B.11	London's built heritage
4B.12	Heritage conservation
4C.8	Freight uses on the Blue Ribbon Network
4C.10	Increasing sport and leisure on the Blue Ribbon Network
4C.11	Increasing access alongside and to the Blue Ribbon Network
4C.13	Mooring facilities on the Blue Ribbon Network

Government Planning Policy Guidance/Statements

PPS1	Sustainable development and climate change
PPS3	Housing
PPS5	Planning and the historic environment

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

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

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 Environmental Health

- There may be inadequate natural light to the sub-ground level rooms. (**Officer comment:** *These rooms have an outlook to the rear which is south facing and is therefore considered to provide a reasonable standard of natural light to the occupants*)
- Sound insulation report should be provided to demonstrate compliance with part E of the building regulations. (**Officer comment:** *This would be requested by Building Control rather than the planning department*)

6.3 Highways

- There is sufficient space within the ground floor of each dwelling to provide cycle storage.
- There is little space off-street for the storage of construction materials or for vehicles to load. Given the constraints of the site a construction logistics plan is required.
- The site has a poor PTAL (PTAL 2), therefore it is not appropriate to require this development to be car-free or permit free. The applicant has provided a parking stress survey which shows that there is sufficient capacity within the Controlled parking zone (CPZ) to accommodate the additional parking generated by this development.

6.4 Tree Officer

- No objections to works proceeding providing mature trees are conserved and protected according to BS 5837 (2005).

6.5 Waste Management

- Development has allowed for adequate storage space for refuse and recycling, and current location access is suitable for collection service.
- The location of the bin store is far from the southern house, which is a concern where residents do not use the allocated bin store and instead place their waste out the front of the house. A more preferable design would be to allocate two smaller bin areas (one in the existing area, and one closer to the south house), which encourages responsibility for each household's waste as it is clearly identifiable. (**Officer comment:** *There is a distance of approximately 14m from the southern house, this is considered a reasonable distance for residents to carry their refuse. There is limited scope for the positioning of a separate bin store closer to the property due to the need to maintain the access to the Bridge Wharf development*)

6.6 British Waterways (Statutory Consultee)

- We are pleased that the two moorings are included in the waterspace.
- The building does appear quite close to the dock and dominant in comparison to the existing open site, though I am not aware of the height of the original building on the site.
- We would recommend the incorporation of brown or green roofs in the development.
- Bat and bird boxes would also be beneficial.
- Any new lighting scheme should ensure that there is minimal overspill into the canal to prevent it harming wildlife habitats.
- British waterways would like to see the site utilise its waterside location for waterborne transport for the transport of freight. A feasibility study, and implementation of its findings, should be carried out in connections with the potential use of the site for waterbourne transport.
- A landscape and management plan aimed at enhancing the visual and ecological value of the site should be provided and discussed with British Waterways.
- A contribution should be sought for environmental improvements to the canal and its towpath. (**Officer comment:** *Given that the development only seeks consent for two dwellings it is not considered reasonable to request financial contributions towards local improvements in the canal and tow path as the number of additional people in the area would be minimal*)

7. LOCAL REPRESENTATION

7.1 A total of 99 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 in response to notification and publicity of the application were as follows:

No of individual responses:	40	Objecting:	40	Supporting:	0
No of petitions received:	0				

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

Trees & biodiversity

- There is likely to be serious damage to the trees as the plans do not take into account the roots or the canopy which will be much more expansive. These trees provide a good natural habitat to a number of species including, birds, foxes and rabbits.

Highways

- The doors would open directly out onto Old Ford Road which could block the narrow

pathway for pedestrians passing by if people congregate outside the houses. There have been a number of serious car crashes on the approach to this bridge and any development which makes crossing the road at this point more difficult should not be allowed.

- There is no car parking provision for this development and there is already significant parking pressure in the local area.
- There does not appear to be any provision for the collection of waste from the site.
- There is no ability to service the development

Amenity impacts

- The proposal represents an overdevelopment of the site.
- The view towards the conservation area will be obscured.
- It will adversely affect the visual amenity of the canal side for pedestrians and canal using public.
- The houses would overshadow properties in Bridge Wharf.
- There may be a significant effect on water pressure in the area.
- There would be direct overlooking from the new houses into the properties on Bridge Wharf.

Character of development

- The materials used will clash violently with the surrounding area.
- The proposal represents a change of use as the area was last used as a disembarking point for the restaurant which was on the site. This therefore represents a change of use from business to residential and houses on this site will further preclude the use of the area as a loading / unloading bay or leisure point as part of the Blue Network.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. The principle of a residential development on the site.
2. The implications of the outstanding planning permissions and s106 agreement affecting the site.
3. The character and appearance of the proposal.
4. The impact of the proposal on the surrounding residential occupiers.
5. The quality of accommodation for the future occupiers of the site.
6. The impact upon the mature trees and biodiversity.
7. Highways implications including servicing and refuse provision.

The principle of residential use

- 8.2 The Council's records show that during the 1980's the application site was occupied by a restaurant. In 1992 planning permission was granted for the Bridge Wharf residential development (reference GT/91/00049). The granting of this planning permission included the application site and identifies the area as a location for a new social club.
- 8.3 The social club has never been brought forward as part of this planning permission and was not referred to in the conditions of the approval, or the s106 agreement that accompanied the application. The site remains a grassed area after the restaurant was demolished in the late 1980's / early 1990's. It is considered that the original use of the restaurant has been abandoned given the approximately 20 year lapse in development on the site.
- 8.4 The provision of additional housing is supported at the national, regional and local level.

PPS3 states that “A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.” should be applied to the provision of housing. Within the London Plan policy 3A.1 sets out targets for each Borough and requires Local Authorities to seek the maximum provision of additional housing possible. At the local level this is supported by the Core Strategy objective which seeks to “deliver housing growth to meet general and specialised housing demand in line with London plan housing targets”.

- 8.5 As the previous use of the site has been abandoned and the site is predominantly surrounding by residential development it is considered that the site would be suitable for residential use as this would represent a re-use of previously developed land in accordance with the requirements of national, regional and local policies.

Previous planning permissions and outstanding s106 agreement.

8.6 Residential mooring permission

A previous permission for a residential mooring within the inlet adjacent to the application site was granted on appeal on 25th January 2008. This permission was not implemented and has now expired. The issue of loss of privacy between the residential mooring and the new housing is considered to have been overcome by virtue of the expiration of the planning permission.

8.7 S106 agreement for Bridge Wharf development

- 8.7 A legal agreement was signed in June 2002 pertaining to the Bridge Wharf development. This sought to secure a number of items including the footings for a new bridge (but not actually for the bridge itself) to provide access from Bridge Wharf to Old Ford Road would require access to the east of the proposed dwellings.

- 8.8 Given that there is not a path which runs along the western side of the canal, this bridge would only serve to provide access for the Bridge Wharf residents to Old Ford Road. These residents already have a separate access to the west of the application site, consequently it was not considered cost effective to install the bridge.

Character and appearance.

- 8.9 The site is located within two conservation areas, Victoria Park and Regents Canal, the boundary between the two running through the site. Policy CON2 within the Interim Planning Guidance (IPG) requires all developments within a conservation area to preserve or enhance the distinctive character of the Conservation Area in terms of scale, form, height, materials and architectural design.
- 8.10 There is a variety of style and types of buildings in the area and it cannot be said that one particular style is dominant. Section 4.2 of the report details what the pattern of development is in the area which can generally be described as mixed. Heights and general massing of buildings is also varied with buildings ranging from 2 – 16 storeys, the directly adjacent buildings range from 2-4 storeys.
- 8.11 The design which has been chosen for this development is a contemporary style which has not attempted to replicate any one of the immediate buildings but creates a character of its own. Due to the level change throughout the site the buildings would appear as three storeys when viewed from the south and 2.5 storeys when viewed from Old Ford Road.

- 8.12 The buildings would each be constructed from brick (two slightly differing bricks to denote the different residences) with metal framed windows. Each house would have a green roof to help it blend in with the green character of the canal side when viewed from the upper storeys of the neighbouring properties.
- 8.13 The buildings would have a sleek, crisp design with large openings for the windows on both the front and rear elevation. It is considered that the houses will address both the street and the canal well providing visual interest from both public realms.
- 8.14 Given the mixed character of the area is it considered that the development preserves the character and appearance of both of the conservation areas that this development site spans.
- 8.15 Policies DEV1 of the Unitary Development Plan (UDP) and DEV2 of the IPG are also relevant as they provide general advice over what represents good design. Being sensitive to the capabilities of the site is seen as key and not resulting in an overdevelopment or poor space standards is important. Development should protect notable features within the site and should be designed at a human scale. Attention should also be paid to the requirements set out in policy SP10 of the Core Strategy (CS) which seeks to ensure that buildings promote good design which are sustainable, accessible, attractive, durable and well integrated with their surroundings.
- 8.16 The development has been the subject of negotiation with Council officers to reach a stage which is considered acceptable, with two previous applications being withdrawn due to concerns over suitability of the scheme for the site.
- 8.17 A major constraint for the site is the mature willow trees which are located to the east and the need to ensure that any development would not harm the health of these trees. It is considered that this proposal have achieved this and as a result of retaining the trees, the development would also retain elements of the existing open character of the locality.
- 8.18 There would be some reduction in views towards the conservation area, however the removal of the high brick wall which is adjacent to the pavement edge along Old Ford Road would open up the site and provide a more attractive public realm, therefore contributing to the character and appearance of the conservation areas it is located within.
- 8.19 Overall the proposal is considered to improve the appearance of what is currently a vacant site. It is considered that the proposed development is in accordance with the above policy aims and would deliver two high quality, well designed buildings which provide much needed additional family housing.

Impact upon the surrounding occupants

- 8.20 A number of objections have been received in respect of this development. Some concerns relate to car parking and servicing of the development along with concern about the potential loss of the trees on the site. Other concerns relate to the direct impact upon the amenities of the neighbouring occupants, predominantly those at Bridge Wharf which is to the south of the site. The concerns raised by these residents relates to overlooking and a loss of privacy, a reduced view out over the conservation area and overshadowing to the north facing windows.
- 8.21 Policies DEV2 of the UDP and DEV1 of the Interim Planning Guidance outlines that developments should not adversely affect adjoining buildings by a loss of privacy, outlook or a material deterioration of their daylighting and sunlighting conditions.

Privacy

- 8.22 This development has been designed so as to have a minimal impact upon the amenities of the surrounding residents. The proposed dwellings would be 14m away from the eastern wing of the Bridge Wharf building. However, due to the orientation and layout of the buildings there would be no habitable rooms which would directly face any habitable room windows within Bridge Wharf.
- 8.23 To the north of the site former public house which has been converted into residential use. There are windows from the proposed development which would face towards this property but they would be at an angle and not face directly towards these flats. Therefore, would not result in any direct overlooking.

Outlook

- 8.24 A number of residents have raised concerns about the loss of outlook these houses would create for the Bridge Wharf residents. It is not considered that this loss of outlook would be significant due to the distance between the proposed building and Bridge Wharf. The dwellings would be lower in height than the Bridge Wharf development and would therefore not be overbearing to the residents. The eastern and western outlook from the north facing windows of Bridge Wharf would not be affected and the staggered design of the new buildings would break up the elevations to appear less dominating from the northern view looking directly onto the site.
- 8.25 As the new buildings would appear as a 2.5 storey building from Old Ford Road, it is considered that this is compatible with the surrounding area and would not result in any significant loss of outlook from any properties to the north of the application site.

Daylight and Sunlight

- 8.26 Given that the application site is to the north of Bridge Wharf, it is not considered that there is any significant loss of light to the occupants of this property. As the path of the sun moves from east to west there would be no overshadowing caused from the proposed properties to the occupants of Bridge Wharf.
- 8.27 The nearest residential property to the north is the former public house on the corner of Stewardstone Road and Old Ford Road. It is not considered that the proposed dwellings would have any significant impact upon these occupants in terms of a loss of light or overshadowing due to the application site being an average of 16m away and at a lower level, causing the dwellings to only rise 2.5 storeys above the pavement level on Old Ford Road.
- 8.28 Overall it is considered that the impact upon the surrounding neighbouring occupants would be minimal and would not cause significant harm to the amenities currently enjoyed by the existing residents. It is considered that for the reasons outlined above, that the development complies with policies DEV2 of the UDP and DEV1 of the IPG which seek to protect residential amenity.

Quality of accommodation

Internal space

- 8.29 Each dwelling provides a kitchen, dining room and lounge at ground floor level, due to the site being lower than Old Ford Road the main outlook from these rooms would be to the south with only a high level window and the entrance door fronting Old Ford Road.
- 8.30 The upper two floors would comprise four bedrooms and two bathrooms. The staircase would be positioned within the centre core of each dwelling. Each bedroom would have a large window with a Juliet style balcony providing a good outlook from each habitable room.

Each room would be dual aspect providing good light levels into the dwelling.

- 8.31 The floorspace within each of the properties would be approximately 120sqm which exceeds the Council policy by 22sqm.

External space

- 8.32 Policy HSG7 of the IPG requires dwelling houses of this nature to provide 50sqm of private amenity space. To the rear of each of the properties a 24sqm garden area would be provided, which would be adjacent to the canal inlet. This would be south facing and so would be in direct sunlight for the majority of the day. The garden is approximately half of what is required for a house of this size. However, it is considered to be high quality amenity space adjacent to the canal and south facing. Therefore, given that quality of the amenity space, the proximity of the site to Victoria Park and the internal size of the dwellings this level of provision is considered acceptable in this instance.
- 8.33 Overall it is considered that the development would provide a good quality living environment for the future occupiers of the site and would be in accordance with policies DEV2 of the UDP, DEV1 of the IPG and S09 and SP02 of the Core Strategy which seeks to ensure that all housing in Tower Hamlets is of a high quality and is well designed

Trees and biodiversity

Trees

- 8.34 Policy DEV15 of the UDP states that the retention and replacement of existing mature trees will normally be sought in development proposals where the trees are considered to be of townscape or environmental value. There are a number of mature willow trees in the vicinity of the site, three immediately to the north east of the site and three within the triangle of land which is located on the south side of the canal inlet. These trees are considered to be of both townscape and environmental value and an asset to the conservation area.
- 8.35 An arboricultural report has been submitted with the application which provides details of the three Willow trees that are adjacent to the application site. It recommends that all three of the trees can be retained and if properly protected through the construction process will not be damaged. It also recommends that the tree closest to the proposed buildings has its crown reduced to provide clearance to the building and the tree closest to the bridge has its crown lifted to give clearance to the highway.
- 8.36 These trees have significant amenity value and a point of concern raised by a number of local residents is the long term future of the trees as there may be requests from the future occupiers of the site to prune these trees. Given these are already mature trees the potential for their increased growth is minimal. Furthermore the houses have been constructed so as to orientate away from the trees. This would make requests for their pruning in order to allow extra light into the houses unlikely.
- 8.37 Whilst such a request cannot be ruled out in the future, the trees are protected by virtue of being in a conservation area and as such, any proposal to reduce the size of the trees will require consent from the Local Authority who will be able to assess the impact upon the amenity value of the works at every stage.

Biodiversity

- 8.38 It is noted that this is currently a green site, however it is not classed as a 'Greenfield' site as there has been previous development on the site. Brownfield sites such as this are encouraged to be used for residential development.
- 8.40 Policy SP04 seeks to protect and enhance biodiversity and ensure that developments

achieve a net gain in biodiversity and promotes the use of green roofs. In this case, whilst some of the open area will be lost to housing, there would be a re-provision of green space at roof level. Overall there would be no net loss of green space on the site compared to the current situation. In comparison to the previous use of the site as a restaurant it is considered that this would be a net gain which is in accordance with policy SP04.

Highways, servicing and refuse

Car parking

- 8.41 The site has a Public Transport Accessibility Level of 2 which is poor. No vehicle parking is associated with the development which is supported by policy DEV19 of the IPG which allows for a maximum of 0.5 spaces per residential unit.
- 8.42 Policy SP09 within the Core Strategy promotes car free developments and seeks to minimise car parking provision for new development. As the site has a PTAL of 2 it is not considered reasonable to require this level of development to be car free and the occupants would be allowed to apply for car parking permits for the local Controlled Parking Zone.
- 8.43 A parking survey has been commissioned by the applicant in order to assess whether or not there is capacity for additional cars to be parked on the surrounding streets. The survey was carried out at two different times (one in the afternoon and one at night) and within a 300m distance of the application site. At both times there were in excess of 40 parking spaces available. It is therefore considered that the addition of two residential dwellings would not add significantly to the on-street parking stress in the immediate vicinity. This survey has been reviewed and concurred with by Highways officers.

Cycle parking

- 8.44 No cycle parking is shown for the proposed properties however, each dwelling would have its own garden and direct access from this to the street so there would be the ability for the occupants to store their bicycles within the curtilage of the site.

Refuse

- 8.45 The waste management section have confirmed that the location of the refuse storage is acceptable in terms of collections as it is adjacent to the pavement.
- 8.46 The department has however raised concerns about the requirement for the occupants of the southern dwelling to transport their refuse to the store and questioned whether this is likely to lead to the occupants not using the storage facility. There is limited locations where a refuse store can be sited for these dwellings, the 14m distance is not considered excessive for the occupants to carry their waste and is not likely to discouraged occupants from using.

Other Planning Issues

- 8.47 Concern has been raised about the development precluding the use of the site as a leisure point, as part of the Blue Ribbon Network. Part 4(e) of policy SP04 does seek to improve accessibility to and along waterspaces to maximise usability and promote these places for cultural, recreational and leisure uses. However, given the site is relatively small in area and is not well linked with the rest of the canal, it is considered that the scope for using this site for leisure purposes would be limited. Consequently, a refusal reason on this basis could not be justified, especially as there is no alternative proposal for its recreational use.
- 8.48 The properties would be accessed directly from Old Ford Road and concerns have been raised regarding safety, especially if people congregate outside the houses on what is presently a narrow strip of pavement. However the proposal would open up the site to a

degree by removing the wall along this section of the road thereby increasing the width of the pavement from the existing situation. In addition different pavement setts would be used to delineate the boundary between public highway and private land in front of the dwellings and a condition has been included to ensure that the front doors open inwards.

Conclusions

- 8.6 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.

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

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

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Agenda Item 7.2

Committee: Development	Date: 10 th February 2010	Classification: Unrestricted	Agenda Item Number:
Report of: Corporate Director of Development and Renewal Case Officer: Ila Robertson		Title: Extension of time for implementation of Planning and Listed Building Consents Ref No: PA/10/341 and 384 Ward: Bethnal Green North	

1. APPLICATION DETAILS

1.1 **Location:** Keeling House, Claredale Street E2

Existing Use: Residential and redundant water tank.

Proposal:

- A. Request to extend the time to implement of listed building consent PA/02/01618A dated 28th April 2005 for 'Conversion of redundant water tank on top of block into a maisonette. Works include extension of stair tower to serve new unit; reinstatement of concrete flue; inserting floors, partition walls and glazing into existing structures' to allow a longer period for implementation.
- B. Request to extend the time to implement of planning permission PA/02/01617 dated 28th April 2005 for 'Change of use of disused water tank enclosure to maisonette. Development to include extension of stair tower and insertion of glazing to tank structure' to allow a longer period for implementation

1.2 **Drawing Nos.** 9902/ 01A, 02, 03, 04, 05, 06A, 07, 09A, 10A, 11A and 12

Supporting Documents: Supplementary Submission Report KHWT/12/02 and Heritage Statement dated December 2010 and referenced KJWT/12/03

Applicant: Mr B Heron
Owner: Applicant (leaseholder) Revisions 2 Ltd (freeholder) leaseholders of other maisonettes have an interest in common parts
Historic Building: Grade II*
Conservation Area: Old Bethnal Green Road

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), the Council's Core Strategy Adopted September 2010 associated supplementary planning guidance, the London Plan and Government Planning Policy

Guidance and has found that:

a) Subject to appropriate conditions regarding detailed design, the proposed extension, alterations and works of refurbishment are acceptable in terms of their scale, form and design. The proposal therefore complies with PPS 5, London Plan policy 4B.11, saved policies DEV1 and DEV37 of the Tower Hamlets Unitary Development Plan 1998 (saved 2007) and policies DEV2, CON1 of the Interim Planning Guidance: Core Strategy and Development Control Submission Document, policy SP10 of the Core Strategy Adopted September 2010, which seek to ensure that alterations to listed buildings preserve their special architectural and historic interest.

b) Subject to appropriate conditions regarding detailed design the proposed works would not be detrimental to the character and appearance of the conservation area, or strategic or local views in line with PPS 5, London Plan policy 4B.11 saved policies DEV1, DEV17 and DEV27 of the of the Tower Hamlets Unitary Development Plan 1998 (saved 2007) and policies DEV2, CON2 and CON5 of the Interim Planning Guidance 2007: Core Strategy and Development Control Submission Document 2007, which seek to ensure high quality design in the Borough and development which preserves and enhances conservation areas and protects designated views.

c) Subject to appropriate conditions the proposed dwelling would not be detrimental to the amenity of neighbouring residents or future occupiers, in line with save policy DEV2 of the Tower Hamlets Unitary Development Plan 1998 (saved 2007) and policies DEV1 and DEV10 of the Interim Planning Guidance: Core Strategy and Development Control Submission Document 2007 and policy SP10 of the Core Strategy Adopted September 2010 which seek to ensure satisfactory living conditions for residents.

3. RECOMMENDATION

3.1 That the Committee resolve to:

A **GRANT** listed building consent subject to the following conditions and informatives:

Conditions:

1. Time Limit for implementation three years
2. Full particulars of the materials and fixing details of glass screens and louvres.
3. All works shall be finished to match the original work in respect of materials used, detailed execution and finished appearance.
4. No external vents, flues, air conditioning units, telecommunications equipment or other plant or equipment shall be erected on the exterior of the premises.
5. The penthouse shall be added in such a way that the works are reversible should it be desirable to dismantle and remove the structure at a later date.
6. Implemented in accordance with approved drawings.
7. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives:

1. Listed Building Consent should be read in conjunction with planning permission PA/10/00341
2. Any other planning informatives(s) considered necessary by the Corporate Director Development & Renewal.

B That the Committee resolve to **GRANT** planning permission:

- 3.2 That the Corporate Director of Development & Renewal is delegated power to impose conditions and informatives on the planning permission.

Conditions

1. Time limit for implementation – 3 years.
2. Car free
3. The obscured sand blasted glass louvers and glazing must be installed prior to occupation of the unit and thereafter retained.
4. Hours of construction 8am and 6pm Mondays to Fridays only.
5. The maisonette shall not be occupied until the unit has been insulated with agreed noise mitigation measures
6. The roof area of the maisonette shall not be used for any purpose other than as a means of escape and to enable maintenance of the structure.
7. To be built in accordance with the approved drawings.
8. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives:

1. Planning Permission should be read in conjunction with Listed Building Consent PA/10/00384.
2. This permission is subject to a car free legal agreement.
3. Any other planning informatives(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL, LOCATION AND BACKGROUND DETAILS

Proposal

- 4.1 On 28th April 2005, a planning permission (ref PA/02/01617) and listed building consent (ref PA/02/1618) were both granted with a condition stating that development must commence before expiration of five years from the date of the decision notice.
- 4.2 The proposal is a reconsideration of a previously permitted development with a view to extending the period allowed for its implementation. The development consists of conversion of a redundant water tank housing structure on the top of Keeling House, to create a one bedroom maisonette. In order to enable this conversion an extension to an existing external stair tower is required.

Legislative background

Background to Extension of Time Applications:

- 4.3 An application to extend the time limit for implementation can be made if the relevant time limit of an extant planning permission has not expired on either 1st October 2009 and/or at the date of the application, and if the development has not yet been commenced.
- 4.4 The Greater Flexibility for Planning Permissions Guidance issued by Communities and Local Government states that the Council should take a constructive approach towards these applications and given that the principle of the development has already been agreed, the focus of the determination should be on adopted policies and other material considerations (including national policies on matters such as climate change) which may have significantly changed since the original grant of permission.
- 4.5 It should also be noted that the Council also has the power to impose and/or vary conditions.

Grade I and II* Listed Buildings

- 4.6 Local authorities are not authorised to grant listed building consent for listed buildings of Grade I and II*. In London there is a requirement for the Local Planning Authority (LPA) to seek authorisation from English Heritage if it is minded to grant such a listed building consent. In this instance English Heritage has given the Council the authorisation to determine the application.

Site and surroundings:

- 4.7 Keeling House is located on the south-east side of the junction of Claredale Street and Teesdale Street, not far south of Hackney Road. It is sited in its own curtilage the boundary of which to the east is with a new housing development on the site of Bradley House and to the south with the late C19th two and three storey terrace houses, shops and workshops of the Winkley Estate.
- 4.8 The building is a late 1950s 'cluster block' designed by Denys Lasdun and built as Council housing but sold after being 'spot listed' when threatened with demolition. It is one of the relatively small number of Grade II* listed buildings and also one of the very few post-war listed buildings. The immediate area is now a conservation area.

Relevant History:

- 4.9 PA/99/0827
& 1101 Listed Building Consent and planning permission for renovation of Keeling House including alterations, new entrance lobby, roof terraces with garden rooms and railings round the site approved 11th May 2000.
- PA/00/0758
& 759 Full Planning Permission and Listed Building consent for a 3 storey penthouse in water tank structure extended upwards

and with balconies at ends and a roof terrace refused on the 27th August 2000.

PA/00/0801
& 802

Full Planning Permission and Listed Building Consent for a 2 storey penthouse in water tank structure extended by balconies at each end and with roof terrace 27th September 2000. Appeals against refusals dismissed on the 2nd July 2001.

PA/01/0969
& 971

Full planning and listed building applications for a revised conversion into 2 storey penthouse wholly within the existing structure submitted but not determined. Appeal on non determination made the planning permission on the 3rd July 2002. Appeal allowed on the listed building application, but dismissed on the planning application.

PA/02/01617
& 1618

Listed Building Consent and planning permission for further for an amended 2 storey penthouse in water tank to incorporating privacy measures to overcome the reasons for dismissal of the 2002 appeal on the 28th April 2005

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 Core Strategy Adopted September 2010

SP10 Creating distinct and durable places

5.3 Government Planning Policy Guidance

PPS 5 Planning and the Historic Environment

5.4 Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (London Plan 2008)

3C.1/3C.23 Reduce Car Usage

4B.11 Built Heritage

5.5 Unitary Development Plan 1998 (as saved 2007)

ST28 Reduce Car Usage

DEV1 Design

DEV2 Amenity

DEV7 Background Views

DEV27 impact of minor alterations in conservation area on the building in question and on the conservation area

DEV37	Alterations to Listed Buildings
HSG13	Internal Space Standards
HSG16	Amenity Space

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

DEV1	Amenity
DEV2	Design
DEV10	Noise and Vibration
HSG7	Amenity Space
CON1	Alterations to Listed Buildings
CON2	Development in Conservation Areas
CON5	Protection of local and strategic views

5.7 Community Plan 2008/09

A great place to live
A safe and supportive community
A healthy community

5.8 Other Documents:

Old Bethnal Green Road Conservation Area -Character Appraisal and Management Guidelines 2009

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 Health and Safety Executive (Statutory Consultee)

Do not advise against on safety grounds.

6.3 Highways

No details of car parking but communal on site parking noted; cycle parking should be provided; no details of refuse arrangements.

(Officer Comment – Keeling House has existing refuse arrangements which would not be affected by one additional flat, the curtilage provides sufficient space for cycle parking and some parking spaces. As there is not a space for every unit, a car-free condition should be added to any new planning permission for this development).

6.4 English Heritage (Statutory Consultee)

English Heritage originally raised concerns that the application was not accompanied by an assessment of the impact of the proposed development on the heritage assets effected as required by Policy HE6 of PPS5. They took the view, the application should not be determined until that assessment is provided.**(Officer Comment:** The *applicant has since provided an*

assessment which has been sent to English Heritage).

Following the receipt of the above assessment English Heritage have advised that the Council are authorised to determine the application for listed building consent referred to them as we think fit. They have advised that in so doing that they are not expressing any views on the merits of the proposals which are the subject of the application.

7. LOCAL REPRESENTATION

7.1 A total of 182 neighbouring addresses were consulted by letter, site notices were posted and a press notice published.

No. of individual responses: 26 object: 21 support: 5

No. of petitions: 1 opposing the proposal, containing 31 signatures (several of whom wrote individual letters also)

There was also an objection from the freeholder of the building (notified under Article 6 of GDPO) objecting to the works being carried out

7.2 The following issues were raised by objectors:

- Negative alteration to the character of listed building in conservation area
- Insensitive design with no architectural merit
- Damage to privacy of many properties, even with louvres private terraces and rooms will be overlooked
- Loss of light to habitable rooms
- Devaluation of flats on 14th floor (maisonettes on 14th-16th floor)
- Local and strategic views affected
- Lack of expert analysis of impact on fabric of the building

7.3 The points made in support were:

- Design sensitive to the original building and the conservation area
- Re-use of existing structure is environmentally responsible, and safeguards the structure thereby helping to preserve the overall character of the building and area
- No loss of amenity to existing top floor
- Includes restoration of flue

These comments are addressed below.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main issues arising from the development are:

- (1) Key Changes in Policy since 2005
- (2) Land use
- (3) Amenity
- (4) Highways
- (5) Design and Conservation

Key Changes in Policy Since 2005

- 8.2 Government Guidance identifies that applications for extensions to existing consents can normally only be refused if there have been material changes to the physical or policy context in which the original decision was made and which are significant enough to justify a different decision. There have been a number of changes in policy, but little in the surroundings, since 2005 and these are summarised below.
- 8.3 PPS 5 replaces PPG15 changing the terminology and introducing the term 'heritage asset to include not only listed buildings and conservation areas but ancient monuments, archaeological sites, and unlisted items of significance. The requirement to assess their significance and consider whether a proposal would harm that significance and, if it would, but not substantially, whether the development is acceptable in the interests of the long-term viability and conservation of the asset.
- 8.4 The London Plan has been consolidated. The Plan has only generalised policies relating to conservation of built heritage and generally defers to Government Guidance but has strong policies on traffic restraint.
- 8.5 Some policies of the Unitary Development Plan, including several regarding listed buildings and conservation area, have not been 'saved' as they replicate policy set out in Government Guidance.
- 8.6 The Council's Interim Planning Guidance (Core Strategy) was produced in 2007 with additional and updated policies on many topics including amenity and design and traffic restraint and designation of protected local views, including that of Keeling House.
- 8.7 The Old Bethnal Green Road Conservation Area was designated in 2008 and a Character Appraisal and Management Guidelines Document adopted in November 2009. Keeling House is included within its boundaries.
- 8.8 The only significant material change to the context of the site is the completion of the new housing development which replaces Bradley and Connett houses, which were designed as part of the estate which included Keeling House surroundings

Land use:

- 8.9 The water tank was ancillary to the principle residential use of Keeling House. As such its conversion to provide habitable space is in the same category as conversions of laundry rooms and suchlike on estates, and in line with policies seeking to provide additional housing in the Borough. The change of use in itself would not affect the appearance of the building or the character of the conservation area, but the associated physical works have raised concerns.
- 8.10 There are no new material considerations with regard to the layout of the proposed maisonette and the unit complies with minimum floorspace guidelines for a two person dwelling. The unit would have no private amenity space, initial proposals for balconies and roof terraces having been dropped early in the planning history, but this was and remains acceptable in the context of preserving the appearance of the listed building and the fact that

this is not a family dwelling. To ensure this, the planning permission is, and would again be, subject to a condition preventing the use of the roof as a terrace.

Amenity:

Privacy and Overlooking

- 8.11 A significant concern of objectors is that their roof terraces will be overlooked; this was also the case when this proposal was originally submitted in 2002 and the permitted scheme dealt with the issue then. UDP policies relating to residential amenity of neighbouring occupiers remain unchanged and those included in the Interim Planning Guidance do not change the principles of the saved policies.
- 8.12 Some overlooking of ground floor gardens from flats above, or between balconies and terraces, or indeed between gardens, is normal and the usual aim is to provide a more private area near the house. The Keeling House roof terraces were not an original feature of the building and were added as part of the 2000 renovations, they abut and overlook each other in the same way as neighbouring gardens would. The structures giving access to them were designed in the nature of conservatories rather than habitable rooms, although now in some cases apparently used as such.
- 8.13 The water-tank structure is on the building's core and not immediately above any of the eight terraces. The windows of the proposed maisonette are in the ends of the structure, facing out through the gaps between the wings rather than directly across the terraces.
- 8.14 Prior to the original permission for the proposal subject of the current application, an earlier version of the scheme was refused planning permission, on appeal. This was due to the potential impact on the privacy of existing top floor residents. However, significant measures were subsequently introduced to prevent any overlooking through roof lights to rooms below and to reduce overlooking of terraces to a minimum. This involves windows set back from the front edge of the openings, opaque glazing to the two side panels and opaque glass louvres in front of the central clear glazed panel, to limit outlook. These measures were considered acceptable when permission was granted in 2005. There is no material change to circumstances or policy which would suggest that the proposal is not still acceptable in terms of amenity.

Overshadowing and daylight/ sunlight

- 8.15 Concerns are also raised that the proposed stair extension will cause overshadowing. This was not considered to be substantiated at the time of the original application and circumstances have not changed.
- 8.16 As regards the amenity of the occupiers of the proposed dwelling, daylight and privacy would be satisfactory, because of its location and the large areas of glazing, but the constraints of staying within the volume of the existing tank housing and avoiding overlooking lead to a small unit with a restricted outlook. This has discouraged a number of would be developers of the unit and is one of the reasons the consents have not been implemented.

Noise

- 8.17 The tanks were sited on top of the lift motor room so noise and vibration from this must be prevented from causing nuisance to the occupiers of the new dwelling. The original applications included details of insulation and conditions required these measures to be carried out. However In view of updated Building Control and Environmental Health legislation a revised condition requiring submission and approval of insulation details is recommended.

Highways

- 8.18 Car free developments were not standard practice at the time of the original application. It is therefore suggested that any new permission includes an additional condition requiring the unit to be car-free. This would not prevent future occupiers from purchasing a private parking space within the Keeling House courtyard.

Design and Conservation:

- 8.19 Local residents have raised concerns about the changes to the appearance of the listed building.

External Appearance

- 8.20 The external works to the tank house itself would not change the silhouette of the building, as they consist only of set-in glazing to replace the temporary plywood panels which were put up to protect the open ends of the structure when the water tanks themselves were removed. The change of use would nevertheless be noticeable, in that the glass would catch the sun and at night interior lights and even movement could be visible. The relevant facades are however on the east and west elevations and the changes would not impinge on the north, entrance, façade or on the most well known and only long view, from the south. Views of the tank from the east and west are also restricted by the wings of the main building, which come together on the front of the core, and by the limited angles of view available from the public realm from narrow streets and between other buildings.
- 8.21 The flue is housed in a relatively narrow, concrete clad chimney running up the middle of the south side of the core. This was originally the highest element of the building as, for practical reasons, it had to project past the highest point of the roofs. The proposal is simply to reinstate the flue to its original form, something which would preserve and enhance the appearance of the building.
- 8.22 The concerns raised relate principally to the raising of the stair tower which would be a new extension on the outside of the building at high level. The tower is in a prominent position running up the middle of the north side of the core, above the main entrance of the block. It is narrow, just 2.4m, when viewed on end but projects some 5m out from the core. It is clad to match the rest of the building with no windows on the front elevation.
- 8.23 Because most of the dwellings in the block are maisonettes, the lift and main stair stop a floor short of the top, so the roof of the tower is just below the roof parapets of the wings. There are currently service stairs to the roof of the core and the tank house itself, which sits on top of the lift motor room, is accessed

by ladders. It is impossible to reach the proposed new maisonette from inside the service core, because of the motor room, so an extension to the existing stair tower, in identical style, is proposed. This would not only serve the entrance to the dwelling but also provide the stair between its two floors and would raise the structure almost to the level of the roof of the tank house, but sloping down as it projects from the building. This alteration would, as English Heritage advise, have an impact on the significance of the heritage asset and the consideration is whether it can be accepted as not substantially harmful and appropriate to help secure the optimum viable use of the asset and assist its long term conservation.

- 8.24 The alteration would be visible from the north but would not affect the silhouette of the building from that angle and the new stair would not impact on the most iconic view, from the south. In views from the east and west the illustrations suggest that it would have the effect of filling what appear from ground level to be gaps between the tank house and the north wings, but the impact is likely to be less than it appears in a cross-section, because it is set some 2m in from the ends of the tank structure. It is also quite likely that, if well implemented, both the conversion of the tank house and the stair tower may well be assumed by those not familiar with the building to be part of the original architecture.
- 8.25 The tank housing is redundant, but the structure is crucial to the shape and to the original functioning of the building and to leave it empty has the potential to create a maintenance liability. To convert it for a useful purpose, appropriate to the use of the main building, is welcome in principle and would contribute to new housing in the Borough. It is noted that under the original application English Heritage accepted the new addition as 'enabling development' and it is still considered that balanced against the benefits of putting the space to use the impact of the development is not so significant as to seriously reduce the significance of the heritage asset.

Conservation Area Designation

- 8.26 The Old Bethnal Green Road Conservation Area is primarily intended to protect the Winkley Estate a rare example in Tower Hamlets of a kind of 'company town', designed to provide homes, workplaces and shops and historically a centre of the furniture trade. The area extends to the south to include a listed school and a listed church and to the north to include Keeling House, because of its close proximity and connection to the Victorian Terraces. The most significant views are long views of the long terraces and the silhouette of Keeling House beyond, with its contrasting scale and architectural style.
- 8.27 Although to some extent the visual focus of the conservation area, particularly from the south, Keeling House is not reason for its designation. Its listed status gives it strong protection irrespective of the conservation area, but the designation serves to protect its setting. The conservation area did not exist in 2005 and is therefore a new material consideration, but the setting of Keeling House and the views of it remain as they were then, with the exception of the new estate to the west, which is of similar bulk and scale to that it replaced. English Heritage at that time chose to authorise the Council to determine the application as it saw fit and listed building consent was granted, taking into account the context of the building and its status as a local landmark. The alterations previously permitted on the north side of the building are not considered to detrimentally affect the significance of the

conservation area and the new designation is not considered to justify a change to the recommendation.

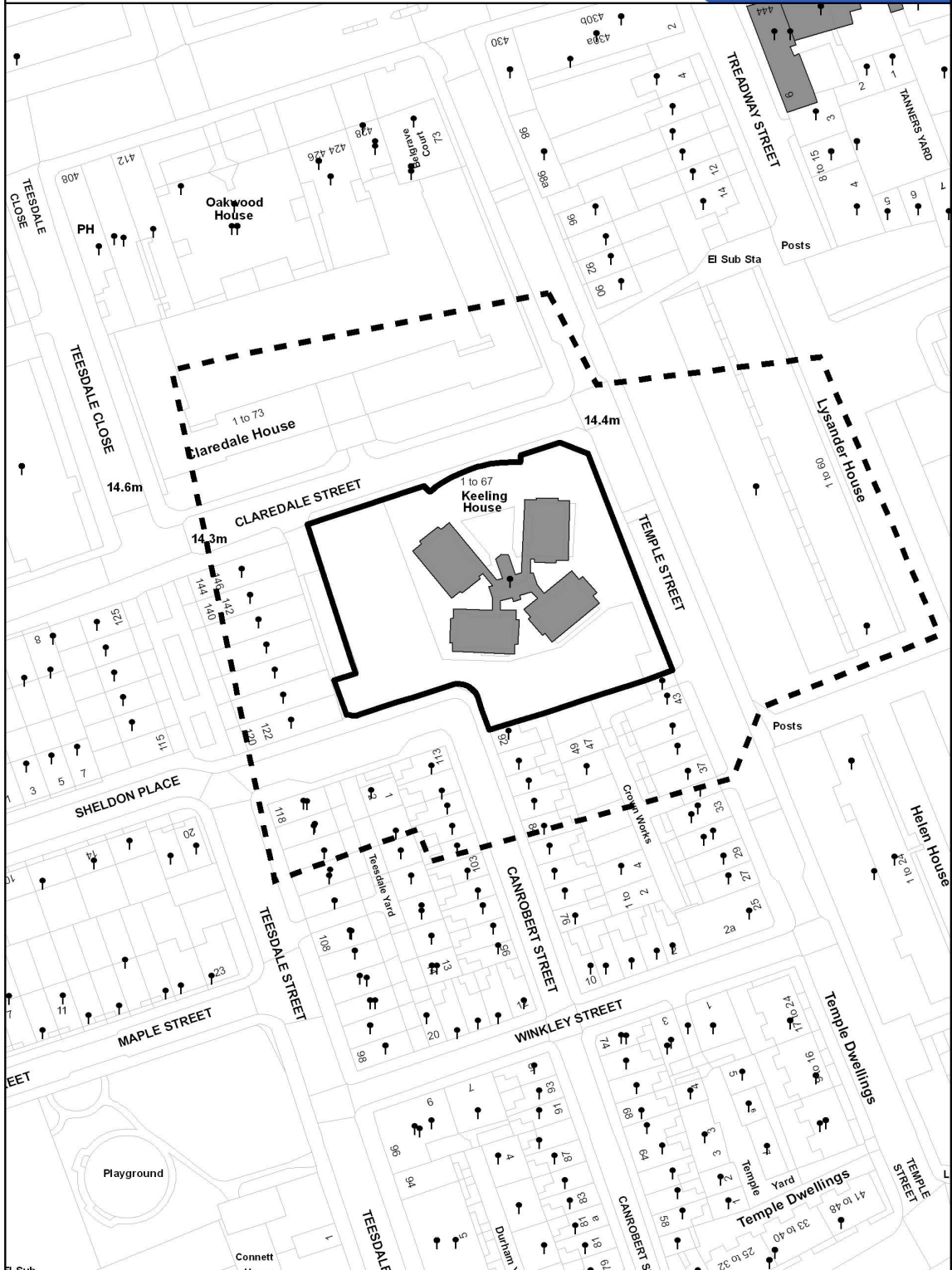
Strategic Views







- 8.28 As regards the strategic view background to St Pauls this is not a new consideration and there is not considered to be any detrimental impact as there is no overall increase in the height of Keeling House and the raised stair tower would not be discernable in such a long distance background view.

9. CONCLUSIONS

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

Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 30 m 1:1,140	

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

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Agenda Item 8

Committee: Development	Date: 10 th February 2011	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Owen Whalley Service Head		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

2. FURTHER INFORMATION

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

3. PUBLIC SPEAKING

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

4. RECOMMENDATION

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

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

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:
See individual reports

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Agenda Item 8.1

Committee: Development	Date: 10 th February 2011	Classification: Unrestricted	Agenda Item Number: 8.1
Report of: Corporate Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Nasser Farooq		Ref No: PA/10/1963	
		Ward: Bow West	

1. APPLICATION DETAILS

- Location:** Phoenix School, 49 Bow Road, London, E3 2AD
- Existing Use:** Phoenix special needs mixed school
- Proposal:** Alterations in connection with erection of two structures (including canopy and greenhouse) and formation of a new external access into an existing teaching room.
- Drawing Nos:** 100-00, 100-10,, 100-12 01 and 100-15.
- Applicant:** LBTH Children Services Directorate.
- Owner:** LBTH
- Historic Building:** Grade II* Listed.
- Conservation Area:** Adjoining Tredegar Square 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, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 Given the well concealed courtyard locations and the existence of similar structures, the proposed structures and new access door are considered acceptable in terms of design, scale, siting and height, as they relates satisfactorily to the listed school building. As such, the proposal would preserve the character and appearance of the adjoining Tredegar Square Conservation Area and the character, fabric and identity of the listed building. This proposal therefore meets the requirements outlined in Policy SP10 of the adopted Core Strategy (2010) and saved policies DEV1 and DEV37 of the Unitary Development Plan (1998) as well as policy DEV2, of the Council's Interim Planning Guidance (2007).

RECOMMENDATION

3. That the Committee resolve to refer the application to the Government Office for London with the recommendation that the council would be minded to grant Listed Building Consent subject to conditions as set out below.

- 3.1 1. The development allowed by this permission must begin within three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule to this planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The council seeks listed building consent for the erection of two structures (including canopy and greenhouse) and formation of a new external access into an existing teaching room.
- 4.2 The council is prohibited from granting itself listed building consent. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 During the course of the application, amended drawings showing the design of the door and omitting an extension were submitted to the Council. Given the changes had a minimal design and amenity impact, the amended drawings were accepted without the need to reconsult.

Site and Surroundings

- 4.4 Phoenix School is located at the northern end of Bow Road, adjacent to Bow Road Station. The site itself is fairly concealed by properties from Alfred Street to the east and Harley Grove to the west.
- 4.5 The school was constructed in 1952 and was listed in 1993. The listing is based on the main spine plan running north-south with series of attached two storey pavilions to east and west, forming open courtyards. A new extension was constructed in the late 1990's, enclosed the courtyards.
- 4.6 The school consists of a concrete frame with stock brick infill and low pitched copper roofs, with large windows and painted metal frames.
- 4.7 The west, southern and part of the east curtilage of the site forms the boundary of the Tredegar Square conservation area. The site itself is not located within the conservation area.
- 4.8 To the north is Byas House accessed from Benworth Street

Relevant Planning History

- 4.9 Planning permission has been granted on 22/11/2010 for the works proposed in this listed building consent, reference PA/10/01962. (N.B: this application did not require consent to be obtained by the Secretary of State nor did it need to be brought to the attention of committee members).
- 4.10 The site has an extensive planning history, with the earliest application in 1971. Of

these applications the following is the most relevant.

- 4.11 Under planning references BW/95/0001 and BW/95/0002 planning permission and listed building consent was granted on 05/04/1995 for the erection of single storey extension with covered walkway to provide classrooms and ancillary support facilities to school.
- 4.12 The implementation of the above extension enclosed the courtyards and forms the location of the current proposals.

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

PPS5- Planning and the historic Environment.

5.3 Adopted Core Strategy (2010)

SP07 - Improving education and skills
SP10 - Creating distinct and durable places

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

Policies: DEV1 Design Requirements
 DEV2 Environmental Requirements
 DEV27 Impact of minor alterations in conservation area on the building in question and the conservation area
 DEV37 Alterations to listed buildings to preserve special architectural or historic interest of the building, repair original features and replace missing items, traditional materials

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

Policies DEV 1 Amenity
 DEV 2 Design
 CON 1 Listed buildings
 CON 2 Conservation Areas.

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:

English Heritage

- 6.2 Following concerns originally expressed in our letter of 18th November 2010, the Conservatory element will be omitted from the proposed development. We are

content with the other elements of the proposal.

- 6.3 If the Authority is minded to grant consent comments and relevant documents should be sent to the Government Office for London for consideration on behalf of the Secretary of State.

7. LOCAL REPRESENTATION

- 7.1 A total of 116 neighbouring addresses were consulted by letter, a site notice was erected on 18th October 2010 and a press notice published 11th October 2010. No responses have been received.

8.0 MATERIAL PLANNING CONSIDERATIONS

Land Use

- 8.1 There are no land use issues. The proposals are to upgrade the school facilities in line with national, regional and local policies.

Design and Impact on the setting of the Listed building.

- 8.2 Adopted Core Strategy policy SP10 encourages development that preserves and enhances development that the heritage value of the immediate and surrounding environment. This is supported by saved Policy DEV 1 of the Unitary Development Plan (UDP) which states all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials.
- 8.3 Policies DEV 27 and DEV37 seek to ensure that development is appropriate to the setting of conservation areas and listed buildings. The policies state that new proposals should not have an adverse impact on the character, fabric or identity on the historic buildings.
- 8.4 Policy CON1 and CON2 of the Interim Planning Guidance (IPG) seeks to ensure development will not have an adverse impact on the character, fabric or identity of the listed building, and that it preserves or enhances the setting of the boroughs conservation Areas.
- 8.5 The proposed canopy would be free-standing and would be 6.5 metres in height and 14.7 metres in length. The structure would be created from white metal with glazing panels and would be located adjacent to an existing canopy of the same materials. It is considered that the proposal would be in keeping with the existing school, its surroundings and the character and appearance of the conservation area.
- 8.6 The proposed greenhouse would be created from a timber frame with non-coloured polycarbonate cladded walls and roof, which would be in the form of a monopitch. The proposal would be 5.5 metres in length and 8 metres in width. It is considered that this structure is of appropriate materials for its location and is of a scale which would be in context with the existing buildings on site.
- 8.7 The proposed access door is located on the north eastern side of would allow for one further access into an existing teaching room where there is currently only one. This would allow access to the teaching room without having to disturb pupils

undertaking lessons. The proposal would consist of a new concrete landing with a metal rail leading to a new white aluminium framed half-glazed door and side screen with a concrete lintel.

- 8.8 Taking the above into account it is considered that the proposal conforms to saved UDP policies DEV 27 and DEV 37 and CON1 and CON2 of the IPG which seek to ensure that development preserves the conservation areas and listed buildings and that new proposal does not have an adverse impact on the character, fabric or identity of the building.

Amenity:

- 8.9 Amenity issues were assessed during the consideration of the full planning application, which was approved on 22nd November 2010. For clarity purposes the Council considered the proposal and its possible impacts on the amenity of neighbouring properties and found that:-

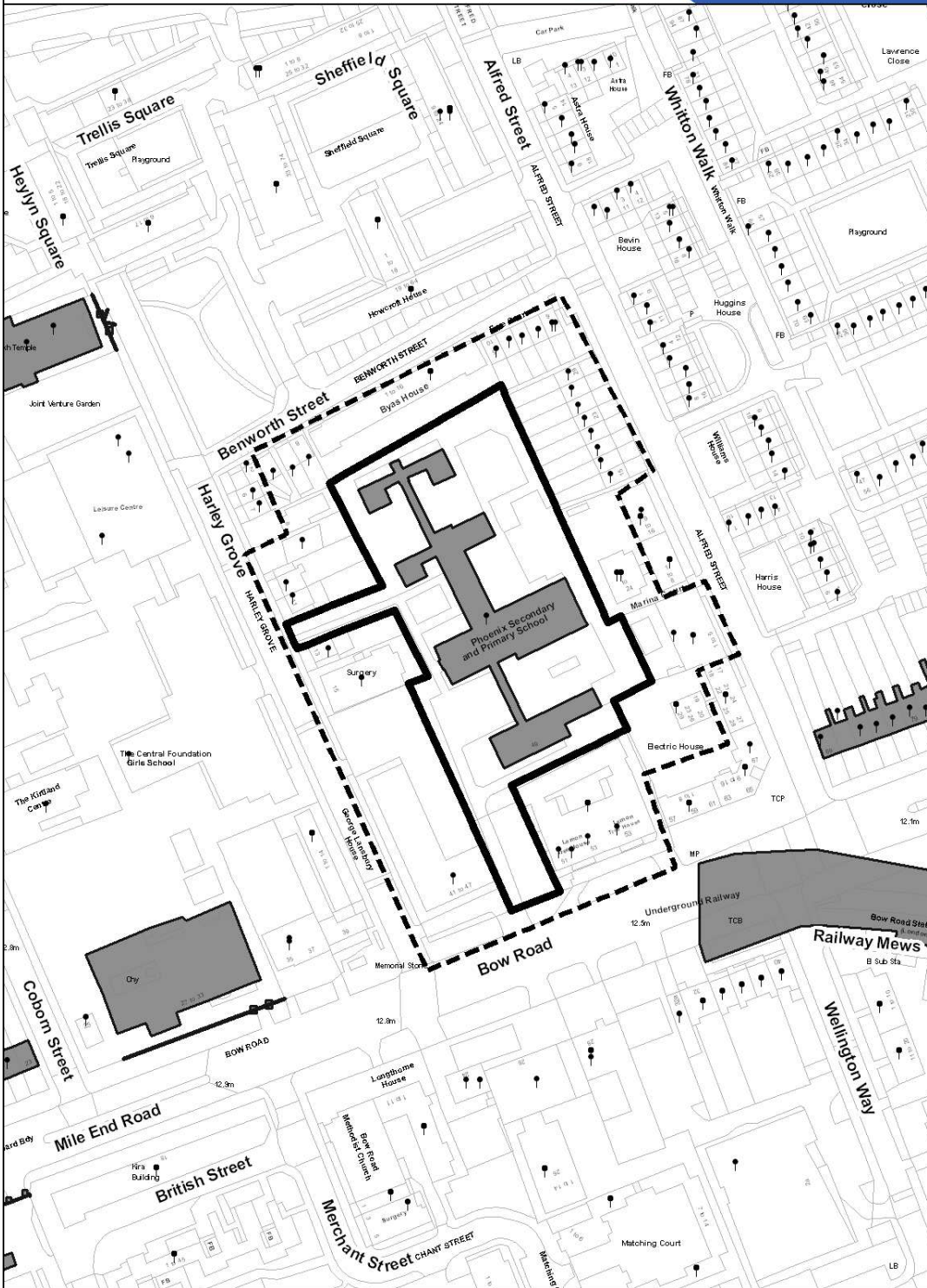
- 8.10 *The proposed structures would have a minimal impact upon neighbouring residential occupiers in terms of noise, disturbance, overlooking and a loss of privacy. This would be in accordance with Saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policies DEV1 and DEV10 of the Interim Planning Guidance (2007), which seek to safeguard the amenity of existing residential occupiers in the Borough.*






- 8.11 This application is for listed building consent and it is not necessary to reconsider this issue.

9 Conclusions

- 9.0 All other relevant policies and considerations have been taken into account The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



	Planning Application Site Boundary		Statutory Listed Buildings	
	Consultation Area		Land Parcel Address	

0 30 m
1:1,750

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

Agenda Item 8.2

Committee: Development	Date: 10 th February 2011	Classification: Unrestricted	Agenda Item Number: 8.2
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Report of: Director of Development and Renewal Case Officer: Pete Smith/Ila Robertson	Title: Planning Appeals
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1. PURPOSE

- 1.1 This report provides details of town planning appeals outcomes and the range of planning considerations that are being taken into by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.
- 1.4 For the purposes of this item, the reporting period is December 2010 – January 2011. In the future, this report will be presented on a regular monthly basis and as appropriate will also be referred onto the Strategic Development Committee, especially where appeals relate to applications determined by that Committee
- 1.5 In future reports, we aim to provide Members with details of the overall costs associated with the appeal process. Work is underway to determine these costs. Reports will also highlight instances of appeal costs awarded against or in favour of the Council.

2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

Application No:	PA/10/00243
Site:	Land at the junction with The Highway and Ensign Street
Development:	Display of 3 advertising poster hoardings and screen fencing
Council Decision:	REFUSE (delegated decision)
Appeal Method:	HEARING
Inspector's Decision	DISMISSED

- 3.2 The advertisement application the subject of the appeal initially proposed three hoardings, but as part of the appeal process, the appellant proposed a condition limiting the display of two of the posters for two years and the third for 3 months (to tie in with the present temporary uses of the site by UK Power Networks in connection with nearby tunnelling works).
- 3.3 The main issue in relation to the appeal was the effect of the proposal on the character of the area and nearby conservation area. The Inspector noted that The Highway at this point appears mostly commercial in nature and features substantial and large scale development interspersed with a number of more open areas which gives the area and expansive feel.
- 3.4 He concluded that the advertisements in place and those proposed would be overlarge and collectively, the advertisement display would appear cluttered and overcrowded which would not be mitigated by the suggested landscaping. He considered that the presence of either combination of hoarding is, or would be, materially detrimental to the character and appearance of the area and the neighbouring conservation area. He also concluded that the advertisement display has some detrimental effect on the setting of the Grade II listed building to the north east.
- 3.5 The appeal was DISMISSED. Planning Enforcement are working to have the advertisements removed.

Application No:	PA/09/02430
Site:	15-17 Leman Street and 1A Buckle Street, E1
Development:	Redevelopment of site comprising the construction of a 23 storey hotel including ancillary café, bar and restaurant with associated servicing and access
Council Decision:	REFUSE (delegated decision)
Appeal Method:	Public Inquiry
Inspector's Decision	DISMISSED

- 3.6 The main issues in this appeal were as follows:
- Whether the height, scale, massing and design would be harmful to the area's character;
 - Whether the development would cause harm to the residential amenities of occupiers of City Reach (privacy and outlook)
 - Whether the development would preserve the appropriate setting of neighbouring listed buildings and conservation areas
 - Whether vehicular access and servicing would interfere with the safe and

free movement of traffic on adjacent highways

- 3.7 The Inspector noted that the building the subject of the appeal would be seen in close association with the development proposed on the vacant Aldgate Union site to the north, where planning permission had previously been granted for an office and retail development of between 4 and 21 storeys. In view of other planning permission granted, the Inspector concluded that the development, by reason of its height, would not appear out of keeping with the areas character. However, he was concerned about the architectural detailing of the lower levels of the building, its sheer monumentality and its failure to engage with the public realm. As a consequence, he concluded that the building would appear out of scale with its surroundings. However, he was more comfortable about the proposed mass of the building which he felt was capable of making an original and pleasing contribution to the development of Aldgate.
- 3.8 As regards residential amenity, the Inspector was satisfied that the views of north facing residential windows would not be reduced by any amount that would create oppressive conditions and that residents would not have experienced a loss of privacy – (subject to the imposition of conditions).
- 3.9 The Inspector was satisfied that the development would not have harmed the setting of neighbouring listed buildings or the character and appearance of the Whitechapel High Street Conservation Area.
- 3.10 Finally, The Inspector found the proposal lacking in terms of the provision of adequate servicing and its failure to provide for the safe use by pedestrians in Buckle Street. However, in view of the close proximity of the site to public transport, he found no need for specific provision to be made for guests arriving by coach or taxi.
- 3.11 The appeal was DISMISSED
- 3.12 During the proceedings, the public inquiry had to be adjourned (following realisation that the inquiry arrangements had not been properly issued to interested persons). The Inspector allowed the application for an award of costs (albeit a partial award) to cover the appellant's costs in attending the resumed inquiry – once interested parties had been duly notified. In the event, no third parties expressed an interest to attend the inquiry.

Application No:	PA/10/00428
Site:	170, Commercial Road, E1
Development:	Certificate of lawful use (retail use on ground floor and the conversion of the first to third floors as a self contained flat)
Council Decision:	REFUSE (delegated decision)
Appeal Method:	Written Reps
Inspector's Decision	ALLOWED

- 3.13 This appeal related to the interpretation of the General Permitted Development Order and whether the proposed development required a planning application. The Inspector concluded that the use proposed was a mixed use of a shop with residential over and that the proposed use is considered lawful.
- 3.14 The appeal was ALLOWED.

Application No:	PA/10/00368
Site:	135 Brick Lane, E1
Development:	Change of use of a lather garment factory to a restaurant/take-away (Class A3 and A5) including re-roofing the rear and extract vents.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	Written Reps
Inspector's Decision	DISMISSED

- 3.15 The main issues with this appeal were the loss of the employment, the impact of the development on the character of Brick Lane and the amenities of neighbours in terms of noise and disturbance.
- 3.16 The Inspector was not satisfied that sufficient evidence had been presented as to the method and intensity of marketing and he felt that the size and shape of the ground floor fitted the description in the policy objective of flexible workspace. He concluded that the loss of the hybrid manufacturing/retail unit would clearly undermine planning policy aims.
- 3.17 As regards residential amenity and area character, the Inspector noted that the northern section of Brick Lane had a distinct character (with a lower level of activity) which he considered was important to retain. He felt the proposed change of use would set an undesirable marker which could begin to erode the fragile structure set by the present development pattern and lead to adverse residential amenity effects.
- 3.18 The appeal was DISMISSED.
- 3.19 This is a very helpful appeal decision in terms of seeking the appropriate balance between night-time economy uses within Brick Lane and the surrounding area and the need to protect neighbouring residential amenity.

Application No:	PA/10/00639
Site:	The Pipeline, 94 Middlesex Street, E1
Development:	variation of hours of use condition attached to planning permission (PA/97/01215) linked to a previous planning permission involving the conversion of the 1st- 4th floors to provide 23 self contained flats and use of ground floor for A3 (restaurant) purposes together with alterations and extensions at first to third floor.
Council Decision:	Non Determination – REFUSE (delegated decision)
Appeal Method:	Written Reps
Inspector's Decision	DISMISSED

- 3.20 This appeal considered the merits of the condition previously imposed, limiting the use of the ground floor restaurant. The main issue was whether the condition was reasonable and necessary to protect the living conditions of neighbouring residents.

- 3.21 The proposed variation sought to extend hours until 0030 hours (Monday to Wednesday, 0130 hours (Thursday to Saturday) and 0030 (Sunday). All these hours refer to the following morning. Whilst the Inspector noted that an alcohol/entertainment licence had been issued in respect of the proposed hours, he concluded that late opening (into the early hours) would lead to noise and disturbance (involving music and late night time comings and goings).
- 3.22 The appeal was DISMISSED. Planning Enforcement are now seeking to enforce the previously imposed conditions.

Application No:	PA/10/00709
Site:	1 Ellesmere Road, E3
Development:	Erection of a first floor extension
Council Decision:	REFUSE (delegated decision)
Appeal Method:	Written Reps
Inspector's Decision	DISMISSED

- 3.23 The main issues with this appeal were the impact of the extension on the living conditions of 3 Ellesmere Road and whether the proposal preserved or enhanced the character or appearance of the conservation area.
- 3.24 The Inspector concluded that the proposed development would have blocked daylight and sunlight from the neighbouring habitable window. As regards conservation area impact, whilst the inspector was comfortable with the scale of the development and conformity with the rear building line, he was critical of the proposed timber cladding of the external facades.
- 3.25 The appeal was DISMISSED.

Application No:	PA/10/00676
Site:	Morrison Flats North, 35A Commercial Road, E1
Development:	Change of use of part of ground floor to retail use, a 4 storey addition and rear extension, alterations to the existing 36 flats and the provision of a further 8 units (with cycle parking, refuse storage and rear servicing)
Council Decision:	REFUSE (delegated decision)
Appeal Method:	Written Reps
Inspector's Decision	ALLOWED

- 3.26 The main issue with this case was the impact of the additional storeys on the design integrity of the host building and on the setting of the site.
- 3.27 Planning permission had been previously granted for an additional two floors (back in 2009). The proposed four additional storeys would have resulted in a 10 storey building. There was a previous request for the building to be listed, which was declined by SoS for Culture Media and Sport – following advice from English Heritage.
- 3.28 The Inspector did not feel that the increase in height (almost doubling the height of the building) would materially harm the building. He also noted that the current proposal would utilise similar materials as the previous approved

(extant) proposal. Overall, he concluded that the design, scale and massing of the proposed additional floors and extensions would not harm the character of the building.

3.29 As regards wider setting of the site, he noted the diversity of building heights and styles and a recently constructed high rise flatted scheme opposite the site. With other taller building nearby, he was comfortable that visually, the building would be acceptable in townscape terms – with notable differences in height in comparison with other adjacent buildings in both Commercial Road and Alder Street.

3.30 The appellants submitted a signed undertaking agreeing to the regulation of car parking pressures (restricting the rights of occupiers of the 8 new flats to apply for a parking permit, other than registered disabled people).

3.31 The appeal was ALLOWED

4. NEW APPEALS

4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

Application No:	PA/03290
Site:	375 Cable Street E1
Development:	Change of Use form A1 (Retail) to A5 (hot food takeaway) with ventilation duct
Council Decision:	Refuse
Officer Recommendation	Grant (subject to conditions)
Start Date	1 December 2010
Appeal Method	Written Representations

4.2 This appeal was received early in December 2010 and in view of the level of interest associated with the proposed change of use and the issues associated with the case, officers requested that the case be heard by way of a Hearing, rather than written representations. However, by letter dated 25 January, the Planning Inspectorate advised that the case will continue to be processed under written representation procedure.

Application Nos:	PA/03290/10/01605/01603/01604
Sites:	Adj to 340 Bethnal Green Road, 267-269 Bethnal Green Road and 465 Bethnal Green Road, E2
Development:	Display of non illuminated advertisements (laminated stickers) on existing telecommunications cabinets
Council Decision:	Refuse (delegated decision)
Start Date	7 December 2010
Appeal Method	Hearing

4.3 These three appeals all related to the display of advertisement on telecommunications equipment cabins in Bethnal Green Road. Whilst the cases were due to be considered by written representations, the Planning Inspectorate has agreed to deal with them all at one Hearing. The Council has received a large number of these application types (advertisements displayed on equipment cabins) the majority which have been refused advertisement

consent.

Application Nos: *PA/10/01850/01849*
Site: *Dockmasters House, 1 Hertsmere Road E14 8JJ*
Development: *Creation of a nightwatchman's flat at the rear of the side alley adjoining the main building through the erection of a side extension (Appeal against refusal of planning permission and listed building consent)*
Council Decision: *Refuse (delegated decision)*
Start Date *8 December 2010*
Appeal Method *Written Representations*

- 4.4 The reasons for refusal related to the unacceptability of the extension in terms of design, mass, scale and use of materials resulting in the loss of existing historic fabric. It was further considered that the extension would not have achieved the architectural symmetry considered desirable for the preservation of the character and proportions of the existing building. The Council's statement has recently been dispatched.

Application No: *PA/10/01503*
Site: *145 Three Colt Street*
Development: *Retention of a outdoor canopy area to the rear of the property*
Council Decision: *Refuse (delegated decision)*
Start Date *4 January 2011*
Appeal Method *Written Representations*

- 4.5 This appeal is linked to an earlier on going planning enforcement appeal to remove the canopy structures and to cease the unauthorised use of the property as a shisha bar. It is likely that all three appeals will be determined together.

Application Nos: *PA/10/01890/01887*
Site: *Platinum Court, 3 Cephass Avenue*
Developments: *Retention of building as 18 student rooms (sui generis)*
Retention of building as 3x1 bed, 4x2 bed and 2x3 bed flats
Council Decision: *Refuse (delegated decision)*
Start Date *24 December 2010*
5 January 2011
Appeal Method *Hearing*

- 4.6 Planning permission was granted back in 2007 for a 5 storey building to be used as 7 flats. The development was not completed in accordance with approved drawings and planning enforcement proceedings are underway (including the service of an enforcement notice). These two applications sought to retain the building and use the accommodation as either student accommodation (18 student lets) or as 9 self contained flats. In both cases, planning permission was refused on grounds of the impact of the completed scheme on the character and appearance of the St Peters Conservation Area with excessive depth of development, height scale and outlook. It is likely that

these two appeals will be linked to the earlier on-going enforcement appeal.

Application No: PA/09/01380
Site: 600 Roman Road E3 2RW
Development: Appeal against conditions attached to planning permission requiring the recording of historic building details and historic analysis (Condition 4) and requirements to require the development to be car free (Condition 6).
Council Decision: Conditions imposed (delegated decision)
Start Date: 5 January 2011
Appeal Method: Written Representations

- 4.7 Conditions were imposed on a previous grant of planning permission in respect of the refurbishment and extensions to provide a financial and professional services use on ground floor and 2x2 bed units above. The conditions were attached to the planning permission and the appellant feels that in this particular case, the planning conditions are not necessary and do not meet the tests that apply to the use of planning conditions.

Application No: ENF/10/254
Site: 11 Gibraltar Walk
Development: Appeal against enforcement notice in respect of the unauthorised use of the property as a live/work unit.
Council Decision: Instigate enforcement action (delegated decision)
Start Date: 20 January 2011
Appeal Method: Written Representations

- 4.8 Properties in Gibraltar Walk are in lawful business use and the appeal property is being used primarily for residential purposes/live-work without the benefit of planning permission. The enforcement notice requires the reversion back to business use.

Application No: PA/10/00684
Site: 1 Sly Street E1
Development: Change of use of commercial unit to a live work unit.
Council Decision: Refuse (delegated decision)
Start Date: 2 December 2010
Appeal Method: Written Representations

- 4.9 Planning permission was refused on the basis that there was insufficient evidence that the office space is surplus to requirements. The application was refused also on the grounds that the proposed live/work unit would provide a poor standard of amenity with general lack of external amenity space and unacceptable levels of daylight and sunlight conditions.