



Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 24 August 2011 at 5.30 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Shiria Khatun	
Councillor Kosru Uddin Councillor Craig Aston Councillor Helal Uddin Councillor Marc Francis 1 Vacancy	Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Kabir Ahmed, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Anwar Khan, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Ann Jackson, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis)

[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, 24 August 2011

5.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

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

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 27th July 2011.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 16

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. **17 - 18**

The deadline for registering to speak at this meeting is **4pm Monday 22nd August 2011.**

6.	DEFERRED ITEMS	19 - 20	
7.	PLANNING APPLICATIONS FOR DECISION	21 - 22	
7 .1	The Watermans Arms Public House, 1 Glenaffric Avenue, London, (PA/11/00998)	23 - 34	Blackwall & Cubitt Town
7 .2	Brimsgate House, Stanstead House, Newmill House and Stanborough House, Devas Street, London, E3 3LW (PA/11/01110)	35 - 44	Bromley-By-Bow
7 .3	Former St. Luke's House and Church, 36 Strafford Street, London E14 PA/11/00475	45 - 64	Millwall
8.	OTHER PLANNING MATTERS		
8 .1	Planning Appeals Report	65 - 74	

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 27 JULY 2011

COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG

Members Present:

Councillor Helal Abbas (Chair)

Councillor Shiria Khatun
Councillor Marc Francis
Councillor Craig Aston

Councillor Anwar Khan

Other Councillors Present:

Councillor Sirajul Islam

Officers Present:

Pete Smith	– (Development Control Manager, Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Simon Ryan	– (Deputy Team Leader, 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)
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1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Helal Uddin. and Councillor Kosru Uddin for whom Councillor Anwar Khan was deputising.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
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Marc Francis	7.3	Personal	Had received representations from interested parties.
Anwar Khan	7.2	Personal	Lived in ward concerned.
	7.3	Personal	Had received correspondence from interested parties.
Shiria Khatun	7.4	Personal	Had received representations from interested parties.
	7.5		
	8.1		
Craig Aston	7.2	Personal	Had received representations from interested parties.
Helal Abbas	7.1	Personal	Had received representations from interested parties.
	7.5		
	7.2	Personal	Had received representations from interested parties.
			Ward Councillor for Spitalfields and Banglatown.
			School used as Polling Station at local elections for his ward.
			Had visited the site but had not expressed an opinion.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 29th June 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, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Ground floor, 248 Westferry Road, London, E14 3AG (PA/11/00546)

Update Report tabled.

Pete Smith, Development Control Manager introduced the report concerning the application for planning permission at Ground floor, 248 Westferry Road, London, E14 3AG (PA/11/00546) He also drew attention to the update (tabled), which amongst other things, updated policy to reflect the new 'London Plan 2011'.

The Chair then invited registered speakers to address the meeting.

Charles Walker stated that he was present to represent the residents of Burrells Wharf Square. He raised several concerns about the extension of hours. It would create late night disturbance when residents were sleeping. He doubted that additional worshippers would travel to the centre by foot. Conversely the plans would intensify existing parking problems in the area.

The streets affected were residential streets. They simply could not cope with such additional pressure. The bus routes mentioned in the report were not 24/7 and did not run during the extended hours. Anti social behaviour was also a problem as evidenced by the previous incidence and Police action. He felt that the 1996 planning permission should be maintained and that the Committee should undertake a site visit prior to making a decision.

In response to questions from Members, Mr Walker considered that the surrounding area was predominantly residential in nature. There was an assault at the site and this was then subject to Police action.

Ryan Fuller addressed the Committee in support of the application. This was an important community facility. The extended hours would allow worshippers to pray in accordance with their faith. The report addressed all concerns. The premises operated lawfully with no complaints in the last 15 years and would continue to do so. Disturbance from the extra worshippers would be undetectable given the restrictions on noise. Furthermore the attendees of the centre lived within walking distance of the premises and would walk. Therefore, noise from the vehicles would be negligible. Mr Fuller requested that the application should be granted. In reply to questions, he referred to the noise restrictions ensuring quiet prayer early in the morning.

Richard Murrell (Deputy Planning Team Leader) presented the detailed report and the update. He explained the planning history, site and surrounding area and the existing and proposed hours of operation. He addressed the main issues and objections. Overall the proposals complied with policy on all of these ground with no significant adverse impacts.

Mr Murrell addressed the concerns around the bus times as covered in report. It had since come to light that the buses did in fact finish at approximately 1am in the morning. However it was still felt that the impact on traffic at that time would be insignificant.

The Committee then asked a number of questions regarding: the impact on parking; disturbance from vehicle activity; noise nuisance early in the morning; experience with other centres with early morning prayer times and the measures available to prevent breaches of the conditions.

In response, Mr Murrell reiterated that the conditions would restrict the number of users at the early hours and this would limit any amenity impacts even if users did come by car instead of walking. The majority of worshippers would travel to the centre on foot with minimal car use. The conditions would be monitored for compliance and could easily be enforced. Other Prayer facilities had been granted permission with similar opening times, and there had been no need for enforcement action to be used to enforce the hours so far as Mr Murrell was aware.

On a vote of 4 in favour and 0 against and 1 abstention, the Committee **RESOLVED**

1. That planning permission for the variation of condition 1 (hours of operation) – 08:00am to 22:45pm Mondays to Saturdays (inclusive) and not on Sundays or Bank Holidays, of planning permission T/96/00369, with proposed new hours of operation: 08:00am – 22:45pm Monday to Sunday; together with 04:00am – 08:00am (for a maximum of 10 worshippers) Monday to Sunday be **GRANTED** subject to conditions set out in the circulated report.
2. That the Corporate Director Development & Renewal be delegated power to impose conditions and informatives on the planning permission to secure the matters listed in the circulated report.

7.2 Christchurch Primary School, 47A Brick Lane, London, E1 6PU (PA/11/733 and PA/11/715)

Update Report Tabled.

Pete Smith, (Development Control Manager) introduced the report and tabled update report concerning Christchurch Primary School, 47A Brick Lane, E1 6PU.

The Chair then invited registered speakers to address the meeting.

Donna Dewick addressed the committee as an objector on behalf of the Spitalfields Society. She objected on the grounds of loss of open space. She requested that consideration be given to the alternative options which could create 1500 metres of additional space. The calculation included the community gardens but they had been made inaccessible. They could be returned to community use through better management but not by this scheme. It was indicated that the plans would protect the Conservation Area but this was too large for the site and would be out of keeping with it. Ms Dewick acknowledged Ofsted's report. However this fell short of addressing this. The plans for the community facility conflicted with the old application and would not meet young peoples needs. She requested that all other options be investigated. In reply to questions from the Committee, she considered that the design extended across a much wider foot print of the grounds. The design was very contemporary and therefore out of keeping with the Churchyard and the surrounding area.

David Brymol Thomas addressed the Committee as an objector. He stated that he was a Trustee of the Friends of Christchurch and Spitalfields and had been directly appointed to speak on their behalf. He stated that the Church was a Grade 1 listed building which attracted a lot of public interest and the Churchyard was a separate asset and the setting itself listed. The report failed to recognise these points.

The plans contradicted planning policy (PP05). He contested the status of the 2009 lease agreement. It was merely an agreement to agree nothing more. The school only had a licence for the play area and nothing more. Therefore it should not be paid attention to. The impact from the re-development of Fruit

and Wool exchange should also be taken into account when assessing the proposals.

In reply to questions from Members, Mr Brymol Thomas considered that the traffic assessment was inadequate. He requested that the impact on Commercial Road and the Fruit and Wool in terms of overall foot traffic be taken into account

Indigo Woolf addressed the Committee in support of the application. He drew attention to concerns of the London Diocesan Board about inadequate facilities. The school now had a strong management structure in place, performance was improving. The plans would provide the school with better facilities and eventually secure more gardens for public use. The applicant had devoted a lot of time to consultation and had fully considered the alternatives options. However all of the alternatives schemes had significant drawbacks. He also referred to the design of the building to be build as low as possible to fit in with the area. He was proud of the Church's involvement in education. The application should be granted.

Richard Wasserfall also spoke in favour of the application as a school parent and a Trustee of the school. The school was working with Ofsted to raise standards at the school. Despite improvements there was evidence that the school was still underperforming. The scheme would enable it to realise this aim and meet its targets. The hall would be used for a range of school and community activities. There would also be a family learning room enabling the school to work closely with parents including a crèche and more space for special needs services. He considered that the plans were in keeping with the site recognising it was a national heritage site. It would much improve the learning environment leading to a healthier community overall.

Ila Robertson (Planning Applications Manager) made a detailed presentation of the report and the update. She described the planning history and the nature of this scheme.

She addressed the main issues and the objections. The scheme complied with planning policy with no significant impacts. The plans were supported by the Council's Conservation team and broadly supported by English Heritage who felt that it would enhance the area.

Members than asked a number of questions around the following issues:

- The fall in pupil numbers at the school and the lower than expected capacity. How would the additional building help address this?
- The need for the materials to compliment the surrounding area. Clarification of how this would be managed.
- The involvement of Children's Schools and Families.
- Scope of the plans. Whether it was just for nursery places.
- Presentation of the representations in the report. Noted that it now specified number of out of Borough representations.
- Clarification of the lease agreement.

Officers addressed each question. In relation to the capacity shortfall, a key reason for this was lack of space and inadequate facilities. The expansion would enable the school to take on more students addressing the shortfall. It was also proposed to upgrade the facilities which were currently below standard. LBTH Children's Services were supportive of the scheme and had been fully involved from the start.

It was also required that details of the materials be submitted for approval to ensure they were suitable. In relation to the representations, they should be given equal weight regardless of where they lived. It was usually to specify whether they were out of borough in accordance with the terms of reference for the Development Committee set out in the Council's Constitution.

Ms Robertson also clarified the terms of the lease agreement allowing for the alterations.

On a vote of 4 in favour and 0 against and 1 abstention, the Committee **RESOLVED**

1. That planning permission and conservation area consent for the demolition of the existing youth centre and the building of a new nursery and community building in its place, along with a new primary school boundary wall and landscape works to the community gardens and school playgrounds be **GRANTED**.
2. That the Corporate Director Development & Renewal is delegated power to impose conditions [and informatives] on the planning permission to secure matters listed in the circulated report.

7.3 Site at 58-64 Three Colts Lane and 191-205 (PA/11/00885)

Update Report Tabled.

Pete Smith, Development Control Manager introduced the report and tabled update concerning Site at 58-64 Three Colts Lane.

The Chair then invited registered speakers to address the meeting.

Councillor Sirajul Islam addressed the Committee. He stated that he was not opposed to the application in principle but had a number of questions about the S106 agreement. He wished to see it spent on local projects in the Bethnal Green South area. In considering the contributions, he requested the following:

- Health and Education. He was happy for this to be spent borough wide. However projects in the Bethnal Green South area should be prioritised if possible.
- Communities Facilities. Be allocated to Bethnal Green South area in

particularly Collingwood Estate.

- Public Realm. Be allocated to traffic management schemes in his ward.

Overall he requested that Officers work with ward Councillors in allocating the contributions.

In response to the S106 issues, Officers clarified the assessment process requiring proposals to be considered by Communities Localities and Culture in accordance with the principles set out in the report. Officers would work with them and ward Councillors in considering how it should be allocated

Members then asked a number of questions of Councillor Islam.

Reference was made to traffic in the area. Specifically congestion caused by black cabs. A Member asked whether funding from (d) (Public Realm Contribution) could be put towards dealing with this specific issue in the area. In reply Councillor Islam stressed that officers should work with ward Councillors in addressing the traffic issue and that consideration should be given this request.

Simon Granger addressed the Committee in support of the application. The applicant had undertaken detailed consultation with the community and also the Council to secure a high quality scheme that addressed the concerns. This area was in need of regeneration and additional affordable housing to address local housing needs. The proposal was viable and included a high proportion of family sized affordable housing for local families.

Simon Ryan (Planning Deputy Team Leader) made a detailed presentation of the report and the update. He outlined the planning history and the results of the consultation. He also addressed the main planning considerations. He referred to a similar application submitted for this site in August 2010 now subject of Appeal. The Committee would be asked to consider this separately under 8.1 of the agenda.

Overall, the proposal would provide much needed affordable housing with additional commercial space. The scheme would regenerate the area without any significant impacts. In view of the benefits it should be supported.

The Committee raised a number of questions around: the impact on parking and transport; the on site recycling facilities; the acceptability of the affordability housing element given the policy target.

Officers address each question. In relation to affordable housing, Officers explained in detail the viability testing. The plans secured the highest number possible with a S106 agreement in view of viability. Anything higher could not be supported and would make it undeliverable. Given the benefits of the scheme in terms of family sized housing and contributions, the proposal of 32% was considered acceptable.

In relation to the accumulation of black cabs in the local area, Officers were aware of this issue and there were strict measures in place and also policies in the Core Strategy aimed at addressing such issues. Careful consideration would be given to the Committees remarks regarding use of the contributions to deal with this issue.

The development would be car free. The occupiers would also be prevented from obtaining parking permits. A total of 9 parking spaces would be provided with 2 disabled bays. The site had an excellent Public Transport Level rating.

Accordingly a Member moved an amendment to the conditions that (c) of the Financial Contributions (Community Facilities) be allocated to the Bethnal Green South area only. The motion fell.

Concern was also expressed at the car free agreement given the importance of cars to families who often relied on them. For example for school trips. It was also felt that there was sufficient parking provision in this area to accommodate the scheme. Councillor Francis moved an amendment to the proposals seconded by Councillor Shiria Khatun, "That the car free agreement (condition g) in the legal agreement be deleted". On a vote of 3 in favour 0 against and 2 abstentions this amendment was **AGREED**.

Accordingly on unanimous vote, the Committee **RESOLVED**

1. That planning permission for the demolition of existing buildings and erection of two blocks comprising a part 6, part 7 storey buildings plus basement for plant; to provide 1,762 sq.m of commercial floor space (Use Classes A1-A4 & B1) and 141 dwellings; provision of 9 on site parking spaces to side of service road and creation of access onto Buckhurst Street and Coventry Road be **GRANTED** subject to:
2. The prior completion of a legal agreement as set out in the circulated report subject to the removal of condition (g) car free Agreement.
3. Any other planning obligation(s) considered necessary by the Corporate Director Development and Renewal.
4. The full planning permission conditions and informatives as set out in the circulated report.
5. That if within 1 month of the date of this Committee the legal agreement has not been completed the Corporate Director Development & Renewal is delegated power to refuse planning permission.

7.4 Greenheath Business Centre, 31 Three Colts Lane, London (PA/11/00829)

Update Report Tabled.

Pete Smith, Development Control Manager introduced the report and tabled update report concerning Greenheath Business Centre, 31 Three Colts Lane.

Councillor Sirajul Islam addressed the Committee regarding the S106 agreement. He considered that the sum for Community Facilities should be allocated to the local ward Bethnal Green South. He also expressed reservation at the proposal to allocate the Public Realm sum to the three areas mention. He feared that this could disperse problems elsewhere. Officers should consult Ward Members to mitigate this risk.

Tim Gaskell spoke on behalf of the applicant. He reported that the Housing Association would be managing the development. It would deliver high quality affordable homes. Although the level proposed fell marginally under the level required by policy, they were committed to escalating the affordable housing number upwards should housing grant be received. In reply to questions, he clarified that the scheme was currently not dependant on grant support. However he was hopeful that some would be secured. In reply to Members, he reassured them that the affordable rents proposed in the report would be honoured and be maintained and were indeed accurate.

Ila Robertson (Planning Applications Manager) made a detailed presentation of the report and the update. She explained the planning history, the main issues and addressed the issues raised in objections.

The plans provided an acceptable level of affordable housing in view of viability, policy and local rents. It was also proposed that the level of which would be escalated upwards should housing grant be secured.

Contributions had been secured to mitigate the impact of the proposals. Officers noted the need to engage with ward Councillors in allocating this as requested by Councillor Islam. This message would be passed to Communities Localities and Culture who managed this process. There would be some loss of car parking. However this was considered acceptable given planning policy which sought to minimise on site parking.

Officers also addressed the issues around design, loss of light, overlooking and noise. It was felt the scheme was acceptable on all these grounds with no undue impacts.

Questions were then raised regarding the affordability of the rents; whether they complied with the targets in the Local Development Framework and the nomination process should housing grant be provided.

In reply Ila Robertson also Jen Pepper (Affordable Housing Programme Manager), addressed the points. It reported that the Officers had undertaken extensive research looking at incomes in the Borough and also recent Housing benefit changes. The research also took into account new national policy regarding affordable housing. Based on this latest research, it was considered that the rents proposed were affordable and the proposal acceptable subject to the conditions.

On a vote of 3 in favour and 2 against, the Committee **RESOLVED**

1. That planning permission for the redevelopment to provide a building of seven storeys comprising 67 dwellings (26 x 1 bed, 22 x 2 bed and 19 x 3 bed) with associated landscaping, cycle storage and car parking be **GRANTED** subject to
2. The prior completion of a legal agreement to secure the planning obligations, as set out in the circulated report.
3. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement as set out in the circulated report.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters as set out in the circulated report.
5. That, if the legal agreement referred to in resolution 2 above has not been completed by the 1st of August 2011, the Corporate Director Development & Renewal is delegated the power to refuse planning permission.

7.5 Wood Wharf, Preston's Road E14 (PA/11/01000)

Update Report Tabled.

Councillor Marc Francis left the meeting at 9:30pm prior to the start of this item.

Pete Smith, Development Control Manager introduced the report and tabled update report concerning Wood Wharf, Preston's Road.

Mr Murrell presented the report. He drew attention to the update amending one of the conditions.

Mr Murrell presented the report. He drew attention to the update amending one of the conditions and providing new summary of recommendations for approval.

Mr Murrell explained the application. Permission was sought to use Plots A – D throughout the two year period . Plots E and F would only be used during the period around the Olympic and Para Olympic 2012 Games. S106 obligations would require the developer to comiit to use Skillsmatch to promote on site-local employment and to facilitate school and community use.

Mr Murrell addressed the objections and material planning issues.

In response, Members expressed concern at the impact on the transport network, especially during peak hours, given the number of expected visitors

and the many other new developments in the area also increasing pressure on transport.

In response Officers expressed confidence in the transport plans. They included a temporary bridge to direct customers away from residential areas. It also included a management plan to secure this and carefully manage exits. It was also expected that many of the visitors would travel in from the nearby Canary Wharf area. So it was unlikely that this would seriously increase use of the transport system at peak times.

Members also considered that all events should close at 11pm to avoid late night disturbance given experience at similar events. Accordingly. Councillor Anwar Khan proposed an amendment seconded by Councillor Craig Aston requiring "That events at all plots close at 11pm". On a vote of 3 in favour 0 against and 1 abstention, this amendment was **AGREED**.

Accordingly on a unanimous vote the Committee **RESOLVED**

That planning permission for temporary change of use to Class D1 (non-residential institution) and D2 (assembly and leisure), up to 2400 sq.m. of Class A3 (restaurants and cafès) and A4 (drinking establishments) floorspace and sui generis (theatre, outdoor exhibition uses [falling outside Class D1]) and ancillary uses to comprise no more than 14,999 sq.m. of enclosed floorspace; erection of a temporary bridge; erection of temporary structures; works of hard and soft landscaping, parking and other works incidental to the application for a period of two years be **GRANTED** subject to the conditions, informatives and S106 obligations set out in the circulated report, the amendments in the Update report and the additional condition agreed at the meeting requiring all events to close at 11pm.

8. OTHER PLANNING MATTERS

8.1 58 - 64 Three Colt Lane (PA/10/01757)

Update Report Tabled

Pete Smith, Development Control Manager presented the report and tabled update concerning 58 - 64 Three Colt Lane

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

That the reasons to refuse the planning permission for the demolition of existing buildings and erection of two part 6, part 7 storey building plus basement to provide 1690sq.m of commercial floor space (Use Classes A1-A4 & B1) and 142 dwellings; provision of 26 on-site parking spaces within the basement and creation of access onto Buckhurst Street be **ENDORSED** had the Committee had jurisdiction to do so, for the reasons set out in the circulated report.

8.2 Appeal Report

Pete Smith, Development Control Manager, presented the report. The report provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions. Members expressed satisfaction with the format of the information provided.

RESOLVED

That that details and outcomes of the appeals as set out in the report be noted.

The meeting ended at 9.55 p.m.

Chair, Councillor Helal Abbas
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 6

Committee: Development	Date: 24 th August 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:
Application, plans, adopted UDP. draft
LDF and London Plan

Tick if copy supplied for register

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

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Agenda Item 7

Committee: Development	Date: 24 th August 2011	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley Service Head, Planning & Building Control		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

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

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

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

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

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 7.1

Committee: Development	Date: 24/08/2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Adam Williams		Ref No: PA/11/00998	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

- Location:** The Watermans Arms Public House, 1 Glenaffric Avenue, London, E14 3BW
- Existing Use:** Public House (Use Class A4)
- Proposal:** Change of use of the upper 1st and 2nd floors of The Watermans Arms from ancillary public house accommodation (Use Class A4) to a backpackers' hostel accommodation (Sui Generis), comprising 8no. dormitories with a total of 83no. beds.
- Drawing Nos:** 0055-GA(00)001 (Rev P0); 0055-GA(00)002 (Rev P0); 0055-GA(00)003 (Rev P0); 0055-GA(00)004 (Rev P0); 0055-GA(00)005 (Rev P0); 0055-GA(00)006 (Rev P0); 0055-GA(00)007 (Rev P0); 0055-GA(00)008 (Rev P0); 0055-GA(00)100 (Rev P0); 0055-GA(00)101 (Rev P0); 0055-GA(00)102 (Rev P0); 0055-GA(00)200 (Rev P0); 0055-GA(00)201 (Rev P0); 0055-SK(00)001 (Rev P0); 0055-SK(00)002 (Rev P0); 0055-SK(00)003 (Rev P0); Supporting Statement, dated 28/02/2011; Supporting Statement 02 The Watermans Arms; Additional Information document received 16 June 2011.
- Applicant:** Mr Ben Stackhouse
- Historic Building:** Grade II Listed
- Conservation Area:** 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 adopted Core Strategy, Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- a). The proposed 83 bed backpackers' hostel would result in the overdevelopment of the site, in turn resulting in the provision of sub-standard guest accommodation. The proposal therefore fails to meet the requirements of saved Policy HSG21 of the Unitary Development Plan (1998). This policy requires hostel accommodation to have adequate indoor and outdoor amenity space, have rooms of an adequate size and meet the requirements of all other relevant policies and planning standards.

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

- b). The proposed 83 bed backpackers' hostel would have an unacceptable impact on the amenity of neighbouring residents, which is contrary to the requirements of Policy SP10(4) of the adopted Core Strategy (2010), saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policies DEV1 and DEV10 of the Interim Planning Guidance (2007). These policies seek to ensure that development proposals do not result in undue noise disturbance and protect the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.
- c). The proposed backpackers' hostel would be located outside of a designated Town Centre in an area with limited local facilities and poor access to public transport, with site having a Public Transport Accessibility Level (PTAL) of 2. As such, the proposal is contrary to Policy SP06(4) of the Council's adopted Core Strategy (2010), Policy 4.5 of The London Plan (2011) and saved Policy HSG21 of the Unitary Development Plan (1998). These policies seek to ensure that visitor accommodation is located within appropriate Town Centre locations with good access to public transport.
- d). The positioning of the proposed waste and recyclables storage bins on the footpath is contrary to the requirements of Policy SP05(1) of the Council's adopted Core Strategy (2010), Policy 5.17(E) of The London Plan (2011) and Policy DEV15 of the Interim Planning Guidance (2007). These policies seek to ensure that development includes adequate waste and recyclables storage within an internal room or an area within the development that is screened from the street in perpetuity.

3. RECOMMENDATION

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the change of use of the 1st and 2nd floors of The Watermans Arms Public House from ancillary public house accommodation (Use Class A4) to backpackers' hostel accommodation (Sui Generis), comprising 8 dormitories with a total of 83 beds.
- 4.2 The proposed hostel would operate between the hours of 11:00 and 23:00 Monday to Saturday, and 12:00 to 22:30 on Sundays and Bank Holidays, although guests would be able to enter and exit the premises at any time, 24 hours a day. The hostel would also employ 5no. full-time and 5no. part-time staff.

Site and Surroundings

- 4.3 The application site is a free-standing Grade II listed three-storey Public House of Regency design that is bounded by the public highway at Glenaffric Avenue to the north, the public highway at Saunders Ness Road to the east, and an un-listed two storey terrace of houses at 3-13 Glenaffric Avenue (odd).
- 4.4 The application site is located within the Island Gardens Conservation Area, which was designated in March 1971 and covers the south end of the Isle of Dogs, primarily focusing on the statutorily listed open space, developed to protect the axial views across the river of the Royal Naval College and the Queen's House in Greenwich. The application site lies a short distance to the south-east of the Grade II* listed Church of Christ and St John.

4.5 The English Heritage listing description for the site is as follows:

“Mid C19. Exterior now rendered and painted red, tiled ground floor, roof not visible. Blocking course has Waterman's Arms in large letters. Painted signboard at corner. Facade to Glenaffric Avenue, 3 storeys, 3 windows, those of 1st floor, French casements with labels, centre with triangular pediment. Cast iron balcony to each window. Above, band, sash windows (one blank) with glazing bars and architraves 1 storey portion at western side.

Facade to Saunders Ness Road similar but no blank on 2nd floor and continuous cast iron balcony on scrolled brackets to 1st floor windows.

The Waterman's Arms form a group with Christ Church and Christ Church Vicarage Manchester Road, and with the Newcastle Craw Dock, Saunders Ness Road.”

Planning History

4.6 PA/04/01233

On 12 October 2004 planning permission was **refused** for a retrospective application for the provision of 7 new off-street car parking spaces with access off Saunders Ness Road and the removal of two main limbs of trees on site. The decision was appealed and the appeal was subsequently **dismissed**.

4.7 PA/11/00078 and PA/11/00189

On 14 March 2011 advertisement consent and listed building consent were **granted** for the display of 11 individual signs on the west, north and east elevations of the Grade II listed building.

4.8 PA/11/00127 and PA/11/00128

On 5 April 2011 planning permission and listed building consent were **granted** for an application for listed building consent internal and external works to the Grade II listed Public House including the refurbishment of the public toilets, refurbishment and alteration to the bar backfitting, internal decorations, new timber boarded flooring, a new internal lobby complete with new external double doors, a set of new double doors dividing the lower area from the main bar area and the re-configuration of the existing external steps to the lower bar to form ambulant disabled compliant risers complete with a metal balustrade, the removal of the existing double entrance doors to the public house as indicated on submitted drawings, and the installation of four lanterns adjacent to the entrances on the front elevation. The application also seeks approval for flush fire doors to be re-instated within the site and for the retention of the existing secondary glazing to ground floor.

4.9 PA/11/00268

On 14 April 2011 the Council **refused** an application for a certificate of lawful development in respect of the existing use of the 1st and 2nd upper floors of The Waterman Arms Public House as hotel (Use Class C1) accommodation.

4.10 PA/11/00269

On 26 April 2011 listed building consent was **granted** for proposed non-structural internal works, including the removal of 1no. en suite bathroom at first floor level and 2no. en suite bathrooms at second floor level installed in 2004, the installation of temporary cubicle partitions together with 3no. showers, 2no. WCs and 2no. sinks within Room 5 at first floor level and general internal surface decoration works at ground, first and second floor level.

4.11 PA/11/00955

On 16 June 2011 the Council **approved** details in respect of the discharge of conditions 3a (external colouring), 3b (stone step sample), 3c (railings details), 3d (lantern fixing detail) and 3e (window details) of planning permission dated 05/04/11, reference PA/11/00128.

4.12 ENF/10/00808

The Council is presently conducting an enforcement investigation in respect of an alleged unauthorised change of use to hostel use and associated operational works.

5. POLICY FRAMEWORK

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

5.2 **The London Plan (2011)**

Policies:	4.5	London’s Visitor Infrastructure
	5.17	Waste Capacity
	6.9	Cycling

5.3 **Adopted Core Strategy (2010)**

Policies:	SP05	Dealing With Waste
	SP06	Delivering Successful Employment Hubs
	LAP 7&8	Cubitt Town

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

Policies:	DEV2	General Environmental Requirements
	DEV 50	Noise
	HSG21	Hostel Accommodation

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

Policies:	DEV1	Amenity
	DEV10	Disturbance from Noise Pollution
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	RT6	Loss of Public Houses

5.6 **Supplementary Planning Guidance**

Document: LBTH Residential Space Supplementary Planning Guidance (1998)

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

London Borough of Tower Hamlets – Transportation & Highways

6.3 Highways raise objections to the location of wheelie bins on the public highway (Saunders Ness Road), as shown on the proposed ground floor plan. An internal storage location must be found. Whilst it is acknowledged that the cellar door is an existing arrangement, it opens out over the public highway which contravenes the Highways Act, 1980 and cannot be supported. Notwithstanding the above, Highways recommend that any future planning permission be secured as car and permit free.

London Borough of Tower Hamlets – Environmental Health (Noise & Vibration)

- 6.4 Given the applicant's proposal to operate a 24 hour hostel there is a concern that a nuisance can potentially arise from community and environmental noise as a result of the guests accessing and egressing the premises particularly during sensitive hours during the night. This will cause a disturbance to residents in the vicinity and affect their right to quiet enjoyment. Although there have not been any noise complaints about the Watermans Arms Public House, Environmental Health did however receive a high volume of complaints in the past dating back to June 2010 and before.

Thames Water Authority

- 6.5 Thames Water would advise that with regard to sewerage and water infrastructure we would not have any objection to the above planning application.

7. LOCAL REPRESENTATION

- 7.1 A total of 38 neighbouring properties within the area shown on the map appended to this report were directly notified about the application. A site notice was also displayed and the application was advertised in East End Life.

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

No of individual responses:	14	Objecting:	6	Supporting:	8
No of petitions received:		1 objecting containing	40 signatories		
		1 supporting containing	26 signatories		

- 7.3 The following objections were raised in representations that are addressed in the Material Planning Considerations section of this report:
- A hostel with in excess of 80 beds would drastically change the residential atmosphere of this area.
 - The majority of guests would be accommodated in dormitories 4, 5, 7 and 8, which have windows directly opposite Cumberland Mills Square, some 30 feet distant, and there is serious concern of the likelihood of noise late at night from these dormitories and downstairs bar area.
 - The scale and density of the proposed accommodation poses too high a risk of disturbance.
 - The proposed on-site toilet and shower facilities appear to be inadequate to accommodate 83 guests.
 - The proposed refuse storage facilities (two large wheelie bins) appear inadequate for the premises at full occupancy (581 bed nights per week), together with the refuse generated from the public house use.
 - The proposal does not adequately demonstrate how the premises could be safely evacuated by 83 guests in the event of a fire.
 - The proposal does not adequately demonstrate whether the hostel would be managed 24 hours per day by a qualified individual who is resident at the premises, as a lack of such management could have a significant negative impact on local residents.
 - The proposal would likely result in a significant increase in servicing deliveries, which given the current on-street servicing arrangements and proximity to a number of schools, raises safety concerns.
 - Given the nature of the proposed hostel, it is likely that guests will return to the premises late each night, which will impact significantly on local residents.

- j). The proposal would result in more people smoking outside the premises, which would result in noise disturbance and looks unsightly.
- k). It is understood that the premises is already providing accommodation to some backpackers and in the past two months there have been 7 forced entries to local houses, which appears not to be coincidental.
- l). The possibility of the accommodation being used to house illegal immigrants should not be excluded.
- m). The proprietor is already letting bunks in its upstairs spaces and this has resulted in an increase in noise in Saunders Ness Road.

7.4 **Officer Comments:** *Points (a), (b), (c), (g), (i), (j) and (m) are addressed in the 'Amenity' section of this report. Points (d) and (f) are addressed in the 'Land Use' section of this report. Point (e) above is addressed in the 'Highways' section of this report. With regard to point (k) above, it is beyond the Case Officer's remit to speculate as to whether any alleged recent criminal activity near site is as a result of operations at the application site. In addition, with regard to point (l) above, it is beyond the Case Officer's remit to speculate as to the type of guest that the proposed hostel would accommodate.*

7.5 The following statements of support were raised in representations that are addressed in the Material Planning Considerations section of this report:

- (i) The hostel and pub are well managed and when the hostel has been full it has not impacted on neighbouring residents.
- (ii) The users of the hostel are mostly of a more mature age range and tend not to be 'drinkers'.
- (iii) The pub / hostel has become a much needed local community centre, with morning and daytime coffee lounge and yoga classes.
- (iv) The proposal will enhance the neighbourhood as there is a need for a high quality public house in the area.
- (v) The CCTV and 24 hour staffing at the site has made local residents feel safer.
- (vi) The hostel offers affordable and high quality accommodation that family and friends of local residents could use when visiting.
- (vii) The proposal will bring new life and business to the area.
- (viii) The proposal will benefit local shops and businesses.
- (ix) The proposal contributes to local employment.
- (x) The proposal will retain the pub in active use when a number of other local pubs have had to close.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use

Intensity and location of the proposed backpackers' hostel use.

2. Residential Amenity

Impact on the amenity of the surrounding area.

3. Highways Impacts

Impact on the public highway from waste and recyclables storage and servicing.

Land Use

- 8.2 Policy SP06(4) of the Council's adopted Core Strategy (2010) seeks to concentrate visitor accommodation in the Central Activities Zone (CAZ), City Fringe Activity Area, Canary Wharf Activity Area and Major and District Centres. Policy 4.5 of The London Plan (2011) seeks to ensure that visitor accommodation is located within appropriate locations, specifically within town centres and opportunity and intensification areas, where there is good public transport access to central London and international and national transport termini. Saved Policy HSG21 of the Unitary Development Plan (1998) requires hostel accommodation to have access to local facilities such as public transport, open space and local shops, and have adequate indoor and outdoor amenity space and rooms of an adequate size.

Intensity of Use

- 8.3 The proposal is for the change of use of 220 square metres of floorspace at first and second floor level from ancillary public house accommodation (Use Class A4) to backpackers' hostel accommodation (Sui Generis), comprising 8no. dormitories with a total of 83no. beds. The proposed hostel would operate between the hours of 11:00 and 23:00 Monday to Saturday, and 12:00 to 22:30 on Sundays and Bank Holidays, although guests would be able to enter and exit the premises at any time, 24 hours a day. The hostel would also employ 5no. full-time and 5no. part-time staff. The proposed schedule of accommodation is as follows:

8.4	Dorm No.	Area in m2	No. of bunk beds	No. of guests	Area per guest
	1	14 m2	3 triple bunks	9	1.56 m2
	2	7 m2	1 double bunk	2	3.50 m2
	3	13 m2	3 triple bunks	9	1.44 m2
	4	26 m2	5 triple bunks	15	1.73 m2
	5	18 m2	4 triple bunks	12	1.50 m2
	6	15 m2	3 triple bunks	9	1.67 m2
	7	29 m2	5 triple bunks	15	1.93 m2
	8	18 m2	4 triple bunks	12	1.50 m2
	TOTAL	140 m2	1 double / 27 triple	83	1.69 m2 (average)

- 8.5 The applicant seeks to justify the high number of proposed beds by reference to the Capacity Calculations on drawing numbers '0055-SK(00)001 (Rev P0)' and '0055-SK(00)002 (Rev P0)' and the Visit Britain "Quality in Tourism Standards". These standards require a minimum of 4 square metres of floor space per bunk bed. While this is not a standard that has been adopted by the Council, in the absence of a development plan standard this is a useful reference point. The area is to be calculated on the basis of the maximum dimensions of the room divided by the number of bed bases in the room. Looking at the table set out above all dorm rooms fall below this recommended space requirement. While one dorm room is 0.5m² short the remaining dorms fall substantially below this standard and provide less than half the space required.
- 8.6 The provision of a total of 83 beds within 140 square metres of floorspace would result in an average provision of 1.69 square metres of floorspace per bed / guest. Furthermore, Dormitories 5 and 8 providing each guest with just 1.5 square metres of floorspace, whilst Dormitory 3 provides each guest with just 1.44 square metres of floorspace. As such, it is considered that the quality of the proposed hostel accommodation is unacceptable due to the high density of beds per square metre of floorspace.
- 8.7 A letter of representation has been received in which objection is raised to the proposed backpackers' hostel on the grounds that the proposal does not adequately demonstrate how the premises could be safely evacuated by 83 guests in the event of a fire (see the 'Local Representation' section of this report). LBTH Building Control have assessed the proposal and consider that *"the plans for the hostel accommodation at the above do not show suitable means of escape for the number of occupants that are proposed. The stair layout is unsatisfactory and the reduction in the door width and final staircase is also not acceptable."*

- 8.8 Taking into account the above, it is considered that the proposed 83 bed backpackers' hostel would result in the overdevelopment of the site, in turn resulting in the provision of sub-standard guest accommodation. The proposal therefore fails to meet the requirements of saved Policy HSG21 of the Unitary Development Plan (1998). This policy requires hotel accommodation to have adequate indoor and outdoor amenity space, have rooms of an adequate size and meet the requirements of all other relevant policies and planning standards.

Location of Use

- 8.9 The proposed backpackers' hostel would be located in a predominantly residential area at the south-eastern corner of the Isle of Dogs. As such, there are limited facilities for visitors in the surrounding area, with only a local shopping parade along Manchester Road to the north-west of the site. Furthermore, whilst the site lies approximately 350 metres to the east of the Island Gardens Docklands Light Rail (DLR) Station, there are a limited number of bus routes available from Manchester Road and the site lies approximately 2 kilometres from the nearest London Underground Station at Canary Wharf. As such, the site and surrounding area has relatively poor public transport links, which result in the site having a low Public Transport Accessibility Level (PTAL) of 2.
- 8.10 Taking into account the above, the proposed backpackers' hostel would be located outside of a designated Town Centre in an area with limited local facilities and poor access to public transport, with site having a Public Transport Accessibility Level (PTAL) of 2. As such, the proposal is contrary to Policy SP06(4) of the Council's adopted Core Strategy (2010), Policy 4.5 of The London Plan (2011) and saved Policy HSG21 of the Unitary Development Plan (1998). These policies seek to ensure that visitor accommodation is located within appropriate Town Centre locations with good access to public transport.

Amenity

- 8.11 Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance (2007) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Saved Policy DEV50 of the Unitary Development Plan (1998) and Policy DEV10 of the Interim Planning Guidance (2007) require the level of noise generated from a development to be taken into account as a material planning consideration and require attenuation measures to be incorporated into development likely to generate unacceptable levels of noise.
- 8.12 The application site is located within a predominantly residential area, with a terrace of houses at 3-13 Glenaffric Avenue (odd) immediately to the west of the site, as well as further dwellings to the north and south-east of the site. It is noted that letters of representation have been received from local residents in which objection has been raised to the proposal on the grounds that the proposal would result in noise disturbance to neighbours, particularly at night.
- 8.13 Whilst the application form states that the hostel will only operate between the hours of 11:00 and 23:00 Monday to Saturday, and 12:00 to 22:30 on Sundays and Bank Holidays, it also states that guests would be able to enter and exit the premises at any time, 24 hours a day. In addition, drawing '0055-SK(00)003 (Rev P0)' shows that the coffee bar area, which comprises approximately 100 square metres of floorspace on the west side of the ground floor, would be staffed and open 24 hours a day to guests.
- 8.14 It should be noted that the upper floors of the building are currently being used as backpackers' hostel accommodation without the benefit of planning permission, which is

being investigated by the Enforcement Team (see the 'Planning History' section of this report). On 20th April 2011 Enforcement Officer Richard Carter attended site and observed that the upper floors of the building included a total of 60 beds. At the time of the site visit, Mr Carter was advised that rooms were being let out on a room-by-room basis, although he was advised that from 9th May 2011 the bunks in all rooms would be let out individually.

- 8.15 It should also be noted that letters of representation have been received in which objection has been raised in relation to a perceived increase in noise disturbance from the site since the hostel use has been operating. As such, given that the hostel use has been operating with a capacity of 60 beds, which is lower than the 83 beds sought under this application, and given the objections received from neighbours on grounds of noise disturbance from the existing unauthorised use, it is considered that an increase in capacity at the site to 83 beds would result in further deterioration to neighbouring residential amenity.
- 8.16 Given the quiet residential character of the surrounding area and the proximity of the site to neighbouring dwellinghouses, together with the proposed capacity of up to 83 guests and the ability for these guests to enter and exit the site and use facilities at ground floor level 24 hours a day, it is considered that the proposed hostel use would have an unacceptable impact on the amenity of neighbouring residents.
- 8.17 The proposal is therefore contrary to the requirements of Policy SP10(4) of the adopted Core Strategy (2010), saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policies DEV1 and DEV10 of the Interim Planning Guidance (2007). These policies seek to ensure that development proposals do not result in undue noise disturbance and protect the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.

Highways

Waste and Recyclables Storage

- 8.18 Policy SP05(1) of the Council's adopted Core Strategy (2010) seeks the implementation of the waste management hierarchy of reduce, reuse and recycle by requiring developments to appropriately design and plan for waste storage and recycling facilities. Policy 5.17(E) of The London Plan (2011) states that suitable waste and recycling storage facilities are required in all new developments. Policy DEV15 of the Interim Planning Guidance (2007) seeks to ensure that development includes adequate waste and recyclables storage facilities given the frequency of collection, which should be located within an internal room or an area within the development that is screened from the street in perpetuity.
- 8.19 A letter of representation has been received in which objection is raised on the ground that the proposed waste storage facilities would be inadequate for the proposed use. The proposed waste storage facilities at the site comprise two wheelie bins located on the footway on Saunders Ness Road, adjacent to the east elevation of the site. The proposal includes no information on the capacity of the proposed wheelie bins. It is noted that the application and supporting documentation states that the location of the bins on the footway has been agreed by the Council.
- 8.20 It should be noted that LBTH Transportation & Highways have raised objection to the proposed location of wheelie bins on the public highway (Saunders Ness Road), stating that an internal storage location must be found. Whilst it may be acceptable to position the bins on the footpath during collection hours, the proposed waste storage facilities should be located within the curtilage of the site at all other times. The submitted plans do not show a designated area within the curtilage of site for the storage of waste and recyclables.
- 8.21 Taking into account the above, it is considered that the proposed waste and recyclables storage facilities are contrary to the requirements of Policy DEV15 of the Interim Planning

Guidance (2007). These policies seek to ensure that development includes adequate waste and recyclables storage facilities given the frequency of collection, which should be located within an internal room or an area within the development that is screened from the street in perpetuity.

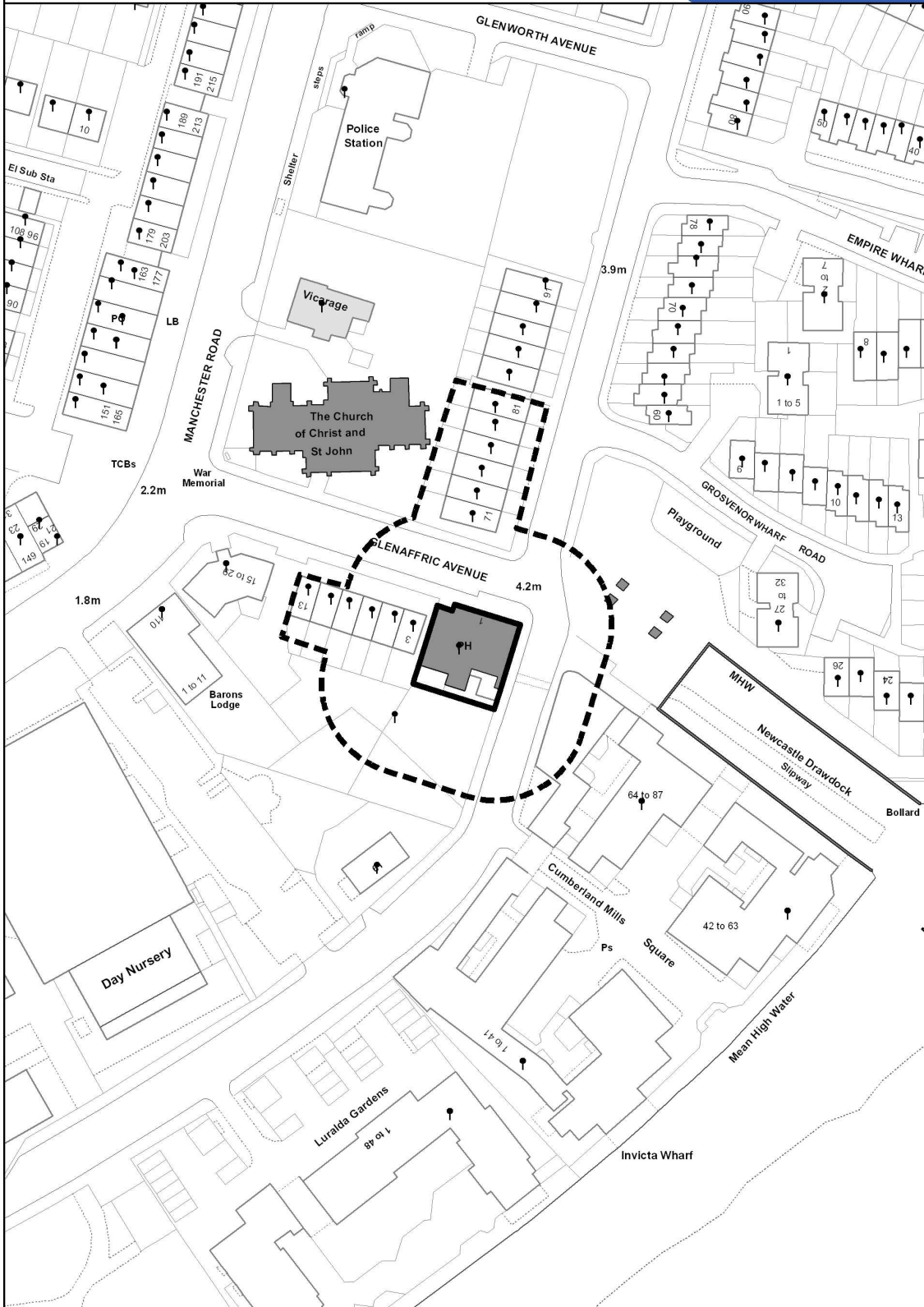
Servicing

- 8.22 A letter of representation has been received in which objection is raised on the grounds that any increase in on-street servicing at the site will have an unacceptable impact on local residents. It is also noted that no information has been provided in relation to the proposed on-street servicing arrangements for the backpackers' hostel. However, given that the historic use of the site is as a Public House, which utilises on-street servicing by lorry, and given that there is adequate space for a lorry to park on the public highway outside of the site, it is not considered that a lack of information on the proposed servicing arrangements should constitute reason for refusal in this instance.

9.0 CONCLUSIONS

- 9.1 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	

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.

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Agenda Item 7.2

Committee: Development	Date: 24 th August 2011	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Beth Eite	Ref No: PA/11/01110
	Ward: Bromley by Bow

1. APPLICATION DETAILS

Location:	Brimsdown House, Stanstead House, Newmill House and Stanborough House, Devas Street, London, E3 3LW
Existing Use:	Residential
Proposal:	To remove and de-commission the existing refuse chutes that exist within the four blocks and provide URS's (Underground Refuse Systems) to be installed in their place
Drawing Nos	PL01 rev B, PL07, PL21 rev A, PL90, PL91, PL92, PL93, PL94
Documents:	Design, Access and Impact Statement Appendices
Applicant:	Poplar HARCA and leaseholders
Ownership:	Applicant
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- 2.1 The installation of an underground refuse system is considered to enhance the character and appearance of the estate and the quality of the local environment by reducing the level of visible refuse and recycling around the estate and within the buildings in accordance with policies DEV1 and DEV56 of the Unitary Development Plan 1998, policy DEV2 and DEV15 of the Interim Planning Guidance 2007 and policy SP10 of the Core Strategy 2010.

- 2.2 The installation of an underground refuse system is not considered to have any significant detrimental impact upon the amenities of the existing occupants as assistance would be provided to vulnerable residents and the majority of the residents who would need to carry their refuse to the URS would be within the guidelines set out in the British Standard 5906:2005 and planning standard 2 “residential waste refuse and recycling provision” within the Interim Planning Guidance 2007.
- 2.3 The development is not considered to have any detrimental impact upon pedestrian or highways safety in accordance with policy T16 of the Unitary Development Plan 1998, policy SP09 of the Core Strategy 2010 and policy 6.11 of the London Plan 2011.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to conditions.
- 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 – three years
2. Development to be carried out in accordance with the approved plans
3. Development to be carried out in accordance with ‘appendices’ document.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks permission to install an under ground refuse system (URS) to serve Brimsdown, Stanstead, Newmill and Stanborough House. These are containers for the storage of waste which are located below ground with a receptacle for depositing waste above ground. When they are emptied the whole container is lifted out of the ground and emptied into a specialist collection vehicle. The containers come in a range of sizes (3m³, 4m³ and 5m³).
- 4.2 The proposal includes six general waste URS’s and five recycling URS’s. They would be located in five areas across the estate. These areas would be located as follows:
- 4.3 1 x general waste URS and 1 x recycling URS within the car parking area south of Stanstead House. This is essentially intended to serve the residents of Stanstead House though may also be the most convenient location for the occupants of northern parts of Newmill House and Brimsdown House.
- 4.4 2 x general waste URS’s and 1 x recycling URS located at approximately the mid point in the estate, between Brimsdown House and Newmill House. These would serve the central sections of Brimsdown and Newmill House.
- 4.5 1 x general waste URS and 1 x recycling URS at the southern end of Newmill House, at the junction with Empson Street. This would serve Newmill House.
- 4.6 1 x general waste URS and 1 x recycling URS at the eastern extent of Stanborough House.

This is intended to serve the residents using the eastern stair core of Stanborough House and the residents in the southern part of Brimsdown House.

- 4.7 1 x general waste URS and 1 x recycling URS at the western end of Stanborough House, this would serve the residents who use the western stair core of Stanborough House.

Site and Surroundings

- 4.8 The site forms part of the Coventry Cross Estate which is managed by Poplar HARCA, a registered social landlord. The site encompasses four residential blocks all between four to five storeys in height.
- 4.9 The Estate is bounded to the north by Devas Street, to the south by Empson Street and to the west by the Blackwall Tunnel Approach (A12). The surrounding area is predominantly residential in character. There are some commercial uses along the ground floor of Newmill House, these front onto the A12.
- 4.8 At present refuse is deposited in refuse chutes within each of the buildings. Recycling is provided for by a number of wheelie bins around the site which have no fixed location at present.

Planning History

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

PA/10/1281 Refurbishment and upgrade works to Coventry Cross Estate (Phase II) comprising of :

- (a) External works comprising window renewal with UPVC windows, replacement of external rain pipes and guttering, balcony repairs and improvements, re-roofing plus installation of new entrance lobbies to residential blocks;
- (b) Replacement of existing bin chutes with Underground Refuse System (URS);
- (c) Installation of communal satellite dishes (one per house);
- (d) Remodelling of external amenity areas to provide new front gardens, new lighting strategy, communal amenity areas, boundary treatment plus new parking layout;
- (e) Creation of new secure cycle storages;
- (f) External alteration works to shopfront fronting A12.

Withdrawn on 30th September 2010 due to the level of objection from residents regarding the URS system.

PA/10/1747 Refurbishment and upgrade works to Coventry Cross Estate (Phase II) comprising :

- (a) External works comprising window renewal with UPVC windows, replacement of external rain pipes and guttering, balcony repairs and improvements, re-roofing plus installation of new entrance lobbies to existing residential blocks;
- (b) Replacement of existing bin chutes;

- (c) Installation of communal satellite dishes (one per block);
- (d) Remodelling of external amenity areas to provide new front gardens, new lighting strategy, communal amenity areas, boundary treatment plus new parking layout;
- (e) Provision cycle stands; and
- (f) External alteration works to shopfront fronting A12.

Approved by the Council on the 29/11/2010.

5. POLICY FRAMEWORK

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

Core Strategy Development Plan Document 2025 (adopted September 2010)

Policies	SP02 – Urban living for everyone
	SP03 – Creating healthy and liveable neighbourhoods
	SP04 – Creating a green and blue grid
	SP05 – Dealing with waste
	SP10 – Creating distinct and durable places

Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV56	Waste recycling
	T16	Traffic priorities for new development

Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV15	Waste and recyclables storage

London Plan 2011

5.16	Waste self-sufficiency
6.11	Smoothing traffic flow and tackling congestion
7.2	An inclusive environment

Government Planning Policy Guidance/Statements

PPS 1	Sustainable development and climate change
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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 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.

6.2 The following were consulted regarding the application:

Waste

6.3 No objection to URS's being installed on this site.

Highways

6.3 No objection.

7. LOCAL REPRESENTATION

7.1 A total of 233 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 1
No petitions received 1 (90 signatures)

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

7.2 It is not acceptable to expect people to carry heavy bags of refuse over long distances. Instead of the removal of the refuse chutes, they should be widened as occurred at Biscott, Broxbourne and Roxford Houses.

(Officer response: Poplar HARCA have agreed to assist vulnerable residents who are not able to carry their refuse to the URS locations. The widening of the bin chutes would not increase the capacity of the containers which is a current problem on the estate. This leads to refuse being left in corridors and outside flats.)

7.3 Some people may have to leave their children in the flats whilst they take their refuse downstairs.

(Officer response: Residents currently have to leave their flats to deposit refuse in the chutes, whilst it would be further to place the refuse in the URS's, it is not considered that this is a reason to refuse this application as the majority of the URS's are within the recommended 30m carrying distance.)

7.4 Carrying the refuse in adverse weather conditions could be dangerous.

(Officer response: Assistance would be provided for vulnerable residents who cannot carry their refuse bags. For the majority of residents they would take their refuse out when they are leaving the site for other purposes and therefore adverse weather conditions should not have a significant effect on the ability to use the URS's.)

7.5 The application would lead to the loss of two parking spaces.

(Officer response: There would be a reduction in one parking space from the scheme of environmental improvements which was granted consent in 2010. Within the estate there are 13 car parking spaces available and 4 people on the waiting list once the current building

works are completed. This leaves 9 spaces unallocated which means that no resident will lose their car parking space as a result of the proposal. The principle of a reduction in parking is in accordance with Council policies and no objection has been raised by the highways section.)

8. MATERIAL PLANNING CONSIDERATIONS

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

1. The character and appearance of URS's;
2. Impact on the amenities of the residents;
3. Pedestrian and highways safety.

Character and appearance

- 8.2 Across the Borough the storage of waste and recycling is consideration for all new developments, if not screened properly it can be unsightly and detract from the quality of the environment. On the larger housing estates if the management of refuse storage and collection is not diligently undertaken there can be build up of refuse around the estates which again detracts from the quality of people's experience of their surroundings.
- 8.3 The URS system would allow a single collection point for refuse and recycling within this part of the Coventry Cross estate. The storage for the estate's refuse would be kept underground with only the metal column where the waste is deposited in being visible above ground. The columns cover an area of approximately 0.4sqm and are approximately 1.5m in height. These are significantly less visually obtrusive than the current provision.
- 8.4 At present there are a number of recycling bins located around the estate which have no fixed location. There are also chutes within each of the buildings for the collection of refuse. The applicant has explained that these often get blocked up when residents put items in that are too bulky. This results in refuse collecting in the corridors around the chutes which is detrimental to the appearance and quality of the environment and the safety of the residents.
- 8.5 It is also considered that this proposal may encourage more residents to recycle waste as there is little incentive for residents to make a separate trip to the external recycling bins if there is a general waste chute within the building. This is in accordance with the objectives of the waste management hierarchy within policy SP05 of the Core Strategy which aim to increase 'reduce, reuse and recycling' of waste.
- 8.6 The installation of the URS's is considered to enhance the character and appearance of the estate and would be in accordance with policies DEV1 of the UDP and DEV2 of the IPG which seeks to ensure that public and private spaces are designed to the highest quality.

Impact on amenities of the residents

- 8.6 Concerns has been raised by residents of the estate regarding the practicalities of the URS system and the distances that people will be expected to carry their waste and recycling as it would be substantially further than the current arrangement whereby people carry their waste to the chutes which are within the buildings.
- 8.7 The storage of waste is covered by British Standard BS 5906:2005 'Waste management in

buildings'. BS 5906 is a code of practice for methods of storage, collection, segregation for recycling and recovery, and on-site treatment of waste from residential and non-residential buildings and healthcare establishments. BS 5906 applies to new buildings, refurbishments and conversions of residential and non-residential buildings.

- 8.8 This British Standard recommends that residents should not be expected to carry refuse more than 30m from the dwelling. The applicant has produced a diagram to show that in the majority of cases residents would not need to carry the waste further than 30m, most residents would need to carry the refuse between 12m and 30m.
- 8.9 There are however a number of points where the location of the URS would be outside of the 30m from some flats. The main area where this would be is from the northern parts of Brimsdown House and from Stanstead House where the carrying distances are between 32m and 48m.
- 8.10 Poplar HARCA have provided details of a support service they would offer to vulnerable residents who cannot take out their refuse to the URS's. This service would be for elderly residents who live alone with no family or friends, those suffering from a disability and those with long term limiting illness. These residents waste and recycling would be collected from their flats and taken to the URS's on their behalf.
- 8.11 This is considered to be a suitable solution to overcome the increased carrying distance which is proposed as part of this scheme. Therefore only those residents who are physically able to carry their refuse would be expected to do so. It should also be noted that residents are currently expected to carry their recycling outside the building to the various recycling bins. Due to their lack of fixed location this can lead to substantial walking distances, which would be improved with this application with fixed locations for refuse and recycling facilities.
- 8.12 On balance it is considered that the installation of a URS on this site would be acceptable and would not have a significant detrimental impact upon the amenities of the existing residents. The improvement to the visual quality of the environment would also assist in improving the quality of life for the residents of the estate.

Loss of car parking spaces

- 8.13 Concern has also been raised in relation to the loss of two parking spaces. However, the proposed site plan for this application shows 46 parking spaces, this would therefore be a reduction in one space from the scheme which was actually approved in 2010. The location of the most northern two URS's would be located within an area currently taken up by a parking space.
- 8.14 There are currently 13 spare car parking spaces on the estate which have not be allocated to any particular resident. Once the current on-site building works are completed, four of these spaces would be allocated to the residents on the waiting list, leaving an excess of nine spaces.
- 8.15 The further loss of one parking space is supported by the highways department and by policy SP09 which seeks to minimise on-site and off-site car parking provision. The loss of a single car parking space is not considered to be a sufficient reason to refuse the application.

Pedestrian and highway safety.

- 8.16 The vehicle which collects the URS's is larger than a standard refuse vehicle. Their method of collection is also different to a standard collection as the URS vehicle uses a crane to lift the container out of the ground and empty it into the vehicle. The operation requires two members of staff. One to operate the crane and one to prevent pedestrians walking between the vehicle and the URS while it is lifting the container.
- 8.17 Given the safety measures that are put in place it is considered that there would be no significant harm to pedestrian safety as a result of this proposal.
- 8.18 The turning space required for the URS vehicle is larger than that for a standard refuse vehicle and as such auto track diagrams have been requested to demonstrate that the vehicle can move through the site without conflicting with curb or pavement edges or parking spaces. These auto tracks have been reviewed by the highways officer and are considered to be acceptable.
- 8.19 The vehicle would enter the estate from Devas Street, turning right into the eastern entrance of the estate and would exit onto Empson Street, collecting the URS's on its way. The vehicle would then re-enter the site via the western entrance to Stanborough House and collect the two URS's which serve this building, exiting via the eastern access. On each occasion the vehicle would enter and exit the site in a forward gear so as not to cause any disruption to the free flow of traffic, nor would it be detrimental to highway safety.

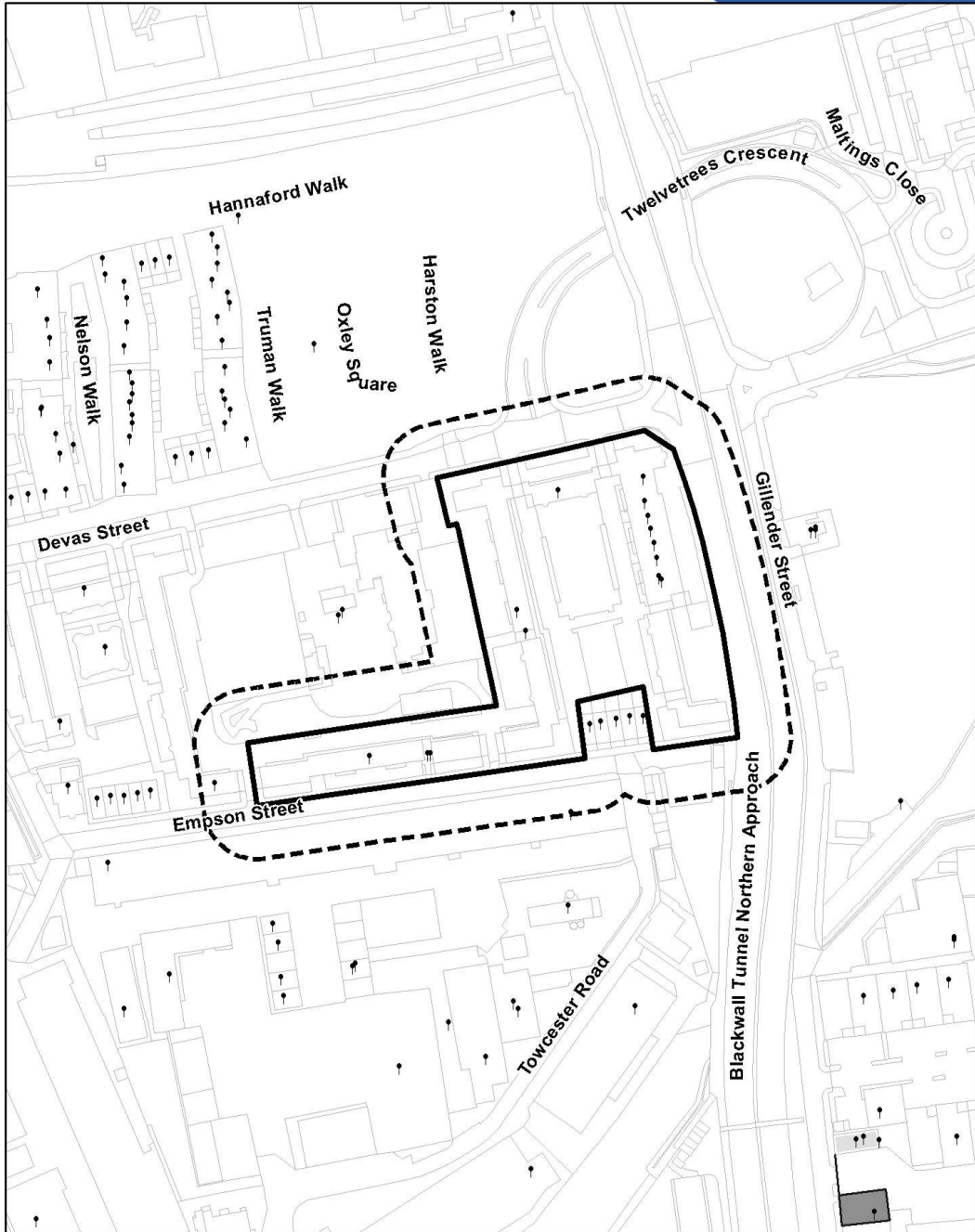
Other Planning Issues

- 8.20 None

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	 0 30 m 1:2,000
Consultation Area	Statutory Listed Buildings		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 7.3

Committee: Development	Date: 24 August 2011	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Full Planning Application
Case Officer: Kamlesh Harris	Ref No: PA/11/00475
	Ward: Millwall

1. APPLICATION DETAILS

Location:	Former St. Luke's House and Church, 36 Strafford Street, London E14
Existing Use:	Church and Community Hall
Proposal:	Demolition of existing Church and Community Hall and erection of a new 3/4 storey building consisting of a church and Community Hall on first floor together with a training/meeting room on the ground floor with associated facilities; provision of 1 x 2 bed maisonette on the ground and first floors for parsonage use together with associated office; creation of seven residential units (1 x 2 bed maisonette (ground and first floors), 1 x 1 bed, 3 x 2 bed and 2 x 3 bed) for private housing. The existing war memorial will be carefully removed, refurbished and incorporated into the new building. Installation of a church spire at roof level together with the creation of brown roofs.
Drawing Nos:	PA11-E-01A, PA11-P-01A, PA11-P-02D, PA11-P-03C, PA11-P-04C, PA11-P-05C, PA11-P-06C, PA11-P-07D, PA11-P-08E, PA11-P-09E, PA11-P-10D, PA11-P-11C, PA11-P-12D, PA11-P-13C, PA11-P-14C, PA11-P-15B, PA11-P-16B, PA11-P-17B, PA11-P-18C, PA11-P-19B and PA11-P-20A
Documents:	<ul style="list-style-type: none">- Design and access statement, dated February 2011 Rev A, Phelan Architects- Impact Statement, dated February 2011 Rev A, Phelan Architects- Flood Risk Assessment, dated December 2010, Infrastructure Design Studio, Project Number 1115- Business Plan of St Luke's Community Hall and Church, dated February 2011- Daylight and Sunlight Layout Assessment dated 21 April 2011, NDYLIGHT Lighting Design.
Applicant:	Mr. Tom Pyke, Christ Church with St. John and St. Luke
Ownership:	As above

**Historic Building and N/A
Conservation Area**

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- 2.1 The proposal seeks to demolish the existing church and community hall and rebuilding a new church with community hall together with a training/meeting room and a provision of private housing. It is considered that the proposal is acceptable in land use terms and would not only enhance existing community facilities in the area but would also provide much needed residential accommodation, particularly family sized dwellings. This is in accordance with policies 3.1, 3.3 and 3.4 of the London Plan 2011, policies SP02 and SP03 of the Adopted Core Strategy 2010, saved policies HSG7 and SCF1 of the Unitary Development Plan and policies HSG2 and SCF1 of the Interim Planning Guidance 2007. These policies seek to ensure that new developments offer a range of housing choices and promote new community facilities to ensure that these facilities have are highly accessible and cater for the needs of particular groups and communities.
- 2.2 The proposed 3/4 storey development is considered appropriate in terms of design, bulk, scale, and massing. The design of the new building is in keeping with the surrounding properties in terms of general building line, bulk, mass, height and use of materials. This is in accordance with policy 3.5 of the London Plan 2011, policy SP10 of the Adopted Core Strategy (2010), saved policy DEV1 of the adopted Unitary Development Plan (1998) and policy DEV2 of the Interim Planning Guidance (2007). These policies seek to ensure high quality design for new buildings and appropriate design within the Borough which respects local context and the wider environment.
- 2.3 The proposal is considered appropriate in relation to the residential amenity within the vicinity of the site. The impact of the development in terms of daylight and sunlight, overshadowing, sense of enclosure, outlook, privacy and noise is acceptable given the overall compliance with the relevant BRE Guidance and the urban context of the site. This is in line with policies 7.1, 7.4 and 7.6 of the London Plan 2011, policy SP10 of the Adopted Core Strategy (2010), saved policy DEV2 of the adopted Unitary Development Plan (1998) and DEV1 of the Interim Planning Guidance (2007). These policies seek to ensure that new developments do not cause unacceptable harm to the amenity of surrounding land and buildings in particular residential buildings and aim to protect the amenity of residential occupiers and the environment in general.
- 2.4 The proposed quantity and quality of private amenity space in the form of private balconies for the residential units are broadly acceptable. Therefore, the proposal accords with policy 7.6 of the London Plan 2011, policy SP02 of the Adopted Core Strategy (2010), saved policies DEV1 and HSG16 of the adopted Unitary Development Plan (1998) and policies DEV2 and HSG7 of the Interim Planning Guidance (2007), which seek to improve amenity and liveability for residents and provide high quality outdoor space for residents.
- 2.5 In reference to transport matters, including provision of cycle parking, access, servicing and the creation of a car free development, the proposal is considered

acceptable with the use of appropriate conditions. This is in accordance with policies 6.1, 6.9 and 6.10 of the London Plan 2011, policy SP09 of the Adopted Core Strategy 2010, saved policies DEV1, T16 and T19 of the adopted Unitary Development Plan (1998) and policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance (2007). These policies seek to ensure a closer integration of transport and developments that can be supported within the existing transport infrastructure.

- 2.6 Subject to conditions, sustainability matters, including energy, are acceptable and in line with policies 5.1, 5.2 and 5.3 of the London Plan 2011, policy SP11 of the Adopted Core Strategy (2010) and policies DEV5 and DEV6 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices and the use of renewable energy.

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 – three years
2. Development to be carried out in accordance with the approved plans
3. Materials to be submitted for approval, including screening of balconies, screening on windows along north elevation, railings on south elevations and hedges/landscape
4. Details of any boundary treatments including any planting to be submitted for approval.
5. Contamination Investigation
6. Travel Plan to be submitted prior to occupation
7. No deliveries or servicing to occur outside the hours of (7.30am – 8pm Monday to Friday, 8am – 1pm Saturday only)
8. Prior to occupation details of cycle stands shall be provided and installed.
9. Refuse storage and recycling details to be provided
10. Demolition and Construction Method Statement/Management plan to be submitted prior to construction.
11. Hours of operation for church and community facilities (7am – 22.00pm every day of the week)
12. Energy Strategy
13. BREEAM Assessment
14. Highway Improvements/S278 Agreement
15. Noise mitigation measures to be implemented.
16. No doors to be erected over the highway
17. Car free development
18. Prior to the occupation of the residential units the Church should be substantially completed.
19. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.4 Informative

1. This planning application should be read in conjunction with the S106 Agreement the term of which is Car Free.

2. Contact Building Control.

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application seeks full planning permission for the following:

- Demolition of existing church and community hall and erection of a new 3/4 storey building consisting of a church and community hall on first floor together with a training/meeting room on the ground floor 180sqm with associated facilities;
- The provision of 1 x 2 bed maisonette on the ground and first floors for parsonage use together with associated office;
- The provision of seven residential units (1 x 2 bed maisonette (ground and first floors), 1 x 1 bed, 3 x 2 bed and 2 x 3 bed) for private housing/shared ownership/church use;
- The careful removal and refurbishment of the existing war memorial to be incorporated into the new building;
- The installation of a church spire at roof level and relocation of the existing bell at the base of the spire; and
- Creation of brown roofs and installation of an integrated photovoltaic solar panel on the south facing roof slope.

4.2 The orientation of the different uses are as follows:

- The ground floor will consist of the main entrance hall accessed from Alpha Grove. This floor will also contain the training/meeting room, church office and toilet/shower facilities (104sqm)
- The first floor consists of the church and community hall together with the vestry, kitchen and toilet facilities
- The second floor also consists of the church and community hall with a viewing balcony facing Havannah Street. At this level the building recesses on the north side to avoid any overlooking potential.

4.3 The whole building on the east side facing Alpha Grove will be served by a lift. The ground floor and first floor will also be equipped with a hoist for funeral purposes. A lower ground floor is also proposed to house various plants, a bicycle storage area and a refuse/recycling area for the whole development.

Background to the proposal

4.4 This current proposal is closely linked to the 2004 planning approval under ref PA/04/00880 which is detailed under the planning history for this site. The previous site encompassed a larger site at approximately 1500sqm and proposed two buildings, one for residential use and the second one for church/community use.

4.5 The residential element consisting of 19 affordable units of the 2004 approval is completed on site and is known as St. Luke's House. The other parts of the consented scheme, namely the church, community hall, offices, parsonage and 2

residential units have not been implemented and this application seeks a new alternative for the church site.

4.6 This application seeks an alternative to the 2004 approval. The principle differences are:

- The provision of 20sqm of additional floor space for the Church, community hall and associated facilities with a total floor space of 230sqm.
- The provision of a new prayer facilities for the Millwall Bangladeshi Association;
- The new building has been pulled away by half a metre from the northern boundary of the site and would cover the entire site on its southern and western ends;
- The height of the new building is approximately 11.35m (excluding the spire). The previous scheme allowed 10.75m for the building (excluding the spire); and
- The provision of seven private residential units.

4.7 In general the design principles have not altered much. This current proposal has sought to offer more flexibility and functionality for the church and community hall plus provide much needed training/meeting rooms, together with the provision of a parsonage dwelling and 7 residential units.

Site and Surroundings

4.8 The site is surrounded by the Barkantine Estate, which comprises a variety of residential units varying in size, height and type. To the north of the site on Trafford Street is Tideway House, a four storey block of modern flats and to the north east and east of the site are two storey terrace houses facing Alpha Grove. Directly to the south of the site on Havannah Street is a small estate of low rise, two storey flats, and to the west is two blocks of flats comprising two storeys with pitched roofs and divided by a communal garden.

4.9 The only non-residential use in the area is the community centre building directly to the north of the site, opposite Tideway House at Number 40 Trafford Street, known as the Trafford Friendship Centre. The building is used as a meeting place for the Trafford Friendship Club, which caters for elderly groups in the community.

4.10 The site is a corner plot and is mostly rectangular in shape. The primary access to the church building is via Alpha Grove. The communal walkway between the nearly completed St. Luke's House and the application site, will give some pedestrian access to and from Havannah Street and Trafford Street. Visitors to the church/community hall would continue to use Alpha Grove as their main access.

4.11 Within 5 minutes walk to the north of the site is the commercial and retail centre of Canary Wharf. The site is not located within a Conservation area and there are no listed buildings in the vicinity.

Planning History

4.12 The following planning decisions are relevant to the application:

- PA/04/00880 Demolition of the existing church, church hall and vicarage and redevelopment of the site to provide a new three and five storey development comprising a new church, church hall and office space for community use, 21 residential units and a parsonage – Approved on 24 July 2008 by the Council following a resolution to grant by the Development Committee.
- PA/10/02332 Demolition of existing Church and Community Hall and erection of a new four story building consisting of a church and Community Hall together with a training/meeting room on the ground floor with associated facilities; provision of 1 maisonette on the ground and first floors for parsonage use; creation of eight residential units (7 x 2 bed and 1 x 3 bed) for private housing. The existing war memorial will be carefully removed, refurbished and incorporated into the new building. Installation of a church spire at roof level together with the creation of brown roofs – withdrawn 26 January 2011

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 Development Plan Document 2025 (adopted September 2010)

Policies	SP02: Urban Living for everyone
	SP03: Creating healthy and liveable neighbourhoods
	SP05: Dealing with waste
	SP09: Creating attractive and safe streets and spaces
	SP10: Creating distinct and durable places
	SP11: Working towards a zero-carbon borough

Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	HSG7	Dwelling Mix
	HSG13	Internal Standards for Residential Development
	T10	Traffic Management
	T16	Impact on Traffic
	T18	Pedestrians
	T21	Pedestrians
	SCF1	Allocation of sites for the provision of social and community facilities

Interim Planning Guidance for the purposes of Development Control (as saved September 2007)

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV12	Management of Demolition and Construction
	DEV15	Waste and Recyclable Storage

DEV16	Walking and cycling routes and facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV22	Contaminated Land
HSG2	Housing Mix
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
SCF1	Social and Community Facilities

Spatial Development Strategy for Greater London (London Plan 2011)

3.1	Ensuring equal life chances for all
3.3	Increasing housing supplies
3.4	Optimising housing potential
3.5	Quality and design of housing developments
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.16	Waste self-sufficiency
5.17	Waste capacity
6.1	Integrating transport and development
6.2	Providing public transport capacity and safeguarding land for transport
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.10	Walking
7.1	Building London's neighbourhoods and communities
7.4	Local character
7.6	Architecture

Government Planning Policy Guidance/Statements

PPS 1	Sustainable development and climate change
PPS 3	Housing
PPG13	Transport

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 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.
- 6.2 The following were consulted regarding the application:

Environmental Health (Noise & vibration)

- 6.3 The noise implications from the use of the church and the community centre on the residents of the upper floors and surrounding residents appears not to have been considered in the original scheme and the present proposal. EH requires further information to show how any noise impact will be mitigated.

(Officer's response: *The noise implications have been considered and are addressed in the Impact Assessment (Item 2.3 Page 11). The applicant will provide a highly sound insulated and sealed building with an acoustic lined interior hall. The broader strategy to minimise noise includes a management strategy and a design strategy for the building fabric. The management strategy includes having a priest living on site (parsonage) to manage the building and a selective booking policy for the use of the hall space. The physical strategy includes the fabric of the building, its construction method and separation of structure, mechanical ventilation to the Church and Hall space with acoustic louvres to minimise any sound breakout and the design of the building that wraps the Hall in circulation spaces. Furthermore, a condition will be attached to ensure that adequate measures are put in place to safeguard residents' amenity in respect of the opening hours of the community facility and Church).*

Environmental Health (Contaminated Land)

- 6.4 Council records show that the site and surrounding area have been subjected to former industrial uses (Infrastructure: Transport support & cargo handling; Wire Rope & Galvanising Works: (source: 1835 LDDC & 1894/6-1970 OS 1:1056 VII 90)), which have the potential to contaminate the area. I understand ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks.
- 6.5 Please can you condition this application to ensure the developer carries out a site investigation to investigate and identify potential contamination.

(Officer's response: *The application would be conditioned as per the recommendation of the above officer if permission is granted)*

Highways

- 6.6 A car and permit free agreement is welcomed by the Highway Department.
- (Officer's response:** *A condition will be attached to ensure the development is secured as car free by means of a legal agreement.)*
- 6.7 With regard to cycle parking, more information is required detailing the number of visitors that are likely to be generated by the development proposals. For places of worship, the minimum cycle parking provision is 1 space per 10 visitors. Once the number of visitors and therefore cycle parking spaces required has been established, Highways will require further details outlining the type of cycle parking stand to be installed, supported by drawings demonstrating that the minimum spatial clearances can be achieved.
- (Officer's response:** *The applicant has proposed a total of 12 cycle stands. Notwithstanding this, conditions relating to Travel Plan and cycle parking would be attached to the decision notice if consent is granted.)*
- 6.8 As with all highway works, any alterations that are required to facilitate refuse collection (e.g dropped kerbs) will be done under S278 Agreement at the Applicant's expense.

(Officer's response: *the requested condition would be included if consent is granted).*

- 6.9 There are a number of doors which open outwards. Whilst they do not appear to open out across the public highway it should be noted that they potentially pose a safety hazard to passing pedestrians.

(Officer's response: A condition to this effect has been recommended).

- 6.10 Are changes proposed to the materials used on the surrounding pavement which forms part of the adopted public highway network? It should be noted that all highway works are to be agreed with, and undertaken by, the Council at the Applicant's expense via a S278 agreement and that the materials used must be part of the Council's approved palette of materials.

- 6.11 Given the constrained nature of the site, it is recommended that a Construction Management Plan be required.

(Officer's response: A condition for a Construction Management Plan would be included if consent is granted).

Cleansing Officer

- 6.12 The bin store proposed is considered to be adequate for the residential properties. However, bin storage areas must be within 10 metres wheeling distance of the collection point.

(Officer's response: Refuse storage would be conditioned and approved in writing by the local planning authority at a later stage, to ensure that adequate facilities are provided).

Environment Agency

- 6.13 No objection

7. LOCAL REPRESENTATION

- 7.1 A total of 460 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 the East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	29	Objecting:	28	Supporting:	1
No petitions received	2	in support			
	106	signatories			

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

Design

- 7.3 The development is too dense and too high/overbearing for the road and surrounding homes. It fails to respect existing building lines and would overshadow neighbouring buildings.

(Officer response: Consideration has to be given to the precedent already set by the previous approval under Ref PA/04/00880. A church and community hall has already been allowed for this site. The current proposal has reduced the height of the building by about 2m to address concerns about the height. The new building is three storeys high and is slightly higher in the central plateau of the roof. Given the urban context and the precedent set, the new proposal with the use of appropriate conditions is considered acceptable. Please refer to the Design section of this report at paragraphs 8.7 – 8.17 which include a full discussion of the design merits of this proposal)

- 7.4 The proposed church extends to the limits of boundary so the entrance will be directly off the narrow pavement; this is not appropriate and the visual appearance of the new structure bears no resemblance to the former church that was on the site previously and had been bombed in the war and is not anything like a traditional Church of England Church.

(Officer response: Please refer to the Design section of this report at paragraphs 8.7 – 8.17 which include a full discussion of the design merits of this proposal)

Amenity

- 7.5 The plan allows up to five storeys which will create overlooking issues.

(Officer response: The new building proposed is only 3 storeys high with another half (storey in the centre. Please also refer to the Amenity section of this report at paragraphs 8.30-8.49 which include a full discussion of the merits of this proposal)

- 7.6 Impact on loss of daylight/sunlight/privacy for neighbouring properties.

(Officer response: Please refer to the amenity section of this report at paragraphs 8.30 – 8.49 which includes a full discussion of the submitted daylight and sunlight report, BRE regulations and issues around privacy, overlooking and sense of enclosure).

- 7.7 Size of proposition suggests there will be significant increase in the use of the site, which will make it very noisy.

(Officer's response: A condition to provide a travel plan will be recommended which would give an indication as to the number of visitors that the new church and venue will attract. However, it is noted that this venue has always been a church and therefore this is not a new use. Any increase in use should not be significant).

Highways

- 7.8 Concerns about existing parking stress in the area as there are currently insufficient spaces for local residents at present. The proposal will exacerbate the existing parking and traffic congestion problems in the area and there would be extra traffic during construction.

(Officer's response: No car parking is proposed for this proposal and the residential units would be car free as required by Highways officers and Council Policy. Given the location of the church, visitors/guests will be encouraged to use public transport and not attend the venue by car. Furthermore the site is located within a Controlled Parking Zone and construction impacts would be managed by a Construction Management Plan).

Concerns about the loss of a tree

(Officer's response: The loss of a tree is always regrettable; however the tree is not protected and the proposal is seeking to create green roofs to compensate for loss habitat. Furthermore, the loss of this tree was agreed under the previous approval

7.10 The following matters were raised in support:

- Betterment of the local community;
- Creating better community cohesion;
- The new church will further develop existing ties between different communities; and
- Dedicated space for prayers and use of the hall for Friday prayers and special events.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design and Appearance
3. Housing
4. Amenity for future occupiers
5. Impact upon amenity of neighbours
6. Highways
7. Trees

Land Use

8.2 The existing two storey church and community hall building on the site is unremarkable and unprotected. The site has no specific designation under the adopted Unitary Development Plan (1998) and the area surrounding the site is predominantly residential in character. A similar proposal has been approved and partly implemented under ref: PA/04/00880 on the site. Therefore, the principle of re-development of the site has already been previously agreed by the Council.

8.3 Policy SP03 of the Adopted Core Strategy 2010, saved policy SCF1 of the Unitary Development Plan and policy SCF1 of the Interim Planning Guidance 2007 address the provision and needs for social and community facilities. The creation of the church and associated community facilities are acceptable in land use terms, as this site has always had a church in situ and the principle of this use has previously been considered acceptable by the Council. In addition it is relevant that the July 2008 permission has been implemented and that the developer would be entitled to complete the development of the church under that scheme if they wished to do so. While there has been a change to the Council's development plan since July 2008 with the introduction of the Council's Core Strategy, this has not impacted on the acceptability of the use in policy terms and the use remains in accordance with development plan policies.

8.4 Delivering housing is a key priority both nationally and locally and this is acknowledged within Planning Policy Statement 3 and also Strategic Objectives 7, 8 and 9 and policy SP02 of the Adopted Core Strategy and policy position of the London Plan. It is considered that the residential (Use class C3) element of this development

is appropriate, would be an acceptable use of the land and would be in accordance with planning policy.

- 8.5 Therefore, the provision of a mixed use development consisting of a church, community hall, meeting/training rooms, and prayer facilities for the Muslim community, a parsonage and additional housing is considered acceptable at this site. The proposal to create residential use at the site is acceptable in principle and accords with policies 3.3 and 3.4 of the London Plan 2011 and policy SP02 of the Adopted Core Strategy 2010 which seek to maximise the supply of housing.
- 8.6 The proposal also accords with Policy SP03 of the Adopted Core Strategy 2010, saved policy SCF1 of the Unitary Development Plan and policy SCF1 of the Interim Planning Guidance 2007 and policy 3.1 of the London Plan 2011. These policies seek to protect existing community facilities and to ensure that new proposals for facilities have a high level of accessibility and that they cater for the needs of particular groups and communities.

Design and Appearance

- 8.7 Good design is central to the objectives of national, regional and local planning policy. Policy 3.5 of the London Plan 2011 refers to 'Quality and Design of Housing Developments' and states that "*housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. They should enhance the quality of local places, taking into account physical context*". Policy 7.6 addresses architecture and ways of achieving good design by means of high quality materials and design appropriate to its context.
- 8.8 These aims are reflected in local policy SP10 of the Adopted Core Strategy, saved policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of Interim Planning Guidance 2007. These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.9 In general the design principles have not altered markedly from the previously consented scheme. This current proposal has sought to offer more flexibility and functionality for the church and community hall by providing much needed training/meeting rooms, together with the provision of a parsonage and 7 residential units for private ownership. The total floor space for the church and community facilities is 670sqm. The area proposed for the church is 230sqm.
- 8.10 The proposed building is roughly rectangular in shape and contemporary in style and would be constructed of white brick with a white mortar joint. The roof would be in slate with some brown roof construction on the flat roofs and on the church roof. The church windows will be in timber with cast concrete stained glass windows and the rest of the building will be in timber/aluminium composite windows. Translucent glazing is also proposed on the church building with vertical timber ribs with metal capping and projecting glass fins; some obscured glazing is also proposed and some of the stained glass windows of the existing church may be reused. It is recommended that materials and typical details be conditioned to ensure the design quality is maintained.
- 8.11 It is proposed to carefully remove and refurbish the two existing war memorials to be incorporated into the new building on the Havannah Street. A church spire will be installed at roof level at the front end of the building and the existing bell will be relocated at the base of the spire.

- 8.12 The design of the church is considered to be innovative and modern. The architectural style in the immediate area is relatively uniform and lacking in character and distinctiveness. The redevelopment of St Luke's Church would provide a unique opportunity to create a focal point for the local community, as well as add some vitality to the area. Overall, it is considered that the design of the new scheme is an improvement to the previously approved building.
- 8.13 All the objections to this scheme have stated that the proposal represents an overdevelopment of the site and that the mixed church, community hall and residential building are too high for the area. Other buildings in the immediate area are predominantly two-storeys in height with pitched roofs, but there are other examples of four/five storey buildings nearby, namely the newly built five storey St. Luke's Court and the existing residential block along Strafford Street. Furthermore, the previously consented scheme was very similar in height.
- 8.14 It is considered that the design principles that have been applied are appropriate and would provide a high quality building that is in accordance with the Council's policies on character and design. The proposed church would be taller than the existing church, reaching approximately 11.35m at the top to the roof (excluding the spire). However, it is also considered that the proposed 3/4 storey building would be acceptable in terms of bulk, scale and massing and relates well to its corner location.
- 8.15 Within the context of the site, the layout, height and scale of the scheme are, considered acceptable and in accordance with policy SP10 of the Adopted Core Strategy 2010, saved UDP policy DEV1 and IPG policy DEV2. These policies aim to ensure that development proposals respect the development capabilities of the subject site and not result in over development or be visually harmful to the surrounding area.

Inclusive Access

- 8.16 Policy DEV1 of the UDP also identifies the need to provide adequate access for disabled people, with policy DEV3 of the IPG going further and stating that new buildings are required to incorporate inclusive design principles, ensuring they can be safely, comfortably and easily accessed by as many people as possible without undue effort, separation or special treatment. This application seeks to provide a fully accessible building that is easily accessed by stairs and lifts.
- 8.17 Overall, it is considered that the design and layout of the proposal is acceptable and conforms to design policies DEV1, DEV2, DEV3 of the UDP, DEV2 of the IPG and policy SP10 of the Adopted Core Strategy plus policy 3.5 of the London Plan 2011, which seek to ensure inclusive design.

Housing

- 8.18 The proposal includes the construction of eight new units of accommodation which includes a two bedroom parsonage residence. The remaining seven dwellings would be in private ownership. No affordable units are proposed in this instance, as Part 3 of strategic policy SP02 of the Adopted Core Strategy sets the borough's target and requires 35% - 50% affordable homes on sites providing 10 new residential units or more. In this instance this trigger is not breached and affordable housing cannot be sought. It is important to note that the 19 units which have been built within St. Luke's Court (which was part of the previous consent) are 100% affordable.

Dwelling Mix

- 8.19 The Council's housing studies have identified that there is a significant deficiency of family housing within the borough. This shortfall is reflected in Council policy which seeks to ensure development provides a range of dwelling sizes, including an appropriate amount of family accommodation.
- 8.20 The application proposes a mix of dwelling sizes comprising of 25% family units and this is considered acceptable. The mix of dwellings is therefore considered to comply with the Council's UDP expectation that all new residential developments provide a mix of unit sizes with a substantial proportion of family sized dwellings.

Quality of Accommodation

- 8.21 The SPG Residential Space Standards (1998) and saved policy HSG13 of the adopted UDP set out the minimum space standards for all new housing developments and the London Plan also identifies standards. All of the units meet or exceed the minimum space standards of the set out under the UDP and generally meet the London Plan standards. It is therefore considered that the quality of the internal accommodation is appropriate.
- 8.22 Part 6c of strategic policy SP02 requires that all new developments comply with accessibility standards including Lifetime Homes. Policy DEV3 of the IPG outlines that new development is required to incorporate inclusive design principles. Policy HSG9 of the IPG requires that at least 10% of all housing should be wheelchair accessible and new housing should be designed to Lifetime Homes standards.
- 8.23 The submitted design and access statement identifies that all new units would be built to Lifetime Homes Standards. However, no wheelchair accessible unit has been proposed in accordance with Council policy. It is therefore recommended that a wheelchair accessible unit and the Lifetime Homes Standards for all units are secured by condition to ensure these policy requirements are met.

Sustainability Appraisal

- 8.24 Policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the London Plan 2011 set out that the Mayor will, and the boroughs should support, the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used and generated from renewable sources.
- 8.25 The submitted Design and Access Statement outlines that all new dwellings have been designed to achieve Code 4 under the Code for Sustainable Homes. The Barkentine Heat and Power CHP system and photovoltaic panels are proposed to help the development achieve Code for Sustainable Homes Level 4. This is in accordance with the London Plan 2011 policy 5.6 and is considered acceptable.
- 8.26 The approval would be subject to a condition requiring that the development achieves the Code for Sustainable Homes Level 4. Similarly, the BREEAM rating should be excellent and this would be conditioned.
- 8.27 The application also proposes a green roof. It is considered that the green and brown roof would maintain the ecological value of the application site and the surrounding area and therefore accords with London Plan policy 5.11.

Amenity for future occupiers

Private Amenity Space

- 8.28 Part 6d of strategic policy SP02 of the Adopted Core Strategy 2010 and saved policy HSG16 of the adopted UDP state that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme. These policies reinforce the need to provide high quality and usable private external space fit for its intended user, as an important part of delivering sustainable development and improving the amenity and liveability for Borough's residents. The SPG Residential Space Standards (1998) and Table DC2 which forms part of HSG7 of the IPG sets out amenity space provision standards.
- 8.29 It is considered that the amenity space offered is on balance acceptable, of good quality and usability and is therefore acceptable.

Impact on the amenity of adjoining occupiers and the surrounding area

- 8.30 Parts 4 a and b of policy SP10 of the Adopted Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the residential amenity of the residents of the borough. Policy 7.6 of the London Plan 2011 endorses the above and states that buildings and structures should not cause unacceptable harm to the amenity of surrounding buildings in particular residential buildings. All these policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or a material deterioration of daylight and sunlight conditions.
- 8.31 The neighbouring properties which are closest to the proposed development are nos. 46 Trafford Street to the north, the new properties at St. Luke's Court to the west and the Trafford Friendship Club building to the north of the site. The Daylight and Sunlight report submitted assessed the impact on these properties in particular; the rear of the club, the rear of No. 46 Trafford Street and the eastern elevation of the new St. Luke's Court.
- 8.32 The central part of the building would be higher than the previous approval, as it features a slightly pitched roof section raised to look like a fourth storey. However the remainder of the building would still be three storeys high as approved under the existing scheme. Following negotiation, the proposed building has been reduced by about 2m. It is considered that the central part of the building can best accommodate the height and ensure the functionality of the use. The raised part would accommodate the church and community hall which require a degree of volume and height to function well. Overall, the simple form of the building prevents it from appearing unduly bulky in relation to its immediate surroundings.

Daylight and Sunlight

- 8.33 The submitted 'Daylight and Sunlight Layout Assessment dated 21 April 2011, considers the impact of the development on existing properties surrounding the development site.
- 8.34 Daylight is normally calculated by three methods – the vertical sky component (VSC), No Sky Line (NSL) and the average daylight factor (ADF). The submitted study shows that a small amount of neighbours will suffer from a very minor loss of light. Nevertheless, all affected rooms still meet BRE VSC, NSL and ADF targets. Given this compliance, the impact of the development on daylight to neighbouring properties

is considered acceptable.

- 8.35 Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight). The submitted report demonstrates that all neighbouring windows and open spaces will receive sufficient sunlight to comply with BRE guidance.

Sense of Enclosure, Outlook, Privacy and Overlooking

- 8.36 Saved UDP Policy DEV2 requires that new development should be designed to ensure that there is sufficient privacy for neighbouring residents. The policy states that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 8.37 The main issue is whether the proposed development will result in a significant loss of privacy to neighbouring occupiers – in particular no. 46 Strafford Street, the new development at St Luke's Court and the Friendship Club.

46 Strafford Street

- 8.38 As existing, Number 46 has three small circular windows with obscured glazing in its south facing elevation that would be affected by the proposed church building. These windows serve non habitable rooms. The new building would step forward of the building line of the houses, in a similar manner as the previously approved scheme.
- 8.39 In terms of overlooking and loss of privacy the new building is not considered to result in any significant adverse impacts. It is noted that a number of additional windows are proposed in the northern elevation. However, by the use of screening and window placement it is not considered that these would result in any adverse privacy impacts. It is recommended that these methods of screening are secured by condition if consent is granted.

The Strafford Friendship Club

- 8.40 This building is a single storey structure with a pitched roof set among some mature trees. The building is already sufficiently enclosed on all sides and more so with the completion of the new five storey building at St Luke's Court.
- 8.41 The new building would be set off the boundary by approximately 0.6m whereas the previous approval was built right to the boundary. The north side of the proposed building has been progressively set back at second floor level to minimise the building's overall bulk and visual impact. However, as mentioned above this elevation does feature a number of windows, as such the scheme includes a number of measures for screening to prevent any direct overlooking. On balance, it is not considered that there would be a significantly adverse impact in terms of sense of enclosure or overlooking for the existing users of the club or future residents.

St Luke's Court

- 8.42 St Luke's Court is the new five storey building to the west of the site which was given permission together with a church/vicarage building for the site.
- 8.43 The ground floor of this new building consists of bathrooms and kitchens. The first

floor has some habitable rooms in the form of bedrooms. Following negotiations, the applicant has amended the plans so that overlooking is minimised for future residents of these buildings. The balcony of the parsonage unit has been moved so that it aligns with the bathroom at first floor level of St. Luke's Court. The terrace for the living area of the first floor two bed maisonette has also been modified so that it does not face the other property's bedroom.

- 8.44 Concerns have been raised with regards to defensible space for the parsonage maisonette and the two bedroom maisonette. The narrow pathway along St. Luke's Court is a gated pedestrian court in shared ownership between the church and One Housing. This access will serve the two maisonettes and provide them with their own private entrances to their dwellings. Some planting is also proposed which would be conditioned. This is considered acceptable in terms of secured access and defensible space in line with IPG policy DEV4 which states that building entrances should be so located so that they are visible, safe and accessible and create opportunities for natural surveillance.
- 8.45 Concerns were also raised in terms of defensible space along Havannah Street elevation for the new building. Following negotiation with the applicant, the drawings have been revised to show railings and hedges along the boundary in front of the residential units. Furthermore, the ground floor is raised by about 0.7m to provide further privacy to the future occupiers of the new units. The railings and hedges would be conditioned if the scheme is approved.
- 8.46 Overall, it is considered that the proposed building would not adversely affect the amenity of adjacent residents or the existing Friendship Centre. As such, the proposal is in line with strategic policy SP10 of the Adopted Core Strategy 2010, saved policy DEV2 of the Unitary Development Plan and policy DEV1 of the Interim Planning Guidance which seek to ensure that the privacy and amenity of residents are safeguarded. Furthermore, the policies stress that development should seek to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylight and sunlight conditions.

Highways

- 8.50 National guidance on transport provision is given in PPG13: Transport. London Plan 2011 policies 6.1, 6.2, 6.3, 6.9 and 6.10, policy SP09 of the Adopted Core Strategy 2010, and IPG policies DEV16, DEV17, DEV18 and DEV19 (2007) in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport. Saved UDP policy T16 (1998) requires that consideration is given to the traffic impact of operational requirements of a proposed use and saved UDP policy T18 (1998) seeks to ensure priority is given to the safety and convenience of pedestrians.
- 8.51 The site has a Public Transport Accessibility Level (PTAL) of 4, indicating good public transport accessibility. The site is located within walking distance to two DLR stations, South Quay and Crossharbour; there are also numerous bus lines along Westferry Road and Marsh Wall (again within walking distance from the site) which offers good links to the rest of the Isle of Dogs, Canary Wharf, the rest of the borough and London generally.
- 8.52 The application was not accompanied by a Travel Plan. This would be secured via condition should the proposal be granted to ensure sustainable forms of travel are provided and promoted to the site.

- 8.53 The scheme proposes 12 cycle parking spaces in the lower ground floor entrance. This is less than the standard requested; however given the constraints of the site and extant permission, this is considered a suitable provision. A condition is recommended to secure the final design of the cycle store. It is therefore considered that the proposed cycle parking provision is in general compliance with local and regional policies and is considered acceptable.
- 8.54 Many of the objectors to this proposal mentioned that the development should provide on site car parking spaces. Further concerns were raised about the amount of traffic and movement in the vicinity of the site and impacts on existing parking. The intensity of use is considered to be similar to the existing situation and the previously approved scheme. It is therefore not considered that there would be any significant additional impacts from the existing situation. In line with Council policy, no car parking has been sought and this position is supported by the Council's Highways officer.
- 8.55 Furthermore, the Highways officer has requested that this proposal is car free in line with Council policies which seek to promote car free development and other schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport. This also addresses the concerns raised by residents about impacts on existing residential on street parking. It is therefore recommended that a condition is including to secure the development as car free.
- 8.56 In conclusion, it is considered that in respect of transport matters the proposed development would be acceptable and in line with policy.

Refuse and recycling

- 8.56 The London Plan 2011 addresses a waste strategy under policies 5.16 and 5.17. The plan seeks a change in the capital's recycling performance. The waste hierarchy, minimise, re use and reduce are still at the forefront of local and regional policies. Policy SP05 of the Adopted Core Strategy 2010, Saved policy DEV55 of the UDP and policy DEV15 of the IPG 2007 all seek to ensure that adequate provision is made for waste storage, reduction and recycling.
- 8.57 The proposal has made provision for refuse in its lower ground level. Comments received from the Cleansing section indicate that this provision is adequate and satisfactory. Furthermore, the pulling distance of the bins to street collection point (which should be 10m or less) can be reasonably achieved by swapping refuse and cycle parking areas. Therefore with the aid of an appropriate condition, a safe, secure and enclosed waste storage area can be secured for this development.
- 8.58 Therefore, subject to condition the proposed refuse storage appears acceptable and in line with saved policy DEV15 and planning standard 2 of the IPG.

Trees

- 8.59 There would be a loss of one tree as a result of this development. The tree, a Silver Birch is situated within the boundary of the application site close to the boundary with No. 46 Trafford Street. An objection has been received on account of the loss of this tree. The previous consent allowed the loss of this tree and one other. In this current submission, the Lime Tree along Havannah Street near St. Luke's Court would be retained. The tree to be felled is not protected and site constraints do not allow for any replacement planting. Furthermore, a green roof is proposed to provide habitat and biodiversity enhancement which would mitigate this loss. It is recommended that this is secured by condition.

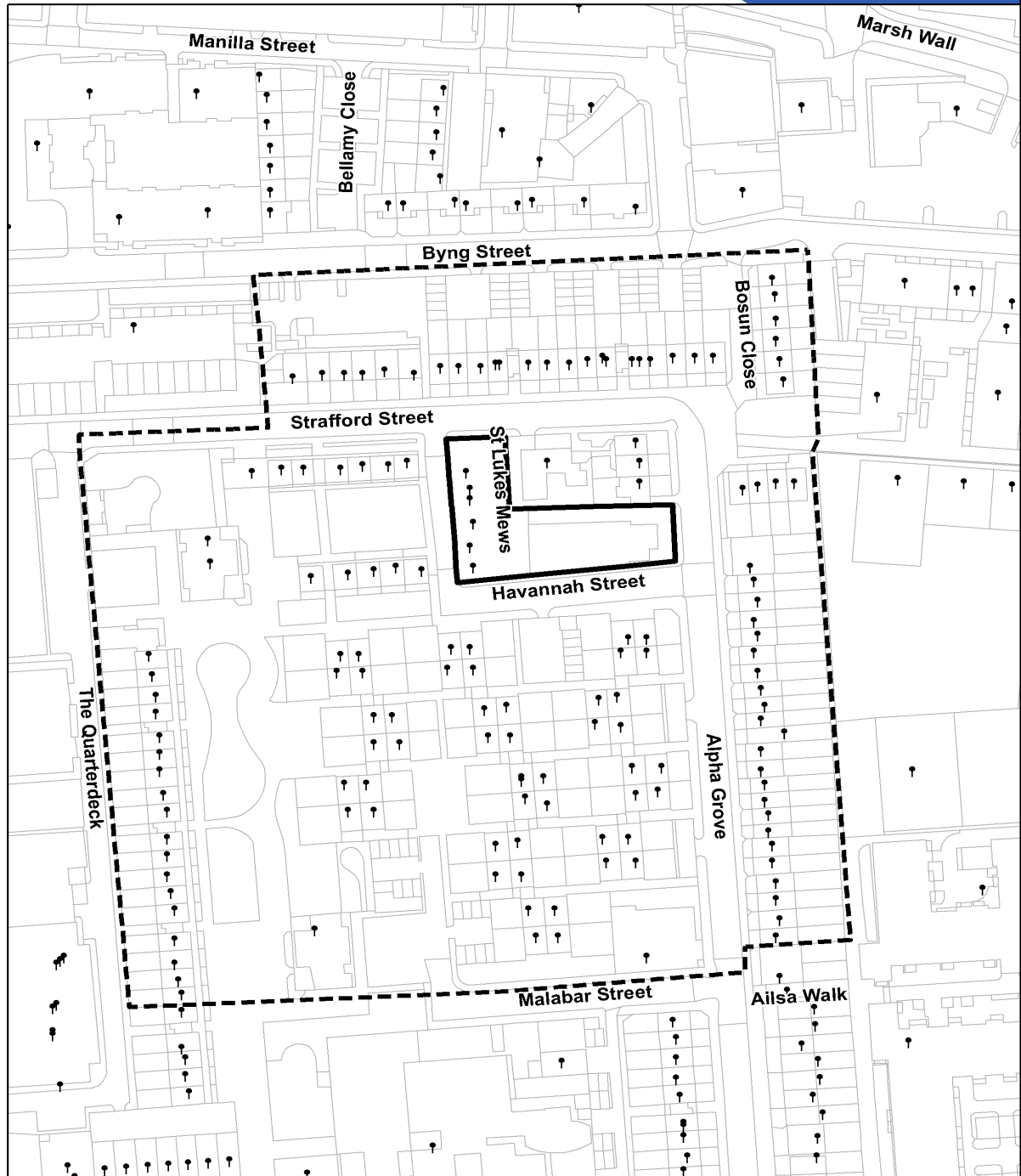
Other Planning Issues

8.60 None.

Conclusion

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

Planning Application Site Map



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

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

Committee: Development	Date: 24 August 2011	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
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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/10/01376
Site:	81 Watney Street, London E1
Development:	Change of use to cafe/restaurant (Class A3) and the installation of a kitchen extract system with flue terminating at the rear.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 The main issue in this case was the impact of the proposal on the living conditions of local residents (in terms of odour emissions).

- 3.3 The appeal premises is situated adjacent to Shadwell DLR station and the Planning Inspector referred to advice issued by the Council's Environmental health section which states that a full height flue discharging odours at high level is the only acceptable method to avoid odours affecting residential properties above. The Inspector accepted this approach – and accepted that alternative high level ducting would ensure that air is expelled at high level, away from residential properties above.
- 3.4 He considered imposing conditions to require high level ducting but considered that to matter was so fundamental to the success or otherwise of the development that it would not be appropriate to seek to control the ventilation equipment by condition.
- 3.5 The appeal was DISMISSED.

Application No:	PA/10/02813
Site:	7 Teesdale Close, London E2
Site:	Demolition of existing house and the erection of a 5 storey plus basement building to provide 1x1 bed flat in basement, 4x2 bed flats on ground, second, third and fourth floors.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.6 The main issue in this case was whether the proposed 5 storey building would have preserved or enhanced the character and appearance of the Hackney Road Conservation Area.
- 3.7 The Council had previously granted planning permission for a flatted development and in effect, this appeal related to a scheme which involved an additional floor, so as to provide a two bedroom unit on the top floor, rather than a studio flat (as previously approved).
- 3.8 Whilst the Planning Inspector accepted that whilst the additional floor had been designed to blend in with the appearance of the existing structure, with similar cladding, he concluded that the resultant block would appear overly tall in relation to the narrow width of the plot. He felt that the additional floor would have created an oddly proportioned building and would have increased its bulk and visual appearance and would have eroded much of the existing structures. He was not satisfied that the development would have preserved or enhanced the character and appearance of the conservation area.
- 3.9 The appeal was DISMISSED.

Application No:	PA/10/01611
Site:	566-568 Mile End Road, London E3
Development:	Change of use to hot food take-away with rear high level ducting.
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

- 3.10 The main issues in this case were the impact of the change of use on the retail

function of the locality and the effect of the ventilation system on nearby residential properties.

- 3.11 The appeal premises comprises a small lock up unit located adjacent to Mile End Underground station and on the first issue, the Inspector concluded that the premises were unlikely to be attractive to an A1 retail use, given its limited frontage and overall size. He also noted that there was a late opening general store next door which he felt provided every-day needs for the local community. He saw no benefit to the retail function of the locality to retain the subject property bin retail use.
- 3.12 The application that was determined by the Council included insufficient details to allow proper consideration of the merits of the proposed ventilation system. Whilst the Inspector agreed that the details were limited, he concluded that the matter could be dealt with through the imposition of a suitably worded condition.
- 3.13 He also commented on The NHS Trust's comments on healthy eating lifestyles and the proliferation of fast food outlets. The Council provided evidence that there were 17 A3/A5 units within 400 metres of the appeal premises. He noted that the appeal premises previously was used as a cafe which was able to sell food and drink and that there is not mechanism for me to control the type of food served in the cafe/restaurant. Whilst he fully supported the Council's objective to promote healthy lifestyles, he concluded that there was little evidence to suggest that the use would detract from the ability of persons using the facility to adopt a healthy lifestyle.
- 3.14 The appeal was ALLOWED

Application No:	PA/10/02753
Site:	29 Norman Grove, London E3
Development:	Erection of a second floor roof extension (mansard roof with dormers).
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.15 The main issue in this case was whether the proposed extension would have preserved or enhanced the character and appearance of the Medway Conservation Area.
- 3.16 The Inspector noted that the conservation character comprised straight streets lined with well proportioned terrace houses. Whilst he noted some variation in design, he concluded that on the whole there was some uniformity in terms of shallow pitched roofs behind parapets
- 3.17 The Inspector concluded that whilst the extension would have been similar to others that had previously been undertaken in the street, he was concerned that its size would make a prominent feature. The appeal property is located in part of the street where no similar extensions have been undertaken and he was satisfied that there was clear uniformity close to the appeal property.
- 3.18 He was concerned that the proposed extension would have protruded upwards out of an un-extended stretch of dwellings and would have been all the more obtrusive for that.

3.19 The appeal was DISMISSED.

Application No:	ENF/07/00349
Site:	Basement and Ground Floor of 2 Fashion Street, London E1
Development:	Appeal against an enforcement notice in respect of the use of the land as a mini-cab control office and the unauthorised advert display
Decision:	INSTIGATE ENFORCEMENT ACTION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED AND ENFORCEMENT ACTION UPHELD

3.19 The appeal premises lie within the Fournier Street and Brick Lane Conservation Area and the use is located within the basement and ground floor of the modern four story end of terrace property.

3.20 The appeal focussed on whether a change of use had in fact taken place, as the Council had previously granted planning permission for the use of the premises as a chauffeuring and private hire control office (under Class B1) whereas the appeal property was being used as a taxi hire business (which was not included within the B1 use class. The Inspector was therefore satisfied that a change of use had taken place and that the use was unlawful.

3.21 In terms of the planning merits of the unauthorised use, the main issues were as follows

1. The effect of the use on the amenities of those persons living and working in the area (in terms of noise and disturbance);
2. The impact on the highway conditions affecting Fashion Street;
3. The impact on the character and appearance of the immediate street scene and the Fournier Street and Brick Lane Conservation Area.

3.22 On the first issue, The Inspector considered that the use attracts customers late into the evening and early morning (including those who have visited local restaurants and other establishments) which leads to disturbance to residential occupiers at the eastern end of the street. He also concluded that it was unlikely that sufficient control could be exercised before customers are dispatched in minicabs to ensure that disturbance is minimised

3.23 In terms of highway safety, the Inspector found that the parking of mini cabs and the picking up of customers is likely to interrupt the free flow of traffic close to the junction of Commercial Road, which is a Red Route.

3.24 Finally, the Inspector found that the advertisement was garish and unsympathetic to the architectural quality of both the building and the overall street scene. In summary, he considered that the signage harmed both the character and appearance of the property and its surroundings. He was less concerned about the impact on wider conservation area character, as other illuminated signs can be found in the wider conservation area.

3.25 The appeal was DISMISSED and the enforcement notice UPHELD.

Application No:	PA/09/02378/02377
Site:	36 Alie Street, London, E1
Development:	Appeal against refusal of planning permission and listed building consent involving the use of the property as offices (ground floor and basement) and the conversion of the first second and third floor into 1x3 bed and 2x1 bed flats
Council Decision:	REFUSE (delegated)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.26 The appeal premise is a three storey property with dormer windows (Grade II listed building). The main issues in this case included the effect of the proposed internal alterations on the listed fabric of the building and whether the introduction of residential accommodation would compromise the Council's aim to encourage employment.
- 3.27 In terms of the listed building issues, the Planning Inspector was not satisfied that sufficient information had been supplied to give confidence that the proposals would have preserved the listed building. He concluded that the appeal should not succeed until such time as satisfactory details had been submitted.
- 3.28 In terms of the loss of employment, the Planning Inspector was clear that the appellant had been unable to comply with policy requirements – which indicates that evidence must be produced to show that the existing office space had been vacant and marketed for re-use or redevelopment.
- 3.29 The appeal was DISMISSED

Application No:	PA/10/01561
Site:	11 Gibraltar Walk E2 7LH
Development:	Retention of a single dwelling together with alterations to external elevations.
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.30 Planning permission had previously been granted for use of the property as a live work unit and this appeal related to the use of the whole property for residential purposes with external alterations. The main issue in this case was the effect of the proposed development on the availability of employment floorspace.
- 3.31 The Inspector referred to previous appeals and specifically that previous Inspectors were satisfied that the employment elements should be retained – as part of the live work use. He concluded that live work accommodation can make a useful contribution to the range and mix of employment floorspace, particularly for small enterprises and that the use reflects the mixed use character of the surrounding area.
- 3.32 the appeal was DISMISSED.

Application No:	ENF/10/00315
Site:	54 Westferry Road, London E14 8LW
Development:	Appeal against an Enforcement Notice in relation to an unauthorised ground floor extension
Council Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.33 The appellant appealed against Ground "a" – that planning permission for the development (the subject of the breach) should be granted and Ground "f" – that the requirements of the Notice are excessive. The unauthorised extension had been previously been constructed in the rear yard of the property (ground floor shop with a self contained flat above).
- 3.34 The main issues in this case included the visual impact of the extension in terms of design, bulk, scale or materials and whether there had been a loss of amenity space for occupants of the building.
- 3.35 The Planning Inspector was concerned about the quality of the extension with unpainted render, plastic fascia boards and steel plated doors. He felt that a smaller extension would be acceptable, but her concluded that a smaller extension could not be secured through partial demolition. He was also concerned about the reduction in available amenity space for the uses of the residential part of the property.
- 3.36 The appeal was DISMISSED and the enforcement notice UPHELD.

Application Nos:	PA/10/02560
	PA/10/02566
	PA/10/02566
	PA/10/02564
	PA/10/02565
	PA/10/02561
	PA/10/02569
	PA/10/02560
	PA/10/02557
	PA/10/02563
	PA/10/02570
	PA/10/02567
	PA/10/02517
	PA/10/02568
	PA/10/02572
Sites:	Outside St James Court, 331 Bethnal Green Road E2;
	Near Hutton House, Bethnal Green Road, E2 0AA
	Adjacent to 406 Bethnal Green Road, E2 0AH
	Outside the Marquis of Cornwall PH 304 Bethnal Green Road E2
	Adjacent to 264 Bethnal Green Road E2;
	Outside 220 Bethnal Green Road, E2
	Adjacent to Tarrant House, 9 Roman Road London E2;

Corner of Knottisford Street and Morpeth Street;
Outside Bevin House, Morpeth Street London E2;
Near 141 Roman Road (opposite Morpeth Street E2)
Outside Moore House, Roman Road E2;
Docklands Sailing Centre, 235A Westferry Road E14;
Opposite Glengarnock Avenue, Manchester Road E14;
Westferry Road and Arhheim Wharf, E14;
South east junction of The Highway and Wapping Lane e1
HEARING)
All cases DISMISSED

Appeal Method
Inspector's Decision

- 3.37 These appeals related to 15 advertisement sites across the Borough – involving the display of a non-illuminated, anti graffiti plastic laminate poster panel on doors of telecommunications cabinets. Whilst it is clear that the Planning Inspector dealt with each case on its merits, for the purpose of this report, all 15 cases will be grouped together (as there were common themes)
- 3.38 The main issue in all cases was the impact of the proposed advertisement on the visual amenities of the area and whether the display would contribute to an undesirable impression of visual clutter, detrimental to the street scene. He agreed with the Council's view that the existing cabinets are relatively plain with a sober dark painted finish which is relatively unassertive and unobtrusive. He accepted that its unobtrusiveness makes the cabinets tolerable items in the street scene.
- 3.39 He agreed that the proposed advertisement would attract attention and would be there to e seen by passers by and would not (unlike the cabinet itself) perform any utility function. He found that the Council's approach to the advertisement was well grounded and strongly backed by its tidier streets initiative. He concluded that the advertisement would be very similar to a fly poster. He concluded that the adverts added to current visual clutter and would further harm the street scene.
- 3.40 All appeals were DISMISSED
- 3.41 These are significant appeal decisions and are a clear indication that such advertisement displays should not be entertained. It is understood that similar pressures are being placed on other London Boroughs and these appeal decisions will be distributed across London.

4. NEW APPEALS

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

Application No:
Sites:
Development

PA/11/00878
27A Mile End Road
use of ground floor as either A1, A2, A3
or B1 purposes and conversion of upper

floors as 5 1 bed flats and 2x2 bed flats with a first and second floor rear extensions

Start Dates

1 August 2011

Appeal Method

WRITTEN REPRESENTATION

- 4.2 The Council refused planning permission on the grounds of over concentration of A3 uses and the inappropriateness of the proposed ducting arrangement in terms of visual amenity, character and appearance of the conservation area and potential smell nuisance.

Application No:

ENF/11/00010

Site:

27-29 Westferry Road E14

Development:

Appeal against enforcement notice in respect of an unauthorised change of use of a vacant site to a bus car park.

Council Decision:

Instigate Enforcement Action (delegated decision)

Start Date

20 July 2011

Appeal Method

WRITTEN REPRESENTATIONS

- 4.3 This enforcement action followed the refusal of planning permission for a temporary use of the site for coach parking. Planning permission was refused on grounds of highway and pedestrian safety and residential amenity concerns.

Application No:

PA/11/00491

Site:

246 Bow Road, London E3

Development:

use of part of the property for a mix of D1 and A5 purposes with alterations to the front elevation and the installation of a rear extract system.

Council Decision:

Refuse (delegated decision)

Start Date

4 August 2011

Appeal Method

WRITTEN REPRESENTATIONS

- 4.4 The Council refused planning permission for this proposed development on grounds of the inappropriate design of the proposed ducting arrangements and the potential for smell nuisance caused as a consequence of kitchen extraction.

Application No:

PA/11/00613

Site:

31 Manchester Grove, E14

Development:

Erection of first floor rear and side extension

Council Decision:

Refuse (delegated decision)

Start Date

1 August 2011

Appeal Method

WRITTEN REPRESENTATIONS

- 4.5 This application was refused by the Council on grounds of scale and bulk of extension which would have lead to an obtrusive and un-neighbourly addition which would have adversely affected neighbours. The application was also refused on design grounds and the failure of the development to preserve or enhance the character and appearance of the Chapel House Conservation Area.

Application No: PA/11/01182
Site: 12 Greatorex Street
Development: Approval of details (cycle parking)
Council Decision: Refuse (
Start Date 19 July 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.6 This approval of details indicated a form of cycle parking that is not recognised by the Council as a suitable design (with the facility being attached to the wall rather than to the ground (Sheffield Stands)

Application No: PA/11/00762
Site: 176 Whitechapel Road E1
Development: Retention of a poster panel sign with internal illumination (at second floor level)
Council Decision: Refuse (delegated decision)
Start Date 18 July 2011
Appeal Method WRITTEN REPRESENTATIONS

- 4.7 This advertisement was on grounds of visual intrusion detracting from the appearance of the host building. Furthermore, the advertisement was considered to be detrimental to the setting of the Grade II listed Royal London Hospital and the character and appearance of the London Hospital Conservation Area.

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