



Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 6 April 2011 at 7.00 p.m.

A G E N D A

VENUE

M71 7th 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

Wednesday, 6 April 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 10 March 2011.

| PAGE NUMBER | WARD(S) AFFECTED |
|----------------|---------------------|
|----------------|---------------------|

3 - 12

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

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

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

4.00pm on Monday, 4 April 2011

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7 .1 Land Adjacent To Bridge Wharf, Old Ford Road, London 15 - 32

7 .2 St David's Square, Westferry Road, E14 33 - 44

7 .3 Site L11, Chrisp Street, E14 45 - 78

7 .4 Blithehale Court, 10 Witan Street, London 79 - 86

8. OTHER PLANNING MATTERS

8 .1 Planning Appeals 87 - 98

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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 THURSDAY, 10 MARCH 2011

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

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Ann Jackson
Councillor Stephanie Eaton
Councillor Craig Aston

Other Councillors Present:

Officers Present:

| | |
|---------------|---|
| Pete Smith | – Development Control Manager, Development and Renewal |
| Ila Robertson | – (Applications Manager Development and Renewal) |
| Fleur Brunton | – (Senior Lawyer - Planning Chief Executive's) |
| Jen Pepper | – (Affordable Housing Programme Manager, Development and Renewal) |
| Zoe Folley | – (Committee Officer, Democratic Services Chief Executive's) |
| | – |

COUNCILLOR CARLI HARPER-PENMAN (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Judith Gardiner, Peter Golds, Mohammed Abdul Mukit MBE and Kosru Uddin.

Councillor Craig Aston was deputising on behalf of Councillor Peter Golds.

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 |
|-----------------------|-------------------------|-------------------------|---|
| Carli Harper – Penman | 6.1, 7.1,7.2, 8.1 | Personal | Had received representations from interested parties. |
| Ann Jackson | 6.1, 7.1,7.2, 8.1 | Personal | Had received representations from interested parties. |
| | 7.1, 8.1 | Personal | Ward Member for Bow West |
| Stephanie Eaton | 7.1 | Personal | Had received representations from interested parties |

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 10th February 2011 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

6.1 Land Adjacent to Bridge Wharf, Old Ford Road, London

RESOLVED

That the item be deferred to a future meeting due to lack of quorum for the item.

In accordance with Section 11.4 of the Development Committee Procedural Rules, the Committee resolved to defer this application due to lack of Members present from the previous meeting. (The required number being three).

7. PLANNING APPLICATIONS FOR DECISION

7.1 Central Foundation School, Harley Grove & 41-47 Bow Road, London

Update Report Tabled.

Mr Pete Smith (Development Control Manager, Development and Renewal) introduced the application regarding the Central Foundation School, Harley Grove & 41-47 Bow Road, London

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

Ms Pat Smith stated that she was speaking on behalf of residents of Coborn Street. She relayed their concerns at the waste collection arrangements and the removal of the parking bays. She reported that at present waste was collected on site at 7am in the morning when nobody was there with the vehicles reversing in. This present system worked well and should be preserved.

Four parking bays would be lost. Would alternatives spaces be found? The area was very congested during term time already. It would be especially busy during construction time. Where would the constructions vehicles park?

She expressed concern at the plans to put refuse bins on the street and that it would obstruct the pavement. How would children get round this when visiting the school?

In summary the refuse collection should still be done out of school hours and the site should have more parking bays.

Ms Isobel Cattermole (Corporate Director, Children Schools and Families) spoke in support of the application. The school was a popular, voluntary aided non denominational school. The school provided a wide training agenda for both children and teachers.

She explained the profile of the school (including a balanced BME student base, the percentage of school meals provided). Whilst attainment was good, the site was less good and in need of renovation. So the funding from government was to renovate the site.

She briefly explain the key elements of the scheme, located over two sites, including the redevelopment of 41-47 Bow Road site to provide a sixth form block, the provision of a new building and refurbishment of existing buildings. The Trustees had purchased 41- 47 Bow Road to redevelop the sixth form block. The block and the college terrace would be managed by the Trustees once the project had been completed.

At present there was poor circulation, little connectivity with the wider community. The Applicant was sympathetic to the objections and the comments of English Heritage, addressing many of them by amending the scheme. In relation to the concerns around refuse collection and parking, Ann Canning, Service Head for Learning and Achievement, would be working with Officers to identify ways to mitigate the concerns.

Ms Ila Robertson (Applications Manager, Development and Renewal) presented the report. She described in detail the proposed works including:

- Provision of the new six form college (L-Block);
- Renovations to the grade II listed building (A Block);
- Demolition of a number of listed buildings including St Anthony's House;
- The erection of a new building in place of St Anthony's House (B&C Blocks) extending along Coburn Street;
- Works to existing buildings (D&T Blocks).

She addressed the main planning matters around the demolition of the listed buildings. The buildings were of little heritage value given the number of alterations.

Overall it was considered that the loss of the assets was considered appropriate given the considerable public benefits. Due to this, it was justifiable on policy grounds. The new buildings would improve the character of the area and would also facilitate better interaction between the school and the community.

The works to the listed buildings were conditioned as set out in the Officer report and the update report. The works to the blocks were modest. Any further changes to the listed buildings would require a further consent so this was a safeguard.

Officers circulated images of the proposal showing views from the street scene.

The site had an excellent Public Transport Accessibility rating. The travel survey indicated that most of the trips to the school would be on foot. In relation to the waste collection arrangements, Highways were dissatisfied with the reverse manoeuvres for collection, and were recommending the system be changed. Accordingly, parking bays would be removed to facilitate the new servicing systems. Officers clarified the location of these spaces. The Construction Management Plan was subject to agreement with Environmental Health and Highways Officers. The scheme would also have no adverse impacts on the amenity of neighbouring properties.

Overall the scheme would provide much needed educational improvements for the Borough. The public benefits far outweighed any harm and therefore should be approved.

In response, Members raised the following issues:

- That the net loss of car parking spaces be confirmed.
- Expressed concerns about existing parking congestion in Coborn Street and requested that Officers look into the feasibility of changing the Pay and Display bays to residential bays.
- The historic value of the St Antony's Building.
- Whether the community benefits could still be secured without its removal?
- Sought assurances that the views of English Heritage in the update report were up to date.
- The choice of colours for the exterior. Reasons for the lack of uniformity.
- The merits of changing the refuse servicing arrangements.
- Members questioned why the existing on site system needed to be changed as it worked already. It was asked whether this could be reviewed to save the loss of parking spaces?

In response, Ms Robertson reported the following issues –

- There would be a net loss of four parking spaces. The equivalent of eight metres on each street. (Coborn Street and Harley Grove)
- Any requests to change the parking bays would need to be referred to Community Localities and Culture, who managed such services, and subject to public consultation. Officers were happy to report the Committee's views around redesignating the bays to the Parking Services Department.
- Consideration could be given to retaining the on site refuse system.
- The reasons why St Antony's House was not considered worthy of statutory listing due to the number of the alterations.
- It was considered that the loss of the building was appropriate given the improvements. There was no chance such facilities could be provided without its removal. It would also enable better engagement between the school and the community.

- The views of English Heritage regarding the building were set out in the report. The comments in the update report related to Block T.
- Reasons for the choice of colour, designed to complement the listed buildings and create a modern appearance.

Accordingly Councillor Ann Jackson proposed an amendment, seconded by Councillor Carli Harper Penman, "That a condition be added that details of refuse servicing for the school be submitted in writing to the Council with a view to ensuring refuse servicing takes place on site". On being put to the vote, the amendment was declared **carried**.

On a vote of 2 for and 0 against with 1 abstention the Committee **RESOLVED**

- (1) That planning permission, listed building consent and conservation area consent for the redevelopment of the school, including the following matters, be **GRANTED** subject to the conditions and informative set out in the report.

Redevelopment of the school including:

- Use of 41 – 47 Bow Road as a sixth form college.
- Demolition of a number of buildings, included locally listed St Antony's building.
- Erection of building up to four storeys in height adjacent to the grade 11 listed building on Bow Road.
- Remodelling and refurbishment of existing buildings being retained.
- Installation of two glazed lifts to D&T block.

- (2) That a further condition be added as follows:

That details of refuse servicing for the school be submitted in writing to the Council with a view to ensuring refuse servicing takes place on site.

It was noted that Councillor Eaton could not vote on this item as she had not been present at the beginning of the item.

7.2 Oakfield House, Gale Street, London

Update Report Tabled.

Mr Pete Smith (Development Control Manager, Development and Renewal) introduced the application regarding Oakfield House, Gale Street, London

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

Mr Charlie Rabicano said that he was representing a large group of residents in the area. They had submitted petition and a report. Whilst they supported affordable housing on the site, this scheme was inappropriate for the site and it did not comply with policy. The site area had been wrongly calculated to

include adjacent land. It was unfair to include this as amenity land. The scheme was too high therefore would affect the amenity of the surrounding properties. It would cause loss of light. The figures for sunlight were in excess of the BRE requirements. The worst affected windows were the main bedroom windows. Our report showed that there would also be overshadowing in evening when the residents would be coming back from work.

He considered that the internal space between the buildings would create a high fence and a back street. The Council should uphold the Planning guidance and refuse the Application.

(Note: The second registered speaker failed to attend the meeting. Therefore the two supporters were allocated 1 ½ minutes each to address the Committee).

Ms Sunara Begum spoke in support of the Application. She stated that the scheme would provide housing for large families. She and her large family had lived in the Borough for nine years in a tiny overcrowded flat with no play area for her children. Many of her friends and family also lived in similar conditions. Therefore there was a real need for decent family homes in the Borough. Whilst noting the concerns about parking, she considered that many of the parking spaces in the area were underused. The scheme would also provide additional green space.

Mr David Black speaking in support of the application considered that the site area had been calculated in the correct way. The density of the buildings complied with requirements. Mr Black read from the sunlight assessment submitted by the applicant. He objected to the assertion made by the objector that some of the results had not 'passed' the BRE tests. The term was not used in the BRE guidance. He argued that proposals met BRE requirements. In relation to the internal space, this would provide communal open space. There would also be balconies providing private amenity space.

Ms Ila Robertson (Applications Manager, Development and Renewal) made a detailed presentation explaining the scheme. She explained the site and the outcome of the public consultation. The responses included: 4 individual responses (3 for 1 against), 1 supporting and 1 objecting petition.

She addressed each of the planning issues around land use, density, height, design and appearance, affordable housing, amenity and highways.

The scheme would provide much needed affordable housing given the housing shortages in the Borough. The density calculation complied with the government and the Council's guidance. It was also considered that the design and scale of the building was appropriate given the character of the area. In terms of amenity, Officers considered that the overall amenity impact would be acceptable with no significant concerns.

The daylight/sunlight report showed that most of the habitable rooms would receive adequate light. Although there would be some loss of light, this was not strong enough to warrant a refusal.

The parking survey showed that in the immediate surrounding area there was sufficient capacity to accommodate the displaced bays. Overall it would provide much needed affordable family sized housing on a brown field site in line with policy. Therefore it should be granted.

The Committee considered images of the proposals.

The Committee then asked questions around the following issues:

- Overlooking to the gardens from the balconies above.
- That the advice about parking permits be clarified.
- The measures to protect green spaces, given the Green Grid Strategy.

Ms Robertson addressed each of the Committee's points.

She advised that overlooking from the balconies above would be practically impossible. Therefore the privacy of the occupiers would be protected in line with policy.

The car free agreement only related to on street parking. The future residents could apply for alternative off street spaces if they wished. The recent parking survey found that there was an abundant number of parking spaces in the area enough to accommodate the displaced bays.

Ms Robertson also clarified the reasons why contributions to the Green Grid were not required.

On a unanimous vote the Committee **RESOLVED**

- (1) That planning permission for the demolition of existing 8 dwellings (4 x bedsit and 4 x one bed flats) and erection of a building up to 5 storeys in height to provide 18 new residential units (5 x 2 bed flats, 6 x 3 bed flats, 7 x 4 bed houses) proposal including the provision of associated parking and landscaped amenity space be **GRANTED** subject to
- (2) The prior completion of a **legal agreement** to secure the planning obligations listed in the report.
- (3) That the Corporate Director Development & Renewal be granted delegated power to negotiate the legal agreement indicated in (2) above.
- (4) That the Corporate Director Development & Renewal be granted delegated power to impose conditions and informatives on the planning permission to secure the matters listed in the report

- (5) That, if by 15th March 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is granted delegated power to refuse planning permission.

8. OTHER PLANNING MATTERS

8.1 Phoenix School, 49 Bow Road, E3 4AD

Ms Ila Robertson (Applications Manager, Development and Renewal) presented the detailed report regarding proposed works to Phoenix School.

This demolition was required in order to redevelop this area of the site as part of the Government's Building Schools for the Future (BSF) initiative.

A total of 175 neighbouring properties were invited to comment on the application. No comments have been received.

On a unanimous vote the Committee **RESOLVED**

That the application for the removal of existing low boundary wall and railings to allow partial redevelopment of the site, comprising the erection of a new building fronting onto Bow Road 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.

8.2 Planning Appeals

Mr Pete Smith (Development Control Manager, Development and Renewal) presented the report. The report provided details of appeals decisions and new appeals lodged against the Authority's Planning decisions.

In response, the Committee discussed the main findings.

Overall the Committee felt that the report was very useful thanked officers for preparing the report.

On a unanimous vote the Committee **RESOLVED**

That the details and outcomes of the appeals be noted.

The meeting ended at 8.50 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 7.1

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|----------------------------------|---------------------------------------|--|-----------------------------------|
| Committee: Development | Date: 6 th April | Classification: Unrestricted | Agenda Item Number: 7.1 |
|----------------------------------|---------------------------------------|--|-----------------------------------|

| | |
|---|---|
| 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. INTRODUCTION AND BACKGROUND TO THIS REPORT

- 2.1 This application was first reported to Development Committee on 10th February 2011 with an Officer recommendation for approval. Members considered the scheme and resolved NOT TO ACCEPT Officer recommendation.
- 2.2 Members were minded to refuse planning permission for the following reasons:-
- The scale of development/overdevelopment and the impact of proposal on the openness of the immediate area;
 - Loss of open space;
 - The overall sustainability credentials of the proposed development;
 - Concerns over highway safety, caused by the close proximity of front doors to the back edge of pavement, overall pavement widths in the vicinity of the site, poor visibility on Old Ford Road and the potential for increased accidents.
- 2.3 However, the decision to refuse was deferred, to allow Officer's to prepare a report setting out the detailed reasons for refusal and the implications of the Members' resolution.

- 2.4 The Deferred item was returned to Development Committee on 10th March 2011. A copy of the reported is attached at Appendix 1. At paragraph 3.5 of that report, Officer's proposed two detailed reasons for refusal based on the issues that Member's raised. The report also raised concerns about refusing planning permission on highway safety grounds (the second reason for refusal).
- 2.5 On 10th March 2011 there were insufficient Members present, who had also been present at the 10th February meeting, when the item was first debated/voted upon. This therefore rendered the 10th March 2011 meeting inquorate for the Deferred item. Under the Development Committee's Procedure Rules (paragraph 11.4) it is stated that in these circumstances, the item will have to be re-considered afresh (which would include public speaking rights being triggered again).
- 2.6 Consequently, the report which follows sets out the Officers' assessment of the application. It also includes short summaries of any further correspondence received following the 10 February 2011 Development Committee. Whilst it is for the Committee to consider the item afresh, the issues previously raised by Members as well as the items highlighted in the 10th March Deferred item report, remain material to the consideration of the application.

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*)

6.7 Environment Agency (Statutory Consultee)

- No objection

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.

7.2 For the avoidance of any confusion, this section of the report details all representations that have been received by the Council since the submission of the application. The summary includes those late representations that were previously reported by way of separate addendum reports.

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

| | | | | | |
|-----------------------------|----|------------|----|-------------|---|
| No of individual responses: | 42 | Objecting: | 42 | Supporting: | 0 |
| No of petitions received: | 0 | | | | |

7.4 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 / impact on Conservation Area

- 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.
- Status of land developed/undeveloped ;
- Objection to classification of land as brownfield site;
- Loss of brick wall, dock and trees contribute to character and appearance of conservation area;

7.5 Since the initial 10 February 2011 Development Committee report was finalised, three letters were received. Two of these letters were sent in by Councillor Whitelock (both of which were summarised in an addendum report linked to the reports to the 10 February and 10 March Committees). The third letter was summarised in the 10 March 2011 report (dealing with the Deferred item). The issues raised by these letters can be summarised as follows:

- The impact upon the trees and loss of wildlife has not been mentioned in the officer's draft refusal reasons;
- The erection of two four bedroom houses will not have an insignificant impact upon the number of pedestrians using the footway on Old Ford Road and despite the information provided on accidents, there is still significant concern that these dwellings will cause harm to highway and pedestrian safety;
- Query as to whether the site can be classed as "brownfield" land and questions officer's previous comment that the removal of the high brick wall onto Old Ford Road would provide a more attractive public realm and highlights and emphasises the importance of the wall, dock and wooded open space on either side of the dock in terms of conservation area character and appearance

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

- 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 has 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

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

Planning Application Site Map



-  Planning Application Site Boundary
-  Consultation Area

-  Locally Listed Buildings
-  Statutory Listed Buildings

 Land Parcel Address



1:1,250

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

APPENDIX 1

| | | | |
|----------------------------------|---------------------------------|--|----------------------------|
| Committee: Development | Date: 10th March 2011 | Classification: Unrestricted | Agenda Item Number: |
|----------------------------------|---------------------------------|--|----------------------------|

| | |
|---|---|
| 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 Areas: | Regents Canal & Victoria Park |

2. RECOMMENDATION

- 2.1 That the Committee notes the details of this report and officers' advice regarding the appropriate form of the new motion (at paragraph 3.5) when resolving either to grant or refuse the planning application proposing the erection of 2x4 bed houses at Bridge Wharf, Old Ford Road.

3. BACKGROUND

- 3.1 At its meeting of 10 February 2011, the Council's Development Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the erection of 2, three storey, four bedroom houses:
- 3.2 Members were minded to refuse planning permission for the following reasons:
- The scale of development/overdevelopment and the impact of proposal on the openness

- of the immediate area;
 - Loss of open space;
 - The overall sustainability credentials of the proposed development;
 - Concerns over highway safety, caused by the close proximity of front doors to the back edge of pavement, overall pavement widths in the vicinity of the site, poor visibility on Old Ford Road and the potential for increased accidents.
- 3.3 Following the 10 February Committee, officers have received a follow up objection letter (to the one that was referred to in the previous addendum report). This further letter deals specifically with the issue of the loss of open space and the previous report's alleged failure to properly address the detrimental impact of the proposed development on the character and appearance of the Victoria Park Conservation Area and the Regents Canal Conservation Area. Members may also have received individual copies of this letter.
- 3.4 The letter also comments on the developed/undeveloped status of the site; whether it can be classed as brown-field land (previously developed) and then reviews the site history in considerable detail, including the background to the previously approved footbridge and community facility. The letter questions officers' previous comment that the removal of the high brick wall onto Old Ford Road would provide a more attractive public realm and highlights and emphasises the importance of the wall, dock and wooded open space on either side of the dock in terms of conservation area character and appearance. The letter specifically refers to the importance of canal-side features as part of conservation area character.
- 3.5 Officers have interpreted Members' previous reasons/concerns and have drafted reasons for refusal to cover the points and issues highlighted. The two reasons for refusal are suggested as follows:
1. The proposed development, by reason of its scale, mass and increased sense of enclosure, would result in an overdevelopment of this restricted site and a loss of open space, detrimental to the open character and visual amenities of the area and the character and appearance of the Victoria Park Conservation Area and the Regents Canal Conservation Area, contrary to polices SO23, SP02 and SP10 of the adopted Core Strategy Development Plan Document (2010), policy DEV1 and OS7 of the Unitary Development Plan 1998 ("saved") and polices DEV2, CON2 and HSG1 of Tower Hamlets Interim Planning Guidance (2007).
 2. The proposed development, in view of the restricted pavement width found within this stretch of Old Ford Road, the highway alignment in the vicinity of the site and the proposed layout of the buildings close to the back edge of footway, would be detrimental to highway/pedestrian safety, contrary to policies SO20, SO21, SP03 and SP09 of the adopted Core Strategy Development Plan Document (2010) and policy DEV17 of Tower Hamlets Interim Planning Guidance (2007).

4. OFFICER COMMENTARY

- 4.1 Issues associated with the scale and mass of the development and the impact of that scale on the open character or the area adjacent to the Regents Canal, the importance of this area of open space in terms of recreational and amenity value and the impact of the development on the character and appearance of the conservation area are matters of judgement and would represent reasonable and sustainable reasons for refusal, should Members agree to re-affirm their previous resolution and refuse planning permission on this ground alone.

- 4.2 Issues associated with the impact of the development on highway safety will be significantly more challenging to defend on appeal. Your officers have discussed Members concerns with Highway colleagues who have advised that defending a refusal on grounds of highway safety would be very difficult to sustain. As Members will be aware, failure to adequately defend reasons for refusal on appeal could well lead to costs awarded against the local planning authority.
- 4.3 Whilst officers agree that the footway width is narrow in this location, the increase in pedestrian flows generated by this development will be insignificant, so the ability of the footway to accommodate pedestrians at a level of acceptable safety will not be compromised.. There is currently no private forecourt area adjacent to this development site so the construction of the proposed two houses would not further restrict the amount of space available to pedestrians, compared to the existing situation. Over the last 36 months, there have been three accidents in the vicinity of the site. Two of these accidents were slight, where vehicles turning out of Sewardstone Road collided with passing traffic on Old Ford Road. The other accident (albeit more serious) involved a 9 year old female pedestrian which occurred west of the junction of Old Ford Road and Type Street. As no vehicular access points onto the site are proposed, vehicle collisions are not considered to be a reasonable possibility. Therefore, for the reasons referred to above, your officers consider that no material harm to highway or pedestrian safety would result from permitting this development.

5. IMPLICATIONS OF THE DECISION

- 5.1 Should Members decide to re-affirm their previous resolution and refuse planning permission, either as previously confirmed or as amended (following consideration of this report) there are a number of possibilities open to the Applicant. These would include (though not limited to):-
1. Resubmission of an amended scheme to overcome reasons for refusal;
 2. Lodge an appeal against the refusal of the scheme. The Council would vigorously defend any appeal against a refusal.

6. CONCLUSION

- 6.1 All other relevant policies and considerations have been taken into account. It is recommended that Members consider the draft reasons for refusal alongside the previous report presented to the 10 February 2010 Development Committee (see Appendix 1), Section 4 of this report (Officer Commentary) and determine the planning application as they see fit.

7. APPENDICIES

- 7.1 ~~Appendix One — Committee Report to Members on 10th February 2011.~~
- 7.2 ~~Appendix Two — Addendum Report to Members on 10th February 2011.~~

(Appendices referred to above have not attached to papers reported to Development Committee 6th April. Additional material has been incorporated into main report above.)

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Agenda Item 7.2

| | | | |
|---|--|---|-------------------------------|
| Committee: Development | Date: 6 th April 2011 | Classification: Unrestricted | Agenda Item No: 7.2 |
| Report of: Corporate Director of Development and Renewal Case Officer: Mandip Dhillon | | Title: Planning Application for Decision Ref No: PA/10/2786 Ward(s): Milwall | |

1. APPLICATION DETAILS

| | |
|---------------------------|---|
| Location: | St David's Square, Westferry Road, E14 |
| Existing Use: | Residential |
| Proposal: | Erection of entrance gates to Westferry Road, Ferry Street and Thames Walkway together with associated walls to perimeter estate. |
| Drawing No's: | E101-00A, E02-02, E02-01, P02-01, P02-04, P02-03, E02-04, E02-03, P02-02 and E01-01. |
| | Supporting documentation: Planning Report prepared by T.J.Edens |
| Applicant: | Consort Property Management |
| Owner: | Freehold Managers PLC |
| Historic Building: | None within site, however site adjoins the Ferry House Pub which is Grade II listed. |
| Conservation Area: | South eastern corner of the site only- Island Gardens conservation area |

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal would restrict full public access resulting in an unacceptable form of development that would fail to achieve an inclusive and permeable environment, create an unacceptable level of segregation and lead to the loss of an existing north-south pedestrian route to the strategically designated Thames Path walkway. As such the proposal is contrary to DEV1, DEV48, DEV65 and DEV66 of the UDP 1998, SO20 and SP09 of the Core Strategy 2010, DEV2, DEV3 and DEV16 of the IPG 2007 and policies 4B.1 and 4C.11 of the London Plan 2008 (consolidated with alteration since 2004) which state that developments should promote high quality design, be accessible and permeable for all uses.
- The proposed gates and fixed means of enclosure by virtue of their appearance and scale would appear visually intrusive and result in an inappropriate form of development that would create a 'gated' community and would therefore fail to contribute to the permeability of the urban environment. As such the proposal is contrary to policies DEV1 of the UDP 1998, SP09 of the Core Strategy 2010, DEV2 and DEV3 of the IPG 2007 and 4B.5 of the London Plan 2008 (consolidated with alterations since 2004) which state that developments should be convenient and welcoming with no disabling barriers so everyone can use them independently

without undue effort, separation or special treatment.

3. RECOMMENDATION

3.1 That the Committee resolve to **REFUSE** planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1
- The application proposes the erection of entrance gates and fencing to the existing St David's Square development which would provide a gated development.
 -
- 4.2 The proposal comprises:
- changing the existing pedestrian entrance gate at Westferry Road into a restricted (fob) operated gate which provides access to residents only (no change to design of gate);
 - a new gates measuring 1.6metres in height at the main vehicular access at Westferry Road (with electronic opening for residents only);
 - a new brick wall measuring 1metre and two metal gates measuring 1.5metres along the River Walkway frontage, one gate will provide restricted (fob) operated access for residents. The second gate is stated to be for emergency vehicular access only;
- A new brick wall measuring 1.4metres and a metal pedestrian gate with restricted (fob) operated access and a metal gate for emergency vehicular access only measuring 1.5metres providing access to residents only.
- 4.3 At present the development provides public access through the site from the Riverside Walkway to Westferry Road.

Site and Surroundings

- 4.4 The application site is located to the south of the Westferry Road with the River Thames and the Thames Walkway forming the sites southern boundary.
- 4.5 The St Davids Square development is a large site covering 2.73 hectares and is roughly rectangular in shape. The site comprises of 8 main development blocks with some perimeter housing fronting Westferry Road.
- 4.6 The site is accessed from Westferry Road where there is an existing unrestricted vehicular entrance and an unlocked pedestrian access. There is an existing and unrestricted pedestrian access off East Ferry Road. This entrance does provide vehicular access, however this leads into the car park of the restaurant located within the development. The other main entrance into the site is along the Thames Walkway. This access provides a pedestrian route through the development to Westferry Road.
- 4.7 The site has a Public Transport Accessibility Level (PTAL) of 2/3. The closest stations to the site are located at Island Gardens and Mudchute. The site is close to bus routes numbers D7, 135 and D3.
- 4.8 The site falls within the Strategic Riverside Walkway which runs along the south of the site and along part of the eastern boundary.

Planning History

- 4.9 There are a number of historic planning permissions relating to this site however the London Docklands Development Corporation applications of the 1990s are the most relevant.

4.10 T/90/160 – Outline application for residential development was granted subject to a Section 106 agreement. The site was known as Lockes Wharf at application stage but is now known as the St David’s Square development.

On 15th September 1995, outline consent was granted with a section 106 agreement for the provision of a riverside walkway to the south of the site running along the eastern boundary and exiting at the eastern boundary of the site onto East Ferry Road.

4.11 T/97/00016 - Approval of details of reserved matters pursuant to conditions 2 a-g, 7, 8 & (of Outline T/90/160. Approved 10/10/97.

4.12 PA/97/292 – Redevelopment by the erection of a four storey building totalling 734sqm for use as A1/A2/A3/B1 use on ground floor and A2/A3/B1 uses on upper floors. Approved 3/12/97. This site forms the north eastern corner of St David’s Square at the junction of Westferry Road and East Ferry Road.

4.13 PA/99/1081 - Erection of a five storey building comprising ground floor of A1, A2, A3 or B1 use, together with first, second, third and fourth floors for residential use and car parking for 13 cars in St David’s Square to the rear. Approved 4/4/00.

4.15 PA/07/1657 – Erection of four gates to the residential development at St David’s Square to Westferry Road, Ferry Street and the riverside walkway facing the Thames River. Application withdrawn by applicant 26/10/2007.

4.16 A number of applications were submitted for the minor alterations throughout the course of the main development in the 1990’s, alongside approval of detail applications, however the main applications have been detailed above.

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 2010

| | | |
|-----------|------|---|
| Policies: | SP04 | Creating a green and blue grid |
| | SO20 | Creating attractive and safe streets and spaces |
| | SO21 | Creating attractive and safe streets and spaces |
| | SP09 | Creating attractive and safe streets and spaces |
| | SP10 | Creating distinct and durable places |

5.3 Unitary Development Plan 1998 (as saved September 2007)

| | | |
|------------|-------|--|
| Proposals: | | Strategic Riverside Walkway |
| Policies: | DEV1 | Design Requirements |
| | DEV2 | Environmental Requirements |
| | DEV48 | Strategic Riverside Walkways and New Development |
| | DEV64 | Strategic Riverside Walkway Designation |
| | DEV65 | Protection of existing walkways |
| | DEV66 | Creation of new walkways |
| | T16 | Transport and Development |

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

| | |
|------------|-------------------------------|
| Proposals: | Isle of Dogs Area Action Plan |
|------------|-------------------------------|

| | | |
|-----------|-------|---|
| Policies: | DEV1 | Amenity |
| | DEV2 | Character and Design |
| | DEV3 | Accessibility and Inclusive Design |
| | DEV4 | Safety and Security |
| | DEV16 | Walking and Cycling Routes and Facilities |
| | DEV17 | Transport Assessments |
| | CON1 | Listed Buildings |
| | CON2 | Conservation Areas |

5.5 Supplementary Planning Guidance/Documents

Riverside Walkways
Designing Out Crime Parts 1 and 2

5.6 Spatial Development Strategy for Greater London (London Plan) 2004

| | | |
|----------|-------|--|
| Policies | 4B.1 | Design principles for a compact city |
| | 4B.5 | Creating an inclusive environment |
| | 4C.11 | Increasing access alongside and to the Blue Ribbon Network |

5.7 Government Planning Policy Guidance/Statements

| | | |
|--|-------|---------------------------------------|
| | PPS1 | Delivering Sustainable Development |
| | PPS5 | Planning and the Historic Environment |
| | PPG13 | Transport |

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

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

6. CONSULTATION 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:

LBTH Highways

6.2 A summary of the LBTH Highways comments are provided below:

- There is no established public right of way across the site;
- Installation of the four gates will restrict the permeability of the development and create a gated community;
- Restriction through the use of gates would create a single pedestrian route through a car park which is not easy to navigate due to poor legibility;
- The car park route does not provide a safe or direct or convenient route;
- No objections are raised with regard to the impact of vehicles queuing as a result of the gates proposed on the Westferry Road vehicular entrance.
- Highways Officers do not consider that the appeal site at Lockes Field which is referred to by the applicants can be used as a comparable example as the Lockes Field site does not have a requirement to provide a public right of way, unlike St Davids Square which provides a link to the Thames Path Walkway.

Environment Health (Contaminated Land)

6.3 The site and surrounding area have been subjected to former industrial uses. It is

therefore proposed to impose a suitable condition upon any decision notice issued should any contamination be encountered.

Officer Comment: Conditions to cover the planning issues raised by the Environment Health department would be placed on any permission issued.

LBTH Crime Prevention Officer

- 6.4 The local Safer Neighbourhood Police Team Sergeant, has advised that they have very few problems coming to attention on the site and that at a ward panel meeting there recently nothing specific was raised.

It is not considered that there is enough of a crime problem here to warrant blocking the whole estate to become a gated development. Having looked purely at vehicle crimes reported, these are quite low in comparison to other areas, and any need to restrict vehicle access to the development can be adequately covered by bollards that rise out of the ground.

In respect to other reported incidences it is considered that improved security measures aimed at specific buildings and units rather than the estate as a whole would be recommended rather than full gating of the development given it was designed to be permeable.

LBTH Aboricultural Officer

- 6.5 No comments received

Transport for London

- 6.6 No comments received

Chapel House Tenants Association

- 6.7 No comments received

Burrells Wharf Tenants Association

- 6.8 No comments received

7. LOCAL REPRESENTATION

- 7.1 A total of 541 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

- 7.2 No. of individual responses: 9 Against: 2 In Support: 7
Number of pro-forma responses: 132

Total in support : 138
Total in objection: 2

7.3 Comments of Objections:

- Application will create a gated community/prison like environment

7.4 Comments in Support (Individual responses)

- Need to increase security at St David's Square;
- Precedents set on the Isle of Dogs;
- Anti-social behaviour in the area;
- Intrusions at the development leading to acts of threatening and anti-

social behaviour, theft, vandalism and dangerous behaviour at the developments water feature;

- Thefts and vandalism in the car park;
- Use of car park by non-residents;
- Use of water feature as a bathing pool.

7.5 Comments in Support (Pro-forma Responses)

- Intrusions at the development leading to acts of threatening and anti-social behaviour, theft, vandalism and dangerous behaviour at the developments water feature.

Officer comment: All of the above comments received are addressed in the main body of the committee report 'Material Planning Considerations'.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main application has been assessed against all relevant policies under the following report headings:

1. Accessibility/Permeability
2. Design
3. Amenity
4. Transportation

8.2 The application proposes no change of use at the site and therefore raise no land use implications.

Accessibility/Permeability

8.3 Currently the site is not gated and there is unrestricted access through the development providing a north-south link from the Thames Walkway to Westferry Road.

8.4 The application proposes a number of gates and walls to the site. This would be restricted access at all times to non-residents of the St-David's Square and effectively create a 'gated community'.

8.5 The existing Thames Path walkway runs along the southern boundary of the site and leads to the car park located in the south eastern corner of the St David's Square development. The Thames Path runs through the car park and follows the path east adjacent to the Grade II listed public house on East Ferry Road which provides access onto East Ferry Road itself.

8.6 Whilst this is the adopted Thames Path strategic walkway, the route is not one which is easy to navigate due to its limited legibility. The route leads pedestrians into a car park which in itself is not a direct, convenient or safe route. The provision of the alternative north-south route through the St David's Square development provides a much more direct, convenient and safe route linking Westferry Road and the Thames Path.

8.7 National guidance in PPS1 and PPG13 places great emphasis on the importance of encouraging walking through the provision of permeable pedestrian networks which would be lost through these proposals.

8.8 Policy DEV65 of the UDP 1998 states that existing walkways will be protected from development which would prevent free public access and or harm their character.

- 8.9 Policy DEV3 of the Interim Planning Guidance (IPG) 2007 states that developments resulting in the creation of 'gated' communities with no public through linkages, will not be supported to avoid segregation and ensure permeability of the public street and footpath network. This is further supported by Policy DEV16 of the IPG which seeks to maintain and enhance the strategic walkways within the borough.
- 8.10 Strategic policies within the Core Strategy 2010, policy SO20 seek to deliver a safe, attractive, accessible and well designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle. This is supported by policy SP09 of the Core Strategy 2010 which specifically states that developments that create gated communities which restrict pedestrian movement will be resisted.
- 8.11 The provision of gates would substantially reduce the permeability through the site which is again contrary to policy DEV2 and DEV3 of the IPG 2007 and SP09 of the Core Strategy 2010 which seek to improve the connectivity with the surrounding area, particularly to public transport and commercial uses. The link between the Thames Walk and Westferry Road through St David's Square provides the general public with a direct route through to the bus stop located outside the St David's Square development, located outside the existing pedestrian gate.
- 8.12 The Councils Supplementary Planning Guidance 'Designing Out Crime' identifies that gated communities will result in decreased security as the development turns its back on the surrounding area and becomes enclosed.
- 8.13 Furthermore, the proposals fail to comply with London Plan policy 4B.1 which states that developments should promote high quality inclusive design, be accessible, usable and permeable for all users and be attractive to look at and Policy 4B.5 also states that developments should be convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.
- 8.14 There are some existing examples of 'gated' developments on the Isle of Dogs which are either historic developments, for example consents issued by the LDDC, or appeals which have been allowed following the refusal of planning permission. Whilst Officers are unable to comment on each and every case on the Isle of Dogs, it is important to note that many of these sites differ to the St David's Square development as many of the examples are enclosed parcels of land which provide no access to other public thoroughfares or routes through, whereas the north-south pedestrian route would be lost at St David's Square would lead to the loss of a direct connection to the designated strategic Thames Path Walkway.
- 8.15 Furthermore, each application must be assessed on a case by case and site specific basis and consequently, it is not considered that other examples of gates in the area should necessitate a departure from the Councils policy to resist gated communities. In addition, it is important to note that there are numerous examples of non-gated communities in the Isle of Dogs and it is considered that a precedent of approving additional ones would be divisive.
- 8.16 The applicant has given reference to an appeal from 2009 at Lockesfield Place, located adjacent to the application site. However, in the instance of the appeal site, it was considered that because the access into the Lockes Field development did not lead to or maintain and enhance the permeability of the site, its loss would not be disadvantageous to members of the public, given there was no through route. Furthermore it is noted that nearly 18 months on from this decision, the gates allowed by the appeal decision have still not been installed at the site at Lockesfield Place.

- 8.17 The Crime Prevention Officer has looked at the scheme and has advised that he does not support the installation of gates as there are other methods to improve security and address raised by residents. Furthermore he has identified that gates should be a last resort and given the level of crime, the provision of a gated community at the site is not warranted.
- 8.18 Overall, the proposal would restrict full public access resulting in an unacceptable form of development that would fail to achieve an inclusive and permeable environment, create an unacceptable level of segregation and lead to the loss of an existing north-south pedestrian route to the strategically designated Thames Path walkway. As such the proposal is contrary to DEV1, DEV48, DEV65 and DEV66 of the UDP 1998, SO20 and SP09 of the Core Strategy 2010, DEV2, DEV3 and DEV16 of the IPG 2007 and policies 4B.1 and 4C.11 of the London Plan 2008 (consolidated with alteration since 2004) which state that developments should promote high quality design, be accessible and permeable for all uses.

Design

- 8.19 The proposed vehicular gate along Westferry Road comprises of a part brick wall and part metal railing along the existing vehicular entrance. The existing vehicular entrance is in excess of 5 metres in width allowing access for two vehicles to pass. The existing entrance is flanked by two stock brick pillars which provide a feature for the vehicular entrance.
- 8.20 The gates have been set into the site and have a maximum height of 1.6metres and would run along the full width of the existing vehicular entrance. It is considered that cumulative impact of the provision of gates at this height in an area which is otherwise open and unrestricted would appear visually dominant and further diminish the permeability of this site within its surrounding urban environment contrary to DEV1 of the UDP 1998 and DEV2 of the IPG 2007 and SP10 of the Core Strategy 2010.
- 8.21 Whilst the design of the existing pedestrian gate fronting onto Westferry Road would not be altered, the proposed gate would lead to the creation of a distinctive place which prevents the permeability of the urban environment of the site and surrounding area which is contrary to policy DEV2 of the IPG 2007. The provision of permanently locked gates in this location would diminish the permeability of the site within its surrounding urban environment.
- 8.22 The proposed gates/means of enclosure along the southern and eastern boundary are part brick and part metal gates and would be located in areas which currently have unrestricted access with an open streetscape. It is considered that the cumulative impact of the provision of gates at this height in these locations, where there have not previously been any means of enclosure, would appear visually dominant and further diminish the permeability of this site within its surrounding urban environment resulting in a gated community contrary to DEV1 of the UDP 1998 and DEV2 of the IPG 2007 and SP10 of the Core Strategy 2010.

Amenity

- 8.23 Many residents have stated that there are current concerns at St David's Square with non-residents parking in St David's Square as well as anti-social behaviour. The Crime Prevention Officer has confirmed that no specific concerns have been raised in his recent discussions with the Local Safer Neighbourhood team.
- 8.24 Whilst Officers acknowledge the problems faced by residents with regard to non-residents parking within the St David's Square development, it is important to highlight that there are

alternative solutions rather than the provision of high barrier gates along the Westferry Road which would accord with Council policy, such as rising bollards preventing vehicle access for non-residents but allowing access for cyclists and pedestrians. These alternative measures are supported by the Crime Prevention Officer.

- 8.25 Furthermore, additional security measures could also be provided throughout the application site to deter any anti-social behaviour such as improvements to the buildings, lighting or CCTV, however the current proposals of four gates are considered to be an extreme solution and fail to accord with council policies to resist gated communities.

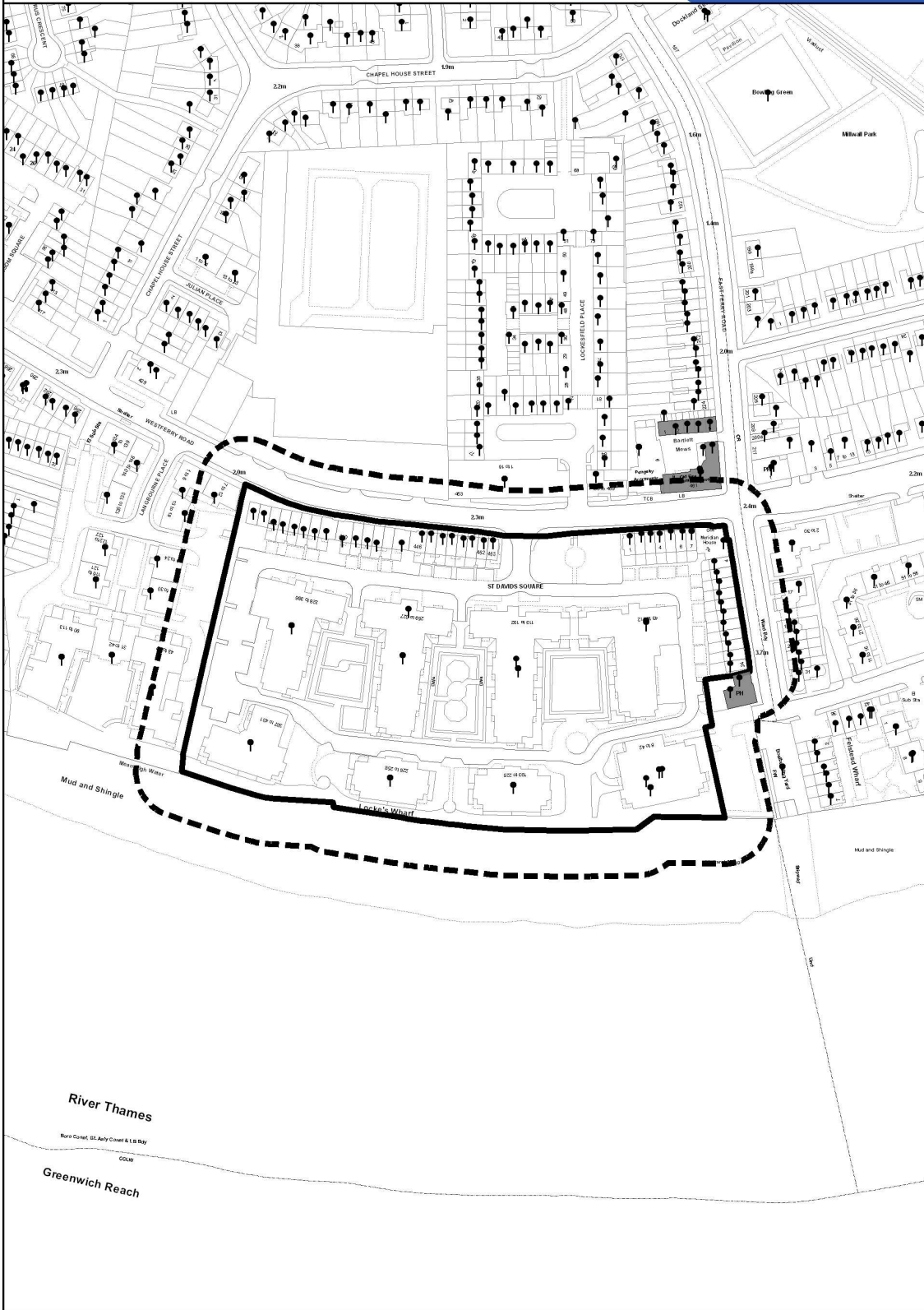
Transportation

- 8.26 The site has a Public Transport Accessibility Level (PTAL) of 2/3. The site is close to bus routes numbers D7, 135 and D3. The nearest bus stop is located directly outside the development, in front of the existing pedestrian access gate into the site. This provides direct pedestrian access down through the site to the Thames Walkway. The closest stations to the site are located at Island Gardens and Mudchute.
- 8.27 The application is supported by a Transport Assessment prepared by Paul Mew Associates. This report details the impact of the proposed gates on Westferry Road and the results indicate that the provision of gates would not result in a build up of vehicles onto Westferry Road leading to an impact on the local road network. Whilst this is encouraging and in accordance with policies for the provision safe transport interventions, the principle of the works are not considered in accordance with strategic policies outlined in the recently adopted Core Strategy 2010, policy SO20 which seeks to deliver safe, attractive, accessible and well designed network of streets and spaces that make it easy for people to move around by foot and bicycle, furthermore the proposal is in direct conflict with policy SP09 which does not support gated communities.
- 8.28 Whilst not seeking to re-iterate the comments raised above, the highways team have also objected to the proposal as it would lead to an undesirable pedestrian route, the car park within the south eastern corner of the site. This current route is considered to be unsafe, illegible and inconvenient.
- 8.29 There are no existing rights of way across the application site, and whilst this is capable of being treated as a material planning consideration, the lack of existing rights of way should not, in this particular case, outweigh the general policy presumption against the formation of gated communities and the desire to maintain permeability and inclusive residential communities.

9.0 Conclusions

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

Planning Application Site Map



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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Agenda Item 7.3

| | | | |
|--|--|--|-----------------------------------|
| Committee: Development Committee | Date: 6 th April 2011 | Classification: Unrestricted | Agenda Item No: 7.3 |
| Report of: Corporate Director of Development and Renewal | | Title: Planning Application for Decision | |
| Case Officer: Shay Bugler | | Ref No: PA/10/2501 Ward(s): East India and Lansbury | |

1. APPLICATION DETAILS

Location: Site L11, Chrisp Street, E14

Existing Use: Residential

Proposal: Demolition of existing garages and erection of four residential buildings ranging from 2-9 storeys in height providing 75 residential units (comprising 25 x 1 bed; 34 x 2 bed; 12 x 3 bed; 4 x 4 bed) and associated child playspace; public and private amenity space

Drawing Nos: PL 001 Rev A; (PL) 009 Rev C; (PL) 010 Rev H; (PL) 011 Rev E; (PL) 012 Rev E; (PL) 013 Rev E; (PL) 014 Rev E; (PL) 015 Rev E; (PL) 016 Rev E; (PL) 017 Rev E; (PL) 018 Rev E; (PL) 019 Rev E; (PL) 020 Rev B; (PL) 021 Rev B; sk013

Documents:

- Design and Access Statement By Stock Woolstencroft dated October 2010
- Daylight- Sunlight Assessment by Savills dated October 2010
- Environmental Site Investigation Report by Resource and Environmental Consultants Limited dated April 2008
- Panning Statement by Savills dated October 2010
- Tree Survey by Haydens dated October 2010
- Noise Assessment by Mayer Brown dated October 2010
- Flood Risk Assessment by WSP Group dated October 2010
- Air Quality Assessment by Mayer Brown dated October 2010
- Transport Statement by Mayer Brown dated October 2010

- Daylight and Sunlight Assessment by Savills dated October 2010
- Energy Statement by Richard Hodgkinson dated October 2010
- Sustainability Statement by Richard Hodgkinson dated October 2010
- Economic viability appraisal report by Jones Lang LaSalle dated March 2011

Applicant: Urban Living (joint venture of POPLAR HARCA and Bellway Homes)

Ownership: Urban Living

Historic Building: No

Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010); Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan (2008) and Government Planning Policy Guidance and has considers that:

- The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (2008); SP02 of the Core Strategy (2010) and HSG1 of the Council's Interim Planning Guidance (2007) and which seeks to ensure this.
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.1, 3A.2, 3A.5, 3A.9 and 3A.10 of the London Plan (2008); SP02 of the Core Strategy (2010); policy HSG7 of the Council's Unitary Development Plan (1998); policies HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007) which seek to ensure that new developments offer a range of housing choices.
- The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (2008), SP02, SP03 & SP10 of the Core Strategy (2010), policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998); policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007) & policies which seek to provide an acceptable standard of accommodation.
- The proposed amount of private and communal amenity space and provision of child play space is considered to be acceptable and in line policies 3D.13 of the London Plan (2008), SP02 of the Core Strategy (2010); policies ST37, HSG16 and OS9 of the Council's Unitary Development Plan (1998) and HSG7 of the Council's Interim Planning Guidance (2007) which seek to ensure that adequate amenity space is provided.

- The building height, scale, bulk and design is acceptable and in line with Policies 4B.1, 4B.2, 4B.3, 4B.5, 4B.8, 4B.9 & 4B.10 of the London Plan (2008), policies SP02 & SP10 of the adopted Core Strategy (2010); policies DEV1 of the Council's Unitary Development Plan (1998) & policy DEV2 of the Council's Interim Planning Guidance (2007) which seeks to ensure buildings are of a high quality design and suitably located.
- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, loss of sunlight and daylight upon surrounding properties. As such, the proposal is in line with SP10 of the Core Strategy (2010); DEV 2 of the Unitary Development Plan (1998) and DEV 1 of the Interim Planning Guidance (Oct 2007) which seek to protect the amenity of surrounding occupiers.
- Transport matters, including vehicular and cycle parking, pedestrian access and servicing arrangements are acceptable and accord with policies 3C.1, 3C.16 & 3C.22 of the London Plan (2008); policy SP09 of the adopted Core Strategy (2010); T16 of the Unitary Development Plan (1998), policies DEV16, DEV17, DEV18 and DEV19 of the Interim Planning Guidance (2007) and national advice PPS13 which seek to ensure there are no detrimental highway impacts created by the development.
- Subject to conditions, energy and sustainability matters are in line with policies 4A.1 to 4A.7 of the London Plan (2008) ; SP11 of the adopted Core Strategy (2010), policies DEV 5, DEV 6 & DEV9 of the Council's Interim Planning Guidance (2007) which seek to promote sustainable development practices.
- Contributions have been secured towards affordable housing; open space, library store facilities, leisure and recreational facilities, education facilities, health care facilities and highway improvement works. This is in line with Regulation 122 of the Community Infrastructure Levy Regulations 2010, policies 6A.4 & 6A.5 of the London Plan (2008); SP13 of the adopted Core Strategy (2010); policy DEV4 of the Tower Hamlets Unitary Development Plan (1998) and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure planning obligations that are necessary to make development acceptable in planning terms.

3. RECOMMENDATION

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

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

Affordable housing and financial contributions

- Affordable housing provision of 35% of the proposed habitable rooms with a 70/30 split between social rent and shared ownership to be provided on site (free of grant funding)
- £30,846 towards open space
- £25,000 towards leisure and recreation
- £10,000 towards leisure and creation facilities

- £177,960 towards education
- £20,000 towards highway works
- £100,694 towards health
- £3, 000 towards the monitoring of the Travel Plan

Overall financial contribution= £367,500

Non financial

- Commitment to initiatives to maximise employment and training during construction and after construction
- Commitment to implement a Green Travel Plan
- Code of construction practice
- Commitment to entering into a car club agreement with a carplus accredited operator
- 'Car free' agreement

3.3 That the Corporate Director of Development and Renewal is delegated authority to negotiate the legal agreement indicated above.

3.4 That the Corporate Director of Development & Renewal Head is delegated power to impose conditions on the planning permission to secure the following:

3.5 **Conditions**

- 1) Time Limit
- 2) Building constructed in accordance with approved plans

Details of the following to be submitted and approved prior to commencement:-

- 3) Sample of all external facing materials / sample board
- 4) Landscaping details
- 5) Secure by design/CCTV/lighting
- 6) Contaminated Land Survey
- 7) Construction Management Plan
- 8) Delivery and service management plan
- 9) A heat network to be installed
- 10) A minimum of 12m² of photovoltaic panels shall be installed to the single house on Chrisp Street
- 11) Noise survey
- 12) 10% wheelchair accessible
- 13) Lifetime Homes

Compliance

- 14) Highway improvement works
- 15) Hours of construction
- 16) Control of noise levels during construction works
- 17) Hammer/piling works
- 18) Restrict noise emissions during construction
- 19) Green roof to be provided in accordance with the approved plans
- 20) Any other condition(s) considered necessary by the Head of Development Decision

3.6 Informatives

- 1) Contact LBTH Energy & Sustainability team
- 2) Contact LBTH Building Control
- 3) Contact LBTH Highways
- 4) Contact Environmental Agency (EA).
- 5) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.5 That, if by 6th July 2011 the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Context

4.1 The site measures approximately 0.32 hectares in area and previously was occupied by 12 bedsit units. These comprised of 2 storey residential single occupancy units arranged in a linear bar to the east of the site fronting on to Chrisp Street. The 12 bedsits units were demolished in March 2010. The applicant has advised that 8 of the 12 units were occupied by Polar HARCA residents prior to demolition. These residents were re housed to other Polar HARCA developments in the area. The applicant also notes that 4 of the units were unoccupied for a period of time but hasn't specified the exact time period.



Fig 1: View of previous units (now demolished) on Chrisp Street

4.2 At present, the site contains 32 garage sheds which are rented out to Poplar HARCA residents in the area. These garages are arranged in two parallel blocks running east- west. Vehicular access to these garages from Bowen Street and Chrisp Street. They are used for ancillary residential storage and some car parking.



Fig 2: The existing residential garages to the north of the site

Proposal

- 4.3 As noted in section 1 of this report, the proposal involves the demolition of existing garages and erection of three residential blocks known as blocks A, B and C. The proposal also includes the erection of a single 2 storey house fronting onto Carmen street to the western part of the site. This house would comprise of a 4 bed social rented unit. In total, the proposal provides for 75 units comprising of 25 x 1 bed; 34 x 2 bed; 12 x 3 bed; 4 x 4 bed.
- 4.5 Proposed blocks A, B & C are characterised as follows:
- Blocks A is located in the east of the site fronting Chrisp Street and ranges from 6 to 9 storeys in height. The block is set back on the Chrisp Street elevation at sixth floor level. Block A would incorporate 51 market units and 9 shared ownership units.
 - Block B is also located to the east of the site and fronts onto Chrisp Street. It extends to 4 storeys in height and comprises 5 market units and a 4 bed maisonette in the social rented tenure.
 - Block C would extend to four storeys in height and aligns with the northern boundary of the site. It comprises two 3 bed maisonettes; two 4 bed maisonettes and four 2 bed flats all of which would be social rented, accommodation.
 - The proposed 4 bedroom 2 storey family units fronting onto Carmen Street would provide for social rented accommodation.
- 4.6 The proposal provides private, communal amenity space and child playspace. There are 72 cycle parking spaces; one accessible car parking space and one other car parking space proposed.
- 4.7 The site is fully accessible by a numerous pedestrian access routes proposed off Chrisp Street and Carmen Street.

Site and surroundings

- 4.8 The site lies at the North- West corner of the junction of Chrisp Street and Carmen Street in Poplar. The boundary of the site adjoins existing properties which are orientated east to west and face onto Chrisp Street and Carmen Street. Vehicular access is currently provided to the garages from Bowen Lane which adjoins Carmen Street in the west. A public house is located to the south of this access point and existing 2 storey dwellings are located along the remainder of the western boundary of the site which front Carmen Street.
- 4.9 The area surrounding the immediate site is characterised primarily by residential uses varying in scale, with two storey dwellings to the north and 4 and 11 storey blocks to the west of the site. The wider Chrisp Street area is of a mixed character including residential, retail and commercial units located in the vicinity of the site along Chrisp Street. Chrisp Street Market, which includes a mix of retail uses, services and food and drink outlets set around a market square is located a short distance to the south. A number of taller buildings are evident within the immediate locality of the site. For example, to the south east of the site, there is a 15 storey building located outside the entrance to Langdon Park DLR station. Furthermore, to the south west of the site, there is an 11 storey building (Maidstone House) located directly to the south west of the site. There are also a number of consented schemes approved the L9 site

which extends to 9 storeys in height, located to the south of the subject site.

- 4.10 The site has a PTAL rating of 3 to the western part of the site and a PTAL rating of 4 to the eastern part of the site which means it has good access to public transport. Langdon Park is situated approximately 200 metres to the east of the site on the opposite side of Chrisp Street and the DLR railway line, which also contains a number of formal playing fields. The site is in a highly accessible location being located not only in the immediate vicinity of Langdon Park DLR station which provides links to Stratford and central London, but also a range of bus services. There are also a range of bus services within the vicinity of the site includes D6, D7, D8, 115 and 309 bus services.
- 4.11 The site is situated within walking distance from both Bartlett Park and Langdon Park (approximately 300m and 133m respectively from the subject site)
- 4.12 The site is not situated within a conservation area, however the Lansbury conservation area is situated within close proximity to the site. The site does not consist of any listed buildings and does not effect the setting of a listed building(s).

Relevant Planning History

- 4.13 There is no relevant planning history on site.
- 4.14 However, an application was recently approved on site known as L9 on Chrisp Street. The L9 site is located approximately 100m from the subject site. Poplar HARCA was also the applicant for this scheme. Planning permission (ref : PA/09/2657) was approved on the 26/03/2010 for the:

*“demolition of existing residential buildings on site and construction of buildings between three and nine storeys to provide 117 residential units, 300 sqm of commercial floorspace comprising retail, restaurant, business and non-residential institution (Use Classes A1, A3, B1 and D2).
Provision of open space improvements and car parking”*

5. POLICY FRAMEWORK

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

5.2 Spatial Development Strategy for Greater London (The London Plan) 2008

| | |
|-------|--|
| 2A.1 | Sustainability Criteria |
| 3A.1 | Increasing London’s Supply of Housing |
| 3A.2 | Borough Housing Targets |
| 3A.3 | Maximising the potential of sites |
| 3A.5 | Housing Choice |
| 3A.6 | Quality of new housing provision |
| 3A.7 | Large residential developments |
| 3A.8 | Definition of Affordable Housing |
| 3A.9 | Affordable Housing Targets |
| 3A.10 | Negotiating affordable housing in individual private residential and mixed-use schemes |
| 3A.11 | Affordable housing thresholds |

| | |
|-------|--|
| 3C.1 | Integrating Transport and Development |
| 3C.16 | Road Scheme proposals |
| 3C.22 | Improving conditions for cycling |
| 3C.23 | Parking Strategy |
| 3D.13 | Children and Young People Play Strategies |
| 4A.1 | Tackling climate change |
| 4A.2 | Mitigating climate change |
| 4A.3 | Sustainable design and construction |
| 4A.4 | Energy Assessment |
| 4A.5 | Provision of heating and cooling networks |
| 4A.6 | Decentralised energy: heating, cooling and power |
| 4A.7 | Renewable Energy |
| 4A.19 | Improving Air Quality |
| 4B.1 | Design principles for a compact city |
| 4B.2 | Promoting world class architecture design |
| 4B.3 | Enhancing the quality of the public realm |
| 4B.5 | Creating an inclusive environment |
| 4B.8 | Respect local context and communities |
| 4B.9 | Tall building- location |
| 4B.10 | Large-scale buildings- design and impact |
| 6A.4 | Priorities in planning obligations |
| 6A.5 | Planning obligations |

5.3 Adopted Core Strategy (2010)

| | |
|------|---|
| SP02 | Urban living for everyone |
| SP03 | Creating healthy and liveable neighbourhoods |
| SP05 | Provide appropriate refuse and recycling facilities |
| SP08 | Making connected places |
| SP09 | Creating attractive& safe street space |
| SP10 | Creating distinct and durable places |
| SP11 | Working towards a zero carbon borough |
| SP12 | Delivering placemaking |
| SP13 | Planning Obligations |

5.4 Unitary Development Plan 1998 (as saved September 2007)

Policies:

| | |
|-------|---|
| ST37 | Strategic policy on open space , leisure and recreation |
| DEV1 | Design Requirements |
| DEV2 | Environmental Requirements |
| DEV4 | Planning Obligations |
| DEV50 | Noise |
| DEV51 | Contaminated Land |
| HSG6 | Separate Access |
| HSG7 | Dwelling Mix |
| HSG15 | Residential Amenity |
| HSG16 | Amenity Space |
| T16 | Impact of Traffic |
| T18 | Pedestrian and the road network |
| T19 | Priorities for pedestrian initiatives |
| T21 | Existing Pedestrians Routes |
| EMP1 | Encouraging new employment uses |

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

| | |
|-------|---|
| DEV1 | Amenity |
| DEV2 | Character & Design |
| DEV3 | Accessibility & Inclusive Design |
| DEV4 | Safety & Security |
| DEV5 | Sustainable Design |
| DEV6 | Energy Efficiency & Renewable Energy |
| DEV 9 | Sustainable Construction Materials |
| DEV10 | Disturbance from Noise Pollution |
| DEV11 | Air Pollution and Air Quality |
| DEV12 | Management of Demolition and Construction |
| DEV13 | Landscaping |
| DEV15 | Waste and Recyclables Storage |
| DEV16 | Walking and Cycling Routes and Facilities |
| DEV17 | Transport Assessments |
| DEV18 | Travel Plans |
| DEV19 | Parking for Motor Vehicles |
| DEV20 | Capacity of Utility Infrastructure |
| DEV22 | Contaminated Land |
| HSG1 | Determining Residential Density |
| HSG2 | Housing Mix |
| HSG3 | Affordable Housing |
| HSG4 | Social and Intermediate Housing ratio |
| HSG7 | Housing Amenity Space |
| HSG9 | Accessible and Adaptable Homes |

5.6 Supplementary Planning Guidance/Documents

Designing Out Crime
Residential standards
Landscaping Requirements

5.7 Government Planning Policy Guidance/Statements

| | |
|-------|---------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPG10 | Planning and waste management |
| PPG13 | Transport |
| PPG17 | Sports and recreation |
| PPS5 | Planning and the historic environment |
| PPS22 | Renewable Energy |
| PPS23 | Planning and Pollution Control |
| PPG24 | Noise |
| PPG25 | Development and flood risk |

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

A better place for learning, achievement and leisure
A better place for creating and sharing prosperity
A better place for living safely

A better place for living well

5.9 LBTH adopted Housing Strategy 2009/12 (2009)

5.10 LBTH adopted Strategic housing market and needs assessment (2009)

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

Transport for London (Statutory Consultee)

6.3 Transport for London have confirmed they have no objections to raise given the distance of the site from the nearest part of the Transport for London Road Network (TLRN) and the estimated trip generation. Notwithstanding, it is recommend that a Construction Management Plan is secured by condition to ensure that the construction works are carried in a safe and efficient manner.

(Officers comment: The applicant would be required to submit a Construction Management Plan for approval to the Local Planning Authority. This would be secured by way of condition).

Environmental Agency (Statutory consultee)

6.4 The Environmental Agency (EA) does not object in principle to the proposed development.

6.5 The EA recommended that the Local Planning Authority should ensure that the proposed green roof is provided for the development to increase biodiversity habitat and also attenuate and slow down the rate in which rainwater would reach drainage systems to reduce risk of flooding.

(Officers comment: The applicant would be required to implement the green roof details identified on the plans. This would be secured by way of condition).

Primary Care Trust

6.6 PCT seek a capital contribution of £100,694 to mitigate against the additional demands on health care facilities in the area.

6.7 The nearest current practice is on Chrisp Street. The population in this ward is expected to rise from 13 556 in 2011 to 16 357 in 2015 which is an increase of over 20%. To accommodate the expected population growth in area of borough, the capital contribution would go towards health services in the area.

(Officers comment: The above contribution of £100,694 would be secured to mitigate against the demand for additional health care facilities).

Directorate of Communities, Localities and Culture (CLC)

6.8 LBTH Communities, Localities and Culture note that the proposed increase in

population arising from this proposed development would increase the demand on community, culture and leisure facilities with a predicted population increase of 148 people.

6.9 The following S106 financial contributions are requested below and their justification should be read in conjunction with the full consultation response available on the case file.

- Open Space contribution- £ 63, 725
- Library/idea store contribution- £15, 392
- Leisure & recreation facilities- £ 63, 239

6.10 (Officers comment: CLC did provide a substantial justification for the financial contributions they sought to secure. The open space contribution was calculated based on the LBTH open space standards and based on a figure for a new Local Park derived from the Councils Infrastructure Development Plan. The library/idea store contribution was based on evidence from the Infrastructure Development Plan and a tariff approach to s106 contributions for libraries and archives has been developed by Museums, Libraries & Archives Council. With reference to leisure and recreation contribution, a Sports Facility Calculator, developed by Sport England was used to calculate the S16 contributions.

6.11 The justification for the contributions towards open space, leisure and library facilities was carefully considered against the evidence base for the Core Strategy. However, in this instance, it is considered that the viability of the scheme could be compromised by securing the full financial contributions which were sought from CLC. A viability toolkit was submitted by the applicant in part to examine the viability of securing all financial contributions which the various consultees sought to secure. Officers concur with the findings of the assessment which concludes that an overall financial contribution of £367, 500 is viable to deliver the scheme.

6.12 In balancing up the financial contributions for the S106, it is considered that securing contributions towards affordable housing, health, education and highway and public realm works were also of high priority. One of the key issues to consider is the overall deliverability of the scheme during the economic downturn. In light of this, it is considered that the following contributions would be secured in this S106 Agreement:

- £30, 846 towards open space
- £25,000 towards leisure/recreation facilities
- £10,000 towards library/idea store facilities)

LBTH Education

6.12 The proposed dwelling mix has been assessed for the impact on the provision of primary school places. The mix is assessed as requiring a contribution towards the provision of 12 additional primary school places@ £14, 830= £177, 960. This funding would be pooled with other resources to support the Local Authority's programme for the borough of providing additional places to meet need.

(Officers comment: The contribution of £177, 960 would be secured in the S106 Agreement to mitigate against the additional demand on education facilities in the area).

LBTH Crime Prevention Officer

- 6.13 No comments were received from the LBTH Crime Prevention Officer as yet. Notwithstanding, the applicant would be required to submit a Secure By Design Statement to include details of CCTV and lighting. This to ensure that the development is designed to maximise safety and security throughout the site.

LBTH Cleansing

- 6.14 The capacity for refuse and recycling facilities is sufficient for waste storage.

LBTH Energy & Sustainability

- 6.15 In terms of energy matters, the information submitted is satisfactory subject to the following conditions:

- A heat network supplying all spaces shall be installed and sized to the space heating and domestic hot water requirements
- A minimum of 12m² of photovoltaic panels shall be installed to the single house on Chrisp Street.

(Officers comment: The above would be secured by way of conditions to ensure a further reduction in CO₂ emissions).

- All units within the development should achieve a "Code Level 4" rating for sustainable homes.

(Officers comment: All affordable housing achieve a Code for Sustainable Homes Level 4 rating. However, all private units would achieve a Level 3 rating. The applicant has undertaken a viability assessment to explore the viability of achieving level 4 rating across the development. The assessment was reviewed by officers. The findings of the assessment concluded that the only means of providing Level 4 rating across the site would be at the cost of reducing the amount of affordable housing and other financial contributions. On balance, it is considered that in this instance, the need for affordable housing out weights the need to ensure all units to achieve a Code for Sustainable Homes Level 4 rating. This is discussed further in paragraph 8.105-8.106 of this report).

LBTH Environmental Health – contamination

- 6.16 The applicant should be required to undertake a site investigation to identify potential contamination on site:

(Officers comment: The applicant would be required to submit a contamination assessment to be approved by the LPA prior to the commencement of works on site. This would be secured by way of condition).

LBTH Environmental Health- noise

- 6.17 A noise survey and assessment in accordance with BS4142 together with proposed mitigation measures should be submitted for approval by the Local Planning Authority prior to granting planning permission.

(Officers comment: The applicant would be required to carry out a noise assessment

in accordance to the above prior to commencement of works on site. This would be secured by way of condition).

6.18 Hours of construction works should be restricted to the following times:

- 0800 hrs to 1800 hrs Monday-Friday
- 0800 hrs to 1300 hrs Saturdays
- No working on Sundays or Public Holidays

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

6.19 During the construction works, noise levels and vibration limits should be controlled to reasonable limits.

(Officers comment: The noise and vibration levels during the course of construction would be restricted and secured by way of condition).

LBTH Highways

6.20 LBTH Highways team do not object to the proposal subject to the following conditions and Section 106 contributions:

Conditions

- A scheme of highway improvements necessary to serve the development to be submitted and approved by the Local Planning Authority prior to commencement of works on site
- Construction Management Plan to be submitted prior to the commencement of works on site

(Officers comment: The above would be secured by way of conditions).

Section 106 matters

- A contribution of £40,000 should be secured towards highway improvement works.

(Officers comment: LBTH Highways team have provided a justification for this contribution. However, it is considered that the viability of the scheme could be compromised by securing the full financial contributions which were sought to be secured. In balancing up the financial contributions for the S106, it is considered that securing contributions for the affordable housing, health, education, open space, leisure/recreation and library facilities are also of high priority. It is recommended that a contribution of £20,000 should be secured towards improving/upgrading pedestrian crossing facilities on Chrisp Street and improving the streetscene in general.

- A contribution of £3,000 should be secured towards the monitoring and review of the Community Travel Plan

(Officers comment: This contribution would be secured in the S106 Agreement)

- The applicant should be required to enter into a "car free" agreement to

prevent residents from applying for car parking permits on the estate.

(Officers comment: The applicant would be required to enter into a "car free" agreement. This would be secured in the S106 Agreement)

7. LOCAL REPRESENTATION

7.1 A total of 196 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. 2 site notices were also posted on site.

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

7.3 No of individual responses: 2 Objecting: 1 Supporting: 1

Letter of Objection

7.4 The following issue was raised in the individual representation that is material to the determination of the application:

- The proposal would result in overdevelopment of the site.

(Officers comment: It is considered that the proposal does not present any symptoms associated with overdevelopment as the proposal does not result in:

- Unacceptable loss of sunlight and daylight to surrounding properties;
- Unacceptable loss of privacy and outlook to surrounding properties;
- Small unit sizes;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Adverse Impacts on social and physical infrastructure

The proposed density of the scheme and associated material considerations are discussed further in paragraphs 8.12-8.22 of this report).

Letter of support

7.5 The proposal would enhance the Crisp Street area and would provide much need housing in this area.

(Officers comment: It is considered that the proposed contemporary design and palette of materials are of high quality and would enhance the appearance of the area. Design matters are discussed in detail in sections 8.43-8.50 of this report.

With reference to housing, there is a great shortage of housing in the borough as identified in the Councils Core Strategy (2010). Moreover, the Council's Strategic Housing Market & Needs Assessment dated August 2009 identifies the acute need for affordable housing within the borough. It notes that there is a shortfall of 2, 700 units of affordable housing per annum. The total scale of future delivery would require a very significant increase in dwelling numbers to meet all needs. It is considered that this subject proposal would help address the great requirement for social rented housing in the Borough. Housing matters are discussed further in

sections 8.23-8.42 of the report).

- 7.6 Representations received from all consultees and local residents are available for members to view at the committee meeting.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Density
3. Housing
4. Design
5. Amenity
6. Transport and Highways
7. Energy & Sustainability
8. Other Environmental matters
9. Section 106 contributions

Land Use

- 8.2 The application site does not fall within any designation within the adopted Unitary Development Plan (1998) or the Interim Planning Guidance (Oct 2007). The existing land use on site is residential (C3 use). As the subject proposal only relates to residential development, the land use on site would remain unchanged.
- 8.3 Within the adopted Core Strategy (2010), the site is identified in LAP 7 and 8 (Polar). The vision set out in the Core Strategy for Poplar is to regenerate it:

"into a great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park".

One of the key principles for the vision of Polar is to :

" focus higher density development in and around Chrisp Street and adjacent public transport nodes"

- 8.4 Policy SP02 of the Core Strategy seeks to deliver 2, 855 homes per year with new development focussed in identified parts of the borough, including Polar.
- 8.5 The London Plan (2008) seeks to make the most efficient use of land and to maximise the development potential of sites which doesn't result in overdevelopment of the site. Policy 3A.3 aims to achieve the highest possible intensity of use compatible with local context, design principles and public transport capacity. The trust of this policy is to secure sustainable patterns of development and regeneration through the efficient re- use of previously developed urban land, concentrating development at accessible locations and transport nodes
- 8.6 In respect of national policy, PPS1 and PPS3 promote the efficient use of land with high density and encourage the use of previously developed, vacant and underutilised sites to achieve national housing targets. PPS3 'Housing' encourages Boroughs to adopt an evidence based policy approach to housing. Local Development Documents and Regional Spatial Strategies policies should be

informed by a robust, shared evidence base, in particular of housing need and demand, through a Strategic Housing Market Assessment. PPS3 stipulates that:

“ Local Planning Authorities should aim to ensure that provision of affordable housing meets the needs of both current and future occupiers, taking into account information from the Strategic Housing Market Assessment”.

8.7 The Council's Strategic Housing Market & Needs Assessment dated August 2009 identifies the acute need for affordable housing within the borough. It notes that there is a shortfall of 2, 700 units of affordable housing per annum. The total scale of future delivery would require a very significant increase in dwelling numbers to meet all needs.

8.8 The Councils adopted Housing Strategy 2009/12 clearly identifies as a key priority that :

“the amount of affordable housing- particularly social housing in Tower Hamlets needs to be maximised”

8.9 This is further reiterated in the supporting text to Policy HSG4 of the Interim Planning Guidance (Oct 2007) which states that:

“The Councils priority is for the provision of affordable housing and more specifically social rented housing, in order to meet the identified Borough's housing need”.

8.10 The site is currently an underutilised brownfield site with good access to public transport facilities and local services including Chrisp Street town centre. It is considered that redeveloping this site would act as a catalyst for regeneration for the site and the Poplar area in accordance with the Core Strategy. Moreover, the subject proposal would make the most efficient use of the land and bring forward sustainable development which responds to its context and doesn't result in overdevelopment of the site. Furthermore, this subject proposal would help address the great requirement for social rented housing which is a priority focus for the borough. Housing matters are discussed further in paragraphs 8.23-8.42 of this report.

Conclusion on land use matters

8.11 The proposal complies with national policy PPS1 and PPS3; policy 3A.3 of the London Plan (2008); policy SP02 and the vision for Poplar identified in the Core Strategy (2010) which seek to ensure developments are sustainable and make the most efficient use of land. In addition, the proposal would assist in implementing the key objectives to deliver much needed affordable housing as identified in policy HSG4 of the Interim Planning Guidance (Oct 2007); the Councils adopted Housing Strategy 2009/12 and the Councils adopted Strategic Housing Market and Needs Assessment dated August 2009.

Density

- 8.12 PPS1 and PPS3 seek to maximise the reuse of previously developed land and promotes the more efficient use of land through higher densities.
- 8.13 Policy HSG1 of the Council's IPG (2007) specifies that the highest development densities, consistent with other Plan policies, would be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.14 Density ranges in the London Plan (2008) are outlined in Policy 3A.2 and 3A.3 which seek to intensify housing provision through developing at higher densities, particularly where there is good access to public transport.
- 8.15 Policy SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 8.16 As noted in paragraph 4.10 of this report, the site has a public transport accessibility level (PTAL) rating of 3 and 4 which means it has good access to public transport. Table 3A.2 of the consolidated London Plan (2008) suggests a density of 200-450 habitable rooms per hectare (hrph) for sites with a PTAL range of 3 and suggests a density of 200-700 hrph for sites with a PTAL range of 4.
- 8.17 As noted in paragraph 4.1 of the report, the site measures approximately 0.32 hectares in area. The scheme is proposing 75 units or 224 habitable rooms. The proposed residential accommodation would result in a density of approximately 700 hrph.
- 8.18 The proposed density therefore exceeds the GLA guidance for sites with a PTAL 3 rating and is at the higher end of the GLA guidance for sites with PTAL 4 rating. However, the density matrix within the London Plan and Council's IPG is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context and London Plan design principles, as well as public transport provision. Moreover, it should be remembered that density only serves an indication of the likely impact of development.
- 8.19 Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Loss of privacy and outlook;
 - Small unit sizes
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure;
- 8.20 On review of the above issues later in this report, the proposal does not present any of the symptoms associated with overdevelopment. The proposed density of the

development is justified in this location in accordance with London Plan, Core Strategy; Unitary Development Plan and Interim Planning Guidance policies.

8.21 The scheme is considered acceptable primarily for the following reasons:

- The proposal is of a high design quality and responds appropriately to its context.
- The proposal is not considered to result in any adverse symptoms of overdevelopment.
- The provision of the required housing mix, including dwelling size and type and affordable housing is acceptable.
- A number of obligations for affordable housing, health, education, open space, leisure facilities, library facilities and highway improvement works have been agreed to mitigate any potential impacts on local services and infrastructure.
- Ways to improve the use of sustainable forms of transport would be provided through a travel plan. This would be secured in the S106 Agreement.

Conclusion

8.22 The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (2008), SP02, SP03 & SP10 of the Core Strategy (2010), policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998); policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007) & policies which seek to provide an acceptable standard of accommodation.

Housing

8.23 Policies 3A.1, 3A.2 and 3A.5 of the London Plan (2008) seek to increase London's supply of housing, require Boroughs to exceed housing targets, and for new developments offer a range of housing choices, in terms of the mix of housing sizes and types.

8.24 Policy SP02 of the Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. This proposed would go towards addressing this need.

8.25 The application proposals would deliver 75 residential units. This level of housing could contribute towards the Council's annual target of delivering 2,885 per year.

Dwelling Mix

8.26 Paragraph 20 of Planning Policy Statement 3 states that

“key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households”

These groups include older people, such as families with children, single person households and older people.

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

“offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation”.

8.28 Policy HSG7 of the Unitary Development Plan (1998) & SP02 of the Core Strategy (2010) stipulates that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP (1998) does not provide any prescribed targets.

8.29 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance (2007), which seeks to reflect the Boroughs current housing needs:

| | | affordable housing | | | | | | market housing | | |
|--------------|-----------------------|--------------------|------------|------------|--------------|------------|------------|----------------|------------|------------|
| | | social rented | | | intermediate | | | private sale | | |
| Unit size | Total units in scheme | units | % | LDF % | units | % | LDF % | units | % | LDF % |
| Studio | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1 bed | 25 | 1 | 7 | 20 | 2 | 22 | 37.5 | 22 | 43 | 37.5 |
| 2 bed | 34 | 7 | 47 | 35 | 7 | 78 | 37.5 | 20 | 39 | 37.5 |
| 3 bed | 12 | 3 | 20 | 30 | 0 | | 25 | 9 | 18 | 25 |
| 4 bed | 4 | 4 | 26 | 10 | 0 | | | 0 | | |
| 5 Bed | 0 | 0 | | 5 | 0 | | | | | |
| TOTAL | 75 | 15 | 100 | 100 | 9 | 100 | 100 | 51 | 100 | 100 |

Fig 3: Dwelling and tenure mix

8.30 Policy SP02 of the Core Strategy requires that 45% of social rented units should be suitable for family sized accommodation. It does not specify a target for intermediate or private rented units. Likewise, the Council’s Interim Planning Guidance (2009) seeks 45% of social rented units to be 3 bedroom or more. In addition, the IPG (2007) seeks 25% of intermediate and market units to be suitable for family accommodation (3 bed or more). Overall, a proposed residential development should make provision for 30% family sized units.

8.31 The proposal makes provision for 46% family size accommodation within the social rented tenure which therefore exceeds policy requirement and supported by officers. The proposal does not make provision for family sized accommodation within the intermediate tenure and 18% within the market tenure and therefore does not meet the IPG (2007) policy target. The deficiency of family units is offset by the quantum of family units in the social rented tenure which is the key priority area for family sized units. In addition, the lack of family sized accommodation in the intermediate and market tenures is offset by the policy compliant provision of 35% affordable which is a key priority for the Borough. As such, the resultant overall unit mix of approximately 21% family housing across the site is also considered acceptable.

8.32 The following demonstrates that the proposed development is a significant improvement upon what has been achieved across the borough and in terms of aspiration for family units within the social rented and market tenure and this is a positive step towards LBTH achieving key housing targets and better catering for housing need.

| | | | |
|------|---------------|----------------|------------|
| 8.33 | Tenure | Borough wide % | PA/10/2501 |
| | Social rented | 21.7% | 46% |
| | Intermediate | 9.7 | 0 % |
| | Market | 1.7 | 18% |

8.34 On balance, the scheme provides a suitable range of housing choices and meets the needs of family housing in the social rented component.

Affordable Housing

8.35 Policy 3A.9 of the London Plan (2008) sets out a strategic target that 50% of the housing provision should be affordable. Policy SP02 of the Core Strategy (2010) stipulates that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.

8.36 The site previously contained 12 studio units which were demolished in March 2010. These units amounted to 12 habitable rooms. Including the re provision of these studio units on site, the scheme proposes 37.5% affordable housing based on habitable rooms. Excluding the re provision of these demolished studio units, the proposed affordable housing equates to 35% affordable housing based on habitable rooms.

8.37 As such, the proposal makes provision for 35 % of new affordable housing on site based by habitable rooms per hectare. This meets the Councils policy requirement and is accepted by officers.

Social Rented/ Intermediate Ratio

8.38 The table below sets out the proposed tenure split within the affordable housing provision and the strategic and local policy requirements:

| TENURE | THE PROPOSAL | IPG (2007) | LONDON PLAN 2008 | CS 2010 | DRAFT PLAN |
|------------------|--------------|------------|------------------|---------|------------|
| Social rent | 70 % | 80 % | 70% | 70% | 60% |
| Shared ownership | 30 % | 20 % | 30% | 30% | 40% |
| Total | 100 % | 100% | 100 % | 100% | 100% |

8.39 As it can be seen from the above table, there is a change in the nature of the tenure split over time. The proposed tenure split is reflective of the adopted London Plan policy 3A.9 and the adopted Councils Core Strategy policy SP02 and is therefore acceptable.

Wheelchair Housing and Lifetime Homes

8.40 Policy 3A.5 of the London Plan requires new development to meet Lifetime Homes

standard and for 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users. This is reflected in policy HSG9: Accessible and Adaptable Homes of the Interim Planning Guidance (2007) and policy SP02 of the Core Strategy (2010).

- 8.41 In accordance with these policies, it is proposed that the development would be designed to meet the 16 Lifetime Homes criteria where they are applicable to individual units. Furthermore, 10% of the units have been designed to wheelchair adaptable standards. This totals 7 units comprising 5 wheelchair accessible units and 2 further wheelchair adaptable units are proposed. As such, the proposal is in compliance with the policies identified in paragraph 8.40 above.

Conclusion on housing matters

- 8.42 The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.1; 3A.2, 3A.5, 3A.9 and 3A.10 of the London Plan (2008); SP02 of the Core Strategy (2010); policy HSG7 of the Council's Unitary Development Plan (1998); policies HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007) which seek to ensure that new developments offer a range of housing choices.

Design

- 8.43 Good design is central to all the objectives of the London Plan (2008). Policy 4B.8 of the London Plan states that tall buildings would be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan (2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design. Policy 4B.10 provides further guidance on design considerations for large scale buildings, including context, attractiveness and quality.
- 8.44 These principles are also reflected in policies SP02 & SP10 of the adopted Core Strategy (2010); 'saved' policy DEV1 of the Unitary Development Plan (1998) & DEV2 of the Council's Interim Planning Guidance (2007) which seek to ensure development is of a high quality design. These policies also aim to ensure that developments are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.45 As noted in paragraph 4.5 of this report, the development comprises 3 separate blocks known as blocks A, B, C. Block A extends to 9 storeys in heights; Blocks B & C extend to 4 storeys in height. The single family unit on Carmen Streets is 2 storeys in height.
- 8.46 There is no single style of architecture which characterises the immediate or surrounding area. The general street scene provides for a variety of design, form and massing. The height of the taller element of the proposed development is not considered out of character given the emerging context and heights of buildings within this part of Chrisp Street. On the contrary, it is considered that the proposal responds to the prevailing and emerging character of the area. The surrounding area is characterised by buildings of varying heights with two storey dwellings to the north and 4 to 11 storey buildings to the west of the site. Recent planning approvals and recently constructed buildings Langdon Park station, 116, & 118 Chrisp Street

and L9 site are within the immediate context ranging from 3 to 15 storeys in height. Most notably, the L9 site located a distance of approximately 100m from the subject site extends to nine storeys in height which is the proposed height of the tallest element of this subject proposal.

- 8.47 The proposed tall building element of the proposal is considered to be well thought out in the context of the overall site layout and massing distribution. The development has been designed to step down from east to west. This would serve to integrate the built form with the two storey dwellings to the north of the site and the 4 storey development which runs along Carmen Street and the taller buildings on Chrisp Street.
- 8.48 It is considered that the proposed contemporary design responds positively to its context and would enhance the appearance of the site and general streetscene. In terms of façade treatment, the design rationale is to create a contemporary, attractive, visual presence on the site using high quality palette of materials. The elevation treatment, the variety of materials proposed as well as the varying heights and setbacks at 6th floor level to Block A would positively articulate the development whilst reducing its massing and adding to its overall visual interest. The applicant would be required to submit details of the material samples by way of condition.



Fig 4: Proposed development- view east along Carmen Street



Fig 5: Proposed development- view north along Crisp Street

Safety and Security

- 8.49 In accordance with SP10 of the Core Strategy (2010); DEV 1 of the UDP (1998) and DEV 4 of the IPG (2007), all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments. The proposed open space would be clearly visible within the streetscene and the proposed pedestrian route through from east to west across the site would aid permeability within the site. The applicant would be required to submit a Secure by Design Statement which would include details of CCTV and lighting scheme to be approved by the Local Planning Authority to ensure the safety and security of the scheme. In addition, the applicant would be required to submit landscaping details. This would be secured by way of condition.

Conclusion on design matters

- 8.50 The building height, scale, bulk and design is acceptable and in line with policies 4B.1, 4B.2, 4B.3 and 4B.5 of the London Plan (2008), policies SP02 & SP10 of the adopted Core Strategy (2010); policies DEV1 of the Council's Unitary Development Plan (1998) & policy DEV2 of the Council's Interim Planning Guidance (2007) which seeks to ensure buildings are of a high quality design and suitably located.

Amenity

Amenity space

Communal and Private amenity space

- 8.51 SP10 of the Core Strategy (2010) requires developments to make adequate provision for all forms of amenity space. Policy HSG16 of the Unitary Development Plan (1998) requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided.

- 8.52 Policy HSG7 of the Interim Planning Guidance (2007) sets out the minimum provision for private and communal amenity space to be met. The policy requirement for private amenity space is 869 sqm and the policy requirement for communal amenity space is 115 sqm.
- 8.53 The proposed development would provide approximately 933 sqm of private amenity space and approximately 587sqm of communal amenity within the site. The proposal therefore exceeds the policy requirement and is supported by officers.

Child Play Space

- 8.54 Planning Policy Statement 3 sets out the importance of integrating play and informal recreation in planning for mixed communities.
- 8.55 Policy 3D.13 of the London Plan (2008), policy SP02 of the Core Strategy (2010); policy OS9 of Tower Hamlets UDP (1998) (saved policies), policy HSG7 of Tower Hamlets IPG (2007) require the provision of appropriate child play space within residential developments.
- 8.56 The Council's IPG (2007) suggests that proposals should provide 3sqm of play space per child.
- 8.57 The Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation' sets a benchmark of 10 sqm of useable child play space per child, with under 5 child play space provided on site.
- 8.58 The child yield for the proposed development is anticipated to be 35 children and accordingly the development should provide a minimum of 351 sqm of play space on site. According to the SPG, the scheme should provide for 137sqm for 0-4 year olds; 129 sqm for 5-11 years olds and 85 sqm for 11-15 year olds.
- 8.59 The proposal makes provision for 355 sqm of child playspace on site and therefore exceeds the policy requirement as set out in Policy 3D.13 of the London Plan (2008) and the Mayor's SPG on the provision of child play space. In addition, the site is located within short walking distance of Bartlett Park and Langdon Park (which are 300 metres and 115 metres from the site respectively) which provide existing child playspace on site. The older children and youth could utilise both play areas in the respective parks.

Conclusion on amenity space matters

- 8.60 The quantity and quality of private and communal amenity space and child play space is also acceptable in line with policies 3D.13 of the London Plan (Consolidated with Alterations since 2004), policies ST37, HSG16 and OS9 of the Council's Unitary Development Plan (1998) and HSG7 of the Council's Interim Planning Guidance (2007) which seek to ensure that adequate amenity space is provided.

Sunlight, Daylight and Overshadowing

- 8.61 DEV2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of

development on the amenity of residents and the environment.

8.62 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms. This policy is supported by policy SP10 of the Core Strategy 2010.

8.63 Policy 4B.10 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.

8.64 The submitted Environmental Statement details the following neighbouring properties are to be considered 'sensitive receptors':

- 2-12 Carron Close
- 21-23 Carmen Street
- 25 Carmen Street (Public House)
- 50-74 Carmen Street
- 27-35 Carmen Street
- 2-48 Carmen Street
- 139-141 Chrisp Street

8.65 The BRE guidance report sets out the the following three main methods how daylight is normally calculated:

- Vertical sky component (VSC)
- Average Daylight Factor (ADF)
- No Sky Level (NSL)

Vertical Sky Component (VSC)

8.66 The daylight levels are measured from the centre point of the windows.

Average Daylight Factor (ADF)

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

- 2% for kitchens;
- 1.5% for living rooms; and
- 1% for bedrooms.

8.68 The ADF test is where the impact is measured from the centre of the room. The test assesses the size of the windows in relation to the size of the room. The ADF test takes into account the size of windows and whether the room has more than one window. BRE guidelines recommend that development should not result in ADF losses of greater than 20%

8.69 The impacts of the development on daylight levels to the following nearby and most effected properties were assessed:

Assessment

- 8.70 The report identifies that there are some reductions in the VSC and ADF levels to the surrounding properties. However, the properties which do not fully accord with the VSC tests comply with the ADF tests with the exception of 1 ground floor room at 23 Carmen Street. However, the level of non compliance is not considered to be significant and the vast majority of rooms assessed comply with the BRE guidelines.
- 128 of 147 (87%) windows comply with VSC target daylight levels
 - 146 of 147 (99%) rooms comply with ADF target daylight levels
- 8.71 An internal daylight assessment was undertaken to examine the impact the development has upon itself. The Average Daylight Factor test was applied and overall approximately 95% of the rooms within the proposed development achieve full compliance with the BRE target.
- 8.72 The instances of non compliance are not considered to be significant and whilst the proposal is likely to result in a reduction in the availability of daylight into habitable rooms of some neighbouring properties; it is considered that the regenerative benefits that the proposal would bring to the area and the borough as a whole, in terms of affordable housing and financial contributions would, on balance, outweigh the loss of daylight to a small number of properties.
- 8.73 In relation to sunlight, the BRE Guidance advises that new development should take care to safeguard access to sunlight for existing buildings and any non domestic buildings where there is a particular requirement for sunlight. This test measures the Annual Probable Sunlight Hours. The amount of sunlight entering a south facing window throughout the year should be 25% and 5% during winter. The assessment looks at the available sunlight hours.
- 8.74 The residual availability of sunlight to the existing neighbouring buildings and the development itself would on the whole, remain adequate and there would be no material impact arising from the proposal. With reference to sunlight, approximately 92% of the relevant rooms achieve full BRE sunlight compliance whilst the 4 localised failures would have minimal impact upon the occupants.

Overshadowing

- 8.75 The submitted Daylight and Sunlight Assessment includes an overshadowing assessment. It demonstrates that the extent of permanent overshadowing that would arise from the proposed development would not unduly result in any material detrimental impact on existing neighbouring amenity or result in unacceptable levels of overshadowing of the proposed amenity space.

Overlooking/Sense of Enclosure

- 8.76 Unlike, sunlight and daylight assessments, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Notwithstanding, it is considered by officers, that, given the siting, location and orientation of the proposed buildings and its relationship to surrounding properties, it is not considered that the proposals would not result in an unacceptable sense of enclosure or loss of privacy to neighbouring buildings or on the development itself. The taller element (Block A) of the development is located to the north east of the

site is not considered to have an overbearing of its surroundings. Block B and C extend to four storeys in height and is considered that properties to the north on Carmen Street and Chrisp Street would not experience a sense of enclosure.

Conclusion on amenity matters

- 8.77 It is not considered that the proposal would give rise to any adverse impacts in terms of privacy, overlooking, sense of enclosure, loss of sunlight and daylight upon the surrounding properties. As such, the proposal is considered to satisfy the relevant criteria of SP10 of the Core Strategy (2010); saved policy DEV2 of the Council's Unitary Development Plan (1998); policy DEV1 of the Interim Planning Guidance (2007) which seeks to protect amenity of surrounding properties.

Noise and vibration

- 8.78 The submitted Noise Assessment was assessed by LBTH Environmental Health team. At present, a noise assessment from plants, air conditioning or ventilation systems for the proposed development has not been undertaken. As such, a noise survey and assessment in accordance with BS4142 together with proposed mitigation measures would be submitted for approval by the Local Planning Authority, prior to commencement of works on site. This would be secured by way of condition.
- 8.79 In terms of noise and vibration during demolition and construction, conditions have been attached which restrict construction hours and noise emissions, and a condition has been attached requiring the submission and approval of a Construction Management Plan which would further assist in ensuring noise reductions.

Transport and Highways

Accessibility

- 8.80 As noted in paragraph 4.10 of this report, the site has a PTAL rating of 3 to the eastern part of the site and a PTAL rating of 4 to the western part of the site which overall means it has good access to public transport.
- 8.81 It is situated within close proximity of a number of public transport routes providing easy access to Canary Wharf, Bank and the wider London area. These public transport facilities; include a number of bus routes along A13 and Chrisp Street as well as DLR services from Langdon Park, All Saints and Polar stations. Both the 309 bus service and the D8 are located within a short walk at bus stops located on Cordelia Street and Chrisp Street respectively. Also, bus stops for the 15, 115, D6 and D7 buses are located close of the site.

Car Parking

- 8.82 Policy 3C.1, 3C.16 & 3C.22 of the London Plan (2008); policy SP09 of the Core Strategy (2010), 'saved' policy T16 of the Unitary Development Plan (UDP); policy DEV 17, DEV 18 & DEV 19 of the IPG (2007) which seek to ensure sustainable non car modes of transport and to limit car use by restricting car parking provision.
- 8.83 Planning Standard 3 'Parking' of the Interim Planning Guidance (Oct 2007) stipulates that, developments without on-site car parking /car free development

should provide 1 accessible car parking space on site.

- 8.84 As noted in paragraph 4.2 of this report, the site presently contains 32 garages on site. The submitted Transport Statement outlines that the existing usage of the 32 garages is as follows:
- 10 garages let to Poplar HARCA tenants
 - 10 garages are sublet to local residents
 - 12 garages are vacant
- 8.85 Whilst surrounding tenants (both Polar HARCA and other) can apply to Poplar HARCA to use the garages, this is a private commercial arrangement not linked to their tenancies and can be terminated at a weeks notice. In summary the garages can be rented to anyone who wishes to use them. The applicant has confirmed that it operates other garages for rental purposes in nearby estates such as Milstead House on Carron Close and Salisbury House off Hobday Street which can be made available for local residents who wish to use them.
- 8.86 LBTH Highways team have raised no objections to the removal of the garages. In addition, no objections have been received from local residents on the loss of garages on site.
- 8.87 The proposal would make provision for 1 accessible car parking spaces on site which is in accordance with Council policy requirement. There is also one other car parking space proposed for the 4 bed social rented house fronting Carmen Street. As the site is highly accessible by public transport, the low provision of car parking on site is supported by LBTH Highways officers as it would assist in alleviating any problems associated with congestion in the area.

Cycle Parking

- 8.88 Council policies requires that secure cycle parking should be provided for new build developments. Specifically for residential development, planning Standard 3 'Parking' of the Interim Planning Guidance (2007) requires 1 cycle space per unit. On this basis, the proposal would be required to provide 75 cycle spaces.
- 8.89 The proposal makes provision for 72 cycle spaces (46 spaces at basement level and 26 spaces on ground floor level) located in safe and secure locations through Sheffield stands which is supported by officers. The applicant notes that the proposed 12 units on the ground floor with private gardens would be able to store bicycles in their private amenity space areas. This arrangement is considered acceptable by LBTH Highways officers.

Contribution towards highway improvement works

- 8.90 Policy SP03 of the Core Strategy seeks to protect and enhance streets that function as important distribution routes for vehicles and pedestrians as well as places to gather and which provide key links between the borough's town centres.
- 8.91 As identified in paragraph 6.19 of this report, a contribution of £20, 000 would be secured towards highway improvement works which includes improving/upgrading pedestrian crossing facilities on Chrisp Street and street scene improvements. A highway improvement works condition would be attached to the decision. The condition would require the applicant to submit a scheme of highway improvement

works which would be necessary to serve the development. This is in the interest of pedestrian and vehicular safety on the public highway and would seek to ensure that the development would support the creation of better and safer streets.

- 8.92 In addition and as noted in section 3.2 of the report, the Council would also seek a contribution of £3,000 towards the monitoring of the Travel Plan.

Refuse and recycling/ servicing arrangements

- 8.93 Policies SP05 of the Core Strategy (2010); DEV 55 of the Unitary Development Plan (1998) & DEV 15 of the Interim Planning Guidance (Oct 2007) seek to ensure that developments make adequate provision for refuse and recycling facilities in appropriate locations.
- 8.94 A refuse strategy has been designed to provide an easily accessible refuse store for the whole scheme which would be serviced by the existing refuse vehicle movement on Carmen Street and would not generate any additional movements. In terms of deliveries, 2 service vehicles per day are predicted which is considered acceptable and should not be detrimental to the local highway network. On street servicing of refuse is accepted by LBTH Highway officers. Notwithstanding, the applicant would be required to submit a Secure and Delivery Management Plan. This would be secured by way of condition.

Conclusion on transport/highway matters

- 8.95 Subject to conditions and appropriate S106 contributions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and accord with policy's 3C.1, 3C.16 & 3C.22 of the London Plan (2008); policy SP09 of the adopted Core Strategy (2010); policies T16 & T18 of the Unitary Development Plan (1998), policies DEV16, DEV17, DEV18 and DEV19 of the Interim Planning Guidance (2007) and national advice PPS13 which seek to ensure there are no detrimental highway impacts created by the development.

Energy and Sustainability

- 8.96 London Plan energy policies (4A.1-4A.7) aim to reduce carbon emissions by requiring the incorporation of energy efficient design, use of decentralised energy and renewable energy technologies. More specifically, policy 4A.3 seeks to ensure developments meet the highest standards of design and construction. Policy 4A.6 require all developments to demonstrate that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions and seeks the development to ensure that where a CHP system is proposed consideration is given to extend the scheme beyond the site boundaries. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. Policy 5.2 of the draft replacement London Plan (Oct 2009) seeks developments to achieve a CO2 reduction of 44%. Policy SP11 of the adopted Core Strategy (2010) and policies DEV5 and DEV6 of the Interim Planning Guidance (Oct 2007) have similar aims to London Plan policies.
- 8.97 The application has been accompanied by an Energy Statement and a Sustainability Statement.
- 8.98 The proposed energy efficiency measures would include improvements to the building regulations minimum requirements for insulation, air tightness and thermal

bridging to reduce Cos emissions by 11% which is considered acceptable by LBTH Energy team.

- 8.99 As part of low carbon and renewable energy technologies proposed, a Combined Heat and Power (CHP) is proposed across the site to generate electricity apart from the single house fronting Chrisp Street where photovoltaic (solar) PV panels are proposed.
- 8.100 It is anticipated that the proposed CHP system would result in a 20% reduction in CO2 emissions. The CHP space has been allocated within a plant room at basement level to enable future connection to any wider district heating systems.
- 8.101 Overall, it is anticipated that the Co2 reductions through the CHP system and PV panels would amount to 46% which would exceed the draft London Plan (2008) target of 44% and therefore supported by officers.
- 8.102 To continue to ensure a reduction in carbon dioxide emissions, the following conditions would be secured:
- A heat network supplying all spaces should be installed and sized to the space heating and domestic hot water requirements of the Development.
 - A minimum of 12m2 of photovoltaic panels should be installed to the single house at Chrisp Street site L11 with a minimum peak power of 1.6kWp.

Sustainability

- 8.103 London Borough of Tower Hamlets requires all new development to demonstrate the highest standards of sustainable design and construction in accordance with Policy 4A.3 of the London Plan Spatial Development Strategy for Greater London (2008) and Policy DEV 5 of the Interim Planning Guidance (2007).
- 8.104 To meet minimum requirements in terms of meeting heating, hot water and CO2 emission requirements; a development should achieve a Code for Sustainable Homes Level 3 rating. To meet the maximum requirements in terms of meeting building Regulations requirements a development should achieve a Code for Sustainable Homes Level 4 rating.
- 8.105 All affordable housing achieve a Code for Sustainable Homes level 4 rating. However, all private units would achieve a Level 3 rating. As noted in paragraph 6.14 of this report, LBTH Energy team sought to achieve Level 4 rating for all residential units within the development. As a response to this, the applicant has undertaken a viability assessment to explore the viability of achieving Level 4 rating across the development. The assessment found that Level 4 rating could only be achieved at the cost of reducing S106 financial contributions and reducing the amount of proposed affordable housing. The assessment was examined by officers who concurred with the findings in the viability assessment.
- 8.106 On a finely balanced assessment, officers are of the opinion that in this instance, the regenerative benefits that the proposal presents together with the policy compliant provision of affordable housing and numerous financial contributions outweigh the need to ensure that all units achieve a Code for Sustainable Homes Level 4 rating on site. To reiterate on points made in paragraphs 8.7-8.10 of this report, the deliverability of housing, particularly affordable housing, is a key priority for both the Council and Government Office for London.

Conclusion on energy matters

- 8.107 Subject to the recommended conditions as identified in paragraph 8.101 of this report, it is considered that energy and sustainability matters, including energy, are acceptable and in line with policies 4A.1 to 4A.7 of the London Plan (2008); SP11 of the adopted Core Strategy (2010), policies DEV 5, DEV 6 & DEV9 of the Council's Interim Planning Guidance (2007) which seek to promote sustainable development practices.

Other Environmental matters

Air Quality

- 8.108 Policy 4A.19 of the London Plan (2008) seeks to achieve reductions in pollutant emissions and public exposure by pollution. The submitted Air Quality Assessment demonstrates that exposure to poor air quality is extremely small and exposure to dust from construction to existing residents is negligible. Nonetheless a condition would be attached requiring the submission of a Construction Management Plan, which should detail measures to reduce dust escape from the site during construction. Such matters are also covered by separate Environmental Health legislation.

Biodiversity

- 8.109 Policy SP11 of the Core Strategy (2010) seeks to ensure the built environment adapts to the effects of climate change and notes that climate change would affect the borough in a number of ways and adaptations required to address these effects include providing new green open spaces and greening of the built environment.

- 8.110 SP04 of the Core Strategy seeks to:

"promote and support new development that provides green roofs, green terraces and other measures to green built environment"

In addition, the borough seeks to:

"ensure development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity"

- 8.111 The proposed makes provision for green on blocks A , B and C. These roof top area are not assessable to residents. The inclusion of green roofs brings a number of environmental and ecological benefits including; control of air humidity; filtration of dust and pollutants; rainwater retention therefore reducing water run off; aiding biodiversity and creating a natural habitat for plants and birds.
- 8.112 The Environmental Agency has requested that the green roofing identified on the drawings should be implemented to promote biodiversity habitat and mitigate against climate change. The applicant would be required to implement all the approved drawings. This would be secured by way of condition.
- 8.113 In accordance with SP04 and SP11 of the Core Strategy (2011), it is considered that the proposed green roofs to the development are beneficial towards mitigating climate change and enhancing biodiversity.

Section 106 contributions

8.114 In accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, planning obligations can only constitute a reason for granting planning permission where they meet the following tests:

- i. The obligation is necessary to make the development acceptable in planning terms;
- ii. The obligation is directly related to the development; and
- iii. The obligation is fairly and reasonably related in scale and kind to the development.

8.115 Planning obligations can be used in three ways: -

1. To prescribe the nature of the development to ensure it is suitable on planning grounds. For example, by requiring a given proportion of housing is affordable;
2. To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
3. To mitigate the impact of a development. For example, through increased public transport provision

8.116 Policy 6A.5 of the London Plan (2008) advises:

- It would be a material consideration whether a development makes adequate provision for, or contribution towards requirements that are made necessary by, and related to, the proposed development.
- Negotiations should seek a contribution towards the full cost of such provision that is fairly and reasonably related to the proposed development and its impact on the wider area.

8.117 Policy DEV 4 of the Tower Hamlets UDP 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007) state that the Council will seek planning obligations or financial contributions to mitigate the impacts of a development.

8.118 Chapter 8 of the Council's Core Strategy 2010 deals with Delivery and Monitoring. Policy SP13 says:

" The Council will negotiate planning obligations in relation to proposed development. These may be delivered in kind or through financial contributions".

8.119 The applicant has offered that the following matters are included in a Section 106 Agreement with the Council:

- Affordable housing provision of 35% of the proposed habitable rooms with a 70/30 split between social rent and shared ownership to be provided on site (free from grant funding)
- £30,846 towards open space
- £25,000 towards leisure and recreation
- £10,00 towards leisure and creation facilities
- £177,960 towards education
- £20,000 towards highway works
- £100,694 towards health

- £3, 000 towards the monitoring of the Travel Plan

The total financial contribution would be £367,500

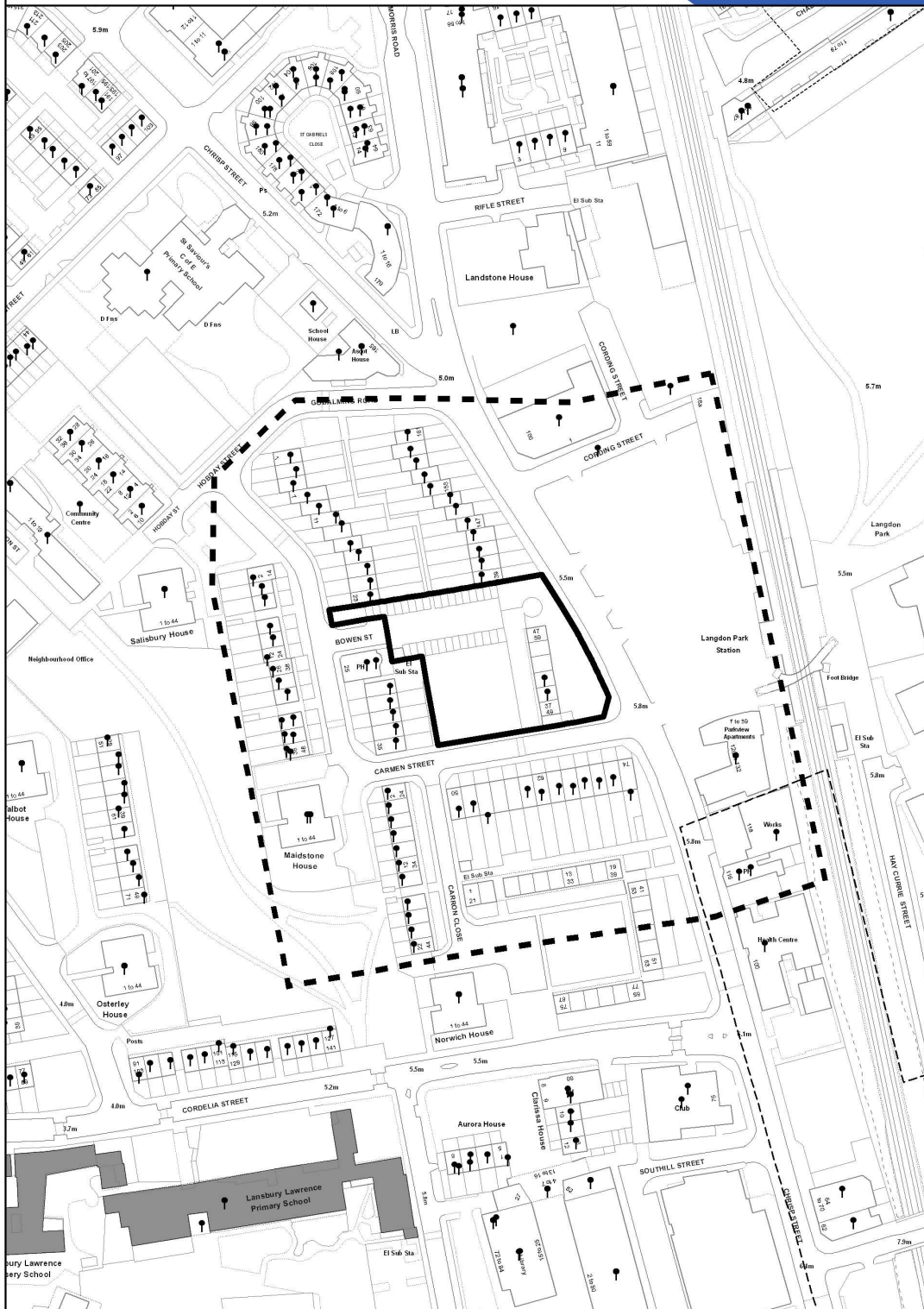
8.120 All of the above contributions have been discussed earlier in the report (paragraphs 6.6-6.11 & 6.21 of this report).

8.121 In accordance with policy 6A.5 of the London Plan, policy SP13 of the Core Strategy; policy DEV 4 of the UDP and policy IMP1 of the Interim Planning Guidance (Oct 2007), it is considered that the inclusion of the above matters in the section 106 agreement, together with the recommended conditions, would mitigate the impacts of the development and comply with Community Levy Regulations 2010.

9.0 CONCLUSION

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

Planning Application Site Map



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 7.4

| | | | |
|---|--|--|-------------------------------|
| Committee: Development | Date: 6 th April 2010 | Classification: Unrestricted | Agenda Item No: 7.4 |
| Report of: Corporate Director of Development and Renewal Case Officer: Mandip Dhillon | | Title: Planning Application for Decision Ref No: PA/11/00002 Ward(s): Bethnal Green South | |

1. APPLICATION DETAILS

Location: Blithehale Court, 10 Witan Street, London
Existing Use: Student Accommodation (Sui Generis)
Proposal: Temporary change of use from Student accommodation (Sui Generis use class) to allow occupation by officials and other persons associated with the London Olympic Games between 12/07/12 and 07/09/12 inclusive; reverting to original use as student accommodation thereafter.

Drawing No's: Land Registry Supplementary Plan (scale 1:1250), A3/Sch09/Drg20, A3/Sch09/Drg011, A3/Sch09/Drg012, A3/Sch09/Drg016, A3/Sch09/Drg017 and A3/Sch/Drg018

Documents:

Planning Statement ref:0961613/GR, copy of planning permission PA/06/1652, copy of letter from LOCOG dated 11/11/10 and Transport Statement and Response to Highways Department dated 25th February 2011.

Applicant: The Unite Group plc
Owner: Various
Historic Building: No
Conservation Area: No

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, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The proposal is only considered to be acceptable in land use terms because it is a proposal for a temporary use and for a temporary period which will reinstate the student accommodation use in September 2012. The temporary change of use is considered to be acceptable for exceptional circumstances as it facilitates the 2012 London Olympic Games, which meets the aims and objectives of Policy 3B.9 of the London Plan 2008 (consolidated with alterations since 2004) and SO2 of the Core Strategy adopted 2010.
- 2.3 Subject to the imposition of a condition requiring submission and approval of details to consider and mitigate possible transport generation from the use, it is considered that the proposal is acceptable on highways grounds in accordance with the requirements of policies 3C.1 of the London Plan 2008 (Consolidated with alterations since 2004), SP09(3) of the Core Strategy 2010, T16 and T18 of the UDP 1998. These policies seek to ensure developments can be supported within the existing transport infrastructure.

3. RECOMMENDATION

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

3.3 Conditions:

1. Time Limit
2. Accordance with approved plans
3. Submission and approval of transport and highways details.
4. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the change of use of all of the student accommodation (10,681sqm) at the application site, to provide temporary accommodation for officials and other persons associated with the Olympic Games between 12th July 2012 and 7th September 2012 on behalf of LOCOG. The use would be returned to student accommodation after this date in time for the new academic term in September.
- 4.2 The proposal involves no operational development, internally or externally to this building.
- 4.3 The scheme is referable to the planning committee under the constitution as the proposal involves the change of use of more than 10,000sqm of floorspace.

Site and Surroundings

- 4.4 Blitthale Court is located on the western side of Cambridge Heath Road, across the road from Bethnal Green Gardens. The site is located on the junction of Cambridge Heath Road and Witan Street. To the north, the site is bound by Birkbeck Street and to the west the site is bound by the railway lines.
- 4.5 The proposal site has a gross floorspace of 11,495sqm, however, only the upper floors of the site are used for student accommodation comprising 10,681sqm. The ground floor of the property along its principle elevation onto Cambridge Heath Road is commercial although not all units are occupied.
- 4.6 The site is not located within a conservation area and is not listed. However the site adjoins the Bethnal Green Gardens conservation area.
- 4.7 The site has a Public Transport Accessibility Level (PTAL) of 6. The closest stations to the site are located at Bethnal Green Road. The site is close to bus routes numbers 106 and 254.

Planning History

Application Site

- 4.8 PA/06/1652 – Planning permission was granted for the demolition of the existing 2/3 storey buildings and redevelopment of the site to provide an eleven storey building providing B1/A1/A2/A3/A4 use at ground floor level and 305 student rooms at upper levels. Approved 16/07/2007

Other Applications

- 4.8 Three other planning applications were submitted at other Unite student accommodation sites which were approved under delegated powers as the floorspace of these developments fell below 10,000sqm.

Rahere Court, 4 Toby Lane

- 4.9 PA/11/00003 - Temporary change of use from student accommodation (Sui Generis Use Class) to allow occupation by officials and other persons associated with the London Olympic Games between 12/07/12 and 07/09/12 inclusive; reverting to original use as student accommodation thereafter- Approved 17/3/11

Quantum Court, 14 King David Lane

- 4.10 PA/11/00004 - Temporary change of use from student accommodation (Sui Generis Use Class) to allow occupation by officials and other persons associated with the London Olympic Games between 12/07/12 and 07/09/12 inclusive; reverting to original use as student accommodation thereafter- Approved 17/3/11

Pacific Court, Artillery Passage

- 4.11 PA/11/00005- Temporary change of use from student accommodation (Sui Generis Use Class) to allow occupation by officials and other persons associated with the London Olympic Games between 12/07/12 and 07/09/12 inclusive; reverting to original use as student accommodation thereafter- Approved 17/3/11

5. POLICY FRAMEWORK

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

5.2 Unitary Development Plan 1998 (as saved September 2007)

| | | |
|-----------|------|----------------------------|
| Policies: | DEV2 | Environmental Requirements |
| | T16 | Transport and Development |
| | T18 | Transport and Development |

5.3 Core Strategy 2010

| | | |
|-----------|------|---|
| Policies: | SP06 | Delivering Successful employment Hubs |
| | S02 | Maximising the Benefits of the Olympic Legacy |
| | SP02 | Urban Living for Everyone |
| | SO19 | Making Connected Places |
| | SP09 | Making Connected Places |

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

| | | |
|-----------|-------|----------------------------|
| Policies: | DEV1 | Amenity |
| | DEV2 | Character and Design |
| | DEV17 | Transport Assessments |
| | DEV19 | Parking for Motor Vehicles |

5.5 Spatial Development Strategy for Greater London (London Plan) 2004

| | | |
|---------|------|---------------------------------------|
| Polices | 3B.9 | Tourism Industry |
| | 3C.1 | Integrating Transport and Development |
| | 3D.7 | Visitor Accommodation and facilities |

5.6 Government Planning Policy Guidance/Statements

PPG13 Transport

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

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

6. CONSULTATION RESPONSE

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

Transport for London

6.2 No objection- the development will not result in an impact on the TLRN.

LBTH Highways

6.3 Concerns were raised with regard to the highways issues at the site. Further information was requested and submitted by the applicant.

Following the submission of further information, it came to light that much of the original information submitted appeared to contradict the later submission of details, namely that there would be limited pick ups and drop offs at sites, much movement at the sites would be via public transport, whereas it had initially been indicated that it was likely that there would be a proportion via taxis and coaches.

The supplementary statement issued stated that it is not yet known who will be staying at the various locations and as such this will determine the needs of the particular resident. It is stated that this transport planning and strategy is still ongoing. (point 4)

(Officer Comment: Whilst the LBTH Highways team have stressed that this is inadequate to assess the application, it is considered that as the student accommodation land use exists at the site and the principle for using the site, albeit temporarily, for hotel accommodation, the arrangements for ensuring the impacts of the proposed temporary change of use can be mitigated prior to the implementation via condition.)

7. LOCAL REPRESENTATION

7.1 A total of 365 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site.

7.2 No letters of representation have been received in support/ objection.

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 temporary change of use
2. The impacts of the proposal upon surrounding occupants
3. The highways impacts of the proposals.

Temporary change of use

- 8.2 The proposal seeks the temporary change of use of the site for a period of two months from student accommodation to hotel type accommodation. The student accommodation will be vacant during the period LOCOG are seeking to occupy the building.
- 8.3 Policy 3B.9 of the London Plan, 2004 requires the borough to encourage sustainable tourism provision, especially for Olympic and Para Olympic Games in town centres and other locations with good public transport access.
- 8.4 Policy 3D.7 of the London Plan, 2004 requires the boroughs to identify new visitor facilities in CAZ and town centres and Opportunity Areas, with good public transport access; accommodate smaller scale provision in CAZ fringe locations and support the provision of a wide range of tourist accommodation, such as apart-hotels.
- 8.5 Policy SP06.4 of Core Strategy 2010 requires that hotels, service apartments and conference centres are located in CAZ areas, activity areas, and major and district centres. Since the site is not located within these areas, it is not considered appropriate for hotel accommodation under ordinary circumstances.
- 8.6 The site is an area of mixed-uses located close to the main road and a number of commercial uses. Whilst the site is not located in a town centre or a preferred hotel location or CAZ, a balance must be struck on the basis that the proposals are only for a temporary period of two months.
- 8.7 Given the very special circumstances of temporarily accommodating officials associated with the Olympics Games, the exceptional circumstances justify permission for the temporary change of use at the site, provided that no changes are made to the property and that the property will be reverted back to its original use after the Planning Permission expires.
- 8.8 The proposal is only considered to be acceptable in land use terms because it is a proposal for a temporary use and for a temporary period which will reinstate the student accommodation use in September 2012. The temporary change of use is considered to be acceptable for exceptional circumstances as it facilitates the 2012 London Olympic Games, which meets the aims and objectives of Policy 3B.9 of the London Plan 2008 (consolidated with alterations since 2004) and SO2 of the Core Strategy adopted 2010.

The impacts of the proposal upon surrounding occupants

- 8.9 The whole student accommodation block will be used for hotel type accommodation for the temporary period.
- 8.10 Policy DEV2 of the UDP 1998 and DEV1 of the IPG 2007 seek to protect the amenity of residential occupiers and the environment from neighbourly impacts such as noise.
- 8.11 Given the number of rooms proposed to be used for a hotel type use within this site will be the same as those which are used as student accommodation at present. It is not considered that the impact on the local area will be substantially different to that which currently exists with regard to the number of people in the local area.
- 8.12 Overall, the impact is considered to be negligible and therefore the proposal is not considered to raise any impact upon neighbouring residential amenity with regard to noise

and the number of users at the application site.

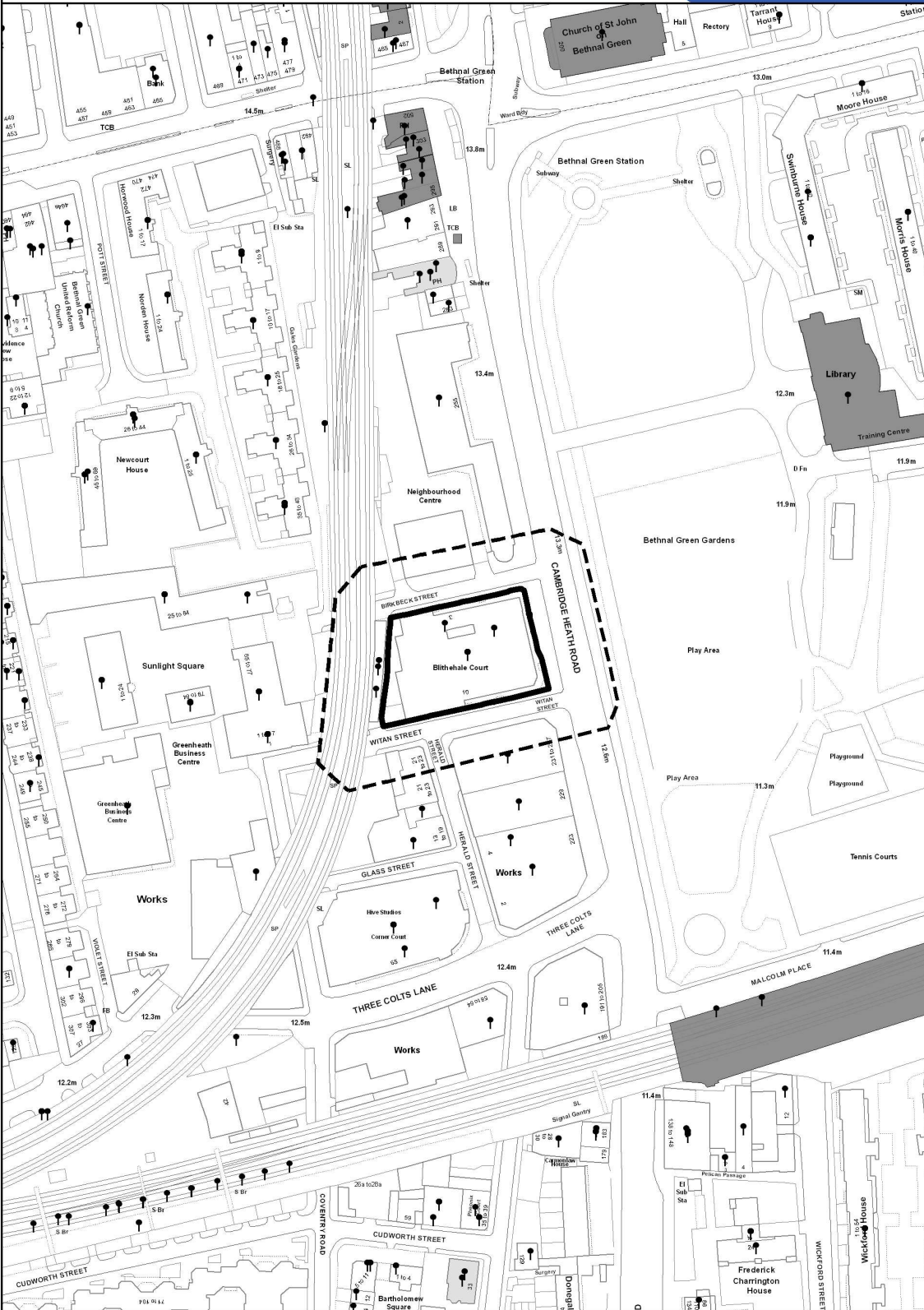
Highways



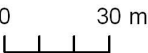
- 8.13 The site is located in a PTAL 6, which is excellent. The site has no on-site car parking provision and is located off Cambridge Heath Road which is a main distributor road in the borough. The site at present has a Green Travel Plan which was sought by the Local Authority as a non-financial planning obligation through the grant of planning approval for the student accommodation facilities in 2007.
- 8.14 Policy T16 and T18 of the UDP 1998 seek to ensure that development proposals take into account the operational requirements of the proposed use and the impact of the traffic that is likely to be generated. T18 specifically prioritises and encourages pedestrian movements. Policy SP09 of the Core Strategy 2010 supports the UDP policies and seeks to ensure new development has no adverse impact on the safety and capacity of the road network.
- 8.15 Whilst the site is located in an area which has a high public transport accessibility level, and is close to a main distributor road, the use of the site as a hotel, albeit for a temporary period, it is likely to increase vehicular movements in the area. At present the student accommodation has limited impact with regard to vehicular movements, it is anticipated that the peak periods for pick ups and drop offs at the student accommodation facility is September, when students move in and June, when students leave.
- 8.16 At present the applicants have been unable to confirm the level of trips and modes of transport likely to be generated by the temporary occupiers of these units, therefore it is proposed to impose a condition requesting the submission of this further information prior to the commencement of development in order to enable mitigation measures to be implemented prior to the implementation of this temporary consent.
- 8.17 Subject to the imposition of a condition requiring submission and approval of details to consider and mitigate possible transport generation from the use, it is considered that the proposal is acceptable on highways grounds in accordance with the requirements of policies 3C.1 of the London Plan 2008 (Consolidated with alterations since 2004), SP09(3) of the Core Strategy 2010, T16 and T18 of the UDP 1998. These policies seek to ensure developments can be supported within the existing transport infrastructure.

9.0 Conclusions

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

Planning Application Site Map



| | | | |
|--|--|---|--|
|  Planning Application Site Boundary |  Locally Listed Buildings |  Land Parcel Address |  1:2,000 |
|  Consultation Area |  Statutory Listed Buildings |  0 30 m | |

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 8.1

| | | | |
|----------------------------------|--------------------------------|--|-----------------------------------|
| Committee: Development | Date: 6th April 2011 | Classification: Unrestricted | Agenda Item Number: 8.1 |
|----------------------------------|--------------------------------|--|-----------------------------------|

| | |
|--|--------------------------------|
| Report of: Director of Development and Renewal Case Officer: Pete Smith | Title: Planning Appeals |
|--|--------------------------------|

1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account 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.

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/10/01488 |
| Site: | 477 The Highway E1W 3HY |
| Development: | Display of 1x96 sheet illuminated advertisement (lightbox) |
| Decision: | REFUSE (delegated decision) |
| Appeal Method: | WRITTEN REPRESENTATIONS |
| Inspector's Decision | DISMISSED |

- 3.2 This 96 sheet advertisement was proposed to be displayed on a single monopole (designed to appear like a ship's mast and associated rigging to reflect the maritime heritage of this part of London). The proposed advertisement location was within the curtilage of a cement and aggregate depot approximately 100 metres from the junction of the Highway and Butchers

Row.

- 3.3 The Inspector felt that the proposed advertisement (with mounting rising to 7 metres in height) would have been overly prominent and intrusive in the street scene where there are few advertisement hoardings. She also concluded that it would have had an overbearing effect on the locally listed brick wall (enclosing the site at back edge of footway).
- 3.4 The appeal was DISMISSED and advertisement consent refused.

| | |
|-----------------------------|---|
| Application No: | PA/10/01383 |
| Site: | 295 Whitechapel Road, London, E1 1BY |
| Development: | Change of use of a restaurant with installation of rear kitchen ventilation. |
| Council Decision: | REFUSE (delegated decision) |
| Appeal Method: | WRITTEN REPRESENTATIONS |
| Inspector's Decision | ALLOWED |

- 3.5 The main issue in this case was the impact of the proposed change of use on the amenities of neighbouring residential occupiers with reference to possible disturbance from cooking smells and odours.
- 3.6 As the property is located within the Whitechapel Market Core Area, the Inspector felt that in view of the nature of other existing uses nearby, it was unlikely that neighbouring occupiers would have suffered unacceptable increased noise levels or disturbance.
- 3.7 The Council's main concern was the proposed low ventilation system which the Council considered would have led to unacceptable odour nuisance to nearby residents (with the flue outlet being located at ground level with fans, filters and silencers being located within the building).
- 3.8 Notwithstanding the Council's moratorium on low level ducting, the Inspector concluded that there was no reason to doubt that a satisfactory specification could be identified which would meet the technical standards required by Environmental Health. He felt that the flue details could be satisfactorily resolved through use of a Grampian style condition (the use will not be able to take place unless a suitable agreed ventilation system can be agreed).
- 3.9 Whilst officers agreed that a condition might be an appropriate way forward, they raised concerns about this approach, as the property is located within the Whitechapel Conservation Area and high level ducting with concerns in terms of unacceptable conservation area and design impact. However, the Inspector was not persuaded that the rear elevation of the building occupied a particularly sensitive location (in terms of prominence).
- 3.10 Subject to the flue arrangement being submitted and approved (in order to minimise odour nuisance) the principle of the change of use was accepted.
- 3.11 The appeal was ALLOWED

| | |
|------------------------|--------------------|
| Application No: | PA/10/02053 |
|------------------------|--------------------|

Site: Petrol Service Station, 40 Cotton Street, E14 0EL
Development: Display of a Freestanding Poster Panel
Decision: REFUSE (delegated decision)
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED

3.12 The main issue in this case was the impact of the proposed internally illuminated advertisement display on the character and appearance of the All Saints Poplar Conservation Area.

3.13 The proposed advertisement was proposed to terminate at around 6 metres in height within a timber structure sited in front of the flank wall of the brick built shop within the forecourt of a petrol filling station.

3.14 In view of its size and illumination, the Inspector felt that the sign would dominate and relate poorly in size, design and positioning to the modest forecourt building and would have added to the proliferation of advert clutter in and around the forecourt. She also felt that the sign would be detrimental to the character of the conservation area and the setting of the nearby Grade II* listed All Saints with Frideswides Poplar Church.

3.15 The appeal was DISMISSED

Application No: PA/10/01305
Site: 1 Cambridge Heath Road, London E1 5SD
Development: Display of 5 internally illuminated wall signs, one internally illuminated totem sign and one internally illuminated sky sign.
Council Decision: REFUSE (delegated decision)
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED/ALLOWED (split decision)

3.16 The main issue in this case related to the impact of the various signs on the character and appearance of the Whitechapel Market Conservation Area.

3.17 The Inspector was more concerned about signs that were being displayed away from the main commercial frontage. One of the signs is being displayed to the rear of the site in Darling Row and the Inspector considered that the sign detracted from the visual amenities of the area. Similarly the Inspector was concerned about two of the three proposed high level signs (especially where they were being displayed in prominent locations). She felt that these two high level signs were detrimental to the character and appearance of the Whitechapel Market Conservation Area.

3.18 Consequently, the Inspector ALLOWED three of the advertisements and DISMISSED the others (split decision).

Application No: PA/10/00949

Site: 1 Kingfield Street, London, E14 3DD
Development: Retrospective planning permission for conversion of existing housing into 7 self contained flats
Decision: REFUSE (delegated decision)
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision DISMISSED

3.19 1 Kingfield Street has been the subject of extensive planning history and planning enforcement action and is an end of terrace property that has been previously extended through the erection of single storey flat roof extension and a two storey side extension. Over a fairly extensive period, the property has been used as self contained units without the benefit of planning permission and previous planning enforcement notices have been served on these unauthorised uses (house in multiple occupation and as seven self contained flats).

3.20 The application the subject of this planning appeal was to retain the seven flats the subject of the most recent enforcement notice (which remains in force following the owner's failure to appeal against the notice). Bearing in mind that the owner is in breach of a valid enforcement notice and that the owner appeared reluctant to comply with the notice, your officers (over recent months) have been keen to ensure the owner complies with the notice through the use of direct action (to return the property back to use as a single dwelling).

3.21 The issues associated with the recent planning appeal were as follows:

- Whether the conversion achieves a satisfactory mix of accommodation, including the retention of family homes;
- Whether the proposal provides acceptable living conditions for residents;
- The impact of the roof terrace on the amenities of neighbouring occupiers;
- Whether the conversion places a risk to occupiers in terms of flood risk;

3.22 In terms of the first issue, the Inspector fully accepted the Council's position in terms of the need to retain and provide family accommodation. Significantly, the Inspector concluded on this point by saying that "I am not convinced it would be possible or reasonable to expect a range of accommodation options, including family sized units, to be provided within the space offered by one modest-sized dwelling". Whilst the merits of the enforcement notice was not before the Planning Inspector, this comment provides a strong indication that the steps required to comply with the enforcement notice (to revert the property back into use as a single family house) are reasonable and robust in terms of town planning policy.

3.23 As regards living conditions, the Planning Inspector agreed that self contained units do not provide acceptable living conditions for residents in terms of the adequacy of living space.

3.24 He was similarly concerned about the impact of the roof terrace on the amenities of neighbours (bearing in mind that the roof terrace was reasonably extensive). The enforcement notice required the removal of the roof terrace and the blocking up of the doorway onto the flat roof.

3.25 Finally, the Inspector noted that the property was included in an areas of

serious flood risk and he was not satisfied that the flooding consequences arising out of intensification of use of the property had been fully investigated.

3.26 The appeal was DISMISSED.

3.27 This is a very satisfying appeal outcome, not only in terms of the decision but also in terms of the Council now being fully able to fully enforce against this long standing breach of planning control.

3.28 The appeal decision was issued on the 10 March 2011 and your officers carried out direct action on that same day and on the following Monday (following on-going dialogue with tenants to make sure that their future living arrangements were not materially affected by direct action). Whilst your officers are now in dialogue with the owner of the property to ensure that the enforcement notice is fully complied with, we are not ruling out the need for further direct action in the future.

| | |
|-----------------------------|---|
| Application No: | PA/10/01599 |
| Site: | The Brick House, 152C Brick Lane London, E1 6RU |
| Development: | Display of an internally illuminated projecting sign |
| Council Decision: | REFUSE (delegated decision) |
| Appeal Method: | WRITTEN REPRESENTATIONS |
| Inspector's Decision | DISMISSED |

3.29 The appeal property is a range of listed buildings situated on Brick Lane which were formally operated by the Truman's Brewery. The Planning Inspector recognised that the substantial size of the building and its repetitive nature of the features (Grade II listed) which gives the relevant elevation a functional, warehouse-like appearance which dominates the character of this part of Brick Lane. The Inspector considered that the main issue was the impact of the projecting sign on the visual amenities of the area with particular reference to the special character of the Brick Lane Conservation Area.

3.30 The Planning Inspector concluded that the location of the projecting box sign, between the two bays and close to the centre of the Brick Lane elevation disrupted the regularity of architectural features and obscured views of windows. There was also a view that the location of the sign identified the presence of a separate unit in a rather conspicuous way which acted to break up the building, thereby eroding its special architectural and historic interest.

3.31 The appeal was DISMISSED.

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| Application No: | PA/10/01890/01887 ENF/09/00489 |
| Site: | Platinum Court, 3, Cephass Avenue |
| Development: | Failure to comply with previous planning permission in terms of use and form of development (use as 18 flats) and refusal of planning permission for regularisation of the development in terms of the use as either 18 self contained units of student accommodation or as 9 flats |

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| Decision: | (for general occupation) Council REFUSE/ENFORCEMENT PROCEEDINGS (Delegated decision) |
| Appeal Method: Inspector's Decision | HEARING Enforcement Notice (upheld – but varied in terms of steps to be taken to satisfy the enforcement notice) S.78 Appeals - ALLOWED |

- 3.32 Before reviewing the details of these appeals, it is necessary to brief Members on the background of this case.
- 3.33 Back in 2007, the Council granted planning permission for the development of a 5 storey block comprising nine self contained flats (7x1 bed and 2x2 bed).The planning permission was not implemented in accordance with the planning permission; the building was not constructed in accordance with the approved drawings and the property is currently being used as 18 self contained flats, rather than the approved 9 flats.
- 3.34 The planning enforcement team duly investigated and found there to be substantial breaches of planning control and served an enforcement notice to secure the removal of the building and the cessation of the use. In response, the appellant appealed against the enforcement notice and applied for planning permission for use of the property (as completed) as either 18 student flats or as 9 self contained flats (for general needs). This Hearing considered the two S.78 appealed and the appeal against the enforcement notice.

Enforcement Appeal

- 3.35 In terms of the enforcement appeal, the Inspector accepted that the current use of the property as 18 self contained flats was unacceptable. He was concerned with the lack of family accommodation and that a number of the units were of a sub standard size. He also noted that the number of residential units provided exceeded the Council's affordable housing threshold (with no affordable housing being provided as a consequence).
- 3.36 He was less concerned about the changes to the scheme (in terms of operational development) from that previously approved by the Council. He did not consider that the alterations made during the construction of the building impacted detrimentally in terms of the amenities of neighbours (outlook and sense of enclosure).
- 3.37 Even so, whilst the Inspector found the principle of the use of the property as 18 self contained flats to be unacceptable, he decided to vary the enforcement notice (in terms of the notice requirements) to cease the existing residential occupation of the building and to refit the building internally to provide nine flats in place of the existing 18 flats. He also made some further amendments to the notice in terms of period of compliance.

S.78 Appeals

- 3.38 As the Planning Inspector considered the existing alterations to be acceptable (in respect of the enforcement appeal) the S.78 appeals focussed exclusively on the principles of the use of the retained building (9 self contained flats or 18 units of student accommodation)

- 3.39 As the principle of the 9 flats had previously been found to be acceptable by the Council, this appeal was ALLOWED.
- 3.40 The views of the Planning Inspector in respect of the 18 units of student accommodation proved more controversial. He acknowledged that there was demand for student accommodation and appeared to question the Council's stated position that the student housing use was sui-generis. He also strangely commented that "the accommodation would be in the existing self contained units and us akin to a C3 use".
- 3.41 He accepted that the units would be suitably sized for the needs to students and referred to a unilateral undertaking submitted by the appellant which advised that the flats would be remain as student accommodation in perpetuity. He confirmed that as the accommodation would be used exclusively by students, there was no need to take into account the Council's affordable housing policy.
- 3.42 The appeal was ALLOWED
- 3.43 This is a very unsatisfactory appeal decision. Whilst the Planning Inspector has taken a clear view on the merits of the building (as constructed), his position/comments in respect of the issues associated with the suitability of the use of the property as 18 flats (for general needs) and the 18 flats (to meet student accommodation needs) and how both uses might be defined in terms of the Use Classes Order appears to leave some room for interpretation, which might have implications in terms of lawfulness of future uses of the building and the proper future application of affordable housing policy.

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| Application No: | PA/10/01204 |
| Site: | 249 Brick Lane, London, E2 |
| Development: | Erection of an end of terrace 3 storey 5 bed - 10 person house |
| Council Decision: | REFUSE (delegated decision) |
| Appeal Method: | WRITTEN REPRESENTATIONS |
| Inspector's Decision | DISMISSED |

- 3.44 249 Brick lane is an existing end of terrace 4 bedroom house comprising a side garden which adjoins Brick Lane. The proposal involves the erection of a three storey house on the side garden.
- 3.45 The main issues in this appeal were as follows:
- The effect of the development on the living conditions of the occupiers of 249 Brick lane and of the occupiers of the proposed house in terms of available amenity space
 - The effect of the development on the character and appearance of the streetscene
 - The effect of the development on the living conditions of future residents of the appeal site in terms of noise, disturbance and privacy;
- 3.46 The Inspector was concerned that the development would have seriously reduced the private garden area to 249 Brick lane (well below the 50 sq metres standard for family houses). He also commented that the amenity space for the

proposed house would only marginally exceed the minimum standard. He referred to PPS3 which states that it is important (especially in the case of family accommodation) that the needs of children are taken into account and that there is good provision of recreational areas including private gardens.

- 3.47 The Inspector considered that the bulk mass and form of the development. Similarly, the Inspector was not convinced that the presence of a ground floor window to the property (on the boundary with Brick Lane) would have resulted in loss of privacy and noise and disturbance for future residential occupiers. He was satisfied that their future amenity could have been controlled through the use of conditions on triple and obscured glazing.
- 3.48 Whilst the Inspector was satisfied with these latter elements, the loss of/inadequacy of garden space was considered critical. The appeal was DISMISSED as a consequence.
- 3.49 The appeal raised some interesting side issues (which were assessed in the balance). The appellant stressed that the proposed development was to accommodate his extended family and that there was a shortage of such accommodation in the Borough. Whilst the Inspector acknowledged this consideration and that the development would have made more efficient use of the site in terms of housing density in an accessible location, he also referred to the fact that the site was garden land – which now fell outside the definition of “brown-field land as set out in PPS3.

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| Application No: | PA/10/01342 |
| Site: | 47A Aberavon Road, London E3 3AR |
| Development: | Erection of a ground floor conservatory to flat |
| Council Decision: | REFUSE (delegated decision) |
| Appeal Method: | WRITTEN REPRESENTATIONS |
| Inspector’s Decision | DISMISSED |

- 3.50 The two issues in this case related to the impact of the proposed conservatory on the character and appearance of the appeal property, the setting of an adjacent listed building and on the character and appearance of the Tredegar Square Conservation Area and whether the extension would have resulted in an unacceptable loss of outdoor amenity space.
- 3.51 The Inspector felt that the appeal property already intruded unsympathetically into environmentally important green spaces and concluded that the proposed conservatory extension would have added to this harm. He found no obvious design rationale for the proposed extension and considered that the extension would have appeared as an anomalous and intrusive addition, detrimental to the character, appearance and design integrity of the existing building.
- 3.52 However, the Inspector concluded that the conservatory would have constituted a more desirable amenity for existing occupiers compared to the existing patio area.
- 3.53 The appeal was DISMISSED.

4. NEW APPEALS

- 4.1 The following appeals have been lodged with the Secretary of State following a

decision by the local planning authority:

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| Application Nos: | PA/10/02571 PA/10/02567 PA/10/02568 PA/10/02557 PA/10/02558 PA/10/02569 PA/10/02570 PA/10/02563 PA/10/02566 PA/10/02564 PA/10/02565 PA/10/02560 PA/10/02562 PA/10/02572 |
| Sites: | Arnhem Wharf, Westferry Road; Outside Docklands Sailing Centre, 235A Westferry Road; Opposite Glengarnock Avenue, Manchester Road; Outside Beven House, Morpeth Street; Corner of Knottisford Street and Morpeth Street; Adjacent to Tarrant House, 9 Roman Road; Outside Moore House, Roman Road; Opposite Morpeth Street, Roman Road; Adjacent to 406 Bethnal Green Road; Outside 304 Bethnal Green Road; Adjacent to 264 Bethnal Green Road; Outside St James Court, Bethnal Green Road; South side of Bethnal Green Road opposite Sutton House; South east junction of The Highway and Wapping Lane |
| Start Dates | (various) March 2011 |
| Appeal Method | HEARING (possibly WRITTEN REPRESENTATION) |

- 4.2 The Council has refused advertisement consent for various poster signs to be displayed on telecommunications equipment cabins on grounds that the advertisements will add to the visual clutter of advertisements in the local area, detrimental to the visual amenity. In a number of cases, the advertisements were considered harmful to the relevant conservation area character and/or the setting of nearby listed buildings.
- 4.3 The appellants have requested that these applications be considered by way of a Hearing but it appears likely that the Planning Inspectorate will require these cases to be determined by way of written representations.

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| Application No: | PA/10/02525 |
| Sites: | 2-8 West India Dock Road E14 |
| Development: | variation of Condition 3 of planning |

permission granted on 18 October 1999 in respect of hours of use (seeking permission to extend hours to between 0900 hours and 0500 the following morning on a daily basis).

Council Decision:

Refuse (delegated decision)

Start Date

24 December 2010

Appeal Method

WRITTEN REPRESENTATIONS

- 4.4 The Council has previously granted temporary planning permission (1 year) to vary the hours of use of the pizza take-away until 0200 (counter services and delivery orders) Friday and Saturday. The current application seeks to extend these hours 7 days a week (to 0500 hours) irrespective of whether food is collected from the premises by customers or home delivered.

Application No:

PA/10/011465

Site:

Carradale House, 88 St Leonards Road, E14

Development:

Grant planning permission for external alterations to Carradale House without complying with Condition 3 of listed building consent (requiring drawings and details of proposed timber windows).

Council Decision:

Grant (subject to conditions) (delegated decision)

Start Date

9 March 2011

Appeal Method

WRITTEN REPRESENTATIONS

- 4.5 The Council has previously granted planning permission and listed building consent for external alterations to Carradale House (which is a Grade II listed building). A number of the original timber windows had previously been removed and replaced with upvc windows and this application sought consent to replace all windows in a similar form. However, the drawings were unclear as to the proposed window materials and a planning condition sought to approve the detail of the windows proposed. The appeal relates to this imposed condition. In effect, this appeal focuses on the most appropriate form of window replacement (whether timber or aluminium) in terms of listed building appearance.

Application No:

PA/10/02602

Site:

2 Hesperus Crescent E14

Development:

Erection of a two storey side extension to existing two storey dwelling house.

Council Decision:

Refuse

Start Date

8 March 2011

Appeal Method

WRITTEN REPRESENTATIONS

- 4.6 This property is located within the Borough and Chapel House Conservation Area. Planning permission was refused on grounds of unacceptable impact on the character and appearance of the conservation area, representing an incongruous form of development in terms of bulk, scale, mass and architectural design and would fail to relate satisfactorily to adjoining buildings and prevailing street patterns.

Application No:

PA/10/02757

Site: *Unit 2 111-121 Fairfield Road E3 2QR*
Development: *Retention of use of former light industrial units as a hot food take-away with external flue, shop front and roller shutters.*

Council Decision: *Refuse (delegated decision)*
Start Date *16 March 2011*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.7 This application for retrospective planning permission was refused on grounds of impact of increases in late night noise, detrimental to the amenities of neighbouring residential occupiers. Planning permission as also refused on grounds of inappropriate location and form of refuse storage.

Application No: *PA/10/02735*
Site: *13 Artillery Passage E1*
Development: *Appeal against imposition of car free condition in respect of planning permission for the change of use of first, second and third floors of former office to provide converted residential accommodation.*

Council Decision: *Grant permission (subject to conditions) (delegated decision)*
Start Date *March 2011*
Appeal Method *WRITTEN REPRESENTATIONS*

- 4.8 This appeal is purely on consideration of the Council imposed planning condition which restricts the scheme to car free. The appellant is seeking to argue that the condition does not comply with Circular advice.

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